

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

THURSDAY, 13 OCTOBER 2005
9.25 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Teresa Doherty, Presiding Julia Sebutinde Richard Lussick
For Chambers:	Mr Simon Meisenberg
For the Registry:	Mr Geoff Walker Ms Susan Gunstone
For the Prosecution:	Ms Wambui Ngunya Ms Melissa Pack Ms Maja Dimitrova (Case Manager) Ms Suzanne Mattler (intern)
For the Principal Defender:	Mr Ibrahim Foday Mansaray
For the accused Alex Tamba Brima:	Mr Kojo Graham
For the accused Brima Bazzy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanuu:	Mr Geert-Jan Alexander Knoops Mr Ajibola E Manly-Spain

1 [AFRC13OCT05A - SV]
2 Thursday, 13 October 2005
3 [Open session]
4 [The accused present]
09:11:56 5 [Upon commencing at 9.25 a.m.]
6 PRESIDING JUDGE: I apologise for the late start. We were
7 conferring on matters that were submitted on yesterday and I now
8 have a ruling on that matter.
9 [Ruling]
09:37:52 10 The Defence objected to a question which was: "And what
11 about in the AFRC, if you know?" This followed from a previous
12 question and answer asking: "What is their function in relation
13 to a chief of staff in a traditional army?" The witness
14 volunteered an answer. The Defence object to the question. We
09:38:26 15 have considered the objections and the arguments. We consider
16 that the Defence is not prejudiced by this question. It does not
17 call for an opinion or conclusion from the witness. The Defence
18 have a right to question the witness in cross-examination. We
19 consider this is relevant and admissible as it does not call for
09:38:56 20 an opinion or a conclusion on the ultimate issue. However, we
21 will not permit the witness to express opinions or conclusions
22 relating to the ultimate issue and we remind the Prosecutor that
23 she must conform to the ruling of this Court when formulating her
24 examination-in-chief.
09:39:24 25 Proceed.
26 WITNESS: RICHARD MORTIMER IRON [Continued]
27 EXAMINED BY MS NGUNYA: [Continued]
28 MS NGUNYA: Much obliged Your Honours. Good morning, Your
29 Honours. Good morning, Colonel Iron.

1 THE WITNESS: Good morning.

2 PRESIDING JUDGE: Before you proceed, Ms Ngunya, I will
3 remind the witness of his oath. Colonel Iron, you took the oath
4 to tell the truth and I would remind you that the oath is still
09:39:49 5 binding on you and you must answer questions truthfully.

6 THE WITNESS: Yes, Your Honour.

7 MS NGUNYA:

8 Q. Colonel, I will continue from where I stopped yesterday.
9 My last question was: What does a chief of staff do within the
09:40:03 10 AFRC, if you know?

11 A. From the information I received from my sources, a chief of
12 staff within the AFRC would conduct almost precisely the role of
13 a chief of staff within a traditional military organisation which
14 I explained to you yesterday.

09:40:23 15 Q. Thank you, colonel. I will backtrack a little bit and
16 refer to your answer yesterday to the question of what a chief of
17 staff does in the traditional army where you answered --

18 MS NGUNYA: And for Your Honours, I will refer you to page
19 59 of the transcript --

09:40:39 20 Q. You answered: The chief of a staff in a traditional army
21 is literally the chief of the staff officers who support the
22 commander. Is that correct?

23 A. That's correct.

24 Q. What I would like to know from you is: Does the staff
09:40:55 25 officers who support the commander have a collective name, if you
26 know?

27 A. Within the AFRC it was known as the brigade administration.
28 Within a traditional army it's simply known as the staff as part
29 of the headquarters.

1 Q. Thank you. Would you mind going through the list of staff
2 within the -- vis-a-vis the conventional army?

3 A. Okay. I shall try.

4 Q. Thank you.

09:41:24 5 A. The names of some of -- the names of the appointments of
6 some of the staff positions varied over time but essentially we
7 see some appointments such as the brigade administrator
8 correlating directly to the G1 in a normal army. The operations
9 commander correlating directly to the G3. We also have a
09:42:01 10 provost-marshal in the military police which you would also get
11 in a traditional army supporting the G1 function and we also see
12 some appointments such as task force commander and battlefield
13 inspector who are unique to the AFRC and I have not seen those in
14 other traditional military organisations.

09:42:26 15 Q. Colonel Iron, if you would kindly explain the duties of the
16 three positions you've just mentioned. You just listed them. If
17 you could go into their duties?

18 A. The brigade administrator first?

19 Q. Yes, please.

09:42:43 20 A. As essentially the G1 function he was responsible for
21 personnel issues.

22 JUDGE SEBUTINDE: Ms Ngunya, I'm not sure which army we are
23 talking about.

24 MS NGUNYA: We're talking about the conventional --

09:42:57 25 JUDGE SEBUTINDE: Do make those distinctions when you're
26 examining, because we never know which way you're turning.

27 MS NGUNYA: I will do that. I apologise, Your Honour.

28 Q. Vis-a-vis the conventional army, could you kindly just go
29 through the functions of the officers you've just mentioned?

1 A. In a conventional army the brigade administrator would be
2 known as the S03 G1, the G1 officer, who would be responsible for
3 personnel and welfare issues. He would maintain the nominal role
4 of the brigade, for example, understanding who is in the brigade
09:43:32 5 and in what positions. He would also administer on behalf of the
6 commander such things as promotions and appointments and pay.

7 Q. And the next one down. You had mentioned some positions.

8 A. Okay. I'm not sure, did I mention the military police
9 next.

09:43:50 10 Q. Operations commander?

11 A. The operations commander, I beg your pardon. In a
12 traditional military organisation this would be the G3 staff
13 function and he would be responsible for normally writing the
14 detailed plans but certainly helping to develop the plans using
09:44:13 15 the commander's intent. The commander would tell him what he
16 wants to happen and the S03 -- sorry, the G3 essentially develops
17 the plan and prepares the orders. Subsequently during the
18 execution of the plan he will help to coordinate the activity of
19 the various units within, for example, a brigade if that's the
09:44:38 20 organisation we're looking at.

21 Q. You also mentioned, I believe, it was provost-marshal?

22 A. Yes, this is another role which essentially every large
23 military organisation has and he would be a professional military
24 policeman whose role is to support the commander in maintaining
09:44:58 25 the discipline of the force, in particular in terms of
26 investigating and -- deterring and then investigating crime
27 within the force and subsequently managing the punishment -- any
28 punishment awarded to malefactors.

29 Q. Thank you, Colonel Iron. At this point I'll ask you are

1 you able or are you in a position to draw a comparison between
2 the brigade -- vis-a-vis the conventional army and the AFRC?

3 A. Yes, they provided very similar functions, I think, and
4 very closely map across to a regular staff, for example, in a
09:45:48 5 brigade. There are one or two differences as I mentioned
6 earlier, positions that don't exist in a brigade.

7 Q. Colonel, if you would just hold on for a minute.

8 MS NGUNYA: With Your Honour's permission, I would like to
9 refer the Colonel to page 14444. I'm letting Your Honours know
09:46:08 10 that I'm not trying to admit this document and I'm not going to
11 refer to any names. We are just referring to the list of
12 officers mentioned.

13 PRESIDING JUDGE: 144?

14 MS NGUNYA: 14444.

09:46:31 15 MR KNOOPS: Your Honours, if the Prosecution could please
16 specify the document. I'm not sure what the Prosecutor is
17 meaning with -- it's a document from the report of the Colonel?

18 MS NGUNYA: It's the report of the Colonel at page -- okay,
19 the document is D3, the page is D3, the registry number is 14444.

09:47:05 20 PRESIDING JUDGE: Yes, we have that before us.

21 MR KNOOPS: Your Honour, in that regard I object if the
22 intention of the Prosecution is to also, without mentioning
23 names, go into the diagram on page D3. First of all, I believe
24 that this will allow the witness to give any opinions and
09:47:32 25 conclusions on specifically the members of the AFRC and it's, I
26 think, quite easy to fill in the names once the witness has given
27 an answer to this question, if possible to do so. I also believe
28 that in your first ruling, Your Honours, it was decided that the
29 witness is not allowed to go into the chain of command within the

1 AFRC because that indirectly and perhaps even directly will
2 affect the ultimate issue. So I have a fundamental problem with
3 confronting the witness with this diagram on page D3 and asking
4 the witness to implement his general observations on an ordinary
09:48:29 5 structure within the army on the alleged structure of the AFRC
6 faction which is depicted on page D3.

7 PRESIDING JUDGE: Thank you, Mr Knoops.

8 JUDGE LUSSICK: Again, we still don't know what the
9 question is going to be, Mr Knoops. It's almost impossible to
09:48:55 10 rule on something that hasn't been asked.

11 MR KNOOPS: In that regard, I will reserve my objection to
12 the first question. Thank you.

13 MS NGUNYA: Your Honours, actually I was going to refer to
14 D2.6 onwards.

09:49:29 15 Q. Colonel Iron, my question is: How do those -- the list of
16 staff officers correlate with the -- vis-a-vis the regular army?
17 If you could go through them one by one.

18 A. Certainly. The chief of staff I think I've already
19 mentioned. He maps very easily across to a regular army chief of
09:49:56 20 staff. Indeed I used to be one and fulfilled many of the same
21 roles. The operations commander maps across to the G3 staff
22 branch. Perhaps in the AFRC he actually does more in terms of
23 command than I would expect in a regular army. In a regular army
24 he coordinates, but here in the AFRC --

09:50:23 25 JUDGE SEBUTINDE: I'm sorry to interrupt the witness, but
26 Ms Ngunya, it would help if when the witness is giving answers,
27 the Court is not left in doubt as to which position he found in
28 the AFRC to correlate to what position in the regular army. The
29 way I'm hearing this testimony come across, there is a

1 presumption that we all understand these relationships and we
2 don't. So if you could take one at a time and say this position
3 in the AFRC correlated to that position in a regular army and
4 then to give the functions that were found in the case of the
09:51:01 5 AFRC one by one, it would help us further.

6 MS NGUNYA: I will do that, Your Honour. My apologies.

7 Q. Colonel Iron, let's start with number B again. You've
8 already said that chief of staff was the same in both?

9 A. Yes.

09:51:19 10 Q. Operations commander AFRC correlated to what position in
11 the regular army?

12 A. The G3 staff branch.

13 Q. And what were the functions?

14 A. To, as I mentioned earlier, to plan -- in a regular army to
09:51:35 15 plan and coordinate operations.

16 Q. And how about in the AFRC brigade adjutant?

17 A. I'm sorry, you don't want me to describe the AFRC roles or
18 the role of the operational commander in the AFRC --

19 PRESIDING JUDGE: Please answer the question as asked.

09:51:54 20 THE WITNESS: Okay.

21 MR KNOOPS: Your Honour, in that regard I think my
22 objection is valid. I have a fundamental objection to -- the
23 questions which are put to this witness every time correlate to
24 direct responsibilities within the AFRC faction and as such the
09:52:15 25 witness is giving an opinion. We don't have any foundation for
26 this opinion yet. I think the witness by --

27 JUDGE SEBUTINDE: Mr Knoops, an opinion as to what?

28 MR KNOOPS: As to the responsibilities within the AFRC.

29 JUDGE SEBUTINDE: Surely that's not an opinion. It's fact,

1 fact based on certain findings which you are free to test. He's
2 not making conclusions as to who held that post or whether it was
3 effectively held. That would be an opinion. But surely for
4 someone to state that these are the functions I've found
09:52:51 5 pertaining to this office, that is a statement of fact. It's not
6 an opinion. There must be a distinction drawn between opinions
7 that emanate as a result of analysis and therefore conclusions
8 and a mere statement of fact which you, as the Defence, are
9 liable to test in cross-examination.

09:53:18 10 MR KNOOPS: Much obliged, Your Honour.

11 JUDGE LUSSICK: I think you are also objecting, Mr Knoops,
12 to the statement of fact based on facts that have not been
13 substantiated yet. In other words, do I take it that you are
14 objecting also on the basis of lack of foundation?

09:53:38 15 MR KNOOPS: Indeed, Your Honour.

16 PRESIDING JUDGE: I agree, there is a lack of foundation.

17 MS PACK: Your Honour, the witness is giving expert opinion
18 evidence on facts either in evidence, testimony, or facts that
19 were stated to him in conversations. He is permitted to do that.
09:53:53 20 Insofar as the facts are challenged by the Defence, then they may
21 do so in either cross-examination or when they call their own
22 evidence --

23 PRESIDING JUDGE: Ms Pack, there has been a ruling. There
24 is lack of foundation.

09:54:05 25 MS PACK: Your Honour, the witness has given evidence as to
26 his sources and therefore the foundation for facts.

27 JUDGE SEBUTINDE: Ms Pack, you just don't seem to get it.
28 The Court has made a certain ruling. Whether you like it or not,
29 that is the ruling and we would prefer the Prosecutor to continue

1 in conformity with that ruling. We don't require explanations
2 after the ruling.

3 MS NGUNYA: Your Honours, I will proceed. I will not,
4 however, mention what the function was in the AFRC.

09:54:39 5 Q. Colonel Iron, my other question was within the AFRC there's
6 a brigade adjutant. Is that correct?

7 A. That's correct.

8 Q. Was there a correlation vis-a-vis the regular army?

9 A. In some cases, yes.

09:55:04 10 PRESIDING JUDGE: Ms Ngunya. Please pause. We've already
11 said there was a lack of foundation.

12 MS NGUNYA: Perhaps I misunderstood.

13 PRESIDING JUDGE: You are going on now to ask exactly the
14 same questions that we have said lacked -- we do not know what
09:55:19 15 the foundation is for the evidence that you are adducing. Please
16 lay your foundation.

17 JUDGE SEBUTINDE: In other words, Ms Ngunya, we have not
18 had any evidence on record as to whether in fact there was a
19 brigade adjutant in the AFRC. You are taking us on this ride.
09:55:42 20 We haven't yet -- you are the one suggesting it to the witness
21 and it shouldn't be that way. You should ask whether there was a
22 brigade adjutant.

23 MS NGUNYA: I'm sorry, Your Honour. I thought I had laid
24 that foundation.

09:55:55 25 JUDGE SEBUTINDE: Or better still, you should let the
26 witness draw the correlation from the traditional army, which he
27 has already told us about, and see if there are similar
28 positions, and nomenclature should come from the witness and not
29 as suggestions from you.

1 MS NGUNYA: My apologies, Your Honour.

2 Q. Witness, from the regular army can you draw correlations
3 between the officers, the positions you mentioned in the regular
4 army to the AFRC? Again you can refer to --

09:56:27 5 A. In many cases I can. In some cases the answer is no.

6 Q. If we could start one by one, first stating what's in the
7 regular army?

8 A. If you recall in my testimony yesterday I described how a
9 traditional staff was formed in staff branches, G1 to 5 under a
09:56:55 10 chief of staff. The staff structure in the AFRC --

11 Q. Let's start with the comparison. Regular army first
12 vis-a-vis AFRC, just so it's clear for the Court.

13 A. Okay. In general terms the staff structure maps across
14 quite well. There's a chief of staff and various individuals who
09:57:20 15 have responsibilities similar to the G1 to 5 structures.

16 Q. If you could now name them one by one.

17 PRESIDING JUDGE: And could you also explain the term "maps
18 across".

19 THE WITNESS: Certainly, Your Honour, I'll try. That you
09:57:36 20 can correlate from one to another. It's military jargon, I beg
21 your pardon.

22 MS NGUNYA:

23 Q. Okay. So we can begin with the first one going down the
24 staff positions. If you could perhaps rank them in order?

09:57:55 25 A. Okay. The chief of staff we have already covered. The G1
26 in a traditional headquarter such as a brigade in a regular army
27 would be responsible for personnel issues, welfare, pay, et
28 cetera. That has an equivalent in the AFRC structure of the
29 brigade administrator who was responsible for personnel issues,

1 who maintained the nominal roll of personnel within the force.
2 He assigned them to battalions and registered their promotions.
3 So he was responsible for maintaining the personnel issues within
4 the headquarters.

09:58:47 5 In a traditional headquarters the next branch would be the
6 G2, which, if you recall, deals with intelligence. I found no
7 equivalent position within the brigade administration of the
8 AFRC. Within a traditional headquarters the next staff branch
9 would be the G3, who planned and ran operations on behalf of the
09:59:15 10 commander. The equivalent in the AFRC was known as the
11 operations commander.

12 MR KNOOPS: Your Honour, I'm very sorry to interrupt the
13 examination-in-chief in this instance, but is it quite correct
14 that the colonel is reading from his report? I've noticed for a
09:59:42 15 few minutes that the colonel has the full report in front of him
16 and he is, in my view, just summarising what he is seeing in his
17 report. We didn't have any objection that the learned counsel
18 for the Prosecution was referring to D2.6 of the report, but I
19 don't think it's the purpose of the examination-in-chief that the
10:00:09 20 witness is led by his own report while giving evidence-in-chief.

21 PRESIDING JUDGE: Is the witness reading from notes?

22 MS NGUNYA: Yesterday we gave him a copy of the report and
23 an original of the report, if you recall.

24 PRESIDING JUDGE: There was an application to put it before
10:00:30 25 the witness, Mr Knoops. It's marked for identification.

26 MR KNOOPS: That's correct, Your Honour. My point is that
27 I think it's not proper that the witness is being helped in his
28 testimony with the full report in front of him.

29 PRESIDING JUDGE: I don't understand your objection. He

1 was permitted to have the report in front of him. It's marked
2 for identification. I don't understand what you're saying.

3 MR FOFANAH: Excuse me just --

4 PRESIDING JUDGE: Mr Fofanah, please allow Mr Knoops to
10:01:04 5 answer my question. Do not interrupt.

6 MR KNOOPS: Thank you, Your Honour. My point is,
7 Your Honour, it's my submission that the witness should give
8 evidence-in-chief without being assisted by his full report.

9 JUDGE LUSSICK: I can understand your objection if the
10:01:22 10 witness was reading from somebody else's report, but he wrote it
11 himself, Mr Knoops. What's the objection to him referring to his
12 own composition?

13 MR KNOOPS: Well, then, he is constantly able to refresh
14 his memory, even if it's his own report.

10:01:40 15 JUDGE SEBUTINDE: Yes, but Mr Knoops, yesterday an
16 application was made to tender this document for identification.
17 You didn't object. It was tendered. We admitted it for -- we
18 marked it for identification and we placed it in front of the
19 witness in your full view. None of you objected. And he has
10:01:58 20 constantly been referring to it. He's not just started referring
21 to it. From page 1 up to where we now are counsel has been
22 asking questions and the witness has been answering with this
23 document in front of him. What new thing has come up? Why are
24 you objecting now, in view of the fact that we marked it for
10:02:17 25 identification pursuant to an application and we placed it in
26 front of the witness and allowed him to look at it yesterday.

27 MR KNOOPS: Your Honour, if you will allow me to respond to
28 it. In my humble submission there is a difference between the
29 application made yesterday for the identification of the report.

1 It was my belief that the Prosecution submitted the report to
2 this expert witness for identification, whether this report was
3 written by him. Now, if we would have known that the witness
4 would have been allowed during his examination-in-chief to be
10:02:56 5 assisted by his report, I think we would have reacted
6 differently. But this is just my observation. If Your Honours
7 rule otherwise I have to accept that. But it's just my
8 observation that I don't think that any witness in a court,
9 either expert or a normal witness, should be able to be assisted
10:03:20 10 by either the previous statement of the witness or the report,
11 even if the expert witness is the author of the report. He's
12 even able to refresh his memory by the report.

13 PRESIDING JUDGE: Thank you. I am clear on your objection,
14 Mr Knoops.

10:03:42 15 Yesterday the Court did not permit the witness to look at
16 notes without having them brought properly. The report, as has
17 been noted before is before the witness. He has been permitted
18 to look at it and I do not allow the objection. He may look at
19 the report on this particular question only as has been put by
10:04:09 20 the Prosecutor.

21 MS NGUNYA: Much obliged, Your Honours.
22 Q. Colonel Iron. We had covered up to G3, I believe, in the
23 regular army and vis-a-vis its correlation in the AFRC.
24 A. This correlates most closely in the AFRC to the position
10:04:42 25 known as the operations commander, who was responsible for the
26 detailed planning of operations and for supervising their
27 execution. His responsibilities within the AFRC are wider, or,
28 sorry, were wider than I would expect in a regular army.
29 Q. I'll stop you there so that we can go to the next one.

1 What's the next in the regular army?

2 A. In the regular army there is the G4 staff branch, which is
3 responsible for logistics. This essentially encompasses the
4 supplies an army requires in order to be able to live, move and
10:05:32 5 fight. This correlates most closely in the AFRC to the G4
6 commander, who within the AFRC had a responsibility for the
7 supervision of the munitions which were available to the force
8 and their supply to the four battalions as required.

9 Q. Was there another position below the G4?

10:06:02 10 A. In the traditional staff branch sense, then there are --
11 within a traditional organisation there is the G5, which I
12 mentioned yesterday was responsible for political/military
13 interface, the civil/military interface, depending on what level
14 you're working at. But within the AFRC, if I can continue the
10:06:32 15 question, I found no single individual who was responsible and
16 termed the G5.

17 Q. Were there any other positions, Colonel?

18 A. Within a traditional army we also have specialists who are
19 responsible for specialist areas. These include the provost, the
10:07:00 20 military police, who I believe I have already covered, and also
21 communications or signals which is also known as the G6 in the
22 regular army, who is responsible for the maintenance of
23 communications, most usually radio communications within the
24 force.

10:07:15 25 Q. Is there a correlation of the G6?

26 A. There became a correlation of the G6 for the head of
27 communications, which had a very similar role in terms of
28 maintaining the radio communications within the force as opposed
29 to the other forms of communications, such as written or verbal.

1 Q. Thank you, colonel. Are there other positions that you can
2 inform the Court about in the regular army?

3 A. Well, there are a number of positions within the brigade
4 administration that do not exist in the regular army, if you
10:07:53 5 would like me to discuss those.

6 Q. Perhaps let me rephrase that question.

7 PRESIDING JUDGE: It's a very vague question, Ms Ngunya.

8 MS NGUNYA: I'll rephrase the question, Your Honour.

9 PRESIDING JUDGE: I mean, there's many other positions in
10:08:04 10 the regular army.

11 MS NGUNYA:

12 Q. You've mentioned 1 to G6. Are there any other groupings of
13 commanders in the regular army besides 1 to G6?

14 MR KNOOPS: Your Honour, I think that's a leading question,
10:08:22 15 "groupings of commanders".

16 PRESIDING JUDGE: Please reread your question so I can hear
17 it properly.

18 MS NGUNYA: I'll repeat it, Your Honour.

19 Q. My question, Colonel Iron, you've mentioned G1 to G6. Are
10:08:45 20 there any other categories?

21 PRESIDING JUDGE: It's not leading.

22 THE WITNESS: There are many other categories, but probably
23 few that are relevant to this case of minor functions that might
24 exist for a particular role, such as counter-intelligence,
10:09:09 25 security and whatever.

26 MS NGUNYA:

27 Q. In that case, Colonel, I will ask you a different question.

28 A. Yes.

29 Q. Are there positions that exist in -- let me rephrase that

1 question. Are there positions within the AFRC that do not exist
2 in the regular army?

3 A. I cannot say that they do not exist in the regular army,
4 but they don't have an easy equivalent in terms of staff branches
10:09:42 5 as the other ones I have already mentioned.

6 Q. Colonel, are you in a position to give some examples?

7 A. Yes. Within the regular army, for example, the person
8 responsible for maintaining the infrastructure of a camp in which
9 the army is living is known as the camp commandant who reports to
10:10:10 10 the G4 staff branch. This appointment -- actually it was
11 included for part of the time in the AFRC as the camp commandant,
12 whilst the time whilst they're in Major Eddie Town and Camp
13 Rosos. There were further appointments within the brigade
14 administration --

10:10:33 15 Q. Again, just to be clear, is this within -- brigade
16 administration, regular or AFRC, just to be clear?

17 A. No, when I use the term "brigade administration", that is
18 exclusively a term for the AFRC which is not used in a regular
19 force.

10:10:51 20 Q. Thank you, Colonel. Please proceed.

21 MR KNOOPS: Your Honour, in that regard I think there's not
22 the foundation yet laid for going into the existence of any other
23 functions which deviate from the traditional army structure
24 within the AFRC.

10:11:12 25 PRESIDING JUDGE: Your reply, Ms Ngunya?

26 MS NGUNYA: I don't think I've deviated. All he's done is
27 listed -- he's trying to correlate the functions of the regular
28 army.

29 PRESIDING JUDGE: I heard Mr Knoops say he was objecting on

1 the grounds of foundation, not deviation.

2 MS NGUNYA: I think I've set the foundation because we've
3 been going through the functions, Your Honour. To respond to my
4 learned colleague, we have established that there are certain
10:11:42 5 positions within the regular army and all the witness is doing is
6 now is stating those that are exclusive to the AFRC and therefore
7 foundation has been laid for this question.

8 PRESIDING JUDGE: We overrule the objection. Please
9 proceed.

10:12:53 10 MS NGUNYA: Thank you, Your Honours.

11 Q. Please proceed, Colonel. You were explaining some
12 positions that are exclusive to the AFRC.

13 A. Okay. The next position of note is a position called the
14 battlefield inspector. Historically, there is in regular armies
10:13:17 15 such a position used frequently in the German army in World War
16 I, but it is unusual to come across it and the role is really the
17 commander's personal agent at the battle front. Although he
18 might be a relatively junior officer in rank, he is responsible
19 for reporting directly back to the commander what is occurring so
10:13:46 20 that it permits him to achieve better oversight of the operation.

21 Q. Colonel, are you aware of any other such positions?

22 A. Another position that's known as the task force commander.

23 JUDGE SEBUTINDE: Yes, but Ms Ngunya, the witness has told
24 us about a battlefield inspector, I think it was, in a regular
10:14:16 25 army.

26 MS NGUNYA: Your Honour, this was specific to the AFRC.

27 JUDGE SEBUTINDE: And he's given the functions as
28 pertaining to a regular army or the equivalent; right?

29 MS NGUNYA: Thank you, Your Honour.

1 Q. Witness, you were mentioning another function within the
2 AFRC?

3 A. Task force commander. Again this term is used within
4 regular armies, but in a different form. But within the AFRC the
10:14:56 5 task force commander was somebody who was a commander in his own
6 right who had been allocated command of one or more battalions
7 for a particular part of a mission or of an operation. As I
8 mentioned yesterday, the span of command of the AFRC with eight
9 individual battalions, six --

10:15:26 10 Q. Let me just stop you there, Colonel. We'll come back to
11 that at a later date or at a future time.

12 A. Okay.

13 Q. Right now I just wanted to go through the list of various
14 positions in the AFRC.

10:15:35 15 A. Okay.

16 Q. So, we've finished with the task force commander. Are you
17 aware of any other positions?

18 A. The only other position of which I'm aware was -- within
19 the brigade administration, was the mission commander.

10:15:51 20 Q. And function?

21 A. Within the AFRC I think - and the evidence is not
22 particularly strong on this - I think the function was similar to
23 a task force commander.

24 Q. Thank you, Colonel Irons.

10:16:08 25 MS NGUNYA: With your permission, Your Honours, I would
26 like to refer to the figure on page 14444. And with Your
27 Honours' permission, I'll refer to this without mentioning names.
28 It's just to explain the chain of command of the AFRC.

29 PRESIDING JUDGE: What exactly do you mean, Ms Ngunya?

1 MS NGUNYA: Repeat that question, sorry, Your Honour.

2 PRESIDING JUDGE: I'm saying what do you mean by referring
3 to it without names. The document is there.

4 MS NGUNYA: Just to show the chain of command. That's all.

10:16:57 5 JUDGE SEBUTINDE: Are you saying your witness cannot answer
6 your questions without referring us to this chain of command?

7 MS NGUNYA: He can answer the question, Your Honours, but I
8 thought this makes it clearer and I thought the main objection by
9 the Defence was the names included in the chain of command. All
10:17:16 10 I want is the positions, for instance, commander-in-chief, where,
11 let's say, deputy commander falls in and so on.

12 JUDGE SEBUTINDE: But how are you going to dissect the
13 names which are already there from the positions? You can't
14 dissect by simply saying so. The diagram incorporates names.
10:17:37 15 How are you going to dissect that?

16 MS NGUNYA: Your Honour, at the end of these submissions we
17 are willing to see if we can redact those names.

18 MR FOFANAH: May it please Your Honour, at this stage I'll
19 rise to object. I am taking the cue from Your Honours' direction
10:18:05 20 on the diagram. I mean, firstly the witness has just gone
21 through certain comparisons, some of which do not appear on the
22 diagram. In the comparison just given there was no mention of
23 commander-in-chief. The witness started off with chief of staff
24 and then said it was the same as in the AFRC. He also did not
10:18:34 25 say anything about second in command and I rightly recall my
26 learned friend talking about second in command a while ago.

27 JUDGE LUSSICK: I think, Mr Fofanah, that on an earlier
28 part of the witness's evidence he did speak about a
29 commander-in-chief, second in command and third in command, in

1 fact. So that was covered elsewhere.

2 MR FOFANA: As Your Honour pleases. I'm just talking
3 about that after your ruling, Your Honour directed that the
4 witness should confine himself to what obtains within
10:19:10 5 conventional or regular army, as against what obtained in the
6 AFRC, and the witness went the extra mile to give what he
7 considered to be correlatives in terms of positions or ranks as
8 the case may be. And I rightly recall that he started off with
9 chief of staff. I stand corrected, but that is what I recall.

10:19:34 10 JUDGE LUSSICK: No, you're right on that part of the
11 evidence, but there was another -- if you're saying that he has
12 never ever mentioned commander-in-chief and second in command,
13 you are wrong. He mentioned it in some other part of the
14 evidence. That's all I'm pointing out. You can't treat it as
10:19:53 15 though he has never ever mentioned commander-in-chief or second
16 in command or third in command, for that matter.

17 MR FOFANA: Your Honour, the point is taken on that. I'm
18 basically saying that we have not had the correlative for that in
19 the conventional or regular form after your ruling, because I can
10:20:13 20 recall you've made a ruling on that.

21 MS NGUNYA: With your permission, Your Honours, if I can
22 refer you to page 52 of yesterday's transcript he does mention
23 those positions that learned counsel has mentioned.

24 JUDGE SEBUTINDE: Within the AFRC correlative? Because I
10:20:32 25 think the point is we may have heard from the witness regarding
26 those positions in a regular army, a traditional army, but I
27 don't recall that we've heard evidence of any correlation of the
28 top three positions in a regular army within the AFRC. We
29 started with chief of staff in the AFRC.

1 MS NGUNYA: If you recall, he did mention it that there was
2 a commander-in-chief during this time. This was a time, if I
3 will stand guided by Your Honours, he mentioned yesterday from
4 the move from the Northern Jungle to Camp Eddie Town and Rosos.
10:21:16 5 It's on page 52 and I'm referring to line 23.

6 MR KNOOPS: Your Honour, if Your Honours may, I have a
7 different objection.

8 PRESIDING JUDGE: Let us deal with them one at a time,
9 Mr Knoops.

10:21:32 10 JUDGE LUSSICK: Before we go any further, Ms Ngunya, why do
11 you need this diagram anyway? What is there on the diagram that
12 you can't get from the witness by simply asking him?

13 MS NGUNYA: Your Honours, all I wanted to do is make clear
14 who was subordinate to whom, not the individuals, but the
10:21:54 15 positions. I think the diagram helps to bring that into focus.
16 That is the only reference to the diagram.

17 PRESIDING JUDGE: Mr Fofanah, Ms Ngunya has explained
18 something. Does that overcome what you're objecting to?

19 MR FOFANAH: No, Your Honour. I will sustain the objection
10:22:29 20 in the sense that the diagram as it appears before us goes -- is
21 far more detailed than what my learned colleague is seeking to
22 put before the witness.

23 PRESIDING JUDGE: Very well. I've heard that objection and
24 I've heard the reply. Now, Mr Knoops, you had something else.

10:22:44 25 MR KNOOPS: Yes, Your Honour. Thank you very much.

26 PRESIDING JUDGE: Does it relate to the same diagram?

27 MR KNOOPS: Yes, Your Honour. It relates to the same
28 diagram.

29 PRESIDING JUDGE: Well, what is it?

1 MR KNOOPS: Your Honours, first of all, it's not mentioned
2 before, but the diagram does mention here the deputy ops
3 commander, artillery commander, RDF commander, all names not
4 previously mentioned in the testimony-in-chief. In addition to
10:23:18 5 that, if the expert witness is shown this diagram what's actually
6 going to happen that he is shown a form of hierarchy and that
7 showing of this diagram as alleged evidence of a form of
8 hierarchy, implies indirectly the existence of a certain form of
9 command or control within that hierarchy and that would be
10:23:46 10 prejudicial to the accused and in effect would not be in
11 accordance, in my humble submission, with the earlier rulings.
12 So, my objection is two-fold: First of all, there is no
13 foundation for the terms deputy ops, artillery commander, RDF
14 commander and Red Lion commander. All new names in the diagram.
10:24:10 15 Secondly, it will show indirectly and it will indirectly allow
16 the witness to adduce evidence on a chain of command and the
17 existence of command and control within the hierarchy. Thank
18 you.

19 MS PACK: Your Honour, I understand the objection now to
10:24:35 20 be -- reframed was certainly, insofar as Mr Knoops is concerned,
21 as to an objection being evidence being led on hierarchy,
22 positions in a command structure of appointments one in relation
23 to the other. My understanding of your ruling of yesterday was
24 that there was no bar to questions as to positions in the
10:25:00 25 hierarchy; your decision didn't bar questions on hierarchy. What
26 the decision went to was the question, the fourth question that
27 the witness deals with in reaching his final conclusion. The
28 final conclusion being that the AFRC was a military organisation,
29 four questions which he asked himself in reaching that

1 conclusion. Your Honours will recall that the fourth question he
2 asks was was command effective, and that was the decision you
3 made yesterday, Your Honours. It was that question, was command
4 effective, was the question that you didn't want the Prosecution
10:25:42 5 to ask of this witness and you gave us your reasons that it was
6 related to the ultimate issue.

7 Now, the question whether there was a command structure and
8 what were the appointments in that command structure and what
9 were the positions of the various appointees, one in relation to
10:26:03 10 the other, is not, in my submission, something that either comes
11 within your ruling of yesterday or is something that the
12 Prosecution cannot lead in evidence, whether it's because of
13 matters which relate to the ultimate issue or for any other
14 reason.

10:26:19 15 The reason I say this is that this is a military expert.
16 If he can't give evidence about military structure it's difficult
17 to see what he can give evidence about. He cannot just be
18 limited to be giving evidence in the abstract as to what various
19 appointees might hold, what positions they might hold, one in
10:26:44 20 relation to the other, in a traditional setting.

21 PRESIDING JUDGE: Ms Pack, what Mr Knoops said is that in
22 allowing this question they would "indirectly allow evidence to a
23 chain that has not yet been led and that there is no foundation
24 for new names that are in this diagram." That is the objection.

10:26:58 25 MS PACK: If the objection is to foundation then Ms Ngunya
26 can deal with seeking to ask Colonel Iron clearly about other
27 positions in the command structure that was the AFRC setting or
28 in the traditional setting which are additional to those which we
29 has already spoken to, and he may elaborate then to the function

1 of those individuals. But she will go on then to ask about
2 hierarchy. Perhaps it's a question that has been pre-empted by
3 my learned friend Mr Knoops, and if she lays the foundation first
4 the Prosecution may deal with any further objection on further
10:27:32 5 questions, the foundation having been laid when those objections
6 or if those objections arise. But if the point is on foundation
7 then, of course, the Prosecution can deal with the issue of
8 foundation prior to going any further.

9 [AFRC13OCT05B - AD]

10:28:29 10 [Trial Chamber conferred]

11 PRESIDING JUDGE: We do not allow the use of the diagram as
12 it is before us, and the question was on other positions, that is
13 the last question I have recorded. Is that the question you were
14 putting, Ms Ngunya.

10:29:23 15 MS NGUNYA: Yes.

16 PRESIDING JUDGE: We allow that.

17 MS NGUNYA: With your permission, Your Honours, I will
18 rephrase my question.

19 Q. Colonel Iron, yesterday you referred to a position called
10:29:37 20 commander-in-chief in the AFRC?

21 MS NGUNYA: For Your Honours, page 53 of the transcript.

22 Q. Is that correct?

23 A. I did, yes.

24 Q. Just sequentially, could you kindly give the hierarchy,
10:29:54 25 going one position going down the chain. Who was subordinate to
26 the commander-in-chief?

27 A. Within the AFRC everybody was subordinate to the
28 commander-in-chief. The next level down, as I explained
29 yesterday, was known either as the second in command or the

1 deputy commander. They were the two top people in the AFRC.

2 Q. Thank you. Who was the next down?

3 A. Known as the third in command, although over time whether

4 the third in command had authority over the operations commander

10:30:38 5 was doubtful and that changed over time.

6 Q. Thank you, Colonel Iron. To your knowledge who was below

7 the third in command?

8 A. The --

9 MS THOMPSON: I beg your pardon, does the third in command

10:30:55 10 have a name or do we record that position as third in command?

11 MS NGUNYA:

12 Q. Does he have a name, the third in command?

13 A. The name of the appointment?

14 PRESIDING JUDGE: We don't want the name of a person.

10:31:05 15 MS NGUNYA:

16 Q. Not --

17 A. The appointment is simply known as the third in command,

18 Your Honour.

19 Q. Was there a position below the third in command?

10:31:20 20 A. The chief of staff, who we have already discussed, who ran

21 the staff within the brigade administration, was either

22 subordinate to the third in command or subsequently was what we

23 called double hatted, i.e., the same person was the third in

24 command and the chief of staff.

10:31:43 25 Q. Thank you, Colonel Iron. Below that position you have just

26 mentioned was there a lower position in the AFRC?

27 A. We also have the command of all the battalions, all the

28 fighting units, who were subordinate to the operations commander.

29 And his subordination changed over time. Initially he was

1 responsible only to the commander-in-chief and the deputy
2 commander. Subsequently, he became subordinate to the third in
3 command and chief of staff.

4 Q. Thank you, Colonel Iron. Are you aware of any other
10:32:22 5 positions below the operations commander?

6 A. The operations commander, as I mentioned yesterday, had
7 eight battalions. They were the six numbered battalions and, as
8 I did mention yesterday, the Red Lion and RDF as the two named
9 battalions to make up the total of eight. There was also a small
10:32:48 10 artillery unit, which actually we would not term artillery; we
11 would term as support weapons. They provided fire support for
12 the battalions. Those were the manoeuvre units, if I can use
13 that expression, with which the AFRC conducted their military
14 operations. In addition to those, there was also the system of
10:33:12 15 oversight in place, known as the battalion supervisors.

16 Q. Could you explain that to the Court?

17 A. These were individual officer who were appointed to
18 supervise a particular battalion or particular battalion
19 commander. They were not the commanders themselves but they were
10:33:35 20 responsible to the commander-in-chief for ensuring the battalion
21 commander did indeed fulfil his orders. So this was an
22 additional system of oversight to make sure that operations were
23 controlled properly.

24 Q. Thank you, Colonel Iron. Just to summarise for the Court,
10:33:53 25 you mentioned earlier in your testimony this morning the brigade
26 administration; is that correct?

27 A. That is correct, yes.

28 Q. Could you quickly run through the positions that are within
29 the brigade administration, one after the other, just a list, if

1 you can?

2 A. Brigade administration under the chief of staff, you have a
3 brigade adjutant, a camp commandant later known as the brigade
4 commander, provost-marshal, brigade administrator --

10:34:22 5 Q. Bit slower.

6 A. I'm sorry. Brigade task force, mission commander,
7 battlefield inspector, head of communication and the G4
8 commander.

9 Q. Thank you very much, Colonel Iron. I am moving to a
10:34:50 10 different area now. Yesterday, Colonel, you summarised to the
11 Court that there are 13 characteristics that you and your
12 colleagues brainstormed in order to come up with what a military
13 organisation requires; is that correct?

14 A. That is correct.

10:35:09 15 Q. Vis-a-vis the conventional national army, what I would like
16 for you to do is to go through them one by one and explain what
17 it means. I will ask you to wait for my lead so we can go
18 through them one by one. The first thing you mentioned yesterday
19 was the intelligence process. Can you explain that to the Court
10:35:50 20 vis-a-vis the conventional army?

21 A. Any army needs intelligence upon which it can make sound
22 decisions. The intelligence is normally focused on the enemy,
23 what the enemy is doing, where they were and in what strength,
24 but also relates to other aspects of the environment, such as the
10:36:16 25 geography and how easy it is to get from A to B, for example.

26 Within the regular army there is a well-found organisation both
27 for gathering information and then subsequently analysing that
28 information and turning it into actionable intelligence.

29 Q. Thank you, Colonel. My question now is are you in a

1 position to draw a comparison between the conventional army and
2 the AFRC vis-a-vis the intelligence process?

3 A. The AFRC did not have an equivalent intelligence system to
4 a regular army. There was no specific staff branch dealing with
10:37:06 5 intelligence. They did not have specific units, reconnaissance
6 units for example, whose role it was to gather information. The
7 way that the AFRC did gather information was primarily through
8 the questioning of civilians, and from that information would
9 then get a good idea of where the enemy were. The AFRC also had
10:37:36 10 sufficient people in their own organisation that knew the
11 territory across which they were to pass or into which they were
12 operating, so they had no additional need for what we might
13 describe as terrain intelligence.

14 Q. Thank you, Colonel. The next point you mentioned yesterday
10:37:57 15 was a communications system. Can you explain this to us in the
16 conventional military sense?

17 A. Communications traditionally -- in a conventional military
18 organisation tend to be radio or satellite communication based,
19 today. But it has not always been the case. The technology of
10:38:25 20 communications, whether it be satellites or whether it be the use
21 of heliographs, you know, the use of mirrors or Morse code, or
22 flags, or simply letters and dispatches, the philosophy behind
23 communication actually does not at alter.

24 Q. Perhaps you could just explain what the philosophy is.

10:38:46 25 A. The philosophy has got to do with looking at the security
26 of communications, in that if you do not want your communications
27 to be intercepted by the enemy, modern armies use cryptographic
28 methods, electronic methods to encrypt their messages. Less
29 sophisticated armies use cyphers and codes to do the same. The

1 next issue relates to timeliness. Usually you want to pass
2 information quickly because information goes out of date quickly.
3 But timeliness is a relative issue. If you are looking at a
4 highly mobile war against a very quick and reactive enemy, a
10:39:42 5 second's delay in communication might be too much. If, on the
6 other hand, we are talking about a slow moving, on-foot campaign
7 in which the enemy, himself, does not have quick communications
8 then maybe taking a day to pass on a message actually is timely
9 enough if it takes the enemy two days.

10:40:07 10 Q. Please continue.

11 A. The third issue of philosophy in security is to ensure that
12 the message is indeed passed. So you need to have some kind of
13 confidence that it is passed. In your method of sending messages
14 might be, for example, sending messages on foot through enemy
10:40:33 15 territory, you might make sure that you send maybe three or four
16 messages to make sure that one of them gets through.

17 Q. Are you able to make a correlation between the conventional
18 army vis-a-vis the AFRC as far as communications is concerned?

19 A. The AFRC generally had a much easier problem to solve as
10:40:55 20 far as communications was concerned, because the AFRC faction was
21 a unitary body spread over a very small geographic area compared
22 to, for example, other organisations that were operating in
23 Sierra Leone at the time spread over very large areas indeed.
24 So, when they were within a small area, such as Camp Rosos and
10:41:19 25 Major Eddie Town, they were able to communicate simply using
26 runners, and either word-of-mouth communication or short messages
27 written down. They did, however, also use radio communications.
28 Initially there was a shortage of radios, so only the
29 headquarters would have a radio operating with which they were

1 able to communicate either to other AFRC elements that had not
2 yet joined them or, indeed, if they wished to, with the RUF
3 commanders, either at Koidu or Buedu down in Kailahun District.
4 Subsequently, as the AFRC faction starts conducting mobile
10:42:04 5 operations on their movement down to Freetown, we see the use of
6 tactical radios, maybe at the front of the column with the
7 advance guard, at the centre and then maybe at the rear guard.
8 Later on, as they capture radios from ECOMOG, every battalion is
9 able to have a radio, and they were using radios more frequently
10:42:32 10 as a means of tactical communication. One thing of note, though,
11 is that throughout this period, they continued to use the RUF
12 network, radio network. They did not attempt to establish their
13 own separate network. They blistered on the same radio frequency
14 that the RUF were working. Throughout the period after the
10:43:02 15 ECOMOG intervention, as the junta withdrew from Freetown, the RUF
16 radio net was the main form of radio communication.

17 Q. The third aspect you mentioned yesterday was the planning
18 and orders process. Can you explain this to the Court in the
19 conventional military sense?

10:43:26 20 A. Once intelligence is available to a commander and his staff
21 and he is faced with a military problem, he then conducts
22 planning which essentially analyses the mission that he has been
23 given and determines the best approach for dealing with it and
24 develops a course of action. This is frequently done in
10:43:56 25 partnership between the commander and his staff; the commander
26 coming up with what you might describe as the big idea, the
27 general idea of how he wants to solve the mission, and then the
28 staff then converting that into detailed military plans. This is
29 known as the estimate process, decision making and orders. Once

1 these -- I beg your pardon. The second half of the question
2 relates to orders. Once he has developed a plan, then that plan
3 has to be communicated to the forces who are going to execute it.
4 In a traditional army that is done in two ways. One is done in
10:44:38 5 writing passed either in paper form or electronically. The
6 second is through what is known as oral orders, face-to-face
7 briefings. Frequently both are done. The commander will gather
8 the subordinate commanders around him and, with his staff, will
9 give a direct briefing to them as to what is expected of them.

10:45:02 10 Q. Are you in a position to correlate --

11 PRESIDING JUDGE: Ms Ngunya, I just notice the time and
12 perhaps this would be appropriate to have the mid-morning break
13 before you move to the next question as there appears to be more
14 questions in this line of examination-in-chief.

10:45:19 15 MS NGUNYA: That is fine, Your Honour.

16 THE WITNESS: Mr Court Attendant, please adjourn Court for
17 15 minutes.

18 [Break taken at 10.45 a.m.]

19 [Upon resuming at 11.02 a.m.]

11:02:20 20 PRESIDING JUDGE: Please proceed.

21 MS NGUNYA: Thank you, Your Honour.

22 Q. Colonel Iron, just the before the break you had finished
23 explaining what the planning and orders process is within the
24 conventional military. Do you recall that?

11:02:45 25 A. Correct.

26 Q. Just before the break I was about to ask you are you in a
27 position to draw a comparison between the planning and orders
28 process between the conventional army and the AFRC?

29 A. Yes, I am.

1 Q. Please proceed.

2 A. The planning as in the regular army is very much dependent
3 upon the personality of the commander as to whether he makes his
4 decisions intuitively or whether he conducts a rational analysis
11:03:14 5 of all the factors. We see in the AFRC that most decisions are
6 made intuitively by commanders, but there is clearly linkage
7 between the commander giving general direction as to the shape of
8 an operation and then the development of the plan, which is
9 normally done by the operations commander. The orders process,
11:03:42 10 the process by which the plan is then briefed to the forces that
11 will implement the plan, is done all orally, face-to-face.
12 Orders were not written down, at least I have no evidence that
13 they were written down, and they were normally given to the
14 command group as they would be in a regular army. In other
11:04:11 15 words, the commander and his staff would call in the commanders,
16 battalion commanders in this case, and then brief them formally
17 as to what they were going to do and the details of the plan.
18 Occasionally this might be done in outline to the entire force in
19 a general briefing. But outside Camp Rosos, Major Eddie Town, I
11:04:41 20 don't think we've seen that. Normally the briefings was to the
21 command group only, as it is called.

22 Q. The next point up mentioned yesterday was the lessons
23 learnt system, public doctrine development and dissemination.
24 Perhaps you can start by explaining what that means.

11:04:58 25 A. Yes. The philosophy behind this particular issue is that
26 an army has got to be able to adapt to be able to survive and
27 indeed to succeed. If it does not adapt, then a wily opponent
28 can easily and quickly find a vulnerability which it will exploit
29 time and time again. So it is important, for a military

1 organisation to be successful, to be adaptable. To change itself
2 as the situation changes, to learn lessons if you like, which is
3 why we call it the lessons learned system. How it does things is
4 essentially doctrine. So lessons learned and doctrine
11:05:50 5 development essentially are very closely related. In a regular
6 army you might -- not necessarily, but you might have a formal
7 system for doing this, for gathering lessons from operations, for
8 analysing them and then developing doctrine which might be
9 written in pamphlets which are then used to train units within
11:06:16 10 that army.

11 Q. Colonel, are you able to draw comparisons between what
12 would happen in a conventional army vis-a-vis the AFRC as far as
13 the lessons learned system and doctrine is concerned?

14 A. Yes.

11:06:32 15 Q. Please do.

16 A. Within the AFRC there was no such formal system for
17 learning lessons, developing doctrine or disseminating it.
18 Nevertheless the AFRC was indeed an adaptable and an adapting
19 organisation. They learned quickly after the ECOMOG intervention
11:06:53 20 to convert themselves from a regular army fighting a
21 counter-insurgency to become a guerilla army living in the bush
22 fighting an insurgency. This required very different skills.
23 These skills were mostly learned off the RUF during the time that
24 they were operating together, in particular in Kono District. In
11:07:24 25 particular, jungle skills, living in the jungle and conducting
26 the same sort of routine in the jungle which the RUF did. So
27 they learned and became an adaptive organisation and I think this
28 is actually a very good example of a learning organisation.

29 Q. The other point you mentioned yesterday was a disciplinary

1 system. Can you correlate this to a conventional army, please?

2 A. Yes. A disciplinary system is essential for the running of
3 an army. Soldiers are trained to break one of the most important
4 taboos in human society, which is to kill. It is not surprising
11:08:16 5 that, having broken through that taboo in training, soldiers can
6 from time to time lose discipline. Therefore, for a force to
7 remain effective, to remain focused on achieving its mission, it
8 has to have a disciplinary system. Within a regular army, the
9 authority to impose that discipline is gifted to the army
11:08:45 10 normally by the political authority. So, for example, in the
11 United Kingdom the authority by which I imposed discipline - for
12 example, when I was a battalion commander - on my battalion, was
13 the Army Act passed by Parliament in 1955. And I would then have
14 certain powers, including the power of imprisonment on my
11:09:07 15 soldiers. So, within a regular army, it has constitutional
16 powers to impose discipline within the force and, as I say, this
17 discipline is absolutely essential. In a non-regular army, of
18 course --

19 Q. That is my next question. Yes?

11:09:23 20 A. Okay, I'm sorry.

21 Q. Particularly to the AFRC, if you have had the opportunity
22 to do a correlation.

23 A. Okay. In a non-regular army, such as the AFRC, which does
24 not have government authority, it is not given authority to
11:09:39 25 impose discipline, of course, it needs to create that authority
26 for itself. Because for a military organisation, whether it's
27 regular or non-regular, needs to have a disciplinary system. I
28 mentioned or rather Defence counsel yesterday pulled out an
29 instance from my report where I talked about incarceration,

1 certainly you need to have a system of punishment which the
2 organisation needs to authorise itself. As I mentioned
3 yesterday, the commander-in-chief had complete authority over the
4 AFRC and was able to give this authority -- use this authority to
11:10:17 5 impose discipline, such as the punishments of incarceration or
6 imprisonment or whatever.

7 Q. Thank you, Colonel. The next point you mentioned yesterday
8 was the recruitment and training. Perhaps you could inform the
9 Court how this relates to the conventional army.

11:10:38 10 A. In a conventional army recruitment can be done either
11 through voluntary recruitment or through some measure of
12 compulsion, such as conscription which is still used in many
13 armies, including the German army. It is, essentially, in a
14 voluntary system the army needs to advertise itself and make
11:11:02 15 itself popular for people to join. The training system
16 essentially has two elements to it. There is recruit training,
17 once young people have been recruited into the organisation, they
18 need to go through their initial training to teach them how to
19 become soldiers. Very basic, how to use weapons, instilling some
11:11:28 20 kind of discipline, some sense of loyalty to the organisation.

21 And recruit training systems throughout the world actually are
22 remarkably similar. Then there is also, of course, development
23 training. Once the recruit has joined the unit, he then
24 continues to train with that unit so that the unit become more
11:11:46 25 and more professional.

26 Q. Thank you, Colonel. Are you able to draw a comparison
27 between the conventional army and the --

28 MR KNOOPS: Sorry. You didn't finish the question. Sorry.

29 MS NGUNYA: Let me finish my question.

1 Q. Are you able to draw a comparison between the conventional
2 army and the AFRC.

3 MR KNOOPS: Your Honours, I object. This question goes to
4 one of the other ultimate issues of the case, namely, paragraph
11:12:24 5 34 of the indictment. The issue of recruitment is in a specific
6 form part of the indictment, namely, the use of child soldiers.
7 The witness is not called, first of all, as a witness to give
8 evidence on the crimes. Secondly, I think he is not competent to
9 testify on this ultimate issue.

11:13:07 10 I refer Your Honours to the ruling of Trial Chamber I, I
11 already referred to earlier yesterday, in which not only the
12 witness acknowledged that he was and is not called as an expert
13 on any alleged crime, but also on three occasions in the
14 transcript of the CDF case, the Trial Chamber I did not admit any
11:13:40 15 question as far as crimes concerned.

16 PRESIDING JUDGE: Mr Knoops, where do you say in that
17 question a comparison between a conventional army and the AFRC?
18 What crime are you indicating?

19 MR KNOOPS: The crime of child soldiers; recruitment.

11:13:58 20 JUDGE LUSSICK: I understood the witness was just being
21 asked to compare the recruiting and training provisions of a
22 regular army as against the AFRC. He has not been asked anything
23 about child soldiers.

24 MR KNOOPS: Not yet, Your Honour, that is correct. But I
11:14:12 25 am expecting this witness to answer this considering his report
26 which he has --

27 PRESIDING JUDGE: This is an ordinary question, Mr Knoops.
28 We have not heard any objectionable evidence or, in fact, we not
29 heard anything in answer to that. If something of that nature

1 comes up, we will deal with it.

2 MR KNOOPS: Thank you, Your Honour.

3 MS NGUNYA: Thank you, Your Honour.

4 Q. Colonel Irons, I will repeat my question. Were you able to
11:14:42 5 draw a comparison between the conventional army vis-a-vis the
6 AFRC concerning training and recruitment.

7 A. Yes.

8 Q. Please explain to the Court.

9 A. Recruitment was one of the AFRC's main weaknesses in that,
11:15:00 10 unlike other organisations, it did not have a natural base from
11 which to recruit. The CDF, for example, had a ready supply of
12 volunteers; the RUF gained their recruits traditionally from
13 other ways. But for the AFRC, which was made up of ex-SLA
14 soldiers, there was a limited number of ex-SLA soldiers that
11:15:31 15 existed. So, there was no traditional base for their
16 recruitment. Therefore, their strength was always going to be
17 limited and they found it extremely difficult to make up for any
18 losses, whether it be casualties, desertions or any other return
19 of people, of soldier, to civilian life.

11:15:58 20 Q. Thank you, Colonel. Now I will focus you on the training.

21 A. There was little training that took place of the general
22 sort in terms of building the capability of the organisations.
23 Most of the training was done on-the-job, so to speak, as units
24 conducted operations of course, they built their own expertise
11:16:25 25 because they practiced it. The only formal training that I can
26 identify took place at Camp Rosos where, in an attempt to build
27 their strength, they ran a training camp for some civilians.

28 Q. Okay. That is an area we did not want to touch. I will
29 move on to the next question, Colonel. Yesterday you also

1 mentioned a system for promotions and appointments. Can you
2 kindly relate this to the conventional army?
3 A. Certainly. In any army, people retire or die or move on
4 and therefore you need to have some kind of system for appointing
11:17:13 5 new people into existing appointment. Additionally, when an army
6 expands, it produces a whole new range of appointments that need
7 to be filled. So the role of an appointment system is to ensure
8 that the right qualified people are put into the right
9 appointment. Allied to the appointment system is the system of
11:17:43 10 promotion, which relates clearly to the ranks of the individuals
11 concerned, both commissioned and non-commissioned. It is through
12 promotion and the holding of rank in a military force that one is
13 granted authority to fulfill a particular appointment. It does
14 not necessarily mean that you have to have that rank to fill that
11:18:08 15 appointment, but generally that is the way it goes.

16 Also, promotions are a very useful way of rewarding
17 somebody for their performance in that in regular armies
18 promotion and rank are tied to pay and that is principally the
19 way in which people are rewarded.

11:18:35 20 Q. Thank you, Colonel. Are you able to draw a comparison with
21 the AFRC?

22 A. Yes, I am.

23 Q. Please go ahead.

24 A. The AFRC similarly had a system of appointing people to
11:18:48 25 appointments and for promotions.

26 Q. At this stage, Colonel, before you proceed, just a
27 reminder, no names.

28 A. Of course.

29 Q. Please proceed.

1 A. Of course. This authority for appointments was vested in
2 general in the commander-in-chief. But, of course, at the lowest
3 levels, in terms of the very low levels of NCOs within the
4 battalions, the battalion commander would have authority to
11:19:19 5 fulfil those appointments and indeed to make those promotions.
6 But the promotion itself was always under the authority of the
7 commander-in-chief. I might just explain the rank system as used
8 in the AFRC, if that is part of this question.

9 Q. Yes, that was my next question. Please go ahead.

11:19:43 10 A. As I mentioned earlier, the commander-in-chief had
11 authority within the AFRC really to do as he wanted. He had
12 complete authority. So, although, for example, in my case I hold
13 the Queen's commission and any promotion in the British Army is
14 made under the auspices of the Army Board, which has political
11:20:08 15 authority, within the AFRC it was done under the authority of the
16 commander-in-chief, who could promote who he wanted to whatever
17 level he wanted. And we see within the AFRC a gradual inflation,
18 if you like, of ranks to the extent that by the time of the
19 invasion of Freetown the commander-in-chief was now, for example,
11:20:32 20 a lieutenant-general, whereas a few weeks beforehand he had been
21 a brigadier. Now this is unusual in a regular army, but there is
22 nothing to stop him from doing so. It is just to say that if
23 commanded a force of about 1200, which is my best estimate of the
24 maximum strength of the AFRC, in a British organisation that
11:20:57 25 might just stretch to be a small brigade commanded by a
26 brigadier. Lieutenant-general would expect to command a corps of
27 some 50,000 to 60,000 people.

28 Q. Thank you, Colonel, for your explanation. The next point
29 you mentioned yesterday was logistics supply, including arms

1 procurement.

2 A. Yes.

3 Q. Can you explain this with regard to a conventional army?

4 A. Yes. The logistics supply basically deals with providing
11:21:32 5 everything that an army needs to live, move and fight.

6 Traditionally, this falls in the realm of rations, water, fuel,
7 munitions and also spare parts for the repair of equipment. It
8 involves a significant burden on a force in terms of
9 transportation, storage and all the rest of it, because these
11:21:59 10 demands are very great on a traditional force, especially one
11 which is mounted on vehicles as opposed to on foot.

12 Q. Thank you. Colonel, are you in a position to draw a
13 comparison between the regular army and the AFRC in this regard?

14 A. Yes, I am.

11:22:17 15 Q. Please do.

16 A. For the AFRC, the logistics was the second of their
17 Achilles' heels, along with recruitment. Unlike the CDF and the
18 RUF, they did not have a ready supply of munitions, either from
19 ECOMOG or another country. So they had to rely entirely upon
11:22:42 20 their own resources. They were a jungle force that could feed
21 itself basically off the jungle. Although nobody ever got fat in
22 the AFRC, there was sufficient water, and because they did not
23 have vehicles there was no requirement for fuel. Their main
24 logistic requirement fell to ammunition. Without ammunition they
11:23:12 25 could not operate, and if they could not operate they simply had
26 no meaning. The only way that they could gain ammunition was by
27 capturing supplies. Many of their operations were designed
28 purely to capture logistic supplies, particularly ammunition
29 before they could launch the attack on Freetown. As long as they

1 kept moving and kept on overrunning, principally ECOMOG positions
2 and capturing their ammunition, then they could continue to
3 operate. The problem came during the attack on Freetown when
4 they were no longer mobile, they had reached the Congo River
11:23:52 5 bridges and the battle went static, and they no longer had the
6 opportunity to capture any further supplies. At that stage, it
7 was a question of time before they ran out of ammunition and then
8 started to lose.

9 Q. The next point you mentioned yesterday was repair and
11:24:10 10 maintenance of equipment. I would like you to kindly explain how
11 this relates to the conventional army, if you could.

12 A. The conventional army is equipment heavy, tanks, artillery
13 pieces, radio equipment. The rigours of military operations mean
14 there are frequent breakdowns, whether it be because of enemy
11:24:36 15 activity or just simple fair wear and tear. Since these
16 equipments have such high capital costs, the tendency is to
17 repair them rather than to replace them. So a whole system has
18 to be generated to provide spare parts and provide all the
19 facilities and trained manpower to be able to repair them.

11:25:07 20 Q. Are you able to correlate this with the AFRC?

21 A. Yes.

22 Q. Please do.

23 A. No such system existed in the AFRC. They did not rely on
24 sophisticated equipment. Any equipment they had, whether it be
11:25:19 25 weapons or radios, if it broke, they would simply replace it.

26 Q. The next point you mentioned yesterday was the medical
27 system. Kindly relate this to the convention army, if you could.

28 A. An effective medical system is an important part of
29 maintaining the force, for no more reason than maintaining the

1 morale of the force. If a soldier believes that if he is injured
2 he is going to be well looked after then he is much more likely
3 to risk his body in action. So we put a very high premium in
4 regular armies on maintaining effective medical systems. For
11:26:07 5 example, in the British Army we aim to get a casualty into the
6 operating theatre in no more than one hour in order to ensure his
7 life is saved.

8 Q. Can you correlate this to the AFRC, if you are able?

9 A. Yes.

11:26:22 10 Q. Please do.

11 A. The AFRC, of course, did not have the facilities, or did
12 not have access to the facilities and capabilities of regular
13 army. Therefore, the medical system was much more rudimentary.
14 There was however a form of medical system and they established a
11:26:45 15 medical centre in Camp Rosos and in Major Eddie Town with some
16 training medical personnel. I have not been able to establish
17 the particular qualifications of that training, so I cannot say
18 whether these were trained doctors, or whether they were nurses,
19 paramedics or whatever.

11:27:01 20 Q. The next point you mentioned yesterday was fundraising and
21 finance. Could you kindly relate this to the conventional army?

22 A. In a conventional army, which is an army of a particular
23 state, the money to pay for that force, whether it be to pay the
24 salaries of the soldiers involved or to buy the equipment and
11:27:27 25 stores it needs to operate, comes through taxation and are gifted
26 to the defence force in the government. So, the army has no
27 requirement to raise funds itself; it is provided through general
28 taxation.

29 Q. You are able to draw a correlation or a comparison with the

1 AFRC as far as this is concerned?

2 A. Yes, I am.

3 Q. Please do.

4 A. The AFRC had little use, or little need for funds.

11:27:59 5 Essentially it stole or looted the munitions --

6 MR KNOOPS: I object.

7 THE WITNESS: Sorry, wrong use of the word. It took --

8 MR KNOOPS: Sorry.

9 THE WITNESS: I beg your pardon. I am sorry.

11:27:37 10 [AFRC13OCT05C - EKD]

11 MR KNOOPS: Terribly sorry to interrupt the
12 examination-in-chief in this regard. I would also hear now that
13 the witness touched upon several alleged crime bases that I also
14 beforehand object to any link with paragraph 33 of the
11:28:37 15 indictment. In the report of the witness in this regard, he is
16 specifically referring to a form of fundraising and financing
17 which emerges in paragraph 33. I object against the question
18 insofar as the Prosecutor is eliciting evidence from the witness
19 which relates to the crime which is also mentioned in paragraph
11:29:04 20 33, namely the issue of diamond mining.

21 PRESIDING JUDGE: I didn't hear anything about diamond
22 mining.

23 MR KNOOPS: No, but I think it is fair to assume that the
24 witness --

11:29:19 25 PRESIDING JUDGE: We cannot assume anything.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: We do not allow the reference to stealing
28 or looting. It will be struck from the record.

29 MS NGUNYA: Thank you, Your Honour.

1 Q. Witness, would I be correct in saying that there was no
2 formal fundraising and finance in the AFRC?

3 A. Yes.

4 PRESIDING JUDGE: Avoid leading, please.

11:30:17 5 MS NGUNYA: He had already said it.

6 Q. Witness, the next point you mentioned yesterday was pay or
7 reward system for soldiers. Could you kindly relate this to the
8 conventional army?

9 A. In a conventional army soldiers generally work and provide
11:30:35 10 their labour to the state and are rewarded through some form of
11 military salary. They also achieve rewards through promotion
12 which enhances status and also increases military salary. So in
13 addition to such rewards as job satisfaction and all the rest of
14 it, those are the principal means of rewarding soldiers and you
11:31:06 15 need a system which is essentially run by the G1 branch for
16 providing some financial remuneration, some salary for the
17 soldiers.

18 Q. Thank you, Colonel. Are you in a position to draw a
19 comparison with the AFRC? Again, I will just ask you not to
11:31:25 20 mention any particular crimes or names?

21 A. Yes.

22 Q. Please go ahead.

23 A. There was no formal system for providing any kind of
24 military salary to the AFRC. Essentially the soldiers did not
11:31:41 25 need cash in the jungle. Their needs were met through
26 agriculture and other sources provided in terms of food and
27 otherwise in the jungle. There were various other promises made
28 to them for other forms of remuneration, which I will not expound
29 on.

1 Q. Thank you, Colonel. The last point you mention was a
2 religious welfare system. Kindly relate this to the conventional
3 army, if you can?

4 A. In conventional armies, both in Christian and Islamic -
11:32:26 5 they're the only two I am familiar with - there is a correlation
6 between spiritual support and welfare support. In both areas,
7 some form of spiritual support is provided for most armies
8 through religious representatives who also support the welfare
9 organisation of the unit.

11:32:50 10 Q. Thank you. Are you in a position to draw a comparison
11 between the AFRC and the conventional army with this regard?

12 A. Yes.

13 Q. Please do.

14 A. The AFRC did provide opportunities for religious worship
11:33:07 15 and that at their muster parades which took place when they were
16 static, probably three or four times a week, there was an
17 opportunity for both Christian and Muslim prayer. There were
18 people within both each battalion who were religious leaders of
19 both those faiths.

11:33:31 20 Q. Thank you, Colonel. If you know, out of the different
21 sections we have enumerated this morning, are you in a position
22 to say how many of these were present in the AFRC?

23 A. There are probably only two that are wholly absent.

24 Q. Perhaps you could start with the ones that were absent.
11:33:56 25 That could be easier.

26 A. Which essentially are the repair and maintenance of
27 equipment, and the fundraising and finance.

28 Q. Thank you, Colonel. I think you had explained earlier what
29 happened. Colonel, I'm moving to a different line of

1 questioning. Yesterday you described, in detail, what is meant
2 by coherence between strategic, operational and tactical levels,
3 and you even gave an example of ZANLA and ZIPRA in Zimbabwe. My
4 question today is can you give an example of the correlation
11:34:31 5 between strategic, operational and tactical in operations within
6 a regular conventional army?

7 A. An example, yes, I can.

8 MS NGUNYA: With Your Honours' permission -- I will hold
9 that question.

11:34:46 10 Q. Please do.

11 A. As an example, I could use Operation Overlord 1944, which
12 was the D-Day landings in Normandy against Germany.

13 Q. If I may interrupt you here.

14 A. Yes.

11:35:04 15 MS NGUNYA: Your Honours, with your kind permission, may I
16 refer the Colonel to page 14422 and 23. Again, there is no
17 mention of any names. This is just an example which I hope he
18 can refer to.

19 JUDGE LUSSICK: Why do you want to refer him to that page?
11:35:36 20 He seemed to be doing quite okay to me without having to refer to
21 anything.

22 MS NGUNYA: Okay, as the Court pleases, we will proceed.

23 Q. Please continue.

24 A. Yes, certainly. On this event, if you look at it from the
11:35:48 25 Allied viewpoint, their strategic aim was the defeat of Germany
26 by opening up a second front, so that the Russians attacking from
27 the east and the other Allies attacking from the west could
28 invade and destroy the German armies. That was the strategic
29 aim. At the major operational level, they decided they would do

1 this by creating a very large invasion force, and invading the
2 coast of Normandy. At the operational level they also conducted
3 a significant operational deception, creating a complete bluff
4 army on the east coast of England to persuade the Germans that
11:36:33 5 the invasion was in fact going to take place in the Pas de
6 Calais. So that was the operational level.

7 At the tactical level, the activities which allowed the
8 campaign at the operational level to develop included such things
9 as the mine clearance off the shores of Normandy; the actual
11:36:57 10 landing itself; the interdiction by aircraft of the marshalling
11 yards in Normandy to prevent the movement of German reserves.
12 And, of course, to support the deception we also see the creation
13 of a fictitious ghost army in East England, and also the bombing
14 raids in the Pas de Calais to support the deception. So, by
11:37:20 15 linking strategic operational tactical levels, you can see how
16 coherent the Allies were during that time.

17 Q. Colonel, again beginning with what we're told by the Court,
18 no names, are you in a position to draw a comparison between this
19 correlation of strategic, operational and tactical in the AFRC?

11:37:45 20 A. Yes, I am.

21 Q. Please go ahead.

22 A. I am, although I -- there is a difficulty with the AFRC, in
23 that the strategic aims were never articulated, certainly not on
24 paper. Therefore, if one wants to look at the coherence from
11:38:08 25 strategic operation down to tactical level, one has to make
26 certain inferences of what those strategic aims were, which I
27 have done, essentially using the evidence and sources being made
28 available to me, also, understanding the situation which the AFRC
29 found itself over time. Now, the strategic aims, I think, of the

1 AFRC did change, did evolve. Clearly, initially at least, after
2 the ECOMOG intervention, the strategic aim was related to
3 organisational survival. There was probably no thought at that
4 stage of putting together a force that was going to be able to
11:38:55 5 recapture Freetown. Later on, as the AFRC faction evolved and
6 split itself off from the RUF, the strategic aim probably evolved
7 into something relating to be independent, an independent force
8 and to be able to build up to some form of counter-offensive of
9 its own. Subsequently, with the final coming together of the
11:39:24 10 faction in early December 1998, we see the strategic aim develop
11 of the capture of Freetown, preferably before the RUF. Then,
12 finally, after the failure of that, we see once again the issue
13 of organisational survival coming up.

14 So if we're going to look at coherence between strategic,
11:39:52 15 operational and tactical levels, we need to look really at the
16 time period in which we are looking at to see if we can, to use
17 the term I have used before, map strategic aims onto operational
18 goals and tactical activities.

19 Q. So perhaps beginning with the first one, Colonel, the
11:40:15 20 retreat that you mentioned.

21 A. Am I allowed to draw the Court's attention to a table I
22 have prepared in the report, on page 14464?

23 PRESIDING JUDGE: Who is making the application?

24 MS NGUNYA: I thought I shouldn't repeat it, but if we can
11:40:38 25 refer to that table with Your Honours' permission?

26 PRESIDING JUDGE: The page number again, please. Let's
27 see.

28 THE WITNESS: It's 14464, Your Honour, or E5.

29 PRESIDING JUDGE: There are some names mentioned in it.

1 Are we looking at E4.3?

2 MS NGUNYA: Yes, it is, Your Honour, E4.3. If you look
3 Your Honours, I don't see any names at all.

4 PRESIDING JUDGE: Yes, you may refer to that E4.3.

11:41:54 5 Mr Knoops, you are on your feet?

6 MR KNOOPS: Yes, Your Honour. I just draw the Court's
7 attention to the fact that had the matrix under E4.3 does mention
8 in the third column, I think, it is the second part, the third
9 and fourth bullet reference to some crime bases.

11:42:34 10 MS PACK: Perhaps if my learned friend could specify what
11 he is talking about.

12 PRESIDING JUDGE: Is that the list headed "Example,
13 tactical activity", the 4th column?

14 MR KNOOPS: Yes, Your Honour, it is.

11:42:43 15 JUDGE SEBUTINDE: Under which time frame?

16 MR KNOOPS: May-October 1998.

17 JUDGE SEBUTINDE: And which crimes are you referring to?

18 MR KNOOPS: Train recruits, capture supplies.

19 MS PACK: Your Honours, those aren't crimes within the
11:43:00 20 meaning of the indictment. Your Honour, I object to -- the
21 Prosecution submits that it is wholly wrong for my learned friend
22 to characterise what is stated in that column as this witness
23 giving an opinion on an ultimate issue, which I assume is the
24 characterisation which is given by my learned friend to what he
11:43:25 25 states under those bullet points in that little box.

26 PRESIDING JUDGE: Thank you. We overrule that objection.
27 Please proceed.

28 MS NGUNYA: Thank you, Your Honour.

29 Q. Colonel Iron, you were going to refer to the table at E4.3

1 to give examples of strategic operation tactical activity.

2 Please go ahead.

3 A. Okay. I'm sorry, would you like me just to give an
4 example, or do you want me to go through each time frame in turn?

11:44:12 5 Q. I think since you mentioned all the time frames earlier,
6 before the objection, please go through each in turn.

7 A. During the initial time frame, February to about April
8 1998, as I mentioned earlier, the strategic aim I induce is the
9 strategic survival of the AFRC, in this case with the RUF,
11:44:37 10 because they had not yet divided. At the operational level, we
11 can see that their broad objectives to achieve this has got to be
12 escape from Freetown intact and then subsequently to establish
13 safe areas from which they can -- in which they can survive, in
14 particular, in Kono and also in Koinadugu to the north. And then

11:45:05 15 as examples of the tactical activity that go together to achieve
16 those objectives, we see the escape, the crossing of the river at
17 Tombo to Fogbo in order to bypass the ECOMOG block for their
18 retreat route; subsequently to secure Makeni as a temporary base
19 in which they could reorganise; thirdly, they have got to clear
11:45:32 20 the road to Koidu and then finally capture Koidu. These are just
21 examples of the tactical activity which are all coherent to
22 achieve those operational objectives which together succeed in
23 achieving strategic aim. That is the first period.

24 In the second period, May to approximately October of 1998,
11:46:02 25 which covers the time in which the AFRC faction was formed as the
26 main body of the AFRC, withdraws from Kono and from being under
27 command of the RUF, I see the strategic aims essentially being to
28 create the AFRC as an independent force, while at the same time
29 building itself up for a potential counter-offensive. The

1 operational objectives are twofold. The first is to create an
2 operational area for itself, separate in a way from the RUF, and
3 then, secondly, to build up its numerical and logistic
4 strength -- build up the force so it actually is then capable of
11:46:44 5 conducting offensives.

6 And then the examples of tactical activity that go to
7 support those operational-level objectives, clearly they've got
8 to escape intact from Koidu, from either any internecine fighting
9 with the RUF or be interdicted by the advancing ECOMOG forces who
11:47:05 10 came to occupy Koidu. They need to establish bases, initially at
11 Rosos and then at Major Eddie Town. During Camp Rosos, it helped
12 build up their fighting strength, they conducted the only
13 training of recruits into the force that they managed to do. We
14 see raids conducted against ECOMOG bases, principally to capture
11:47:31 15 munitions as I mentioned earlier. Then finally we see them being
16 worried about their public image. There was concern that
17 activities being conducted by the AFRC were being ascribed to
18 rebels and the RUF taking the credit. So there was an attempt to
19 try to create a more independent role separate of the RUF. And
11:47:55 20 so, once again, we see these examples of tactical activity and,
21 of course, there are many others, go forward to support the
22 operational objectives and the strategic aims which I have
23 induced here.

24 The next period sees the mounting of -- the execution of
11:48:16 25 the attack on Freetown, including the move down from the Northern
26 Jungle to the peninsula. The strategic aim, clearly articulated,
27 was the capture of Freetown before the RUF. The operation
28 objectives was a number of them. First of all, they needed to
29 advance to Freetown without serious loss of manpower. As you

1 recall, manpower is a significant concern of the AFRC, and they
2 could not allow any significant attrition of their force. They
3 also needed to acquire much more ammunition in order to make this
4 attack work. Then, finally, once they've got into the peninsula
11:48:59 5 they need to eliminate in some way the ECOMOG garrison.

6 Now, of course, the tactical activities, again for this
7 period, were numerous. They needed on the route down, for
8 example, to cross the Little Scarcies River at Mange without a
9 serious battle; they needed to capture supplies from the ECOMOG
11:49:27 10 based at Lunsar and Masiaka; they needed to capture the
11 Sierra Leone training camp at Benguema and, again, another major
12 source of supplies. I can go on in terms of that sort of level
13 of tactical activity leading up to the capture of State House on
14 6th January. I beg your pardon, I think I have probably got
11:49:54 15 confused here. That was up until just before 6th January itself.

16 The third last time frame was in January to February '99,
17 when the actual attack on 6th January was conducted, and after
18 its defeat then the withdrawal was fought. So strategic aims
19 were the capture of Freetown to restore the junta in some form or
11:50:23 20 other, but then, after its defeat, the strategic aim then related
21 to survival, organisational survival once again. The operational
22 objectives: Eliminate the ECOMOG garrison at Freetown and then
23 at some stage attempt some form of link up with the RUF, as the
24 leadership at this stage understood they probably could not do
11:50:53 25 this by themselves. Then, finally, when that failed, we see the
26 operational objective being to escape from Freetown intact.

27 And once again, example tactical activities, like to cross
28 the bridge at Jui in order to gain access to the advances to
29 Freetown and then, actually during the attack itself, to capture

1 the State House. Subsequently they needed to capture the
2 Kongo bridges. But, when that failed and the counterattack
3 occurred, they then conducted tactical activity involving
4 withdrawal with the main body intact. So once again, what I have
11:51:33 5 tried to do here is to map the tactical activity onto the
6 operational objectives to achieve the strategic aims, thereby
7 demonstrating the internal coherence of this organisation.

8 Now, when I did my analysis, there were a number of
9 instances, a number of activities, that did not exactly correlate
11:51:57 10 to operational objectives and strategic aims. And the defence
11 counsel yesterday mentioned one of them, where I described some
12 activity that took place during the withdrawal that could not be
13 tied as having military relevance to achieving the
14 operational-level objectives.

11:52:20 15 Q. We shall come to that a little later.

16 A. Okay.

17 Q. At this stage I would like to ask you as a military person:
18 Are there any operations that you have just talked about that
19 stand out in your mind that were carried out by the AFRC?

11:52:40 20 PRESIDING JUDGE: That is a very vague question. What
21 exactly do you mean by that, Ms Ngunya?

22 MS NGUNYA: Your Honour, he has just referred to some
23 operations in various time frames. I am just asking him if there
24 is anything that stands out in his mind that shows good tactical
11:53:00 25 organisation by the AFRC. He has just mentioned this in the
26 table.

27 PRESIDING JUDGE: Are you reformulating your question or
28 are you giving me an explanation?

29 MS NGUNYA: I was giving you an explanation. If you would

1 like me to reformulate my question --

2 PRESIDING JUDGE: Well, I consider this question very
3 vague. I don't know whether he is giving prizes or something, or
4 what evidence you are seeking to adduce.

11:53:41 5 MS NGUNYA: Okay.

6 Q. Colonel, my question is: Are you able to give a
7 description of a particular operation that was carried out by the
8 AFRC that shows high tactical organisation?

9 A. Yes.

11:53:59 10 Q. Please do.

11 A. Okay. There are a number of operations which the AFRC
12 undertook which illustrate, for me as a military expert, very
13 high levels of military competence. This was particularly marked
14 on the move from the Northern Jungle down to the Freetown
11:54:22 15 peninsula, where they moved a great distance in a short time,

16 again through enemy territory, and conducting a number of
17 operations which were conducted frequently against superior
18 numbers, but with very high levels of tactical competence. An
19 example, if that is what you want, was the crossing of the Little

11:54:50 20 Scarcies River at Mange. The objective as laid down in orders
21 was unusual, in that the objective was simply: "We need to get
22 the force across intact, and we do not want to engage the main
23 body of the ECOMOG defence". I say this is unusual because in
24 the Sierra Leone war objectives were normally brutally simple, to
11:55:19 25 be honest; usually either the capture of this town or village or
26 the destruction of this defence. And so this showed some level
27 of sophistication which was rare in Sierra Leone and the
28 Sierra Leone war.

29 And the execution of the operation was highly

1 professionally executed in that the initial force, which was to
2 clear the approaches to the bridge, drove away the ECOMOG
3 defence, and then, rather than to continue to follow them into
4 the town, simply remained as a shield behind which the rest of
11:56:03 5 the force could then cross the bridge without being harmed. And
6 as the force crossed the bridge, then that shield -- one of the
7 battalions detailed with this mission -- then collapsed behind to
8 cross the bridge after the force. Now this might seem extremely
9 simple, but in fact there are a number of moving parts within
11:56:31 10 this operation: Battalions operating with independent missions
11 and roles, and also commanded by radio, tactical communications.
12 So a very simple example and yet one which was rare in the
13 clarity of vision which saw its inception and in the
14 professionalism of its execution. I haven't come across many
11:56:59 15 other examples outside the AFRC where you can look at a mission
16 being executed with such clarity.

17 Q. Thank you very much, Colonel. Colonel, I'm moving on to a
18 different area. Yesterday you did explain in some detail what is
19 meant by command you also mentioned overlapping elements;
11:57:23 20 leadership, decision making and control. Am I correct?

21 A. That is correct, yes.

22 Q. I would like you to elaborate on the three I mentioned,
23 i.e., leadership, decision making and control, vis-a-vis the
24 conventional army. Let's begin, first of all, by leadership.

11:57:48 25 A. As I think I tried to explain yesterday, leadership is the
26 ability to get people to do what you want. It is a fundamental
27 part of command and it involves trying to get people to do what
28 they don't want to do, which is, you know, putting their lives at
29 risk and to perhaps also make them extremely uncomfortable,

1 because in military operations frequently you are asking people
2 to forego comfort in terms of food, warmth, water and safety.
3 And so you are asking them to give up all of these psychological
4 motivator -- sorry, physical motivators by providing them with a
11:58:39 5 psychological motivator which is leadership.

6 Q. Thank you. Colonel, with this particular -- you have
7 explained that in detail. Perhaps I will go through all three
8 with a regular army and then we shall compare with the AFRC. The
9 next thing you described yesterday was decision making. Can you
11:58:57 10 correlate that to the conventional army, please?

11 A. Yes, although I have already done so. When we were going
12 through a previous section looking at the characteristics or
13 functions I talked about decision making and the orders process.

14 PRESIDING JUDGE: If the witness has answered the question
11:59:14 15 already asked there is no need to --

16 MS NGUNYA: I will withdraw that question, Your Honour.

17 Q. How about control?

18 A. Yes. Control is a most important part of command and there
19 are three elements to control which one needs to assess. The
11:59:34 20 first is a direction which essentially is the giving of orders or
21 the transmission of your intent as a commander to the
22 subordinates who are going to have to fulfil it. The second
23 relates to oversight which is making sure that your decisions are
24 in fact being implemented. The third relates to coordination;
11:59:58 25 when you have multiple units all working to achieve a larger
26 plan, they need to be coordinated in time and space, otherwise
27 they'll probably end up shooting each other or in some way
28 causing the plan to fail through miscoordination.

29 Q. Thank you, Colonel Iron. Are you able to draw an inference

1 between the conventional army and the AFRC with this regard?

2 A. In control or more widely in command?

3 Q. More widely in command. Sorry, control. Let's begin with
4 control.

12:00:37 5 MR KNOOPS: I object. I think the line of questioning
6 again will touch now upon the ultimate issue of the case. I
7 refer again to the paragraphs 24, 26, 27, and 30 of the
8 indictment as well as 31 and 36 in conjunction with the paragraph
9 12 and 13 and 17 of the indictment wherein the individuals, the
12:01:33 10 accused, are clearly linked with the AFRC within the context of
11 the AFRC as being comprised of what is said here, "Soldiers of
12 the Sierra Leone Army comprised the majority of the AFRC
13 membership." So I think this question, even when it would relate
14 to the composition of command and control as such over the three
12:02:00 15 elements, would indirectly adduce evidence on the ultimate issue
16 and therefore can be seen as a circumvention of Your Honours
17 Honourable Trial Chamber's ruling. Thank you.

18 MS PACK: Your Honours gave a very specific ruling about
19 what Your Honours considered to be a question that might go to
12:02:28 20 the ultimate issue. So there is no attempt here to circumvent
21 any ruling of Your Honours. There is a different question asked
22 and it is a question relating to the tests that this witness, as
23 an expert, has formulated in being able to address certain
24 questions put by the Prosecution. The test he is looking at has
12:02:53 25 three parts to it.

26 The broader question, "Was command effective" was a
27 question in relation to the AFRC which Your Honours said my
28 learned friend Ms Ngunya could not ask yesterday, but there are
29 three aspects to that test which the witness has dealt with in

1 the abstract and is able to deal with insofar as the AFRC context
2 is concerned and those are the aspects of leadership, decision
3 making and control.

4 My learned friend is effectively suggesting that any
12:03:24 5 relevant evidence on any fact, because it might indirectly go to
6 an ultimate issue in the case is therefore inadmissible. Most
7 evidence called that is called through a witness is going to be
8 relevant to an issue in the case and therefore indirectly
9 relevant to the ultimate issue. My learned friend is extending
12:03:43 10 this rule as to not adducing evidence on the ultimate issue to
11 this exceptionally broad question of any evidence that indirectly
12 relates to it, which, in my submission, most relevant evidence
13 will.

14 Your Honours, the ultimate issue in this case is the
12:04:03 15 individual criminal responsibility of these three accused. It is
16 not the criminal responsibility of an organisation. It is the
17 criminal responsibility of these three accused and Your Honours
18 have legal and factual questions to decide, but that does not
19 limit the Prosecution calling evidence as to expert opinion on
12:04:23 20 facts. Your Honours will decide the facts at the end of the day
21 in your deliberations, but Your Honours can hear expert opinion
22 on facts and matters within the expertise of a military expert.
23 That does not in any way trespass upon your role and matters
24 which this witness can deal with, opine on, on these issues of
12:04:49 25 leadership, decision making and control are matters that are (a)
26 well within his expertise and (b) matters which don't trespass on
27 your deliberations, having heard evidence from both sides at the
28 end of the case.

29 PRESIDING JUDGE: Thank you, Ms Pack.

1 MS PACK: And (c) don't go to the ultimate issue being, as
2 they are, not judgments by him as to the individual criminal
3 responsibility of these accused. Your Honours --

4 PRESIDING JUDGE: Yes, I think I have heard your point.
12:05:23 5 You seem to be repeating it. Thank you.

6 MR KNOOPS: Your Honour, if I may just make a brief reply.

7 PRESIDING JUDGE: On points of law.

8 MR KNOOPS: Yes, of course, Your Honour. If Your Honours
9 would only have a look at paragraph 31 of the indictment, the
12:05:44 10 link between the AFRC, it's there. "In their respective

11 positions referred above" and then the three names of the accused
12 "individually or in concert with each other, et cetera, and/or
13 other superiors in the AFRC junta and AFRC/RUF forces exercise
14 authority, command and control". The word "effective" is as such
12:06:17 15 not mentioned there. "Over all subordinate members of the AFRC

16 junta and AFRC/RUF forces". Clearly, although of course we are
17 dealing with the individual criminal responsibility of these
18 three accused -- clearly, if any command and control within the
19 AFRC could be established through this expert witness, it clearly
12:06:39 20 affects the individual criminal responsibility and this question
21 is highly prejudicial to the three accused.

22 JUDGE LUSSICK: What precisely was the question again,
23 Ms Ngunya? I didn't take an accurate note of it.

24 MS NGUNYA: Your Honour, the question I posed to the
12:07:01 25 witness was if he can draw a correlation between control in the
26 conventional military and the AFRC. Control - and I was going to
27 go through them individually, one at a time - decision making --

28 JUDGE LUSSICK: Did your question go to the effectiveness
29 of the control, et cetera, in the AFRC?

1 MS NGUNYA: I never asked that.

2 JUDGE LUSSICK: Or simply whether it existed?

3 MS NGUNYA: Whether it existed. I just asked whether he is
4 in a position to correlate if there was such an element. That's
12:07:34 5 all.

6 JUDGE LUSSICK: I can't see why that would be objectionable
7 if it is limited to that area. Yes.

8 PRESIDING JUDGE: We agree with my learned colleague
9 Justice Lussick and we would allow this question.

12:07:57 10 MS NGUNYA: Thank you, Your Honours.

11 Q. Colonel Iron, I had just posed the question concerning
12 control, whether you are in a position to draw a comparison
13 between that element within the conventional army and the AFRC.
14 Again, just limiting yourself to that answer.

12:08:20 15 A. Yes.

16 Q. Please go ahead.

17 A. Okay. May I also, before I start, offer a word of
18 explanation on control which I should have given earlier, Your
19 Honours, to explain the linkage between command and control.

12:08:36 20 PRESIDING JUDGE: Is this in general terms?

21 THE WITNESS: Yes, it is very general.

22 MS NGUNYA: With your permission, Your Honour.

23 Q. Please go ahead.

24 A. I have heard the term quite a lot, or the expression quite
12:08:49 25 a lot, in this Court of command and control. This is a general
26 layman's term which is also used widely within the military.
27 However, you will have noticed that within my definition of
28 command lies control. It is a fundamental part of command. So
29 within my area of expertise, when I describe command I also mean

1 it to include control. I just wanted to clarify that issue if
2 there is any confusion in it.

3 Q. Thank you for that explanation.

4 PRESIDING JUDGE: Proceed on with your answer, please.

12:09:28 5 THE WITNESS: First of all, the three elements of control
6 are direction, oversight and coordination. Direction is the
7 giving of orders. As we have seen, direction was given face to
8 face. For major operations it was given in a general briefing to
9 the command group. They were simple, they were short and I can
12:09:51 10 find no cases of where people did not understand what was
11 expected of them. In combat, direction once more was tended to
12 be given face to face by a superior commander to a battalion
13 commander or other commander. So that the system of direction
14 was very simple and straightforward.

12:10:15 15 Oversight. The AFRC had a sophisticated system of
16 providing oversight. We have already mentioned the battlefield
17 inspector and the battalion supervisors. These were part of this
18 system of providing oversight on the battlefield so that the
19 commander can make sure that the operation is being conducted in
12:10:43 20 the way that he wants. And this was a much more sophisticated
21 and comprehensive system than I would be used to in a regular
22 army.

23 Finally, coordination. Coordination between battalions was
24 generally conducted by the allocation of a separate commander to
12:11:12 25 be able to coordinate those activities. I have already talked
26 about the task force commander and mission commander as
27 fulfilling this role. So if there were two or three battalions,
28 each given a specific -- sorry, two or three battalions given a
29 specific mission within a wider operation, those two or three

1 battalions would be under the command of an individual such as
2 the task force commander who would then coordinate their
3 activities personally between them.

4 So within those three aspects I will try to explain how
12:11:48 5 control was implemented in the AFRC.

6 Q. Hold on that point for a minute. Colonel, before we go
7 into how it was implemented, perhaps you could also explain how
8 decision making -- if you can correlate decision-making,
9 conventional army and with the AFRC?

10 A. Yes. As I mentioned earlier, decision-making is a very
11 personal thing and it depends on the personality of the commander
12 how it is taken; how it is done. Decision-making in the AFRC
13 tended to be from the top that decisions were made by the
14 command, not necessarily the commander, but the command as
12:12:43 15 encapsulated by the senior commanders of the organisation. And
16 these decisions would then be implemented by the force. And
17 throughout the movement from -- well, from the start of
18 Major Eddie Town, throughout the movement to the peninsula,
19 decision-making was conducted in this manner in a rational,
12:13:09 20 coherent way with orders being passed down to the command group.

21 Subsequently, during the 6th January invasion, we see it
22 becoming more difficult as the members of the command, who are
23 used to giving the major decisions on how operations are
24 conducted, appear on 6th January to have lost focus on the
12:13:34 25 operation after the seizure of State House and seem to have been
26 diverted by their success so far and had not recognised the
27 importance of the battles still to be fought.

28 Q. Thank you, Colonel. The last point you had described as
29 far as the conventional army is concerned is leadership. This

1 you described earlier. Perhaps, if you're able, could you
2 correlate this: Draw comparison between the conventional army
3 and AFRC as far as leadership is concerned?

4 A. Yes, leadership in the AFRC is a very personal issue and we
12:14:10 5 see leaders leading personally, sharing the same dangers, the
6 same conditions, as their soldiers. So, there is a very personal
7 inspiration, if you like, for the soldiers from their leaders and
8 this personal, very close leadership was indicative of the AFRC
9 as a whole. But once again, on 6th January we see leadership
12:14:52 10 failing -- sorry, I beg your pardon, I take back that word.

11 Changing its nature during the course of the day as senior
12 leaders were more diverted by the seizures of State House than
13 providing that inspirational leadership which they continued to
14 need if they were going to win the battle for Freetown.

12:15:12 15 Q. Colonel, thank you. Before I interrupted you earlier, you
16 were going to go into another aspect of control, I believe.

17 A. No, I don't think so. I was just drawing together those
18 three elements of control to form a general view of control as
19 one of the sub-elements of command.

12:15:33 20 Q. Please go ahead.

21 A. As I mentioned, the three elements of control, direction
22 and oversight and coordination, were all present within the AFRC
23 and the structures for control I think were sound and well
24 established. But once again, we see the -- some of those
12:16:06 25 structures not being used as the battle for Freetown developed.
26 But just because they were not used does not mean they were not
27 there.

28 Q. Thank you, Colonel. Colonel, I'm going to another aspect
29 of my questioning. In your testimony yesterday you did state

1 that you divided your report into basically two chunks. I do
2 want to concentrate on the second chunk, which you said relates
3 to - and I quote from page 44 of the transcript - "The second
4 half of my timeframe was operations in the Freetown peninsula,
12:16:44 5 attack on Freetown itself, and subsequent withdrawal." If you
6 are able, Colonel Iron, how would you describe the AFRC prior to
7 the 6th January invasion?

8 JUDGE LUSSICK: In what way? That is a very vague
9 question.

12:17:08 10 MS NGUNYA: I'm sorry, I'll add the key word.

11 Q. As a military organisation.

12 A. As a military organisation, the AFRC, prior to the 6th
13 January attack, I think was probably the best, most effective --
14 sorry, the most effective military organisation in Sierra Leone
12:17:30 15 at the time including the ECOMOG forces.

16 Q. Why do you say this, Colonel?

17 A. They were, relatively speaking, a very small force, and yet
18 they were able to conduct highly sophisticated military
19 operations against a much larger force, including the movement
12:17:49 20 down from the Northern Jungle to the Freetown peninsula, without
21 suffering a single defeat and with very few casualties and
22 achieving all of their operational goals as they advanced.

23 MS NGUNYA: Again, with the Court's permission, I would
24 just like to refer to a question he has partly answered before.

12:18:14 25 Q. Colonel, are you able to give examples of those operational
26 goals at this time? Just list them.

27 A. Well, the operational goals were to advance --

28 PRESIDING JUDGE: [Overlapping speakers] did you say
29 operation goals? Where is that referred to?

1 MS NGUNYA: He has just mentioned operational goals and I
2 want him to give examples. That was my question.

3 PRESIDING JUDGE: Proceed.

4 MR GRAHAM: Excuse me, Your Honours. If I'm not mistaken,
12:18:53 5 I think my learned friend on the other side has run through this
6 operational level exercise already, if I recall rightly. I think
7 this is an exercise in repetition.

8 PRESIDING JUDGE: Is that an observation or an objection?
9 I'm not sure what you are doing.

10 MR GRAHAM: Your Honour, it's an objection.
12:19:10

11 MS NGUNYA: If I may respond, Your Honours. I actually did
12 request the Court's permission just to quickly summarise which
13 events he is talking about, because there are other -- so the
14 incidents are not confused. It is just for clarity of the
12:19:26 15 record, that is all. This is up to the Court.

16 JUDGE SEBUTINDE: Are you repeating some evidence already
17 on the record?

18 MS NGUNYA: I am summarising, yes, Your Honour.

19 JUDGE SEBUTINDE: Is that necessary? We don't think it is
12:19:38 20 necessary.

21 MS NGUNYA: In that case I will proceed, Your Honour.

22 Q. Colonel, my next question is how would you describe the
23 AFRC as a military organisation during the invasion of Freetown?

24 A. During the invasion of Freetown we start to see some of the
12:20:02 25 cohesion that had been built up by the force during its time in
26 the jungle and its march south start to dissolve. This cohesion
27 was created essentially by the battalion structure; battalions
28 operating together under the same commanders, the same regimental
29 sergeant-major, the same discipline structure, the same body of

1 friends, if you like, fighting together and get to know each
2 other extremely well. It is this kind of cohesion that regular
3 armies seek all the time to get units to fight better, longer,
4 stronger, than the enemy. And so, on the 6th -- when the AFRC
12:20:52 5 started 6th January, they were a highly cohesive force.

6 We start to see this cohesion, as I mentioned, break down
7 during the 6th January attack. I think the principal reason for
8 this breakdown was during the late morning and afternoon of the
9 6th there were a number of attacks to attempt to seize the
12:21:20 10 bridges, the two bridges, over the Congo River. As soon as the

11 initial attacks failed, the AFRC attempted to reinforce these
12 attacks, but instead of using battalions, formed bodies of men to
13 reinforce these attacks, they sent individuals; groups of
14 soldiers as individuals from other battalions to then form new
12:21:45 15 groupings to conduct these operations. And these groupings did

16 not know each other as well, they did not have, for example, you
17 know, the regimental sergeant-major, for example, did not know
18 the personalities of all of those involved and those levels of
19 cohesion started to break down. And then throughout the

12:22:07 20 operation, the rest of the Freetown battles, this erosion of the
21 battalion structure continued until after the ECOMOG
22 counter-attack, there was -- no such structure existed at all.

23 There was simply groupings of men under commanders. The initial
24 battalion commanders still had authority, they were still

12:22:32 25 commanders, but the structure, which supported them up until that
26 moment, no longer existed in terms of a span of command. So, for
27 example, as deserters were found and returned back to the battle,
28 they simply went to whichever organisation, you know, happened to
29 be there at the battle-front. And it then became a much more

1 loose-knit organisation.

2 However, having said that, there was still an outline
3 structure to this organisation. There was still a high command.
4 Staff officers were still performing their functions as staff.

12:23:16 5 There were still, for example, a provost, a military provost
6 staff who, at this stage, were manning checkpoints behind the
7 battle to try and find any deserters and return them back to the
8 front. So, although the cohesion of the force deteriorated
9 during this particular battle, there was still residual structure
12:23:44 10 and organisation within the AFRC. In particular, the individuals
11 who were taking part in this were still trained soldiers, still
12 trained to obey, still trained to think like soldiers. And so,
13 they were able to conduct military operations.

14 Q. Thank you, Colonel. If I may interrupt you there --

12:24:09 15 A. You may.

16 Q. -- only because I want to go to the time immediately after
17 the Freetown invasion. My question is: How would you categorise
18 the AFRC after the Freetown invasion?

19 A. Just for clarification, are you talking about after 6th
12:24:31 20 January, but while they're still in Freetown, or the retreat, or
21 once they have retreated?

22 Q. Specifically the retreat.

23 A. Okay. Their cohesion had begun to break down, but they
24 were still a formed military body, although without that those
12:24:55 25 sub-units that had existed before. Nevertheless, there was
26 sufficient structure to ensure that this was a fighting retreat.
27 This was not the rout that we saw from Freetown a year earlier,
28 during the ECOMOG intervention. It was not a rout; it was an
29 orderly withdrawal under orders.

1 Q. Perhaps I can interrupt you there for a minute. What do
2 you mean by a fighting retreat?

3 A. It means that throughout the retreat the force continued to
4 hold its rear and to prevent ECOMOG simply from overrunning them,
12:25:36 5 which they would have done or could have done if it had been a
6 rout. So there was always a force able to hold the rear and
7 indeed that particular battle of the rearguard actions took place
8 over a week.

9 Q. Sorry for interrupting. Please continue.

12:25:54 10 A. I was just going to give an example of -- a particular
11 tactical example to illustrate the level of organisation that was
12 maintained. In that during the retreat the force had to make
13 their way to Allen Town in order to get access up into the
14 mountains, so they could escape across the mountains. And their
12:26:23 15 route was blocked by a defensive, an ECOMOG defensive position at
16 the brewery. And this delayed the retreat for some time; it
17 pinned down the advance guard. And the retreat was organised in
18 terms of an advance guard, with whom many of the commanders were
19 now giving personal leadership; then the main body, described as
12:26:47 20 the families of the force; and then the rear guard. At the
21 brewery they were held up, a number of lives were lost. But
22 there was still sufficient organisation to be able to form a
23 different grouping of people, under a commander, to conduct a
24 bypass, to find some high ground, and then to be able to bring
12:27:11 25 plunging fire down onto the ECOMOG position at the brewery which
26 forced the abandonment of the block, thereby allowing the main
27 force to retreat.

28 So I just use this as an example to illustrate the level of
29 coherence which the organisation still maintained, although it

1 was nothing like the organisation which had invaded Freetown a
2 week or two earlier.

3 Q. Thank you, Colonel Iron. One final question for this
4 afternoon. From a military point of view how would you
12:27:45 5 categorise the AFRC as a military organisation?

6 A. As I mentioned earlier, I think they were, in their time,
7 the best -- sorry, most effective, most effective military
8 organisation in Sierra Leone. And they very clearly to me
9 demonstrate their roots as a regular army. Of all the
12:28:14 10 organisations that I have analysed this is the one which is by
11 far and away the closest to the one that I grew up in.

12 MS NGUNYA: Thank you, Colonel. Your Honour, that
13 concludes my examination-in-chief.

14 PRESIDING JUDGE: Thank you, Ms Ngunya. I am assuming of
12:28:48 15 course there will be cross-examination and it may be more logical
16 to take an early lunch break and then go into cross-examination
17 without interruption. We will adjourn to 2.00, Mr Court
18 Attendant, please.

19 [Luncheon recess taken at 12.30 p.m.]

13:57:16 20 [AFRC13OCT05D-SGH]

21 [Upon resuming at 2.03 p.m.]

22 PRESIDING JUDGE: Good afternoon. Mr Knoops, has it been
23 agreed by counsel for the Defence which of you will cross-examine
24 first?

14:02:35 25 MR KNOOPS: Yes, Your Honour, we have come to an agreement.

26 PRESIDING JUDGE: I hope it is you.

27 MR KNOOPS: Yes.

28 PRESIDING JUDGE: Because you appear to be the only one
29 there.

1 MR KNOOPS: Yes, Your Honour, it's me.

2 PRESIDING JUDGE: Well, that's fortunate. Please proceed.

3 MR KNOOPS: Yes. Thank you, Your Honour.

4 CROSS-EXAMINED BY MR KNOOPS:

14:02:52 5 Q. Good afternoon, Colonel.

6 A. Good afternoon.

7 Q. Thank you for joining us.

8 A. It's a pleasure.

9 Q. I would like to go through some questions with you,

14:02:59 10 starting with, first of all, your assignment and, secondly, the

11 methodology. If I am correct, you testified in the CDF trial

12 that you were not interested in crime, but interested in the

13 aspect of the military organisation. Is that correct?

14 A. That is correct, yes.

14:03:27 15 Q. So you agree with me that you are not competent to testify

16 on crimes; is that correct?

17 A. I am competent to testify on the military aspects of the

18 organisation. I certainly would not try to comment on crime.

19 Q. Thank you, Colonel. You have identified that you have read

14:03:58 20 statements and, if I am correct, testimony which was provided by

21 you by the Office of the Prosecutor; is this correct?

22 A. That's correct, yes.

23 Q. Can you perhaps recall how many statements you were able to

24 digest?

14:04:19 25 A. No, but it was many. I can't recall off the top of my head

26 how many.

27 Q. Are you in a position to make a rough estimation in terms

28 of 10s, 20s, 30s?

29 A. Dozens, I think.

1 Q. Dozens?

2 A. Yes.

3 Q. Did these statements only include statements in relation to
4 the AFRC case or also statements in relation to the RUF and CDF
14:04:40 5 cases?

6 A. I have covered all three in my investigations here.

7 Q. Right. So should we understand your statement today that
8 you received three files, or was it one file which comprised all
9 the statements of all three cases?

14:05:07 10 A. No. I received one file for the CDF, one file for the RUF,
11 one file for the AFRC. However, some of the material from the
12 AFRC and the RUF files, if you call them that, are relevant to
13 each other for the time that they were both operating together.

14 Q. Do you have any knowledge whether you were able to review
14:05:42 15 all of the AFRC materials, or were you informed that this was
16 just part of it?

17 A. I cannot confirm that I have read them all; I don't know.

18 Q. Did you keep a record of the statements you were able to
19 review?

14:06:04 20 A. No. As I say, I didn't keep a record of those statements
21 or testimony.

22 Q. Right. Colonel, in your analysis before coming to your
23 report, were you also able to review any court transcripts
24 regarding the AFRC case?

14:06:20 25 A. Yes.

26 Q. Can you recall to how many witnesses these transcripts
27 relate?

28 A. At least three. I can't recall if there were any more, but
29 at least three.

1 Q. Are you able to recall to which period these transcript
2 related in terms of when these witnesses gave evidence before the
3 Special Court for Sierra Leone in the AFRC case?
4 A. No, I don't know.

14:07:02 5 Q. Is it fair to assume that since your report was issued in
6 August 2005 that you were not able to implement the testimonies
7 of those witnesses who testified after August 2005 before the
8 Special Court; is that correct?
9 A. If the testimony was different from their initial
14:07:29 10 statements, or, indeed, if they were people who I had had
11 interviews or discussions with and they were substantially
12 different, then the answer is no, I would not have done.

13 Q. Thank you colonel. In the individuals you spoke to, was
14 there an individual with the name of XXXXXX XXXXXXX?
14:07:49 15 A. Yes.

16 Q. Was there an individual with the name of
17 Mr XXXXXX XXXXXX?
18 A. Yes.

19 Q. And was there an individual with the, let's say, code
14:08:02 20 TF1-334?
21 A. I don't know to whom you are referring I am afraid.

22 Q. Are you able to write for us the three names on a paper of
23 those individuals the statements of which individuals you were
24 able to read? I refer specifically here to the testimonies you
14:08:41 25 saw, the transcripts you saw of these three witnesses you refer
26 to?
27 A. Yes, of course.

28 Q. I ask you this because this at least in my enumeration one
29 individual which has a protected status, so I will urge you not

1 to mention any other names.

2 A. I am happy to offer you the names of all of the people who
3 I interviewed, if that would be helpful.

4 MR KNOOPS: If the Court would allow the witness to write
14:09:10 5 down on a piece of paper the names of the witnesses.

6 PRESIDING JUDGE: Madam Court Attendant, please let the
7 witness have some paper and a pen. Madam Court Attendant, please
8 show it to counsel for the Defence and then counsel for the
9 Prosecution.

14:12:13 10 MR KNOOPS: Your Honours, we seek leave to tender this
11 document as a defence exhibit.

12 PRESIDING JUDGE: Ms Ngunya?

13 MS NGUNYA: Your Honours, I have no objection.

14 PRESIDING JUDGE: Very well. That will be exhibit D11; is
14:12:24 15 it? D12.

16 [Exhibit No. D12 was admitted]

17 MS NGUNYA: Your Honours, if I may just add one thing.
18 Could it be under seal, please?

19 PRESIDING JUDGE: Yes, that will be under seal. Please
14:14:07 20 proceed, Mr Knoops.

21 MR KNOOPS: Thank you, Your Honour. Thank you, Colonel.

22 Q. Did you receive prior to your research, or pending your
23 research, any briefing of the Office of the Prosecutor regarding
24 their theory on the AFRC case?

14:14:33 25 A. I am sorry, perhaps it is because I am a layman, but what
26 do you mean by "theory of the case"?

27 PRESIDING JUDGE: I would like to know that, too.

28 MR KNOOPS: The way the Prosecutor perceived the AFRC case
29 and specifically their view on the structures within the AFRC.

1 A. No. I think I am correct in saying this, if I understand
2 your question correctly. What they asked me to do was to
3 establish the extent to which it was a military organisation and
4 to which command was effective. There was clearly an assumption
14:15:07 5 in their mind that such structure did exist, otherwise they would
6 not have asked me to have done it. So I certainly acknowledge
7 that, I think, was in their mind when they asked me to do it.

8 Q. Thank you. Did you receive from any of the individuals
9 which you just wrote on this piece of paper, Exhibit D12, any
14:15:34 10 diagram drafted by any of these witnesses regarding an alleged
11 structure within the AFRC?

12 A. Yes, I did.

13 Q. Are you able to indicate how many diagrams you received in
14 total?

14:15:53 15 A. Quite a few actually. As the most of them related to time,
16 as the structure evolved over time.

17 Q. You say quite many. Are you able to give a rough
18 estimation?

19 A. This not all from one source. But maybe 15 or 20, perhaps.
14:16:19 20 That may be an exaggeration; it might have been 12. I don't
21 know, but something in that region.

22 Q. Can you remember if any of the diagrams were printed in
23 full colour?

24 A. Yes.

14:16:33 25 Q. You just testified that you received these diagrams from
26 various sources. Is it correct that you received the diagrams
27 from more than one person on the list which you just drafted?

28 A. That's correct. That's correct, yes.

29 Q. From how many persons you received these diagrams?

1 A. Two people.

2 Q. Two people. Are you able to indicate on the Exhibit D12
3 which individuals provided you with these diagrams?

4 A. Yes. I am, yes.

14:17:04 5 MR KNOOPS: Your Honours.

6 PRESIDING JUDGE: Please show the witness Exhibit D12,
7 Madam Court Attendant.

8 [Exhibit No. D12 shown to witness]

9 JUDGE LUSSICK: How do you want the witness to indicate it,
14:17:22 10 Mr Knoops?

11 MR KNOOPS: Perhaps just with a cross, Your Honour, if that
12 is okay for the witness.

13 Q. Colonel, you are able to identify these individuals with a
14 cross?

14:17:34 15 A. Yes, I have done so.

16 Q. Thank you.

17 PRESIDING JUDGE: Again, Madam Court Attendant, please show
18 it to the counsel for the Defence and then to counsel for the
19 Prosecution.

14:17:43 20 MR KNOOPS: Your Honour, just to be efficient if the
21 colonel is able just to keep the Exhibit D12 for one second,
22 because my next question could be dealt with at the same time.
23 Sorry, Colonel.

24 Q. Could you also indicate, perhaps with a small circle, with
14:18:02 25 which individuals of that list you went to sites?

26 A. With all of them.

27 Q. Okay. That's good. Thank you, Colonel.

28 MR KNOOPS: Then I am sorry, Mrs Court Attendant --

29 THE WITNESS: I am sorry, there might be a

1 misunderstanding. This list -- I thought I was asked to write
2 based on the witnesses I had been to sites with. I am not sure,
3 bearing in mind your last question, whether that was understood
4 or whether I got that right.

14:18:50 5 JUDGE LUSSICK: I thought the question you asked the
6 colonel was, "Can you write the names on the paper of all the
7 witnesses you interviewed?"

8 MR KNOOPS: No, Your Honour, my first question to the
9 witness was to indicate the individuals from whom he read the
14:19:01 10 court transcripts.

11 JUDGE LUSSICK: Then I am almost sure you said, "Can you
12 write the three names on paper", and then you changed that and
13 said, "Write the names of all the witnesses you interviewed"; not
14 all the witnesses you went to sites with, but all the witnesses
14:19:25 15 you interviewed.

16 MR KNOOPS: Colonel?

17 JUDGE SEBUTINDE: Additionally, the witness says that, in
18 respect of whose transcripts he read, were only three. And those
19 three we do not know yet, apart from -- no, actually we don't
14:19:48 20 know who the witnesses were, the ones of the transcripts. The
21 list that has now been admitted as Exhibit D12 contains the
22 answer to the question you asked, "So can you list the witnesses
23 that you interviewed?" And that is different. That, I think, is
24 what the witness wrote, which is a list of a number of names,
14:20:11 25 certainly in excess of three.

26 MR KNOOPS: Thank you.

27 Q. Colonel, sorry for the inconvenience. Are you able to
28 identify on this list the individuals whose transcripts you saw,
29 the transcripts of the respective testimonies they gave in the

1 AFRC case? Are you able to identify these individuals on this
2 list?

3 A. Yes, but I have also read transcripts of individuals who
4 are not on that list as well; i.e., individuals I have not
14:20:51 5 interviewed and been to sites with personally.

6 Q. Could we first deal with the first question, that you
7 indicate on this list those individuals whose transcripts you
8 read?

9 A. Yes.

14:21:02 10 MS NGUNYA: With respect, Your Honours, I don't mean to
11 interrupt you and learned counsel. It has been brought to my
12 attention that at one point the names on the exhibit could be
13 seen in the monitor. I am just alerting the Court. This was
14 about a minute or so ago, and I have just been alerted. I was
14:21:20 15 bringing to it your attention, if it can be redacted from the
16 camera -- from the video, sorry.

17 PRESIDING JUDGE: Please clarify, Ms Ngunya; does that mean
18 it was seen by the public?

19 MS NGUNYA: I am not sure, but somebody on my side of the
14:21:46 20 Bench could saw or could read the names on the screen.

21 PRESIDING JUDGE: For elimination of doubt, if there is any
22 member of the public, particularly any members of the media, who
23 has seen this list, it must not be repeated outside or made
24 public in any way. We are getting a little lost here, Mr Knoops.
14:22:10 25 Proceed with your questions.

26 MR KNOOPS: Thank you, Your Honour.

27 Q. Colonel, you have drafted the list with names. You have
28 indicated on this list the individuals you went with to sites?

29 A. That's correct. I mean, the people who I interviewed and

1 the people I went to sites with are the same people.

2 Q. Okay. Are you able to indicate on the same list the
3 individuals, the court transcripts thereof you read?

4 A. Two of them, yes. There is another one whose name does not
14:23:04 5 appear on that list.

6 Q. Are you able to write on the same list with the letter
7 "T" --

8 A. Yes.

9 Q. -- as an abbreviation of "transcript"?

14:23:14 10 A. Yes.

11 Q. And perhaps put the other name at the same paper?

12 A. Yes.

13 Q. With the letter "T"?

14 A. Yes.

14:23:25 15 Q. You have the list before you? Not yet?

16 A. No, I don't.

17 Q. Thank you, Colonel. So, to resume, you have indicated
18 with --

19 MS NGUNYA: Your Honour. I am sorry, Mr Knoops. Again, if
14:24:09 20 you noticed on your monitor, you could see the list. Is it
21 possible that the audio-visual could be asked not to focus on the
22 list?

23 PRESIDING JUDGE: Can the engineers hear? Make sure that
24 list is not put on any TV screens, please.

14:24:42 25 JUDGE LUSSICK: I doubt whether anybody would work out what
26 it is about anyway, with all those cyphers on it.

27 PRESIDING JUDGE: Thank you, Mr Knoops. We have been able
28 to look at that.

29 MR KNOOPS: If Your Honour wishes me to summarise the

1 witness about the figures and facts on the list, I would be happy
2 to do so. If it is clear for the Honourable Court then I will
3 proceed.

4 PRESIDING JUDGE: I am quite clear.

14:26:59 5 MR KNOOPS: Yes, all right.

6 PRESIDING JUDGE: We note that the Exhibit is still D12,
7 but it is a different D12 from the original D12.

8 MR KNOOPS: Yes. I formally apply to tender this document
9 as an exhibit for the Defence.

14:27:35 10 PRESIDING JUDGE: Ms Ngunya, the application is for a
11 different document?

12 MS NGUNYA: Your Honours, I have no objection. But again,
13 under seal.

14 PRESIDING JUDGE: Very well, under seal. Thank you.
15 Proceed, Mr Knoops.

16 MR KNOOPS:

17 Q. Colonel, do you have any idea how these individuals and
18 their statements on this document were selected by either you or
19 the Prosecution?

14:27:59 20 A. They came about as a result of conversations between myself
21 and the Prosecution. I explained the methodology that I wanted
22 to approach this problem and that I needed to have more
23 information about the workings of the military organisation
24 beyond the statements, the bare statements which we had already
14:28:26 25 received, as a result they suggested -- the Prosecution, that
26 is -- suggested these people. The depth of the conversation then
27 was as a result of my initial contacts with them to determine the
28 extent to which they could elaborate on the various aspects in
29 which I was interested.

1 Q. Colonel, with respect to these diagrams you received from
2 the two individuals on the exhibit, were you familiar that the
3 diagrams were drafted by the two persons themselves?

4 A. I very much doubt that their Power Point skills are good
14:29:17 5 enough to actually put it into electronic format. But the
6 information contained therein, I am satisfied came from the two
7 sources.

8 Q. Were you in a position to verify the underlying data of
9 these diagrams before putting them into your research?

14:29:41 10 A. In conversation, yes.

11 Q. Conversation?

12 A. Yes.

13 Q. Can you indicate, Colonel, how much time you dedicated with
14 these conversations regarding the individuals on Exhibit D12?

14:30:08 15 A. It depended on who the individual was and how much relevant
16 information he had, but it varied from half a day to four or five
17 days. Not all spent in one chunk naturally, but split up over a
18 series of months if necessary.

19 Q. Did you speak with any of them, the individuals on the
14:30:37 20 list, in the presence of any other of the individuals on the list
21 so that you sometimes spoke with more than one of the individuals
22 on the list?

23 A. No, I only ever had one witness with me at any one time.
24 We made particular care to make sure there were never two
14:30:56 25 witnesses together.

26 Q. Colonel, were these individuals paid for their services to
27 your research?

28 A. I am not competent to answer that question, I'm afraid.

29 Q. Is it correct that during the conversations between you and

1 that particular individual on the list D12, a member of the
2 Office of the Prosecution was present?

3 A. Sorry. One particular individual or are you referring to
4 all of them?

14:31:30 5 Q. All of them.

6 A. Members of the Prosecution were present, I think, for most
7 of them, but not all. On not all of my trips could somebody be
8 made available, but usually there was somebody there, yes. I'm
9 sorry, if I just clarify that. Both in terms of investigators
14:31:50 10 and lawyers. I always had an investigator with me but only
11 sometimes did I have a lawyer with me.

12 Q. Colonel, were you able to verify whether and if so any of
13 the individuals on the list D12 exhibit had any professional
14 military education or background whatsoever?

14:32:19 15 A. Well, those who clearly have been through military training
16 will have had some basic knowledge of, I suppose, the military
17 through training. But the reality is that the best way to learn
18 about this is in practice and all of them had a considerable
19 amount of operational experience and so I would say that they are
14:32:42 20 all experienced practitioners, military practitioners.

21 Q. With all due respect, Colonel, I was asking you whether you
22 were able to verify whether they had a professional military
23 education background. Is the answer yes or no?

24 A. The reason why I am struggling is that in my area we
14:33:13 25 separate education from training and I would say these people
26 have been trained but probably not educated in terms of
27 professional military education.

28 Q. Thank you, Colonel. Is it correct to say, Colonel, that
29 none of the individuals on the list D12 ever held a rank of a

1 commissioned officer or a position as a combat officer before
2 May 1997?

3 A. Well, with the exception of David Richards who is
4 lieutenant-general in the British Army who is also, I think, on
14:33:51 5 that list, I am aware that none of the Sierra Leoneans on that
6 list were commissioned officers in the Sierra Leone Army, yes.

7 Q. Thank you. In this regard, Colonel, without mentioning
8 names in general, is it correct to say that the AFRC faction as
9 such, according to your research, in fact only comprised of two
14:34:28 10 or perhaps three commissioned officers which went to an official
11 military academy?

12 A. I don't know the precise number, but I know it was a small
13 handful compared to the majority and that the AFRC coup
14 essentially was a junior ranks coup and most of the senior ranks
14:34:48 15 were excluded from it.

16 Q. Colonel, is it fair to say that it is not a traditional
17 trade of a brigade that it is run by only a handful of
18 professionally trained commissioned officers? I am just asking
19 you this question generally without going into any specific
14:35:16 20 details.

21 A. You are highlighting the difference between the AFRC
22 faction and a regular army and of course there are many. You
23 would not expect a brigade in a regular army to have only a small
24 handful of commissioned officers, although of course in combat
14:35:38 25 there have been many cases in history where many of the officers
26 have been killed and brigades have been commanded in combat by
27 relatively junior officers or even NCOs.

28 Q. But you would agree with me that in general this is quite
29 an abnormal situation; is this correct?

1 A. I would agree if the situation existed in a regular army it
2 would be most abnormal.

3 Q. Colonel, is it correct that in the course of your research
4 you didn't interview any of the senior officers of the former SLA
14:36:16 5 army who were involved in the AFRC or involved in the conflict
6 during the period 1997 until 2000; is that correct?

7 A. None were made available to me, yes, that's correct.

8 Q. Was there a specific reason why they were not made
9 available to you?

14:36:37 10 A. That is beyond my competence to answer. I don't know.

11 Q. Thank you, Colonel. Colonel, is it correct that you, in
12 the course of your research, didn't interview any of the senior
13 ECOMOG officers involved in the conflict in the period 1997 to
14 2000?

14:36:56 15 A. I tried to but was unable to do so.

16 Q. Thank you, Colonel. Colonel, were you familiar that ECOMOG
17 forces were implicated in the activities in Sierra Leone
18 involving the bombing of certain targets in Freetown in 1997 and
19 onwards while you were writing your research?

14:37:32 20 A. It is outside the time frame of my research and I have not
21 looked at ECOMOG activity. I was asked specifically to look at
22 the AFRC as an organisation.

23 Q. Thank you. Colonel, is it fair to say that none of the
24 interviewees you indicated on the list D12 were actually able to
14:38:06 25 say something very specific about military structures in general
26 or the AFRC in specific in the absence of any professional
27 training in terms of education? I'm not referring to the
28 operational experience you have just explained to us, but I am
29 purely focusing on the background of these individuals in terms

1 of military education.

2 PRESIDING JUDGE: I am having difficulty understanding your
3 question, Mr Knoops. Could you clarify it for me, please?

4 MR KNOOPS: Thank you, Your Honour.

14:38:47 5 Q. My question is, Colonel, whether you would agree with me
6 that the individuals you interviewed and which are mentioned on
7 the list D12 were actually not in a position, in the absence of a
8 military education, to say something sensible about military
9 structures in the army, the SLA army or the structure you
14:39:16 10 identified after May?

11 PRESIDING JUDGE: If you could just pause again, Mr Knoops,
12 you have actually got two questions. Let the witness answer them
13 one at a time. The first is in relation to the SLA.

14 MR KNOOPS: Yes.

14:39:30 15 THE WITNESS: I'm sorry, I have lost touch of where the
16 question is now.

17 MR KNOOPS:

18 Q. Colonel, do you agree with me that the individuals you
19 interviewed were actually not in a position to say something
14:39:44 20 sensible about military structures within the SLA in the absence
21 of any professional military background?

22 A. No, I don't agree with that.

23 Q. Do you agree with me that, in the absence of the same
24 military education, these individuals were not able to say
14:40:06 25 something sensible about structures, military structures, after
26 May 1997?

27 A. No, I don't agree with that.

28 Q. Is it correct to say, Colonel, that in the course of your
29 research some of these individuals, or perhaps all of them, told

1 you that they were not able to go into military structures within
2 the SLA army in the absence of their military education?

3 A. I think you misunderstand the nature of my analysis of my
4 fact finding. It might be helpful if I explained that, if you
14:40:56 5 would allow me to. To determine how the organisation worked I
6 needed to look at it from the bottom up. I needed to understand
7 the small details that make the organisation -- make up the
8 organisation from the bottom. So I needed to know, for example,
9 how the communication system worked. You know, how many radio
14:41:22 10 operators were there on a radio, what calls signs did they use,
11 where did the radio sit in the headquarters, how often did they
12 monitor the radio, for example. I needed to know about the
13 routine in the jungle, about the muster parades, about the anti
14 air raid precautions. I needed to know how messages were sent
14:41:51 15 through the jungle and all of these sorts of details. And from a
16 very broad array of facts - you know, this is how we conduct
17 military analysis - you can then, from the specific to the
18 general, induce certain generalities about how an organisation
19 can work. So that was the principal direction of my inquiries
14:42:17 20 and I found that all of my witnesses were particularly useful in
21 building up that broad picture of what made the AFRC tick.

22 Q. Thank you, Colonel. Is it so, Colonel, that these
23 witnesses all presented to you the same picture, the same
24 structure, or were you able to detect any discrepancies?

14:42:42 25 A. Are you looking specifically at structure relating to those
26 diagrams or are we talking more widely in terms of this as a
27 military organisation?

28 Q. That we start with the diagrams you were provided with.
29 Were you able to detect discrepancies between the information

1 provided to you by these individuals?

2 A. There were some very minor discrepancies relating often to
3 rank, since people changed rank quite frequently, in particular
4 got promoted, and there were some discrepancies in time as to
14:43:26 5 when certain things occurred. But actually, considering this is
6 six years ago and, you know, we are dealing with a lot of names
7 and positions and quite a complex structure, I was struck by how
8 similar they actually were. I mean, I would not have expected it
9 to have been so similar. I would have expected more disparity
14:43:48 10 given the time that has passed.

11 Q. Thank you, Colonel. Colonel, were you familiar with the
12 fact whether some of these individuals on the list you just
13 drafted were in detention during the period you researched?

14 A. I was aware that one of them was in detention for a part of
14:44:21 15 the period. No, I beg your pardon. Yes, more than one, yes.

16 Q. Were you able to verify the periods of detention of these
17 individuals, the length thereof?

18 A. One of them was in Pademba Road Prison and freed on 6th
19 January. Is that the one who you are referring to or another?

14:44:43 20 Q. I am not referring to somebody on the list right now.

21 A. Okay.

22 Q. But again I urge you not to mention names.

23 A. No, I will try not to. The answer is: Can I be specific
24 about the dates? No, because I don't think anybody can be
14:44:57 25 specific about dates now, apart from the 6th January which was
26 recorded historically.

27 Q. Are you familiar whether any of these detention periods
28 overlap your research in terms of time?

29 A. Well, yes. One of them, as I say, was in Pademba Road

1 Prison and freed on 6th January. Another was in detention for a
2 short period within the period of my study.

3 Q. Right.

4 A. Of the ones that I am aware, that is.

14:45:39 5 Q. Thank you. Colonel, this week a witness testified in open
6 session, Mr XXXXXX XXXXXX. Are you familiar with that name?

7 A. Yes, I am.

8 Q. Is it correct that you spoke to him?

9 A. I did.

14:45:51 10 Q. Is it correct that you implemented his comments into your
11 research?

12 A. I implemented some of his comments into my research.

13 Q. Can it be correct that you only spoke to him last year over
14 about a period - I think it was last year - from 10.00 o'clock in
14:46:18 15 the morning until 2.00 o'clock in the afternoon? Can that be
16 correct?

17 A. Not quite. I met with him on 9th September last year. We
18 started our conversation at about 1000 hours. We spent about an
19 hour and a half, maybe two hours in conversation in a room, and
14:46:38 20 we then went out onto the ground. I wanted him to show me the
21 route that he took on being released from Pademba Road Prison. I
22 wanted him to explain to me the atmosphere in State House. We
23 then went to the house he lived in, the areas that he travelled,
24 explaining to me what it was like to be in Freetown at that time.

14:47:03 25 Then we went out through Allen Town to cover his escape from
26 Freetown. We then further went out to Benguema where he had
27 re-emerged during the escape across the mountains, went to where
28 he stayed and then to Waterloo where he met Superman. By the
29 time we got back to Freetown that evening it was about 6.30 in

1 evening, because we got stuck in traffic. I may not be exactly
2 right, but it was about that sort of time. So I spent most of
3 the day with him.

4 Q. Correct, thank you. Colonel, were you familiar that
14:47:45 5 XXXXXX XXXXXX was in detention for over 14 months?

6 A. Yes, I am, yes.

7 Q. And you still thought that his statement was relevant for
8 you?

9 A. Well, as I mentioned, the bits that I was interested in was
14:48:03 10 his observations of Freetown in the period immediately following
11 6th January. I was very interested in his descriptions of the
12 atmosphere in State House, where the senior leadership of the
13 AFRC was ensconced, and I was interested in his descriptions of
14 the gradual breakdown of discipline within the AFRC and the
14:48:27 15 measures that they took to retain control. And I was also
16 interested in his description of the retreat from Freetown. So
17 those are the particular areas of his -- or of my conversation
18 with him that I incorporated into my report.

19 Q. Colonel, when you were discussing these items with
14:48:48 20 XXXXXX XXXXXX, were you familiar with the fact that he raised
21 from no military rank and military education to ultimately rank
22 of colonel in a period of a few years?

23 A. Yes, I am, yes.

24 Q. Were you familiar that he did not undergo any staff or
14:49:08 25 officer's courses or colleges?

26 A. Yes, but that does not -- Yes, yes, I am. Yes.

27 Q. Do you agree with me, Colonel, that this is quite
28 extraordinary for a traditional army?

29 A. This was not in a traditional army; it's guerilla army, and

1 is quite typical for guerilla armies, I have to say.

2 Q. No, I am asking you whether this in general is not typical
3 for an army, that somebody raises from no rank to colonel in few
4 years without having any military education. Is that correct?

14:49:45 5 A. In a regular army, correct.

6 Q. Thank you. Colonel, you also spoke to an individual with
7 the name of XXXXXX XXXXXX; is that correct?

8 A. Yes, that's correct.

9 Q. For how long?

14:50:14 10 A. Probably, in total, about four or five days probably. But
11 much of that was spent travelling, because we had to go and find
12 Major Eddie Town and things.

13 Q. As you are probably aware of, both individuals,
14 Mr XXXXXX and Mr XXXXXX, testified before the Special

14:50:41 15 Court, the last one this week and the first one in September. Is
16 it correct that you were not able to digest their testimonies and
17 take them into account in your conclusions? Is that correct?

18 A. I certainly have not digested Mr XXXXXX testimony in
19 my conclusions. With XXXXXX XXXXXX actually I have probably spent

14:51:03 20 so long with him and read his statements that I don't think that
21 that would be an issue to be honest.

22 Q. No, I refer to his testimony in this Court in September of
23 this year. You were not able to read those --

24 A. No, no.

14:51:31 25 Q. Right, thank you. So, Colonel, you agree with me that --

26 A. I'm sorry, I beg your pardon. In answer to your previous
27 question, he has also previously appeared in the RUF trial where
28 I did read his transcripts. On D12 I indicated that I had read
29 his transcript, but I can now confirm that was the transcript for

1 the RUF trial, not the AFRC trial, that I had read. A

2 clarification.

3 Q. Thank you. So in this regard your assessment is not

4 complete, insofar as that you were not able to implement the

14:52:06 5 testimonies of these two individuals before this Court in

6 September and this week; is that correct?

7 A. No.

8 Q. You say that's not correct?

9 A. That's correct.

10 Q. That's correct, thank you.

11 A. I said it's not correct. It is correct that I said it's

12 not correct. I disagree with your statement because my objective

13 was to analyse the AFRC as a military organisation and I believed

14 I had sufficient information, sufficient data to be able to

14:52:41 15 conduct such an analysis, which is at the conclusion of my

16 report.

17 Q. Without having seen the transcripts of these two witnesses;

18 is that true?

19 A. I had seen the statements and I had spent considerable time

14:53:00 20 with them covering the areas that I was interested in. And, as I

21 say, I needed to build up a picture of the AFRC as an

22 organisation, as a military organisation, and the kinds of data,

23 the information I needed, are not necessarily those that are

24 presented in court which are principally dealing with crime.

14:53:26 25 Q. Thank you. Colonel, if I were to say to you that

26 XXXXXX XXXXXX testified before this Court in September and has

27 proved to have no military education, no knowledge on military

28 doctrines, structures, military terms, abbreviations, call signs

29 within the SLA, would you agree with me that he hardly could have

1 been of any assistance or source for your expert opinion?

2 A. Absolutely not. No. I mean, that is my job as a military
3 analyst. Is to be able to take from people who, you know, are
4 not experts and try and get their understanding of what happened.

14:54:13 5 I was interested in what he saw and be able to then translate
6 that into military analysis. That was my job.

7 Q. Did you know that he testified in this way, Colonel, in
8 September?

9 A. In which way, sorry?

14:54:30 10 Q. The way I just described it. The absence of knowledge on
11 these elementary issues of SLA doctrines.

12 MS PACK: Your Honour, it is very unclear as to what my
13 learned friend is putting. What specifically is he saying about
14 the testimony of this witness and putting to Colonel Iron? It is
14:54:45 15 very unclear.

16 PRESIDING JUDGE: Be specific, Mr Knoops. That's a vague
17 question.

18 MR KNOOPS: Yes.

19 Q. Colonel, in the transcripts of the testimony-in-chief and
14:55:03 20 the cross-examination of XXXXXX XXXXXX of 28th September of this
21 year, from pages 20 and further, he is confronted with questions
22 relating to the composition of companies, platoons, call signs,
23 abbreviations, and he is not able to give any correct answer to
24 them. So my question to you is were you familiar, in the course
14:55:33 25 of your research, that this individual had no military knowledge
26 whatsoever?

27 MS PACK: Your Honour, that is an incorrect summary of the
28 evidence of this witness. You cannot possibly put a question
29 summarising a few pages of cross-examination, which I take it to

1 be, to mean that this witness had no military knowledge and then
2 ask for this witness' comment on that. It is in my submission
3 quite wrong.

4 PRESIDING JUDGE: Mr Knoops, you have first of all not
14:56:03 5 specified -- you previously referred it to the SLA, then you did
6 not. You are bringing many questions into what appears to be
7 paraphrasing in putting them to this witness.

8 JUDGE SEBUTINDE: And in addition, Mr Knoops, you are
9 giving your evaluation of XXXXXX testimony, which is not
14:56:31 10 necessarily the evaluation of the Court at this stage, because we
11 have not made it yet. And putting that to a witness who has not
12 read the transcripts, according to his own answer. We are just
13 wondering the relevance of that line of questioning.

14 MR KNOOPS: Thank you, Your Honour. I will move on.
14:57:02 15 Q. Colonel, you have testified before this Court that one of
16 13 characteristics of a traditional military organisation is the
17 existence of the disciplinary system and the existence of
18 provost-marshal?

19 A. Yes.
14:57:20 20 Q. Is that correct?

21 A. Yes.
22 Q. Now, I will confront you with the following citation from
23 the testimony of this witness on 20th September 2005, page 36,
24 where the witness, XXXXXX, is questioned about his function
14:57:41 25 as a provost-marshal. I will ask you to listen to his quotation
26 and I will put the question thereafter to you.

27 "Q. You said you were made provost-marshal at Mansofinia
28 and you remained such until you came to Camp Rosos and you
29 passed through Karina; not so?

1 "A. Yes.

2 "Q. Now when you saw this man Williams wrapping people in
3 the carpet at Karina and then setting the house on fire,
4 did you do anything as provost-marshal in charge of
14:58:12 5 discipline?

6 "A. I could not do anything because it was an order that
7 has been passed from the high command that there should be
8 a lot of killing and burning in Karina. So I could not do
9 anything about that.

14:58:33 10 "Q. So you were officially not working because of the
11 orders. You were not in charge of any form of discipline
12 because of the orders?

13 "A. Yes. For that operation I cannot do anything because
14 if I tried to stop it I will be killed, because the highest
14:58:53 15 in command has already given his orders. I'm nobody to
16 stop them."

17 Colonel, do you agree when reading -- first of all, were
18 you familiar with this statement of XXXXXX XXXXXX?

19 A. As I mentioned, I have not read that testimony, and so I
14:59:15 20 was not familiar with the detail of what you described there.

21 [AFRC13OCT05E - CR]

22 Q. Did he say this to you?

23 A. No, as I specifically mentioned, I'm not interested in
24 crime, and I did not question any of the crime issues or, indeed,
14:59:27 25 the crime base, so there was no reason for that to come up in
26 conversation with us.

27 Q. Colonel, do you agree with me that this is not the ordinary
28 functioning of a provost-marshal in the traditional army?

29 A. That's correct, yes.

1 Q. Colonel, are you familiar with the testimony or, at least,
2 the statement of the same individual, which he gave on the house
3 arrest of the so-called Honourables. At the time you spoke to
4 XXXXXX XXXXXX, did he inform you that the so-called Honourables
15:00:20 5 were at certain moments put under house arrest by one of the
6 other individuals of the AFRC faction?

7 A. Yes, I was aware.

8 Q. Were you informed of the reason why this house arrest was
9 endorsed?

15:00:39 10 A. There are a number of conflicting reasons given by various
11 people.

12 Q. Were you familiar with the time frame of the house arrest?

13 A. In broad terms, yes, although, of course, exact dates are
14 very difficult to identify at this stage.

15:01:00 15 Q. Would you agree with me that this house arrest of the
16 so-called Honourables was endorsed because the soldiers were
17 angry at them and indicated that they should be sending
18 operational military targets?

19 A. My assessment of speaking to a number of people indicates
15:01:36 20 that at this stage there was, indeed, a crisis of morale within
21 the AFRC faction. There was also some factionalisation, if I may
22 put it that way, within the faction and, indeed a power struggle.
23 The arrest of the Honourables - this is my opinion and no more
24 than that - was a result of this trying to regain control and
15:02:04 25 impose discipline across the AFRC faction.

26 Q. Colonel, in your opinion, was this a form of mutiny?

27 A. I think, actually, what it was was a mutiny averted. It
28 would only be a mutiny if the commander-in-chief himself had been
29 replaced.

1 Q. Colonel, do you agree with me that this is not quite a
2 normal characteristic of a traditional army structure; that
3 soldiers in the normal sense of the wording put their commanders
4 under house arrest?

15:02:42 5 A. Sadly, mutinies do occur, even in regular armies from time
6 to time.

7 Q. Colonel, you agree with me that somebody who was, in
8 general, in a position such as in the events of the Honourables,
9 namely house arrest, is not able to issue any promotion in
10 ranking? Do you agree with this observation?

11 A. I'm sorry, I didn't quite understand that. Are you saying
12 if somebody himself is under house arrest, he cannot then
13 therefore promote. Was that the question?

14 Q. In general, if somebody within the army is put under house
15:03:41 15 arrest, and let's assume that that person is somebody who was
16 holding a certain rank of commander, is that person, in your
17 opinion, able to issue any promotions in rank?

18 MS PACK: Your Honour, how can this be a sensible question
19 of a military expert, a speculation as to whether someone under
15:04:03 20 house arrest can issue promotions? In my submission, it's highly
21 speculative.

22 MR KNOOPS: Your Honour, I think the witness indicated that
23 he is able to give an opinion on certain issues. I can also
24 rephrase the question in that the Colonel has asked whether he
15:04:25 25 agrees somebody under house arrest is not having any power to
26 issue promotions in ranking system.

27 PRESIDING JUDGE: You are putting a particular situation.
28 We don't know whether this witness has ever met this particular
29 situation and has any capacity, therefore, to answer it. It is a

1 theoretical question. As such, you are only going to get a
2 theoretical answer.

3 MR KNOOPS: Thank you. I will rephrase it, Your Honour.

4 Q. Colonel, did you ever encounter a situation whereby a
15:05:03 5 senior officer under house arrest was able to issue a promotion?

6 A. To be honest, in the British Army I have never come across
7 a senior officer under house arrest, so I cannot answer that.

8 Q. Okay, thank you. Colonel, you have testified yesterday
9 that the answer to the first two questions of your research
15:05:31 10 didn't necessarily go into an area of judgment; is that correct?

11 A. Yes.

12 Q. Do you agree that your answers are, I would say, inevitably
13 arbitrary and subject to your own personal interpretation?

14 A. First of all, the answer to all four questions are subject
15:05:50 15 to judgment, not just the first two questions. That, I think, is
16 what my expertise has been employed for, on behalf of the
17 Prosecution, to apply that expertise in order to make a judgment,
18 for which I believe I am qualified to make.

19 Q. Colonel, I will cite from page 67 of the transcripts in the
15:06:21 20 CDF case. Your Honour, that's page 14794. It is from sentence
21 15 onwards. Colonel, please listen to this quote from the Court
22 transcript in the CDF case where you testified.

23 "Q. Were there variations in their accounts of events?

24 "A. Yes, there were. As I mentioned I think in this
15:07:04 25 morning's cross-examination, where there were
26 inconsistencies, I was able to, in most cases, or in
27 important cases, clarify or to form a judgment in my own
28 mind as to what happened by trying to match the events to
29 the ground so I could get an idea of time and space in my

1 own mind, and therefore recreate the incidents and the
2 activities that took place seven years ago."
3 Colonel, you still stand by this quotation?

4 A. Yes, absolutely. And the same holds good for this trial,
15:07:44 5 although, of course, most of the incidents we're dealing with
6 were a year later, i.e., only six years ago.

7 Q. So you agree that you necessarily had to recreate yourself
8 in your own mind certain incidents; is that correct?

9 A. Yes, certain military activities, whether they be an attack
15:08:05 10 on a defence or indeed, just routine activity in the jungle.

11 Q. Colonel, in hindsight, do you agree that an expert report
12 on at least the first three questions could better have been
13 written by or by means of ex-commissioned SLA officers or,
14 perhaps, serving SLA officers instead of relying on the
15:08:41 15 statements of individuals you just indicated to us?

16 A. It depends on whether you place more emphasis on the
17 initial information, the data, the evidence, if you like, or the
18 analysis. There are few people, even in the British Army who can
19 conduct or have conducted such analyses as this. It has been my
15:09:11 20 job, my speciality within the British Army over the last few
21 years. So if you are asking me to say whether anybody in the SLA
22 is in a position to conduct a similar analysis, the answer is I
23 have no idea, because I simply don't know whether there are any
24 individuals there with the requisite experience, background and
15:09:37 25 education failed to do so.

26 Q. Colonel, going further into the methodology of your
27 research, you say that you came to 13 characteristics of a
28 traditional army. My question is: Do you have any empirical
29 foundation for this in that, for instance, you're familiar you

1 with the existence of any empirical studies which justify the
2 selection of these 13 criteria?

3 A. As I think I mentioned yesterday in evidence-in-chief, no
4 such list or characteristics or structures or definitions of
15:10:19 5 military organisation existed, so we had to produce something
6 from first principles. I mentioned yesterday that we could have
7 come up with a different list. We could have subdivided some of
8 these elements into two, or we could have grouped them together
9 to produce a slightly smaller number. Together, we think we have
15:10:43 10 captured the breadth of systems or functions, if you like, or
11 characteristics of a military organisation.

12 Q. But bearing this in mind, you do agree with me that your
13 selection of these criteria inevitably inheres a form of
14 arbitrariness; is that correct?

15:11:06 15 A. There are many ways of cutting a cake. What we needed to
16 do was to make sure that we incorporated the whole cake. If we
17 can cut it into 13 pieces, four pieces, six pieces or 25 pieces.
18 We decided on the 13 as a reasonable -- reasonable areas for
19 individual analysis that stood by themselves. There was some
15:11:33 20 arbitrariness in the way we did this, but it was an educated
21 arbitrariness borne out of our experience of military activity
22 and, really, what comprises it.

23 Q. You said yesterday that you looked at the majority of these
24 characteristics. What, for you, was the criterion to say, "This
15:12:03 25 is the majority. We have achieved the majority of the criteria?"

26 A. I see. I see. I think what I said was that we looked at
27 all of the characteristics and found that, in the majority of the
28 cases, the AFRC fulfilled the characteristics and, in some cases,
29 they were wholly absent. In other cases, they were there, but

1 not in an unidentifiable -- sorry, an easily identifiable form
2 and we needed to understand, in quite a lot of depth, how the
3 organisation worked. So, for example, the discipline side we've
4 mentioned, very different form of discipline than you would get
15:12:49 5 in a regular army, but nevertheless there was still a
6 disciplinary system in place in the AFRC. So, in each area, of
7 course, there was judgement required. Overall, you know, if you
8 add up and put scores behind them, overall you will find that
9 there is indeed a majority of characteristics that were present
15:13:14 10 in the AFRC.

11 Q. Colonel, do you agree with me that when it comes to an
12 assessment of what you call internal coherence of an
13 organisation, specifically a military organisation, that such
14 assessment also requires an assessment of any psychological or
15:13:35 15 moral factor which is important for the organisation to function?

16 A. I'm sorry, I don't understand your question. When you are
17 talking about the internal cohesion, are you referring to the
18 third question now or are we still on the second question of
19 characteristics?

15:14:02 20 Q. No, it's the third question.

21 A. Sorry, could you repeat the question again?

22 Q. Yes. Do you agree with me that in order to assess or
23 answer this third question, it's necessary to have insight in the
24 psychological factors and moral factors which underlie the
15:14:17 25 organisation?

26 A. No, I don't. The reason why I think that is that when
27 we're looking at cohesion, we are looking, actually, at how
28 activities are actually -- the physical activities that are
29 conducted on the ground, not necessarily the moral component, if

1 you like, of an organisation. The moral component has got much
2 more to do, I would say, with the fourth question relating to
3 command, in particular, in terms of leadership.

4 Q. Irrespective of whether this issue falls under the third or
15:15:10 5 fourth question, do you agree that you, as a military expert, are
6 not able to determine the psychological influence factors of an
7 organisation?

8 A. I don't agree with that either. Warfare is a human
9 activity. Everything we do, essentially, is human based. When
15:15:38 10 we go to war, we try to undermine the will of our opponent. We
11 are trained to think and act in that sort of way. Our definition
12 of fighting power has three components: a physical component; a
13 conceptual component; and a moral component. The whole issues
14 relating to leadership, to cohesion, which I was referring to
15:16:04 15 earlier, are all moral issues. If a professional army officer
16 cannot understand these, cannot deal with them, cannot manipulate
17 them in his own mind, then he will not be a good officer.

18 Q. Colonel, do you agree with me that these factors are hardly
19 measurable post facto after seven years like you did in your
15:16:33 20 research?

21 A. That's another interesting question. These factors are
22 difficult to measure at the best of times. So, I must agree with
23 you that it is impossible to measure. However, having said that,
24 it is clear that critical moral factors in the way that they
15:16:58 25 relate to cohesion and leadership are evident or can be evident
26 in the performance of the military organisation. As I mentioned
27 earlier, fighting power had these three components of which the
28 moral component is one, and their performance on operations is
29 governed by each of these three components. If they had a very

1 small moral component, limited cohesion, no motivation, then
2 their overall performance as a force would be very low. If they
3 are a powerful force or an effective force who performed well,
4 then you can be almost certain that they have a high moral
15:17:40 5 component and are well-led and are cohesive; morally cohesive.

6 Q. Colonel, you do agree with me that no objective standards
7 exist to determine or assess this specific factor?

8 A. Absolutely. I think you have to infer from the performance
9 of the organisation the precise nature of the moral component. I
15:18:05 10 agree with that.

11 Q. Thank you, Colonel. I would like to go now into the
12 structure, the issue of the structure of the military
13 organisation. First of all, is it correct to say that you were
14 not able to adduce any specific role to the alleged third in
15:18:26 15 command and this inability to adduce this evidence extended to
16 the whole period you investigated, you researched?

17 A. I had some particular difficulty with this appointment.
18 For one thing, there is no equivalent in my army or, indeed in
19 any other regular army, as far as I know, so it wasn't easy for
15:18:54 20 me to transfer any existing knowledge. On questioning, you know,
21 nobody was able to define a specific role for this position. The
22 only time in which it appears to have solidified is when it was
23 double-hatted as the chief of staff and he was given the role of
24 chief of staff. But otherwise, correct, the answer to your
15:19:25 25 question is yes.

26 Q. Thank you, Colonel. Colonel, do you agree with me that in
27 order to run the full brigade, at least some political oversight
28 is required for at least brigade commander? I'm just asking you
29 this in general.

1 A. The answer to your question has got to be no, but I will
2 help by explaining in a little more detail. Normally, a brigade
3 will be operating within a wider context. It might be in a
4 division or in a corps or in a larger force. So a brigade
15:20:07 5 commander will not be operating independently. He will be
6 operating within a context of other military activity. Political
7 advice or political context might be at a higher level. So
8 specifically at a brigade, I would have to answer your question
9 with a no. If, on the other hand, we then say, well, in similar
15:20:27 10 sort of circumstances we have a brigade operating by itself in
11 the way that the AFRC was, then I would say, yes. And I would
12 give an example of, for example, here in Sierra Leone when the
13 British first sent forces across in 1999 it was essentially a
14 brigade structure, you know, commanded by a brigadier who was
15:20:52 15 operating very much within a political context, and was, you
16 know, with instructions from the British government.

17 Q. Colonel, you would agree with me that when it comes to the
18 determination of commander's intent, a term you also used, I will
19 come back to that term later in more specific. That commander's
15:21:17 20 intent is in fact a translation of a political mandate, such as,
21 for instance, from the Security Council, which issues resolution
22 with a mandate, which mandate is subsequently translated into
23 specific commander's intent and that commander's intent is
24 specifically transferred to the operational units. You would
15:21:35 25 agree this is the normal system how it works?

26 A. At the military strategic level, that is how it happens,
27 how it works. So, you know, looking at strategic operational and
28 tactical levels, the military strategic commander will certainly
29 interpret the instructions from the United Nations or from NATO

1 or, indeed, one's own government. And to transfer that -- his
2 job is to transfer that into military missions which are then
3 cascaded down. Any one brigade operating lower in the hierarchy
4 will not necessarily be interpreting political intent. He will
15:22:16 5 be interpreting his superior's military intent and understanding
6 his part in that.

7 Q. In this interpretation, Colonel, you do agree with me that
8 at the highest level, there is a form of political oversight
9 necessary in order to come to commander's intent at the lower
15:22:37 10 level; is that correct?

11 A. You can formulate a commander's intent without a political
12 oversight, but we teach our people that in order to be coherent
13 within the strategic and operational and tactical levels, you
14 have got to plan your military operations within your political
15:23:02 15 mandate in a regular army. That is one of the ways we achieve
16 that cohesion between strategic, operational and tactical levels.

17 Q. Thank you, Colonel. Colonel, you have testified earlier in
18 this trial about the staff officers G1 to G5. Colonel, do you
19 agree with me that none of these staff officers are in the
15:23:31 20 so-called command billet, meaning that they have no operational
21 function within a brigade?

22 A. They certainly have an operational function, but I think
23 what you mean is they have no command function within the
24 brigade. Their responsibility solely is to assist in a brigade -
15:23:55 25 the brigade commander - command, and that is their role. They
26 are not -- unlike in the AFRC as we will probably go onto, you
27 know, some of them are individual commanders in their own right,
28 and we do not see that in a regular army, that's correct.

29 Q. So in a regular army it is fair to say that, for instance,

1 a G5 is not in the line of military command; is that correct?

2 A. Not quite in the way that you've described it. I mean, he
3 is in the line of military command in as much as he is part of
4 the staff of the brigade commander, if it is a brigade, but he is
15:24:36 5 not personally in command. He gains his command authority
6 particularly from the brigade commander. So he can sign orders,
7 for example, on behalf of the brigade commander and does so. The
8 chief of staff runs operations on behalf of the commander and he
9 gives orders to the subordinate units, even although, you know, a
15:24:59 10 subordinate unit commander might be of higher rank. As a chief
11 of staff for a brigade I was a major and I was giving orders to
12 lieutenant-colonels who commanded battalions, simply because I
13 had the authority of the brigade commander.

14 Q. Colonel, is it correct that these staff officers, including
15:25:15 15 G5, don't have an operational unit under their command?

16 A. Actually, you have chosen the one that probably does in
17 that in G5 there are -- and one or two other staff branches,
18 there is a slight confusion where there are specific G5 units,
19 CIMIC units, we call them, civil military cooperation units,
15:25:43 20 which actually do answer to the G5. So in that particular case,
21 I am afraid, there is an exception to the rule which I gave you
22 slightly earlier.

23 Q. Thank you, Colonel. Colonel, do you agree with me that in
24 order to fulfil any of these functions, G1 to G5, in a
15:26:03 25 traditional army, it's a prerequisite that these officers, these
26 staff officers, need to have specific training relating to their
27 functions such as G1, personnel issues; G2, intelligence; G4,
28 logistics et cetera.

29 A. I would wish it were so, but no, it isn't. We frequently

1 get people appointed to such appointments who do not have
2 specific training and this is including the British Army and
3 therefore then have to learn on the job.

4 Q. Colonel, did you ever encounter a situation whereby staff
15:26:45 5 orders were issued by staff officers which had no previous
6 professional military training as a commissioned officer?

7 A. Yes. I had members of my staff, as a chief of staff, who
8 were not commissioned officers and they would sign orders in
9 their area of expertise on behalf of the commander. You don't
15:27:14 10 have to be a commissioned officer to be a member of the staff or
11 indeed have the authority of the staff.

12 Q. Colonel, sorry, I'm not referring to members of the staff.

13 A. Okay.

14 Q. I'm referring to the G1 himself or herself, the G2, G3, G4,
15:27:31 15 G5.

16 A. Yes.

17 Q. So I am speaking about these individuals themselves. Did
18 you ever encounter a situation whereby these staff officers, not
19 members of the staff? So let's say the heads of the staff?

15:27:49 20 A. There are one or two cases, but they are the exception
21 rather than the rule. For example, if you didn't have a G5
22 officer -- who, incidentally, I have to say in NATO and the UK
23 have been branded as a G9, but I don't want to confuse this
24 particular situation. We will keep on calling them G5. If you
15:28:10 25 don't have a G5 staff officer, but you do have a CIMIC unit, you
26 might import that CIMIC unit commander to head that staff branch.

27 Q. Thank you. Colonel, are you familiar with the fact that
28 within the SLA, staff officers should be combatant officers,
29 before even assuming the position of staff officer?

1 A. Can I ask what you mean by "combatant officers"?

2 Q. Meaning that the officers, before becoming staff officers,
3 should have certain experience as an operational commander in the
4 field?

15:28:55 5 A. I'm not aware of that. I would be surprised, actually, if
6 that was the case in the way that you have described it. You
7 might get some specialist areas, for example, in logistics, where
8 you actually have a transport specialist who you want to be your
9 G4. He might not necessarily have command experience in the

15:29:27 10 field to do that. So it may be true, what you say, because I
11 can't say it isn't; but it isn't necessarily so, in my army.

12 Q. Speaking about staff and staff orders, from which level are
13 staff orders issued within an ordinary military structure? Is it
14 from the level of the platoon, company, battalion, brigade?

15:30:09 15 A. I see. I'm sorry, are you saying at brigade level he would
16 give orders down to battalion, or what?

17 Q. No. From which level within an ordinary military structure
18 staff orders are officially issued?

19 A. What do you mean by "staff orders", I'm sorry?

15:30:31 20 Q. Orders given by staff officers. For instance, at company
21 level you have staff officers; you have battalion staff officers;
22 you have brigade staff officers. Which level in an ordinary
23 military structure is the phenomenon of staff orders being used
24 in a military structure?

15:30:53 25 A. The reason I'm struggling is to identify what you mean by
26 "staff orders". Orders are orders; they are given with the
27 authority of the commander. Frequently for the major orders, the
28 commander will give them himself. With things relating to
29 coordination, they can be given by quite a low member of the

1 staff. In a well-trained organisation, you know precisely how
2 important an issue is and therefore the level at which that order
3 must be given. So, within a brigade, you would give orders to
4 your battalions. Within a battalion, you give orders down to
15:31:32 5 your company, and in companies give orders down to your platoon.
6 But in each case, the order is given with the authority of the
7 commander, even though it might not be the commander who is
8 physically stating that order. I don't feel as though I have
9 answered your question, but I probably didn't understand it.

15:31:48 10 Q. No, I think you answered it.

11 A. Thank you.

12 Q. I am now going to the 13 characteristics of your research.
13 With respect to the intelligence process, you have told the Court
14 that the collection of information can either be conducted by
15:32:20 15 technical means, such as certain electronic means, by espionage,
16 or by observation, such that you used observation, post and
17 patrols. Within a normal military structure, what is the most
18 frequent method to gather intelligence?

19 A. All of the above; all of those.

15:32:51 20 Q. So in your opinion, there is not a certain priority or
21 preference within these methods of collecting intelligence
22 information?

23 A. It depends very much on the nature of the conflict you're
24 involved in. If you are involved in a difficult, dirty war or
15:33:11 25 combat in a city such as Baghdad, or whatever, where there is a
26 lot of natural cover, where people don't use radios so you can't
27 use electronic warfare intercepts, you can't use your satellite
28 surveillance because people are hidden amongst other people, then
29 the principal source of information tends to be human

1 intelligence. If you are out in the desert and you are operating
2 armoured vehicles which are easily identifiable from the air, you
3 might use satellite reconnaissance or air reconnaissance. If you
4 are dealing with an enemy who likes chattering on the radio and
15:33:54 5 doesn't effectively encode what he's saying, then you might use
6 electronic warfare to listen to his intercepts and gain that. In
7 a well-established army, high-technology army, you will have
8 capacity to gain information from all of these.

9 Q. We already touched upon the disciplinary system. Do you
15:34:16 10 agree with me that in order to execute the position as military
11 police or a provost-marshal, the person in question who is
12 exercising that function should have a specific training in order
13 to properly fulfil that position?

14 A. Ideally, yes. But that cannot always be the case. So, for
15:34:45 15 example, in my battalion, I would have liked to have had trained
16 military policemen issued with a warrant card, but I did not have
17 military police in my own battalion. So we employed our own
18 regimental police, who were normal infantrymen who we just gave a
19 police-type duties to, put an "RP" stamp on their arm, and they
15:35:10 20 did policing duties within the battalion. So they were not
21 trained personnel; nevertheless, they were given the duties of
22 policemen.

23 Q. Were you familiar that within the SLA, within the context
24 of the disciplinary system, use is made of the so-called charge
15:35:30 25 sheet 252? Are you familiar with that procedure?

26 A. Yes. It's based on the British system.

27 Q. Did you encounter this procedure within the AFRC?

28 A. No, and I certainly wouldn't have expected to do so.

29 Q. Thank you. I will now almost conclude my

1 cross-examination. I would like to ask you one question which
2 actually summarises -- and if I'm not correct, you may interrupt
3 me -- may summarise your evidence-in-chief. First of all, you
4 have testified that a third in command is not a normal position
15:36:23 5 in the army.

6 A. That is correct.

7 Q. You have testified you were not able to adduce any specific
8 role to this third in command.

9 A. That's correct.

15:36:31 10 Q. You have testified that as far as a G2 is concerned, no
11 equivalent is determined by you.

12 A. That's correct.

13 Q. You have indicated that the AFRC had no G5; i.e., a
14 political-civil interface.

15:36:48 15 A. Mmm-hmm.

16 Q. You have testified before this Court that there are no
17 specialist units like, for instance, G6; i.e., radio
18 communications within the AFRC.

19 A. I didn't testify that. I did say that there was a head of
15:37:08 20 communications who was equivalent to the G6 in a regular army.

21 Q. But no specialist unit as such; do you agree with that?

22 A. There were the signallers who perform exactly the same role
23 as signallers in a regular army.

24 Q. Further on, you testified that there were some -- I call it
15:37:32 25 "extraordinary trades" within the AFRC just as a battlefield
26 inspector and an operational supervisor.

27 A. Yes, they had additional methods of applying oversight.

28 Q. You have indicated that any strategic aims were never
29 articulated, at least on paper.

1 A. That is correct.

2 Q. You have identified that the AFRC did not have an
3 equivalent intelligence branch.

4 A. Yes. You had already covered that under the G2, I think.

15:38:10 5 Q. You have testified that within the AFRC there was a
6 shortage of radios and the AFRC had no separate network relying
7 on the frequency of the RUF.

8 A. Yes. I testified that there was a shortage of radios until
9 the attack on Lunsar, when they captured sufficient to issue one
15:38:31 10 to every battalion. Until then, they used other methods of
11 communication.

12 Q. You have indicated that when it comes to planning process
13 within the AFRC, it was mainly based and relied upon intuition of
14 the commander in question.

15:38:48 15 A. Yes, but that is not unusual.

16 Q. I'm just --

17 A. And we do the same in the British Army as well.

18 Q. You have indicated that there was no formal system in place
19 as far as lessons learned was concerned.

15:39:02 20 A. That is correct.

21 Q. You have testified before this Court that there was no
22 politically or constitutionally based system of disciplinary
23 actions and procedures; is that correct?

24 A. No, that's not what I said. I said the disciplinary system
15:39:24 25 they had did not have a political or governmental authority
26 behind it.

27 Q. Thank you. You have indicated that when it comes to
28 recruitment, their system was weak.

29 A. Because of the peculiar circumstances that the AFRC found

1 themselves in, they found it difficult to recruit.

2 Q. You have indicated before this Court that there was no
3 logistical system in place within the AFRC.

4 A. No, I didn't. I testified that the supply of ammunition
15:40:05 5 was the Achilles' heel of the AFRC. They had no requirement for
6 the supply of food, water or fuel or spare parts. But they
7 depended exceptionally on the supply of ammunition, which, unlike
8 other organisations, did not come from outside. They therefore
9 had to capture ammunition, which then was supplied to the forward
15:40:32 10 units through their own G4 logistic system.

11 Q. Would you agree with me there was no structurally based
12 system in place?

13 A. Well, there was a G4 staff branch.

14 Q. You agree that you testified there was no repair system in
15:40:52 15 place?

16 A. Absolutely right.

17 Q. You testified further that there was no formal salary
18 system in place; is that correct?

19 A. That is correct.

15:41:00 20 Q. You testified that when it came to a medical system, that
21 was rudimentary?

22 A. That's correct.

23 Q. And, finally, you testified that when it comes to
24 fundraising within the AFRC, there was no official system in
15:41:11 25 place.

26 A. That's correct.

27 Q. Colonel, listening to all these summaries of your
28 testimony, would you agree with me that within the AFRC most
29 elements you have characterised as the 13 were not available or

1 not common when compared to a traditional army?

2 A. No, I wouldn't agree, because you have provided an
3 extremely partial summary of what I said. You need to apply
4 judgement. Of course, the medical system is rudimentary. You
15:41:52 5 could not expect them to have, you know, field hospitals in the
6 jungle. But, nevertheless, a medical system was there.

7 There was a reward system for soldiers. It may not have
8 been pay, but I explained there were other systems of rewarding
9 them.

15:42:11 10 On the recruiting and training side, you missed out the
11 training issue completely, and the recruiting aspects, you know,
12 we have already discussed. We have talked about the disciplinary
13 system. Although there was no formal lessons learned and
14 doctrine development system, I spent some time trying to explain
15:42:32 15 that, in fact, the AFRC was indeed an adaptive army and despite
16 the lack of a formal structure and system, the mere fact that
17 this became an extremely good and effective guerilla -- jungle
18 guerilla fighting force, developed from a regular army, showed
19 that it did indeed learn its lessons well and disseminate its own
15:43:01 20 doctrine.

21 Planning and orders you talked about. Planning, you didn't
22 mention. Orders and the intelligence process, although, as I
23 said, there is no formal system or structure in place, they did
24 gain information, principally through what you call human
15:43:17 25 intelligence, through questioning civilians, and their
26 performance in the field against their enemies actually indicates
27 that they really did have a good understanding of what they were.

28 So, the same information, just a slightly different
29 viewpoint and you will see you come to a different conclusion.

1 Q. Colonel, I think, with all due respect, that you left one
2 issue out of your own summary, and that is the issue of
3 transportation. You have indicated in your report that
4 transportation is necessary, especially technical transportation
15:44:05 5 system is required, not only to transport supplies, but also to
6 transport the forces.

7 A. Sorry, I beg your pardon, have you finished your question?

8 Q. I do.

9 A. Yes, and such a transportation system was, of course, in
15:44:23 10 place in the AFRC. Everybody moved on foot until they were in a
11 position to go onto roads and later on, for example, the invasion
12 of Freetown, they started to capture some vehicles upon which
13 they would carry their heavy weapons. But otherwise, the
14 transportation of their stores is what their -- the civilians
15:44:51 15 they travelled with them was used for. So all of their
16 ammunition and other supplies would be carried on the heads of
17 civilians. That was their transportation system in the jungle
18 and it was a very effective one, too.

19 Q. In that regard, Colonel, did you yourself try to measure
15:45:09 20 the distance between, for instance, Mansofinia and Eddie Town
21 when you would have walked it?

22 A. No, I didn't.

23 Q. Did not.

24 A. I didn't measure it, no.

15:45:15 25 Q. Are you familiar how much time it will take you on foot --

26 A. Oh, yes.

27 Q. -- from Mansofinia to Eddie Town?

28 A. Yes.

29 Q. Can you please say how much time?

1 A. It would probably take in the region of about -- well
2 without -- without enemy forces, probably about 10 days or so.
3 It then depends on whether you need to move by night in order to
4 avoid the enemy. But everything would move on foot, and this is
15:45:46 5 basically how guerilla armies in the jungle work and they have
6 done, you know, since time immemorial and will continue to do so,
7 I suspect.

8 Q. I have a few final questions for you, Colonel.

9 A. Okay.

15:46:08 10 Q. You ended your examination-in-chief with making an analysis
11 of the four phases in the AFRC organisation. You testified that
12 before the Freetown invasion, the organisation was very effective
13 and highly sophisticated. Now, you uphold this conclusion while
14 aware of the situation which we just described, the summarisation
15:46:47 15 with your comments, because I identified almost 13
16 characteristics, inclusive your comments, which actually
17 contradict your conclusion that the AFRC had the characteristics
18 of a normal military organisation.

19 A. I guess it depends how you define "characteristic".
15:47:17 20 Because if by characteristic you mean it is the same as, it
21 clearly wasn't the same as. What I meant by the word
22 "characteristic" was that it has the same essential elements, the
23 same fundamentals. So you can equate, for example, the
24 communication system, the communication system of somebody using
15:47:44 25 runners through the jungle with, you know, a letter as being a
26 valid, good communication system in the circumstances equally --
27 equally as good as high-powered, high-technology satellite
28 communications for a different army in a different circumstance.
29 So, for me, it demonstrated that there was actually a coherent

1 and effective communication system.

2 Q. So you would agree with me that, actually, writing expert
3 opinion report on this issue is a matter of perception; namely,
4 whether you would start from the point of looking for equal
15:48:34 5 parameters or looking for potential differences between the two
6 factions. Is it correct that, in this regard, you opted - and it
7 was your assignment for the first starting point, namely, you
8 looked -- you only searched for common denominators, instead of
9 going into potential differences?

15:48:58 10 A. I mean, I think that is a fair point, which is certainly
11 worth answering because it was something I was conscious of as I
12 was going through this process is that, you know, am I looking
13 for similarities or am I looking for differences? In the end, I
14 felt as though I had to force myself back and to try to take an
15:49:17 15 impartial view, which is what I did. That's why I took so much
16 effort initially in defining the methodology. Because I thought
17 unless I did that, I would have no partial basis upon which I
18 could measure the AFRC or other organisations. You know, that's
19 what I think I have achieved.

15:49:44 20 Q. Colonel, my final question is actually quite exemplary for
21 what you have just said. You have testified in the context of
22 these four phases that after the Freetown retreat of the AFRC,
23 you were able to qualify that during your examination-in-chief as
24 a "fighting retreat"?

15:50:04 25 A. It was a fighting withdrawal.

26 Q. Sorry, fighting withdrawal. Yet in your report - and I
27 believe also in your earlier testimony - you spoke about an
28 organisational survival. Is it correct, Colonel, that in this
29 regard that retreat or withdrawal could also be qualified as a

1 defensive retreat instead of a fighting retreat? Isn't that a
2 matter of perception also?

3 A. No, it is a matter of terminology. A fighting withdrawal
4 is not intended to imply that the organisation had an offensive
15:50:55 5 attitude of mind or were conducting any kinds of attacks. They
6 were fighting to defend themselves. So to use -- I think you
7 used the words "defensive retreat", I mean, it's exactly the
8 same.

9 Q. Colonel, were you able to identify, over the period you
15:51:18 10 researched, how many months of that period can be qualified as a
11 defensive operation when it comes to this kind of terminology?

12 PRESIDING JUDGE: What period are you referring to,
13 Mr Knoops?

14 MR KNOOPS: Actually, all the four phases the Colonel
15:51:39 15 described and that refers, Your Honours, to the period he --

16 MS PACK: Your Honour, he's only referred to one operation
17 as a fighting withdrawal.

18 MR KNOOPS: It's from the period February 1998 to February
19 1999.

15:52:04 20 Q. Colonel, are you aware --

21 A. Yes, I understand the question. I think for most of this
22 time I would describe, at a strategic level, the AFRC as being on
23 the defensive. The only time it is clearly not on the defensive
24 is on its advance to an attack of Freetown. That is at the
15:52:28 25 strategic level, but, of course, the tactical activity might well
26 be very different because even though you might be on the
27 strategic defensive, on the tactical level you might well conduct
28 offences, attacks. So, for example, you might be on the
29 defensive hiding from ECOMOG air attack, but at the same time

1 conducting local raids or whatever to win yourself, to capture
2 the supplies you need to survive and operate.

3 Q. So, Colonel, this is my last question: you don't exclude
4 the possibility that at this technical level the number of
15:53:05 5 defensive operations or the period of defensive survivors, so to
6 say, is actually much more longer than you're able to determine
7 in your diagram -- in your matrix?

8 A. I don't regard defence and organisational survival as being
9 equivalent. Organisational survival as a strategic aim was a
15:53:34 10 strategic aim because it was threatened, their survival was
11 threatened. After the faction emerged and moved into the
12 Northern Jungle, the actual threat to survival was much less.
13 They were robust and stronger. But nevertheless, they still
14 needed to develop and become stronger still before they could
15:53:54 15 move onto the offensive. So, I would still characterise that as
16 defence, but their survival as an organisation was not as at
17 threat as it had been during the initial withdrawal from Freetown
18 in February 1998, nor in the subsequent withdrawal from Freetown
19 in February 1999.

15:54:11 20 Q. But you cannot exclude that within the whole AFRC faction,
21 certain units were actually under a longer period on the
22 defensive than you were able to determine in your matrix; is that
23 correct?

24 A. Conflict is always a balance between offensive and
15:54:36 25 defensive and switching from one to the other at the tactical
26 level very easily. Most of the time, for example, that they were
27 at Major Eddie Town was spent in a defensive posture. It was
28 spent hiding from ECOMOG air activity and guarding their own
29 bases. They conducted, from time to time, some limited

1 offensives, operations against surrounding towns or ECOMOG bases
2 principally to capture supplies, but throughout that period, you
3 are absolutely right, you can characterise the majority of their
4 operations as being defensive. I don't know if that helps.

15:55:18 5 Q. Thank you, Colonel. I am very grateful for your answers
6 and your patience.

7 MR KNOOPS: That concludes my cross-examination,
8 Your Honours.

9 PRESIDING JUDGE: Thank you, Mr Knoops. Will other counsel
15:55:28 10 have cross-examination?

11 MR GRAHAM: Your Honours, I think maybe Mr Fofanah. Not
12 for myself, not for the Brima defence team, because we have
13 channeled all of our questions through Mr Knoops.

14 PRESIDING JUDGE: Thank you. No questions. Thank you,
15:55:40 15 Mr Graham.

16 MR FOFANAH: Yes, Your Honour, I have some questions, but
17 it is almost five to four.

18 PRESIDING JUDGE: I have noted the time, that is why I am
19 asking the questions, Mr Fofanah. You have questions of the
15:55:51 20 witness?

21 MR FOFANAH: Yes, just a few questions.

22 PRESIDING JUDGE: You have told me, Mr Fofanah, there are a
23 few, so please start those questions now.

24 MR FOFANAH: Thank you very much, Your Honour.

15:56:13 25 CROSS-EXAMINED BY MR FOFANAH:

26 Q. Good afternoon, Colonel.

27 A. Good afternoon.

28 Q. I have a few questions for you. Colonel, you have told the
29 Court that you went through statements or transcripts of some of

1 the people you went to the military site with in the provinces?

2 A. Yes, that's correct.

3 Q. Whilst going through those statements and transcripts, did
4 you come across any name like Colonel SO Williams?

15:56:50 5 A. I do recollect the name, but I regret to say I cannot give
6 you any details of the circumstances in which that name came up.

7 Q. Did you also come across another name of a soldier called
8 Brigadier SFY Koroma? Koroma is spelt K-O-R-O-M-A.

9 A. I cannot recall.

15:57:14 10 Q. What about Brigadier ST Mani, M-A-N-I?

11 A. Yes, I did.

12 Q. Did you come across the name Captain FAT Sesay?

13 A. Yes, I did.

14 Q. Sesay as in S-E-S-A-Y. Did you also come across the name
15 Lieutenant-Colonel John Melton?

16 A. Sierra Leonean?

17 Q. Yes.

18 A. I cannot recall.

19 Q. What about Major Paul Koroma?

15:57:56 20 A. I think so, yes.

21 Q. Now, did you personally interview any of these names that I
22 have mentioned that you can recall?

23 A. I personally did not.

24 Q. Do you know if -- because I can remember you recall the
15:58:22 25 name Brigadier ST Mani. Do you know if he's still serving in the
26 Sierra Leone Army?

27 A. No, I don't.

28 Q. What about Colonel SO Williams, are you aware if he's still
29 serving in the Sierra Leone Army?

1 A. I don't know if any of them are still serving in the Sierra
2 Leone Army.

3 Q. Is there any reason why you particularly did not interview
4 Brigadier ST Mani?

15:58:48 5 A. I interviewed the people who were made available to me, as
6 I indicated earlier.

7 Q. Did you consider your research the work of an independent
8 expert when you were conducting it?

9 A. I did.

15:59:10 10 Q. Do you, therefore, consider your report, which emanates
11 from that research, as a complete one without having interviewed
12 these senior officers that I have mentioned?

13 A. I think it is complete. I will explain why, if you allow
14 me to.

15:59:28 15 Q. Yes, go on, please.

16 A. I was interested in the workings of this organisation. As
17 I mentioned earlier, I was looking at building a complete picture
18 from the bottom up of how this thing worked, the AFRC. The sorts
19 of questions that I was asking were not questions in which you
15:59:53 20 can give a partial answer, an answer that is partial or
21 impartial. In other words, the questions of how did the
22 communication system work; what were the system of punishment;
23 show me where the military police house was; what punishments
24 were conducted there; show me where the radio was kept; show me
16:00:20 25 where the orders were held; what was your routine inside the
26 base. I sense that your line of questioning implies that because
27 my sources were all Prosecution witnesses that my report is in
28 some way biased.

29 Q. Please --

1 A. I don't think that's the case.

2 MR FOFANAH: Please, with respect, I seek direction from
3 the Bench. I have not mentioned the word "bias", "prejudice".

4 Q. I was basically asking you a simple question, and I needed
16:01:01 5 a simple, short answer. I will move on from there. Now,
6 Colonel, are you aware that Brigadier ST Mani withdrew into the
7 jungle after the events of February 1998?

8 A. Yes, I am.

9 Q. Are you also aware that Major Paul Koroma withdrew into the
16:01:21 10 jungle after the events of February 1998?

11 A. Yes, I am.

12 Q. What about Colonel SO Williams?

13 A. I am not aware in detail. As I mentioned, I can recall his
14 name, but I can't recall under what circumstances.

16:01:36 15 Q. What about Captain FAT Sesay?

16 A. I don't know where he was.

17 Q. Are you aware whether he withdrew into the jungle
18 after February 1998?

19 A. No, I am not.

16:01:52 20 Q. Brigadier SFY Koroma?

21 A. I don't know where he was.

22 Q. Colonel, are you aware as to whether Colonel ST Mani
23 participated in the hierarchy you have outlined in your report?

24 A. I have given the hierarchy for something I which described
16:02:17 25 as the "AFRC faction", which I defined yesterday as that grouping
26 of ex-SLA personnel who planned and conducted the 6 January
27 attack on Freetown. I'm aware that Brigadier Mani was an ex-SLA
28 member; I'm aware that he was AFRC; and I'm aware that he did not
29 take part in that attack. Therefore, that is why I have

1 structured the report in the way that I have, that's why I have
2 specifically looked at the AFRC faction rather than the AFRC more
3 generally, so as to exclude Brigadier Mani and others who did not
4 take part in this operation.

16:03:01 5 Q. Does your report cover the period May 1997 to the period
6 after events of January 1999?

7 A. I've been quite specific. My report covers the
8 period February 1998 to February 1999 as far as the AFRC faction
9 is concerned. It does not purport to be a complete analysis or
16:03:30 10 history of the Sierra Leone war during that period.

11 Q. Is the AFRC faction different from the Sierra Leone Army
12 under the AFRC period?

13 A. The AFRC faction, which I tried to explain, is those
14 members of the AFRC who planned and participated in the operation
16:03:54 15 to attack Freetown on 6 January. The majority of them, but not
16 exclusively, were ex-SLA soldiers.

17 Q. Would you consider the army under the AFRC period as a
18 regular army? By "AFRC period" I mean the period from May
19 1997 to February 1998?

16:04:22 20 A. Yes, I would.

21 Q. It was a regular army?

22 A. Yes.

23 Q. In the professional sense?

24 A. Yes. It was the army of the de facto government of Sierra
16:04:35 25 Leone.

26 Q. Would you also consider the Sierra Leone Army before events
27 of May 1997 as a regular professional army?

28 A. I would, although, of course, it is outside my area --
29 sorry, the time frame of my analysis. So I could not give an

1 informed opinion on that.

2 Q. So is it your testimony now that soldiers who served during
3 the AFRC period from May 1997 to February 1998 --

4 MR FOFANAH: I'm sorry, I see Your Honours are conferring.

16:05:13 5 PRESIDING JUDGE: No, we're not, sorry. Please continue.

6 MR FOFANAH: Your Honour, I may very well be a bit lengthy,
7 because of the answers the witness is giving. I don't know if I
8 can continue in the morning tomorrow.

9 PRESIDING JUDGE: You said it was going to be a few
16:05:32 10 questions, now you say it's lengthy. I'm not quite sure what you
11 mean.

12 MR FOFANAH: It is because of the answers. The witness is
13 now saying there is an AFRC faction which is different from the
14 AFRC that he knew.

16:05:53 15 [Trial Chamber conferred]

16 PRESIDING JUDGE: Continue, Mr Fofanah.

17 MR FOFANAH: Grateful, Your Honour.

18 Q. If I can rightly recall, Colonel, you described the
19 faction -- first of all, the soldiers that attacked in January
16:06:26 20 1999, how do you describe them?

21 A. As the AFRC faction.

22 Q. And the soldiers what served the AFRC between May 1997
23 and February 1998, how do you describe them?

24 A. The AFRC.

16:06:44 25 Q. As the AFRC. So, is it your testimony that the AFRC
26 faction conducted themselves in a highly professional manner for
27 the period you referred to when you were describing them?

28 A. I never used that term. I said they were a highly
29 effective military force, the most effective force in

1 Sierra Leone at the time, judging by their results, purely by
2 their results. I never said they were professional.
3 Q. Were they a military force, the faction?
4 A. They were a military force, correct.
16:07:38 5 Q. Colonel, are you aware that some of the names I have
6 mentioned to you, especially those who you rightly recall as
7 having come across, like Brigadier ST Mani, Major Johnny Paul
8 Koroma, and I think you said you came across the name Colonel SO
9 Williams --
16:07:53 10 A. Yes, that's correct.
11 Q. Are you aware that they are still serving in the current
12 Sierra Leone Army?
13 PRESIDING JUDGE: He has already answered that question,
14 Mr Fofanah.
16:08:09 15 MR FOFANAH: As Your Honour pleases. Okay, let's move on.
16 Q. Now, did the Sierra Leone Army under the AFRC period
17 recruit volunteers into its official ranks?
18 A. I don't know.
19 Q. Generally are volunteers recruited into the official ranks
16:08:36 20 of the army, as you know them?
21 A. I don't know. It's outside my area of expertise, I am
22 afraid.
23 Q. Did you do research about the Sierra Leone Army before you
24 started your research --
16:09:04 25 A. My analysis --
26 Q. Your analysis.
27 A. -- was on the AFRC and the RUF and CDF. That was the focus
28 of my attention. I decided I needed to look at them from a blank
29 sheet of paper so I could form my own opinions on this

1 organisation, rather than looking at their historical basis.

2 Q. I can rightly recall you agreed with me that the soldiers
3 who served under the AFRC period were, in your words, regular
4 army; not so?

16:09:35 5 A. I say it is beyond the area of my expertise simply because
6 I have not analysed, but it would be my assumption that they were
7 so.

8 Q. I'm referring to the army under the AFRC period as you knew
9 them. When does an individual become a member of that army?

16:10:07 10 MS PACK: Your Honour, I thought the witness had just said
11 that he hadn't looked at the AFRC period; namely, the period May
12 1997 to February 1998, but had looked at the AFRC faction from
13 the period February 1998. So it may be, if that question was
14 indeed to the AFRC period, and I would seek clarification on
16:10:25 15 that, but if it is, then it's not something that this witness has
16 dealt with or is, as he said, able to deal with if the question
17 is specifically on the SLA during the AFRC period.

18 MR FOFANA: May it please Your Honours, the witness has
19 started by indicating to the Court that there was an AFRC group
16:10:58 20 which is different from an AFRC faction. He has gone ahead to
21 describe that AFRC group as the group of soldiers who served the
22 AFRC from a given period to another period which clearly came
23 from him. Then he also went ahead --

24 PRESIDING JUDGE: Your question was very vague. Limit it
16:11:20 25 to the period in which the report relates and to the answer that
26 you got previously, which is what you were seeking to have
27 clarified.

28 Q. Was there a functioning army in January 1999 in Sierra
29 Leone?

1 A. In January 1999?

2 Q. Yes.

3 A. There were junta forces operating in January 199 -- Sorry,
4 in January 1999 rather than 1998? Did I hear you correctly?

16:12:07 5 Q. Yes.

6 A. Yes, January 1999. In 1999, there was an ECOMOG force
7 operating in support of the government. There were CDF forces
8 and there were also --

9 Q. I'm afraid I have to stop you. The question was limited to
16:12:31 10 was there a Sierra Leone Army in general. I didn't talk about
11 CDF --

12 PRESIDING JUDGE: You asked if there was a regular "force".
13 That was the word you used, a regular "force" in January 1999.
14 If you are asking a question about something else, use the words
16:12:50 15 that you intend the witness to answer.

16 MR FOFANAH: I thought I actually used the words "regular
17 army". I am sorry if I used "force".

18 Q. That's what I meant. Was there a regular army in January
19 1999?

16:13:00 20 A. There was. The various regular armies from the ECOMOG
21 nations operating in Sierra Leone in January 1999.

22 Q. Was there a Sierra Leone Army January 1999?

23 A. I'm not certain whether such a constitutional body actually
24 existed at that time.

16:13:23 25 Q. Did it exist between February 1998 to January 1999?

26 A. I am not certain at what stage President Kabbah decided to
27 appoint the ECOMOG commander as the commander-in-chief of Sierra
28 Leone forces.

29 Q. Are you aware that there were soldiers of the Sierra Leone

1 Army who were fighting alongside ECOMOG between the
2 period February 1998 to January --

3 PRESIDING JUDGE: Mr Fofanah, what's the relevance of this
4 question?

16:14:06 5 MR FOFANAH: The relevance, Your Honour, is the witness has
6 now said he's confining himself to the period February to events
7 after January 6, 1999. I have to lay the basis for my questions
8 relating to membership of the Sierra Leone Army. In any case,
9 Your Honour, I do not feel competent enough to continue at this
16:14:26 10 stage. I would like to take a break to tomorrow. I am most
11 respectfully seeking your leave.

12 JUDGE LUSSICK: Why don't you feel competent at this stage,
13 Mr Fofanah?

14 MR FOFANAH: It's been a long day, Your Honour. I'm
16:14:46 15 fasting.

16 [Trial Chamber conferred]

17 PRESIDING JUDGE: In the circumstances, we'll adjourn to
18 tomorrow morning to 9.15.

19 MR FOFANAH: Thank you very much, Your Honour.

16:15:26 20 PRESIDING JUDGE: I had hoped, Colonel, we could release
21 you today as Mr Fofanah's indication was that he had only a few
22 questions, but it would appear we are obliged to ask you to
23 return tomorrow. I will again, as I did yesterday, remind you of
24 the oath and your obligation not to discuss your evidence with
16:15:45 25 any other person until that evidence is completed.

26 THE WITNESS: I understand, Your Honour.

27 [Whereupon the hearing adjourned at 4.20 p.m.,
28 to be reconvened on Friday, the 14th day
29 of October 2005, at 9.15 a.m.]

EXHIBITS:

Exhibit No. D12 74

WITNESSES FOR THE PROSECUTION:

WITNESS: RICHARD MORTIMER IRON 2

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