



## Questions and Answers on Ibrahim Bah

### August 2013

#### 1. Who is Ibrahim Bah?

Ibrahim Bah is a Senegalese national living in [Sierra Leone](#). During the Sierra Leone civil war, from 1991 to 2002, Bah allegedly provided arms and materiel to the rebel Revolutionary United Front (RUF), according to a United Nations panel of experts and the UN-backed Special Court for Sierra Leone. During the conflict, the RUF committed widespread and systematic abuses, including murder, mutilation, amputation, torture, rape, and forced abductions.

Bah has been under a UN-imposed travel ban since 2004 for his alleged role in illegal arms and diamond dealing and for supporting the former Liberian President [Charles Taylor](#)'s effort to destabilize Sierra Leone.

Although Bah was not prosecuted by the Special Court for Sierra Leone, testimony was given in the case of *Prosecutor vs. Charles Taylor* on Bah's involvement in the conflict. The court [found](#) that Bah was a close associate of Taylor, who was [convicted](#) by the court in 2012 for his role in providing arms and other assistance to the rebels. The decision [states](#) that: "Bah was a trusted emissary who represented the RUF at times and the Accused at times, and served as a liaison between them at times. He was a businessman who helped arrange arms and diamond transactions, and did not maintain an ongoing affiliation as a subordinate or agent with either the RUF or the Accused."

Bah was believed to be living in Burkina Faso, but [a report](#) issued by the UN panel of experts on May 31, 2013, found that he had been living in Sierra Leone since 2008.

#### 2. What is the criminal prosecution against Bah?

On July 5, a Sierra Leonean citizen from the diamond-rich Kono district of eastern Sierra Leone filed a private criminal prosecution against Bah for the following offenses under

Sierra Leonean law: conspiracy, false imprisonment, kidnapping, wounding and wounding with intent, assault occasioning actual bodily harm, and threatening to kill.

In Sierra Leone, a criminal case may be brought by a private citizen instead of the state. In such cases, it is generally the responsibility of the complainant to gather the relevant evidence and present it to the court.

The state may also assist in the case by investigating the issues or gathering relevant evidence. It may also take over the prosecution if it determines that the case involves an issue best handled by the government. Alternatively, the state may determine that the case should not proceed and terminate the prosecution, discharging the case.

### **3. What are the next steps?**

Bah was served with information on the case on July 15. The next step should be an appearance by the defendant in court for the charges to be read to him and for him to enter a plea.

An appearance is typically scheduled within several days of when a defendant is served. July 18 was initially scheduled as the day when the appearance was expected to take place, following the case's assignment to a judge. However, no developments occurred on that day. On July 29, the matter was raised in court and a lawyer for Bah said that Bah had not been aware of any proceedings to move the case forward and requested an adjournment. The complainant and the defendant agreed to adjourn until August 5, when Bah is now scheduled to make his initial appearance.

### **4. Why didn't the prosecutor of the Special Court for Sierra Leone indict Bah?**

The Sierra Leone government and the United Nations established the Special Court for Sierra Leone to prosecute those "bearing the greatest responsibility" for crimes committed during Sierra Leone's conflict. The court has completed trials of nine people associated with Sierra Leone's three main warring factions, including Taylor.

The Special Court for Sierra Leone is winding down operations, although the court's prosecutor is not prevented from bringing a case against Bah. Human Rights Watch has

urged the Sierra Leone authorities to prosecute, through the regular courts, those allegedly responsible for serious crimes committed during the conflict whom the Special Court has not tried. This would ensure wider accountability for the crimes.

## **5. Why hasn't the Sierra Leone government taken action against Bah?**

Human Rights Watch and others have urged the Sierra Leone government to open a criminal investigation of Bah for his alleged role in crimes committed during Sierra Leone's conflict. It is unclear why the Sierra Leone government has not done so.

A number of possible criminal offenses could be brought under Sierra Leone domestic law. However, the country's law does not include some serious crimes that violate international law, such as crimes against humanity. Sierra Leone should adopt laws incorporating these crimes.