

1143)

SCSL-04-15-T
(26147 — 26171)

THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

Hon. Justice Benjamin Itoe, Presiding
Hon. Justice Pierre Boutet,
Hon. Justice Bankole Thompson

Registrar: Mr. Herman von Hebel

Date filed: 20 May 2008

The Prosecutor

-v-

Issa Hassan Sesay
Morris Kallon
Augustine Gbao

Case No: SCSL-04-15-T

Public

Gbao and Sesay Defence Filing of Draft Expert Report
in Compliance with Trial Chamber's 22nd May 2008 Order

Office of the Prosecutor

Mr. Peter Harrison
Mr. Joseph Kamara
Mr. Reginald Fynn
Mr. Charles Hardaway
Mr. Vincent Wagana

Defence Counsel for Issa Hassan Sesay

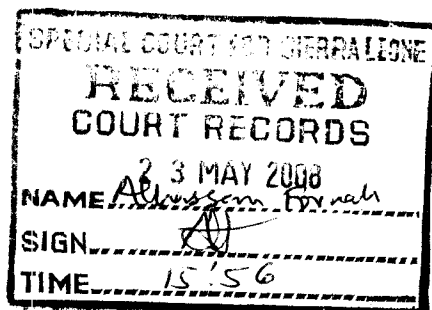
Mr. Wayne Jordash
Ms. Sareta Ashraph

Defence Counsel for Morris Kallon

Mr. Charles Taku
Mr. Kennedy Ogetto
Ms. Tanoo Mylvaganam

Defence Counsel for Augustine Gbao

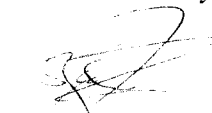
Mr. John Cammegh
Mr. Scott Martin



26148

1. The Trial Chamber ordered that the Defence for the First and Third Accused file a draft of their military expert's Expert Report no later than 4:00pm on Friday, the 23rd of May 2008 (Order 1), and ordered that the final version of the Expert Report be filed no later than 4:00pm on Monday, the 26th of May 2008 (Order 2).¹
2. Herewith, the Defence for the First and Third Accused files an expurgated draft of the Expert Report. This draft is filed without prejudice to the final form of the Expert Report. The Defence for the First and Third Accused previously indicated that the Expert Report is in draft form and incomplete.
3. A final version of the Expert Report will be filed by 4:00pm on Monday, 26th May 2008 in compliance with Order 2.

Dated 23rd May 2008



Wayne Jordash
Sareta Ashraph

¹ *Prosecutor v. Sesay et al.*, SCSL-04-15-1139, "Order on Gbao and Sesay Urgent Application for Extension of Time to File Expert Report", 22nd May 2008.

Military Report

Foreword

Military structure/organisation

In the majority of cases a military organisation is structured to defend the country from an attack. Nowadays more and more nations have a military organisation, which both can defend the nation and participate in operations overseas -- peace support operations, or from anti-invasion defence to rapid reaction defence.

Description of different types of military structure.

(I) An anti-invasion structure

A hierarchal structure, which consist of a mixture of a territorial home defence national protection forces areas and highly developed combat units (divisions, brigades, battalions composed in efficient battle groups). These units have a large mobility and are supported by air combat units and helicopters.

(II) Rapid reaction structure

This structure is based upon a need for a high degree of vigilance, mobility and an ability to appear and work in different types of terrain and climate zones. These units are organized into battle groups with self-supporting logistics.

(III) Territorial army structure

This type of structure is often formed in calm areas, where the units will be given tasks to control the territory and the civil population. The military support to the civilian administration is essential.

(IV) National protected military structure (with both military and police units) and tasks.

This is a structure, where military units can take care of police matters and vice versa. The structure is common after an invasion (ex post-war situation in Iraq).

(V) Peace promoting military structure.

Peace-promoting operations receive a mandate from the United Nation under Chapter VII of the UN charter. Examples are missions which using force keep fighting parties apart and armed missions to protect humanitarian activity and the civil population. A peace-enforcing operation is invariably conducted without the consent of at least one of the parties. The military structure is almost the same as the rapid reaction structure.

(VI) A light guerrilla military structure

This structure is based on the use of small units organized mainly in a battalion combat structure with light portable weapon systems. This structure does not need to use a road system. It relies upon a high degree of mobility. This structure makes frequent use of the tactics of "hit and run".

(VII) A heavy guerrilla structure.

This structure is based on the use of light and heavy units, namely light infantry units which can attack deep into the areas of the enemy (hit and run) and heavy units organized into battalions (or sometimes brigades) which are further supported by artillery and tanks.

Conclusion - The RUF military organisation from 1996 to 2000.

1) 1996 (jungle war period)

The RUF in this period was a light guerrilla military organisation.

The area commanders had the task to fulfil guerrilla tasks within their areas. The structure was hierarchic with a HQ. The roles of the different commanders were unclear. For example, the RUF appear not to have specified the de facto characteristics of the different assignments.

2) December 1996 to May 1997

The RUF was still a light guerrilla organisation. The chain of command seems to be unclear. The Kailahun district is a clear base for the RUF and appeared to have a territorial structure.

3) May 1997 to 13 February 1998

This period is more characteristic of a national protection structure. The RUF was militarily organised to control the area together with the AFRC. The structure seems to have been more like a police force. Militarily the command structure was unclear, with double or triple command.

4) The retreat from Freetown

This was a non-military structure.

5) Mid March 1998 to December 1998

This period is characterized militarily as a mixture of a Territorial Army structure (Kailahun) and a kind of light guerrilla organisation (Kono, Koinadugu). The structure between the AFRC and the RUF is very loose.

6) December 1998 to December 1999

The RUF appeared to exhibit more of a regular army structure. There were more planned and/or coordinated assaults typical of an organised regular army.

7) December 1999 to May 2000

The RUF still seems to be a military organisation in decomposition, but with limited power. During this time the organisation was loose with unclear command circumstances.

The common military characteristics/features of a guerrilla/insurgency/protect movement

What are the typical characteristics of an insurgency?

1. Lack of Reform by ruling elite

An important condition for the emergence of an insurgency is that the ruling elite oppose the necessary and fundamental reforms that will reduce the elites own power and privileges. In a situation like this, it is difficult over to avoid some form of confrontation between the traditional power elite and the new political (or religious) forces. It is likely that the confrontation will be increasingly characterised by violence. Social insurgencies often begin with strikes and demonstrations. If these are met with great violence and arrests, something that often happens, the next escalation is that activist organise themselves into various forms of armed groups. While the regime shows itself unwilling to satisfy popular demands or expectations, it will lose legitimacy and the regime will be compelled to increase the use of forcible means in order to ensure that the population remains law-abiding. 'Law and order' often becomes the most common catchword.

2. If a revolutionary leadership emerges that is motivated and well educated, this will naturally further reinforce the tendency for the regime to exercise force against all forms of opposition. The regime will implement measures that will end up reinforcing the differences within the existing social system and thereby widen the gap between those who govern and those governed. In the emerging conflict splits may develop within the ruling elite between, for example, moderates and reactionaries, something that will contribute to weakening the effectiveness and the cohesiveness/solidarity of the elite.

3. A key theme in working towards or creating successful revolutionary movements is the question of how to increase the gap between the power elite and the *expectations* of the majority of people. This is usually achieved by the insurgent leadership pointing out the narrow self-interests of the regime's supporters and 'exposing' how the regime neglects the welfare of the ordinary people. Once a revolutionary movement has been successful in establishing itself as a political force - that the ruling regime has not been able to eliminate or control - the next phase can begin, i.e., organising guerrilla forces.

4. Guerrilla warfare is a method of combat that can be utilised by people who live in an area that is either occupied by, or surrounded by, forces they see as *their adversaries*. Guerrilla warfare is the military form or method arising within an insurgency; the next military step of an insurgency. The adversary will be the sections of the community that, by virtue of their privileges and power supremacy, maintain or develop what the insurgent movement sees as injustice and inequality. A section of the population that feels suppressed, and cannot practice its

religion or work politically towards its beliefs and or ideology may thus take up arms to achieve greater influence over its own situation.

Lack of distinction between civilians and combatants

5. In conventional conflicts, there are an evident division between combatants and non-combatants. In conventional conflicts this division takes place around the issue concerning prospective soldiers, who are recruited to the army either through a format of laws of conscription or through a volunteer employment as in professional armies.

During the time of the military contract the individual is no longer respected as a civilian, but as a soldier. In this war situation the division is distinct, the soldier wears a uniform, carries weapons and belong to a militarily organised unit with special tasks.

In the "new wars" the distinction between combatants and non-combatants is often non-existent or in some cases much more difficult to observe. This arises in part because civilians and civilian support is very close to the fighting activities.

The private soldier in the new conflicts can also belong to different types of organisations, which devote themselves to a range of activities including military occupation, criminality, black-marketing, smuggling and sometimes looting of the civil population. Soldiers in this format often do not wear uniforms in the same way as soldiers in conventional armies. One of the reasons is the advantage the organisation receives through mixing together with the population when their activities are able to be concealed. In these circumstances the support of the civilians is of the utmost importance.

If the soldiers receive the support of the population they can move freely, obtain lodging, hide in villages and houses, use the well known paths and importantly the population has information about the enemy, the terrain, the roads, bridges. Food support can also be essential.

If a combatant cannot be distinguished from the population the conclusion will be that anybody could be a combatant, which can give rise to enormous difficulties. This lack of distinction between civilians and soldiers made it easier to shift roles. In one moment a soldier can be a farmer, in the next a homeguardfighter and in the next again a guerrilla fighter.

6. Lack of hierarchical structure

The participants in the new types of conflicts have a high degree of decentralisation organisation, which differs from conventional, hierarchical military organisations

Often they act in large areas, where a commander cannot control every single sub-leader. He must rely on that the sub-leader who should have the ability to fulfil his tasks without controlling every step.

Further, they are not a unified unity, but more often a mixture of local warlords, paramilitary units, gangs of bandits, units/leaders from abroad, mercenary troops and sometimes "regular units".

A guerrilla organisation often has to operate without an adequate communication system.

In the beginning of an insurgency movement help is required. It is usual that the leaders of these movements take the opportunity to utilise people who have been trained abroad. Many nations have built up camps for the training of guerrilla leaders and soldiers (Libya, Uganda, Angola, Iran, Syria etc). In the camps the leaders are trained militarily and ideology in guerrilla warfare. It is an advantage to use well-trained military people in a beginning of a conflict but also a risk. They can take over the command. These nations can export the guerrilla warfare to new revolutionary movements. A guerrilla movement thus has its ideological goals, the overall strategic purpose of why they are fighting to win, but the leaders cannot (and will not) instruct or give orders for each small operation. For example the various components in Lebanon (Hizbollah) and Afghanistan (Muhajedin guerrilla) operated independently for a long period without detailed instructions.

If a commander or sub-leader does not follow the overall strategy or instructions it creates an unbalanced approach or structure.

Indirect attacks

7. Guerrilla tactics are most often indirect i.e. the guerrilla strikes where the opponent is weak. The attacking force then retreats and gets out of the way so that it does not itself become a good target for the opponent. This is hit and run. Without using relatively safe tactics such as this in the beginning, a guerrilla movement will normally not be able to survive. Compared with the regular forces, which is often the enemy, the guerrillas are often poorly equipped and trained. They will normally not have good, safe bases and will be threatened with being wiped out if, at an early phase, they try to hold, for example, geographical areas or towns, villages against a superior force.

8. Maos theories about "safe bases" can perhaps be regarded as a *myth* in today's situation where modern fighters and helicopters can reach any corner of a country at war. Then the insurgent movements must decide either to be constantly on the move, use only concealed bases (for example in the jungle), or only to operate in such small groups that the enemy rarely knocks out more than a handful of guerrilla soldiers in air or artillery attacks. The modern "safe base" of today is when a guerrilla force can go over the border to another country where the opponent cannot pursue them for political reasons.

Tactical level combat

9. These methods of warfare are often limited to the tactical level which is generally the battalion level and below depending on limited aims, low strength and lack of weapon systems with larger firepower. It is seldom that a combat take place in the frame of a battalion.

The actions are conducted as small skirmishes, less tactical assaults or of attacks towards the weak points of an enemy (in the flank and in the rear). There is an attempt to avoid to attack in the front. Ambush war fighting is a common way to hinder an approach of an enemy through using roadside bombs, mines and explosive charges. A small unit can thus easily stop a larger unit.

Control of local resources

10. In new conflicts the question of control over local resources is often the triggering factor. In some cases these resources may be traded internationally (for example minerals). Whether control ought to be viewed as a goal in itself or merely as a means of providing resources for the contending groups varies but it is often the case that they are a mixture of local power struggles/political antagonism and ethnic and/or religious antagonism. This means that a detailed study of each individual country or area would be necessary to be able to assess the subject matter of the conflicts in question and their causes. It is important to ask why the leaders in question opt to take the paths they do. What, for instance, do they actually talk about in the speeches they give and how are they able to get the support of the populace? On what basis will people more or less voluntarily choose to follow the leader in question? It is very important for anyone, e.g., peacekeeping forces coming from outside to this type of conflict to obtain as quickly as possible an insight into the attitudes, symbols and mythology the actual leaders use.

Evaluation of guerrilla warfare

A short overview of what one could call 'core activities' with regard to 'traditional' guerrilla warfare is provided below:

Development of Popular Support

12. Even if the development of guerrilla forces and the conducting of guerrilla warfare are of central importance to any competent revolutionary leadership, whether this is a success or a fiasco will ultimately be determined through *political* developments. Popular support for the insurgents is crucial for success here, something that means that fighting for this support and *maintaining* it will be a *main objective* during the entire struggle. Without *popular support* it is hardly possible for a guerrilla movement to win. It is particularly problematic organising and maintaining regular forces without solid popular support, something that must be seen as a particular necessity if one is to be able to implement the third phase: the counteroffensive.

Control of farming activities

13. In an insurgent/guerrilla movement its main mission is to 'out-administer' the established authorities. The main aim of this "fight for the rural districts" in developing countries will be to gain control of the farming population, which constitutes the majority of the population and is where the direct influence of the ruling regime in question is normally limited. Often the farmers associate the central power with 'negative' activities such as the conscription of soldiers and tax demands. Such activities may be interpreted as *exploitation*, as the local population feels that it gets very little in return for what it contributes. It will traditionally be the village or clan chieftain and their councils that become *intermediaries* to the central authorities. It is normally considered extremely important with *successful* insurgent movements to break the traditional ties between the farmers and government representatives. It is consequently common to put pressure on intermediaries to 'convert' to the revolutionary cause and they will possibly be the first victims of the gradually increasing political violence. This is when terror is most likely to be used. The *political* arm of the insurgent movement will then either directly control the 'converted' local officials or they will replace/eliminate the 'uncontrollable' local leaders/chieftains with loyal people from the insurgent movement. This systematic elimination of government control over rural districts will also further contribute to isolating the population from having any meaningful contact with the central power. This will create an active and

voluntary mass of support for the insurgency; which offers the farmers an alternative and a promise of a better deal.

14. The revolutionaries main objective is to activate and subsequently maintain what we might call the 'moral isolation' of the central authorities in a country until this isolation becomes total and irreversible. The focus of the revolutionaries will consequently be in relation to 'out-administering' these areas and not primarily *overpowering* them or their enemies militarily. This should not, however, be seen as just a destructive undertaking, as a successful revolutionary movement must be able to build up its own new infrastructure with a view to *replacing* the old system. There are several examples where guerrilla movements have shown themselves not able to implement this social construction. The chances of them then succeeding politically are correspondingly slim.

15. The circumstances that lead to the outbreak of a (revolutionary) war cannot be explained through conspiracy theories. One should instead look for an explanation arising from rapid social change where the actual outbreak of war is often a result of the ruling regime not having been able to meet the new challenges that modernisation thrusts upon it. It is these challenges which thus then separates a modern revolutionary war (a type of longer term insurgency) from a local insurgency. A typical peasant insurgency or an insurgency in a slum area in a large city only has *short-term* objectives while a revolutionary war lead by a very motivated leadership has developed a long-term strategy with the objective of taking over social power and implementing a new political and economic order and thus dealing with this change.

Selective use of terror

16. The killing of local leaders has always been part of the activities that insurgents have engaged in but this terror has not normally been the actual basis for civilian support for guerrilla movements. It may be more correct to see the use of terror as just one of many weapons used by an insurgent movement as part of its work towards safeguarding its political interests and its military progress. Typically, the use of terror in connection with a successful guerrilla movement will be both sociologically and psychologically selective. If not, the use of terror can rebound negatively on support for the insurgent movement among the people.

This type of activity will initially normally be carried out in rural districts where the regime's supporters are often few and sparsely deployed. The use of terror ought *not*, however, to be seen as the actual main reason for the population possibly having a positive view of the revolutionaries cause. Historically it is often the case that if a movement loses control over how the terror is used, this 'weapon' can quickly rebound on the revolutionaries themselves, i.e., perhaps be the most important reason for popular support for the insurgent movement waning or drying up. Examples of the loss of popular support for guerrilla movements could be how things developed in Liberia, Angola, Afghanistan, Lebanon, Cambodia and in some parts of Sierra Leone.

17. Mostly guerrilla movements need and get the support of the population. As noted above, this enables the movement to make use of the local infrastructure, food, water supply, housing etc. The environment may be hostile and this makes the necessary task difficult.

This may also involve using civilians by force to achieve the goals and in order to survive. This enables the army or the community of military and civilians to be able to survive and to make provision for all within the insurgency territory. It is very common in insurgencies that the civil population is used as support for the different parties involved, either the guerrilla movement or the pro-government forces. The support can consist of labour, directly or indirectly as forming, building roads, to organize workshops, maintenance, hospitalization of injured soldiers or housing staff, leaders etc. The most common payment is protection from the attack of the enemy. In some instances, the civilian population are used militarily to build defences, obstacles, shelters, trenches etc. This creates the problem that if the enemy recaptures an area, the population can be punished for their support of the former party. This is very common during a long civil war.

Summary - the main characteristics of a guerrilla movement

18.

a. The military leadership has a large impact of how operations, orders, reports will be carried out. It can be more important that the leader has charisma, has a personality and can speak to the soldiers rather than have military skills.

Some examples of charismatic leaders, who have led insurgency/guerrilla movements, are Ho Chi Minh (Vietnam), Abu Murab al-Zarqawi (al Qaeda group), Pol Pot (Cambodia), Sankoh (Sierra Leone). However, the most effective guerrilla movements have been conducted with a combination of good political and military leadership (ex Ho Chi Minh and general Giap in North Vietnam).

b. The military leadership often use people from their own clan, tribe as staff members, bodyguards, intelligence officers and often choose important sub-leaders from his own community (tribe, clan, town, province) Personal bonds, relationship and even consanguinity has great importance.

The leaders feel more comfortable with sub-leaders, staff members they know.

c. The guerrilla leader often has a strong need for direct control. He uses his own channels to get to know what happens in the front, in the rear, within the staff or by the civilians.

d. The highest level of operations in guerrilla movements are the generally tactical level (of course you have some exceptions) or below. They can carry out operations at brigade and battalion level, but they are seldom well coordinated. They work under a kind of an umbrella of a battalion as more or less company and platoon battles.

e. The military leaders on low level (company and below) are given large freedom to solve the problems, to fulfil their tasks. Freedom of action is an important part of guerrilla warfare. This does not mean that there are no rules or regulations.

The communication system does not generally allow that the commander can command and control or change orders during an operation.

Large areas demand that the commander must rely on his sub-leaders. He cannot control them. He must rely on that his orders will be executed and fulfilled within the operations. He must rely on that his sub-leaders solve the tasks in the mission. This leaves a greater room for misinterpretation between sub-leaders and the commander.

f. Guerrilla warfare has a distinct attack approach. It is seldom that the movement can build up strongholds/points that can be held for more than week or so. The units do not have the equipment to defend themselves for a long time and often the personnel lack the requisite military skills.

g. The guerrilla warfare techniques is built on using small units, which have good mobility, can manage without using roads, can conceal themselves and strike with full power with surprise and then withdraw quickly ("Hit and Run"). When the operations become larger there is a greater need for control of roads for supply and other support. It then becomes important to try to hold roads and in these circumstances seizing and holding junctions becomes important, but demand many people. Soldiers in the rear can take care of this.

i. Guerrilla warfare is often conducted in large areas with a bad infrastructure. The communication systems, which normally rely upon radio sets, are of the utmost importance. This gives rise to numerous problems, not least of which are the issue of how to obtain and maintain support for the systems, e.g., obtaining radio batteries.

j. The commanders often have small staffs and sometimes none at all.

In well-organised guerrilla movements however you have a military staff with a Chief of staff (COS), who coordinates the staff work and gives recommendations to the commander. This happens very seldom in these movements because mostly those involved are not trained in staff work.

In some guerrillas/insurgency movements, you have a staff in a similar way as in a conventional army (a general staff - G- staff). The staff is organized to support the commander to run his military operation. (G1- personnel, G2- intelligence, G3-operations, G4- logistics, G5- planning, or civil affairs, G6- communication, G7- training). The COS is responsible for staff and its work. Outside the G-staff you have generally a political section supporting the commander with political advice. This type of staff does not generally interfere in civil affairs etc. Examples of this type of staff you can find in PLO, North Vietnam/Viet Cong, Chechnya, ANP in South Africa.

Most guerrilla movements contain only a small military staff and the staff section reports directly to the commander. In these circumstances, the military G-staff are often mixed with a "civilian-administrative staff". It is usual thus that within a guerrilla staff there are more civilian administrators because the staff must take care of civilian issues. This can focus the staff on administrative matters as opposed to focusing on supporting the military operation.

It is usual, even in guerrilla staffs, for there to be a Coordinator (chief of staff). This was lacking in the RUF. The consequences of having a small staff or one without a Chief of Staff would include the following:

Bad long term planning

The commander would lack any second opinion from a staff

The coordination would be loose leading to non – integrated operations

The staff section heads (G's) would act independently

k. The commanders usefully have Second in Commands (2IC's). The 2IC's are generally used to take care of the rear area, as the link to the population and the support issues or for special tasks. Sometimes they take care of a second front (at the side of the main operation). The overall commander must concentrate his efforts to fulfil the military operations. However, within a guerrilla movement there is a need to obtain support/supply and to take care of areas that have been conquered and are under the control of the guerrilla/insurgency movement. The 2IC will often be used to take care of these tasks. This is similar to the situation within a regular army and both require a 2IC.

l. Political control

In a guerrilla movement there is a political control, but more directly in the areas, at the front. For example political officers who control that the commanders and soldiers follow the rules and really follow the orders. In other words, they exercise control over the ideology, the code of conduct etc. In a guerrilla movement it is more difficult to replace the political leadership. There are a few well educated persons and it is the same with the military leadership- not many commanders are trained to execute large operations.

m. payment and health

The conventional armies have officers and soldiers, which usually are well paid with extra risk charges and well built assurance system. There often is a system at home, which takes care of the families - a social network. For a conventional soldier everything is free (salary, food, clothes, laundry, transportation). He has leave periods after he has been in the frontline. For a guerrilla soldier or leader it is worse. He must take care of his family, his house. He will be paid, but often not regularly (and not wellpaid). He has often not uniforms or other clothes. The food supply can be a problem. He must rely on the supply of the area/town/village. In a conventional army there is a well built medical treatment system. The demand is in one hour after the soldier has been injured he shall be treated by a surgeon. The guerrilla movements can have a medical treatment system but often lack of doctors or nurses, dressing stations, medicines etc. Here there is a big difference.

Phases of guerrilla warfare (as illustrated through the RUF)

19. As suggested earlier, guerrilla warfare *normally* leads to a protracted and bloody conflict. In “classic” Maoist or Marxist-Leninist theory on the topic it is common to operate with three stages of “the protracted war” where great emphasis is normally placed on explaining why it is important to prolong the war, namely to win. This theory is especially prevalent in Communist (especially Maoist) military theory as well as in places such as Libya.

It is normal thus to divide guerrilla warfare into three phases. The first phase is the defensive phase, the second is the “balance of relative strengths” and the third phase is the “general counter offensive”. The RUF guerrilla movement corresponds roughly to this analysis.

First phase

20. **A defensive phase:** since the enemy (the government forces) is initially stronger than the insurgency movement (e.g. the RUF). The regime has an offensive strategy while the insurgency would be on the defensive. The enemy (read the regime) will have ‘occupied’ a number of towns, communications systems, etc. During this phase, the RUF guerrilla movement very often surrendered so-called safe areas and parts of the rural districts due to counteroffensives from the government forces. If the RUF had tried to retain areas like these, they would have been eventually overpowered. Instead, successful insurgent movements use a *defensive strategy*, while trying all the while to behave offensively as regards military tactical operations. This is seen as the best strategy, as a revolutionary force (like the RUF) would be weak in terms of numbers and inadequately equipped. During this phase, the insurgents are normally poorly trained but their morale may nevertheless be high and they may enjoy the local support of the people.

In the first few years the RUF lacked the capacity to control the whole country even if the RUF made some gains and had successes it is clear that the organisation had limited aims. The intention was clear: tire out the enemy by using simple, but flexible tactics. These constant but minor hostilities typical of an insurgency in its first phase contribute to the weakening of the regime’s prestige as its forces may be both accused of ‘cracking a nut with a sledgehammer’ and at the same time of being incapable of overpowering the insurgents.

Increase in violent confrontation

21. In the beginning of an insurgency movement there may be few major military skirmishes between the guerrilla and the government forces and/or police. The guerrilla/insurgent movement is still too weak for extensive operations. Instead the insurgency movement - if it is well led - will try to avoid the majority of large confrontations with conventional military units.

It is typical of a threatened regime to try to play down the killing of their local representatives or supporters. The police will deal with the killing of government representatives as traditional police matters and a lack of tax revenue. The refusal to pay ground rent will be explained as ‘administrative problems’. Threatened regimes are often unwilling to admit problems and often there is no one either who is in any great rush to introduce the necessary reforms! There may also be a lack of insight into local cultural conditions or a lack of good intelligence; not to speak

of an unwillingness to share or relinquish privileges. This behaviour is obviously unproductive and makes it difficult to plan and implement the countermeasures that are necessary to deal with the insurgency.

Moreover, the inevitable increase in violent incidents will be an argument employed by governmental groups as a means to avoid reforms that would be a threat to their political and/or economic interests. Violence then becomes an excuse to prevent any change 'until the insurgency is suppressed'. Normally, attitudes like these will indirectly contribute in the end to strengthening the insurgents cause. Often the same reactionary forces will exploit the situation in order to eliminate (kill, arrest) non-violent opposition, trade union leaders and other activists. In this way, an increasing number of activists are driven closer to the insurgents and their ideology whilst at the same time any non-violent opposition is weakened.

Second phase

22. **The balance of relative strengths** – The government and guerrilla forces gradually become more militarily equal. The government army is gradually forced on the defensive while the guerrilla's capacity to conduct offensive operations increases. The goal of any insurgency movement is to become strong enough to be able to carry out a general offensive. As the government forces are no longer able to easily tidy up a so-called 'safe area' or recapture a small village if it is lost, the guerrilla no longer needs to always quickly retreat from his base areas, even if these are attacked. Both sides seem to be apparently able to keep each other in check. However, during this phase there are hostilities going on almost all the time. The guerrillas carry out major and minor attacks on the enemy's areas. A series of limited attacks on the government's garrisons and positions will contribute to wearing down the government forces perhaps just as effectively as winning one or more major battles and at much less risk to the guerrillas forces. During this phase, regular military units, local military units for 'self-defence' (militia) and guerrilla units/bigger and more professional units are organised. Overall this creates the groundwork for the last phase which often takes the form of a general counteroffensive. It is traditionally this *second phase* that is the most difficult to organise, and it may be lengthy, something that could easily wear down morale among both the insurgents and the civilian population.

Third phase

23. **General counteroffensive** – In this last and decisive phase, the insurgents themselves go on the offensive. The strategy of the insurgents during this phase of the war is to carry out a counteroffensive, while the regime's strategy is now to become defensive and is often characterised by retreat. This phase will come when the government forces and the populations under their control are weakened and demoralised. Correspondingly, the insurgent forces are now well motivated after what they see as steady progress and can now count, at least to some extent, on the support of the people. The insurgents have now created regular and relatively well-equipped units that together with the guerrilla units will be able to conduct regular strikes to overpower the government army's larger units. (At this stage the RUF seemed to have a guerrilla structure with more and more of a regular army feature).

Even if the material resources are not yet on a par with the government army morale is normally good. The balance of relative strengths obviously varies from conflict to conflict, but a guerrilla

movement can normally keep a government force in check even if the proportion of insurgents versus government soldiers is 1:10. During offensive warfare, the balance of relative strengths should however, be up to 3:1 in the guerrilla's favour. Offensive warfare also requires different types of arms and different tactics than those employed during the first phase of the war. (In a normal war situation, an army would need a superiority of 3-5 one to beat an enemy depending on how the defence is organised. These figures are important when a commander plans an attack. However, these figures may mean nothing when other factors such as will, discipline, the support of the population and political support are taken into account. At the end of a conflict, these factors are crucial to a successful operation. These factors were crucial to the RUF movement that was relatively effective and politically conscious.

II Do the differences (if any) affect (i) the chain of command (ii) the transmission of orders or instructions through the chain of command (iii) the reporting structures and the way in which subordinates report (iv) the role or significance of non military factors such as individuals, personalities or personal loyalties.

The chain of command

In regular armies the chain of command is hierarchical. You do not bypass different sublevels of command. A brigade commander gives orders to battalion commanders; a battalion commander gives order to company commanders and so on. In a normal Western – like army organisation there is a tendency to reduce the number of levels. It is common to work with battle groups or composite units to solve specific tasks. A battle group is composed of units (battalions, companies, platoons) which can solve specific tasks. For example, when a commander plans to attack the enemy in a town then his superior commander will organise a battle group for this task (e.g. two rifle battalions, one reccee platoon, one artillery company, two mortar platoons, one Logistics Company etc). A battle group commander will take care of this task. A modern communication system will allow the commander to take this command from a high level directly to the small units. When this occurs this type of structure and operation will always strictly regulated in standing operating procedures (SOPs) or in operational orders specific to this special operation or specific task.

In guerrilla movements, the commander tries to utilise this same structure. However, in these types of organisations the commander will have many or other chains of command with some kind of controlling system. Sometimes this controlling system will be political (especially in communist led guerrilla movements). The controller can correct or interfere in a lower commanders business. A guerrilla commander can also use a special intelligence system that may provide information and is apart from the regular command system. However, they cannot rely on the regular communication system. They will have to use many sources to get information in order to try to obtain a clear picture. They do not posses developed technical intelligence systems unlike those in a regular army where a commander can rely upon sophisticated means to obtain information (e.g. the use of UAV unmanned aero vehicles, reccee- fighters, technical monitor etc).

(ii) The transmission of orders or instructions through the chain of command

In a regular army the transmission of orders go through the different levels in a very short time and are advanced coded. In a couple of minutes, the commander can give orders, get reports, change the orders or give new instructions. Within an hour or less, the commander can obtain support from artillery, mortars, air fighters, armour units etc. This is important since it means within a short time a surprise attack can be launched which enables firepower – as opposed to manpower – to be used. This changes the centre of gravity of an attack and enables “rolling up the enemy” to occur, namely building on a success to take the next step. It is the striving for initiative all the time.

In guerrilla/insurgency movement, the transmission of orders takes a relatively long time. The commander will plan an operation or an approach and will typically give orders to the sub-commander orally. The sub-commanders get a large freedom how to solve the tasks and the commander has difficulties during an operation to correct the plan, change orders, and give new instructions.

In some guerrilla movements, the communication system is well built with a radio network system covering mostly of the whole area involved. Together with the ammunition supply the communication system belong to the most important factor for the guerrilla. Sometimes in modern guerrilla movements a mobilenetsystem can be used (Afghanistan, Hamas, PLO). In some guerrilla movements, they have built up special linkage systems to facilitate radio and mobile communication systems. For the guerrilla this is so important that these linkages stations are defended by small units. (Ex Afghanistan). However, often the guerrilla movements are using simple radio nets with rather simple coded systems. Often due to long distances commanders must send messages via another commander to the commander he will reach. This can lead to misunderstandings.

(iii)

In a regular army the commanders report to the superior level

- a) When you have achieved your aims
- b) When something unusual happens
- c) Daily reports which contain:

- 1) The enemy situation
- 2) The units situation
- 3) The support situation
- 4) Logistics
- 5) Civil matters

In the different branches, daily reports are issued in detail about the situation for example, ammunition, food supply, fuel, personnel strength, maintenance and so on. There also special communication links for the different services (supply units).

The G-staff (G1-G7) take care of the reports and give orders to different support or supply units to support the front live units.

Guerrilla movements also have a reporting system. It does not differ so much from a conventional army system. The bureaucracy is simpler. The flow of information does not come daily. That means that the system is the same but works much less effectively.

The commander generally will get information about

- the units have achieved their aims
- the support of the population
- how many of the enemies have been killed
- own losses and injured
- the ammunition situation

(IV) The role or significance of non-military factors such as individuals, personalities or personal loyalties.

Of course, there are bonds of significance in the personnel structure in a conventional army. The commander often has a say about which 2IC, COS and important sub-leaders he wants to have in his unit. However, in most cases he takes over a unit (brigade, battalion) with officers already in place. He will have good and less good sub-leaders. The leadership has a large impact of how a unit works. (Aggressive or cautious, attacking or defensive, take risks or not, using the staff or not).

However the commander and the staff are trained and exercised in a common way – there are standards, everything is systemized. It does not take long time as a new commander to jump in and directly find his role.

The commander generally knows his sub-leaders/unit commanders. He gives the difficult tasks to the most skilful and experienced leaders.

He backs up junior leaders in order to support them during an operation.

This is the same in a guerrilla movement. However, the bonds as you have to the clan, the tribe, the town, the province have an impact on which sub-leader you choose. And sometimes the commander must make sure of that he can rely on in order to be sure that the task will be solved. Sometimes the commander can use leaders which are better to take care of an area, organize the civilian population, the support, can speak to the people than command a military unit.

The charisma of a leader has probably a greater importance of guerrilla movement than in a conventional army.

There is a risk if there are strong bonds between leaders that the loyalty controls your reports. You do not report the truth. You report what you know will be good for the superior leader.

In a conventional movement, there is political control of the military leadership and the operations. The military leaders must daily report to the government authorities about the situation and the planning. If the military commanders does not execute in the way the political leadership wants then they can be replaced.

COMMAND AND CONTROL ISSUES

2. Mission tactics

The command and control method of a modern army is mission tactics. In mission tactics, the commander states a task and allocated resources and rules of action, but as far as possible leaves execution to his subordinates. Co-ordination is ensured by the will of the commander and the purpose and significance of the mission being clearly conveyed. Mission tactics presupposes a philosophy of command and control that features initiative, independent decision-taking, individual taking of responsibility and mutual trust between commander and personnel. Mission tactics in addition require a high level of training and good discipline. Each commander has to encourage and give scope for the action of commanders below him and other subordinates. In many guerrilla movements and also in the RUF use the method of mission tactics. In order to be able to operate in many areas all over the theatre of war. In some cases the RUF succeeded to execute with this mission tactics.

- many initiatives
- independent decisions- taking
- individual taking of responsibility (Sesay in Makeni)
- But in many cases you can see the opposite.
- no trust between the commanders
- a controlling organisation (IDU, IO, vanguards, etc)
- independent decision-making, these commanders acted with their own agenda (Suprema)

“To take the initiative” (Manoeuvre Warfare)

The environment of war demands flexibility at all levels in the command and control of military units. (Manoeuvre warfare). Military units are forced to act in complex dynamic situations often under great uncertainty and pressure of time. An ability to act under chaotic conditions increases the prospects of attaining command and control superiority. Waiting for a definite basis for decision-making in such situations may lead to the initiative being lost. Decentralised command therefore promotes the best warfare.

Manoeuvre warfare fosters a high tempo. This necessitates commanders at all levels being able to exploit opportunities and critical vulnerabilities which have arisen. To take the initiative in all situations. It is also necessary to be able to solve unforeseen problems and ensure that activity continues despite friction of a shortage of information and orders arising occasionally. The decentralised right to take decisions additionally means that the resources and other competencies of the organisation can be utilised more effectively.

The requirement of flexibility is sometimes opposed by the requirement to co-ordinate operations. Detailed control may need to be applied within the framework of mission tactics. The requirement of co-ordination is ensured, however, firstly through a fundamentally common assessment of the situation and the purpose of the mission being conveyed. Co-ordination takes place secondly through rules of action of other detailed control. It is better to take initiatives than have a good plan and execute operations too late.

The number of situations in which detailed control from higher levels improves co-ordination is, however, small and these situations have to be weighed up against the superior flexibility, which follows from consistent application of mission tactics. This flexibility can never be created

selectively and on command. You rely on your sub-leaders. You need not to control them. You encourage their initiatives.

The ability of the adversary to take decisions which reach the combat forces in time can be reduced by engaging communications and information system. Mastering command and control warfare is thus an important component of manoeuvre warfare, to both reduce the command and control capability of the adversary and to protect one's own command and control capability, including confidence in one's own command and control system. This in turn necessitates having a robust and flexible command and control system. You must also have an ability to control the enemies command system. (Decoding, disturbing and jamming).

Because of the dynamics in all combat, contradictions are part and parcel of the logic of strategy: doing the unexpected may be the safest way to success. A fundamental requirement to be met is that we generate both the tempo required and creative solutions to strategic, operational or tactical problems. Constant initiatives everywhere and unexpected actions from one's own side are not just the most effective way of attaining an effect against the adversary but are also effective protection against the measures taken by the adversary, in that the adversary finds it more difficult to predict our dispositions and actions. Manoeuvre warfare presupposes a method of command and control which promotes this action.

An important characteristic of mission tactics is that the tasks are not solved in the same way every day, as it is up to every recipient to find the route to the goal. This supports our endeavour for creative and unexpected elements in warfare. Mission tactics mean that commanders at all levels have to accept some dynamics in the procedure while it is being carried out. Those who carry out a task at the same time have responsibility to solve problems quickly and according to their own capabilities, for example when they encounter situations which the person giving the order has not been able to predict.

Consistently applied mission tactics are decisive in being able to exploit manoeuvre warfare to the full and meet the requirement for both co-ordination and flexibility in warfare.

Levels of warfare (Appendix A)

./A

III

With reference to the above and with reference to the available evidence how would you define/describe the RUF as a military organization between year 1996 to 2000?

The plan and strategic aims?

1. Some all-embracing plan (strategic/operation) of execution of RUF's operations in Sierra Leone has not been found in the source material.

This does not exclude the fact that such a plan existed. It could be a written plan or just a plan discussed among the leaders or just in the head of paramount military leader. There are however,

indications that the RUF did not have a military strategy (detailing operation and tactical aims) as per a conventional model.

It is clear that the capital Freetown was a goal and this is indirectly clear in the manifesto of RUF "Footpaths to Democracy – Towards a New Sierra Leone":

"It is our collective sense of purpose the ideals and ideas we believe in and discipline that have brought us so close to Freetown".

Freetown can in this case together with the minefields of the country, be regarded as, and characterized as a strategic strongpoint (a crucial strategic point for the whole revolution). To control the rural provinces were not enough for the aims of the RUF. The size of the RUF operations and their strategic aims correspond more to conventional operational plans of war and execution of wars than within the types of conflicts fought by warlords and bandit gangs with limited military resources.

3. The period from 1996 to 2000, the RUF had different roles and missions.

Mainly the RUF is a guerrilla movement.

In this period, the RUF is mainly a guerrilla movement with a mixture of guerrilla warfare units, some regular/conventional army structure, territorial area control units, security/police tasks, civilian/military cooperation and some staff structure. The flexibility which was demonstrated was large depending on the different situations, progresses, defeats, the leadership, the political structure etc. In this period the RUF had different units depending upon where and how the missions were being conducted. For example in the front the RUF was organised like a guerrilla movement whereas in the rear it was organised more like a territorial defence with military, police and civilian/humanitarian tasks and also working with NGO's.

4. Classification of phases

4.1 Year 1996

This period is characterized by the jungle warfare.

- There is a military organisation with a battlefield commander (BFC), a battle group commander (BGC) and 4-5 area commanders.
(It is unclear now, how the role played between BGC and the area commander in Kailahun area had been worked out)
- Guerrilla movements units within the western, Northern Pujehun/Kenema, Bo Highway, Penama jungle areas.
- Base, HQ's Zogoda
- The role as BGC was unclear. It seems that the BGC here is more of a kind of deputy to BFC with unclear tasks.

4.2 End of 1996 (Oct 1996, Zogoda falls)

This period is still characterized by jungle war, retreats of the RUF and delaying operations from the RUF

There is a military organisation with continuity of command within the area commands. The leadership is unclear after M. Tarawallie was killed. S. Bockarie seems to more and more take over or utilize the disorder in the RUF.

- Guerrilla organisation and tactics within the areas.
- The RUF had still the jungle bases and a certain control of the jungle areas.
- Kailahun is the rear/base area. The solid base of the RUF. Kailahun can be considered to have a territorial army structure with close military/civilian cooperation.

4.3 December 1996 – May 1997

This period is characterized by an unclear military organisation. S Bockarie takes the lead of the RUF military organisation (BFC). The role of battle group commander (BGC) seem still unclear. The BFC (Bockarie) gave orders directly to the area commanders. It would appear that the BGC was more of an assistant to the BFC. He was not able to command any of the area commanders. On the other hand a lot of subleaders regarded BGC as the deputy to BFC. But on the other hand a lot of subleaders regarded BGC as the deputy to BFC(D Lansana)

- The areas are still the bases for the guerrilla operations.
- Kailahun can more or less be regarded as a territorial area (a base area) with distinct roles between the military and the civilians. This is significant.
- It is the first time rank and assignment did not correspond, which caused major schisms in the RUF

4.4 May 1997 – 13 February 1998

This period is characterized by “cooperation between AFRC and RUF” or “the AFRC government”.

- Militarily this period can be characterized as a national protected military structure, neither a regular army structure nor a guerrilla movement. “The units” appeared like “police forces” with a lot of freedom to act.
- The coordination and cooperation between AFRC and RUF was militarily not the best. They did not accept the ranking system of each other. In spite of they were organised to work together, the command structure was in disorder.
The AFRC and the RUF were badly organized. The AFRC had political and military leadership in Freetown, where the RUF had weak positions and influence. The RUF’s military leader was in Kenema (Bockarie). He ought to be in Freetown to stand up for the RUF. Now it became a “doublecommand”, due to that Bockarie still had a grip and influence over the RUF.
- The “warlords” in the jungle still had large power and were not willing to loose their power positions.
- Unclear command structure.

- Within the RUF an organisation of brigades was developed. In this organisation there was a separation of power between RUF and AFRC. A battalion commander from the RUF had a deputy from AFRC and vice versa. The brigades had more of an administrative function than a combat role.

4.5 The retreat from Freetown

This period is characteristic of a non-military organized structure. The RUF had no plan for defence and had no plan for the retreat. It was an easy task for ECOMOC to throw out the RUF from Freetown. Almost all reports of witnesses state that it was a mess. The RUF/AFRC were surprised and it was unclear who was the military leader. Many RUF leaders would appear to have been more interested in taking care of their families than organising any military retreat. However, some military leaders (Superman) took separate initiatives to organize the units and some attacks on the ECOMOG units.

4.6 Mid March 1998 – December 1998

This period is characterized militarily as a mixture of a territorial Army structure (KAILAHUN) and a kind of guerrilla organisation (KONO).

- Sam Bocharie has the military lead
- Still unclear structure of command, who commands who?
- Unclear between the leaders of AFRC and the RUF. A lot of animosities between different parties.
- A very loose military organisation

The balance between the RUF and the government forces weigh more to the advantage of the RUF militarily in the rural areas, in spite of problems between the leaders within the organisations.

4.7 December 1998- December 1999

This period seems to be a more of a regular army structure in the RUF

- Bockarie tried to reorganize the RUF: He made Brigadier General promotions.
- **A split between the political and military leadership occur.**
- The attack on Freetown in January 1999 is a well-organized military assault with signs of a regular army (clear aims, selected aims – personnel and buildings). “A planned operation and organized” (United Nations, Secretary Council, Fifth report of the Secretary General on the United Nations Observer Mission in Sierra Leone, p 6.) This is a SLA attack, supported personally by Bockarie. However, the RUF do not appear to have participated in planning and executing this attack. This is the last and decisive phase for the RUF. The structure seems to be more regular army like (brigades, battalions, companies, etc).

In some areas Kailahun, Kono, Makeni the population appeared to support the RUF. The RUF had a relatively firm grip over these areas. The RUF worked with the civilian authorities in order to help the population. The atrocities from within the RUF/AFRC did however make it more difficult to find practical solutions. At the end of this period the military balance had shifted more and more to the advantage of the RUF. The RUF had many units all over SL and cooperated broadly with the civil population (districts...).

4.8 December 1999 – May 2000

The UN intervention, the end of ECOMOG and the start of the demobilization of the RUF characterize this period. Sam Bockarie withdrew to Liberia. The RUF had a loose military organisation, where some commander did not obey orders and instructions. The command structure seemed to be clear. On the other hand it appears that Sankoh undermined much for Sesay. Orders and counter orders happened frequently. There was no clear staff organisation. It was left to personal initiatives within the areas to facilitate cooperation with the UN, civil order and disarmament (Sesay).

IV

From a military perspective what were the most important objective factors, ascertainable facts or historical practices which might have impacted upon the RUF's organizational structure and ability to conduct military operations (with focus on the chain of command or reporting structures) during 1996-2000?

RUF Organisation

1. The RUF was set up from the beginning with a hierarchical structure on traditional military lines. The hierarchy developed over time, as the size of the organisation and the area controlled varied, but it was based on variations of areas of combats and battalions, organised into war fronts. The unit structure seems to have been loose, with manpower switching relatively easily to where it is most needed. It also appears that individual leaders and fighters had more loyalty to individual commanders, and would identify themselves by being part of that commander's group, rather than being a member of a particular company, battalion or area.
2. Commanders were assigned ranks according to their commands or position in the organisation. After the ECOMOG intervention of February 1998, AFRC elements were absorbed into the RUF structure, and AFRC officers appointed to positions of responsibility. Some AFRC officers appear to have been received RUF promotions. However, the RUF/AFRC was based on the RUF structures and adopted RUF methods: in many respects; this RUF/AFRC

was similar to the pre-junta RUF. In the beginning, there appears to have been a cordial atmosphere between the two parties but there was also a large degree of animosity between the RUF and AFRC officers and men especially at the top level. This of course excludes those AFRC forces and commanders who went to the Northern Jungle, and later became the AFRC Musa/Gullit fraction.

3. The RUF also adopted a rudimentary staff system. Each group of any size had its G2 (intelligence), G4 (logistics), and G5 (control of civilians) officers. They supported the commander in the execution of their duties, although not in a systematic way as would be expected in a western army. In the HQ there was a G1-G5 staff system, but they were not coordinated by a chief of staff (COS). They reported directly to the commander as subunits.

The RUF had a staff structure based on staff with "G" –branches, G1 responsible for personnel, training, recruiting. G2 for intelligence (IDU). G3 for operations. G4 for logistics and G5 for civil-military matters. The different branches worked separately as "small units" and were not coordinated by a chief of staff (COS). Sometimes one branch chief was able to act freely without any decision from the commander. Through these there was extremely difficult for the commander to get an overview and to form the best foundation for decisions.

4. RUF decision – making system

(i). In Western armies and, the Russian army system and in well-organized insurgency/guerrilla movements the decision – making system is well structured. The staff is involved and gives recommendation to the commander. The process is regulated in the SOP (The standard Operating Procedures).

(ii). In the RUF this did not work with the G-staff. There were no formal methods on how to make decisions. The well experienced commanders (after 1996 a lot of them had experienced) often acted without discussing with the staff. With execution of larger operations, some commanders had meeting with loyal staff officers, subordinated leaders discussing the situation and the planning.

In "the decision-making process there were hardly a long-term planning or decision what will happen next? Next step? Which alternatives do we have? And so on...

(iii) Control system

In all military command system you must have an effective control system.

Control has three elements: **direction**, oversight and coordination. RUF commanders generally gave strong direction: usually this was by giving orders face to face, although it could be by radio. Orders tended to be simple and clear; there is little evidence of subordinate commanders being confused over what is expected of them. **Oversight** was more difficult for the RUF, given the dispersion of guerrilla groups, it was timely business when all movement was on foot. The principal means of enforcing control was through the application of the disciplinary system at a junior level; and through control of ammunition supply at a more senior level: errant subordinates commanders were starved of ammunition by the RUF leadership.

(iv). This meant it was not easy for the highest commanders to control the operations.

26171