CIVITAS MAXIMA

TRIAL MONITORING

Kunti Kamara

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, 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 First-Instance Proceedings

Kunti Kamara, a former ULIMO commander, stood trial in Paris, France. After a 17-day trial, which took place from October 10 to November 2, 2022, Mr. Kamara was found guilty of all charges against him, including: rape and sexual slavery committed by his subordinates against particularly vulnerable individuals; subjecting a man to severe suffering and participating in the public consumption of his heart; executing a sick woman who had just lost her baby because she was accused of witchcraft; subjecting two men to forced labor under inhumane conditions; and torturing a civilian. Mr. Kamara denied all charges and appealed the decision.

The appeal proceedings were held by the "Cour d'assises" of Paris from March 5, 2024, to March 29, 2024.

October 10, 2022 – Day 1: Opening of the Trial

The trial of Kunti Kamara, a former ULIMO commander, began today in Paris, France. The parties selected the members of the jury—10 in total (6 permanent members and 4 alternates)—who will sit alongside the presiding judge and two assessors for the duration of the trial.

This was followed by a discussion on logistics and an overview of the witnesses who will testify. **Alieu Kosiah**, a former ULIMO commander sentenced to 20 years in prison in Switzerland for crimes he committed during the First Liberian Civil War, is expected to testify at the trial.

Presiding Judge Fusina gave a brief overview of Liberia's history, focusing on the First Liberian Civil War. He then introduced the defendant to the court, described his alleged role in the war, and outlined the crimes of which he is accused—which include forced labor and facilitating rape. Kunti Kamara pleads not guilty and asserts that he does not know any of the people accusing him of committing such crimes. *"I don't know them today, I don't know them tomorrow*," he stated.

October 10, 2022 – Day 1: Opening of the Trial

The Presiding Judge then summarized the Indictment issued by the Investigating Chamber of the Paris Court of Appeals on April 1, 2021, which outlines the main elements of the investigation—both incriminating and exculpatory—regarding Mr. Kunti Kamara. The Presiding Judge began by briefly reviewing some background information regarding Liberia's first civil war (1989–1997) before outlining the history of the proceedings against Mr. Kunti Kamara.

The President then clarified that the proceedings will be recorded, as required by *the National Anti-Terrorism Prosecutor's Office* (PNAT) and authorized by the President of the Assize Court. The President then proceeded to call the witnesses and experts who will be heard during the proceedings, noting the date and time each is scheduled to appear. Some of them will be heard via videoconference, given the logistical difficulties sometimes involved in traveling to Paris. The presiding judge also noted that a response from the Swiss authorities was expected regarding the request for international legal assistance filed to seek the testimony of Alieu Kosiah, either through the temporary transfer of a detainee or, alternatively, via videoconference. The presiding judge further noted that witness AT, currently a refugee in Switzerland, did not wish to testify before the Court for security reasons.

The Presiding Judge then summarized the indictment issued by the Investigating Chamber of the Paris Court of Appeal on April 1, 2021, which sets out the main elements of the investigation against Mr. Kunti Kamara. The presiding judge began by briefly reviewing the context of the first civil war in Liberia (1989–1997) before discussing the history of the proceedings against Mr. Kunti Kamara.

He noted that a complaint had been filed on July 23, 2018, by the nongovernmental organization Civitas Maxima against Mr. Kunti Kamara in connection with numerous atrocities (acts of torture, murder, cannibalism, enslaving entire villages, and the use of child soldiers)—which constitute crimes against humanity—that he allegedly committed in Lofa County between 1993 and 1997.

The President also noted that the French authorities had received a request for mutual legal assistance issued in July 2018 by the Swiss authorities. This request sought to question Mr. Kunti Kamara as part of proceedings initiated against Mr. Alieu Kosiah on charges of war crimes, in which he was personally implicated by various witnesses.

The President then noted that a preliminary investigation had been opened by the Paris Public Prosecutor, who assigned it to the Central Office for the Fight Against Crimes Against Humanity and Hate Crimes (OCLCH). This investigation led to the arrest of Mr. Kunti Kamara as he was preparing to flee to Guinea.

On September 6, 2018, the investigating judges of the "Crimes Against Humanity and War Crimes and Offenses" division of the Paris Regional Court indicted Mr. Kunti Kamara on charges of acts of torture, aggravated acts of barbarity, and crimes against humanity. The President noted that the ensuing investigation was lengthy and thorough, conducted both in France and the Netherlands (through European investigations) as well as in Liberia (through successive letters rogatory). The evidence gathered made it possible to trace Mr. Kunti Kamara's movements since the late 1980s.

Referring consistently to the Indictment, the Presiding Judge outlined the key aspects of Mr. Kunti Kamara's history as well as the charges against him. The President also referred to the testimonies of the individuals who have joined the proceedings as civil parties in this trial, as well as their confrontations with the accused, while noting that Mr. Kunti Kamara firmly refuted each of the testimonies and repeatedly proclaimed his innocence.

The Presiding Judge then described the on-site inspections conducted in Liberia (in the Lofa region, specifically in Foya and Foya Dundu), from April 23 to May 3, 2019, and from January 6 to 15, 2020, respectively. On these occasions, on-site reenactments were conducted, and other witnesses at the scene were interviewed to corroborate the statements of the civil parties.

The President highlighted the logistical, geographical, and climatic challenges faced by investigators on the ground in identifying and locating witnesses.

The Presiding Judge very briefly outlined the personal background of Mr. Kunti Kamara, noting that he was born on December 1, 1974, in Kamplay City, Liberia, and that he was a r father of two children. He reportedly fled Liberia in 1997 to the Netherlands, where he obtained Dutch citizenship. He remained in the Netherlands for twelve years, where he worked, among other things, as an electrician, before moving to Belgium and then to France. The personality assessments, which will be discussed the following day, found no evidence of dangerous behavior, mental abnormality, or a distorted relationship with reality.

Reviewing the proceedings, the Presiding Judge noted that Mr. Kunti Kamara was placed in pretrial detention on September 6, 2018. A procedural irregularity led to his release under

judicial supervision on August 20, 2019. However, his violation of the terms of his release prompted the judge responsible for liberty and detention to remand him into pretrial detention once again on January 10, 2020. By order dated November 26, 2020, the investigating judges issued an indictment against the defendant, which was appealed by the PNAT, which contested a dismissal regarding the classification of the offense as a crime against humanity.

The President then addressed the decision of the Investigating Chamber dated April 1, 2021, which affirmed the jurisdiction of French courts, including with respect to offenses classified as crimes against humanity.

The President listed the charges brought by the Chamber against Mr. Kunti Kamara, namely (i) complicity in crimes against humanity in connection with the rapes committed against RK and EN, (ii) the commission of acts of torture and aggravated acts of barbarity against DN, KT, SC, JTC, and LSM, and (iii) complicity in acts of torture and aggravated acts of barbarity against RK and EN.

The President reiterated the applicable penalties for the aforementioned acts, namely life imprisonment for the offense of complicity in crimes against humanity and 20 years' imprisonment for acts of torture and aggravated acts of barbarity.

With regard to the acts committed against RK and EN, the President raised the question of whether these acts could be prosecuted both as crimes against humanity and as acts of torture and inhumanity in accordance with the *ne bis in idem* principle.

Having concluded his summary of the Indictment, the President addressed Mr. Kunti Kamara to ensure that he was fully aware of the charges against him, which the latter confirmed. Mr. Kunti Kamara assured the Court that he would answer its questions. He again proclaimed his innocence and stated regarding the prosecution witnesses: *"Before God, I repeat that I do not know any of these people […]; I did not know these people yesterday, and I will not know them tomorrow*."

The hearing was adjourned at 6:00 p.m.

October 11, 2022 – Day 2: Kamara's Biography

Today's session focused on Mr. Kamara's personality. The witnesses all came from different backgrounds: first, a representative from an association commissioned by the investigating judge to assess Mr. Kamara's personality spoke. Following that, the judges read two witness statements attesting to Mr. Kamara's social behavior when they met him in France. The fourth witness is the former president of the Liberian Mandingo Association in France—who was the last person to see Mr. Kamara before his first arrest in 2018. The fifth witness is the president of the Liberian association in Normandy, called *United Liberian*. This witness was hosting Mr. Kamara when he was first released from prison. Before the lunch break, another statement was read describing how Mr. Kamara was struggling, how the witness took him in, and how he ran errands for her.

In the afternoon, Mr. Kamara answered questions about himself. He recounted his early life and his struggles during the war, including how he lost many family members to the NPFL. He enlisted in ULIMO because of Alhaji Kromah's activism. Furthermore, Mr. Kamara discussed his life in Europe, as he traveled through the Netherlands, Belgium, and France in search of work opportunities.

Mr. Kamara obtained a Guinean travel document under a different name in order to reach Portugal and flee Europe, as he had heard rumors that people were looking for him. His flight led to his first arrest. The police described him as a quiet, reserved, and obliging person.

Finally, experts in psychology and psychiatry were heard. Both experts stated that Mr. Kamara did not have any pathology or condition that could exclude his criminal responsibility should the facts be established.

10/11/2022 - Day 2: Kamara's Background

This second day of the hearing was devoted to the character of Kunti Kamara.

Before hearing the various witnesses, the presiding judge (the **President**) informed the parties that the Swiss authorities had given their agreement in principle to the temporary transfer of the detainee Alieu Kosiah. However, Kosiah's consent is required to proceed with the transfer.

Testimony of Stéphanie Thiébaut, a character investigator with the Association for Applied Criminal Policy and Social Reintegration (APCARS) [TCP20]

The investigator recounted her October 2018 interview with Kunti Kamara. She stated that Kunti Kamara was born on December[1,] 1974, in Kamplay City (Liberia), that he was married and the father of a daughter and a son—from two separate marriages—aged 25 and 23, respectively. Prior to his arrest, Kunti Kamara had been living alone in Évreux (Normandy) since October 2016. He reportedly had a peaceful childhood until he was 14 or 15, when the civil war broke out. His mother was killed in 1989 during an NPFL attack in which he himself was reportedly wounded.

Following this event, Kunti Kamara fled to Guinea, where he remained until he was 17. It was during this period that a growing sense of rebellion reportedly took root within him, prompting him to return to Liberia and join ULIMO to fight the NPFL. He fought in the ranks of ULIMO until 1997, when the first civil war ended. Kunti Kamara was then reportedly encouraged by Charles Taylor's government to go to Guinea to fight. He reportedly remained there for three years before moving to the Netherlands, where he was granted asylum in 2001. Kunti Kamara lived in the Netherlands for twelve years and obtained Dutch citizenship. He worked there as an electrician before eventually moving to Belgium, then to France in October 2016 after spending a few months in Guinea and Liberia.

Upon his arrival in France, he was initially housed by Faliku Donzo (a member of the Association of Liberians in Évreux), then by Marie Meledje, an Ivorian woman he met in his neighborhood, and received unemployment benefits.

Regarding his personality, the investigator noted that Kunti Kamara considered himself a very helpful person. This trait was appreciated by those who knew him. They also described him as intelligent and discreet, with a quiet and reserved nature. The investigator noted that it was difficult for him to open up about his life experiences.

The Court questions Stéphanie Thiébaut

In response to a question from the Presiding Judge, the investigator emphasized the importance of the Muslim faith in Kunti Kamara's life, citing statements from those close to him. The reasons why Kunti Kamara returned to Guinea after the end of the first civil war were also discussed. He reportedly stated that he had left to warn the Guinean government of Charles Taylor's intentions to attack.

Furthermore, the President asked the investigator about the reasons that led Kunti Kamara to leave the Netherlands. He reportedly stated that he left the Netherlands due to (i) the language barrier, (ii) the tax burden, and (iii) the inability to obtain family reunification.

The civil party questions Stéphanie Thiébaut

When asked, the investigator clarified that Kunti Kamara had told her he had met his first wife, Maddy, in Lofa County. Their daughter was born in 1995 in Liberia. Kunti Kamara did not want children, but still wished to assume his role as a father.

The Public Prosecutor questions Stéphanie Thiébaut

When questioned, the investigator clarified that it was common for the subjects of her investigations to provide her with only a few names of people to contact. The individuals she contacted in France— —did not mention Kunti Kamara's background, as he provided very little information about himself. Furthermore, Kunti Kamara did not tell her which family members he wished to bring to the Netherlands.

The defense cross-examines Stéphanie Thiébaut

The defense attorney questioned the investigator about her knowledge of the context of the civil war in Liberia, which she admitted to knowing very little about. Finally, the defense attorney raised the issue of the investigator's failure to conduct fieldwork in Liberia, concluding that she therefore had no way of verifying the accuracy of the information gathered.

The Presiding Judge reads the testimony of Faliku Donzo dated September 5, 2018

When questioned by the investigators, Faliku Donzo stated that he was a Liberian refugee living in Évreux, also of Mandinka ethnicity. He had served as president of the Association of Liberians in Évreux. He was introduced to Kunti Kamara upon his arrival in Évreux in 2017. He provided him with lodging, food, and assistance with administrative procedures involving the French authorities for four or five months. During his testimony, Faliku Donzo noted that Kunti Kamara was a reserved person who revealed very little about his past or personal life.

The Presiding Judge read aloud the testimony of Mariama Keira dated September 5, 2018

Mariama Keira was in contact with Faliku Donzo. She stated that she had met Kunti Kamara through him. She noted his helpful nature, describing him as very generous and always willing to help. She, too, mentioned his reserved nature.

Hearing of Layee Bamba, called as a witness at the request of the Public Prosecutor's Office [TCD29]

Layee Bamba was questioned about Kunti Kamara's personality. He stated that he was a native of a town near Kamplay City and belonged to the Mandinka ethnic group. He met Kunti Kamara for the first time in Évreux while he was president of the Association of Liberians in France—the country where he reportedly sought refuge in 2001. He stated that he knew the defendant's older brother at the time of the events.

The Court Questions Layee Bamba

In response to a question from the President, Layee Bamba stated that his family had been victimized by the NPFL. He stated that he had provided significant assistance to Kunti Kamara with various administrative procedures related to her arrival in France and her hasty departure in 2018, and in particular with the issuance of a forged Guinean travel document for Kunti Kamara to enable her to travel to that country. This forged document was found at Layee Bamba's home. Layee Bamba also purchased a bus ticket to Lisbon, Portugal, for Kunti Kamara. Layee Bamba further stated that he had provided lodging for Kunti Kamara in September 2018, as the latter had claimed he was required to leave France due to a residency issue. He maintained regular contact with Kunti Kamara.

When asked about the defendant's character, Layee Bamba described him as a discreet, trustworthy, kind, and helpful man. Layee Bamba stated that he knew nothing about the crimes committed by Kunti Kamara. Layee Bamba also indicated that he was no longer in contact with Kunti Kamara's older brother and that he had not participated in the civil war.

The civil party questions Layee Bamba

Layee Bamba confirmed that Kunti Kamara's brother had told him that Kunti Kamara was a member of ULIMO. Layee Bamba referred to the massacres in which the Mandinka people were the first victims. He stated that he had no knowledge of the crimes committed by the ULIMO group.

The Prosecutor's Office questions Layee Bamba

Layee Bamba clarified that he had last seen Kunti Kamara in Liberia in 1990 and that he had not witnessed anything regarding Kunti Kamara's life or activities in Liberia. When asked, he explained the acronym of the association of which he was president and its meaning: LIMAF, *Liberian Mandingo Association in France*. He said that he had not founded this association himself and that it was intended to welcome all Liberians, not just the Mandingo.

When asked about the alleged "networks" established in Liberia where "people" were supposedly "bought off"—which he had mentioned earlier—Layee Bamba stated that these networks reflected corruption among political officials.

The defense questions Layee Bamba

The defense picked up on the issue of corruption, and Layee Bamba stated that all Liberians were "bought off." Layee Bamba finally clarified that Kunti Kamara had never intended to evade his trial in France.

Testimony of Mohamed Kenneh [TCD29].

Mohamed Kenneh identified himself as the former president of the Association of Liberians in Normandy. He described the defendant as a "really" nice person and said that everyone who knew him in Évreux agreed on this point.

The Court questions Mohamed Kenneh

Mohamed Kenneh said that he was in Guinea when the civil war broke out in Liberia and that he had met Kunti Kamara in Évreux. When questioned by the Court, Mohamed Kenneh stated very firmly that the charges against Kunti Kamara were false and that Kunti Kamara was "a good guy."

When asked about Kunti Kamara's violation of the conditions of his pretrial release, Mohamed Kenneh confirmed that he had provided the court with a certificate of residence stating that Kunti Kamara was living at his home.

The civil party questions Mohamed Kenneh

Mohamed Kenneh corroborated Layee Bamba's testimony regarding the existence of corrupt networks and confirmed that he knew ULIMO was an armed group.

The prosecution questions Mohamed Kenneh

Mohamed Kenneh gave a confused response regarding the identities of the victims of the corrupt networks. Mohamed Kenneh said that he did not know Kunti Kamara when the war broke out and that he did not know whether Kamara had participated in it. He stated that Kunti Kamara had told him he was to testify in the trial of Alieu Kosiah, whom Layee Bamba said he knew by name.

The defense cross-examines Mohamed Kenneh

The defense pointed out that Mohamed Kenneh had provided lodging for Kunti Kamara while the latter was under judicial supervision. Kunti Kamara, however, returned home in violation of his obligations. Mohamed Kenneh explained that Kunti Kamara had to return home because Mohamed Kenneh was hosting guests from Guinea. Mohamed Kenneh stated that he had not imagined this would be a problem. Mohamed Kenneh clarified that when Kunti Kamara learned that police officers had come to Mohamed Kenneh's home, Kunti Kamara asked him to drive him to the police station.

* * *

The character assessment of Kunti Kamara continued.

When asked by the Presiding Judge, Kunti Kamara declined to comment on the testimonies of the people he had known in Évreux, which the Presiding Judge had read aloud earlier.

The Presiding Judge returned to the topic of Kunti Kamara's family background. Kamara confirmed that he has several brothers and sisters from the same parents, who currently live in Guinea and Liberia, where they are engaged in business. He stated that he regularly sends money to his family who remain in Africa and that he owns a house in Guinea, where his sister lives. Kunti Kamara stated that he had not seen his family since 2015, the year in which he traveled to Liberia to celebrate his traditional wedding with Massita Touré before returning to Belgium for professional reasons. Kunti Kamara explained that he had never lived with his wife and that family reunification in Europe had not been possible.

Kunti Kamara then confirmed that he is the father of two children by two different mothers, Fatou and Adama; he specified that he remains in contact only with his daughter Fatou.

When asked about his childhood, Kunti Kamara recalled attending a Muslim school and studying the Quran with his father from a very young age. He described his father as a loving man who cared deeply about his education. His father died in 1984, and the rest of the family was then able to rely on the support of his mother's older brother. Kunti Kamara said he received a high school diploma in 1988 upon graduating from high school.

The President then asked Kunti Kamara about the arrival of NPFL troops in Nimba County, where he lived with his family. Kunti Kamara stated that several members of his family were killed by the NPFL. He and his sister were wounded and fled to Guinea, where they joined his father's brother. Living conditions in Guinea were difficult due to intertribal conflicts. Kunti Kamara stated

that he joined the ranks of ULIMO at the urging of Alhaji Kromah, in particular to defend his ethnic group, which had been persecuted in Liberia by Charles Taylor's troops.

The President continued the questioning regarding the end of the war. The President confronted Kunti Kamara with allegations made by a witness who had appeared before the Special Court for Sierra Leone, who claimed that a ULIMO colonel named Kundi had offered to sell him weapons after the general disarmament of armed groups in 1997. Kunti Kamara categorically denied this. He further stated that he had attained the rank of colonel in 1995 and that he was a mere civilian after the disarmament. When asked why he fled Liberia for Guinea following the ceasefire, Kunti Kamara explained that he had sought to warn the Guinean authorities about the renewed mobilization of Charles Taylor's troops and the possibility of their intervention in Guinea.

When asked about his arrival in Europe, Kunti Kamara stated that he had traveled to the Netherlands by boat for political reasons. When confronted with his contradictory statements to Dutch immigration officials, he suggested that he needed protection and that he had been told that people "who tell a good story" were protected. He was granted political asylum and later obtained Dutch citizenship in 2012.

When asked about his life in the Netherlands, he explained that he had received training as an electrician, which enabled him to work. He stated that he left the Netherlands for Belgium because he was no longer employed. When confronted with the statements he had made to the investigator—namely, that he had left the Netherlands due to the language barrier, the tax burden, and the inability to bring his family there—Kunti Kamara clarified that he had applied for family reunification but that his friends had advised him to come to Belgium. Kunti Kamara explained that he had entered into a permanent employment contract in Belgium, which was terminated upon his return from his stay in Liberia and Guinea.

He stated that he had decided to go to France at the invitation of Faliku Donzo. When confronted with Faliku Donzo's statements that he did not yet know Kunti Kamara upon his arrival in France, the defendant stated that many people were not telling the truth and that Faliku Donzo had invited him to come to France and helped him with his administrative procedures.

The presiding judge then questioned Kunti Kamara about his escape to Bobigny and his arrest in early September 2018. Kunti Kamara stated that several people had informed him of rumors circulating about him, according to which members of the Kissi ethnic group were seeking to "lie" about him and other Mandinka people.

Kunti Kamara then stated that he had intended to flee to Liberia via Guinea, adding, *"I have no problems with Liberia; no one is after me there*."

The President then noted that Kunti Kamara had been placed in pretrial detention on September 6, 2018, before being released and placed under judicial supervision due to a procedural error. His judicial supervision was accompanied by various obligations, including the requirement to remain at Mohamed Kenneh's residence, which he failed to comply with. He was therefore returned to pretrial detention effective January 10, 2020. Kunti Kamara stated that he had not intended to escape while under judicial supervision; otherwise, he would have done so.

The Presiding Judge reviewed Kunti Kamara's history of incarceration. The Presiding Judge read aloud the detention reports, which noted his participation in paid activities (working in the kitchens) and unpaid activities (soccer, French as a foreign language classes, sports), his good physical and mental health, and a complete lack of support or visits from people on the outside.

The civil party questioned Kunti Kamara

When asked about the birth of his daughter Fatou in Foya in 1995, Kunti Kamara explained that he had been unable to attend because he was on the front lines in Banga. He also stated that he was in Bomi at the time of the disarmament in 1997. When asked about the visits he received in the Netherlands, he stated that he had met with Abu Keita and two other former ULIMO combatants in Amsterdam, but that he did not consider them friends.

When asked about his role as a combatant in the ranks of ULIMO, Kunti Kamara drew a parallel with World War II and stated that not all members of an armed group are automatically guilty of atrocities. He once again proclaimed his innocence regarding the crimes of which he is accused. Kunti Kamara warned against the rumors circulating about him. However, the lawyer for the civil parties pointed out that Kunti Kamara had failed to mention his involvement with ULIMO to Dutch immigration authorities for fear that his asylum application would be rejected.

The Prosecutor's Office Questions Kunti Kamara

When asked, Kunti Kamara stated that the family reunification proceedings he had initiated in the Netherlands concerned his ex-partner Maddy Kamara and his daughter Fatou. He also clarified that he no longer had any contact with Adama's mother.

When asked to comment on a statement he made during a phone call regarding Alieu Kosiah's imprisonment ("You know those unbelievers; we have to get him out. I had a Dutch passport and was a Dutch citizen. I was there, I was working there, they made me leave. I came over here"), Kunti Kamara said he did not remember it.

When asked about the level of organization he demonstrated during his escape to Bobigny in 2018, Kunti Kamara did not deny having planned it meticulously out of fear of the rumors circulating about him. He stated that he had not initially intended to flee, but that his friends had warned him that many people were trying to bring him down. He noted that it was strange to hear that he was being accused of acts he had not committed. He explained that he had obtained a fake travel document issued by the Guinean Embassy because he feared his Dutch passport would expire and be recorded in an immigration control system.

When asked about the different identities he uses for his Facebook account and the email address linked to it, he explained that he uses the names of family members or friends, which is common in Liberia.

The defense questions Kunti Kamara

When asked about his release on September 5, 2019, and the seriousness of the charges against him, Kunti Kamara stated that he was aware he faced a very severe sentence and that he would have had ample opportunity to leave for Africa after his release on probation. He indicated, however, that he preferred to remain in France because he knew he was innocent and was willing to prove it.

Hearing of Philippe Oudy, psychologist

Expert witness Philippe Oudy presented the psychological evaluation report he prepared on October 24, 2019, following his interview with Kunti Kamara, conducted with the assistance of an interpreter.

The expert described Kunti Kamara as a person who speaks without suspicion or reluctance, who is sensitive to the interest shown in him, and who is eager to present himself in the most favorable light. His parental attachment is severely lacking and disrupts his relational balance. The individual shows no intellectual dysfunction likely to alter his perception of reality. Furthermore, his reasoning and judgment appear to be adequate. He is described as capable of articulating precise and detailed arguments. His attention span and memory are not reported as deficient. The expert identified the presence of significant defense and coping mechanisms and noted the subject's particular lack of emotional expression regarding his life story.

The Court questions Philippe Oudy

When asked about Kunti Kamara's lack of parental guidance, the expert explained that this leads to difficulties with self-assertion and interpersonal relationships.

When asked about Kunti Kamara's stated fear of women, the expert noted that he seemed relatively ambivalent on the subject, given that he has several women in his life.

The Prosecutor's Office questions Philippe Oudy

Regarding the discrepancy between the heinous acts and the image of Kunti Kamara portrayed by those close to him, the expert stated that the Rorschach test did not reveal any latent aggression in the defendant in this case. The expert confirmed that he had previously observed this discrepancy in other expert evaluations.

The defense questions Philippe Oudy

When asked about the Rorschach test, the expert explained that it is an extremely standard and fairly old test, used all over the world. In response to a question, the expert confirmed that Kunti Kamara had not mentioned the civil war during their interview. The expert also confirmed that the use of an interpreter could lead to the loss of certain emotional nuances and that he was not accustomed to evaluating African individuals who speak English.

The expert confirmed that Kunti Kamara had been concerned with presenting a favorable image of himself due to his strong personality, categorically denying each of the charges, which is common in this type of case.

Hearing of Dr. Daniel Zagury, Psychiatrist

The expert, Daniel Zagury, presented his psychiatric evaluation report dated April 23, 2019, after examining Kunti Kamara on April 6, 2019, with the assistance of an interpreter.

The expert described a person who appeared quite at ease and eager to present the best possible image of herself and her life story, answering questions in a thorough and detailed manner. Kunti Kamara maintained emotional control throughout the examination. The individual does not exhibit any signs of depression or despondency. She stated that she did not understand the charges brought against her and referred to false testimonies that allow those who make them to obtain asylum in Europe.

Kunti Kamara was described as a person committed to strong family and religious values. According to the expert, the strength of his commitment to his oppressed people and his ethnic group, forced into exile, is central to his narrative. The expert interpreted this as a justification for his dedication to a just cause. The expert noted that Kunti Kamara was very reserved in showing his emotions and feelings—a characteristic of African culture—as well as an inability to acknowledge his flaws and contradictions. Kunti Kamara described his wartime experiences to the expert in a detached manner, without emotional expression, and stated that he had never been motivated by revenge. He recounted a happy childhood that came to an abrupt end with the death of his mother.

According to the expert, Kunti Kamara exhibits no psychological pathology, and his criminal responsibility should be considered full. The expert detects no psychiatric pathology and does not consider Kunti Kamara to be in a dangerous state—in the psychiatric sense—that could compromise public order or the safety of others.

The expert noted a discrepancy between the horror of the alleged acts and Kunti Kamara's ordinary personality, suggesting the idea of a historical aberration. According to the expert, it becomes easy to commit a crime under certain circumstances (historical context, reversal of values, acts committed in the name of obedience). The expert raised the idea of "anticipatory self-defense," which exempts the perpetrator from any guilt, as well as the "objectification" of victims, which leads to indifference toward others. The expert concludes that ordinary people who do not have a propensity for such acts can commit such atrocities.

The expert notes that if the charges are confirmed, denial of the past is common, since the atrocities are confined to a specific historical period. Once that period is over, the individual reconstructs their identity by denying their criminal past.

The Court questioned Dr. Daniel Zagury

When asked, the expert clarified that Kunti Kamara did not invoke self-defense, but that this was an interpretation offered by the expert. The expert added that the most consistent element in Kunti Kamara's account was the threat facing his ethnic group.

The civil party cross-examines Dr. Daniel Zagury

When asked about the justifications for the crimes, the expert stated that defendants often claim there is a conspiracy against them orchestrated by people who themselves have something to hide.

The prosecution questions Dr. Daniel Zagury

When asked, the expert confirmed that he had frequently encountered this notion of a conspiracy. When asked about the emotions expressed by Kunti Kamara, the expert noted a great reluctance to show her emotions and feelings, as well as a certain difficulty in acknowledging her flaws and contradictions.

The defense cross-examines Dr. Daniel Zagury

When asked about this, the expert explained that the defendant's apparent lack of emotion did not indicate insensitivity to the events, but rather reflected a cultural trait that is very common in African culture.

October 12, 2022 – Day 3: The Context

The third day of the trial focused on the context of Liberia's civil wars: the day was devoted to hearing from witnesses who could shed light on the context in which the alleged crimes were committed. The entire morning was devoted to the testimony of Patrick Robert, a war photographer, who discussed his experience reporting on Liberia during the First Civil War. He expressed his frustration that the international community did not provide Liberia with sufficient assistance during that time. Photographs he had taken were displayed, and he provided commentary on them.

A short documentary on the First Civil War was shown. Afterward, a French journalist and economist specializing in West Africa testified about how unique the context of Liberia's wars is.

The last witness of the day was John Stewart, a former TRC commissioner. He recounted how the TRC was established and what its objectives were. He discussed the widespread and systematic violence to which the Liberian people were subjected. He stated: *"Impunity creates an institution of fear*."

October 12, 2022 – Day 3: The Context

The President introduced into the record a document prepared by the Crimes Against Humanity Unit, which provides an overview of Liberia. This document includes, in particular, a glossary of abbreviations and various topographic maps.

The civil party's attorney, as well as the prosecution, requested that the Presiding Judge admit new exhibits into the record. The exhibits submitted by the civil party's attorney pertain to the Truth and Reconciliation Commission (TRC), while those submitted by the prosecution relate to the trial of Alieu Kosiah in Switzerland, the proceedings initiated by the Rouen prosecutor's office regarding threats against HB, and the main weapons used during the civil war in Liberia.

Hearing of Patrick Robert, photojournalist, called to testify as a contextual witness at the request of the Public Prosecutor's Office

Before hearing Patrick Robert, the Presiding Judge noted that he had already been heard by the investigating judge on October 19, 2018, and again on January 29, 2019.

The President asked Patrick Robert to provide a general overview of Liberia and the civil war, before elaborating on his experience as a reporter during that conflict and commenting on the photographs he had taken.

Patrick Robert noted that to understand the course of the civil war, one must go back to the founding of Liberia by freed slaves in 1818. He explained that Liberia's independence was proclaimed in 1823. As Africa's first independent country, Liberia had escaped European colonization, which explained the lack of a culture of governance. Patrick Robert added that the country had been governed exclusively by African American descendants until 1980 and that this

political monopoly had caused great frustration among the indigenous populations . He noted that Liberians viewed Samuel Doe's 1980 coup as a break from an unjust situation. In 1985, Thomas Quiwonkpa's attempted coup to end Samuel Doe's bloody regime failed, and Thomas Quiwonkpa was executed. Charles Taylor participated in this failed coup even though he was a former minister under Doe, which forced him to flee to the United States. Taylor then returned to Africa, specifically to Burkina Faso, where he developed close ties with Gaddafi. Patrick Robert noted that Charles Taylor had completed a training program in Libya—which had aroused American suspicion—after which he founded the NPFL with about forty comrades-in-arms. Charles Taylor returned to Liberia via Côte d'Ivoire, and the NPFL began recruiting on a massive scale among the Liberian population, who viewed Taylor as a liberator. Patrick Robert stated that he arrived in Liberia in May 1990, a few months after the NPFL's arrival, which he places around Christmas 1989. According to him, the war in Liberia took a back seat given the broader political context (the fall of the Berlin Wall, the dissolution of the USSR, the Romanian Revolution, etc.).

He noted that the NPFL had advanced rapidly as far as Monrovia, where divisions had emerged due to the defection of Prince Johnson, who had been responsible for most of the military organization within the NPFL. Johnson then founded the INPFL. Patrick Robert added that an international African coalition called ECOMOG had been created at the initiative of Nigeria—whose president was close to Samuel Doe—to defuse the situation. ECOMOG, however, was unable to protect Samuel Doe, who was killed along with all the members of his government. The situation then remained deadlocked for several years until elections were held, bringing Charles Taylor to power.

Patrick Robert noted that the embargo on the country had nevertheless been maintained and that the situation had deteriorated with the proliferation of armed groups created with the aim of weakening the NPFL. Patrick Robert specifically mentioned ULIMO and the LPC. He noted that ULIMO-J (Johnson) was composed mainly of Krahns and ULIMO-K (Kromah) of Mandingas. The two factions clashed head-on with the NPFL, which had become a government militia. Patrick Robert spoke of an escalation of incompetence and armed movements. He concluded his statement by noting that the philosophy characterizing the armed groups was "Help yourself," which he translated as "Fend for yourself to survive," since the fighters were not paid.

The Court questioned Patrick Robert:

Patrick Robert was first questioned about the details of his missions in Liberia. Regarding his presence in Liberia, he stated that he had traveled there a dozen times for stays ranging from three weeks to two months. He emphasized the freedom of movement enjoyed by journalists on the ground thanks to a pass provided by the NPFL, which allowed them to travel throughout the country. His work took him mainly to the capital, Monrovia, where the ULIMO-J was particularly active. He stated that he had not traveled to Lofa County.

When asked about Kunti Kamara's statements alleging that Charles Taylor had sought to recruit ULIMO members after the disarmament to bolster his troops and intervene in Guinea, Patrick Robert stated that he was not aware of these details.

When asked about Charles Taylor's actions and his conviction in Sierra Leone, Patrick Robert explained that Taylor had been convicted in Sierra Leone for crimes committed in that country, not in Liberia, and that Liberian authorities did not want to reopen the wounds of the civil war. He added that some warlords are now in power, such as Prince Johnson, who is a senator and has threatened to spark a new conflict if legal proceedings are brought against him. He also discussed Charles Taylor's role in the spread of the war in Sierra Leone, as well as the similarities and differences between the atrocities committed in Liberia and Sierra Leone. In particular, he noted that certain atrocities perpetrated in Sierra Leone had not been committed in Liberia and that this difference in the degree of horror could be explained by Foday Sankoh's particularly cruel nature.

When asked about the combatants' attitude toward him, Patrick Robert said that they took pride in showing that they were committing crimes. In particular, he recounted seeing a man kill a woman holding a baby in her arms. When the man noticed the presence of journalists, he flashed a broad smile and was about to shoot the bodies again *"just for the photo*."

When asked about the victims of the crimes committed, Patrick Robert said that no distinction was made between combatants and civilians. Everyone was targeted. He added that he had seen child soldiers everywhere and that children old enough to carry a weapon were considered good soldiers because they were disciplined and unafraid to die, even if they were unaware of what was happening. He also noted that armed groups were always formed along ethnic lines, as each ethnic group felt it was acting in self-defense.

When asked about photos of a torn-out heart, Patrick Robert described a scene in which he had seen men plunge a knife into another man's chest and cover up the wound when journalists arrived. He also recounted another incident in which one of his female colleagues had photographed men holding a human heart in their hands and pretending to eat it.

When asked about the meaning of these acts, Patrick Robert replied that it was difficult to know because Africans are very private about their spirituality and practices. In his view, it was a kind of ritual protection or talisman made from parts taken from the enemy's body.

When asked about the role of the United States during the conflict, Patrick Robert highlighted its absence on the ground, much to the despair of the Liberians. He noted that the Americans were reluctant to intervene following their involvement in Somalia at the end of the first Gulf War—during which they had suffered heavy casualties—and that they did not know how to do so in a proportionate and measured manner.

When questioned by the Court, Patrick Robert recounted the particularly gruesome murder of Samuel Doe, which was filmed on the orders of Prince Johnson.

When asked about the Mandinka ethnic group and its demographic representation, Patrick Robert explained that he did not believe a census had been conducted and that the Mandinka were a minority ethnic group. He clarified that the Mandinka had no chance of being elected, but were *"already* there" and were useful as merchants. According to Patrick Robert, most members of the Council of State were not interested in organizing elections because they represented

ethnic minorities. Their strategy was to maintain the status quo regardless of ECOMOG's attempts to resolve the conflict, in order to retain power.

The civil party questioned Patrick Robert:

The civil party revisited the significance of certain practices, such as organ harvesting and cannibalism, which Patrick Robert preferred to describe as ritual practices. When asked whether these practices were intended to terrorize the population, Patrick Robert stated that he did not know.

In response to a question from the civil party, Patrick Robert confirmed that armed groups stole weapons from one another. He also stated that he had never heard of either Pepper & Salt or Ugly Boy.

The Prosecutor's Office questions Patrick Robert:

Patrick Robert was asked about the ages of the child soldiers. He distinguished between child soldiers on the front lines—the youngest of whom were 16—and those in villages and at checkpoints, who ranged in age from 8 to 10.

Regarding the militias' takeover of conflict zones, Patrick Robert explained that the soldiers' priority was to secure food, and then to gradually occupy the area, which was controlled through checkpoints.

When asked about the distinction between civilians and combatants during clashes, Patrick Robert replied that the combatants were overwhelmingly civilians who had taken up arms, not professional soldiers. He clarified that civilians were not targeted per se, but that efforts were made to identify those among them who were part of the enemy. Civilians could also be harmed while fleeing an area.

Finally, Patrick Robert was asked about what set Liberia's first civil war apart from other conflicts. He highlighted the ease with which the press could access the territory—which he described as extremely rare—and lamented the inaction of the international community, which allowed the conflict to escalate *"to this extent*."

The defense questions Patrick Robert:

When asked about Charles Taylor's election, Patrick Robert said that it was difficult to hold democratic elections under such circumstances, but that, to his knowledge, Charles Taylor's election had not been contested.

When asked, Patrick Robert said he was unable to provide details about Johnson (ULIMO-J) and Kromah (ULIMO-K). He specified that he had photographed various armed groups, including the NPFL, ULIMO, and the AFL. He also confirmed that ECOMOG was committing abuses as well and that the organ removals he had witnessed had been performed solely on corpses, not on people specifically killed for that purpose.

* * *

The Chair then displayed a number of photographs taken by Patrick Robert and asked him to comment on them.

Among the photographs shown were images of decapitated heads in an ULIMO-controlled area in Monrovia, corpses with their elbows tied behind their backs, public executions, a woman murdered with her baby, and a portrait of a child soldier. The Prosecutor and the attorney for the civil party questioned Patrick Robert about certain photographs. Regarding the photograph depicting two corpses with their elbows tied behind their backs, Patrick Robert stated that this was a practice used to expose the rib cage. When asked why the corpses had not been buried, Patrick Robert indicated that this was likely due to superstition.

* * *

Screening of the documentary titled "Liberia," directed by Christophe Naigeon in 1996

The documentary was entered into the record, and its screening provided additional contextual information regarding the First Civil War.

Hearing of Thierry Paulais, an urban planner and economist who has worked extensively in the Mano River region and in West Africa, called as a contextual witness by the Public Prosecutor's Office

Before giving the floor to Thierry Paulais, the Presiding Judge noted that he had been interviewed by the investigating judge on February 10, 2020, and that he had written a book on Liberia titled "Une singulière histoire."

Thierry Paulais explained that his book traces the complete history of Liberia and is not specifically devoted to the civil wars. He stated that he wrote the book because he was struck by Samuel Doe's coup d'état and by the extreme violence that engulfed Liberia. He sought to understand its roots and outlined several possible explanations in his work. He cited economic reasons (each group seeks to gain control of a particular resource, such as diamonds or drugs) and cultural reasons (the existence of ancient secret societies , such as the Poro, which practice rituals involving human sacrifice, mutilation, and cannibalism). Thierry Paulais also discussed the growing frustration among young people with traditional African societies, as well as the influence of the Evangelical Church in fostering the culture of impunity that still prevails in the country today. Thierry Paulais noted that belonging to the Church served as a sort of escape route. The perpetrators of these crimes would go to Ghana or Nigeria, where they became pastors. Upon their return to Liberia, they would appear before the Truth and Reconciliation Commission (TRC), recount their crimes, and say, "*It wasn't me; it was Satan who possessed me*." Thierry Paulais cited the documentary titled "The Redemption of General Butt-Naked," which illustrates this theme.

The Court questioned Thierry Paulais:

When asked about the reasons behind Charles Taylor's intervention, Thierry Paulais stated that the facts were not entirely established and were the subject of controversy. He clarified that Charles Taylor's intervention stemmed from the country's *"descent into* hell" under Samuel Doe and his mafia-like regime, which was a source of concern for the United States. Thierry Paulais noted that one might wonder whether Charles Taylor had been manipulated by the CIA, which may have facilitated his escape while he was incarcerated in the United States for embezzlement. He expressed his conviction that Charles Taylor's invasion had been instigated by the United States, unlike Samuel Doe's coup d'état. Charles Taylor was a well-educated American-Liberian, and the United States saw him as *"a good* horse" to restore order. However, Charles Taylor's relationship with the United States deteriorated very rapidly after he aligned himself with Gaddafi and due to the atrocities committed by his troops.

When asked about ethnic groups and potential conflicts between them, Thierry Paulais stated that Liberia's civil wars were not ethnic wars, although ethnicity did play a role in that factions grouped themselves along ethnic lines. He noted that while it was possible to view the conflict through an "ethnic group versus ethnic group" lens, that was not the crux of the matter. When confronted with the defendant's statements—in which he explained that his joining ULIMO was intended to defend his Mandinka ethnic group, which had been the victim of massacres committed by Charles Taylor—Thierry Paulais clarified that, in his view, Charles Taylor's primary motivation was not to attack the Mandinka, but rather to seize control of the diamond mines in that part of the territory.

When asked, Thierry Paulais stated that he did not have specific information about ULIMO.

He then asserted that a long tradition of forced labor existed in Liberia and that the Congos and Americo-Liberians used it against indigenous peoples. He referred to a League of Nations investigation into slavery in Liberia and recounted that Liberians carried out roundups in their own country and sold laborers to the Portuguese in São Tomé. Forced labor had thus become deeply ingrained in the collective consciousness. Thierry Paulais also noted that women were turned into domestic or sexual slaves. However, he stated that he was not aware of any practices involving forced marches of the civilian population.

When asked about the CVR's influence on Liberian society, Thierry Paulais stated that many people had slipped through the cracks, leaving a great deal of bitterness and pain within Liberian society.

When asked about the possibility of holding a trial in Liberia, he suggested that it would have been extremely dangerous. In his view, some potential defendants would not have taken it lying down. In this regard, he cited Prince Johnson, who threatened to take up arms if he were targeted.

When asked about the United States' influence on Liberia, Thierry Paulais noted that it remains considerable to this day, primarily in economic terms.

Regarding Christianization, he confirmed that it began with the arrival of freed slaves on the Liberian coast. The goal of establishing a colony in Liberia was twofold: to relocate the freed

slaves, who posed a threat to their owners in the United States, and to promote the Christian faith in Africa.

Thierry Paulais confirmed that traditional religions and practices coexisted.

When asked, he stated that approximately 100,000 Liberians had fled the war to neighboring countries, depending on their ethnic background.

The civil party questioned Thierry Paulais:

Thierry Paulais confirmed that cannibalism was a perverted form of ancient cultural practices and that he had collected several firsthand accounts corroborating the acts he described in his book (i.e., combatants ate the hearts of living people before going into battle).

When asked about the expression "*Pay yourself*" mentioned in his book, Thierry Paulais confirmed that it meant "*Take what you can get*." He explained that the fighters from the factions received no salary and fed themselves by robbing villagers.

When asked about his statements before the investigating judge, Thierry Paulais confirmed that he had referred to a dam near the capital whose turbines had been dismantled piece by piece. He also confirmed that when an armed group took control of a territory, it committed various acts of violence.

In response to a question, Thierry Paulais further explained that food aid rarely reached its intended recipients due to regular looting. He added that only the organization Doctors Without Borders had remained in Monrovia practically the entire time, while other organizations had fled the country.

The Prosecutor's Office questioned Thierry Paulais:

When asked, Thierry Paulais confirmed that ULIMO had been created to oppose Charles Taylor's NPFL.

When asked about the "Tabé" method, he explained that it involved tying people's hands behind their backs. He said he had heard of it, but noted that it was just one method among many, citing disembowelment, evisceration, or amputation—referencing the famous question, "*short sleeves or long sleeves?*" Thierry Paulais recounted seeing hundreds of teenagers with amputated arms in a refugee camp in Guinea.

When asked about the victims of the conflict, he explained that civilians were not the only victims and that combatants were also dying. He noted that there had been an overlap in status between soldiers and civilians with the "sobel" (i.e., soldier-rebel, or soldier by day, rebel by night). Thierry Paulais confirmed that everyone had been a victim of everyone else.

When asked, he stood by what he wrote in his book, namely that few conflicts in modern history have left such a lasting impression due to such a high level of violence. Thierry Paulais clarified

that the case of Liberia was entirely unique and that it was very difficult to understand all the ins and outs of the situation.

When asked about the ethnic dimension of the conflict, he confirmed his impression that it was primarily the leaders of the armed groups who exploited the ethnic issue for their own gain.

The defense questions Thierry Paulais:

When asked about Alhaji Kromah, the leader of ULIMO-K, Thierry Paulais stated that he had no specific information about him, other than the fact that he had played an important role in what was known as the Monrovia War.

Thierry Paulais confirmed that during his hearing before the investigating judge, he spoke about Liberia in general terms and that he was not particularly familiar with the situation in Lofa.

When asked about his statement that he was afraid of receiving a negative assessment from the CVR, he explained that Liberia was *a "boiling* pot" and that the CVR had been prevented from proceeding with prosecutions. According to him, many people managed to slip through the cracks, particularly due to the role played by the Church, and this led to a sense of injustice among the victims.

When confronted with his statement that there had been no judicial investigations, Thierry Paulais said he was surprised to have made that remark and clarified that the VCR had done considerable work and produced a substantial report.

When asked about the ties between France and Liberia, he indicated that they were relatively tenuous.

When asked, Thierry Paulais assured the court that he had never heard of the defendant in the course of his work as a historian. He clarified that he did not work specifically on the civil war, so the names that appeared in his research were primarily those of faction leaders or masterminds, but not those of subordinates.

When asked about the high-level figures involved in the conflict, Thierry Paulais confirmed that some of them are now members of parliament. The defense attorney concluded from this that it was easy to get off scot-free depending on the power one held at the time, which Thierry Paulais confirmed, adding that it also depended on the individuals' social skills.

Hearing of John Steewart, journalist, human rights advocate, and former member of the Truth and Reconciliation Commission for Liberia, called as a context witness by the prosecution

Before giving the floor to John Steewart, the President clarified that Steewart had not been interviewed by either Liberian police investigators or French investigating judges in connection with this case.

John Steewart recalled that a peace conference had been organized in Accra, Ghana, at the end of the Second Civil War in 2003. At that conference, it was decided to bring the factions involved in the war to justice in order to combat persistent impunity. The factions agreed to the creation of the CVR. John Steewart stated that he had been appointed, following a vote, as a member of the CVR alongside eight other individuals. He assumed the role of chair of the CVR and editor of the report.

Over the course of three years, the CVR collected 22,000 statements from witnesses and victims in each of the country's 15 districts. This work led to the identification of 23 types of violations, including forced displacement, killings, attacks, torture, rape, and amputations. John Stewart stated that these hearings constituted compelling evidence beyond a reasonable doubt. He noted that a report had been issued in 2010 and that no action had been taken since then. In its report, the TRC recommended the prosecution of 5,000 perpetrators of the aforementioned violations, a ban on holding political office—particularly with regard to Ellen Johnson—as well as institutional, judicial, and police reforms. John Steewart added that the statements collected by the CVR did not represent all of the victims and perpetrators involved. He explained that the final report had been submitted to the Liberian government and that, under the terms of the Accra Agreements, the President of Liberia was required to prepare a report on the implementation of the CVR's recommendations. These recommendations, however, have not been acted upon.

The Court questioned John Steewart:

When asked, John Steewart confirmed that Massa Washington was one of the members of the CVR.

When asked about his work with the CVR, he stated that it was a day-to-day task and that staff had been trained to collect statements from witnesses and victims. He clarified that a section of the report was dedicated to statistics and that the violations committed had been categorized by location, type, gender, age, and faction. John Stewart confirmed that among the documented violations were offenses related to ritual organ harvesting.

When confronted with statements from certain contextual witnesses claiming that some perpetrators of atrocities had been absolved of all responsibility by the CVR after declaring that they were possessed by Satan, John Steewart explained that the CVR was not a court of law. Some perpetrators came forward, and if their statements were credible, the CVR could determine that they should not be prosecuted. John Steewart noted that TRC members were able to assess the perpetrators' state of mind. Many of them came forward of their own accord to appear before the TRC and were from various factions, such as ULIMO-K, ULIMO-J, NPFL, INPFL, LPC, and other smaller factions.

When asked about the lack of legal prosecutions despite the TRC's recommendations, he clarified that the TRC had recommended all kinds of accountability mechanisms, including traditional ones. John Steewart noted that, given the shortcomings of the Liberian judicial system and the sheer number of crimes and perpetrators, the TRC relied on the tribal "Pavala Hut" system, which requires perpetrators to admit their guilt. Village members could then decide on the penalties, and the perpetrators had the option to appeal. John Steewart compared this system to the

Rwandan Gacaca courts. He clarified that the most serious crimes fell outside the jurisdiction of the "Pavala Hut."

John Steewart lamented the failure to establish a Special Tribunal for Liberia, which he attributed to a lack of political will, as well as the culture of impunity and the climate of terror that persist in the country. He added that journalists were being silenced and that the Liberian people had no guarantee that the crimes committed would not be repeated if nothing was done to punish them. When asked, he confirmed that the culture of impunity and the climate of terror instilled by politicians—some of whom are warlords—were the reasons why Liberian criminals had been prosecuted in other countries. He added that the concept of crimes against humanity knows no borders.

John Steewart spoke with horror about the atrocities committed, which no one can forget and which, in his view, remain etched in the collective memory. When asked, he explained that the Liberian people had not been made aware of the concept of human rights until 2003 and that this was the first time civil society—particularly women—had been involved in the peace process.

When asked about media coverage of Kunti Kamara's trial, John Steewart noted that it was receiving significant media coverage in Liberia.

When asked about the profile of the TRC members, John Steewart explained that the TRC consisted of five men and four women appointed by civil society: two lawyers, a nurse, an imam, a bishop, an engineer, a businesswoman, a journalist, and himself.

When asked about the challenges faced and the resources available to the CVR, John Steewart explained that the CVR had investigators in the field and was funded primarily by the European Union, the United States, and the African Union. He added that the core of the problem was the culture of impunity and the threat hanging over the commissioners, some of whom had been forced to leave the country.

The civil party questions John Steewart:

John Stewart confirmed that Kunti Kamara's trial was viewed positively in Liberia (*"We welcome* that") and that only 30% of the perpetrators had been prosecuted.

He spoke of the strong determination of Liberian women to recount the atrocities they had suffered and the support they had received from their husbands. He emphasized that ULIMO had operated in several Liberian counties (Cape Mount, Lofa, Bomé) and committed abuses against people of all ethnicities and religions.

Regarding his career as a journalist, he stated that he had been a journalist since 1993 and had helped launch the daily newspaper "New Democrat" to cover the war. He mentioned being familiar with the newspapers "The Inquirer" and "The Eye." He was also a member of the Commission of Inquiry established by the Government of National Unity to investigate crimes committed during the conflict. He stated that he had documented acts of cannibalism committed by ULIMO and mentioned "Saah Chuey."

The Prosecutor's Office questioned John Steewart:

When asked about the number of deaths at the end of the conflict, John Steewart stated that the CVR had requested such a census but did not receive the government's support. The CVR endeavored to collect scientific evidence and photograph the sites of the massacres, but the government refused to take possession of these documents. The CVR therefore signed a Memorandum of Understanding with Georgia Tech University to archive these documents.

When asked about crimes committed against women, John Stewart confirmed that, to a certain extent, women had been specifically targeted. He clarified, however, that they were not considered direct targets, despite the significant number of sexual offenses. He explained that women were targeted because of their extreme vulnerability and because they were forced to go out in search of food. When asked, he confirmed that women were taken as wives by the combatants.

When asked about the findings of the Truth and Reconciliation Commission (TRC), John Stewart stated that more than 100 mass graves had been discovered throughout Liberia and that massacres had taken place everywhere, particularly in Lofa, which is the third-most affected county by abuses. He stated that when there were no mass graves, the bodies were thrown into rivers.

When asked, he confirmed that he had observed that atrocities had been committed in a systematic and widespread manner against the civilian population, citing examples of massacres he had witnessed in Monrovia. He also confirmed that he still agreed with the conclusion of the CVR report that "the list of violations enumerated […] demonstrates the distinct nature of the human rights violations that characterized the conflict in Liberia. […] the nature of the crimes committed during the Liberian civil war—in particular, cannibalism (the consumption of human flesh by humans) and the disembowelment of pregnant women—undeniably gives new meaning to the terms 'war crime' and 'crime against humanity' and further lowers the threshold of what humanity can tolerate [...]."

The defense questioned John Steewart:

When asked about the list of individuals against whom the CVR recommended prosecution, John Steewart admitted that he did not recall whether Kunti Kamara's name appeared on that list. He noted that hundreds of names were included and that, as mentioned earlier, the CVR report did not list all victims and perpetrators.

He clarified that it was possible that some perpetrators mentioned in the 22,000 statements collected did not appear on the list but were listed only in the CVR's database. When asked, John Steewart confirmed that the information contained in the database indicated that the NPFL was responsible for the largest number of atrocities committed. He also confirmed that the French authorities had not asked him to visit the mass graves and collect samples from the human remains. He clarified that it was possible that some perpetrators mentioned in the 22,000 statements collected might not appear on the list, but only in the CVR's database. When asked, John Stewart confirmed that the information contained in the database made it possible to

attribute the largest number of atrocities committed to the NPFL. He also confirmed that the French authorities had not asked him to visit the mass graves and collect samples from the human remains.

October 13, 2022 – Day 4: The Investigation

The fourth day focused on the investigation that led to the trial. From the French Central Office for Combating Crimes Against Humanity, the Court heard testimony from General Reiland and ADC Perruggia; from Monrovia, via videoconference, the Court heard testimony from Luther Sumo, Lofa County Prosecutor, and Patrick J. Massaly, Assistant Police Commissioner in Monrovia.

In the spring of 2019, French and Liberian authorities collaborated on a fact-finding mission related to proceedings initiated in France following Mr. Kamara's arrest: this marked the first time since the end of the Second Civil War in 2003 that Liberian authorities had worked alongside foreign authorities to conduct crime scene reconstructions related to wartime crimes. All the men who testified were involved in this process: the Court asked them how the investigation was conducted, what steps they took, and the procedure they followed.

October 13, 2022 - Day 4: The Investigation

This fourth day of hearings was devoted to the various legal proceedings conducted in the Kunti Kamara case.

Testimony of General Jean-Philippe Reiland, head of the OCLCH, as a witness called by the Prosecution

General Reiland began by introducing the Central Office for the Fight Against Crimes Against Humanity and Hate Crimes (OCLCH or the Office) before outlining its missions. He described the OCLCH as an administrative body attached to the General Directorate of the National Police. The OCLCH was established in 2013 by a decree of the Prime Minister and carries out five activities: investigation; support for police units; coordination of police operations; judicial cooperation with other countries; and assessment of the threat level related to cases handled through its criminal intelligence capabilities.

General Reiland explained that the OCLCH was created to address the needs arising from France's international commitments to combat international crimes, particularly in connection with the signing of the Rome Statute. He outlined the functioning of the International Criminal Court and explained how the principle of universal jurisdiction has been incorporated into French law. He noted that constitutional and legislative changes led to the creation of a "crimes against humanity" unit in 2011, followed by the OCLCH in 2013.

General Reiland explained why the missions mentioned earlier were entrusted to the gendarmerie. On the one hand, the gendarmerie has accumulated considerable experience within the Paris Investigation Section, which was notably called upon in the Touvier Barbie and Papon cases, as well as in cases related to Rwanda. On the other hand, the gendarmerie is the only force capable of conducting investigations as a military police force and has developed the capacity to support the military in war zones.

General Reiland then presented the three divisions that make up the Office: the Division of Strategy and International Cooperation, the Division for Combating Hate Crimes, and the Division for Combating Crimes Against Humanity and War Crimes (formerly the Investigation Division). He noted that this last division has 18 members and that the Office is currently handling approximately 150 cases involving 32 countries, which requires 8 to 10 trips per year, sometimes lasting several weeks.

Regarding methods of operation, General Reiland explained that the OCLCH has at its disposal the tools provided for by the Code of Criminal Procedure. He noted that, given the distance in time and space from the events in question, more traditional criminal investigative methods are used (witness interviews, access to reports, etc.). He further indicated that all investigators are specialized criminal investigators.

Regarding investigative methods abroad, General Reiland explained that countries are sovereign and may or may not grant OCLCH investigators access to their territory. He clarified that international judicial cooperation is generally governed by bilateral or multilateral agreements, but that, to his knowledge, no such agreement has been concluded with Liberia.

Regarding this case, General Reiland stated that the framework of the international investigation had been respected. He clarified that a request for mutual legal assistance had been filed and that the Liberian authorities had granted permission for French judges and investigators to travel to their territory. He clarified that, under the French Code of Criminal Procedure, these officials may only conduct interviews abroad—to the exclusion of other investigative actions—and only with the consent of local authorities. He noted that, in this specific case, the local authorities themselves had conducted the interviews requested by the French authorities. The French investigators were present and were able to provide technical support, particularly with regard to video recording and GPS tracking.

The Court questioned General Reiland:

When asked about any specific aspects of the case, General Reiland did not identify any significant particularities, subject to the referral by the French authorities, given that a complaint had been filed by an NGO and a request for an international investigation had been made by Switzerland.

In response to a question from the President, the General highlighted certain difficulties encountered on the ground in conducting the investigation. These difficulties were primarily logistical in nature and concerned travel (poor road conditions) and locating witnesses. When asked, General Reiland stated that the OCLCH was not working on any other cases in Liberia.

When asked about the differences between gathering evidence for crimes committed today and those committed 20 or 30 years ago, General Reiland noted that the main difference lay in the risks taken by investigators and the particular caution required when collecting testimony from parties to the conflict. He explained that the investigative s made every effort to conduct on-site reenactments to verify the information provided to them.

The civil party questioned General Reiland:

When asked about the difficulties involved in gathering evidence and the method used, General Reiland stated that most investigators were trained in the "PROGREAI" method (General Process for Conducting Interviews, Hearings, and Interrogations), developed based on Canadian expertise. He explained that investigators were trained to detect inconsistencies in witness statements. Gathering witness statements is more complex abroad, as it requires the use of interpreters. He noted that particular attention was paid to the selection of interpreters in consultation with the French embassy on site.

The Prosecutor's Office questioned General Reiland:

Once again, General Reiland was asked about the main challenges involved in gathering evidence of past mass crimes. In response, he stated that identifying the crimes, victims, and witnesses was "the most difficult and the most crucial" task. When asked about the value of on-site reenactments, General Reiland emphasized the importance of comparing the evidence gathered with the reality on the ground, hoping that the terrain had not changed too much.

When asked about the mission carried out in connection with this case, General Reiland confirmed that, to his knowledge, this was the first on-site reconstruction conducted by the French justice system in Liberia.

The defense questions General Reiland:

When asked about the procedure for investigative actions abroad, General Reiland confirmed that investigations in foreign countries were conducted at the request of French authorities, specifically the investigating judge. He reiterated that French investigators could conduct interviews abroad themselves if the host country permitted it. For other investigative measures, it is necessary to submit a request for international mutual legal assistance.

When questioned by the defense about why no major investigative measures (such as DNA and fingerprint collection, searches, police custody, telephone surveillance)—that could have been carried out by French authorities, General Reiland explained that these actions could have been performed by Liberian authorities at the request of the French magistrate, but that this was not realistic given how long ago the events occurred. General Reiland emphasized that what was relevant in this case was the identification of witnesses.

The defense countered that there were criminal cases in France—even very old ones—in which investigative measures, such as DNA analysis of samples taken from corpses, had been carried out. General Reiland replied that in those cases, most of the investigations had been conducted on evidence that had been properly sealed, which was lacking here.

General Reiland finally confirmed that it was difficult to conduct a conventional investigation in an old case due to the passage of time.

* * *

After thanking General Reiland for his testimony, the President presented the Court with photographs taken from James Faseukoi's book chronicling the first civil war in Liberia. The photographs depict various scenes, such as portraits of the main warlords, troops from the various militias (NPFL, ECOMOG, ULIMO), child soldiers, disarmament, malnutrition, and road conditions.

* * *

Hearing of Luther J. Sumo, Lofa County Prosecutor, as a witness called by the Prosecution (videoconference)

Before giving the floor to Luther J. Sumo, the Presiding Judge noted that he had been heard by the investigating judge on January 10, 2020, in his capacity as a witness.

In his unsolicited statement, Luther J. Sumo explained that during the civil war, he had taken refuge in Guinea, where he worked as a volunteer teacher. He stated that it was in this capacity that he had met MN and had spoken at length with her during 1994, as well as with other parents and students. Luther J. Sumo stated that he had learned a great deal about what had happened in Foya. He also mentioned having seen photographs of massacres, decapitated heads, and people cut into pieces and placed in wheelbarrows. He stated that some rebels had been ordered to take pieces of corpses and that these acts had traumatized many Liberians. He also spoke of the rebels looting property and transporting machinery toward the Guinean border. He recounted being traumatized by the acts committed under Charles Taylor's regime and traveling to Guinea to seek help, where he encountered other Liberians who were weeping. He stated that he had stopped teaching in 1988 to continue his studies, then worked as a lawyer before serving as a prosecutor.

The Court questioned Luther J. Sumo:

When asked about the existence of political or legal will to prosecute the abuses he had described, Luther J. Sumo explained that Liberians were waiting for the government to act on the recommendations issued by the Truth and Reconciliation Commission (TRC).

The President asked Luther J. Sumo if he knew the warlords named in the case file. Sumo replied that he knew Alhaji Kromah. When asked about the names "Fine Boy" and "Ugly Boy," Luther J. Sumo stated that all warlords had nicknames and that it was difficult to identify them today, even for someone who had seen them at the time of the events. When asked about the name Deku, Luther J. Sumo replied that he had heard of him. The presiding judge then asked him if he had heard of C.O. Kundi. Luther J. Sumo explained that the abbreviation "C.O." stood for "commanding officer" and that, although he had never seen hi , he had heard of him. He also noted that people known as C.O.s received orders from their superiors and sometimes acted on their own initiative, such as by looting villagers' food supplies.

When asked about the investigative resources available to prosecutors, Luther J. Sumo stated that he lacked the technical means to conduct criminal investigations such as DNA analysis and that this was a major problem. He specified that Lofa County had two prosecutors and one judge,

as well as three defense attorneys. When asked, he indicated that there were specialized courts in Monrovia, including a court specializing in sex crimes. He added that in other counties, such as Lofa, a single judge has jurisdiction over all cases, whether civil or criminal.

The civil party questioned Luther J. Sumo:

Luther J. Sumo confirmed that he had taken refuge in the village of Guéckédou and that the town of Solomba was a border town between the town of Foya and Guinea, divided by a river.

When asked about the looting of property, he confirmed that he had mentioned the looting of machinery, such as electric generators, as well as merchandise. He also confirmed that the property belonged to NGOs or citizens and specified that the rebels took everything they could find.

When asked, he confirmed that the population of Foya belonged to the Kissi ethnic group.

Luther J. Sumo was then questioned about his statements to the investigating judge, in which he claimed that the population had been enslaved. He confirmed his statements, explaining that people could no longer work in their fields and were no longer free to do as they pleased. If they resisted, they were killed. Luther J. Sumo also stated that girls aged 12 to 14 had been raped. When asked what he meant by "slavery," Luther J. Sumo stated that people were dehumanized and subjected to the will of armed groups. He confirmed that he had heard of Mohamed Jabbateh, alias Jungle Jabbah, and Alieu Kosiah, and that he had seen Agnes Reeves Taylor in 1993. However, he stated that he had never heard of a merchant named Kake. When asked about the identity of those who were enslaving the population, he stated that they were those who possessed weapons, including the individuals he had just mentioned.

The Prosecutor's Office questions Luther J. Sumo:

When asked about how the administration functioned in Lofa under ULIMO occupation, Luther J. Sumo stated that activities were still taking place and that administrators were present. When confronted with his previous statements that there was no longer a hospital, no birth records, and no doctors upon ULIMO's arrival, he confirmed them.

When asked about the April 2019 mission by French investigators in Foya—in which he confirmed he had participated—Luther J. Sumo stated that he did not know all the witnesses and that they had gone from village to village to locate them. He also confirmed that he had conducted the investigation " " through neighborhood inquiries, without conducting searches via telephone or databases. He clarified that humanitarian workers had also provided information to guide the investigators in their search for witnesses.

The Public Prosecutor's Office informed the Court that only seven witnesses had been located and interviewed, despite the investigating judge's requests.

When finally asked about the victims of sexual violence, Luther J. Sumo explained that it was difficult to collect their testimonies because the women were traumatized and felt humiliated.

The defense questioned Luther J. Sumo:

When asked about the photos of decapitated heads he had mentioned earlier, Luther J. Sumo stated that he did not have them, but had only seen them. He also stated that he had been an eyewitness to the sale of certain goods by ULIMO members, but had not witnessed the looting. According to him, it was nevertheless evident that the goods had been looted by the individuals mentioned earlier. The defense attorney then pressed Luther J. Sumo unsuccessfully to name names.

When asked, Luther J. Sumo stated that he had left Gbarnga in 1991 to seek refuge in Guinea, in a camp near Foya. He explained that he had fled the NPFL, which occupied Lofa at the start of the civil war.

The defense attorney then questioned him about his statements that no records were kept during the war, meaning there were neither birth certificates nor death certificates. The defense attorney asked Luther J. Sumo how he could know that someone had died if there were no documents to prove it. Sumo, in turn, asked whether a certificate was necessary to know that someone had died. The defense attorney then confronted Luther J. Sumo with his statements regarding Fine Boy. Before the investigating judge, he had stated that, according to his information, Fine Boy had been killed. The defense attorney clarified that Fine Boy was alive and had even testified in the Swiss trial concerning Alieu Kosiah. Luther J. Sumo defended himself by saying that several rebels shared the same name and that some people had told him that a man named Fine Boy had been killed while crossing the border to join another armed group. The defense attorney countered that Fine Boy had stated during his hearing in Switzerland that “Fine Boy” was his real name. Furthermore, the defense attorney noted that Luther J. Sumo had stated during his previous hearing that Fine Boy had been killed during a burglary.

When asked which ULIMO commanders or soldiers he could name, Luther J. Sumo mentioned Kunti Kamara and added that he was more concerned about the victims than about the perpetrators of the crimes.

He confirmed that he had accompanied the French investigators to Lofa County in his capacity as a prosecutor. He clarified that, as part of an investigation, a prosecutor has the authority to search for and identify victims. When asked about his collaboration with the French investigators, he stated that the latter had not proposed conducting excavations, forensic examinations, or DNA analyses. He clarified that the Liberian police had interviewed witnesses alongside the French investigators.

Hearing of Patrick J. Massaly, attorney and deputy police commissioner in Monrovia (Liberia), called as a witness by the Public Prosecutor’s Office (videoconference)

Before giving the floor to Patrick J. Massaly, the Chair noted that he had been interviewed by the investigating judge on January 13, 2020.

Patrick J. Massaly stated that he had been the head of the Liberian police team that executed the letters rogatory at the request of the French authorities. He explained that he had been assigned

to travel to Lofa County to investigate allegations of rape, slavery, and sexual abuse. He described his role and activities in connection with the investigation into Kunti Kamara. While there, he collected statements from the victims and various witnesses, which detailed a number of crimes, most of which were allegedly committed by Kunti Kamara or under his supervision.

Patrick J. Massaly then briefly reviewed some of the testimonies he had gathered. First, he mentioned that some victims stated they had been forced to walk while carrying heavy objects for distances of 20 km between Foya and Solomba, a border town, under Kunti Kamara's supervision. He then referred to a testimony alleging that Kunti Kamara went to a house from which he dragged out a sick woman, whom he then shot in the head in front of everyone in the village square. Patrick J. Massaly also cited the murder of an interpreter hired by an NGO, to whom he reportedly stated that the destruction of the church and hospital [at Borma Mission] had been caused by ULIMO soldiers under the command of Kunti Kamara.

Patrick J. Massaly noted that many of the victims were women and referred to accounts of repeated rapes, including one committed by inserting a bayonet into a young woman's genitals. She was reportedly raped several more times while she was bleeding.

He finally stated that the bodies of those executed were cut into pieces and placed in wheelbarrows, and that villagers were forced to take or buy human body parts. If they refused, they were severely beaten. One man was also forced to drink blood that was presented to him in a cup and died a few days later as a result of ingesting it.

The Court questioned Patrick J. Massaly:

Patrick J. Massaly was asked about the difficulties investigators faced in identifying and locating the various witnesses. He indicated that most were identified based on information provided by villagers, in the absence of identification documents, civil registry records, and precise addresses. He added that it is common in Liberia for people to write their names as they pronounce them, which further complicated the investigators' task. The rainy season also made it difficult to access remote areas to meet with victims and witnesses.

He confirmed that during the hearings, some witnesses were able to identify Kunti Kamara based on recent photographs, while others had difficulty due to the passage of time (he dressed differently at the time). The accused was described by the victims and witnesses as very arrogant, young, and always in control.

The civil party questioned Patrick J. Massaly:

When asked about his previous statements before the investigating judge, Patrick J. Massaly clarified that the mere mention of Kunti Kamara's name instilled fear in some witnesses and victims, who chose not to testify for fear of retaliation

The Public Prosecutor's Office questions Patrick J. Massaly:

Patrick J. Massaly stated that he had personally taken the statements of the witnesses, notably those of EN and TT. He explained that the victims and witnesses were afraid to talk about what had happened to them, but that once reassured by the investigators, they agreed to testify.

The defense questions Patrick J. Massaly:

When asked about his statements regarding the looting of the religious association "Mission d'Orient," Patrick J. Massaly stated that he had not conducted any specific investigations into the matter. He clarified that he had simply received information from the association, which had reportedly taken charge of the restoration of the church and hospital [of Borma Mission].

When asked about the identification of the victim EN, Patrick J. Massaly explained that he had identified her with the help of local residents who had indicated her whereabouts. He clarified that a person's identification was not based on identification documents, but rather on the testimony of local residents who knew one another and who accompanied the investigators to the person they were seeking. According to him, there was no reason to question the villagers' statements.

When asked about the names of individuals responsible for abuses within ULIMO whom he knew, Patrick J. Massaly named Alieu Kosiah, whom he identified as the top-ranking member; Kunti Kamara, who was second in command; Ugly Boy, alias Saah Chuey, who killed exclusively with an axe; and Fine Boy. He explained that he had deduced Kunti Kamara was second in the hierarchy because he was very active ("always around") and very aggressive, and because he held a position of power.

When asked about the locations of former ULIMO combatants based on his statements before the investigating judge, Patrick J. Massaly stated that he had been unable to identify these former combatants because they use different names depending on where they are. The defense expressed surprise at this response, since Patrick J. Massaly had previously indicated that he had identified the presence of former ULIMO soldiers in certain neighborhoods of Monrovia (Camp Johnson Road, Caldwell, Chocolate City, Chicken Soup Factory, Jacob Town, Congotown, and Paynsville).

When asked about EN, who was allegedly raped with a bayonet, he stated that no medical examination had been conducted on her to assess the effects of the rape she had suffered. EN told him that she was in great pain and bleeding intermittently, and that she had received herbal treatment.

When asked about the probative value of the testimonies, Patrick J. Massaly highlighted the lack of technical and scientific resources available to investigators to conduct further inquiries and noted that collecting testimonies from witnesses and victims had made it possible to establish a pattern of the situation and cross-reference the information. He acknowledged that he had not known the defendant's name before the start of his investigation in 2019.

Following Patrick J. Massaly's statement, the Presiding Judge took the opportunity to highlight the difficulties encountered in identifying witnesses during the organization of this trial. He noted

that most of the witnesses summoned did not possess any official identification documents and, in this regard, commended the work of the French embassies in Liberia and Côte d'Ivoire, thanks to which the witnesses were able to be transported to testify at the hearing.

Hearing of Romuald Peruggia, Chief Warrant Officer of the OCLCH, called as a witness by the Prosecution

Chief Warrant Officer Peruggia began by explaining that he had been called as a witness to describe the investigative actions carried out by the OCLCH. He explained that on August 3, 2018, the Paris Public Prosecutor's Office had informed the OCLCH of the opening of a preliminary investigation against Kunti Kamara, who was being investigated for acts of torture constituting crimes against humanity following a complaint filed by Civitas Maxima. Kunti Kamara was identified as a leader of ULIMO. The alleged incidents took place between 1993 and 1997 in Lofa County and involved atrocities committed against the civilian population, particularly the Kissi ethnic group, during ULIMO's occupation of Lofa. These atrocities included enslavement, murder, and cannibalism. In the complaint, Kunti Kamara was identified as a ULIMO official personally involved in these acts, which were corroborated by the accounts of several witnesses.

One of the witnesses, JTC, explained that he had been forced to carry loads on behalf of ULIMO all the way to the Guinean border. He also denounced the abuse suffered by DN, who was reportedly arrested in the presence of Kunti Kamara, taken to the former airfield, and bound using the "tabé" technique before being struck in the chest with an axe by a man known as Ugly Boy. His heart was reportedly ripped out by Ugly Boy and then eaten by ULIMO leaders on the porch of Ugly Boy's house to terrorize the population. The final incident reported was the murder of KT. Kunti Kamara allegedly went to the village of Foya Dundu, dragged KT from her home while accusing her of being a witch, and shot her in the head before ordering the civilians present to dig a grave for her and set her body on fire.

Chief Warrant Officer Peruggia explained that the OCLCH had been notified of these incidents and that the initial investigations were aimed at identifying Kunti Kamara. Searches of databases did not yield a definitive identification. Kunti Kamara was registered as a resident of Évreux, but was not found at the address provided. Thanks to a request for mutual legal assistance filed by the Swiss authorities, who wished to question him [in connection with the trial of Alieu Kosiah], the OCLCH obtained a photograph of Kunti Kamara. It was then decided to travel to Évreux on August 27, 2018, to meet with Faliku Donzo. Donzo told investigators that he had housed Kunti Kamara for some time. According to him, Kunti Kamara had subsequently moved. Kunti Kamara's name appeared at the address provided by Faliku Donzo. Since he was not home, a summons was placed in his mailbox. Investigators traced Kunti Kamara's phone number. It appeared that he had left Évreux and was heading toward the Paris region. Kunti Kamara's phone had triggered a signal relay located in Bobigny. The next day, Kunti Kamara had purchased a new phone. Among his contacts was Layee Bamba, a resident of Bobigny. Kunti Kamara was suspected of attempting to flee. His phone line was tapped, revealing a call with a contact in Portugal during which Kunti Kamara expressed his intention to leave France using false documents. It was then decided to set up an arrest operation in Bobigny. Kunti Kamara's phone was located at Layee Bamba's residence, and the arrest operation was launched. Kunti Kamara attempted to escape through a window but was unsuccessful. He was arrested and taken into police custody. A search was

conducted at Layee Bamba's residence, which led to the discovery of a bus ticket to Lisbon scheduled for the following day, as well as an identity and travel document issued by the Guinean Embassy in Paris in the name of Moussa Bamba but bearing Kunti Kamara's photograph. Kamara exercised his right to remain silent while in police custody.

Chief Warrant Officer Peruggia then noted that Kunti Kamara had been interviewed by Swiss authorities as a witness in the proceedings against Alieu Kosiah. During his interview, Kunti Kamara admitted only to having joined the ranks of ULIMO in 1992 in response to the acts committed by Charles Taylor's rebels against the Mandinka people.

Chief Warrant Officer Peruggia added that several witnesses had been interviewed in France, but that these interviews had yielded no substantive information. They merely established that Kunti Kamara had arrived in France in 2016. He was also described by his neighbors as a calm and kind person who was discreet about his past. Layee Bamba was also interviewed and stated that he knew nothing about Kunti Kamara's life in Liberia. He said he had purchased the bus ticket to Lisbon on Kamara's behalf and had accompanied him to the Guinean embassy in Paris.

Chief Warrant Officer Peruggia recounted the testimonies gathered in Liberia, particularly those of FG, SFC, and RK. He then clarified that the presence of French investigators on the ground consisted primarily of providing technical assistance (taking photographs, GPS geolocation) to the Liberian authorities, who themselves carried out the procedures ordered by the French investigating judge. Chief Warrant Officer Peruggia finally returned to the on-site reenactments, which had made it possible, in particular, to appreciate the country's low level of development in terms of infrastructure and accessibility (lack of paved roads, electricity, and running water in Foya).

The Court questioned Romuald Peruggia:

When asked about the name "Mohamed Soumawolo," which was used to refer to Kunti Kamara, Chief Warrant Officer Peruggia stated that this name had been mentioned in the complaint filed by Civitas Maxima and in the request for mutual legal assistance from the Swiss authorities, but he did not know whether any investigations had been conducted in this regard.

He explained that, due to the difficulties in identifying Kunti Kamara, investigators had focused their inquiries on his associates in Évreux. The arrest of the fugitive defendant was made possible by the use of significant technical resources (telephone wiretaps, monitoring of his credit card, and tracking of his cell phone). Thanks to evidence seized during the search, it was established that Kunti Kamara planned to leave French territory the following day at 10:30 a.m. It was therefore urgent to locate him. According to the investigators' account, Kunti Kamara had also sent a photo to his contact in Portugal so that the latter could produce additional forged documents.

Chief Warrant Officer Peruggia then discussed working conditions in Liberia, which he described as very challenging for the reasons mentioned earlier (a virtually nonexistent road network, lack of electricity in Foya). The investigation was also hampered by the lack of precise addresses to locate witnesses. In addition, the assistance provided to the Liberian investigators was strictly

limited by the international letter rogatory, so that the French investigators were unable to interview the witnesses themselves but could only observe these interviews and provide the Liberian investigators with a questionnaire and a set of photographs in advance.

Chief Warrant Officer Peruggia noted the absence of exaggeration or a spirit of vengeance on the part of the victims and witnesses interviewed, who limited themselves to recounting what they had experienced. When asked about the conspiracy theory put forward by Kunti Kamara, he stated that no witness appeared to have testified in the hope of receiving protection in Europe. In his view, France is nothing more than a distant country to them.

Chief Warrant Officer Peruggia finally stated that the war in Liberia, due to the cruelty of the acts committed, bore similarities to the Rwandan genocide, on which he had had the opportunity to work.

The civil party questioned Romuald Peruggia:

When asked about the investigative work carried out in Rwanda, where he had traveled 27 times, Chief Warrant Officer Peruggia confirmed that investigations into past events consisted mainly of cross-checking information, interviewing witnesses, and reconstructing events, in the absence of scientific investigations. He also confirmed that the difficulties associated with the age of the crimes committed had not prevented him from conducting his investigation properly, whether in Rwanda or Liberia.

When asked about the villagers' reaction during the reenactment of the incidents involving DN, he stated that he sensed curiosity on their part and no aggression.

The civil party's attorney finally raised the incident that occurred in Liberia involving the defense attorney and her driver, who were caught taking photos and videos of the reenactments. Chief Warrant Officer Peruggia clarified that the driver was clearly a member of the LIMAF, but that the OLCH lacked jurisdiction to investigate him. The attorneys general then explained the procedure to the Court, which had been referred to the Rouen Public Prosecutor's Office. No further action was taken because the individual in question did not have a registered address in France.

The Public Prosecutor's Office questions Romuald Peruggia:

Chief Warrant Officer Peruggia emphasized the significant amount of research that must be conducted in advance by OCLCH investigators to understand the context in which the crimes were committed. He reiterated the difficulties faced by investigators conducting inquiries abroad, emphasizing in particular the very limited technical resources and the framework imposed by the international letter rogatory.

Chief Warrant Officer Peruggia confirmed that in cases involving crimes committed long ago, the evidence is solely testimonial. He therefore stressed the importance of obtaining testimony from individuals not named by the parties to separate fact from fiction. According to him, reenactments also make it possible to verify the truthfulness of the statements collected.

When asked about the hearings of witnesses and civil parties conducted in France, he noted that each person questioned reacted differently and that he had not observed any exaggeration in their statements. He did not feel that the accounts had been memorized and emphasized that there might be certain discrepancies between the statements, which can be explained by the fact that the events occurred more than 30 years ago. He also confirmed that the trauma of war could affect memory.

When asked about the on-site reenactments in Liberia, he stated that they had helped confirm the testimonies gathered and that some observations had to be made at locations that were no longer the same as they were 30 years ago, which affects the witnesses' sense of time and place.

When asked about the hearings of witnesses and civil parties conducted in Liberia, he explained that local authorities had handled them and that each person had been heard separately. Finally, he briefly commented on a photographic display showing the weapons used by ULIMO.

The defense cross-examines Romuald Peruggia:

When asked about the lack of a photo lineup during the witness hearings, Chief Warrant Officer Peruggia initially admitted that it was a mistake. He clarified that he had insisted that the photo lineup be presented to EN during his hearing . However, this was not required for all witnesses, notably a witness who was ten years old at the time of the events and who had stated that he could not identify Kunti Kamara. When asked about the absence of a photo lineup during witness interviews, Chief Warrant Officer Peruggia initially admitted that this was a mistake. He clarified that he had required the photo lineup to be presented to EN during his hearing. However, this was not required of all witnesses, notably a witness who was ten years old at the time of the events and who had stated that he could not identify Kunti Kamara.

When asked about the probative value of the testimonies, Chief Warrant Officer Peruggia reaffirmed that the discrepancies between the statements and the absence of exaggeration on the part of the witnesses tended to demonstrate that the accounts were not scripted. He clarified that the testimonies served to inform the judge and that it was difficult to gather evidence other than testimonial evidence in this case.

The defense then questioned Chief Warrant Officer Peruggia about the reenactments and the investigations conducted in Liberia. The defense noted that no investigation had been conducted to determine when the generator went missing, given that the "pay yourself" rule also prevailed under NPFL occupation. The location where DN's remains were said to be, according to witness statements, was also not searched, even though the discovery of the body could have advanced the investigation. Given the seriousness of the charges against Kunti Kamara, the defense expressed strong astonishment at the manner in which the investigation was conducted by the French authorities. Chief Warrant Officer Peruggia justified his actions by stating that such investigative measures had not been requested by the investigating judge as part of the international letter rogatory and that it was therefore not within his authority to carry them out.

October 14, 2022 – Day 5: The First Victims Testify

Today, the Court heard from four people—two witnesses and two civil parties—all of whom traveled from Liberia to testify.

The morning was devoted to the civil parties—the wife and daughter of a man who was brutally murdered by ULIMO: he had been tortured, and his chest had been cut open. Neither of them was present when the incident occurred, but the mother was told that it had been ordered by CO Kunti. The daughter spoke about being repeatedly raped by ULIMO troops when she was about 10–12 years old.

In the afternoon, two witnesses described how ULIMO took over Foya and the terror under which the civilian population lived. Both claimed to have seen Mr. Kunti commit crimes. One of the witnesses spoke directly to the defendant and said, *"What you did to Foya and the people of Foya… today is for justice, so that those who died may rest in peace*."

October 14, 2022 – Day 5: The First Victims Testify

This fifth day of the trial was devoted to hearing testimony from the civil parties and witnesses regarding the acts committed in Foya in 1993 against DN.

Hearing of MN as a civil party

Before hearing MN's testimony, the Presiding Judge noted that she had previously been interviewed by Liberian investigators and then by the French investigating judge. MN confirmed that she is the widow of DN and the mother of AN.

MN stated that she was in Foya when she and her husband heard gunfire one evening. They decided to take refuge in the bush with their children. To feed themselves, they had to go to the village to find food. DN told her to stay with the children and went to the village alone. MN did not see her husband for the rest of the day. After cooking for her children, she went out to look for him.

MN recounted that in the village, there was a gathering of everyone, as people had come to get food. As she walked by, people looked at her and began whispering among themselves. She then asked what was going on with her husband. She was told that some people had arrived in Foya and were looking for an interpreter. These people asked who had destroyed the hospitals and clinics, and her husband reportedly replied that it was ULIMO. She was told that her husband had been tortured, slaughtered, cut into pieces, and that they had eaten his heart. MN said she was crying and asked the people to show her how her husband had been killed. The people reportedly told her that DN's arms, legs, and feet had been cut off and placed in a basin.

MN stated that she then lost her daughter, AN. She traveled to Guinea and sought out fellow countrymen to obtain information. She met with her brother and asked him about her daughter and her husband. Her brother told her that DN had been tied up and buried, and that his bonds could not be cut. MN continued to search for her daughter and traveled to Sierra Leone. Some white people showed her photos, and she recognized her daughter. The white people then took a photo of MN to show it to AN. That is how DN was reunited with her daughter after searching for her for three years and crying every day. DN concluded her statement by saying that her husband loved her very much and took care of the family. She added that today she could no longer see her husband and that it was very hard.

The Court questioned MN:

In response to the President's questions, MN explained that her husband was a teacher with an evangelical mission and confirmed that he was well-educated, spoke English, and could translate Kissi. She stated that DN had nothing to do with the NPFL and did not know how to handle weapons.

When asked about her husband's personality, MN said he was honest and loving. MN then described the nature of their marriage, which was a traditional marriage rather than a civil one, and noted that they had six children together, including AN, who was a young girl at the time of the events. When asked about their daily life, MN explained that her husband would go to teach while she went to the local markets. She confirmed that she was still a farmer in Foya.

The Chairperson recalled that during her first hearing, MN had stated that white people had come to inquire about the destruction of the Borma Mission. In response to a question from the President, MN stated that she did not know whether they were from an NGO and that she had only seen white people. She also confirmed that at the time of the events, she was hiding in the bush and therefore did not witness her husband's death. She further confirmed that her husband had gone to bring food to his blind mother.

When asked about her previous statements that her husband had spent two or three days at a police station, MN confirmed that she did not know exactly what had happened and that this information had been relayed to her. She also confirmed that she had not seen her husband's body but knew that he had been buried on the Foya airstrip.

When confronted with her previous statements suggesting that she might have chosen the location where her husband was buried, MN stated that several people had been buried in the same spot.

When asked about the name "CO Kundi," which she had mentioned in her previous statements, MN said she had heard people say the name "CO Kundi" and had concluded that he was the one who had given the order to execute her husband, but clarified that she had never seen him. When asked about the description of Kunti Kamara that bore little resemblance to him, MN did not recall having described him but said she had stated that she would not be able to recognize him in a photograph. When asked about the names of other ULIMO commanders she remembered, MN mentioned the name Saah Chuey.

MN also confirmed that she had been elected president of the association of women who had lost their husbands upon her return to Liberia and stated that she was living with another man. When asked about her expectations regarding this trial, MN said that her children were suffering greatly and that they needed help.

When asked about the Truth and Reconciliation Commission (TRC), MN stated that she had been interviewed by the TRC and had expressed her desire to testify. She confirmed that she had been approached by Liberian authorities before being interviewed by French investigators. When asked about other crimes of which she was aware, DN stated that TKo, RK's father, had been killed.

The civil party questioned MN:

When questioned again about where her husband was buried, MN confirmed that she had not chosen the location and stated that he had been buried where he was killed. She explained that her brother had told her it had not been possible to take him elsewhere and that the Palava Hut now stood on that site.

When asked again about her expectations for this trial, MN expressed her deep suffering, as well as that of her children, which she hopes the trial will help alleviate.

When asked to share a happy memory with her late husband, MN recalled moments they shared while cooking and eating together.

The prosecutor questioned MN:

MN confirmed that she and her husband belonged to the Kissi ethnic group and that the Kissis constituted the majority in Foya at the time of the events.

When asked about the distinguishing features of ULIMO troops, MN described faces painted with chalk and a red cloth tied around their heads. She stated that these men had identified themselves as members of ULIMO when they came to get her in the bush.

When asked, MN stated that she had not gone to the police station upon her return to Liberia to report her husband's death because it cost money.

The defense questioned MN:

The defense attorney questioned MN about the two-day period during which her husband was allegedly detained, according to her statements before the investigating judge. When asked whether two days had passed between the time MN learned that her husband had been arrested and the time she learned that he had been killed, MN replied that she did not know the exact time of DN's death but believed that two days had elapsed between his arrest and his death.

MN then confirmed the presence of another armed group in Foya before the arrival of ULIMO, which she was unable to identify as the NPFL. She stated that the only group that had approached her was ULIMO.

* * *

The President briefly gave the floor to Kunti Kamara, who wished to speak. He stated that he knew neither MN nor the individuals to whom she referred in her statement.

Hearing of AN as a civil party

AN confirmed that she is the daughter of MN and DN. She was between 10 and 11 years old at the time of the events. She explained that a group had arrived in the neighborhood where she lived with her family and that the group had called a meeting in which she participated. Nothing bad happened there. She recounted that General Fayah was the leader and had entered the town. He took animals to eat, but did not kill anyone. AN stated that a second group then arrived and identified themselves as ULIMO, forcing them to flee into the bush. ULIMO called a meeting, which some people attended. She recounted that her father and mother would leave her alone at home with her brothers and sisters while they went to find food. One day, her father went out alone and did not return. Her mother also left, and AN never saw her parents again. AN, in turn, fled.

She recounted being arrested by an armed group and raped. She then made her way into the bush and reached Macenta, where she styled people's hair in exchange for food. While there, she heard that the Red Cross was looking for children. In 2000, she left for another city to find the Red Cross offices. Members of the organization took her picture and showed her a photo of her mother, whom she recognized.

AN was then taken to her mother's home, and the two of them moved to Lofa in 2001. AN also spoke emotionally about having heard of her father's death before she was reunited with her mother. She explained that she could no longer live in Foya because she believed it would be better for her to live elsewhere, so she left her family.

She clarified that she had heard about the CVR but had not wanted to talk about her father's death, as that would not bring him back to life. AN then stated that what had happened in Foya was not comparable to the atrocities committed in other countries. In Foya, people were cut into pieces and thrown into boiling water. Villagers were forced to watch as people were beheaded. AN stated that the only thing that could help the Liberian people was for justice to be served, and that she would not wish anyone to go through the same kind of experiences she had endured.

The Court questions AN:

When asked about the two groups she mentioned, AN confirmed that it was ULIMO—the second group—that was responsible for her father's death. When asked about the names of ULIMO's leaders, AN said she remembered the names Saah Chuey (also known as Ugly Boy) and Kundi. She also confirmed that she was not an eyewitness to her father's death and that she had been raped

at the age of 10 or 11. When asked, she stated that, in her opinion, the people who raped her belonged to ULIMO.

She confirmed that it took her more than three years to find her mother in Sierra Leone. When asked about her relationship with her father, she stated that DN was a present and loving father. She also confirmed that she is determined to see justice served, even though it is difficult to dredge up such memories.

The civil party questioned AN:

When asked about the impact of her father's death on her life, AN stated that she had faced many problems and that she still found it difficult to talk about it. She emphasized her need for justice.

The prosecutor questions AN:

At the request of the deputy prosecutors, AN produced a photo of her father, which was projected in the courtroom.

When asked why she fled into the bush upon the arrival of ULIMO, AN explained that she fled because of the killings.

The defense had no questions.

Hearing of DFB as a witness called by the prosecution

DFB confirmed that he was DN's former brother-in-law and AN's uncle. He explained that on August 1, 1993, ULIMO soldiers had found him in a neighboring village. The next day, they took him, along with other people, to Foya. Upon their arrival, other people were already there, including Ugly Boy, and a meeting was called. DFB stated that if anyone was singled out during the meeting, they were killed. Ugly Boy searched DFB and the other individuals and took them to a place where they were forced to stay. He explained that ULIMO members had identified them as targets for killing and had visited specific locations in the village, including schools, the power plant, and other places where important people were located. [The civil party's attorney pointed out inaccuracies in the translation of the witness's statements, noting in particular that the witness had mentioned the Borma Mission.]

DFB stated that when ULIMO soldiers visited these locations, they captured DN, then tied him up and locked him in a house in the village. DFB explained that he was unable to visit DN because he risked being caught and forced to walk long distances carrying heavy loads. A child from the village was therefore tasked with checking regularly to see if DN was still there and bringing him food, up to three times a day. One day, the child told DFB that DN had been taken to the airstrip and murdered.

DFB explained that he and some villagers had searched for DN's body to bury it, but to no avail. Eventually, a girl from the village went to DFB's wife and told her she had found the body near

Ugly Boy's house. DFB asked his wife to verify whether it was indeed DN's body. DFB stated that the body was beginning to smell and that he had asked for permission to bury it.

DFB found his brother-in-law's body "tied up and lying on his back." He tried to cut the wires binding DN, dug a hole, and asked for DN's clothes to be brought to him. DFB stated that the person who was there began to threaten him. He then hurried to dress DN and bury him.

The Court questioned DFB:

DFB confirmed that it was indeed ULIMO troops who were in Foya at the time of the events in 1993. When asked about the names of other ULIMO leaders he knew besides Ugly Boy, DFB specifically mentioned the name Mami Wata and confirmed that he remembered C.O. Kundi.

When asked, he explained that he had been taken to the former police station—which he knew as "S2" during the war—and that all the police officers had fled. Everyone was required to go there and give their name.

When asked about his statements that he had sent food to DN via a child while DN was being held captive by ULIMO, DFB maintained that DN had been detained for several days before being killed. DFB also confirmed that the child had been able to communicate with DN during his visits. He stated that he trusted the child and did not question his account of the events.

The President then expressed surprise that DFB had stated he found DN's body in a state of decomposition, even though DN had apparently died on the third day of his detention. DFB clarified that there were flies, but that the odor was not unbearable.

When asked to describe the condition of the body upon discovery, DFB stated that DN had injuries all over his body, including a long wound on his chest, and that his arms were tied behind his back. He clarified that he could not tell whether DN's heart was still in his chest because the flesh was swollen. He stated that he was able to unequivocally identify his brother-in-law's body. DFB confirmed that an ULIMO soldier was present during the burial to keep watch over DFB and his friends. The soldier grew impatient when DFB tried to dress DN, so DFB had to settle for placing the clothes on DN's body before covering him with dirt. DFB stated that the body is still buried in the same spot, near the Palava Hut.

When asked about his sister, DFB said he did not know whether she had seen her husband's body, since everyone had hidden in the bush when the ULIMO troops arrived. He said he found his sister in Guinea, where he remained until 1997.

When asked about the abuses he himself had suffered, DFB spoke of the fear that ULIMO instilled in his neighborhood. He stated that ULIMO soldiers would round up him, the " " and other villagers, and force them to carry machinery and other heavy loads to Guinea, where ULIMO conducted trade.

When asked about other crimes he had witnessed, DFB described meetings organized by ULIMO, during which designated individuals were murdered and cut into pieces "the way animals are

butchered." The body parts were then placed in wheelbarrows to be distributed to the population. DFB stated that whenever a meeting was called, one could expect to find corpses the next day. When asked to identify those responsible for these atrocities, DFB specifically mentioned Ugly Boy, whom the villagers nicknamed Saah Chuey because he always carried an axe.

When asked about ULIMO's motives, DFB explained that the atrocities were committed in a spirit of revenge against the NPFL and that, since some people had joined the NPFL, ULIMO considered everyone to be implicated.

DFB also described the checkpoints at the village entrances, where passersby were forced to salute decapitated heads displayed on stakes, and the forced marches during which those who claimed to be tired were executed. Finally, he mentioned the execution of TKo, whom ULIMO considered a traitor because he had failed to convince the young men to return to the city.

The civil party questioned DFB:

When asked, DFB clarified that during the meetings, some residents of Foya were accused of being members of the NPFL and were killed. According to DFB, belonging to the Kissi ethnic group was not a factor in the killings, since some ULIMO members were Kissis. He clarified that there were Kissis in both ULIMO and the NPFL and that some civilians had joined ULIMO voluntarily while others had been forced to do so.

When asked about the destinations of the forced marches, DFB mentioned the Makona River and Guéckédou. He also confirmed that he had heard of Solomba.

Regarding the cables that were tripping up DN, he stated that they were iron electrical cables and confirmed that he had been unable to cut them due to pressure from the impatient ULIMO soldier.

The Public Prosecutor questions DFB:

When asked about the curfew imposed by ULIMO, DFB stated that the curfew began at 4:00 p.m. and lasted until 10:00 a.m. During the curfew, soldiers patrolled the area to kill any civilians who did not comply with the measure. The prosecutor then read aloud an excerpt from an article published by The Inquirer describing the summary executions of civilians who had violated the curfew and the fact that Foya was considered a no man's land by ULIMO.

When asked to provide details about the S2 office, DFB stated that all civilians caught in the bush were required to go there to be searched and questioned by ULIMO officials.

When asked about his sister's statements that, upon their arrival, ULIMO troops had gathered the population to reassure them that everything would be all right, DFB confirmed that this was what ULIMO said, but that in reality, things were not going well. He also stated that he had frequently hidden in the bush to escape ULIMO and, when asked, indicated that everyone was

afraid of people carrying weapons. He clarified that he had not joined an armed group during the first civil war, but that he was taking care of his parents and attending school.

When asked about C.O. Kundi, DFB said he had heard his name but had never seen him with his own eyes at the time.

When asked about the transport of goods, he explained that forced marches were ordered by ULIMO soldiers and that the villagers conscripted for this work were not paid for these transports.

The defense questioned DFB:

When asked about the sequence of events upon the NPFL's arrival, DFB stated that NPFL soldiers had ordered civilians to wrap a red cloth around their arms, which was a sign of allegiance to Samuel Doe's government. He added that he had seen, in particular, two people killed after being accused of witchcraft.

When questioned by the civil party's attorney about Kundi's involvement in the acts of torture inflicted on DN, DFB stated that the child responsible for bringing food to DN had told him that Kundi had released DN. DFB nevertheless realized that DN had not been released but had been killed, since he had not returned home.

Hearing of TFT as a witness called by the Public Prosecutor's Office

Before giving the floor to TFT, the President noted that TFT had been interviewed by Patrick J. Massaly on April 26, 2019, in connection with the international letter rogatory issued by the French authorities. TFT was born on May 14, 1966, and is a farmer. He confirmed that he is the son of the former chief of Foya, TT, and a spokesperson for Global Justice.

TFT began by stating that, for the Liberian people, human dignity and human rights had been lost, but that being able to testify in this trial had "restored [his] happiness." He then recounted the arrival of ULIMO troops in Foya and his flight into the bush. Some of his friends had planned to head for the border with Sierra Leone, but he did not want to leave his mother alone, which is why he had planned to settle in a nearby village. Two days later, he saw people entering the town armed and ordering the residents to go to Foya. This group was led by Ugly Boy, whose real name was Talata Sheriff. On the way, he said he saw five bodies, one of which he recognized.

In Foya, meetings were held every day at ULIMO headquarters. During the first meeting, two brothers were forced to eat soup made from human flesh. , during the second meeting, TFT's uncle was beaten to death. In two days, TFT reported losing four people dear to him. He also mentioned young women who had been killed by Chinese Killer because of their alleged ties to NPFL soldiers.

He also recounted the murder of nine people—four rebels and five civilians—committed in front of a mosque, and explained that the bodies were then placed in wheelbarrows with signs reading

"Meat for sale." TFT noted, however, that some ULIMO soldiers were not entirely devoid of empathy, as one of them had prevented another soldier from forcing TFT to repair a radio.

TFT went on to explain that in the weeks following ULIMO's arrival, Kunti Kamara wanted to force TT to return. To do so, a group of ULIMO soldiers set out to find him, accompanied by TFT and four other members of TT's family. He specified that the group included Kunti Kamara, Thompson, Johnson, Lion, and Mountain. It was during this expedition that TFT's older brother was allegedly killed on Kunti Kamara's orders. TFT also saw a ULIMO soldier named Rambo kill an old man along the way. He also recounted seeing severed heads impaled on stakes at the entrances to villages. TFT said he was deeply affected by the atrocities he witnessed and stated that it would take days to recount all the crimes committed by ULIMO.

Following this testimony, the President clarified that some of the acts described by TFT had not been prosecuted due to a lack of evidence to substantiate them.

The Court questioned TFT:

In response to a question from the President, TFT clarified that his father, TT, was the chief of the entire Kissi community. The President noted that TT was a member of the Council of State and summarized TFT's testimony by stating that TT had fled into the bush upon ULIMO's arrival and that the armed group had then ordered his sons to go find him and bring him back. TFT confirmed that it was on that occasion that one of his brothers had been killed by Prince Thompson, on the orders of Kunti Kamara.

When asked about his previous statements that Kunti Kamara had killed an elderly man, TFT confirmed that an elderly man had previously been killed by Kunti Kamara, and that he had subsequently witnessed the murder of another elderly man committed by Rambo.

The President then questioned TFT about his uncle OP, who was reportedly imprisoned at the same time as DN. TFT clarified that he was not present at the time of DN's arrest, but that he was living with his uncle and that his uncle had indeed told him that DN had been arrested, while his uncle himself had given money to the soldiers to secure his release.

In response to a question from the President, TFT stated that Kunti Kamara had between 4 and 6 bodyguards, aged 14 to 17, one of whom called himself Saddam Hussein. He added that Kunti Kamara was in his thirties at the time of the events, which contradicted his previous statements. When questioned by the Presiding Judge, TFT stated that he formally recognized Kunti Kamara in the dock.

In response to a question from the Presiding Judge, TFT finally confirmed that he had received confidential information from FG regarding the murder of KT.

The civil party questioned TFT:

In response to a question, TFT clarified that ULIMO's headquarters was located in the center of the town of Foya and mentioned the names of several ULIMO commanders he had heard of,

including Deku, Kosiah, Talata Sheriff (alias Ugly Boy), Prince Thompson, Fofana, and Kunti Kamara. He confirmed that he had heard of Jungle Jabah and Mami Wata. He also confirmed that ULIMO members wore uniforms—particularly those in high-ranking positions—and that they were also armed.

When asked about a certain EP, TFT replied that after TT fled, it was EP who took charge of speaking on behalf of the civilians.

When asked to describe how ULIMO treated civilians, TFT stated that civilians were forced to carry loads at the border, including the generator from the Foya power plant. When questioned about Kunti Kamara's role, TFT replied that he was equipped in the traditional manner and held a high rank because he "commanded the troops wherever he went."

When asked to address Kunti Kamara, TFT turned toward the defendants' bench and stated: "It is time for justice to be served for all the acts you committed in Foya so that people can find peace."

The Prosecutor's Office questioned TFT:

In response to a question from the prosecution, TFT repeated that the police had left Foya and that ULIMO was in complete control. He also stated that he had never taken up arms.

When questioned again about the power generator in the town of Foya, TFT explained that ULIMO generals were there and that civilians were supposed to help them. He stated that he had witnessed the scene. He then added that Fofana had forced him to carry items all the way to the border.

When asked about the treatment of women, TFT stated that they were taken from their husbands and given to the soldiers.

The defense questioned TFT:

In response to a question, TFT explained that he was a battery-powered radio repairman at the time and that he had continued to work during the ULIMO occupation.

When asked about his brother's murder, TFT stated that he had not heard Kunti Kamara give the order to shoot his brother, but that he had seen it happen.

When asked about his April 26, 2019, interview with Commissioner Patrick J. Massaly, TFT confirmed that he had been asked to identify Kunti Kamara from a lineup of three people. The defense attorney noted that the hearing transcript made no mention of a photo lineup. According to the defense, the witness's first identification of the defendant therefore took place that day before the Court.

When questioned again about the power generator in Foya, TFT stated that before ULIMO, there was the NPFL, and that everything was fine as far as electricity was concerned. The President

then turned to Kunti Kamara and asked him if he knew TFT. The defendant swore on the Quran that he did not know him and had never met him. When questioned by the Presiding Judge about the expedition into the bush to search for TT, Kunti Kamara admitted to having participated in it without having been its leader and gave his own account of how the expedition unfolded.

October 17, 2022 – Day 6: Conclusion of the First Incident

The second week of the trial began today, as the court continued hearing testimony regarding the incident first discussed on Friday; however, the first witness had not witnessed the murder himself. Following this, a civil party testified and described the torture and murder of the victim. The civil party asserted that CO Kundi was present when the victim was killed, took part in the beating, and celebrated alongside other ULIMO commanders when Ugly Boy cut open the victim's chest and ate a piece of his heart. He stated that he saw CO Kundi eating a piece as well. Images of Foya taken by the French authorities during the 2019 site visit were later shown: the civil party commented on what it used to look like in 1993, which is when the events allegedly took place.

"Eating human flesh? It makes me want to vomit. I have never eaten human flesh," said Mr. Kamara. He further explained that he had not been assigned to Foya, and that he had never heard of ULIMO using tabay on anyone, nor that ULIMO committed any atrocities against civilians. He reiterated that he did not know the people who accused him.

Finally, Ms. Massa Washington, a former TRC commissioner, testified. She provided additional context about the first civil war, focusing particularly on the mistreatment of women. *"The war was brutal,"* she said, *"and massacres and rapes occurred wherever there were rebel soldiers*."

October 17, 2022 – Day 6: Conclusion of the first incident

The President raised concerns regarding NS's ability to testify, as he had been hospitalized.

Hearing of SK as a witness called by the Public Prosecutor's Office

Before giving the floor to SK, the President noted that he had been interviewed by the investigating judge on January 9, 2020.

SK began by stating that he was born in 1973 and that he was a farmer in Foya. He then described the events involving HN and her husband. According to SK, HN's husband was imprisoned and then thrown into a large pot of hot water while his hands were tied. SK added that HN's husband was subsequently chopped up with an axe, whereas HN was released to return home because women were not killed.

The President clarified that the Court was not hearing the case regarding HN and asked SK to recount the facts concerning DN. The attorney for the civil parties stated that HN had been heard as a witness by the investigating judge as part of the proceedings against Kunti Kamara.

Regarding DN, SK explained that one day representatives from the United Nations came to Foya and took DN to various neighborhoods. In particular, they went to Borma with all the

parliamentary leaders and community leaders, including Kunti Kamara. Once there, they asked who was responsible for the destruction of the neighborhoods, but no one answered. According to SK, DN said he did not know. SK added that they then went to Palmhill and asked the same question, to which DN once again replied that he did not know who had destroyed that neighborhood. After the United Nations left, ULIMO captured DN, accusing him of having denounced them. They told him he would not be leaving and that he was going to die, then tied him up with wire. SK concluded by stating that he had not witnessed DN's killing and had not seen the body either. He clarified that all he knew was that DN was dead.

The Court questioned SK:

In response to a question from the Presiding Judge, SK confirmed that officials had come to Boma to assess the damage caused in the neighborhoods. He specified that they were from the Red Cross. When asked about the hospital in Boma, SK confirmed that it had been destroyed.

When asked about DN, SK replied that he knew him personally but was unaware of what he did for a living at the time. The President asked whether DN had been asked to translate, and SK replied that this was not the case, since all the chiefs present could speak [English].

When asked, SK confirmed that all the ULIMO leaders were present and specified that Kunti Kamara was the leader. He then stated that he had never seen Kunti Kamara in Foya at the time, but that he had heard of him and that he was considered dangerous. He added that the men feared him particularly because, if they went out, they were caught and forced to carry things near the river.

When asked about Ugly Boy, SK explained that people caught in the bush were brought before Ugly Boy to be assessed and issued a pass. SK clarified that he himself had been taken before Ugly Boy and had been searched. SK then stated that Kundi had gathered men to arrest Ugly Boy, who had been misbehaving, but that Ugly Boy was aware of this and had fled with two of his men. He added that Ugly Boy had disarmed Kundi and his men using his knowledge of karate. Kundi then called for backup. They subdued Ugly Boy, tied him up, and put him in a car. When asked, SK clarified that this altercation had taken place after DN's death.

The presiding judge asked SK if he recognized Kunti Kamara in the dock. SK replied that he recognized only his slender build, but that his face did not ring a bell because he had changed.

SK was questioned about his previous statements to the investigating judge, in which he claimed that at the time of DN's death, he had been arrested by a young Mandinka man from ULIMO who had had problems with his brothers. SK replied that he did not remember this.

When asked about DN's death, SK repeated that he had not witnessed DN's killing. When confronted with his statements to the investigating judge, in which he claimed to have seen DN with his chest cut open and his heart torn out, SK refuted them. He clarified that he had only seen DN with his hands tied behind his back and that DN was still alive. When asked, he stated that he had not been arrested on the same day as DN.

The civil party questioned SK:

The attorney for the civil parties reminded SK that it was very important for him to distinguish between what he saw and what he heard.

When asked about his age at the time of the events, SK replied that he was thirty-three years old. The attorney for the civil parties expressed surprise at this answer, since SK had stated that he was born in 1973 and should therefore have been in his twenties at the time of the events. She pointed out that his timeline was inconsistent.

When asked, SK confirmed that he had been held captive by Ugly Boy and had remained with him for a long time as a slave. He confirmed the presence of other people but denied that any women were present.

When asked about Kunti Kamara, SK stated that he had only heard of him but had never actually seen him in person at the time. When asked why he had never seen him, SK explained that he was not allowed to go outside and was forced to work in the kitchen.

When asked about the altercation between Kundi and Ugly Boy and the reinforcements that Kundi allegedly went to fetch in Voinjama, SK did not provide further details and stated that he had only heard about an altercation. When asked, SK affirmed that Kundi was the leader of ULIMO and that everyone in Foya was aware of this.

The civil party had no questions.

The defense questioned SK:

The defense asked SK how he knew that Kunti Kamara was the leader in Foya even though he had never met him. SK replied that those who had been arrested knew that Kunti Kamara was the leader.

When asked about DN's interactions with the Red Cross, SK stated that DN never said a word, but that the rebels nevertheless accused him of having denounced them.

When asked about his statements to the investigating judge—that when ULIMO was killing people, no one was present—SK explained that Ugly Boy killed people, took the bodies, and brought them home. He then reiterated that he had not witnessed DN's murder, but had seen him with his hands tied behind his back, crying and asking for help.

<u>Hearing of JTC as a Civil Party</u>

Before giving the floor to JTC, the Presiding Judge noted that JTC had been heard by the investigating judge and confronted with Kunti Kamara in November 2018. JTC had also been heard by other foreign judicial authorities, notably the Swiss authorities in August 2016 and Dutch police officers as part of a European investigation in September 2016. The Presiding Judge

also noted that JTC had been taken back to the scene of the crime and confronted with MN regarding certain discrepancies in their respective testimonies.

JTC began by explaining that he had personally witnessed DN's capture until his death. He clarified that he could not recall the exact date, but that he was in Foya and that the town had been captured by ULIMO. JTC explained that around noon, he had gone out onto the street to get some food. He stated that he headed toward the police station in the center of Foya. He then said he saw a vehicle approaching and recognized DN inside. He clarified that he did not see him get into the vehicle but only saw him get out. According to JTC, the vehicle belonged to an NGO, but he was unable to specify which one. He added that ULIMO forces were in downtown Foya and noted that he was a short distance away from them, near Rashel's store. JTC explained that the ULIMO soldiers approached DN to find out what he was doing with the NGO.

JTC mentioned the presence of Ugly Boy and Deku. He explained that "Ugly Boy" was a nickname given to him by members of the Kissi ethnic group and that sometimes they also called him "Saah Chuey" to prevent him from realizing they were referring to him. JTC explained the origin of this nickname by recounting that one day, during a meeting organized by ULIMO, Ugly Boy had mentioned that he was his mother's firstborn. However, in Kissi tradition, the eldest child is given the name Saah. In addition, Ugly Boy always carried an axe, which is called "chuey" in Kissi. In response to a question from the Chairman, JTC stated that Ugly Boy did not belong to the Kissi ethnic group. JTC also mentioned the presence of Kosiah, CO Kundi, Fine Boy, and Mami Wata, whom he described as key leaders since they could act as they pleased given their status as commanders.

JTC continued his account by stating that DN had been considered a traitor by ULIMO because he had said that the Borma Mission had been looted and destroyed by ULIMO. According to JTC, this was the crime of which he was deemed guilty, and the situation spiraled out of control. ULIMO began by mistreating him, and the commanders chanted "Tabé, Tabé." They kicked him and took him to the former police station. JTC stated that they first tied him up with his hands in front of him and that DN could be heard screaming inside. According to JTC, DN's screams were so loud they were beyond belief. He added, regarding the way DN was tied up, that he could not believe a human being could do such a thing to another human being. JTC explained that DN was then tied up from behind with his elbows pressed together and compared the position of a person subjected to the "Tabé" to that of a duck being prepared for fattening. He added that all the leaders had turned on DN and called him a traitor and a spy.

JTC explained that after a while, ULIMO decided not to keep DN and to "do something to him." According to JTC, this was a warning to anyone in Foya who might be tempted to reveal anything about ULIMO's activities in Foya. DN was taken to the runway, an open area. Civilians followed the group. The ULIMO members called DN a traitor , saying, "Whoever provokes ULIMO, we'll take your heart" ("Try ULIMO, your heart"). According to JTC, ULIMO demonstrated its superiority by striking DN numerous times before executing him and beating him with weapons. JTC named Kundi, CO Deku, CO Kosiah, Ugly Boy, Fine Boy, and Mami Wata. He specified that this continued until evening and that the curfew had not yet been declared, so that others could witness DN's execution.

JTC stated that Saah Chuey then took control of the situation and struck DN in the chest with his axe. DN's chest was cut open and his heart was placed in a metal dish. The ULIMO fighters were cheering and brandishing their weapons. JTC described the scene as a spectacle intended to warn civilians and make them understand that they would suffer the same fate if they did not submit: "If you provoke the ULIMO, we'll take your heart." JTC explained that DN's heart had been taken to Ugly Boy's house and cut into pieces before being eaten raw. He added that some civilians had fled into the bush. JTC noted that the murder of DN, which he witnessed, was one of the killings that had affected him the most.

Finally, JTC explained that EP had been appointed as the local leader and spokesperson for the civilians to ULIMO, but that his voice had not been heard because other people had been killed after DN. JTC added that in Foya, civilians were forced to live as slaves.

The Court questioned JTC:

When asked, JTC stated that he knew DN personally; DN was a teacher at the Pentecostal church in Foya, of which JTC was a member. JTC explained that he would sometimes run into DN on his way to high school since they lived nearby. He also sometimes walked with DN, his wife, and his daughter on Sundays to go to church. They were part of the same congregation before the church split into two: the Swedish Pentecostal Church was the main church, and the Global Free Church had been formed, which DN had joined.

When asked, JTC stated that only the Borma Mission had been destroyed during the war. When questioned about the NGO that came to assess the damage, JTC said he had seen a vehicle belonging to an NGO but did not know whether it was the Red Cross, MSF, or another NGO. He confirmed that DN was a frank person and had certainly told the NGO that ULIMO was responsible for the destruction. According to JTC, this was the reason DN was killed.

When asked about the hierarchy within ULIMO, JTC stated that all commanders acted as superiors and that some soldiers proclaimed themselves commanders. Regarding ULIMO's organization, JTC stated that it was not a regular, structured army. On the contrary, everyone did as they pleased. He clarified that certain territories were assigned to "ground commanders," who then exercised control over them. According to JTC, Kundi was a "battlefield commander." He explained that the title of C.O. allowed the holder to do as he pleased and that when a commander planned to carry out a larger-scale operation, he could act in concert with other commanders.

When asked to describe Kunti Kamara physically, JTC described him as a Black man, slender in build, not very tall, with short, bowed legs. As for his behavior, JTC described him as a mean man who spoke forcefully to assert his authority. He confirmed that Kamara was not very talkative, that he committed terrible acts, and that no one could stop him once he had set his mind on something.

When asked to estimate the distance between himself and the scene of the crime committed against DN, JTC estimated that it was between 100 and 200 feet (i.e., 30 to 60 meters). The

President then pointed out to him that he had stated a distance of between 50 and 100 meters during a previous hearing. JTC stated that he was unable to recall the exact distance.

When asked, JTC confirmed that all the commanders present had struck DN and that Kundi had kicked him and stomped on him with his boots.

Contrary to the statements made by MN and DFB, JTC maintained that DN had been killed a few hours after being taken to the former police station, on the same day. When asked about the discrepancies in their testimonies, JTC stated that he could not speak for the others and that he had simply recounted openly the scene he had witnessed. He stated that he had nothing to add or take away from his statement. The presiding judge noted that MN had not been an eyewitness to the scene since she had fled into the bush and that her testimony was based in part on accounts that had been relayed to her.

When asked, JTC confirmed that he had seen Ugly Boy rip out DN's heart before placing it on a plate and eating it with other people. He stated that Kunti Kamara was in Ugly Boy's house when they showed the heart to the crowd before cutting it up and eating it. According to JTC, the goal was to terrorize and threaten civilians by sending them the following message: "If you misbehave, this is what will happen to you."

The civil party questioned JTC:

When asked about the course of the civil war in Foya, JTC stated that in the 1980s, there was a regular army in Foya. In 1989, he was in Monrovia when rebel groups took control of Nimba County. Starting in 1990, rising tensions led him to leave Monrovia with his uncle and travel to Foya. When they arrived there in September 1990, the region was under NPFL control. They were questioned by the NPFL and identified as people from Foya, which, according to him, saved their lives.

When questioned by the President about the arrival of ULIMO, JTC explained that ULIMO troops took control of Foya from July 1993 through 1994. He recounted that upon ULIMO's arrival, tensions were very high, and many civilians fled to Guinea or into the bush. Some thought they would only stay in the bush for a short time, but the numerous killings forced them to remain in hiding. ULIMO troops formed platoons of civilians and equipped them with machetes. They used the civilians' knowledge of the area to identify resistance fighters and encouraged them to denounce other civilians who had taken refuge in the bush. Those identified as rebels were executed.

When asked about his friend M, JTC explained that M was his partner at the time, but that they were not married, and that they had been forced to separate because of ULIMO. He stated that he lost track of her when ULIMO arrived, as she was captured and used as a sex slave by Ugly Boy. According to JTC, M was tortured and beaten every time she said she had a husband, to such an extent that she still bears the scars all over her body. She also gave birth to a child as a result of these forced sexual relations, but Kundi is not the father, according to JTC.

When asked, JTC added that M could not return to Foya because she was traumatized and humiliated. Ugly Boy forced her to eat human flesh. However, tradition dictates that people who commit such acts be ostracized. Aware that M is not guilty of anything, JTC stated that he was helping her but could not take her to Foya.

When asked about TKo's murder, JTC replied that he had heard about it. He explained that TK worked at the mission and that F was a Jehovah's Witness. The two men were sent to fetch TT from the bush and convince him to return. Since TK and F's mission had failed, they were considered traitors and were executed. JTC clarified that he had not witnessed the murders but had seen their bodies on the airstrip.

JTC also mentioned the murder of KT, which he had heard about while traveling to Foya Dundu to fetch food. He was told that Kundi had gone to Foya Dundu and had heard that KT was a witch. JTC clarified that he had not been an eyewitness to the events, but that he had been told that Kundi had killed KT. He added that the civilians' spokesperson had tried to intervene, without success, and that the spokesperson was locked up when he spoke out too much.

When asked about the events involving DN, JTC confirmed that he had been locked in a small room inside the former police station, but that it was not a cell in the strict sense of the word. When asked, JTC stated that DN was nearly naked when he was subjected to the "Tabé" torture, since his shirt had been torn and he was no longer wearing pants. He was screaming and crying, and had said: "It is only by the grace of God that I will be able to survive." JTC also confirmed that a curfew had not been in effect at the time of DN's execution.

When asked about the Borma Mission, JTC stated that it was under Swedish protection and known as the Swedish Free Pentecostal Mission. The Swedes left the area during the war because the situation was out of control.

The Prosecutor's Office questions JTC:

When questioned about the events involving DN, JTC confirmed that he witnessed DN's torture and murder from the moment of his arrest until his heart was eaten. He also confirmed that Kundi was present from start to finish. He stated that several people had participated in subjecting DN to the "Tabé" torture, as it required multiple people to carry it out. According to JTC, when DN was beaten, he was tied up and lost his balance. When asked, JTC stated that ULIMO members, including Kunti Kamara, were gloating while brandishing AK-47s and that all the commanders, including Kundi, were repeating the popular saying: "If anyone tries to challenge ULIMO, we , will eat your heart." When asked about the axe blow to DN's chest delivered by Ugly Boy, JTC stated that all the commanders were present and that no one had intervened.

The lead prosecutors then referred to an article in the newspaper *The Inquirer* dated October 25, 1993, which mentioned the murder of DN, though his name was spelled differently. When asked, JTC confirmed that it was indeed DN and that his murder had a significant impact in Liberia because it highlighted the threat facing civilians. JTC clarified that DN's murder was one of the first to have been committed and that DN was a well-known figure in Foya.

When asked, JTC clarified that he had not been captured by ULIMO while hiding in the bush. He explained that he had decided to go into town voluntarily and turn himself in to Ugly Boy out of fear of being killed in the bush without anyone knowing.

When asked about his first encounter with Kunti Kamara, he stated that it took place after his meeting with Ugly Boy. He clarified that Kundi introduced himself by that name during meetings held by ULIMO in Foya. JTC was unable to specify either the exact number of soldiers under Kundi's command or their names. He explained that their numbers varied depending on the scale of the operations. According to JTC, Kundi was also surrounded by child soldiers. He further reiterated that there was no real chain of command within ULIMO.

When asked when ULIMO left Foya, JTC said it was in late 1994 or early 1995, that is, when external forces, such as ECOMOG, arrived. JTC stated that he had seen Kundi in Foya between July 1993 and late 1994.

When asked about the meetings organized by ULIMO, JTC confirmed that Kundi attended them. He recalled one meeting in particular, which was held on the airstrip where ULIMO had gathered the people of Foya. People did not know whether they would survive or die. Some people had been singled out, but were ultimately able to leave because a storm broke out. The next day, however, JTC saw human body parts that had been placed in wheelbarrows pushed by boys. Civilians were asked to buy pieces of the bodies. JTC stated, "It was as if we were all dead, because the people in those wheelbarrows were our fellow human beings." He learned that similar events had occurred in other parts of Foya.

When asked about the curfew in place in Foya at the time, he stated that anyone found outside during curfew hours was killed by ULIMO. When questioned about the role of the S2 office, JTC indicated that Ugly Boy headed that office and was responsible for verifying the identities of people brought back from the bush. JTC also explained that civilians who wished to leave the city to go into the bush were required to obtain a pass issued by the S2 office. As for the G2 office, its specific role was to provide equipment and food.

When asked about inter-ethnic relations before the civil war, JTC explained that many ethnic groups lived in Foya, including the Kissi and the Mandinka. In particular, he mentioned a man named Old Men Fofana ( ), a Mandinka who owned one of the largest farms in Foya, had married Kissi women, and still lives in Foya. JTC clarified that the Mandingues who had done nothing wrong remained in Foya, while those who were guilty of crimes against humanity fled when ECOMOG arrived.

The defense questioned JTC:

When asked about his meetings with the GJRP before testifying before the Dutch and Swiss authorities, JTC explained that he had sought out trustworthy people to whom he could recount his experiences and express his suffering.

When asked, JTC confirmed that he was asked to identify Kunti Kamara for the first time during his confrontation with him in the investigating judge's office, but that he had already provided a description earlier.

When asked about his previous statements that the Kissis were not targets because they were not involved in the war, JTC made a point of clarifying the context in which he had made those statements. He explained that he had been asked whether coming forward to testify could pose a danger to him as a Kissi, and that he had replied in the negative as far as he was concerned.

When confronted with his statements to Swiss authorities—in which he claimed to have seen OP in the NGO's vehicle with DN—JTC retorted that he had seen only DN get out of the vehicle. When asked, JTC stated that DN had been approached by certain individuals after his arrest and admitted to having denounced ULIMO. The defense attorney expressed surprise that DN had turned himself in, given the climate of terror that prevailed at the time. JTC replied that DN had been honest and had spoken openly about these events.

When asked about the duration of DN's detention, JTC stated that DN had been held captive "for a while" before being taken to the runway. He went on to say that DN had been tortured and beaten for "a while" in the late afternoon or early evening. The defense attorney asked JTC if he confirmed that he had been approximately 50 meters away from the scene, and JTC replied that if that distance corresponded to the measurement taken during the reenactment, then it was indeed 50 meters. When asked about his ability to identify people from a distance of 50 meters at the end of the day, JTC replied that it was still quite light out and that 50 meters was not such a long distance. JTC specified that he had seen the pieces of heart in the dish and the commanders eating them. According to him, the commanders were not in their normal state and appeared to be performing some kind of ritual.

The defense attorney then pointed out that during the trial against Alieu Kosiah, JTC had stated that Kosiah was primarily responsible for DN's murder, whereas in the present proceedings, he indicated that there was no established hierarchy. JTC then clarified that he had stated there was no regular, structured army and that any commander could assume leadership.

When asked about Alieu Kosiah's role, JTC confirmed that, in his opinion, Alieu Kosiah could have taken action to put an end to the torture inflicted on DN. He clarified that Kosiah was not permanently stationed in Foya and that he regularly traveled to ULIMO headquarters.

When asked about his statement that Kunti Kamara was present in Foya in 1993, JTC replied that he himself was in Foya at that time and that Kundi had reported to the head of the assembly upon the arrival of ULIMO troops in Foya. JTC added that his bodyguards called him CO Kundi.

The defense attorney then pointed out that JTC was the only witness who had stated that he saw Kundi standing next to DN and asked JTC to explain what had enabled him to identify him. JTC stated that Kundi was wearing a mismatched uniform, had boots on, and was armed. The defense attorney then reminded JTC that he was accusing Kunti Kamara of extremely serious crimes and that it was important for him to provide an accurate description of the person he saw standing next to Ugly Boy.

When asked, JTC confirmed that DN's murder was a major event in Foya and that, in his estimation, between 50 and 60 civilians witnessed it. While he is currently the only eyewitness to have testified, he believes this may be because some are afraid to testify and others are unable to do so. When asked, he stated that he did not know if he was the only witness willing to testify.

The President informed the parties that the Swiss authorities had accepted the request for international mutual legal assistance concerning Alieu Kosiah and that the latter had consented to his transfer in order to be heard as a witness. Regarding Abraham Towah, the President read aloud a letter from his attorney stating that his asylum application had been rejected by the Swiss authorities and that he wished to be heard via videoconference. The President noted that it was too late to submit a request for international mutual legal assistance to the Swiss authorities.

Presentation of documents and exhibits from the case file. Recap of the facts by JTC.

Various photographs of the scene depicting DN's execution were projected, and JTC was asked to comment on them.

The Court questioned JTC:

JTC clarified that the Borma Mission was located about 3 to 5 minutes by car from Foya, depending on road conditions, and that the Borma hospital had been partially rebuilt. He also confirmed that a new church had been built next to the foundations of the old, destroyed church. He explained that the primary motive for these acts of destruction was economic, as ULIMO had seized all the materials to resell them.

JTC then pointed out the "Rashiel Store," where he had been when he saw DN get out of a car, as well as the old gas station. He clarified that Kolahun Road led to the former Foya police station but did not pass by the Borma Mission. To get to the Borma Mission, one had to turn right after the mosque. He also confirmed that he was 17 meters from the spot where DN got out of the car. The President specified that the distance between the former police station and the location where DN was allegedly struck was 307.8 meters.

When asked why DN was taken from the police station to the runway, which was located near Ugly Boy's house, JTC described Ugly Boy as someone who was particularly active when it came to killing. JTC clarified that he had seen Ugly Boy holding DN's heart in his hand, not Kundi.

The Presiding Judge then noted that, according to measurements taken by the gendarmes at the scene, JTC was approximately 50 meters away from the spot where DN was executed.

The civil party questioned JTC:

At the request of the civil parties' attorney, a map showing a satellite view of Foya with the various GPS coordinates was projected, and JTC was asked to locate the runway, the former police station, and the road leading to the Borma Mission. JTC clarified that many of the structures shown on the map did not exist at the time because construction was prohibited near the runway.

The Prosecutor questioned JTC:

When asked about the location of the S2 office, JTC explained that it was initially located inside the police station, but later ULIMO used a neighboring house.

When asked about the location where he claimed to have seen Kundi and Ugly Boy with pieces of DN's heart, JTC explained that this scene had taken place in front of Ugly Boy's house.

The defense questions JTC:

When asked about the distance between Ugly Boy's house and the place where he claimed to have seen the ULIMO commanders with pieces of DN's heart, JTC stated that he did not remember the distance but that they had cut up DN's body on the porch of the house.

The attorney for the civil parties read aloud an excerpt from the testimony of Mohamed Jabateh, who stated that he had ordered his men to eat a human heart.

Examination of Kunti Kamara on the merits regarding these facts

The Court questioned Kunti Kamara:

The President summarized the content of the various testimonies regarding the murder of DN and asked Kunti Kamara what he had to say on the matter. Kamara replied that he did not know the witnesses who had appeared before the Court. He added that whenever he heard about acts of cannibalism, he felt like vomiting.

When asked about his knowledge of the Poro society's rituals involving the removal of human organs, Kunti Kamara replied that these were rumors and that he had never seen anyone eat a human heart. When asked about the photographs taken by Patrick Robert and the atrocities committed against civilians during the war, Kunti Kamara explained that he had no knowledge of them and that if he were guilty of anything, he would prefer to tell the truth so as not to be guilty before God. He added that he was not responsible for civilians since he was on the front lines and that the only place where he had seen civilians killed by rebels was in Gbarnga.

When asked about the coexistence between rebels and civilians, Kunti Kamara explained that all civilians were required to report to the S2. He added that there was also an S1, an S3 (in charge of planning), and an S4 (in charge of ammunition). When asked for the names of various officials, he mentioned Deku and Fine Boy.

He then explained that a squad consisted of eleven men and that a platoon was made up of four squads. He specified that Mami Wata and he himself were platoon commanders. When asked, he stated that he held the rank of frontline commander and that he had two platoons under his command—a total of 88 men—but that no one was in charge on the front lines. The President then asked him about the meaning of the term "battlefront commander." Kunti Kamara replied that he was respected as a battlefront commander but had no authority to issue orders, since it was Deku who gave the orders.

The President then asked Kunti Kamara how he explained the fact that he was particularly feared by the citizens of Foya if, as he claimed, he gave no orders. Kunti Kamara said he was confused. When questioned again about the statements made by TFT—who provided numerous details about his presence in Foya and the acts he allegedly committed—Kunti Kamara maintained that he did not know him and that all the witnesses were Kissis. According to him, this is a plot against him orchestrated by FW. He reiterated that he knew neither the witnesses nor DN and proclaimed his innocence.

When asked about DN's death, Kunti Kamara stated that he had never heard of it, nor of any mistreatment of civilians. He explained that ULIMO had a code of conduct, but that the war had caused chaos. He added that when TT was in the bush with civilians, Pepper & Salt had given the order not to go there and clarified that ULIMO was in Foya solely to resist the NPFL. When asked about the political allegiances of the Kissis, Kunti Kamara stated that they were all in favor of Charles Taylor because they had voted for him after the disarmament.

When asked about the fighting between the NPFL and ULIMO in Foya, Kunti Kamara confirmed that he had fought against the NPFL and that ULIMO had pushed the NPFL rebels all the way to the border. He also confirmed that there was no other commander named CO Kundi in Foya.

The accused was then questioned about the assignment of ranks and the criteria on which it was based. Kunti Kamara stated that Deku held the rank of captain and assigned the duties of each commander. When asked, he clarified that he had been promoted to colonel in 1995. Regarding the criteria for his rank of "battlefield commander," Kunti Kamara explained that this rank had been bestowed upon him by his peers, as they had noticed that he was active on the front lines.

The civil party questioned Kunti Kamara:

When asked about his statements to the investigating judge regarding how he treated his soldiers—specifically, the whippings he administered with his belt—Kunti Kamara stated that it was not in Foya but in Gbarnga that he had men under his command.

When asked about the civilians in Foya and their ability to identify him as a commander, the defendant replied that he was not a commander in Foya and that he was based in Mendekoma. When asked, he acknowledged that it was possible he had seen TFT before without actually knowing him. He also stated that he had never heard of bodies being placed in wheelbarrows.

The attorney for the civil parties then confronted the defendant with his statements to the investigating judge, in which he claimed he would have been capable of killing an enemy on the front lines, even though he had just declared that he was not guilty of anything and would never kill another human being. Kunti Kamara replied that he had never killed civilians, but that on the front lines, he could kill an enemy. When asked, he confirmed that an enemy was a human being just like him.

When asked about his altercation with Ugly Boy mentioned by SK, he stated that he did not remember it and that he had met Ugly Boy only twice—the first time in Foya and the second in Voinjama.

The Prosecutor's Office questions Kunti Kamara:

When asked, Kunti Kamara confirmed that, to his knowledge, ULIMO had never committed any crimes. When confronted with the statements of Kwamex Fofana, a senior ULIMO commander, who claimed to have received numerous complaints from Lofa County regarding crimes committed by ULIMO, Kunti Kamara stated that he could not comment on Kwamex Fofana, as he was not in Foya when the town was captured, and that he was unaware of the alleged complaints.

When asked about the cannibalistic practices of armed groups as described by civilians and rebels in the Médecins Sans Frontières report and a news article from that time, Kunti Kamara reiterated that he had never seen anything of the sort.

When confronted with JTC's statements that those who left Foya were the ones who committed crimes, the defendant replied that he had spent only four months in Foya and did not know what JTC was referring to.

When asked about his ties to the Kissis—given that he had previously stated that the Kissi ethnic group was a large family united against his people—Kunti Kamara said that the Kissis were Liberians and that he had no problem with them. He stated, "They are my family; we lived together."

When questioned again about ULIMO's practice of "Tabé," the defendant stated that an NPFL rebel had explained to him what it entailed, but that he had never seen anyone subjected to "Tabé." The Prosecutor then highlighted inconsistencies in Kunti Kamara's statements, noting that during his initial questioning before the investigating judge, he claimed he did not know what Tabé was, but then recalled it in February 2020. The prosecutor then read aloud the statements by Omaru Musa Kelleh and Kwamex Fofana regarding "Tabé." Fofana, in particular, stated that "Tabé" was a form of torture practiced by all rebel groups, including ULIMO. Kunti Kamara repeated that he had no idea what it was. When questioned again about ULIMO's use of "Tabé," the defendant stated that an NPFL rebel had explained to him what it entailed, but that he had never seen anyone subjected to "Tabé." The Prosecutor then highlighted the inconsistencies in Kunti Kamara's statements, noting that during his initial questioning before the investigating judge, he had claimed he did not know what "Tabé" was, but then recalled it in February 2020. The prosecutor then read aloud the statements made by Omaru Musa Kelleh and Kwamex Fofana regarding "Tabé." Fofana, in particular, stated that "Tabé" was a form of torture practiced by all rebel groups, including ULIMO. Kunti Kamara reiterated that he had no idea what it was.

The Advocate General then confronted the defendant with his statements that he had stayed in Foya for only four months and did not know the town well, even though during his questioning in the Alieu Kosiah trial, he had been able to confirm the presence of a well and recall the market day. Kunti Kamara replied that he had been told the market took place on Thursdays in Foya.

When asked about Ugly Boy, the accused stated that Ugly Boy was not in Foya when he arrived and that he had met him twice.

When asked to comment on JTC's statements that he held the rank of battlefield commander, the defendant confirmed them. The Prosecutor concluded that the witnesses were not lying about everything, contrary to what the accused claimed. Kunti Kamara retorted that he was innocent and that during the four months he spent in Foya, he was on the front lines. He added that the witnesses had an interest in testifying against him and that he did not know any of them.

The defense questions Kunti Kamara:

When asked, Kunti Kamara confirmed that ULIMO was fighting the NPFL and that the front line was located in Mendekoma. He also confirmed that it was necessary to remain on the front line to prevent the enemy from returning to Foya and that, as a result, he had no contact with civilians.

When asked about the event mentioned by JTC—during which several ULIMO commanders, including Mami Wata, Kosiah, Ugly Boy, Fine Boy, and himself, were reportedly present—Kunti Kamara confirmed that it would have been impossible to gather all these high-ranking officers in the same place at the same time, given that there was a front line to hold.

Hearing of Massa Washington, journalist and member of the Truth and Reconciliation Commission, as a witness called by the Public Prosecutor's Office at the request of the civil parties

Before calling Massa Washington to the stand, the Presiding Judge noted that she had not yet been heard in this case.

Massa Washington recounted that she was born in Liberia and had lived through the first civil war. At the start of the war, she was living in Monrovia with her family and working as a journalist. She explained that under Samuel Doe's government, there were killings and rapes, which had created difficulties throughout the country and prevented her from getting to work. At the age of 16, she joined the Red Cross as a volunteer and worked at two sites sheltering refugees (IDPs) fleeing Samuel Doe's army: the Lutheran church and JJ Roberts School.

Massa Washington recounted that on the night of July 29, 1990, while she was at JJ Roberts School, she heard gunfire and screams. She prayed with the other volunteers and the refugees until the curfew was lifted at 6 a.m., thinking that Charles Taylor's rebels had entered the city. When she went outside to see what was happening, she saw people screaming and running away, saying that a massacre had taken place at the Lutheran Church. Massa Washington then put on her Red Cross uniform and went to the church, which was located near the school. Once there, she saw bodies and soldiers in the street accusing Red Cross members of harboring rebels. Nearly 600 people were killed that evening. Massa Washington recounted how she and her colleagues tried to provide first aid to the wounded, took them to a Red Cross center, and cared for a woman with a thigh injury in particular. Soldiers entered the center and threatened everyone with death. Massa Washington then decided to flee with two refugees, whom she took in at her family home. It was her very first experience of a massacre.

She later recounted that, thanks to the arrival of peacekeeping forces, she was able to resume her work as a journalist. In that capacity, she was the one who had the exclusive report on the Carter Camp massacre. Accompanied by a photographer, she went to the scene, but ECOMOG forces were preventing people from entering. She then asked the ECOMOG commander for permission to enter, and he told her that more than 600 people had been killed and that if she wished to enter, she did so at her own risk. She insisted on going in.

Massa Washington gave an emotional account of the scene of chaos she witnessed. She described bodies lying everywhere, including a little boy with his stomach cut open. More than 600 people had been massacred—women, children, men, and the elderly. She interviewed survivors and ECOMOG soldiers while the photographer took pictures, then returned to the office to write her article.

She explained that she had continued to work in war zones to understand what was happening. By early 1994, ULIMO had taken control of the western part of the country. Their headquarters were located in Tubmanburg in Bomi County. Massa Washington explained that ULIMO was composed mainly of Krahns and Mandingas and that tensions had arisen between the two groups. ECOMOG then called for a ceasefire and secured it after two weeks of fighting, which allowed the UN to assemble a team of journalists tasked with gathering information on the ground. Massa Washington was approached by the UN's communications chief to join this team, which was taken to the sites of the fighting. Upon arriving in ULIMO territory, the rebels ordered them to get out of their vehicle so they could search them. Massa Washington reported that the ULIMO soldiers were wearing wigs, hats, and carrying ammunition and all kinds of weapons on their persons, including AK-47s and knives. She also noticed a rope at the checkpoint that struck her as odd, as it smelled bad and had a soft texture. She recalled hearing that people were fleeing the armed forces, who made ropes out of human intestines, and realized that this was what she had just touched.

She continued her account, noting that the rebels had let them in and that they had been received by General Mohammed Dombuyah. In the courtyard, there were bodies everywhere. She and her fellow journalists thought it looked like a slaughterhouse. They asked to visit the camp and saw a mass grave that had just been dug behind the house. According to Massa Washington, there were mass graves everywhere. The team of journalists then asked to visit the hospital. During that visit, Massa Washington met a nurse who discreetly confided in her that ULIMO soldiers were killing the sick.

Back in Monrovia, Massa Washington wrote an article about what she had seen at ULIMO headquarters. Two days after its publication, General Dombuyah visited her at her office and expressed his strong displeasure with the article. He invited her to return to ULIMO headquarters for another visit. Massa Washington declined. She had received a warning from one of her contacts that the general wanted to teach her a lesson. The general became angry and ordered her to return. Massa Washington told him that she knew he wanted to kill her and that if he wanted to do so, he should do it right there, in the newspaper's newsroom. The general left, and Massa Washington never saw him again.

She noted that the massacres she described had a devastating impact on the civilian population. When she was appointed to the Truth and Reconciliation Commission (TRC), Massa Washington collected numerous testimonies that deeply affected her. She mentioned in particular the testimony of a woman who had just given birth and whose child was taken by NPFL rebels, who then threw the baby against a wall. After hearing this woman's testimony, Massa Washington returned to her hotel. She dreamed that she was at Carter Camp, fighting the rebels and begging them to stop the massacre. One of her colleagues from the TRC had stayed with her and comforted her.

She then recounted, with great emotion, the execution of her disabled half-brother by the rebels, who cut him into pieces, and the guilt she carries with her every day, since her stepmother had entrusted her with protecting him.

Massa Washington then noted that nothing had been done in Liberia to bring those responsible to justice, with the exception of the work of the CVR. She explained that approximately 700 people were interviewed and 22,000 statements were collected. This work led to the adoption of several recommendations aimed, in particular, at encouraging the government to prosecute the perpetrators of these crimes. She lamented the lack of political will to implement these recommendations and denounced the culture of impunity, which stems from the fact that the politicians in power are former warlords. These politicians threaten members of the TRC, witnesses, and victims by claiming that there will be no court to try the crimes committed during the civil wars. Massa Washington lamented the lack of justice for the Liberian people in Liberia and emphasized the importance of trials such as this one. According to her, these trials give hope to Liberians. She expressed her gratitude to countries, such as France and the United States, that enable Liberians to bring the perpetrators of these crimes to justice. She emphasized that, in the absence of political will, these trials are the only means available to Liberians.

She stated that prosecuting the perpetrators of crimes committed in Liberia "sends the message that the human race is universal, that the world has not forgotten Liberia, and that we all share the same human dignity."

The Court questions Massa Washington:

The President asked Massa Washington about the possibility of holding a trial in Liberia against the perpetrators of crimes committed during the civil war. According to her, there is no political will to prosecute these crimes, because if the government wanted to prosecute the perpetrators, it would do so as a priority, as in Sierra Leone. She added that the United States had just appointed a new ambassador for war crimes, who stated that his country was prepared to fund efforts to punish those responsible in Liberia.

When asked about Charles Taylor, Massa Washington clarified that he is currently incarcerated for crimes committed in Sierra Leone and that it would be in the victims' best interest for him to also be held accountable for the atrocities committed in Liberia.

The civil party questions Massa Washington:

When asked about violence against women, Massa Washington explained that within the TRC, she was responsible for issues concerning women and that more than 47% of women participated in the process. In response to a question, she confirmed that she had interviewed women who were victims of sexual slavery and rape and noted that this violence affected women of all ages, ranging from very young girls as young as 5 or 6 to grandmothers.

She noted that many elderly women were reluctant to tell their stories because they felt stigmatized. Nevertheless, she sought them out and collected their testimonies. One of the stories that has stayed with her is that of an 82-year-old woman who was captured by rebels and gang-raped on multiple occasions by three young men who kept her as a wife in a house. As she told her story, the woman kept her head down because she was ashamed of having been raped by young men who could have been her grandchildren.

Massa Washington added that when women tried to flee, the rebels would rape them in front of their husbands and force their sons to have sex with their mothers. She also noted that sometimes the rebels used objects, such as their rifles, to rape the women.

When asked about the comprehensiveness of the list of the most well-known perpetrators compiled by the CVR, Massa Washington explained that the list in question was based on statements collected by the CVR and that, for various reasons, not everyone wished to testify before the CVR.

The Prosecutor's Office questions Massa Washington:

In response to a question, Massa Washington stated that she had traveled to Tubmanburg twice during the ULIMO split. She also confirmed that she was familiar with the newspapers *The Inquirer* and *The Eye*.

When asked about the abuses listed in the CVR report, Massa Washington confirmed that these had been verified through the testimonies collected and that they had been committed by all factions. When asked about the reasons for the high number of victims and abuses committed in Lofa County, she explained that Lofa was a strategically important county for the combatants because it was rich in natural resources and located on the border with Sierra Leone and Guinea, from which ULIMO-K received support.

When asked about incidents in Foya of which she was aware, Massa Washington stated that she knew Foya had been severely affected by the fighting because it was a strategic town, particularly for ULIMO-K.

When asked about acts of cannibalism, she stated that many victims had recounted stories of cannibalism before the TRC. According to her, this is a practice common to all armed groups. She recounted that when the ULIMO-K general was captured, he was cut into pieces and his brain and heart were eaten because he was strong. In response to a question from the Chair, she confirmed that these acts were a perversion of African rituals.

When asked about the number of victims of the civil war, Massa Washington stated that the war had claimed between 250,000 and 300,000 lives and displaced 1.5 million people.

When asked to confirm her statements that massive crimes had been committed by all factions and to indicate whether the atrocities committed fell under the definition of crimes against humanity, Massa Washington replied in the affirmative. She clarified that there had been attempts to systematically massacre entire tribes and that civilians were specifically targeted.

The defense cross-examines Massa Washington:

When asked, Massa Washington confirmed that the testimonies collected by the CVR pertain to crimes committed by all factions. When questioned about the "Pay Yourself" policy and whether economic interests motivated the troops, she explained that several factors were at play, including financial motivations. She added that a section dedicated to economic crimes had been created within the CVR given the significant number of incidents of looting and forced marches of civilians committed during the war. She explained that the factions likely did not pay their soldiers, which led them to pay themselves. , the battlefields were unconventional, and the soldiers believed they could take anything, including women.

October 18, 2022 – Day 7: The Murder of a Woman

Day seven was devoted to hearing witnesses and a civil party connected to the murder of a woman in a village near Foya. The first witness described how Mr. Kamara shot and killed a woman. The judge read two statements from the other witness, who stated that Mr. Kamara had shot the victim and accused her of being a witch.

In the afternoon, the victim's brother, a civil party, testified. He described how he saw Mr. Kamara shoot his sister and had heard that the defendant accused his sister of witchcraft. The court then displayed photographs taken by French investigators in 2019 of the crime scene where the victim had been killed.

Finally, Mr. Kamara took the stand to respond to the charges. He stated that he had only passed by the village in question but had never set foot in it, and that he did not know any of the people who accused him.

October 18, 2022 - Day 7: The Murder of a Woman

The President indicated that two witnesses would be heard regarding the events that took place in Foya Dundu in 1993 involving KT, FP, and subsequently FG, KT's brother. Since one of the witnesses named, KT, had passed away, the President specified that he would read KT's testimony aloud. As for NS, he remains hospitalized.

Hearing of FP as a witness called by the Public Prosecutor's Office

FP stated that he was a farmer in Foya Dundu and that he lived in the same neighborhood as the victim KT during the civil war. FP stated that he was a farmer in Foya Dundu and that he lived in the same neighborhood as the victim KT during the civil war.

He explained that KT's child had died and that Kunti Kamara had arrived via Foya Tenga. When he learned of the child's death, he gave money to the family and then went to Foya. FP stated that there were soldiers at his home who spoke a Mandinka dialect he did not understand.

He explained that Kunti Kamara had ordered his men to take KT out of the house where she was and bring her outside. Kunti Kamara then shot KT. FP stated that he and other villagers dug a grave, into which the soldiers placed KT's body before burning it. They used the palm leaves that covered the roof of a nearby kitchen.

The Court questioned FP:

Given the interpretation difficulties, the Presiding Judge deemed it necessary to recap FP's account.

When asked, FP stated that his house was not located near FG's. When asked to clarify his statements to the investigating judge—that ULIMO soldiers were occupying the premises—FP confirmed them.

When asked about Kunti Kamara, FP stated that Kamara was based in Foya and traveled everywhere, sometimes as far as the border. FP confirmed that he had often seen him in Foya Dundu and formally recognized and identified him in the dock. When asked, FP stated that Kunti Kamara was accompanied by a varying number of bodyguards at the time of the events.

When asked about KT and her child, FP stated that KT had been ill for a long time and could no longer walk. He confirmed that she was staying with her brother FG and that her child had died of an illness. They buried him, and people came. When asked about the money paid by Kunti Kamara—which the President described as a gesture of reconciliation and condolence—FP clarified that Kunti Kamara had given the money to the village chief, TK. He also confirmed that Kunti Kamara had subsequently left the area and then returned to Foya Dundu. FP stated that he did not know why Kunti Kamara had returned to FG's home.

When confronted with his previous statements that Kunti Kamara was furious because he had learned that KT was a witch, FP said he did not recall how Kunti Kamara had learned this. FP then confirmed that Kunti Kamara was standing in front of FG's house with his men and ordered them to bring KT out. FP stated that KT had been dragged outside and was unable to speak.

When asked about KT's killing, FP stated that Kunti Kamara was carrying a G3 and had fired three shots at KT, who was standing right next to FG's house. When asked further, he said he did not know whether the shots were fired individually or in bursts. He confirmed that Kunti Kamara had ordered the villagers to bury KT and stated that he did not know why the body had been cremated.

When asked, FP stated that KT's husband, NS, as well as FG and TK, were also present during KT's execution and that many villagers had come to attend the child's burial. According to FP, KT's murder took place between 9:00 and 10:00 a.m., shortly after the child's burial. When asked, he clarified that the villagers who witnessed KT's murder were at the scene because they had come for the child's burial.

When asked where the deceased were typically buried, he explained that at the time, it was possible to bury bodies anywhere, but that today this is no longer possible due to the installation of running water.

When asked, he stated that he did not know what illness KT had.

The civil party questioned FP:

When asked, FP confirmed that ULIMO had taken over his house without his consent and that it was being used as their base. He added that the villagers had no control over anything at the time because of the war.

When asked about the identities of the soldiers who were occupying his house, FP named Mohamed Kamara, Mohamed Jah, Mohamed Saho, and Jerry P. When pressed further, he reiterated that Kunti Kamara traveled everywhere and frequently visited Foya Dundu. When asked about the connection between Kunti Kamara and Mohamed Saho, he stated that the latter was assigned as commander in Foya Dundu.

When questioned again about KT's execution, FP stated that he heard the sound of a gunshot when Kunti Kamara shot her and that he had heard individual gunshots. According to him, KT did not say anything while she was on the ground. He explained again that he estimated the incident had occurred around 9:00 or 10:00 a.m., but that he did not have a watch. When asked, FP stated that he had not seen whether KT was wearing any clothes when she was killed.

The Prosecutor's Office questioned FP:

The prosecutor began by asking FP about the time that elapsed between the child's burial and Kunti Kamara's return. FP replied that the baby had been buried that morning. He clarified that, according to their tradition, when a child dies, the child is buried immediately, and that little time had passed between the child's burial and Kunti's return.

He then explained that they had buried the baby and that Kunti Kamara had arrived to offer his condolences. FP added that he had not understood the conversation between Kunti Kamara and his men since he did not speak their dialect.

When asked about his statements to the investigating judge, in which he had indicated that the murder took place in the afternoon, FP explained that he had said between 10:00 and 11:00 because he did not have a watch on him.

The prosecutor then asked FP if Kunti Kamara had returned by car, and FP replied that he had walked back along a trail. When asked how many men were with Kunti Kamara, FP replied that there were several and emphasized that the events had taken place a long time ago.

When asked, FP stated that the individuals whose names he had previously mentioned (i.e., Mohamed Kamara, Mohamed Jah, Mohamed Saho, and Jerry P.) had dragged KT out of her house. When confronted with his statements that Kunti Kamara had ordered his men to go get KT but had ultimately gone himself because his soldiers had told him she was going to die anyway given her condition, FP refuted them and maintained that KK had not entered the house and had sent his men instead.

When asked, FP stated that the grave had been dug by villagers on the orders of Kunti Kamara. He also confirmed that the palm leaves placed on the body had been gathered from the roof of the nearby kitchen.

When asked about KT's age at the time of her death, FP replied that he did not remember but that she was a fairly mature woman since she had already had four children. The Presiding Judge intervened, noting that FP had said she was 45 years old.

At the request of the prosecutor, a photo of a G3 rifle was shown to FP. When asked, he stated that he recognized the weapon and clarified that he knew the difference between a G3 and an AK-47. He also confirmed that on the day of KT's execution, Kunti Kamara was the leader of the soldiers accompanying her, since he had given the orders. When asked, he stated that the population had no way to oppose what was happening because ULIMO controlled everything. He added that he had been shot at.

When asked, FP confirmed that he still lived in Foya Dundu. Asked to clarify his statement that ULIMO had taken his house because he was Malinké, FP confirmed this and explained that the Malinké are an ethnic group distinct from the Kissi and the Mandinka. When asked, FP explained that the villagers were forced to work to feed the soldiers stationed in the district. He specified that the women were also required to do the same.

When asked about the CVR, he stated that he had been interviewed by the Commission. When asked about his motivations for testifying before the French courts—specifically, whether he had come to seek revenge or to obtain money—FP replied in the negative.

When asked, FP stated that he had never taken up arms because his father had been killed during the war.

The defense questioned FP:

The defense attorney expressed surprise that FP had recognized Kunti Kamara in the dock, even though he had been unable to identify him in the photo lineup presented to him during his hearing before the investigating judge. She clarified that the photograph shown to FP was a recent photograph of Kunti Kamara and that he had not changed since then.

FP replied that he remembered Kunti Kamara very well and had known him in Foya. According to FP, no lineup of photographs was presented to him during his hearing. The defense attorney then referred to the hearing transcript, according to which FP stated that he did not recognize anyone when the investigating judge presented him with the lineup. FP countered that this had happened a long time ago and that Kunti Kamara had the same features at the time of the events.

When asked, FP stated that he had seen Kunti Kamara for the first time in 1993 with a group of soldiers. When asked how he had identified her as CO Kundi, FP replied that that was the name people called her.

The defense attorney then asked FP if he had personally seen Kunti Kamara return to the village after he had given money to the village chief for the baby's death. FP clarified that Kunti Kamara had not left the town of Foya Dundu and that KT's house was located just down the road. According to FP, Kunti Kamara left KT's house, came to his house [i.e., FP's house] where the soldiers were gathered, and then returned to KT's house.

When asked about the motive for KT's murder, FP replied that, in his opinion, the only explanation was that Kunti Kamara believed KT was a witch; otherwise, he would not have killed her. When asked further, FP stated that Kunti Kamara had not spoken to KT before killing her.

When asked to indicate the exact location where he was standing at the moment KT was dragged out of her house, FP stated that he was in a group and pointed to a spot in the room, about five meters away from him. When asked, he confirmed that he was standing facing the door. When asked about the distance between him and Kunti Kamara when the latter opened fire on KT, FP stated that he was sitting behind the house with the other people, in close proximity to the scene.

When confronted with his statements to the investigating judge—in which he claimed that KT had begged Kunti Kamara to spare her—FP replied that KT was ill and that Kunti Kamara did not speak to her, but merely ordered his men to kill her. The defense attorney expressed surprise at this response, since FP had reportedly told the investigating judge that Kunti Kamara had called KT a witch and told her he was going to kill her. FP reiterated that Kunti Kamara had merely ordered his men to drag KT out of the house and that Mohammed Jah had told Kunti Kamara that she wasn't going to survive anyway.

When asked to describe KT, FP stated that she was thin and small. He added that her illness had made her even smaller. However, he was unable to describe KT's hair.

The attorney for the civil parties asked FP one final question, asking him to describe his state of mind during the events and, in particular, whether he was afraid. FP replied that the civilians were not in control.

* * *

Since TK has passed away, the Presiding Judge read aloud his testimony.

The Presiding Judge read aloud certain passages from the notes of the April 28, 2018, interview between TK and the investigators from Civitas Maxima

To begin with, TK told investigators that he must have been 85 years old, but that he wasn't sure since there were no civil registration records at that time. He then explained that he was a sector commander when the ULIMO arrived and that he was in Foya Dundu. As sector chief, he had been informed of the attack on Foya, as this information was circulating among the seven villages under his control.

TK specifically recounted the death of KT, which he described as a massacre, stating that Kundi was responsible. TK explained that a young woman from his town named KT was married to NS and had been ill. She had been sick for a long time and remained so until the baby died. When the baby died, he was summoned in his capacity as chief and saw CO Kundi. He explained that when Kundi came to Foya Dundu , he stayed at his house and stated that "even when people do bad things, when they do good, we don't always know about it." When questioned by

investigators about this statement, TK clarified that Kundi Kamara did not harm him and ensured that his soldiers did not harm him either.

TK then explained that CO Kundi had arrived with a group of soldiers under his command and had asked him if he knew that KT was practicing witchcraft. When questioned by investigators, he stated that he had not seen Kundi give any money for the dead child.

TK then explained that he was sitting outside KT's house when Kundi said he did not want to see any witchcraft in town because his soldiers were dying. He grabbed KT, shot her, and blew her head off. TK clarified that CO Kundi himself had dragged the woman out of the house and taken her to the back. He noted that she was ill and had trouble speaking clearly, but that she was crying and begging not to be killed. She was lying on the ground and could not stand up.

TK explained that after that, Kundi Kamara shot her in the head and told him to find men in town to dig the grave. TK therefore hurried to find men who quickly dug the grave under Kundi's supervision. The men brought palm leaves from the kitchen, which they placed on the body before burning it. Kundi then reportedly said: "If a person is a witch and dies, and you burn the body, the witch also dies and goes nowhere."

TK also stated that the weapon used by Kundi was an AK with a long stock. When questioned by investigators, he clarified that some AKs had short stocks and others had long stocks, and that some had two magazines, while others had three. He reiterated that it was Kundi who had brought the woman out of the house and that he himself had been behind the house, where he heard the gunshots and witnessed the scene. He further stated that he remembered two gunshots.

Regarding the identification of Kundi Kamara, TK stated that Kundi presented himself as a commander in relation to the other soldiers. He described him as being of short stature. According to TK, Kundi was wearing camouflage fatigues with a military cap on the day of KT's murder. He added that when Kundi went into combat, he carried an RPG.

The attorney for the civil parties requested that other passages from TK's testimony be read aloud, in which TK told investigators that Kundi demanded meat to eat and ordered community members to go hunting. He added that the residents feared severe punishment if they failed to find animals to hunt. TK also reported that Kundi regularly left them out in the sun for two or three hours and that the population had suffered greatly for three months. When questioned by investigators, TK confirmed that FP's house was used by the soldiers and that Kundi sometimes slept there. TK also stated that the most feared individual was Ugly Boy and that members of the Kissi ethnic group called him Saah Chuey.

The attorneys general then clarified that an RPG was a type of rocket-propelled grenade launcher and requested that a photo be displayed.

Reading by the Chair of TK's hearing before the Liberian police on April 30, 2019

In his voluntary statement, TK stated that when ULIMO soldiers entered Foya in 1993, he was the neighborhood chief of Foya Dundu, and Kunti Kamara was the first ULIMO commander stationed in the village. After Kunti Kamara left Foya Dundu, another soldier named Mohamed replaced him. Kunti would come to visit him and sleep in the house where Mohamed lived, which belonged to FP.

Regarding the events involving KT, TK stated that one evening, KT's child died in Foya Dundu and people had gathered to mourn. A man named Mohammed asked why people were crying, and TK replied that KT's child had died. Shortly afterward, Kunti Kamara arrived on the scene to find out what was happening. He then ordered three soldiers to drag KT out of the house and claimed that KT was a witch. The ULIMO soldiers held KT as she begged Kunti Kamara to spare her, but Kunti ignored her and shot her in the head.

TK recounted that Kunti Kamara then ordered villagers to dig a grave and cover it with dried palm fronds. He then set the fronds on fire, and the body burned. Civilians then covered the charred body with dirt.

Furthermore, TK explained that at that time, soldiers were forcing civilians to go find food and carry it on their heads. The soldiers did not always share the food with the villagers, who were sometimes beaten and robbed of their food.

When asked, TK stated that he had first seen Kunti Kamara when the latter was assigned to Foya Dundu as commander of the ULIMO soldiers. He specified that Kunti had lived in the home of a resident named FP for about a month before being replaced by a certain C.O. Mohamed, who lived in the same house as C.O. Kundi.

When asked how many men Kundi had under his command, TK replied that he had many men under his command in Foya Dundu, including women and children who carried weapons. When asked, TK stated that he did not know whether Kundi received orders, but that, to his knowledge, certain leaders were his superiors in the chain of command. TK specified that he had heard, in particular, of a certain Dagu, C.O. Polo, and Ugly Boy. When asked, he stated that he did not know the names of the men who were under Kundi's command.

When asked when he had last seen Kundi, TK stated that it was on the day of KT's murder and that Kundi had not returned to Foya Dundu after that event. That was the only time TK had seen Kunti Kamara kill someone. He added that other murders had been committed in Foya Dundu, but that he did not know if Kundi had ordered them. The only thing he knew was that these murders had been committed by ULIMO soldiers.

When asked, TK stated that during Kundi's stay in Foya Dundu, he had not seen him kill anyone other than KT. When asked about Kundi's behavior toward the villagers, TK stated that Kundi would ask the villagers to bring him food and water. He would sometimes joke around, but he was unpredictable and could change at any moment. When asked, TK stated that he had never heard that Kunti Kamara had forced a woman to have sex with him and asserted that women went to see him of their own accord to ask him for money and other valuables. TK stated that the same was true of Kundi's soldiers, at least in the village of Foya Dundu.

When asked to describe Kundi, TK described him as a thin man who was not very tall. He stated that Kundi had a problem with one eye and that he wore a camouflage military uniform. TK said he had never seen Kundi wearing women's clothing, makeup, or a wig. TK went on to state that, at the time, Kundi Kamara always had his hair cut short. When asked about the weapons Kundi carried at the time, TK said he had seen Kundi carrying an AK-47 assault rifle and, on occasion, a large rifle fitted with a bayonet.

A photo lineup was presented to TK, but he said he was unable to identify Kunti Kamara because the events had occurred a very long time ago and Kundi's appearance at the time was different from what it is today.

When asked why KT had been accused of being a witch, TK stated that he did not know if anyone had told Kundi this. He had only heard Kundi say it himself. When questioned further, he indicated that, on Kundi's orders, three of his bodyguards entered KT's house, and two of them dragged her out. She was crying and begging Kundi not to kill her after being taken behind the house, where they made her sit on the ground. Two of the bodyguards held her hands, and Kundi shot her once in the head without saying a word.

TK made a point of clarifying that, in his opinion, Kundi, Ugly Boy, and other commanders were bad men, but that Kundi had never harmed him. He added that, in general, Ugly Boy was worse than Kundi. When asked, he said he did not know which of the two held the higher rank and that Kundi spoke Mandinka.

* * *

The Presiding Judge decided to project the photo lineup that had been shown to TK during his hearing. The defense attorney pointed out that TK had been unable to identify Kunti Kamara, and the Presiding Judge emphasized that the identification was not straightforward [given the poor quality of the photographs].

Hearing of FG as a civil party

Before giving the floor to FG, KT's brother, the Presiding Judge noted that KT had been heard on several occasions and confronted with Kunti Kamara, TK, and NS.

FG began by thanking the Court for allowing him to speak and for taking up the case regarding his sister's death.

He recounted that the day after KT's son died, the village chief TK came to arrange the child's burial. Kundi arrived at the scene and went to FG's house. He asked what was happening, and it was explained to him that KT's son had died. He gave 100 Liberian dollars for the funeral, then left for Foya. FG stated that many villagers were present.

According to FG, Kundi returned shortly afterward, accompanied by five bodyguards, and ordered them to bring KT out of the house. She was laid on the ground outside the house, and Kundi

pointed his G3 at her. KT begged him not to kill her. FG stated that Kundi killed his sister and then ordered TK to dig a grave. Some people then came and dug the grave.

According to FG, Kundi then said, "If I see any of KT's family members, I'll kill them all." FG then quietly moved away and hid behind a banana tree. From his hiding place, FG could still watch the scene unfold, without Kundi seeing him. FG recounted that Kundi had ordered his sister's body to be placed in the grave and buried. He stated emotionally that KT was his only sister and that she had done nothing to Kundi. Apparently, someone had told Kundi that KT was a witch, and Kundi passed judgment based on his own criteria since he held the power. FG reported that Kundi had threatened to return the next day and execute everyone.

FG recounted that he had fled with his family to another village. He explained that he had returned alone to the village to pay his respects at his sister's grave and that people had come to comfort him. Friends then offered to help him build another house, since his own had been ransacked by Kundi. FG stated that Kundi was a very wicked person who had destroyed his family. He explained that his mother had died of grief the same year KT died. FG stated that he no longer had his sister or his mother and that it was Kundi who had killed them both.

The Court questioned FG:

When asked about his sister, FG stated that she was younger than him and had had only one child, who died before he could walk. He said he did not know her age at the time of the events but confirmed that she was probably in her forties. He also confirmed that she was married to NS in a traditional marriage.

When asked about his sister's illness, FG explained that she had been sick for a long time and had received treatment at the hospital. She had pain throughout her body, and the medication she was taking provided some relief. When asked, FG stated that his sister and her husband, NS, lived in his home, along with FG's wife and son, as well as ULIMO soldiers. FG also confirmed that two village leaders, EP and TK, had attended the funeral of his sister's child.

The President then asked FG if he knew Kunti Kamara before this incident. FG replied that he already knew him and had met him in Foya when he was forcing civilians to carry loads on their heads. He added that before arriving in Foya Dundu, Kundi had spent two months in Foya and confirmed that he had also seen him in Foya Dundu.

When asked to identify the defendant in the dock, FG confirmed that he recognized Kunti Kamara. He addressed him, saying, "You're the one who killed my sister."

The Presiding Judge then recalled the description FG had given during his interview with the gendarmes—namely, a short man with a shaved head, a missing tooth, and wearing military camouflage fatigues. He added that this was the only commander he knew and that everyone was afraid of him. The defense attorney pointed out that FG had given a different description during another hearing, namely that Kunti Kamara had a full head of hair and wore a white cloth on his head.

When asked about the 100 Liberian dollars that Kunti Kamara gave to his family, FG confirmed that it was a traditional gesture of condolence. He also confirmed that Kunti had not attended the funeral but had returned to FG's house claiming that he had been told KT was a witch. According to FG, Kunti used the term "witch" before ordering his men to drag KT out of the house. He stated that his sister begged Kunti not to kill her, but Kunti killed her behind the house. He specified that Kunti emptied his magazine into his sister in a burst of gunfire.

When asked how far away he was, FG said he was standing at a distance, but close enough to witness the entire scene. He confirmed that he had watched his sister's burial from afar. When asked about the burial of his sister's body, FG stated that it was not customary to cremate bodies and that Kunti had ordered his sister's body to be set on fire because he accused her of being a witch.

When asked, FG confirmed that the death threats made by Kunti against KT's entire family were, in all likelihood, due to the fact that Kunti believed they were all practicing witchcraft. He also confirmed that everyone was afraid of C.O. Kundi.

When asked about the house photographed during the reconstruction of events, FG stated that it was a new house he had rebuilt himself, since the old house had been destroyed. When asked, he stated that this was the first time anyone had been accused of witchcraft and that Kunti was the one who started it.

The civil party questioned FG:

When asked about his first encounter with Kundi, FG stated that it took place on the airstrip in Foya.

When asked about the physical description he had given of Kundi, particularly regarding her teeth, FG reiterated that, in his opinion, she was missing a tooth in the middle of her upper jaw.

When asked, he confirmed that ULIMO soldiers were occupying Foya Dundu at the time of the events. He also confirmed that he had fled to another village after the events and explained that upon his return to Foya Dundu, the ULIMO soldiers had left the village.

When asked to address Kunti Kamara, FG said he was pleased that the Court had taken up the case and called on the French government to intervene to prevent him from being killed should Kundi return to Liberia.

The Prosecutor's Office questioned FG:

When questioned again about his sister's health, FG stated that she was very ill but able to walk.

When asked about the timeline of the incident, FG explained that less than an hour had elapsed between Kundi's initial departure and his return to FG's home, and that the events had taken place in the morning. When asked, he confirmed that he was not hiding when Kundi shot his sister.

When asked to identify the weapon used by Kundi, FG pointed to a G3 on the photo board presented by the attorneys general. When asked, he explained that no one had tried to stop Kundi from killing KT because he was armed, and that many villagers were present during his sister's murder, including NS and FP.

When asked about his sister's burial, he stated that Kundi had ordered TK and EP to find men to dig the grave. When questioned, he indicated that Kundi had traveled on foot that day.

When asked to confirm his statements to the investigating judge regarding his first meeting with Kundi—which had taken place two months before the events in Foya, during a meeting organized by ULIMO commanders in which they allegedly stated their intention to help the population—FG confirmed them. When asked, he stated that the only commander he knew was Kundi. He also confirmed that ULIMO requisitioned civilians' homes and that soldiers moved into his house when they came to Foya Dundu. He further stated that he had no recollection of the presence of other armed groups prior to ULIMO's arrival.

When asked about forced labor, FG confirmed that he had been forced, under threat of death, to carry loads every day to the border, until the day he decided to hide in the bush.

When asked, FG stated that he was not aware of any other crimes committed by Kundi and clarified that the majority of the population of Foya Dundu was Kissi, including his family.

The defense questioned FG:

When asked how he was contacted to testify against Kunti Kamara, FG explained that French and Liberian investigators had come to meet with him and offered to take his statement. When asked about the questions the investigators posed to him, he replied that he was asked if he knew Kunti Kamara and if he could recount what he had done to his sister. The attorney for the civil parties intervened and stated that, in her opinion, FG was confusing the interviews with the French and Liberian investigators. The defense attorney , then clarified that two investigators from Civitas Maxima had come to speak with FG in Monrovia in April 2018. When asked, FG repeated that these individuals had asked him for information regarding Kunti Kamara, as well as about his sister's murder.

FG then confirmed that the first time he had to identify Kunti Kamara was during his confrontation with him in the investigating judge's office. When confronted with the various detailed descriptions he had given of the defendant—contradictions in which the defense attorney had pointed out—FG stated that Kundi had a full head of hair on top and was wearing a cap.

When asked, FG stated that he had hidden before Kundi shot his sister. When asked about the motive for the murder, he stated that he had heard Kundi tell someone that KT practiced witchcraft. He also confirmed his statements to the investigating judge that Kundi had left the village after giving 100 Liberian dollars, headed toward a river, and then turned back—all within less than an hour. When asked, he stated that Kundi had remained near the grave until the fire had burned out. He confirmed that the fire had completely consumed the body and reiterated

that there were no soldiers in Foya Dundu before ULIMO arrived. When asked, he stated that he did not know the NPFL.

When questioned again about how he had been approached by the investigators, FG stated that they had asked him if he knew Kunti Kamara and that they had questioned many people. The defense attorney expressed surprise that the Civitas Maxima/GJRP investigators had come specifically to speak with FG about Kunti Kamara. The attorney for the civil parties intervened to point out the existence of a transcript of the interview with FG detailing how FG had met with the investigators.

Presentation of documents and exhibits from the case file. Reconstruction of events with FG.

Various photographs related to FG's reenactment at the scene where his sister was executed were projected, and FG was asked to comment on them.

The first photographs shown were aerial views of Foya Dundu. When asked about the photo in which he points to the bridge where Kunti Kamara allegedly turned back, FG stated that people had told him they had seen Kunti turn back at the river. Regarding the photos of his house, FG confirmed that he had rebuilt a new house on the site of the old one.

The following photographs show, among other things, the path along which Kunti Kamara is said to have arrived with his five bodyguards, the location where FG was when he allegedly witnessed his sister's death, the location where his sister is said to have been killed, the location where Kunti Kamara is said to have been when he killed her, the spot where FG is said to have hidden, and the location of KT's burial site.

The President clarified that, as he understood it, FG was 9.6 meters away from Kunti Kamara, who was himself 3.60 meters away from KT when he shot her. Regarding the banana grove where FG allegedly hid, the Prosecuting Attorneys noted that it was 34 meters from the spot where KT was buried.

When asked about the various photographs shown, FG stated that they depicted the events as they had occurred.

In response to a question from the defense attorney, FG indicated that the investigators had not offered to conduct forensic analyses on the bodies of his sister and nephew. When asked whether the investigators had searched for shell casings, FG replied that his sister's head had exploded.

The Prosecuting Attorneys pointed out to the Court that the distance between Foya Dundu and Foya was approximately 5 km.

Presentation of documents and exhibits from the case file. Reconstruction of the scene by TK.

The President continued the presentation of photographs, this time related to TK's reenactment [the former chief of the village of Foya Dundu, now deceased].

These photographs show, in sequence, the location where Kundi is said to have arrived with his bodyguards, the location where TK is said to have been when Kundi shot KT, and the location where he is said to have been when KT's body was burned.

The defense attorney noted that TK had indicated a different location from the one indicated by FG regarding the murder of KT. The attorney for the civil parties countered that TK believed the current house was the house from that time, and the Presiding Judge clarified that police had placed tape at FG's request to mark the boundaries of the house from that time and that TK had ultimately retracted his statement. The Presiding Judge added that NS and FG agreed on a number of points and that TK said they might be right.

Examination of Kunti Kamara on the merits regarding these facts

The Court questioned Kunti Kamara:

The Presiding Judge noted that three witnesses had been heard by the Court regarding the murder of KT and that only NS remained to be heard. He invited the defendant to comment on the testimony heard thus far.

Kunti Kamara repeatedly stated that he did not know either the witnesses or the victim. When asked, he said he had never seen either FP or FG in Liberia. He said he was shocked that FP claimed to know him. When asked about FP's statements that his house had been requisitioned by ULIMO, Kunti Kamara reiterated that he did not know FP.

When asked, he stated that he had passed through Foya Dundu once, though he had not stopped there, and noted that the 5 km separating Foya Dundu from Foya was not a long distance. When asked about a man named Mohamed who allegedly replaced him in Foya Dundu, the defendant stated that he could say nothing about Foya Dundu and that he did not know these people.

The President then asked him how he explained the fact that four people recognized him as C.O. Kundi, the person responsible for KT's death, and that the physical descriptions provided by these individuals were consistent. Kunti Kamara said he was confused and convinced that this was a conspiracy against him. He repeated that he did not know these people.

When asked about FG's statement that he was missing a tooth in his upper jaw, Kunti Kamara stated that he had lost his teeth in Europe, not in Liberia. The Presiding Judge referred to the testimony of psychologist Philippe Oudy, who, when he interviewed the defendant in April 2019, noticed that his upper jaw was largely toothless. The defense attorney intervened, stating that the accused's Facebook photos could attest to the fact that he had all his teeth previously. According to the prosecutors, these photos primarily showed a gap between his teeth. In response to a question from the Presiding Judge, Kunti Kamara confirmed that his dental problems first arose while he was in detention.

When asked, he stated that the people who claimed to recognize him as the perpetrator of KT's murder were lying. He confirmed that he had never seen KT in his life.

When asked about TK's testimony—in which TK had stated that Kundi meant him no harm and was actually quite friendly toward him—the defendant said he was shocked because he did not know TK. He confirmed that these testimonies should be understood as part of a broader conspiracy against him.

When asked about the photographs from the crime scene reenactments, Kunti Kamara swore that he did not recognize those locations.

When asked why he fled at the time of his arrest, given that he claims to be innocent and shocked, the defendant replied that several people had told him certain things and that he felt pressure was being put on him.

The civil party cross-examined Kunti Kamara:

The civil parties' attorney confronted the defendant with the description he had given before the Swiss courts of his clothing and the weapons he was carrying, emphasizing that it corroborated the accounts provided by FG and FP. Kunti Kamara replied that before the ULIMO arrived, there were other soldiers carrying the same weapons. The attorney for the civil parties countered that FG had nevertheless stated that he had not seen any soldiers before the arrival of ULIMO.

The Public Prosecutor questioned Kunti Kamara:

The deputy prosecutors revisited Kunti Kamara's statements to the investigating judge, in which he claimed that FG and TK were Kissis and knew what they were doing. Given that FP is not a Kissi, the deputy prosecutors asked the defendant to explain why FP had also implicated him. Kunti Kamara replied that he did not know him.

The prosecutors then asked the defendant how the witnesses could have provided such precise and consistent descriptions if, as he claimed, they did not know h . Kunti Kamara replied that he did not deny that ULIMO was in Foya and that he was on the battlefield, but that everything else was false.

The prosecutors returned to the testimony of Massa Washington and asked the defendant if he knew General Dombuyah. Kunti Kamara replied in the affirmative and clarified that he had seen him in Lofa and that he was his superior, but that he had not played any particular role in his career within ULIMO. The prosecutors then confronted the defendant with his statements to the investigating judge, in which he had claimed that General Dombuyah was the chief of staff and had appointed him commander. Kunti Kamara clarified that it was Alieu Kosiah who had recommended him to General Dombuyah.

When asked about the atrocities witnessed by Massa Washington and the threats she received, he stated that he was in Lofa and had no knowledge of the events described by Massa Washington.

The defense questions Kunti Kamara:

In response to a question, Kunti Kamara confirmed that during the war, combatants carried AK-47s, RPGs, and camouflage uniforms. He clarified that ULIMO soldiers wore camouflage uniforms, but NPFL soldiers did not.

The defense attorney then asked him if there were other short soldiers in ULIMO. Kunti Kamara replied in the negative, noting that few people were short.

October 19, 2022 – Day 8: Forced Labor

Day eight was dedicated to hearing from people who had experienced forced labor during the first Liberian civil war. According to a civil party, who had already testified a few days earlier about another incident (day six), the generator at the Foya power station had been looted, and Mr. Kamara—along with other ULIMO commanders, such as Ugly Boy, Mr. Kosiah, and Dekou—had forced some residents to carry the generator from Foya to Solomba in order to sell the looted goods in Guinea. To this day, the generator has not been replaced, and there is no electricity in Foya.

In the afternoon, two more witnesses were heard, both of whom shared their experiences of being forced by ULIMO to carry heavy loads. The first witness saw Mr. Kamara only once but spoke about how the accused beheaded his brother. The second witness told the court how the generator had been looted by ULIMO but had only heard of Mr. Kamara and did not know him personally.

A video was shown to the court: it was a TRC testimony held in Foya, Lofa, recorded in 2008. A person in the video recounts his experience with ULIMO and mentions C.O. Kundi as a commander in the area.

Finally, Mr. Kamara was asked about the incident: he stated that he had only been in the Foya district for 4 months, as he had been stationed on the front lines elsewhere. He reiterated that he did not know the people who accused him, nor had he ever seen them.

October 19, 2022 – Day 8: Forced Labor

Before hearing testimony regarding the events that took place between Foya and Solomba in 1993, involving JTC and SFC, the President asked JTC if he had any further details to provide regarding the murder of KT.

JTC first clarified that he had not been an eyewitness to the scene, but that the events had been reported to him. He stated that when he arrived in Foya Dundu with his companions, they were informed that a woman had been killed. According to him, people were very sad. As he was trying to understand what had happened, he heard that a man named C.O. Kundi had killed a woman named KT after dragging her out of her house. When questioned by the Presiding Judge about the motive for the murder, JTC stated that he had learned that KT had lost a child and that Kundi had come to the scene. Kundi then left, but later returned. It was upon his return that Kundi had heard that KT was a witch, and it was presumably for this reason that he decided to kill her. JTC added that he was concerned about having to bring food to his mother and other family members and had convinced his companions to leave the scene.

The remainder of the hearing was devoted to the events that occurred in 1993 involving JTC and SFC. The Presiding Judge invited JTC to comment on the events concerning him and noted that JTC had told the investigating judge, as well as the Swiss and Dutch authorities, that he had been forced to transport goods during a looting incident.

Hearing of JTC as a Civil Party

JTC recounted the various forced marches he was compelled to undertake during the first civil war. He described how, during the second half of 1993, villagers had been rounded up near the Foya power plant. A man named EP had been designated as the civilians' representative and had been approached by ULIMO to provide labor to transport the equipment located at the power plant. Soldiers also participated in this effort to round up the civilians.

JTC explained that upon arriving at the site that morning, he noticed an old vehicle without an engine near the power plant. A number of components from the power plant had been dismantled and gathered so that the conscripted individuals could load them piece by piece onto the truck, which had no engine. JTC noted that the electric generator powering the entire district also needed to be moved; it was large and particularly heavy, which made the task difficult. To make it easier to load onto the truck, the generator was placed on wooden logs and gradually moved toward the truck. The civilians then managed to lift it and load it onto the truck. JTC added that while some carried items, others pushed the truck forward, and that the operation involved a large number of people. He explained that the phrase "Till Go" marked the start of the march and meant that the goods had to be transported to their destination. During the march, ULIMO soldiers threatened the civilians with death, telling them that if they saw any movement in the bushes, they would be killed. In other words, if anyone tried to flee, they would be executed ("Any bush shake, you die" or "Any bush shake, your heart"). According to JTC, these threats were repeated multiple times to force the civilians to keep moving.

JTC further explained that the civilians took turns moving the truck and noted the difficulties they encountered when going uphill. They passed through Shelloe, Fassapo, and Borliloe before reaching the border at Solomba and then the customs post at Ma. He spoke of the terror that reigned during the journey, marked by gunshots and the beating of several people by ULIMO members eager to complete the operation. JTC said that several ULIMO commanders were present during the march to supervise it. He mentioned the names of Ugly Boy, CO Kundi, CO Deku, and Mami Wata. According to JTC, Kundi was not the main commander of the march and did not personally force him to participate.

JTC clarified that this was one of the most significant operations in which he had participated and that he had been forced to take part in other forced marches. He stated, however, that he had not participated in all of the forced marches, as he had either been able to hide or had remained with EP to avoid being conscripted.

JTC recounted remembering one forced march in particular that was organized and led by Kundi. He reported that Kundi had sent his bodyguards to find him and conscript him. JTC explained that the load assigned to him was extremely heavy, but that the ULIMO soldiers would not accept any excuse for shirking the task. He explained that since the residents of Foya had fled upon the

arrival of the ULIMO soldiers, ULIMO requisitioned labor from neighboring villages. Most of the people requisitioned for this march therefore came from neighboring villages and not from Foya.

JTC explained that, once again, the civilians had worked without food or water, under a climate of terror, beatings, gunfire, and the constant threat of being killed. They were constantly surrounded by soldiers who ensured that the work did not slow down. He recounted having no choice but to drink water from a polluted river to quench his thirst. Upon arriving at their destination, JTC explained that it was common for the armed group to which the goods were delivered to give other goods in exchange. As a result, civilians sometimes had to carry goods on the return trip, unless they managed to escape. According to him, those who could return directly home were lucky.

He explained that the participation of civilians in these marches caused great concern among the relatives of those conscripted, who feared for their lives. Indeed, many people had died during these marches, particularly the weak or elderly who lacked the strength to carry the loads.

During the march led by Kundi, JTC stated that he did not see him kill or shoot anyone, but some people had been struck with rifle butts to force them to keep moving.

JTC stated that he had participated in a total of eight forced marches, including two led by Kosiah and three by Ugly Boy. JTC went on to say that ULIMO had also looted a mill, an oil factory, a vocational training organization called "LOIC," and an agricultural cooperative where farmers gathered their produce to sell or barter it. Private homes were also looted. He noted that the end of 1993 and 1994 were calmer periods.

JTC then mentioned the visit of Alhaji Kromah, a ULIMO general, to the district in 1994. According to him, Kromah had come to see how things were going and had gathered the commanders in charge of the area—including CO Deku, CO Kundi, and others—at the Free Pentecostal Church in Foya. Alhaji Kromah observed what had happened in Foya and publicly declared to ULIMO members: "Soldiers, you have paid yourselves." According to JTC, the purpose of this statement was to apologize to the people of Foya. JTC believed he could sense in Alhaji Kromah's words that he sympathized with what the people had endured. JTC then stated that Alhaji Kromah returned in 1995 and brought livestock to the people. According to him, this gesture was again intended to offer an apology and to attempt to compensate—not for material losses, but for the human losses inflicted upon the people.

The Court questioned JTC:

When asked, JTC confirmed that the march to the electric generator took place during the second half of 1993, during the rainy season. He also confirmed that weather conditions had made the march even more difficult, as the region resembled a veritable "swamp" at that time of year.

When asked, he confirmed that CO Kosiah was also present during this march, alongside Mami Wata, CO Kundi, and Ugly Boy. According to his estimate, between 50 and 100 civilians had been conscripted. He confirmed that fewer remained on the return trip because they could not wait for one another; the goal was to disperse so as not to be conscripted for another march.

When asked how the civilians had been gathered, JTC stated that ULIMO had asked EP to round up civilians and that, at the same time, ULIMO soldiers were conscripting people from all over to ensure the operation's success. According to him, civilians were selected at random, regardless of their physical characteristics.

When asked, he confirmed that the purpose of the operation was to sell the goods in Guinea. When asked about the intermediary named Kake whom he had mentioned before the investigating judge, JTC confirmed that Kake came to Solomba and was one of the main intermediaries between ULIMO and Guinea.

When asked about the course of the march, he confirmed that he had neither eaten nor drunk anything and stated that the march with the electric generator covered a distance of approximately 16 miles, traveled over the course of 6 or 7 hours without any rest. The President clarified that the distances had been verified and estimated at approximately 22 km, a distance slightly shorter than the one JTC had just indicated.

When asked about the violence he witnessed during the march, JTC stated that he had not seen anyone killed by ULIMO, but explained that he had heard several gunshots, though he did not know if they had been fired at civilians.

When asked, JTC reiterated that he had undertaken a total of eight forced marches. When asked about the forced march carried out under Kundi's command, he stated that he had been forced to carry a heavy load of coffee. Asked to confirm his previous statements that the loads could weigh up to 70 kg, JTC clarified that he did not know the exact weight and that the civilians carried whatever the soldiers told them to carry.

When asked about the physical aftereffects he had mentioned during another hearing, JTC emphasized the psychological impact, the negative effects of which he still suffers today, particularly due to the significant stress caused by these marches and the trauma associated with seeing corpses. Physically, he stated that he had a scar on his left shoulder that was unrelated to the events in question, as it dated back to his childhood, and that, as far as he was concerned, the aftereffects were primarily psychological.

When asked, he confirmed that he had not been involved in the forced march organized in connection with the looting of the Borma hospital. He also confirmed that the destruction of the facilities he had mentioned earlier was motivated by the removal of materials.

When asked about how the shipment of goods across the border was organized, JTC stated that he had observed the goods crossing the border and being collected by people on the other side. According to him, the goods were transported across the border in large, motorless boats—such as canoes or dugout canoes—that were propelled by oars or poles. He explained that it was possible to tie two boats together and lay planks across them to create a platform on which the goods were placed.

The civil party questioned JTC:

When asked about the looted generator, JTC stated that the power plant's generator had been dismantled and that he had not personally witnessed the dismantling. JTC indicated that he did not recall the brand of the machine that had been dismantled and looted from the power plant and confirmed that electricity in Foya had not been restored since that incident.

When asked, he stated that it was unusual to see ULIMO members traveling by car and that the vehicles had also been looted.

When asked about the significance of the generator operation given the large number of commanders who participated, JTC explained that it was indeed a very special mission, considering the commercial value of the items being transported. According to him, when the goods were of significant value, it required the commanders to be assembled. When asked about the market where the goods were sold, he indicated that it was located in Guéckédou, a border town in Guinea.

When asked, he clarified that civilians were under no circumstances allowed to cross the border or even touch the boats, on pain of being killed. When asked about the type of goods the commanders brought back from Guinea, he indicated that food, clothing, ammunition, and weapons were brought back.

When asked to comment on the statements of other witnesses who claimed there was a market on Thursdays in Foya, and on those of TFT, who stated that he ran a radio repair shop during the war, JTC said that under the occupation, there was no set market day and that the market had been suspended, before gradually resuming toward the end of 1993. He added that women were used not only as sex slaves but also to sell goods at the market. When asked to explain how TFT had been able to continue his business during the war, JTC explained that the radios ran on batteries and that, since TT was known for his skill, he was able to work, and ULIMO soldiers would bring him radios to repair.

When asked about the villagers' freedom of movement under ULIMO occupation, particularly during the lulls he mentioned in his statement, JTC explained that it was mandatory to obtain a pass from the S2 office in order to travel. He explained that if someone showed up at a checkpoint without a pass, they risked being shot on the spot.

When asked about how the checkpoints operated, JTC stated that ULIMO soldiers sometimes beat villagers and robbed them of the provisions they had gone to fetch from the bush. JTC then confirmed the statements made by Massa Washington, who had explained that human body parts were displayed at the checkpoints to terrorize the population. JTC described the atrocities suffered by his brother-in-law, whose head had been cut off and placed on a stake at a checkpoint. Passersby were forced to salute the head. As for his brother-in-law's intestines, they were used as a barrier. He also mentioned a man who fled after his genitals had been cut off. The man was shot after bumping into a tree. JTC added that many other atrocities had been committed during that time.

The Prosecutor's Office questions JTC:

When asked about Kundi's role during the "generator march," JTC stated that he had seen Kundi at the gathering before departure, at the site of the former power plant. Other commanders were also present, and they were talking among themselves. When asked, he clarified that he had seen the commanders throughout the march—sometimes behind, sometimes in front—including at the Solomba border and the Ma customs post. According to JTC, Kundi was armed.

The prosecutors then asked JTC if he had heard CO Kundi use the phrases "Till go" and "Any bush shake your heart." The witness replied that this was standard language for commanders, including CO Kundi.

When asked about the second march, JTC explained that he believed the generator march had taken place before the one ordered by Kundi, which he estimated to have been around October or November. He clarified that he was unable to provide a specific date. When asked, he confirmed that Kundi was the commander and that he had soldiers under his command. JTC was unable to specify the number but explained that it was not a large march. He estimated the number of conscripted civilians at 20 or 30 and added that the men were struck with weapons to make them move faster.

The lead prosecutors read aloud JTC's statements to the Dutch authorities: "Some people were punished […] Personally, I was never punished because I was strong and able to keep marching." JTC confirmed these statements.

Regarding the operation of the electric generator, the attorneys general reminded JTC that when asked whether other commanders had participated, he stated before the Swiss authorities in 2016: "Yes, they were mixed in… It was a joint effort and not the work of a single man." The witness confirmed that this was an accurate description of the events. When asked, JTC stated that he had not discerned any hierarchy among the commanders, but clarified that Kosiah had traveled to the site and that he therefore felt Kosiah's role was more significant. He confirmed that each commander had participated on an equal footing with his soldiers and explained that they were referred to as "CO," but it was difficult to tell who held a higher rank.

The President intervened to ask the witness whether the commanders had any distinctive insignia indicating their rank. JTC replied in the negative and explained that it was difficult to identify their rank since not all of them wore uniforms.

The attorneys general asked JTC if he had seen a commander reprimand or punish a soldier who had threatened a civilian. The witness replied that he had not and confirmed that the ULIMO condoned this kind of behavior since they themselves acted in this manner.

Finally, the prosecutors reminded the witness that he had explained to the Swiss authorities that he had not witnessed the dismantling of the machine, but believed that the ULIMO had brought in mechanics from Guinea to assist with the dismantling. JTC confirmed his statements and clarified that after the dismantling, specialized personnel had come to reassemble the machine.

The defense cross-examines JTC:

The defense attorney questioned the witness about his statements during his confrontation with Kunti Kamara before the investigating judge, in which he had indicated that the generator was originally located in Bamoro. JTC replied that the power plant was located on Kpormbu Road. The attorney for the civil parties pointed out that there was likely a transcription error in the hearing transcript.

The defense attorney then questioned the witness about the spare parts, which she described as very large, and asked how these parts could have been transported on a single truck. JTC reiterated that the power plant was equipped with very large "Caterpillar Blackstone" generators, which supplied power to the entire district. The secondary power supply was used locally. He clarified that it was the secondary power supply, along with certain components of the main power supply, that had been looted. According to him, the secondary power supply had been placed on logs. He denied having stated that all of the equipment had been looted and loaded onto the truck. The defense attorney expressed surprise at the witness's statements, given that he had not mentioned this during the reenactment. JTC replied that he may have been misunderstood and stated that he had been consistent in his statements.

When asked, JTC stated that Kundi was on foot.

The defense attorney then confronted the witness with his statements to Swiss authorities, in which he had been less nuanced regarding the fact that everyone played an equally important role. He had in fact stated that Kosiah played a leading role, that he was the most important figure and the highest-ranking individual. JTC replied that he had heard the term "CO" several times and had never known who was the most important. He emphasized that Kosiah would travel outside Foya and then return. Since Kosiah was present that day, the witness concluded that he was the person in charge. The witness then revisited his statements to the Swiss authorities and clarified that Kosiah's movements gave the impression that he was the most important, though this did not mean that the others were not.

The defense attorney expressed surprise that the civilians had been able to move the truck in the middle of the rainy season, when the roads are impassable during that time even for unloaded vehicles. JTC confirmed that it was the rainy season and clarified that a large workforce had been employed.

When asked about the canoes used to transport goods across the river, the witness stated that it was common to see such canoes crossing the river to carry heavy loads and that they [i.e., ULIMO members] knew very well how to assemble them. He further added that these canoes are still in use today. The defense attorney replied that she found it hard to imagine that the canoes could float with such a heavy load.

When asked about the apology Kromah offered to the people of Foya, the witness stated that he had seen him speak publicly.

The deputy prosecutors intervened to clarify the witness's statements made to Swiss authorities regarding Kosiah, as they had reportedly been misrepresented by the defense attorney. The defense attorney then intervened in turn, citing another passage from those statements.

Testimony of Dr. Hervé Boissin, a general practitioner in Paris, an expert for the Paris Court of Appeal and accredited by the Court of Cassation, heard as an expert witness called by the Public Prosecutor's Office

Dr. Hervé Boissin introduced himself by stating that he was an expert for the Paris Court of Appeal and accredited by the Court of Cassation.

Before he began his testimony, the Presiding Judge clarified that he had been appointed by the investigating judge to conduct a forensic medical examination of JTC. His expert report was filed on November 27, 2018. The Presiding Judge added that his task was to assess the physiological aftereffects on JTC resulting from the forced marches.

Dr. Hervé Boissin stated that he had examined JTC on November 22, 2018, at 4:00 p.m. at his office in the presence of an interpreter. JTC informed him that he was married and the father of three children. He added that he held a master's degree and worked as an auditor and accountant. His hobby was singing. The witness also told him about pain in his back, neck, and arm, which sometimes required him to take painkillers. At the time of the examination, JTC was 50 years old.

Dr. Hervé Boissin noted a scar on the stump of the left shoulder, which dated back to childhood, as well as a scar on the thoracolumbar spine resulting from a ritual. He did not report any muscle spasms or tender points upon palpation of the cervical spine. Regarding the thoracolumbar spine, Dr. Hervé Boissin noted hyperlordosis with anterior pelvic tilt as well as pain upon palpation.

Dr. Hervé Boissin concluded that there was no functional limitation. He added that, without radiological examination, the forward tilt of the pelvis could not be directly and definitively linked to the events.

When questioned by the Presiding Judge about his report, Dr. Hervé Boissin confirmed that the physiological sequelae could not be directly and definitively linked to the facts reported by the witness. He then clarified that the examination of the thoracolumbar spine was nearly normal and that he therefore could not comment on the impact of the steps on JTC. When asked, he stated that carrying heavy loads could cause immediate traumatic injuries, but that JTC was young and flexible at the time.

When questioned by an associate judge, he confirmed that JTC's physical condition was in no way incompatible with the forced marches he had endured.

Presentation of documents and exhibits from the case file. Reconstruction of JTC's situation.

The President presented photos to the Court depicting JTC's reenactment of the events. The first photos were maps and aerial views of the forced marches' routes. The route was 22 kilometers long. The President then showed a photo of JTC in front of his sister's house, where he was when he was captured by ULIMO to carry out the forced march to the power plant. A photo of the power plant was also projected.

The Presiding Judge then showed the witness a photo of the interior of the power plant and asked him where the generator was located. JTC explained that the main power supply could be seen in the background, which was very heavy and very powerful. He added that this was why there was a secondary power supply that was smaller and had a lower output. One of the jurors pointed out that it was a converter. The witness added that parts had been removed from the main generator. In response to a question from the Presiding Judge, JTC confirmed that parts of the main generator, as well as the converter, had been removed. He also confirmed that the main generator was currently inoperable.

The Presiding Judge then showed photographs of the location where the spare parts were found. He asked the witness if he confirmed his statements that Kundi was active, did not stay in one place, and was coming and going in front of the building. JTC confirmed this.

When asked about the vehicle in which the generator parts had been placed, JTC specified that it was a six-wheel truck. The defense attorney intervened, citing the witness's statements in which he had described a "small pickup truck with an open bed," which was why the attorney had used the term "pickup." The witness denied having mentioned a pickup truck and stated that he had described a "truck," meaning a large truck. The Presiding Judge asked whether there might have been a translation error during JTC's testimony. JTC reiterated that the vehicle he had seen was not a pickup truck and that trucks come in various sizes.

The President continued by noting that the witness had said the truck was parked on the side of a road called Kpormbu Road. The defense attorney pointed out that in the transcript, the name of the road had been spelled "Bamoro." The Presiding Judge asked the witness to repeat the name and added that there was likely a transcription error.

In response to a question from the Presiding Judge, JTC confirmed that it took more than an hour to load the items into the vehicle. Once the items were loaded, he estimated the travel time to Solomba at 6–7 hours.

When asked about the second trip, the witness clarified that Deku was present. He stated that he did not have access to the contents of the bags to be transported, but that they could contain a variety of products (oil, coffee, coconuts, copper, zinc, etc.), noting that they had not transported rice that day because there was little rice in Foya. He also confirmed that Kundi was present with Deku and that it was not possible to determine whether Deku was actually standing above Kundi.

When asked about crossing the river at the Guinean border, JTC confirmed that Kundi had called out to people on the other side of the river to have the goods transported across in canoes.

The civil party had no questions.

The Public Prosecutor's Office questioned JTC:

In response to a question, JTC confirmed that the first photos showed the departure point and the location of his arrest at his sister's house in connection with the forced transport of the

generator. The deputy public prosecutors clarified that the photo montages mixed together the two trips made by JTC.

The Presiding Judge explained that the distance of 22 kilometers mentioned earlier corresponded to the distance between JTC's sister's house and the Solomba border, but that the generator was located further downstream. He clarified that 1.7 kilometers therefore needed to be added to arrive at a total of 23.7 kilometers for the generator's journey.

The defense had no questions.

* * *

Hearing of TSKF as a witness called by the Public Prosecutor's Office at the request of the defense

TSKF introduced himself, stating that he was a farmer in Foya.

Before giving him the floor, the Presiding Judge noted that TSKF had previously been interviewed by the Liberian police on April 29, 2019, as part of the international letter rogatory.

The witness began his unsolicited statement by noting that he was in Foya during the war in 1993. One morning, he was sitting with other people when they saw Kundi accompanied by soldiers [Editor's note: the witness's mention of "child soldiers" was not translated]. One of them was named Kotor. According to the witness, there was a gate nearby where Kundi and his soldiers had killed men and beheaded them. They then brought the severed heads to the witness and the people with whom he was sitting. The others became frightened and ran back into their homes, crying. The witness added that "when people hear you crying, it means there are more problems," and that it was under these circumstances that he had met Kundi.

The Court questions TSKF:

The President questioned TSKF about the forced labor he had mentioned during a previous interrogation. The witness explained that they [the ULIMO soldiers] forced civilians to work for them and that when they caught civilians, they placed a heavy load on their heads. He recounted that he himself had been forced on several occasions to carry heavy loads on his head, including more than 100 kg of coffee, on the road from Foya to the Guinean border. He stated that "we had to carry it, even if we didn't have the strength." " He added that he and the other civilians would hide, but that sometimes the soldiers would search everywhere for them until they found them.

In response to a question from the Chair, TSKF named some of the commanders who supervised these marches, including Ugly Boy, Mami Wata, and CO Blaki [to be confirmed], but he specified that the name that came up most often was Kundi.

The President asked him for details about his brother, and the witness replied that he had not heard from him and did not know if he was still alive. The President then noted that during his

testimony, he had stated that people had taken his brother, then killed and beheaded him. TSKF replied that he was referring to Kotor and that he considered him his brother because their respective mothers came from the same family. When asked, he stated that Kundi had ordered his men to capture Kotor. He clarified that he had not witnessed the beheading itself, but had only seen Kundi and his men with Kotor's head.

The President then confronted TSKF with the physical description he had given of Kundi during his hearing, noting that he had described the accused as someone who was "not very short," wearing dreadlocks and a denim outfit. The President pointed out that this description did not seem to match Kundi and asked the witness if he might have mistaken Kundi for another ULIMO officer. TSKF affirmed that he knew Kundi and that Kundi did not always wear a uniform, particularly when traveling to Guinea. The witness turned toward the dock and confirmed that he recognized Kunti Kamara, noting that he was Mandinka. He explained that he himself was of the Kissi ethnic group but that he understood Mandinka.

When asked, he confirmed that he had seen Kundi during the war and stated that Kundi had rounded him up only once for a forced march, during which he had to carry coffee.

The civil party questions TSKF:

When asked, TSKF confirmed that Kundi was accompanied by child soldiers and specified that one of them was named Saddam. He also confirmed that he was standing in front of the gate of a house when he saw Kundi, and not near a checkpoint. When asked, he clarified that Kotor's head had not been placed on a stake.

When asked to specify the name of the river crossed during the forced marches, the witness stated that it was the Makona River. When questioned, he stated that he had been forced to undertake a forced march solely by Kundi, and not by any other commanders.

The Prosecutor's Office questioned TSKF:

When asked, TSKF confirmed the existence of a curfew. He added that people had been forced to carry parts of the large generator on their heads. When questioned on this point, he confirmed that it was the generator that powered the town of Foya and stated that he had not participated in transporting those parts but had heard about it.

When asked, TSKF confirmed the existence of passes issued by the S2 office, which were required in order to leave Foya.

When asked how many soldiers usually accompanied Kundi, the witness was unable to give an exact number but specified that there were many. When asked about the name of a soldier he had given during his hearing before the Liberian police, TSKF confirmed that one of them was named Saddam. The lead prosecutors then asked him whether his first name was Saddam or Saddam Hussein. TSKF replied that his name was simply Saddam.

When asked, he confirmed that the soldiers were staying in civilians' homes and that the civilians were required to feed them.

When questioned again about the forced march organized by Kundi in which he participated, the witness confirmed that the river to which they had to march was located near Solomba. Asked to clarify his statement that some people who had participated in the forced marches were afraid to speak out, TSKF confirmed it. When asked, he stated that he had not considered filing a complaint because he was convinced that the police would do nothing to arrest the perpetrators.

The defense questioned TSKF:

When TSKF was asked about his ability to positively identify Kunti Kamara in the dock—given that during his 2019 testimony he had stated he did not recognize him in the photo lineup, citing the time that had elapsed—the witness replied that the photographs presented to him in 2019 were not clear enough to allow him to identify the defendant. The defense attorney countered that, in her view, the only difference between the 2019 photographs and today's lineup was that in 2019, TSKF had to identify Kunti Kamara among nine other people, whereas today he was alone in the dock. TSKF maintained that he recognized Kunti Kamara.

When asked about the identities of the people who had asked him to testify against Kunti Kamara, TSKF replied that he had heard that Kundi had been caught and that he had subsequently been approached by the police to testify. The defense attorney then questioned the veracity of TSKF's statements, citing his remarks regarding his brother—about whom he first stated that he did not know whether he was alive or dead before claiming that he had been killed by Kundi—as well as his account of the generator walk, during which the conscripted individuals had carried the parts on their heads.

Hearing of ENB as a witness summoned by the Public Prosecutor's Office at the request of the civil parties

ENB introduced himself, stating that he was born in 1974 and was an officer with the Internal Affairs Division of the police. In response to a question from the Presiding Judge, he stated that he had never had any contact with Kunti Kamra, but that he knew some of the civil parties, notably SC and JTC, who had been his teacher.

Before giving the floor to ENB, the Presiding Judge noted that ENB had been interviewed by the Liberian police in April 2019 as part of an international letter rogatory.

The witness began his unsolicited testimony by recounting the arrival of Charles Taylor's soldiers in Foya while he was working in a swamp. He explained that Charles Taylor's soldiers tied a red cloth around their arms to identify them and signal to other troops that they had been identified. According to him, the occupation was relatively peaceful: the soldiers merely took the animals without shooting at civilians, who were able to continue their daily activities. He stated that in 1992–1993, they had experienced another war. Taylor's rebels fled into the bush, and ULIMO took control. The witness stated that he heard the names Deku, Kundi, and Ugly Boy.

The witness described a meeting organized by ULIMO soldiers during which the soldiers told the civilians: “Tell your family members to come back here, or we’ll go into the bush to kill them.” So some people went into the bush to bring people back to town. During another meeting called by C.O. Deku, ULIMO soldiers threatened to go after and kill Taylor’s rebels who had remained in the bush. According to the witness, Taylor’s rebels entered the town to attack ULIMO, but they were powerless because they had run out of ammunition to fight. ULIMO therefore drove out the NPFL rebels, and the civilians became the enemy.

ENB reported that ULIMO had imposed a curfew from 5:00 p.m. to 8:00 a.m. Since most villagers had no concept of time, ULIMO instituted a bell that signaled residents to return home. According to ENB, if someone was visiting a friend and the bell rang, they would often be caught on their way home, and their body would be found the next day. He added that many citizens had fled into the bush, but that his family had remained in town because of the children and had therefore left their lives in God’s hands.

He also stated that child soldiers followed civilians, particularly when they went outside to wash up, and forced them to follow, in order to form groups— s of up to 100 people—for forced marches. Regarding the forced marches, ENB explained that the loads consisted of various goods such as machinery, zinc, engines, and freezers and refrigerators of all sizes, which had to be transported to the border. When someone complained of being tired, they could be thrown to the ground, beaten, or even killed. The witness recalled in particular “Ugly Boy,” nicknamed Saah Chuey, because he would hack people to pieces with an axe. He explained that when civilians arrived at the border with their loads, they were not allowed to leave but had to stay put and wait for the ULIMO soldiers to trade their goods.

ENB went on to describe a forced march during which Taylor’s rebels had attempted to attack ULIMO in the last town before the border but ultimately had to flee because they were powerless. According to the witness, a Krahn man named Prince took a few men to search for Taylor’s rebels in the bush. They came across a young schoolboy and some elderly people. Prince declared that he was going to kill them, and some soldiers tried in vain to dissuade him. Prince shot the schoolboy, while a child soldier executed the elderly people. ENB and the other civilians realized they were not safe and went into hiding. After this incident, the ULIMO soldiers reiterated their threat and declared that anyone hiding would be killed. ENB and the others therefore turned themselves in to the soldiers, who then left to trade in Guinea before bringing the civilians back to Foya.

The witness finally stated that, in his view, this war was a tribal war. He explained that in Foya, before the war, there had already been a territorial conflict between the Gbandis and the Kissis, two neighboring ethnic groups.

The Court questions ENB:

In response to a question from the Chairman, ENB confirmed that he was in Foya in 1993 and that he had moved to Monrovia in 1994. When asked about the ULIMO commanders, he stated that he had never seen Kundi, but had heard of him. He added that he did not know where Ugly

Boy was, but would be able to recognize him, and that, to his knowledge, Deku had been killed in Guinea.

When asked about the death of DN, which he had mentioned during a previous interview with Liberian police, ENB stated that he was in Foya on the day DN died. He explained that he had heard that three white men had come and asked the traditional chief TT to take them to the hospital in Borma. ENB was there at the time. The white men asked who was responsible for the destruction, and TT replied, "I can't say because we are the victims of the war." ENB noted that, to his surprise, DN was also present and stated: "I'm not going to hide anything. This damage was caused by ULIMO." According to the witness, Kundi and Deku controlled Foya at the time. It was upon his return to town that he learned DN had been killed. He clarified that he had seen neither the murder nor DN's body.

When asked about the charges leveled by civilians under duress—particularly regarding the generator—ENB said he did not know whether it was the generator for the town of Foya or the one for the hospital. He added that the Foya power plant had been built under the Doe regime, and when the NPFL took control of Foya, the generator remained in place. However, when ULIMO arrived, they took everything. He confirmed that he had been forced to carry parts of the generator.

When asked about Fine Boy, the witness described him as an intelligent and well-educated person who treated the population well. He spoke politely and did not beat people. When asked about Ugly Boy, he described him as someone who was ugly and feared by the population. When asked about the reputation of Kundi and Deku, ENB stated that they held power and were always together. The public feared them.

The civil party questioned ENB:

The civil parties' attorney questioned the witness about the statements made by the ULIMO upon their arrival in Foya. According to him, the ULIMO declared that they had come to free the people from the suffering inflicted by Charles Taylor. ENB added that: "Given their actions, we know those were lies."

The prosecution questioned ENB:

When asked about how the forced marches unfolded, ENB stated that people were forcibly conscripted, beaten, and received not a single cent. According to him, many people died along the way. Asked to clarify his statements that some people died during the journey due to the heavy loads they were carrying, ENB confirmed them. He also confirmed that some had been executed. He explained that the marches from Foya to Solomba could take an entire day due to the weight of the loads, whereas under normal circumstances they would take only 5 hours. When asked about the behavior of the commanders supervising these marches, he stated that they took pleasure in beating civilians.

When asked to describe how civilians were conscripted for these marches or other tasks, ENB recalled that there was a curfew. During the day, soldiers would knock on civilians' doors and

force them out. In the morning, soldiers would sometimes send child soldiers to ambush civilians as they left their homes. Soldiers would also sometimes ask the traditional chief to provide men. To gather people without arousing suspicion, the traditional chief would shout "general cleaning," and it was only when the civilians began working that the soldiers would come to fetch them.

When asked, ENB confirmed that he had witnessed the exchange between DN and the white men, but not DN's arrest.

When asked about the measures put in place by ULIMO, ENB confirmed the existence of a curfew and passes issued by the S2 office. He explained that the civilians who were in Foya owned farms in the bush and had asked Deku for permission to go there to fetch food. Deku gave his approval on the condition that the civilians carry a pass.

When asked to comment on TSKF's statements—according to which some victims of forced marches were reluctant to speak out for fear of reprisals—ENB confirmed them and clarified that many were afraid to speak out.

The defense questioned ENB:

The defense attorney pressed ENB on why he implicated Kundi Kamara in DN's death and the forced marches, even though every time he was asked about it, he replied that he did not know him. The witness retorted that many people had heard of Kundi without ever having actually met him. He added that, in his view, the abuses committed under Kundi's orders were his responsibility and stated: "I didn't see him, but I saw people killing in his name." He clarified that the soldiers said they were acting on orders from Kundi and Deku.

The defense attorney then asked ENB about his age. ENB stated that he was 42 or 43 years old, and the defense attorney took issue with this, saying that the witness had told Liberian police he was born in 1972 and must therefore be around 50 years old. The defense attorney stated that, given these discrepancies, he did not know whether the witness was indeed the same person who had been interviewed in Liberia and that this was unacceptable. The Presiding Judge intervened to point out that there could be discrepancies in dates of birth that sometimes needed to be corrected during the hearing, since there were no civil registry records at the time. The witness was asked to confirm the information on the witness form and to present his professional ID card, which indicated that he was born in 1974.

<u>Screening of a 2008 film about hearings before the Truth and Reconciliation Commission</u>

The film was entered into the record at the request of the attorney for the civil parties. It features various witness hearings conducted by the TRC, particularly regarding forced marches and abuses committed during the civil wars. When asked about ULIMO commanders, a witness of Kissi origin mentioned the names Ugly Boy and C.O. Kundi.

After the screening, the Presiding Judge asked for confirmation that he had indeed heard the name C.O. Kundi mentioned by a witness. The attorney for the civil parties clarified that the witness had indeed mentioned the names of various commanders, including C.O. Kundi.

Examination of Kunti Kamara on the merits regarding these facts

The Court questioned Kunti Kamara:

When asked about the various individuals who had mentioned the forced marches—in addition to JTC—Kunti Kamara stated that he did not know them, even though they claimed to know him personally and indicated that he held a command position in Foya. When asked about the witness Kissi, who mentioned the names "Ugly Boy" and "C.O. Kundi" in the CVR video, Kunti Kamara stated that he was unaware of the existence of that video.

When asked about the forced marches, he replied that he was unaware of them as well and that he had spent four months in Mendekoma, on the border with Sierra Leone. He explained that he had too much work and did not have time to notice such things.

When asked about the looting of the Foya power plant, the defendant stated that he could not comment on Foya and did not know if there was a power plant there, since he had been stationed there for one or two weeks at most.

When asked about the forced march mentioned by witness JTC, which was allegedly ordered by Kundi, the accused said he was shocked and confused that someone would accuse him without knowing him. When asked about Deku's presence during that march, Kunti Kamara replied that Deku had come to find him at the front lines.

When asked about trade between Guinea and Liberia, particularly in Lofa, the defendant stated that there was a market in Voinjama where Guineans and Liberians traded goods in 1995–1996. The President then confronted him with his statements to the investigating judge, according to which, after the capture of Voinjama, the border with Guinea was opened and all Liberians returned to Foya. He further stated to the investigating judge that there were also Guineans in Foya who were buying cocoa and coffee to send to Guinea. The President noted that the witnesses heard so far had stated that when the Foya region was under ULIMO control, no one could travel without a pass, and no residents were allowed to cross the border into Guinea. The President therefore asked the accused how it was possible to trade with the Guineans. Kunti Kamara stated that he was confused and was simply trying to explain that in 1995–1996, the situation was normal. In response to a question from the Presiding Judge, the accused confirmed that he could not comment on trade that took place with Guinea in 1993, as he had left Foya at that time. When questioned again about the forced marches, he stated that he had no time for civilians because he was on the front lines. When asked if he had heard about them, he replied that they were rumors and that if he himself had seen anyone forcing civilians, he would have said so.

The President then asked Kunti Kamara about the apology offered by General Kromah to the people of Foya. The accused replied that General Kromah had come to Foya after the disarmament, during the preparations for the elections.

When asked about the lack of pay for ULIMO soldiers and their means of subsistence, Kunti Kamara stated that the soldiers were resistance fighters and received weapons and food from Guinea. He clarified that he was not involved with the food suppliers. When asked whether the local population, particularly the Kissis, willingly gave food to the soldiers, the defendant replied that he was not involved and could not comment on the matter.

The Presiding Judge asked Kunti Kamara if he had remained on the front lines at all times between 1989 and 1997. The defendant replied that when he was in Gbarnga, he traveled back and forth between Voinjama and the bridge over the St. Paul River, which separated ULIMO from Taylor's forces.

When asked why Alieu Kosiah had called him as a witness in his trial in Switzerland, Kunti Kamara replied that he did not know.

The civil party cross-examines Kunti Kamara:

The civil parties' attorney cross-examined Kunti Kamara again regarding his stay in Foya. The defendant stated that he recalled spending four months in Foya before traveling to Voinjama. He also stated that Kosiah had spent two weeks in Foya.

When confronted with his statements to the investigating judge—in which he claimed to know Solomba, Kaké, and the river that had to be crossed by canoe—Kunti Kamara confirmed that there was a river in Solomba. However, he stated that he did not recall mentioning either canoes or a man named Kaké. He added that in 1996, he had gone to the border to get gasoline. The attorney for the civil parties expressed surprise that he had such a precise knowledge of the area despite having visited it only once.

When asked to specify the date of the disarmament, the defendant stated that it had taken place between 1996 and 1997 and had preceded the establishment of a transitional government in which all factions had participated. He clarified that the elections had taken place at a later date. The attorney for the civil parties questioned Kunti Kamara about the connection between Kromah's visit to Foya to apologize to the population and the election campaign period. The defendant replied that he had heard that Kromah had come to Foya while he was campaigning.

When asked about the plot hatched against him, Kunti Kamara confirmed the existence of a large network conspiring against him, led by HB, a Mandinka; FW, a Kissi; and the NGO GJRP. The attorney for the civil parties noted that the NGO had been founded in 2012 and asked Kunti Kamara how he explained the fact that a witness had mentioned him before the CVR in a video dating from 2008, even though his name did not appear on the list of perpetrators of the crimes. The defendant reiterated that these were secret plots. He explained that there were many rumors and that the motive of those who came to testify against him was to obtain asylum in Europe and bring their families there.

The prosecution questioned Kunti Kamara:

When asked, Kunti Kamara confirmed that he had stayed in Foya for four months. The prosecutors then pointed out that the capture of Foya took place in July 1993 and concluded that the accused had therefore remained there until November 1993—the period during which the abuses described in particular by JTC, such as forced marches, were committed. Kunti Kamara countered that he had spent all his time on the front lines in Mendekoma due to the fighting. He reiterated that he was not based in Foya.

When asked about statements made by several witnesses claiming that he had child soldiers under his command, the defendant denied having had child soldiers serve as bodyguards in Foya. He stated that he had never heard the name Saddam Hussein. Regarding the recruitment of child soldiers by other ULIMO members, the accused recalled two young soldiers aged 16–17 who had been captured by Pepper & Salt. These youths were wearing uniforms, but he had never seen them on the front lines.

The defendant was then asked about the phrases “Any bush shake” and “Till go.” He stated that he was not familiar with them, but that, in his opinion, the first phrase was used on the front lines to encourage soldiers to react when there was movement in the bush. As for “Till Go,” he said it was a military expression that told soldiers not to retreat but to keep going until they reached their objective, similar to the phrase “No retreat.”

The attorneys general read statements by Kwamex Fofana, a high-ranking ULIMO officer, regarding forced labor and conscription. He stated that civilians had been forced to transport looted goods to Guinea—such as coffee, palm oil, and engines—as part of trade between Lofa and Guinea. Kunti Kamara replied that he knew nothing about this.

When asked if he was familiar with the expressions “help yourself” and “pay yourself,” the defendant replied that he had entered the war of his own free will to resist Charles Taylor, and not to be paid.

When questioned about his travels in Lofa, he explained that he used a car that had been confiscated from the NPFL and that Deku supplied him with gasoline. The prosecutors then confronted him with his statements to the investigating judge, in which he had claimed that it was a time of war and that there was no gasoline available. Kunti Kamara stated that the judge asked him how he got around, and he replied that he went to the market in Kolahun, near where his wife lived. Under cross-examination by the parties, the prosecutors pointed out that this was not what the accused had stated.

The defense cross-examines Kunti Kamara:

Referring to a map of Liberia, the defense attorney noted that Mendekoma and Foya are located in Foya District and asked Kunti Kamara if he was referring to Foya District when he stated that he had spent four months in Foya. The accused confirmed that he had spent four months not in the town of Foya, but in Foya District.

October 20, 2022 – Day 9: Child Soldier and Battalion Commander

Day nine of the trial began with testimony from a civil party who described being forced to work for ULIMO, including looting a generator in Foya. The electrical equipment was loaded onto an engine-less trailer that he and others had to push all the way to the Guinean border. According to him, Mr. Kamara beat him and threatened to kill him and eat his heart; he still suffers from physical ailments resulting from that beating. The civil party told the court about a song ULIMO troops used to sing to them while they were forced to work: *"If you get tired, we'll kill* you" were some of the lyrics. He described seeing tortured dead bodies lying around and hearing about sexual violence committed by ULIMO. Photographs taken by French authorities in 2019 of the locations where the alleged crimes were committed were shown.

In the afternoon, the court read statements from witnesses. The first was from a former child soldier, who had also served as a defense witness in the Alieu Kosiah case. According to him, "tabay" had been practiced in Voinjama, Zorzor, Foya, and Salayé. Furthermore, the statement described how he had met CO Kunti in Foya and noted that Kamara and Kosiah were close. After that, a statement from the former ULIMO ALLIGATOR battalion commander was read. According to the witness, Mr. Kamara was a child soldier himself, and that he was a good soldier; anyone who accused Kunti of having harmed them was lying.

October 20, 2022 – Day 9: Child Soldier and Battalion Commander

The presentation of the facts regarding the events that occurred between Foya and Solomba in 1993, to the detriment of JTC and SFC, continued with the hearing of SFC.

Testimony of SFC as a civil party

SFC introduced himself, stating that he was a farmer in Foya and that he was in his fifties. He confirmed that he had served as village chief at the time of the events. When asked about his relationship with EP, he explained that EP acted as an intermediary between the soldiers and the villagers and that EP was his superior.

Before giving the floor to SFC, the Presiding Judge noted that SFC had been interviewed by Chief Warrant Officer Peruggia on February 25, 2019, and that he had been confronted with Kunti Kamara on March 6, 2019, before the investigating judge.

SFC explained that in 1993, ULIMO troops arrived in Foya on a rainy day and took control of the area, which was occupied by Liberians, Sierra Leoneans, and Guineans at the time. One evening, SFC was warned that Kundi had arrived in his neighborhood, prompting him to flee into the bush. According to SFC, Kundi was looking for laborers.

One morning, bodyguards sent by Kundi came and knocked on the window of SFC's bedroom and asked him to follow them to the hospital in Borma. Once there, the soldiers ordered the civilians to load the hospital's power supply components onto a tractor. SFC reported that the group was then forced to push the vehicle all the way to the Guinean border. He explained that the guards had warned the civilians that anyone who tried to escape would be executed. When night fell, all the civilians slept in the same place. The next day, they pushed the tractor to the border. In the village of Fassapoe, the load was divided into two parts and carried by hand by two groups of 25 people. SFC stated that he was the tallest and strongest in the group and that Kundi kicked him and struck him on the head to keep him standing upright, as he was buckling under the weight of the load. According to SFC, Kundi wanted to continue instilling fear in him and threatened to kill him and eat his heart if he did not comply. SFC added that the soldiers had not given them anything to drink. At the border, new orders were issued for the civilians to carry sacks of rice back to Foya, without even having time to eat, drink, or rest. SFC stated that they had subsequently returned to their respective homes by the grace of God.

SFC recounted that he had decided to take refuge in the bush so as not to be forced to undertake another forced march. After a week, he had to return to the village to feed his children. Upon his arrival in Foya, he learned that a meeting had been called for the following day and that everyone was required to attend. The meeting took place between the former police station and the former market square. According to him, the purpose of the meeting was to identify all the young men and put them in prison. SFC reported that one man present, who was a Jehovah's Witness, had tried to flee because he did not want to witness bloodshed. *A man named "Papay"* was accused of colluding with the rebels and was imprisoned. The men from Kundi, accompanied by Ugly Boy and Fofana, rounded up 15 young men and put them in prison. SFC was spared and fled to another village that same evening.

On the way, SFC reported seeing two bodies lying on the ground, their skin scarified with initials and symbols. According to SFC, these people had been forced to drink boiling oil, as their intestines had been pulled out. SFC felt his life was in danger and wanted to flee into the bush, but his wife preferred to stay in the village and pray.

SFC went on to say that the women were forced to pound rice while the men were conscripted to carry loads to the border. According to him, whenever an attractive woman caught someone's eye, she was forced to have sex. He recounted that one of the sisters of a man named Joseph had been taken as a wife by Ugly Boy, who forced her to have sex with him. Joseph tried to defend his sister and was killed by Ugly Boy. When ULIMO soldiers asked the civilians, including SFC, to bury Joseph, SFC noticed that his abdomen had been slit open. After the burial, SFC ran home and told his wife what had happened. She then agreed to flee. SFC explained that ULIMO soldiers were raping women in groups of two or three and that, by the grace of God, his wife had not been raped because, in his opinion, she was too ugly.

He went on to say that the men from Kundi had taken him to the border twice to carry oil, while others carried coffee. The soldiers leading the march sang a song: *"If you g 't get tired, if you get tired, we'll kill you."* He explained that they had not been killed because they were strong enough.

SFC then recounted that the district commissioner had asked Kundi to let the men return home and had drafted a document to that effect, which Kundi signed and stamped. This document authorized the people to return to their villages. On the way back, two of Kundi's men came up behind SFC and the other civilians. According to SFC, one woman had a daughter who was seriously ill and had died. While the group was keeping vigil over the deceased, Kundi and his men arrived and asked who the child's mother was. The mother came forward, and Kundi accused her of being a witch. He shot her and ordered the men to gather palm fronds and burn the body. SFC clarified that he was not present when the incident occurred but had heard an account of these events. He had gone to the wake that same evening to offer his support to the family.

Finally, SFC recounted an incident that had taken place one day at his home, while he was very busy. Kundi asked to see the village chief, and his bodyguards came to fetch SFC from his home. They ordered him to sit on the ground, and Kundi struck him on the head with the butt of his rifle. SFC began to bleed. A young boy who was present fled, and Kundi shot him in the thigh. Both SFC and the young boy were taken to Foya to receive medical treatment.

SFC concluded his unsolicited statement by highlighting the significant number of abuses committed by Kundi at that time and the impossibility of recounting everything at the hearing.

The Court questioned SFC:

When asked about Ugly Boy's role, SFC explained that he killed people and was very close to Kundi. Asked to describe Ugly Boy, he described him as handsome, with skin slightly lighter than the others, and muscular. According to him, Ugly Boy had given himself that nickname because of his bloodthirsty behavior.

When asked about Fine Boy, Mami Wata, and the other ULIMO commanders, SFC stated that Fine Boy had done nothing wrong and that he had heard Mami Wata was a bad person, but had never encountered him personally, even though he was in Foya. He added that C.O. Deku also came to Foya and that he was popular because he took orders from no one and committed many abuses.

SFC then confirmed that he knew Kundi well and had seen him often. He stated that Kundi's presence caused him to flee into the bush. The President then recalled the physical description that SFC had given of Kundi during his hearing. He had stated that Kundi wore a full uniform, had very ugly teeth and a slight problem with one eye, was ugly and slightly shorter than him, inspired terror, and was about 20 years old. When asked by the President about Kundi's build, SFC stated that Kundi was muscular, slim, and had one eye that turned to the side. He confirmed that Kundi's hair was unkempt and that he styled it like a woman, with braids. He stated: "When we saw him, to us, he was the ' '—the devil." When asked about the weapons Kundi was carrying, SFC stated that he had heard Kundi was carrying an RPG and a G3.

The presiding judge then asked him if he recognized the person sitting in the dock and whether it was indeed Kundi. SFC confirmed that it was C.O. Kundi and that this was the man he had seen in Foya. He also confirmed that Kundi had assaulted him, notably by striking him on the temple with

the butt of his rifle. He further confirmed that Kundi had threatened him, as he had threatened others, with eating his heart.

When asked to elaborate on the song he mentioned during his unscripted statement, SFC explained that the song *"If You Get Tired, We Kill You"* gave civilians the strength to keep going. He confirmed that he had referred to a forced march involving the generator for the Borma hospital and stated that the vehicle used to transport the generator had tires but no engine and had to be pushed. According to him, it was a trailer. He also confirmed that the trailer broke down during the journey because the load was too heavy. The civilians then divided the trailer and the load into two groups of 25 people. When asked, he stated that there were approximately 52–53 strong men. When asked about Kundi's presence, SFC clarified that Kundi was in charge of the group during this operation and had ordered several other forced-labor operations. He added that the women were required to produce oil, which was then transported to the border. When asked, SFC confirmed that he had seen men die during these marches.

When asked about the meeting he had mentioned earlier, SFC confirmed that the men were accused of being rebels. When asked about the two mutilated bodies he had seen, he stated that ULIMO soldiers claimed responsibility for these killings, saying they were the result of the crackdown on rebels in the bush.

When asked, SFC then clarified that the young girl who had been forced to have sex with Ugly Boy and who had been defended by her brother Joseph was his nephew's daughter. According to SFC, Joseph was killed by Ugly Boy in Kundi's presence. He stated that sexual slavery was widespread in Foya, and that he had heard several accounts of women being abused. He confirmed that women were used by ULIMO to produce palm oil, pound rice, and engage in forced sexual intercourse.

When asked to confirm his statements that Kundi was surrounded by four bodyguards, SFC explained that Kundi had many bodyguards, sometimes as many as 10 to 20 when he was traveling. When questioned, he confirmed that Kundi was an important leader and stated that no one in Foya had any control over his actions. They used to call him *the "battlefront commander*." According to SFC, he acted independently and could kill whomever he wanted without having to answer to anyone. SFC added that Kundi was a powerful man who destroyed many lives and much property in Foya.

When asked about the organ harvesting practices he mentioned during his testimony, SFC stated that he had not been an eyewitness to such acts but had heard about them. He did, however, note that he had observed that Joseph no longer had intestines when he was buried. He added: "Whenever we had access to the bodies, we regularly saw that the organs had been removed." According to him, these atrocities were intended to decimate the Kissi population and had no connection to ULIMO's opposition to the NPFL. The President summarized SFC's remarks by stating that the abuses were committed against civilians who were not involved in the war. SFC affirmed that during the NPFL occupation, the villagers had continued to live normally, but that this had changed completely with the arrival of ULIMO.

In response to a question from a juror, SFC stated that he had not been able to hear properly since the day Kundi struck him on the temple with the butt of his rifle. When asked about the initials he saw on the bodies, he explained that he could neither read nor write and that he had only seen marks inscribed on the bodies.

The civil party questioned SFC:

In response to a question, SFC confirmed that he had been struck by Kundi during the forced march from the generator at the Borma hospital. The witness mimed kicks and blows to the back, and specified that Kundi had grabbed a mango tree branch to strike him in the back. He added that he was still experiencing pain as a result of this mistreatment.

When asked about the nickname "Ugly Boy," the witness stated that he did not remember it. The civil parties' attorney then asked him if he remembered the nickname *"Saah Chuey*." The witness recalled it and explained that the nickname referred to his practice of removing hearts with an axe. He clarified that he had not witnessed these acts himself but had heard accounts of them.

When asked, SFC stated that he had buried several bodies, including Joseph's.

The attorney for the civil parties asked the witness if there were any children among Kundi's bodyguards. The witness stated that some were tall, others shorter, and added that some were young "but not that young."

When asked about Alhaji Kromah, SFC stated that he was the supreme leader of ULIMO. The attorney for the civil parties clarified her question by asking the witness how Kromah had behaved after the war. The witness explained that after disarmament, Kromah had sought the office of president of the country. He added that Kromah had campaigned and asked people to vote for him. According to SFC, Kromah brought cows, but the people did not accept his gift. They told him they would not vote for him given all the harm he had caused the people.

When invited to address the Court, SFC began by expressing his gratitude for the welcome he had received and thanked the Court for making such arrangements, noting that the acts committed during the war were not downplayed here, unlike in Liberia. SFC also thanked everyone who had taken care of them, including Kundi's lawyers and his own. He concluded by saying, "May God grant you prosperity in this country."

The Prosecution questions SFC:

The deputy prosecutors began by asking the witness whether the march from the Borma hospital had taken place long after ULIMO's arrival in the town of Foya. SFC estimated that the march had taken place about one month after their arrival. Upon further questioning, he confirmed that the march had taken place during the rainy season and that its final destination was Solomba.

When asked about the arrangements Kundi made upon their arrival in Solomba, the witness explained that Kundi had contacted the people who were to buy the generator and that, in the meantime, other people were crossing the river with bags of rice. When asked, SFC confirmed

that the goods were loaded onto boats to cross the river. He also confirmed that he had been taken from his home in the early morning to make this trek.

The lead prosecutors then returned to the statements made by one of the witnesses, according to which ULIMO had imposed a curfew in order to find people at their homes and conscript them for forced marches. SFC confirmed that this was indeed what was happening. He explained that as soon as the curfew was declared, men in authority would show up at people's homes to forcibly seize civilians.

When asked about the ULIMO chants *"Till go"* and *"Any bush shake, your heart,"* the witness confirmed that the soldiers were singing these songs behind them as they carried the loads. When asked, he confirmed that he had heard them.

When asked how some people had lost their lives during the marches, SFC explained that he had not witnessed the executions but had heard that those who were too exhausted were killed. He specified that he had taken part in four marches, two of which were under the command of C.O. Kundi. The first involved transporting the electric generator, and the second involved transporting food, coffee, and palm oil.

The lead prosecutors then returned to SFC's estimate of Kundi's age, noting that he had stated Kundi was about 20 years old at the time of the events. SFC reiterated that this was an estimate and that Kundi might have been 25. When asked whether it was possible to be young while still holding positions of responsibility and commanding respect among civilians, SFC replied that Kundi wielded impressive power. He explained that because he was armed, everyone was afraid of him and no one could resist him.

When asked, the witness stated that the women pounded rice for the soldiers' families and that a stockpile was set aside to be sold in Guinea.

When asked about ULIMO soldiers moving into civilians' homes, the witness clarified that they took the houses by force. He added that when the ULIMO arrived, the population fled into the bush and the soldiers took possession of the empty houses. SFC explained that the civilians had no choice and were treated as slaves.

When asked about C.O. Kundi's place of residence while he was in Foya, SFC stated that he remembered where Ugly Boy lived [*i.e.,* Darma Road], but that he did not know where Kundi lived. He added that C.O. Kundi came to Foya regularly to patrol. When asked, the witness clarified that when he spoke of Foya, he was referring to Foya City, the large city.

When asked to clarify his statements made during his confrontation with Kunti Kamara—during which he stated, in response to a question from the defendant's attorney, that he did not have any photos of Kunti Kamara—SFC confirmed them. In response to a question from the prosecutors, he also confirmed that he did not have a camera at the time.

When asked why he had not filed a complaint in Liberia, SFC explained that he did not know where Kundi was after the disarmament and that he did not have the necessary funds to file a complaint.

The defense cross-examines SFC:

The defense attorney revisited the witness's identification of Kunti Kamara. She noted that SFC had been questioned by Chief Warrant Officer Peruggia and that no photo lineup had been presented to him. She asked SFC to confirm that the first time he was asked to identify Kunti Kamara was during his confrontation with him before the investigating judge on March 6, 2019. The witness confirmed that no photos had been shown to him when he was questioned by the investigators. He nevertheless clarified that he had recognized Kunti very easily, as he had not forgotten the face of the man who had subjected him to that treatment.

The defense attorney read aloud SFC's description of Kunti Kamara and stated that she did not observe any of the details described by SFC in the defendant (*i.e.*, ugly teeth and hair, an eye that turns outward). When asked to confirm that he was certain he had recognized Kunti Kamara, SFC nodded in agreement.

When asked how the generator parts had been divided up after the trailer broke, the witness explained that the soldiers were equipped to dismantle the equipment. The ULIMO soldiers had therefore quickly proceeded to separate the parts.

The defense attorney expressed surprise that parts heavy enough to break a trailer were subsequently transported on canoes. When questioned about this, the witness explained that even cars could be transported from one bank to the other. This response astonished the defense attorney.

When asked to confirm that everything went very smoothly while the NPFL was present, the witness explained that civilians lived normal lives, aside from the fact that the NPFL sometimes took their animals. The defense attorney pointed out that some witnesses had stated that conditions were terrible under the NPFL.

<u>Presentation of documents and exhibits from the case file. Recap of the situation by SFC.</u>

The Court questioned SFC:

The President began by presenting aerial views, notably of the Borma Mission and the location where the trailer broke down. Photos and sketches of the river and the location of the canoes were then projected.

In response to a question from the President, SFC explained that this was the Makona River. The President asked the witness if he was familiar with the Po River, and the witness replied that he was familiar only with the Makona River, on the border between Guinea and Liberia.

When asked about the boats used to cross the river, the witness explained that they used boats of varying sizes depending on what they were transporting. In response to a question, SFC stated that he had not seen any boats with drums on the sides.

When asked about a photograph of a house, the witness stated that it was the house where he was sleeping when the soldiers sent by Kundi came to pick him up to transport the generator. He specified that they had crossed a hill to get to the Borma hospital.

The President then showed the witness a photograph of the location where the generator was found. He noted that the current structure was not the same as it had been at the time. When questioned on this point, the witness confirmed that the structure at the time was similar to the current one. Upon further questioning, SFC also confirmed that Kundi was present.

A sketch of the trailer on which the generator was placed was then presented to the Court. When asked about this, SFC explained that it was a trailer that someone was holding at the front while the others pulled the part that was normally towed by a vehicle. The witness then clarified that it had tires and was quite large.

Photographs of the house where the civilians slept, the spot where the trailer broke, and the house where they went to fetch planks to carry the generator on their shoulders were then projected. SFC explained that it was harder for him to carry it on his shoulder than on his head, because he was taller than the others. He added that he had been struck several times.

The Presiding Judge presented a photograph of the banks of the Makona River, in which canoes are visible. SFC stated that the canoes in the photo resembled those used at the time, but clarified that he had not witnessed the generator being transported across the river. When asked, he stated that the civilians were not allowed to cross the river.

The civil party had no questions. Neither did the prosecution.

The defense questioned SFC:

The defense attorney asked the witness how many people were needed to carry the generator. The witness explained that it took 10 to 25 people on each side, depending on what was being transported. He added that the logs had been tied together to form a platform on which the generator had been placed.

When asked how they were able to move in unison with 10 people on each side, the witness explained that the journey took ten hours and that the taller people carried the loads on their shoulders while the shorter ones carried them on their heads.

* * *

The President informed the parties that Witness SB, who was scheduled to testify that day, spoke only the Kissi dialect and that the sole Kissi interpreter was unavailable and was currently in

Belgium. Given the formal prohibition on using the services of witnesses and civil parties, SB's testimony was postponed until the following day.

Regarding the witness Abraham Towah, who was also scheduled to testify today, the Presiding Judge noted that it was too late to issue a warrant for his arrest in Switzerland and sought the parties' opinion. The parties agreed to forgo Abraham Towah's testimony and to proceed instead with the reading of a number of excerpts from his testimony by the Swiss authorities.

Reading of Abraham Towah's testimony

The President noted that Abraham Towah had been called as a defense witness in the trial of Alieu Kosiah. The President clarified that Abraham Towah is Muslim and currently a political refugee in Switzerland. It appears, however, that his asylum application has been rejected. The President read aloud certain portions of Abraham Towah's June 17, 2015, interview that appear relevant to establishing the truth in this trial.

The Court will now read certain passages from Abraham Towah's interview with Swiss authorities:

When asked about his travels abroad before coming to Switzerland, the individual stated that this was his first time in Europe and that he had been to Sierra Leone, Guinea, and The Gambia. He explained that his village was named Towah's Town because his grandfather had founded it, and that ULIMO had entered the Todi district in 1992. It was at that time that he left the Todi district with ULIMO and met Alieu Kosiah, who was one of ULIMO's commanders. He added that when he joined ULIMO in 1992, Alieu Kosiah took him in as a child soldier. He took care of him, and Abraham Towah regarded him as his father.

When asked about the practice of "tabé," he stated that the ULIMO group practiced "tabé" at Todi Barracks and that he had also seen ULIMO soldiers practicing "tabé" in Voinjama, Zorzor, Foya, and Salayé. Some of the people subjected to "tabé" were civilians, while others were captured NPFL soldiers. According to Abraham Towah, sometimes civilians were tied up and tortured, and sometimes the soldiers let them go if they saw that they were not NPFL soldiers. On occasion, people who had been subjected to tabé decided to join ULIMO. Abraham Towah added that the one time he saw tabé taking place in Foya, Alieu Kosiah was present but did not participate. The "tabé" took place at ULIMO headquarters, outside the building. As *a low-ranking soldier*, Abraham Towah would inform Kosiah whenever he saw something wrong. If he reported to Kosiah that someone had been subjected to "tabé," Kosiah would often speak with the soldiers to have them release the individuals.

When asked about Kundi, Abraham Towah stated that he knew him and that he was also a former ULIMO combatant. He added that they had spent time together in Voinjama and Foya. Kundi had seen him during a visit to Lola, Guinea, where he had relatives, and they returned together fr , Lola to Voinjama. According to Towah, Kosiah and Kundi knew each other very well as former ULIMO soldiers, and Kosiah was *a senior officer* to Kundi.

When asked about Ugly Boy, Abraham Towah stated that he knew him very well. He indicated that Ugly Boy was also a former ULIMO fighter, of Mandingo ethnicity. Abraham Towah did not spend time with him, but they knew each other as ULIMO fighters. The witness stated that he did not know Ugly Boy's rank and specified that he was in Foya. Abraham Towah first met Ugly Boy in Voinjama and then saw him again in Foya. According to him, Ugly Boy and Kosiah knew each other very well, and Kosiah was Ugly Boy's *senior officer*. They fought together on the front lines. He added that Ugly Boy died in prison in Guinea after the war. He had committed criminal acts and was arrested and imprisoned by the Guinean government. When asked whether Ugly Boy had also committed criminal acts in Liberia during the war, Abraham Towah replied that he had known him only as a ULIMO fighter.

When asked about the location of the S2 office in Foya, the individual in question stated that he did not know where the S2 office was located, since he was only passing through Foya. When asked, he said that he stayed with friends while in Foya. He added that sometimes he slept at Kundi's house while Kosiah slept at headquarters, where Deku was staying. Abraham Towah explained that since Kundi was his friend, he had visited his house several times, even after another house had been made available to them. When asked, he clarified that Kosiah had slept at headquarters with Deku until he was given a place to stay, where they all then lived.

When asked whether Kundi was Kosiah's bodyguard, Abraham Towah replied in the negative, stating that Kundi, like Kosiah, commanded a company and held the rank of captain. He added that Kosiah had been promoted from captain to colonel and that Kundi had been promoted to major.

The President concluded by noting that the witness had identified Kromah, Mohammed Tebbe, Alieu Kosiah, and a man named Cobra from photographs. He was also shown photographs of child soldiers and stated that the oldest was 13 years old and the youngest was 9 years old.

The civil party read aloud certain passages from Abraham Towah's interrogation by Swiss authorities:

When asked about Alieu Kosiah, Abraham Towah stated that he was not the only commander present and that there were other commanders above him, including the *battalion commander* Jungle Jabah. According to him, Kosiah played an important role in saving their lives. Abraham Towah recounted that after the fighting, the ULIMO commanders brought 100 to 200 people out of the buildings and lined them up outside. They asked everyone questions. According to him, those who answered correctly were placed on one side, and the others on the other. The ULIMO commanders asked them who the NPFL commanders were and whether anyone had ties to them. Abraham Towah explained that this was to determine whether or not the people were members of the NPFL, since they had found them in one of the main barracks. Those who refused to answer the questions correctly were tortured. Sometimes, the ULIMO commanders tied their arms behind their backs with a rope; other times, they forced them to lie on the ground and beat them with the butts of their rifles. According t , the witness, they wanted to know who was who and whether there were any NPFL soldiers among the civilians. When asked, Abraham Towah stated that the way they were tied up was also called "tabé" and that he had witnessed the ULIMO's arrival at Camp Todi. He clarified that he himself had neither been tied up nor beaten

and did not know why he had been spared, but that perhaps it was God's will. According to him, Alieu Kosiah arrived while the ULIMO soldiers were asking questions.

Abraham Towah then clarified that he was not assigned to a specific *frontline commander* and that there were various *frontline commanders.* According to him, this could change from one day to the next, depending on which front line they were heading to, since each front had its own commander. He noted that he had served under Abu Keita and Pyj and that he had also been on the front lines alongside Pepper & Salt, who was *a frontline commander*.

When asked about his role with Alieu Kosiah, Abraham Towah stated that he was his bodyguard and that whenever they went to the front or anywhere else, he would go first to inspect the area. He also took the food that the women had prepared for Kosiah and tasted it before Kosiah ate it. In short, his job was to ensure that Alieu Kosiah remained safe.

When asked about the acronyms "SBU" and "RTO," he explained that "SBU" stood *for "small boy unit"* and "RTO" referred *to* bodyguards. He added that he did not know the meaning of the acronym "RTO." When asked, he stated that SBUs were also combatants and that all factions—both the NPFL and ULIMO—had SBUs. According to him, all adolescents within ULIMO were considered SBUs. He confirmed that he himself had been classified as an SBU because he was a child, and clarified that all children fell into the SBU category. He was therefore an SBU with the specific role of RTO. According to him, not all SBUs were RTOs, but they were all soldiers.

When asked about forced marches, Abraham Towah stated that he had never seen or heard of such a thing, before adding that all factions had engaged in them.

The defense attorney intervened to read aloud a portion of Abraham Towah's response regarding forced marches. Towah stated that transportation had been by car and that the generators were already in Foya and Zorzor. According to him, civilians merely helped them load the generators into the cars in Zorzor or Foya, after which they were transported by vehicle via the road.

The attorney for the civil parties continued reading from the testimony regarding the forced marches. Abraham Towah stated that the civilians transported the goods as far as Solomba, to the banks of the Makona River, where canoe-type boats would pick up the cargo and take it to the other side. The attorney for the civil parties continued reading from the testimony regarding the forced marches. Abraham Towah stated that civilians carried the goods as far as Solomba, to the banks of the Makona River, where canoe-like boats would pick up the cargo and transport it to the other side.

The prosecutors cited an additional passage in which Abraham Towah indicated that the canoes were very large and that it was possible to tie two together to transport a car. According to him, the canoes were rowed and were made from hollowed-out tree trunks that floated.

The attorney for the civil parties continued reading from the documents. When asked about his role during the forced marches, the witness stated that he would not lie and confirmed that he had participated. He said he remembered transports from Foya to Solomba and added that at the time, they had to fend for themselves because they were not paid and were poor.

When asked about the atrocities committed by ULIMO—which involved cutting up corpses, placing the pieces in wheelbarrows, and forcing civilians to buy them—Abraham Towah stated that he had heard about these incidents but had not witnessed them. He recalled arriving in Foya two or three months after the town was captured.

When asked whether civilians knew the name of the commander in charge while ULIMO was conducting operations, Abraham Towah replied that during the fighting, civilians were fleeing and did not concern themselves with who was in command. However, once ULIMO had held a town for one or two weeks, everyone knew the commander's name. When asked, he stated that during the transport of goods, civilians could not remember the names of all the commanders who organized these transports. When asked whether, during the transport of goods, ULIMO soldiers crossed the Guinean border with their weapons, he replied in the negative and clarified that they were not allowed to cross with their weapons and that they left them with other ULIMO soldiers before reaching the border. He added that they did not fight in Guinea and that Guinean soldiers searched them before they were allowed to cross the border. He specified that Solomba was the last stop before the border coming from Foya.

When asked whether other *"big men"* in Lofa had *"small soldiers"* in their groups, Abraham Towah replied that all the *"big men"* in Lofa had *"small* soldiers" assigned to them, including Alhaji Kromah. According to him, all ULIMO commanders had *"small soldiers"* with them.

When asked about the time he spent in Foya, he said he did not remember exactly, but thought he had stayed there for four months. He explained that he traveled back and forth and that this was in 1994–1995 during the rainy season. When asked, he clarified that he would sometimes stay in Foya for a few days during these trips back and forth, sometimes even for one to two months. He also stated that while he was in Foya, Deku was the commander and that Deku held a higher rank than Kosiah.

The prosecution read aloud certain excerpts from the Swiss authorities' questioning of Abraham Towah:

The witness spoke about the effects the war had on child soldiers. In this regard, he stated that the war had affected many Liberians, including himself. Because of the war, many young people in Liberia are unable to do anything on their own. He added: "We, the Liberian youth, are angry at those who brought about the war, including the commanders who took us to the front lines because they used us, and we didn't know what we were doing. We are victims of people who abused us and took advantage of us. Take me, for example. Look at my age—I'm disabled because of the war. The war in Liberia was not good for us."

Regarding why he joined ULIMO, Abraham Towah explained that he wasn't the only one whose life was spared after being captured by ULIMO. There were many of them, and several—including himself—voluntarily joined ULIMO because of the benefits. According to him, the benefits included not having to watch his sister get raped right before his eyes, not having to watch his brother get killed right before his eyes, and not having to carry heavy loads. He added that carrying a weapon was also safer for his own life.

The defense proceeded to read certain passages from Abraham Towah's interview with Swiss authorities:

When asked, Abraham Towah stated that he had neither been recruited by the NPFL nor had he been a member of the NPFL, and that he had been recruited solely by ULIMO. According to him, when the NPFL arrived in the villages, they would sometimes kill chickens, beat and rape civilians, or force them to carry loads on their heads. He added that he remembered an NPFL commander wanting to have sex with his older sister. When she refused, the fighter beat her in front of him. He added that they were mere civilians and could do nothing against the NPFL. He himself was forced on five or six occasions to carry loads for the NPFL because they were armed.

When asked why he took up arms against the NPFL, Abraham Towah explained that he wanted to defend his country against the destruction, rapes, and murders perpetrated by the NPFL.

Update on the Hearing of Witness NS

Regarding Witness NS, who had been hospitalized, the President noted that, according to the association Paris Aide aux Victimes, the witness's health was not improving and that a prompt return to Liberia was recommended. The attorney for the civil parties requested a few days' extension to determine whether NS wished to testify. The matter concerning NS was therefore reserved.

Reading of the testimony of witness Omaru Musa Kelleh

The defense attorney proposed proceeding with the readings concerning Omaru Musa Kelleh. The Presiding Judge agreed and clarified that there were two documents concerning this witness: the transcript of the hearing conducted by the investigating judge on January 12, 2020, and the transcript of the hearing conducted on September 9, 2017, by the Swiss authorities.

The Prosecutor's Office read aloud the full transcript of the hearing of Omaru Musa Kelleh conducted by the investigating judge on January 12, 2020:

When asked, Omaru Musa Kelleh confirmed that he was now blind and that he had been commander of the Alligator Battalion. When questioned about Kunti Kamara's role within ULIMO, he stated that Kunti Kamara was a child soldier, adding that although he was small, he was capable of fighting. When asked about his statements to Swiss authorities that Kunti Kamara was a commander, Omaru Musa Kelleh stated that he had not said Kunti was a commander, but that he had been called upon to serve alongside the commander.

The judge then told the witness that Kunti Kamara had explained that he was *a battlefield commander*. The witness stated that in 1992, Kundi had come as a soldier with ULIMO to defend a persecuted religious group. As he defended them, he became a commander, and Omaru Musa Kelleh was his commander because Kundi was in his battalion. According to the witness, Kundi attained the rank of 4th colonel within his ranks. In 1994, Kundi was a commander and was sent to Gbarnga on a mission, as that was where Taylor's base was located. During the fighting, ULIMO ran out of ammunition, and Kundi was sent to fetch more. He therefore left Gbarnga and traveled

to Voinjama in Lofa. He then returned to Gbarnga with weapons and ammunition, which enabled ULIMO to secure the area. Kundi then requested permission to return to Lofa to rest. He headed toward Kolahun before returning to Foya. According to Omaru Musa Kelleh, when the RUF attacked ULIMO in Foya, Kundi was there to bring the situation under control.

Omaru Musa Kelleh went on to state that when the elder of Foya, named TT, was arrested, everyone in Liberia knew him. When the United Nations came to take him to Monrovia, Kundi said the mission was accomplished. Foya was secure, and Kundi left to find Omaru Musa Kelleh in Gbarnga. Kundi told him, "General, there was an incident that you weren't aware of, but I've brought it under control. I want to go to Voinjama to return to Guinea and see my family for a while." According to Omaru Musa Kelleh, Kundi went to Voinjama and returned to Guinea to see his family. The President of the Republic of Guinea, Lanssana Conte, personally called Kundi and General Langasa. When the NPFL rebels crossed Guéckédou, Kundi was in command and went with the Guinean military to successfully fight the NPFL rebels. The Guinean president summoned them to Conakry and asked what he could do to reward them. Some said they wanted to travel; others asked for money. Kundi decided to leave the country and travel, which brought him to France.

The witness then returned to the years 1992–1993 and stated that Kundi was specifically with him in Bomi County. He clarified that he himself had been tasked by ULIMO with capturing the Todi district and that this mission had lasted six months. His fighters on the front lines, including Alieu Kosiah, were with him. Kundi and Kosiah were his *battlefield commanders*. They captured the villages of Neyma and Kantan, then the three camps in Todi. They looted automatic weapons and trucks and decided to clear the paved road that had been blocked by the NPFL. They fought with ECOMOG forces for a day and a night, then negotiated because the ECOMOG troops were better equipped.

They were then ordered to take the town of Kakata, but objected, stating that their leader, Alhaji Kromah, needed to be informed and that the decision should be his to make. They went to the ECOMOG base at the port, where Alhaji Kromah met with the ECOMOG commander. Following the meeting, Kromah ordered them to do as ECOMOG had requested. ECOMOG therefore deployed to Kakata.

The witness recounted that Kundi and Kosiah had asked him for permission to conduct business, and he agreed. They explained to him that they were broke and wanted to take the palm oil into town to sell it. Omaru Musa Kelleh gave them the go-ahead, telling them not to take any weapons because the area had been pacified.

When asked about Kundi's promotion to the rank of 4th colonel, the witness stated that Kromah was the one who decided on promotions and that he had simply recommended Kundi. When questioned, he confirmed that Kundi was a good soldier.

When asked about Kundi's character, Omaru Musa Kelleh stated that he was very obedient and had a good temperament. He had a good attitude and was respectful. He added that Kundi had never stopped him to insult him and that no civilian had ever come to him to complain about Kundi. According to him, Kundi never harassed people.

When asked to explain Kundi's role as *a battalion commander*, Omaru Musa Kelleh stated that Kundi always asked to go out with the soldiers to bring areas under control. He explained that sometimes there were unmanageable fighters, others were timid, and still others said they would never use weapons. According to Omaru Musa Kelleh, Kundi was there to keep the situation under control and upheld the witness's position as commander-in-chief. He added that a colonel could never attack a group or an individual without receiving an order from his commander.

When asked about the acts of torture that Kundi allegedly committed against civilians in Foya in 1993–1994, Omaru Musa Kelleh stated: "Between 1993 and 1994, if anyone tells you that Kundi did such-and-such harm, they're lying to you. I was Kundi's commander."

When asked about his statements alleging that Kundi had collaborated with the enemy, the witness explained that there had been an incident within the organization and that some soldiers had intended to form their own group. Kundi was sent to bring the situation under control. According to the witness, this had prompted TT to leave the bush. He added that Kundi had never left ULIMO and that those who had wanted to leave ULIMO and form their own group in Foya fled to Guinea when Kundi arrived. Among the traitors were Pepper & Salt and General Varmuya Sherif. Kundi was sent to drive them out of the country, and he did so. Omaru Musa Kelleh added that he therefore did not understand what betrayal was being referred to, since Kundi had never betrayed anyone.

When asked whether Kundi had bodyguards, the witness replied that he did and that good fighters had many bodyguards, unlike bad fighters.

When asked about Kundi's use of the "tabé" method, the witness replied, "On whom? When there is war, all civilians flee into the forest." He then declared before God that Kundi had never used the "tabé" method and had never authorized a soldier to tie up a civilian using the "tabé" method. According to him, Kundi had compassion for people.

When asked about Ugly Boy and Pepper & Salt, Omaru Musa Kelleh stated that both were dead. He clarified that Ugly Boy's last name was Sherif and that Pepper & Salt had left ULIMO and joined the NPFL, which had led him to his grave. As for Ugly Boy, he went to harass people in Guinea and was killed in N'Zerkore.

When asked about the ages of Kundi's bodyguards, the witness stated that they were between 18 and 26 years old.

When asked about Commanders Deku and Fine Boy, Omaru Musa Kelleh stated that he knew Deku and that Fine Boy was a 4^{th}colonel. According to him, Deku, Fine Boy, and Kundi were not together, as Kundi was not part of their group. He added that Fine Boy and Deku were harassing people in Foya, constantly bothering civilians, and had never seen combat on the front lines. He stated that both of them were dead and specified that Deku had been killed by Taylor's troops.

When asked where Abraham Towah and Lamine Kenneh were, Omaru Musa Kenneh said he believed they had left Monrovia.

The judge noted in the court record that the witness was singing a song in his own praise in which he claims that he always tells the truth.

The Court proceeded to read certain excerpts from Omaru Musa Kelleh's interrogation by Swiss authorities:

When asked to describe Alieu Kosiah's appearance, Omaru Musa Kelleh stated that he had rather large eyes and was slightly taller than him. He was very muscular and had an imposing build. He added that he played soccer and had muscular thighs.

He then explained his role during the war and indicated that his mission covered three counties (Bomi, Bong, and Margibi). He instructed his *fighting commanders,* including General Kosiah, telling them that if an enemy was captured, they should not shoot him but bring him to him. According to him, all captured territories were held under control for seven days before being handed over to the West African peacekeeping forces. Once the territories were handed over to the peacekeeping forces, ULIMO no longer had command over the civilians. If they wanted to put civilians to work for them and the civilians refused, they would be punished by the peacekeeping forces if they forced them to comply. One day, Kosiah told him that he wanted to lay down his arms and return to civilian life. Omaru Musa Kelleh told him that he would only give him the order to lay down his arms if he brought him some *"boys"* from the bush, which Kosiah did.

When asked about Kundi, the witness explained that Kundi was *a "commander," but* that he had collaborated with the enemy, General Langassa. Kundi and Mohamed Sheriff wanted to overthrow General Alhaji Kromah. Kundi, however, got cold feet and fled to Guinea. When asked, he clarified that it was Mohamed Sheriff who had convinced Colonel Langassa to turn against ULIMO. They were supposed to form their own faction to kill Alhaji Kromah, but they decided they had to kill Omaru Musa Kelleh first, otherwise they would have no chance.

When asked about Deku, Omaru Musa Kelleh stated that his name was Action Deku and that his full name was Action Deku Musa Kamara. His nom de guerre was Deku. He also indicated that Deku had died and that he was a ULIMO fighter who was not part of the special forces stationed in Sierra Leone. He added that Deku had joined ULIMO at the Po River bridge between Bomi and Monrovia when people from Monrovia had come to greet them. According to Omaru Musa Kelleh, Commanders Varmuyan Sheriff and Steven Dorley—who was then *commanding general*—welcomed him at the Clay Junction base. When asked, he clarified that Deku was a general.

When asked whether Kosiah was already a general at the time of the capture of Todi, he replied that Kosiah had been appointed general after the capture of Gbarnga, when he brought news of that capture. At the time of the capture of Todi, Kosiah was *a frontline commander*, or *"expecting* general." This means that he called himself a general when the general was not present, and that this title ceased when the general returned. According to Omaru Musa Kelleh, an *"expecting general"* was someone who aspired to become a general.

When asked about the Lofa Mission, he stated that it had begun in November 1993 and was led by *Commanding General* Steven Dorley, who had Pepper & Salt and his *Strike Force battalion*

under his command. According to him, there were also Mami Wata, Deku, Cobra, Small Donzo, and Big Donzo. He clarified that he was not part of the Lofa Mission.

When asked about the routes ULIMO took to capture Lofa, Omaru Musa Kelleh stated that they first passed through Bo Waterside before capturing Tubmanburg in Bomi. From there, they dispatched their forces across the country, including toward Lofa via the Lofa Bridge. He explained that from the Lofa Bridge onward, they could not use vehicles and had to walk hundreds of *miles* to reach Kolahun, Vahun, Foya, and then Voinjama.

When asked, he stated that Zorzor was part of Lofa and that Foya, Voinjama, and Zorzor were close to the border with Guinea. He added that Zorzor had been captured during the Lofa Mission. When asked, he clarified that Zorzor had been the first town captured in Upper Lofa. The second was Kolahun, followed by Foya, then Vahun, and finally Voinjama. According to him, the enemy was weak.

Omaru Musa Kelleh added that after Lofa was captured, he went there himself because the *chief of staff* was there. He stated that since he did not like to use vehicles in a guerrilla war, he preferred to go on foot via bush trails. He arrived in Gondolahun and was so exhausted that some men had to carry him into a *Hummer* and drive him to Kolahun. He then took a *truck* to Voinjama.

When asked, Omaru Musa Kelleh stated that Kosiah was still with Dombuyah in Voinjama. According to him, Kosiah did not have the authority to decide where he was going. It was the *chief of staff* who gave him orders. When asked where Kosiah was during the ULIMO split, he stated that the split had taken place in Tubmanburg in Bomi County. The Krahns and the Mandingos had started shooting at each other, and that was where they were all gathered. According to him, in a situation like that, you don't worry about where your friends are; you fight for your life and to dodge the bullets. He added that this happened at the ULIMO brigade, where everyone was gathered and no one understood what was going on.

When asked about TT, Omaru Musa Kelleh stated that TT was not a prophet. According to him, TT was the oldest man in Liberia. He had reached the age of 115, which was why he was respected by the government. When asked, he stated that TT was a Kissi and lived in the Foya District during the ULIMO period. He added that, to his knowledge, TT had not been a member of any armed group and that he was protected by the Kissis.

When asked about the crimes committed by ULIMO against the civilian population, he acknowledged that he was aware of them, specifying that ULIMO soldiers who attacked civilians faced consequences. According to him, those who committed rape were executed. Rape was the most common crime and the only one for which soldiers were executed. He explained that soldiers who had been in the forest for a long time wanted to have sex, and if women refused, they raped them. In such cases, the soldiers were executed. He added that there were very strict "SOPs" within ULIMO.

When asked about rapes committed by ULIMO in Lofa, Omaru Musa Kelleh stated that a soldier had committed a rape and had been arrested and imprisoned until the arrival of *Chief of Staff* Dombuyah. According to him, the decision had to be made by all the generals. A message was

sent to them warning that a soldier had committed rape. According to "S.O.P.," he was to be executed, but he was not shot. He had to dig his own grave, in which he was then buried.

When asked about the practice of "tabé," Omaru Musa Kelleh stated that, as far as he was concerned, the soldiers were very disciplined. When pressed, he added that there was a man among them who possessed magical powers. His name was Zina. One day, he told Omaru Musa Kelleh to perform "tabé" on him and throw him into a swamp, betting that by the time Omaru Musa Kelleh returned to his office, Zina would already be standing at the door. Omaru Musa Kelleh said he had tied him up securely and thrown him into the water. When he returned to his office, he saw the man dancing in front of the door. He added that this was the only time he had ever performed a "tabé."

When asked about the fact that Alieu Kosiah, nicknamed "Physical Cash," had planned to go into the palm oil business, he stated that he was the one who had given Kosiah that nickname when Kosiah told him he wanted to go into the palm oil business. According to him, Kosiah got along well with civilians. Sometimes he would leave and spend the night in the villages. Omaru Musa Kelleh thought this was risky, but Kosiah told him that the region was calm, that the war was over, and that he always had one or two men with him to escort him, which reassured him. When asked, Omaru Musa Kelleh stated that Kosiah would take palm oil from the village and bring it to Monrovia.

When asked about the "Zebra" and "Alligator" battalions, he stated that "Zebra" was the parent unit of the ULIMO upon their arrival in Liberia from Sierra Leone and that it was this unit that gave rise to the other battalions. According to him, when ULIMO split up, "Zebra" also split and gave rise to ULIMO-K, which included the "Strike Force," "Alligator," and "Lo Pizo" battalions. When asked, he stated that Kosiah was in the "Alligator" battalion with him. Kosiah was not *a* battalion *commander* but followed orders from Omaru Musa Kelleh. According to him, ULIMO-K and ULIMO-J each had an "Alligator" battalion and a "Zebra" battalion: "Alligator A" for Kromah's ULIMO-K and "Alligator B" for Roosevelt's ULIMO-J. He added that only "Strike Force" was unique to ULIMO-K.

The civil party read aloud certain passages from Omaru Musa Kelleh's interrogation by Swiss authorities:

When asked about Pepper & Salt, Omaru Musa Kelleh laughed and said, "May he rest in peace." He stated that Pepper & Salt was a great commander, a strong leader for ULIMO, and that it was he who had captured Lofa with his men. According to him, his real name was Ousman Konneh.

When asked about Alieu Kosiah's role within ULIMO, he stated that his role was to serve as a *frontline* commander for him—or, in other words, a *battlefront commander*—that is, the man who leads a group and tells it where to go.

When asked about his nom de guerre, Omaru Musa Kelleh sang *"Zo Kele Kele, you're telling the truth"* and stated that his name was in there, which is why the children wanted to follow him, because he spoke the truth.

When asked about a man named HB, the individual stated that he knew very little about him. He indicated that HB was a notorious small-time crime reporter in Liberia. According to him, HB came to Europe to make money by causing others to suffer. Omaru Musa Kelleh believes he first heard about HB in 2015 and referred to an article in which HB allegedly spread lies about Alieu Kosiah. According to him, HB cannot easily return to Liberia because other fighters are waiting for him there. Omaru Musa Kelleh wondered how HB knew what he was talking about, given that he had never been to the front lines. He stated that HB simply stayed in town and asked civilians to give him information, even offering to pay them.

When asked about Mami Wata, he said that his real name was Duana Kamara. According to him, Mami Wata was an excellent fighter in the "Strike Force" battalion, which went on to capture Lofa County, Liberia's largest county. Omaru Musa Kelleh added that Mami Wata had died. When asked about the other fighters in the "Strike Force" battalion, he mentioned Ugly Boy Sheriff, explaining that he was called that ironically because he was actually quite handsome and *"tall and bright."* According to him, Ugly Boy was killed in Guinea because of his bad behavior.

When asked about the circumstances under which the song *"Zo Kele Kele"* was sung, he explained that he had written the song himself and that it was intended to motivate the fighters as they advanced toward the enemy, since he had no money to pay them.

When asked if the name Skyface Kabbah meant anything to him, Omaru Musa Kelleh replied: "Ah! Scarface? Scarface, like Al Pacino. Scarface Kabbah was a colonel in ULIMO. He was a very handsome man."

When asked about the identity of the former soldiers who were waiting for HB in Liberia, he stated that he himself had been against HB from the moment he read his newspaper article. He wondered how HB could have turned against a brother by spreading lies about him. According to him, many people were against HB, and even when people talk about him in *"hatay shops*,*"* voices are raised asking on which front line he had served to be able to speak that way about a brother. Omaru Musa Kelleh added that HB had simply stayed put in Monrovia and had sought recognition from Westerners before going there.

In response to a question from the President, the director of the NGO Civitas Maximas, Emmanuelle Marchand, clarified that a *"hatay shop"* is a meeting place for discussion, like a café.

When asked to comment on Kosiah's statements that Foya had not yet been taken when he arrived in Voinjama, Omaru Musa Kelleh stated that Foya was on the border with Guinea and that TT was in that area, near the border with Sierra Leone, where the RUF was protecting him. The RUF were crossing the river at Solomba, and ULIMO did not have enough men in Foya to repel them. According to him, the main road ran from Kolahun to Voinjama, and Foya was located in a very active combat zone. He had been asked to go there, but he refused to walk into that trap. According to him, "Pepper & Salt" defected to the enemy, and Dombuyah had to establish a base in Voinjama to support the men.

When asked about the type of work civilians were forced to do, Omaru Musa Kelleh stated that it could include cooking for him, cleaning, washing his clothes, or polishing his shoes. He clarified that he always asked politely and that the people were not slaves.

The attorneys general highlighted the mention of the phrase *"till go"* in a note in the minutes.

When asked about the compensation civilians received for services rendered, the defendant stated that he was not paid to come and rescue civilians and that when civilians worked for him, they were paid with a little rice or soup.

Neither the prosecutors nor the defense counsel requested further readings.

The Presiding Judge added that Omaru Musa Kelleh was clearly an important figure within ULIMO. The attorney for the civil parties clarified that Lofa County had been divided into two in 2003, along with Gbarpolu County. In response to a question from a juror, the Presiding Judge, the attorney for the civil parties, and the prosecutors stated that Omaru Musa Kelleh had testified as a witness for both the defense and the prosecution two years earlier in Monrovia. He had stated that he was born in 1965 and resided in Congo Town.

October 21, 2022 – Day 10: Alieu Kosiah Testifies

The day began with a psychologist who had examined three of the civil parties who had already testified. He said that none of them suffered from any pathologies that would indicate they have a distorted perception of reality.

In the afternoon, Alieu Kosiah testified. Some civil parties and witnesses accuse him and Mr. Kamara of forcing civilians to work for ULIMO. Mr. Kosiah accused Civitas Maxima and GJRP, stating that those who accuse him have been manipulated by the two organizations. He explained ULIMO's hierarchy and his military career. He refused to answer questions regarding the widespread sexual violence during the conflict or how ULIMO survived without receiving wages. Mr. Kosiah said he held a higher rank, and that while he was stationed in Zorzor—which, according to him, was the front line in 1994—he assumed Mr. Kamara was stationed in Foya. He added that ULIMO did not eat human flesh, and that tabay was a practice of the NPFL. Speaking about child soldiers, he stated that *"it is shocking now, in 2022. It was less shocking back then, in 1990*."

Finally, Mr. Kamara took the stand. He reiterated that during 1993 and 1994 he was on the front lines, which, according to him, were in Mendekoma, in Foya County. He stated that he was not in the town of Foya and that he did not know the people who accused him.

October 21, 2022 - Day 10: Alieu Kosiah testifies

<u>Testimony of Christian Ballouard, psychologist and expert witness for the Paris Court of Appeals</u>

The Presiding Judge noted that the expert had been appointed to conduct three psychological evaluations, of FG, JTC, and SFC, respectively. When asked to explain the role of a psychological evaluation of the civil parties, Christian Ballouard stated that, as with the defendant, the evaluation focuses on the personality and life history of the civil parties. According to him, the difference lies in the questions asked, in that they focus sometimes on the perpetrator's responsibility and the motivation behind the act, and sometimes on the psychological impact of the events—often violent—on an individual.

Psychological Expert Report on Civil Party FG dated February 26, 2019:

The expert explained that he had met with FG at his office on February 26, 2019, and that FG was unable to provide a precise date of birth. FG is the third of five siblings and lives on a farm bequeathed to him by his parents. Having lost his father at a fairly young age, he did not attend school. He is married and has four children.

Regarding the events, FG helplessly witnessed his sister's murder. His mother died one week after his sister's death. FG believes there is a direct link between his mother's death and his sister's, as he says his mother died of grief. He returned home two months later and found that his house had been destroyed. According to the expert, FG's mother and sister are present in his mind, and he encounters them in his dreams.

Regarding his personality, the expert noted that FG comes across as a docile and conformist person who does not challenge authority. He has difficulty orienting himself in time, which is not due to a pathological condition but rather to the aftereffects of trauma. He also has difficulty coming to terms with the deaths of his sister and mother and feels guilty for not having warned his sister of a life-threatening danger and for having fled, leaving his mother alone. His account is at times contradictory, in that his flight may have occurred after his mother's death, which is not inconsistent with the guilt he feels.

The expert's conclusions are that FG appears docile and submissive to authority and that his sense of time is disrupted, which is consistent with the effects of trauma. Furthermore, he does not exhibit any mental or behavioral impairments or disorders that would affect his psychological well-being. Nor is he a fabricator or a mythomaniac.

The Court questioned the expert:

According to the Presiding Judge, the expert observed FG as a simple, uneducated person who appeared to him to be free of any pathology or psychological disorder that would impair his perception of reality. The Presiding Judge therefore understood that FG did not possess any personality traits that would lead him to present a distorted view of reality, which the expert confirmed.

The Presiding Judge then referred to the defendant's argument that FG was part of a conspiracy orchestrated against him, likely for the purpose of obtaining residency papers in Europe. The Presiding Judge asked the expert whether FG's account had seemed scripted or rather spontaneous. The expert replied that FG had given his account without any ulterior motive. He added that FG's experience remained painful and that the details presented in his account were credible. When asked whether he had detected any obvious signs of falsity in a coerced testimony, the expert replied in the negative.

The expert then confirmed the existence of a strong sense of guilt in FG, linked not only to the fact that he had failed to warn his sister of the danger but also to the fact that he had fled—all the more so because FG would come to associate his sister's death with that of his mother. The Presiding Judge noted that FG was facing armed soldiers and that it was difficult for him to intervene. Therefore, while there is undoubtedly a sense of guilt, it is not necessarily justified given the circumstances, according to the Presiding Judge.

In response to a question from a juror, the expert noted that FG had not mentioned his sister's illness, which he interpreted as the defendant's desire to stick as closely as possible to the facts. When asked about the post-traumatic consequences of a loved one's death, the expert replied that there were no general rules and that everyone reacts differently. According to the expert, a

sense of violence or death traditionally and typically causes nightmares, flashbacks, or profound sadness. There is a set of symptoms that can be described in general terms. In response to a question from the Presiding Judge, the expert confirmed that 30 years after the events, some victims might still be completely overwhelmed, while others might have managed to overcome the trauma. *The civil party questioned the expert:* When asked to elaborate on the disturbed sense of time observed in FG, the expert indicated that the individual had difficulty reconstructing dates or time periods in his life story. According to the expert, this could be related to his lack of education or even a traumatic aftereffect. The expert added that a more in-depth psychological evaluation would be required to examine the individual's perception of time more closely, based on his unique personal history, and that the passage of time since the events did not facilitate this examination.

The civil party questioned the expert:

When asked to elaborate on FG's disrupted relationship with time, the expert noted that the individual in question had difficulty reconstructing dates or time periods in his life. According to the expert, this could be related to his lack of education or even to a traumatic experience. The expert added that this would require a more in-depth psychological evaluation to examine the individual's relationship with time more closely based on his or her personal history, and that the passage of time since the events did not facilitate this examination.

The prosecution had no questions.

The defense questioned the expert:

Referring to the expert report, which states that FG was hiding in a banana tree, the defense attorney asked the expert whether FG had specified whether he had been hiding at the time of his sister's execution or afterward. The expert replied that the individual in question had been hiding the entire time.

When asked how FG's docile nature and submission to authority were evident, the expert explained that this was inherent to the examination, which consisted not only of examining interactions but also of cross-referencing this immediate dimension with the facts reported by the individual. The immediate dimension and the historical dimension are cross-referenced to identify what lies at the intersection of the two.

The defense attorney then asked the expert whether he was accustomed to evaluating individuals of African descent and whether the evaluation method was universal. The expert replied that an assessment is always rooted in a particular culture and that he had taken this into account, as well as the use of an interpreter. He confirmed that he considers the ethnic origin of the subjects in the context of his assessments.

When asked about the difficulties associated with interpretation, the expert explained that he did not have access to the original words, whereas psychologists work specifically with speech. If the exact word is missing, one must make do with an approximation, which requires particular caution. When asked whether it was through caution that the expert addressed the issue of not

having the exact word, he answered in the negative, clarifying that he took the interpretation into account.

When asked how a lie might be perceived in a narrative, the expert explained that lying is not a pathology and is something everyone does. As for mythomania, it involves very specific mechanisms that, according to the expert, are easy to detect.

The defense attorney then asked the expert whether it was possible to have a memory deeply rooted within oneself that would be one's own reality, but which would not correspond to what actually happened. The expert replied that a memory is unique to the individual and is subject to the vagaries of time. He added that a memory could be worked through with a professional to give it a different outcome. In his view, some memories are fixed, while others can evolve over time.

When asked how to dissociate traumatic memories in a person who has experienced a war situation, the expert noted that collective trauma does not affect a person in the same way as individual trauma. In his view, while a climate of war certainly leads to a sense of insecurity, this does not mean that the individual's personal experiences are any less significant. When asked, the expert added that traumas can accumulate and that there is no "mathematics" of the psyche that allows one to attribute a specific trauma to a particular event.

When asked whether FG had mentioned other traumatic events, the expert replied in the negative and clarified that his assignment did not focus solely on the facts surrounding KT's murder, but on FG's entire life story.

Psychological Expert Report for the Civil Party JTC dated November 22, 2018 ::

The expert explained that he had met with JTC on November 22, 2018, at his office. JTC is the youngest of seven siblings, raised on the family farm. He served as an auditor for government public institutions until 2015. Regarding his personal life, his first long-term relationship was cut short by the outbreak of the armed conflict and the abduction of his then-partner by the rebels.

Regarding the facts of the case, the individual recounted an exodus beginning in 1990, during which he was beaten and imprisoned. He described a period of terror between July 1993 and Christmas 1995, during which he witnessed acts of violence, as well as a new invasion in 1999. Regarding the impact of this wartime experience, the individual told the expert that his nightmares were intense following the conflict. The expert added that there was no rumination or *The civil party questioned the expert:* regarding JTC's traumatic experience, he was emotionally detached from the events. His current complaints involve persistent pain in his lower back, neck, and shoulders due to the heavy loads he was forced to carry.

Regarding his personality, the individual is particularly grateful to the man who enabled him to attend school. He complied with orders and was forced to witness traumatic scenes. He feels guilty for having survived while others who were weaker did not. According to the expert, his religious conversion (to Mormonism) helped him cope with his trauma.

In conclusion, the expert stated that JTC is sociable and has been deeply committed to his faith since his religious conversion. His late start in school did not prevent him from completing his education. Married and of normal intelligence, he shows no signs of mental disorders or mythomania.

The Court questioned the expert:

The Presiding Judge noted that JTC's profile was somewhat different from FG's, particularly in terms of education and professional experience, which the expert confirmed he had observed.

The Presiding Judge then noted that JTC was unique in having witnessed the death of DN, whose heart was reportedly removed. The Presiding Judge recalled that JTC had stated he had been particularly affected by these events, which were inconceivable to him before they occurred. JTC was also heard regarding the acts of which he himself was a victim, such as forced marches. The Presiding Judge asked the expert whether one event seemed more traumatic than another. The expert replied that it was a series of traumatic events that JTC had witnessed, noting that he had also mentioned rapes and had been deeply affected by the cannibalism.

When asked about post-traumatic stress, which typically manifests as rumination and […], *the civil party questioned the expert:* shortly after the events, the expert noted that it was more difficult to detect such symptoms given the passage of time since the events occurred. He added that JTC's religious conversion had clearly helped him, even though he remained burdened by a deep sense of guilt for not having been able to come to the aid of the most vulnerable.

When asked how his religious conversion might have alleviated his stress, the expert explained that expressing one's faith helps to blur the past and prioritize the collective good, thereby alleviating the source of suffering.

The civil party questioned the expert:

The civil parties' attorney brought up JTC's former partner, from whom he had to separate because she was taken as a sex slave. The expert confirmed this, clarifying that JTC had not been able to locate her but had nevertheless received news of her. He added that JTC had mentioned miscarriages and had a detailed account of the scenes he witnessed during his flight from Monrovia to Foya, and then during the period of terror.

When asked about JTC's missing brother, the expert explained that JTC was deeply affected by this event, as his brother had reportedly starved to death. The expert clarified that there was a certain degree of independence between this death and the armed conflict.

The civil party questioned the expert:

The deputy prosecutors noted that JTC's religious conversion, which helped alleviate the psychological impact, had taken place in 2003–2004, immediately after the civil war. When asked, the expert confirmed that there was a link between the religious conversion and the diminishing of the psychological impact.

The defense had no questions.

Psychological expert report for the civil party SFC dated February 26, 2019 ::

The expert explained that he had met with SFC on February 26, 2019, at his office and that SFC was 50 years old at the time of the evaluation. He explained that SFC was the youngest of four siblings and had been raised by one of his aunts. SFC married at age 19 and had seven children. The expert added that he had become a Jehovah's Witness after the war and explained that SFC had mentioned ear pain following a blow with a rifle butt, as well as severe lower back pain.

Regarding his personality, SFC is an active and dynamic person, according to the expert. He does not exhibit any mental disorders or characteristics of mythomania.

The Presiding Judge noted that, before the Court, SFC had described the highly traumatic forced marches and the atmosphere of terror that prevailed during them. According to the Presiding Judge, the expert observed that the state of stress—which resulted from these events—had been alleviated by the passage of time and his religious conversion.

The civil party questioned the expert:

When asked how the ear pain mentioned by SFC manifested itself, the expert stated that it resulted from a blow with a rifle butt and manifested as discharge from that ear.

The attorney for the civil parties then explained that the issue of the defendant's identification by the witnesses and civil parties was being debated as part of the trial. The attorney for the civil parties then read aloud a passage from the judgment in the Alieu Kosiah case handed down by the Swiss courts, in which it is explained that the credibility of the witnesses and civil parties cannot depend primarily on their ability to identify the defendant, given the passage of time since the events and the nature of those events. The expert's opinion was sought on this matter, and the attorney for the civil parties asked him specifically whether the credibility of the witnesses and civil parties could be called into question due to the difficulties some had encountered in identifying Kunti Kamara in recent photographs, noting that the last time they saw him was at the time of the events, in a climate of terror.

The expert explained that he had an outside perspective and that credibility was determined by taking into account the fact that the person had been barely looked at, or even avoided, in a climate of terror. As a general rule, victims do not stare at their attacker and instead adopt a behavior of flight and withdrawal.

When asked why some witnesses had recognized the defendant, the expert stated that the ability to recognize an assailant depended on the circumstances and the individuals involved. He added that some people might recognize a voice or a scent.

When asked why some witnesses who had not recognized the defendant in the photo lineup recognized him upon seeing him in person at the hearing, the expert explained that several

factors play a role in recognizing a person, including nonverbal behavior, posture, gestures, odors, etc.

The prosecution had no questions.

Defense counsel questioned the expert:

Defense counsel asked the expert whether the fact that JTC did not have post-traumatic stress disorder was an indicator of the severity of the initial trauma. The expert explained that the absence of PTSD did not mean that there was no traumatic impact. In his view, it depends on the individual and how he or she reacts. He said that very specific behaviors, such as religious conversion, may have obscured the trauma and that in this case only the physical injuries were highlighted.

The defense attorney then returned to the issue regarding the ability of witnesses and civil parties to identify the defendant and to the expert's explanation that it was possible not to recognize someone in a photo lineup but to recognize them directly during a face-to-face confrontation. The defense attorney noted that the defendant was nevertheless the only person in the dock when the witnesses and civil parties were asked to identify him. The expert replied that a photograph is not a living person and that a memory can become more accurate due, in particular, to the person's height or voice, or other clues.

The defense attorney asked the expert whether the witnesses and civil parties' identification had been influenced by being shown only one person and questioned the level of credibility that should be accorded to their testimony. The expert replied that this was a matter of influence and that the use of multiple sensory channels could facilitate identification. When asked, he indicated that it was possible to make a mistake.

Hearing of SB as a witness called by the Public Prosecutor's Office at the defense's request

The Presiding Judge called the witness SB to the stand and informed the Court that SB spoke Kissi and that the Kissi interpreter had withdrawn at the last minute. In light of this technical difficulty, the Presiding Judge stated that he did not believe this witness could be heard and sought the parties' opinions. All parties agreed. It was therefore decided by mutual agreement that SB would be heard via videoconference with a Kissi interpreter from Monrovia.

* * *

Hearing of Alieu Kosiah as a witness called by the Prosecution

Alieu Kosiah stated that he was born on March 3, 1975, in Liberia. Prior to his incarceration, he resided in Lausanne, Switzerland, where he worked inspecting tanker trucks. When asked about his current situation, Alieu Kosiah explained that he had been in prison for eight years and had lost his first trial. He added that he was awaiting his appeal hearing, scheduled for two and a half . When asked about the grounds for his conviction, he simply stated that he had appealed all the decisions.

After clarifying that he had no connection to the civil parties or the defendant, Alieu Kosiah began his unsolicited statement. He stated that if he had not mentioned Kunti Kamara's name during his trial, Kamara would not be facing charges today. He urged the Court to review the complaints filed by JTC and LSM, noting that if Kunti had played a significant role, he would have been named in the complaint filed against him. According to him, it was Alain Werner who wanted Kunti's name to appear in the case file. Alieu Kosiah claimed to be in possession of documents from UN prosecutor Alan White that allegedly prove Alain Werner's involvement in criminal activities. Kosiah stated that AW had gone to Liberia to manipulate people into testifying against the ex-combatants. He added: "If you are a combatant, you are automatically a criminal—not because of acts committed during the war, but based on where you live."

He went on to say that the war in Liberia had been brutal and that the Mandinka people had suffered greatly, but that this was no excuse for killing. In his view, those who killed must be tried for their crimes, but people should not be prosecuted based on where they live. He asserted that one cannot assume that those who fought were necessarily criminals. According to him, there are three ways to be a criminal: "You gave the order, you carried it out yourself, or you had the opportunity to stop the execution. If you fall into one of these categories, it is only right that you be tried."

Alieu Kosiah then urged the Court to contact Alan White, as well as the detectives who worked on the Agnes Taylor case. He also mentioned an NGO that reportedly warns European prosecutors not to work with Alain Werner, on the grounds that he prepares witnesses to help them obtain asylum in Europe. Alieu Kosiah also mentioned the case of a certain MK who allegedly obtained asylum with the help of Alain Werner and HB, notably through documents signed by them attesting that MK was a potential victim.

The President intervened and clarified that Alain Werner would be heard on Wednesday of the coming week. He asked Alieu Kosiah to focus on the facts concerning the period from 1993 to 1996.

Alieu Kosiah then compared the proceedings in Switzerland and France to those in China or North Korea. According to him, LSM's statements to the French authorities were not taken into account by the Swiss authorities because he was deemed credible by the Swiss judge. The witness stated that LSM had said that all the investigations conducted in France had been "put into his mouth" and that there was no interpreter during the preliminary investigation. He reportedly stated that he had not signed the transcripts of his hearings in France, and it was only when they were presented to him that he allegedly admitted to having signed them.

The Presiding Judge intervened again and clarified that LSM would be heard on Monday, October 24. He added that LSM's statements to the French and Swiss authorities were included in the case file. Alieu Kosiah stated that everything LSM had said in France was a lie, since he had said the opposite to the Swiss authorities.

Regarding Kunti Kamara, Alieu Kosiah stated that he was the one who had caused problems for Kunti. In fact, he called Kunti as a witness in his trial, and Kunti testified that Kosiah was in Foya when the town was captured, even though he was not there. According to him, they fought

together only once, at Benefanaye near Zorzor and Gbarnga. Alieu Kosiah said he did not know why Kunti had claimed that he [Kosiah] was in Foya when he was not. Alieu Kosiah also clarified that Kunti was neither his bodyguard nor his *"special bodyguard,"* as LSM claims. He added that in the French proceedings, LSM stated that Kunti was a *front commander*. However, according to Alieu Kosiah, a *front commander* has his own bodyguard.

The witness then provided details on the structure of ULIMO following the split, as he had been present at the time. He explained that he had been a member of the LDUF because of his Mandinka ethnicity, but had never been a member of the MRN, contrary to what the French prosecutor had stated. Alieu Kosiah went on to contradict the prosecutor's account regarding the murder of Albert Karpeh, stating that, in his view, Alhaji Kromah was not the perpetrator. He clarified that Kromah was not a member of ULIMO when Karpeh was killed and that other individuals had been imprisoned in connection with Karpeh's death, including Cobra.

Alieu Kosiah then recounted his first encounter with Kunti in Foya. He stated that he was a senior officer and that Kunti was required to salute him, but that they had never spoken to one another. The only time they had direct contact was in Benefanaye under Pyj's command. Alieu Kosiah recounted that he wanted to lend Pyj a hand and had therefore asked Kunti and others to follow him to launch an attack against the NPFL. He explained that he had seen Kunti a second time in the Netherlands and that they had been in contact before his arrest.

Alieu Kosiah then made a point of correcting two things about which Kunti had implicated him. First, he clarified that Kunti had joined ULIMO in Monrovia, whereas he himself had been a founding member of the faction, which was called the LDUF at the time. He then reiterated that Kromah had played no role in the founding of ULIMO and that Fofana was the chief of staff. Contrary to what Kunti stated, Deku was not his superior at the time, but became so later after Pepper & Salt left. He clarified that when he met Deku, they were both captains and Deku was in charge of Foya. Deku gave orders and reported to Pepper & Salt and his deputy, Cobra. He also clarified that, contrary to the statements made by LSM and JTC, he was neither Pepper & Salt's deputy nor the HH (*headquarters and headquarters commander)*.

Alieu Kosiah then stated that the Swiss judge had considered that he was acting as an HH, which, in his view, made no sense since the acronym "HH" referred to a location and not an individual. He explained that within an HH, there was a commander-in-chief and his administrative staff. According to him, the commander-in-chief did not manage the entire area in question.

The witness then stated that he had received orders to arrest Pepper & Salt while he was commander in Zorzor. Pepper & Salt reportedly went to Lofa before fleeing.

He concluded his unsolicited statement by asserting that Kunti had never been his bodyguard or his deputy, and by specifying that he had visited Foya only three times: the first time to spend the night there, the second time to travel to Guéckédou, and the third time for his brother's funeral. He added that the last time was when he had received the order to arrest Pepper & Salt.

The Court questioned Alieu Kosiah:

The Presiding Judge noted that the testimonies of certain deceased individuals had been read aloud, notably that of Omaru Musa Kelleh. Alieu Kosiah expressed surprise at the death of Omaru Musa Kelleh. In response to a question from the President, he explained that Omaru Musa Kelleh was his commander when he was in Todi. At that time, he was a captain and Omaru Musa Kelleh was a major.

When asked about his rank within ULIMO, Alieu Kosiah explained that he had started as a sergeant in a platoon of about 45 men. He was later promoted to lieutenant. In Todi, he became *a front commander* and Omaru Musa Kelleh's deputy. In Lofa, he became a captain and was later promoted to the rank of major. His final rank was colonel in 1995 in Zorzor.

He clarified that at that time, he had been imprisoned due to disagreements with Jungle Jabah, who had replaced Dombuyah as chief of staff, and had been released by Kromah. Kromah asked him to come to Monrovia and appointed him director of the Criminal Investigation Division, marking the end of his activities with ULIMO.

When asked about his nickname "Physical Cash," mentioned by Omaru Musa Kelleh, Alieu Kosiah stated that it was Pepper & Salt who had given him that nickname. When asked about his aspirations and Omaru Musa Kelleh's statements that Kosiah was *a "frontline commander* and *expecting general" during the* capture of Todi, he stated that Omaru Musa Kelleh was his superior and was a general at the time. As for Jungle Jabah, he was the commander-in-chief, and Dombuyah was *the deputy chief commander*. The President intervened and suggested setting aside Omaru Musa Kelleh's testimony and moving on to AT's. Alieu Kosiah stated that he knew AT very well and that the latter was nicknamed [redacted].

The President noted that Alieu Kosiah had called AT as a witness in the Swiss proceedings and that AT had stated that he was a *"small soldier"* under Alieu Kosiah, whom he considered his father. AT also stated that when he traveled to Foya, he stayed with Kunti, while Alieu Kosiah stayed with Deku at headquarters. The President noted that AT's statements seemed inconsistent with those of Alieu Kosiah, insofar as they suggest that Alieu Kosiah traveled to Foya on a regular basis.

Alieu Kosiah stated that AT had never claimed that he traveled regularly to Foya. The President cited the relevant passage from AT's testimony, specifically where AT stated that "Alieu Kosiah stayed at Deku's until he was given a place to stay where we all stayed." The witness replied that when they arrived at headquarters, Deku had told them they could stay there. Alieu Kosiah also clarified that he was not based in Foya. In response to a question from the Presiding Judge, he indicated that AT was not with him at all times.

When asked about Kunti's rank in 1993–1994, the witness explained that he did not recall having physically met Kunti in 1992–1993, though he noted that Kunti may have known him as a commander. He stated that he met him for the first time in 1994 in Foya while he was a captain. When asked, Alieu Kosiah clarified that the term "C.O." stood for *"commanding officer*." When questioned, he also explained that Kunti held the rank of *"battlefront* commander" and not *"battlefield commander*," and that he was under Deku's command, just like Ugly Boy and Fine Boy.

The President then noted that Kunti had stated he had no specific role in Foya and that he was fighting on the front lines with about 80 men under his command. Alieu Kosiah replied that this may have been the case in 1995, but not in 1993, and confirmed that Kunti was in Foya. When asked how many months Kunti spent in Foya, the witness replied that he did not know because he himself was not there.

When asked, Alieu Kosiah confirmed that he had called Kunti as a witness in his trial so that Kunti could attest to the fact that he, Alieu Kosiah, was not in Foya when the town was captured. The Presiding Judge noted that Kunti claimed to have been on the front lines at the time, which therefore contradicted Alieu Kosiah's allegations.

The President then questioned the witness about DN's execution, noting that the names of Kunti, Kosiah, and Ugly Boy had been mentioned by certain witnesses and civil parties. Alieu Kosiah insisted that neither he nor Kunti had killed DN. The Presiding Judge then noted that no witness had claimed otherwise, since the majority pointed to Ugly Boy as the principal perpetrator of these acts. However, the witnesses stated that Kunti Kamara was present when DN was killed and when his heart was eaten. Alieu Kosiah stated that he did not believe a human being could be capable of eating a goat's heart without cooking it.

The Presiding Judge informed the witness that period photographs of decapitated individuals, whose heads had been placed on trays, had been presented to the Court. The Court also heard testimony from a photographer who confirmed having seen a corpse with its chest cut open, as well as from other witnesses who described barriers made from human intestines. Without implicating Alieu Kosiah or the accused, the President stated that this civil war had been rife with atrocities and that he understood from the witness's response that the witness had not been present at the time of DN's murder.

The President reminded the witness that the Court's role was not to adjudicate acts of war between armed groups, but to determine whether civilians who had nothing to do with the conflict had been victims of atrocities.

The President then questioned the witness about the various forced marches and acts of looting, noting that he had been implicated by other witnesses. Alieu Kosiah replied that he wished to see the photographs previously mentioned by the President. Regarding the murder of DN, the witness referred to a newspaper article and stated that the facts described in that article did not correspond to JTC's testimony. According to Alieu Kosiah, JTC had mentioned Kunti's name only because Alain Werner had prompted him to do so. He added that the article mentioned several armed groups and indicated that DN had been killed because of his religious beliefs. According to him, there was also no mention of the fact that DN's heart had been ripped out. The President clarified that the article in question had been read during the proceedings and that some of Alieu Kosiah's allegations were not contained therein.

When asked about acts of cannibalism within ULIMO, Alieu Kosiah stated that he had never heard of such acts while he was a member of ULIMO. When pressed, he confirmed that he had heard that a man named Butt Naked boasted of having eaten a human heart.

The President then reminded the witness of his statements regarding Ugly Boy and Mami Wata, who, according to him, had particular reputations and who, in retaliation for his brother's death, had killed NPFL prisoners and dismembered them. When asked whether people capable of such acts might not also be capable of eating a heart, Alieu Kosiah replied that what he was trying to say was that, from a human perspective, he found it difficult to imagine eating a raw human heart. When questioned further, he confirmed that it was not humanly acceptable to dismember one's opponents.

When asked about the possibility of keeping soldiers who had committed such acts in a unit, the witness replied that Deku had intended to execute Mami Wata and Ugly Boy, but they had fled into the bush. The President noted that Ugly Boy had died outside Liberia and had not been punished. Alieu Kosiah clarified that Ugly Boy had fled to Guinea to commit further crimes before he died.

When asked about "tabé," Alieu Kosiah explained that the "tabé" technique had been created by the NPFL and used against the Mandinka. As the war progressed, he said, all factions—including ULIMO—adopted this technique. When asked whether there had been victims of "tabé" in Foya, Alieu Kosiah replied that he was not trying to defend Kunti, but that he did not want Kunti to pay for a crime he had not committed.

When asked about rapes and the enslavement of women, Alieu Kosiah stated: "In my opinion, certain facts are too complicated to be judged by white people." The President asked him if he did not think this was a human issue that concerned everyone. The witness replied that this was not what he meant and recounted the story of a young girl raped by several soldiers in Lofa. He explained that General Dombuyah had ordered the public execution of the soldiers who had committed these acts. Alieu Kosiah stated that he was against the execution of these soldiers, as the woman's testimony had not been corroborated by other witnesses.

The President noted that several witnesses and civil parties had reported that rapes were frequent and that there had been no military response. Alieu Kosiah stated that he himself had been convicted of rape and that what he was trying to make clear to the Court was that the accusations and testimonies were based on ethnic considerations. In other words, people who are not Mandinka testify against ULIMO, and Mandinka people testify against the NPFL.

When questioned again about forced marches, he explained that civilians had been forced to carry loads toward the border until 1994. Beginning in 1994, General Dombuyah ordered the soldiers to stop forcing civilians to march.

The President returned to the subject of the relationship between Alieu Kosiah and Kunti Kamara, particularly regarding the statements made by AT, who indicated that they were very close friends. The witness replied that they had only had a superior-subordinate relationship during the war. Later, when they met in the Netherlands, they began exchanging emails and phone calls. When asked, Alieu Kosiah clarified that he had traveled to the Netherlands to visit a cousin and that it was on that occasion that he had seen Kunti Kamara again.

When asked about Kunti's promotion to colonel in 1995, the witness stated that he was not aware of it because he had left for Monrovia in 1995, but that it was possible Kunti had been promoted by Jungle Jabah. When asked about a story regarding an arms sale carried out by Kunti in 1997, Alieu Kosiah stated that these were lies.

When asked whether he was referring to the town or the district of Foya when he mentioned Kunti's presence in Foya, Alieu Kosiah replied that he had seen Kunti in Foya City in 1994 and that, since he was not there in 1993, it was merely a guess. When asked, he confirmed that Kunti was likely present in Foya City in 1993.

When asked to explain the reasons for his departure from Liberia, the witness stated that he left the country in 1997 after Taylor's victory. According to him, there were two options: collaborate or flee. He decided to flee via Guinea before ending up in France, where he applied for asylum. He then traveled to the Netherlands, was sent back to France, and eventually found a way to reach Switzerland.

The civil party questioned Alieu Kosiah:

When asked to confirm that he had been sentenced to 20 years' imprisonment for killing civilians, raping a civilian, subjecting civilians to torture and inhuman or degrading treatment, ordering looting, and using a child soldier, Alieu Kosiah confirmed that he had been convicted of these acts, noting that he had filed an appeal. He added that the judge who had convicted him had also found that he had given a false identity to the French and Dutch authorities, even though he had provided his real name.

When asked about Massa Washington's statements—particularly regarding the massacres perpetrated by ULIMO and General Dombuyah's attitude toward her following the article she had published—Alieu Kosiah stated that Massa Washington had never visited the areas controlled by ULIMO.

The attorney for the civil parties then informed the witness that Kunti Kamara had said he was the S1 in Foya. Alieu Kosiah replied that, in his opinion, Kunti did not know what an S1 was. He clarified that an S1 was the person in charge of administration and that the S1 was located in Voinjama, not in Foya.

When confronted with AT's statements—in which he claimed, "When we went to Foya, we stayed there for one or two months"—the witness stated that he had not spent one or two months in Foya. According to him, AT spent more time in Foya than he did. When asked to confirm that Kunti and AT knew each other well and that AT slept at Kunti's house when he went to Foya, Alieu Kosiah said he did not know and that he himself had never been to Kunti's home.

The attorney for the civil parties then asked the witness to confirm that within ULIMO, commanders were considered responsible for the actions of the soldiers under their command. The witness replied that commanders were responsible for the actions of a unit and that each officer was accountable for his own deeds and actions. According to him, when a soldier carried out an act for which he had not received an order, he was personally accountable for it. When

asked, Alieu Kosiah confirmed that a commander was required to take action if a subordinate behaved inappropriately. He mentioned the existence of an investigating officer to whom soldiers who behaved improperly were referred.

When asked about ULIMO's funding, the witness explained that they were rebels and were not paid. When asked how they bought food and found shelter, Alieu Kosiah addressed the attorney for the civil parties, saying, "With all due respect, I think you have no idea what you're talking about." He added that it was wartime; civilians were fleeing and abandoning their homes. According to him, the government initially supplied the weapons, and then ECOMOG took over. In Lofa, it was the Guinean government that supplied weapons to ULIMO.

When asked, he confirmed that he had met Kunti for the first time on the front line at Benefanaye. When asked about other front lines where Kunti might have fought, Alieu Kosiah stated that after the capture of Foya, there were four front lines between Zorzor and Gbarnga, clarifying that Foya itself was not a front line. After the split, there were only two fronts left. He also confirmed that Foya served as a rest area for those leaving the front lines.

The attorney for the civil parties then questioned the witness about child soldiers. The witness confirmed that at the time of his capture, AT was about 13 years old. He added that he himself had joined the AFL at the age of 15. He stated that at that time, it was *"business as usual"* to see child soldiers. According to him, this was due to the context of the era and the sense of rebellion felt by young boys who had seen their fathers or mothers killed for no reason.

When asked, Alieu Kosiah then confirmed that the border between Foya and Guéckédou in Guinea was indeed Solomba. The attorney for the civil parties quoted a passage from Alieu Kosiah's testimony in which he stated that during the rainy season, it was not possible to reach Solomba by car. Alieu Kosiah stated that what he meant was that Solomba was difficult to reach by car. He then questioned whether civilians could push a truck carrying a heavy load and lacking power steering, and then load it onto canoes. The attorney for the civil parties retorted that, in this instance, there had never been any question of loading the truck onto canoes.

When asked, Alieu Kosiah confirmed that he had heard about a looting of the NGO Oxfam by hungry ULIMO soldiers. He added that it was his *"boys" who had* carried *it* out and that it had happened in 1995, but he himself had not been present.

When asked to confirm that he was referring to the so-called "wheelbarrow incident" when he mentioned the killings carried out by Mami Wata, Alieu Kosiah replied that two individuals were guilty and that Deku wanted to kill them.

The attorney for the civil parties finally asked the witness whether he had indeed met a certain Mohamed Kenneh from the Association of Liberians in France in the Netherlands, along with Kunti Kamara. The witness replied that he had never said he had met that person.

The Prosecutor's Office questions Alieu Kosiah:

The witness was questioned again about Kunti Kamara's presence in Foya. The deputy prosecutors referred to a statement made by Alieu Kosiah during his 2016 hearing in which he claimed that Kunti was in Foya 80% of the time. The witness clarified that he had said that when he saw Kunti, Kunti was in Foya. He added that in 1994, Kunti was in Foya.

When asked, he stated that Ugly Boy, Fine Boy, and Mami Wata were all in Foya under Deku's command.

When asked about individuals named Sadam Hussein and Babylone, Alieu Kosiah replied that he had never heard of them. When asked by what name he knew Kunti, he clarified that he knew him only as Kunti during the war and had heard that his name was also Mohamed Soumawolo. The prosecutors noted that during the preliminary investigation, the witness had stated that he had learned from his brother that Kunti went by that name.

When asked, he confirmed that his name was Kosiah during the war and that he did not know the name Kamara, but only Kunti, which means "chief" in Mandinka.

The prosecutors then reminded Alieu Kosiah that he had stated that the witnesses and civil parties had been manipulated and had made false statements to obtain asylum. However, it turns out that no witnesses or civil parties remained in France and that they have all returned to Liberia. The prosecutors noted that the only two people in the courtroom who had fled Liberia and sought asylum were Kunti Kamara and Alieu Kosiah. The witness retorted that it was not just a matter of obtaining asylum, but also of receiving sums of money. He stated: "All the witnesses you see—do you know how much money they're going to receive in Switzerland? One of them asked for 8,000 Swiss francs. How much do people earn each year in Liberia? Less than $500. If you receive $2,000, that's a lot of money."

The defense cross-examines Alieu Kosiah:

The defense attorney asked the witness to describe the situation of the Mandinka people during the war and the consequences this has had for that ethnic group today. Alieu Kosiah stated that, due to their economic dominance, the Mandinka ethnic group had been targeted by the Gio and the Mano, who were fighting for Charles Taylor. He added that the Mandinka owned 80 percent of the transportation system. He also noted that the Mandinka were considered outsiders and that this was why people did not want to give them power.

The defense attorney highlighted the unique situation Alieu Kosiah found himself in during this trial, since he had been called as a witness by the prosecution. According to the defense attorney, the paradox of his situation lay in the fact that the Swiss prosecutor prosecuting him considers everything he says to be false, while the French prosecutor, on the other hand, considers his testimony to be credible. Alieu Kosiah replied that Kunti was the subject of this trial and that he himself was the focus of it. He cited the testimony of MN, who stated that Kunti was involved in the murder of her husband, DN, describing him as a tall, fairly elderly man, whereas, according to him, Kunti is 1.64 meters tall and was about 20 years old at the time of the events.

<u>Examination on the Merits of the Defendant Kunti Kamara</u>

The Presiding Judge informed the defendant that she was being heard that day in connection with the testimony gathered during the last two days of the hearing, including, in particular, the statements of SFC and AT.

The Court questioned Kunti Kamara:

Regarding the forced marches, the President noted that SFC testified before the Court that Kunti was involved, along with other Foya commanders, in transporting parts of the Foya electric generator. Kunti Kamara stated that he did not know SFC and that he was innocent. The President noted that SFC claimed to have been assaulted by the defendant and mentioned being struck on the temple with the butt of a rifle. He added that the defendant and other soldiers beat civilians with tree branches and kicked them. Kunti Kamara said he was shocked by these accusations and maintained his innocence.

When asked about the other forced march in which SFC stated he had participated to carry coffee, Kunti Kamara said he had no knowledge of these events. The Presiding Judge then cited the testimonies of other witnesses and civil parties regarding the forced marches and asked the defendant whether they were all part of a conspiracy to accuse him specifically. Kunti Kamara confirmed that this was a conspiracy against him and continued to maintain his innocence.

When questioned about Alieu Kosiah's testimony, the defendant stated that he was aware only of certain things Kosiah had recounted, since he had spent half his time on the front lines and was therefore unaware of everything that was happening. He added that, contrary to Kosiah's claims, he did not know Kosiah well during the war, but that Kosiah was indeed his superior.

When asked why Alieu Kosiah had called him as a witness in his trial in Switzerland, Kunti Kamara stated that they were not friends. The Presiding Judge then asked him if he thought Kosiah had called him to testify that Kosiah was not in Foya , at the time of the events of which he was accused. Kunti Kamara stated that Kosiah was someone who knew how to lie and who always complicated matters when he spoke.

When asked about his relationship with AT, known as Papa, Kunti Kamara said that he knew him, but that they were not friends. Confronted with AT's statements that he had stayed with Kunti when he was in Foya because they were friends, Kunti Kamara said that he remembered meeting AT in Voinjama, but that he had seen him no more than three times. He further stated that he was shocked by AT's statements.

When questioned by an associate judge about his alleged lack of knowledge regarding the destruction of the Foya power generator—even though the entire town was without electricity and Kosiah had stated that the accused was a commander in Foya at that time—Kunti Kamara replied that Alieu Kosiah had not claimed that he was a commander in Foya. The associate judge clarified that the defendant was in Foya in the fall of 1993 and therefore could not have been completely unaware of everything. Kunti Kamara stated that he returned to Foya only for food and ammunition. The defense attorney revisited the distinction between the Foya district and the town of Foya and noted that Kosiah had stated he assumed Kunti Kamara was in Foya in 1993.

The civil party cross-examined Kunti Kamara:

The civil parties' attorney revisited Alieu Kosiah's statements and the various front lines he mentioned, including Bomi, Tubmanburg, and Gbarnga. When asked why Kosiah did not mention the Mendekoma front and stated that the accused was based in Foya Town, Kunti Kamara replied that Kosiah was not there and that Deku was the commander. According to the accused, Kosiah had no idea what was happening in Mendekoma.

The attorney for the civil parties then asked the defendant if he continued to deny the presence of child soldiers in ULIMO, even though Alieu Kosiah had admitted that it was *"business as usual*." Kunti Kamara stated that he did not know whether there were child soldiers within ULIMO. According to him, however, there was an SBU unit within the NPFL, composed of boys aged 15 to 17. After the capture of Gbarnga, these young boys were rounded up by ULIMO, and General Dombuyah instructed all commanders not to use them as bodyguards. The youths nevertheless continued to behave as before and robbed civilians. The general gathered them together and told them that such behavior was not characteristic of ULIMO, threatening them with death. Aside from that, Kunti Kamara stated that he had not seen any child soldiers on the front lines.

When asked about the practice of "tabé" mentioned by Kosiah, AT, and Omaru Musa Kelleh, the defendant stated that war was a time of anarchy and that all these rumors originated from territories controlled by Charles Taylor. He added that he had never seen a ULIMO soldier engage in "tabé."

When asked about the incident involving the wheelbarrows—which everyone had apparently heard about—Kunti Kamara stated that he was on the front lines and had no knowledge of it.

When asked about the *checkpoints* in Foya, where AT claimed there were heads on stakes and barriers made of intestines, the defendant stated once again that he was on the front lines and had no knowledge of these events.

The Prosecution cross-examines Kunti Kamara:

The Prosecuting Attorneys questioned the accused about the statements of Alieu Kosiah, who claimed that Kunti was in Foya in 1994. The accused stated that in 1994, he was on the front lines in Bomi County and that the only time he remembers going to Foya was in 1995 or 1996 to get gasoline at the border.

When confronted with the statements of Alieu Kosiah, who said he had seen Deku, Fine Boy, Ugly Boy, and Mami Wata in Foya, the defendant stated that he had already given the names of those in positions of authority in Foya and clarified that he did not know everyone who was part of the administration or all the ULIMO soldiers. He added that he had spent two years on the front lines fighting NPFL soldiers and that, therefore, he should not be expected to recount everything that happened in Foya.

The Prosecutors then revisited the distinction between the town of Foya and the district of Foya and noted that during his hearing before the Swiss courts, the accused had mentioned the well

and the market in Foya, which suggested that he was indeed referring to the town of Foya. Kunti Kamara replied that during his hearing, he had pointed out the main road leading from Mendekoma to Foya on the photographs presented to him. The prosecutors concluded that the accused preferred to remain vague regarding the distinction between the town and the district.

The prosecutors then noted that the accused had mentioned the name “Mendekoma” only once during his six interviews with Swiss authorities, even though he has maintained since the beginning of his trial that he was based in Mendekoma. The accused countered that he had not always specified the town where he was located, but only the region.

When asked to confirm that the name “Kunti” means “chief” or “leader,” as Alieu Kosiah had stated, the defendant explained that this name had been given to him by his grandfather, nicknamed “Duti,” and that “Duti,” just like “Kunti,” meant “chief of the town” in Mandinka culture.

When asked about the birth of his child in 1995, the defendant stated that at the time of delivery, his wife was alone and went to ask Deku in Foya for help, because she knew he was Kunti’s commander. When questioned, Kunti Kamara stated that he did not know the month of his child’s birth.

When asked why he had told the investigating judge that he did not know [redacted], the defendant replied that he did not recall saying that and confirmed that he knew [redacted]. He emphasized that the Swiss authorities had also asked him this question and that he had replied that he knew [redacted].

The defense cross-examines Kunti Kamara:

The defense attorney read aloud a passage from Kunti Kamara’s hearing before the investigating judge, in which the defendant stated that he had stayed in Mendekoma for 3 or 4 months in late 1993 and early 1994. The defense attorney asked the defendant to confirm that he was 19 or 20 years old in 1993–1994. Kunti Kamara stated that he was 17 or 18 years old in 1992 when he joined ULIMO. When asked, he confirmed that he was in Mendekoma during the last three or four months of 1993.

October 24, 2022 – Day 11: Tabey

Day 11 was devoted to an incident of torture experienced by the civil party who testified that morning. He recounted how he and other men had been captured by ULIMO, which accused them of being NPFL soldiers. He was subjected to "tabey," along with the others. According to him, Alieu Kosiah and Kunti Kamara were both present. Allegedly, the other civilians were killed, and then he was stabbed. Photographs of his wounds were shown to the court. After he had recovered, he decided to join ULIMO, as he was afraid of being targeted again. He took part in two forced marches: one during which he himself carried the looted goods, and another after he had already joined ULIMO. He identified both Kamara and Kosiah as having been present during both of these marches. A documentary about the practice of "tabey" was shown to the court.

Afterward, two witnesses were heard via video link from Monrovia. One witnessed the incident described by the civil party. The second was a defense witness who recounted being wounded; however, he did not know whether it was Mr. Kamara or ULIMO who had injured him.

Finally, Mr. Kamara spoke. He said he did not know the people who accused him: *"I cannot fool you, they cannot fool you. You know they are liars*," he told the Presiding Judge.

October 24, 2022 – Day 11: Tabey

Hearing of LSM as a civil party

LSM stated that he was born on April 22, 1972, in Monrovia and that he was a private security guard. Before giving him the floor, the Presiding Judge noted that LSM had been interviewed by the Swiss federal prosecutor on January 28, 2016, and then by Investigating Judge Raffray on January 7, 2020, as part of the preliminary investigation. He was subsequently confronted with SS before the investigating judge on January 13, 2020.

LSM began his unsolicited statement by thanking the Court for allowing him to be present. He recounted that, because of the war, his family had been relocated to Kolahun as part of a Red Cross mission. Since they lacked food, his mother sent him to his aunt's farm in Foya. They spent two nights there, then people came to meet them and told them not to go to Foya. Following that, ULIMO troops invaded the neighboring villages, including the one where they were staying, and rounded up the residents to send them to Foya. LSM explained that the ULIMO soldiers had separated them into three lines—men, women, and children—and that they examined each person's circumstances. LSM was set aside with six other people, including two of his cousins. They were accused by the ULIMO troops of being rebels, even though they told the soldiers they were students.

The soldiers took them to the S2 office near the airstrip and the market. Once there, Alieu Kosiah ordered Kundi to perform the tabé on each of them. While the soldiers were tying them up, LSM did not remain silent: he shouted that they were not rebels and that they were innocent. Alieu

Kosiah then ordered Kundi to tell his soldiers to grab LSM by the legs and drag him along the ground for a long distance. LSM recounted that he began to bleed and his skin was torn as he was dragged along the ground. He felt intense pain once he was brought back to the original spot, but continued to insist that they were not rebels.

LSM then recounted that the soldiers took a large rock and smashed the head of one of the other six men. LSM was terrified and closed his eyes. He heard screams, then the screams stopped and there was a moment of silence. When he opened his eyes again, he saw a pool of blood on the ground, but no one was there anymore. Deku came over and told the soldiers they shouldn't treat people that way.

LSM showed the Court and the parties the scar on his back. He explained that he had been pulled back and forth by Kundi on his right and Kosiah on his left while he was being beaten. Suddenly, his bonds came loose, and he was stabbed in the back. When asked by the Presiding Judge, LSM stated that he did not know the identity of the person who had inflicted the wound.

When Deku arrived, LSM was taken to the S2 office and interrogated before being brought back home to be treated by his cousin, a nurse. He recounted that he had to go to the S2 office every morning to clean and would return home in the evening to receive medical care. After two weeks, as his wounds began to heal, the S2 personnel conscripted him along with other civilians to carry coffee to Solomba. LSM recounted that he was forced to carry coffee on his head all the way to the border and that, after the soldiers had finished their *business*, they brought them back to Foya.

LSM then explained that, on his cousin's advice, he had left Foya with his fiancée to go to Tubmanburg, in order to be safe. On the way, they got into the *pickup truck* of an American company involved in the timber trade. In Tubmanburg, LSM was recruited by ULIMO and underwent three months of military training before being sent to Foya. He stated that he was assigned to a commander named Krahn and noted that there was also another commander named Jackson.

The next day, Jackson ordered LSM to escort a convoy to Solomba and went to pick up civilians in the town. According to LSM, the convoy included coffee, cocoa, a generator, and a large truck without an engine that the civilians had to push. There was also another small truck belonging to TT that had to be pushed. According to LSM, the convoy was long, there were many civilians, and everyone was present, including CO Kosiah, Deku, and the men from S2. Kundi was also present, he said, but he did not see him.

LSM stated that he was a soldier and feared nothing, whereas during his first forced march, he had been afraid because soldiers beat him when he did not walk fast enough. He added that, as a soldier, he had formed friendships with the civilians, since he himself had been a civilian before. He recounted that Kosiah had a bodyguard who executed a civilian who had complained of being tired during the forced march. LSM reported this execution to Jackson, and Jackson told him to keep quiet, assuring him that he would file a report once he returned to Foya.

In Solomba, LSM was tasked with accompanying the civilians to the location where the goods were to be unloaded and keeping watch over them to ensure their safety, given that the NPFL was fighting in the bush. According to LSM, Commander Jackson returned from Guinea with bread, which he shared with the civilians. They then returned to Foya and escorted the civilians home.

LSM went on to say that one morning, they received information about an attack in Zorzor. Kosiah had taken men to fight in Zorzor and had informed Mami Wata that his brother had been killed on the front lines. They called that day *"Black Friday*." LSM noted that Ugly Boy lived near his home and that Mami Wata was on Kolahun Road. Upon hearing this news, Mami Wata killed people and took their hearts. LSM went to *the checkpoint,* where he saw his cousin's body. He stated that Ugly Boy was capable of killing someone, taking their heart, cooking it, and eating it. He added that Deku was angry because he didn't like that sort of thing, and that CO Jackson was also angry at Mami Wata and Ugly Boy. LSM said, "That's the day we called *Black Friday* in Foya—ask anyone. If you hear *'Black Friday,' that's* the day they killed a lot of civilians. Every time I think about that day, I cry because they killed my aunt's son and ate his heart."

LSM concluded his unsolicited statement by noting that when Kosiah left for Zorzor, he stayed there for a long time, and they were informed of the split between the Mandinka and the Krahn. Since he was assigned to a Krahn commander, LSM became frightened and decided to flee to Sierra Leone to save his own skin. For him, the war was over at that point.

The Court questions LSM:

The President asked LSM for further details about his personal situation at the time of the events and about his capture at the farm. LSM confirmed that he was about 20 years old in 1992 and stated that he was a student living with his parents. He explained that he had gone to his aunt's farm to get something to eat. He also confirmed that he had been captured at his aunt's farm and taken back to Foya along with seven other people, including two of his cousins and four other boys from the village. He specified that he was the oldest of the seven. When asked about the ethnicity of the other boys, LSM said he did not know. When asked if there were any rebels among the group of people arrested by ULIMO, LSM replied that he did not know, but that he had not seen any of them carrying weapons.

The President then asked LSM about the time he was brought back to Foya and, in particular, whether he remembered a well. LSM confirmed that all seven of them had been subjected to tabé near the well. He added that all seven of them were on the ground and that one of them had been struck on the head. As for him, he was bleeding and was taken elsewhere to receive medical treatment.

The President recalled that during his hearing before the Swiss authorities, LSM stated that he had been dragged 60 meters there and 60 meters back, for a total distance of 120 meters, which LSM confirmed. When asked, LSM stated that he had been dragged by Kundi and another soldier on the orders of Alieu Kosiah. When asked why he had been subjected to such treatment, LSM stated that it was because he had become the group's spokesperson by saying that they were not rebels.

The President reminded LSM that during his hearing before the Swiss authorities, he had stated that he had closed his eyes and then heard screams and a gunshot. The President noted that today, LSM made no mention of a gunshot. LSM stated that he had closed his eyes when the soldiers began striking one of their own on the head and that he had heard gunshots. When he opened his eyes again, he saw blood.

When asked why he was spared while the others were killed, LSM said that only God could tell. The President asked him if he was taller and more muscular than the others, and LSM said that he knew only his two cousins and that he had never spoken up.

When asked about Deku's involvement, LSM explained that he believed Deku was the top commander in Foya and confirmed that he was unhappy with what he had seen. He added that an argument had broken out between Deku, Kosiah, and Kundi, and that Deku had taken him to the S2 office.

When asked about the stab wound he received in the back, LSM explained that Deku was arguing with the others and ordered them to cut his restraints. It was at that moment that he felt the stab in his back, with Kundi on his left and Kosiah on his right. The President asked LSM whether the stab was intentional or if he had intervened while they were cutting his restraints. LSM replied, "That could be it, but they really wanted me dead." He also confirmed that they could have killed him along with the other six.

When asked about the S2 office, LSM explained that it was a liaison office between soldiers and civilians. This office was under the control of Senior Commander Deku. When asked about Fine Boy, LSM stated that Fine Boy wrote the reports and was the commander of S2. When asked about the relationship between Fine Boy and his cousin, he said that Fine Boy was his cousin's fiancé, because everyone was looking for someone to protect them. The President then asked him if he had been spared because his cousin was engaged to Fine Boy. LSM replied that Fine Boy was a noncommissioned officer and that he believed it was actually Deku who had protected him, noting that the entire territory was under Deku's authority.

The President then returned to his statements that LSM had been cleaning the S2 office after his recovery. In this regard, LSM explained that, since he was suspected of being a rebel, he did the cleaning and laundry every morning.

When asked about forced marches, LSM stated that soldiers would ask civilians to transport goods to the border when they received orders from headquarters. According to him, these marches took place two to three times a week.

When asked, LSM clarified that four months had passed between the incident in Tabé that he described and his recruitment into ULIMO. When asked about the forced march he escorted, LSM stated that he was armed and that ULIMO had looted parts from the Foya power plant, notably by removing certain components from the "Blackstone" machine. According to him, ULIMO also took bags of cocoa from a cocoa warehouse located in Foya. When asked, he confirmed that one of Kosiah's bodyguards had killed a civilian who was exhausted. He specified that the bodyguard had pushed the civilian to the side of the road and shot him in the head. Regarding the

commanders present during the convoy, LSM stated that all the commanders were in the rear and the soldiers in the front. He added that he had gone to the rear of the convoy to warn Jackson about the execution of the civilian by Alieu Kosiah's bodyguard, and that Jackson had told him he would file a report on the incident, but did nothing.

When asked about his statements during previous hearings—in which he claimed to have seen a wheelbarrow filled with human bodies—LSM indicated that this referred to *"Black Friday"* and stated: "We had two mass murderers in Foya: Ugly Boy and Mami Wata. They were the ones who committed this genocide." When asked whether they were capable of cutting up human bodies, LSM replied that this was common practice. He added that Ugly Boy was also nicknamed Saah Chuey and that he could remove the heart. He said of Ugly Boy: "If you were on good terms with him and he invited you to his house, you wouldn't know you were eating a human heart. It was the only part of the human body he ate."

The President then returned to the subject of LSM's cousin's death and asked him if he had seen his cousin's body with the heart removed. LSM stated that he had not witnessed his cousin's death but had been told that he had been killed. Once he arrived at the scene, he discovered his cousin's body lying on its back, with the heart missing. The President asked him if he had seen any bodies with their chests cut open. LSM stated: "All the bodies lying on the ground on their backs—you could tell that their hearts had been removed."

When asked, LSM confirmed that he had been frightened during the ULIMO split and explained that he had been targeted because he had opposed his cousin's killing. He also confirmed that he had gone to Sierra Leone and had not seen the commanders he had mentioned earlier there. When asked, he stated that Kundi and Kosiah behaved "very badly" when he was a soldier in ULIMO.

When asked about his feelings regarding that period, he stated, visibly moved, that every time he thought back on it, he felt terrible, and that his aunt had not lived long afterward. When asked why he decided to file a civil suit, LSM explained that he could not rest because he kept dreaming about his cousin and that he needed justice.

An associate judge then revisited the timeline, noting that LSM had spent a month recovering after being beaten and had then completed three months of military training. When asked whether Kundi was still there when LSM joined ULIMO as a soldier, LSM replied that Kundi was there when he was beaten. He then explained that Kundi was stationed in Foya as a front-line commander and that Kosiah was traveling back and forth. The associate judge then asked him if he had seen Kundi while he was a soldier in ULIMO. LSM replied that they were on the front lines near Solomba, while he [LSM] was in Foya Tenga.

In response to a question from the associate judge, LSM stated that he had started school late and was in 6th grade at the time, even though he was about 20 years old. He explained that his father worked at a hotel in Monrovia and his mother was a merchant, so they had a decent standard of living. When asked why ULIMO considered him a rebel, LSM stated that it was because ULIMO was fighting the NPFL rebels who had fled into the bush.

When asked about the types of weapons he learned to use during his training with ULIMO, LSM stated that he had learned to use AK-47s, RPGs, and other weapons. When asked further, he specified that the camp was located in Tubmanburg. When asked about the content of the training—and specifically whether the purpose of the war had been explained to him—LSM replied that he had been told ULIMO was defending the people against the NPFL. Regarding the treatment of civilians, he stated that he had been instructed not to kill the rebel leader if he were captured and to be friendly with civilians so that they would inform them of dangers and help them avoid ambushes. When asked, he clarified that he had been made aware of the penalties, such as imprisonment, for misconduct. When asked whether it was common for a commander to strike his soldiers when they failed to follow orders, LSM replied that one soldier did not strike another soldier, but could imprison him. When asked how rapes of civilians were punished, LSM stated that this was covered by the code of conduct. He added that if rapes were committed in the bush, it was not a problem. However, soldiers who committed rapes in Tubmanburg were punished because they were identified. According to him, the soldiers who committed rapes were imprisoned. Those who killed were imprisoned for 3 or 4 months. He stated that two crimes were serious: rape and shooting at a soldier. In both cases, the perpetrators could be imprisoned. He added that he had learned this during his military training.

The President then returned to the topic of LSM's 2016 interview with Swiss authorities, during which he had refused to be confronted face-to-face with Alieu Kosiah but had seen him on a screen. LSM explained that the investigators wanted to verify whether he recognized Kosiah and showed him black-and-white photographs. He clarified that he had described Kosiah—particularly his eyes, since eyes do not change—before the photographs were shown to him. He added that he recognized Kosiah both when the photographs were shown to him and when he saw him through the glass.

The Presiding Judge noted that LSM had identified Kunti Kamara from the photo lineup during his hearing and asked him if he recognized him today in the dock. LSM confirmed that he recognized Kunti and stated that the last time he had seen him in Bellinzona, he was more muscular.

The civil party questioned LSM:

The civil parties' attorney asked LSM if he knew who led the NPFL before ULIMO arrived in Foya, and LSM replied that he did not know because he was in Kolahun. When asked further, he confirmed that he had heard of General Fayah.

When asked why he had thought that Kundi was Alieu Kosiah's special bodyguard the first time he met him, the witness stated that, as a civilian at the time, he could not tell the difference between a bodyguard and a special bodyguard. The attorney for the civil parties then asked him why he had thought that Kundi was assigned to Kosiah, and LSM stated that when Kosiah gave orders, Kundi carried them out.

When asked about the fate of the six other civilians, LSM stated that he had been told that all six had been killed and thrown into a well, which was subsequently sealed by the villagers because of the odors and flies.

When asked about the forced march he undertook as a soldier, LSM confirmed that it took place during the rainy season. He stated that the convoy was very large and that there were many people. He also confirmed that some civilians had to push trucks without engines, while others had to carry loads on their heads. When asked, LSM admitted that it was possible that, since he was at the rear of the convoy, he might not have been able to see Kundi, who was at the front. He also stated that the march had begun at the S2 office, not at the power plant, and that the goods were being transported across the border using canoes and ferries. He clarified that his mission was to protect civilians and that he was not involved in transporting the goods. When asked to provide details about the ferry he had just mentioned, LSM said there were empty cans on the ferry and that planks were placed on top of the cans.

When asked about Kundi's residence in Foya, LSM replied that Kundi had a home in Foya, but that he did not know where it was located. All he knew was that Kundi was on the front lines.

When asked whether ULIMO soldiers wore wigs and masks, LSM replied that the soldiers wore wigs and that when they went to the front lines, they had to disguise themselves. According to him, not everyone disguised themselves, but doing so helped prevent them from being identified. When asked, he stated that on the day he was beaten, Kundi was wearing neither a wig nor a mask.

The attorney for the civil parties then referred to the witness's hearing before the French investigating judge in Monrovia, which had clearly gone poorly. LSM stated that he was working the night shift and wanted to go rest, but the judge kept asking him questions. The attorney for the civil parties stated that this might explain the communication difficulties, which LSM confirmed.

When asked if he had been threatened after testifying against Alieu Kosiah, LSM nodded and clarified that he had been attacked. One of his teeth was knocked out, and his phone, passport, and clothes were stolen, which led him to file a complaint.

The Public Prosecutor questioned LSM:

Asked to confirm his statement to Swiss authorities that he and the other civilians had been captured by ULIMO to be taken to Foya and forced to work, LSM stated that during the capture of Foya, the civilians fled and ULIMO soldiers went into the bush to find them, because civilians are important in a war. The deputy prosecutors read aloud LSM's statements, according to which the soldiers had gone into the bush to retrieve the civilians, bring them back to Foya, and make them work for them—cleaning, cooking, and pounding rice. LSM stated that without civilians, the soldiers could not survive and that he himself had been captured as a civilian and had become a soldier as a result of the abuse he suffered.

When asked about the existence of passes and a curfew, LSM explained that the passes were used to identify civilians and distinguish them from rebels. Regarding the curfew, he indicated that no one was allowed to go out during curfew hours and that if anyone other than a soldier was outside after 5:00 or 6:00 p.m., they were not safe.

When asked about his first encounter with Kundi, LSM stated that when he was brought to Foya, he was taken to the S2 office and then to the market. It was there that he heard his name was Kundi. He confirmed that he saw him for the first time just before being subjected to tabé.

When asked, LSM stated that Kundi commanded a platoon of about 36 men and that when he was not on the front lines, he had at least three bodyguards and RTOs aged 10 to 16 with him. LSM added that a commander never walked around alone. The lead prosecutors asked LSM if he remembered the names of the soldiers under Kundi's command, specifically Saddam and Babylone. He replied that he had heard of Saddam and Babylone but was not close to them.

When asked about his last encounter with Kundi, LSM stated that he had last seen him in Zorzor when Alieu Kosiah had requested reinforcements from Foya.

The prosecutors then referred to LSM's statements to the Swiss authorities, according to which he may have been stabbed with a bayonet while Kundi and Kosiah were standing behind him. The prosecutors showed him photographs, and LSM identified the bayonet of an AK-47 as the weapon used to stab him in the back.

When asked to confirm his statements that the vehicles pushed by civilians during the forced marches had their engines removed so as not to alert the NPFL soldiers, he confirmed them. When asked, LSM stated that he did not know the exact number of civilians and ULIMO soldiers present during these marches. When questioned about the chants and threats made during the marches, LSM stated that the only phrase he had heard was "Till go" and that the chants were intended to motivate the soldiers.

The lead prosecutors returned to the subject of the execution of a civilian during a march mentioned by LSM and asked him whether he had discussed it with Deku and whether the perpetrator had been punished. LSM replied that no punishment had been meted out and that Foya was a front, so it was possible to kill someone without anyone knowing.

The defense questioned LSM:

The defense attorney asked LSM whether Alieu Kosiah had ordered Kundi to beat him and drag him, which LSM confirmed. The defense attorney expressed surprise at this answer because, when questioned by Swiss authorities, LSM had stated that he did not know who had tied him up or who had dragged him, since many soldiers were present. LSM replied that Kosiah had given the order and that Kundi was there when he was dragged.

The Presiding Judge noted that during his 2015 hearing, LSM had stated that it was Kundi who had dragged him by the legs. According to the defense attorney, LSM's statements are contradictory, since he said during his most recent hearing before the Swiss authorities that neither Kosiah nor Kundi had dragged him. The prosecutors and the attorney for the civil parties expressed their disagreement with this assertion, citing other passages from LSM's testimony in which he specifically stated that it was Kosiah who had given the order to Kundi and that Kundi had ensured it was carried out. As for LSM, he repeated that he had been beaten and then dragged away, and that the other six had been executed. He stated that the perpetrator was the

commander who had given the order and that Kundi had carried out Kosiah's order along with the other soldiers. When asked why Kosiah had not given the order directly to the soldiers, LSM replied that Kosiah had given the order to Kundi, who then relayed it to the other soldiers.

The witness was then questioned by the defense attorney about his injuries. The defense attorney expressed surprise that LSM had not mentioned being injured on his arms, since such injuries should have resulted from his position (tabé) while he was being dragged. According to the defense attorney, his back should have been protected and his forearms injured. LSM replied that he had been stabbed in the back and that his arms still hurt.

The defense attorney then pointed out that LSM had not seen the other six men being executed or the location where their bodies had been dumped, so he had assumed they had been thrown into the well. LSM replied that civilians had witnessed the execution and told him that the soldiers had dumped the bodies into the well.

When asked, LSM confirmed that he had joined ULIMO for his own safety on the advice of his cousin. The defense attorney then pointed out that during his hearing before the Swiss authorities, LSM had stated that it was Fine Boy who had advised him to join ULIMO, whereas Fine Boy had told the Swiss authorities that he did not know LSM. The defendant retorted that Fine Boy was part of the Strike Force battalion in Voinjama and that he would never implicate Kosiah and Kundi. He added that he could not force Fine Boy to say they knew each other, but that this was indeed the case. The defense attorney countered that Fine Boy was not under anyone's command when he testified in Switzerland and that LSM had tailored his testimony to match Fine Boy's statements to the Swiss authorities. LSM retorted that he had said Fine Boy and his cousin were discussing among themselves whether he should join ULIMO.

When asked about his position within the convoy during the forced march with the generator, LSM stated that the commanders were at the rear and that he was patrolling between the front and the rear. He also confirmed that he had brought the civilians back to Foya at the end of the march. The defense attorney expressed surprise that LSM had not seen Kundi, given that he had made numerous trips back and forth between the front and rear of the convoy. She argued that this might mean Kundi was not there. LSM stated that he had not looked for Kundi and that he had been told Kundi was part of the convoy. When asked, he confirmed that he had not seen Kundi.

The defense attorney then expressed surprise at LSM's role, which was supposedly to protect civilians, given that during the last two weeks of the trial, witnesses had testified that ULIMO soldiers were attacking civilians. LSM stated that not all soldiers behaved the same way and that, despite the war, he felt sympathy for all Liberians and did not condone the mistreatment of any Liberian. He added that he shared food with the civilians as part of the " " and that the civilians gave him money to buy things for them.

The defense attorney emphasized that, during the march, LSM had not helped the civilians but had ensured that they carried the goods to the border—and that, in essence, he had done the same thing as Kundi. LSM retorted that he had not struck the civilians with his rifle and that he

had allowed them to quench their thirst. He added that he had not carried out orders that he considered harmful to the civilians.

When asked, LSM confirmed that he had seen Kundi several times after the beating in Tabé. The defense attorney then confronted LSM with his previous statements from 2015, in which he claimed he had not seen Kundi again after the incident in Tabé, Foya. He explained that he no longer felt threatened by Kundi and was not seeking to see him, but that people had told him Kundi was stationed in Foya.

The defense attorney then asked LSM to confirm that if a person's body was found with the back cut open, it meant that the heart had been removed. LSM stated: "When the body of a light-skinned person was lying on its back, they had removed the heart through the back." The Presiding Judge intervened and asked him how it was possible to cut open the back if the person had been bound. According to LSM, if a person's hands were still tied, their heart had not been ripped out; however, if a person's back had been cut open, their heart had been removed.

Presentation of exhibits and documents from the case file.

The President presented black-and-white photographs of the scar LSM has on his back.

* * *

The defense attorney informed the Presiding Judge that she had filed a motion regarding the statute of limitations for all charges, with the exception of the crime against humanity. The attorney for the civil parties countered that these issues had already been addressed during the preliminary investigation. The defense counsel stated that the motions regarding the statute of limitations could be raised in any event, and the Presiding Judge confirmed that they were admissible in form. The Presiding Judge informed the defense counsel that the motions would be heard the following day at 9:30 a.m., to allow the parties time to review the matter.

Hearing of SS as a witness called by the Prosecution (videoconference)

In response to a question from the Presiding Judge, SS stated that she did not recall her date of birth and that she was a Liberian national. She confirmed that she resided in Lofa and stated that she knew Kunti Kamara, but had no family or marital ties to him.

SS began her unsolicited statement by noting that in 1993, ULIMO was in Lofa. She was taken to Kolahun along with other people. She explained that ULIMO had taken all the women in Foya as wives and that wherever they went, they took everything. Once, Kundi passed by her house. She explained that he would tie people up and beat them before throwing them into a well. SS added that ULIMO members asked young men to join their faction to fight alongside them. She then stated: "While they were talking, they took other people and threw them into the well. I was hiding, but I thought it could have been me. They were holding heads in their hands."

The Court questioned SS:

When asked, SS confirmed that she was in Lofa when she was captured and taken to Kolahun, then brought to Foya. When asked if she herself had been taken as a wife, SS nodded and stated that the soldier who had taken her as his wife, a man named Fan, had died during the war.

The President then noted that SS had told the investigating judge on January 7, 2020, that she was Fine Boy's housekeeper and cook, which SS confirmed. The President asked SS if LSM's cousin was with Fine Boy, and SS replied: "We weren't with them all the time. We didn't go anywhere." When asked, she stated that she was not paid for this work and that they gave them nothing. She added: "They cut people into pieces, and we cooked them. They forced us to eat them." When questioned on this point, SS confirmed that she had seen Fine Boy and Ugly Boy cut people into pieces. The President noted that this was indeed what SS had stated before the investigating judge.

When asked how many times she had seen CO Kundi bring men back and beat them, SS replied that they had killed people on several occasions and that she had seen people being killed and thrown into the well. The President noted that before the investigating judge, SS had spoken of eight men tied up and dragged toward the market near the Palava Hut. When asked, SS confirmed that there was a well near the Palava Hut, *down the* market *way*. When asked to specify how far she was from the scene, she stated that she was not far away. She confirmed that she had hidden in the house where she lived and added that she was with a friend who has since died.

When asked what she had seen, SS explained that men had been dragged to the ground and tied at the feet, legs, and hands so that they could not move. She mimicked the position of the tabé. The President asked her if these men had been killed in front of her. SS stated that they had been shot before being put into the well.

She then confirmed that one of the men had been spared and described him as muscular and strong. She added that one of the commanders had said he was a good candidate to join the ranks of ULIMO, but she did not know whether or not the man in question had actually joined ULIMO. When asked, SS said she did not know the man's name and described him as tall and not fair-skinned.

When asked about CO Kundi, she explained that he was present and had given orders to his soldiers, which they carried out. She confirmed that she knew Kundi and had seen him before in Foya. The President clarified that she had been shown a lineup of photographs and that she had identified Kunti Kamara. When asked, SS confirmed that she had seen Kundi again after the events, since they lived in the same community. She explained that Kundi's house was at the very top, while hers was at the bottom, and that he had to pass by her house to get to his own.

When asked, SS confirmed that she remembered being interviewed by the investigating judge and confronted with LSM. The Presiding Judge noted that the investigating judge had asked SS questions about LSM's injury. The Presiding Judge asked SS if she remembered whether the muscular man had been stabbed in the back. SS nodded. When asked, she stated that it was CO Kundi who had stabbed LSM. The Presiding Judge asked her to confirm that she had seen Kundi

deliver the stab wound. SS stated that she had left while they were talking and therefore had not seen it.

The President then noted that SS had said that Fine Boy's girlfriend was named Sia. SS confirmed that Sia was the first name of a woman who lived with Fine Boy. When asked about her previous statements that Sia was now living in the United States, SS said she did not know, but had heard the name Sia.

When asked about the attire of the ULIMO commanders, specifically whether they wore wigs or uniforms, SS stated that they wore khaki-green uniforms.

The civil party had no questions. Neither did the prosecution.

The defense questioned SS:

When asked, SS stated that she was 40 years old. The defense attorney asked her how she knew her age, given that she did not know her date of birth. SS replied that her aunt had told her her age. When asked about her age at the time of the events, SS estimated that she was 14 or 15 years old. The defense attorney pointed out that, based on the math, SS was actually 11 years old and asked her if her memories were clear. SS replied that she was not a little girl at the time because she had breasts.

When asked to describe Kunti Kamara, SS said he was short and had crossed eyes.

When questioned about the events, she explained that the men were all tied up and that only one had survived, but he was bleeding. She added that the soldiers were arguing over what to do with the survivor and that she had left at that point. The defense attorney asked SS how she had managed to understand what they were saying, and SS replied that they sometimes spoke in English.

The defense attorney then pointed out that Fine Boy had told Swiss authorities that he did not know SS. SS stated that she used to go to their house and that she knew him. She added that he had an Afro and that he forced her to cook human body parts.

When asked where the well was located, SS stated that the well was in front of the Palava Hut and that the market was on the other side. When asked if she had seen LSM again after the " " took place, she stated that she did not know him and that he was tall and black. When asked further, she clarified that she had not seen him again after the war either.

The defense attorney then stated that during her confrontation with LSM, the investigating judge asked SS how she knew that Kundi had stabbed the victim and not Kosiah, and SS replied that they were all masked and wearing wigs. The defense attorney then asked SS to confirm that Kundi was masked and wearing a wig at the time of the incident. SS replied that they dressed differently, but that Kundi was not wearing a mask that day. The Presiding Judge clarified that he had previously asked SS whether the commanders wore wigs and that she had answered in the

negative. According to the Presiding Judge, SS may therefore have been referring to the soldiers during her confrontation with LSM.

The attorney for the civil parties spoke up regarding Fine Boy, noting that he had indeed been interviewed as part of the Swiss proceedings and had denied everything outright. The attorney for the civil parties read aloud a passage from the transcript of Fine Boy's hearing, in which he stated that he had been warned by ULIMO members to be very careful about what he said, since he had fought during the war and this was a trial for war crimes.

Hearing of SB as a witness called by the Public Prosecutor's Office at the request of the defense (videoconference)

In response to a question from the Presiding Judge, SB stated that he did not know his date of birth, was 47 years old, and worked as a farmer in Lofa. Before giving the floor to SB, the Presiding Judge noted that he had been interviewed by the investigating judge on January 10, 2020.

SB recounted that one day, a *"Papay"* from ULIMO found them and asked them to accompany ULIMO soldiers carrying luggage to the river. SB explained that he did not know what was in the bags, but that they had carried them to the river. In exchange for these bags, they received bags of salt that they had to carry back in the opposite direction. SB recounted that along the way, he heard shouts of "Fire*!*" A friend of SB's called out to him to say he had been hit. SB was also hit and stated that he did not know where the shots had come from. SB concluded by recounting that a man had been shot in the thigh. He stated: "I want justice—that's all I want."

The Court questioned SB:

When asked about the man he referred to as the ULIMO *"Papay*,*"* SB stated that he did not know his name. According to him, the man entrusted them to "his children," who were armed with rifles. SB confirmed that he had been wounded in the arm and chest by the gunfire and noted that he had scars.

The President asked him if he thought the shots had been fired by ULIMO soldiers or by soldiers hiding in the bush. SB replied that he did not know and explained that he had heard someone shout "Fire!" and was then taken to the hospital to be treated by a military doctor.

The President then noted that during his hearing before the investigating judge, SB had stated that the only person he could recall among the attackers was CO Kundi, and that it was he who had given the order to open fire. SB denied having said this and stated that he had not seen who had fired the shots.

The President clarified that SB had told the investigating judge that he could not see well out of his left eye and could not see at all out of his right eye. SB also told the investigating judge that the people who were transporting coffee with him had said that it was Kundi who had given the order, but he himself had not seen anything. SB replied that he did not know Kundi. He added that he had left his village and that the next day, he had been conscripted for the transport. He

clarified that he did not live in Foya and that he only remembered the man who had told him to take the bags.

When asked by a juror about his vision problems, SB stated that they were not recent and had begun well before the war.

The civil party had no questions. Neither did the prosecution.

The defense questioned SB:

When asked, SB maintained that he had not told the investigating judge that he had heard of Kundi. The defense attorney expressed surprise at this change in his account, since the minutes explicitly stated that, according to SB, CO Kundi had given the order. When asked to confirm that he had never heard of CO Kundi, SB stated that he had heard people say it was CO Kundi, but that he did not know him personally. The Presiding Judge noted that SB had contradicted himself during the same hearing, and the defense attorney expressed surprise that SB now claimed not to know who CO Kundi was.

Presentation of photographs from the BBC Africa Eye documentary titled "The Torture Virus"

Following SB's testimony, the Chair showed photographs from a BBC documentary on tabé torture and asked LSM to comment on them.

In response to a question from the President, LSM confirmed that he had been tied only by his elbows according to the authentic "tabé" method, with his legs remaining free. He explained that his hands had been tied and that his elbows were pressed together. LSM also explained that when he was dragged to the ground, the entire area of his skin that touched the ground had been torn.

He identified in the photos a variation of the "tofa tabé," which he described as a "harsher form of tabé" because the legs of the tortured person were tied behind their back at the elbows and hands.

The civil party had no questions. Neither did the prosecution.

The defense questioned LSM:

The defense attorney asked LSM whether he had performed "tabé" on other people while he was a ULIMO soldier. LSM stated that he went to fight on the front lines and did not deal with civilians. The defense attorney asked him whether soldiers on the front lines therefore had no connection to the practice of "tabé" on civilians. LSM replied that rebels captured at the front were executed. He clarified that if a member of the opposing side surrendered, ULIMO soldiers were not allowed to shoot them under the Geneva Conventions, as he had learned during his military training.

Screening of the BBC Africa Eye documentary titled "The Torture Virus."

The Court viewed the aforementioned documentary in its entirety.

Examination-in-chief of the accused, Kunti Kamara, regarding these facts

The Court questioned Kunti Kamara:

When asked about the testimonies of LSM and SS, Kunti Kamara stated that he did not know these individuals and had no comment to make. The Presiding Judge remarked that there were beginning to be quite a few people whom Kunti Kamara did not know, but who, in turn, knew him.

The Presiding Judge asked the accused what interest SS—who is not a civil party—could have in identifying him. The accused stated that he was confused and felt as though he were watching a movie with actors playing their roles. The defendant cited the example of LSM, who claims to have been in the military even though he knows nothing about the front lines, the number of soldiers in a platoon, or the role of an RTO. Kunti Kamara stated that he would not go into details, but that all these people were "storytellers."

The Presiding Judge asked the defendant whether he maintained his claim that all the people accusing him in this trial were Kissis and that they belonged to the same family. The Presiding Judge noted in this regard that LSM belonged to the Bangui ethnic group and had been a soldier in ULIMO. Kunti Kamara asked the Presiding Judge if he had seen any Mandinka testify against him. The Presiding Judge recalled that members of the Mandinka ethnic group had testified at the beginning of the trial and asked the defendant once again to explain why, in his view, LSM was in cahoots with the Kissis. Kunti Kamara replied that he did not know, but that there was a very strong connection between the witnesses.

The Presiding Judge then noted that seven or eight people had described the same scene regarding the events involving LSM. Kunti Kamara repeated that he had no idea and that he did not know these people, neither today nor tomorrow.

The President asked Kunti Kamara whether, to his knowledge, ULIMO troops had recruited civilians—or even rebels—into their ranks. The accused replied that this was not ULIMO's objective and that during the capture of Foya, Deku had ordered the release of 600 people, including 150 rebels. When asked whether soldiers were switching from one faction to another, the defendant stated that NPFL soldiers did not come voluntarily but were captured by ULIMO. He stated that he did not recall whether any ULIMO soldiers had joined the NPFL. When asked about Pepper & Salt, Kunti Kamara stated that Pepper & Salt had staged a coup within ULIMO, but since he had been defeated, he had defected to Charles Taylor, who provided him with all the resources needed to fight ULIMO.

The President recalled that LSM had stated before the investigating judge and the Swiss authorities that he had been recruited by ULIMO because he was a rebel. Kunti Kamara said he was unaware of this and reiterated that they had allowed 160 rebels to leave.

When asked about his presence during the capture of the seven civilians, including LSM, Kunti Kamara stated that he had no idea about it and that he had spent four months in Foya on the front lines. When asked about the stab wound that LSM claimed to have received in the back while Alieu Kosiah and Kunti Kamara were behind him, the defendant reiterated that he had no knowledge of these events.

The Presiding Judge asked the defendant if he still had no knowledge of SS's statements, according to which he had allegedly given the order to kill everyone except the tall one, namely LSM. Kunti Kamara replied that he was confused and that he did not know them.

When asked whether LSM and SS were also lying when they both said that an argument had broken out between Kosiah, Kundi, and Deku, the defendant asked the Presiding Judge whether this argument had been mentioned by Alieu Kosiah when he came to testify.

The Presiding Judge questioned the defendant about the forced marches mentioned by LSM. Kunti Kamara replied that he knew nothing about any of that and that the Court knew who the liars were.

The civil party cross-examined Kunti Kamara:

When asked about the statements made by SS, who indicated—like Abraham Towah—that Kundi had a house in Foya, the defendant replied that he did not have a house in Foya and that Foya was not his base.

The attorney for the civil parties then pointed out that LSM had been mistaken about the number of soldiers in a platoon, but that Kunti Kamara and Alieu Kosiah knew that number perfectly well. She therefore asked the defendant if he confirmed that he was a commander. Kunti Kamara stated that a platoon consisted of 44 men, not 36 as LSM had indicated, which proved that LSM was not a soldier.

The attorney for the civil parties then addressed the front line, which was clearly not a fixed front since the NPFL and RUF rebels were hiding in the bush and setting up ambushes. She asked the defendant whether the front line was near Solomba, as suggested by LSM's statements. Kunti Kamara replied that they were heading to Foya and that after the capture of Mendekoma, General Fayah fled, leaving behind 160 rebels.

The attorney for the civil parties referred back to the accused's statements before the investigating judge, when he indicated that he had three people under his command, including a former NPFL soldier. Kunti Kamara stated that they had captured one of Charles Taylor's rebels, who— —later joined them voluntarily. The attorney for the civil parties cited another passage from Kunti Kamara's hearing before the investigating judge, from which she concluded that it was fairly common for NPFL rebels to defect to ULIMO. She asked the defendant why he was denying this today. Kunti Kamara stated that when ULIMO captured rebels, the goal was to obtain information, not to kill them. The attorney for the civil parties asked the defendant whether he found it credible to imply that ULIMO left the rebels alone while the NPFL killed them. The defendant replied that all the videos that had been viewed depicted acts of brutality committed

by the NPFL. According to him, ULIMO had a very strict command structure that strongly condemned abuses committed against civilians.

The attorney for the civil parties referred back to the statements made by Kwamex Fofana, who explained that Foya was under Kundi's command and that everything that happened there fell under his responsibility, noting that numerous complaints of rape, looting, torture, etc., had come from Lofa County. Kunti Kamara asserted that Fofana was not the commander in Foya and that he was not present during the capture of the town, as he was at the diamond mines in Lofa. According to him, these were therefore merely rumors. The attorney for the civil parties noted that, according to the defendant, the chain of command within ULIMO was very strict and did not tolerate any reprehensible acts, but that it was not possible for the chain of command to hold him responsible. Kunti Kamara said he was confused and stated that if Deku had implicated him, he might have understood, since Deku was his commander. On the other hand, it was possible that Fofana was against him, since he had been expelled from ULIMO.

The prosecution had no questions. Neither did the defense.

October 25, 2022 – Day 12: Sexual Violence

The morning began with the defense arguing that the acts of torture with which Mr. Kamara is charged occurred too long ago, according to French law, for him to be tried on these counts. The Court will deliberate and render its decision tomorrow morning.

The first civil party stated that she had been raped several times by Mr. Kamara's bodyguards, and that he had been aware of it. She also spoke about the torture and death of her father, a account that was then corroborated by her sister—who testified after her—who recounted that it was Mr. Kamara who gave the order. A French psychologist who had examined the civil party testified before the Court and stated that the woman suffers from severe post-traumatic stress and that her life has been severely impacted by what happened to her.

Finally, the second civil party was heard. Ten minutes into her testimony, she had to stop, as the memory of the violence she had endured overwhelmed her.

October 25, 2022 – Day 12: Sexual Violence

Defense arguments on procedural matters

The defense attorney began by noting that the NGO Civitas Maxima had filed a complaint against Kunti Kamara on July 23, 2018, charging him with crimes against humanity for acts committed in Liberia 25 years earlier. He then clarified that procedural issues did not apply to crimes against humanity, for which there is no statute of limitations, and shifted his focus to all other charges. He noted that the statute of limitations for criminal prosecution was 10 years under Article 7 of the Code of Criminal Procedure, which was in effect in 1994. In this case, Kunti Kamara is accused of committing acts of torture and barbarity between March 1993 and December 1994. According to the defense attorney, the statute of limitations for these acts has therefore expired.

The defense counsel then addressed the argument that the statute of limitations had been suspended until March 2005 due to the war in Liberia, pursuant to Article 9-3 of the Code of Criminal Procedure, which provides that any insurmountable factual obstacle equivalent to force majeure that renders it impossible to initiate or pursue criminal proceedings suspends the statute of limitations. According to the defense attorney, this argument does not hold up in light of the historical context, given that there were two civil wars. The first lasted until 1997 and was followed by elections described as free, fair, and peaceful by the newspaper *Le Monde*, in the presence of 500 foreign observers. According to the defense counsel, Liberian institutions were fully functional in 1997, the date on which the statute of limitations began to run. The defense counsel argued that it was evident that, with Charles Taylor in power, the Liberian authorities were capable of providing all possible means of recourse to those subject to the law against ULIMO, the enemy of the NPFL. As for the second civil war, it broke out in 1999 and might have been such as to suspend the statute of limitations once again if one were to consider that the State was no longer able to administer justice during that period. That war, however, ended in

2003 with the signing of the Accra Agreements. Under the terms of these agreements, a ceasefire was declared with immediate effect and a transitional government was established, so that conditions in the country once again allowed the Liberian authorities to bring legal proceedings against KK, if they deemed it necessary.

According to the defense attorney, as of the 2003 ceasefire, the territory was no longer under occupation and the rebels had laid down their arms. Contrary to what was argued by the investigating judge, the 1919 legal precedent—which calls for a suspension of the statute of limitations in the event of enemy occupation—is therefore not applicable in this case. In support of his argument, the defense attorney cited the United Nations Secretary-General's summary note regarding the end of the Second Liberian Civil War, in which the Secretary-General stated that UNMIL police were performing the functions of the national civilian police by ensuring on-site deployment, conducting investigations, and maintaining public order. The defense attorney stated that investigations had indeed been conducted during that period and that, consequently, the justice system was functioning on Liberian soil in early 2004. He added that in its closing argument, the prosecution itself had cited the year 2003 as the starting point for the statute of limitations, not 2005. The defense attorney drew an analogy with the "purge" ordinances adopted in June and August 1944, when French territory was still partially under German occupation, and the establishment of a high court in November 1944 tasked with trying Pétain and other accomplices. He stated that this clearly demonstrated that the end of the war was not synonymous with anarchy. In his view, the statute of limitations had therefore expired in 2013, not counting the period of peace between the two civil wars.

The defense attorney then examined the interruptions to the statute of limitations raised by the Public Prosecutor's Office and the investigating judge, in connection with the proceedings against Alieu Kosiah and the creation of the CVR.

Regarding the proceedings against Alieu Kosiah, the defense attorney noted that the investigating judge relied on Article 9-2 of the Code of Criminal Procedure to argue that the order to open an investigation issued in 2014 against Alieu Kosiah had the effect of interrupting the statute of limitations. According to the defense attorney, the order issued against Alieu Kosiah had no effect on Kunti Kamara's case, since the statute of limitations for criminal prosecution had already expired in 2013.

Regarding the second point raised, the defense attorney noted that the prosecution had argued that the statute of limitations for criminal prosecution had been interrupted in 2006 upon the creation of the CVR and that a new 10-year period had begun to run in 2009. The defense attorney argued that commissions, such as the CVR, do not conduct prosecutions or investigations, but rather aim to promote reconciliation. In his view, the CVR is a means of restorative justice that is in no way intended to replace sovereign investigative functions. In support of his argument, the defense attorney cited a paragraph from Aurélien-Thibault Lemasson's dissertation, in which Lemasson wrote that truth and reconciliation commissions were neither courts nor international bodies. The defense attorney concluded from this that the TRC was not a judicial body and that its actions could not constitute in e investigative or preliminary proceedings capable of interrupting the statute of limitations within the meaning of Article 9-2 of the Code of Criminal Procedure.

The defense counsel concluded his argument by asking the Court to find that the statute of limitations had expired for the acts of torture and barbarity and for complicity in rape committed between 1993 and 1994, since no complaint had been filed within the period from 2003 to 2013.

Argument by the Public Prosecutor's Office on Procedural Issues

The attorneys general expressed their surprise at the defense's filing of arguments regarding the statute of limitations, given that this legal issue had already been resolved in 2018 and that the defense had made no comments on the matter of the statute of limitations after the indictment was issued in November 2020. According to the attorneys general, the filing of these arguments two weeks after the opening of the trial is merely an attempt to divert attention from the facts of the case.

The attorneys general revisited the case law from August 1,August 1919 cited by the defense, noting that the Court of Cassation had interpreted the provision of Article 9-3 of the Code of Criminal Procedure broadly, since it equated the enemy's occupation of the territory at the end of World War II with an insurmountable de facto obstacle leading to the suspension of the statute of limitations. According to the Advocates General, the two Liberian civil wars unquestionably constituted an insurmountable obstacle, due to the war, the postponement of peace talks, the occupation of the territory, the fighting, and the abuses. The Advocates General dismissed the argument that Charles Taylor's election marked the return of the rule of law and the possibility of bringing charges, as it is completely at odds with the existing evidence. The outbreak of the second civil war in 1999—barely two years after the end of the first—attests, in their view, to the country's instability, which meant it could not have had fully functioning institutions, contrary to the defense's claims.

Regarding the starting point of the statute of limitations, the Advocates General acknowledged that they had initially considered the peace agreements to mark the point from which the statute of limitations began to run. Nevertheless, they subsequently reviewed all the evidence presented in the proceedings and concurred with the investigating judge's conclusions, finding that despite the peace agreements, the return to the rule of law was gradual and the victims were unable to file complaints immediately. The Advocates General thus concluded that the date of publication of the UNMIL report in 2005 constituted a relevant date for marking the end of the suspension of the statute of limitations. They added that the analogy with the situation in France at the end of World War II proposed by the defense seemed to them highly inappropriate.

The Advocates General then addressed the acts that interrupted the statute of limitations. In their view, the statute of limitations was interrupted by the prosecution initiated against Alieu Kosiah, in his capacity as an accomplice of Kunti Kamara. The Advocates General noted that the Court of Cassation advocates a broad interpretation of investigative and preliminary inquiry acts capable of interrupting the statute of limitations, holding in particular that foreign acts of prosecution or in s of preliminary inquiry are interruptive in nature to the same extent as acts taken by a ministerial commission established by law. In this regard, the attorneys general referred to the Court of Cassation's decision of April 8, 2020.

The Advocates General noted that, in this case, the CVR was established by a law dated June 10, 2005, and inaugurated in 2006, and that its mandate was to investigate crimes against humanity committed in Liberia. According to the attorneys general, the nature of each commission's actions must be analyzed in light of the specific mandate entrusted to it, since each commission has its own capabilities and responsibilities. In this instance, the CVR in Liberia had a mandate that very clearly resembled an investigative one, and its final report is a perfect illustration of this. Thus, according to the Advocates General, the TRC's actions may be considered acts that interrupted the statute of limitations; consequently, it must be held that the statute of limitations was interrupted as of 2006 and began running again on June 20, 2009—the date the TRC's report was published, marking the conclusion of its work.

With regard to the proceedings initiated in Switzerland against Alieu Kosiah, the Advocates General emphasized the connection between the charges against him and those against Kunti Kamara. Consequently, according to the Advocates General, the opening of the investigation in 2014 by the Swiss authorities against Alieu Kosiah also interrupted the statute of limitations.

In light of all these factors, the Advocates General concluded that the statute of limitations for criminal prosecution had not expired as of July 23, 2018.

Argument by the Civil Party on Procedural Issues

The attorney for the civil parties argued, as her primary point, that the action was barred by the statute of limitations. She cited Article 82-3 of the Code of Criminal Procedure, which provides that a person claiming that the statute of limitations for criminal prosecution had expired at the time of their indictment must file their request within six months of the investigating judge's order challenging the validity of the statute of limitations, failing which the claim will be deemed inadmissible. Since the defense did not file an appeal, the civil action is barred by the statute of limitations, according to the attorney for the civil parties.

In the alternative, the attorney for the civil parties stated that she agreed with the arguments put forward by the prosecutors. She noted that the 1997 elections were anything but democratic and recalled that Taylor and Kromah had formed an alliance at that time, meaning that the elections could not constitute either a return to the rule of law or the starting point of the statute of limitations, as argued by the defense.

The counsel for the civil parties added that the conclusion of the peace agreements in 2003 had not been accompanied by an automatic restoration of legal and law enforcement institutions. As for UNMIL, its mandate was to facilitate a gradual return to peace, not to prosecute former combatants. Its 2005 report noted the absence of the rule of law and judicial institutions. According to the attorney for the civil parties, Liberia remains to this day a country where total impunity reigns.

Regarding the TRC's suspension of the statute of limitations, the counsel for the civil parties concurred with the arguments of the Public Prosecutor's Office. She noted that the law establishing the commission granted it an investigative mandate, including the identification of perpetrators and the recording of complaints. The CVR also had powers to issue injunctions, with

the provision that an independent judge could serve summonses. According to the attorney for the civil parties, this system demonstrates that the commission administers justice in its own right—beyond mere restorative justice—and that its actions are unquestionably of a nature to interrupt the statute of limitations.

Regarding the interruption of the statute of limitations by the opening of a preliminary investigation against Alieu Kosiah, the attorney for the civil parties agreed with the arguments presented by the Public Prosecutor's Office. She made a point of clarifying that while the events involving Kunti Kamara were indeed long past, as the defense had argued, this trial was fully in line with international trials in which the age of the events has no bearing on the case.

Response from the Defense

The defense attorney pointed out that the statute of limitations defense was a matter of public policy and could therefore be raised at any time. She explained that this issue had not been raised earlier due to the defense's lack of resources.

According to the defense attorney, the CVR's mission, as set forth in its founding charter, was to give voice to the victims, not to conduct investigations.

The defense attorney then turned to the year 1997. She asserted that democratic elections had been held that year and that the international community did not contest them, which demonstrates that the state was functioning. Furthermore, there are various documents in the case file attesting to the proper functioning of the state system following the signing of the peace agreements.

Finally, the defense attorney argued that the victims' decision not to file a complaint for financial reasons could in no way justify an interruption of the statute of limitations under the French Code of Criminal Procedure, which must be applied without any room for interpretation.

* * *

The Presiding Judge indicated that the Court would render its decision on the procedural motion the following day.

* * *

Hearing of RSK as a Civil Party

When asked about her date of birth, RSK stated that she was born on May 16, 1986. The Presiding Judge expressed surprise at this answer, as the case file lists the year 1978. RSK explained that at the time, she did not know her exact age and had to provide an estimate. She added that she is a Liberian national and works as a nursing assistant in Foya.

Before giving the floor to RSK, the President noted that she had filed a civil claim in February 2019 and had been interviewed by an OCLCH police officer in February 2019, followed by the investigating judge on March 6, 2019. She had also been confronted with Kunti Kamara.

RSK began her unsolicited statement by recounting the start of the war in Foya. She explained that she had hidden in the bush with her family and EFNS's family and stated that the rebels were capturing women to make them their wives. When ULIMO entered the bush, RSK and EFNS tried to flee. RSK stated that EFNS was carrying a baby on her back who began to cry. EFNS stopped to comfort the baby and was captured by ULIMO. RSK stated that two days later, ULIMO returned to look for her, but she hid. EFNS then came to fetch RSK from the bush with a soldier named AG, who told her not to worry and that he would not harm her. The three of them returned to Foya.

Upon arriving in Foya, RSK and EFNS were asked to cook meals and wash the clothes of the ULIMO soldiers. RSK stated that AG did not harm them and took care of them. According to her, AG was Krahn and spoke Mandinka. RSK recounted that one day, AG had to leave on a mission, and other soldiers came to ask them where AG was. They questioned RSK and EFNS insistently, but the two women repeated that they did not know where AG had gone or what had become of him. The soldiers then fired a shot at the wall, between RSK's legs. RSK stated that she and EFNS were frightened.

RSK went on to say that after a while, the soldiers began to mistreat them. According to her, B arrived and looked for EFNS to take her away and force her to become his wife. From that point on, Kundi came to take them so they could become his wives and to force them to work for the ULIMO soldiers. RSK recounted that she and the other women were beaten and raped. She stated that two of Kundi's men had grabbed her and then raped her in front of him. She begged Kundi to save her. As RSK begged him, Kundi called her a *"black diamond,"* laughed, and spoke in his dialect. His men then took RSK away, beat her with their weapons, and raped her.

RSK also recounted that she had tried to go see EFNS at B's house to bring her some food. The soldiers told her not to go and beat her. RSK began to cry. She said that when she returned, two boys grabbed her and raped her. Deeply distressed, RSK asked EFNS to flee with her to Guinea, but EFNS told her that if she came with her, they would kill her father and mother. RSK decided to flee after some time.

RSK then recounted the death of her father, who was forced by ULIMO to drink boiling water. She said her father had been captured in a church while he was fasting. According to her, whenever there was a gathering, ULIMO would choose whoever they wanted. She said that on the day her father was killed, Ugly Boy was in town. After her father's death, RSK fled into the bush with her brothers and sisters. She stated that they had fled from the rebels and that it was by the grace of God that they had survived. Since that day, her brother has decided never to return to Foya.

RSK then spoke about the forced labor she was subjected to. She said that ULIMO would take them into the bush and force them to carry very heavy loads on their heads. She explained that when someone complained of being tired, the soldiers would shoot them. RSK said she was very afraid. She recounted that people begged the soldiers to give them food, but the soldiers gave

them nothing. RSK admitted to hiding some food from the load she was carrying so she could take it home.

RSK also recounted that B and his men made a sort of rope out of human intestines and that once you reached that rope, you had to salute and wait until the soldiers let you pass.

Before leaving for Guinea, RSK said she saw Kundi and Ugly Boy tie a man's arms behind his back and cut off his head. When they saw RSK, they told her, "Little girl, go back." RSK ran, and when she turned around, Kundi and Ugly Boy had killed the man. She stated that she fled that place and that, as she was leaving, they were killing people, cutting them up, and putting them in a wheelbarrow.

RSK recounted that ULIMO Papay had taken them to find rest and food. On the way, they encountered Ugly Boy. He was accompanied by a woman and said he wanted to eat a heart. According to RSK, they blindfolded a man, tied his hands, took an axe, and cut open his chest. They removed the man's heart, cooked it, and ate it right there. When they were finished, they told RSK and the others to continue on their way. RSK added that her sister T had also witnessed this scene and that the ULIMO had attacked the group led by Papay by shooting at the people. RSK fell to the ground, and everyone started running. Once she returned to her mother, RSK asked her to flee with the rest of the family, but her mother refused, saying she would rather die there. So RSK fled with her sisters.

After learning that EFNS had fallen ill, RSK stated that she returned to Foya to bring her medicine and food, then left for Guinea. Once in Guinea, she informed EFNS's brother of his sister's illness, and they returned to Foya together. RSK stated that the war was horrible and that they had survived thanks to God.

The Court questioned RSK:

When asked, RSK confirmed that she had been married to EFNS's brother after the civil war. She also confirmed that he had died of Ebola in Sierra Leone.

When asked about her age at the time of the events, RSK stated that she was younger than EFNS and that she had breasts but was not yet a woman. She also clarified that EFNS was carrying her sister's baby on her back when they fled into the bush.

When asked, RSK confirmed that ULIMO had come into the bush several times to look for her and her family. According to her, ULIMO routinely came into the bush to search for civilians and bring them back to town.

When asked about her relationship with AG, RSK confirmed that AG had taken her in and that everything was going well. She stated that AG wanted to marry EFNS, but EFNS did not want to. Since AG insisted, RSK advised EFNS to accept in order to protect her family and avoid being mistreated. EFNS followed RSK's advice and accepted AG's proposal.

The President then asked RSK to confirm that AG's departure on a mission coincided with the *"Black Friday"* incident, which had pitted the Mandinka against the Krahn. RSK stated that something was going on between them, but that she had not understood what it was. When asked whether, after AG's departure, other ULIMO members had come to take care of her, RSK replied that they had not come to care for people from Foya, but to torture them before leaving.

When asked about B, RSK stated that he was a man of a certain rank, but that he was not a commander. She confirmed that Kundi was B's superior. When questioned, RSK stated that she had been gang-raped multiple times by Kundi's bodyguards. She confirmed that this was the reason she had pleaded with Kundi and added that she regarded him as a father figure because he gave orders. When asked about Kundi's behavior during these rapes, RSK explained that Kundi was standing in a corner and did nothing, even though she had hoped that, as a commander, he would tell his soldiers to leave her alone. She added that despite the pain, she was then forced to go pound rice, and that during that time, some of her friends were taken away to be raped as well.

When asked about other rapes she witnessed in Foya or elsewhere, RSK stated that she had heard her friends crying while she was pounding rice. She added that the soldiers would take the women to rape them, then throw them aside and go look for other women. When asked, she clarified that during the rapes, the soldiers insulted the women, yelled at them, and forced them. When asked how many times she had been raped, RSK stated that she did not remember the exact number, but that the rapes had been repeated. According to her, "it was whenever they wanted."

The President then asked RSK if she had been an eyewitness to the acts of cannibalism she had described. RSK affirmed that she had indeed witnessed these events with her own eyes. She stated that she did not know the victim, but that he was a man whose eyes had been blindfolded. She clarified that he was still alive and that they had tied his hands behind his back and then removed his heart.

When asked about the other scene she described—in which she reportedly saw Ugly Boy holding a man whose throat had been slit by Kundi—RSK stated that she was passing by and did not expect to witness such a scene. Upon further questioning, she specified that the scene had taken place between two houses in Foya. She confirmed that she had seen Kundi and Ugly Boy together on that occasion. When asked about Kundi's role in this execution, RSK stated that she saw Ugly Boy holding the man and Kundi holding a knife. They reportedly ordered her to get out of there.

When questioned again about the rapes she had endured and the lasting effects they had on her, RSK confirmed that she had been the victim of repeated, violent rapes and stated that she often experienced pain in her back, stomach, and head. Psychologically, she stated that she felt "paralyzed" and was no longer able to do anything.

The presiding judge noted that RSK had formally identified the defendant during her confrontation with him before the investigating judge. He asked her to confirm that she recognized the person in the dock as Kunti Kamara, which RSK confirmed. When asked to address the defendant, RSK stated: "I want to say what is in my heart so that justice may be done."

The civil party questioned RSK:

When asked, RSK confirmed that her father was Pastor TKo and that she had fled to Guinea around Christmas 1994. When asked about her sister ThK, she confirmed that her sister ThK was younger than she was and that she was present when the ULIMO Papay took them away. RSK added that her sister also had to carry loads on her head.

When asked, RSK confirmed that Kundi owned a house in Foya. She added that when the ULIMO found a house, they declared it theirs because the owners had fled. When asked about the location of Kundi's house, RSK stated that it was near the old market.

When asked, RSK confirmed that she had been raped near Kundi's house and in his presence. She stated that Kundi was present when his bodyguards took her away and that she had begged him to protect her, but Kundi said nothing. When asked about Kundi's presence during the rape, RSK stated that Kundi was standing on the porch of the house, laughing and speaking in his dialect.

When asked about her statements during her confrontation with Kundi—namely, that Kundi had the bodies dug up to be burned—RSK stated that when they learned Pepper & Salt were coming, they ordered the civilians to dig up the bodies, remove the bones, and take them elsewhere to be burned.

When asked about the song about Kundi that RSK had sung before the investigating judge, she explained that it was a song the civilians were forced to sing. If they did not sing it correctly, they were beaten. The President asked RSK what the lyrics of that song were. RSK replied that she did not know the lyrics, but that these songs were hymns in honor of ULIMO. She added: "When they arrived in Foya, whatever they ordered you to do, you had to do it. If they told you to sit down, you had to sit down. If they told you to sing, you had to sing."

The Prosecutor's Office questioned RSK:

When asked, RSK confirmed that after AG's departure, only Mandinka soldiers remained in the ULIMO troops in Foya, and that the rapes began at that time.

The deputy prosecutors then asked RSK to confirm that she had seen Kundi during the two incidents of rape, as she had stated before the investigating judge—the first when she asked him for help and the second when his soldiers dragged her before him. RSK stated that Kundi's bodyguards had raped her repeatedly and that she had asked for help. She added that B's bodyguards had also grabbed and raped her. On both occasions, she said, Kundi did nothing to stop them; he remained under the porch speaking his dialect.

The lead prosecutors asked RSK to confirm that during each incident, she had been raped by at least two soldiers. RSK confirmed that two soldiers had repeatedly raped her.

When asked about the rapes suffered by her friend EFNS, RSK stated that she had not witnessed the rapes EFNS endured after AG left, but that each time, she found EFNS in shock, trembling,

and in tears. She added that it was B who raped EFNS and that he was in the habit of stepping on her stomach.

When asked, RSK confirmed that these rapes had affected her intimate life with her husband, but did not wish to provide further details.

The defense cross-examined RSK:

The defense attorney revisited the discrepancies regarding RSK's date of birth. RSK stated that she was convinced she was born in 1978, not 1986, and clarified that the person who had been handling her administrative affairs had passed away. The attorney for the civil parties pointed out the existence of two conflicting documents: RSK's Liberian national ID card, which states that she was born in 1986, and her air travel declaration, which lists the date as May 16, 1978. According to the attorney for the civil parties, this second date is more consistent with the age RSK would be expected to be, given the facts she has recounted.

When asked about her statements to French police—in which she claimed that ULIMO had shot EFNS's father while RSK's and EFNS's families were hiding in the bush—RSK confirmed them and clarified that EFNS's father had survived the injury thanks to the medical care he received.

When asked about AG's departure, RSK stated that she did not recall the exact date on which AG left Foya. When pressed, she clarified that after AG left, she went to EFNS's mother's house, near the old market in Foya.

Regarding the incidents of rape, the defense attorney revisited the sequence of events, which, according to RSK's statements before the investigating judge, had taken place over a period of four days. RSK stated that she had not said she had been raped over four days, but rather repeatedly, and that she had subsequently decided to leave Foya. She added that whenever she had her period, she experienced pain in her back and stomach. Regarding the incidents of rape, the defense attorney revisited the sequence of events, which, according to RSK's statements before the investigating judge, had taken place over a period of four days. RSK stated that she had not said she was raped over a period of four days, but rather repeatedly, and that she had subsequently decided to leave Foya. She added that every time she had her period, she experienced pain in her back and stomach.

The defense attorney referred to the victim's initial statements to the French police, in which she claimed that the incidents of rape had occurred over the course of a few days and that Kundi had been present only once. RSK did not respond and stated that when ULIMO soldiers took civilians for forced labor, they insulted them, beat them, and took them by force.

The defense attorney then asked RSK how she knew that the soldiers and B were carrying out Kundi's orders. RSK stated that at that time, Kundi was an important figure, a commander, and when he gave an order, the soldiers had to carry it out. When asked, she confirmed that she had seen the soldiers carrying out Kundi's orders.

The defense attorney returned to RSK's identification of Kunti Kamara and clarified that no photo lineup had been presented to her. The defense attorney noted that RSK had described Kunti Kamara as "of average height, with rather dark skin, aged 20–25, wearing a uniform, and carrying a pistol." The defense attorney added that RSK had identified Kunti Kamara for the first time during her confrontation with the defendant and that RSK had stated she recognized him because of his skin color. The defense attorney asked RSK if she was certain she recognized Kunti Kamara in the dock, despite the vague description she had provided and despite the fact that no photo lineup had been presented to her. RSK confirmed that she recognized Kunti Kamara in the dock.

The defense attorney finally addressed the trauma RSK suffered as a result of the rapes and noted the absence of a gynecological examination of the civil party in the case file. RSK stated that she had consulted a doctor solely for a psychological evaluation.

* * *

Hearing of ThK as a witness called by the Public Prosecutor at the request of the civil parties

The Presiding Judge invited ThK to identify herself, and she stated that she was born in 1989 and works as a farmer in Foya. She confirmed that she is RSK's younger sister. Before giving the floor to ThK, the Presiding Judge noted that she had not yet been heard in this case and that, given her date of birth, she was very young at the time of the events.

ThK began her voluntary statement by recounting that one day during the war, she went to church with her father while he was fasting. When they arrived at the church, ULIMO soldiers called them both over. According to her, Kundi ordered her father to take off all his clothes. ThK's father asked what he had done to deserve such treatment, and Kundi replied, "You haven't done anything, but today you won't be sleeping at home because I'm going to kill you." ThK explained that soldiers had boiled water, and she thought it was so they could wash themselves. ThK begged the soldiers to leave her father alone, but they refused. They filled a glass with hot water and told her father to drink it. According to ThK, that is how her father died.

ThK recounted that after her father's death, people were called to dispose of the body. When they discarded her father's body, her brother fled to Guinea.

The Court questioned ThK:

When asked, ThK confirmed that she knew DN and that he worked at the Borma Mission church. She also confirmed that she had seen DN with her father. However, she stated that she did not know how DN had died. When asked whether DN was present at the time of her father's death, ThK indicated that DN had been killed before her father.

The Presiding Judge then asked ThK whether, as the news article in the case file seemed to indicate, three people had been killed at the church. ThK replied that she had returned home after her father's death and confirmed that she was alone when he was killed.

When asked, she stated that she had not fled into the bush with her mother and sister when they sought refuge there. ThK explained that she had stayed in Foya with her family for some time after her father's death, and then they fled together to Guinea.

When asked about the rapes her sister RSK had suffered, ThK stated that when they killed her father, the ULIMO soldiers said they were going to rape her sister. When asked, she confirmed that her sister had told her what had happened to her. When asked about her flight to Guinea, ThK explained that she had fled with her entire family in 2004 and then returned in 2007. The President noted that this most likely occurred between 1994 and 1997 and that ThK did not seem to have a good grasp of dates and years. When asked, ThK confirmed that upon her return to Liberia, the war had ended.

ThK then stated that her family was suffering, like many other families in Liberia, and asked the Court to come to their aid. She explained that because of the war, she had been prevented from attending school, as her school had closed. She added that after her father's death, her brother decided he would never return to Liberia.

The Presiding Judge then noted that if the date of birth provided by ThK was correct, she would have been 5 years old at the time of the events. ThK stated that she was not 5 years old, but rather about 15 years old. She clarified that her documents were kept by her late father. The defense attorney intervened and highlighted the problems with identifying witnesses in the trial, of which the presiding judge said he was aware.

When asked about the age difference between her and her sister RSK, ThK stated that someone had told them there was not a large age gap between them.

The civil party questioned ThK:

When asked about the events concerning her, ThK stated that ULIMO soldiers had forced her to pound rice and carry it into the bush. The civil parties' attorney noted that RSK had mentioned that her sister had been forced to carry loads. When asked, ThK clarified that she ha d four sisters and did not recall being forced to carry loads. According to the civil parties' attorney, RSK's statement may have referred to another of her sisters.

When asked about her memories of the time of the events, ThK explained that she was unable to remember everything. She stated that she remembered precisely what had happened to her father because he did everything for her and her family.

The Prosecutor's Office questioned ThK:

When asked about Kundi's involvement in her father's death, ThK stated that Kundi had brought boiling water and ordered the soldiers to hold her father down. When asked, she confirmed that the soldiers were under Kundi's command.

The prosecutors then asked ThK if the man in the dock looked familiar to her. ThK confirmed that, in her opinion, it was Kundi.

The defense had no questions.

The defense attorney clarified for the Court that RSK had not mentioned that his father's death occurred in Kundi's presence or at his orders. The Presiding Judge confirmed that the murder of TKo was not included in the charges against the defendant.

Testimony of Amal Hachet, a psychologist in Paris and expert for the Paris Court of Appeal, appearing as an expert witness called by the Public Prosecutor's Office

The Presiding Judge invited the expert psychologist Amal Hachet to present the findings of the psychological evaluation she conducted on RSK on May 13, 2019.

Amal Hachet first explained that the evaluation had been conducted under specific, time-sensitive circumstances. The expert had, in fact, interviewed RSK on relatively short notice, as the subject was scheduled to return to Liberia the day after the order was issued. The expert added that RSK was suffering from gastroenteritis due to the change in climate, environment, and travel, and was quite anxious. According to the expert, this is important because the interview, which lasted two hours, was interrupted several times due to RSK's health condition. The expert added that it had not been possible to arrange for an interpreter given the very short notice and clarified that she was fully fluent in English and sensitive to nuances in language. According to the expert, the interview went well, aside from a few challenging moments that required clarification of certain elements of RSK's account through additional questions or drawings.

The expert provided a general assessment of the way RSK expressed herself and of her ability to listen and understand, noting that she had not identified any pathological factors, disorders, or impairments in this regard. With regard to memory, the expert identified hypermnesia—that is, RSK's tendency to focus on a specific period of her history, which she can recount in great detail. The expert clarified that hypermnesia is part of post-traumatic symptomatology. She explained that, with , one might experience repression or amnesia, or conversely, hypermnesia when memory is heavily taxed. She also noted a general issue with temporal orientation.

The expert went on to state that at the time of her meeting with RSK, the latter was 41 years old and that the events in question had occurred a very long time ago, as RSK placed them between late 1993 and late 1994, when she was about fifteen years old. According to the expert, the first event marking the beginning of RSK's nightmarish account was the murder of her father, who was allegedly drowned in boiling water. The expert noted that RSK was very close to her father and that, aside from the memory of the murder, she retained an image of her father playing and laughing with her.

After her father's murder, RSK fled with her family and was exposed to other horrific scenes. The expert stated that during her flight, RSK was forced to witness killings, torture, and acts of cannibalism. RSK recalled three executions in particular: two people who were killed with an axe to the chest and whose hearts were reportedly removed to be eaten, and a man who was beheaded. According to the expert, these scenes were part of RSK's ordeal, which she places between late December 1993 and early January 1994, although she had difficulty recalling the exact date.

Regarding the facts concerning RSK, the expert stated that the witness had been raped, allegedly over several days by two of the defendant's bodyguards. RSK recalls asking the defendant to spare her and to stop his bodyguards from raping her, but he did nothing. According to the expert, RSK's account subsequently became more complex, and she focused more on what had happened to the other girls, particularly one of her sisters, whom she spoke about frequently. In addition to the rapes, RSK was also subjected to forced labor.

The expert then clarified that RSK had recounted hearing, at that time, the screams of the girls who were being raped. She mentioned the specific case of EFNS, whom she referred to as her sister despite the lack of a familial relationship. According to RSK's account, her sister had suffered even more severe atrocities, as she had been tied to a bed by her rapist. RSK explained that she had taken advantage of the rapists' absence to bring her sister food, care for her, and wash her. The expert stated that she had attempted to clarify whether RSK was referring to EFNS or someone else, and RSK replied that she was talking about her sister and that she had not heard from her since.

The expert went on to discuss RSK's life before the events, which RSK described as happy. She was attending school and was very active. According to the expert, a turning point occurred in her life due to her father's murder and the other incidents reported by RSK, such as the rapes and acts of torture she witnessed. After these events, RSK left for Guinea to try to rebuild her life. She met her future husband and trained as a nursing assistant. RSK had three children with her husband, who died of Ebola. Regarding her romantic and marital relationship, RSK stated that she loved her husband but told the expert about sexual difficulties, as she could not bear to be touched. The expert emphasized in this regard that RSK was still a virgin when she was raped and that these rapes occurred in the context of a war that had cost her father his life.

The expert mentioned the debilitating stomach pains RSK suffered as a result of these traumatic events, noting that she had received extensive medical care. The expert considered it possible that the traumatic events experienced by RSK had caused her lack of sexual desire. RSK explained to the expert that she had remained single since her husband's death and had not wished to enter into new relationships.

The expert noted a tendency toward somatization in RSK, who has difficulty expressing her anxieties, even verbally. RSK told the expert that she had received some basic psychological counseling from professionals with Doctors Without Borders and other NGOs after the events. According to the expert, RSK mentioned sleep disturbances and nightmares in which she relived the same scene. The expert noted a certain disconnect, since, at the same time, RSK had regained control of her life since the incident. She completed a training program, started working, and started a family. The expert highlighted RSK's progress toward moving forward, her resilience, and her recovery, even as she appears to remain stuck or "frozen" in that period, "as if there were a freeze-frame on that period of her life that could not be erased." RSK also told the expert that she felt the need to share her experience with her children.

The expert noted a fairly high level of impact, clarifying that, in principle, experts do not assign specific percentages in this type of assessment. The expert reiterated that RSK was experiencing something irreversible, which was at odds with the fact that she had regained control of her life.

She explained that there were, in a sense, two parallel paths: “That of the teenager who never grew up, and that of the woman she has become, who has continued to live her life.”

The expert highlighted RSK’s courage, noting that she made the effort to undergo the evaluation even though she was not feeling well. According to the expert, RSK felt greatly reassured by the opportunity to be heard about what she had endured and believed that this process could lead to a positive outcome. Finally, the expert clarified that RSK had normal intelligence and was not exaggerating, since she had focused more on what happened to the other girls.

The Court questioned Amal Hachet:

The Presiding Judge noted that RSK had not mentioned her father’s murder during her first hearing but had briefly brought it up in front of the expert, which the expert confirmed. The Presiding Judge then clarified that EFNS was a friend of RSK’s and later became her sister-in-law.

The Presiding Judge questioned Amal Hachet about her expert report, which notes hypermnesia and difficulties with time and space. The Presiding Judge asked the expert whether it was not contradictory to focus on details while at the same time being confused about the rest. The expert explained that this was not contradictory and that both of these elements are commonly found in extremely traumatic events. She noted that in cases of shock, cognitive and memory functions are affected and added that hypermnesia impacts the events themselves, not the dates.

When asked about the differences between wartime rapes and “conventional” rapes, Amal Hachet explained that collective experiences amplify the traumatic aspect. According to her, on a collective scale, not only does the psychological aspect collapse, but the environment is also affected, including others. However, it is easier to recover from such a situation when the presence of others and the environment have not been affected, because those around us provide help and support that gradually restore the fundamental feelings that keep us going. The expert added that the suffering of the other girls had sparked empathy in RSK, which had led her to suppress her own suffering and take control of her life in order to protect others. The President considered this to be a defense mechanism, which the expert confirmed.

The President then asked Amal Hachet how RSK had managed to rebuild her life—including starting a family and getting married—even though she had reportedly been raped multiple times as a teenager. The expert replied that her resilience had enabled her to regain control of her life. She added that RSK appeared to have done so on the surface, but not in substance. When asked whether RSK had been living alone since her husband’s death, the expert replied that she had merely reported RSK’s own words.

When asked, the expert stated that RSK did not seem to her to be exaggerating and that she had been very clear about the defendant’s involvement, specifying that he was present but had not intervened. Regarding the issue of age, the expert explained that this was a phenomenon common throughout the African continent, in that dates and ages were not considered as important as they are in the West. She added that this was not a memory disorder, but a cultural phenomenon.

When asked, the expert confirmed that she had observed neither a tendency to describe reality in pathological terms, nor any exaggeration in her speech, nor any emotional outbursts on the part of RSK. The expert added that she had not sensed any desire on RSK's part to convey a message that had been dictated to her. On the contrary, RSK answered questions and elaborated on her responses only at the expert's request. Amal Hachet added that she sensed RSK was moved by what she was recounting and had no intention of merely describing events.

When asked about the psychological consequences of the lack of legal recourse for survivors of war crimes, Amal Hachet explained that the aspect of recognition was very important because it allowed victims to come to terms with what they had experienced. Recognition could help them overcome the confusion or sense of unreality they feel.

When asked by a juror about the age at which a person can recall events accurately, the expert stated that it all depended on the severity of the event. She clarified that it was possible to recover memories of rape as early as age two. According to her, the problem lies in the fact that a child who lacks language skills cannot recount the experience, which is why drawing is used. The account then becomes accurate once the child gains language skills.

The civil party questions Amal Hachet:

When asked about the lack of psychological counseling at RSK and the impact this might have, Amal Hachet explained that without treatment, there is no recovery. In other words, the disorders persist and can become chronic. She added that treatment is very important and that its value is all the greater when it is provided in conjunction with legal recognition. According to the expert, the act of being recognized has therapeutic value.

The attorney for the civil parties then asked the expert whether RSK's career choice—she is a nursing assistant—could be linked to her past experiences. Amal Hachet replied that she had not mentioned this in her report, but that this career choice was not a coincidence. She explained that RSK had chosen a path of healing and helping others, whereas other victims choose to relive what they have endured. She added that helping others heal is a way of healing oneself.

The prosecution questioned Amal Hachet:

The assistant district attorneys asked Amal Hachet whether RSK had shared any fears regarding the victims with her. The expert replied that RSK had expressed a fear of retaliation.

The defense had no questions.

<u>Hearing of EFNS as a civil party</u>

Before hearing from EFNS, the attorney for the civil parties stated that EFNS had sent her a report of a gynecological examination conducted in Liberia. The report was entered into the record as part of the settlement proceedings between the parties.

The President then called EFNS to the stand. In response to a question, EFNS stated that she was born in 1973 and worked as a farmer in Lofa. Before giving her the floor, the President clarified that EFNS was testifying before the Court as a civil party and that she had previously been interviewed by the Liberian police on April 30, 2019.

EFNS explained that she was in a village in 1993 when she learned of the ULIMO's arrival in Foya. She recounted fleeing into the bush with her child, her mother, and her sister, as well as her sister's son. According to her, the village chief had also taken refuge in the bush with his family. She added that her father and RK had gone in different directions. EFNS then stated that they were weeding the rice fields when they found them. She recounted that the ULIMO had eaten the meal they had prepared for the farm workers and taken all their crops. EFNS stated that all she had left were the clothes she was wearing.

EFNS then said that when she arrived in town, a tall soldier asked her if she had any family. She replied that she had just arrived in Foya. A neighbor arrived and said that people were being killed in Foya. EFNS explained that a woman then took them to her home and that she had started working for ULIMO. Every morning, she had to go to work in the rice fields. EFNS noted that her palms were bleeding when she pounded the rice.

While she was sitting at home, a man asked her what was wrong, and she told him she was suffering. The man offered to let her come live with him, and EFNS replied that she did not want to become his wife. The man insisted, but EFNS refused because she was afraid of suffering. The man told her that he didn't want to cause her or her family any suffering, so EFNS agreed and took her family to the man's house. EFNS stated that when they took 10 civilians to the border, only 4 returned. According to her, when civilians said they were tired, they were not allowed to return. The man told her that every time soldiers came to take her family, he would give her a document with her name and the names of the conscripted civilians. That way, if a family member went missing, the soldier would be held responsible.

EFNS went on to explain that there had been a *"Black Friday"* in Foya during which everyone had to attend a gathering in front of the former police station. According to her, they called out young men and women to form lines and selected those they wanted to take. EFNS stated that this was the day she lost her uncle. She added that because of the rain, they fired an RPG, and all the civilians scattered. EFNS explained that she had hidden in a house and had seen her uncle with his hands behind his back. She added that the people with whom she was hiding told her they were ULIMO soldiers. She noted that she never saw her uncle again.

EFNS continued her account by stating that one day, she had gone to the market with some food. While she was on the hill, she saw civilians with wheelbarrows and thighs moving inside them. EFNS explained that a soldier named Mami Wata had come toward her holding arms and had said to her, "Take them, take them." EFNS recounted that she refused and went back to her aunt's house in tears. Her aunt told her that she had lost one of her sons. There had been twelve students, and none had survived.

Finally, EFNS explained that one day, AG told her he was afraid and that he was going on a mission. According to EFNS, AG left, and that same night, ULIMO soldiers came to her house

looking for him. They asked, “Where is that Krahn dog?” Since no one answered, they kicked the door, trying to force their way into the house. EFNS stated that she heard the voices of Kundi and Black Devil. She said that the commanders stayed outside while the bodyguards ransacked the house. Not finding AG, they left.

EFNS then explained that they returned the next day, this time as a group of three: B, Kamara, and the commander. They asked again where AG was. EFNS replied that she didn’t know, and they left. Following this incident, EFNS thought that if she stayed, they would kill her. So she decided to flee to her village. She stayed there for a few days, but ULIMO soldiers, including B, came looking for her, accusing her of being AG’s wife, and brought her back to town. EFNS recounted being seized and taken to B’s house. She stated that he tied her up while she was naked, spread her thighs, and took a knife, which he thrust into her vagina despite her pleas. Before breaking down in tears before the Court, EFNS cried out, “I am damaged.”

[EFNS collapsed and burst into tears. The hearing was adjourned.]

When the hearing resumed, the attorney for the civil parties explained to the Presiding Judge that EFNS was outside the courtroom and in a state of shock. She added that it was not possible for her to continue testifying.

October 26, 2022 – Day 13: Civitas Maxima

The Court ruled that the statute of limitations, which had been raised by the defense the previous day, does not apply, and that Mr. Kamara can be prosecuted for acts of torture.

The Court read the statements of the civil party who was unable to continue her testimony yesterday. She described being tortured and raped by Babylon, a ULIMO soldier under Mr. Kamara's command. After that, a witness testified regarding the murder of a woman accused of witchcraft. The witness described how Mr. Kamara had entered the woman's room and shot her. An additional civil party, who had been present when the victim was murdered, was unable to attend court, but his statement was read aloud.

Alain Werner, director of Civitas Maxima, testified. He explained how the organization was established, its funding, and its relationship with the Global Justice and Research Project (GJRP). He described how Civitas Maxima and GJRP conduct their investigations and how they obtained information about Mr. Kamara.

Finally, Mr. Kamara took the stand. He repeated that he did not know any of the people accusing him, nor was he aware of any atrocities committed by ULIMO.

October 26, 2022 - Day 13: Civitas Maxima

The Court's Ruling on the Procedural Motion Regarding the Statute of Limitations Raised by the Defense

The Court issued its ruling on the procedural motion regarding the statute of limitations for criminal prosecution raised by the defense. The Presiding Judge clarified that the Court had rendered its decision in a non-adversarial proceeding without the jury present.

Regarding the preclusion of the objection raised by the attorney for the civil parties, the Court noted that preclusion applies to objections that may be raised before the investigating judge. In this case, the objection was properly raised before the investigating judge and resulted in an order. According to the Court, the objection remains admissible before the Assize Court notwithstanding the decision rendered by the investigating judge, insofar as the Court retains jurisdiction to analyze the conditions under which the matter was referred to it. Moreover, even if the Investigating Chamber had been called upon to rule, a contrary decision would not have prevented the Court from ruling on the statute of limitations for criminal prosecution, given that the Assize Court retains jurisdiction to assess the conditions for the possible extinction of criminal prosecution. It was therefore incumbent upon the Court to examine whether this exception could give rise to a suspension or interruption of the statute of limitations.

Regarding the suspension of the statute of limitations, the Presiding Judge noted that this applied solely to the acts of torture and barbarity alleged against the defendant, relating to the years

1993–1994. The Court verified the conditions for a possible suspension of the statute of limitations under Article 9-3 of the Code of Criminal Procedure, the provisions of which the Presiding Judge reiterated. After hearing the witnesses who provided background testimony, the Court noted that the country had endured two successive and particularly deadly civil wars, first between 1989 and 1997, and then from 1999 to 2003. The Court noted that the provisional ceasefire and partial disarmament in 1997 did not result in the restoration of the police and judicial institutions necessary to investigate the perpetrators and bring them to justice. Notwithstanding the peace agreements signed in Accra in 2003 and the establishment of UNMIL, the Court considered that the overall security situation in Liberia remained precarious. The President read aloud an excerpt from the United Nations Secretary-General's report on this matter. The Court concluded from all these factors that the statute of limitations should be considered suspended at least until March 17, 2005.

With regard to the grounds for interrupting the statute of limitations for criminal proceedings, the Court examined the establishment of the Truth and Reconciliation Commission (TRC) and Article 9-2 of the Code of Criminal Procedure, which must be interpreted in light of the case law of the Court of Cassation. In this regard, the Court noted that the law of May 12, 2005, established the TRC and mandated it to investigate various crimes and human rights violations, identify the perpetrators, gather complaints from victims, and finally recommend measures to be taken for the rehabilitation of victims in a spirit of national reconciliation. The Court held that the CVR possessed specific prerogatives, such as the authority to refer matters to an independent judge. In its final report, the CVR recommended, among other things, that criminal proceedings be initiated against certain members of ULIMO for abuses committed, in particular, in Lofa. According to the Court, the CVR's work can thus be considered an act interrupting the statute of limitations, such that the limitation period began to run anew as of June 30, 2009, the date of the CVR's last act. The public prosecution was therefore not barred by the statute of limitations at the time the proceedings were initiated in 2018.

Regarding the initiation of the investigation against Alieu Kosiah by the Office of the Attorney General of the Swiss Confederation, the Court found that this action was also capable of interrupting the statute of limitations for criminal prosecution due to its similarities with the proceedings against Kunti Kamara. The Court noted a connection between the various acts, for which Alieu Kosiah and Kunti Kamara are being treated as co-perpetrators. The Court further noted that Kunti Kamara had been named as a defendant in Alieu Kosiah's trial, and vice versa.

The Court therefore dismissed the defense's motion on the grounds that the acts of torture and barbarity with which he is charged were not time-barred.

Update on EFNS's Testimony

The attorney for the civil parties informed the Court that EFNS did not wish to take the stand again, as it was too painful for her. The attorney for the civil parties read aloud a statement that EFNS wished to address to the Court, which reads as follows: "I don't want to go back into that courtroom because every time I speak, it hurts me too much; I don't want to see that man again. I didn't come all the way from Foya just to lie. If Kundi says he didn't do anything wrong in Foya, take him to Foya today and see if the people cheer him on. The Bible says, 'Speak the truth, and

the truth will set you free.' Kundi knows everything that happened. I am certain it was Kundi; I recognized him. To this day, I still suffer fr s caused by what happened back then. I need surgery, but I don't have the money for it. I ask the Court to ensure that justice is served."

The President then proposed reading the full transcript of EFNS's interview with the Liberian National Police on April 30, 2019.

Transcript of EFNS's interview by the Liberian National Police on April 30, 2019

EFNS began her testimony by stating that in 1993, she was in Fassapoe in the Foya District when she learned that ULIMO soldiers had entered Foya. Most of the civilians then panicked and fled into the bush. She explained that she had then started working on a farm and heard a man say: "While you're working here, ULIMO has just taken control of the town of Foya." She then fled with her son, her mother, and her sister's son. The soldiers found them and decided to take them all to the town of Foya.

EFNS explained that along the way, a soldier named Jigger-in-the-toe ordered the other soldiers to hand the civilians over to him. In Foya, there was a large group of people shouting, crying, and in a state of confusion. The next day, the soldiers separated everyone—men, women, and children—who were part of EFNS's group and her family. EFNS explained that all the women were taken to pound rice and find food, while the men had to carry goods that had been looted in Foya on their heads to the Guinean border via Solomba.

EFNS then recounted that one day, after she had finished pounding rice, her hands began to hurt. That was when she met a soldier named AG, who invited her to come to his home. EFNS refused because she did not want to leave her mother and the other members of her family alone. EFNS and AG became friends. One evening, AG told her that he had to leave and go to his mission area near the Sierra Leonean border, because if he slept there, it could cost him his life. Later that night, a large number of Mandinka soldiers surrounded AG's house and entered it to search for him. According to EFNS, the soldiers shouted that there was a woman in the house who was "hiding that Krahn dog." EFNS said that if the soldiers had found them, they would have killed them both. She added that civilians standing near her pointed at one of the soldiers, saying that he was Kundi. It was the first time she had seen him.

After this incident, EFNS became frightened and decided to go to her hometown, Fassapoe. She stayed there for about three or four days, then another ULIMO group arrived. She said that one of the soldiers was named B. She recalled that B was among those who had come to look for AG. EFNS recounted that B approached her and told her he was going to take her with him to town. She added that she remembered B and his soldiers, along with other ULIMO fighters, using human intestines as a "checkpoint."

EFNS also recounted that one day, she and the other girls had climbed a hill and seen men pushing wheelbarrows. The ULIMO soldiers behind them were forcing them to shout to the people, "Who wants to buy beef?" to lure them over. The civilians rushed toward them, only to discover that they were pieces of human bodies. She explained that a soldier had forced her to

pick up two hands that had been severed at the wrist, which she then put back into the wheelbarrow. She had no idea that among those bodies was that of one of her brothers.

EFNS recounted that later that day, B had taken them back to town and separated them. EFNS's brother, T, went in another direction with some soldiers. When T returned home, he complained of feeling sick and said that ULIMO soldiers had forced him to drink a cup of human blood. EFNS stated that her brother died shortly afterward.

EFNS then stated that her father and mother were regularly beaten by B, which led to the deaths of both of them.

As for herself, EFNS recounted that one evening, B came to her house and tied her arms behind her back. He tied them so tightly that EFNS could barely breathe. B then stripped her completely naked, pulled out his bayonet, sprinkled salt on it, spread her legs apart, and forcibly thrust part of the knife into her vagina, causing her to bleed. B then went to the bathroom, and EFNS took the opportunity to flee, crying and calling for help. EFNS then encountered B's younger brother and began telling him what had happened. Other people approached, including Kundi. According to EFNS, everyone said that it was Kundi's bodyguard who had tied her up. B arrived at that moment and said something to Kundi. According to EFNS, Kundi replied, "Oh! I thought these people had called me for something serious," after B explained what had happened to him in Mandinka. B's brother then begged Kundi to untie EFNS, and Kundi agreed.

Following this incident, EFNS was raped by B every time he smoked his drugs, even though she was in severe pain. She said she couldn't complain because she was afraid she would die. One evening, B told her that ULIMO needed him on the front lines, and she never saw him again. EFNS eventually joined her friend RSK in the bush, and RSK prepared a herbal drink for her to relieve her pain. EFNS concluded her spontaneous statement by noting that she still suffers from intense pain today, particularly in her stomach.

When asked, EFNS clarified that she was 16 years old when ULIMO entered Foya and that she was living in Sodu with her parents. When asked about the names of the soldiers she remembered, EFNS named C.O. Dagu, C.O. Pepper, Ugly Boy, Black Devil, B, and C.O. Kundi. She stated that she had been tortured by B at his home in Foya during the civil war.

When asked about other crimes she may have witnessed, EFNS stated that she had not seen anyone beat, rape, or kill another person. She clarified that she had been raped and severely beaten by B on several occasions and that she had seen the body of a person killed by ULIMO soldiers, but that she had not witnessed the murder. When asked, she stated that she and her family had been forced on numerous occasions to carry heavy loads. She added that her uncle T had been killed.

When asked about the number of rapes she had endured and their consequences, EFNS replied that B had raped her "so many times" and that she was suffering from severe pain in her abdomen and chest. When asked, she stated that she was still not well and that she had never gone to the hospital.

When asked about B, EFNS stated that he took orders from his commander, C.O. Kundi. She added that when B had abused her, a young man whom she believed to be B's brother pleaded with Kundi on her behalf. That was when Kundi arrived and questioned B. B explained the situation to him in Mandinka, and Kundi did nothing. According to EFNS, Kundi did not care how B had tied her up or about all the horrors he was subjecting her to. EFNS added that, in her opinion, C.O. Kundi approved of what B was doing.

When asked to provide a physical description of B, EFNS stated that he was young, thin, in his early 20s, tall, and had thick lips. She added that he had no scars and that he sometimes wore a camouflage military uniform, and other times jeans with a T-shirt and boots. According to her, he always wore braids.

When asked to provide a physical description of Kundi, EFNS stated that Kundi was older than B and had a squint. She added that he was short and had fair skin. Sometimes he wore a camouflage military uniform, jeans, and a red T-shirt. EFNS stated that he was always dressed normally and that she had never seen him wearing women's clothing. She saw him once with braids, and after that, he always had his hair cut short.

When asked, EFNS stated that she had encountered Kundi more than six times, particularly when she went to pound rice in places like New Foya. She specified that the last time she saw him was when she had been tied up. When asked about Kundi's behavior, EFNS stated that she had never seen him act aggressively or violently in her presence. When asked, she stated that she did not know whether Kundi took orders from anyone else. When asked to identify Kunti Kamara from the photo lineup presented to her, EFNS identified two photographs, one of which was that of Kunti Kamara.

When asked if she had seen soldiers kill people, EFNS answered in the affirmative and stated that the first time, the soldiers had rounded up people and killed her uncle, Reverend TKo. The second time, the soldiers also ordered people to gather and killed the mothers of several of her friends. When asked about other rape victims she knew, EFNS stated that a friend of Fassapoe's had also been raped by the soldiers, to the point that they had to put her in a wheelbarrow.

When asked about Kundi's place of residence, EFNS stated that she did not know where Kundi lived, as he had a large number of wives and several homes. She clarified that she did not know whether Kundi forced these women and added that most of them were Gbandi women.

When asked, EFNS stated that she had lived with B for more than a month and that he regularly smoked marijuana. She added that he would jump on her, beat her, and rape her, but that she had never seen him drink alcohol.

Hearing of EzP as a witness summoned by the Public Prosecutor's Office at the request of the civil parties

When questioned, EzP stated that he was born on February 2, 1976, and worked in security in Foya. He confirmed that this was the first time he had been heard in these proceedings and specified that EP was his older brother.

EzP began his unsolicited statement by recounting that one morning in 1993, armed men wearing red T-shirts had come to capture Foya. EzP stated that his father had died in 1989 and that his older brother had become the village chief. When the soldiers arrived, they gathered everyone in the center of the village. They told the civilians to gather their belongings and go to Foya. According to EzP, the soldiers took two men, tied them up, and decided to go to another village to arrest more people. They ordered the civilians to follow them. Along the way, EzP saw about seven people lying on the ground and recognized the body of one of the two tied-up men. He added that the clan chief was TT and that he had fled into the bush. His house had been taken over by CO Deku. EzP then clarified that this group of ULIMO soldiers was called "Black Devil" and that the soldiers wore red T-shirts and red headbands. Among them was a soldier named Ugly Boy, who carried an axe and was known for hacking people to pieces. EzP went on to say that the soldiers had gathered the civilians on the old airstrip to prevent them from being spotted by Charles Taylor's soldiers.

The next day, ULIMO soldiers gathered everyone again and asked a woman to point out the people she knew. Those she identified were set aside. According to EzP, the soldiers put people in prison, including a woman carrying a baby on her back. The baby died in the cell. EzP added that a man had his throat slit by "Chinese Killer" and that ULIMO ordered TT to move the body even though the man was not yet dead. Several elders were present, including SP, who wondered if they would end up killing everyone. Upon returning home, SP died from the shock of what he had witnessed.

EzP then mentioned another gathering near the former police station. Kundi was armed with an RPG and accompanied by another soldier. According to EzP, they killed a *Papay* because they feared information would be passed on to the NPFL.

EzP also said he remembered a man named Mami Wata, whose sister—who was a soldier in the ULIMO—had been killed on the front lines. Upon his return, Mami Wata was angry and arrested two men he suspected of being NPFL rebels. He killed them, cut them into pieces, and put them in wheelbarrows. They then took the wheelbarrows and went door to door saying, "Buy some meat!" According to EzP, those who did not want any were forced to buy it. He added that Kundi was a commander and that he was the one supervising that area. The soldiers then ordered the civilians to return to their respective villages and sent ten men to Foya Dundu.

EzP concluded his unsolicited statement by saying that a woman was sick and that Kundi had heard she was a witch. According to EzP, the sick woman was in her room , wrapped in a blanket, when Kundi entered and shot her. He then dragged her out and gathered items from the kitchen to bury the woman before setting the house on fire.

The Court questioned EzP:

The Presiding Judge asked EzP if he had often seen Kundi in Foya and if he knew where he lived. EzP replied that he had known Kundi during the war and that in 1993, Kundi lived in New Foya. When asked about the location of Kundi's house, EzP stated that there was a valley next to the mosque and that the ULIMO were in that neighborhood.

When asked, EzP confirmed that he recognized Kundi in the dock and noted that he had bowed legs and crossed eyes. EzP added that Kundi sang a song in praise of Ugly Boy ("Ugly Boy, Ugly Boy, ULIMO").

When asked, EzP stated that Deku was the commander in charge at Foya and that Kundi was on the front lines. EzP confirmed that Kundi would go to the front lines and return to Foya. He added that Kundi was armed with an RPG and was tasked with advancing the front lines.

When asked about the killings he had mentioned, EzP stated that he had witnessed the murder of the man whose throat had been slit. The President then returned to the incident involving the wheelbarrows and Mami Wata and asked EzP if he had witnessed it. EzP replied that he had not been present during those murders, but that everyone was talking about them.

When asked about the reputations of the ULIMO commanders, EzP said that some were good and others were bad. He clarified that he had not seen CO Blacky kill anyone, nor had he heard people say that he had killed one of their own. EzP added that a boy named Young Major, who was his friend, lived with CO Blacky. When asked about Deku, EzP stated that he had not seen him commit any wrongdoing.

When asked to provide details about the story of the witch killed by Kundi, EzP said she was a woman named KG or KF. He stated that he had attended the funeral. The presiding judge asked him if he had seen Kundi go to the funeral and then leave. EzP stated that Kundi stopped by, spoke with the people, and then went on his way.

The civil party questioned EzP:

When asked about his brother EP's role during the war, EzP explained that his brother was the mayor of the city. According to EzP, EP helped people during the war and defended those who were captured. EP would say that they could kill him instead of those people. When asked, EzP stated that his brother had not had any problems with ULIMO. He was detained a few times because he was the leader, but he was not afraid to tell the truth.

When asked about his brother's presence in Foya Dundu on the day of KT's death, EzP stated that his brother was in a village right next door. According to EzP, EP did not try to speak with the ULIMO commanders because the woman was already dead and there was nothing left to be done.

When asked about forced marches, EzP stated that he had never been forced to carry loads because he was friends with Young Major.

When asked whether, in his opinion, Kundi would be likely to recognize him, EzP replied that they were not from the same neighborhood and that it was therefore possible that Kundi did not know him. EzP added that when someone does something wrong, everyone recognizes him.

The attorney for the civil parties asked EzP if he had seen Kundi frequently between 1993 and 1997. EzP clarified that Kundi had only visited between 1993 and 1994 and that he had not seen him again after 1994.

The prosecutor questioned EzP:

When asked, EzP confirmed that Kundi was indeed based in Foya between 1993 and 1994 and clarified that he would sometimes go to the front lines and then return. EzP also confirmed that Kundi lived in New Foya. The deputy prosecutors asked EzP to describe the location of New Foya in relation to the airstrip and the former police station. The witness stated that the airstrip was now located in a different place.

The prosecutors also asked EzP if he knew Kundi by the name *"battlefront"* or "battlefield commander,*"* and the witness replied that he knew him as C.O. Kundi or *"RPG man*."

The defense questioned EzP:

When asked, EzP confirmed that soldiers from *the "Black Devil"* group were wearing red headbands and T-shirts when they entered Foya. When asked about his first encounter with Kundi, the witness stated that ULIMO had called a meeting and that Kundi was on a platform with his RPG. The defense attorney asked EzP how he knew it was Kundi. The witness replied that he had been there for a month and had heard Kundi's name. According to EzP, everyone was saying that Kundi was there and pointing him out.

The defense attorney then returned to the subject of KT's execution and stated that the witness had provided a great deal of detail. When asked if he was present at the time of the incident, EzP replied that he had attended the funeral. When asked, he clarified that it was the funeral of a small child. The defense attorney asked him how far away he was when KT was killed. EzP replied that K was in her room under a blanket and that Kundi came in and shot her. The defense attorney asked EzP to confirm that he was present in KT's bedroom when Kundi shot her. EzP replied, "If someone walks past you, enters a house and shoots, then takes the person outside and buries them with leaves, do you think it could be someone else?"

The defense attorney then asked EzP if he was certain he recognized Kundi in the dock, given that, according to the defense attorney, Kunti Kamara does not have crossed eyes. EzP stated that he had recognized him immediately and that his eyes were identical to those he had at the time.

<u>Testimony of Alain Werner, founder of the NGO Civitas Maxima, as a civil party</u>

Alain Werner introduced himself, stating that he was a member of the Geneva Bar and licensed to practice law in Switzerland, Sierra Leone, Senegal (Dakar), and Cambodia. The Presiding Judge clarified that Alain Werner was being heard for informational purposes only.

Alain Werner began his unsolicited statement by explaining that he would start by introducing himself before explaining what had led to the creation of Civitas Maxima in 2012. He indicated

that he would then discuss the partnership with the GJRP in Liberia, Civitas Maxima's role in the case, and finally the proceedings in Switzerland.

Regarding his professional background, Alain Werner stated that he was admitted to the bar in Geneva in 1999 and had lived outside Switzerland for 10 years. He is a graduate of Columbia University, where he met Reed Brody, who played a central role in his career. Alain Werner recounted that he lived in Freetown for five years and worked there as a prosecutor for the Special Court for Sierra Leone (SCSL) from 1998 to 2003. According to him, the international community no longer wanted to spend as much money as it had on the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The idea was to base the tribunal locally and to pursue the perpetrators at the highest level of responsibility.

Alain Werner explained that Charles Taylor had been sent to Nigeria to evade prosecution for his crimes but was ultimately arrested in 2006 and handed over to the SCSL in Freetown. Busy with the RUF trials, the Office of the Prosecutor was understaffed, but the Prosecutor declared himself ready to try Taylor—which was not the case. According to Alain Werner, it was necessary to prove that Taylor had orchestrated everything from Monrovia to exchange diamonds for weapons, even though he had never set foot in Sierra Leone. It was on this occasion that Alain Werner was sent to Liberia to find witnesses to testify against Taylor. Alain Werner stated that the only way to obtain evidence was to "turn" witnesses against Taylor and that this was particularly easy with former ULIMO soldiers who had been forced to fight for the NPFL, as it gave them an opportunity to prove they were not traitors.

Alain Werner went on to say that in 2008, he spent 12 months in court in The Hague and heard more than 100 witnesses, including *"insiders*." The trial was relocated to The Hague due to rumors that Taylor's men were planning to attack the detention center. Charles Taylor was therefore exfiltrated from Sierra Leone and taken to The Hague. The prosecution's case concluded in January 2009. The defense's main witness was Charles Taylor himself, as he testified for 18 months in his own defense. Charles Taylor's former attorney, Karim Khan, is now the Prosecutor of the International Criminal Court. Alain Werner stated that Karim Khan had become his friend and asked him to travel to Phnom Penh, Cambodia, to represent the civil parties in the Khmer Rouge trial. Alain Werner thus spent the entire year of 2009 in Cambodia before being contacted by Reed Brody regarding the proceedings against Hissène Habré.

Alain Werner explained that Reed Brody and *Human Rights Watch* had succeeded in compelling the African Union to establish a tribunal in Dakar to try Hissène Habré, the former president of Chad who had sought refuge in Senegal with all of his country's treasury funds. According to Alain Werner of , Pinochet's arrest in London in 1998, thanks to Judge Baltasar Garzón, made these extraterritorial trials possible. He added that in the 1980s, Hissène Habré was supported by France and the United States and that, as a result, there was no political will to bring him to justice. It was Senegal's new president who made it possible to set up a trial without UN involvement. Alain Werner stated that Hissène Habré's conviction had given him great hope, as justice had been achieved through the determination of the victims and the Chadian lawyers, without UN intervention.

Alain Werner then clarified that his area of expertise was the wars in Sierra Leone and Liberia. In this regard, he briefly addressed the testimony of Patrick Robert, who had stated that the war in Sierra Leone had been more terrible than the one in Liberia. Alain Werner stated that he did not agree with Patrick Robert's remarks and that, in his view, the war in Liberia was just as cruel and bloody as the war in Sierra Leone.

The next chapter of Alain Werner's professional career unfolded in London in 2010 at the NGO Aegis Trust, where he worked for two years. It was during this time that he first met HB, the future director of GJRP. HB was a prosecution witness in the trial of Charles Taylor. According to Alain Werner, HB is a legend in Liberia. He was brutally tortured by Taylor in 2002 because he was a journalist, and his case was taken up by Amnesty International. Alain Werner added that HB's hero was George W. Bush because he secured HB's release from Taylor. According to Alain Werner, HB has made it his mission to testify in all trials concerning crimes committed in Liberia; notably, he testified in Miami during the trial of Taylor's son, Chuckie—who was sentenced to 97 years in prison—as well as in the Netherlands against a businessman who traded timber with Taylor. Alain Werner noted that Liberia was just as devastated as Sierra Leone, yet not a single cent was provided by the international community. It was also clear that the ICC would take no action, as it has jurisdiction only over acts committed on or after July[1,] 2002. According to Alain Werner, governments turned a blind eye to the victims' plight. For example, Ellen Johnson, Liberia's first female president, was careful not to take the CVR report into consideration.

Convinced that there would be no justice for Liberia, Alain Werner contacted HB to document the crimes committed. They also documented the trafficking of blood diamonds and began compiling files on European businessmen, including Michel Desaedeleer, who died a few months before his trial while in the custody of Belgian authorities.

Alain Werner later stated that Kunti Kamara was correct when he said that all the proceedings targeted Mandinka people, such as Jungle Jabah, Alieu Kosiah, or himself. Alain Werner made a point of clarifying that, together with HB, they have also been working—and have always worked—on former members of the NPFL and the crimes of Charles Taylor, though without achieving the same success. For example, Martina Johnson was arrested in 2014 but was later released on bail by Belgian authorities due to her health condition. The date of her trial has not yet been set because the courts are overburdened. As for Agnes Taylor, she spent two years in prison before being released on a very technical point. Alain Werner stated that his role consisted of documenting crimes and passing on the information gathered to criminal prosecution authorities . The fact that some cases are successful and others are not is not his responsibility.

Alain Werner continued his account by noting that in 2012, he realized he would not be able to continue his work with Aegis Trust due to a lack of funding. Nevertheless, he did not want to abandon his cases and managed to convince the Pro Victimis Foundation to support his efforts to document blood diamonds. Thanks to these funds, HB created the GJRP, and Alain Werner founded Civitas Maxima a few months later. The documentation effort was essential, particularly for countries like Liberia, where life expectancy is lower due to the healthcare system. Alain Werner stated that he had come to understand that the only way to ensure justice would one day be served was through documentation. In his view, the documentation effort preserves the

possibility of bringing legal action. He explained that there was a strong desire on the part of the victims to initiate legal proceedings rather than to build a massive database.

Alain Werner stated that he had always believed it would be irresponsible to file a criminal complaint in Europe without working hand in hand with colleagues in Liberia. The goal was to create a sustainable structure and empower local people to decide what they wanted to do by providing them with the necessary support. Alain Werner explained that Civitas Maxima, and in particular its director Emmanuelle Marchand, trained the GJRP investigators in taking witness statements. He noted that the GJRP had 17 investigators from different ethnic groups.

In 2013–2014, Alain Werner was informed of the presence of a former ULIMO commander of Mandinka origin on Swiss territory. He contacted HB to gauge his reaction, given that the case involved his own ethnic group. Alain Werner stated that HB was a hero to him because he did not hesitate for a single second to take on this case, despite the threats he faced from his own group.

Alain Werner went on to say that he had broken with the legal tradition advocated by his family, according to which justice must serve those subject to the law who reside in the place where it is administered. Indeed, in certain circumstances, it is not possible to obtain justice in the country where the crimes were committed. According to Alain Werner, this is particularly the case in Liberia today.

Regarding the proceedings in Switzerland, Alain Werner noted that he had filed a criminal complaint against Alieu Kosiah in 2014 and that he represented four or five plaintiffs. Kosiah was arrested very quickly. He explained that in Switzerland, there have been no juries for nearly 15 years, and the prosecutor conducts the investigation, examining both the prosecution's and the defense's cases. According to Alain Werner, the Kosiah case is complex because, at the time of Alieu Kosiah's arrest, Ebola was rampant in Liberia, and the Swiss authorities did not want to travel there. The prosecutor warned that he would have to release Alieu Kosiah if no incriminating evidence was presented. Civitas Maxima therefore set up a quarantine system in late 2014 to ensure that three of Alieu Kosiah's victims were isolated for one month. They arrived in Switzerland in January 2015 and were interviewed by the authorities. According to Alain Werner, Alieu Kosiah would have been released had it not been for Civitas Maxima's efforts.

He added that he was very concerned because only a single witness statement had been obtained regarding the crimes committed in Zorzor and Kolahun. Other evidence was gathered, notably news clippings from **The Inquirer** and **The Eye** found on microfilm at the U.S. Library of Congress, which helped identify additional victims.

In March 2019, Alieu Kosiah was indicted. Due to the COVID-19 pandemic, the hearing took place in two parts. Alieu Kosiah was heard for 40 hours, and then the civil parties traveled to Switzerland in March 2021. Alieu Kosiah was convicted and filed an appeal. He was found guilty, directly or indirectly, of several crimes, including murder, rape, acts of torture, cannibalism, and others. Alain Werner explained that the application of the *lex mitior* had prevented the Swiss prosecutor from seeking a sentence of more than 20 years' imprisonment. This conviction remains historic for both Liberia and Switzerland, as it marks the first time a Liberian has been convicted of a war crime.

Alain Werner then addressed the issue of compensation for the civil parties and confirmed that financial compensation ranging from 6,000 to 8,000 Swiss francs had been sought. However, no civil party received any compensation, since the obligation to pay restitution falls on the defendant, not the state, and Alieu Kosiah has no money.

Regarding Kunti Kamara, Alain Werner explained that he had heard the name "Kundi" in connection with the proceedings against Kosiah when, in 2014, Kosiah's attorney requested an analysis of his client's cell phone to identify witnesses for the defense. In 2015, the prosecutor informed the parties that Mohamed Soumawolo, alias Kundi, had been identified and that the Swiss authorities were going to send a letter rogatory to the Netherlands. One of the attorneys for the civil parties, Mr. Raphaël Jakob, asked the Swiss authorities not to hear Kundi Kamara as a witness, but to report the facts to the Dutch authorities so that he could be prosecuted. Mr. Raphaël Jakob reiterated his request when the parties learned that Kundi was residing in Belgium and later in France. In 2018, Civitas Maxima filed a complaint against Kunti Kamara through attorneys Simon Foremann and Sabrina Delattre. Alain Werner stated that without Alieu Kosiah's persistence, there would have been no proceedings against Kunti Kamara, as no one knew he was in Europe. Kunti Kamara testified in March 2021 and stated that Alieu Kosiah was in Foya when the city was taken by ULIMO.

Alain Werner then clarified that Civitas Maxima works with nine war crimes units around the world and that French authorities were the first to break the deadlock regarding the investigations in Liberia. Before 2019, no one could travel there to investigate, as requests for international legal assistance went unanswered. Only the Americans went there, but without seeking authorization. Alain Werner wondered whether it was the election of George Weah, a former PSG player, or the persistence of the French investigating judge that had helped break the deadlock. He expressed his deep gratitude to the French authorities and spoke highly of the OCLCH. According to him, the Liberians agreed to allow investigators to enter their territory thanks to the efforts of the French authorities.

Alain Werner then spoke about universal jurisdiction. He stated that this trial was not only the first non-Rwandan trial for international crimes in France, but also the trial of this form of universal justice. According to Alain Werner, this type of trial offers the greatest hope for justice, given that the ICC's work has resulted in only five convictions in 20 years. Alain Werner stated that he believes in universal jurisdiction and that he would be grateful to be able to seek justice elsewhere if his own country were under a military junta. For him, "universal jurisdiction is not a problem but a great opportunity." He added that he had been impressed by the quality of the French system, particularly by the experience and diligence of the police and prosecutors. He also expressed his gratitude toward the French system, which allows an organization to bring a civil action and be represented by attorneys.

Alain Werner concluded his unscripted statement by thanking, on behalf of Civitas Maxima, the members of the Paris Aide aux Victimes association for their kindness, humility, and willingness to help.

The Court questioned Alain Werner:

The Presiding Judge recalled the defendant's statement that Alain Werner and his team had suggested testimony, and asked Alain Werner how he could guarantee that answers were not being prompted from the witnesses. Alain Werner replied that his team visited *"hatay shops"*—gathering places where men discuss soccer, politics, and the war—to listen in on conversations. He added that the number one rule was not to give names or lead witnesses in any way. He also noted that his teams frequently traveled to Liberia to train investigators and had established interrogation protocols. He stated that if he lost the trust of a national prosecutor's office, it would spell the end of Civitas Maxima.

When asked by a juror about the victim compensation mechanism under French law, Alain Werner stated that he had never promised money to the victims. He said he was traumatized by the Hissène Habré trial, because the victims were supposed to receive between 20,000 and 30,000 euros but have still not received anything to date.

The President then referred to the list of principal perpetrators of crimes compiled by the CVR and asked Alain Werner for his opinion on the fact that Kunti Kamara was not included on it. Alain Werner stated that more than half of his cases involved individuals not on that list. He added that Kundi's name, along with others, had been mentioned in open court but had not been included on the list by the CVR due to the methodology described by John Stewart and Massa Washington. It was largely for this reason that Civitas Maxima sought to undertake a documentation effort.

In response to a question from an associate judge, Alain Werner stated that he was deeply convinced that the witnesses expected nothing more than for justice to be served.

When asked about any threats against him, Alain Werner explained that Alieu Kosiah had filed a criminal complaint against him, as well as against HB and all the civil parties in Switzerland. As for Agnes Taylor, she filed a complaint in Liberia against the GJRP and HB, and Alain Werner fears he may be convicted.

The associate judge then recalled Patrick Robert's remarks that the war in Liberia was not an ethnic war, unlike the one in Rwanda, and asked Alain Werner for his opinion. Werner stated that politicians such as Charles Taylor had pitted ethnic groups against one another and exploited this ethnic fragmentation. Like Alieu Kosiah and Kunti Kamara, Alain Werner believes that Taylor was the instigator of this war.

When asked about the incidents of rape—and specifically whether they were part of the armed groups' strategy or whether the women were collateral victims—Alain Werner clarified that Emmanuelle Marchand would be better suited to answer that question. He stated that all factions, including ULIMO, treated civilians as objects. Women were used to pound rice and forced to have sex, including by white businessmen. He added that he had been moved by what had happened the day before (editor's note: referring to EFNS's testimony) and noted that Civitas Maxima was guided by the *"no harm"* principle and always tried to work with people capable of testifying.

Finally, a juror asked Alain Werner why he had sought financial compensation for the civil parties in Switzerland, even though he knew this was likely to cast doubt on their testimony and their motives. Alain Werner explained that he and the other attorneys for the civil parties had believed that no one would understand if no compensation were sought. Indeed, they feared sending the wrong message by accusing Alieu Kosiah of the worst atrocities without seeking any redress. Alain Werner added that the fact that Alieu Kosiah is indigent today does not mean he will be tomorrow. Finally, regarding the amount of compensation, he noted that it had been very difficult to quantify and that he had discussed the matter with the attorneys for the other civil parties.

The civil party had no questions.

The Prosecutor's Office questioned Alain Werner:

The deputy prosecutors sought clarification on the research conducted regarding Alieu Kosiah and asked Alain Werner how he explained the fact that only one witness had been found in each city to recount the crimes committed there, even though these crimes were committed in public. Alain Werner explained that in Liberia, everything was complicated and that it was difficult to disseminate information and gain access to witnesses, while highlighting the work of journalist Anthony Stephens, who was present in the courtroom. Added to this are not only threats and fear of reprisals, but also the trauma suffered by the victims. In this regard, Alain Werner recounted his meeting with M, Ugly Boy's sex slave, and noted that he would never have asked her to testify because she was far too traumatized.

When asked about the impact of Kunti Kamara's trial in Liberia, Alain Werner stated that the primary news source in Liberia was radio and that, according to John Stewart, the trial was having a huge impact in the country.

The defense questions Alain Werner:

When asked about Civitas Maxima's funding, Alain Werner stated that he had made a point of not accepting government money and had succeeded in securing private donors. He clarified that the majority of the budget was funded by five or six foundations and that the greatest challenge was ensuring the sustainability of that funding.

When asked whether he received mandates from international courts, Alain Werner replied in the negative and clarified that he was not working solely on Liberia but also on Sudan and Côte d'Ivoire, noting difficulties in cooperating with the ICC.

The defense attorney then returned to the phrase "turning over witnesses" used by Alain Werner and asked him to clarify its meaning. Alain Werner explained that when he was working at the SCSL, he initially had only the testimonies of villagers and needed testimonies from people who were part of Charles Taylor's inner circle. The phrase "turning over witnesses" means that these witnesses agreed to testify in exchange for a guarantee that no charges would be brought against them. The defense attorney then asked Alain Werner whether testifying against Taylor granted them immunity. Alain Werner explained that the Special Court's mandate was in any case too

limited to allow for their prosecution, so the question of immunity before the Special Court was theoretical. The question of immunity in Liberia, on the other hand, had arisen, but everyone also knew that nothing would be done in Liberia to prosecute the perpetrators.

* * *

The President indicated that he would proceed to read the transcripts of NS's hearings, since NS's condition had not improved. The President explained that NS had been interviewed three times. The first interview was conducted by Civitas Maxima on April 29, 2018. NS was then interviewed by the Liberian National Police on April 30, 2019, and subsequently confronted with TK and FG due to discrepancies in their respective testimonies.

Reading of the notes from the interview between NS and Civitas Maxima investigators on April 29, 2019

NS first explained how he had met the GJRP. He stated that a man named Maxwell had likely been informed that he was the husband of the deceased woman and had looked for him during his visit to Foya Dundu, but NS was not in town. One day, Maxwell met FP in town and asked him if he remembered NS. FP replied in the affirmative and called NS. That is how he met Maxwell, who then asked him if he was willing to tell his story and come to Monrovia.

Regarding the events in Foya Dundu, NS recounted that he was in Foya Dundu during the ULIMO era and that 10 soldiers had been stationed in the town. According to NS, it was around 6:00 p.m. when the baby died. NS added that the man who had caused the trouble and killed his wife was named Kundi. Kundi was not stationed in Foya Dundu and had been in Foya as a commander prior to this incident. NS clarified that Foya Airfield and Foya Dundu were close to one another.

NS stated that Kundi had come from Foya Airfield and had passed through Foya Dundu on his way to Kornobenu. He was traveling on foot, wearing a uniform, carrying weapons, and accompanied by five bodyguards. The grave of the deceased child was located behind the house, and a few people were there to bury him. NS explained that when Kundi and his bodyguards arrived, he was standing in front of the house and saw them coming from Foya Airfield. According to NS, Kundi was an important man who assigned missions to soldiers. He came during the funeral ceremony, stopped, and expressed his sympathy before leaving for Kornobenu.

When asked, NS stated that he believed Kundi was an important man because of his rank. The soldiers called him the battalion's S3, and he was the one who assigned duties to the soldiers. Investigators then questioned NS about the sympathy expressed by Kundi. NS explained that Kundi had given them some money. According to tradition, when someone dies, the village chief receives money and gives it to the deceased's family at the end of the day. NS stated that Kundi had given money to the commander of Foya Dundu, Mohammed Saryon. NS clarified that when Saryon left, Mohammed Kamara became commander. NS recalled the names of other soldiers, such as Musa Blodu and Mohammed Jah.

According to NS, Kundi then returned to where he had left them and told the soldiers that he had information about the baby's death—namely, that the woman had practiced witchcraft on the

baby, which had caused its death. Kundi sent two soldiers into the house to bring the woman out. NS explained that the woman suffered from a condition that caused her to lose her hair. The soldiers entered the house and saw the woman wrapped in blankets. They were unable to bring her out because of her condition and returned to Kundi to report the situation. NS stated that his wife had been ill for two months.

According to NS, Kundi began talking about this witchcraft business when he returned. NS said he did not know why Kundi had thought his wife was a witch, but assumed that one of his soldiers had told him so. Kundi then yelled at his soldiers, saying, "I gave you orders, and you're incapable of following them. Go back there and get that woman out of there!" He became angry, took the G3 from one of the soldiers, and declared: "Since you're incapable of getting her out, I'll take care of it myself. This woman practices witchcraft, but today is the last day she'll ever practice it." NS recounted that Kundi, furious, entered the house and dragged the woman to the door before giving the order to dig the grave. He smashed the woman's head with his gun right on the doorstep. When asked, NS clarified that Kundi had shot her once and stated that he had witnessed the scene, which lasted less than two minutes. According to NS, the woman was unable to stand and was lying on the ground when she was killed.

NS added that Kundi had ordered civilians to dig the grave and that the body had been covered with palm fronds before being buried. When asked, NS clarified that the palm fronds came from FG's kitchen. Kundi then ordered that the grave be covered with dirt. According to NS, the villagers told the mother of the deceased woman to hide, and she fled. Kundi stated that if he saw the elderly woman—who was the mother of the woman he had just killed—he would kill her as well.

NS recounted that at the time of the murder, many people panicked and left town, but he remained at the scene and helped bury the woman's body. This woman was his wife and FG's sister. He added that he had not witnessed any other murders, but that soldiers often beat civilians.

NS was then asked to describe Foya Dundu. He stated that coming from Foya Airfield, there was a bridge, and Foya Dundu was located just past the bridge. FP's house was located past the town hall and had been converted into an office by the soldiers stationed in the town. He added that his wife was in FG's house and that he went there every day. When asked to describe FG's house, NS stated that there were four beds and an area called *"palor" in front* of the house's entrance. That was where his wife had been killed. NS also specified that the house was made of mud and had a zinc roof.

When asked about Kundi, NS said he knew his name because he had asked him for it. According to NS, Kundi was rather slight of build. He was short and thin and looked young because he had the appearance of a little boy. He wore a camouflage uniform and carried a G3. Sometimes he also wore civilian clothes and hiking boots. He wore military pants, and sometimes jeans. That day, he was wearing a camouflage uniform. NS added that when Kundi returned, his RTO was carrying the G3. When asked, NS explained that an RTO was a bodyguard and that he no longer remembered the bodyguards' names.

When asked about the armed factions, NS stated that the NPFL came first, followed by ULIMO. NS knew their names because that was how they identified themselves. NS clarified that Kundi was a member of ULIMO. The first ULIMO group to take Foya Dundu was led by C.O. Polu; later, the NPFL recaptured the town. ULIMO returned and stationed ten soldiers in Foya Dundu. According to NS, approximately two months elapsed between the stationing of the ten soldiers in Foya Dundu and the woman's murder.

When asked about other witnesses to the murder, NS stated that the village chief TK was present, as were FG and FP. Other people had also witnessed the scene, but NS could not recall their names.

When asked about other events he had witnessed or been a victim of, NS recounted that one day, while he was carrying supplies for the soldiers, they arrested a woman's son. According to NS, the elderly woman began screaming and fled into the bush. Mohammed Jah brought her back to town and shot her in the foot while he was playing with his gun.

NS also recounted that there were five of them carrying loads every day. All the factions demanded that they do so, and they could not avoid it. When asked, NS stated that if they escaped and were caught, the soldiers would beat them. He explained that the goods they had to carry included coconuts, coffee, oil, or rice, and that they sometimes had to transport them all the way to Guinea to sell them. NS said he had gone as far as the border three times. The last time, he escaped and stayed at the border for nearly two weeks. When asked, he said he remembered Ugly Boy, Fine Boy, and Bangalee Kamara.

NS finally gave investigators permission to share his story with lawyers and prosecutors.

Reading of the transcript of NS's hearing by the Liberian National Police on April 30, 2019

NS began his voluntary statement by noting that at the time ULIMO drove out the NPFL and took the town of Foya, he was living in Foya Dundu with his wife, K. She had been ill for nearly three months. They had been hiding in the bush, but heard that one of the ULIMO commanders, known as Ugly Boy, had said that everyone hiding in the bush should return to their homes. NS returned to Foya Dundu. He explained that at that time, his wife and son were seriously ill. One morning, his son died, and NS asked the townspeople to help him bury his child. While they were gathered at his house, Kundi stopped by NS's home. He offered his condolences, gave 100 Liberian dollars, and left.

NS stated that when Kundi returned, he stopped in the area where some soldiers were stationed. A few minutes later, two ULIMO soldiers arrived and asked NS where the sick woman was. According to NS, the soldiers entered the house, saw the woman's condition, and returned to C.O. Kundi. NS recounted that Kundi then entered the house and forcibly dragged his wife out. He shot her in front of the door, then ordered NS and the other villagers to bury the body. Once the body was placed in the grave, Kundi took some thatch made of dried palm leaves to cover it and ordered the villagers to put thatch into the grave. Kundi set the grave on fire and burned the body. Before leaving, he ordered NS and the other villagers to cover the body with dirt.

When asked, NS stated that he did not remember the year ULIMO took control of Foya. He indicated that his wife had died during the dry season. When asked about the identity of the ULIMO soldiers' commander, NS replied that he did not know who the commander was, but that he knew Ugly Boy because he was very frightening and evil. When asked about Kundi's rank, NS replied that the ULIMO soldiers called him "S-3 Battalion," but that he did not know the meaning of that rank. According to NS, Kundi was responsible for assigning soldiers to the villages.

When asked, NS confirmed that he knew Kundi was a soldier at the time ULIMO controlled Foya. He stated that he had seen Kundi more than ten times and realized he was a bad person on the day he killed his wife.

When asked, NS stated that Kundi was coming from Foya and was on his way to Kundobondu on the day he stopped in front of his house. NS explained that he was at home, but that his wife had been taken to her brother's house because of her illness. She stayed there for more than six months before her death. When asked whether he had remained at his home after Kundi left, NS replied that he had stayed at his brother-in-law's house until the end. When asked why Kundi had gone to his brother-in-law's house, NS explained that Kundi had gone there to offer his condolences after being informed by the ULIMO office in Foya Dundu. When asked, NS clarified that the ULIMO office was located on the main road, past the hill, and that there was a house between his own home and the ULIMO office.

When asked about Kundi's return, NS stated that Kundi had returned from Kundobondu between 4:00 p.m. and 5:00 p.m. He confirmed that he had seen Kundi returning from Kundobondu while he was sitting in front of his brother-in-law's house. When asked, NS stated that Kundi had not stopped at the house on 's property upon his return from Kundobondu and that it took two minutes before he sent the two soldiers to his brother-in-law's house. When asked about the two soldiers' behavior, NS stated that they asked where the sick woman was, specifying that they had been sent by their commander, Kundi. After seeing her, the soldiers said they were going to inform their commander of the woman's condition. When asked, NS stated that Kundi returned to the house shortly thereafter.

When asked if Kundi had said anything upon his arrival, NS replied that he had said nothing. He explained that Kundi entered the house and dragged the sick woman outside by her legs—while she was naked and her bodyguards were outside. According to NS, Kundi then shot the woman in the head without saying a word.

When asked if the woman had said anything as she was dragged outside, NS replied that she had said nothing and that people began to flee when Kundi shot her. It was at that moment that Kundi called all the men and told them to bury the body. When asked, NS stated that Kundi left after setting the body on fire.

When asked about the type of weapon Kundi used, NS stated that he had a G3 assault rifle with a rubber grip and a long, dark gray muzzle. When asked why Kundi had killed the woman after offering his condolences, NS said he did not know. According to him, people were repeating the accusations made by the rebels, who accused his wife of being a witch because they were having

nightmares. When asked, NS said that all the villagers were present during his wife's murder, because when someone died in the village, everyone was allowed to be there.

When asked about the number of ULIMO soldiers stationed in Foya Dundu, NS said there were ten and that he remembered Mohammed Saryon, Mohammed Kamara, Musa Blodu, Mohammed Jah, and Mohammed Vally. He confirmed that the soldiers ordered civilians to carry loads. When asked, NS stated that none of the soldiers he had named were still in Foya Dundu and that most of them were Mandinka.

When asked about his wife's illness, NS stated that he did not know what the illness was, as there was no hospital that could have made a diagnosis at the time due to the war. He explained that his wife told him her body ached. She was emaciated, suffered from malnutrition, and could not do anything on her own. According to NS, his wife was ill for nine months.

When asked about the contradictions between his statements and those of FG and TK regarding the location of FG's house, NS stated that he did not recall seeing the village chief, TK, at his wife's funeral.

Reading of the minutes of the confrontation between NS, TK, and FG before the investigating judge on January 10, 2020

When asked, NS, TK, and FG stated that they possessed neither photographs nor a death certificate for KT and that there was no register documenting deaths that occurred in Foya Dundu in 1993–1994.

The investigating judge then clarified that during the reenactment, FG and NS stated that KT was in FG's house when Kunti Kamara arrived, whereas TK stated that she was in her father's house. Both NS and FG maintained that KT was in FG's house. TK, for his part, maintained that KT was in the house he had identified during the reenactment. TK clarified that it was FG's house, but that it was different from the one standing today and had been built by KT's father. When asked, FG stated that TK's statements were false, because in 1993 there was no house at the location identified by TK. FG added that he himself had built the house identified by TK after the war. NS confirmed that there was no house in 1993 at the location identified by TK.

The investigating judge then asked TK if it was possible that his memory was failing him. TK admitted that the house he had identified had been built after the war, but stated that there was a house at that location at the time of the events and that KT was there. The investigating judge then asked TK how he explained the fact that both FG and NS claimed that KT was in FG's house. TK stated that he had been called by NS and FG after the death of KT's son. He acknowledged that he might have been mistaken because FG and NS were there, whereas he had been the one called.

When asked to comment on TK's statements, FG said that TK was elderly. He added that his former house had four bedrooms. According to FG, when Kunti arrived, he gave 100 Liberian dollars as a gesture of sympathy for the death of his sister's son. FG then called the village chief, since he was the person to contact in case of a problem, and emphasized that he was old.

When asked in turn to comment on TK's statements, NS indicated that he was the woman's husband and maintained that she had been taken from FG's house. He added that he visited her every day at FG's house because she was seriously ill, as was their son, who died on the same day. NS also noted that TK was elderly. When asked, FG confirmed that NS came to visit his wife every day. When questioned about TK's age, FG and NS stated that they did not know his age, but that he was the oldest person in the village.

The investigating judge then questioned FG, NS, and TK about the soldiers who entered the house where KT was located. The investigating judge reminded NS that he had stated that Kundi himself had taken the woman out of the house, since the soldiers he had sent to do so had decided against it given her state of health. The investigating judge then noted that FG, for his part, had stated that the soldiers sent by Kundi had taken it upon themselves to bring KT out, specifying that NS was not present when the bodyguards arrived. When asked to comment on FG's statements, NS said that he was standing in front of the house when Kundi sent his bodyguards and asked where the woman—who was a witch—was. According to NS, Kundi entered the house, brought the woman out, and then shot her twice.

The investigating judge asked NS what he thought of FG's statement that the soldiers—not Kunti—had taken KT out of the house. NS stated that he had seen with his own eyes Kunti forcibly take his wife and shoot her. When questioned, FG maintained that, in his view, the two bodyguards had entered the house and dragged KT outside. He stated that he had witnessed the scene.

The investigating judge then pointed out to TK that his statements had been inconsistent and asked him to explain. TK stated that Kunti had not entered the house, but had been standing at the door when he ordered the two soldiers to bring the woman out.

When asked about the details of KT's execution, FG stated that Kunti had fired a burst of shots into his sister's head. FG made a jerky gesture mimicking a burst of gunfire. When questioned, NS confirmed that there had been a burst of gunfire. The investigating judge then reminded TK that he had initially stated that he remembered two gunshots and asked him to comment on the statements made by NS and FG. TK indicated that he had also heard a burst of gunfire.

The investigating judge then asked NS to comment on TK's statements, according to which KT had begged Kunti not to kill her. NS refuted them and explained that KT was unable to speak because of her illness. When asked if he had heard KT beg Kunti, FG stated that on that day, God had opened KT's mouth because she told Kunti not to kill her. According to FG, KT did not usually speak, but on that day, she spoke and said in Kissi: "Don't kill me, don't kill me." When confronted with NS's contradictory statements, FG indicated that he was closer to KT while NS was under the tree, which NS confirmed when questioned by the investigating judge. NS also confirmed that it was possible he had not heard KT pleading with Kunti and that FG was closer to KT than he was.

When confronted with NS's statements that he was not present at KT's burial, TK stated that he was present, but that NS had not seen him. Asked to clarify this point, NS explained that there

were many people present and that, given the circumstances, he could not have known whether TK was there or not.

The investigating judge questioned FG about the time of the murder, reminding him that he had previously stated that his sister had been executed early in the morning, whereas NS and TK seemed to suggest that the murder had taken place late in the day. FG stated that Kunti came in the morning and gave him $100. He then left and returned less than an hour later. He was angry and sent his bodyguards to shoot KT. According to FG, his sister's execution took place in the morning, not in the afternoon. When asked to comment on FG's statements, NS indicated that the execution did not take place in the morning, as that was when his son was buried. According to NS, Kunti gave $100, left, and then returned in the afternoon, specifically after 12:00 p.m. When asked to comment on NS's statements, FG said he could not be precise about the timeline because when something like that happens, one is confused and cannot remember all the facts.

When asked, FG confirmed that when he was informed of the death of KT's son, Kunti handed over 100 Liberian dollars to the village chief, TK. When questioned in turn on this matter, NS stated that the chief was the person who received all the money on behalf of the deceased's family. When asked, FG and NS confirmed that they had seen Kunti give the money to TK. The investigating judge then reminded NS that he had previously stated that Kunti had given the money to a certain Mohammed Saryon. NS clarified that Kunti had given the money to Mohammed Saryon, the commander, who had then handed it over to TK. When asked, TK stated that he had received money from Mohammed Saryon.

When asked about his presence before Kunti's arrival and after her departure, TK stated that he had been called early that morning and had remained on site.

* * *

The President recalled that the Court had heard testimony from FP and FG regarding these facts and had read aloud TK's statements. The President also mentioned the testimony of EzP and stated that, together with NS, five people had identified the defendant as responsible for KT's death. The President asked Kunti Kamara if he stood by his statements, according to which he was not present at the time of KT's death and had been falsely and misleadingly implicated. Kunti Kamara declared himself innocent and expressed confusion at being accused by people who did not know him.

The Presiding Judge referred to the act of compassion that Kunti Kamara allegedly showed, according to the witnesses, by donating 100 Liberian dollars for the child's funeral. The presiding judge asked the defendant what interest the witnesses had in first mentioning that Kunti Kamara had shown compassion, only to then accuse him of killing a sick woman. Kunti Kamara stated that he knew neither these people nor their culture and that all of this was impossible.

The Presiding Judge continued questioning the accused regarding the events involving RSK and EFNS.

Cross-examination of Kunti Kamara regarding the acts committed in Foya between March[1], 1994, and December 1994, against RSK and EFNS

The President first questioned Kunti Kamara about RSK's testimony, which he summarized as follows. According to the President, RSK told the Court that she was in the bush and then spent time at AG's house with her friend EFNS, who later became her sister-in-law. RSK then recounted the *"Black Friday"* incident in February or March 1994 and AG's departure, as he feared reprisals from ULIMO. She stated that she had been repeatedly raped by two of the accused's bodyguards. According to the President, the key point regarding Kunti Kamara is that RSK approached him and repeatedly begged him to put a stop to the rapes committed by his subordinates. She does not accuse him of raping her, but of failing to intervene even though he knew what was happening. The President added that RSK's statements suggested she had been treated as a sex slave who could be used by the soldiers whenever they wanted. The President asked the accused what he had to say about these statements.

Kunti Kamara stated that he was sorry for what had happened to the women, if it had indeed happened to them, and that he himself had a sister, a mother, and a daughter. He added, "How could I watch someone rape someone else's sister? That's impossible."

When asked about the nickname *"Black Diamond"* that he allegedly gave to RSK and about the fact that she had begged him to stop the rapes, pointing out that she was "small" and "fragile," Kunti Kamara replied that he had no recollection of this and that he was being falsely and maliciously accused.

When asked about ThK's testimony, which implicated him in the death of her father, TKo, Kunti Kamara stated that he was shocked and had nothing to do with any of it.

The presiding judge then addressed EFNS's testimony. Kunti Kamara stated that he had been moved when EFNS broke down and that he had not slept all night, adding that the accusations against him were false. When asked, he stated that he did not dispute the fact that EFNS had been raped, but clarified that he did not know her.

When asked about B, Kunti Kamara explained that he knew him and that B was a former AFL soldier. He added that when the rebels arrived, many Mandinka soldiers joined ULIMO-K and that he had fought alongside B. He then stated that B might have gone to Foya after he left.

The President then addressed EFNS's statements that the events had taken place in New Foya and that B was Kundi's bodyguard. EFNS stated that she had complained to Kundi, but that he had replied: "Oh, I thought I'd been called about something serious." Kunti Kamara said he was confused and asserted that he did not live in Foya and was not its commander.

The President asked the accused if he had ever met EFNS. Kunti Kamara replied that he did not know her. The President then asked him how he explained the fact that EFNS had identified him from a photo lineup and provided a detailed physical description, noting in particular that she had seen him once with braids. Kunti Kamara again said he was confused and stated that he had never worn braids and that he had shaved his head upon arriving in Europe.

When asked about his relationships with women from the Gbandi ethnic group, Kunti Kamara stated that the mother of his child was Gbandi. The President noted that EFNS had stated during her testimony that the defendant had Gbandi wives and asked Kunti Kamara how EFNS could be so well-informed if they did not know each other. Kunti Kamara said he was surprised and stated that it was easy to gather information.

The President then asked Kunti Kamara whether the song sung by RSK in praise of the accused had been invented for the purposes of this trial. Kunti Kamara first stated that no ULIMO soldier would say there were any songs. He then clarified that the only time songs might be sung was to encourage soldiers to go to the front lines, but these were not songs in praise of commanders.

The Presiding Judge asked Kunti Kamara why the villagers sang songs about "Ugly Boy" or about him. Kunti Kamara stated, "You cannot be part of a society without interacting with others." He added that the villagers must have had information about ULIMO, but as far as the songs were concerned, they were imagining things. Kunti Kamara added that he was shocked that the witnesses accused ULIMO of killing people like chickens, whereas commanders such as Deku, Pepper, or Dombuyah ordered the killing of soldiers who misbehaved. He stated that it was possible soldiers had acted recklessly in areas where there were no commanders, but not in Foya, Kolahun, Zorzor, or Voinjama.

When asked about Ugly Boy, Kunti Kamara said he could not comment on him since he had only seen him twice. He added that when Foya was captured, Ugly Boy arrived as reinforcements from Guinea. The President then noted that Ugly Boy and Mami Wata had been mentioned repeatedly and described as bloodthirsty individuals. According to the President, a witness stated that Ugly Boy was more violent and bloodthirsty than the defendant, and TK even claimed to have a good relationship with the defendant. Kunti Kamara replied that he was not seeking praise from others and that he had no connection to Ugly Boy.

The President reminded him that RSK had stated he had seen them together between two houses in Foya and specified that Kunti had slit the throat of a man being held by Ugly Boy. Kunti Kamara declared that he was innocent and that he had spent most of his time in Mendekoma. He explained that he had been in high demand by his commanders because he was brave on the battlefield. Kunti Kamara added that if he had committed atrocities such as cutting people into pieces and putting them in wheelbarrows, information about his actions would have circulated. The President asked him if he meant that if he had truly been a killer, he would have committed murders in Europe. Kunti Kamara replied that he had been in Europe for twenty-two years and had done nothing wrong there.

The President then referred to the testimony of Dr. Zagury, who explained that major war criminals could be good family men once the war was over. Kunti Kamara stated that he did not dispute the remarks of an expert such as Dr. Zagury, but that he was speaking from his own experience and the circumstances that led him to join ULIMO, even though he had no intention of becoming a soldier.

The President finally mentioned Alain Werner, recalling that Alieu Kosiah had explained that Alain Werner and HB were part of a conspiracy. The President noted that Alain Werner had stated he

had worked extensively on the trials against the NPFL through his foundation, HB, and the GJRP, and considered Charles Taylor to be the worst criminal in Liberia in their view. Alain Werner also clarified that HB was of Mandinka origin. The President asked the defendant why he believed there was a conspiracy against him in light of these facts. Kunti Kamara stated that there were many rumors and asked the President how he explained the fact that the former ULIMO general who testified against Charles Taylor was not being pursued. The President replied that it was because of these kinds of difficulties that this trial had been held in France.

The civil party cross-examined Kunti Kamara:

The civil parties' attorney revisited the defendant's statements regarding the events at Foya Dundu, in which he claimed that it was not part of his culture to give money to the family of the deceased. The lawyer for the civil parties recalled the remarks made by Layee Bamba, to the effect that his association was intended to help all Liberians, regardless of their ethnicity, for example by giving the sum of 100 euros upon a birth or a death. Kunti Kamara reiterated that he was unfamiliar with Kissi culture and explained that, in the event of a Mandinka person's death, each member of the community would prepare something to eat.

In response to a question from the presiding judge, the attorney for the civil parties confirmed that Layee Bamba was Mandinka and clarified that his association was composed primarily of people of Mandinka origin. The defendant then stated that he had been in France since 2016 and was unaware of the practices of that association. He repeated that among the Mandinka, it was customary to offer condolences to the family in the event of a death, and clarified that he had never visited any Kissi people in France.

The attorney for the parties then pointed out that the defendant had stated he had spent all his time in Mendekoma, even though he had indicated during a previous hearing that he had driven through Foya Dundu. Kunti Kamara retorted that there were several towns around Foya and that merely passing through a town did not mean one was familiar with it. The defense attorney intervened to point out that the defendant had said he passed through Foya Dundu on his way to Sierra Leone. When asked whether he frequently traveled to the front lines in Sierra Leone, Kunti Kamara replied that there were two main roads in Foya Dundu: one led to Mendekoma and the other to Foya Tenga. He clarified that both roads were passable by vehicle. The attorney for the civil parties repeated her question, and Kunti Kamara stated that he did not travel regularly to the Sierra Leonean border but often went to Mendekoma.

The attorney for the civil parties then questioned the defendant about B, noting that he seemed to know a great deal about him, even though he claimed to have seen him only once in Voinjama. Kunti Kamara clarified that he had stated he had seen him not just once, but for the first time in Voinjama. He added that he had subsequently seen him on several occasions.

Citing the defendant's claim that the ULIMO occupation of Foya had gone very smoothly, the attorney for the civil parties asked Kunti Kamara whether Deku had gone to meet with the town's religious leaders, as was customary when a town was occupied. The defendant replied that the soldiers stationed at the border had secured the town and that it was not possible to leave Mendekoma—even for two days—for fear that the town would be taken by other factions. The

attorney for the civil parties asked Kunti Kamara if he had therefore not spent even a single day in Foya. He stated that he did not have the time and that if he were to leave, even for a very short time, there were ambushes. When asked why he had stated that he spent four months in Foya, Kunti Kamara clarified that he was referring to the Foya district and that Foya was not his assigned duty station. The attorney for the civil parties then pointed out that Deku was in Foya and asked the defendant to confirm whether one had to go to Foya to see Deku. Kunti Kamara replied that Deku came to the front lines.

When asked about General Fayah, Kunti Kamara stated that he was in charge of the Foya district and had 600 or 700 men under his command. According to Kunti Kamara, General Fayah entered the town to request 500 men. He asked TT to round up people, and then they went into the bush near Mendekoma. The defendant added that Deku had ordered no one to go there, because General Fayah had used TT as a human shield. When he realized he was about to fail, General Fayah joined the ranks of the NPFL. Kunti Kamara added that 160 rebels surrendered, while others scattered into Guinea and Sierra Leone. According to him, an NGO rescued TT and brought him back to town. The attorney for the civil parties asked the defendant to confirm that he had therefore never fought against General Fayah. Kunti Kamara replied that the Kissis were aware of how General Fayah had died.

The attorney for the civil parties finally questioned the defendant about the following statement he made during a phone conversation: “You know, brother, you can’t wash just part of the body and say the whole body is clean.” According to the attorney for the civil parties, while he was trying to flee at the start of the proceedings, the defendant appeared to indicate to the person on the other end of the line that he had “dirty hands.” Kunti Kamara replied that he did not understand the question and that he did not remember that.

The prosecution questioned Kunti Kamara:

The deputy prosecutors noted that, since the start of the trial, many people have testified that when a town was captured by ULIMO, soldiers would take women and girls to use them as sex slaves. When asked about this practice, Kunti Kamara stated that he had no knowledge of it. When asked how he explained the fact that he was the only person before the Court who had never heard of it, the accused replied: “Whether they’re telling the truth or making things up, you know. I consider myself an elephant today, because when you kill an elephant, everyone wants a piece.” He added that if he had committed such acts, he would not be alive, since the generals had killed many soldiers guilty of such behavior. The prosecutors concluded that the accused had indeed heard about these practices, and Kunti Kamara stated that he had in fact heard rumors, particularly about General Varmuyan Sherif, who was said to have killed a soldier.

The prosecutors noted that General Varmuyan Sherif, former chief of staff of ULIMO, had himself stated during his testimony in the Charles Taylor trial that ULIMO soldiers used 13- to 14-year-old girls as wives. Kunti Kamara stated that he was not aware of this and confirmed that he knew General Varmuyan Sherif. When asked, he said he had seen him again in Belgium after the war while staying with a friend’s brother.

When asked about B, Kunti Kamara said that he was probably in Monrovia. He added that he did not know whether B was alive or dead, but that rumors were circulating about his presence in Monrovia. When asked, Kunti Kamara stated that he had had no contact with B after the war.

The lead prosecutors questioned the accused about Pepper & Salt, whom he had described as a commander who was very strict about his soldiers' discipline. They pointed out that, according to a 1995 MSF report, Pepper & Salt was nicknamed as such because he liked to eat seasoned human flesh , which cast doubt on his ability to maintain discipline within his ranks. Kunti Kamara countered that, in his view, the people who wrote that report had never seen Pepper & Salt commit such acts. He added that he himself had never seen him eat human flesh and that he knew him as someone who protected civilians.

The prosecutors clarified that the report contained testimonies from civilians who claimed to have seen Pepper & Salt commit acts of cannibalism. They asked the accused if he really had no idea of Pepper & Salt's reputation. Kunti Kamara replied that he did not and stated that if the Mandinka decided to take revenge for the suffering they had endured, the war in Liberia would still not be over. The accused then referred to the massacres committed by the NPFL in Lofa County and explained that ULIMO had not been created to seek revenge, but to fight Charles Taylor, who was a criminal. The Prosecutors clarified that the crimes committed by Charles Taylor were not in dispute, but that the trial concerned the accused's own actions.

Finally, regarding the conspiracy theory put forward by the accused, the Prosecutors asked him how he explained the fact that HB's ethnic background—he is Mandinka—did not prevent him from documenting crimes committed by both the NPFL and ULIMO. Kunti Kamara stated: "I don't know all white people, but they'll do anything to make money when it comes to African issues."

The defense questioned Kunti Kamara:

The defense made a point of clarifying that in the 1995 MSF report, only one witness accused Pepper & Salt of acts of cannibalism.

The court re-interviewed Kunti Kamara:

When asked, Kunti Kamara clarified that he spent his childhood in Nimba County. The presiding judge questioned the defendant about the meaning of the song "Zo kele kele," which Alieu Kosiah sang at the request of his attorney during LSM's hearing before Swiss authorities. Alieu Kosiah had claimed that it was a song in the Gio dialect, spoken in Nimba County, which ULIMO soldiers had adopted from the NPFL. According to Alieu Kosiah, the song meant "When you touch the big buttocks of the women of Lofa, it feels good." Kunti Kamara stated that he had heard of this song but did not know its meaning. He added that these songs had been adopted from Charles Taylor's soldiers. When asked, Kunti Kamara stated that he did not know whether ULIMO soldiers were particularly interested in the women of Lofa and reiterated that he did not know the meaning of this song, even though he had sung it along with the other soldiers.

October 27, 2022 – Day 14: Kamara speaks

Day 14 was devoted to hearing Mr. Kamara's testimony after all the witnesses and civil parties had testified over the past few weeks. First, his military career in ULIMO was discussed: from when he began as a bodyguard in 1993 until he left ULIMO with the rank of colonel in 1997.

He was then asked about all the incidents of which he is accused. His presence during the beating and murder of a cleric—and the allegations that he ate a piece of a human heart; the murder of a woman accused of witchcraft, which witnesses and civil parties accuse him of carrying out; his involvement in forced marches at the expense of civilians; torturing a civilian with a tabey; and complicity in sexual violence, as he was aware of—and allegedly approved of—the rape of two women by soldiers under his command.

Mr. Kamara reiterated that he did not know the people who accused him, and stated that he never saw ULIMO soldiers committing any atrocities.

October 27, 2022 – Day 14: Kamara Speaks

The Presiding Judge granted the request of some jurors and asked the chief of police to bring Kunti Kamara to the center of the courtroom for a few moments so that the jurors could assess his physical appearance.

Summary Cross-Examination of the Defendant Kunti Kamara

The Court questions Kunti Kamara:

First, the Presiding Judge asked the accused to simply confirm a number of statements and invited him to express his disagreement, if applicable.

Kunti Kamara first confirmed that he had fled to Guinea in 1989 due to the massacres committed by Charles Taylor in his county and that he had returned to Liberia in 1992, before joining Kromah's ULIMO troops, which at that time included Krahns and Mandingues. Kunti Kamara also confirmed that ULIMO had split in 1994 and that he had remained with ULIMO-K alongside the Mandingues. He further confirmed that he left Liberia permanently in 1997, traveling first to Guinea, then to the Netherlands in 2001, to Belgium in 2013, and finally to France in 2016.

Kunti Kamara then confirmed that he was in Liberia between 1992 and 1997, with the exception of a few temporary trips to Sierra Leone and Guinea. The President stated that ULIMO controlled Lofa and Bomi in 1993–1994 and that, starting in 1994, ULIMO-K was in Lofa, while ULIMO-J occupied Bomi—a fact that Kunti Kamara confirmed. When asked about the location of the front line against the NPFL in 1993–1994, Kunti Kamara stated that the front line was located in the counties of Lofa and Gbarnga and specified that there was a front line at St. Paul's Bridge.

The President then turned to the accused's military career between 1992 and 1997, when he was between 18 and 23–24 years old. Kunti Kamara confirmed that he was born in 1974 and that he was between 19 and 20 years old in 1993–1994 and approximately 23 years old in 1997 when he left the country. When asked, Kunti Kamara stated that he had undergone two or three months of military training in Liberia when he joined ULIMO in 1992.

When asked about the origin of the uniforms and weapons used by ULIMO, Kunti Kamara stated that he had no information on the matter, but that when Lofa was captured, supplies came from Guinea. He clarified that when he joined ULIMO, the war was already underway and the troops were already armed. When asked about the equipment he received upon joining ULIMO, Kunti Kamara stated that he had been assigned to a *platoon* and that the commander gave him a uniform.

When asked about his early days with ULIMO, Kunti Kamara stated that he had started in the *"Iron Red"* section, which consisted of 45 men, including the commander. The President then noted that he had testified before the investigating judge that he subsequently became a *"floating officer"* in the *"Black Devil"* section, which the defendant confirmed, specifying that this took place in Foya. When asked about the hierarchy between a *floating officer* and a *bodyguard*, Kunti Kamara explained that it was possible to be both at the same time. In response to a question, he clarified that a *floating officer* did not have a specific mission but was assigned to someone to serve as their *bodyguard*.

Kunti Kamara then confirmed that the *"Black Devil"* section had two missions: to protect the border between Sierra Leone and Liberia and to capture the town of Foya. When asked, he stated that, to his knowledge, the capture of Foya took place in 1993.

When asked about the role of *the battlefront commander*, Kunti Kamara explained that the *battlefront commander* was responsible for setting up ambushes and served as a scout by positioning himself 200 meters ahead of the troops to alert the soldiers in the event of an ambush. He added that if the commander fell into enemy hands, he was not killed because the enemy knew his soldiers were behind him.

The President asked the defendant to confirm the statements he had made before the investigating judge, according to which he could command up to two sections of 44 men each on the front lines—for a total of 88 men. Kunti Kamara first stated that he had told the investigating judge that most of the time there were two sections on the front lines, before asserting that he did not command any section on the front lines. He indicated that it was not possible for a *battlefront commander* to be in charge of a platoon. *("platoon")* The President pointed out to him that he had said the opposite not only during the trial but also before the investigating judge, to whom he had stated that he gave orders to two sections operating on the front line. The defendant then explained that he worked closely with the section commander, who was in charge of the trenches. He added that he had the right to ask the section commander to provide him with men to set up ambushes against the enemy. He also stated that when they captured enemies, the most important piece of information was knowing where the enemies' weapons were located. The President asked the accused to confirm his statements to the investigating judge, according to which he could command up to two sections of 44 men each at the front, for

a total of 88 men. Kunti Kamara first stated that he had told the investigating judge that most of the time there were two sections on the front lines, before asserting that he did not command any section on the front lines. He stated that it was not possible for a battlefront commander to be in charge of a platoon. The President pointed out to him that he had said the opposite not only during the trial but also before the investigating judge, to whom he had stated that he gave orders to two sections operating on the front line. The accused then explained that he worked closely with the section commander, who was in charge of the trenches. He added that he had the right to ask the section commander to provide him with men to set up ambushes against the enemy. He also stated that when they captured enemies, the most important piece of information was knowing where the enemies' weapons were located.

When asked about his character as a soldier—specifically whether he considered himself brave—Kunti Kamara stated that he had joined ULIMO with the aim of resisting the NPFL. He added that he was always on the front lines fighting Charles Taylor, whom he described as a criminal who had killed his entire family, and that as a Liberian, he could not go into exile. The President noted that he had described himself as determined, tenacious, not foolish, consistent, and reliable, and asked him if he believed he possessed a natural authority to command other men. The accused confirmed that he possessed these qualities. When asked if he was respected by his men, Kunti Kamara stated that when a soldier was wounded, he did not leave him behind. When questioned further, he confirmed that he was courageous and indicated that his men did not fear him, but rather appreciated and respected him.

Kunti Kamara then confirmed that he was indeed C.O. Kundi. When asked about his promotion to colonel in 1995, he explained that after the capture of Taylor's headquarters, all soldiers involved in that operation received a promotion. Since he was on the front lines on the day of the promotion, he was informed that he had been promoted to colonel. When asked whether he had attained a higher rank than Kosiah, Kunti Kamara replied that he did not know. He noted that soldiers were sometimes called "colonel" or "captain" to encourage them on the front lines, even though they had not actually attained such ranks.

The President clarified that the defendant had also told the investigating judge that he had been promoted to colonel after the attack on Taylor in 1995 and had received two epaulets (in the shape of birds) as a recommendation from headquarters.

The President then returned to the topic of the hierarchy among ULIMO's high-ranking officers. When asked, Kunti Kamara confirmed that he had previously met General Kromah and clarified that the Chief of Staff was General Dombuyah. When questioned about Jungle Jabah, the defendant stated that he had gone to Bomi and was vying with Pepper & Salt for the position of *commanding general*. When asked, Kunti Kamara clarified that Dombuyah outranked Pepper & Salt. When questioned about Deku, he stated that Deku was the area commander of Foya in 1993, was then promoted to *area commander* of Foya in 1993, and was subsequently promoted to *general commander*.

The President noted that Kunti Kamara had testified before the investigating judge that the chief of staff gave him orders on the front lines and that he himself reported to Deku. The President

then asked how Deku could give him orders when the defendant was on the front lines. Kunti Kamara replied that Deku ranked below Pepper & Salt.

When asked about the roles of Mami Wata and Ugly Boy, the defendant stated that Mami Wata was a platoon commander and that Ugly Boy was "nowhere." The presiding judge replied that he had the impression, on the contrary, that Ugly Boy was everywhere.

When asked about his military assignments from 1992 to 1994, Kunti Kamara stated that he had joined ULIMO as a bodyguard in the *"Iron Red"* unit. When asked, he specified that he was in Bomi and Cape Mount in 1992, then in Lofa in 1993–1994. He stated that he spent four months in Foya and was assigned to the bridge between Lofa County and Bong County. When asked about his stay in Voinjama, Kunti Kamara stated that he did not stay there long and that he had driven the NPFL rebels from Zorzor to the border at Mendekoma, passing through Foya. He added that many NPFL rebels had entered Sierra Leone. When asked, he clarified that Mendekoma was located 20 km from Foya. The President then asked him whether his role was to prevent the NPFL rebels from returning to Lofa. Kunti Kamara replied that he and the other soldiers had no time for themselves, but only for Taylor's rebels. When asked, he clarified that he was in Bomi and Cape Mount in 1992, then in Lofa in 1993–1994. He stated that he spent four months in Foya and was assigned to the bridge between Lofa County and Bong County. When asked about his stay in Voinjama, Kunti Kamara stated that he did not stay there long and that he had driven the NPFL rebels from Zorzor to the border at Mendekoma, passing through Foya. He added that many NPFL rebels had entered Sierra Leone. When asked, he clarified that Mendekoma was located 20 km from Foya. The President then asked him if his role was to prevent the NPFL rebels from returning to Lofa. Kunti Kamara replied that he and the other soldiers had no time for themselves, but only for Taylor's rebels.

When asked, he stated that he did not know if there were any of Taylor's rebels in Guinea. The President noted that there had clearly been trade with Guinea and asked the defendant about the situation in Guinea, specifically whether there was a guerrilla war. Kunti Kamara stated that all he knew was that Taylor was a criminal and had formed the *Lofa Defense Force*, which had entered Guinea.

When asked about Alieu Kosiah, Kunti Kamara confirmed that Kosiah had rarely been with him on the front lines. When questioned about his encounter with Kosiah, the accused explained that they had received orders to attack Foya and that Deku and Kosiah's group was positioned behind his own. His group's mission was to reach the border, and it remained based in Mendekoma. Kunti Kamara added that he had learned Alieu Kosiah had returned to fight in Voinjama and stated that he had gone to meet him by crossing the bridge where Taylor's rebels were stationed.

The President then asked the defendant how he explained the fact that many people in Foya knew him, could describe his physical appearance, or were able to sing songs in his honor. The defendant said he was extremely shocked and explained that he had spent all his time on the front lines while he was in Lofa and Bong counties. He also expressed surprise that none of these people had come forward to complain about him at the time.

The President noted that 12 witnesses and 8 civil parties had identified him very precisely. The defense attorney intervened and pointed out that several of them had identified Kunti Kamara only after seeing him in the dock. She also noted that some of them claimed he had a squint, whereas, in her view, this was not the case. The Presiding Judge qualified his statement by saying that 20 people had identified the defendant more or less accurately, which suggested that these people had clearly been in his company in Foya. Kunti Kamara repeated that he did not know these people and did not know what they were talking about.

The President then returned to the testimony of Abraham Towah, who stated that he had been Alieu Kosiah's *"small soldier*," whom he considered his father. The Presiding Judge noted that during his hearing before the investigating judge, Abraham Towah had stated that he knew Kundi, that they were friends, and that they had spent time together in Voinjama and Foya. He also stated that he had slept at Kundi's house in Foya. Kunti Kamara stated that Kosiah was not present during the capture of Foya and said he was confused by Abraham Towah's statements. When asked, he stated that he was not in Foya with Abraham Towah—a fact that Deku could have attested to had he still been alive—and that he had no idea what Abraham Towah had said.

An associate judge asked the defendant if he had remained in Foya for four months after the town was captured, from July 1993 through November 1993. Kunti Kamara confirmed this, clarifying that he was in the Foya district, not in the town of Foya.

The civil party questioned Kunti Kamara:

The attorney for the civil parties referred to a previous hearing in which the accused had stated that he had killed enemies on the front lines. The attorney for the civil parties asked him if he knew how many people he had killed. Kunti Kamara replied that he did not know and could not provide an estimate either. The lawyer for the civil parties expressed surprise that the defendant was unable to say whether he had killed many or few people. Kunti Kamara replied, "War is war. We shoot at each other; I can't tell you."

The attorney for the civil parties was surprised by the defendant's remarks, since he now seemed to be suggesting that he was constantly in mortal danger, even though he had previously stated that he served as a scout on the battlefield and was not at risk of being killed. Kunti Kamara replied that he expected to die at any moment and was surprised to still be alive today.

The attorney for the civil parties then asked him how he went about interrogating captured soldiers. Kunti Kamara stated that they were taken to the rear of the front lines and that the main information extracted from them concerned their location as well as the whereabouts of their ammunition, medicine, and food. When asked whether the captured soldiers readily provided this information, Kunti Kamara replied that he did not know, since the commanders handled these interrogations while he was at the front. He added that if he had been captured, he would have been afraid and would have answered the questions.

The attorney for the civil parties stated that the defendant had declared during one of his interrogations that ULIMO handed the rebels over to NGOs. The Presiding Judge intervened and clarified that, in his view, the defendant had made such statements during the hearing, indicating

that the rebels were handed over to ECOMOG. Kunti Kamara expressed surprise and retorted that ECOMOG was not in Lofa.

The attorney for the civil parties then asked the defendant how he explained the fact that Alieu Kosiah had admitted that Mami Wata had dismembered NPFL soldiers and placed their bodies in wheelbarrows. Kunti Kamara replied that he had no idea about that.

When asked about his relationship with his girlfriend, who was in Kolahun while he was constantly on the front lines in Mendekoma, Kunti Kamara stated that the distance between Kolahun and Mendekoma was not great and could be covered in less than a day. The attorney for the civil parties pointed out that to get to Kolahun, one had to pass through Foya. The defendant finally confirmed that he owned a car.

The Prosecutor questioned Kunti Kamara:

When asked about the mission to bring Chief TT back to Foya—in which he stated he had participated—Kunti Kamara indicated that it had lasted one day, but that the negotiations had taken longer. When asked, he clarified that TT was at the border between Guinea, Liberia, and Sierra Leone and was first brought back to Mendekoma after Pepper & Salt had negotiated with the NGO. He added that he had then been tasked with escorting them to Foya. When asked, Kunti Kamara confirmed that this expedition took place after the capture of Foya in 1993.

The lead prosecutors then asked the defendant whether tracking down a supreme leader in the bush was part of a front-line commander's duties. Kunti Kamara replied that he was not responsible for that expedition and that TT's location was under threat. When asked, he confirmed that, in his view, bringing TT back to his village was a humanitarian mission. He added that Pepper & Salt had spoken with the NGOs and assured them that the villagers could leave the bush and return to town safely, while he had been called upon to ensure their safety.

When asked about Ugly Boy, Kunti Kamara stated that he had only heard his name during the war and had never fought alongside him. The prosecutors then reminded the defendant that during his interrogation before the investigating judge, he had provided a great deal of detail about Ugly Boy for someone who barely knew him. Kunti Kamara retorted that he had been consistent in his statements and repeated that he had not seen him in Foya. He explained that he had first seen Ugly Boy at the border near Solomba, when he (Kunti) left Foya in 1995–1996 to go to Lofa Bridge. The second time he saw him was in Voinjama.

The prosecutors asked the defendant to confirm that he had remained in Foya until 1995–1996. Kunti Kamara replied that he had passed through Foya on his way to the border at Solomba and that he had seen Ugly Boy for the first time that day. He added that he had never said he had remained in Foya until 1995–1996.

When asked where Deku was based, Kunti Kamara replied, "Foya." The Prosecuting Attorneys noted that before the investigating judge, the accused had stated that Deku was based in Voinjama. Kunti Kamara explained that Deku had taken them to Foya from Voinjama and that he

traveled back and forth between Foya and Voinjama. According to him, Deku was the top commander during the capture of Foya.

The prosecutors noted that, according to his statements, the accused was no longer in Foya between 1994 and 1996, but rather on the border between Lofa County and Bong County. They asked him how he explained the fact that Alieu Kosiah had stated he saw him in Foya City in 1994. Kunti Kamara stated that Alieu Kosiah knew nothing about Mendekoma or the front line. The lead prosecutors asked the accused why Alieu Kosiah knew nothing about it even though he was based in Foya. Kunti Kamara replied that there were many generals within ULIMO who had no specific assignments and clarified that Kosiah was not his commander.

The Prosecuting Attorneys then noted that the accused had explained that his daughter was born in Foya in 1995—which would have made his presence in Foya in 1994 all the more plausible—and that his wife had come to see him on the front lines near the St. Paul River. The accused denied these allegations and explained that his wife had joined him in Voinjama before he took her to Monrovia. The prosecutors questioned how the accused could have been in Voinjama and constantly on the front lines at the same time. Kunti Kamara explained that he would sometimes visit his wife in Kolahun, and sometimes she would come to Voinjama. He added that he had not been present for the birth of his daughter and that his wife had gone to see Deku to ask for help.

The attorneys general pointed out that the accused had made no mention of Voinjama previously, a claim disputed by Kunti Kamara and his attorney. The accused clarified that he had previously stated he would come to Voinjama to rest when he was on the front lines. The prosecutors then noted that Alieu Kosiah, for his part, had mentioned Foya as a resting place for ULIMO soldiers. Kunti Kamara stated that the town of Foya was not on his route and that he had passed through it only once after leaving Foya. This statement surprised the prosecutors, since the attorney for the civil parties had just pointed out to the defendant that he had to pass through Foya to visit his wife in Kolahun. Kunti Kamara replied that when he went to see his wife, she would prepare meals for him using ingredients she bought at the market. The attorneys general then asked the defendant with what money he bought goods, since he was not being paid. Kunti Kamara simply replied that his wife helped him.

When asked about his encounter with Papa (Abraham Towah), Kunti Kamara stated that he had seen him for the first time at the headquarters in Voinjama, where Pepper & Salt was based, and that at that time, he did not know that Papa was a soldier. He added that he was not a liar and was awaiting judgment before God.

The prosecutors asked him if he was the only person who had never lied, unlike Alieu Kosiah, Abraham Towah, and all the other witnesses and civil parties. Kunti Kamara replied that he had not denied knowing Kosiah, but that he could not say things he did not know.

The defense cross-examines Kunti Kamara ::

The defense attorney pointed out that at no point during the preliminary hearing was the accused asked to distinguish between Foya City and Foya District. She added that she would have

appreciated it if the contradictions between the various testimonies of the witnesses and civil parties had been highlighted.

The defense attorney then asked Kunti Kamara to explain what life was like for a soldier on the front lines during the civil war in Liberia. Kunti Kamara stated that life during the war was desperate and that he expected to die at any moment. He explained that before Taylor killed his mother, aunt, and stepfather in cold blood, he had been attending school and learning a trade. He recounted that life as refugees in Guinea was too difficult and that they were treated as outsiders everywhere they went. His sister turned to prostitution to support them and had five children with different men. He said that was no way to live and that he could find no peace. He wanted to be buried in Liberia if he died, and that was what gave him the courage to join ULIMO, even though he did not want to become a soldier. He added that he had joined ULIMO for a cause and repeated that life on the front lines was desperate, noting that he had seen friends die beside him every day. He said, "It wasn't my goal to fight. […] Life on the front lines wasn't easy at all—that's all I know."

* * *

<u>Summary Cross-Examination of the Accused Kunti Kamara (continued)</u>

The Court questions Kunti Kamara:

The Presiding Judge asked the defendant for specific answers regarding the charges against him, beginning with those concerning DN.

Acts Committed Against DN

The Presiding Judge recalled that DN, a teacher at the Borma Mission, was allegedly tortured and brutalized by ULIMO soldiers on the Foya airstrip. The main perpetrator is said to be Ugly Boy, who allegedly killed DN with an axe, cut open his chest, and ripped out his heart. The heart was then reportedly cooked in Ugly Boy's house, cut into pieces, and eaten by several ULIMO soldiers in full view of the local population. The President specified that Kunti Kamara was accused of participating in the lynching of DN, notably by kicking him in the head while he was on the ground with his hands tied behind his back. The President added that witnesses described a scene of jubilation, stating that they saw the defendant eat a piece of DN's heart.

The Presiding Judge noted that JTC and SK had been heard regarding these facts and that SK had stated that Kunti Kamara was one of the leaders, along with Ugly Boy, and that they all behaved in the same manner. SK also indicated that while Mami Wata had indeed killed more people than Kunti Kamara, Kunti Kamara was nonetheless part of that group. The Presiding Judge added that other witnesses had reported these facts, though they noted that they had not witnessed the scene themselves. The Presiding Judge asked the defendant if he was present during DN's murder. Kunti Kamara replied that he was not present because he was on the front lines, and that he had never heard of this incident.

The Presiding Judge pointed out that there was a newspaper article documenting not only DN's death but also that of TKo. He added that Reverend TKo's daughter had also been heard and had stated that Kundi was present at the time of her father's death. Kunti Kamara continued to maintain his innocence.

When asked about his presence in Foya at the time of the events, the accused replied that he was on the front lines and that Foya was located near Mendekoma. The Presiding Judge then asked Kunti Kamara whether DN's death had caused a particular stir in Foya, given that he was an important figure. Kunti Kamara replied that he had never heard of DN's death before.

Acts Committed Against KT

The President then returned to the subject of KT's death, whom Kunti Kamara allegedly accused of being a witch. The events reportedly took place in the village of Foya Dundu, located a 30-minute walk from Foya. The President noted that KT's baby had died of an illness the previous evening and had been buried that very morning. According to the President, witnesses stated that Kunti Kamara was passing through the town of Foya Dundu and met with the village chief, to whom he gave 100 Liberian dollars for the bereaved family. Several witnesses stated that after setting off back toward Foya, Kunti returned angrily to Foya Dundu and approached FG's house. He allegedly dragged the young woman out of the house or ordered his bodyguards to do so—a point that is disputed—even though she was particularly vulnerable due to her illness. The President clarified that, according to witnesses, KT could barely speak and her skin was falling off in shreds. Kunti Kamara allegedly killed her with a burst of machine-gun fire to the head, before burning her body with straw that had been brought down from the roof of a kitchen. Kunti Kamara reportedly suggested that this was the only way to prevent the witch's evil spirit from spreading.

The President noted that the Court had testimony from FG, the victim's brother, and NS, her husband, who unfortunately had to be repatriated to Liberia for health reasons. The President added that the witnesses FP, TK, EzP, and others had also referred to "the murder of the witch." According to the Presiding Judge, it was reported that the accused regularly visited Foya Dundu because he was friends with Mohammed, the local commander.

When asked, Kunti Kamara stated that he did not know Foya Dundu and was unaware whether any soldiers had been stationed there. The Presiding Judge confronted the accused with the statements of TK, who described Kunti as unpredictable but friendly toward him, and who confirmed seeing him kill KT. Kunti Kamara replied that he did not know TK and that this was the first time he had seen any of the people who had come to testify.

The Presiding Judge asked Kunti Kamara how it was possible that twenty people recognized and identified him, while he was the only one who did not recognize them. Kunti Kamara said he was confused, repeated that he did not know anyone, and compared himself to a dead elephant, of which everyone wanted a piece.

Acts Committed Against JTC and SFC

The President then addressed the forced marches and the enslavement of people, noting that several witnesses had been heard on this matter—including JTC, SFC, TSKF, EB, SB, and RSK—and that each of them had spoken of the forced marches imposed by ULIMO. The President stated that these were marches carried out during the rainy season on impassable roads, heading toward the Guinean border at Solomba, over a distance of approximately 23 km. The President clarified that the accused was not charged in connection with all of the forced marches. However, the witnesses specifically identified him personally in connection with the march involving the electric generator from Foya. They also accused Kunti Kamara of organizing the transport of food supplies (coffee, oil, rice), noting that other marches had been ordered by other commanders.

The Presiding Judge stated that the statements made by the witnesses did not appear to be exaggerated and asked the accused if he was aware of these forced marches. Kunti Kamara indicated that the Foya district had several borders but that he had not heard of any forced marches, though he did not rule out the possibility that they might have occurred. The President noted that these forced marches had been documented by the CVR and were mentioned in several background documents submitted to the Court. The President asked the accused how he could have failed to hear about them. Kunti Kamara replied that it was not part of his duties at the time, since he was on the front lines.

Acts Committed Against LSM

The President then returned to the facts concerning LSM, who had mentioned the forced marches and stated that he had been beaten by Kunti Kamara and Alieu Kosiah near the old market. LSM stated that he had been captured along with six other people, who were beaten and killed. The President clarified that it was understood from LSM's testimony that these six people had been thrown into a well. LSM, for his part, was reportedly spared thanks to the arrival of Deku, who was very angry. LSM stated that it may have been thanks to Fine Boy's intervention that he was spared. SS, for her part, believes that LSM's life was spared because he begged the others not to kill him and because he was tall and muscular. LSM showed the Court a scar on his back that was allegedly caused by a knife wound inflicted by Kunti Kamara or Alieu Kosiah. The Presiding Judge added that what was notable about LSM's testimony was that he had subsequently joined ULIMO and supervised forced marches, notably the "electric generator" march. The Presiding Judge noted that LSM had also been interviewed by Swiss authorities, since he had implicated Alieu Kosiah as well.

When asked about the allegations against him in connection with the abuse suffered by LSM, Kunti Kamara stated that it was impossible to explain why someone he did not know would accuse him.

Offenses Committed Against RSK and EFNS

The Presiding Judge continued questioning the defendant by addressing the charges of complicity in aggravated rape committed against RSK and EFNS. The Presiding Judge clarified that both victims had implicated Kunti Kamara in acts that did not primarily involve him, but rather his bodyguards—and specifically B, as per EFNS's testimony. The Presiding Judge added that RSK and

EFNS were teenagers at the time of the incidents, noting that EFNS was slightly older than RSK and already had a child.

According to the President, RSK stated that she had been raped over several days by two soldiers, whenever they felt the need. She said she had implored Kundi in his capacity as commander, telling him, "Tell them to stop; I'm too young." The defendant reportedly just laughed and said it wasn't important. RSK believed that Kunti Kamara's attitude gave these soldiers free rein to carry out their actions. She reportedly told her friend EFNS that she couldn't take it anymore and was forced to flee.

As for EFNS, she was reportedly raped on a regular basis by Kunti Kamara's alleged bodyguard, a man named B, who would attack her when he was smoking marijuana. According to the President, B comes across somewhat as a psychopath in this case. The President noted that it had not been possible to complete EFNS's testimony, as she collapsed in the courtroom and did not wish to return to continue her account. In her testimony, she reported that she had been raped with a bayonet covered in salt that was inserted into her vagina. She reportedly suffers from severe gynecological and psychological aftereffects as a result.

When questioned about these allegations, Kunti Kamara stated that nothing had shocked him as much since he was born and that he had no knowledge of these events. He added that he did not smoke or drink alcohol. The President asked him if EFNS and RSK were lying like everyone else. Kunti Kamara replied that he did not have a bodyguard in Foya.

Background of the Accused

The President then questioned Kunti Kamara on specific points in the case file.

The President noted that the accused had left for Guinea in 1997 during a ceasefire and asked him if he had been afraid of Taylor and the NPFL. Kunti Kamara stated that the situation had deteriorated when Charles Taylor won the elections and former ULIMO soldiers were conscripted to fight in Guinea.

The Presiding Judge then referred to the testimony of an anonymous witness in Taylor's trial in Sierra Leone, who described a sale of weapons by Kundi following the disarmament in 1997. The defendant expressed surprise and clarified that the ULIMO soldiers had been disarmed. He wondered how he could have sold weapons since he did not have any.

The President briefly mentioned the false statements that Kunti Kamara admitted to making in order to obtain political asylum in the Netherlands. The President noted that the defendant had subsequently left the Netherlands even though he had been granted asylum, had obtained citizenship, and had a job. Kunti Kamara replied that he did not have a job when he left the Netherlands. The presiding judge noted that the accused had mentioned having difficulty speaking the language and that the Dutch authorities had refused to grant family reunification, which the accused confirmed, adding that he had left the Netherlands like many other Liberians.

The President then returned to the wiretaps implemented as part of the preliminary investigation, specifically a call from September[1,] 2018, intercepted while the defendant was in Bobigny. Kunti Kamara told the person on the other end of the line: "I have a friend in prison, Alieu Kosiah. No one is standing up for his cause; he's in custody. […] You know those scoundrels—they took him; I have to get him out. […] I had a Dutch passport; I'm a Dutch citizen. I was there, I was working there, and they got me out of there." When asked to specify who had "forced him out" of the Netherlands, Kunti Kamara stated that he did not recall that conversation and that he had gone to Belgium. He added that he might have been referring to the Dutch authorities, since he had done everything he could to bring his family over, without success.

The Presiding Judge stated that he had the impression, rather, that it was the investigation conducted against him by Civitas Maxima that had caused the defendant to flee. Kunti Kamara retorted that if he had fled, he would have had neither an address nor an employment contract in Belgium. The defense attorney added that Kunti Kamara had left the Netherlands in 2013, that is, before the investigation against Alieu Kosiah began. She added that, according to Alain Werner's testimony, Kunti Kamara's name was mentioned for the first time during the investigation into Alieu Kosiah.

The Presiding Judge then noted that the defendant had moved to Évreux, where the gendarmes came to arrest him. He then fled to Bobigny and was apprehended while planning to travel to Portugal by bus and then fly to Guinea using forged Guinean documents. The presiding judge asked the defendant whether these facts did not reflect a circuitous attempt to evade law enforcement. Kunti Kamara replied that he had a residence and an official address in France. He added that he had fought in the war and was not afraid, but was, however, afraid of plots against him.

When asked if he had felt threatened upon learning of Alieu Kosiah's arrest, Kunti Kamara replied that he had not. He stated that he had learned of a plot against former ULIMO soldiers and had decided to ignore it because he believed he had done nothing wrong. He explained that he found out the police were looking for him while he was looking for work at a supermarket. He stated that he was receiving many phone calls at that time, during which he was not only informed that Alieu Kosiah's trial was not a fair and impartial one, but was also warned about the existence of a plot against former ULIMO soldiers. He was also told that HB was visiting *hatay shops* to eavesdrop on conversations and seek out witnesses willing to testify against Kundi. According to the defendant, some witnesses were taken to Ghana to be briefed on their testimony. He stated that he had also been advised to leave Europe or risk being tried unfairly.

The President recalled that Alieu Kosiah considered his trial in Switzerland to be worse than a trial in North Korea. The President, for his part, expressed surprise at the quality of Swiss trials and said he understood why the current Minister of Justice, Éric Dupond-Moretti, had often praised the Swiss legal process in his closing arguments. Kunti Kamara clarified that he had merely repeated rumors he had heard from Liberia, notably that HB had paid a witness to encourage him to testify. The defendant added, "I was afraid, and when you're afraid, you might do anything."

The Presiding Judge then pointed out that HB was a Mandinka, like the defendant, and had participated in several trials against former members of the NPFL. Kunti Kamara replied that, when it came to Liberians, money could buy anything.

When asked about his plans for the future, Kunti Kamara stated that upon his arrival in France, he planned to learn French and return to his trade as an electrician. He explained that since his incarceration, he had taken French classes and passed the first level. He added that he wanted to return to Liberia, noting that he had nothing to fear there. He explained that his father owned a coconut and coffee plantation in Liberia and that his brothers had started growing soybeans with his help. He explained that since arriving in Europe, he had been exporting vehicles to Liberia and providing financial support to his sister. In particular, he had bought her a house in Guinea because she did not wish to return to Liberia due to her past experiences there.

The associate judge noted that, as she understood it, the defendant had fled because he believed himself to be the victim of a conspiracy and feared being brought before a court and receiving an unfair trial. The associate judge asked Kunti Kamara to share his impressions of his trial, and in particular whether he felt he had been heard in a calm and fair manner and had been able to express himself as fully as he wished. Kunti Kamara replied in the affirmative. The presiding judge quipped that he was relieved not to be in North Korea. Kunti Kamara then stated that he was not accusing the French justice system of being unfair, but that these were rumors that had been reported to him. He finally clarified that he wanted the Court to understand that he was innocent and had been living peacefully when, overnight, the NPFL massacred everyone.

The civil party cross-examined Kunti Kamara:

First, the attorney for the civil parties noted that Swiss authorities had located the well mentioned in LSM's testimony.

The civil parties' attorney then noted that earlier that very morning, the defendant had stated that he would have been afraid if he had been captured by the NPFL and would have provided all the requested information, even though he had just said that he was not afraid of war. The lawyer for the civil parties stated that the defendant was clearly afraid of the police, since he had fled without knowing what they wanted from him. Kunti Kamara reiterated that he was not afraid of war, but afraid of conspiracies.

When asked why he had not joined the LURD, formed in 1998 to fight his arch-enemy Charles Taylor, Kunti Kamara explained that Alhaji Kromah—who had encouraged him to join ULIMO at the time—had told him that the war was over and that they had to lay down their arms.

The attorney for the civil parties then recalled that the Court had heard from Alieu Kosiah and stated that, in her view, the defendant had blithely repeated his rhetoric. The attorney for the civil parties stated that she had the impression the defendant was trying to protect Alieu Kosiah, even though the latter had not hesitated to name Kundi to serve his own interests, thereby putting him at risk of being prosecuted. When asked, Kunti Kamara confirmed that he realized it was because of Alieu Kosiah that he was on trial. He clarified that before Kosiah mentioned his name, no one knew who he was. He explained that there were disputes among ULIMO soldiers

and that many of them had joined Charles Taylor for financial reasons, whereas he and Alieu Kosiah had remained principled. According to him, Alieu Kosiah could not find anyone to testify on his behalf, which was why he had turned to him. He added that, in his opinion, the former ULIMO generals would not have come to testify if Kosiah had called them, because they were afraid. Kunti Kamara emphasized that if Alieu Kosiah were lying, he would say so, and stated: "They wanted me to say he wasn't in Foya, but I can't say what I don't know."

After stating that she did not dispute the difficult events experienced by the defendant—which shaped his life's journey—the attorney for the civil parties questioned Kunti Kamara about his failure to acknowledge the suffering of the witnesses and civil parties, and the reasons why he had repeatedly insisted that these people were lying and that he was the victim of a conspiracy. The defendant drew an analogy between the atrocities suffered by the Mandinka people and the war between Russia and Ukraine, saying that once the war is over, the Ukrainians cannot be tried because they were defending themselves. He stated that the Mandinka are a minority who tried to resist criminals and are considered foreigners in their own country. He added that he had fought for the sole purpose of liberating his people, that he knew nothing about what the witnesses and civil parties had come to say, and that he was innocent of all the charges brought against him.

The prosecutor questions Kunti Kamara:

When asked why former ULIMO generals were afraid to come forward to testify, given that, according to their statements, they had not committed any crimes against civilians, Kunti Kamara explained that some of them were living in Europe and were following developments concerning former ULIMO members. Kunti Kamara added that they knew the people coming here were "big liars."

Regarding the facts pertaining to KT, the Prosecuting Attorneys noted that the accused had stated he was innocent and knew neither KT nor the village of Foya Dundu, even though he had previously indicated that he had passed through Foya Dundu. When asked, Kunti Kamara said he remembered passing through Foya Dundu but was unaware of any killings in that village. He added that it was possible to pass through a town without actually knowing it.

Regarding LSM, the attorneys general noted that LSM had accused the defendant and Alieu Kosiah of torture, while the latter believe that LSM is lying in order to receive money or obtain asylum. According to the deputy prosecutors' understanding, LSM never applied for asylum, received no financial compensation from the Swiss courts, and was physically assaulted upon returning from Liberia. The attorneys general therefore asked the defendant what LSM stood to gain by accusing him and Alieu Kosiah. Kunti Kamara stated that he had no answer and that it was up to the Court to determine whether the witnesses were lying or telling the truth and whether they had come forward for financial or other reasons. He added that DN's wife and RSK's sister had expressly requested financial assistance from the Court. He also stated that he had understood from Alain Werner's statements that Werner had promised to pay these people, which the prosecutors disputed.

When asked about the need for justice expressed by AN, FG, SFC, and JTC, Kunti Kamara stated that he could not comment on facts about which he knew nothing.

When asked about the administration established when ULIMO took over a town and the resulting measures, such as curfews, passes, and meetings, Kunti Kamara stated that he had no idea about them and that this was not part of his job. When asked about *checkpoints*, he indicated that the only checkpoint he had seen was located on the border with Guinea and was used to screen Guineans entering Liberia. When pressed, Kunti Kamara confirmed that he had seen *checkpoints* while traveling in Foya District or in Voinjama.

Drawing on various hearings involving Kunti Kamara and his cross-examinations—particularly with JTC and RSK—the Prosecutors revisited the systematic accusations made by the accused against the Kissi community, which he alleged was behind a plot against him. The Prosecuting Attorneys noted that, paradoxically, the witnesses never mentioned their group affiliation or the alleged conflict with the Mandinka. Kunti Kamara explained that he was not accusing all Kissis, but only those who had come forward to make false accusations against him. He added that in every tribe there are good and bad people, and that he was shocked that these people were making accusations against him when he had never even seen them.

The prosecutors asked the defendant if, after hearing these people, he still believed they were criminals. Kunti Kamara replied that he was not there to deceive the Court and that, in his view, this was a network of Kissi witnesses who were communicating with one another. He added: “To put it simply, even if I have to spend a hundred years in prison, I put my trust in God, and I insist that I do not know these people—neither today nor tomorrow.”

The prosecutors then noted that the crimes Kunti Kamara was accused of were similar to the atrocities committed by ULIMO during the same period in other parts of Lofa County. They added that, regardless of the accused’s responsibility, Lofa was the third-most affected county according to the CVR report. According to the prosecutors, this reality aligns with all the testimonies heard during this trial. They asked the defendant how he explained the vast discrepancy between his account of the war in Lofa and the reality of the crimes committed in that county under ULIMO occupation. The defense attorney intervened, pointing out that the CVR report did not specify the number of offenses attributable to each faction in Lofa County. Kunti Kamara, for his part, explained that it was common for atrocities to be committed during war and that there was a lot of “he id,” but that as far as he was concerned, he was simply explaining what he had seen. He stated that he had not witnessed any massacres in Lofa because his commander was strict.

Referring to the statements of Abraham Towah, who indicated that he resented the ULIMO commanders for having enlisted him in this war—of which he considers himself a victim—the lead prosecutors asked the defendant whether he had reflected further on his involvement with ULIMO and whether he regretted it. Kunti Kamara replied that when he joined ULIMO, his concerns were peace in Liberia and future generations. He stated that without peace, there could be no unity, and that Mandinka property was still being looted today by Taylor’s men.

Kunti Kamara also stated that the French authorities had not visited his county in Nimba to ask his family who Kunti Kamara was and what kind of person he was. The President intervened, explaining that he could have had the witnesses summoned. The defense attorney explained that she had provided names, but that the individuals had not been located, and clarified that the requests had not concerned members of the defendant's family.

The defense questions Kunti Kamara:

The defense attorney stated that she had two points to raise. She first noted that in the newspaper article reporting the deaths of DN and Reverend TKo—cited by the Presiding Judge—it is mentioned that their bodies were dismembered and placed in wheelbarrows. The second point concerns the medical certificate submitted by EFNS. The defense attorney stated that she had determined that EFNS had ovarian cysts and uterine fibroids. The attorney for the civil parties intervened, pointing out that Liberia was ranked 181st out of 185 on the Human Development Index and that EFNS had stated she could not have children and that her body was rotting from the inside.

The Presiding Judge wished to ask the defendant one final question regarding his statements that his name was unknown before the Kosiah case came to light. The Presiding Judge asked Kunti Kamara how he explained the fact that the name "CO Kundi" had been mentioned by people from Lofa in a documentary on the CVR dating from before 2009—more than five years before the Swiss authorities took up the case against Alieu Kosiah. Kundi Kamara replied that the conspiracy had existed for a long time and that FW was working with HB.

Additional Readings

The President invited the parties to submit supplementary briefs if they so desired, noting that if references were made during closing arguments to evidence that had not been brought to the attention of the jurors, the proceedings would have to be reopened.

The attorneys general read aloud certain passages from the background report prepared by the Swiss authorities, which, among other things, traced the history of ULIMO's operations (the split, "*Black* Friday" in March 1994). The attorneys general indicated that they were not certain whether *"Black Friday"* corresponded to the split, given the lack of a specific date. However, it seemed clear that the split had led to numerous massacres. The attorneys general then read another excerpt from the report detailing the lack of discipline in Lofa. They also noted that another section of the report was devoted to the atrocities committed by the warring parties in Lofa County, including acts of cannibalism and the disembowelment of pregnant women. The attorney for the civil parties then read aloud a passage concerning sexual violence. According to the attorneys general, the report provides a chronology of the atrocities committed by ULIMO, which serves to supplement the CVR report. The President noted that he had read in the report that 46 people had been killed in Foya City in 1993.

The prosecutors also read an excerpt from the *memorandum* submitted in the U.S. trial concerning Mohamed Jabateh.

Finally, the defense attorney introduced into the record a table from a CVR report listing approximately fifty massacres in Liberia. The defense counsel clarified that this table was not exhaustive and that Lofa was not included in it. She also drew the parties' attention to a table listing violations by armed group. The counsel for the civil parties clarified that this represented a percentage based on the two civil wars. The defense counsel stated that the percentage of violations committed by ULIMO amounted to 13 percent. The counsel for the civil parties clarified that, to be exhaustive, ULIMO-K, ULIMO-J, and LURD should be included.

October 28, 2022 – Day 15: Civil Parties' Closing Arguments

As the trial draws to a close, the parties will have to present their closing arguments. The first lawyer to do so was the one representing the civil parties: she summarized what had been discussed over the past three weeks, with a special focus on the victims who testified at the trial.

The lawyer emphasized how Lofa County—rich in resources and strategically located—was completely plundered, and its inhabitants forced to endure atrocities at the hands of ULIMO soldiers, such as forced marches, sexual violence, torture, and murder.

While Mr. Kamara has often described the victims as part of a conspiracy against him, the lawyer told the Court that he has never once acknowledged any wrongdoing by ULIMO, nor his role in the group. *"They don't want revenge; they want justice*," stated the lawyer.

October 28, 2022 – Day 15: Closing Arguments by the Civil Party

The President began this new day of proceedings by noting that the Court had been seized by the Investigating Chamber of the Paris Court of Appeals regarding (i) acts of complicity in crimes against humanity concerning the rapes suffered by RSK and EFNS, (ii) acts of simple and aggravated torture and barbarity concerning DN, SFC, KT, LSM, and JTC; and finally (iii) acts of complicity in aggravated acts of torture and barbarity against RSK and EFNS.

The Presiding Judge noted that the first questions in the referral document contained a factual error regarding the period in question and proposed standardizing the dates, which the parties accepted. The President also proposed dividing Question No. 6, which concerns acts committed against a vulnerable person, into two questions: one regarding the commission of acts of torture and inhuman or degrading treatment against KT, and the other concerning the apparent vulnerability of the victim and the perpetrators' knowledge of that vulnerability.

In the absence of any comments from the parties, the President declared that the other issues on which the Court was to rule were in order and required no changes.

Argument by the Civil Party:

The attorney for the civil parties began her argument by summarizing the content of the two legal instruments on the basis of which the defendant was appearing before the Court. The first is the New York Convention, from which the attorney for the civil parties read an excerpt from the preamble and the definition of the term "torture." The second text concerns crimes against humanity punishable under the French Penal Code. The attorney for the civil parties stated that these two texts described the most serious crimes, but also spoke of humanity, the human family, dignity, and justice.

The attorney for the civil parties then addressed universal jurisdiction and noted that Colonel Reiland had spoken at length on the subject. She also cited the remarks of Alain Werner, who highlighted the political difficulties associated with this form of justice, and those of John Stewart, who emphasized its importance for victims in a context of impunity and declared that human rights know no borders. According to the attorney for the civil parties, universal jurisdiction also has its detractors, who argue that the state is usurping the authority to try crimes that have no connection to its territory. The attorney for the civil parties acknowledged that the ties between France and Liberia—aside from Paris Saint-Germain—were not very obvious. In her view, however, universal jurisdiction does not require any historical or cultural ties between the country where the crimes were committed and the one where they are being tried. It is simply a matter of giving French courts the ability to try "the most serious crimes that affect the entire international community," regardless of historical ties to the country in question. The attorney for the civil parties pointed out that universal jurisdiction had made it possible to try the genocide against the Tutsis, that it is making it possible to try Kunti Kamara today, and that it will make it possible to try Syrian torturers, Rohingya perpetrators of genocide, and mercenaries involved in the war in Ukraine tomorrow. According to the lawyer for the civil parties, universal jurisdiction is all the more important in Liberia because impunity in that country remains absolute. There is no possibility of bringing war criminals to justice, and impunity prevents the country from rebuilding itself. The attorney for the civil parties added that it was Massa Washington who had best articulated this point, particularly by emphasizing that it gave hope to Liberians.

The lawyer for the civil parties then addressed what she considers to be the heart of the matter: the victims' testimony. She stated that while the events certainly took place long ago and the passage of time was dizzying, the age of the events did not diminish their atrocity in any way and had not brought the victims peace. The attorney for the civil parties added that this trial rested on the victims' testimonies, since in the fury of war, other forms of evidence were scarce, and she emphasized that testimonial evidence would also disappear given the low life expectancy in Liberia. The lawyer for the civil parties stated that this highlighted the full significance of the documentation and testimony-collection work carried out by Civitas Maxima and the GJRP. She noted that these two organizations had established a protocol for collecting victims' testimonies, including a verbatim transcript of their statements, and clarified that an assessment of the witness's credibility was conducted from the outset. The attorney for the civil parties also emphasized that investigators respected the wishes of witnesses and victims without ever forcing them to testify. She explained that OCLCH investigators then took over by conducting neighborhood investigations, seeking out and interviewing witnesses on the ground. She highlighted the OCLCH investigators' extensive expertise in witness interview techniques, developed in particular through their experience with the Rwandan genocide.

The attorney for the civil parties then made a few remarks about the investigation, which had been widely criticized by the defense, particularly due to the lack of DNA evidence and the failure to exhume the bodies. She noted that, under an international letter rogatory, the French investigating judge and investigators are limited to conducting interviews. Otherwise, they provide technical support to local authorities, who have very few, if any, resources. According to the attorney for the civil parties, one must be realistic given that Liberia is a country in decline—if not one of the poorest countries in the world—which has a total of 18 prosecutors, only one of

whom is in Lofa. She noted that the local authorities apparently did not even have the equipment to take photographs. The attorney for the civil parties also noted that there were neither records nor archives, which made the investigation all the more difficult. In her view, this did not mean that it was impossible to complete the investigation, but rather that the investigating judge could not be blamed for failing to carry out investigative measures that were unfeasible. The attorney for the civil parties then reiterated that investigative measures must be necessary and useful for establishing the truth, and that the defense could request such measures provided they were feasible. She noted, however, that the defense had not made any such requests. In her view, conducting a scientific analysis of human remains hastily buried 28 years ago would be complicated in the absence of sealed evidence. She added that exhumations are often traumatic for the victims' loved ones and should only be carried out as a last resort. The attorney for the civil parties questioned the purpose of excavating KT's grave in Foya Dundu, given that FG, NS, TK, FP, and EzP all stated that the person killed by Kundi was KT—FG's sister and NS's wife. The same applies to the defense's suggestion that DN's body should have been exhumed, especially since MN explained that her husband was likely buried beneath the Palava Hut—the place where the community gathers to resolve conflicts. The attorney for the civil parties questioned what obtaining a DNA profile would have contributed to the proceedings.

The attorney for the civil parties then revisited the testimony of the victims and witnesses, given that this trial relied solely on testimonial evidence. She stated that no witness or civil party had exaggerated the facts or hurled insults at Kunti Kamara out of a spirit of revenge. On the contrary, they had always been measured and nuanced in their accounts, specifying, for example, that certain commanders exhibited more moderate behavior. According to the attorney for the civil parties, they merely reported the facts and did not generalize. The attorney for the civil parties stated that she hoped the Court had noted the restraint shown by the witnesses and the parties.

Regarding the contradictions and discrepancies in the various testimonies, the attorney for the civil parties acknowledged that they existed—and, in her view, fortunately so, as this proved that the accounts were not scripted. She added that memory is imperfect, especially 28 years after events that took place in the context of a bloody war. In this regard, she referred to the testimony of the psychological expert Amal Hachet, who noted that the most traumatized individuals exhibit different memory mechanisms—such as hypermnesia, flashbacks, or amnesia—which influence their perception of time and their memory and cognitive functions. The attorney for the civil parties stated that, as a result, people do not remember dates, but rather details, such as screams, noises, or a scene they were forced to witness. People remember a song, but not necessarily how old they were at the time. According to the attorney for the civil parties, contradictions must be taken into account, and the accounts must be re-situated within their traumatic context.

The attorney for the civil parties then addressed the issue of the defendant's identification from the photo lineup and the fact that some witnesses and civil parties did not recognize him until they were confronted with him. The lawyer for the civil parties stated that during the confrontations, the defendant had already confirmed that he was indeed CO Kundi and that he was a commander in Foya in 1993–1994. She added that if everyone had recognized him in the photographs, the problematic issue of " "—coordinated or coached testimony—would have been

raised. She reiterated the explanation provided by expert witness Christian Ballouard, namely that a photograph does not capture everything and that it is sometimes easier to recognize someone based on their demeanor or body language. The attorney for the civil parties stated in this regard that all witnesses and victims had formally identified the defendant after being confronted with him. She asked the Court to take into consideration the fact that CO Kundi was an ULIMO rebel who terrorized the population, to the extent that some witnesses stated they did not look him in the eye and avoided coming face-to-face with him. She also noted that most of the witnesses and civil parties provided a consistent physical description of the accused before being shown photographs, specifying in particular that he was short and thin, had bowed legs, and had a dark complexion.

Regarding the concept of time, the attorney for the civil parties emphasized the importance of taking into account the reality of Liberia at that time—a country in which there was no civil registry. Most Liberians do not know their date of birth, and some are unable to orient themselves in time. In this regard, the attorney for the civil parties referred to the testimony of FG, who stated that he oriented himself by the position of the sun. She added that ages had no meaning for them, citing the example of school, where people of all ages—including adults—were found in the same classroom. According to the lawyer for the civil parties, dates are not markers of time for them. We must realize that all the logical markers with which we are familiar are different—or sometimes even nonexistent—for them.

The lawyer for the civil parties then focused on the first civil war and its impact in Lofa County. Referring to the previous day's debate regarding which faction had committed the most abuses, the lawyer for the civil parties stated that she did not believe it was necessary to compare and quantify the crimes committed by the various factions. In her view, the aim is not to arbitrate this war, but rather to assess what happened in Foya in 1993–1994. She noted that Lofa was a strategic area, as the county shares a border with Guinea, where ULIMO could receive support from its allies. The objective, therefore, was to move along the border from Zorzor to Voinjama and into the Foya district, where the Solomba Pass provided access to weapons and food. The attorney for the civil parties added that Lofa was a rich and fertile province (cocoa, coffee, palm oil). ULIMO's invasion of Lofa was thus driven by both political and economic reasons.

The attorney for the civil parties then stated that the ordeal of the residents of Foya began in July 1993, when ULIMO troops captured the town and began to rule the region with an iron fist. In this regard, the attorney for the civil parties cited the MSF report, which states that the region had become a *"no man's land"* where NGOs no longer wished to go. According to the attorney for the civil parties, the victims and witnesses were able to recount only one-tenth of the horrors experienced by the residents of Foya in 1993–1994, so systematic were the crimes.

Regarding the looting, the attorney for the civil parties stated that everything had been looted and that famine was a very real consequence of this looting. People had no choice but to eat grass in an attempt to survive. JTC also mentioned that his brother had starved to death. According to the attorney for the civil parties, when people did not die from vi , they died of starvation, malnutrition, or diseases linked to a lack of access to food and water. She referred to the images of children in severe stages of malnutrition viewed by the Court and stated: "This, too, is the reality of the looting."

The attorney for the civil parties then addressed the crime of enslavement, citing the testimony of Thierry Paulet, who explained Liberia's highly complex relationship with slavery. She noted that the Swiss authorities' report characterized slavery as the complete exploitation of the population. According to the attorney for the civil parties, slavery consists of the dehumanization and objectification of people, who are no longer considered human beings. In Foya, this manifested as contempt for civilians, who were accused of collaborating with the enemy in order to enslave them. The attorney for the civil parties added that ULIMO soldiers were guided by *the motto "pay yourself" or "help yourself"* and appropriated all of the civilians' property, including their homes.

According to the attorney for the civil parties, women found themselves at the intersection of the crimes of looting and enslavement, since they were considered both objects to be looted and sex slaves. Women were gifts that commanders offered to their soldiers by giving them permission to rape them. Rapes were committed against women of all ages. In this regard, the attorney for the civil parties recalled the testimony of AN, who recounted being raped as a young girl, and that of Massa Washington, who described the rape of an elderly woman. According to the attorney for the civil parties, the plight of women during this war was horrific.

The lawyer for the civil parties then addressed the recruitment of child soldiers, even though this crime is not among the charges against the defendant. She stated that Kunti Kamara was the only one who denied the use of child soldiers, even though his friend Abraham Towah, a soldier in ULIMO, was 12 or 13 years old at the time. The lawyer for the civil parties recalled the remarks of Alieu Kosiah, who explained that it was normal to see child soldiers, even going so far as to say that it was *"business as usual*." The lawyer for the civil parties also referred to the cover photo of James Fasuekoi's book, which shows a child holding an AK-47 larger than himself, and to the interview with Abu Bakr Kamara, a colonel in ULIMO's death squads, who stated that child soldiers were their spearheads because they were not afraid to die.

Regarding the systematic crimes committed during the war, the attorney for the civil parties then addressed the killings, noting that 10% of the Liberian population had been decimated as a result of the civil war. She recalled the testimony of Patrick Robert, who stated that naked bodies littered the roadsides. The attorney for the civil parties stated that there was not a single witness or victim who had not lost at least one loved one. She cited AN and MN, who lost a father and a husband (DN), respectively; FG and NS, who lost a sister and a wife (KT), respectively; TFT, who lost his brother during the manhunt for TT; Massa Washington, who lost his brother; LSM, who lost his cousins—one of whom was used as a scarecrow at the ULIMO checkpoint; and RSK and ThK, who lost their father under horrific circumstances. The attorney for the civil parties referred to the happy reunion between MN and AN, of which she had been unaware, as well as ThK's deeply moving testimony, noting that she had come to understand during the hearing that the young girl had witnessed with her own eyes her father being tortured and killed. The attorney for the civil parties stated that it was important to allow the victims to speak and draw on their memories.

The attorney for the civil parties then stated that the civilian population lived in a state of constant terror and that the most unspeakable crime was cannibalism. She returned to the shocking response from Alieu Kosiah, who explained that it was impossible for DN's heart to have

been eaten raw, comparing it to a goat's heart. According to the lawyer for the civil parties, these acts of cannibalism are very difficult to understand, and it is unclear whether they are part of a cultural ritual or acts of madness. She added that, in her view, this was a way to terrorize people and desecrate their bodies and internal organs, and stated that cannibalism was the most horrific manifestation of what the war in Liberia had been.

The attorney for the civil parties then discussed the administration established in Foya, which took the form of various measures such as a curfew, *checkpoints*, and the S2 office. She stated that the chain of command within ULIMO was not clear, but that it had been possible to determine the following hierarchy in Lofa (in order of importance): Pepper & Salt, who led the operations to capture Lofa County; Alieu Kosiah, the H&H of Lofa County, based in Voinjama; Deku, the *ground commander*; and, at the same level, Kundi, Ugly Boy, Mami Wata, and Blackie. They were all under the high command of Dombuyah, Kromah, and Fofana. According to the attorney for the civil parties, however, the high command did little to prevent the outbreak of violence by the commanders based in Lofa, particularly in light of the *"Black Friday"* incident, which was mentioned so many times by witnesses and civil parties. This event was so sensational (i) that it was necessary to conceal what was happening from Pepper & Salt, notably by burning the bodies or burying them more discreetly, (ii) that an investigation was demanded by the international community, and (iii) that Alhaji Kromah apologized to the population at the end of the first war in an attempt to win votes. According to the lawyer for the civil parties, the defendant's claim that General Dombuyah would never have allowed his men to commit atrocities against the civilian population cannot be accepted. One need only recall the testimony of Massa Washington, who stated that she had written an article about the ULIMO headquarters, where she had seen ropes made of human intestines at *checkpoints* and heads on stakes, and described the threats made against her by General Dombuyah. According to the attorney for the civil parties, the chain of command was fully aware of what was happening and not only failed to punish the abuses but committed them itself.

Regarding Kundi, the lawyer for the civil parties stated that, upon leaving the trial, she felt she knew nothing more about him than what was already in the case file. She said that Kundi had said very little and that what she remembered was "his denials *ad nauseam*."

Regarding the distinction between Foya City and Foya District, the attorney for the civil parties emphasized that this explanation—provided by the defendant ten days after the start of the trial in response to a question from his counsel—came too late. However, it is undisputed that Kundi was *a battlefront commander* and could travel to the front lines and then return to Foya. According to the civil parties' attorney's understanding, there was no defined front line since the bush was infested with Taylor's rebels. She stated that she was convinced Kunti Kamara had lived in Foya, as several witnesses had placed him there, specifying that he had a house in Foya near the old market. The attorney for the civil parties added that, in her view, this distinction between Foya City and Foya District was a belated attempt by the accused to evade the charges brought against him.

The attorney for the civil parties then briefly touched on the conspiracy theory, assuming that the Court had already heard enough on the subject. She simply pointed out that HB was Mandinka and that the ethnic aspect was a narrative specific to Kunti Kamara and Alieu Kosiah, who were

the only two to speak of this hatred toward the Mandinka. According to the attorney for the civil parties, Kunti Kamara and Alieu Kosiah have maintained the same frame of reference as they did 28 years ago.

Regarding the capture of Foya, the attorney for the civil parties stated that all the witnesses and civil parties gave the same account, namely that they fled into the bush, were then tracked down by ULIMO, and brought back to Foya, where gatherings were held and where they were treated like slaves. According to the attorney for the civil parties, everyone described this system of total exploitation. Since ULIMO lacked the means to pay its soldiers, the soldiers were free to loot everything, take everything, and sell everything.

Regarding the victims, the attorney for the civil parties began by referring to the testimony of LSM, who was accused of being an NPFL rebel and tortured using the "tabé" method along with six other men, who were subsequently killed and thrown into a well. As for LSM, he was dragged along the ground for several meters and witnessed another man having his head smashed with a rock. More than twenty years after the events, he still suffers from lasting effects, as he has not regained the use of his arm. The attorney for the civil parties emphasized that LSM's account was corroborated in every detail by the testimony of SS, who also identified Kunti Kamara from a photo lineup. She stated that, in an attempt to challenge the credibility of their accounts, the defense questioned the existence of the well, even though it had been located by the Swiss authorities. The attorney for the civil parties reiterated what she had already explained, namely that the civilians were forced to seal off the well because of the smell of decomposing bodies emanating from it.

Regarding the forced marches and enslavement, the lawyer for the civil parties noted that all the witnesses and civil parties had spoken about them, including Alieu Kosiah. Everyone is thus aware of their existence, with the exception of Kunti Kamara, who nevertheless acknowledges knowing Solomba. The attorney for the civil parties then asked the Court to imagine the state of terror in which the civilians found themselves during these forced marches, since they understood that if they did not reach their destination, they would be killed. The attorney for the civil parties clarified that the commanders organized both "short marches" for transporting coffee or cocoa and larger marches, notably the "electric generator march." Regarding the "generator march," the attorney for the civil parties noted the existence of two corroborating testimonies: that of JTC as a victim and that of LSM as a perpetrator. According to the attorney for the civil parties, their accounts are very precise. She noted that JTC had even named the villages that had to be crossed to reach Solomba.

The attorney for the civil parties then briefly focused on JTC, explaining that he had overcome his trauma through a religious conversion and that he is now at peace and driven by a sense of duty to testify, aware that life expectancy is low in Liberia and that his testimony will eventually be lost. The only trauma he may not have overcome relates to the atrocities suffered by M, who was taken by Ugly Boy as a sex slave.

As for SFC, another victim of forced marches, he has shown great resilience, according to the attorney for the civil parties, and has been appointed chief of his village. The attorney for the civil

parties made a point of recalling SFC's statements, in which he thanked the Court for the measures taken, noting that the acts committed during the war were downplayed in Liberia.

The lawyer for the civil parties then addressed the murder of KT and expressed her disappointment that the Court had been unable to hear from NS. According to the lawyer, KT's murder sent shockwaves through Foya District. EP reportedly even tried to file a complaint about it with the S2 office or the *ground commander*. The attorney for the civil parties stated that she was struck by the fact that the witnesses recounted what had happened before the murder—namely, the child's burial and the $100 given by Kundi to the family. She asked the Court to imagine what KT must have felt just before Kundi executed her, as she was in agony and had just lost her child. The attorney for the civil parties then referred to the testimony of FG, who must live with his guilt and grief.

She added that the other murder in the case concerned the events involving DN. She noted the presence of a single eyewitness while emphasizing that it was rare to have more than one eyewitness for such incidents due to limited life expectancy and fear of reprisals. In this regard, the attorney for the civil parties noted the existence of veterans' networks and the testimony of LSM, who recounted having been violently assaulted. The attorney for the civil parties stated that, in addition to JTC, there was also a whole series of indirect witnesses, as well as newspapers from that time, to document the murder of DN. Even if the motive remains unclear, the fact remains that DN was arrested, beaten, and executed. It was his daughter AN and his wife MN who recounted these events before the Court. According to the attorney for the civil parties, the court heard the full extent of these two women's pain during the hearing, noting that while AN was certainly more reserved, everyone nevertheless understood the devastating consequences that her father's murder had on her life.

The attorney for the civil parties then referred to the other women in the case—namely, EFNS and RSK—who represent women reduced to sexual slavery. According to the attorney for the civil parties, it is clear from the various testimonies that the women offered themselves to the least brutal soldiers in order to obtain some form of protection. The attorney for the civil parties highlighted the use of numerous euphemisms (e.g., "taking as a wife," *"girlfriend,"* etc.) which, in her view, conceal ongoing rapes and demonstrate that shame and stigma are still very much present. She also recalled the testimony of EFNS, who stated that she had been stripped naked, tied up, and raped by a soldier, before breaking down in the courtroom. At the same time, Kundi is portrayed as the one who approves, laughs, and stands by idly. The attorney for the civil parties read aloud the words EFNS addressed to the Court—namely, that she did not wish to return to the courtroom or see Kundi again, as it was too painful for her, and she demanded that justice be served. The attorney for the civil parties then spoke of RSK's remarkable journey, noting that she had become a nurse and set aside her own story to give voice to others. Today, according to the attorney for the civil parties, it is by caring for others that RSK is able to heal herself. Added to these two deeply moving accounts are the story of AN and the story of M, as recounted by JTC.

The attorney for the civil parties stated that all this suffering was pointless and that she did not see how such terror could serve ULIMO's military objectives. In her view, Kunti Kamara is in denial when he claims he is innocent, that he saw nothing, did nothing, and that everyone else is

lying. Even Alieu Kosiah admits that the war was horrific and that there was looting, rape, murder, and the use of child soldiers. The attorney for the civil parties highlighted the discrepancy between Kunti Kamara's account and reality and stated that she had the impression the defendant was still caught up in that war and had retained the same mindset as the ULIMO soldier he was 28 years ago. She added that he had shown no empathy toward the victims and always reduced everything to his own suffering. The lawyer for the civil parties regretted the lack of sincere words from Kunti Kamara, who, in her view, could at least have acknowledged that this war had been terrible for all Liberians. In this regard, she cited the observations of Dr. Zagury, who noted that the defendant was rebuilding his life and presenting himself as someone who denies his past, in the event that the charges against him are upheld.

The attorney for the civil parties concluded her closing argument by noting that she had represented nine victims and Civitas Maxima, which had done remarkable work. She stated that without these NGOs, nothing would be possible, and that this three-week trial was a huge step forward for the victims, as it had given them hope. The attorney for the civil parties concluded by quoting TFT, which stated that fear had shifted sides, and Massa Washington, who said, "This trial gives hope to Liberians. We hope that one day, there will be justice on our own soil. In the meantime, we are grateful."

October 31, 2022 – Day 16: Prosecution and Defense Arguments

The prosecution began by recalling the principle of universal jurisdiction and its importance for Liberia. The prosecution explained how ULIMO committed massive and systematic crimes against the civilian population, which *"did not happen just in Foya, but in all towns of Lofa: Voinjama, Kolahun, Zorzor, and* beyond," and that crimes of this nature concern not only Liberians but humanity as a whole. It further elaborated that, although Mr. Kamara had stated that he commanded two platoons, he has never shown remorse or offered any justification beyond claiming that he knew nothing.

The defense argued that there was insufficient material evidence to find Mr. Kamara guilty of the crimes of which he was accused, and that some witnesses and civil parties described him as cross-eyed, which he is not. It then stated that this is not a trial against ULIMO, but against Mr. Kamara, and that the jury should not reach a decision based solely on what the witnesses and civil parties had disclosed, but on the totality of the evidence. It further explained that the actions ULIMO carried out in Lofa were not systematic, but rather isolated incidents targeting the civilian population, and therefore Mr. Kamara could not be convicted of crimes against humanity: *"You are not Liberian avengers; you are French jurors*," stated the defense.

Finally, both parties told the jury that this verdict will be historic, as it is the first case concerning the Liberian civil war to be tried in a French court, and that the verdict will be heard far beyond the country's borders.

October 31, 2022—Day 16: Closing Arguments by the Prosecution and the Defense

The morning was devoted to the closing arguments of the two deputy public prosecutors, and the afternoon to the closing arguments of the defense attorneys.

The first prosecutor stated that she was speaking after three weeks of an intense trial featuring complex accounts that were difficult to hear given the horror of the crimes committed. She reminded the jurors of their duty to judge a man according to their innermost convictions. The prosecutor proposed reviewing the facts and Kunti Kamara's role in ULIMO before addressing the crimes committed, their legal classification, and finally the proposed sentence.

The prosecutor began by explaining why Kunti Kamara was being tried in France and the concept of universal jurisdiction. She briefly reviewed the international criminal justice movement and the jurisdiction of French authorities in this particular case, which is based on Kunti Kamara's presence on French territory for the past two years. She explained that the rule of universal jurisdiction applies only to the most serious crimes—namely, crimes against humanity and acts of torture—and constitutes an indispensable tool in the fight against impunity. The Advocate General stated that France should not be a place of asylum for torturers. In her view, the aim here is not to replace a country's justice system but to compensate for the lack of a judicial

response, whether due to a lack of will or a lack of capacity on the part of a given country. In this regard, she highlighted the impunity surrounding crimes committed in Liberia. Indeed, despite the non-exhaustive list of perpetrators compiled by the Truth and Reconciliation Commission (TRC)—on which Kunti Kamara's name does not appear—former rebel leaders continue to be active in politics, thereby forcing victims to live alongside their tormentors. According to the Advocate General, this situation is indicative of the impunity that prevails in Liberia.

The Advocate General then recalled John Stewart's remarks regarding the victims' desire to be recognized as such and to obtain justice. She added that trials such as that of Kunti Kamara were the only means for Liberian victims to obtain justice, since no international tribunal had been established. She explained that Kunti Kamara's trial was the first in France concerning crimes committed in Liberia and that other jurisdictions had also had to hear such cases, such as the Netherlands, the United States, and Switzerland. She noted that the proceedings in Switzerland against Alieu Kosiah were of particular significance because they concerned the same time period and, in some cases, the same acts as those alleged against Kunti Kamara. She added that the proceedings against Kunti Kamara had their origin in the Swiss proceedings, insofar as Alieu Kosiah had called Kunti as a defense witness.

The Advocate General then addressed the reasons why Kunti Kamara was being tried thirty years after the events. She explained that the French courts had become aware of the facts in 2018 during Alieu Kosiah's trial, and that the situation became clearer in 2019 following the filing of a complaint by Civitas Maxima. The prosecutor noted that the defense had expressed surprise at the belated filing of the complaint and stated that one need only understand the situation in Liberia at the time—namely, a country devastated in the wake of a civil war that had caused the exodus of one and a half million people. She added that witnesses and civil parties had been discouraged by the culture of impunity and cited, in this regard, the futile efforts of the CVR, whose recommendations were not followed. She further cited MN and SFC, who mentioned the excessive costs associated with filing a complaint in Liberia.

The Advocate General went on to blame the accused himself for the 30-year delay in bringing the case to trial, since he had consistently concealed his activities within ULIMO. He did everything he could to evade his responsibilities, first in Guinea, then in the Netherlands—which he left for Belgium before moving to France. The Advocate General noted that France was not his final destination, as he was arrested the day before his departure for Lisbon. She stated that Kunti Kamara had never intended to face justice, a fact he had, moreover, made no secret of. The Advocate General also commended the investigative work of Civitas Maxima and emphasized the importance of the role played by nongovernmental organizations in such cases.

The Advocate General also reminded the jurors that they were not the first to grapple with the complex concepts of crimes against humanity. She explained that since the creation of the National Crimes Against Humanity Unit, six trials had taken place in connection with crimes in Rwanda. She added that these hearings had always presented the same challenges, but that justice had always been served. The Advocate General also reminded the jurors that they were not the first to grapple with the complex concepts of crimes against humanity. She explained that since the creation of the National Crimes Against Humanity Unit, six trials had taken place in

connection with crimes in Rwanda. She added that these hearings had always presented the same challenges, but that justice had always been served.

The Advocate General acknowledged that it was not easy to try Kunti Kamara for crimes committed 5,000 kilometers from Paris. In this regard, she clarified that it was not possible to approach the case in the same way as a conventional crime. Indeed, in her view, although French procedure applies, one cannot expect the same type of evidence. To illustrate her point, the Advocate General noted that at the time of the events, the Liberian government was dysfunctional. In particular, she cited the absence of dates of birth and civil registry records and referred to the statements of psychologist Amal Hachet, who noted that the relationship to time and dates was different—especially in a country ravaged by civil war—which explained why the witnesses and civil parties were unable to state their ages. She added that there were no death certificates, no doctors, no hospitals, and no police, and that there was therefore very little physical evidence. The Advocate General stated that demanding physical evidence, as the defense had done, amounted to "denying reality and enshrining the impunity of the perpetrators under the pretext that without physical evidence, it is impossible to try them."

Regarding testimonial evidence, the Advocate General stated that it was not merely supplementary evidence and that it remained the central evidence in cases of crimes against humanity, particularly when corroborated by contextual elements. She clarified that she was not suggesting that testimony was perfect evidence, since some witnesses might lie or contradict themselves. One should therefore not expect perfectly consistent statements, but rather take into account the chaotic context of war as well as the trauma suffered by the witnesses and victims. These factors distort memory and the perception of time, but according to the Advocate General, these difficulties should not disqualify the testimonies. On the contrary, it is necessary to cross-check the testimonies and compare them with discernment in order to distinguish between approximations—which are understandable given the time that has elapsed—and lies. Regarding the allegation that Civitas Maxima manipulated or bribed witnesses, the Advocate General emphasized the lack of evidence presented by Kunti Kamara and stated that the Prosecution trusted the Court to determine the truth of this alleged manipulation.

The Advocate General then briefly addressed the difficulties in identifying and locating witnesses, compounded by impunity in Liberia and the fear of reporting crimes and their perpetrators. In this regard, she paid tribute to the witnesses and civil parties who had the courage to come forward and testify.

Although witness testimony remains the central element of the case, the Advocate General explained that it had been corroborated by the investigations. By way of example, she noted that Kunti Kamara had been heard ten times, including confrontations, and that 44 witnesses had been heard. She added that reenactments had been conducted in the presence of the defendant's counsel, who raised no objections at the time. She also referred to the psychological evaluations and stated that the entire investigative process was aimed at providing additional evidence for the case. She further noted that the situation in Lofa had been less documented, as few international observers had traveled there—in particular because they had been prevented from doing so by armed groups. Despite this, the Advocate General noted that the Court had access to news articles, NGO reports, photographs, the work of the Truth and Reconciliation

Commission (TRC), and statements from high-ranking ULIMO officials. In short, she argued that all of these elements made it possible to cross-examine the testimonies and establish their probative value so that the Court could render its verdict.

Addressing the jurors, the Advocate General explained that it was nearly time for them to retire to deliberate on Kunti Kamara's guilt. She stated that each juror must form a firm conviction in their own mind and reminded them that a firm conviction requires overcoming any reasonable doubt. She explained that judicial doubt was the process of questioning that allowed them to proceed collectively in analyzing the facts and that it should not prevent them from reaching a verdict. She reminded them that their decision was rendered in the name of the French people, whom they represented, and that it was the noblest decision possible, especially in cases involving crimes against humanity and acts of torture. She clarified that the goal was to uphold the rule of law and recognize the dignity of the victims. Regarding the role of the Public Prosecutor's Office, she reiterated that it had neither a political nor a diplomatic mission, nor did it receive instructions, but rather defended the public interest. Thus, she explained that the Public Prosecutor's Office was there to inform the jurors regarding Kunti Kamara's liability and that its mission was not to support the implausible, but to weigh the evidence and draw conclusions. She noted that this approach had led the Advocates General to request that charges for certain offenses be dismissed, which were upheld by the investigating judge and the Court.

The second Advocate General then took the floor and revisited the context of the charges against Kunti Kamara. She stated that three weeks earlier, the Court had delved into Liberia, a country with a unique and forgotten history that few people knew about. She explained that Liberia is a country in West Africa, bordered by the Atlantic Ocean on one side and by Guinea, Sierra Leone, and Côte d'Ivoire on the other. She then noted that the country had two seasons: a rainy season (from May to October) and a dry season. She added that Liberia was among the poorest and least developed countries in the world, with a life expectancy of 60 years, noting that it was only 40 years at the time of the events. The Advocate General then explained that the population consisted of 16 ethnic groups (including the Mandinka and the Kissi), in addition to freed slaves. Regarding Liberia's history, she noted that it was one of the few countries in Africa never to have been colonized and that Liberia had been founded by former freed slaves. According to the Advocate General, the country's administration was built on the personal interests of decision-makers.

The Advocate General then addressed the civil wars, explaining that they stemmed from the coup d'état led by Samuel Doe, who was responsible for the assassination of President Tolbert and the public execution of 13 leaders. The first civil war began in December 1989 with the NPFL's invasion from Côte d'Ivoire. The Advocate General explained that acts of terror were quickly claimed and urged the Court to recall the circumstances of Samuel Doe's assassination, during which he was tortured and his body was paraded through the streets of Monrovia.

The Advocate General described the major stages of the Liberian civil wars, which she characterized as complex, while reassuring the jurors that it was not necessary to understand every detail. She first explained that, following the NPFL invasion, the country became mired in a struggle between armed groups. In response, other groups were formed, including ULIMO, which initially brought together Krahn and Mandinka fighters. The Advocate General chose not to go

into detail about every stage and asked the Court to bear in mind that in March 1994, ULIMO had split into ULIMO-K, led by Kromah of the Mandinka ethnic group, and ULIMO-J, led by Johnson of the Krahn ethnic group. The Advocate General noted that the civil war ended in 1997 with the election of Charles Taylor and the emergence of a new rebel group, the LURD. The second civil war lasted from 1997 to 2003 and ended with Charles Taylor's resignation under international pressure.

The Prosecutor then briefly addressed the "Kissi conspiracy" theory put forward by Kunti Kamara to explain the charges against him. She recalled the statements by Thierry Paulais, according to which ethnic groups had been exploited by the leaders of armed groups to mobilize the population, and clarified that civilians were considered allies or enemies depending on their ethnicity. She emphasized that, in reality, everyone's goal was to gain power and take control of the country and its resources—particularly natural resources, infrastructure, women, and children.

The Advocate General recalled that it had been established—notably by the CVR report—that all armed groups had committed crimes against civilians. Regarding the defense's attempts to highlight the number of abuses committed by the NPFL compared to those committed by ULIMO, the Advocate General considered this comparison irrelevant, emphasizing that every armed group recruited civilians. Some civilians joined the group voluntarily, but others were forced to do so, particularly children. The Advocate General also noted that the hierarchy within the armed groups did not preclude local autonomy under the authority of local commanders. She added that soldiers were not paid and that the phrase *"pay yourself"* had left the door open to all manner of abuses committed against civilians. She then noted that the civil war had ended in 2003 and that the country's reconstruction remained incomplete to this day. In this regard, she specified that the Truth and Reconciliation Commission (TRC) had recorded between 250,000 and 300,000 deaths and 1 million displaced persons out of a total population of 2 million. She stated that the situation in terms of development was critical and that the ruins of the former Foya power plant—which has never been rebuilt—symbolized this lag.

Before examining Kunti Kamara's position within ULIMO, the Advocate General wished to provide some details about the Lofa region. She described it as a rural county of just under 10 000 km^2 in which most towns lacked running water and electricity. She added that the inhabitants were farmers and noted that the county was home to numerous communities, including the Kissis, the Gbandis, and the Mandingues. The Advocate General noted that at the time, the Lofa region was larger and was divided into six districts comprising a main town, villages, and the bush. She specified that the town of Foya was located on the outskirts of the county in the district of the same name and was more than a 13-hour drive from the capital, Monrovia.

The prosecutor then explained the strategic importance of the town of Foya, which stems from its proximity to the borders with Guinea and Sierra Leone, before discussing ULIMO's conquest of Lofa County. She noted that the county was initially under NPFL control until the arrival of a battalion led by Pepper & Salt. She cited veterans stationed in the region, including Jungle Jabbah and Alieu Kosiah. The Prosecutor General clarified that the stages of ULIMO's conquest of Lofa County were well-documented and that Foya had likely been captured in July 1993. From that date onward, ULIMO was the only armed group controlling the district. Regarding the question of

whether the residents of Foya were able to distinguish between the NPFL period and the ULIMO period, the Advocate General emphasized that all witnesses and civil parties had answered in the affirmative and that some had specified that under the NPFL, it was possible to live, though life was not "pleasant."

Regarding local authorities, the Advocate General explained that there were none once ULIMO took control of the region and at least until the end of 1994. Village chiefs had become spokespeople since members of the government and the police had fled. The Advocate General emphasized that it had become clear during the trial that the residents of Foya were not NPFL rebels, but ordinary civilians, and that they had never taken up arms or even considered doing so. She added that this had not prevented them from being equated with NPFL sympathizers and labeled as enemies, and recalled that the terrible fate that befell the civilian population had been described by witnesses and civil parties.

The Advocate General then addressed the tools of absolute control put in place by ULIMO, namely the curfew (violation of which resulted in death and which made it possible to track the whereabouts of residents so they could be rounded up directly from their homes for forced marches), the S-2 office (set up in the former police stations and a mandatory stop for identifying and registering residents), the bloody checkpoints where heads were impaled on stakes, the gatherings aimed at rounding up the population, and the relentless manhunts in the bush. The Advocate General recalled the words of FG, who stated: "They were there to destroy us."

According to the Advocate General, these tactics reflect a modus operandi, namely terror as a means of governance. She also cited the roundups of residents, the seizure of homes, the forced provision of food, systematic looting, the exploitation of residents, women reduced to sexual and domestic slavery, men forced to carry heavy loads, public executions, acts of torture and cannibalism, the use of the "tabé" method, human hearts being ripped out, corpses placed in wheelbarrows, and the forced purchase of body parts. The Advocate General noted that the incident involving the wheelbarrows had been recounted identically by numerous witnesses and was also documented in the CVR report and the press at the time. According to the Advocate General, these abuses were all tools of terror used by all armed groups. She emphasized that Lofa County, occupied by ULIMO, ranked third in terms of the number of victims according to the CVR report. She added that the systematic and widespread nature of the abuses was mentioned by Alain Werner in the Kosiah case and stated that the victims were primarily civilians. The Advocate General urged the Court to take into account, on the one hand, the horror and massive scale of the crimes committed, and, on the other hand, the hegemonic authority of ULIMO, which exercised quasi-sovereign functions in Lofa between 1993 and 1995.

The Advocate General went on to explain that the Court's mission was not to adjudicate the first civil war, but to judge a man according to his individual responsibility. She clarified that this man was Kunti Kamara, also known as CO Kundi, and that there was no one else.

Regarding the accused's position in ULIMO, the Advocate General noted that in Liberia, commanders were referred to as "C.O." (*Commanding* Officer) and that it was possible to attain that rank at a very young age, due in particular to the low life expectancy at the time. Regarding the commanders in Foya, she cited the names mentioned by the witnesses and civil parties,

namely CO Deku, Fine Boy, Ugly Boy (or Saah Chuey), Mami Wata, and the accused, CO Kundi. She added Alieu Kosiah, alias Physical Cash, noting that he appeared to hold a higher rank than CO Kundi. Under the command of the aforementioned commanders were combatants and bodyguards. The Prosecutor then described the chain of command, from the national to the local level, based on the available information: Kromah, Dombuyah (Chief of Staff), Pepper & Salt (Lofa County Chief), Deku, and the other commanders within Lofa County. She clarified that although Deku appeared to hold authority, each commander retained authority over his own men. According to the Prosecutor General, beyond this formal chain of command, commanders on the ground had freedom of action, which led to widespread abuses against the residents of Lofa.

The Advocate General then addressed Kunti Kamara's position within ULIMO at the time of the events. She began by explaining that, based on the statements of the accused and former ULIMO members, everyone knew Kundi, whether at the lower or upper levels of the organization. The prosecutor also referred to the statements of witnesses, who explained that they recognized the commanders because they were in uniform and armed. She added that in 2008, JS named Kundi as a commander in Foya before the CVR. According to her, all of this evidence indicates that Kunti Kamara voluntarily joined ULIMO and rose through the ranks until he was promoted to colonel. The prosecutor then highlighted the many uncertainties surrounding the accused's specific responsibilities, while noting two consistent facts. The first is that he was based in Foya most of the time. In this regard, the prosecutor recalled that the defendant had admitted to contributing to the capture of Foya and participating in the manhunt for TT. Furthermore, Alieu Kosiah stated that Kunti Kamara was in Foya 80% of the time and reaffirmed having seen him there. Finally, several witnesses and civil parties saw him in the town of Foya, and some even stated that he was a resident there. The Prosecutor General added that the birth of Kunti Kamara's daughter in Foya in 1995 provided further evidence of his presence there during that period. While not disputing that the accused may have occasionally been absent from the town of Foya, the Prosecutor General maintained that he was based there.

As for the second point, the Advocate General asserted that Kunti Kamara was not a rank-and-file soldier but a commander recognized by all, and that his rank corresponded to that of *a battlefield commander*. She noted that Kunti Kamara did not accuse anyone of lying on this point. Although he remained confused, he commanded men and stated himself that he had two platoons under his command—equivalent to 88 men—as well as bodyguards, which was confirmed by LSM and Alieu Kosiah. Furthermore, Kunti Kamara referred to his authority to impose disciplinary measures, explaining that he could beat his soldiers with a stick. In light of all these facts, the Prosecutor General concluded that the accused held the following position within ULIMO: a local commander with clear responsibilities, tasked with leading men into battle and controlling Foya. As such, he exercised a certain degree of authority over his men and over civilians, a fact confirmed by witnesses who stated that they had not seen Kunti Kamara receiving orders.

Acts Committed to the Detriment of DN

The Advocate General then addressed Kunti Kamara's responsibility in connection with the killing of DN. In this regard, she noted that while it was impossible to pinpoint the exact date of the events, DN had indeed been executed, likely in the first few months following the occupation of ULIMO. The prosecutor also cited the news article mentioning DN's murder. She then revisited

the testimony of JTC, who was heard three times and cross-examined by the accused as well as DN's widow. She added that JTC's testimony was precise and detailed, consistent with his previous statements. The prosecutor explained that DN's "killing" stemmed from ULIMO's destruction of the Borma Mission and from the conversation DN had with white aid workers, during which he told them that ULIMO was responsible for the damage caused. Although the identity of the NGO is unknown, the meeting is established insofar as a police officer was present during the conversation. The defense questioned DN's alleged statements, but the prosecutor stated that it was not in DN's nature to lie and that he may have believed the aid workers had come to free the residents of Foya.

Furthermore, the prosecutor noted that JTC had consistently recounted the same sequence of events, as well as Kunti Kamara's active participation in DN's killing, including prior to his arrest. The Advocate General explained that Kunti Kamara had participated in the armed arrest of DN, then in his transport to the police station, and had helped tie him up using the "tabé" method. She added that he himself had kicked DN while he was on the ground and still bound. She finally referred to the killing on the *airfield* and the commanders' jubilant cries *of "Try ULIMO, your heart*." The prosecutor then recalled the statements of JTC, who described the axe blow delivered by Ugly Boy and the removal of DN's heart. As for Kunti Kamara, he had remained nearby and was rejoicing. Finally, the prosecutor recalled the "cannibalistic sequence" of events, as all the commanders, including Kunti Kamara, ate a piece of DN's heart in front of Ugly Boy's house.

The prosecutor concluded that even if Kunti Kamara did not deliver the axe blow himself, he participated as an active perpetrator in the killing of DN, which would not have been carried out without the participation of each commander. The prosecutor explained that the strength of JTC's testimony lay in the fact that he had been questioned for two years without changing his statements. She noted a few discrepancies, notably regarding the visit to the police station and the duration of DN's arrest. In this regard, she noted that the events had taken place 29 years ago and that the reconstruction of the scene had made it possible to establish, on the one hand, that JTC was indeed nearby and that it was possible to see what was happening—contrary to what the defense had attempted to argue—and, on the other hand, the feasibility of the various stages of the incident. Regarding the other evidence in the case file, the Advocate General referred to the testimony of DFB, who did not witness the scene but saw DN's body on the *airfield* and participated in its burial. She noted that DFB's details regarding the state of decomposition of the body and his observations about the body corresponded to the circumstances described by JTC and revealed the degrading treatment to which DN's body had been subjected. Finally, the Advocate General recounted the testimonies of DN's widow and daughter, who came to express their grief and relive their memories, even though they were not direct witnesses. She noted that Kunti Kamara's only reaction to these testimonies was to highlight the request for assistance made by MN, which he considered to be financially motivated. The Advocate General stated that the barbaric act committed against DN was a defining event and an unequivocal message of terror: anyone who defied ULIMO would pay the price. The Advocate General regretted the absence of other direct witnesses, noting the difficulties in finding witnesses, particularly due to the situation in the country and the impunity that prevails there. She noted that Swiss courts had convicted Alieu Kosiah based on the testimony of JTC, which they deemed credible. She then urged the Court to broaden its perspective to take into account the fact that the practice of

"tabé" and heart-ripping had been carried out by other armed factions and documented by war photographers and NGOs. Furthermore, both RSK and LSM stated that they had seen Ugly Boy engaging in this practice, which lends credence to the scene. She concluded that Kunti Kamara had actively and decisively participated in the killing of DN and urged the Court to find him guilty of these acts.

Acts Committed Against KT

The Advocate General continued with the second set of facts, namely the killing of KT in Foya Dundu in 1993. She noted that the testimonies of four eyewitnesses had been read or heard: those of FG, KT's brother; NS, her husband; TK, the former village chief; and FP, a neighbor. The testimonies of these four witnesses were tested against reality during reenactments. According to the Advocate General, a consistent chronology emerges from these various testimonies.

The Advocate General explained that Foya Dundu was located five kilometers from Foya and was a hamlet consisting of a few mud-brick houses. She added that KT, of the Kissi ethnic group, was married to NS and was very ill. The Advocate General then briefly summarized the facts: the death of KT's sick child, the funeral held the following day, and the arrival of Kunti Kamara and his men. At first, Kunti Kamara gave the village chief a small amount of money before leaving. He then returned, ordering his men to drag KT out of the house before shooting her in the head with a G3 assault rifle. The blow was so violent that KT's brain exploded. After this traumatic execution, Kunti Kamara ordered that the body be buried and burned. The defendant then made death threats, as reported by FG, who then hid behind a banana tree before fleeing.

The Advocate General explained that the reconstruction of the scene had made it possible to pinpoint FG's location and confirm that he could indeed have witnessed the incident. She then noted that both FG and FP had formally identified Kunti Kamara as the perpetrator of the crime. Finally, the Advocate General outlined the key factors pointing to Kunti Kamara's involvement: the extreme violence and senseless nature of the killing, as well as Kunti Kamara's authority over his soldiers. In this regard, she noted that both FG and FP had stated that Kunti Kamara was the leader and that it was impossible to defy him. The Advocate General stated that the accused played a central and personal role. She then referred to the testimony of TK, who indicated that he had no complaints against Kunti Kamara, with the exception of KT's death. The Advocate General then addressed the few discrepancies in the testimonies, particularly regarding how KT had been dragged out of the house and her pleas for mercy. In this regard, she noted that the sequence of events had unfolded very rapidly and that one must be lenient when reconstructing traumatic memories, particularly for a husband and a brother. The Advocate General concluded by asking the Court to find the accused guilty.

Acts Committed Against JTC and SFC

The Advocate General then referred to the forced marches imposed, in particular, on JTC and SFC in 1993 in Foya and its surroundings. She explained that ULIMO made looting the region a priority under the slogan *"pay yourself*." She emphasized that numerous testimonies and other pieces of evidence had been collected to that effect, notably by the CVR, the press, and NGOs, despite the fact that Kunti Kamara has consistently denied the allegations. She recalled that former ULIMO

members (notably Kwamex Fofana and Abraham Towah) confirmed the exploitation of civilians during these marches due to the scarcity of vehicles and also mentioned the transport of goods on the Makona River using canoes. Similarly, numerous witnesses and civil parties described how ULIMO organized these marches according to a consistent modus operandi: the arrest of civilians at any time—either at their homes during curfew or while traveling in town—followed by the forced transport of heavy loads to the Guinean border via the town of Solomba. They all dated these events to the first months of the ULIMO occupation (the second half of 1993) during the rainy season, when the condition of the roads made the use of vehicles impractical. They all stated that ULIMO soldiers escorted the marches and that civilians risked being forced to carry loads on the return trip as well. They all described the terror that reigned during these marches, due to blows with rifle butts or tree branches inflicted on those who complained of being tired, regular deaths from exhaustion or beatings, and summary executions. In addition to this violence, all of them mentioned the threats made by the soldiers, particularly the phrase *"Till Go,"* which Kunti Kamara said she was familiar with, noting that it was used on the front lines to motivate soldiers. According to the Advocate General, the use of these expressions during forced marches illustrates the blurring of the lines between the military front and the other "front"—that of the villages and their inhabitants, who were regarded as enemies. The Advocate General noted that the conscripted civilians marched for several hours, without water or food, terrified and starving. They were obviously not paid and had no way of escaping, unless they fled into the bush.

Regarding the charges against Kunti Kamara, the Advocate General began by addressing the facts concerning JTC. JTC described two marches organized by ULIMO for which he implicated Kundi. The first involved the looting of the power plant in the town of Foya and the transport of the generator, as mentioned by several witnesses. All stated that the generator had been looted in the first few months following ULIMO's capture of Foya. The prosecutor stated that there was no disagreement regarding the armed group responsible for this looting and that it was indeed ULIMO. According to the Advocate General, JTC was specific about the generator's location, the number of civilians conscripted, and the commanders involved, including CO Deku, Alieu Kosiah, Ugly Boy, Mami Wata, and Kundi. JTC described in detail the mode of transport , and how the generator parts were lifted. He detailed the various stages of the march until their arrival in Solomba and estimated the total duration of the journey at 6 or 7 hours. He also described the unloading of the parts at the border and their transport across the river using canoes.

According to the prosecutor, the on-site reconstruction conducted in April 2019 confirmed the credibility of JTC's statements. In addition, JTC has been consistent in his accusations against Kunti Kamara. He stated that he saw him throughout the entire transport, including at the beginning near the power plant, and declared that Kamara was leading soldiers and moving back and forth while exercising his authority as a commander. He also stated that he saw him threatening civilians and noted that he did not observe any hierarchy among the ULIMO commanders, which led the Swiss courts to acquit Alieu Kosiah of the charge of organizing the march. The prosecutor noted the existence of other testimonies, such as that of TFT, who stated that he witnessed the looting of the power plant and saw Kundi, and that of LSM, who supervised the march and heard that Kundi was present.

JTC also implicated Kunti Kamara in connection with a second march intended to transport food supplies to Solomba. He explained that he had been arrested in broad daylight along with twenty other civilians to carry out this march. He described the beatings the civilians received when they did not move fast enough and estimated that he had carried a load of 60 kg for several kilometers. According to the Advocate General, JTC has consistently maintained that this transport was organized solely in the interest of Kundi, who was the sole leader of the march.

The Advocate General then addressed the facts concerning SFC and noted that he had implicated Kunti Kamara in the march involving the Borma Mission's generator, as well as in another march concerning the transport of food supplies. SFC recounted being arrested at his home to participate in the march involving the Borma Mission Hospital's electric generator. He described how the generator was dismantled and then loaded onto a trailer, as well as its transport by about fifty civilians to the Guinean border. According to the prosecutor, SFC detailed the various stages of the journey, specifying the house where the civilians had slept and the location where the trailer broke down.

The Advocate General noted that the defense had expressed surprise at the feasibility of such a transport given the difficulties involved, and stated that this was the very nature of slavery. The Advocate General then recalled the threatening chants mentioned by SFC, as well as the blows with rifle butts and mango branches that Kundi and his soldiers had inflicted on him throughout the journey. SFC stated that Kundi instilled fear in him. Recalling the events involving DN, SFC remembered that Kundi had threatened to rip out his heart. SFC also mentioned the orders Kundi gave to his soldiers upon their arrival in Solomba to unload the equipment and organize the river crossing by canoe. He clarified that the crossing was a privilege reserved for commanders and soldiers.

The Advocate General then addressed the second shipment for which SFC had implicated Kunti Kamara. This involved a shipment of coffee and palm oil led by CO Kundi, whose role SFC described in great detail. According to SFC, Kundi made threats such as *"If you get tired, I'll kill you*."

The Advocate General noted that Kunti Kamara denied these allegations, but several witnesses and civil parties provided a physical description matching that of the defendant. The Advocate General emphasized the high degree of precision in all the statements, the consistency of which was confirmed through reenactments. She noted that no desire for revenge or exaggeration had emerged from the testimonies—a point also confirmed by the psychological expert—since the witnesses and civil parties had incriminated Kunti Kamara only to the extent of his involvement, distinguishing between the marches organized by other commanders. The Advocate General urged the Court to rely on its own assessment of the various witnesses and stated that, despite their resilience, SFC and JTC continued to suffer physical and psychological aftereffects.

The Prosecutor asserted that the various testimonies and reenactments demonstrated Kunti Kamara's direct and personal involvement in organizing the two marches concerning JTC and the two marches concerning SFC, including with regard to the violence against SFC. She therefore asked the Court to find the accused guilty.

Acts Committed Against LSM

The Advocate General then turned to the facts concerning LSM. According to the Advocate General, the body of evidence made it clear that torture—particularly the "tabé" method—was practiced by all armed groups. In her view, LSM's statements on this matter are consistent. Indeed, he explained that he had been arrested by ULIMO soldiers while attempting to flee into the bush and had been accused of belonging to the NPFL. He was then taken back to Foya with other civilians and bound using the "tabé" method. He stated that he was the only one to protest and that he was dragged along the ground for several meters. He still suffers physical aftereffects, as he has not regained full use of his arm. He also explained that he witnessed the murder of a civilian, who was killed by being struck with stones. He has consistently implicated Alieu Kosiah and Kunti Kamara, and formally identified the latter from a lineup of photographs. According to the prosecutor, LSM has consistently maintained that Kunti Kamara was CO Kundi and that he inflicted these injuries on him. However, he is uncertain as to the identity of the person who pulled him to the ground, though he specified that Kundi had ordered his soldiers to do so. He has always been very clear about the chain of command held by Kosiah and Kundi, whom he considered the highest-ranking officers, which is why he regarded them as co-perpetrators. The Advocate General also noted that these facts had been confirmed by SS and that the only discrepancies between the testimonies of LSM and SS concerned the number of civilians arrested and the reasons why LSM had been spared. SS stated that she was in a house from which she witnessed the scene. She reported seeing Kundi order his soldiers to subject the civilians to the "tabé" and to drag LSM across the ground. In addition, SS formally identified the accused from a lineup of photographs.

The Advocate General stated that the defense will argue that LSM's statements have been inconsistent, which she acknowledged is possible 29 years after the events. According to the Advocate General, it is possible that LSM no longer remembers the content of the exchanges between Alieu Kosiah and Kunti Kamara or the exact moment when he was released from his bonds. In the Attorney General's view, however, these are peripheral issues, and LSM has been consistent regarding Kunti Kamara. He did, however, hesitate to implicate Fine Boy, but it is known that Fine Boy is in Liberia and that LSM has already been the victim of an assault following his testimony in Switzerland. Regarding the stabbing, LSM has always stated that he was stabbed in the back, as evidenced by his scar. He indicated that he did not know whether Kunti Kamara or Alieu Kosiah had inflicted this wound and merely reported what he had heard. The Advocate General urged the Court to bear in mind that Kunti Kamara was not accused of stabbing LSM, but of dragging him along the ground for several meters. She stated that the defense might attempt to argue that Kundi was under Kosiah's command, which is false since there was no hierarchy between them and Kundi acted entirely independently. In this regard, the Advocate General noted that all the witnesses who testified agreed that Kundi acted independently, a fact confirmed by the accused himself, as he stated that he had never been under Alieu Kosiah's command. Furthermore, the Advocate General pointed out that Kundi had left ULIMO with a higher rank than Alieu Kosiah.

In light of LSM's consistent statements, confirmed by SS, the Advocate General urged the Court to find Kunti Kamara guilty of participating in the torture suffered by LSM.

Acts Committed Against RSK and EFNS

The Advocate General addressed the final set of facts, which concerns complicity in the rapes committed against RSK and EFNS. The Advocate General noted that the rape of women and young girls was systematically practiced by all rebel groups. Women were reduced to domestic and sexual slavery. The Advocate General clarified that sexual offenses were among the crimes documented by the CVR and that 47% of those heard by the CVR were women who reported incidents of rape (particularly incestuous rape under duress) that led to the destruction of women, families, and entire communities. According to the Advocate General, the use of weapons during rapes confirms the intent to destroy women, since their injuries prevented them from having children. The Advocate General added that women were treated as sexual objects, which soldiers used as they pleased. She stated that these facts had been corroborated by numerous witnesses, including AN, who was raped in the bush at the age of 12; SFC's niece; and M, JTC's former partner; and that it was within this context of widespread rape that the accounts of EFNS and RSK must be understood.

The Advocate General then emphasized that the rapes committed against RSK and EFNS were not isolated incidents, but representative of what women experienced at the time. Contrary to the defendant's allegations, ULIMO troops were not under strict command that firmly condemned rape, since the commanders themselves committed such atrocities.

The prosecutor then noted that RSK and EFNS were both young girls at the time and had fled together into the bush to escape ULIMO. They were captured but were protected by a soldier, AG. According to the Advocate General, AG exchanged his protection for sexual favors, which EFNS accepted in order to keep her family safe. The two women explained that AG had fled after the split in ULIMO, which had ended their protection.

The prosecutor began by recounting the facts concerning EFNS, noting that the Court had heard her words, her screams, and her cries. EFNS first explained that she had been targeted by Kundi and his men, who were unable to locate AG. She was then captured by B, a soldier under CO Kundi's command. She described as best she could the sordid and inhumane rapes she endured while she was naked and bound using the "tabé" method. She spoke of the bayonet dusted with salt, its lasting effects, her infertility, and the trauma that still haunts her. The prosecutor noted that EFNS had been unable to finish her account, as she had been so overwhelmed by the violence and the shock. She said she had recognized Kundi during the hearing in the note she handed to her attorney.

According to the Advocate General, reference should also be made to her initial statements, which were read aloud during the hearing. EFNS explained that she had managed to escape from B's house, naked. Her screams had drawn a crowd to the street, including B's brother. Once outside, EFNS explained to B's brother what had happened to her, and Kundi approached to inquire about the situation. According to EFNS, Kundi's only response was, "Oh, I thought I'd been called for something serious." She clarified that B's brother had managed to secure her release and explained that she had subsequently been held captive and raped until she fled into the bush, where RSK cared for her. According to EFNS, Kundi did not participate in the rapes but allowed his subordinate to act while he could have intervened in his capacity as a superior

officer. The prosecutor also noted that EFNS provided a matching physical description of the accused, namely a man of short stature, dressed in military uniform. From the photo lineup presented to her, she identified two photos, one of which depicted Kunti Kamara. The prosecutor acknowledged that no forensic medical examination had been conducted on EFNS, but explained that this was due to a lack of trained personnel at the time of the events. We must therefore rely on the imperfect medical certificate, which nonetheless has the merit of existing, and it cannot be ruled out that the aftereffects from which EFNS suffers are related to the events. According to the Advocate General, there is also no evidence to cast doubt on EFNS's sincerity and credibility, especially given the marginalization faced by women who are victims of rape in Liberia.

Regarding the facts pertaining to RSK, the Advocate General stated that RSK had distinguished herself by the consistency of her statements throughout the proceedings. The young woman explained that she had learned of her friend EFNS's capture after AG had left and had attempted to visit her. It was on that occasion that she, in turn, was captured by two of Kundi's soldiers. She begged Kundi to help her, as he was an important leader, but she was met only with laughter and total indifference. She was then dragged to the ground and raped in a neighboring house. RSK later explained that each of her visits to EFNS was a pretext to rape her and beat her with the butt of a rifle, which drove her to flee to Guinea, leaving her friend EFNS in the hands of B. According to the Advocate General, RSK placed these events within a broader narrative, explaining that many women had suffered the same fate. The Advocate General then noted that RSK provided a description of Kunti Kamara: a commander based in Foya, in his twenties, wearing a military uniform, and of average height. According to the Advocate General, the defense will point out that Kundi is short, but RSK's assessment can be explained by the fact that she herself was not very tall at the time of the events, due to her young age, and may have been intimidated by Kundi. The Advocate General also emphasized that RSK had emotionally identified Kunti Kamara during the hearing. She described the accused's house, the nicknames given to him , and the songs chanted by his soldiers in his honor. The Advocate General recalled that the credibility of RSK's statements was underscored by the expert psychologist Amal Hachet, who noted that RSK's account was very clear and that she showed no signs of exaggeration. RSK was measured in her remarks, clearly distinguishing between the direct perpetrators and Kunti Kamara, who had not touched her but had the authority to punish her. The expert also noted that RSK was suffering from severe post-traumatic stress disorder and emphasized that, despite the great resilience she had demonstrated, she remained trapped in that painful period of her life. The Advocate General then acknowledged the absence of a forensic medical examination of RSK and noted that such an examination would serve no purpose given the passage of time. Here again, the Advocate General clarified that RSK had no incentive to give false testimony, given the marginalization faced by Liberian women who are victims of rape—a point that was further explained at the hearing by Massa Washington.

The Advocate General urged the Court to recall that EFNS and RSK had consistently and specifically implicated Kunti Kamara, highlighting his position in the chain of command as well as the fact that he took no action to stop or prevent the rapes. On the contrary, he demonstrated indifference. The Advocate General asked the Court to find Kunti Kamara guilty of all the charges. She clarified that this was not a matter of blindly convicting Kunti Kamara, as a screening process ("the sieve of justice") had been conducted beforehand and had resulted in the dismissal of other crimes for which the accused had been implicated, due to insufficient evidence. According to the

Advocate General, the prosecution must distinguish between established facts and those which, although possible, are considered insufficiently detailed or substantiated.

Regarding Certain Arguments by the Defense

The Advocate General then addressed certain arguments raised by Kunti Kamara and his counsel. She first noted that Kunti Kamara had remained unyielding throughout the proceedings, had proclaimed his innocence, and had vigorously denied any form of abuse committed by ULIMO. When speaking about the civil war, he mentioned the fear of dying, but denied the obvious when it came to discussing the fate of civilians. According to the Advocate General, Kunti Kamara entrenched himself in a denial of all the evidence. He denied ULIMO's and his own responsibility for acts of violence committed against civilians. He offered the same responses regarding rapes, looting, murders, *checkpoints*, and so on. He sought to convince the Court that he had lived through Liberia's first civil war without witnessing a single atrocity committed against civilians. According to the Advocate General, this denial inevitably calls into question the credibility of the accused's statements.

The Advocate General then addressed the defense's scathing criticism of the preliminary investigation, particularly regarding the conduct of the investigation and the collection of testimony. The Advocate General reiterated that corroborative evidence had been gathered and noted that, in cases involving crimes against humanity, investigations must be conducted differently—especially 30 years after the events. According to the Advocate General, a pragmatic approach is necessary, as investigative methods are of no use without a crime scene or evidence seals. With regard specifically to the acts committed against DN and KT, the defense placed great emphasis on the fact that the bodies had not been exhumed. The Advocate General noted at the outset that the exhumation re d had been made very late and that no such request had been filed during the two-year preliminary investigation. She added that these exhumations would not have led to the acquittal or conviction of Kunti Kamara, since it would not have been possible to recover his DNA given the time that had elapsed. They would simply have confirmed the deaths of DN and KT, which would have amounted to casting doubt on the testimony of a widow or a brother. The Advocate General relied on the testimony of Chief Warrant Officer Peruggia, who stated that he had never conducted any exhumations during his 27 international assignments. Regarding the exhumation of KT's child's body mentioned by the defense, the Advocate General questioned whether NS had invented a son. As for DN's body, buried under the Palava Hut along with other corpses, the excavations might have uncovered the electrical cables with which he had been bound. However, it would have been difficult to confirm with certainty that it was DN without having his remains. According to the prosecutor, no exhumation took place because the aim was not to prove the victims' deaths, but to establish Kunti Kamara's guilt. The defense's argument must therefore be dismissed.

Another argument put forward by the defense was to deny any probative value to the statements of witnesses and civil parties on the grounds that they did not know their dates of birth. According to the Advocate General, for each person who was unable to provide their exact age, the defense argued that it was impossible to be certain that the person in question was indeed the witness in question or to verify the authenticity of their ties to the accused. The Advocate General stated that such a line of defense amounted to challenging the very existence of the

witnesses and the value of their testimony, disregarding the diligence with which the French authorities had verified their identities. She noted that there was no civil registry in Liberia at the time and that Liberians' relationship with time differed from our own.

The Advocate General returned to another widely debated point: the identification of the accused by the witnesses and the civil parties. She noted that the defense had highlighted the fact that not all witnesses had recognized him. The Advocate General emphasized that all witnesses had provided similar physical descriptions of Kunti Kamara: short stature, bow legs, slight squint, and a toothless jaw—a point also noted by expert witness Philippe Oudy. On this last point, the Advocate General recalled that Kunti Kamara himself had thanked the Court for the dental care he received in prison. Regarding the defendant's squint, the Advocate General left it to the Court to assess the photo lineup included in the case file. As for the witnesses who did not recognize him in photographs, the Advocate General explained that identifying Kunti Kamara was difficult in the absence of nonverbal cues. She also emphasized that some witnesses had not hesitated to state that they did not recognize him and that these were therefore not instances of complacent identification.

The third argument the Advocate General wished to address concerns Kunti Kamara's alleged absence from Foya at the time of the events. The Advocate General emphasized that there was no shortage of evidence to support the claim that the accused had indeed lived in Foya and that there was no confusion between the town and the district. She noted that the accused had invoked the existence of a front line extending back to the border at Mendekoma only twice, even though he had been heard in court about ten times. She also highlighted the fact that no witness or civil party mentioned fighting between ULIMO and other armed groups after the capture of Foya and recalled that Alieu Kosiah had stated that there was no front line in Foya.

The final argument the attorney addressed was the conspiracy theory, of which Kunti Kamara is allegedly a victim. According to the prosecutor, the defendant cites as evidence the fact that he was never charged before his name was revealed by Alieu Kosiah. However, this is false, since in 2008, the name "CO Kundi" was mentioned before the CVR. Kunti Kamara also relied on the fact that no complaint had been filed against him prior to 2018. According to the prosecutor, the situation in Liberia and the costs involved in initiating legal proceedings made it impractical for victims to file a complaint. Regarding the motives behind this alleged conspiracy, Kunti Kamara echoed Alieu Kosiah's arguments, according to the Advocate General—namely, financial considerations, the possibility of obtaining asylum in a Western country, or ethnic revenge. However, no witness or civil party mentioned ethnic or community-based considerations. According to the Advocate General, the reason the majority of those interviewed are Kissis is simply because they constitute the largest ethnic group in Foya District. Furthermore, no witness or civil party has filed an asylum application. According to the prosecutor, the only ones who lied to obtain asylum are Alieu Kosiah and Kunti Kamara. Regarding financial compensation, the prosecutor stated that no witness will receive compensation. Civil parties, for their part, may seek compensation if the defendant is convicted; however, in both France and Switzerland, if the defendant is unable to pay, compensation from the state is not an option if the victim or the location where the crime was committed is abroad. *Ultimately*, according to the Advocate General, the sole motivation for the witnesses and civil parties who traveled 5,000 km from their homes to testify is their thirst for justice and their hope of being recognized as victims.

In light of the foregoing, the Advocate General requested that the arguments put forward by the defense be dismissed outright.

The Legal Characterization of the Crimes Alleged Against the Defendant and His Criminal Liability

The Advocate General then proceeded to define the legal character of the crimes described above. She began by summarizing the charges against the accused, who has been indicted on counts of simple and aggravated acts of torture and barbarity against DN, KT, JTC, SFC, and LSM; of complicity in acts of torture and barbarity constituting crimes against humanity against RSK and EFNS; and of complicity in acts of torture and barbarity against RSK and EFNS. The Advocate General explained that the charge of torture is prosecuted under both French criminal law and international law (the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, signed in New York in 1984). She clarified that in 1993, the offense of torture did not exist as such in French law and was instead considered an aggravating circumstance for crimes and misdemeanors. This offense was later introduced into the Penal Code.

According to the case law of the Court of Cassation, the commission of the crime of torture requires a material element (i.*e*., the commission of one or more acts that go beyond mere violence and cause particular suffering) and a mental element (*i.e.,* the intent to deny human dignity). The Advocate General explained that other criteria were also taken into account, such as the intensity of the violence, the vulnerability of the victims, and the repeated and prolonged nature of the abuse. According to the Advocate General, after reviewing all the facts, the classification as torture is beyond dispute. She noted that DN had been subjected to the "tabé" method and beaten before his heart was removed from his chest cavity with an axe. In her view, beyond the extreme suffering inflicted on DN, the act demonstrated particular perversity and cruelty. Regarding the execution of KT, the Advocate General described a weakened young woman who had just lost her child and was ill. She was dragged to the ground and killed by a burst of gunfire to the face. According to the Advocate General, KT's particular vulnerability heightened the horror of the act and constituted an aggravating circumstance. Regarding the forced marches, the Advocate General stated that JTC and SFC had been forced to carry very heavy loads over long distances, repeatedly. She described the intense pain that resulted, as well as the violence and climate of terror that prevailed during the marches. Finally, regarding LSM, the Advocate General recalled that he had been bound using the "tabé" method and dragged along the ground for several meters. He had also witnessed the murder of the rest of the group. The Advocate General indicated that Kunti Kamara played an active role as a perpetrator or co-perpetrator in each of these acts.

When asked whether these acts could be classified as torture under international law, the Advocate General explained that Article 1 of the New York Convention aligns with the definition established by French case law, while adding two elements. The New York Convention requires, on the one hand, that the act of torture be intended to obtain information or a confession, to punish, intimidate, or exert pressure on a person, or for any other reason based on any form of discrimination whatsoever. The Advocate General stated that this condition was met given the climate of terror established to control the civilian population and given that the Kissis were specifically targeted because they were suspected of colluding with the NPFL. Furthermore, the

New York Convention requires that the act of torture be inflicted by a public official or any other person acting in an official capacity. In this regard, the Advocate General found that Kunti Kamara had committed these crimes in his capacity as the official commander of ULIMO. She added that this capacity must be assessed concretely in light of the facts and that, in this case, ULIMO should be considered an official authority given the control that this non-state armed group exercised over Lofa County. According to the Advocate General, ULIMO's control extended beyond mere military control. Indeed, ULIMO was the sole authority in Foya from 1993 to 1995 and was in charge of administration (implementing a curfew and establishing the S2 office to conduct a census and track the population). Thus, the Advocate General concluded that this second condition was met and that Kunti Kamara was guilty of simple and aggravated acts of torture and barbarity against DN, KT, JTC, SFC, and LSM.

The Advocate General then examined the defendant's liability for complicity in acts of torture constituting crimes against humanity, committed in 1994 against EFNS and RSK. The Advocate General noted that the rapes suffered by EFNS and RSK were particularly violent and revealed a particular depravity on the part of the perpetrators. [er] The Advocate General clarified that the crime against humanity was introduced into Article 212-1 of the French Penal Code on March 1, 1994, and that prior to that, only crimes against humanity committed in the context of World War II could be prosecuted. Under this provision, crimes against humanity include, in particular, deportation, enslavement, the massive and systematic practice of summary executions, the abduction of persons, or torture and inhuman and degrading acts. Based on its definition, a crime against humanity is committed in a specific and particular context aimed at terrorizing the civilian population in order to subjugate it. There is also the element of a concerted plan. According to the Advocate General, this does not refer to a prior agreement among the perpetrators. The concerted plan is assessed in concrete terms and can be observed. The preparation of the lethal actions can be inferred from the manner in which these actions unfold within a given territory.

The Advocate General referred to a ruling handed down by the Criminal Chamber of the Court of Cassation on November 24, 2021. This ruling clarified the conditions for dual criminality in the context of universal jurisdiction with respect to crimes against humanity. In this regard, it was specifically required that all constituent elements be identical between French and foreign legal provisions. The Advocate General noted that this decision was not final and that it will be up to the Plenary Assembly of the Court of Cassation to rule on the matter.

The Advocate General stated that Kunti Kamara had been an accomplice to the crimes committed against EFNS and RSK and that three questions arose. The first is whether the proceedings have revealed a widespread and systematic practice of torture against the civilian population by ULIMO. If so, it must be determined whether the acts committed against RSK and EFNS were part of such a practice. The final question concerns Kunti Kamara's responsibility for these acts.

Regarding the first question, the Advocate General noted that the defining characteristic of crimes against humanity is that they target civilian populations. She explained that the documentation gathered on the civil war in Liberia and the testimony of contextual witnesses established that the crimes targeted civilians on the basis of their ethnicity or status, regardless of their participation in hostilities. According to the Advocate General, the testimonies converged on the fact that the inhabitants of Foya were enslaved using the same modus operandi as that

applied in other territories controlled by ULIMO. Indeed, ULIMO implemented a systematic program aimed at controlling territories and establishing its grip on the population. The Advocate General noted that crimes against humanity are not necessarily committed by a State, but may be committed by an armed group. In this regard, the Advocate General referred to the judgment handed down by the International Criminal Court on March 7, 2014, in the Katanga case, which resulted in the conviction of this former leader of an armed group for crimes against humanity committed by his group. According to the Advocate General, the classification of "crimes against humanity" is therefore entirely appropriate for the crimes committed by ULIMO in Lofa, and more specifically in Foya.

Regarding the question of whether the acts committed against RSK and EFNS were part of systematic and widespread crimes committed against the civilian population, the Advocate General stated that it was well-documented that women had been subjected to particularly severe violence and abuse under ULIMO's occupation. According to her, these crimes were systematic from the moment ULIMO arrived in a village and were part of a program to exploit the population. She clarified that a crime against humanity is not defined by the number of crimes committed, but by the fact that it is part of a pattern of conduct. In this case, there is no doubt that the crimes committed were more numerous than those before the Court. The Advocate General asserted that the rapes committed against RSK and EFNS, beyond their exceptional gravity, were part of the over of criminal actions carried out by ULIMO and should be classified as crimes against humanity.

Finally, the Advocate General urged the Court to consider the liability of Kunti Kamara, and in particular his complicity through aid or assistance in the commission of the crimes committed against RSK and EFNS. The Advocate General noted that Article 121-7 of the French Penal Code does not require that an accomplice share the perpetrators' intent, nor that he or she adhere to or approve of the concerted plan. The law requires that the accomplice be aware of the perpetrator's intent to commit the crime, and that the accomplice's presence facilitate the commission of the criminal act. The Advocate General noted that, with regard to complicity, case law has developed a broad interpretation, in that it has recognized that the mere presence of an individual at the scene of a crime is sufficient to establish complicity. Participation in the commission of the crime may consist of a failure to act if the accomplice has any power to prevent the crime. The accomplice must know that a crime is about to be committed and that his or her contribution facilitates its commission.

According to the Advocate General, the mass rapes committed in Liberia took place in full view of everyone. Given his position and responsibilities within ULIMO, Kunti Kamara could not have been unaware of the widespread and systematic nature of the rapes against civilians. The Advocate General asserted that he had necessarily gone along with this practice, since he had not withdrawn from it or taken any action to distance himself from it. Similarly, his conduct during the trial supported this conclusion. The Prosecutor General clarified that the sexual torture committed against RSK and EFNS was carried out by Kunti Kamara's subordinates and that he was in the immediate vicinity of the incidents. Furthermore, the victims asked him to intervene in his capacity as their superior. Yet, in both cases, his only reaction was to laugh and trivialize their suffering. The rapes continued because the defendant failed to take the necessary measures to discipline those responsible, even though they were under his command. Thus, according to the

Advocate General, Kunti Kamara became an accomplice by aiding and abetting these acts, given that his responsibility is that of a superior officer.

The Advocate General then addressed the choice of two distinct criminal charges and the issue of concurrent offenses. She explained that it was possible to charge two offenses provided they involved two different intentions or protected distinct interests. Case law had, however, evolved following the ruling of November 15, 2021, as it was now prohibited to apply two legal classifications to the same act, particularly when one offense constitutes an aggravating circumstance for the other. In such a case, the broader offense must be applied. According to the Advocate General, the offense of torture is subsumed under that of a crime against humanity. She therefore asked the Court to acquit Kunti Kamara of complicity in acts of torture and barbarity and to find him guilty of complicity in acts of torture and barbarity constituting a crime against humanity.

On Sentencing

The Advocate General reiterated that the purpose of the sentence imposed was to prevent recidivism and to protect and restore social order. She explained that the law provides for a maximum sentence for each offense. For the offense of crimes against humanity, the maximum penalty is life imprisonment for both perpetrators and accomplices. This is therefore the penalty faced by Kunti Kamara for the acts involving RSK and EFNS. With regard to the simple acts of torture committed against JTC, SFC, LSM, and DN, Kunti Kamara faces a sentence of 15 years' imprisonment. With regard to the aggravated acts of torture committed against KT, he faces a sentence of 20 years' imprisonment.

The Advocate General stated that the maximum sentences appeared unusually low given the extreme gravity of the acts in question and therefore cited several examples from other countries. She explained that Mohammed Jabbateh had been sentenced to 30 years in prison in the United States for perjury and that Alieu Kosiah had been sentenced to 20 years' imprisonment in Switzerland—the maximum sentence applicable at the time of the offenses under the former Swiss Military Penal Code.

The Advocate General stated that this trial offered a glimmer of hope for the victims in their fight against impunity and that their expectations were shared by the entire Liberian population. She added that a just sentence must take into account Kunti Kamara's overall conduct and her responsibility. According to the Advocate General, Kunti Kamara is not only a direct perpetrator but also a superior who must bear responsibility for the crimes committed by his subordinates. She noted that Kunti Kamara had chosen to join ULIMO and to remain there. She emphasized that his membership in ULIMO remains intact to this day.

Regarding the defendant's character, the Advocate General stated that it was necessary to take into account the fact that he had formed superficial relationships in Europe, since he had concealed his past. His flight from justice was marked by lies and concealment, going beyond mere downplaying of the facts. In this regard, the prosecutor recalled that the defendant had deceived the Dutch authorities in order to obtain asylum and subsequently citizenship. She argued that Kunti Kamara had systematically trivialized and downplayed his deceptive

maneuvers, without showing any remorse. According to the prosecutor, Kunti Kamara's life story is one of endless flight. As for his stance regarding the crimes committed and the civil war, the defendant has taken no distance from these events and feels no regret for his involvement with ULIMO. According to the Advocate General, Kunti Kamara said it himself: if the war were to resume tomorrow, there is no doubt that he would take up arms again to defend his community. The Advocate General also emphasized that the accused has denied all the charges against him by calling the witnesses and civil parties liars, even going so far as to deny that ULIMO committed any crimes. According to the Advocate General, such an attitude is cause for concern regarding the risk of reoffending. She added that he had never intended to explain himself regarding the charges against him. As proof, he attempted to flee just as the police were about to arrest him. She added that his violation of the terms of his judicial supervision demonstrated his contempt for court decisions. Finally, the Advocate General emphasized that Kunti Kamara bears full and complete responsibility, as he exhibits no mental disorder or impaired judgment. The Advocate General stated: "One can be an ordinary man and commit extraordinary crimes."

The Advocate General then paid tribute to the victims who came forward to testify and who all returned to Foya with their injuries and fears. She emphasized that the crimes of which Kunti Kamara was guilty were the most serious possible. According to the Advocate General, these crimes destroyed families and the community of Foya, and constituted an affront to humanity as a whole. In her view, the defendant's virulence toward the victims and his refusal to acknowledge his responsibility—and that of his armed group, whose atrocities he denied—pose a real danger to the victims, the people of Foya, and humanity as a whole.

The Advocate General called on the Court to render a just decision and emphasized that it will be historic and closely scrutinized, both here and elsewhere, as it will be the first decision concerning crimes against humanity committed in Liberia. The Advocate General urged the Court to send a clear message to former torturers who are fleeing as the net closes in, in an attempt to evade accountability. That message is that France must not be a safe haven for perpetrators of crimes against humanity.

In light of the foregoing, the Advocate General asked the Court to sentence Kunti Kamara to life imprisonment.

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Closing Argument by Attorney Maryline Secci

The defense attorney began her closing argument by emphasizing that the acts of torture, barbarity, and crimes against humanity of which Kunti Kamara is accused constitute exceptionally serious offenses, but that this gravity should not blind the Court. She stated that she did not understand how it was possible that her client had ended up before a criminal court. She reminded the Court of what had been told and reiterated to it, namely that it was called upon to try a man for acts committed in Liberia nearly 30 years ago under the principle of universal jurisdiction. However, according to the defense attorney, there is no connection between France and Liberia, and although the goal of universal jurisdiction seems very laudable, the underlying premise is complicated given the cultural divide and our own ignorance. According to the defense

attorney, there were numerous attempts to bridge this gap—notably through documentaries, contextual witnesses, and reenactments—but the reality was that no one in the courtroom knew how Liberian society functioned or had a precise understanding of the First Civil War. She added: "We approached the proceedings through our own lens and with our own cultural norms. Yet, to judge, one must understand. If you don't understand the context or if you have a partial or biased view, you cannot judge a person fairly." She added that France prides itself on having a judicial system capable of trying the most serious crimes and recalled that Layee Bamba and Mohammed Kenneh had tried to reassure Kunti Kamara, since he was to be tried in France, the country of human rights. That is why Kunti Kamara remained in France and agreed to speak with the authorities. However, according to the defense attorney, her client did not receive a fair trial in several respects.

The defense attorney first highlighted the lack of resources allocated to the defense, which was granted the same resources as for a common-law crime, even though the events in question occurred long ago and allegedly took place thousands of kilometers away. She stated that she had no financial or logistical resources at her disposal to gather evidence, whereas the civil party was assisted by the GJRP and the Public Prosecutor's Office's expenses were covered by the French state . The defense attorney also mentioned her colleague's trip to Liberia, for which she received no compensation. Her colleague had simply requested that a car and a driver be made available to her and was accused by the civil party of taking photos on site, which were deleted in the presence of the investigating judge. The defense attorney noted that the Public Prosecutor's Office had taken advantage of the situation to initiate proceedings against the defense's driver, which had eliminated any possibility of finding witnesses for the defense. According to the defense attorney, the case file presented to the Court is biased because it contains only testimony incriminating the defendant.

The defense attorney added that Kunti Kamara's defense team consisted of only two attorneys, who were forced to share legal aid, despite the seriousness of the charges against the defendant and the fact that this is not a common-law case. The defense attorney added that neither Mr. Tarek Koraitem nor she herself had staff members to assist them, which explained why the procedural issue regarding the statute of limitations was raised so late.

The defense attorney pointed out another violation of the principle of a fair trial, in that the reenactments took place without the defendant being present. Chief Warrant Officer Peruggia cited logistical difficulties, but according to the defense attorney, everyone felt that Kunti Kamara's presence was unnecessary and that they could easily proceed without him, since they all already considered him guilty. According to her, the accused could have explained the distinction between Foya City and Foya District had he visited the site. She noted that this question was never raised during the preliminary investigation and stated: "None of us had enough knowledge to realize that 'Foya' could refer to both the district and the city of Foya. We were misled by our own ignorance."

The defense attorney raised one final point regarding the unfair nature of Kunti Kamara's trial. According to her, the proceedings were marked by great leniency toward the victims, but certainly not toward the defendant. She stated that everyone became irritated as soon as the defendant opened his mouth, regardless of what he had to say. When he answered questions,

people didn't want him to explain himself—they wanted him to confess. According to the defense attorney, when a witness or a civil party is unable to provide dates or contradicts themselves, everyone agrees that it's because of the passage of time. In contrast, the defendant is expected to provide a complete, precise, and consistent account. Everything he says is viewed with suspicion, and people roll their eyes when he tries to offer an explanation. According to the defense attorney, there was a determined effort to exclude Kunti Kamara from the proceedings at all costs.

The defense attorney then returned to the conspiracy theory. She stated that it was not up to the defendant to answer the question of why this or that person identified him as the perpetrator, since he had nothing to do with it. According to the defense attorney, the defendant was forced to justify the basis of the charges against him, even though that is not his role. It is up to the prosecution to prove that Kunti Kamara committed these crimes.

Given all the points raised, including the contempt shown toward Kunti Kamara—whose answers were constantly called into question—the defense attorney asked the jurors whether they believed Kunti Kamara had received a fair trial in a country and in a language that were not his own.

The defense attorney then addressed the issue of evidence and highlighted the lack of physical evidence: no dates of birth, no bodies, no identification documents. She stated that no one could be charged with a crime without evidence or with murder without a body. The defense attorney pointed out the shortcomings of the investigation, particularly the lack of effort made to locate human remains or investigate previous acts of destruction committed by the NPFL. According to her, investigators relied solely on witness testimony, which is insufficient in 2022 because testimony is no longer the only form of evidence.

The defense attorney emphasized that this trial rested entirely on the victims' testimony, since time erases physical evidence and witnesses are scarce. Consequently, the prosecution must rely on just a handful of testimonies to sentence a man to the maximum penalty. Testimonies are the only evidence available to the prosecution, so it sought to treat them as irrefutable proof. However, according to the defense attorney, most of these testimonies contain contradictions. The prosecution and the civil party attempted to argue that these contradictions lent credibility to the statements and systematically accepted the version implicating Kunti Kamara. However, the defense objected each time to these shortcomings and inaccuracies, as the standard of proof cannot be lowered when dealing with crimes against humanity. The same standard of proof as in any other case must be required. The defense attorney criticized these testimonies for their contradictions regarding the same facts. She criticized the prosecution for sometimes relying on a single eyewitness and questioned how it was possible to convict a man of such a serious crime based on a single eyewitness account, nearly 30 years after the events, when such testimony would be virtually worthless in a common law case. She added that everything the witnesses said was taken at face value, whereas everything Kunti Kamara said was a lie. Yet the prosecution and the civil party were quite pleased when the defendant admitted that he was a soldier in ULIMO. According to the defense attorney, the prosecution and the civil party took what suited them and used everything else against the defendant. Another example is the testimony of Alieu Kosiah, which was given credence even though he had been convicted in Switzerland for similar offenses.

The defense attorney stated that if the Court considered a witness's word to be worth more than that of the defendant, it meant that the Court was presuming Kunti Kamara guilty, which is contrary to the proper functioning of justice.

Regarding the accused's attitude toward the victims, the defense attorney noted that it was not part of his culture to show compassion, as the expert had rightly pointed out, noting a high degree of reserve in the expression of feelings within African culture. In any case, if Kunti Kamara had shown empathy toward the victims, this would have been held against him, and he would have been considered a "genocidal perpetrator and a liar," according to the defense attorney. The defense attorney also noted that at no point was the possibility raised that the witnesses might be mistaken, given how long ago the events occurred. She urged the jurors to try to recall events that took place more than thirty years ago. The defense attorney wondered whether the witnesses and civil parties might have lied or been mistaken when they thought they recognized Kundi, since they were aware that their need for justice and recognition as victims would not be satisfied unless they identified him. , in fact, in that case, no one would take an interest in their suffering. According to the defense attorney, this is therefore not a conspiracy, but rather an enormous need for justice on the part of people abandoned by the country.

Regarding the witnesses' identification of Kunti Kamara, the defense attorney pointed out that the photo lineup had not been compiled until March 2019 by French investigators. Some witnesses had to identify the defendant from this photo lineup, while others saw him only during the hearing or were confronted with him in the investigating judge's office. According to the defense attorney, it is therefore incorrect to claim that Kunti Kamara was identified by 20 people. MN and AN stated that they had never seen him; FG provided a description of the defendant and was confronted with him before the investigating judge; and JTC and RSK were directly confronted with him. As for SFC and NS, no photo lineup was presented to them. The defense attorney stated that only LSM and SS recognized Kunti Kamara in the photo lineup. She added that these identification conditions were unworthy of criminal proceedings and necessarily led to the identification of the defendant. The defense attorney stated that she was convinced these identifications were biased and unreliable based on the physical descriptions provided by the witnesses. She highlighted the inconsistencies in these descriptions, particularly regarding the defendant's haircut, skin color, and alleged squint. On this last point, the defense attorney asserted that she had observed her client and that it was evident he did not have a squint. A conspiracy theory could therefore be considered in this regard. The attorney stated that, consequently, there was no clear, precise, and consistent identification of Kunti Kamara by the witnesses. She also expressed surprise that so much credence was given to the testimonies on the grounds of the absence of exaggeration, even though the Court had heard for three weeks about hearts *being* ripped out, *checkpoints* made from intestines, and atrocious rapes. According to the defense attorney, the alleged crimes are serious, and the absence of exaggeration does not constitute evidence. She added that, in her view, the witnesses had overwhelmed Kunti Kamara and that he risked spending the rest of his life in prison.

After these general remarks, the defense attorney addressed the jurors, telling them that their task was difficult because they had to translate the facts into legal terms for each offense. In this regard, the defense attorney gave the example of theft, which the Penal Code defines as the fraudulent taking of another person's property. She explained to the jurors that if one of them

took her purse with her permission, the act would not constitute theft. The same would apply if she threw it in the trash and one of the jurors subsequently took it. If one of them took it and was charged with robbery, theft would not be the correct charge. The defense attorney explained to the jurors that their task was to verify that each offense with which the defendant was charged met the definition set forth by law. To that end, she reminded the jurors of the wording of Article 1ª of the New York Convention and proceeded to review the facts and legal issues one by one, noting that Kunti Kamara denied all the facts.

First, regarding the murder of DN, the defense attorney emphasized the lack of physical evidence: no body, no death certificate, and no specific date. She stated that she had photographs of a location where everything had changed and a newspaper article believed to refer to DN. She added that there were testimonies from MN and AN, who were not present at the time of the murder and therefore saw nothing. DN's brother-in-law, DFB, also did not witness the murder, but stated that DN was alive for the three days following his arrest and that he had seen his swollen body before proceeding with the burial. As for TFT, he stated that his uncle was present during DN's arrest. Finally, SK clarified during his testimony that DN had stated he did not know who was responsible for the destruction. The defense attorney emphasized that, at this stage, there were therefore five witnesses, none of whom had witnessed DN's death. The only eyewitness to the scene is JTC. According to the defense attorney, JTC is nevertheless unable to provide the names of other people present during DN's execution. However, it is reasonable to demand that these names be provided, given that the events took place in the small town of Foya. The defense attorney stated that she could not be satisfied with a single direct testimony. Furthermore, she emphasized that JTC stated he was 50 meters from the scene and described the "tabé"—the opening of DN's chest with axe blows delivered by Ugly Boy—and the removal of his heart. She also pointed out that it was not possible to conduct a proper on-site reconstruction of the events, as the location had changed. The defense attorney criticized the practice of basing a conviction on the testimony of a single eyewitness. According to her, the only material evidence is the news article reporting this execution. However, this article makes no mention of a heart being ripped out and states that DN was killed because of his religious beliefs, since he was carrying a Bible. She added that, upon reviewing the case file, it was clear that the looting of the Borma Mission and the murder of DN occurred simultaneously. However, SFC never mentioned DN's death. As for JTC, he consistently maintained that he had not seen Kunti Kamara perform the "tabé" ritual on DN and cut open his ribcage to remove his heart, but had only seen him kicking the victim. However, according to the defense attorney, this act does not constitute an act of torture or barbarity under the New York Convention, but rather an act of violence. Since the New York Convention is inapplicable, it is not possible to invoke universal jurisdiction. In light of the foregoing, the defense attorney urged the Court to find Kunti Kamara not guilty of the murder of DN.

Regarding the murder of KT, the defense attorney stated that, once again, there was no physical evidence: no birth certificate, no death certificate, no body—only photographs of the alleged murder scene. She also pointed out the contradictions between the testimonies of FG, NS, and TK, particularly regarding the location of the crime. The attorney expressed surprise that FG was able to describe his sister's execution with such precision, even though he was hiding in the banana grove at the time of the incident. As for EzP, he formally identified Kunti Kamara, stating that Kamara had killed KT directly in her bedroom—contrary to what the other witnesses had

said. According to the defense attorney, all of these testimonies are inconsistent and imprecise. She asked the Court to exercise rigor, regardless of the fact that the events occurred some time ago. The defense attorney highlighted two additional details that caught her attention. First, she was surprised that KT's body had been buried, even though Patrick Robert explained that it was customary to leave bodies out in the open to frighten the population. Second, she expressed astonishment that mere palm leaves could have been sufficient to completely consume the body in the middle of the rainy season. The defense attorney added that there was no evidence that Kunti Kamara was present in Foya Dundu at the time of the murder. She stated that she did not agree with the charge brought by the prosecution, as the crime in question was murder, not torture. Furthermore, the motive for the murder cited by FG is witchcraft, not the desire to assert ULIMO's authority and maintain a state of terror. Thus, according to the defense counsel, the application of the New York Convention must again be set aside in this case, and the defendant's guilt must be denied.

The defense attorney then addressed the forced marches. Regarding the physical evidence, the defense attorney stated that she had only photographs of an empty power plant and drawings describing how the loads were allegedly transported. She added that during the reenactment, witnesses were not asked to carry loads as they had at the time, in order to understand how the events had unfolded. Furthermore, no verification was conducted, particularly with the company that operated the power plant, even though it is known that the NPFL was on site before ULIMO. Investigators relied solely on witness testimony, noting that only two witnesses—JTC and LSM—mentioned the generator's operation. The defense attorney expressed surprise that all ULIMO high-ranking officers were present during this march, even though the faction was in the midst of a war of position. She emphasized that LSM had not seen Kundi during this march, even though he was present and had moved both to the rear and the front of the convoy. According to the defense attorney, LSM has no credibility when he claims to have been a good soldier toward civilians. He is a "turncoat" witness testifying in exchange for immunity. The defense attorney then noted that these marches were described as massive, yet the witnesses were unable to provide the names of other conscripted individuals. She also questioned the feasibility of what was described, particularly the claim that a truck without an engine was pushed more than 20 km along impassable roads or that a machine as heavy as an electric generator was carried across a river on simple wooden planks. At no point was it demonstrated that this was feasible. We must therefore rely on the few testimonies without challenging them. According to the defense attorney, the acts described do not constitute torture but rather forced labor, as defined by the French Penal Code. Furthermore, the purpose was purely economic, so the acts as presented do not fall within the scope of the New York Convention.

Regarding LSM's alleged subjection to the "tabé" method, the defense attorney stated that she had a satellite photo of a well—which had never been searched for human remains—as well as a photo of LSM's injured back, without a medical certificate. The defense attorney reiterated her doubts regarding the veracity of LSM's statements, particularly given his delicate position as a former ULIMO soldier and the inconsistencies in his testimony. Before the Swiss judge, LSM implicated Alieu Kosiah and stated that Kunti Kamara did not beat him and that several soldiers were present; however, before the French judge, he was more nuanced and declared that both Kosiah and Kunti were responsible and that Kunti Kamara beat him on Kosiah's orders. According to the defense attorney, LSM is afraid of being accused and prefers to accuse others. As for SS,

she reiterated that she did not know LSM. According to the defense attorney, it has never been established how far she was from the scene, which explains the inaccuracies in her account. Regarding the legal classification of the offense, the question is whether Kunti Kamara caused LSM acute suffering by subjecting him to the beating, which, according to the defense attorney, is not the case.

Finally, regarding RSK and EFNS, the defense attorney pointed out the absence of any documents attesting to their dates of birth, as well as the absence of a medical certificate or medical report documenting their physical injuries. She noted that there was no psychological evaluation regarding EFNS, but rather a medical certificate lacking an official stamp that documented a uterine c e and multiple uterine fibroids causing abdominal pain. She added that this document made no mention of injuries or scars. Regarding the testimonies, the defense attorney stated that she had only the two testimonies from the primary parties involved. RSK stated that she had been raped without naming the perpetrators and noted that Kunti Kamara had laughed in her face. As for EFNS, she explained that she had been raped by B and that Kunti Kamara had downplayed the facts. According to the defense attorney, this is once again not the correct legal classification, as there are no acts of torture or barbarity within the meaning of the New York Convention, but rather rapes. Furthermore, there is no evidence of Kunti Kamara's position of authority over the perpetrators of the rapes. Nor is there a medical examination report. Regarding the definition of complicity, Article 121-7 of the Penal Code provides that a person is an accomplice to a crime or misdemeanor if they knowingly, through aid or assistance, facilitated its preparation or commission. However, in this case, the defendant is accused of laughing and failing to intervene. The defense attorney added that, according to the case law of the Court of Cassation, acts preceding or occurring concurrently with the crime justify bringing a person to trial provided that they are affirmative. Therefore, an active act is required to be considered an accomplice. According to the defense attorney, if anyone is to be convicted for inaction, it would be for the offense of failure to assist a person in danger. She therefore urged the Court to acquit Kunti Kamara of these charges.

The defense attorney called on the jury to exercise rigor in verifying whether the facts correspond to the legal definitions. She asked the Court not to hold the defendant responsible for all the crimes committed during the civil war in Liberia. She stated that her intention was not to deny the atrocities committed during the civil war or the suffering of the Liberian people, but to assert that Kunti Kamara had not committed those crimes. She reiterated that this trial was not about ULIMO or the Liberian civil war, but about Kunti Kamara. She reaffirmed that a conviction must be based on the jurors' firm conviction, beyond a reasonable doubt, of the accused's guilt. The defense attorney concluded her closing argument by asking the Court to acquit Kunti Kamara because this trial lacked the rigor that any defendant could expect from a trial and because there was no concrete evidence of Kunti Kamara's guilt. She concluded by stating: "I ask this of you because her innocence is my firm conviction."

Closing Argument by Attorney Tarek Koraitem

The defense attorney took the floor, stating that he fully appreciated the suffering of the Liberian people, before which the defense was compelled to bow. He then quoted Jean-Paul Sartre, saying that war was not a disease but an unbearable evil because it was inflicted on people by other

people. He added that war was not a choice but something endured, and that Kunti Kamara had endured it himself, just like all Liberians, and had taken part in it with its accompanying misfortunes, deaths, and atrocities. The defense attorney stated that no one in the courtroom had ever experienced the horrors of war in France and appreciated how fortunate that was.

The defense attorney then stated that today, separated by several thousand kilometers from a country with which France had no ties, the jurors were called upon to judge Kunti Kamara for acts he allegedly committed thirty years ago. They must determine whether Kunti Kamara committed the most serious crime and decide whether the defendant committed the acts of torture alleged against EFNS and RSK, and whether these acts are likely to constitute a crime against humanity. The defense attorney clarified that this crime is straightforward in that it involved a widespread and systematic attack against the civilian population. This crime must therefore be of massive scale. According to the defense attorney, the jury's task is therefore not to determine whether an act is inherently horrific, but to determine whether it fits within the broader context of a massive attack. The defense attorney urged the jurors to set aside the fact that Kunti Kamara was a soldier, that he fought on the battlefield and killed enemies, since these elements were inherent to war. The question is whether these acts were committed against the civilian population and whether ULIMO made acts of torture and rape a matter of policy.

Regarding the charge brought by the prosecution, the defense attorney pointed out that in 1994, the definition of a crime against humanity did not include rape. According to him, this is why the prosecution attempted to argue that the acts of penetration suffered by RSK and EFNS constituted acts of torture and barbarity, when in reality they should be classified as rape. It is also necessary to examine whether the ULIMO leaders intended to establish the crime of rape or the crime of torture as a policy per se. According to the defense attorney, Liberia in the 1990s was a country in a state of total anarchy. It was not Nazi Germany with a defined ideology and policy; it was a state of anarchy, civil war, factional strife, and invasions. There is no logic to it. According to the defense attorney, the proceedings do not show that ULIMO had implemented a coordinated plan or a policy of systematic rape or torture against the civilian population. On the contrary, it was the lack of organization that made this war so atrocious. The defense attorney pointed out that the classification of a crime against humanity presupposes a government policy. In this regard, he cited various historical examples, such as the policy of exterminating Jews during World War II, the policy of apartheid, and the policy of pogroms. He reiterated that the question was whether the rapes committed by the EFNS and the RSK were part of an overarching policy. However, in his view, the prosecution had failed to prove that these rapes were committed as part of a concerted plan. In this regard, the defense attorney noted the absence of meetings among high-ranking ULIMO officials, recordings, or other evidence attesting to the implementation of such a policy. The defense attorney acknowledged that this war had been horrific—even "the most repulsive there could be"—but under no circumstances were the rapes and acts of torture elevated to a systematic policy by ULIMO.

Regarding the coordinated plan, the defense attorney reiterated that the issue at hand was whether ULIMO officials had ordered their soldiers to commit rapes against a specific segment of the population, such as Kissi women. The defense attorney stated that there was no evidence to prove this and that no evidence demonstrated that these were not isolated acts. He clarified in this regard that, to qualify as a crime against humanity, the crimes committed must be logically

linked to one another. However, according to the defense attorney, an isolated act cannot constitute a crime against humanity, since rape remains rape and is punishable under ordinary law. He acknowledged that the acts committed were serious but refuted the claim that they were part of a pattern constituting a crime against humanity. He added that rape stems from an intrinsic perversion—a matter of personal, , and unique to the perpetrator—and does not, in and of itself, constitute a concerted plan. Furthermore, the fact that ULIMO did not prevent these rapes from being committed does not allow one to conclude that this armed group adopted this policy "as a creed" in the context of its attack on Liberia. In addition, the policy pursued must be driven by a philosophical, racial, or religious aspect. The defense attorney expressed serious doubts that ULIMO, "this band of brigands," had invaded Liberia for any reason other than to overthrow Charles Taylor. He added that behind the crime against humanity lay a malevolent intent, a dark side that drove those who committed it or were complicit in it to destroy civilization in order to reshape it. In the defense attorney's view, Kunti Kamara did not reach that level of reasoning, and the acts of which he is accused were not directed at the community as a whole.

Regarding the issue of intent, the defense attorney asserted that a person alleged to have participated in a crime against humanity must also be aware of being part of that criminal enterprise. Kunti Kamara would therefore have had to be aware that she was participating in a crime against humanity and in the implementation of a policy of systematic rape by ULIMO at the time B raped EFNS. Nevertheless, the defense attorney reiterated that: "ULIMO is anarchy; there is no policy, no ideology—they are disheveled rebels." He also relied on the testimonies of Thierry Paulais and John Stewart, emphasizing the material motivations of ULIMO soldiers and the fact that warlords "changed sides as easily as they changed shirts." In his view, the war in Liberia had no ethnic dimension, and the Kissis were not its only victims. He added that this was not an ideological war, but a war aimed at seizing resources and diamonds. The mere fact of being a member of ULIMO with the rank of commander does not allow one to conclude that Kunti Kamara was aware of participating in a concerted plan. The defense attorney also stated that just because Kunti Kamara had been part of one of the worst rebel factions did not mean that "he should be held responsible for all the atrocities committed in Liberia." He gave the example of German soldiers during World War II, not all of whom were pro-Hitler, and quoted Nietzsche ("I am nuance"). He asked the jurors to exercise nuance and told them that they were not avengers of the Liberian people, but French jurors with all that that entails. To help them reach a decision, the defense attorney referred to the three major trials for crimes against humanity that have marked French legal history and which, in his view, bear no resemblance to the trial of Kunti Kamara. The defense attorney thus cited the trials of Klaus Barbie, Paul Touvier, and Maurice Papon—all convicted of crimes against humanity for, respectively, sending 44 Jewish children and 7 Jewish adults to death camps, ordering the shooting of people of Jewish origin, and compiling lists of people of Jewish origin in order to arrest them and send them to death camps. The defense attorney stated that he felt the situation regarding Kunti Kamara was far removed from any of that.

Finally, the defense counsel addressed the issue of complicity. He asserted that complicity required active conduct and acknowledged that the case law cited by the Advocates General had established certain exceptions, notably mere physical presence at the time the offenses were committed. However, in this case, Kunti Kamara was not present at the time of the rapes of EFNS

and RSK. The victims reportedly came to him to complain before and after these acts, but not at the time they occurred. Furthermore, Kunti Kamara did not commit any active act of aid or assistance in the commission of the offense. According to the defense attorney, Kunti Kamara cannot therefore be prosecuted for these acts of complicity.

The defense attorney concluded his closing argument by reminding the jurors that their decision was of paramount importance. In his view, at a time when war is raging on Europe's doorstep, it is important that the crime against humanity and its definition be confined to the most serious acts, behind which lies a policy designed to commit atrocities against the civilian population. He told the jurors that if they convicted Kunti Kamara of a crime against humanity, they would be opening Pandora's box. He also told them that they were the guardians of this boundary that prevented anyone from committing multiple rapes instead of just one. He asked the jurors to reach their decision by taking into consideration humanity, the message they would send to perpetrators of crimes, and the French justice system they represent.

The Presiding Judge closed the hearing by asking the interpreters to inform Kunti Kamara that he would be given the floor last the following morning and that he should carefully consider the message he intended to convey.

November 2, 2022 – Day 17: The Verdict

On the morning of the final day of the trial, Mr. Kamara had the opportunity to address the Court. He stated: “I have nothing to say; I am innocent today and I will be innocent tomorrow; I am just a soldier.”

The jury deliberated all day, and at 7:30 p.m. local time, it rendered its verdict: Mr. Kamara was convicted of all the crimes of which he was accused and was therefore found guilty of complicity in crimes against humanity, as well as complicity in and commission of acts of torture and barbarism. Specifically: rape and sexual slavery committed by his subordinates against particularly vulnerable individuals; subjecting a man to severe suffering and participating in the public consumption of his heart; executing a sick woman, who had just lost her baby, because she was accused of witchcraft; subjecting two men to forced labor under inhumane conditions; and torturing a civilian.

Mr. Kamara is therefore sentenced to life imprisonment. He has 10 days to appeal the decision.

The civil parties requested 1 euro in moral damages as a symbolic gesture. The Court granted the request.

November 2, 2022 – Day 17: The Verdict

Kunti Kamara was given the floor. He stated that he had nothing further to add. He reaffirmed his innocence and indicated that he was merely a private soldier at the time of the events.

The Presiding Judge explained that it was up to the Court to deliberate on the 19 questions that had been communicated to the parties. These questions concern the classification of simple and aggravated acts of torture and barbarity committed against DN, KT, JTC, SFC, and LSM; on the classification of complicity in acts of torture constituting crimes against humanity committed against RSK and EFNS; and on the classification of complicity in acts of torture and barbarity committed against RSK and EFNS. The President clarified that the Court would also have to consider a possible combination of the latter two classifications.

Before the Court retired to deliberate, the Presiding Judge read aloud the provision set forth in Article 353 of the Code of Criminal Procedure, which reads as follows: “Subject to the requirement that the decision be reasoned, the law does not require each judge and juror comprising the criminal court to account for the grounds on which they reached their conviction, nor does it prescribe rules upon which they must specifically base the completeness and sufficiency of the evidence; it requires them to reflect in silence and contemplation and to seek, in the sincerity of their conscience, what impression the evidence presented against the accused and the arguments of his defense have made upon their reason. The law poses only this single question to them, which encompasses the full extent of their duties: ‘Do you have a firm conviction?’”

The Court has retired to deliberate.

* * *

After several hours of deliberations, the Presiding Judge opened the hearing and announced the Court's decision.

On questions 1 through 4 concerning the alleged crimes against humanity committed against RSK and EFNS, the Court and the jury answered "yes" by a majority of 7 votes.

On questions 5 through 10 concerning acts of torture and simple and aggravated acts of barbarity committed against DN, KT, JTC, SFC, and LSM, the Court and the Jury answered "yes" by a majority of 7 votes.

With regard to questions 11 through 19 concerning acts of torture committed against RSK and EFNS, the President stated that the Court and the Jury considered these questions to have become moot on the basis of the rule against the accumulation of sentences.

The Presiding Judge thus found Kunti Kamara guilty of the offenses listed above. The Presiding Judge then announced that the Court and the Jury had decided to sentence Kunti Kamara to life imprisonment.

The Presiding Judge informed the defendant that he had 10 days to appeal this decision.

The criminal hearing was adjourned.

* * *

The civil hearing was opened.

The Presiding Judge gave the floor to the attorney for the civil parties. The attorney requested a symbolic sum of one euro for each civil party as compensation for their emotional distress.

The defense and the Public Prosecutor's Office had no comments.

The Court retired to deliberate.

The President then announced that the Court, ruling publicly and after hearing both sides in the first instance, had taken note of the civil parties' claim and declared it admissible and well-founded, and that it therefore ordered Kunti Kamara to pay each of the civil parties the sum of one euro as compensation for their emotional distress.

The civil hearing was adjourned.