CIVITAS MAXIMA

TRIAL MONITORING

Mohammed Jabbateh

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 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: Jungle Jabbah

Mohammed Jabbateh, a/k/a "Jungle Jabbah", a Liberian national living in the United States, stood trial in federal court in Philadelphia this October on immigration fraud and perjury charges. Jabbateh was charged with two counts of fraud in immigration documents and two counts of perjury stemming from statements he made in connection with his applications for asylum and later for legal permanent residence in the United States. He was held guilty on all four counts on October 18. On April 19, 2018 he received a prison sentence of 30 years. The maximum he could have received and one of the longest sentences for immigration fraud in U.S. history.

Jabbateh provided false information to U.S. immigration authorities and procured asylum in the United States by fraud and willful misrepresentation of material fact by failing to disclose his role as a high-ranking rebel commander during the Liberian civil war or his criminal actions while in that position. According to the indictment, Jabbateh repeated similar false statements about his Liberian wartime activities in his application for legal permanent residence and falsely denied that he had secured asylum fraudulently, in violation of U.S. law.

Throughout Liberia's First Civil War (1989-1996), Mohammed Jabbateh was a commander or higher ranking officer in the rebel group The United Liberation Movement for Democracy in Liberia (ULIMO) and later in the ULIMO-K when the ULIMO split into two factions.

Jabbateh was accused of either personally committing or ordering his troops to commit numerous mass atrocity crimes during his time as a higher ranking officer, including, but not limited to: 1) the murder of civilian noncombatants; 2) the sexual enslavement of women; 3) the public raping of women; 4) the maiming of civilian noncombatants; 5) the torturing of civilian noncombatants 6) the enslavement of civilian noncombatants; 7) the conscription of child soldiers; 8) the execution of prisoners of war; 9) the desecration and mutilation of corpses; and 10) the killing of any person because of race, religion, nationality, ethnic origin or political opinion. Jabbateh, like many other alleged Liberian war criminals, has never been held accountable for his wartime actions in any national or international court.

October 2, 2017 – Day 1: Jury selection

Trial has officially begun in the federal case against longtime Pennsylvania resident Mohammed Jabbateh in the U.S. District Court for the Eastern District of Pennsylvania (Philadelphia). Jabbateh is accused in a four-count indictment of providing false information to U.S. immigration authorities on his application for asylum and later on his application for legal permanent residence in the United States by falsely denying his role as a high-ranking rebel commander during the first Liberian Civil War and crimes he allegedly committed in that position.

The first day consisted of jury selection. The twelve men and women selected will sit for the duration of the trial, hearing all evidence presented in the case, and will ultimately decide whether there is sufficient evidence to prove beyond a reasonable doubt that the defendant is guilty of the crimes charged. In a criminal trial such as this, the government bears the burden of proof, and the defendant is presumed innocent until proven guilty. The government has indicated that it intends to call more than a dozen witnesses, many who have traveled to the U.S. from Liberia, to testify about the defendant's criminal activities during the first Liberian Civil War in the early 1990s. The trial is expected to last 3-4 weeks. At its conclusion, the jury will be asked to find the defendant either "guilty" or "not guilty" of each of the four counts charged.

If the defendant is convicted on all counts, he faces a total maximum penalty of 30 years of imprisonment, a $1,000,000 fine, not more than three years of supervised release and a $400 special assessment. To determine an appropriate sentence, the judge considers not only the statutory penalty but also the sentencing range suggested by the U.S. Sentencing Guidelines manual. The Sentencing Guidelines take into account the unique circumstances of a defendant's crime, the charges themselves, and a defendant's criminal history to provide an advisory sentencing range tailored to the specifics of a particular case. The defendant's presumptive Sentencing Guidelines imprisonment range is, as in almost all cases, far less than the statutory maximum penalties.

The Honorable Paul S. Diamond is presiding over this case. Judge Diamond was nominated to the bench in 2004 by former U.S. President George W. Bush. He graduated from Columbia University in 1974 and received his law degree from the University of Pennsylvania Law School in 1977. Before his judicial nomination, Judge Diamond served as a state prosecutor in Philadelphia for approximately six years and worked as an attorney in private practice for more than two decades. During trial, the judge's role includes overseeing the trial's progress, ruling on objections, deciding other legal questions as they arise, and advising the jury on issues of law.

Trial will continue on the second day with opening statements from the prosecutor and defense counsel, followed by the government's first witnesses. Watch this space for daily updates and summaries of each day's events.

October 3, 2017 – Day 2: Opening statement and witness testimony begins

Opening Statements

The Jungle Jabbah trial began on Tuesday morning with both parties giving opening statements. Assistant United States Attorney Nelson Thayer outlined the government's case and the evidence they intend to present against the former ULIMO rebel commander. Thayer stated that the evidence would show that during the first civil war, Jungle Jabbah, personally and with ULIMO fighters acting on his order and under his command "looted, raped, mutilated, murdered, and even committed ritual cannibalism against villagers they attacked." According to the prosecution, when the attacks on the villages were over, Jungle Jabbah ordered the female survivors of those villages, some of whom were teenagers, to become sex slaves for ULIMO fighters – and if they refused, the punishment was death. Any male survivors were forced to work in diamond and gold mines under the guard of armed child soldiers loyal to Jungle Jabbah – and also faced death if they refused.

Specifically, the government stated that they would present documentary and testimonial evidence showing that Jungle Jabbah lied when he applied for asylum in 1998 and indicated that he worked as a bodyguard with the Special Security Services (SSS) at the executive mansion in Monrovia during the first civil war. Thayer further stated that the jury would hear photojournalists, SSS employees, and other individuals who were present at the executive mansion during the first civil war testify that Jungle Jabbah was never a member of the SSS or employed as a bodyguard.

Acknowledging that two decades and thousands of miles separate the jury from the context of this case, Thayer urged them "not to consider the evidence in a vacuum" and stated that they would hear stipulations to provide historical background.

According to Thayer, the government will show that Jungle Jabbah's statements to U.S. immigration were false by presenting survivors who will testify about what they endured at the hands of Jungle Jabbah and his ULIMO fighters. Coming from a variety of backgrounds, Thayer told the jury that the one thing the witnesses have in common is their "fateful contact with Mohammed Jabbateh." Thayer stated, "you will see the faces of trauma" and will hear about the "common methods of brutality Jungle Jabbah and fighters used," such as the potentially fatal "duck fa tabae" — a brutal method of binding one's arms so tightly behind their back that the elbows touch from behind.

"The U.S. government has a gatekeeping role to play when foreign citizens want to settle here," said Thayer. The questions contained in immigration documents are designed to give applicants like Jabbateh a choice — tell the truth and potentially risk losing residency or lie and risk prosecution for perjury and fraud in immigration documents. Thayer said the evidence would show that Jabbateh chose to lie on multiple occasions: when he filled out his written application for asylum in 1998; during his oral interview with immigration authorities in connection with his asylum application in 1999; on his application for permanent resident status; and in his oral interview with immigration officials in 2011 for a Greencard. "You can't commit heinous war

crimes in your home country and then come here and ask to stay and lie about it," Thayer warned.

Mohammed Jabbateh's attorney, Gregory Pagano, began his opening statement by agreeing that this case is about "lies" but suggested that Jabbateh wasn't the one telling them. "Who's lying, the government's witnesses or Mohammed Jabbateh?" Pagano argued. He told the jury that the case started as a tip and that after that, the "avalanche of the U.S. government came crashing on Mr. Jabbateh's head." According to Pagano, the evidence and the witnesses came forward when the U.S. government went to Liberia to interview the tipster. "All of the sudden" there were allegations against Mr. Jabbateh 15 years after the alleged crimes took place. Pagano argued that a reasonable person would ask, "where were these people and allegations" 15 years ago? Pagano stated that his client has never hidden or failed to disclose who he is and that he provided immigration authorities with an identification card and documents when he arrived in the U.S. and freely admitted that he went by the name "Jungle Jabbah," which he claimed was a childhood nickname and not a war moniker. It was "not until the tip years later that [Jabbateh's] mortal enemies came to light," said Pagano.

Specifically, the defense alleged that all of the witnesses are people who have political or religious motives to testify against Mr. Jabbateh. Pagano faulted the prosecution for not providing corroborating physical evidence of the war crime accusations made against Jabbateh and argued that in a case of mass killings one should expect physical evidence such as forensic remains, death certificates or grave markers to be presented. Pagano also faulted the government for not producing any UN or U.S. military witnesses even though these groups were present in Liberia during the civil war.

He told the jury that Jabbateh fled Liberia and sought asylum in the U.S. to escape persecution, torture, and fear of being killed because of his tribal affiliations after he was imprisoned for three weeks in Liberia. "He has scars to prove what happened to him . . . all my client wants from this process is the fairness he did not receive in Liberia," said Pagano.

Witness 1

The prosecution's first witness testified on Tuesday afternoon and told the court about his extensive work as a photojournalist in Liberia during the civil war, including how he shot several noteworthy photographs of Jabbateh and other fighters. The witness provided historical background for the jury, discussing the various warring factions and his contact with the groups through his role as a photographer for different news agencies. Asked by the prosecutor what life was like in Monrovia at the end of 1989, the witness stated "it was total anarchy, chaotic, people were afraid to go outside and get food or water because people were getting killed in the streets".

The witness testified that he first met Jungle Jabbah when he went to a press conference held by Alhaji Kromah in Tubmanburg. Kromah had all of his commanders lined up behind him while he made his statement and Mohammed Jabbateh was among them, said the witness. The government admitted several photos into evidence through the witness, two of which were photographs that the witness had taken of Jabbateh on that day. Testifying that he did not know Jungle Jabbah before he took the photos, the witness stated that he heard Jabbateh's "boys

calling him 'Jungle Jabbah'" and that "his influence was quite revealing with the men around him." He also identified several individuals depicted in the photographs, including those he believed to be young boys brandishing weapons.

In addition to identifying Jungle Jabbah in the photographs he'd taken at Kromah's press conference, the witness also identified what appeared to be young ULIMO fighters in the photographs with Jungle Jabbah. The witness also told the court that the second time he saw Jabbateh was sometime later at a second press conference in Tubmanburg. The witness stated that he decided to take a short walk while he was waiting for the press conference to begin and ran into Jabbateh. He further said that Jabbateh recognized him and started asking him about the photographs the witness had previously taken of him.

The witness also described several other ULIMO commanders and discussed his knowledge of the SSS. He testified that SSS members were always smartly dressed and clean-cut. They wore uniforms or were otherwise well-groomed in neat, professional plain-clothes. The prosecutors asked about the attire that Jabbateh wore in particular photographs, including combat fatigues and dreadlocked hair, and the witness confirmed that SSS members never presented in that style. After admitting photos depicting actual SSS members, the government asked the witness whether he ever encountered Jungle Jabbah during his visits to the executive mansion in his capacity as a journalist, to which the witness answered that he had not.

At the end of the witness's direct testimony, he stated that he had last encountered the defendant in 2011 in the U.S. at a shipping company in Pennsylvania. The witness positively identified Jabbateh for the jury, walking up to the defense table and stating "it's been a long time, I want to make sure" before looking the defendant in the eye and confirming that he recognized him to be Mohammed "Jungle Jabbah" Jabbateh.

On cross-examination, defense counsel Pagano pressed the witness about his encounter with Jabbateh in 2011 and his photographs of ULIMO fighters. Pagano asked the witness about the title and rank of various ULIMO commanders, including Jungle Jabbah, but the witness was not able to recall precise rankings or titles. Asked about Jungle Jabbah's command position in 1992-1993, the witness said: "all I knew was that he was a rebel commander and he had troops following him" and explained that the rebel factions did not have the same structure or formal hierarchy as a traditional military.

On further cross-examination, the witness admitted that he had never seen Jabbateh commit any human rights violations, but explained that he had never seen Jabbateh "on the front lines." When asked if Jabbateh had ever threatened him, the witness responded in the affirmative. But Pagano pointed out that the witness had never before disclosed that alleged fact in prior meetings with investigators.

Finally, the witness confirmed that he belonged to the Loma ethnic group, or tribe, which defense counsel pointed out had fought against Jabbateh's ULIMO group and later allied with the ULIMO-J faction, the enemy of Jabbateh's ULIMO-K command.

On re-direct, the witness stated that he held no animosity towards the Mandingos (Jabbateh's ethnic group) even though he (the witness) was a member of the Loma ethnic group. The witness stated, "I don't hold animosity against Mandingos or any other person as a Christian".

Witness 2

The government's second witness began her testimony towards the end of the day on Tuesday. The witness stated that while she was in Camp Israel with her aunt, she saw soldiers entering the town and shooting. She testified that the soldiers told everyone in the town to come outside their homes. Once outside, Mohammed Jabbateh called her over, and she heard the soldiers calling him "Chief Jabbateh." She testified that she later heard him called "Jungle Jabbah".

"The very night I got captured he made me be his wife and slept with me," she said. When asked by the prosecution what Jungle Jabbah said to her, she testified, "he said, 'you will be with me tonight, and you will be my woman.'" The witness testified that she was scared because Jungle Jabbah had guns and so she followed him, slept with him, and performed other duties for him such as cooking. She stayed with him for several days and traveled with him to the next town. The prosecution asked her whether she was always with him and if there were other soldiers there, to which she responded, "yes, soldiers would be around even if he wasn't around". She confirmed that some of the soldiers were small boys and that everyone, including the boys, carried guns. The witness testified that while she was with Jabbateh and his group, she heard Jabbateh ask the villagers about diamonds and saw Jabbateh and his men tie up the villagers using the "duck fa tabae" method of painfully binding their arms behind their backs.

The government's second witness will continue testifying Wednesday morning.

October 4, 2017 – Day 3: The government's case continues

Witness 2 (continued)

The government's second witness continued testifying Wednesday morning. She explained that when the defendant Mohammed Jabbateh first came to her village with his soldiers and demanded that she have sex with him, she did not think she could refuse. She said that she believed she would be killed if she did not have sex with him the first night because he was a fighter and had a gun. From then on, she was forced to have sex with him two or three times each day. She explained that she could not say "no" to him because "if I say no he might harm me".

She recounted that when she was taken to Teemoh Village by Jabbateh and his soldiers, she saw them gather all the villagers together as soon as they arrived. Jabbateh told the people to come outside their homes and bring their diamonds with them. He and his soldiers bound their hands and forced them to walk to Camp Israel. The witness testified that the group went back to Teemoh Village almost every day to take food, which they neither paid for nor asked permission to take. The villagers were forced to carry the food balanced on top of their heads for the return journey with their hands tied together in front of them. The witness explained that while it is common practice in Liberia to balance loads on one's head to carry it from place to place, they always use their hands to hold and stabilize it. In this instance, Jabbateh forced the villagers to carry food without any support while their hands were tied in front of them.

Eventually the witness was able to escape when the soldiers captured an unknown woman who arrived in the area. The witness explained that Jabbateh sent his soldiers to bring the woman to him because they believed the stranger might be a spy. According to the witness, the new woman claimed that she was there to do business related to the diamonds so Jabbateh had his men follow her when she went to get the diamonds and capture her. The witness testified that the soldiers stripped the woman naked and beat her. While the men were busy beating the woman, the witness was able to slip away and escape. There had been no opportunity to escape before then because "all eyes were on me", she testified.

The witness identified pictures of the house where she lived in Camp Israel when she first encountered Jabbateh and of Jabbateh among his soldiers.

On cross-examination, defense counsel asked the witness about the witness fee she would receive for testifying and about whether expenses associated with her travel to the U.S. were paid for by the government. The witness testified that she did not know who was paying for expenses and did not know about a witness fee.

She was also asked on cross-examination about her tribal affiliation, and she identified herself as a member of the Gio tribe. She stated that her aunt's friend was in a relationship with one of Charles Taylor's fighters and that the Gio tribe was considered an ally of Charles Taylor.

The witness testified that she had met with U.S. prosecutors and law enforcement agents twice in Liberia and again after arriving in the U.S. for this trial. She stated that she had been

introduced to the prosecution team through an individual in Liberia her brother had told her was working for justice. She obtained the individual's telephone number and called him in 2016. This ultimately led to a meeting with the U.S. government in Liberia, during which she was shown a picture and asked if she could identify the man (Jabbateh) who she was talking about. She responded affirmatively and was shown a picture of a group of men, including Jabbateh, who she picked out. She initially provided a description of Jabbateh when she first spoke to officials, describing him as "black, dark skinned, with dreadlocks".

The witness was cross-examined about whether she ever reported that Jabbateh had raped her to anyone in the 23 years before the U.S. government talked with her. She testified that she told people but never "took it to the government" because "they wouldn't do anything about it". When asked whether she had seen Jabbateh's naked body during their encounters, she testified that he always kept his shirt on when having sex because he told her it was his "voodoo" and he couldn't take it off.

The witness stated that she had not seen Jungle Jabbah since the events in 1994.

Witness 3

Next, the government's third witness was called to testify. She began by explaining that rebels came to the area where she lived when she was a little girl, and she and her family ran away, crossing a river and forest to get away. She first encountered Jabbateh when her village was again invaded in 1994, this time by ULIMO fighters. She testified that Jabbateh and his soldiers captured her and her family and forced them from their village to the town to Waybama. From there, the group was taken to Bopolu. They were forced to travel the distance on foot, and it took approximately five hours. The witness recounted that the group was forced to run the distance under threat from the soldiers. When they arrived in Bopolu, it was late in the evening, and the soldiers put the group into a jail cell for the night.

According to the witness, the next morning Jabbateh told the soldiers to release the group from their cell. The witness testified that Jabbateh ordered his soldiers to separate the men and to cut all of their hair off so that they could become soldiers also. They used glass bottles to shave the men's heads. The witness testified that she never saw her brothers again after that.

Jabbateh then took the women in the group and "gave" them to the soldiers, informing his soldiers that they could "have them". Jabbateh told the women that if they didn't agree, they would be killed. She was "given" to one of Jabbateh's adult fighters named Cobra Red. He was light skinned and short, with a thick build. The witness was 13 years old at the time. Cobra Red took her to a big house in the area and forced her to have sex with him. The witness recalled that there were other women in the house being raped also. She suffered injuries to her vagina after Cobra Red raped her the first day. Another woman in the house helped her by giving her cocoa leaves to apply to make her feel better. Despite her injuries, Cobra Red continued to rape her repeatedly for the next month and a half.

At some point during that first morning, some of Jabbateh's soldiers brought a man to him and reported that the man was a spy, the witness recounted. She testified that Jabbateh ordered his soldiers to kill the man so that they could eat his heart. "They cooked it and cut it into pieces and

shared it among the soldiers so they could eat it that day", she said. She also recalled hearing Jabbateh tell his men that if anybody refused to eat the heart, they would die the same way the man was killed.

The witness testified that when she saw Jabbateh that morning, he was wearing camouflage, long sleeves, and wore his hair in dreadlocks. She described him as having dark skin and a skinny build.

The witness explained that Jabbateh had an office that he used as his headquarters nearby the jail. One day Jabbateh ordered the witness to be brought to his office so that she could pick lice out of his hair. The witness recalled that Jabbateh had dreadlocks at the time.

After being held for a month and a half, the witness managed to escape. The woman who had given her the cocoa leaves after her rape helped her run away. The woman told her that if she could manage to walk, she could follow a group of women who were also leaving the house.

The witness also identified a video clip and photographs of Bopolu for the jury. She explained where the jail had been and where the market was in the photos. She also identified Jabbateh in a photo.

On cross-examination, the witness testified that she had met with the prosecutors twice in Liberia, the first time in 2016, and had given them information about what had happened to her and the things she had seen. Defense counsel accused her of only telling prosecutors about Jabbateh eating the man's heart during their second meeting, not the first, but the witness said she answered questions and provided information when asked.

Defense counsel asked the witness about her tribal affiliation, which she identified as Kpelle. In response to defense counsel's questioning, she stated that she did not know whether the Kpelle tribe was an ally of the NPFL rebels.

The witness also testified on cross-examination that she did not know how much she would receive as a witness fee from the government for testifying and did not know how long she would have to stay in the U.S. She stated that she made approximately $80 USD per month from her job in Liberia as a security officer.

The witness testified that prosecutors contacted her through an individual in Liberia (the same individual who had introduced Witness 2 to prosecutors.) During one of their meetings, the government showed her photos and asked if she could identify anyone in the picture; she replied that she could.

Defense counsel accused the witness of giving conflicting statements during her meetings with the government and at trial regarding the type of clothing Jabbateh was wearing when they first met, but the witness said she could not recall the statements.

The witness was also asked on cross-examination whether she had ever reported her rapes to the Liberian government in the 23 years since the event. She replied that she had told people in her

village but did not report it to the Liberian government. Upon further questioning from prosecutors about why she had not reported the rapes, the witness said that she explained what had happened to her when she was asked to do so.

Witness 4

The government's fourth witness was called to testify on Wednesday afternoon. The witness described her close relationship with her cousin, who she referred to as her sister. She explained that her sister ran a nightclub in their town and also owned a food shop where soldiers frequently stopped to eat. The women lived near the shop and the witness often helped her sister with the business.

When asked by the prosecutor, the witness described some of the Generals she knew at the time, as well as their tribal affiliations and the rebel leaders they served with. She testified that General Jungle Jabbah was from the Mandingo tribe. She often saw Generals from the Krahn tribe eating at her sister's shop, including a General named T. Kallah. T. Kallah was in a relationship with her sister, and they had children together, although T. Kallah was married to another woman. The witness stated that when the Generals came to eat, they never ate alongside the lower-level soldiers under their command. Their soldiers stood guard while the Generals ate and were only allowed to eat the leftovers once the Generals finished. The witness recalled that Jungle Jabbah sometimes ate at her sister's shop. She described him as slim, with a dark complexion and short dreadlocks. She testified that she was not allowed to call him by the name "Jungle Jabbah" and instead referred to him as "Chief Jabbah".

The witness testified about going with her sister to Monrovia and crossing over the Po River Bridge. To cross they had to pass the Zero Guard Post near the bridge, a checkpoint controlled by ULIMO rebel groups on the Bomi side of the bridge. One Friday morning in 1994, she and her sister went to have their hair braided and to shop for items for the nightclub. On the way, they stopped at the Zero Guard Post to speak with the witness's friend. The witness saw fighters in the area, including General Pepper and Salt, who wore a headband with the words "No more Jesus, Only Allah". The fighters had taken all the guns away from the other guards at the checkpoint. When the witness asked why they had taken the guns from some but not all of the guards, one soldier grabbed her by her clothes and shoved her into a metal container she described as being similar to a bank safe. The soldiers then beat on the outside of the metal container causing a noise so loud it damaged her hearing. When she was finally released, she caught a ride to Bomi in the back of a pickup truck. The witness testified that her hearing was damaged so severely that she couldn't hear anything. When she arrived home, her sister was waiting there for her, but she did not want her sister to know that the soldiers had done something to her.

Two days later, on Sunday, the witness's sister called and asked her to wash clothes and cook for her. The witness said that she refused. Her sister then asked if she was getting ready for church and the witness told her "no". Instead, the witness went to visit a friend. While at her friend's house, the witness recounted that she heard the sound of a "launch" overhead coming from the area where her house was, followed by a second "launch" about 15 minutes later. She went to see what was happening and when she arrived, she saw soldiers all over the area. She hid in a nightclub named "School" near her house and watched what was happening.

From behind a curtained window, she observed Jungle Jabbah and his soldiers dragging her sister out of their home. The witness stated that she could see her sister's hand was bleeding heavily because she had been shot. The witness testified that her sister was naked from the waist up. She recounted that Jungle Jabbah sat her sister down on the ground and asked where he could find T. Kallah. Her sister asked Jungle Jabbah why he was asking her when he should be asking T. Kallah's wife. Jungle Jabbah kicked the witness's sister and knocked her over. The witness explained that she saw Jungle Jabbah begin to twirl his pistol around his fingers and ask again where he could find T. Kallah. Her sister replied that she did not know. The witness stated that Jungle Jabbah then put his pistol into her sister's vagina and pulled the trigger. The witness stated that her sister was four months pregnant at the time. She watched as her sister jerked and twitched on the ground before she died. Jungle Jabbah then gave a warning that no one should move the body; it should be left to rot. He ordered some child soldiers under his command to stay and make sure no one touched the corpse.

The witness recalled that another Mandingo General from the neighborhood arrived in his white pick-up truck and asked, "who did this?" The child soldier guarding the body responded, "Chief Jabbah did this." The witness explained that the General was furious her sister had been killed; everybody was friends with her and ate at her shop. According to the witness, the General ordered his soldiers to put the body in his pick-up truck and take it to the graveyard by the church for burial. The General also sent some soldiers to get clothes from her sister's house to use as a grave marker. The witness testified that she stayed in hiding inside the School nightclub while this was happening. She recounted that once the truck drove away, she followed it to the gravesite and stayed out of sight until they were done with the burial. Afterwards, she took a different road to the market and slept there for the night.

The witness testified that the girl who had come to help her sister wash clothes was also killed. She said that she saw the girl's body slumped forward on the steps to her sister's house. The witness stated that she does not know who shot the girl because it happened before she arrived. When she saw the body, she turned and ran away.

The witness explained that she encountered a checkpoint on the road going towards the church. The checkpoint was patrolled by Mandingo soldiers, including Jabbateh and others. They arrested her and put her into Daki's Store until Monday morning. While holding her captive, they ordered her to go and draw water for them. When she refused, they made her lie down on the ground and beat her. She still has scars on her back from the beating. When she woke up from the beating, she went to get the water. The witness recalled that on her way back from getting the water, she found a man's body lying on the ground. She testified that she saw Jungle Jabbah and some other Generals sitting at the table, drinking tea and eating the man's heart. She put the water down, and the men put her back into her cell.

The witness testified that she was taken out of the cell again on Tuesday night by some soldiers. The Generals were not around. Four soldiers took her to a nearby compound and raped her. She explained that she still has a scar on her leg from her attempts to resist. After they were finished, the soldiers put her back into her cell. Several days later, men from the Krahn tribe came and rescued her from the jail.

The witness identified photographs of the Po River Bridge and the Zero Guard Post for the jury. She also identified photos of her house, the School nightclub, her sister's burial site and grave, and a photo documenting the scars on her back. When asked to identify Jungle Jabbah in court, the witness stood from the witness stand and pointed at Jabbateh.

On cross-examination, the witness confirmed that she met with the U.S. prosecutors and law enforcement agents multiple times in Liberia, but she could not recall the specific number of times or the dates when they met. Defense counsel pressed the witness about why she had such a detailed memory of other events but could not recall this information. Defense counsel asked if she had been introduced to prosecutors through the same individual who had introduced Witnesses 2 and 3 to prosecutors, but the witness stated that a different Liberian man had introduced them.

Defense counsel accused the witness of only telling the government about Jabbateh eating the man's heart at their second meeting, not the first. Defense counsel asked the witness about some statements she allegedly made to prosecutors regarding the last time she saw Jungle Jabbah, but she testified that she could not recall what she told prosecutors in their meetings. Defense counsel asked if she recalled telling prosecutors that Jungle Jabbah shot her sister with an AK-47, not a pistol, and the witness replied that Jabbah handed the AK-47 to his bodyguard and took a pistol to shoot her sister. Defense counsel also asked about details she told prosecutors regarding her sister's death and burial. The witness testified that she watched her sister's burial from behind another tombstone in the graveyard that was approximately 20 feet away. When pressed by counsel, she denied telling prosecutors earlier that she had helped to bury her sister herself. She claimed that she was hiding during the burial because she "didn't know their intentions." Defense counsel also pressed the witness about details of her sister's relationship with T. Kallah and T. Kallah's rebel group affiliation and tribe. She testified that T. Kallah belonged to the Krahn tribe.

Finally, defense counsel asked the witness about whether ULIMO-J had women soldiers at the Military Women's Building. The witness responded that she did not know anything about ULIMO-J. When counsel confronted her with her earlier testimony regarding details ULIMO-J's leadership affiliations, the witness explained that she meant she did not know about ULIMO-J's women fighters.

The government's fourth witness finished testifying at the end of the day. The trial continues on Thursday morning when the government is expected to call its next witness.

October 5, 2017 – Day 4: Testimony continues

Witness 5

The first witness of the day, the former director of the Special Security Service (SSS), gave testimony Thursday morning about the organization. The witness testified that he was a member of the SSS from 1966 until he left Liberia in 1994. Holding a variety of positions during his time with the service, the witness was assigned by the interim government in Liberia to be the director of the entire SSS in 1980 until 1994. Asked about the mission of the SSS while he was employed there, the witness stated that it was the responsibility of the SSS to provide protective services for the president and his immediate family. Comparing the SSS to the U.S. Secret Service, he stated that the SSS would protect dignitaries, ministers, and other prominent individuals or organizations when they came to the country. The SSS also provided security services at the executive mansion, where the President and his family reside. The witness testified that anyone who went to the executive mansion would have to provide their name and information about why there were there and then would receive an ID card with the floor they were going to.

Asked about the regulations surrounding SSS uniforms, the witness stated that the SSS was elite security that worked with dignitaries and other high-ranking individuals and therefore was required to be appropriately attired. He noted that all SSS officers had uniforms consisting of a light blue shirt, dark blue pants and a cap in the form of a police cap. Plainclothes SSS officers were required to wear a tie and a coat. Regarding personal grooming requirements, the witness stated that beards were not permitted and their hair had to be cut on a low-cut, dreadlocks were not allowed. The prosecution then showed the witness a photo of Mr. Jabbateh from during the civil war with dreadlocks and sunglasses and asked if anyone in the SSS was permitted to dress that way. The witness responded that the clothing depicted was not in an SSS uniform, and an SSS agent would not be allowed to dress like that. He also stated that he did not recognize the individual in the photo and had never seen that individual at the executive mansion.

On cross-examination, Mr. Jabbateh's attorney asked whether the witness had already retired when the five-man government was installed, to which the witness responded affirmatively. The witness stated that the five-man government was made up of individuals from each of the rebel groups and that Alhadji Kromah was not one of the five, but had a representative from his rebel group who was a member.

During a brief re-direct, the prosecution questioned the witness about ECOMOG and their relationship with the SSS. The witness stated that ECOMOG would provide briefings to the SSS on what they had observed and what they needed from the SSS. ECOMOG did not provide training for the SSS, he said.

Witness 6

The government's next witness was the DHS agent who granted Mr. Jabbateh's asylum status in 1999. As an initial matter, the witness confirmed that her travel expenses to attend trial were paid for by the government and that, like all witnesses, she was entitled to a witness fee.

The witness testified about her extensive educational training and that she worked as a political asylum officer from 1998 – 2007. In this role, she told the jury that she was responsible for adjudicating cases of foreign nationals that feared going back to their home country. She was required to undergo five months of onsight training, in addition to a formal month-long training on asylum law, interview techniques, credibility assessment techniques, and country condition assessments. The witness testified that the only requirements for the asylum process are the I-589 form and oral testimony, therefore making it difficult to ascertain dishonesty.

Confirming that she could recall her interview with Mr. Jabbateh on January 11, 1999, the witness testified that she had a vivid memory of the meeting because it was one of her first grants of asylum and was early in her career. The witness stated that she recalled Mr. Jabbateh brought an interpreter with him to the interview that he didn't need or use, which she said stood out to her. The government asked the witness some questions about her custom or habits she used with applicants, as well as specific questions about the forms Mr. Jabbateh had submitted. The witness testified that during her meeting with Mr. Jabbateh, they reviewed his file and the lengthy personal statement he had provided in addition to his I-589 form. The prosecution pointed out red notations that the witness confirmed she had made during her interview of Mr. Jabbateh recording additions or corrections that Mr. Jabbateh made in his statement during the meeting.

The first thing the witness did with Mr. Jabbateh when he came to her office in January 1999 for his asylum interview was to ask him for identification. The witness testified that Mr. Jabbateh provided her with a passport and an organization ID's, including a ULIMO ID card. The witness then "swore in" Mr. Jabbateh, meaning she asked him to raise his right hand and swear to tell the truth under penalty of perjury. After Mr. Jabbateh had taken the oath to tell the truth, the witness began reviewing the forms he had provided with him.

The government went through the form, line by line, with the witness, having her read various portions to the jury. In the section regarding employment, Mr. Jabbateh stated, under oath, that he was employed by the SSS in Monrovia from December 1992 – 1995. In response to a question on the I-589 about why the applicant was seeking asylum, Mr. Jabbateh wrote: "please see personal statement". Throughout this portion of the witness's testimony, the prosecution had Mr. Jabbateh's I-589 form displayed on a monitor for the jury. Mr. Jabbateh's signature was on the last page under a penalty of perjury statement, which the prosecution had the witness read aloud.

Asked whether the witness had taken a statement from Mr. Jabbateh during the interview, she responded that she had and that the factual portion of her notes mirrored his written personal statement, indicating that he had orally confirmed what he had written and submitted with his I-589. The prosecution had the witness read the personal statement to the jury, interrupting her to ask follow-up questions. Mr. Jabbateh wrote that he had been "employed as an associate in his father's diamond business" and that when the war broke out because his father had been Samuel Doe's campaign manager, his family decided to flee to Sierra Leone to avoid the violence and threats they received for being Doe supporters. Mr. Jabbateh wrote that his brother and mother were executed by the NPFL while they were fleeing, and Mr. Jabbateh hid in the bush before continuing to Sierra Leone. While there, Mr. Jabbateh wrote, the Sierra Leone government conscripted men and created the Liberian United Defense Forces ("LUDF") and recruited him as

an intelligence officer. "Was it your understanding that he was fighting as a combatant with this group?" "No, sir", responded the witness. She testified that if she had been given that information, it could have affected her decision to grant asylum.

Jabbateh's statement continues that he served as an intelligence officer for LUDF until it became ULIMO and then he began to work as a security section liaison before returning to Liberia in 1992 where he was recruited to join the SSS. When asked whether Mr. Jabbateh had provided her with any documentation indicating that he had been a part of the SSS, the witness stated that he had told her that his ID had been taken and burned. Mr. Jabbateh also wrote that at some point rebels forced their way into his home and he was stripped naked and beaten very badly with an electrical cord, hit with the butt of a rifle, flogged and ultimately imprisoned for a period. He indicated that after his release, he was advised to leave Liberia, so he went to Guinea for nearly a year before fleeing to the United States in fear. The witness also testified that Mr. Jabbateh verbally told her during the interview that his wife had been raped. However, that detail was not included anywhere in his statement.

The prosecution highlighted several other questions that Mr. Jabbateh had responded negatively to, including whether he had ever committed a crime, harmed anyone else, or persecuted anyone. Asked what difference an affirmative answer to these questions would have been, the witness stated, "if there was any indication that he was a persecutor, that would have been a mandatory bar". An affirmative answer also would have led to additional inquiries and could have affected her recommendation for asylum. The witness said that she believed Mr. Jabbateh and as a result granted him asylum. She told the court that Mr. Jabbateh never told her or indicated in his application that he was a Zebra battalion commander for ULIMO or that he was a fighter. She stated that she was under the impression that he was secret service. But noted that he did disclose that he was known by the name "Jungle Jabbah", she testified.

Mr. Jabbateh's attorney pressed the witness on cross-examination about her opinion of his client. "You found him credible, correct?" Mr. Pagano asked. "At the time, yes" responded the witness. Defense counsel asked the witness to review the additional documents that had been filed with Mr. Jabbateh's I-589 form, including various letters, photographs, and newspaper articles. The witness referenced that Mr. Jabbateh had provided some letters that were addressed to him as the "Chief of Staff of ULIMO" and purporting to discuss disarmament. There were also newspaper clippings including an article from NATIONAL titled "Disarmament Race Heats Up" dated 1/13/1997, and another article titled "ECOMOG Receive 2,500 RUF fighters" with the name Alhadji G.V. Kromah within it the text of the article.

Pagano asked the witness about the translator that Mr. Jabbateh had with him during their interview. The witness stated that she remembered Mr. Jabbateh as being extremely articulate and therefore didn't understand why the translator was present. The witness further said that he had the option of using the translator throughout the interview as that choice was entirely in the applicant's control. Defense counsel also highlighted a question on the form asking whether the applicant was comfortable proceeding in English, to which Mr. Jabbateh had responded "no". Closing his questioning by asking her about her opinion regarding Mr. Jabbateh's credibility following their meeting, Pagano stated that she indicated that the applicant (Mr. Jabbateh) presented information that was believable. The witness responded that she had felt that way

which is why she granted him asylum. “If true, it was the correct assessment, correct?” questioned Pagano. The witness responded, “if, true”.

The prosecution briefly asked the witness some follow up questions, asking the witness to read a different question and answer from the form that said: “are you fluent in English?” Mr. Jabbateh had checked the box “yes”. (The question had appeared in two different places in the papers, with Mr. Jabbateh indicating “yes” on one occasion and “no” on another.)

Witness 7

Government witness #7 was the U.S. Citizenship and Immigration Services (“USCIS”) officer that interviewed Mr. Jabbateh when he applied for his Green Card. The witness stated that he has been working for USCIS since 2008 and informed the jury that the legal way of obtaining a Green Card if already in the U.S. is through an “adjustment of status”. Typically applicants will have what’s called an A-File or Alien File containing their application history that USCIS officers review before their interview with the applicant. The witness stated that he had conducted hundreds of similar interviews in his employment with USCIS and that “if an applicant isn’t honest and forthright [in his application I-821 form], it’s impossible to make an accurate assessment”.

Turning to Mr. Jabbateh’s application, the witness pointed out that he had applied for what’s called Temporary Protected Asylum (“TPA”). Again on this form, Mr. Jabbateh listed the SSS in Monrovia as his employer from 1992-1995, his occupation: security. Once again, Mr. Jabbateh denied that he had ever persecuted anyone or ordered, incited, or assisted anyone in the persecution of another. Mr. Jabbateh signed the I-821 under penalty of perjury on October 15, 1998. Reviewing his form as he’d done with the previous witness, the prosecution asked whether affirmative answers to questions about past criminal activity would have made a difference in his assessment. The witness stated that if Jabbateh had answered yes to those questions, it would have made him ineligible for TPA status.

Turning the witness’s attention to his interview with Mr. Jabbateh on March 11, 2011, the witness stated that he had not been assigned to do interviews that day but was handed Mr. Jabbateh’s file which he spent 20-30 minutes reviewing before meeting him. The witness told the court that he saw the defendant’s ULIMO ID card and, although he only had a rough idea of ULIMO, he knew that Liberia’s civil war “was a war where there was a great number of atrocities committed” and “there were no clean hands on either side”.

After doing some brief research on ULIMO, the witness stated that he called Mr. Jabbateh into his office and placed him under oath. Mr. Jabbateh did not bring an interpreter to this interview, and the witness reported he saw no reason for one. Reviewing the forms, the prosecutor pointed out two different colored markings – red and blue. The witness testified that he had made the blue marks and that someone else made the red marks at an earlier date. The witness recalled that he was skeptical about the truthfulness of Mr. Jabbateh’s answers about his involvement in the Liberian Civil War given his understanding of ULIMO tactics and pushed for additional detail from Mr. Jabbateh. Throughout their conversation, Mr. Jabbateh never disclosed at any time that he was a battalion commander or commanded troops during the war. Asked whether the assessment would have been different if he’d received information that Mr. Jabbateh was a

fighter or combatant during Liberia's civil war, the witness responded that if you commit wartime acts that would make you inadmissible in the U.S.

On cross-examination, Pagano asked the witness whether in the hundreds of interviews he'd conducted he had seen any other rebel ID cards or whether any other applicants had voluntarily provided such cards to him, as Mr. Jabbateh had. The witness responded that he could not recall any.

Witness 8

The government called another USCIS officer to the stand next: the individual that had made the red marks in Mr. Jabbeteh's Green Card application. The witness stated that he had been working with USCIS for twelve years and had conducted an adjustment interview of Mr. Jabbateh on November 7, 2007. He recalled that when he received Mr. Jabbateh's file, he noticed it was a T-file, meaning it was not the entire file. He stated that the first thing he did before beginning the interview was to swear Mr. Jabbateh in or place him under oath. He noted that he remembered Mr. Jabbateh having an attorney with him at that time. While he received Mr. Jabbateh's form during his interview, he made red marks either confirming that the written answer matched the oral response he'd just received or in the alternative, correcting any discrepancies between what was written and what Mr. Jabbateh told him.

Defense counsel had no questions for this witness.

Witness 9

The government's last witness for the day was an individual from the Mandingo tribe born in Liberia. The witness told the court that he had four brothers, one whose name was Ousman Konneh, also known as Pepper and Salt. Focusing on 1989-1990, the witness testified that he was in Cape Mount County with his parents and his brothers when the war came. His family fled to Sierra Leone, except for his brother Pepper and Salt who stayed in Lofa Bridge. The witness stated that his family fled the war and the NPFL and went to ZImmi, Sierra Leone where they stayed for almost a year. At some point, Pepper and Salt met them there with his auntie. The witness and his family moved twice more in Sierra Leone, once to Kenema where Pepper and Salt joined them. By that time Pepper and Salt was a fighter for ULIMO. The witness testified that his family returned to Liberia around the Freeport of Monrovia, but Pepper and Salt didn't go with them.

In late August 1992, the witness heard that ULIMO had entered Po River and so he and his family decided to see his brother. When they arrived at Po River, they sent for his brother, who brought Jungle Jabbah along to meet them. The prosecutor asked the witness if he recognized Jungle Jabbah, the witness stood and pointed at the defendant and said "Yes, that's him. He knows me very well; he knows my face". The witness told the court that at the time he met Jungle Jabbah he was in charge of the Zebra Battalion and his brother was in the Strike Force Battalion. "They were living together, they were the best of friends" testified the witness.

After returning to Monrovia for some time, the witness went back to Po River to Zero Guard Post where Jungle Jabbah and his brother were living. "It was a special area for execution". he said,

"'zero' means 'got rid of you' in Liberian". The witness testified that there was a large steel container in the area that the soldiers used to hold captives in and that Jungle Jabbah and Pepper and Salt were the commanders of the soldiers at the post. The witness testified that he saw people arrested, and then taken to the waterside and executed. The government admitted into evidence several photos of Zero Guard Post and the area where the witnesses described the executions taking place. Asked whether he ever came into contact with soldiers captured at combat camp, the witness stated that he had seen two NPFL soldiers tied in "duck fa tabae" that Jungle Jabbah ordered to be executed. He stated that his brother and Jungle Jabbah were sitting on the porch at Zero Guard Post smoking marijuana or opium and playing music when Jungle Jabbah ordered a child soldier, Bulletbounce, to execute the NPFL soldiers. He recounted that he heard Jungle Jabbah say in the Mandingo language, "execute him, get rid of him". The witness saw Bulletbounce put tires over the soldier's heads, pour gasoline on them and light them on fire. "They got burned to ashes". he said. While the NPFL soldiers were dying, the male and the female ULIMO soldiers were shooting into the air "jubilating".

At some point, the witness joined his brother and lived with him in a two-room house at the combat camp. He testified that he, his brother, and two other men slept in one room, and Jungle Jabbah slept in the other room. During the time they were living together, Jungle Jabbah was not a member of the SSS, the witness testified.

The witness also recounted a time he went to visit his brother at Lofa Bridge, where he also saw Jungle Jabbah. He witnessed his brother transporting two men who were tied in the "duck fa tabae" manner in his pickup truck. When he asked his brother who the men were, his brother told him they were members of the Krahn tribe who had been attacking them. His brother explained that they were turning the men over to General Deku and that "they're going to get rid of them". He recalled that the men were upset, crying, and begging for their lives. He heard them pleading, "we're not part of the people you are talking about".

Defense counsel questioned the witness about his brother's alleged defection and affiliation with the NPFL. The witness stated that his brother never ran away but only went to the NPFL for rescue after the ULIMO split in 1995 because some of the Krahn soldiers became his brother's enemy.

Acknowledging that he had met with prosecutors several times, the witness could not recall the precise number. He testified that the same Liberian man who had introduced some of the other witnesses introduced him to the U.S. government. The man is Mandingo, the same ethnic group as the witness.

The witness stated that he met Jungle Jabbah when he was about thirteen. When Pagano asked the witness if the last time he saw Jungle Jabbah was when he was twelve or thirteen, the witness responded, "since the 15 man execution I've never seen him again".

Witness 9 will continue testifying when the trial resumes on Tuesday.

Week in review: week 1

The first week of the Jungle Jabbah trial wrapped on Thursday, with both sides offering insights throughout the week as to the allegations and defenses that will ultimately be at issue.

Nine witnesses—from a range of backgrounds and roles—have testified so far for the prosecution over three days. They can be classified loosely into three categories:

- 3 testified as ***victims*** of wartime atrocities (women who were personally harmed by the defendant and/or his soldiers);
- 3 offered accounts as ***witnesses*** to events in Liberia or provided context for events occurring during that period (a photojournalist, the Liberian Special Security Services (SSS) Director, and a fellow war commander's brother);
- 3 ***U.S. immigration officials*** testified about the defendant's applications for asylum and lawful permanent residence (a Green Card) in the United States after the war and provided details of the administrative process involved.

From their testimony, a narrative of the case is beginning to emerge. Prosecutors are seeking to provide evidence of the following:

- During the first Liberian Civil War, Mohammed "Jungle Jabbah" Jabbateh served as a high-ranking commander of a ULIMO rebel group fighting for control in Liberia.
- In that role, Jungle Jabbah committed numerous crimes and brutalities against non-combatant civilians as well as those he believed to be opposition forces. Many of these acts he carried out personally, while others he ordered soldiers under his command to execute at his direction. These crimes include rape, murder, torture, and ritualistic cannibalism, among other atrocities.
- After fleeing Liberia at the end of the war, Jabbateh applied for—and received—asylum in the United States. For his application, he was required to disclose, under penalty of perjury, his specific role in the ULIMO. Jabbateh failed to disclose that he was a battalion commander and combatant fighter during the war; instead, he falsely claimed he was a member of the Liberian SSS and reported that his role was limited to providing security services. Additionally, he was asked whether he had ever committed any crime or persecuted another individual, in any capacity. Jabbateh falsely informed authorities, under penalty of perjury, that he had not. Had he told the truth, his answers would have barred him from receiving asylum.
- Jabbateh later sought to obtain a U.S. Green Card. He again submitted an application to immigration officials, under penalty of perjury, that failed to disclose his role as a ULIMO wartime commander, falsely denied that he had ever committed a crime or persecuted another individual, and falsely denied that he had earlier obtained asylum through fraud or misrepresentation.

The first week included sensational testimony from a variety of witnesses. So far, the jury has heard evidence of the following:

Life in Liberia

- Life in Liberia in the late 1980s – early 1990s was total anarchy and chaos. People were afraid to go outside and get food or water because people were getting killed in the streets.
- Jabbateh is a member of the Mandingo ethnic group, which sided with the ULIMO against the NPFL opposition. When the ULIMO split into two factions, Jabbateh allied with the ULIMO-K against its enemy, the ULIMO-J. The ULIMO-K included the Mandingo tribe, and its members were Muslim. The ULIMO-J included the Krahn tribe, and its members were Christian.

Jabbateh's Commander Role

- Jabbateh appeared at an official press conference in Monrovia and was identified as a ULIMO commander. Journalists covering the event reported that he exerted obvious influence and control over the lower-ranking soldiers around him.
- Numerous witnesses recounted instances where Jabbateh gave orders to other soldiers, including armed child soldiers, and was addressed as "Chief Jabbah" or "Commander Jabbah" by his reports. Those familiar with local command posts or patrols testified that Jabbateh was in charge of the stations, made decisions, and issued orders which were carried out by other soldiers.
- Throughout that time, Jabbateh frequently dressed in camouflage fatigues and wore his hair in dreadlocks. Numerous witnesses confirmed that this was inconsistent with the dress requirements of SSS agents, who were required to dress neatly in suits and ties and maintain a clean-cut appearance. Dreadlocks were forbidden for SSS agents.
- The former SSS Director testified that he did not recognize Jabbateh as one of his SSS agents and never saw him around the Executive Mansion where SSS agents were stationed. Others who spent time in close proximity to Jabbateh testified that he was not affiliated with the SSS in any way.

Crimes Jabbateh Committed

- Jabbateh and his soldiers frequently captured local civilians and bound their captives in the "duck fa tabae" style, which involved tying their arms so tightly behind their back that their elbows touched from behind. This was extremely painful and sometimes resulted in death.
- When Jabbateh arrived in Camp Israel, he ordered one woman to "be his wife" and forced her to have sex with him. He held her captive by force and intimidation and ordered child soldiers loyal to him to guard her with guns when he was not present. She was forced to travel with him, cook for him, and have sex with him 2-3 times a day.
- Jabbateh demanded that villagers turn over any diamonds obtained from local mines in their possession. On one occasion a woman who purported to be engaged in the diamond business was captured, stripped naked and beaten at Jabbateh's direction.
- Another woman was captured along with her family from her village by Jabbateh and his soldiers, marched to another town, and held captive. Jabbateh ordered the men in the group to be soldiers under his command; her brothers were never seen again. Jabbateh "gave" the woman, who was 13 years old at the time, to one of his adult soldiers to use as his sex slave and warned she would be killed if she refused. The soldier repeatedly raped her over the next month and a half until she managed to escape.

- When Jabbateh encountered an unknown man in the area who he believed to be a spy, he ordered the man to be killed so that he could eat the man's heart. Jabbateh informed his soldiers that anyone who refused to eat the heart would be killed. Jabbateh and his men cooked the heart, cut it into pieces, and ate it that same day.
- In another village, Jabbateh captured the girlfriend of an enemy General and dragged her into the street, demanding she tell him where to find the man. When she said she did not know, Jabbateh forced her to the ground, put his pistol into her vagina and shot her. She was four months pregnant at the time. He then ordered that the body be left in the street to rot and assigned one of his child soldiers to stand guard and ensure no one moved the corpse.
- Another woman was captured at a village checkpoint, held captive, and severely beaten when she refused to collect water for Jabbateh's soldiers. During her ordeal, she was raped by four of Jabbateh's soldiers. While she was being held captive, she observed Jabbateh and his soldiers eating the heart of a man they had killed.
- Civilians were frequently detained at a Jabbateh-controlled checkpoint near the Zero Guard Post at the Po River Bridge. Captives were locked in a large metal container before being taken to the waterside and executed. Their bodies were thrown into the river.
- On one occasion, Jabbateh ordered child soldiers under his command to execute two opposition soldiers who had been tied in the "duck fa tabae" manner. Under Jabbateh's direction, the soldiers placed tires around the men's necks, doused the tires with gasoline, and set them on fire, burning them alive.

Jabbateh's U.S. Immigration Applications

- In 1998, Jabbateh submitted an application for asylum in the U.S., under penalty of perjury, claiming he could not return to Liberia under fear of persecution for his tribal, political, and/or religious affiliations. His application included a lengthy personal statement detailing attacks he and his family allegedly suffered in Liberia. The application asked him to identify his occupation and his affiliations with political groups or organizations in Liberia. Jabbateh provided a ULIMO identity card, but stated that his role was as an intelligence officer and/or security liaison; he did not disclose his role as a battalion commander or as a combatant fighter. He claimed that he worked for the SSS, but that his SSS identification card had been taken and burned.
- Jabbateh disclosed to officials that he was also known by the name "Jungle Jabbah."
- The asylum application asked Jabbateh whether he had ever committed a crime or persecuted anyone based on their race, religion, ethnicity, political affiliations, etc. Jabbateh answered "no" to each question.
- In 1999, Jabbateh was called for an in-person interview with an asylum officer assigned to evaluate his application. Under oath, he confirmed the statements in his written application, correcting and amending some details, but still omitting his role as a rebel commander and his wartime crimes. He maintained that he had never committed a crime or persecuted anyone.
- Based on Jabbateh's answers and the information he provided, his asylum application was granted. The immigration officer testified that if Jabbateh had disclosed his wartime activities, it

could have affected her decision to grant asylum, and that committing persecution would have been a mandatory bar to asylum.

- Jabbateh later applied to convert his asylum status into lawful permanent resident status (i.e. obtain a Green Card). He submitted another written application to U.S. immigration authorities, under penalty of perjury, and repeated his claims of working as a security agent with the SSS and as an intelligence officer/security liaison for the ULIMO, still omitting his role as a commander and combatant. He also repeated his denials that he had ever committed a crime or engaged in persecution. Finally, he denied that he had earlier secured asylum based on misrepresentation or fraud.
- In 2011, Jabbateh was called for an in-person interview with immigration officials evaluating his Green Card application. Under oath, he maintained that the statements in his written application were true and correct, and again failed to disclose his command position or role as a combatant fighter, continued to represent that he was a member of the SSS, and continued to deny that he had ever committed a crime or persecuted anyone.
- The immigration official confirmed that if Jabbateh had included information about his role as a rebel commander and his wartime actions, it could have affected his ability to obtain a Green Card.

Through cross-examination, the defense strategy has also begun to emerge. The defense counsel has identified several targeted points of attack. Common themes the defense has levied against witnesses include the following:

- The victims' testimony and/or memory are not credible. According to defense counsel, numerous details in the victims' accounts have changed from when they first talked to prosecutors to the versions they offered on the witness stand. This includes details such as clothing that key individuals were wearing, the type of weapon Jabbateh used to commit crimes, and a witness's vantage point for observing activities.
- The victims have been influenced to change or add claims. For example, defense counsel has suggested that claims of cannibalism were not made in initial interviews and were only added later, after witnesses began meeting with prosecutors. The defense has also alleged that the government influenced witnesses' identification evidence by showing them suggestive photographs to encourage them to identify Jabbateh as the perpetrator.
- The witnesses' testimony is motivated by financial payments, implying they have agreed to testify in order to obtain a financial benefit. Defense counsel highlighted that their travel expenses were paid for by the government and that they will receive a witness fee for appearing in court.
- The victims have failed to make similar allegations or report crimes to Liberian authorities at any point in the 23 years since the war, implying that either their memories are not accurate after so much time has passed or that they have ulterior motives for suddenly making accusations now.
- The witnesses are motivated by tribal alliances and are attacking the defendant because he is a member of an enemy ethnic group. A number of the victims are members of tribes that allied with the ULIMO-J, the faction opposing the Mandingo tribe's ULIMO-K, of which Jabbateh is a member.
- Jabbateh's U.S. immigration interviews may have been impacted by difficulties with the English language.

- Jabbateh voluntarily disclosed his ULIMO affiliation, made no attempt to disguise his identity, and cooperated fully by providing available documentation to U.S. immigration authorities.

  Trial continues next week, with a large number of additional witnesses expected to testify.

October 10, 2017 – Day 5: Week 2 begins

The second week of the "Jungle Jabbah" trial began Tuesday morning with the continuation of the cross-examination of witness nine, Pepper and Salt's brother.

Witness 9

On Thursday the witness's testimony left off with him mentioning the "fifteen-person massacre." Defense counsel Pagano continued his cross-examination with that point asking the witness where it occurred and when. The witness responded that the massacre took place between Lofa Bridge and Bomi Hill after the ULIMO split in 1994. Asking the witness how old he was at the time, he responded: "please calculate, I am 38 years old now". The witness stated that he was with his brother when the massacre happened and that his brother and "Jungle Jabbah" had tied the people up and turned them over to General Deku. He testified that he had asked his brother who they were, and his brother told him that they were Krahn people; he didn't witness the execution. Defense counsel pressed the witness on whether or not he ever reported any of these things to anyone, and he responded that "it was a rebel time, I didn't tell anyone" continuing that at his age at that time he didn't know anything about reporting to the newspapers or the United Nations or ECOMOG. He testified that he told the prosecution team and before that he had told a Liberian man.

Defense counsel also asked whether the witness knew about the Truth and Reconciliation Commission and that people had testified there, he stated that he knew about it but didn't know how many people had given statements. The cross-examination continued revisiting the witness's testimony about when he met his brother at the Po River Bridge and what his brother's rank was at that time; the witness restated that his brother was a battalion commander and that General Deku ranked below him. Asked about the incident when the NPFL prisoners were burned and whether he saw them buried or saw a hole in the ground, the witness stated that he hadn't but that "after they were killed [he] saw their burnt bodies".

The prosecution asked the witness one question on re-direct: "do you know if anyone has been prosecuted in Liberia regarding acts from the first civil war?" The witness responded, "no".

Witness 10

The government's next witness, a member of the Kpelle ethnic group, testified about living in Bopulu County when the NPFL came into their town. When asked if he was an adult like he is now at that time the witness responded: "no I didn't have grey hair, now I have grey hair." He testified that the NPFL soldiers ordered everyone to come outside. The soldiers asked if there were any Mandingo and when no one responded they captured two Mandingo men and lined up all the people from the village and forced them to watch as they cut off one of the man's ear. The witness stated that he closed his eyes and when he opened them he saw the other man rolling on the ground with blood shooting out of his mouth. His friend told him that they needed to escape, so they went and hid in the bush. At some point, they heard sounds and ULIMO soldiers came into the bush and said they were free again. This freedom changed after the ULIMO split; he testified that the commanders at that time in Bakerstown were Badblood Django, Tutuboy, and

above them was “Jungle Jabbah”. He stated that he saw Jabbateh in Bakerstown and described him as black with dada (dreadlocks).

The witness specified that when the two men were captured, it was under Badblood Django’s command. He stated that the soldiers told the townspeople to cut bamboo and the soldiers used it to tie the two men. The soldiers then put the men in a well and covered the top with dried bamboo, before pouring gas on it and lighting it on fire. The witness stated that he heard the men crying until they died. He told the court that the ULIMO would also make people carry palm oil to the barracks in Bopulu. It was about a two-hour and thirty-minute walk, “according to people with watches”; civilians weren’t allowed to have watches at that time.

The witness testified that if anyone refused to carry the palm oil, the soldiers would put them in the “rice kitchen”. He described it as a kitchen the soldiers built where they kept rice in the attic; if someone disobeyed, the soldiers would order them into the attic, and then they’d light a fire in the kitchen and pour in pepper, which caused the person in the attic to sneeze a lot and scream in pain.

In Bopulu the witness testified that the ULIMO soldiers invited civilians to eat and his friend told him that they were eating human meat. He stated that at another point the ULIMO group came and brought everyone into town and separated the sick from the healthy. The soldiers told them that “Jungle Jabbah” had an accident. After a while, there was an order to beat the sick and to “mark” the people that were healthy. The witness testified that they cut his hand first and said “his blood is not shooting” so they made him come back to them and cut him again. The government then admitted a photo of the scar on the witness’s arm (“hand”) from being cut.

He testified that, hammed Farhadi and Badblood Django took him and the other people that weren’t sick about four hours away to a stream and bridge. When they got there, they saw metal, guns, bullets, RPG’s, a German saw, and a dead body in the creak. He testified that he knew the saw was German because his friend told him the writing on the saw was in German, and he had also seen similar saws when he saw a sawmill in another town. The soldiers forced them into the water and said they needed to take the RPG’s out, so they passed them person-by-person up the hill. When asked about the body, the witness stated that it was in the water, but the engine was on top of it, so the villagers had to use pieces of wood to flip the engine over and get the body out.

The prosecution showed a photo to the witness that of a sign that said “Jungle Jabbah Bridge Belle Resources Limited”. The witness testified that the sign was put up because “Jungle Jabbah” did so many terrible things that the people couldn’t forget him, so they named the bridge after him.

On cross-examination, the witness was asked about when he met with the prosecution team in Liberia. He stated that he had met them there but couldn’t remember the month because he did not even know his birthday. When pressed about how they met, the witness testified that he met them through a Liberian man and that he brought them his complaint because they’d had their team “all over town”. The witness was asked how many times he’d seen Jabbateh, and the witness stated that he saw him four times. The first was in the barracks in Bopulu, the second

time was in the same barracks in Bopulu more than a month later, the third was in Backwest town, and the fourth time was at the bridge.

On re-direct, the prosecution clarified that the witness knew the saw it was German because there were marks he couldn't read and he had seen similar saws at the sawmill when he went to visit a friend in Bemba.

Witness 11

The government's third witness of the day testified that he is a member of the Bassa ethnic group born in Liberia. He stated that he had an Aunt that lived in Johnstown when the war came to Liberia, and his aunt had a son that he referred to as his brother. At some point, he had contact with a group of soldiers that he referred to as "Jabbah group". He described "Jungle Jabbah" as a general who had soldiers. He testified that while he was visiting his Aunt in Johnstown, he saw a group of soldiers coming into town and Jungle Jabbah was with them. He stated that it was the second time he had seen Jabbateh and that the first time, he hid because the fighters would make all the young people work for them. He described Jabbateh at that time as being skinny, wearing shades, with dreadlocks and dark skin and identified him in a picture.

The witness testified that when the soldiers came into town, everyone started running, which was when they arrested him and his brother. He told the court that he started asking, "why are you arresting us, what did we do?" and the soldiers tied them in duck fa tabae fashion, with the elbows pulled behind their back. The witness stated that this caused him pain in his chest and his hands. He testified that "Jungle Jabbah" was there with his group, some of which were children. Because the witness kept complaining, Jabbateh ordered the soldiers to bring him closer and said they should amputate him. The witness testified that Jabbateh wanted to kill him, but he started to beg so he instead ordered for the soldiers "to amputate him, " and they cut off his ear. The prosecution then asked the witness to stand and take off his hat to show the jury and the court his ear.

On cross-examination, defense counsel asked the witness whether he knew what rebel group his tribe was allied with during the civil war but the witness stated that where he was living his tribe remained neutral. Pressing the witness on whether he'd ever told anyone what happened to him, he stated that at that time you couldn't find anybody to report to because there was a war going on. He later spoke with an organization in Liberia and eventually the prosecution team, which was when he saw the photo of "Jungle Jabbah".

Witness 12

The government's fourth witness of the day testified about Patient's farm, a place he used to go to with his father when he was a child. When asked whether rebels ever came there he said, "whenever I think about what happened there, whenever I think about that moment, it breaks my heart". One day while he was at the farm with his father and other children and women, he heard firing sounds and soldier broke into the farm. The witness stated they continue to fire their guns and then he heard, "Cease fire! Cease fire!" After the firing stopped, he saw "Jungle Jabbah" for the first time. He described Jabbateh as having dreadlocks, in a dark shirt, with dark shades, stating, "when you see his face you would understand he's an evil human being." The witness

said he called himself, “Jungle Jabbah, King of the Jungle.” He testified that Jabbateh and his fighters began “terrifying the people,” stripping all the women down to their underwear. The witness testified that his father wanted to say something because he was so upset about what was happening but when he tried to talk, the soldier “hit him, kicked him, slapped him, and shouted, “Shut up! Who do you think you are? Do you want to die?”” Jabbateh, he said, told the soldiers they should whip him and then ordered his soldiers to tie all the men in “duck fa tabae” and separate them from the women and children.

Getting visibly emotional, the witness stated, “I was watching, and my heart was breaking, I couldn’t do anything.” They brought the men to one side and the women and children to the other; they took away the children’s shoes and slapped him when he started to cry. The witness stated that “Jungle Jabbah” went with the group of men that his father was in and the women and children were brought to a hut somewhere in the bush. The prosecutor asked the witness to describe the hut, and he stated that he could draw it, which the court permitted him to do on a large easel for the jury to see. Indicating separate spaces in the drawing of the hut, the witness stated that the women were on one side and the children were on the other, surrounded by armed men. The witness testified that the soldiers would gather them and sing, “if you don’t like ULIMO you will be killed like a dog”, and laugh.

The soldiers said that from that day, all the women were their women and that there were no children during the war, so all the children must work. The women were used to cook, and clean, and as sexual objects that they had “sex with whenever they wanted.” The witness stated that the children could see the women being raped but that if they were caught peaking the soldiers would kill them. He testified that “when they got in that sexual mode,” the soldiers would violently grab any woman, and at times even two or three men would take one woman. While they were working, they would see the soldiers laughing, smoking and gambling in the yard. He also stated that he saw “Jungle Jabbah” at the hut and recognized him from the farm. The soldiers that were at the hut addressed Jabbateh as “Sir” and saluted him.

When asked if there was a time that he left the hut, the witness stated that he couldn’t remember what happened, but remembers having his hand in a woman’s hand that took him to Monrovia. He hasn’t seen his father since he was taken that day at Patient’s farm.

On cross-examination, the witness was asked what group the Kpelle tribe associated with during the civil war, but he stated he didn’t know. When asked if he met with the prosecution team in Liberia, the witness told the court that he had and was introduced to them by an organization in Liberia.

Witness 13

The government’s next witness testified that he was from Grand Cape Mount County in Liberia but was living with his family in Kakata when the war began. He stated that in part of 1992 while NPFL soldiers were in Kakata, there was an attack by ULIMO soldiers. The witness and his family tried to move to several towns, but they were “not suitable” because of the war. They eventually went to Wishaw in Grand Cape Mount County where there were also ULIMO fighters. The witness testified that the head of ULIMO in Wishaw was “Jungle Jabbah,” and there were few other

generals there that were below him. He described “Jungle Jabbah” at the time as being slim, with dreads, and black in complexion. This witness also positively identified Jabbateh in photos.

He said that he thought Wishaw was safe for them, but it was dangerous, there was no food, and they had to hide from the rebels in the bush. At some point, the witness’s mother sent him to get a half bag of rice when he was on his way back he was attacked by “Jungle Jabbah” soldiers who told him to give them the rice. When he repeatedly refused they started beating him, “gashed [him] with a bayonet and forcibly took the rice.” The witness identified pictures of his scars from the bayonet and beating.

After the witness returned home, he said he told his father, who decided to confront Jabbah and find out what happened and get permission for him to be treated. “Within the twinkle of an eye, General Jungle Jabbah immediately released an order to strip my father butt-naked” and tied him in duck fa tabae, said the witness. The next day he died from internal bleeding.

The soldiers let the witness go, and he went back to his mother is the bush. The next day they heard that people had seen his father naked and dead in the street. His older sister began to cry and said she was going to go find out why “Jungle Jabbah” had killed her father. The witness testified that he decided to follow her and saw his father lying outside on the street dead. He also stated that he saw his sister crying and confronting “Jungle Jabbah” who ordered his soldiers to take her away. The witness testified that he hid in the bush and saw four soldiers take his sister away to an unfinished building and rape her.

On cross-examination, the defense counsel asked the witness what tribe he is in, and he responded, “Gio.” He testified that he didn’t know what rebel group the Gio people supported because he wasn’t a part of the war and never went to the battlefields; he just saw some soldiers do bad things. Asked about his bayonet wound and when he received treatment, the witness stated that he was treated later, probably in 1993. When asked if he’d ever reported any of these crimes and about why he waited twenty years to speak up, the witness stated that there were only rebel soldiers back then and he didn’t have a specific year he was waiting for, he “was only waiting for justice”.

Witness 14

The government’s subsequent witness was witness 13’s older sister. She was asked about when her family was in Wishaw, and her brother came home bleeding. The witness testified that her father went to ask Chief Jabbah what happened and Jabbateh ordered his soldiers to tie her father, and he never came back. The next day some people came from town to where she was hiding and told her and her family that her father was lying in the street naked. She testified that she got up right away and went to see him. When she got into town she saw her father’s body lying in the street, naked, with his two hands, legs, and arms tied, blood coming from his nose and mouth. The witness told the court that she started to cry and soldiers called “Jungle Jabbah” and told him a woman was crying in front of the house. When Jabbateh got there, she stated that he stood for a while and then told his soldiers to get her out of his sight because, “during war, tears were not allowed”.

She testified that four soldiers took her away to an unfinished building and beat her. One of the soldiers wanted to kill her, but another said that they "shouldn't waste a bullet" on her and should rape her instead. She fought as they tried to force her legs open and one of the soldiers shot a bullet into the ground between her legs that injured her. "I have marks all on me" the witness stated. The witness identified pictures of her injuries, including, a knife mark right below her right eye, teeth marks on her right shoulder and left hand, and a knife mark near her knee.

The prosecutor then asked her whether she remembered meeting an agent assigned to the case in Liberia; she responded that she did. She stated that they showed her a picture and she recognized "Jungle Jabbah".

On cross-examination, the witness stated that she never got treatment for her wounds because there was no hospital at that time. She confirmed that she remembered meeting with the prosecutors in Monrovia and that she had gone to Monrovia when there was a ceasefire in 1994. Defense counsel questioned her about the year of her father's murder and her rape, and she responded that it was the end of 1993.

Witness 15

The government's last witness of the day testified about when the civil war got to Dasalamu. The witness testified that the NPFL arrived first and had the whole area under its control until ULIMO fighters drove them out. The witness testified that at first when ULIMO was there things were okay and people could go to the market for food and come home safely. At some point, while the witness was in Lofa Bridge going to sell oil, he met "Jungle Jabbah" at a checkpoint. He described "Jungle Jabbah" as being slim with dreadlocks and black skin.

The witness asked if he could stand for the rest of his testimony, which the court allowed him to do.

He stated that the second time he saw Jabbateh was at another checkpoint on his way to Monrovia carrying cassava. The witness explained that before he could cross the checkpoint, he had to enter the office for questing. He said ULIMO fighters were controlling the checkpoint and that when he came out, the young boys who controlled the car ("carboys") said "the boss" wanted to use the car and took it with three loads of the cassava to Bomi. The witness stated that he saw Jabbateh in another car, and they said they were going on an operation, but he didn't know what that meant. The witness stated that soldiers told him that the loads they stole were a credit and that when he came back from Monrovia he would get money for it, although he never did.

The third time the witness stated that he saw Jabbateh was in Sinkor where ECOMOG was teaching. He testified that ULIMO-K, Alhaji Kromah's group, and Jabbateh called a meeting with representatives of the villages and said that if any soldiers harass people in the community, the town chiefs should bring a complaint to ECOMOG. The witness stated that he went to the meeting with his Aunt's husband, the town chief, and heard Jabbateh speak.

The witness testified that a few months later two of his friends came to his town and told him that ULIMO-K soldiers captured the people on a farm and were making them pound rice. The

men said that the soldiers were also raping the girls and women. Early the next morning the witness saw a group of soldiers coming into his town; the soldiers shot one of his friends right in front of him before chaos broke out. The witness stated that as he ran to his Aunt's house he passed another man who'd been shot. He testified that he brought his Aunt and her children into the bush and watched as the soldiers forced people to carry all of their belongings with them to Danielstown.

After ULIMO attacked his village, the witness told the town chief that they had to report the murder and other shootings to ECOMOG. He stated that they took the back road to Sinkor where ECOMOG was and reported to the commissioner what the soldiers had done. The commissioner, a government-appointed official, told them that he wouldn't believe them unless they brought the bodies of the dead and injured. So, the witness testified, they went back to their village and carried the dead body and the three injured persons in hammocks back to ECOMOG. When they arrived, ECOMOG arranged for a helicopter to take the wounded to Monrovia and buried the witnesses friend.

It was more than three months before the men from the village that had been shot returned from Monrovia. The witness testified that sometime after they returned, while he was on a farm one evening, he saw a group of soldiers approaching who told all the men to go to town. He stated that he recognized several of the generals including a man he called Sharif. He indicated that he knew Sharif before the war and that they had been friends. When the soldiers brought the men to the village, they said their boss, "Jungle Jabbah", was in town. The witness testified that the soldiers took the men and the women and separated them into two rooms in the "bosses" house. While they were there, the witness stated that he could see one of his "brothers" bodies on the road; his chest covered in stab wounds and a gunshot to his leg. The soldiers told them that this second time they were going to kill them since they'd gone to Monrovia and survived.

The witness testified that while he was in the house, he heard them call the town chief and ask for a plate. Later, very late at night, Sharif came to him and said they killed one of the men from the village. In the early hours of the morning, the witness heard gunshots and the voice of one of the men from his town screaming for his wife or mother or sister. Sharif came back to him again and said that he would help him escape if he followed his directions. The witness got emotional during his testimony and said that the reason he wanted to stand and testify was because he "want[s] everyone to see [his] face, [he] doesn't want to hide from anyone".

The witness was ultimately able to escape, and when he spoke to his Aunt in the bush, she told him that they had killed her husband and brought her his heart to cook.

Witness 15 will continue to testify on Wednesday morning.

October 11, 2017 – Day 6: Mines, Murder and Mayhem

Witness 15 (continued)

The government's fifteenth witness continued his direct testimony from yesterday.

The witness testified about the morning an individual named George was killed. He was sitting with George and others under a plum tree. He had put some clothes on the ground to dry out so he could go to work. The soldiers entered the town running. The witness testified that George ran towards the house and the soldiers ran after him and shot him in front of the kitchen. The witness testified that he ran away as well, in the direction of Lake Piso, and went to his aunt's house.

The witness identified photos of Dassalamu and explained the layout of the village. The witness testified that the first time the soldiers came to the village, they entered from the direction heading toward Lake Piso. He identified the place where the soldiers dragged George's body into the road in front of the kitchen. They showed the witness the body and asked if he knew the man; the witness responded that it was his brother.

He recounted that after the soldiers killed George in Dassalamu, they left for the next town and forced civilians to carry the soldier's loads. When they got to the next village, a man there saw them and attempted to run away. They shot him in his hand.

The witness explained that the second time ULIMO attacked his village, he was captured by the ULIMO soldiers and taken from a farm to the town of Dassalamu. The soldiers told him they were going to kill the town chief, who was married to his aunt. That night, people told the chief that his life was in danger but he decided not to run away and leave his people behind. The witness explained that they did not want to abandon the elderly villagers.

Prosecutors showed the witness a short video clip of the village. The witness pointed out the direction that the ULIMO fighters arrived from and the fruit tree he had been sitting under the first time the soldiers invaded. He identified the village's town hall, which is also known as a "palaver hut." People go there to discuss matters or problems. On the night that the town chief was killed, the soldiers brought everyone from the farm to the front of the building next to the town hall. There were other soldiers sitting on the porch, including Jungle Jabbah.

The witness identified a photograph of his friend taken in the village. The ECOMOG base is also pictured in the photo, though its position has changed since the war. He also provided additional details about the town layout from a short video taken of the area and explained routes he took on the days at issue.

The witness testified that he was shown a photograph by prosecutors when they met in Liberia. He was able to identify Jungle Jabbah in the photo, who he said he knew well. He identified Jungle Jabbah's photograph again for the jury in court.

On cross-examination, the witness testified that Jungle Jabbah was not there the day the soldiers killed George. At the meeting with ECOMOG, the witness and others in attendance were advised what to do if the rebels harassed civilians. He confirmed that he did just as he had been instructed when George was killed. After George was killed, the witness and others reported it but ECOMOG asked for proof. He confirmed that they brought George's body and the wounded men to ECOMOG and that ECOMOG transported the wounded to a hospital for treatment. When asked whether ECOMOG punished the soldiers for killing George, the witness explained that the soldiers were not under the command of ECOMOG, they answered to their bosses. The bosses put them in jail and beat them, not ECOMOG. ECOMOG was not even able to arrest the rebels, according to the witness.

He also testified on cross-examination that the rebels killed three people on the same day during their second visit to the town. This was more than four months after George was killed. When asked how the men were killed, the witness explained that the town chief was shot, just as George had been. This time, the rebels opened the chief's chest and took out his heart before burning his body. His bones were buried. Another man was shot in his thigh and died from his injuries. The witness recounted that after the killings, they left the village for several months. Although he had reported George's killing to ECOMOG, he did not report any of the other killings to ECOMOG or to Liberian authorities. At the time they killed the three people, ECOMOG was no longer in Sinje so there was no one to take the complaint.

The witness explained that he was introduced to prosecutors by an individual who came to his village to get information and later took him to Monrovia to meet with the government. The individual worked for a group in Liberia.

Witness 16

The witness's testimony began with details about the actions of the NPFL in Liberia during the war. NPFL soldiers would come to his town and steal their chickens. The witness testified that he also had contact with the ULIMO before it split into two factions.

One day the witness attended a meeting in Danielstown, which typically hosted the market where they went to get food or sell goods. At that meeting, he heard a ULIMO commander from the Krahn tribe talking to the group. The witness recounted that the speaker informed attendees that ULIMO was "there for us." At some point after the meeting, ULIMO split into two groups. The witness was familiar with the ULIMO-K soldiers and had contact with them around Dassalamu.

He recalled that his friend, George, also encountered the soldiers. The witness testified that one day six soldiers entered the town; two were armed with machetes. That morning the witness was talking with friends under the plum tree, he recalled. When the soldiers rounded the bend in the road just before the town entrance, his friend George was sitting at the end of the bench under the tree. Without saying anything, one of the soldiers shot George. George tried to run but he fell to the ground in between the kitchen building and his mother's house. The witness explained to the jury where these events took place using photographs of the area. After George was shot, everyone scattered. The soldiers tried to force everyone into the center of the town. Another man was shot in the leg. The witness observed soldiers beating another man with sticks. The

soldiers forced the villagers to bring food and household goods to the town center and turn over the goods.

The witness was the youth leader in the town. They held a meeting to decide how to handle the soldiers. The witness was not at the meeting, but talked to his brother, the town chief, about what should be done. They decided to take a complaint to the commissioner for it to be forwarded to ECOMOG. When he got to Sinje, they met a group of people on the side of the road. The town chief, district commissioner, and officials went into the meeting. The witness testified that Jungle Jabbah arrived while he was there. At that time, Jungle Jabbah had "dada" (dreadlocks) and often wore a big cap. He was slim. Jungle Jabbah was not around when they made the complaint. The commissioner lodged the complaint to ECOMOG. They were told that the only way to be convinced of the complaint was if they brought the victims there as proof. They had to carry the bodies of the victims to Sinje to show ECOMOG. When they got to ECOMOG, the wounded were put in a helicopter and sent to Monrovia for treatment. They buried George's body. Then the men turned around and went back to the village.

The witness described another ULIMO-K soldier named Tony in Dassalamu. Tony reported that, according to his ledger, Jungle Jabbah is the one who assigned him to go and create a base in Dassalamu. The soldier who killed George was second in command. The same man who killed George and who shot the town chief was assigned to be commander of the village. Whenever they needed food, they would go around and collect from the town. It took about six people to do the collection.

The second time the witness saw Jungle Jabbah was the night they arrived at Dassalamu. Soldiers came in cars. Tony stayed in town as commander—he was very tall. Another soldier named Ten Thousand Man Trouble stayed as deputy commander. Tony ordered the chief to bring lanterns. At that time there was no kerosene or fuel, so they used oil. One lantern was put at town hall and another lantern was placed where Jungle Jabbah was based. Tony told the chief that they wanted food and some villagers were forced to pound rice. Tony came out of the town hall and ordered some women to go cook for them. The witness confirmed he also knew the town chief's wife. She was one of the women that Tony collected and ordered to cook.

Some people from the town hall, including the chief, were later taken down behind the mosque; the witness never saw them alive again. The witness was in a hut nearby and could see Jungle Jabbah on a neighboring porch talking to the chief. He couldn't hear what Jungle Jabbah and others were saying to him on the porch, but then he saw them leading the chief around the side of the house. The witness was still in the palaver hut when he heard two gunshots. The witness used a video clip of the town to show the jury where his brother, the chief, was killed behind the house.

The witness was overcome with emotion while speaking about his brother and needed a break from testifying to calm down.

When he resumed testifying, he said that he saw Jungle Jabbah and others get into a vehicle. They were told that the place was no longer safe for them, so the soldiers marched them to Danielstown. Some soldiers were in front and others were behind the group as they marched in line. There was no way to even attempt to run away. One man's father was sick, so he asked a

soldier (the one who had killed the chief) if one of his brothers could stay with his father because he couldn't walk at night. The brother was allowed to stay behind. The next day, they asked the soldier to let them go back to the town to get their father and bring him over to Danielstown with them. They were ordered to collect items from the village and bring them back when they returned. When his brother returned, he burst out crying and described finding the chief's dead body. The witness testified that his brother told him, "we have lost" and explained how he had gone behind house and seen the body. The soldiers had cut open his chest and taken out his heart.

On cross-examination, the witness was asked about the photograph of Jungle Jabbah and asked if he had been previously shown the photo in Liberia. He testified that the government had shown it to him and that he was able to identify Jungle Jabbah in the image. The witness also recalled that he had been shown more than one photo and was able to identify Jungle Jabbah in the photos. He confirmed that Jungle Jabbah wore a large round cap during that time along with a military uniform.

When asked by defense counsel to repeat details about the killings, he recounted that George was shot near the end of the year, another was shot in leg, and another beaten by stick—all when ULIMO first came to the village. Those people were taken to the ECOMOG base and then to Monrovia.

Witness 17

The witness testified that during the war years, he saw NPFL soldiers in Dassalamu. The first time he saw them, they passed through on their way South. They came to meet the town chief, and asked for sheep and goats. The chief had no choice in whether to give them the animals or not; he told them to take what they wanted.

The witness also recounted that he was an athlete when he was younger and once encountered a soldier named Qadaffi while playing football. Qadaffi was a ULIMO-K commander. While he was playing football, Qadaffi walked right onto the field and took the trophy and the championship prize money. People asked him why he was doing that and he said because his boss, Jungle Jabbah, sent him. The witness remembered seeing Jungle Jabbah about two weeks later.

The witness identified photographs of Danielstown. There was a weekly market held on Thursdays in Danielstown that was used by people living in Dassalamu. He saw Jungle Jabbah there when he went to the market with his mother to sell cassava leaf paper during the war. They saw two pickups coming down the road and saw them park right on the road. People started calling out to Jungle Jabbah by name. That was the first time the witness saw him. The witness was 12 years old at the time. Jungle Jabbah was walking with his armed guards. The following Thursday he and his mother were in the same spot and Jungle Jabbah came again by car. He drove up at high speed and he and his men got out of the car. His soldiers ran straight into the market with their guns. They were demanding the people put the goods from the market into the car. People started to run and he and his mother decided it was time to leave. The third time he saw Jungle Jabbah, he arrived with his soldiers in three cars. He was wearing camouflage and sunglasses. His soldiers were taking the goods from the market and putting it in their car. They were forcing local venders to put their items in the cars as well.

The witness also testified about the time when George was killed. One morning, the witness was sitting on the bench under the mango tree. The bench was made out of a long plank and people were sitting on it. The witness was sitting on the mango roots. They saw the soldiers enter the town. There were seven men and the soldiers came straight towards them. George was sitting on the edge of the bench. A soldier shot George. George ran across the street and behind the house before he fell. One of the soldiers walked over to make sure George was dead. George had hunting dogs with him. After George was killed, the dogs went over to George to see what was happening. The soldiers shot and killed the two dogs also. The witness showed the jury where the events took place using a photo of the town.

Defense counsel had no cross-examination questions for this witness.

Witness 18

The witness testified that the town chief was her husband. She recalled for the jury the night her husband was killed. She was pregnant at the time. One day fighters entered Dassalamu. They forced her into her home and held her captive there. Other people were held captive in her home also. She identified a picture of her house for the jury.

Her husband was killed late that night. Before he was killed, a soldier brought something to her husband and put it on the bed. The soldier said: “This is your brother’s heart. We came to show it to you because we’re going to kill you and take yours out too.” A short time later they brought him outside and took him away. She heard him screaming. A soldier then brought his heart to show her.

The witness became very emotional during her testimony and the court took a break so she could regain her composure.

When she resumed testifying, she recalled that the soldiers informed her that their chief said he wanted her husband’s heart. One of the soldiers came in and ordered her to cook it. She made the fire and put it in a pot. She testified that she “was not herself”. They told her to “make herself strong” and said that if she didn’t cook it they would kill her. The soldier told her that his boss said he wanted the heart so she must cook it. He warned her that if she didn’t “make herself strong” and cook it, he would be killed too.

The witness testified that while she was in the kitchen preparing the heart, the soldiers wanted to rape her. She ran away and hid in the bush behind the house. When she went into the bush, she fell and just laid there. She was naked, because the soldiers had stripped her before she ran out of the house. The witness recalled that after a while her friend came looking for her. She told her friend that the soldiers killed her husband and gave her his heart to cook. Then she passed out.

On cross examination, the witness was asked what year her husband was killed. She thought it was around 1990 but was not sure. She testified that when they were able to come back to the town after a while, they saw his remains. Her brothers buried his remains in the village up the hill.

Witness 17 Recalled to the Witness Stand

Next the prosecution recalled Witness 17 to the stand to present identification evidence omitted when he first testified. The witness testified about seeing Jungle Jabbah in the market. He described Jungle Jabbah as "black but not too dark, with dreads". The witness remembered that Jungle Jabbah was wearing camouflage shorts the day he saw him. The witness identified a photograph of Jungle Jabbah.

On cross-examination, defense counsel asked the witness if he had earlier testified that Jungle Jabbah was wearing a cap in the market when he first saw him. The witness denied saying that. He also asked the witness to clarify Jungle Jabbah's skin tone, which the witness described as "light-skinned".

The witness confirmed that he went to the market frequently and that the market existed during the rebel occupation. When asked if he continued to go back to the market on Thursdays even after he saw Jungle Jabbah there, he confirmed that he did. He testified that he eventually stopped after some time.

In response to the defense counsel's questions, the witness stated that he does not know the exact year when ULIMO came to his village.

The witness was asked how he got into contact with prosecutors. He explained that one day he came to town and was playing checkers with some people. They were talking about the war and about how people had been killed during the war. He joined them at checkers and began to tell his story too. When he got up to leave, one of the men came up to him and asked for his name. He said he wasn't in a good mood, but the man asked for his number. The man contacted him a few days later and asked him to meet to talk. Eventually they met one afternoon. They sat down to talk and the man asked him who killed his people. He said he didn't want to talk about it because it was in the past and it hurt his heart. But the man encouraged him to talk and eventually he did. The man asked if he knew the person's name that was responsible and he said it was Jungle Jabbah. The man asked if he knew others who knew something about this case and he gave him some names. The man worked for the organization Global Justice.

In a brief re-direct examination, the prosecutor asked the witness to clarify what he meant when he described Jungle Jabbah's skin color as "light-skinned" and the witness acknowledged that it was darker than the prosecutor's own skin tone.

Witness 19

The witness began his testimony by providing biographical details, including that he is a member of the Kpelle ethnic group.

The witness described how during the first civil war, he went to a place called Tubmanburg in Bomi Hills. He went there because wanted work and that was the only area with a mining industry. He wanted to do gold mining. While there, he encountered the ULIMO. The witness recounted how he left Tubmanburg and went to the Lofa Bridge area as a result of his contact

with ULIMO. Lofa Bridge is also a mining area for gold and diamonds. Before ULIMO came, miners would dig and the mine owners would give the workers a small portion of whatever they mined to keep for themselves as compensation. But when ULIMO came this practice changed. They took over the mining business. The owners were beaten and tied up and order to hand over their business. The witness testified that the leader of the group was Jungle Jabbah. Jungle Jabbah was living in the Lofa Bridge town also.

The witness identified a photograph of Jungle Jabbah.

The witness explained that when ULIMO took over, Jungle Jabbah called a meeting in the market area. He told the people that he had taken over from the previous leaders and said that people should work with him. He told them that anyone who found diamonds or gold must turn it over to him so they could "all work together." The witness testified that this arrangement did not work for him. Originally, when working for the mine owners, they would be given their portions as compensation. With Jungle Jabbah that no longer happened. Jungle Jabbah's people watched over the miners and took anything they found away from them. The miners were no longer allowed to keep a portion. When they asked about this they were told "next time," but it never happened. Jungle Jabbah assigned armed soldiers to watch over them. The witness testified that the first group of people who tried to run away were caught and beaten. This created fear among everyone else so no one would attempt to run away again.

The witness left less than two weeks after Jungle Jabbah took over. People were running away in the night to find a better place to live. The witness testified that he was scared but had to take the risk because staying was not good for him. He wanted to work to get something for himself that he could take back to Monrovia. Mining had turned out to be "slavery work," he said. He explained that "whatever you did, whatever you got, was taken away from you". When he fled he went to Wayju. Wayju was also a mining area; it had gold mines. When he first got there, the situation was the same as it was originally in Lofa Bridge. When he got there, people were mining for themselves, just as they had been originally. The witness explained that gold mining is not easy work; it is a very hard undertaking. Sometimes they would have to drill a rock down to small pebbles. They would do this by rubbing it over a sharp surface and pouring water over it. The gold mixes with the water in the gravel, the sand rises to the top and the gold particles are caught. He explained that one continues to wash the substance until you eventually get very pure gold. The witness identified photos of the tools used in gold mining.

The witness explained that things soon changed in Wayju. Jungle Jabbah and his men extended their reach to Wayju. They took over the entire place and the mining there as well. They confiscated the sites for themselves. The witness was working at one of the sights that got confiscated. While working there, he saw Jungle Jabbah almost every day. Jungle Jabbah lived in Lofa Bridge so he used to come around to collect the gold. There were a lot of soldiers guarding the mines, including two that watched over the witness while he was mining. They were armed child soldiers and carried guns. The witness explained that it was the only means they could use to stop the workers from running. When asked to describe how he felt about being forced to work by boys with guns, the witness responded that it was "very insulting". They would take him to neighboring towns and along the way the children would demand to be carried. They would sit on his back and hold on by grabbing his ears. They would hang the guns around their backs. He couldn't escape because the kids had guns. "No matter what you tried to do", he said,

"they could beat you up or shoot at you". Some of the men were subjected to that. Sometimes Jungle Jabbah would come to the mining sites.

The witness lived near the site in a thatched hut with sides and a roof made of palm branches. Those were the only available structures for people to live in. His friend owned the structure and they divided the hut into two parts. Another man stayed there as well. The witness and the other man stayed in one part while the owner and his wife stayed in the other.

The witness recounted that they lived "like slaves." There was no food to eat. They had nothing, he said. When they got some gold, Jungle Jabbah's soldiers would come take it or Jabbah would come get it himself. His friend's wife would go looking for cassava for them to eat. One time the wife came to the mine to bring food to the men and Jungle Jabbah was there. Jungle Jabbah asked who the woman was. The witness said they were too scared to talk. Jungle Jabbah told the woman to follow him but she was too scared to move. Jungle Jabbah ordered his soldiers take the woman and follow him. They left town with her and didn't return until the following morning. She couldn't get to where the men were, so she stayed at the house next door. The witness testified that they knew what happened when Jungle Jabbah took her away. He explained that there were rumors that Jungle Jabbah used to take woman to "use for himself," and it happened right before their eyes that day. Her husband was very worried and very hurt; he felt very bad. The witness had been with the husband the night the woman didn't return. The witness and the other housemate had stayed with him and consoled him. They all slept in his room with him; he couldn't sleep in his room alone. The next day when they saw his wife, she was in tears. She was very disturbed, he recalled. According to the witness, she was so ashamed she couldn't even come near them. When neighbors told them she was back, the witness and his housemate went to her to take her back home. They brought her to the house but her husband could not stand the situation. They kept talking to him but that night the wife slept in the witness's room and her husband slept in the other room. The woman had relatives in another town and they heard news of what had happened. They came to visit to try to talk to them, but the husband could not appreciate what they were saying. The witness recalled how he also continued to talk to the husband but the husband just couldn't understand. The woman's family decided to take her back home hoping that her husband would move past this and come to get her. He confirmed that the woman was not a minor; she was an adult. But as they continued to talk to the man he couldn't understand and never got over it; he never went for his wife.

On cross-examination, defense counsel pressed the witness about whether his Kpelle ethnic group was allied with the NPFL during the war. The witness said he believed some of the people supported Charles Taylor.

He was asked again what had happened to make him leave the gold mine after two weeks. The witness explained again that when ULIMO took over there was no more pay so he escaped. Defense counsel asked if he was being held at Lofa mine against his will and the witness said that he was; that's why he had to escape. According to the witness, Wayju was a distance away from Lofa Bridge. Defense counsel asked the witness to point out the towns on a map of Liberia.

The defense counsel pressed the witness about whether it was true that he had really worked at two separate mines that ULIMO took control of. The witness confirmed that it was true. Defense counsel suggested that the witness was living there voluntarily and was not being forced to

stay. The witness said there were checkpoints manned all the time by soldiers. Defense counsel asked how it was possible that the woman's family was able to enter the area and take her back to their home village. The witness responded that the soldiers guarding the area knew their faces, knew who they were, but suggested it was different for women. The husband was not allowed to leave, only the woman.

The witness testified on cross-examination that he stayed in Wayju until the middle of 1993. He said that he tried to find his way to Monrovia but he couldn't make it. He made it as far as the St. Paul River, a very large river. Defense counsel asked if there was a bridge crossing the river. The witness responded that he was a stranger to the area and didn't know everything about the area. He never made it to Monrovia, he said.

The defense counsel asked the witness when he first reported the mistreatment to any authority. The witness explained that there was no one there except Jungle Jabbah, his group, and ULIMO. Defense counsel asked why he didn't report it in the 24 years since the war. The witness said there was no one to tell. Eventually he got in touch with people to tell his story in 2016.

Witness 20

The witness began his testimony by confirming that Liberia held a big election the day before. He was not able to vote because he is in the United States, but if he was in Liberia he would have voted. He said that he is not sure how long he's been in the U.S.—he's not counting, but he's ready to go home.

He testified that the first rebel group he saw after the war came was the NPFL. Life was bad, he said, and there was no food. The NPFL took their food from them, they were under the NPFL's control, and had to move loads for them between their bases. The NPFL were driven away in 1992 by ULIMO. Under ULIMO life was still bad, the witness recalled. It was another rebel group. He testified that when ULIMO soldiers saw NPFL members, they captured and killed them. He said that people were tied up and shot. ULIMO knew who the NPFL members were by asking the locals if anyone's child was affiliated with the NPFL.

He explained that ULIMO fighters belonging to the Krahn tribe were called "ULIMO-J," named after the faction's leader, Roosevelt Johnson (the "J" referred to the first initial of "Johnson").

The witness testified that under ULIMO control, he could not continue farming. When the fighting reached Tubmanburg, everyone fled. While he was fleeing, he recalled hearing gunfire. He testified that he fled across the St. Paul River. Men, women, and children hid in the bush. The witness recounted that the ULIMO commander, Jungle Jabbah, sent soldiers to search the bush. They captured the people and took them to Bopolu. Jungle Jabbah's group was called "ULIMO-K." He testified that he knew the name of the group who captured him because they told him that they belonged to the "other side" and that the soldiers accused him of being "reconnaissance." In Bopolu, the soldiers took them to the center of town. He testified that this was the first time he had been to Bopolu. The witness recalled that one of the soldiers called out to Jungle Jabbah when they first arrived and told him that they had brought the "prisoners." The soldiers informed Jungle Jabbah that the captives were soldiers from ULIMO-J and were

"reconnaissance." The witness testified that this was not true; he was a civilian, not a soldier. The soldiers separated the men from the women and children. Jungle Jabbah ordered the soldiers to beat the men and then jail them in their compound located up a hill.

The witness testified that Jungle Jabbah was about ten feet away from him at the time. He described Jungle Jabbah as "slim, black, with a Rasta-head or 'dada' (dreadlocks)".

The witness spent three days in the jail. There was no food. After three days, the soldiers took them out and Jungle Jabbah ordered them to be brought to Lofa Bridge.

The witness was still testifying when court ended for the day; he will continue his testimony on Thursday morning.

October 12, 2017 – Day 7: Nearing the end of the government's case

Witness 20 (continued)

The prosecution resumed its questioning Thursday morning with the witness's capture by ULIMO soldiers in Bopulu. The witness testified that he was taken to Bopulu by Jungle Jabbah's fighters who told their Chief, Jungle Jabbah, that he was a member of ULIMO-J. He stated that Jabbateh came close to him with a pistol in his hand and told the soldiers to take him to jail. When asked by the prosecutor whether the prosecution team showed him a photograph in Liberia, he testified that they had and that he recognized Jungle Jabbah as the man in the photo with shades and 'dada' hair or dreadlocks.

The witness testified on Wednesday that Jabbateh ordered the soldiers to bring the captives to Lofa Bridge. He stated on Thursday that Jabbateh changed his mind and told them that they were going to Henry Town. The witness reported that he remembered Pepper and Salt and Mohammed Farhadi as commanders with the group. The soldiers guarded the captives as they walked to Henry Town. When they arrived there, the soldiers took them to a diamond well and immediately assigned them to dig pits. The witness stated that the soldiers were there guarding them and that he was forced to dig diamonds like a slave. They had to dig in a swamp without shoes on; if they refused the soldiers would beat or kill them. He testified that not all of the soldiers were adults; some of them were small boys. Jungle Jabbah would come to the mine to talk to the soldiers and warned them that if anyone tried to run the soldiers should kill them. The witness referred to Jabbateh as the "big boss" and said that he often carried a silver pistol.

When the witness found diamonds, he said that they had to give them to commander Pepper and Salt or Mohammed Farhadi who would keep it for their boss, Jungle Jabbah. He testified that although he never saw the commanders give the diamonds to Jabbateh because he wasn't present in the office, whenever Jabbateh would come to the mine the commanders would go directly to him. The witness spent about six months or more in Henry Town and said that Jabbateh came there five or more times. He was able to escape one day when a group of soldiers arrived at the mines accusing other soldiers of stealing diamonds. When fighting broke out amongst the soldiers, the people digging the wells were able to run away, and the witness escaped back to his village.

On cross-examination, the witness confirmed that the prosecution team showed him only one photograph of Jabbateh. When asked whether the first time he ever reported anything was to the prosecution team, the witness stated that it wasn't the first time and that he'd told his family and some friends. He also confirmed that he hadn't reported anything to ECOMOG or the United Nations.

Witness 21

The second witness of the day testified that in 1994 he went to Kungbor in Grand Cape Mount County to work in a diamond mine. He stated that ULIMO-K was there, and recalled the names of several commanders that were there including Jungle Jabbah. He testified that Jungle Jabbah was the overall boss of the fighters and that he had heard the soldiers talking about their Zebra

Battalion. The witness stated that the first time he saw Jungle Jabbah he was walking to the diamond creek with his friend and his friend was telling him about the behavior of the soldiers when they saw a commander coming in a jeep with dreadlocks on his head. His friend told him that the man with dreadlocks was Jungle Jabbah and was the chief of the whole area and that everyone, including the fighters, was afraid of him. The witness testified when he saw Jungle Jabbah the jeep was about three or four feet away from him on the narrow interior road.

The witness testified that mining changed after it came under ULIMO-K control. Guards watched over the workers; there had been nothing like that before. The miners weren't free to leave at will and could not refuse to work. While he was in the mines, he said that the commanders and small (child) soldiers would guard them and the only free time you had was if you asked to use the restroom. The witness stated that if someone owned a diamond creek, they would have someone guarding the people mining but if someone stole a diamond, there were local buyers you could meet in the bush at night and negotiate prices.

When ULIMO was at the mines, they would stand around the point where the jiggers were sifting for diamonds and make them hand over any diamonds they found. The witness testified that Jungle Jabbah had a representative at his part of the creek that was called Yellowjacket. One day, the witness's friend and him were in the water jigging when his friend's eye got itchy. He testified that his friend put his jig down to scratch his eye when the small (child) soldiers saw and told the commander that he had been putting diamonds in his mouth. The commanders came over to his friend and searched his mouth but couldn't find anything, so they assumed he swallowed it and forced him to take medicine that would give him diarrhea. When the soldiers still couldn't find any diamonds they beat his friend until he was sick for a week.

The witness stated that he was living in his fiancé's father's house while he was in Henry Town and one day while he was home from work the chief sent for his fiancé. He testified that his fiancé and her friend were outside in front of the house when she called for him to come out and he saw two boys who said that the chief wanted to see her. The witness followed his fiancé to where Jungle Jabbah was where he saw Jabbateh take his fiancé's hand and told her to go with him. He recalled Jungle Jabbah say to his fiancé, "let's go enjoy ourselves." At the time his fiancé was two months pregnant so the witness, feeling brave at that moment, took her hand and told Jabbateh "that's my woman, she's pregnant." The witness stated that Jabbateh had a pistol in his hand and hit him with it over his left eye before the small (child) soldiers began kicking him. He went back to his room, and sometime later his fiancé returned, crying, and told him that Jungle Jabbah raped her. The witness recalled that they cried together in their room. About two weeks later his fiancé had a miscarriage and fell sick. Because they weren't able to find her any medicine, she died.

The witness was ultimately able to escape to Lofa Bridge one day when he didn't go to the creek. He testified he recognized Jungle Jabbah in the photograph that the prosecution team showed him while they were in Liberia. He stated that Jabbateh was easy to identify because he always had 'dada' or dreadlocks on his head. He was shown a photograph in court and again recognized Jabbateh, stating he was the man with the 'dada' on his head and the gun belt.

On cross-examination, the witness stated that the picture shown to him in court was the photo he saw when the prosecutors were in Liberia. He confirmed that he identified Jabbateh because

he has the same hair as Jungle Jabbah. When asked about the day his fiancé was raped, the witness told defense counsel that he was able to stay home because the soldiers only forced them to work if they saw you. When asked about the day he escaped, the witness agreed that he hadn't gone to the creek that day and was able to escape. Defense counsel pressed the witness on the timing of the civil war and whether the first civil war was going on in 1994. Defense counsel also asked the witness what group his tribe, Bandi, associated with during the civil war but the witness responded that during a civil war your association was based on individual differences and that he was a civilian throughout. He also testified that he had been introduced to U.S. prosecutors through an organization in Liberia.

Witness 22

The last witness of the day testified that she was a little girl living with her family in Bong mine when the war came. She stated that her family ran away from Bong mine and into the bush when the freedom fighters arrived in 1990. In 1994 she went back to Bong mine, but the ULIMO was there, and so her family ran away to Haindi. ULIMO was also in control of Haindi, and the witness stated that while she was there, she saw Jungle Jabbah three times.

The first time she said that he put a heavy box of ammo on her head and forced her to walk to another village under the guard of his soldiers. She stated that the soldiers were beating the civilians as they walked and that if they didn't stand strong, the soldiers would push them down into the street. She described Jungle Jabbah as being skinny with dark skin, and dreadlocks. The witness testified that Jungle Jabbah was in charge of all the soldiers. The next time she saw Jabbateh, she said it was early in the morning, and the NPFL came to attack. Because "he was the big boss, he was in front of the fight, " and she saw him shooting while she hid in an old house. She stated that he learned at some point that ULIMO fighters were fighting each other because they had "mixed understanding among themselves" and so they split into ULIMO-J and ULIMO-K.

The last time the witness saw Jabbateh, she stated that it was in the evening and the NPFL again came to attack. Everyone started to run, and she ran to the St. Paul River with another woman and a man. The river was very wide, but a man helped them cross on a wood raft. After they crossed the river, ULIMO-K captured them and took them to their base in Waybama. She stated that the fighters put them in jail and said they were waiting for their boss, Chief Jungle Jabbah. The next morning the soldiers brought them outside and made them beat rice. Before long Chief Jungle Jabbah got to town and the soldiers happily said: "the boss is here!" They told Jabbateh that the people were captured on the river and said they were spies for ULIMO-J.

Jabbateh stood for a while and then looked at the man and said he is a spy and ordered the soldiers to kill him. The man cried, saying, "please, I'm begging you guys, I'm not a spy," but the soldiers dragged him, tied him in duck fa tabae style, tied him to a Kola tree and cut his neck. The witness testified that Jabbateh watched the soldiers kill the man and then came back to her and the other woman. He told the soldiers, "you can take them, they are your women and when they refuse, you can kill them." The witness stated that one of the soldiers named Jukinee started dragging her away and took her to a house and raped her; she was eight months pregnant at the time. She stated that he held her for three days and on the second day she had a miscarriage. Jukinee raped her all three days.

One night while the soldiers were having a party the witness was able to escape. She testified that the soldiers were all drunk and she went outside because of a pain in her stomach and ran into the bush. While she was in the bush, she heard Jukinee go back to the house and then start calling for his friends yelling, “my wife ran away, when we find her I will kill her.” The witness stated that she got into the river but because she couldn’t cross she lay down in the water and held onto a tree root so that the soldiers wouldn’t see her. “When I would shake, I thought they would see.”

She heard them looking all around, but they couldn’t find her; the water was cold, but she stayed in until the morning. The following day, after walking in the bush for a while, she saw an older woman and man. She stated that when they saw her, they started to run, but came back when she started crying. They took her to their house, and the woman made her traditional medicine. After a week the witness stated that she went to look for her family in Haindi. When she got there, she asked a woman about her parents and the woman told her that her father was captured during the attack, but her mother was in another town. The witness went to find her mother and saw that she was sick and eventually died of cholera. She never saw her father again.

The witness identified a photograph of the Kola tree where she saw the man murdered by Jabbateh’s soldiers. She also identified Jabbateh in a photo taken during the civil war, describing him as the man with dreadlocks.

On cross-examination, the witness stated that she came into contact with prosecutors through an organization in Liberia. She was living in a village at the time when a representative of the organization came and asked the village chief who’d been wounded during the war. She eventually went with the man to Monrovia but said she does not recall the date.

The trial will resume on Monday morning with the government’s last witness. The defense case will likely begin Monday afternoon and continue through next week.

Week in review: week 2

The Jungle Jabbah trial continued through its second week, with 13 additional witnesses testifying. All offered accounts as victims of wartime atrocities and recounted how they were personally harmed themselves or witnessed their friends and family suffer violence at the hands of Mohammed Jabbateh and his soldiers. Of them, three also worked as miners in Liberia's gold and diamond mines under Jabbateh's control and were forced to mine the valuable resources under slave-like conditions.

This testimony offered additional evidence supporting the prosecution's allegations against Jabbateh. In order to obtain a conviction, the government must prove the following:

- During the first Liberian Civil War, Mohammed "Jungle Jabbah" Jabbateh served as a high-ranking commander of a ULIMO rebel group fighting for control in Liberia.
- In that role, Jungle Jabbah committed numerous crimes and brutalities against non-combatant civilians as well as those he believed to be opposition forces. Many of these acts he carried out personally, while others he ordered soldiers under his command to execute at his direction. These crimes include rape, murder, torture, and ritualistic cannibalism, among other atrocities.
- Jabbateh later provided false information on his applications for asylum and a U.S. Green Card to U.S. immigration authorities by failing to disclose his ULIMO commander role and falsely denying that he had ever committed a crime or persecuted anyone. (Evidence of this element was offered through testimony and documents last week.)

This week, the jury heard evidence of the following:

Life in Liberia

- During the war, numerous rebel groups committed atrocities against each other. On one occasion, NPFL soldiers entered a local village and demanded the Mandingos come forward. They captured two Mandingo men, cut off one man's ear and violently assaulted the other in a public display for the villagers. ULIMO soldiers eventually liberated them from NPFL control.
- Life was not good under NPFL control; there was no food and civilians were abused. At times the ULIMO brought temporary relief by driving the NPFL out, but suffering continued under ULIMO control as well.
- Eventually an ECOMOG base was established in Sinje. Meetings were called with the area townspeople and civilians were instructed to report any complaints about the soldiers' behavior to them.
- When a group of villagers made an official complaint to ECOMOG about ULIMO-K soldiers arbitrarily shooting a man in their town and severely assaulting three others, ECOMOG told them their complaint was not credible unless they brought the bodies to ECOMOG to view personally. The villagers had to carry the bodies, including the corpse, in hammocks balanced on their shoulders for the 3-hour walk from their village to ECOMOG's base. The injured were sent for treatment and the corpse was buried, but ECOMOG did nothing about the soldiers and the crimes went unpunished.

Jabbateh's Commander Role

- Numerous witnesses identified, by name and rank, soldiers under Jabbateh's command who followed Jabbateh's orders and answered to him. They testified that it was obvious to all that Jabbateh was the "big man" among the rebels and referred to him as the "boss."
- When Jabbateh and his soldiers invaded a farm and captured the farm workers, Jabbateh identified himself to the group by saying, "I am Jungle Jabbah, king of the jungle."
- Witnesses testified that Jabbateh's soldiers saluted him and addressed him as "Sir."
- Jabbateh participated in a joint meeting with ECOMOG officials where townspeople were advised to report complaints about soldiers' actions to ECOMOG. Jabbateh spoke at the meeting on behalf of ULIMO-K and informed the people that his group was in control of the whole area now.

Crimes Jabbateh Committed

- After the ULIMO split into two factions in 1994, Jabbateh and his soldiers rounded up 15 members of the Krahn tribe supporting opposition forces, tied them in the "duck fa tabae" manner, and turned them over to be executed by Jabbateh's forces.
- Soldiers under Jabbateh's command captured two men and burned them alive in a well. The soldiers lowered the men into the well, covered the opening with dried bamboo doused in gasoline, and lit it on fire.
- While being forced to deliver supplies to Jabbateh's barracks, a witness observed Jabbateh and his soldiers eating meat that was reported to be from human remains.
- In another town, soldiers captured villagers and divided the sick from the healthy. The sick were given 50 lashes to make them "hurry up" and the healthy were marked by cutting their hands with a sharp knife until blood spurted from an open vein. The entire group was marched 3-4 hours to a creek where Jabbateh had reportedly had a car accident and were put to work removing debris from the water. This included unexploded bombs, machinery, and a dead body. A sign demarking the bridge as "Jungle Jabbah Bridge" was later raised so no one would forget the "evil" that Jungle Jabbah had brought to the area.
- In villages men were arrested, tied in the "duck fa tabae" manner, and forced to work as soldiers under Jabbateh's command. When one man complained that he was in pain during a forced march, Jabbateh ordered his soldiers, including armed child soldiers, to bring the man forward and execute him. The man begged for his life, so Jabbateh ordered his soldiers to cut off the man's ear instead.
- A large group of farm workers were captured when Jabbateh and his soldiers invaded a commercial farm. The soldiers were rapidly firing their guns until Jabbateh called for a "cease fire" and everyone immediately stopped. The women were stripped to their underwear and men who protested were beaten and whipped on Jabbateh's orders. The men, including young boys, were tied in the "duck fa tabae" manner. They were forced to march for a long distance with no water and then tied up for the night. The women were "taken" as the soldiers' wives and the children were conscripted as child soldiers. Throughout their captivity, women were grabbed at random and taken to be raped, sometimes by groups of soldiers at once. The soldiers later laughed about their attacks.

- Jabbateh's soldiers stole a bag of rice from one boy, beat him, and cut him with their bayonets. When the boy's father went to talk to Jabbateh about what his soldiers had done, Jabbateh ordered his soldiers to strip the man naked, tie him in the "duck fa tabae" manner, and leave him in the street. The man died from internal injuries and his body was left lying naked in the street.
- When the man's family learned what had happened, one of his daughters went to talk to Jabbateh about how her father had been treated. Jabbateh ordered four of his soldiers to take the girl away, so they took her to an unfinished building and raped her. She suffered numerous injuries during the assault when she tried to defend herself, including a knife wound below her eye, shrapnel wounds, and bite marks over her body.
- Jabbateh ordered his soldiers to commandeer cars from the villagers at checkpoints to use for the rebel's transport.
- In Dassalamu, a group of soldiers ran into the town one day armed with guns and machetes. One soldier shot a man sitting on a bench under a fruit tree with his friends. The man stumbled into the street, collapsed and died. Although the incident was reported to ECOMOG, there were no consequences for the soldiers. The soldier who shot the man was later put in command of the village when ULIMO-K took control of the area.
- Jabbateh's soldiers returned to Dassalamu several months later and killed the village chief and three other men. Before killing him, they went to the chief's house and showed him his brother's heart, which had been cut out from his body. They warned him that the same would happen to him, before leading him outside and killing him. The soldiers then cut out the chief's heart, brought it to his wife, and ordered her to cook it for them. While she was in the kitchen, they stripped her and attempted to rape her before she was able to escape into the bush. The chief's body was burned.
- Jabbateh and his soldiers frequently raided the weekly market in Danielstown. They looted the vendors and demanded the sellers put their goods into the soldiers' cars, threatening them with guns.
- Jabbateh took over the mining industry in Lofa Bridge and in Wayju, confiscating the mines from the rightful owners. Miners were forced to work under slave-like conditions, with no pay and no food. He ended the practice of allowing the miners to keep a small portion of the mined resources as compensation for their work, ordered armed child soldiers to guard them, and refused to let them stop working or leave the area. If miners were caught trying to escape, they were captured and beaten.
- On one occasion, Jabbateh demanded the wife of one of his miners come and have sex with him. She was too scared to move, so Jabbateh ordered his soldiers to take her and bring her to him. He kept her captive overnight and raped her.
- When the ULIMO-K invaded Tubmanburg, the villagers fled to the bush. Jabbateh ordered his soldiers to search the bush and round them up. They were forced to march to Bopolu, where the civilians were presented to Jabbateh as enemy ULIMO-J soldiers accused of "reconnaissance." They were beaten and jailed on Jabbateh's orders. Later the men were forced to dig pits in a diamond mine under the guard of child soldiers.
- At a Jabbateh-controlled diamond mine in Kungbor, one miner was caught scratching his eye and accused of trying to hide diamonds in his mouth. Soldiers searched him but found nothing. Soldiers

then forced him to drink medicine that caused diarrhea in case he had swallowed the diamonds. Again nothing was found, so he was beaten so severely that he was sick for a week.

- Jabbateh sent some of his child soldiers to bring a miner's fiancé to him in Henrys Town. Her fiancé went with her and told Jabbateh that she was his woman and was pregnant. Jabbateh beat the man on the head with his pistol and sent him away. He raped the woman, who later miscarried from the assault. She could not find medicine and died from complications.
- When the town of Bongmine was invaded, villagers tried to flee but were captured by ULIMO-K soldiers and taken to their base in Waybama. One man was accused of being a ULIMO-J spy and Jabbateh ordered him killed. Under Jabbateh's watch, soldiers tied him to a tree and cut his throat.
- In Waybama, Jabbateh "gave" the captured women to his soldiers to use as sex slaves. One woman who was 8-months pregnant was held captive and repeatedly raped over three days. The soldier continued to rape her even after she miscarried on the second day. Eventually she was able to escape by hiding in the water of a nearby river.

The defense continued pressing many of the same themes previously introduced on cross-examination. Specifically, defense counsel suggested the witnesses' testimony from this week is unreliable because of the following:

- The victims have been influenced by outside sources. For example, defense counsel suggested that the government influenced witnesses' identification evidence by showing them suggestive photographs to encourage them to identify Jabbateh as the perpetrator.
- The victims have failed to make similar allegations or report crimes to Liberian authorities at any point in the 23 years since the war, implying that either their memories are not accurate after so much time has passed or that they have ulterior motives for suddenly making accusations now.
- The witnesses are motivated by tribal alliances and are attacking the defendant because he is a member of an enemy ethnic group. A number of the victims are members of tribes that allied with the ULIMO-J or supported the NPFL, the opposing rebel groups fighting against Jabbateh's Mandingo tribe and the ULIMO-K.
- Some witnesses voluntarily remained in areas they now claim were unsafe and others voluntarily chose to continue living and working in mining communities even though they were free to leave, suggesting their actions during the war are not consistent with current claims that they were abused or held captive at the time.

Trial continues next week. The government is expected to rest its case on Monday, with the defense case beginning immediately thereafter.

October 16, 2017 – Day 8: The government rests its case

The third week of the Jungle Jabbah trial began Monday morning with the government's last witness.

Witness 23

The witness, a photojournalist from Liberia, began his testimony by providing the court with a brief background of his educational and work experience. He was a photo editor for a newspaper in Liberia while the interim government was in power. He testified that he had several assignments at the executive mansion that required him to be there Monday to Friday from the end of 1990 until Charles Taylor became president. Providing a general overview of the process to gain entry to the executive mansion as a reporter, the witness stated that his newspaper had to submit a letter to the Press Secretary introducing him as a correspondent. The letter was then photocopied and sent to the Special Security Service (SSS) director who would vet the correspondents through a screening procedure. The witness stated that the SSS officers "had to know you," because "not everyone could go" to the mansion; there were only two correspondents for his entire newspaper. The prosecutor asked the witness whether he knew the government's first witness, another photojournalist who testified that he went to the executive mansion on assignment during Liberia's first civil war; the witness testified that he knew him personally and had worked with him.

The witness described the security procedures at the executive mansion and stated that the SSS would thoroughly check his camera and other belongings before he could enter. Discussing the training and appearance of SSS officers, the witness indicated that SSS officers were trained in the U.S. and Israel and had navy uniforms, shaved heads, and carried their accessories, such as a walkie-talkie, on their belt. He testified that the plainclothes SSS officers wore coat suits, but all of the SSS officers were well dressed because they were the presidential guards. The witness identified previously admitted photographs of SSS officers and stated that the photos accurately depicted their dress code during the time he was present at the executive mansion. He also testified that he met the former SSS director, Government Witness 5, and traveled with him on several occasions.

When asked whether he was familiar with Jabbateh, the witness stated that he was familiar with him and had seen him three times. The first time he saw Jabbateh was at the executive mansion in 1995 when there was a meeting with the rebel faction leaders. When asked if he ever saw Jabbateh at the executive mansion before 1995, the witness stated that he had not. Referring to the meeting of the faction leaders, the witness testified that "every faction or rebel leader had their own rebels as a bodyguard" and that those individuals were not SSS officers. He testified that he heard the defendant's "boys" calling him Jungle Jabbah and was familiar with him from his coverage during the war and the defendant's dreadlocks.

The next two times the witness saw Jabbateh was in downtown Monrovia with "his men." The witness stated that Jabbateh's men respected him because he was their commander and called him Jungle Jabbah. The witness also identified Jabbateh in a photograph.

The witness testified that ULIMO fighters had white badges on their uniforms, similar to the type of badge Peacekeepers had so that people would think they were Peacekeepers. The witness then identified a photograph shown to him by the prosecutor that depicted a ULIMO fighter with a white badge on which included the words, "ULIMO Zebra b/n Liberia." He testified that he observed civilians during the war in his capacity as a photojournalist and stated that it was not easy to move around as a civilian during that time because every city and town had armed men in the street. When asked whether there was law enforcement during the civil war, the witness stated that law enforcement agencies had broken down. People couldn't report any of the atrocities they endured or witnessed because "everywhere you could seek justice was closed down."

There was no respect for human dignity, the witness said. Bodies were buried in mass graves, eaten by dogs, or burned. "When they shot you in the street you decayed there," he said. When asked specifically about rape victims, the witness testified that there was no one to complain to because there was no law and order. "A lot of people were raped and suffered in the war," but it was very difficult for them to come out and say that. All they could do was "hope that one day there'd be justice and they could come tell their story."

The witness was asked whether anyone at all had been prosecuted for any war crime activity and he stated that to his recollection no one had been prosecuted for crimes during the war. Regarding the Truth and Reconciliation Commission (TRC), he said that he knew people went there to give testimony, but no one had been prosecuted as a result.

The witness also testified that at one point the NPFL and ULIMO-K aligned against ULIMO-J and decided to arrest Roosevelt Johnson. He stated that Grand Cape Mount County and Bomi County are areas in Liberia that are particularly well known for their minerals and that after August of 1992 ULIMO-K controlled both of those areas.

On cross-examination, the witness confirmed that on the day he saw Jabbateh at the executive mansion, Jabbateh was providing services for Alhaji Kromah. He testified that he did not think Jabbateh would have had to get security clearance from SSS in the same way he had because Jabbateh would have been allowed to enter as part of a faction leader's private security force. He further stated that all he knew was that Jabbateh was a commander of a warring faction and that the faction leaders brought other rebels from their group to the executive mansion that they believed would protect them. Defense counsel asked the witness to review a photograph of a National article that had been previously admitted and asked whether he was familiar with the press Jabbateh received for his role in the disarmament process but the witness stated that he wasn't familiar with any coverage Jabbateh had received for that matter. The witness confirmed that the Red Cross and ECOMOG were in Liberia during the first civil war and that the U.S. military had an attaché in Monrovia, but that the attaché was only there to secure the U.S. embassy and U.S. citizens in Liberia. The witness also confirmed for defense counsel that the TRC made recommendations for prosecutions, but couldn't recall whether Jabbateh had been on that list. When asked if he ever saw Jabbateh commit a violent act or crime, the witnessed testified that the first time he saw Jabbateh, he was with Alhaji Kromah, and the second he was with his men. The witness stated, "I know him to be in an armed group and rebel faction but didn't see him commit crimes, I just saw him with his rebel faction in uniform."

On re-direct, the prosecutor asked the witness to read the date on the National article that defense counsel brought up. The date was January 13, 1997.

The government then read the jury several stipulations regarding the total landmass of specific areas in Liberia and locations in the U.S. of comparable size.

Following the stipulations, the government rested its case.

Defense Case

The defense case began Monday with defense counsel calling ten witnesses who were sworn in together as a group. The parties agreed to a statement, which defense counsel read to the court while the ten witnesses stood. The stipulation, or agreed upon statement, declared that the witnesses, if called, would testify as follows: they know his client, Mohammed Jabbateh, and know other people that know him, and know his reputation as a "peaceful, nonviolent, law-abiding person."

The defense is expected to rest their case tomorrow morning. Closing arguments will begin thereafter.

October 17, 2017 – Day 9: Summations and jury deliberations

The Jungle Jabbah trial wrapped up on Tuesday. The jury heard summations and began their deliberations.

Government's Summation

The prosecution addressed the jury first, as is the procedure in all criminal cases. Assistant United States Attorney Linwood C. Wright, Jr. began by quoting the Emma Lazarus poem found on the pedestal of the Statue of Liberty: "Give [us] your tired, your poor, Your huddled masses yearning to breathe free . . ." and focusing on the hope for new beginnings it instills in immigrants reaching for America. "But it doesn't say give me your war criminal, your human rights violator, your persecutor," he said. He went on to explain: "The reality is, there are some people who are just not supposed to be in this great nation of ours. Not in any way because of who they are, but because of what they've done. Perhaps because of what they've done on distance shores, in Bopolu, in Tubmanburg . . . in a foreign village called Dassalamu. That's the reality. Not because of who you are but because of what you've done."

Wright said that U.S. immigration officials act as a gatekeeper and someone who is seeking entrance into this country from another place has a choice: "Either to tell the truth, and depending on your activities abroad, risk exclusion; or lie, and risk prosecution." He acknowledged that some might say that is a Catch 22. "But it's supposed to be. It's designed to be that way." According to Wright, Mohammed "Jungle Jabbah" Jabbateh made a choice to lie during the process. "You risk exclusion if you tell the truth, but you risk prosecution if it comes to light. It came to light over the last few days." He acknowledged that the jury had heard the unfathomable. "But the evidence shows that these things happened. As grotesque, as inhumane, as atrocious as they were, these things happened," he said.

The prosecutor went on to explain the four counts that Jabbateh is charged with in the indictment: two counts of fraud in immigration documents, in violation of 18 U.S.C. § 1546, and two counts of perjury, in violation of 18 U.S.C. § 1621. He explained the elements of each crime that the government must prove beyond a reasonable doubt. He walked through the specific questions on the immigration forms to which Jabbateh allegedly provided false answers and urged the jury to think back to the testimony of the immigration official who had interviewed him for his asylum application. "She believed him," Wright said about the immigration officer's perception of Jabbateh. "Now we know she was deceived." The prosecutor reminded the jury that in addition to the written application, the officer testified that Jabbateh swore under oath during his interview that the information on his application was the truth. "She also asked Jabbateh if he had never committed a crime or harmed anyone else. He said 'no.' She told you that based on . . . what he said during that interview and what he swore to on that form, she recommended that he receive asylum here in the U.S. The evidence has shown that he wasn't honest with her. That he wouldn't tell about his activities."

The prosecutor reminded the jury about Jabbateh's representations on other immigration forms, where he claimed that from December 1992 – 1995, he was a member of the Special Security Service (SSS) in Liberia, the equivalent of the U.S. Secret Service. He read from the personal

statement that Jabbateh had submitted with his application, in which Jabbateh claimed to have been trained by ECOMOG and later assigned to work at the Executive Mansion. "The evidence shows you that's not true," Wright argued. That lie alone, he said, may well have been enough for the official to say, "No, I'm not going to recommend him [for asylum]." The prosecutor told the jury that they could tell Jabbateh was lying about that fact based on evidence given by the SSS Director, including (1) that the SSS were trained by Israeli and U.S. agents, not by ECOMOG; and (2) that SSS agents had strict dress requirements and were not permitted to wear dreadlocks. "It's like saying Bob Marley was [joining] the Nat King Cole Trio," the prosecutor quipped. The jury also saw side-by-side comparison photos of actual SSS agents in uniform and the vastly different attire worn by Jabbateh in photographs taken during that period. Other witnesses corroborated that evidence, according to the government. The prosecutor reminded jurors that another witness had testified about sharing a house with his brother and Jabbateh in 1992 -1993. "He wasn't a member of the SSS. He was in combat camp," said Wright. The jurors heard how two journalists testified that they were frequently at the Executive Mansion during that time period and yet never saw Jabbateh there. In fact, one even took a photograph of Jabbateh during that period, prosecutors said. "We know where it was taken— Tubmanburg in 1993. That wasn't the executive mansion [in Monrovia]—he wasn't there." Wright explained, "in his personal statement [submitted to immigration officials], he talks about being a linguist and then later participating in the peace process. But you have that gap—an intentional gap. A three year gap. What was he doing during that three-year gap? He was a combatant, he was a battalion leader, he was with Zebra Battalion."

The prosecutor then turned to the long list of crimes that Jabbateh allegedly committed. He reminded the jury that witnesses from a range of ethnic groups—including Jabbateh's own Mandingo tribe—had testified about things he did. "You heard . . . there were bodies lying in the streets, being eaten by dogs. You heard things were out of control. You heard from people who walked up to that witness stand and swore to tell the truth. They recalled the horror. And you saw how it affected them."

Jurors heard how Jabbateh allegedly ate the hearts of his victims. Wright cautioned, "I don't know whether eating someone's heart is a crime, but murder certainly is. And that's how they got the heart."

Jurors were reminded again how Jabbateh and his soldiers would invade a town and overtake the villagers living there. "These were poor little towns. No running water. In the 90s, no way to communicate. And someone rolls into town with armed men. Look what happened in Las Vegas, with one guy shooting down with one gun. Imagine what would happen with multiple guys with guns."

The prosecutor turned to the rapes Jabbateh allegedly committed or facilitated his soldiers to commit, including the following:

- Jurors heard again about Jabbateh ordering an attractive young woman to be his wife: "He says 'you're mine.' What is she going to do? And he raped her. It was against her will. She went with him. She had to go. And he had sex with her over and over and over. He had come back from the front and did what he wanted to do and she didn't have a choice."

- Jurors were told about the miner's fiancée who was summoned by Jabbateh's child soldiers: "Jungle Jabbah and his boys come in and say 'hey, the chief wants to see her.' And there he is, helpless, emasculated, but he musters the courage to go with her. Remember that silver pistol—the same one he shot [another woman] with? [The miner] says 'hey, this is my girl, she's pregnant.' . . . He was beaten by child soldiers. Some of them look like they're 6 years old. Child soldiers who are armed. Lucky he wasn't killed. And she was raped by Jungle Jabbah. She has medical issues, no hospital, no order, no law . . . she dies."
- Jurors were asked to recall another miner who had moved from Lofa Bridge to Wayju, who testified about the rape of his friend's wife.
- Jurors were reminded about the woman who was 13 years old when she was taken: "Jungle Jabbah told his men 'hey, you want her?' She was 13 years old, and given to an adult named Cobra Red. He raped her over and over. She had sores in her vagina. But Cobra Red kept going at her. Jungle Jabbah facilitated it. He gave the command. They were jumping up and down yelling 'Jungle Jabbah! Jungle Jabbah!' and he said 'take her.'"
- Jurors heard about the witness given to one of Jabbateh's fighters as a sex slave when she was 8 months pregnant: "She was with him for several days. And what happened to her? She miscarried and ended up in a tributary of the St. Paul River. That one crime, in and of itself, was enough [to deny asylum].

The prosecutor argued, "I suggest to you that there's a pattern here. These women were from different tribes, from different parts of the country, and they all gave similar accounts of what happened. All during the time this man claimed he was in the SSS. But he wasn't in the SSS because you see the photo of him during that time—he was in Tubmanburg, with a weapon."

Wright next turned to the evidence of other crimes:

- Villagers were forced into the mines to work as slaves, he reminded jurors.
- He said to remember the man accused of reconnaissance: despite being a farmer and never mining a day in his life, he was forced to work in the mines for Jabbateh.
- He reminded jurors of the man who scratched his eye and was accused of hiding diamonds, given cassava to cause diarrhea, and then beaten when no diamonds were found.
- He recalled for them the women at the commercial farm who were stripped, led away topless, and raped at the soldier's camp.
- He asked them to recall all the people who had been conscripted into Jabbateh's army to carry heavy loads.
- Although Jabbateh's soldiers cut one boy's arm, what happened to the boy's father and sister is the responsibility of Jabbateh, jurors were told. "His father [was] duck fa tabae tied and left naked in the street. But it doesn't stop. [The] son goes home out in the bush, they get told your father is tied up naked in the street, dead. So [his older sister] goes—she gets raped in a half-finished house. Bitten. Look at the teeth marks," the prosecutor urged as he showed the jurors more photographs.
- Remember the witness who came here with his hat on, he asked jurors. "But when he took it off, you saw what happened to his ear. [Jungle Jabbah] ordered that his ear be cut off, that it be

removed. . . . He was complaining about being tied [in the duck fa tabae style], so Jungle Jabbah said to kill him. But he begged. People did a lot of begging with Jungle Jabbah."

- Jurors were reminded of Zero Guard Post, and the people who were executed. The younger brother of Jungle Jabbah's best friend testified that Jungle Jabbah ordered his soldiers in the Mandingo language to kill two former NPFL fighters, now POWs instead of combatants. "You saw pictures of the area where they lived, sitting there smoking opium, and then Jungle Jabbah gave the order in Mandingo to execute them. Bulletbounce, the child soldier, put them in tires. They were tied up in duck fa tabae. People jumping up and down, shooting into the air, while these people are burned to death. Because they were on the other side."
- He told them again about the man who was shot in Dassalamu while sitting under the fruit tree, and how complaints to ECOMOG went unheeded.
- Jurors heard once more about the woman who was ordered to cook her husband's heart moments after he was killed by Jungle Jabbah and his soldiers.
- They were reminded of the pregnant woman who had been shot in the vagina and her helper who was found shot and slumped on the house steps.
- The prosecutor recalled for jurors the 15 Krahn people, including women, who were begging for their lives before being turned over to be executed.
- Jurors were reminded of people killed because they were supposedly on reconnaissance, including the man tied to the Kola tree.

Any single one of these incidents was enough for the immigration officer to say "no" and deny Jabbateh his asylum, the prosecutor argued. But she didn't know about those things because his representation was that he was in the SSS at the time.

"People came from half a world away and testified what had happened to them," said Wright. "I suggest to you that you've received evidence beyond a reasonable doubt that the defendant is guilty of these four things," he concluded.

Defense Summation

Next, the defense counsel, Gregory Pagano, had an opportunity to address the jury.

"There's an elephant in this room, that Mr. Wright never spoke about or mentioned," he began. "The government has called about 23 witnesses, and not a single one was from this organization that is the elephant in this room. . . . How does this case from thousands of miles away get here to this courtroom in Pennsylvania with you jurors? It's not the Department of Justice; it's Global Justice, a Liberian organization that acts as a gatekeeper. Global justice was not something mentioned by either prosecutor." Global Justice, Pagano said, "is not bound by the oaths that the agents and officers take" and didn't receive training like U.S. Special Agents and prosecutors. The U.S. government agents "are trained to follow the law of the United States of America, what to do and how to conduct fair investigations. This organization is not trained. We don't know its political motives; we don't know who's paying for it. If there's one common thread in these witnesses, it's this Global Justice. Each and every witness is funneled to our

government by them. These good men [the prosecutors and agents] have been hoodwinked. These good men have been emotionally invested in this case. They've been economically invested in this case. . . . They've been to Liberia five times, and were prepared to go a sixth." The head of Global Justice could have been brought here and put under oath and been asked to explain how he identified these witnesses, he argued.

Defense counsel next suggested that Jabbateh could have been known in Liberia by other means. "There's a bridge in Liberia [named after him]; there's a book that's been seen over and over again with pictures of this man; his name has appeared in print over and over in Africa. There's not a single news report that mentions this man's name in a derogatory or negative manner, or says a single thing or a single act that this man committed against anybody."

Pagano pointed out other "common threads" between the witnesses. "There's not a single report that any of them made to any journalists, or anyone for that matter, in 20-some years. Fifteen people who say they witnessed murders, who say they were raped, who say they were enslaved, who say they saw unspeakable things, never said one word of it in 25 years to anybody." He suggested that the witnesses' assertions that there was no one to report the crimes to were not credible. "Some of the witnesses have suggested that they had no one to report it to. That they are illiterate and uneducated, and did not know how to report things. [But] [s]ome of these witnesses own businesses. One is in nursing school. Several graduated high school," he pointed out. He stressed that there is "a vibrant and free press in Liberia" and that the government called two journalists as witnesses in this case. They "took thousands and thousands of pictures [as they] traveled all throughout Liberia. But not one photograph showing this man commit any crime," argued Pagano.

Jurors were urged to consider the lack of evidence beyond the witnesses' oral testimony. It is "telling," Pagano said, that "in a courtroom, where things are supposed to not be entertaining or theatrical, there's nothing to support any one of these witnesses stories . . . Not a single piece of evidence or piece of proof. With respect to each and every witness, there's not a single news story that these events even happened." He acknowledged atrocities were committed during Liberia's civil war, but argued that the evidence failed to show that Jabbateh committed any. Pagano argued there was a "sheer lack of forensic proof." "This is a courtroom. This is about evidence. It's about evidence that must be examined by you all without being emotionally influenced by the sheer grotesque and uncomfortable nature of the charges and allegations. In 2017, skeletons tell their own stories. Forensic evidence tells its own story. The good thing about forensic evidence is that it is not influenced by politics or tribal disputes. It tells its story without influences or biases or prejudices. Skeletons tell stories. Ancient skeletons can be exhumed to tell if there was some unnatural or violent death. They do it with mummies from ancient Egypt. To tell if a skull was fractured or if a chest was pierced by an ancient spear. Or if a pelvis was punctured by a gunshot wound." He went on, "we saw her grave. It was never exhumed. War crimes are like other crimes—graves can be exhumed. But they did not dig up a single grave to tell that a single person was killed. [There was] no evidence that a single one of these people ever existed, if they did exist that they're dead, or that they died in the manner that they say they did. This is a courtroom. It's not about emotions or theatrics. It's not about our tax dollars being used for some political war that's still going on in Liberia."

The defense suggested that the witnesses may have been motivated to implicate Jabbateh by wounds from the civil war that are "still open, still bleeding." He went on: "We had a civil war here about 170 years ago. Although those wounds still exist, they're scared over. People still imagine them. Imagine we were 20 years post-civil war, that those wounds are still open and bleeding. Imaging the motivations that people would have to implicate people from the other side. There's no greater motive than revenge. There's nothing sweeter or better, especially where people were mortal enemies and trying to kill each other. The ULIMO-K and NPFL are not friends; Christians and Muslims are not friends; some tribal groups are not friends."

Pagano next pointed out flaws in specific witnesses' testimony. He argued that many told "tall tales" on the witness stand. He faulted the woman who testified about her sister being shot in the vagina for not reporting the crime. "She testified that this happened in front of her, happened in her village, that she watched where [her sister] was buried. Does she seem like the type of person who would not go to the press, to ECOMOG, to the U.S. military, and tell them what happened?" he asked. Defense counsel also insinuated that the witness whose father was killed and sister raped when they confronted Jabbateh was not credible. "He went to the General, who no one else could get close to. But he was allowed to." Pagano continued, "he testified that he had an open wound, untreated at this point. [His father] was taken and stripped and left to die in the street. Brave family, brave sister goes to Jungle Jabbah too. To complain about the death of her father, the cutting of her brother, and the taking of a bag of rice. You wouldn't believe these claims in any other case and you shouldn't believe them here. These are tall tales." "Because he's a former commander of ULIMO-K, that's enough for them to come here to the witness stand and point a finger at him," Pagano argued. He further suggested that it was not credible that the witness kept as a sex slave had managed to escape. "She escaped in the middle of the night, after she'd had a miscarriage, hid in a river, the St Paul River, in the middle of the night, under a tree that's conveniently there, hiding from a search party of men out looking for her. The next morning she went into the bush—she's like Hansel and Gretel—she finds not candy, but a hut with two old people who take her in and hide her from the enemy. These are tall tales of the highest order. By people who have not told them for 25 years."

Pagano also took issue with the identification procedures used in this case, arguing the government had used "unduly suggestive photos." He complained that a suggestive picture of Jabbateh "was used in every photo identification by every single witness. . . . We know that photo was taken from a book. That book is available to anybody in this courtroom, to anybody in the world who wants to buy it."

Defense counsel asserted that the immigration officers who testified are "the front line for determining that the right people come into this country." He went on, "not only was [Jabbateh] admitted, but this man [was found to be] credible." Quoting from the asylum officer's handwritten notes, Pagano read, "he was sufficiently detailed, therefore testimony is deemed credible." He pointed out that Jabbateh had voluntarily provided his ULIMO identification cards to immigration authorities—something the immigration officers acknowledged was unusual. "As you're deliberating, ask yourself: Is the man who provided this hiding from his past? Hiding from his service in the military? Was this man hiding from who he was? Hiding from who he was in the Liberian civil war?"

Pagano concluded by urging the jury to remember the photographs they saw in this case, including those of the ear and bite marks, and suggested the government had done nothing to corroborate that evidence. "If it is a bite mark, we all know there are doctors out there who could confirm or corroborate that. If ear was taken off, we all know there is a difference if the ear was bitten off or sliced off. [Doctors] could say if the injury is consistent with what is visible on the person's body. The person with the burden of proof did not even attempt to prove that. They believed these people and they expect you to also." He further argued that the "tall tale tellers from Liberia" should not be believed. "They don't have to worry about the consequences of perjury because they're already back in Liberia. If that doesn't give you pause and hesitation, maybe I haven't done my job. I ask you follow your oaths. Uphold the oaths you took and not allow cases to be imported or exported to this criminal justice system for some other purpose."

The Court's Admonition

After defense counsel finished his summation, the judge excused the jury and addressed counsel. He expressed concern that defense counsel "talked about a lot of stuff for which there was no evidence in this case" and accused defense counsel of improperly speculating about why the government did something without sufficient support. He was particularly concerned that defense counsel had suggested that the government acted improperly by failing to bring the head of Global Justice to the U.S. to testify. Neither the government nor defense counsel had power to compel the individual to testify, the judge explained. When a witness is equally available or equally unavailable to both sides, neither can be blamed for declining to call them to testify.

Government's Rebuttal

The government launched its rebuttal by challenging defense counsel's assertion that there had been no corroborating evidence. "You don't need to be a doctor to see he doesn't have his ear anymore. You don't need to be a doctor to see teeth marks," argued the prosecutor.

The prosecutor rebutted the defense's attacks on Global Justice by asking jurors to focus on the evidence they heard and not on defense counsel's assertions. The prosecutor pointed out, for example, that although Pagano faulted Global Justice agents for not taking an "oath," there had been no evidence at all about what oath they operate under or not. Similarly, there had been no evidence suggesting faulty identification procedures, the prosecutor said. Witnesses testified that people from Global Justice had simply asked them what happened during the war, and offered no suggestion that they had been shown suggestive photos by anyone to encourage a particular identification.

The prosecutor also dismissed defense counsel's allegations that witnesses were motivated to attack Jabbateh because they belonged to warring ethnic groups. He pointed out that one witness had specifically testified, "I'm for truth, no matter who tells it. I'm for justice, no matter who it's for." He further reminded the jury that witnesses had testified that the head of Global Justice was himself Mandingo, same as Jabbateh. He also pointed out that individuals from nine different ethnic groups (tribal groups) testified, including Mandingos. Not one of them said they have something against Mandingos, he argued. "Revenge is sweet, but maybe justice is sweeter," he urged.

Next, the prosecutor addressed defense counsel's claims about the lack of forensic evidence. You don't need bones to say that the person is dead, he argued. "When a witness testified that they heard shots and then their cousin was dead, what do you need bones for? As a result of that conflict, you can probably find bones all over Liberia. That's a tragedy. There were dogs eating people in the street. We need to recover bones for DNA for who? For what? It came from the mouths of witnesses."

The government also pointed out that the identification procedures were not faulty because this case didn't involve identification; rather it was one of recognition. The witnesses were familiar with Jungle Jabbah, had spent time in close proximity to him, and knew who he was. It wasn't a case of an unknown assailant committing a crime and running away. One witness had non-consensual sex with Jungle Jabbah for weeks, another had often served Jungle Jabbah in her restaurant before he killed her sister, one lived in the same house as him, and one picked lice out of his dreadlocks. This isn't a case of "who did it," the government argued. The only question at issue is whether the individual the government believed was Jungle Jabbah was in fact the same person the witnesses were talking about. He submitted that the evidence confirms it was.

Prosecutors also addressed newspaper articles that Jabbateh offered as evidence that he worked as a peacemaker. But those articles were from 1996 -1997, the prosecutor pointed out, not from 1992-1995 when Jabbateh allegedly served as the battalion commander. Wright argued: "I suggest to you that there was a reason that there was nothing there for 1992 – 1995. I suggest he had to come up with something for that timeframe. So he said SSS. He wasn't in the SSS—the evidence was clear. But he had to hide his activities by saying he was in the SSS. Because what he was really doing was leading the Zebra Battalion in Bomi, in Lofa, in Cape Mount County. That's why. Because during that time frame, he was doing exactly what these witnesses said he was doing in that timeframe." He pointed out that the photograph of Jabbateh with an automatic weapon hanging off his side was from 1993, when he claimed he was in the SSS, further refuting Jabbateh's claims of belonging to SSS in that period.

In closing, the prosecutor told the jury: "You had the opportunity to look through the eyes of each one of these witnesses. Take the cloak off the evidence. I suggest to you that based on the evidence in this case, he's not entitled to wear the cloak of innocence any more. I urge you to find him guilty of all four counts in this case."

Jury Charge

Following summations, the judge charged the jury. In doing so, the judge instructed the jury on the law of the case, what they may consider as evidence, and how to carry out their role as jurors.

At its conclusion, the jury retired to the jury room to begin deliberations. They did not reach a verdict by the end of the day and will resume deliberations tomorrow morning.

Jury verdict: Guilty on all counts

On Wednesday 18 October, the jury in the Jungle Jabbah trial delivered a unanimous verdict of guilty on all four counts. The jury began their deliberation on Tuesday afternoon and continued Wednesday morning, spending a total of around five hours deliberating. On Wednesday morning, the jury sent out four requests for evidence and testimony read-backs. They first asked for transcripts of several witness' testimonies but were informed by the Judge that the transcripts were not ready yet, and they needed to use their memory of the proceedings unless they had specific questions about a particular point they needed to be clarified. The jury then requested several pieces of evidence, specifically, photographs of the SSS officers, photographs of one of the rape victim's injuries, and all photos of child soldiers. After reviewing the requested evidence, the jury notified the Judge that they'd reached a decision and were brought into court where the foreperson read their verdict of guilty.

Sentencing will occur at a later date.

The questions of sentencing: when immigration charges are used to convict war criminals

On October 18, 2017, Liberian-national Mohammed "Jungle Jabbah" Jabbateh was convicted of four counts of fraud in immigration documents and perjury following a 10-day jury trial in the Eastern District of Pennsylvania (Philadelphia). Although the charges stemmed from false statements Jabbateh made to U.S. immigration officials when applying for asylum and lawful permanent residence, those false statements were the result of Jabbateh's attempts to cover up unthinkable wartime atrocities that he committed as a high-ranking rebel commander during Liberia's first civil war. Immigration-related charges are becoming the go-to prosecution strategy for war criminals caught in the U.S. as they are more readily applied to such cases than more serious human rights or war crimes statutes, which often have jurisdictional limitations. But while charging immigration violations creates an opening for prosecutors to hold perpetrators accountable where they might otherwise evade justice, doing so challenges conventional federal sentencing practices and pushes the question of sentencing for these cases into largely uncharted territory.

In order to determine an appropriate sentence, courts consider not only the statutory penalty for the crimes of conviction, but also the sentencing range suggested by the U.S. Sentencing Guidelines. The Guidelines take into account the unique circumstances of a defendant's crime, the charges themselves, and a defendant's criminal history to provide an advisory sentencing range tailored to the specifics of a particular case. Thus, while the statute sets the minimum and maximum penalty limits, the Guidelines advise where within that range the specifics of the defendant's case might fall. Calculating the applicable Guidelines range is the first step in all sentencing proceedings. The court then has discretion to impose a sentence within the Guidelines or to deviate from its range if the court believes the Guidelines do not accurately reflect the defendant's circumstances.

Jabbateh's case is unique. Because he was convicted of immigration-related offenses and not war crimes, per se, the corresponding Guidelines recommendation for his immigration violations does not reflect the overall seriousness of Jabbateh's acts. Jabbateh's crimes in Liberia are necessary predicates to his immigration-based crimes of conviction, though, and should be considered in tandem for the purposes of sentencing. In cases such as this one, where the facts about which the defendant lied cannot be separated from the crimes of conviction, the gravity of what the defendant lied about should be reflected in the seriousness of the punishment. Jabbateh's wartime acts are inextricably intertwined with his fraud and perjury conviction. They formed the basis of his lies to immigration officials. They also are the reason for his immigration benefit ineligibility. Finally, the fact that he had committed such horrific crimes was the motivation for Jabbateh to leave Liberia and seek refuge in the U.S., and thus the motivation for the crimes of conviction in the first place. These factors move Jabbateh's case outside the heartland of standard immigration offenses and would seemingly justify a sentence outside the Guidelines range.

Cases like this are rare and there is little guidance to assist courts in determining how to calculate a sentence, how much weight to give crimes that took place in a home country for which the defendant was not specifically charged, or how to reconcile the seriousness of the immigration

crimes of conviction with the seriousness of the underlying wartime acts. Traditional Guidelines calculations—the starting point and benchmark in federal sentencing—simply do not account for cases of this nature. Nor is there clear direction from precedent—due to both a scarcity of cases and a lack of uniform sentencing practices. In the few cases that have been heard, various U.S. courts around the country have taken widely different approaches to the penalty phase.

Some courts have rejected the Guidelines' recommendations entirely and sentenced to the statutory maximum, even going so far as to have sentences for multiple counts run consecutively rather than concurrently.

- In 2013, following a 4-day jury trial in Colorado, Defendant Kefelegne Alemu Worku was convicted of unlawful procurement of U.S. citizenship or naturalization, aggravated identity theft, and fraud and misuse of visas. Although charged with immigration-related offenses, witnesses testified at trial that the defendant was a notorious Ethiopian official who had tortured and killed political prisoners opposed to his favored regime in Ethiopia during a period of violent political turmoil in the late 1970s. He subsequently fled Ethiopia, assumed a false identity, and sought refuge in the United States. After calculating the appropriate Guidelines range for Worku's immigration offenses to be 0-6 months' imprisonment followed by a consecutive, mandatory 2-year term of imprisonment, the court rejected the Guidelines' recommendation in its entirety, reasoning that "it has no regard to the circumstances of this case." Instead, the court sentenced the defendant to the statutory maximum for each count, to run consecutively, for a total of **22 years' imprisonment**.
- In 2013, following a 12-day jury trial in New Hampshire, Defendant Beatrice Munyenyezi was found guilty of two counts of unlawfully procuring U.S. citizenship. Trial testimony revealed that the defendant had concealed her involvement in the Rwandan genocide of 1994 and had participated in, aided and abetted, and encouraged persecution, kidnapping, and murder of a rival ethnic group. She later lied about those acts in order to obtain immigration and naturalization benefits in the U.S. Following her conviction, the defendant's Guidelines range was calculated to be 0-6 months' imprisonment. The court ultimately rejected the Guidelines' recommendation and sentenced the defendant to the statutory maximum of **10 years' imprisonment** for each count, to run concurrently.

Other courts have adhered to the Guidelines' recommendations even when they corresponded to short sentences.

- In 2012, following a jury trial in Massachusetts, Defendant Prudence Kantengwa was convicted of two counts of fraud and misuse of visa and other documents, three counts of perjury, and one count of obstruction of justice. The charges against Kantengwa stemmed from lies she told about her involvement in the 1994 Rwandan genocide, including her membership in the Hutu-dominated party in Rwanda, her husband's role as the director of Rwanda's internal security service, and her knowledge of the existence of a genocidal roadblock. Despite facing a maximum potential term of imprisonment of 40 years under the applicable statutes, the court sentenced the defendant within her Guidelines range and imposed a sentence of **21 months' imprisonment**.

Some courts have imposed an above-Guidelines sentence after determining that the Guidelines range did not adequately reflect the circumstances of the crime, but those sentences nevertheless fell far short of the statutory maximums.

- In 2009, Defendant Nedjo Ikonic was convicted of two counts of visa fraud following a guilty plea in a Wisconsin federal court. The defendant commanded a unit that participated in the capture and killing of hundreds of Bosnian prisoners in 1995. Ikonic obtained admission into the United States by fraudulently omitting his police service during the 1992-1995 conflict in Bosnia when applying to enter the United States. The charges potentially carried a statutory 20-year maximum sentence, but the defendant's Guidelines range was 0-6 months' imprisonment. The court ultimately sentenced Ikonic to **12 months' imprisonment**, above the Guidelines' recommendation but far below the statutory maximum. Following the completion of that sentence, he was removed from the United States to Bosnia and Herzegovina, where he was taken into custody by officials from the Office of the Prosecutor of the Bosnian State Court War Crimes Chamber.
- In 2009, Defendant Carlos de Graca Lopes, a national of Cape Verde, pleaded guilty in a Massachusetts federal court to 13 counts of visa fraud, false statements and perjury. Lopes was formerly a prison warden in Cape Verde, but was dismissed from his position in 2006 after allegations surfaced that he abused and tortured prisoners. After an indictment was issued in Cape Verde for multiple criminal acts, including torture, Lopes fraudulently obtained a visa and fled to the United States. For his immigration-related crimes, he faced a Guidelines' recommendation of 10-16 months' imprisonment, but a substantially longer custody under the applicable statutes. He was sentenced to **36 months' imprisonment**, above the immigration-related Guidelines range but below the maximum allowable under the charged statutes.
- In 2006, Defendant Marko Boskic was convicted of two counts of visa fraud in federal court in Massachusetts following a jury trial. Although charged with immigration offenses, evidence showed that the defendant was directly involved in the military unit responsible for the killings of several hundred Bosnian Muslim men who were murdered in 1995 in Bosnia and Herzegovina and was personally responsible for the murders of several dozen of those prisoners. The defendant faced a statutory maximum of 20 years' imprisonment but a Guidelines range of 8-14 months' imprisonment based on the charged offenses. The court ultimately sentenced Boskic to an above-Guidelines sentence of **63 months' imprisonment**, which was still significantly below the statutory maximum. After serving his sentence, the defendant was removed back to Bosnia and Herzegovina, where he was subsequently taken into custody by officials from the Office of the Prosecutor for the Bosnian State Court War Crimes Chamber.

Given sentencing courts' widely disparate approaches to sentencing for defendants charged with immigration crimes but who have an underlying history of human rights violations and/or are accused of war crimes or atrocities in their home countries, it is difficult to predict how Jabbateh's sentencing will be treated. He faces up to 30 years' imprisonment under the statutory maximums but, like most cases, his Guidelines range is significantly less. A variety of outcomes are possible:

- If the court sentences Jabbateh to the statutory maximum for each count and orders the terms to run consecutively, Jabbateh faces 30 years' imprisonment.
- If the court sentences Jabbateh to the statutory maximum for each count and orders the terms to run concurrently, Jabbateh faces 10 years' imprisonment.
- If the court sentences Jabbateh within his applicable Guidelines range, Jabbateh faces 57-71 months' imprisonment.

- If the court rejects both the Guidelines' recommendation and statutory maximums, it could impose any length of sentence between "time served" and 30 years' imprisonment that the court deems fit.

Jabbateh's sentencing is scheduled to take place on February 7, 2018.

Jungle Jabbah sentenced to 30 years' imprisonment

Mohammed "Jungle Jabbah" Jabbateh was sentenced today to 30 years' imprisonment—the statutory maximum—for providing false information to U.S. immigration authorities on his applications for asylum and a U.S. Green Card by falsely denying his role as a high-ranking rebel commander during the first Liberian Civil War and crimes he committed in that position. Jabbateh was found guilty of four counts of perjury and fraud by a federal jury in October 2017 following a ten day trial in the Eastern District of Pennsylvania (Philadelphia). This sentence represents one of the longest sentences ever imposed by a U.S. court for a defendant accused of war crimes but charged under U.S. immigration statutes.

In a hearing lasting approximately one hour, the judge explained the legal basis for his sentencing calculation, outlined many of the atrocities recounted by victims and witnesses in their trial testimony, and ultimately concluded that this case "falls far outside the heartland for both perjury and fraud." When offered the opportunity to address the Court directly, Jabbateh replied simply, "I have nothing to say."

The Court explained that the 30-year sentence, reached by imposing the maximum penalty for each of the four counts and ordering them to run consecutively, was appropriate to meet the goals of sentencing and to serve as a deterrent. The Court also imposed 3 years of supervised release to follow his term of imprisonment and ordered Jabbateh to pay a $400 special assessment.

There is no parole in the U.S. federal system, meaning Jabbateh will be required to serve the full sentence in a U.S. prison. After his sentence is completed, he will almost certainly be deported. The defense has 14 days to file a notice of appeal if they so wish.