

**THE AFRICAN COURT OF JUSTICE AND HUMAN RIGHTS
THE 2022 INTERNATIONAL HUMANITARIAN LAW MOOT COURT
COMPETITION**

IN THE MATTER BETWEEN

PROSECUTION

V.

ADUGA BOLO (DEFENDANT)

MEMORIAL FOR THE PROSECUTION

FIM-2022-16

16 PAGES

LIST OF ABBRIEVATIONS

ACJHR	African court of justice and human rights
AU	African Union
API	Additional protocol I
AP II	Additional protocol II
ACHPR	African Court on Human and Peoples“ Rights
ALV	Airlines Vision
AHRLR	African Human Rights Law Reports
CHLR	Customary International Humanitarian Rules
CLA	Chu Liberation Army
CIHL	Customary International Humanitarian Law
HRC	Human Right Commission
ICTY	International Criminal Tribunal for Former Yugoslavia
IHL	International humanitarian law
ICRC	International Committee of the Red Cross
MLC	Chu Liberation Movement
NGO	Non-Governmental Organization
NIAC	Non-International Armed Conflicts
UN	United Nation
Para.	Paragraph

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- ❖ Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflict, 8 June 1977
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- ❖ United nation general assembly resolution of 16, October 1990, granting the ICRC observer status at the world body
- ❖ Rome Statutes of the International Criminal Court, 17 July 1998

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- ❖ *Prosecutor v. Delalić (Judgment) (1998 Trial Chamber) IT-96-21-T*, [370]
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- ❖ *The African court on human and people rights towards African court of justice and human rights, practical guide*, 2010
- ❖ ICRC opinion paper, (2008), *how is the term armed conflict defined in IHL?*
- ❖ *International humanitarian law* by Emily Crawford and Alison Pert -Cambridge university press
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- ❖ 31 December ,1990 Article, international review of the Red Cross
- ❖ 24th International Conference of the Red Cross, Res. XII
- ❖ ICRC advisory service on international humanitarian law -command responsibility and failure to act

1. STATEMENT OF JURISDICTION

1.1 ACJHR has Jurisdiction over the matter

Pursuant to Article 28 of the protocol on the statute of African court of justice and human rights, the court is empowered to exercise its jurisdiction over all cases and disputes submitted to it including any question of international law. The court will assume its jurisdiction in the protocol enacted and ratified by that state which can even be a treaty other than a protocol in African union as long as that states ratified it, the case can be submitted to the court.¹ Indeed, Zengin, Chuma and Pindu are members of the African Union and United Nations and have all ratified the Malabo Protocol.² The major innovation of Malabo protocol is undoubtedly the institution of the first ever regional criminal court, with jurisdiction on international crimes and serious crimes of African international law.³ In addition, almost all war crimes have got customary international status. In which customary international rules will be applicable. A communication may be brought against one State party, or several, if they are all involved in acts contributing to the same situation of rights violations. The communication must name the State party or parties against which it is brought.⁴ Thus, a Court shall have jurisdiction over all cases and all legal disputes submitted before it,⁵ which contains not only human and peoples“ rights but also international law and international criminal law.⁶

Contrary to the Protocol of the African Court on Human and Peoples“ Rights, there is no reference in the Statute of the Single Court to the resolution of disputes through amicable settlement.⁷ Therefore material jurisdiction is satisfied because the allegation relating to war

¹ Article 28(b) of the protocol on the statute of the African court of justice and human rights.

² Statement of facts para.1

³ On the envisaged court, see P. Manirakiza, the case for an African criminal court to prosecute international crimes committed in Africa“,in V. Nhemielle (ed.) Africa and the future of international criminal justice,

⁴ Af. Comm. H.P.R., 2010 Rules of Procedure, Rule 93(2)(g)

⁵ Statute of ACJHR, Article 28.

⁶ F. Viljoen, „AU Assembly should consider human rights implications before adopting the Amended merged African Court Protocol“, 2012, AfricLaw, available online at <http://africlaw.com/2012/05/23/au-assembly-should-consider-human-rights-implications-before-adopting-theamending-merged-african-court-protocol/>, § a.

⁷ The African court on human and people rights towards African court of justice and human rights, practical guide,2010 p.152

crimes contained in the Malabo protocol is ratified by zengin and chuma. Thus, the international criminal law section is competent to hear all charges relating to the crimes stated on the statute.⁸

So we plead that the African court of justice and human right has a jurisdiction over the crimes stated on the statute.

1.2. ADMISSIBILITY OF THE CHARGE

To be admissible in the international criminal law section of the African Court of justice and human right (ACJHR) the application must involve a war crime committed by a State party or an armed group after the date on which the relevant Statute came into force. That is the death of 8 wounded soldiers who were taken care of there, as well as 10 children treated in the neighboring pediatric department which is the first count of our allegation. In the meantime, trials before the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone are ongoing for international crimes committed during the Rwandan genocide and the Sierra Leone civil war respectively. Both of these courts have been established on an ad hoc basis and will be wound down eventually.⁹ The principle of complementary, which usually embodies this relationship, is recognized by the Malabo protocol, so the prosecutor prays the court to make the charge admissible.

a) The claim is well founded:

Article 56(4) of the charter provides that is based exclusively on news obtained from the mass media is inadmissible. But, our allegations are based on tangible evidences that are not doubtful for any one. However, our investigation concluded tangible evidence. Thus, the NGO reports mentions that the death of hundreds of peoples between January and June 2018. Thus, in addition to the court jurisdiction as per Articles 28, 29 and 30 of the present statute, the claim is well founded both in fact and in law.¹⁰ This also entails a war crime manifested through the Malabo protocol and the general custom of the society.

⁸ Article 17 of the protocol on amendments to the protocol on the statute of the African court of justice and human rights

⁹ Sonya Sceats, International Law | March 2009, p.9

¹⁰ Article 41(2) of the protocol on the statute of the African court of justice and human right.

b) The issue has not been Settled Priory:

Art 56 (7) of the charter provides, no communications which already heard and decided by UN or AU dispute resolution mechanism may be submitted to the court. However, Chuma criminal court acquitted Mr Bolo just because of the implication of the accused in the crimes with which he was accused in the arrest warrant issued by the ACJHR was not demonstrated "beyond a reasonable doubt". Therefore, the prosecutor prays the court to make the charge admissible.

c) The prosecutor cannot be required to exhaust local remedy:

Article 56 (5) of the ACHPR stipulates that, communications relating to human and people's rights received by the Commission, shall be considered if they are sent after exhausting local remedies. However, the Commission has established on several occasions that a complainant must only exhaust domestic remedies that are available, effective and sufficient.¹¹ In addition, where past jurisprudence has already made clear that there would be no possibility of success, an exception to the rule of exhaustion has been found to apply.¹²

2. War crimes committed against planned protected persons and objects under article 28/D/ of the Malabo Protocol

Characterization of the armed conflict

The existence of NIAC between state of Zengin and the CLA from February 2018

Common article 3 of the Four Geneva Conventions does not clearly provide a definition for NIAC rather provides the applicability of common article 3 to "*armed conflict not of an international character occurring in territory of one of the high contracting parties.*"¹³ Since AP II is supplementary to common article 3 of the Geneva Convention, it provides a more restrictive definition of NIAC:

*Which take place in the territory of a high contracting party between its armed forces and dissident armed forces or other **organized armed groups** which under*

¹¹ *Jawara v The Gambia*, (2000) 107 AHRLR, (ACHPR) para. 3.

¹² *Jessica Gonzales and Others v. United States*, App. No. 1490/05, Int.-Am . Comm. H.R. (2007), para. 49. See also *Schmidt v. Costa Rica*, App. No. 9178, Int.-Am. Comm. H.R.; *Pressos Compania Naviera S.A. v. Belgium*, App. No. 17849/91, Eur. Ct. H.R., para. 27; *Brough v. Australia*, App. No. 1184/2003, HRC (Mar. 17, 2006),

¹³ Geneva Conventions of 1949

*responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concreted military operations and to implement this protocol.*¹⁴

In the *Tadić* case, the ICTY Appeals Chamber referred to a NIAC as a situation of „protracted armed violence between governmental authorities and organized armed groups or between such groups within a State“.¹⁵ This test is also adopted in article 8(2)(d) and (f) of the Rome Statute. NIACs must satisfy two specific requirements: it must have a certain level of intensity, and the armed group(s) involved must have a certain degree of organization. The intensity of violence can be assessed through some indicators such as, duration of the violence, kind of weaponry used or when the government is obliged to use military forces against the insurgents, instead of mere police.¹⁶ In the case at hand, CLA armed group is an organized armed group having Kefile Dineo and Aduga Bolo, they do have a rank that shows there is a responsible command structure and their organization pursuant to AP II and common article 3 the Four Geneva Conventions. The conflict is between State of Zengin and armed group CLA that crosses into State of Zengin and engages State Zengin's armed forces there. The prevailing view is that this is still a non-international armed conflict and that it makes no difference that CLA operates from across the border in State of Chuma.¹⁷

Count one: War crime Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities; in accordance with Article 28D/E/I of the Malabo protocol

The principle of distinction is one of the major principles of IHL and the Geneva conventions; specifically on the Additional protocol II that protects civilians and civilian population from grave war crimes under Article 13.¹⁸

We plead that the attack of CLA on February 13,2018, were a war crime that is under 28D/e/I of the Malabo protocol by attacking the protected civilian population specifically 10 children who

¹⁴Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, (hereinafter Additional Protocol II) 8 June 1977, article 1

¹⁵ ICTY *Prosecutor vs Tadic*(1997) (IT-94-10), Trial chamber, Decision para 70

¹⁶ ICRC opinion paper, (2008), *how is the term armed conflict defined in IHL?* p.3 see also ICTY *Prosecutor vs Fatmir Limaj*, (IT-03-66-T), Trial judgment, 30 November 2005, para 84

¹⁷Emily Crawford and Alison Pert ,International humanitarian law (1st ed Cambridge university press2015)

¹⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts,(hereinafter Additional Protocol II) 8 June 1977

were receiving health treatment at the hospital.¹⁹ Children are protected persons as per Article 4/3/ of AP II in addition to the protection given in general for the civilians and civilians population. Thus, the weapon employed was as such would cause incidental loss of life or injury to the civilian.

On February 13, 2018 the CLA attack against the hospital that has caused the death of 8 wounded soldiers who were taken care of there.²⁰ CLA has attacked 8 wounded soldiers that have protection pursuant to Article 5/1/a and 7 of AP II.²¹ The attack should have been taken the precautionary measures that are feasible to verify the harm.²² Accordingly on the above clear accounts show that CLA has an intention to kill those wounded combatant by violating the IHL laws and rules.

There is also another attack against civilian population which is the missile attack on July 6,2019 on 283 passengers and 15 crew members of aircraft ALV22, that cause the death of all of the civilian population.²³ Civilian and civilian population with mining to Article 13 of the AP II, the CLA intentionally violate the IHL rule to discriminate civilian and civilian population with that of combatants and military objectives.²⁴

The attack of July 6, 2019 was excessive and caused incidental loss of life or injury to civilian population. The excessiveness of the harm inflicted can be extracted from the death of around 298 civilians when there is no military advantage expected and this evidence portrayed that there was unjustifiable civilian casualty that is clearly prohibited under art 13/2/ of AP II and CIHL rule 11 and 14. Therefore, there is a serious violation of IHL rules. Consequently, the attack on February 13,2018 and on July 6,2018 on the civilian population with knowledge of there is a clear possibility of an injury or loss of life was an Indiscriminate attack that establishes war crime as of article 28D/e/i of the Malabo protocol.

¹⁹Statement of fact, para 4

²⁰ibid

²¹Additional Protocol II

²² Additional Protocol I, Art 57/2/a

²³ Statement of fact, para 7

²⁴CIHL rule 1

Count two: War crime intentionally directing attacks against buildings, material medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law; in accordance with Article 28D/E/II of the Malabo protocol

Attack shall only be restricted to military objectives.²⁵ According to rule 7 of IHL customary rule civilian objects shall not be the object of an attack, which got customary rule status.²⁶ However, in case at hand, on July 6, 2019, a civilian aircraft from the Zenginian company, *Airlines Vision*, n ° ALV22, as its investigated and get in to conclusion by the Zenginian prosecutor the act was planned intentionally to attack a civilian object.²⁷ Without even relatively military objective as it is now recognized as customary rule.²⁸ The CLA already knew that the object of the attack were not a military objectives. The object attacked on the July 6, 2019, was not a military objective within the meaning of Rule of CIHL, and hence it is a civilian object.

Unless CLA had an intention to attack the civilian object, they would not attack objects which were indispensable for civilian daily routine life. Thus, the above evidence clearly and unequivocally shows that the CLA had attack against civilian object which is clearly prohibited and hence it is a blatant violation of CIHL rule and war crime under article 28D/e/II.

Count three: War crime intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict; under article 28/D/E/III

On July 13, 2018, around 4 a.m. on the way of attacking of the military camps the CLA has attacked the building of ICRC to steal vehicles and other material goods.²⁹

The major element of this crime is, the attack should be against a recognized humanitarian organization by the united nation. Accordingly, ICRC was founded in 1863 to examine the proposals made by Henry Dunant in his book on the Battle of Solferino, at that point on October

²⁵ Additional Protocol I, Art 52(2)

²⁶ Henckaerts, J. & Doswald-Beck, L. (2005), *Customary International Humanitarian Law, Volume 1: Rules*, ICRC, Cambridge(hereinafter ICRC CIHL) Rule 7

²⁷ Statement of fact, para 7

²⁸ CIHL rule 8

²⁹ Statement of fact, para 6

6, 1990, the United Nations general assembly decide to invite the ICRC to take part in its proceedings as an observer status in consideration of special role and mandates conferred up on it by the Geneva Conventions of 12, August 1949.³⁰ In addition the Geneva conventions and their two additional protocols explicitly establish the role of a neutral and impartial humanitarian intermediary that ICRC may act as a substitute for protecting power within the meaning of the conventions and their respective protocols.³¹ So the attack of the building of the ICRC were clear intentional act to steal the vehicles and other materials that would have been used for the assisting and saving lives in an armed conflict at hand. For the above evidences and circumstances show there is blatant act that constitutes a war crime against a humanitarian assisting organization under Article 28D/e/iii.

Count four: War crime of intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives; in accordance to article 28D/E/IV of the Malabo protocol.

The prohibitions of indiscriminate attack under rule 11 of CIHL, rule 18 and also the 24th International Conference of the Red Cross in 1981 urged parties to armed conflicts in general “not to use methods and means of warfare that cannot be directed against specific military targets and whose effects cannot be limited”.³² The attack on February 13, 2018 in Aberash the main town of Mapalo on the hospital by the mortar fire³³ was a violation of several principles of IHL that got the customary status specifically rules 35 of CHLR for protection of hospital and safety zones.

³⁰ United nation general assembly resolution of 16, October 1990, granting the ICRC observer status at the world body

³¹ 31 December, 1990 Article, international review of the Red Cross No, 279

³² 24th International Conference of the Red Cross, Res. XII

³³ Statement of fact, para 4

The CLA has violated the customary rule of proportionality

As the NGO report Human Rights, headquartered in Chuma, indicates that the hospital recently served as a military camp.³⁴ But according to the fact there is only presumption and there are no concrete evidences that has been made against the hospital which shows it was used as a military object. Therefore, according to Article 52/3/ in case of doubt on civilian object and military object, it should be presumed not to be so used.³⁵ Even if there is evidence that shows it was used as a military camp the attack was not proportional comparing to the military advantage.³⁶ So this will prove that CLA has committed a war crime against a civilian object in accordance to article 28D/e /iv of the Malabo protocol.

Count five: War crime of Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions; according to Article 28D/E/VI

On April 13, 2018 according to Ginika reports that women from the locality of Funani were raped by CLA members.³⁷ Women right are protected under plenty of international human right laws including the united nation charter and under Art 2, 3, of the African charter and Art 2 of the Protocol to the ACHPR on the rights of woman in Africa, directly or indirectly by the state's failure to carry out its international obligations. ³⁸ It's also protected by the Article 4/1/e of AP II³⁹ and they should also restive all protections that are given for the civilian population. The women's of Funani were raped by the CLA member forceful, without their willingness which is a grave crime against the human right instruments and its war crime that is committed by CLA combatants that is intentional done for the singular purpose of the members gratification but not any kind of military objective.

³⁴ Statement of fact, para 4

³⁵ Additional Protocol 1977 see also ICRC CIHL Rule 10

³⁶ CIHL Rule 14

³⁷ Statement of fact, para 5

³⁸ African Charter on Human and Peoples Right

³⁹ Ibid 35

Count six: War crime of taking hostages according to Article 28D/C/III

On April 13, 2018 according to the Capitan of the armed group that women from the locality of Funani were taken by force “for all intents and purposes”.⁴⁰ It’s also prohibited on Article 4/2/c and Article 5 of AP II. For this evidence the CLA members has committed war under 28D/c/iii of the Malabo protocol and violation of IHL rules.

The act of taking hostages “for all intents and purposes” has cost the life of the some of the hostages

The word of the captain shows that the hostages are taken for any kind of purposes that causes a violation of several rights of the civilians. There was also death caused by not gating medical treatments.⁴¹ The intention of CLA is clear that they were using the hostages for any kind purposes that could be military advantages but it will never constitute proportionate to the life and rights of the civilians.⁴² Taking hostages is also prohibited under Article 34 of the 4th Geneva Convention. According to the above statement there is grave violation of war crime under the Malabo protocol.

3. Aduga Bolo has command responsibility for war crime of attack against civilians population, wounded combatants, civilian objects, rape, taking hostages and employing weapons that cause superfluous injury or unnecessary suffering according to Article 46/B/3

3.1. The existence of Superior-subordinate relationship

In armed conflict situations, armed forces or groups are generally placed under a command that is responsible for the conduct of subordinates.⁴³ Superior-subordinate relationship exists when a person is in “formal status” or in “effective authority and control” as a military commander.⁴⁴ The existence of such a position of command derives in essence from the “actual possession or non-possession of powers of control over the actions of subordinates.”⁴⁵ The responsibility of superior to subordinate is also recognized by the CHIL Rule 152, which require States to

⁴⁰ Statement of fact, para 5

⁴¹ Clarification of fact para 4

⁴² CIHL rule 14

⁴³ ICRC advisory service on international humanitarian law -command responsibility and failure to act

⁴⁴*Prosecutor v. Delalić (Judgment)* (1998) Trial Chamber IT-96-21-T, 370.

⁴⁵*Prosecutor v. Zejnil Delalić et al*, (1998) Case No. IT-96-21-T,

prosecute not only persons who commit grave breaches or breaches respectively but also persons who order their commission.⁴⁶

According to the Case law of the Ad Hoc International Criminal Tribunals has also clarified the conditions under international humanitarian law for holding superiors responsible for offences committed by their subordinates. In particular, it establishes that it is not necessary to be the hierarchical superior de jure of the direct perpetrator of a crime to be held criminally responsible for his actions; it is sufficient to exercise authority over such a person de facto. In this regard ad hoc international tribunals apply an “effective control” test based on the specific evidence of each case, which aims to identify if the superior has the material ability to prevent and punish criminal conduct and the case law has also made it clear that belonging to the military is not a necessary condition.⁴⁷

Thus, Aduga Bolo is the founder and legendary leader of the MLC and became unofficial leader of the military wing of this movement, the Chu Liberation Army (CLA) even after he has entrusted his power to his little brother.⁴⁸ That is why the commander of the CLA commander Kefile Dineo considers him as his direct leader.⁴⁹ The “effective control” is also revealed in the article 12 of the MLC by giving him a wider power and duties, including in matters of internal organization and policy of the military and political branches of the MLC. He has also a power to sanction those responsible for abuses.⁵⁰ Some observers also believe that Aduga Bolo has capacity as of a co-leader of the MLC.⁵¹ For the above incontestable circumstances Aduga Bolo has a commander relationship with the CLA.

2.2 The superior knew or had reason to know that the subordinate was about to commit such acts (The mental element)

A superior’s actual knowledge that his subordinates were committing or were about to commit a crime cannot be presumed, but it may be established by circumstantial evidence.⁵² Thus, we can confirm that, the fact that commander Kefile Dineo consider Aduga Bolo to be its direct leader is a clue for superior knew. The report can be constructive evidence as to the second element of

⁴⁶ICRC, CIHL Rule 152

⁴⁷ ICRC advisory service on international humanitarian law -command responsibility and failure to act

⁴⁸ Statement of fact, para 8

⁴⁹ Statement of fact, para 5

⁵⁰Statement of fact, para 9

⁵¹ Statement of fact, para 10

⁵²*Prosecutor v. Zejnil Delalić et al* (1998), Case No. IT-96-21-T, Judgem CIHL rule , para 386

command responsibility.⁵³ If the commander does not order or initiate the crimes, but knows of the crimes and contributes to them, then he may still be liable through „aiding and abetting“ or other complicity doctrines.⁵⁴ In particular, it is said that Aduga Bolo is extremely afraid of betraying the witch doctors and scrupulously follows their advice. One of them would have considered that nothing could resist the group on July 13, that the spirits would guide their actions. Thus, in such circumstance it can be said that Aduga Bolo had a reason to know that the subordinate was about to commit such acts. That“s makes as to consider Aduga Bolo is superior.

Thus, a fact that Aduga Bolo origin is chu and married to Hadija Daudi determines his responsibility of commander that help as to conclude he has superior knew or had a reason to know that the subordinate was about to commit such acts.⁵⁵ In addition Aduga Bolo“s regular contact with his childhood friend and fighters there, Aduga Bolo was aware of the events in Mapalo which constructs evidence towards the second element of command responsibility.

3.3 The superior failed to take the necessary and reasonable measures to prevent such acts or to punish the principal perpetrators.

The law grants the commander privileges, but it also requires him to be vigilant in remaining informed and taking measures to prevent and repress violations.⁵⁶ Article 87 of Additional Protocol I spells out the duties and obligations of military commanders with respect to their subordinates. The superiors must prevent and, where necessary, suppress and report to competent authorities grave breaches committed by their subordinates. Only in the event that he failed in these duties does a commander risk being held criminally responsible for taking no action. Based on his knowledge of such criminal acts, Aduga Bolo has failed to give direction to his subordinates how to conduct as responsible belligerents. Rather he was the supporter of their attack that is clearly shown by his Owen words to his fellow lawyers. In addition, Aduga Bolo failed to take the necessary and reasonable measures to prevent such acts, or to punish the army as well as the leaders, therefore even if he takes measures against Kefile Dineo, he was not trying

⁵³ Statement of fact para.5

⁵⁴ Other complicity doctrines include „joint criminal enterprise“ before the Tribunals and contribution to a „common purpose“ before the ICC: see, eg, *Rome Statute* art 25.

⁵⁵ Statement of fact para. 8

⁵⁶ Jenny S Martinez, „Understanding Mens Rea in Command Responsibility: From Yamashita to Blaškić and Beyond“ (2007) 5 *Journal of International Criminal Justice* p. 661-663

to stop the act of CLA and it was only for one of their several war crimes. Thus, it cannot be considered as sufficient and reasonable measure.⁵⁷

PRAYER FOR RELIEF

In light of the issues raised, arguments advanced and authorities cited, the Office of the Prosecutor, respectfully requests the court be pleased to:

1. The ACJHR has jurisdiction over the case before it and the case is admissible
2. The CLA are responsible for war crimes in form of intentional attacks against planned protected persons and property in the territory of Zengin pursuant Article 28D of the Malabo protocol;
3. Aduga Bolo has command responsibility in accordance with article 46B(3) of the Malabo Protocol for war crimes against planned protected persons and property in the territory of Zengin pursuant to article 28D of the Malabo Protocol.

⁵⁷ Statement of fact, para 9