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**SPECIAL COURT FOR
SIERRA LEONE**

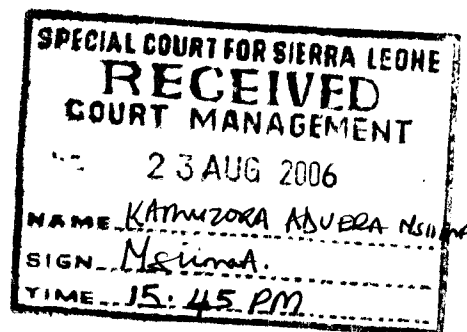
Case No. SCSL-2004-16-T

Before: Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde

Registrar: Lovemore G. Munlo, SC

Date filed: 21 August 2006

THE PROSECUTOR
against
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
and
SANTIGIE BORBOR KANU



PUBLIC

**JOINT DEFENCE DISCLOSURE OF MILITARY EXPERT REPORT
BY MAJOR-GENERAL (RETIRED) W.A.J. PRINS**

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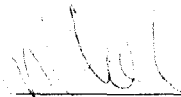
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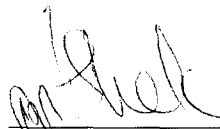
1. Pursuant to Rule 94*bis* of the Rules of Procedure and Evidence, the Defence hereby discloses the report and curriculum vitae of the Defence military expert Major-General (retired) W.A.J. Prins of the Royal Netherlands Marine Corps. The report is entitled: "Military Expert Report on the Armed Forces Revolutionary Council Faction," dated July 2006. Annexed to the report are some pages from the book of Dr. David Keen, relied upon by the author of the report.

Respectfully submitted,


On 21 August 2006



Geert-Jan Alexander Knoops



Koro Graham



Andrew Daniels

ANNEX. 1

MILITARY EXPERT REPORT
on the
ARMED FORCES REVOLUTIONARY COUNCIL
FACTION

by

Major-general (retired) W.A.J. Prins
Royal Netherlands Marine Corps

The Netherlands, July 2006.

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PART A

INTRODUCTION

General remarks

1. I was first approached by Professor Dr. Geert-Jan Alexander Knoops on behalf of the “Armed Forces Revolutionary Council (AFRC) defence team”¹ in October 2005 to guide the team in specific with respect to military operational issues arising in this case before the Special Court for Sierra Leone (SCSL). Following this request I commenced my research in Sierra Leone in October 2005. On 24 March 2006, I was formally engaged by the Defence Office as an individual contractor/military expert for the AFRC defence before the SCSL. Following my appointment by the Principle Defender, I undertook further investigations in Sierra Leone and in the Netherlands resulting in this report.
2. The defence in the AFRC case, based upon the assignment by the Principle Defender, asked me to look into military operational aspects of the Sierra Leone Army (SLA) and the military organization of the former AFRC faction in general, and particularly the way the AFRC faction operated. I was also asked to form an opinion on the military expert report by Colonel R. Iron, British Army, who testified for the Prosecution in the AFRC case before the SCSL.
3. The research does not dwell much on a reconstruction, analysis, or description of the entire campaign. It does not cover the small battles that occurred in which the AFRC faction and others participated. Indeed it would be very difficult, if not virtually impossible, to authentically reconstruct (all) the military events that took place many years ago. Also, it became very clear from the discussions I had with participants to the conflict that there are many different views concerning the course of the events. More importantly, the reconstruction of the total campaign and battles is not essential in formulating an opinion on the above mentioned aspects of the SLA and the AFRC faction. Reference to the actual campaign shall therefore be limited.

¹ Mr. Kojo Graham and Mr. Andrew Daniels.

4. This report analyses activities that took place between May 1997 and April 1999. Due to the lapse of time since the events took place it is, in my view, very important to take into account the testimony of the (former) officers who gave me inside knowledge on the many aspects of this report. The seniority of the officers is very important because, in many instances, there is a tendency to ask the opinion of the lower ranks in a military organization. Also in western military organizations, during investigations, military subordinates (soldiers) are frequently asked to give their opinion on issues that are beyond their scope and knowledge. Feeling obliged to answer they end up speculating.

Sources and methodology

5. Considerable research has been done to analyze the Sierra Leonean conflict, which resulted in, inter alia, the study of the Report for the Sierra Leone Truth & Reconciliation Commission (TRC or “the Commission”) in 2004 and the study by Dr. D. Keen, *Conflict & Collusion in Sierra Leone* (2005). In my view, in order to better understand the military aspects in the AFRC case, a thorough analysis of these reports is essential. Concerning the military aspects in my report various international and national military defence doctrines were consulted which were mainly based on the doctrine of the North Atlantic Treaty Organization (NATO). During the 1990’s, NATO realized the need to review the existent doctrines and created the Allied Joint Doctrine Hierarchy. At the top of this hierarchy is the Allied Joint Publication (AJP-01 (B)).² The primary objective of this document is to provide a doctrine for the planning, execution and support of Allied joint operations. Immediately below this publication are a number of functional publications like the AJP-2 Joint Intelligence and the AJP-3 Operations. All NATO countries (e.g. the Netherlands and Great Britain) have ratified these NATO publications. Therefore the NATO publications have formed the basis of establishing a national doctrine like the Netherlands Defence Doctrine which was issued by the Chief of Defence Staff of The Netherlands in September 2005.³ This doctrine relies on the

² Allied Joint Publication (AJP- 01 (B)), December 2002, NATO unclassified.

³ Netherlands Defence Doctrine, publication by the Netherlands Defense Staff, September 2005, ISBN: 90-808409-2-0.

doctrine of North Atlantic Treaty Organization (NATO) and is therefore generally accepted in NATO Countries.

6. The TRC report in particular merits special attention as it draws on seven thousand, seven hundred and six (7706) statements of Sierra Leoneans,⁴ covering the 1991-2000 conflict period in Sierra Leone, and it reconstructs meticulously the historical, political and military framework which was determinative for the conflict. It is, however, important to note that, “[a]lthough the TRC obtained full co-operation from the RSLAF (note MGEN Prins: Republic of Sierra Leone Armed Forces) authorities, the number of statements given by members of the military remained low. However, some military personnel gave testimony during the hearings and others participated in confidential interview sessions with the Commission.”⁵ A list of interviewed officers by the TRC (not exhaustive) is attached.

7. During my research it became clear to me that several (retired) officers were not willing to testify before the SCSL or to cooperate in writing this report because of fear of intimidation by the Sierra Leone Government. I have visited many senior officials during my research. Upon my visit to the Deputy Minister of Defense Mr. Joe Blell in October 2005, together with Professor Dr. Knoops, I asked the Deputy Defense Minister if he thought it likely that current serving personnel in the SLA would be willing to testify for the defense concerning their knowledge of military aspects of the AFRC faction. The Defense Minister thought it very unlikely because of the repercussions this would have for the potential witnesses. At that stage it was not stated what the repercussions would be.

8. Following a discussion with Mr. Blell on 30 March 2006, I was permitted to talk to the Chief of Defense Staff of the RSLAF, Major General Sam Mboma. On my request to speak to former AFRC faction members currently serving as officers or non-commissioned officers in the RSLAF, he advised that there was no military personnel to be found in the current Army who had that experience. His answer in this respect is very questionable because many members of the former military organization of the

⁴ TRC report, Appendix 1 – Statistical Report, p.3.

⁵ TRC report, Volume 1, Chapter 5, p.167.

AFRC (ex SLA) are now serving in the RSLAF. Dr. Keen observed: “The new Sierra Leonean army absorbed large numbers of AFRC personnel with a very dubious history....” “The army still contained former junta soldiers and participants in the January 1999 attack.”⁶ Because of the apparent unwillingness from the Government of Sierra Leone to cooperate I therefore had to rely on the many statements of (former) senior officers of the SLA made before the TRC and one retired senior officer of the SLA who was willing to share his views directly with me.

Contents of this report

9. First of all, in order to make a proper analysis of the military organization of the AFRC faction and the way it operated, it is, in my view, essential to understand the history and developments of the Sierra Leonean Army. To this end, this report shall extensively deal with the history and developments of the army from the independence of Sierra Leone to the downfall in 1997. The history and developments will be described in Part B.
10. Secondly, the report will give doctrinal background information concerning the different types of conflict and their specific characteristics. The differences between regular and irregular military action and regular and irregular forces will be discussed in detail. Colonel Iron in his report addresses, amongst others, the question whether the AFRC faction “*did exhibit the characteristics of a traditional military organization.*” In my view the AFRC faction was not a traditional military organization; on the contrary it had many of the characteristics of an irregular force and, more importantly, the operations carried out by the AFRC faction can best be characterized as irregular military actions. Types of conflict and the character of the operations of the AFRC faction will be discussed in Part C.

⁶ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 284. ISBN 1-4039-6718-0.

11. Thirdly, in part D, notwithstanding the opinion that the AFRC faction was an irregular force, the report will analyze three questions⁷ which were raised in the report by Colonel Iron, namely:
 - a. Did the group have a recognizable military hierarchy and structure?
 - b. Did it exhibit the characteristics of a traditional military organization?
 - c. Was there coherent linkage between strategic, operational, and tactical levels?
12. Fourthly, the report will address another very important question that was not addressed in the report by Colonel Iron, namely, from a military perspective, whether and to what extent a joint military operational structure did exist between the Revolutionary United Front (RUF) and AFRC (faction). This question will also be dealt with in part D.
13. Part E of the report will deal with the conclusions.
14. Terminology. In this report the following terms are used to describe the different organizations:
 - a. “AFRC faction” describes the force predominantly consisting of AFRC fighters under command of S.A.J. Musa. In this regard the following statement is of interest: “In the course of the departure from Freetown, internal differences emerged within the AFRC/RUF coalition. These differences led to different commanders leading pockets of supporters to settle in different parts of the country and pledging allegiance not to the larger coalition but to specific commanders. Loyalty split along the lines of their previous RUF or AFRC affiliations.”⁸
 - b. “RUF/AFRC” describes the bulk of junta forces following the February 1998 Intervention but excludes the “AFRC faction.”
 - c. “SLA” refers to the Governments Army during the conflict in Sierra Leona.

⁷ The analysis by Colonel Iron with regard to the fourth question: “Was command effective?” was not allowed into evidence by the Court.

⁸ TRC report, Volume 3 A, chapter 4, p. 524. Different groups were under command of different commanders like Mani, Savage, Staff Alhaji Byoh, Akim Sesay. These groups will not be addressed in this report.

PART B

HISTORY AND DEVELOPMENTS

Political and Military Mismanagement and the Implications with respect to the SLA (1961-1997) and the AFRC (May 1997-February 1998)

15. The TRC, in accordance with its mandate to create an impartial historical record of the conflict in Sierra Leone, inclusive a record of the military and political history of the conflict,⁹ also examined the historical antecedents to the conflict as well as other events that defined or shaped the evolution of Sierra Leone as a state. “History is important because it helps to understand the present. If we will listen to what history has to say, we can come to a sound understanding of the past that will tell us much about the problems we now face.”¹⁰

16. I fully agree with the TRC and many others who argue that one needs to know the past in order to understand the present. I therefore have the opinion that if an analysis of the military aspects of the AFRC faction is to be made, it is absolutely necessary that a study of the history and developments of the Sierra Leone Army, since the independence of Sierra Leone in 1961, is also undertaken. It is important to understand the background, the mindset, the training and experience of the officers and men of the SLA who later comprised the AFRC faction because as the TRC report observed the majority of the members of the SLA joined the “People’s Army.” “... upon the creation of the AFRC as a junta regime, the majority of officers and private soldiers in the Sierra Leone Army transferred their allegiance away from the incumbent (de jure) Government of Sierra Leone to ally themselves with the RUF, under the banner of the “People’s Army.”¹¹ Subsequently, the majority of the former SLA members fled Freetown and hid in the countryside. It is, in my mind, an omission that Colonel Iron

⁹ TRC report, Volume 3A, Chapter 1, p 87.

¹⁰ The Importance of History, David Crabtree, McKenzie Study Center, November 1993.

¹¹ TRC report, Volume 3A, Chapter 4, p. 551.

in his report did not take the historical developments into account¹² and therefore lacks an understanding at least on the starting point in a military sense of the AFRC faction.

17. Based on the many statements I have read, I have come to the conclusion that the history and developments of the SLA and subsequently of the “People’s Army” is a very sad story. It shows from government to government, including the governments that were formed after the coups, that all similarities of a traditional military organization with all the characteristics normally established in a proper army seized to exist. In my military career I have not come across descriptions that were so bad as I have read in the various statements. Of course I had to rely on these statements because I have not witnessed the SLA and “People’s Army” during the time of the conflict. On the next several pages I will quote many statements and will make a compilation of the facts which ultimately results in a total downfall of the “People’s Army” at the end of 1997.

18. The Republic of Sierra Leone Armed Forces traces its history back to British colonial days.¹³ Following the independence in 1961, the armed forces became known as the Sierra Leone Regiment and finally, the Republic of Sierra Leone Military Forces (RSLMF) after the attainment of republican status in 1971. In 1995, the NPRC military regime renamed it the Armed Forces of the Republic of Sierra Leone (AFRSL). On 21 January 2002, President Kabbah renamed it the Republic of Sierra Leone Armed Forces (RSLAF).¹⁴

19. Major General Tom Carew, former Chief of Defense Staff, described the deterioration within the SLA in his submission to the TRC as follows: “The RSLAF was founded on a sound tradition of discipline, professionalism and valor.”¹⁵ “However, in the passage of time, instead of building on this enviable foundation, the entire institution deteriorated. Things became so bad that the Sierra Leone Military completely lost all

¹² Statement Colonel Iron, transcript date 13 October 2005, p.126.

¹³ TRC report, Volume 3A, Chapter 4, p.538.

¹⁴ TRC report, Volume 3A, Chapter 4, p. 538.

¹⁵ TRC report, Volume 3A, Chapter 4, p. 538. Major General Tom Carew, Chief of Defense Staff, Submission to the TRC, May 2003.

semblances of command and control. The appointment of the Army Commander to parliament¹⁶, for example, was enough inducement to selfish, greedy and disgruntled soldiers dreaming to become president or ministers overnight instead of aspiring to become generals by rising through the ranks systematically and by merit. This decay of the military institution could also be attributed to series of actions and inactions by some elite members of our society who sought to use the military to further their own personal ambitions and interests. The decay of the institution was further compounded by other vices such as tribalism, sectionalism, lip service, indiscipline, loss of command and control and the lack of respect within the chain of command within the military.”¹⁷ The TRC then concludes: “It is therefore in the manipulation of the army by politicians that the roots of the terrible violations committed by the army during the conflict could be found.”¹⁸

20. In 1968 Siaka Stevens eventually become Prime Minister and then President from 1971 to 1985 and apparently his presence and actions were the starting point of the downfall of the military organization. As stated by Major (rtd.) Abu Noah before the TRC: “The return of Siaka Stevens in 1968 and his rise to power ushered in the final assault on the values and traditions of order, discipline and hierarchy in the Army. He rendered the Army impotent by a system of subtle but deliberate disarmament through fear, that when it was called upon to perform its constitutional role (to defend the sovereignty of the state) it was in no position to do so. Over politicization of the Army had castrated the higher echelon, and entrenched those whose sole desire to get to the top led to their betrayal of their colleagues. They became *merchant-generals*, more interested in material acquisitions from the politicians than in a professional armed service. Therefore when the war came, there was no officer corps to handle it.”¹⁹ “Stevens was careful to provide lavishly for senior officers in particular, and key officers were

¹⁶ See David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 19. ISBN 1-4039-6718-0. “Stevens was adept at co-opting potential sources of opposition, for example by bringing in labour leaders into parliament and by bringing army and police chiefs into cabinet. This was how Joseph Momoh came to enjoy cabinet status as head of the army before he became President in 1985.”

¹⁷ TRC report, Appendix 2, Major General Tom Carew, Chief of Defense Staff, Submission to the TRC, May 2003.

¹⁸ TRC report, Volume 3A, Chapter 4, p. 539.

¹⁹ TRC report, Volume 3A, Chapter 4, p. 540. Major Abu Noah (Rtd.) Submission to the TRC May 2003.

awarded lucrative contracts.”²⁰ “Many officers benefited from building houses illegally on state land and then renting them to foreign companies or embassies for foreign exchange.”²¹

21. Further marginalization of the army continued in the 1970’s and 1980’s. As noted in the TRC report, “[b]y the commencement of the conflict, the army did not have moveable vehicles, communication facilities were non existent, and most of the soldiers were not combat ready. They had not attended refresher courses or gone to the practice range for years. The senior officers had indulged in the good life and were therefore unwilling to go to the warfront.”²² “The army was simply in a mess.”²³ To the Commission it was clear “that personal, familial and tribal disharmonies had eaten away at the sense of common purpose that is supposed to be the very essence of a national army. At every level, right to the core of the institution, morale was pathetic.”²⁴ “Loyalty, respect and obedience did not obtain along the lines of conventional command structure; they depended much more on arbitrary considerations such as where you were from, which ethnic group you belonged to and whether you might be amenable to engaging in or turning a blind eye to someone else’s malpractice.”²⁵
22. When Major General Momoh succeeded Stevens in 1985 the economical situation in Sierra Leone deteriorated and although the new president had a military background he was not able to change the situation in the military. “Under President J.S. Momoh, the same patrimonial system, the same Northern dominance, the same card system and the same corrupt rice policy were continued. The policy of stifling the resources available to the Army also continued. Thus the military, under-equipped, under-trained and with a

²⁰ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 19. ISBN 1-4039-6718-0.

²¹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 19. ISBN 1-4039-6718-0.

²² TRC report, Volume 3A, Chapter 3, p. 145.

²³ TRC report, Volume 3A, Chapter 3, Brigadier (Retired) Kellie H. Conteh, at the time of the interview National Security Co-ordinator an the Office of National Security, testimony before TRC Thematic Hearings in Freetown, June 2003.

²⁴ TRC report, Volume 3A, Chapter 3, p.146.

²⁵ TRC report, Volume 3A, Chapter 3, p 147.

leadership engrossed in chasing ill-gotten gains, was most ill-prepared to meet the challenge of defending the country at the start of the war in 1991.”²⁶

23. Under the long years of APC rule the Army further deteriorated which became painfully clear when the Army had to engage in military operations after the invasion of RUF forces in 1991. As the TRC observes: “The Commission heard numerous testimonies regarding deficiencies in the conventional state security apparatus at the outbreak of the war. In their totality, these accounts paint a picture of grave abandonment of the basic needs of the RSLMF under the APC, to the extent that the country was devoid of an operational Army when it needed one most in 1991.”²⁷ “The Army at that time was unused to any kind of warfare and so lacked the skills to counter the attacks that followed 23rd March. It was purely a ceremonial Army and was ill prepared for a war of this nature.”²⁸ Major-General Mohammed Tarawallie, commander of the Sierra Leone army until the APC fell in April 1992 stated: “I will confess that at the time the rebel war started in March 1991, we were really caught with our pants down.”²⁹
24. In describing the history and developments of the army two observations regarding the status of the army are especially important not only because they are made by former senior officers but also because they relate, in my mind, to some of the later characteristics of the AFRC faction as described by Colonel Iron. Firstly, as we read in the report by Colonel Iron and many witness statements, at times and as a matter of fact, emphasis is put on the availability and the use of communication equipment. We have to realize that the SLA hardly had any (modern) communication equipment. Brigadier (rtd.) Kelly Conteh observes: “Most of the units deployed along the first line of defense in 1991 were without any form of modern communication equipment.”³⁰ The TRC

²⁶ This statement is given by Dr. Kabbah, current President of the Republic of Sierra Leone and quoted in the TRC report Volume 3 A, Chapter 1, p 76.

²⁷ TRC report, Volume 3A, Chapter 1, p 145.

²⁸ TRC report, Volume 3A, Chapter 3, p. 149 interview Colonel Bashiru S. Conteh before the TRC, Freetown 2 August 2003. At the time of interview Witness DSK-082 was Director of Training in the SLA, erstwhile Battalion Commander and one-time Secretary of State for the Eastern Province under the NPRC.

²⁹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 83. ISBN 1-4039-6718-0.

³⁰ Brigadier (Retired) Kellie H. Conteh, TRC report, Volume 3 A, Chapter 3, p. 148, testimony before the TRC Thematic Hearings held in Freetown, June 2003.

supports this vision when it stated that by the commencement of the conflict “....communication facilities were non existent.....”³¹

25. Secondly, Brigadier Maade Bio (rtd.) expressed his view on the army as a whole. “The Army was not worthy of being called a military force when the war broke out and it was never going to be possible to make it worthy of that name during the war.”³² It is therefore, in my view, fair to say that the prospects of the People’s Army and the AFRC faction have to be observed with this observation in mind.
26. Although the SLA was in a very bad shape the NPRC Government decided to expend the, already not functioning, army. Based on the various statements one can conclude that the level of recruits was appalling and the organization was not capable of transforming these recruits into proper soldiers. In the end the situation in the army worsened. The following statements describe the disastrous effects of recruitment on the organization.
27. “One of the most immediate goals that the NPRC Government set for itself upon assuming power was to bolster the capacity of the Army to prosecute the war.”³³ “In addition to some less perceptible measures the NPRC launched a massive recruitment drive inviting patriotic citizens to join the Army and serve their country.”³⁴ “While exact figures were not made available some officers estimated in their testimonies for the TRC that within three years the Army grew to an aggregate size of 10000 troops.”³⁵ “Unfortunately the recruiting was indiscriminate and ignoring the laid down standards.”³⁶ “Those who answered the NPRC call were at the time leading lifestyles consisting of criminal activity and drug abuse in Freetown, young men from the margins

³¹ TRC report, Volume 3A, Chapter 3, p. 145.

³² Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC report Volume 3 A, Chapter 3, p. 151.

³³ TRC report, Volume 3A, Chapter 3, p.159.

³⁴ TRC report, Volume 3A, Chapter 3, p. 159.

³⁵ TRC report Volume 3A, Chapter 3, p. 159, interview Colonel Bashiru S. Conteh before the TRC, Freetown, 2 August 2003.

³⁶ TRC report Volume 3A, Chapter 3, p. 160, interview Colonel Bashiru S. Conteh before the TRC, Freetown, 2 August 2003.

of society.”³⁷ Looking back on the government’s recruitment policy, a Freetown businessman observed in June 1995: “The government took pickpockets and so on, and put them in the army. Many of them used to attack and rob with knives. Now they had the extra power of the bullet.”³⁸ A human rights campaigner said simply: “They were dropouts and robbers. You’ve legalized their trade.”³⁹

28. It became clear that the training and discipline further deteriorated in the period after the massive recruitment as observed in the TRC report. “Aside from the recruitment drive itself, perhaps the unsuitability of the newly-enlisted soldiers could have been mitigated by prudent management of the Army’s human resources. However there were further grave inadequacies in the Government’s efforts to train and discipline its new breed of soldiers.”⁴⁰ “The Commission heard that even a recruit with de “right credentials” would in normal circumstances require at least a year of professional instruction to graduate into the military ranks.”⁴¹ “Yet the ramshackle intake of 1992 would be fortunate to receive even a few months of rudimentary training when they joined the Army; some received just six weeks.”⁴² “Benguema Training Center became a veritable conveyor belt for the new recruits, each of them processed on a fast track to the warfront. They were taught little more than how to fire a gun, how to move in formation, how to mount offensives and how to respond to orders; the rest would be left to their instincts.”⁴³ One senior civil servant with good contacts in the military explained the process of recruitment in Freetown: ‘They were grabbed from the streets, taken to Lungi and Benguema and given 19 to 21 days training. Some new recruits – particularly those recruited up-country – received no training at all.’⁴⁴

³⁷ TRC report Volume 3A, Chapter 3, p. 160. Private soldier who was recruited in 1992 under the NPRC. Interview 8 December 2003, Freetown.

³⁸ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 98. ISBN 1-4039-6718-0.

³⁹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 98. ISBN 1-4039-6718-0.

⁴⁰ TRC report, Volume 3A, Chapter 3, p. 161.

⁴¹ TRC report, Volume 3A, Chapter 3, p. 161/162, interview Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996;

⁴² TRC report, Volume 3A, Chapter 3, p. 162, TRC Confidential Interview with a private soldier in the SLA who was recruited in 1992 under the NPRC; interview conducted in Freetown, Makeni and Kenema; June to December 2003.

⁴³ TRC report, Volume 3A, Chapter 3, p. 162.

⁴⁴ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 97. ISBN 1-4039-6718-0.

29. “In terms of discipline, the raw new batch was apparently predestined to cause problems for its seniors. According to military officers who were already in the force, some of the new recruits sought to import the social habits of their former lives into the ranks.”⁴⁵ “The consumption of drugs, as it proved, was unpreventable and the use of marijuana in particular became endemic. Military codes of conduct were frequently neither observed nor enforced in this regard;”⁴⁶ one young private soldier told the Commission that his commanding officer condoned and actively partook in “smoking so much *djamba* every day.”⁴⁷
30. This “recruiting and training policy” had a devastating effect on the entire military organization as indicated in various statements. “Organization, structure and professionalism in many units became less rigid and more ragged. On the one hand, it was suggested that the numbers of newcomers were so large that soldiers were scarcely able even to identify their own kind, let alone to know who to take order from.”⁴⁸ “On the other hand, though, there were certainly individuals who were refusing to take instructions and often defying basic tenets of military conduct.”⁴⁹ “Combined with the “power of the gun”, as so many ex-combatants described it in their testimonies, such an attitude gave rise to a dangerous propensity on the part of these soldiers to commit violations.”⁵⁰ “In the end the recruitment intake and its accompanying disregard for the

⁴⁵ TRC report, Volume 3A, Chapter 3, p. 162, interview Colonel K.E.S. Mboyah, long serving officer in the SLA, erstwhile Battalion Commander and Director of Defence Information, TRC interview conducted at private residence, Freetown, 29 August 2003.

⁴⁶ TRC report, Volume 3A, Chapter 3, p. 162. Interview Colonel Bashiru S. Conteh before the TRC, Freetown 2 August 2003.

⁴⁷ TRC report, Volume 3A, Chapter 3, p. 162. TRC Confidential Interview with a private soldier in the SLA who was recruited in 1992 under the NPRC, interview conducted in Freetown, 8 December 2003.

⁴⁸ TRC report, Volume 3A, Chapter 3, p. 162. TRC Confidential Interview with a former officer of the SLA who was recruited in 1992 under the NPRC and deployed in various parts of Kailahun, Kono and Kenema Districts, interview conducted in Freetown, 17 September 2003.

⁴⁹ TRC report, Volume 3A, Chapter 3, p. 163. Interview Colonel Bashiru S. Conteh before the TRC, Freetown 2 August 2003.

⁵⁰ TRC report, Volume 3A, Chapter 3, p.163.

quality of human resources served to exacerbate the overall lack of common understanding and common purpose of the SLA.”⁵¹

31. The late and generally well respected Brigadier-General Maxwell Khobe, who became ECOMOG force commander and was appointed as Chief of Defense Staff of the RLSAF on Kabbah’s restoration to power in 1998 commented: “They (the NPRC) destroyed completely the command structure of the Armed Forces and threw overboard promotion rules and regulations. In a bid to stamp their authority on the political system, they assumed ranks and promotions incompatible with their age and experience. The result was a complete destruction of administrative procedures, respect for rank, discipline and the little professional value still left in the system. Senior officers, finding themselves compelled to serve under their subordinates, preoccupied themselves with securing economic security rather (than) promoting professional values.”⁵²
32. The conditions within the SLA continued to deteriorate with time. In his report to the TRC, the Defence Advisor, Colonel Komba SM Mondeh describes the role of the RSLAF in relation to the AFRC and RUF. The report clearly states that “[t]he final straw that broke the camels’ back was when the AFRC sacked the SLPP government through a Coup of May 25, 1997. They also did the unbelievable by inviting the RUF rebels (whom they had been fighting against for six years) to join them in forming a government. This action finally brought all forms of discipline and regimentation of the RSLAF to zero and ultimately finished the image of the RSLAF.”⁵³ Brigadier-General Khobe supports this vision when he addresses the May 25 1997 Coup: “What happened on 25 May 1997 was a complete collapse of the command structure of the Armed Forces. The subsequent effort to overthrow the democratic order was only a by-product...soldiers daily humiliated the entire Officer Corps. The situation was so bad that Corporals and other NCO’s who initiated the mutiny demanded that officers should pay them compliments and this was done.”⁵⁴

⁵¹ TRC report, Volume 3A, Chapter 3, p. 163.

⁵² David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 110. ISBN 1-4039-6718-0.

⁵³ TRC report, Appendix 2, Submissions to the TRC, part 2.

⁵⁴ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 202. ISBN 1-4039-6718-0.

33. In March 2006 I had an interview with Colonel Komba SM Mondeh, who is currently serving in the RSLAF. His remarks about the military situation within the armed forces after the Coup of May 25 1997, together with the findings as described in the previous paragraphs, made it clear to me that, for example, the described “chain of command” (chief of defense staff, brigade commanders etc) by Witness TF 1 – 334⁵⁵ covering the period between May 1997 and February 1998, has to be considered merely as a military organization “on paper” or not existing at all. This vision finds supports in the fact the history of the SLA did not recognize a proper “chain of command”. Brigadier (rtd.) Kellie Conteh stated before the TRC that “the NPRC never managed to unify its Army under a single, coherent command structure.”⁵⁶ The London-based journal *Focus on Sierra Leone* of 12 December 1994 stated, after the NPRC issued a statement saying that 80 per cent of its soldiers were loyal: “a more realistic assessment was that the army had effective control over 50-60 per cent of its men.”⁵⁷ Based on these statements, it is therefore unlikely that during the short time of the SLPP Government (1996-1997) and the People’s Army (May 1997-February 1998) a coherent command structure was established. The TRC report observes: “The flaws in the High Command of the People’s Army meant that there was no effective regulatory structure to restrain or discipline the ground commanders of the AFRC and the RUF.”⁵⁸ Finally, also based on my interview with Colonel Mondeh, it strengthened my view that the military organization was in total disarray, also when the AFRC/RUF government was ousted from power.

Political and Military Mismanagement and their Implications on the Junior officers and other ranks within the Army

34. There is one other factor that must be taken into consideration which had a severe impact on the army, namely the total neglect of the junior officers and other ranks in the SLA by the politicians in general and the military leaders (senior officers) in particular. Within the military, it is very important that all members but specifically the junior officers and other ranks (soldiers and corporals) are lead by competent superiors

⁵⁵ Witness statement TF 1 – 334, transcript date 17 May 2005, p. 18 – 22.

⁵⁶ TRC report, Volume 3A, Chapter 3, p. 163, Brigadier (Retired) Kellie H. Conteh, testimony before TRC Thematic Hearings in Freetown, June 2003.

⁵⁷ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 122. ISBN 1-4039-6718-0.

⁵⁸ TRC report, Volume 2, Chapter 2, p. 60.

(officers and non-commissioned officers). The superiors must lead by example. They must enforce the highest standards in the military origination and tradition and inspire the troops through their irreproachable behavior.

35. In this regard there is a special role for the commander who is, through leadership of influence on the motivation of subordinates.⁵⁹ In conjunction with discipline, comradeship and self-respect, the presence of leadership contributes to high moral. “The latter component, high moral, is a prerequisite for military success, particularly in difficult military circumstances. Therefore a certain level of military quality is required to command a force. Examples of such military quality (are): intuition, initiative, professional knowledge, determination, self-confidence, integrity, experience, ability to communicate and ethical correct behavior.”⁶⁰ In the absence of leadership understood in this way, military command and control will be seriously hampered.
36. The neglect within the SLA over a period of many years was basically caused by a process of mismanagement and lack of leadership, on part of the politicians and high ranking officials within Sierra Leonean government and the SLA. The desire on part of the politicians and higher ranks to enrich themselves to the detriment of the lower ranks, ultimately resulted in bitterness and frustration within the lower ranks. Historically this neglect has formed an important reason for the many coups staged in Sierra Leone. Dr. Keen stated that “...an important cause – notably in the 1968 coup – being the neglect by senior military officers of their juniors.”⁶¹ Also in the period before the coup of April 1992 many junior officers resented the affluence of senior officers linked to the APC elite. “Now junior officers in particular were angry at the APC’s puny war effort, at late or non-existent payments, poor conditions, and the lack of health and logistical support in conflict zones. At the time of the April coup, front-line troops had not been paid for three months. This neglect was itself the result of the patrimonial politics with long roots in the APC.”⁶² “Abdul Karim Kororma, Foreign Minister under Momoh, reports that some 2.6 billion leones were spent on the military between April and August 1991,

⁵⁹ See also: Report Colonel Iron p. B-10, B.6.3.

⁶⁰ Netherlands Defence Doctrine, p.97.

⁶¹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 17. ISBN 1-4039-6718-0.

⁶² David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 93. ISBN 1-4039-6718-0.

and yet soldiers in conflict zones were persistently suffering from shortages of fuel, food, medication, spare parts and salaries. Much of the fuel allocation was sold privately, and some of it seems to have been used to help army officers to set up private diamond operations.”⁶³

37. Since neglect has to be considered as an historical factor in Sierra Leone it is not surprising that Dr. Keen states, when giving four factors that seem particularly important in prompting the May 1997 Coup: “A fourth factor in the military’s involvement in the coup was the corruption within the army and the apparent neglect of more junior ranks by senior officers.”⁶⁴ “The theme of having been betrayed by politicians, by their own commanders, and even by civilians in general, has been repeatedly emphasized by both rebels and government soldiers. We have seen how this fed into violence against civilians, speeding the mutation of war from battle to massacre and the mutation of enemy from fighter to civilian.”⁶⁵

38. The TRC also researched the aspect of political and military mismanagement and the impact on the soldiers in detail and arrived at the following findings:

- a. “The Commission finds that, by the early 1990’s, greed, corruption and bad governance had led to institutional collapse, through the weakening of the Army, Police, the judiciary and the civil defense. The entire economy was undermined by grave mismanagement. Selfish leadership bred resentment, poverty and a deplorable lack of access to key services.”⁶⁶ “The Commission states as its first primary finding, that the conflict represented an extraordinary failure of leadership on the part of all those involved in government public life and civil society.”⁶⁷ Further “the Commission found that successive political regimes

⁶³ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 83. ISBN 1-4039-6718-0.

⁶⁴ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 201. ISBN 1-4039-6718-0.

⁶⁵ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 295. ISBN 1-4039-6718-0.

⁶⁶ TRC report, Volume 2, Chapter 2, p.30.

⁶⁷ TRC report, Volume 2, Chapter 3, p. 121. David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 295. ISBN 1-4039-6718-0.

⁶⁷ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 201. ISBN 1-4039-6718-0.

⁶⁷ TRC report, Volume 2, Chapter 2, p.30.

abused their authority over the security forces and unleashed them against their political opponents in the name of national security. Soldiers and police officers were reduced to playing roles as agents against destabilization.”⁶⁸

- b. “By the time of the outbreak of war, the Army had become dangerously under resourced after years of neglect, when government devoted its resources to internal security for purposes of extinguishing political opposition.”⁶⁹
- c. “Corruption by Senior Officers in the SLA. The Commission finds that senior officers of the SLA diverted much logistical support intended for the war effort for their own personal gain. In so doing, they not only severely undermined the defense of the country but their corruption precipitated a great deal of dissatisfaction on the part of junior soldiers and those at the war front. This dissatisfaction would ultimately germinate into rebellion on the part of the junior ranks who gave vent to their frustrations by seizing power on two occasions.”⁷⁰
- d. “Senior officers quickly began to share in the spoils of corruption under the APC. For instance, senior officers were given 25000 bags of rice per month to distribute to soldiers, even though the total number of members of the institution was less than 4000. Finances allocated to the Army were not audited. The recruitment process also accommodated “favors” to powerful members of the regime. Recruitment cards were given to party bosses to enlist whosoever they wanted into the Army.”⁷¹
- e. “In place of pride and professionalism, the soldiers – particularly senior officers – had indulged in vices such as embezzlement of public funds and favoritism along nepotistic of tribal lines. These were abuses of power that had been learnt and were copied from counterparts among the political elite. Their practice in

⁶⁸ TRC report, Volume 2, Chapter 3, p.122.

⁶⁹ TRC report, Volume 2, Chapter 2, p. 32.

⁷⁰ TRC report, Volume 2, Chapter 2. p. 51.

⁷¹ TRC report, Volume 3 A, Chapter 2, p. 75.

the military meant that most of the officer class was corrupt while junior ranks harboured unhealthy levels of resentment toward their seniors.”⁷²

- f. “.....many soldiers confessed to disillusionment with the ways in which personnel were treated within the military hierarchy.”⁷³

39. The following excerpt from the TRC report best illustrates the level of corruption and neglect of the lower ranking soldiers within the SLA: “However, in order to continue to allocate to themselves large quantities of rice, the officers told the rank and file that the Government had drastically reduced their rice quotas. There was intense resentment against the government and the officer corps from within the rank and file, who notionally held the officer corps responsible for their reduced quotas. They saw the officer corps as colluding with the government to deny them the only material expression of appreciation by the government for their service to the country.”

As one soldier put it:

“They took the rice away from us; the senior officers just said that the Government said they should cut down the rice. All of the circumstances combined to make the plight of the junior soldier fairly miserable (...) the serving officers were living well at the time (...) I thought that they were eating some of our supplies...they promised that they were going to raise the salary by 50 %; but it never materialized. By March 1997 the CDS was apologizing that there were no better supplies. Senior officers and the Government alike were pushing down the junior soldiers.”⁷⁴

40. The frustration of the soldiers that led to the coup is aptly captured in the sentiments by Sgt Alfred Sankoh, (who was ultimately executed). He observed: “Soldiers in the lower ranks were not paid a good salary unlike the officers....we were denied of privileges such as overseas courses...soldiers were killed at the war front and no provision was made for their families...there was the burning issue of the rice allocation, our rations had been drastically reduced and many times we got them quite late...the issue of

⁷² TRC report, Volume 3 A, Chapter 3, p. 147.

⁷³ TRC report, Volume 3 A, Chapter 3, p 147.

⁷⁴ TRC report, Volume 3A, Chapter 3, p. 236.

Kamajors was another thing that finally discouraged the soldiers under the regime of the SLPP.”⁷⁵

41. The view that the neglect of the lower ranks contributed to the disarray of the army is not only held by the TRC. This view is also shared by UNAMSIL, which organization submitted a background document to the TRC on the Sierra Leonean conflict. Under the caption “neglect of the army” the report reached the following conclusion: “In Africa, same as elsewhere, a leader neglects his army at his own peril. In Sierra Leone, having so much of its professionalism eroded by a bad recruitment policy based on political patronage, the army increasingly became alienated. By the time it was expected to contain the rebels it was demoralized and poorly equipped.”⁷⁶

Conclusion

42. The history of the SLA and the “People’s Army” from May 1997 onwards shows a disintegration of a military organization due to unprecedented political and military mismanagement. Indeed it is true to observe, as the TRC did that, “[t]he army, which prior to the civil war and during the conflict sunk to the depths of disobedience and degeneracy (...).”⁷⁷ As stated by Colonel Komba SM Mondeh the same situation obtained when the AFRC came into power and stayed in Freetown until the beginning of 1998.⁷⁸
43. The political and military mismanagement also resulted in total neglect by the political and military masters of the junior officers and other ranks. This is, in my view, a serious violation of the right of the young soldiers to be treated properly and serve under competent officers with an irreproachable behavior .
44. Many officers and other ranks, who once were a member of the SLA, joined the AFRC military organization after the coup of 1997. As indicated above, they came from an appalling military background. There was low morale, no discipline, no training, no

⁷⁵ TRC report, Volume 3A, Chapter 3, p. 242.

⁷⁶ TRC report, Appendix 2.

⁷⁷ TRC report, Volume 2, Chapter 1, Executive Summary, p. 151.

⁷⁸ TRC Report, Appendix 2, Submissions to the TRC, part 2.

leadership, no hierarchy, no equipment, no organization, no welfare system for rank and file, no prospect, no military command and control, and last but not least, no hope for improvement. As Brigadier (rtd.) Maada Bio stated: “The Army was not worthy of being called a military force when the war broke out and it was never going to be possible to make it worthy of that name during the war.”⁷⁹ The organization and operations of the AFRC must therefore be understood against this background.

PART C

TYPES OF CONFLICT AND THE CHARACTER OF THE OPERATIONS OF THE AFRC FACTION

45. In order to establish an opinion on the AFRC faction and more importantly to identify the characteristics of the way they operated it is essential to, first of all, give some doctrinal background on the different types of conflict, their specific characteristics and the forces involved. The doctrine is described in the Netherlands Defense Doctrine.

46. An armed conflict is a situation in which violence or military force is threatened or used. Generally, it is a contest between two opposing sides, each seeking to impose its will on the other, although intrastate conflict may involve several factions.⁸⁰ When the nature of a conflict changes during an operation this will have consequences for the way military forces operate. For the successful use of military force it is therefore essential that military forces distinguish between the different characteristics of the types of conflicts. In order to formulate an opinion on a military organization, it is therefore also important to understand these characteristics. Armed conflicts can be distinguished on the basis of the following three characteristics: identity of the parties to the conflict, the type of weapons used, and the way the organization operates, in other words, its *modus operandi* in battle.⁸¹ This last characteristic will be the most relevant for the questions answered in this report.

⁷⁹ Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC report Volume 3 A, Chapter 3, p. 151.

⁸⁰ British Maritime Doctrine/Third edition 2003, p. 248

⁸¹ Netherlands Defense Doctrine, 2005, p. 21

47. With reference to the parties to the conflict, armed conflicts can be divided into three different types namely: interstate, intrastate and transnational conflicts.
- a. An interstate conflict is a conflict between sovereign states or alliances.
 - b. An intrastate conflict is a conflict whereby one party is a sovereign state and the other party (or parties) is not a sovereign state and the conflicts take place within the territorial boundaries of the state, for instance, where armed groups fight against the government or against each other.
 - c. A transnational conflict is a conflict whereby only one of the parties to the conflict is a sovereign state and the battles are not confined to the territory of that state.
48. With respect to the type of weapons used in a conflict, a distinction is made between the use of conventional weapons and non-conventional weapons (nuclear, biological and chemical weapons).
49. With respect to the *modus operandi of the parties in the conflict*, a distinction can be made between parties who operate in a regular military way and parties who operate in an irregular military way and are therefore characterized as a irregular military force.⁸² “Irregular military refers to any non standard military. Being defined by exclusion, there is a lot of variance in what comes under the term. It can refer to the type of military organization or the type of tactics used.”⁸³
50. In this Part of the report, I will focus mainly on the operational side of the factions involved in the conflict and identify if their *modus operandi*, which in my view is the most important factor, had the characteristics of a regular or irregular military action. This distinction between the different actions is not always very clear because in many instances regular and irregular military action can be used simultaneously during a

⁸² By definition their fighters are not members of the regular armed forces. Toni Pfanner, International review of the Red Cross No 853, p. 111.

⁸³ Wikipedia, Irregular military.

conflict.⁸⁴ “Irregular warfare is the oldest form of warfare, and is a phenomenon that goes by many names, including tribal warfare, primitive warfare, “little wars”, and low intensity conflict. The term irregular warfare seems best to capture the wide variety of these “little wars.” Such wars plague much of the non-Western world, and they will increasingly claim the Intelligence Community’s attention. Since World War II, by one count, there have been more than 80 irregular conflicts. They include civil wars in Rwanda and Somalia, and rebellions in Chechnya, they involve irregular elements fighting against other irregular elements, regular forces of a central government, or an external intervention force.”⁸⁵

“Regular military action”

In a regular military action, the fighting units operate in an open, structured and coordinated manner according to an established doctrine. The military command and control is well structured and well trained according to fixed procedures.

Other characteristics are:

- Use of Rules of Engagements (ROE). ROE are a means of providing guidance and instructions to commanders and personnel within the framework of political and military objectives. They define the degree and manner in which force may be applied and are designed to ensure that the application of force is carefully controlled.⁸⁶ ROE originate partly from the principles of international humanitarian rules of war, the ultimate aim of which is to reduce the sufferings of war.⁸⁷
- The use of military uniforms. The military uniform had a primary function of identification. International humanitarian law introduced to this identification element another dimension, namely the distinction

⁸⁴ Netherlands Defense Doctrine, 2005, p.23.

⁸⁵ Jeffrey B. White, Some Thoughts on Irregular Warfare, www.gov/csi/96unclass.

⁸⁶ AJP-01 (B) p. 3-9. ROE have specifically been authorized by the North Atlantic Council/Defense Planning Council.

⁸⁷ Introduction by A.P.V. Rogers, Law on the Battlefield (1996).

between combatants and civilians. “Combatants, when engaged in military operations, have to distinguish themselves from the civilian population to protect them from the effects of hostilities and to restrict warfare to military objectives.”⁸⁸

- Operations are within international humanitarian law.
- Use of organic formations like armies, divisions, squadrons.
- Generally under central military command and control.
- Operations are based mostly on clear political goals.

“Irregular military action”

“While the morale, training and equipment of the irregular soldier can vary from very poor to excellent, irregulars usually lack higher-level organizational training and equipment which is part of a regular army. This usually makes irregulars poor at what regular armies focus on – main-line combat. However, irregulars can excel at many other combat duties such as harassing, sabotage, raids, ambushes and cutting supply. Irregulars generally have a reputation for ruthlessness.”⁸⁹ In a irregular military action, operations are often carried out by small groups (rebels) who use surprise and violence in their attacks. Firm military command and control by a higher commander does not exist and local commanders exercise power. Characteristically, irregular military actions are secret operations designed to create chaos and confusion. Irregular forces are mobile and operate at night under the cover of darkness and the terrain to exploit the surprise element to the maximum and for their own protection. It is not often clear which party is responsible for the aggression. Very often the goal of the irregular forces is to win the support of the local population through intimidation and suppression.⁹⁰

Other characteristics are:

- Troops do not obey to the rules of international humanitarian law⁹¹.

⁸⁸ Toni Pfanner, International review of the Red Cross No 853, p. 93-130.

⁸⁹ Wikipedia, Irregular military.

⁹⁰ Netherlands Military Doctrine, p. 24

⁹¹ International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Dusko Tadic*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para 225: “State practice shows that

- Troops do not wear uniforms. Pfanner states: “But even non-State entities and individuals engaged in non-international armed conflicts are obliged to uphold the principle of distinction in their operations. All standards that must be respected are included in the prohibition for indiscriminate attacks, the requirement of proportionality and of the precautions to be taken in attacks. In particular, in order to protect the civilian population and civilian objects, the latter requirement of precautions against the effects of attacks can only be met by fighters visibly distinguishing themselves from the civilian population.”⁹²
- Use of (unnecessary) violence.
- Adversary is not always identifiable.
- Use of hideouts in concealed areas.
- Operate mostly at tactical level under de-centralized command.
- Units vary in strengths.
- Action often from a position of absolute weakness, sometimes from a position of local preponderance.
- Operations are aimed at creating confusion, intimidation, fear and damage.
- No use of Rules of Engagement (ROE).
- Intensity in conflict varies from low to high.
- The causes of the conflict are generally political, ethnic, religious or economic.

51. When applied to the factions involved in the conflict after February 1998, their irregular nature and their operations in the conflict is exemplified by the following observations in the TRC report and other sources:

- a. “The defining character of this conflict was its radical departure from other armed conflicts in terms of targets. This was a conflict waged against the civilian population. The combatant factions did not target conventional military targets.

general principles of customary international law have evolved with regard to internal armed conflict also in areas relating to methods of warfare.”

⁹² Toni Pfanner, International review of the Red Cross No 853, p. 93-130.

There were very few accounts of direct confrontation between the combatant factions. In consequence, civilians bore the brunt of the violations and abuses that marked the conflict. The conflict was also notable for its chameleonic nature. Factions and groups changed sides frequently culminating in the wholesale transfer of loyalty from a national army to a renegade fighting force established by an illegal government. The confusion among the civilian population led to the sobriquet, “sobels”, soldiers who became rebels at night in order to loot and plunder the resources of the people.”⁹³

- b. The irregular nature of both the conflict and the forces involved, is described in the TRC report under the heading, “The chameleonic character of the combatants” in the following sense: “The conflict was prosecuted largely by unconventional fighting forces among and between themselves, certainly in its second and third phases.....Whether or not couched in the rubric of offensive and defensive missions, these operations were predominantly geared towards the destruction of life and property.”⁹⁴
- c. The observation that the conflict can not be seen as a regular conflict between regular combatants is supported by the conclusion of the TRC that: “To the extent that it retained at least a semblance of conventionality in its command structures, ranks and rules of engagement, until the bulk of its soldiers were subsumed into the AFRC in 1997, the professional Sierra Leone Army was something of an exception in the conflict as the *de facto* conventional Army. The norm for the militias and armed groups whose formation or transformation was essentially premised upon participating in the conflict was to structure and organize themselves in a mode and manner that was irrevocably reflective of the social order that reigns in Sierra Leone.”⁹⁵
- d. The TRC further observed that “after the AFRC was ousted, ECOMOG faced an enemy that was unpredictable and unrestrained by the conventional parameters

⁹³ TRC report Volume 3 A Chapter 4, p. 465.

⁹⁴ TRC report Volume 3 A, Chapter 3 A, p. 550.

⁹⁵ TRC report Volume 3A, Chapter 4, p 550.

of warfare between Armies.”⁹⁶ Colonel Iron states: “Throughout 1998 they (note MGEN Prins: the AFRC) learnt how to be a guerrilla force, rather than conventional army, but retained much of the structure and discipline of regular armies.”⁹⁷ Colonel Iron characterizes the AFRC faction as a non-regular army which does not have government authority.⁹⁸

- e. As indicated above, irregular forces are generally mobile and operate at night under the cover of darkness and the terrain to exploit surprise to the maximum and to create their own protection. This was also the modes operandi for the AFRC faction.⁹⁹ “ECOMOG soldiers were disadvantaged by their lack of topographical knowledge. Roads flanked with thick forests were imbued with the danger of ambush attacks.”¹⁰⁰ Due to the threat by ECOMOG and the Civil Defense Force, the AFRC faction moved mostly at night. When the group was located at a fixed position “the soldiers and their families would disperse into the jungle to avoid air attack during the day.”¹⁰¹ Colonel Iron describes the AFRC faction, except from the attack on Freetown, as mainly defensive but indicated that, while being on a defensive hiding from ECOMOG air attack, the force conducted local raids to capture supplies needed for survival.¹⁰²
- f. Within an irregular force, troops do not wear uniforms and are not always identifiable. This was also the case with the factions involved in the conflict as the TRC observed: “With the coalition (note MGEN Prins: RUF/AFRC) split along amorphous and clearly indistinguishable lines in the eyes of the public it became extremely difficult for the public to identify with any certainty the group responsible for any violation in their communities. It should be noted that none

⁹⁶ TRC report, Volume 3A, Chapter 1, p. 231.

⁹⁷ Report Colonel Iron, p. E-3.

⁹⁸ Statement Colonel Iron, transcript date 13 October 2005, p. 35.

⁹⁹ Statement to military expert by Witness DSK-082. Witness DSK-082 held senior positions in the SLA and graduated from the Military Academy at Sandhurst (U.K.). Witness DSK-082 departed Freetown after the AFRC was ousted from power and stayed in the country until May 1997 when he escaped to Guinea.

¹⁰⁰ TRC report, Volume 3A, Chapter 3, p. 231.

¹⁰¹ Report Colonel Iron, C3.8

¹⁰² Statement Colonel Iron, transcript date 13 October 2005, p. 117 and 118.

of the armed factions in the conflict had a remarkable distinguishing gear with which they could be identified.”¹⁰³ “The public therefore attributed many of the violations committed during the period of 1998 to 2000 to “rebels” because of the difficulty in determining the exact institutional affiliation of the perpetrators. Any violation attributed to rebels should be understood as referring to the RUF, the AFRC, both of them, or a group comprising of members of the AFRC and the RUF.”¹⁰⁴ This view was also supported by members of the RUF, for example G. Massaquoi, when asked if he could identify men from either group from what they were wearing in Freetown after January 6th 1999, responded: “Yes, they had a mix-up of wearings. There were some of them who had ECOMOG military uniforms on them.”¹⁰⁵ Other people were wearing T-shirts with military trousers on them, you know.” “You could hardly distinguish between them as to who was RUF, who was AFRC except somebody who knew them before.”¹⁰⁶ Even within the RUF, when describing the situation and the difference between the uniforms (in 1994) between junior commando’s, special forces and vanguards, Massaquoi states: “No well, in some cases you see the SF (note MGEN Prins: Special Forces) having US camouflage uniforms. You see others wearing other uniforms. It is a mix up. You see others in normal civil attire.”¹⁰⁷

g. Since by definition Rules of Engagement (ROE) have to be promulgated by governmental or international institution bodies,¹⁰⁸ it is fair to say that the factions involved in the conflict did not establish ROE in order to conduct their operations. In the numerous witness statements that have been studied I did not observe any form of, *de facto*, established ROE.

h. In reviewing all the witness statements and other background material concerning the conflict, I have not come across any *structural* type of training or

¹⁰³ TRC report Volume 3A, Chapter 4, p. 525.

¹⁰⁴ See TRC report Volume 3A, Chapter 4, p. 525.

¹⁰⁵ See also statement witness TF 1 – 334: “Savage and his men were wearing Nigerian ECOMOG military uniforms during attack on Tombodu”, transcript date 20 May 2005, p 12.

¹⁰⁶ G. Massaquoi, transcript date 7 October 2005, p. 125.

¹⁰⁷ G. Massaquoi, transcript date 10 October 2005 p. 73.

¹⁰⁸ Ted Westhusing, Taking Terrorism and ROE Seriously 1 J. Mil. Ethics 4 (2003)

training manuals concerning international humanitarian law either within the SLA of the AFRC faction.¹⁰⁹ In the transcripts I studied only TF 1-167 mentioned briefly that SAJ Musa apparently instructed that he did not want the killing of innocent civilians and that there should be no raping and amputation.¹¹⁰ TF 1- 167 could not remember if the specific phrase “crimes against humanity” was used by Musa. When asked if he ever heard of the Geneva Conventions TF 1-167 stated: “Yes, the Geneva Convention, I’ve heard about that word since I came into the army as a vigilante.”¹¹¹ In this respect the British Army Field Manual observes that “rebels may not recognize the normal laws of war such as the Geneva Conventions.”¹¹² It became clear that only after the war the International Military Advisory and Training Team (Sierra Leone) started lecturing human rights law, international law, and the laws of war.¹¹³

Conclusion

52. The TRC and other sources recognized many of the characteristics of irregular military action as described in paragraph 51 a. through h. These characteristics are summarized as follows:

- Troops did not have knowledge of the rules of international humanitarian laws and did not wear uniforms;
- ROE were not established;
- factions and groups changed sides frequently;
- the combatant factions did (in most cases) not target conventional military targets;
- the conflict was mainly prosecuted by unconventional fighting forces;

¹⁰⁹ In the Royal Netherlands Marine Corps 8 hours are lectured in the initial military training for recruits (total 26 weeks) on Military Criminal Law, Disciplinary Law, Rules of Engagement etc. Extensive lecturing continuous with the operational units.

¹¹⁰ Statement TF 1 – 167, transcript date 19 September 2005, p. 80.

¹¹¹ Statement TF 1 - 167, transcript date 19 September 2005, p. 90

¹¹² Army Field Manual, Volume 1, Part 10, p. B-4-14, Ministry of Defense UK, 2002.

¹¹³ David Keen, *Conflict and Collusion in Sierra Leone*, 2005, p. 285. ISBN 1-4039-6718-0.

- the aim was the destruction of life and property;
- a semblance of conventionality in its command structures, ranks and rules of engagement ceased to exist after 1997;
- factions used hideouts and avoided detections by daytime;
- the AFRC faction and RUF were mainly on the defensive and carried out raids locally in order to obtain supplies;
- movements by groups to new positions were carried out by night;
- it is not clear which party is responsible for the aggression.

53. Although the regular and irregular military action not always distinguish themselves in *all* the characteristics as described in paragraph 50, it is fair to conclude that the actual operations of the AFRC faction (and other factions), their *modus operandi*, can best be characterized as irregular military action. The AFRC faction can therefore be characterized as a irregular military force.

PART D

QUESTIONS AND ANALYSIS OF THE REPORT BY COLONEL IRON.

General remarks

54. Firstly, the report by Colonel Iron did not take into account the historical degeneration of the SLA over the past 30 years, culminating in its total downfall in 1997 following the AFRC coup.¹¹⁴ This general state of degeneration also continued when the AFRC, together with the RUF formed the “People’s Army”. Colonel Iron stated, in response to the question whether he researched the Sierra Leone Army before the coup of 1997, that his analysis was purely concerning the AFRC, the RUF and CDF. “That was the focus of my attention. I decided I needed to look at them from a blank sheet of paper so I could form my opinions in this organization, rather than looking at their historical basis.”¹¹⁵ As stated in Part B this is, in my view, a serious omission because one can not have a clear understanding of the AFRC faction when the history and developments of

¹¹⁴ TRC Report, Appendix 2, Submissions to the TRC, part 2, statement by Colonel Mondeh.

¹¹⁵ Statement Colonel Iron, transcript date 13 October 2005, p. 125/126.

the SLA are not understood. By not knowing the historical backgrounds one runs the risk of comparing the AFRC faction (and other factions) too much with the knowledge, procedures and structures of western armies. This is exactly what Colonel Iron did. His analysis clearly demonstrates an attempt to compare the AFRC faction with the military organizations he is familiar with, overlooking the military connotations of the historical background of the SLA, whose members subsequently joined this faction.

55. Secondly, in my opinion, Colonel Iron did not look at specific characteristics in order to identify if the AFRC faction and other factions, *in their modus operandi while carrying out operations*, could be characterized as an irregular force or a regular force. In part C, this report concluded that the AFRC faction, in the way it carried out operations, could best be seen as an irregular force. Instead Colonel Iron analyzed the AFRC faction on the basis of three questions which focused more on the organizational part of the organization than on *their modus operandi*. With that limitation in mind a comparison with a traditional military organization is therefore misplaced. Notwithstanding the findings in Part C, Part D of this report will address some of the specific findings of the report by Colonel Iron.

Analysis of the Report by Colonel Iron

56. Before discussing the three questions raised by Colonel Iron¹¹⁶ one aspect has to be addressed concerning the statement in the report by Colonel Iron under the heading: “The need for military organization.”¹¹⁷ Colonel Iron explains the necessity for military organizations, asserting that “military organizations exist to achieve unity of purpose, reduce chaos and mitigate its effects.”¹¹⁸ The report concludes “that *military organizations* therefore exist in *any* conflict waged between *recognizable groups*, otherwise it is simply a state of aimless violence.”¹¹⁹

¹¹⁶ Report Colonel Iron, p. B-1, B1.1

¹¹⁷ Report Colonel Iron, p. B-1, B2

¹¹⁸ Report Colonel Iron, p. B-2, B2.1

¹¹⁹ Report Colonel Iron, p. B-2, B2.1

57. Concerning the requirement in the report by Colonel Iron on the existence of *recognizable groups* to the conflict it is, based on the various statements in the TRC and the many witness statements as mentioned in Part C, fair to conclude that the participating factions could not be recognized. The TRC report states: “It should be noted that none of the armed factions in the conflict had a remarkable distinguishing gear with which they could be identified.”¹²⁰ The TRC report further observes: “The Commission has identified an astonishing “factional fluidity” among the different militias and armed groups that prosecuted the war. Both overtly and covertly, both gradually and suddenly, fighters switched sides or established new “units” on a scale unprecedented in any other conflict of which the Commission is aware. These “chameleon tendencies” spanned across all factions without exception; they say much about the character of the general “breed” of combatant who participated in the Sierra Leone conflict.”¹²¹

Conclusion

58. The precondition set in the report by Colonel Iron¹²² that *recognizable groups* need to exist to establish a military organization is not fulfilled during the conflict in which the AFRC faction and other factions participated. The various groups were not recognizable, except probably for ECOMOG forces.

Did the AFRC faction have a recognizable military hierarchy and structure?

59. The report by Colonel Iron gives a brief explanation on the necessity of military hierarchy and structure and shows a typical hierarchical military organisation in Figure 1 and a typical hierarchical organisation with staff structure in Figure 2.¹²³ In his testimony Colonel Irons states: “I used three criteria here to help to identify a structure and hierarchy. The first is the span of command, the second the chain of command and

¹²⁰ TRC report Volume 3A, Chapter 4, p. 525.

¹²¹ TRC report, Volume 3 A, Chapter 4, p. 550.

¹²² Report Colonel Iron, p. B-2, B2.1.

¹²³ Report Colonel Iron, p. B-2 though B-4.

the third is a staff structure and I will explain each of those in turn.”¹²⁴ These three criteria will also be followed and assessed in this report.

60. In order to make a proper analysis of the hierarchy and structure and other characteristics of the AFRC faction, it is, first of all, essential to make some comments about the general situation the AFRC faction and their leader(s) found themselves in after the RUF/AFRC fled from Freetown in total chaos. “The group dispersed to the North and East of the country. In the course of the departure from Freetown, internal differences emerged within the AFRC/RUF coalition. These differences led to different commanders leading pockets of supporters to settle in different parts of the country and pledging allegiance not to the larger coalition but to specific commanders. Loyalty split along the lines of their previous RUF or AFRC affiliations. Many of the AFRC soldiers were uncomfortable being led by RUF commanders whom they perceived as illiterate and not as professional soldiers.”¹²⁵ The alleged relationship between the AFRC and RUF will be described under the heading “The (non) existence of a joint military operational structure between RUF and AFRC” at the end of this Part D.
61. Part of the RUF/AFRC forces, as indicated by the TRC,¹²⁶ dispersed also to the Eastern part of Sierra Leone. Koidu in the Kono district was captured and Dennis Mingo a.k.a. Superman (RUF) ordered to establish defensive positions.¹²⁷ According to witness TF 1–334, Johnny Paul Koroma ordered Kono to become a civilian no-go area, indicating that civilians should not be tolerated in the area.¹²⁸ Witness TF 1–167 states that a meeting was held, chaired by Dennis Mingo, where a command structure was set up in order to defend Kono.¹²⁹ Promotions were announced and groups were placed in “battalions.”¹³⁰ Under threat by the arrival of ECOMOG forces, RUF/AFRC forces

¹²⁴ Statement Colonel Iron, transcript date 12 October 2005, p. 16

¹²⁵ TRC report Volume 3A, Chapter 4. p 524.

¹²⁶ TRC report Volume 3A, Chapter 4. p 524.

¹²⁷ Statement witness TF 1 – 334, transcript date 17 May 2005 p. 103

¹²⁸ Statement witness TF 1 – 334, transcript date 18 May 2005 p. 4.

¹²⁹ Statement witness TF 1 – 167, transcript date 15 September 2005, p. 35

¹³⁰ Statement witness TF 1 – 167, transcript date 15 September 2005, p. 38

were pulling out of Koidu and moved into the surrounding jungle.¹³¹ The AFRC group decided to leave Koidu and join SAJ Musa.¹³²

62. In June 1998,¹³³ the AFRC faction came under command of Salomon A.J. Musa (popularly known as SAJ Musa) who had returned to the battlefield. Witness DSK-082 describes the general situation as follows: “Musa’s initial aim was to mobilize the troops into a military organization in order to establish defensive positions that would protect the group against the advancing ECOMOG forces (including air-strikes) that were much stronger. It was not his intention to mobilize the troop into a coherent body because this would eventually lead to exposure to ECOMOG surveillance planes. The mobilization process for defensive operations was difficult and slow because the troops operating in the jungle were tired of fighting and no longer willing to take part in any conflict. Those that volunteered to join SAJ Musa were few and their only reason was to protect themselves and their families from the variety of threats from ECOMOG and the Civil Defense Force (Kamajors).”¹³⁴
63. The AFRC stayed at Camp Rosos between June and September 1998 but, as stated in the report by Colonel Iron, after being discovered by ECOMOG, they moved to Gberi Mantmtank and other surrounding villages before settling in an area they later called Major Eddie Town.¹³⁵ The situation for the troops was more complicated because the troops were accompanied by their families.
64. The general situation as described in the paragraphs above indicates that the AFRC (and also RUF) was, after their departure out of Freetown, continuously defending positions or “on the run” from ECOMOG and the CDF. As observed by Dr. Keen: “Kabbah was reinstated in March 1998, and in the next few months ECOMOG re-established control over roughly two-thirds of the country including all regional capitals, with rebels and

¹³¹ Report Colonel Iron, p. C-5, C2.11

¹³² Report Colonel Iron, p. C-6, C2.11

¹³³ The period February to June 1998 will be addressed under the chapter “The (non) existence of a joint military operational structure between RUF and AFRC.

¹³⁴ Statement to military expert by Witness DSK-082

¹³⁵ Report Colonel Iron, p. C-6, C3.4

sobels continuing to make sporadic attacks on the periphery of this zone.”¹³⁶ The general defensive posture is also expressed by Colonel Iron.¹³⁷ “The best they could do was to maintain a defensive posture in hiding and move under the cover of darkness and of the terrain.”¹³⁸ In Witness DSK-082’s view “mobilizing troops up to eight battalions (as identified by Colonel Iron) would definitely not have enabled SAJ Musa to achieve his aim of staying under cover from ECOMOG forces.”¹³⁹ Moreover, “to sustain such a large force would also require a large quantity of logistical support.” “The most serious problem that threatened the mobilization process was the lack of logistics that could sustain the organization. The lack of logistics and the difficulty to mobilize the troops made it quite impossible to organize the force.”¹⁴⁰

65. I concur with the fact (which also has been expressed by many witnesses) that SAJ Musa, with his military background, tried to set up an organization which looked somewhat similar to a military organization as described by Colonel Iron in his report, because that was what Musa, at least on paper, was used to when serving in the SLA. But we have to take history into account! This re-organization into a military force was something the participating personnel was not used to since the SLA did not have a history of proper command and control and there was a lack of respect within the chain of command.¹⁴¹ In order to achieve some resemblance to a military organization, SAJ Musa organized the groups scattered around Major Eddie Town into battalions (originally called companies),¹⁴² although none of them had a strength of more than a company in western military organizations.¹⁴³ Witness DSK-082 also stated: “SAJ Musa was now the battalion commander. With the few combatant officers available, he

¹³⁶ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 219. ISBN 1-4039-6718-0.

¹³⁷ Statement Colonel Iron, transcript date 13 October 2005, p. 117

¹³⁸ Statement to military expert by Witness DSK-082

¹³⁹ Statement to military expert by Witness DSK-082

¹⁴⁰ Statement to military expert by Witness DSK-082

¹⁴¹ TRC report, Volume 3A, Chapter 4, p. 538. Major General Tom Carew, Chief of Defense Staff, Submission to the TRC, may 2003.

¹⁴² Report Colonel Iron, p. C-7, C3.5

¹⁴³ Company size units are generally around 100-150 men strong.

nominated the following personnel at battalion level: a second in command, a battalion adjutant and an operations officer.”¹⁴⁴

66. Although the AFRC faction was thus organized by establishing different so called battalions, the question remains how the organization was organized further into sub-units. This is where the criterion *span of command* comes into focus. Colonel Iron states the following in his report: “It is the result of the human brain’s ability to deal with the complexity of conflict: to limit the information the brain has to process, we create hierarchies with any one level of command responsible only for a limited number of subordinates. This is called the *span of command*, and typically consists of 3-5 subordinates in complex and rapid moving situations, maybe many more in static situations where the rate of information delivery is much lower and consequently less demanding on the human brain.”¹⁴⁵ In every military organization it is therefore essential that sub-units are established within the battalions. A battalion is further broken down into companies and platoons with subordinate (junior) commanders at every level in order to limit the *span of command*. For example, a battalion consisting of 700 men may have 4 companies of 140 men each and a Headquarters and Logistic element. The companies are further broken down into 3 maneuver troops (platoon) of 35 men each, 1 maneuver support troop of 20 men and a company staff. The maneuver troop is then further broken down into maneuver sections of 8 men.¹⁴⁶ All western armies know similar breakdowns of their organization.¹⁴⁷ Witness TF 1-334 stated that the battalions were different in size. “Well, some battalions had 80, some had 90, some even had hundred.”¹⁴⁸ In a later statement witness TF 1-334 was questioned on the size of a battalion and stated: “Well, a battalion could have 100 men. 150 could make a battalion. 150 could make a battalion.”¹⁴⁹

¹⁴⁴ Statement to military expert by Witness DSK-082

¹⁴⁵ Report Colonel Iron, p. B-2, B3.1

¹⁴⁶ Royal Netherlands Marine Corps battalion structure (proposed in 2005)

¹⁴⁷ Report Colonel Iron, p. C-7 note 6 on the typical battalions in the British Army.

¹⁴⁸ Statement witness TF 1 – 334 transcript date 19 May 2005, p 18.

¹⁴⁹ Statement witness TF 1 – 334 transcript date 16 June 2005, p 48.

67. Notwithstanding the fact that it is rather unusual that battalions were different in size, it is surprising that witness TF 1-334 and witness TF 1-167 never describe a further breakdown of the battalion into company, platoon and squad size units. Colonel Iron explained in his testimony the existence of 8 battalions and states: "Within each of these battalions there **would be** companies, typically four companies within the battalions."¹⁵⁰ It is not clear if Colonel Iron is giving his view on how an organization should be formed or whether he received that information from witnesses. It appears that Colonel Iron is describing typical Western army organizations he is familiar with because in the same testimony he states: "Subsequently, when the AFRC faction is created by the withdrawal of AFRC forces from Koidu, as ECOMOG advanced and the RUF moved into the jungle, we see the first, I think, elements of what became the brigade structure. This was after they had retreated and met up with Musa for the first time and we see a brigade structure which consists of four elements, a span of command of four units. Initially they were called companies, but later on these evolved to become battalions. Now that initial structure that was created in that period essentially was the same structure that lasted in the AFRC for the following year. With the number of battalions expanded the brigade headquarters, the brigade staff expanded, it was known as the brigade administration."¹⁵¹
68. In all the statements I have read, a further breakdown of the brigade (or battalion) organization was never explained or confirmed by witnesses. Various witnesses explained the existence of companies that were later renamed battalions. Colonel Iron expressed this view in his report. "For most of the time, while at Major Eddie Town, the force continued to be organized as a brigade headquarters (often described as the "brigade administration") and four companies, later re-designated as battalions."¹⁵² It therefore seems likely that a further breakdown did not exist and that the *span of command*, as mentioned by Colonel Iron, was only established between the overall commander and the battalion (former company) commanders. Relating this to figure 1 of the report of Colonel Iron,¹⁵³ it means that only the *span of command* with level 2 had

¹⁵⁰ Statement Colonel Iron, transcript date 12 October 2005, p 50.

¹⁵¹ Statement Colonel Iron, transcript date 12 October 2005, p. 47 – 48.

¹⁵² Report Colonel Iron, p. C-7, C3.5

¹⁵³ Report Colonel Iron, p. B-3, B3.1

been established. Further down into the organization, thus within the battalions, the criterion of *span of command* was not fulfilled within the AFRC. In fact the battalion commanders had to supervise (and overlook their actions) a group that varied, according to witness statements, between 80 and 150 men, which is unmanageable, even in static situations. The *span of command* as indicated by Colonel Iron was, in my view, not established in the AFRC faction. It is important to note in this regard the following finding of the TRC: “Erstwhile soldiers of the SLA carried out the most egregious acts of atrocity during the third phase under the factional guise of the AFRC. They acted largely in their individual capacities in doing so and were motivated by an alarming degree of power-hungriness.”¹⁵⁴ This lends support to the contention that there was no *span of command* in place that could oversee the acts of these individuals.

69. Colonel Iron describes in his report, but also in his testimony, the *chain of command*. “The chain of command is essentially the coherent hierarchy connecting one level of command to the next. So, as the diagram shows, the commander at level one commands the span of command with three subordinates at level two and each of those subordinates will themselves command a number of subunits. That is called the chain of command.”¹⁵⁵ The same conclusion with respect to the *span of command* can be drawn for the *chain of command*. None of the witnesses indicate the existence of sub-units except battalions (former companies) under command of an overall commander. When one compares this to a traditional brigade organization (with several battalions), the *chain of command* encompasses at least 4 levels: from the brigade into battalions, from battalions into companies, from companies into platoons and from platoons into squads. It is fair to conclude that the criterion of *chain of command* within the AFRC faction was limited to only one level. Therefore, in my view, a proper *chain of command* was not established.
70. In his report, Colonel Iron stated that each battalion also had a “battalion supervisor” who were trusted individuals answering directly to the Commander in Chief or second in command, who would ensure that battalion commanders followed orders. Musa also created “battlefield inspectors” who also answered directly to the Commander in Chief;

¹⁵⁴ TRC report, Volume 2, Chapter 2, p. 53.

¹⁵⁵ Statement Colonel Iron, transcript date 12 October 2005, p. 17.

another effort to ensure that Musa knew what was happening and that his orders were obeyed.¹⁵⁶ These functions, not common in the SLA,¹⁵⁷ did not change the limited *span of command or chain of command* since the only goal of the occupants of these positions was to control the subordinate commanders.

71. The third criterion to be addressed is *staff structure*. The report of Colonel Iron states: “However, the totality of activities required, even in a simple organisation, is beyond the ability of a single commander. Military organisations have therefore developed **staffs** to assist the commander. They consist of officers, not normally commanders in their own right, given functional responsibility to assist the commander lead, make decisions, and control the force under his command.”¹⁵⁸ It is indicated by several witnesses that some form of staff structure was put into place by SAJ Musa. This could have been (part of) the G1 to G5 structure with a chief of staff as mentioned by Colonel Iron.¹⁵⁹ Witness DSK-082 does not agree with the observation made by Colonel Iron. He stated that SAJ Musa did not have a staff structure but he mentioned the functions of a Second in command, a battalion adjutant and an operations officer¹⁶⁰. It is fair to conclude that AFRC faction under command of SAJ Musa must have established some limited form of *staff structure* within their organisation although I did not get a clear understanding on how the *staff structure* was organized.
72. When reviewing the three criteria for a military structure and hierarchy mentioned by Colonel Iron in his report and in his testimony, namely *span of command*, *chain of command* and *staff structure*, only the criterion of *staff structure* has, to some extent, been fulfilled. One cannot say that if *span of command* and *chain of command* is limited to only one level that these criteria have been established. As stated also in Part C, paragraph 51 c, the TRC also expressed a view on the organization and structure: “The norm of the militias and the armed groups whose formation or transformation was essentially premised upon participating in the conflict, was to **structure and organize**

¹⁵⁶ Report Colonel Iron, p. C-11, C4.5

¹⁵⁷ Statement to military expert by Witness DSK-082

¹⁵⁸ Report Colonel Iron, p. B-3, B3.3

¹⁵⁹ Report Colonel Iron, p. B-3, B3.4

¹⁶⁰ Statetment Witness DSK-082 to military expert.

themselves in a mode and manner that was irrevocably reflective on the social order that reigns in Sierra Leone.”¹⁶¹

73. Having given my view on the criteria for the structure and hierarchy in the AFRC faction, it is also essential to give an opinion on the level of subordinates that were occupying positions within this alleged structure and hierarchy. Even if an organisation has been described as a military organization or has established the best structure and hierarchy on paper, it is still essential to rely on properly trained officers and non-commissioned officers to perform well in their respective functions.
74. One should not ignore the fact that within the AFRC faction there were hardly any trained officers. Colonel Iron stated: “I don’t know the precise number, but I know it was a small handful compared to the majority and that the AFRC coup essentially was a junior ranks coup and most of the senior ranks were excluded from it.”¹⁶² The trained officers that were available were of a very junior rank (Lieutenant). As concluded before, SAJ Musa as the overall commander made a very simple structure of “battalion commanders” as his subordinates. These battalions were under command of former non-commissioned officers, or other ranks, now being “promoted” to lieutenant-colonel or colonel. For example witness TF 1–167, who only had one month of military training,¹⁶³ had apparently a startling “career.” “Promoted” to sergeant in 1997, to Lieutenant, Captain, Major and Lieutenant-Colonel in 1998 and further promoted to Colonel after the attack on Freetown.¹⁶⁴
75. It is not surprising that the level of these so-called battalion commanders was very doubtful, because of their background, their lack of basic military knowledge, training and education. This lack of military knowledge was clearly demonstrated by witness TF 1 – 167, who at one point was a task force commander under SAJ Musa. In his

¹⁶¹ TRC report, Volume 3 A, Chapter 4, p. 550.

¹⁶² Statement Colonel Iron, transcript date 13 October 2005, p 83.

¹⁶³ Statement witness TF 1 – 167 transcript date 19 September 2005, p. 11. Initially statement was made that training was 3 months, transcript date 15 September 2005, p. 6.

¹⁶⁴ Statement witness TF 1 – 167 transcript date 15 September 2005, p. 9 – 11.

testimony¹⁶⁵ he is asked about his general knowledge of the SLA. His answers in cross examination by the defence betrayed a lack of understanding of the most basic knowledge about military affairs expected of any properly trained soldier. He lacked basic knowledge such as simple abbreviations, organizational facts, the use of call signs etc. So uninformed was he that the defence put the following question to him: “I put it to you that you don’t know the basic facts about the Sierra Leone Army because you were not , you were never in the army”?¹⁶⁶

76. In any military structure and hierarchy, it is a prerequisite that subordinate commanders, down to the very junior level, are held accountable for their actions carried out after being ordered by their superiors. The reason for this is that the commanding officer, because of the span of command, has no overview of his entire organization at all times. So this responsibility is, in western armies, not only limited to the subordinate battalion commander but extends also to the respective company, platoon and squad commanders. In a western military organization, squad commanders are young sergeants or corporals.
77. It is therefore astonishing to note that a subordinate commander (witness TF 1-167), in this case a person who was assigned the position of “battalion commander” and “task force commander,” when asked about the possibility of prosecution he answered: “I believe I am not responsible for any armed group that I was heading, so I believe I will not be prosecuted.”¹⁶⁷ This witness also stated in response to the question if he had ordered people to commit crimes: “No, because I was not giving orders to anyone.”¹⁶⁸ On the question if he, as a commander, ordered his men to go into any operations he answered: “All operation orders were given from the high command (...) not from me.”¹⁶⁹ When the question was repeated: “Did you order your men to go into any operations” he answered: “I never gave operational orders; all orders were coming from the highest in command.”¹⁷⁰ During the attack on Freetown witness TF 1–167 was “task force” commander. Witness TF 1–167 states in response to the question if he gave

¹⁶⁵ Statement witness TF 1 – 167 transcript date 21 September 2005, p 20 - 27

¹⁶⁶ Witness statement TF 1 – 167, transcript date 21 September 2005, p 27.

¹⁶⁷ Statement witness TF 1 – 167, transcript date 19 September 2005, p. 91.

¹⁶⁸ Statement witness TF 1 – 167, transcript date 20 September 2005, p. 72.

¹⁶⁹ Statement witness TF 1 – 167, transcript date 20 September 2005, p. 72/73.

¹⁷⁰ Statement witness TF 1 – 167, transcript date 20 September 2005, p. 73.

orders to the troops: “I go around and check on the troops, but I don’t go round to give orders.”¹⁷¹ He stated again that he did not give any orders to the troops and was only checking on them. About his relationship to the battalion commander(s), who apparently were under him for a brief period, he stated: “I cannot give instructions to battalion commanders because that was not my job.”¹⁷² When asked about his assignment as task force commander, he stated: “To ensure that the troops moved in correct part. That if we are going on an advance, we start our moves to Freetown, the troops should move straight to the objective.”¹⁷³ Apparently witness TF 1-167 has a rather different perspective on the function of task force commander than Colonel Iron describes in his statement: “Again this term is used within regular armies, but in a different form. But within the AFRC, the task force commander was somebody who was a commander in his own right who had been allocated command of one or more battalions for a particular part of a mission or of an operation.”¹⁷⁴ Witness TF 1-184 describes the entire formation as “the train” and indicates that “SAJ Musa stopped the train, because by then we used to call it the train.”¹⁷⁵

78. These examples and statements clearly indicate that the overall commander SAJ Musa, because of the level of his subordinate commanders, the very limited span of command and chain of command, and the fact that subordinate commanders felt no responsibility, could not establish a proper hierarchy and structure within his organization.
79. Not only was SAJ Musa confronted with untrained and ill-equipped subordinate commanders he also lacked trained staff officers. Witness DSK-082 stated: “In a proper military organization the Commander of whatever level is to be assisted by trained staff officers and sub-unit commanders. In the jungle this was hardly possible because most of the trained and experienced officers preferred to stay in Freetown and surrender themselves to ECOMOG forces.”¹⁷⁶ “It must be understood that SAJ Musa had no staff trained officers to help him in planning his operations. He therefore did all his planning

¹⁷¹ Statement witness TF 1 – 167, transcript date 21 September 2005, p. 67.

¹⁷² Statement witness TF 1 – 167, transcript date 21 September 2005, p. 67.

¹⁷³ Statement witness TF 1 – 167 transcript date, 16 September 2005, p. 6 – 7.

¹⁷⁴ Statement Colonel Iron, transcript date 13 October 2005, p. 19.

¹⁷⁵ Statement witness TF 1 – 184 transcript date , 27 September 2005, p. 45.

¹⁷⁶ Statement to military expert by Witness DSK-082.

and conducted operations in a random manner.”¹⁷⁷ Also at battalion level “staff officers” were appointed without proper training. Witness TF 1-334, who received only basic military training, was promoted at Colonel Eddie Town as second lieutenant and was sent to work for the 4th battalion as an intelligence officer.¹⁷⁸ A clear example of a “bush promotion” to a staff assignment without any training or qualification. During the many interviews with Witness DSK-082 I asked him what experience or characteristics a staff officer in the SLA is required to have in order to fulfill a staff billet in a military organization. Witness DSK-082 stated:

- a. Staff officers possess adequate literacy skills;
- b. Staff officers have attended the military academy;
- c. Staff officers attended junior or senior staff college;
- d. Staff appointments are tied with ranks.

80. It is fair to say that SAJ Musa had to manage this organization with untrained and ill-prepared “staff officers”.
81. But there were more reasons why it was virtually impossible to maintain this fragile structure on a day to day basis. The “local commanders” or company commanders (later called battalion commanders) had to operate (fairly) independent of Musa because they had to organize their own “logistics,” including food and water. Military equipment, arms and ammunition were not available¹⁷⁹ and could therefore not be supplied by the battalion or brigade commander as it should in a regular organization. Whenever a sub-unit was in need of something it had to be obtained by its “own arrangements.” It remains very questionable if SAJ Musa had a grip on these “events.”
82. Also, in order to maintain a military structure, the commanding officer should be able to communicate frequently with his subordinates. Based on the evidence produced by the Prosecution in the AFRC case, and the available documentation and sources referred to in this report, it is reasonable to conclude that SAJ Musa, while operating in a defensive

¹⁷⁷ Statement to military expert by Witness DSK-082.

¹⁷⁸ Statement witness TF 1 – 334, transcript date 16 May 2005 p. 18.

¹⁷⁹ Also: Report Colonel Iron, p. E-4, E3.1 “Logistic supply was the AFRC faction’s Achilles Heel.”

posture, (except after the capture of Lunsar) could not communicate effectively *at all times* with his subordinates because of the lack of communication equipment.

83. Most of the communication between the sub-units in the AFRC faction was done on foot. This probably was only a good option in a defensive position where positions of sub-units did not change. Especially over larger distances or during the movements of units, the use of runners was not only very dangerous but also highly unreliable: “By the time a message was delivered at point B the situation would have been so different that any plan based on the message would prove to be useless and in most cases suicidal.”¹⁸⁰ Furthermore it is common military knowledge that a message, unless written down, has a great chance that its contents becomes distorted.
84. During the advance to Freetown and eventually the battle in Freetown it is very hard to understand how SAJ Musa was able to maintain the already very limited structure and hierarchy within his force if the statements in the TRC report are observed. “The attacking group expanded dramatically in size as the advance towards Freetown gathered momentum. Existing captives were held under close surveillance in the bush in order to prevent their escape and brutal punishment was meted out to those who attempted to abscond. Moreover, with every civilian settlement the group passed through on its path to Freetown civilians were abducted in large numbers, sometimes in their hundreds at the time.” “SAJ Musa ordered the capture of these civilians and their restraint by force.” “Abductions reached levels of unparalleled intensity in this period, as the invaders practiced a deliberate policy to muster numerical bulk. The primary objective of this policy was to create such a burgeoning presence of human bodies that any defensive deployment would be at a loss to respond.”¹⁸¹
85. This tactic seemed to work for the AFRC faction because there was hardly any resistance on the path to Freetown. After the January 1999 attack, Nigerian journalist Omoru David enquired: “Where are the ECOMOG soldiers? Are there no Kamajors? Significant numbers of kamajors seem to have been deployed to Freetown in December,

¹⁸⁰ TRC report, Volume 3A, Chapter 3, p. 148 Brigadier Kelly Conteh, testimony before the TRC Thematic Hearings held in Freetown, June 2003, describing the operations within the SLA.

¹⁸¹ TRC report Volume 3 A, Chapter three, p. 319.

but they did not succeed in defending the city. ECOMOG troops seem to have been at the various barracks in and around Freetown and at military HQ at Cockerill.”¹⁸² Dr. Keen further observes: “As in previous months, the army was undermined from within. In a written statement, one teenage soldier and member of the intelligence corps in Kabbah’s army claimed that most of the AFRC soldiers who had surrendered to ECOMOG in February 1998 and then quickly joined the new army were now siding with their AFRC/RUF friends and former colleagues during the January 1999 attacks.”¹⁸³

86. Colonel Iron stated that the AFRC faction “was able to conduct highly sophisticated military operations against a much larger force, including the movement from the Northern jungle to the Freetown peninsula, without suffering a single defeat and with very few casualties and achieving all their operational goals as they advanced.”¹⁸⁴ The conclusion that the AFRC carried out “highly sophisticated military operations” is not supported by the TRC when the *modus operandi* of the AFRC and ECOMOG are further described.

“Tactics deployed by the AFRC troops, which included the removal of the ballistic controls on their personal weapons to amplify the “bang” upon firing a bullet, played a major part in instilling a sense of fear into their adversaries and in convincing any group they encountered, whether civilian or military, that their fighting forces were more formidable and of greater combat prowess than actually was the case. Moreover, their numerical strengths was bolstered by the addition of thousands of abductees to their ranks as they advanced to Freetown. The eventual size of the entourage that descended upon the city from the surrounding hills has been estimated at up to 10000 persons—among them were captive senior citizens, women, children and newborn babies, who in normal circumstances could not conceivably pose any threat to a professional peacekeeping force like the Nigerian ECOMOG deployment, but who in the prevailing confusion and panic of the moment constituted a deluge of hostile bodies onto the city

¹⁸² David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 226. ISBN 1-4039-6718-0.

¹⁸³ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 226/227. ISBN 1-4039-6718-0.

¹⁸⁴ Statement Colonel Iron, transcript date 13 October 2005, p. 65.

they were supposed to be protecting. Several accounts from both combatants and non-combatant civilian captives attest that key strategic positions on the path into Freetown were left exposed or abandoned by ECOMOG soldiers. The most poignant example seems to have been the desertion of the long, narrow bridge at Waterloo, which as a river crossing with very little prospect of cover from attack had been foreseen by many members of the entourage as a probable point of ambush to thwart the advance into the city in its final stretch. However, as testimony before the Commission indicates, there was apparently no resistance whatsoever to the attackers' march over the bridge, which suggests either a failure to acquaint with the topographical features of the route into the city, or an ill-fated miscalculation on the part of ECOMOG. ECOMOG reports indicate that a pull back became imperative following the massive numbers of civilians accompany the attacking forces. There would have been too many civilian casualties had ECOMOG attempted to forcefully halt the invaders."¹⁸⁵

"Members of the RUF and AFRC testified to the Commission that the key to overcoming ECOMOG was to put them under sufficient psychological pressure to render an all-out gunfight unnecessary."¹⁸⁶

87. There is no question that within the AFRC faction when SAJ Musa joined the force he was in overall command but after his death things changed. "After SAJ Musa death the contest for the overall command was viewed with mixed feelings by the lower ranks of the AFRC faction. The feeling of suspicion, mistrust and dissatisfaction soon became visible in their remarks and movement."¹⁸⁷ Illustrative for the absence of leadership is the presentation by Chief of Defense Staff, Major-General T.S. Carew, to the TRC on 15 July 2003 concerning the January 6, 1999 attack on Freetown. Describing the death of SAJ Musa, he states: "Hours after the explosions the few surviving rebels managed to drag his mangled body form the scene along with the other casualties and dumped their corpses in unmarked graves. (...) With the death of their feared and notorious

¹⁸⁵ TRC report, Volume 3A, Chapter 3, p. 324/325.

¹⁸⁶ TRC report, Volume 3A, Chapter 3, p. 232.

¹⁸⁷ Statement to military expert by Witness DSK-082.

commander the rebels were demoralized and temporarily thrown into disarray with no credible commander to take over the mantle of leadership.”¹⁸⁸

Conclusion

88. From June until his death in December 1998, S.A.J. Musa was the undisputed leader of this AFRC faction. He organized the AFRC faction into battalions (basically companies) with various strengths with only 1 level of subordinate commanders. Therefore the criteria of *span of command* and *span of control* essential in a military hierarchy and structure throughout, are not met.
89. SAJ Musa established some form of staff structure but did not have any qualified staff officers or non-commissioned officers to fulfill the staff functions.
90. SAJ Musa did not have qualified subordinate commanders, junior commanders and non-commissioned officers to properly establish and maintain a hierarchy and structure.
91. SAJ Musa did not have the communication facilities to properly establish and maintain the structure and hierarchy *at all times*. It is questionable if subordinate commanders felt responsible for their actions, which is a prerequisite within a proper structure and hierarchy.
92. During the advance to and attack on Freetown it seems to me impossible to maintain a structure and hierarchy when so many abducted civilians are within the force.
93. Overall, it is fair to say that the AFRC faction had only the semblance of a military structure and hierarchy.

Did the AFRC faction exhibit the characteristics of a traditional military organization?

¹⁸⁸ TRC report, Appendix 2.

94. Part B of the report by Colonel Iron identifies 13 functions that are considered characteristics of a traditional military organization. This part of the report will analyze the 13 characteristics in relation to the AFRC faction.
95. The intelligence process. Colonel Iron stated: "The AFRC did not have an equivalent intelligence system to a regular army. There was no specific staff branch dealing with intelligence. They did not have specific units, reconnaissance units for example, whose role it was to gather information. The way that the AFRC did gather information was primarily through the questioning of civilians, and from that information would then get a good idea of where the enemy were."¹⁸⁹ Witness DSK-082 observes: "This information was mostly considered inaccurate because most of the captured civilians would, out of fear, not tell the truth. The AFRC faction did not have an intelligence cell to collect, collate and process intelligence for the commanding officer to use in the planning of operations. This naturally flows from the fact that the AFRC faction did not have qualified staff officers with an intelligence background. The AFRC faction gathered information (instead of intelligence) via reconnaissance patrols and sending spies into enemy territory under cover."¹⁹⁰
96. Colonel Iron in his report states that the intelligence process appears to have worked because the attacks carried out by the AFRC faction en route to Freetown were precise and accurate. Witness DSK-082 states: "The attacks en route to Freetown were precise and accurate not because of intelligence alone but because every member of the AFRC faction was familiar with the terrain. During the ten years civil war, every member of the SLA had acquired a lot of knowledge in guerilla warfare."¹⁹¹
97. Conclusion: within the AFRC faction information was collected, the intelligence process was limited mainly because there were no staff officers who could analyze the information.

¹⁸⁹ Statement Colonel Iron, transcript date 13 October 2005, p. 29.

¹⁹⁰ Statement to military expert by Witness DSK-082.

¹⁹¹ Statement to military expert by Witness DSK-082.

98. Communication System. Before addressing the issue of the communication system of the AFRC faction, I would like to make two general remarks concerning communications. Firstly, in the historical analysis in Part B I have quoted brigadier (rtd.) Kelly Conteh and the TRC concerning the lack or non existence of communications equipment during the years of conflict. In the many transcript and statements I have not found evidence that the situation of the availability of communication equipment improved during these years. Secondly, in the various witness statements, for example witness TF 1-167 and witness TF 1-334, the subject “communications” is often addressed because of the questions posed by the Prosecution and Defence. In my opinion, the issue remains very unclear because of the fact that the witnesses lack any knowledge of communications in general. Type of radio’s (High frequency (HF), Very high frequency (VHF) and their ranges are never discussed. For example witness TF 1-167 elaborated in his testimony several times on the use of VHS set¹⁹² probably referring to a VHF set, but then not realizing that a VHF set is “line of sight” only and therefore very limited in range.¹⁹³ Witness TF 1-167 states that messages between Major Johnny Paul Koroma were send to Sam Boackarie “in the bush” which would not be possible via a VHF radio set unless using many relay stations. Furthermore, the use of radio sets requires training of personnel and the availability of batteries, generators, spare parts, communication plans including frequency charts etc. In the numerous testimonies I have read, these important issues have not been addressed. All the witnesses addressed the use of radio’s in a very unrealistic manner. According to Witness DSK-082 the only system that was used (note MGEN Prins: probably until the attack on Lunsar) was a HF (high frequency) set but this is not a radio means to direct troops in operations unless over very large distances.¹⁹⁴
99. So the question remains what type of radio equipment, if at all, was available at what time. We have to realize that the SLA did not have modern radio equipment available at the time of the outbreak of the war in 1991. “Most of the units deployed along the first line of defence in 1991 were without any form of modern communications equipment.

¹⁹² Statement witness TF 1 – 167, transcript date 15 September 2005, p. 16, 39, 41.

¹⁹³ Depending on the terrain 7 to 8 kilometers only.

¹⁹⁴ Statement to military expert, by Witness DSK-082.

Although they were scattered across considerable distances and unforgiving terrain, they mostly depended on human messengers to transmit situation reports or pleas for assistance to neighboring deployments. The length of time it would take to deliver a message was almost always prohibitive of any robust preventive measures being taken by the recipient. Where fear of folly caused soldiers to act upon messages of this nature, they were actually more likely to put their own lives in jeopardy than to counter the reported threat.”¹⁹⁵

100. Witness DSK-082 stated that the AFRC faction did not have the means to establish radio communication and therefore could not direct the troops.¹⁹⁶ It is therefore fair to say that the AFRC faction did not possess communication systems and equipment until probably the attack on Lunsar in December 1998.¹⁹⁷ This vision is supported by Colonel Iron who stated: “All communications between Gberi and the outlying battalions were conducted on foot. Until the arrival of SAJ Musa, the AFRC faction had only one radio, located in a building in the center of Gberi.”¹⁹⁸ Another means of communication within the AFRC faction therefore was the use of runners. As long as they were in a defensive posture, this system was partly possible. However, during operations and movements where situation frequently change, the system of runners could, in my view, not be used effectively for purposes of establishing communication between sub-units and between sub-units and the overall commanding officer. The limitations on the use of runners is therefore self evident¹⁹⁹ especially since the AFRC faction never issued written orders²⁰⁰ in their Planning and Orders Process. Doing so would have endangered the operations.

101. So after the attack on Lunsar the force apparently did possess radio equipment stolen from ECOMOG. Colonel Iron states: “Subsequently to Musa’s arrival, the AFRC

¹⁹⁵ TRC report, Volume 3A, Chapter 3, p. 148.

¹⁹⁶ Statement to military expert by Witness DSK-082.

¹⁹⁷ Report Colonel Iron, p. C-13, C5.1

¹⁹⁸ Report Colonel Iron, p. C-9, C3.11

¹⁹⁹ Asakura Norikage (1550 Ideals of the Samurai), *The Greenhill Dictionary of Military Quotations*, p.345:

“During any military affair, no matter how important the event may be, when something is communicated by word of mouth, the least bit of vagueness will invite grievous results.”

²⁰⁰ Report Colonel Iron, p E-3, E3.1

faction started to use radios for the coordination of tactical operations, especially after the capture of Lunsar.”²⁰¹ The many witness statements and transcripts and discussions with Witness DSK-082, did not convince me that the AFRC faction, in possession of the stolen radios, was able to establish a communication and information system which could be defined as an: “assembly of equipment, methods and procedures, and if necessary personnel, organized so as to accomplish specific information conveyance and processing functions.”²⁰² As Witness DSK-082 observes: “The use of these radios was very limited due to lack of spare parts, batteries and generators. The batteries got exhausted within a short space of time. There was no possibility to recharge the batteries because of the non-availability of fuel and no vehicles to carry the generators. Furthermore the use of noisy generators was dangerous because the AFRC positions may be exposed to ECOMOG.”²⁰³

102. In Witness DSK-082’s view, most commanders did not use radios because of the fact that transmissions could be intercepted which indeed could not be ruled out in these modern times. Alpha jets were bombing suspected enemy locations and the air surveillance planes were also equipped with electronic devices to monitor military movement, deployment and any form of radio conversation.²⁰⁴
103. Col. Iron states in his report that the AFRC faction initially used radios that belonged to the RUF.²⁰⁵ The question is, however, whether this is a realistic conclusion. In my view it is not very likely that the RUF would have lent their radio sets to the AFRC while their partnership was deteriorating. Dr. Keen observes that certainly after the escape from Freetown, there was animosity between the RUF and the AFRC. Dr. Keen states that J. P. Koroma, after the junta was ousted, went with the RUF to Kailahun District in the east “for the sake of the strengthening the alliance.” In effect, Koroma was held prisoner for 18 months at the RUF base.²⁰⁶ Witness DSK-082 observes: “Differences in military tradition and discipline, mistrust, hatred and the wounds caused by this war was

²⁰¹ Report Colonel Iron, p E-3, E3.1

²⁰² AJP 01 (B), p. 13-1.

²⁰³ Statement to military expert by Witness DSK-082

²⁰⁴ Statement to military expert by Witness DSK-082

²⁰⁵ Report Colonel Iron, p. E-2, E3.1

²⁰⁶ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 221. ISBN 1-4039-6718-0.

quite enough to bring suspicion about how long the merger was going to last.”²⁰⁷
 Witness TF 1–334 stated that orders, while in Kono, were taken from Superman who
 “was in complete control of the set. We, the SLA, had no control over the set.”²⁰⁸
 Witness TF 1–334 stated that during their stay in Kono the SLA only “monitored” (it
 was not clear how this was done) the communications with their radio set.

Q. Why was that?

A. Well, there was a conflict at one time when there was a confusion between the SLA’s
 and the RUF concerning communications. So this made Superman to bring it to the
 attention of the operation commanders of the SLA and the commander of the SLA in
 Kono, saying that they should not go—they should not do any communications rather
 than the communications that he had at Dabundeh Street.²⁰⁹

104. Under such a broken partnership, it is therefore highly unlikely that the RUF would
 share its limited radio communications with the AFRC faction as indicated in the report
 by Colonel Iron.
105. Conclusion: The communication system available to the AFRC faction was limited.
106. Planning and Orders Process. As stated by Colonel Iron in his report, orders were
 generally given orally in briefings, usually for the command group only although
 occasionally the commander would brief the entire force.²¹⁰ Concerning a briefing to
 the entire force, a very unrealistic description is given by witness TF1 – 033. This
 witness describes, in response to questions in cross examination, the advance to
 Freetown and explains the orders process prior to the attack on Benguema.²¹¹

Q. When you say some fighters tried to infiltrate Waterloo, what do you mean?

²⁰⁷ Statement to military expert by Witness DSK-082

²⁰⁸ Statement witness TF 1 – 334 transcript date 18 May 2005, p. 24

²⁰⁹ Statement witness TF 1 – 334 transcript date 19 May 2005, p 3

²¹⁰ Report Colonel Iron, p E-3.

²¹¹ Statement witness TF 1 – 033, transcript date, 12 July 2005 p. 48 and 49

A. You know, arriving at Waterloo they wanted to take advantage of being at Waterloo at that moment. They wanted to enter into the town. They wanted to go everywhere in the town. But Gullit and SAJ put it soundly to them that they should not do that, they should focus their attention to go to Benguema.

Q. How do you know this?

A. I was around.

Q. Around where?

A. I was with the group.

Q. Which group?

A. The entire group.

Q. In the group of 2000 –3000 to 3500 people?

A. Yes.

Q. And where did they stand? Where did Gullit and SAJ Musa stand when making this announcement?

A. Amongst us. Among the group.

Q. Did they use a microphone?

A. We never had a microphone.

Q. So they spoke with their naked voice?

A. Yes.

Q. And what did they say?

A. They said that everybody should head for Benguema.

107. Furthermore, the witness gives a description concerning the orders that were given. It is believed these orders contained very limited information.²¹²

Q. On coming to Freetown when did they all get together to form this 3000?

A. The message is passed, Gullit will tell everybody to come together to move.

Q. Considering they were not in the same place, how would Gullit send that message?

A. The message is sent. He would send other AFRC fighters that are at the headquarter, because where Gullit and henchmen are, that is where they call the headquarter. So they will send emissaries to go and call the – other company commanders, with their men, to come because of movement – they are ready now to move to certain location or the

²¹² Statement witness TF 1 – 033, transcript date 12 July 2005, p. 53 and 54.

roving – if the roving is to start, everybody—they send message for people to go and inform all the other company commanders to come together to the headquarter where Gullit and henchmen are for everybody to move.

108. So it is believed that most of the orders must have been given to the command group (battalion commanders) but then the question remains how the orders were further briefed to the men in the absence of a proper *span of command* and *chain of command*. The battalion commander had to brief his entire organization which varied in strength between 80 to 150 men. This is not realistic. Incidentally, if time permits, units can be briefed in total, but in general the *span of command* and *chain of command* has to be used in order to get the information to all participants. “In a well trained organization, you know precisely how important an issue is and therefore the level at which that order must be given. So, within a brigade, you give orders to your battalions. Within a battalion, you can give orders down to your company, and in companies give orders down to platoon.”²¹³
109. This method of verbal orders, also clearly points out the limitations in the Planning and Orders Process because it only defines the operations at the start. Issuing orders is not only required at the start of an operation but also as the situation changes. As stated in the Iron report: “...conflict is at root chaotic and unpredictable.”²¹⁴ To describe things in a typical military way, all professional soldiers know that the following quote is very realistic: “No plan survives contact with the enemy.”²¹⁵ In my view, it was therefore, within the AFRC faction impossible for the overall commander to direct the battle or the moves of the force, simply because he lacked the communication systems and the established and trained procedures that require to proper use of the system.
110. The AFRC did not utilize the method of “back briefs”²¹⁶; a system used by subordinate commanders to inform their superior on how they intent to execute missions assigned to them after studying the orders and having established their plans. Back briefs are

²¹³ Statement Colonel Iron, transcript date 13 October 2005, p. 108.

²¹⁴ Report Colonel Iron, p. B-1, B2.1

²¹⁵ Generalfeldmarschal Helmuth von Moltke, 1800-1891, Prussian marshal.

²¹⁶ Statement to military expert by Witness DSK-082

important because they enable the overall commander to coordinate his sub-units. Within the AFRC, the commanding officer apparently would visit various sub-units under his command where he would be briefed on the operational plans. Even then, these visits had the limitation that they would not give him continuous military oversight. Subsequently there was no system in place to forward any changes in the planning.

111. Conclusion: it is fair to conclude that the planning and order process within the AFRC faction was only possible at the beginning of an operation or in a stable situation.
112. Lessons Learnt Systems & Doctrine Development and Dissemination. This notion did not apply to the AFRC faction, although its members easily adapted to jungle warfare. Throughout 1998, they learned how to survive in the jungle, travel long distances at night using jungle tracks and using jungle tactics. For the individual soldier it was “learning on the job.”
113. Conclusion: “There was no formal lessons learnt system & doctrine development and dissemination nevertheless the AFRC was clearly an organization that learnt quickly.”²¹⁷ Learning was done “on the job” and therefore the lessons learnt system was available to a limited extend.
114. Disciplinary System. The hallmark of any military organization is discipline. In order to have discipline in a military organization, several conditions have to be fulfilled. Firstly, discipline has to be instilled in military training from the outset. Soldiers need to be trained and lectured on all aspects pertaining to discipline and the rules of conduct, including international humanitarian law and the Rules of Engagement. Secondly, officers and non-commissioned officers need to lead by example and always behave in a very disciplined manner. Thirdly, the organization needs to be organized in a way that discipline can be maintained and enforced. Not only should there be a Provost Marshal, there should also be a formal system of reporting to higher authorities.

²¹⁷ Report Colonel Iron, p. E-3, E3.1

115. Interestingly, the TRC, dealing with the national court martial system, observed that “The Court Martial of 37 soldiers of the SLA which concluded with 34 guilty verdicts and three acquittals on Monday 12 October 1998, did not allow for the right of the accused to appeal, the right to an effective defense, or the right to be fully informed of the charges.”²¹⁸ In this regard, one can therefore observe that even the regular domestic court martial system in that period could be deemed questionable.
116. As explained in Part B of this report, the SLA and its members did not have any positive record of discipline in the years after the independence. Discipline collapsed over the years and was never re-established. Neither was it re-established when the majority of the ex-SLA joined the “People’s Army”. “This action finally brought all forms of discipline and regimentation of the RSLAF to zero and ultimately finished the image of the RSLAF.”²¹⁹ “There was a widespread voluntary and recreational use of drugs by members of the militias and armed groups.”²²⁰ Officers and non-commissioned officers, who were primarily responsible for enforcing discipline, never set the correct example. There was no code of conduct within the AFRC faction; a fact that is clearly confirmed by witness TF 1-167. When he was asked whether it was part of his laws at Gberibana that people should be amputated he answered: “On arrival at Gberibana there were no laws that were placed. No laws were given by the senior commander. There were no laws that were given to fighters at Gberibana like us, Mansofina to Camp Rosos.”²²¹ Witness TF 1-167 admitted to the use of drugs (heroin) while in the jungle²²² and, in his own words, fulfilling responsible functions within the AFRC faction like battalion commander and task force commander. Witness TF 1-184, who stated that he became lieutenant-colonel, also admitted to the use of drugs.²²³
117. Within a disciplinary system, the Provost Marshall plays an important role. When asked to explain to the Court the role of a Provost Marshall, Colonel Iron stated: “Yes, this is another role which essentially every large military organization has and he would be a

²¹⁸ TRC report, Volume 2, Chapter 2, p. 70

²¹⁹ TRC report, Appendix 2, Submissions to the TRC, part 2.

²²⁰ TRC report, Volume 2, Chapter 2 p. 37

²²¹ Statement witness TF 1 - 167, transcript date 20 September 2005, p. 59

²²² Statement witness TF 1 - 167, transcript date 19 September 2005, p 36.

²²³ Statement witness TF 1 - 184, transcript date 30 September 2005, p 21.

professional military policeman whose role is to support the commander in maintaining the discipline of the force, in particular in terms of investigation and – deterring and the investigating crime within the force and subsequently managing the punishment – any punishment awarded to malefactors.”²²⁴

118. Within the AFRC faction, the Provost Marshall never functioned because there were no trained staff officers to fulfill this assignment. “The organization had no legally trained personnel that could establish a disciplined system to try and punish offenders.”²²⁵ It is interesting to note that when the AFRC faction pulled out of Kono and proceeded to Mansofina, witness TF 1–167 was promoted to captain as he was given the position of provost marshal.²²⁶ This witness did not have any military training that would have qualified him for this position or promotion. He only attended basic military training (tactics and weapon handling) about a year after he, according to his information, joined the SLA.²²⁷ This supports the vision of Witness DSK-082 about the total lack of trained personnel. Last but not least, there was no formal reporting system nor was there a legal system for punishment. Punishment of defaulters was therefore seldom executed.
119. A conclusion can therefore be drawn that within the AFRC faction, there was no disciplinary system.
120. Recruiting and Training. The AFRC faction did not have a formal recruitment and training system. Colonel Iron stated that the source of trained ex-SLA’s was limited. “As a result, they were forced to establish a recruitment and training camp, based on the RUF model, while in Rosos. However, this was not systematic, and only 77 were trained (including women and children), so the numbers of the AFRC were always limited.”²²⁸

²²⁴ Statement Colonel Iron, transcript date 13 October 2005, p. 5.

²²⁵ Statement to military expert by Witness DSK-082

²²⁶ Statement witness TF 1 –167 transcript date 15 September 2005, p. 9

²²⁷ Statement witness TF 1 –167 transcript date 15 September 2005, p. 6

²²⁸ Report by Colonel Iron, p. E-3, E3.1

121. As explained in Part B, training was not very effective in the SLA before 1997. This is also the observation made by the British team that was sent to reform the Sierra Leone's tarnished army. They set up a training for 9 weeks. "British officers stressed that they were trying to instill a fundamental different ethos in the army, and a sense of pride in its history. One official observed: The idea among officers was not that they had a responsibility to look after their men but that their men had a responsibility to look after them. A lot were trained in Nigeria, not a very good military schooling – particularly with the military regimes, there's not much idea that soldiers are there to serve civilians. We have training in human rights law, international law, the laws of war. They want to learn about this. They want to get proper training."²²⁹ From this statement is also can be derived that during the AFRC faction there was no proper training given. This statement also makes clear that no training was given in human rights law, international law, and the laws of war.
122. In conclusion, it is fair to say that recruiting and training within the AFRC faction was very limited.
123. System for Promotions and Appointments. Within the SLA there was not a very good record on the system of promotions and appointments. Notably, the TRC report, delving into the history of the SLA, observes the existence of the phenomenon that military authorities within the SLA were used to giving themselves unmerited promotions. The report states that "the actions of the NRC (note: MGEN Prins National Reformation Council) formed the blueprint for subsequent military regimes to distort ranks in the military by giving themselves unmerited promotions."²³⁰ Even more relevant for the case at hand, is the following observation by the TRC: "In the wake of the NPRC coup of April 1992, for example, all the members of the administration apart from the Head of State, Captain Valentine Strasser, awarded themselves rapid promotions. When the NPRC handed over power in 1996, the adjustment of such ranks by the civilian government to reflect service and experience would have required a problematic overhaul of military protocol. A similar scenario unfolded when the Armed Forces Revolutionary Council (AFRC) seized power in May 1997. When the AFRC was

²²⁹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 285. ISBN 1-4039-6718-0.

²³⁰ TRC report, Volume 3A, Chapter 2, p.74.

deposed by force and its main officers retreated into the hinterland, the military was confronted with the peculiar phenomenon of quasi-official “Bush Brigadiers.”²³¹ A clear example, as earlier described, was the “career” of witness TF 1 – 167 who went through the ranks, when he was assigned functions as “battalion commander” and “task force commander”, in less than a year.

124. Within the AFRC faction promotions were announced at the discretion of SAJ Musa and subordinate commanders. “These promotions were not based on proper selection, training and qualifications.”²³² The members of the AFRC faction were not issued any uniforms of rank insignias simply because they were not available. Promotions were never official in the sense that, for example, an order was signed or that it was based on any training or experience in the Army. Witness DSK-082 observes: “SAJ Musa had organized the AFRC faction to function in a system of chain of command. So most of the assignments to different appointments were not based on known skills but merely to structure the organization.”²³³ It is interesting to note that I have not seen any statements concerning the “promotions” of Squad, Platoon or Company commanders in order to establish the *span of command* and *chain of command*. Promotions I became aware of were restricted to “battalion commanders and staff officers”.
125. In conclusion, it is fair to say that there was no system for promotion and appointments in the AFRC faction. Promotions were handed out at random.
126. Logistic Supply (including Arms Procurement). “Logistic supplies (along with recruitment) was the AFRC faction’s ‘Achilles Heel’.”²³⁴ “It is beyond dispute that no military organization can survive and achieve its objectives without logistic supplies. Good logistics build the confidence to enable troops to engage in operations. Without logistics, troops get disgruntled and lose trust in the campaign; in fact, the organization

²³¹ TRC report, Volume 3A, Chapter 2, p.74, footnote 91

²³² Statement to military expert by Witness DSK-082

²³³ Statement to military expert by Witness DSK-082

²³⁴ Report Colonel Iron, p. E-4, E3.1

will cease to function.²³⁵ “Effective logistic support is fundamental to the success of any campaign, and therefore must be an integral part of all operational planning.”²³⁶

127. Basically, the AFRC faction had to “organize” logistic supply in its own way. As Witness DSK-082 observes: “Food and water was “arranged” by sending out food/water finding patrols. For other logistics like arms, ammunition and military equipment, the AFRC faction carried out attacks on ECOMOG forces if possible. There were no orders given by the overall commander to “arrange” the logistics and therefore it became the individual sub-commanders responsibility.”²³⁷ This also shows that in one of the most important factors in any military organization namely, logistics, there was no military command and control by the overall commander in the AFRC faction and no staff responsibility by a trained staff officer (G4-logistics).²³⁸ If in any organization logistics become de-centralized, this also makes the subordinate commanders more independent.
128. In conclusion, logistical supply (including Arms procurement) was not available.
129. Repair and Maintenance of Equipment. “There did not appear to be any system for the repair or maintenance of equipment.”²³⁹ According to Colonel Iron in his report, when something would break down they would steal another.²⁴⁰ In his testimony, when asked about repair and maintenance of equipment, he stated: “No such system existed in the AFRC. They did not rely on sophisticated equipment. Any equipment they had, whether it be weapons or radios, if it broke, they would simply replace it.”²⁴¹ This is, however, an oversimplification of the problem which assumes the readily availability of the materials. Witness DSK-082 states: “The idea of stealing spare parts in the jungle was a complete misconception by Colonel Iron who should very well know that “spare parts shops” are not available in the jungle and that there was no other source where spare

²³⁵ Clearchus, 401 BC, The Greenhill Dictionary of Military Quotations, p. 274: “Without supplies neither a general nor a soldier is good for anything.”

²³⁶ AJP – 01 (B), p. 8-9

²³⁷ Statement to military expert by Witness DSK-082.

²³⁸ Report Colonel Iron, p B3, B3.4

²³⁹ Report Colonel Iron, p. E-4, E3.1

²⁴⁰ Report Colonel Iron, p. E-4, E3.1

²⁴¹ Statement Colonel Iron, transcript date 13 October 2005, p. 42.

parts could possibly be stolen.”²⁴² When Colonel Iron claims that items or spare parts were stolen from ECOMOG forces, Witness DSK-082 observes that “this was not very likely because the AFRC faction did not have vehicles, armoured cars, motor bikes and the weapons and ammunition was different.” “What I want to assure Colonel Iron is that all the AFRC faction had was their personal weapon and even if there were spare parts there were no skilled personnel in the jungle to repair any of their items.”²⁴³ Witness DSK-082 has stated several times to me that attacks on ECOMOG, except in the approach and attack on Freetown, was not very likely for the following reason. The attack on ECOMOG forces would expose the location of the AFRC faction with the chance of counter attack. The AFRC faction was always cautious not to expose themselves.²⁴⁴

130. In conclusion: Repair and maintenance was not available.

131. Medical System. “The AFRC faction was not able to establish a medical system because of the absence of trained personnel, medical equipment and facilities.”²⁴⁵ “It was therefore imperative for them to avoid casualties as much as possible by moving at night and restricting contact with the enemy forces. In the event that a member of the faction got wounded, treatment was limited to basic “first aid.”²⁴⁶

132. In conclusion: a medical system was only available to a very limited extent.

133. Fundraising and Finance. “There was little need for funds within the AFRC faction since they effectively closed themselves off from external support.”²⁴⁷ According to Witness DSK-082 the AFRC faction closed themselves off from outside/external support in order not to expose their positions.²⁴⁸

²⁴² Statement to military expert by Witness DSK-082.

²⁴³ Statement to military expert by Witness DSK-082.

²⁴⁴ Statement to military expert by Witness DSK-082.

²⁴⁵ Statement to military expert by Witness DSK-082.

²⁴⁶ Statement to military expert by Witness DSK-082.

²⁴⁷ Report Colonel Iron, p. E-4, E3.1

²⁴⁸ Statement to military expert by Witness DSK-082.

134. In conclusion: Fundraising and finance was not available.
135. Pay and Reward System for Soldiers. Soldiers were not paid in the AFRC faction between February 1998 and February 1999. “Instead they relied on promises for a good reward at the end of the campaign. In the meantime, they therefore carried out “Operation pay yourselves”, which was considered the only option for the troops.”²⁴⁹ Again, this also illustrates that the overall commander was not able to create a formal pay and reward system but instead let the subordinate commanders and their men go their own way which also made the subordinate commanders more independent. From such operations as “Operation pay yourselves” it can also be observed, that it is impossible to establish and maintain discipline within the force.
136. In conclusion: a pay and reward system for the soldiers was not available.
137. Religious Welfare System. “Within the AFRC faction prayers were conducted on Fridays and Sundays and these days were considered non working days. At conferences, meetings and before conducting any operations, they always called the name of God through prayers.”²⁵⁰ Colonel Iron, when addressing the religious welfare system, concludes: “They do not appear, however, to have played any pastoral or welfare role.”²⁵¹
138. In conclusion: A religious welfare system did not exist.

Conclusion

139. From the thirteen functions, mentioned by Colonel Iron, in my view seven functions are not applicable, three functions are only applicable to a certain extent, two functions

²⁴⁹ Statement to military expert by Witness DSK-082.

²⁵⁰ Statement to military expert by Witness DSK-082.

²⁵¹ Report Colonel Iron, p. E-4, E3.1

were only applicable to a very limited extent and one function is applicable only at the outset of the process. These can be summarized as follows:

Intelligence process	- Limited
Communication system	- Limited
Planning and Orders process	- Only at the start of the process
Lessons Learnt System	- Limited
Disciplinary System	- Not available
Recruiting and Training	- Very limited
System for Promotions and Appointments	- Not available
Logistic Supply	- Not available
Repair and Maintenance	- Not available
Medical System	- Very limited
Fundraising and Finance	- Not available
Pay and Reward System for Soldiers	- Not available
Religious Welfare System	- Not available

140. The AFRC faction did not exhibit a majority of the characteristics of a traditional military organization, which supports the view that the AFRC faction was an irregular force as described in Part C.

Was there a coherent linkage between strategic, operational and tactical levels?

Doctrinal background.

141. In order to understand the linkage between strategic, operational and tactical levels of operations it is essential to explain the doctrinal background of these different levels. The aim of any total strategic process is to translate the national interests into national goals. Consequently, different means have to be provided in order to achieve these national goals. The use of military power is only resorted to in cases of violations of national or international values, interests or rights. Once military power is used, different levels of operations can be identified, these are: grand strategic, military-

strategic, operational, tactical and technical levels.²⁵² In this analysis the technical level will not be addressed.

- a. Grand strategy level. Grand strategy is the coordinated, systematic development and use of economic, diplomatic, psychological, military and other political means by a state or coalition in order to promote its interests. The grand strategy is aimed at providing direction and coherence when power is being exercised by a state. A grand strategy is therefore the sole responsibility of a government.²⁵³
- b. Military-strategic level. Military strategy is the coordinated systematic development and execution of military power by a state or coalition in order to achieve the military elements of the goals in the grand strategy. Military strategy is therefore an integral component of the grand strategy.²⁵⁴ The Allied Joint Publication (AJP 01) states: “At the military strategic level, armed forces are deployed and employed within the overarching political framework and in a synchronized fashion with other non-military initiatives (e.g. diplomatic or economic) in order to achieve the strategic objectives by the Alliance.”²⁵⁵
- c. Operational level. The operational level encompasses the planning and direction of campaigns in order to achieve defined military-strategic goals. At the operational level, the commanding officer is responsible for the planning and execution of the campaign. For that reason, he needs specific knowledge on the performance of his military forces, as well as general knowledge of military operations.²⁵⁶
- d. Tactical level. The tactical level involves the planning and execution of individual battles and engagements in order to achieve the goals set out at the operational level.²⁵⁷ The Allied Joint Publication (AJP 01) states: “At the tactical level, forces are employed to conduct military tasks and gain military objectives. Successful

²⁵² Netherlands Defense Doctrine, 1995, p.17

²⁵³ Netherlands Defense Doctrine, p 17

²⁵⁴ Netherlands Defense Doctrine, p 18

²⁵⁵ AJP-01 (B), 2-2

²⁵⁶ Netherlands Defense Doctrine, p 18

²⁵⁷ Netherlands Defense Doctrine, p 19

accomplishment of these objectives is designed to contribute to success at the operational and strategic levels.”²⁵⁸

Analysis of the different levels of the AFRC faction.

142. When the AFRC junta was ousted from political office through the intervention of ECOMOG in February 1998, its institutional framework was wiped although its factional identity persisted amongst the soldiers. The Sierra Leonean soldiers were also stripped of their constitutional status as members of the national armed forces on account of their actions.²⁵⁹ When President Kabbah was reinstated on 10 March 1998, he, on the very the same day, declared the State of Public Emergency in the whole of the Republic of Sierra Leone.
143. The reinstatement of the Government of Sierra Leone thus officially rendered the AFRC faction the status of a renegade group outside the grand strategy of Sierra Leone. In other words, it was no longer a military entity of the state, operating under the strategic guidance of the state. The AFRC faction operated without any political oversight, which is a prerequisite for the operations of any military force. Colonel Iron in his testimony was asked about political oversight. The question was if political oversight was necessary for the commander to come to a commander’s intent at the lower level. Colonel Iron stated: “You can formulate a commander’s intent without a political oversight, but we teach our people that in order to be coherent within the strategic and operational and tactical levels, you have got to plan your military operations within your political mandate in a regular army. That is one of the ways we achieve that cohesion between strategic, operational and tactical levels.”²⁶⁰
144. It is fair to conclude that there was no grand strategic and military strategic level available to the AFRC faction. Colonel Iron must have realized this also and comes to the following conclusion: “Within the AFRC faction he (note MGEN Prins: the commander in chief) had broader responsibilities, because unlike traditional armies who

²⁵⁸ AJP-01 (B), p. 2-3

²⁵⁹ TRC report Volume 2, Chapter 2, p.53

²⁶⁰ Statement Colonel Iron, transcript date, 13 October 2005, p. 104.

are answerable to a political government of some kind, political authority, the AFRC was not responsible to political authority. So whereas in a normal army the development of strategy is both a political and military activity, here with AFRC faction we see the development of strategy is purely military function.”²⁶¹

145. In dealing with this subject, Colonel Iron identifies also another problem: “I am, although I – there is a difficulty with the AFRC in that the strategic aims were never articulated, certainly not on paper. Therefore, if one wants to look at the coherence from strategic operation to tactical level, one has to make certain inferences of what those strategic aims were, which I have done, essentially using the evidence and sources being made available to me, understanding the situation which the AFRC found itself in over time.” “Now, strategic aims, I think, of the AFRC did change, did evolve.”²⁶²
146. It clearly shows that Colonel Iron is trying to reason to a comparison with traditional military organizations but his challenge was that there was no political oversight within the AFRC faction, the alledged strategic aims SAJ Musa developed were never articulated and apparently the strategic aims changed or evolved. My first observation is that the reasoning by Colonel Iron is not supported by doctrine since the military strategy is always a part of the grand strategy which includes also the use of economic, diplomatic, psychological and other political means and is formulated by a state or government. Secondly, since the strategic aims were never articulated within the AFRC faction and the fact that there was not a proper *span of command and span of control* established it is hard to understand how the coherence between these alleged levels were ever explained to the subordinate commanders and their troops and were used during the planning of operations. Thirdly it is questionable if SAJ Musa even had a clear understanding of his ultimate aims. Colonel Iron mentions several “strategic aims” like survival, establishing an independent force, the capture of Freetown, the restoration of the RUF/AFRC junta and organizational survival.²⁶³ It is clear that Colonel Iron

²⁶¹ Statement Colonel Iron, transcript date 12 October 2005, p. 52-53.

²⁶² Statement Colonel Iron, transcript date 13 October 2005, p. 48-49.

²⁶³ Report Colonel Iron, p. E-5 and p. E-6, E3.4

formulated these aims or “had to make certain inferences of what those strategic aims were.”²⁶⁴

147. After the AFRC junta was ousted from power, its general (operational) aim, also later under SAJ Musa, was particularly to hide in the jungle in order to defend itself against ECOMOG and CDF for survival. The AFRC faction therefore only carried out small arms attacks at the tactical level in support of its operational aim of defense. In Witness DSK-082’s view the only aim SAJ Musa had was an operational aim on security grounds to protect themselves and their families from ECOMOG and the CDF executions.²⁶⁵

148. In November 1998, the Italian Catholic priest Father Mario Guerra was allegedly abducted by SAJ Musa at Kamalu. “The MISNA missionary news agency in Rome reported that a radio message from Father Guerra included a demand by Musa to be allowed to speak to his wife, Tina. Tina Musa was arrested in Guinea and has been detained in Freetown since early September.”²⁶⁶ “Ten days after the (note MGEN Prins: alleged) abduction of Father Guerra, diplomats in Freetown said “AFRC Captain” “SAJ” Musa has expressed a desire to surrender, but only to the United Nations Observer Mission in Sierra Leone (UNOMSIL) and Guinean ECOMOG troops. Diplomats in contact with Musa report he has demanded a satellite telephone, medicine, and radio contact with his wife Tina before he will release Father Guerra.”²⁶⁷ Tina Musa was quoted as saying “that Musa wanted to surrender but was afraid of the Kamajors and his likely treatment in detention. Tina Musa recommended that her husband’s surrender be facilitated by creating a safe corridor free of Kamajors and news reporters. A source at State House told BBC correspondent Winston Ojukutu-Macauly that President Kabbah was aware of contact between diplomats and SAJ Musa, and has promised that Musa and his wife would be given safe passage out of Sierra Leone if he lays down his guns and surrenders.”²⁶⁸

²⁶⁴ Statement Colonel Iron, transcript date 13 October 2005. p. 48.

²⁶⁵ Statement to military expert by Witness DSK-082.

²⁶⁶ Sierra Leone News Archives – November 1998, Sierra Leone Web.

²⁶⁷ Sierra Leone News Archives – November 1998, Sierra Leone Web.

²⁶⁸ Sierra Leone News Archives - November 1998, Sierra Leone Web.

149. The TRC reports Musa's intentions as follows: "At a later stage the avowed and unambiguous objective of the group under SAJ Musa's control was to invade the capital of Freetown, overthrow the constitutional Government of Sierra Leone and resurrect a form of military junta in power. These aims were largely representative of the personal will of SAJ himself, who had retained an unquenched lust for power from the time of his membership of the NPRC administration. Yet he was able to make the mission a popular one by appealing to the soldiers general sense of injustice and battered pride."²⁶⁹ Dr. Keen supports the vision by the TRC report insofar that the "ex-SLA (under S.A.J. Musa) and the smaller RUF element do seem, at some level, to have been trying their way back into political power."²⁷⁰ Witness TF 1-184 repeatedly stated that the aim of SAJ Musa was to reinstate the army.²⁷¹ This witness also describes the strange ritual of taking an oath on the order of SAJ Musa . "He said we should take an oath. He said the oath that we are going to take, that will – because we are very close to the town we should take an oath that when we arrive in Freetown we will have nothing to say but to say we have come purposely for the army to be reinstated."²⁷²
150. In my view, one can only speculate as to what SAJ Musa's personal intentions were for the final push to Freetown as he died in December 1998 before entering Freetown. Whether it was his ambition to regain power, to reinstate the army or a desperate bid to secure his wife's release and gain safe passage out of the country, it is fair to conclude that the decision to attack Freetown, the planning and execution thereof, was done at an operational level and was not in support of higher strategic-military goals which in turn are part of a grand strategy.

Conclusion

151. The AFRC faction did not have a military strategy that was part of a grand strategy. A grand strategy consists of economic, diplomatic, psychological and other political

²⁶⁹ TRC report, Volume 3 A, Chapter 3, p. 319.

²⁷⁰ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 229. ISBN 1-4039-6718-0.

²⁷¹ Witness statement TF 1 – 184, transcript date 27 September 2005, p. 40, 46 and 47.

²⁷² Witness statement TF 1 – 184, transcript date 27 September 2005, p. 46.

means. Within the AFRC faction the alleged strategic aims were never articulated and therefore more than likely not known to the subordinate commanders especially since the alleged aims changed and evolved. Therefore there was no coherence between these levels. At most one can conclude that there may have been some coherence between the operational level and the tactical level. At the operational level, the goals were determined by SAJ Musa but were not based on any strategic-military goals.

The (non) existence of a joint military operational structure between RUF and AFRC.

152. Colonel Iron states that there was close daily liaison between the RUF HQ and the AFRC before the Intervention, although they were still separate organizations.²⁷³ The report further states that “when the column of escapees arrived at Makeni on or around 20th February, they entered into an existing RUF/AFRC command structure that worked well. This is likely to have contributed to early establishment of the force.”²⁷⁴
153. In this chapter an opinion will be given on whether a joint military operational structured ever existed in the above mentioned periods. In this report the term joint military operational structure should be distinguished from the legal phenomenon of joint criminal enterprise.
154. As a precondition for a proper assessment of this issue, it is important to determine whether there were any elements of military command and control between RUF and AFRC. Colonel Iron in his report addresses the doctrinal part of military command in paragraph B6.1 through B6.4. One can conclude that in his report Colonel Iron theoretically, albeit very simplified, describes this aspect in a correct manner. One has to realize however that Colonel Iron addresses the doctrinal part for only *one command* or *one organization*. If one has to deal with two or more organizations it becomes, also in western military organizations, a very time consuming challenge to establish a joint military command. For example, the integration of the Royal Netherlands Marine Corps

²⁷³ Report Colonel Iron, p. C-3, C2.6

²⁷⁴ Report Colonel Iron, p. C-3 and p. C-4, C2.6

(RNLMC) and the Netherlands Fleet organization took more than one year although the RNLMC always has been a part of the Royal Netherlands Navy. I will address the *joint characteristics* and explain that to state that an RUF/AFRC command structure existed after 25th of May 1997 or to arrive at the conclusion, as Colonel Iron did, that “they entered into an existing RUF/AFRC command structure that worked well”²⁷⁵ oversimplifies the situation. After discussing the doctrinal part I will give my opinion on the actual question at hand.

155. According to NATO doctrine, the word “Joint” is used to describe activities, operations, organizations in which elements of at least *two services* participate. This is in contrast to the word “Combined” which is used to describe activities, operations and organizations in which *elements of more than one nation* participate.²⁷⁶ In western military organizations the Army, the Navy and the Air force are considered as services. The experience in western armies with joint operations and joint organizations is quite extensive. In most NATO countries (for example France, United Kingdom and the Netherlands) joint forces and organizations have been established. Although the RSLAF formally consisted of an army, a navy and an air wing, for the purpose of this report and in order to make an analysis on a joint structure, the AFRC (faction) in general and the RUF will be considered as services. The formation of a joint structure is, even in western armies, a very difficult and lengthy process.

156. To simplify this subject, in the following paragraphs only the main characteristics/prerequisites for a joint force or joint structure will be highlighted based on NATO doctrine.

- a. Trust and Confidence. “Trust, total confidence in the integrity, ability, and good character of another, is one of the most important ingredients in building strong teams. Trust expands the commander’s options and enhances flexibility, agility, and the freedom to take the initiative when conditions warrant. Trust is based on the

²⁷⁵ Report Colonel Iron, p. C-3 and p. C-4, C2.6

²⁷⁶ NATO AJP – 01 (B) Glossary of terms and definitions. An example of a combined force is the United Kingdom/Netherlands Landing Force established in 1973(British and Dutch marine forces combined).

mutual confidence that results from the demonstrated competence of each member of the team.”²⁷⁷

- b. Co-operation and Mutual Understanding. “Without unity of effort and necessary trust to plan and execute a joint and multinational campaign or major operation, there can be little chance of success. A mutual understanding of strengths and weaknesses provides the foundation of co-operation and trust which is vital in the planning and successful execution of joint and multinational operations. This must stem from the highest levels. Mutual understanding also rests on a common application of joint doctrine.”²⁷⁸ “The greater the degree of standardization (in terms of equipment and doctrine), the better the prospects are for fruitful co-operation, mutual understanding, and ultimately, for success.”²⁷⁹ “Joint operations require an attitude of mind, a culture, by which servicemen and women at all levels are encouraged to develop a sense of interdependence, mutual respect and trust. Jointness is enhanced through the increased knowledge and appreciation of each service’s capabilities, requirements and sensitivities. Assumptions based upon experience gained only within their own services can lead to uncoordinated planning. Unforeseen limitations can lead to substantial disruption.”²⁸⁰
- c. Interoperability. The effectiveness of forces in peace, crisis or in conflict, however, depends on the ability of the forces to operate together effectively and efficiently. Joined operations should be planned and conducted in a manner that makes the best use of the relative strengths and capabilities of the participating forces. “A common doctrine supported by standardization of equipment and procedures, validated through participation in joint and multinational training exercises, provides the basis for the formations and units of a joint and multinational force to be able to work together.”²⁸¹ Within NATO joined forces are therefore expected to use standard NATO agreed doctrine, tactics, techniques and procedures.

²⁷⁷ AJP – 3 p. 2-2

²⁷⁸ NATO AJP – 01 (B) p. 4-3

²⁷⁹ NATO AJP – 01 (B) p. 4-3

²⁸⁰ AJP – 3 p. 1-1

²⁸¹ NATO AJP – 01 (B) p. 1-7

- d. Joint Operational Procedures. “Harmonized operational procedures are required to enable elements of a joint force to co-ordinate their activities effectively, and the same time retain maximum flexibility. To facilitate and expedite the provision and control of mutual support in what may be a complicated situation with rapidly changing and conflicting priorities, procedures need to be standardized as far as practicable and they should be supported by agreed terminology.”²⁸²
- e. Joint Headquarters. Within NATO military, two militaries functioning together at operational level come under command of a Joint Force Commander who plans the various military movements of the military components.²⁸³ Accordingly, in order to qualify military operations as “joint”, a mere cooperation between forces is not enough. For the planning and execution of the operations the Joint Force Commander has to be supported by a Joint (J) staff. The staff functions listed below are provided only as a basic model. “The Joint Force Commander will organize his staff as he deems necessary to optimize its ability to plan, conduct and support the operation successfully.”²⁸⁴

- (1) J1 – Personnel and Administration.
- (2) J2 – Intelligence.
- (3) J3 – Operations.
- (4) J4 – Logistics.
- (5) J5 – Plans and Policy.
- (6) J6 – Communications and Information Systems.
- (7) J7 – Doctrine and Training.
- (8) J8 – Resources and Finance.
- (9) J9 – Civil-Military Co-operation.

157. As stated in the previous paragraphs, *trust and confidence* as well as *co-operation and mutual understanding* are of the utmost importance to make a joint force or structure

²⁸² NATO AJP – 01 (B) p. 3-8

²⁸³ See Netherlands Defense Doctrine, p. 61

²⁸⁴ AJP – 01 (B), p. 4A1.

work; to make a team successful. Based on the many statements, also by witnesses for the Prosecution, it is highly questionable if these characteristics/prerequisites existed between the RUF/AFRC.

158. The TRC report lends support to the conclusion that trust and confidence never was established between the two partners from the outset. The TRC noted that: “From 25 May 1997 until March 1998, Koroma was not only the Chairman of the AFRC, but also the Commander-in-Chief of the “People’s Army”, which included the RUF. Yet, Koroma subsequently fell dramatically out of favour with the RUF High Command when he attempted to abscond to Ghana. The RUF’s alliance with the AFRC after that point became gradually more charged with tensions and mutual distrust. This discord was evidenced by the divergent operations the factions pursued and by the perpetual power struggles in which their respective commanders engaged.”²⁸⁵
159. Mistrust during the months of the AFRC/RUF government is also described by witness TF 1-167 who states that first G. Massaquoi was arrested by the AFRC regime and after that Johnny Paul Koroma ordered the arrest of Issa Sesay after the looting of the Iranian Embassy. Subsequently, Issa Sesay, who later became second in command of the RUF and who during the AFRC/RUF regime was based at the RUF office at Cockerill,²⁸⁶ apparently threatened the AFRC leadership that if the leaders would persist to have him arrested he would go back to the bush.²⁸⁷ Issa Sesay further stated: “In general we were not trusted or respected by the AFRC even though they had called us to join them. Our troops were the only ones committed to their assignments whilst the AFRC High Command rejected our war plans and strategies, referring to us as “blood-thirsty, bush-colonels”.²⁸⁸ “RUF attempts to preserve itself as a separate entity were underlined by the looting of ammunition from Freetown’s maritime barracks by Sam Bockarie, who reportedly had the ammunition shipped to Kailahun District. The excuse was that the borders needed fortifying.”²⁸⁹

²⁸⁵ TRC report Volume 3 A, Chapter 3, p. 341.

²⁸⁶ Statement witness TF 1 – 046, transcript date 7 October 2005, p. 71.

²⁸⁷ Statement witness TF 1 –167, transcript date 19 September 2005, p. 55.

²⁸⁸ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 210. ISBN 1-4039-6718-0.

²⁸⁹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 210. ISBN 1-4039-6718-0.

160. Tensions and suspicion are also described by G. Massaquoi in his testimony for the SCSL.²⁹⁰ Massaquoi confirms that the broadcast Sankoh made, calling all his fighters to join the AFRC, was meant as an order for the RUF to cooperate with the AFRC. It is important to note that during that timeframe G. Massaquoi was spokesman of the RUF.²⁹¹ In Cross examination Massaquoi stated:

Q. "It's right to say that this cooperation which Foday Sankoh had asked for was only at the top level between commanders: no so?"

A. "Yes."

Q. "It's also right that there was suspicion even between these commanders, although they cooperated there was suspicion?"

A. "Yes, at a certain point in time there was suspicion between commanders."

Q. "That's why Sam Bockarie went back to Kenema?"

A. "Yes."²⁹²

161. Witness TF 1-334 also recalls the BBC statement made by Sankoh from Nigeria. "Well, yes, I could remember some of the things that Corporal Foday Sankoh said. He was trying to tell the RUF commanders that he was talking and he was talking direct from Nigeria, and that he had ordered them to take the command from Major Johnny Paul Koroma; and that in fact he had changed the name from that moment and that he was not going to refer to them as the RUF. But he was going to refer to them as the Peoples' Army; and that they should work in line with Major Johnny Paul Koroma and they were no longer enemies but that they were now brothers. Both the RUF and the SLA should be together, so (...)."²⁹³ When asked what the relationship was between the RUF and former members of the Sierra Leone Army in the AFRC period, he answered: "Well, the relationship was cordial, because Johnny Paul had told every member of the army that we are to join hands with them and that we should work to defend our motherland. So actually the relationship was cordial."²⁹⁴ According to NATO doctrine a cordial

²⁹⁰ Statement witness G. Massaquoi, transcript date 11 October 2005, p. 51-53.

²⁹¹ Statement G. Massaquoi, transcript date 7 October 2005, p. 31.

²⁹² Statement G. Massaquoi, transcript date 11 October 2005, p. 53.

²⁹³ Statement witness TF 1 – 334, transcript date 16 May 2005 p. 44 and 45.

²⁹⁴ Statement witness TF 1 – 334 transcript date 17 May 2005, p. 22.

relationship is not one of the characteristics/prerequisites for the establishment of a joint force or joint structure.

162. The cordial relationship did not last long, according to witness TF 1-167 when asked from whom Sam Bockarie received orders. "The early stage of the revolution he was taking orders and later he went up country. He was not taking orders from anybody."²⁹⁵ The relationship between AFRC and RUF is further addressed in the Cross examination;

Q. It is fair to say that the relationship between RUF and the AFRC was a strained relationship; not so?

A. At the early stages the relationship was good. But as time goes on the relationship break between the two.

Q. When you say the "early stages", would it be right in saying that that was when the AFRC invited the RUF to join them?

A. Yes, because if the relationship was not too good, I believe when they invited them they could not have come.²⁹⁶

Q. Yes, and it subsequently broke down.

A. Yes, and later it broke down.

Q. The AFRC subsequently did not trust the RUF, did they? Nor the RUF the AFRC.

A. Yes, there was trust on trust. The RUF don't trust the AFRC, the AFRC don't trust the RUF, when they had started being some fracas between them.

Q. Was there a fracas in Kabala in February 1998?

A. Yes, when we pull out, there was a lot of individual fighting with mid-level fighters.

Q. This mid-level fighters, you had the SLA's on the one side and the RUF on the other; not so?

A. Yes.

Q. Can you tell the Court how serious that fracas got? How serious was that?

A. Yes, that is why even SAJ did not join the troops to go to Kono. He decided to go on his own to Koinadugu.

Q. How serious did it get?²⁹⁷

²⁹⁵ Statement witness TF 1 – 167 transcript date 19 September 2005, p 57.

²⁹⁶ Statement witness TF 1 – 167, transcript date 19 September 2005, p. 57.

²⁹⁷ Statement witness TF 1 – 167, transcript date 19 September 2005, p. 58.

A. It was serious because there are killings that were going on secretly.²⁹⁸

163. Also it is highly questionable if the important characteristics like *a functional Joint Headquarters, joint operational procedures and interoperability*, were ever established. Based on various statements made by senior officers in Part B, it is fair to say that by the time the AFRC junta came to power the AFRC military headquarters was not functioning properly. Taking into consideration the time and effort that goes into establishing a Joint (J) structure between AFRC and the RUF it is realistic to say that such a joint structure, considering also the enormous challenges and problems that existed in Sierra Leone at that time, could not have been established between the end of May 1997 and February 1998. Colonel Iron supports this conclusion when he stated in his report that the RUF and the AFRC were separate organizations during the junta government period.²⁹⁹

164. The TRC supports this analysis: “The AFRC’s alliance with the RUF proved to be unworkable. The alliance strengthened people’s perceptions that the Sierra Leone Army had long been in collusion with the RUF. The Commission finds that as the AFRC and RUF factions split and began independently to engage the Government of Sierra Leone in armed conflict, they unleashed unprecedented levels of abuse on the people of Sierra Leone. The flaws in high command of the People’s Army meant that there was no effective regulatory structure to restrain or discipline the ground commanders of the AFRC and the RUF. The Commission finds that the officers who held state functions under the military rule of the AFRC acted with utter impunity. They looted civilians properties throughout Freetown and in towns in the provinces. They beat up and summarily killed both soldiers and civilians.”³⁰⁰

165. The RUF and the AFRC had been fighting each other for many years and basically had established different structures with their own procedures which were very hard to match in an joint structure. According to G. Massaquoi, when asked how the structures of the two organizations were to be compared while he was in Freetown in 1997, he

²⁹⁸ Statement witness TF 1 – 167, transcript date 19 September 2005, p. 59.

²⁹⁹ Report Colonel Iron, p. C-3, C2.6

³⁰⁰ TRC report Volume 2, Chapter 2, p 60.

answered: “The SLA were using infantry organizations while RUF were using guerilla structures.”³⁰¹ When asked if, in his view, the structures of the AFRC and RUF were totally different, he answered: “Yes, you were referring to an incident the Prosecution asked me about Freetown when they came to Freetown in January 6. My response there is the same; I have not denied that. Before I was arrested, the structures I knew for RUF were quite different from the structures I saw when they came in January 1999.”³⁰² Witness TF 1–167 stated that the SLA considered themselves superior to the fighters of the RUF. “Well, the SLA, I thinking on it that they were well trained to be a soldier and in going to the bush. The RUF were civilians just trained a little tactics, so they should not be under the RUF.”³⁰³ The RUF and the AFRC (and SLA) did not have the same doctrine, standardized equipment and procedures in order to make the joint force interoperable. Furthermore interoperability has to be established after intensive training exercises.

166. If a joint structure or joint force was not established during the period of the AFRC/RUF regime, it is even more unlikely that a joint force or structure was established after February 1998, when a period of complete chaos continued. The TRC report observes that: “On the 10th of February 1998, ECOMOG expelled the AFRC/RUF from power in Freetown. The group dispersed to the North and East of the country. In the course of the departure from Freetown, internal differences emerged within the AFRC/RUF coalition. These differences led to different commanders leading pockets of supporters to settle in different parts of the country and pledging allegiance, not to the larger coalitions but to specific commanders loyalty split along the lines of their previous RUF/AFRC affiliation. Many of the AFRC soldiers were uncomfortable being led by RUF commanders whom they perceived as illiterate and not as professional soldiers.”³⁰⁴ The TRC reports also noted: “The two organizations (note MGEN Prins: AFRC and RUF) were not in fact acting in concert at the level of their respective High Commands.

³⁰¹ Statement G. Massaquoi, transcript date 7 October 2005, p. 105

³⁰² Statement G. Massaquoi, transcript date 10 October 2005, p. 98.

³⁰³ Statement witness TF 1 – 167, transcript date 19 September 2005, p. 63.

³⁰⁴ TRC report Volume 3A, Chapter 4, p 524.

Rather, AFRC soldiers launched and led the assault through the North of the country and were joined only later by certain combatants from the RUF on a separate flank.”³⁰⁵

167. G. Massaquoi described the change of leadership within the RUF after February 1998. “That was a time when they left Freetown with the AFRC, and the RUF left Freetown, and they were pushed by ECOMOG and they were now in the bush. So the new command structure was created by Sam Bockarie.” “At that time, the new command structure created didn’t speak of Foday Sankoh being leader. It only talked about Sam Bockarie being CDS, Chief of Defense Staff.” “And Sam Bockarie, who was (...) Issa Sesay, who was the battlegroup commander, now eventually became the battlefield commander.”³⁰⁶ It is interesting to note that apparently the RUF re-established a total RUF organization in which there was no place for former AFRC leaders. Also Massaquoi does not mention the existence of an integrated joint military operational structure between RUF and AFRC after February 1998. Massaquoi is asked about the period after February 1998:

Q. “Is it correct that RUF, when reading this passage³⁰⁷ from your draft book, was not tolerating the AFRC.”

A. “That is what I presumed because I was not there. That was what I learned from the fighters. The period I was referring to I was in prison. I was quoting what fighters told me what happened between them.”³⁰⁸

168. Further, the study of Dr. Keen lends support to the conclusion that a joint structure in the military sense could realistically not have been in place in the period after February 1998. On this issue Dr. Keen writes: “References to the successes of junta forces tended to obscure the deep divisions between the RUF and the AFRC, a rift that proved even the best of enemies can come badly unstuck. While most AFRC troops had retreated to the north when the junta was ousted, Johnny Paul Koroma went with the RUF to Kailahun District in the east. According to a subsequent explanation from AFRC

³⁰⁵ TRC report Volume 2, Chapter 2. p 61.

³⁰⁶ Statement G. Massaquoi, transcript date 7 October 2005, p. 70

³⁰⁷ Statement G. Massaquoi, transcript date 11 October 2005, p. 25-26

³⁰⁸ Statement G. Massaquoi, transcript date 11 October 2005, p. 27

leaders, he did so “for the sake of strengthening the alliance.” But in effect, Koroma was held prisoner for 18 months at the RUF base there, and he and his henchmen suffered mistreatment at the hands of RUF acting commander Bockarie.”³⁰⁹

169. Noteworthy, concerning the potential partnership between the RUF and the AFRC faction in military operational sense, was the statement made by Witness DSK-082 who had first hand knowledge of the situation. “During the period that followed, from February until May 1998, the RUF/AFRC partnership can best be described as a defunct, loose and disorganized organization. Military command and control had collapsed, semblance of cohesion was no longer visible.”³¹⁰ “In the period from February 1998 and May 1998 the tussle for leadership of the alliance came in. Since these two factions have fought each other after so many years the wounds caused by this war, was quite enough to bring suspicion about any merger. No group was prepared to subdue themselves to either RUF or AFRC, so the AFRC did not serve under RUF command.”³¹¹

170. Lastly the statement by witness TF 1-033 is of interest. This witness stated that he had been abducted by the AFRC faction after the AFRC had been ousted from power in February 1998. According to his testimony, he stayed with this faction and apparently close to Gullit for the remainder of the period until after the attack on Freetown. In cross examination³¹² he stated:

Q. Mr. Witness, during all the time you spent with the people you claim abducted you, did you come across any RUF fighters?

A. No. Only when Gibril Massaquoi was released from Pademba.

Conclusion

³⁰⁹ David Keen, *Conflict & Collusion in Sierra Leone*, 2005, p. 221. ISBN 1-4039-6718-0.

³¹⁰ Statement to military expert by Witness DSK-082

³¹¹ Statement to military expert by Witness DSK-082

³¹² Statement witness TF 1- 033, transcript date 11 July 2005, p. 119 - 120

171. In order to establish a joint structure or joint force in military operational sense a few requirements (not limitative) have to be fulfilled: Trust and confidence, co-operation and mutual understanding, interoperability, joint operational procedures and a joint headquarters. The RUF and the AFRC did not meet any of the described requirements of a joint military operational structure or joint force during the period between May 1997 and February 1998 and following that period until the attack on Freetown in January 1999.

PART E

Conclusions

172. The history of the SLA shows a total breakdown of military organization. During the AFRC regime all forms of discipline and regimentation of the RSLAF were brought down to zero and ultimately finished the image of the RSLAF. This was also the starting point of the AFRC faction when ousted from power in February 1998.
173. Junior ranks in the SLA were totally neglected by the politicians and (senior) officers.
174. The AFRC faction can be qualified as an irregular military force.
175. The precondition, set in the Iron report,³¹³ that recognizable groups need to exist to establish a military organization, is not fulfilled during the conflict in which the AFRC faction participated. The various groups were not recognizable.
176. The AFRC only had the semblance of a military structure and hierarchy. Specifically the criteria of the *span of command* and the *span of control* were not fulfilled.
177. The AFRC faction did not exhibit the majority of the characteristics of a traditional military organization which therefore supports the view that the AFRC faction was an irregular military force.

³¹³ Report Colonel Iron, p. B-2, B2.1

178. Within the AFRC faction there was at most a coherent linkage between the operational level and the tactical level. The strategic-military level and the grand strategy level did not exist.
179. Based on the conclusions in the previous paragraphs (174 through 178), I do not consider the AFRC faction a military organization in the traditional sense.
180. Between the RUF and the AFRC a joint force or joint structure in military operational sense was never established.

LIST (NOT EXHAUSTIVE) OF OFFICERS WHO APPEARED BEFORE THE TRC.

MGEN T. Carew	Submission to the TRC May 2003. Chief of Defense Staff
LTCOL Sowa	Interview 13 December 2003. Commanding officer Armed Forces Personnel Center SLA.
COL Koroma	Interview 15 October 2003. Director of Army Medical Services and senior officer in the RSLAF who served under the APC, NPRC, AFRC, and SLPP Governments during the conflict period.
BRIG (Rtd.) K. H. Conteh	Interview June 2003. National security coordinator at the office of National Security and former long serving officer in the RSLAF.
COL Komba SM Mondeh	Statement 18 March 2003. Defense Advisor.
BRIG (Rtd.) J.M. Bio	Interview 30 September 2003. Former Head of State and Chairman of the NPRC from January – March 1996.
COL K.E.S. Mboyah	Interview 29 August 2003. Long serving officer in the SLA, erstwhile Battalion Commander and Director of Defence Information.
COL Bushiri Conteh	Interview 02 August 2003. Director of Training in the SLA, erstwhile Battalion Commander and one time Secretary of State for the Eastern Province under the NPRC..

BRIG (Rtd.) Sam King Interview September 2003.

MAJ (Rtd.) Lucy Kanu Interview April 2004.
Former officer of the SLA and dismissed in the wake of the
NPRC executions of 29 December 1992.

Major (Rtd.) Abu Noah Submission to the TRC May 2003.

Various soldiers, who were recruited in 1992 under the NPRC were confidentially interviewed in Freetown, Makeni and Kenema between June and October 2003.

ANNEX. 2

CV MILITARY EXPERT

Curriculum Vitae Willem A.J. Prins

Major-General Royal Netherlands Marine Corps retired.

Major-General Prins was born in 1948 in the Netherlands. He is married and has one son.

In 1970 he graduated from the Royal Netherlands Naval Academy and was commissioned as Second Lieutenant in the Royal Netherlands Marine Corps (RNLMC).

In the course of his career he became Naval Aviator flying helicopters in Counter Terrorism missions and operated two years on board of Frigates. He is a specialist in mountain and arctic warfare and completed Special Forces (commando) training. He attended the Marine Corps Amphibious Warfare School in Quantico, Virginia and served many years as a Company Commander, together with the Royal Marines, in the United Kingdom/Netherlands Landing Force. From 1987 till 1989 he assumed the duties of Aide de Camp to the Supreme Allied Commander Atlantic (SACLANT) in Norfolk, Virginia. After graduation from the Royal

Netherlands Navy Staff College he was assigned duties as Head of the Personnel Department of the HQ RNLMC.

In the rank of Colonel he was appointed as Commanding Officer of the Operational Marine Units in the Netherlands. In this position he also served as Deputy Brigade Commander of the United Kingdom/Netherlands Landing Force and completed various exercises in the Mediterranean and Norway. After that posting he was the first Marine Officer appointed as Head of the Operations Department of the Royal Netherlands Navy.

In July 1998 he was promoted to Brigadier-General and assumed command of the Netherlands Forces in the Caribbean and of a Combined US/Netherlands Task Group (Commander Task Group 4.4) working Counter Drug operations in the Caribbean. He also served as Commandant Coast Guard Netherlands Antilles and Aruba.

On 26 September 2001 Major-General Prins was appointed Commandant of the Royal Netherlands Marine Corps. In this billet, he was responsible for the integration of the Netherlands Marine Corps into the Netherlands Fleet organisation which lead to the formation of a "Navy-Marine Corps Team" and the creation of a Commander Amphibious Task Force and Commander Landing Force capability for the Royal Netherlands Navy. During his command he was responsible for the preparation of two battalion groups for missions in Iraq and provided forces for the United Nations Mission in Liberia.

In September 2004, Major-General Prins retired from active service and joined (on a project basis) Clingendael Centre for Strategic Studies in the Netherlands.

Major-General Prins is decorated with the Officers cross of 'Oranje Nassau' by Her Majesty Queen Beatrix of the Netherlands. In 2001 he has been awarded the Legion of Merit (Commander) by the United States of America in recognition of his contribution in Counter Drugs operations while he was Commander Task Group 4.4 and Commandant Coast Guard Netherlands Antilles and Aruba.