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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN – SIERRA LEONE

Before: Justice Benjamin Mutanga Itoe, Presiding Judge
Justice Bankole Thompson
Justice Pierre Boutet

Registrar: Robin Vincent

Date filed: 24 May 2005

THE PROSECUTOR

Against

SAMUEL HINGA NORMAN
MOININA FOFANA
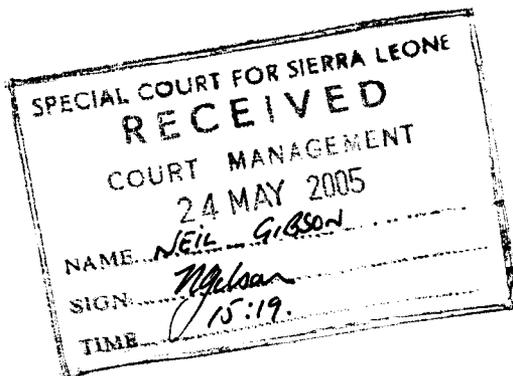## ALLIEU KONDEWA
(Case No. SCSL-2004-14-T)

EXPERT REPORTS

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EXPERT REPORTS

Pursuant to "Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures" issued on 24 May 2005, the Prosecution hereby files the expert reports of Col. Richard Iron, Military Expert and of TF2-224 the Child Soldier Direct/Expert Witness.

Freetown, 24 May 2005

For the Prosecution,
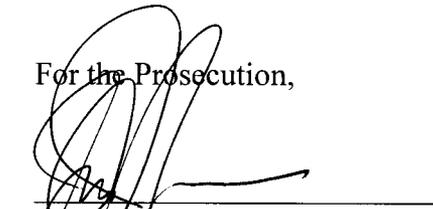
James C. Johnson
Senior Trial Counsel

Annex A

1. Military Expert Witness Report on the Civil Defence Forces. (Parts A,B,E)

Annex A

MILITARY EXPERT WITNESS REPORT

on the

CIVIL DEFENCE FORCE OF SIERRA LEONE

by

Colonel Richard Iron OBE, British Army

Norfolk, Virginia

May 2005

CONTENTS SHEET

PART A
INTRODUCTION

A1.   I was first approached by the UK's Ministry of Defence to be a military expert witness in June 2003, to assist in the determination of the extent to which the CDF and other organizations involved in the Sierra Leone War were military organizations with military command and control. Since then I have visited Sierra Leone three times to establish the facts upon which I can make opinions. I have read witness statements and interviewed a number of those who served with the CDF. I have walked the ground with such witnesses, who were able to describe to me first hand what happened and where, and in what context. My discussions with them were almost entirely based on the military events of the war, rather than any particular crime that may or may not have taken place.

A2.   This report analyses activities that took place over 7 years ago. Since there are few documentary records, it is primarily based on interviews and is therefore reliant on the personal memory of those that took part. It is inevitable that there are some inaccuracies and inconsistencies, and some details within the report may be inaccurate. It is also inevitable that there are other individuals with different experiences who have a different perspective on some aspects of this report. However, I have built a picture of the entire organization from many such personal perspectives, and although some details may be inaccurate, I am confident that the conclusions I have drawn and judgments I have made are accurate, except where I have indicated there is some doubt.

A3.   The organization and practices of the CDF and its predecessor organizations mutated and evolved during the war. This report concentrates on the period following the May 1997 coup and 1998. It includes the period of the ECOMOG Intervention in February 1998, but does not cover the later years of the war in any detail: there is no discussion of the CDF role in the defence of Freetown against the subsequent AFRC/RUF attacks in 1999. It therefore analyses the CDF as an organization at a particular time, covering the main period of the alleged crimes; it does not make judgments on the CDF's wider contribution to the war before the 1997 coup or from 1999 to the end of the war.

A4.   Approach. In order to establish whether the CDF was a military organization and whether command was effective, I have devised four tests. I then reviewed the available evidence against these tests in order to come to my opinion. In addition to this Introduction, this report consists of:

> a.   Part B – Methodology. This Part examines the four tests; it explains the theoretical and intellectual basis for each test; and then describes the criteria to be used in applying them.

> b.   Part C – CDF Structure and Systems. This Part is a general description of how the CDF worked as an organisation, used to support application of the four tests.

c.   Part D – the Koribundu-Bo Campaign. This Part is a detailed narrative and analysis of one particular CDF campaign within the war, which I have used as an example to support aspects of the four tests. The assumption is that what is general CDF practice in this campaign can be induced to be general practice elsewhere.

d.   Part E – Analysis. This Part takes the methodology explained in Part B and applies it to the evidence, analysis, and judgements made in Parts C and D. It reaches conclusions against each test, and then synthesizes the conclusions to reach a general opinion as to whether the CDF was a military organization and whether command was effective.

Richard M Iron
Colonel UK Army   May 2005

PART B
METHODOLOGY

B1.   Introduction.

B1.1   To determine whether an armed group is a military organisation in the traditional sense, and whether command responsibility exists, we need to examine four questions:

- Did the group have a recognisable military hierarchy and structure?
- Did it exhibit the characteristics of a traditional military organisation?
- Was there coherent linkage between strategic, operational, and tactical levels?
- Was command effective?

B1.2   It is important to note that absence of one or more characteristics of military organisation does not mean that military organisation does not exist. Similarly command and control that is at times ineffective does not imply absence of military hierarchy. All humans are fallible and no organisation is perfect. Mistakes are common even in well established and ordered armies: orders are occasionally disobeyed; decisions made that are illogical; systems established that are not coherent; some rules kept, and others ignored, for no apparent reason. In particular, personality conflicts are common among senior commanders in war, and can greatly influence decision-making. So, the question is not 'is this a perfect military organisation?'; instead it is 'does this demonstrate sufficient characteristics of a military organisation to qualify as such?'. Thus judgement is required to determine answers to the questions above.

B1.3.   To establish a methodology to answer the above questions, I examine the characteristics of military organisations and the nature of military command. I start by establishing why military groups fashion themselves into recognisable military organisations, and why such organisations exhibit similar characteristics. I then examine their structure, both within the hierarchy of command and staff organisation. I list and describe the functions which military organisations typically require to sustain themselves and to succeed in conflict. I finally describe the nature of military command, including the elements of effective command.

B1.4.   By comparing the evidence presented against these criteria for military organisations and their command, I intend to form an opinion as to whether the group in question was a military organisation and whether effective command was being exercised. Judgement will be required; it is most unlikely that any organisation will fulfil completely all the characteristics and requirements for military organisation.

B2.   The need for military organisation.

B2.1   Conflict is an activity fought by humans against other humans. As a result, the human dynamic is the most important factor in conflict; and since all humans are different and respond differently to stress, fear, and deprivation, conflict is at root chaotic and unpredictable. Usually, victory comes as a result of managing this chaos better than

an adversary, and focussing activity to a common goal. Any person or group who intends to use armed force to pursue an objective therefore has to overcome human individuality through the creation of military organisation. Military organisations exist to achieve unity of purpose, reduce chaos, and mitigate its effects. Military organisation therefore exists in *any* conflict waged between recognisable groups; otherwise it is simply a state of aimless violence.

B2.2   Military organisations tend to exhibit similar characteristics because of the nature of conflict: highly complex, dynamic and adversarial. It is ridden with uncertainty, violence, friction[1], and human stress. Military organisations, and the command and control structures that support them, need to be able to accommodate such complexity: coping with uncertainty and exploiting it where possible; helping humans to deal with and overcome fear; breaking down the complex into the simple so to minimise the effect of friction; and maximising ones own forces' and commanders' willpower while undermining that of the enemy.

B2.3   Note that the *nature* of conflict is regardless of the *type* of conflict. General war and insurgency, whether today or two thousand years ago, have more in common with each other than any other kind of non-warlike activity. It should be no surprise, therefore, that military organisations tend to have recognisable hierarchies and structures.

B3.   Did the group have a recognisable military hierarchy and structure?

B3.1   The detailed structure of a military organisation is dependent on its unique circumstances, in particular the complexity of its conflict. However, a general model has evolved over millennia, and is remarkably consistent across cultures and time[2]. It is the result of the human brain's ability to deal with the complexity of conflict: to limit the information the brain has to process, we create hierarchies with any one level of command responsible only for a limited number of subordinates. This is called the **span of command**, and typically consists of 3-5 subordinates in complex and rapid moving situations, maybe many more in static situations where the rate of information delivery is much lower and consequently less demanding on the human brain[3]. The coherent linkage between multiple levels of commanders is described as the **chain of command**. A typical hierarchical military organisation is shown in Figure 1.

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[1] Karl von Clausewitz: "Everything in war is simple, but even the simplest thing is difficult, and these difficulties, largely unforeseen or unpredictable, accumulate and produce a **friction**, a retarding brake on the absolute extension and discharge of violence." *On War*, translated by Col J J Graham and edited by Col F N Maude. (London: Routledge & Kegan Paul, 1962) Book 1, p. 53 and 77.

[2] This model is common to the Roman legions and the modern armies of the US, Russia, and China. It is also common to less conventional armies, such as the Polish Resistance of WW2, ZIPRA in the Rhodesia/Zimbabwe War, and the Provisional IRA.

[3] For example, the British Army conventionally has four battalions in a brigade designed for mobile operations. However, in Northern Ireland the operation was more static, and each brigade typically had 8-10 battalions.

The Chain of Command

The Span of Command

Figure 1: a typical hierarchical organisation
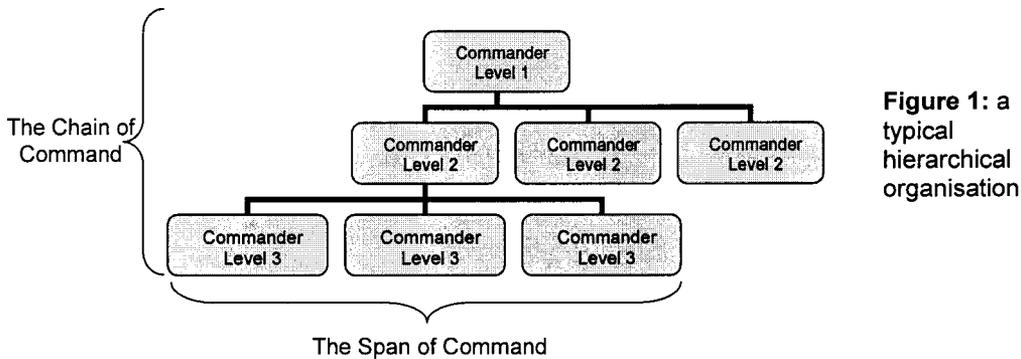
B3.2   As well as creating hierarchies to manage complexity in conflict, military organisations are characterised by a number of functions that enable them to live and operate.   Some are common to all organisations, military or civilian, such as pay, communications, and provision of food.   Others are specifically military in nature (although may also have utility in some civilian fields), such as intelligence and provision of weapons.   These functions are described more fully in Section 4 on characteristics of military organisations.

B3.3   The mechanisms for implementing functions are determined by the unique circumstances of the organisation.   A function may require complex organisation, or be combined with several others in one man.   Others may not exist at all.   However, the totality of activities required, even in a simple organisation, is beyond the ability of a single commander.   Military organisations have therefore developed **staffs** to assist the commander.   They consist of officers, not normally commanders in their own right, given functional responsibility to assist the commander lead, make decisions, and control the force under command.

B3.4   Staff officers are more or less organised into **functional branches**, with branch chiefs who may report to the commander directly or through a **chief of staff**.   A variation of standard NATO nomenclature of functional staff branches, used by many armies and guerrilla organisations throughout the world, is:

G1 – personnel issues
G2 – intelligence
G3 – operations
G4 – logistics
G5 – civil-military relations

Of course, other military organisations may organise their staff structure in completely different ways, although their functions will be broadly similar.   A typical staff structure to support a commander is shown in Figure 2.
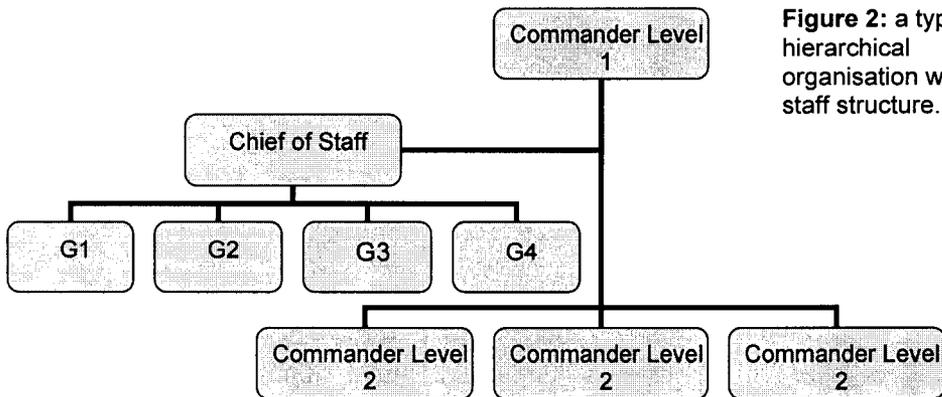
Figure 2: a typical hierarchical organisation with staff structure.

B3.5 The role of a chief of staff varies with the culture of the military organisation and personalities involved. However, he is often treated as a close confidant and advisor to the commander, as well as coordinator of the staff supporting the commander. There may in addition be a deputy commander, separate from the chief of staff. Again, individual roles are entirely dependent on personality, even in well established military organisations.

B3.6 Each level in the chain of command will have some form of support for the commander, although the lower the level the more rudimentary the support becomes[4].

B3.7 Organisations need to adapt to survive, especially when the character of the conflict changes, or when fighting against an organisation that is itself adaptive. An organisation may need to change how it operates[5], or it may need to change its structure. Such changes may be in its hierarchical chain of command, or its staff structure, or both[6].

B4.   Did the group exhibit the characteristics of a traditional military organisation?

B4.1. Paragraph 3.2 described how military organisations require a series of functions to survive and succeed, in addition to the activity of fighting, which are likely to require dedicated staff within the organisation. Typically, they would be grouped within a headquarters in support of the commander. This section describes these functions in more detail. Not all these functions are required in every situation; absence does not necessarily indicate absence of organisation.

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[4] For example, in the British Army, even a commander of an 8 man section has a second in command, specifically responsible for provision of ammunition and other supplies.

[5] Such as the German Army in 1917-18, which adopted "stormtrooper" tactics to overcome the stalemate of trench warfare.

[6] Such as the Provisional IRA's move from battalion to cell structure, to improve security after several British intelligence successes following penetration of the earlier organisation.

B4.2. The Intelligence Process. Intelligence is information on the enemy or environment (terrain, civil population, weather) that has been analysed and ordered so that military decisions can be based upon it. Accurate intelligence is critical to success in conflict; although usually some compromise has to be reached between quality of information against the time taken to produce it. An intelligence process usually consists of some form of collection, communication, and collation and analysis. Collection of information can be by technical means (such as aerial photography and electronic eavesdropping), by espionage, or by observation (such as use of observation posts and patrols). Communications are required to permit the transfer of that information to the organisation that is going to analyse and use that information. Collation and analysis is the process for converting information into useable intelligence; in most regular armies it is conducted by specialist intelligence personnel. So, for example, a sighting by a patrol of a group of armed men moving down a road is an item of **information**; intelligence staff may be able to combine this with other information to assess that the enemy is planning to attack a particular point – this is **intelligence**.

B4.3. Communications System. Communications are the glue that allows military organisations to work in a coherent way. Without some form of communications system, effective command cannot be exercised over subordinates, nor can operations be coordinated, since military operations typically extend over far larger areas than that which can be controlled within the sight or earshot of one man. Communications can be transmitted by some form of post system, or carried by runners, or done electronically by radio or telephone. Communications need to achieve an appropriate level of reliability, security, and timeliness. **Reliability** is the degree of certainty the sender has that the message will be received and understood: if the system used in inherently unreliable (such as sending runners through enemy territory, with high probability of intercept) then redundancy is often planned (such as sending multiple runners with the same message). **Security** is measured by the degree of difficulty the enemy may have to intercept and understand the message.   More advanced armies tend to use secure electronic communications; some others use systems of codes and ciphers. **Timeliness** relates to how long the message takes to transmit and (if necessary) decode.   Frequently, its importance is not the total time taken *per se*, but time taken relative to an adversary. So, for example, one day to send and receive a message may be too long if the enemy can do the same in one hour, but may well be timely if the enemy takes two days. Military organisations in conflict frequently attack an enemy's communications system[7], thereby causing a breakdown in command; effective organisations protect themselves from such attack.

B4.4. Planning and Orders Process.   Military activity does not usually occur spontaneously; generally it is the result of a coherent plan that all or parts of the organisation will attempt to implement. The key part is the **decision** – the selection of a course of action. This decision can be made singly by a commander, or may emerge through a more collaborative process: it is discussed in further in Section 6. Once a

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[7] Such attack can be electronic (eg jamming of radio nets) or physical (eg destruction of radio relay stations, or patrol activity to intercept messengers on foot).

decision has been made, it is transmitted to those responsible for its implementation through an **orders** process. This frequently implies cascading orders through the chain of command, although orders can also be given simultaneously to an organisation through a general briefing, in person or by radio. In well established armies, orders for major operations are generally written and frequently supplemented by oral orders. For smaller operations, or where time is short, oral orders only are given.

B4.5. Lessons Learnt System/Doctrine Development and Dissemination. Successful military organisations learn from their mistakes or from enemy successes. Not to do so would risk strategic defeat once an enemy has identified and exploited a particular weakness. Successful learning requires some form of analysis of past operations, and a system for distributing good ideas or lessons. This can be direct to other units, or indirectly through the training system. For example, if one group finds a particularly good method of ambushing an enemy convoy, it will wish to pass on that knowledge to other groups in the same military organisation to increase the effectiveness of the organisation as a whole. It may also pass on the information to any training organisation so all new members of the organisation know the most effective method of ambushing.
In this way, we can see that a military organisation tends to build a common doctrine – or *modus operandi* – which is constantly evolving as new lessons are learnt. Frequently, these lessons will be a result of evolution of an enemy, which is also likely to be a learning organisation.

B4.6 Disciplinary System. Conflict causes normal social structures and inhibitions to break down. Soldiers are trained to kill, thus overcoming one of society's strongest taboos. Soldiers are also expected to suffer considerable hardship; including hunger, sleep deprivation, absence from family, and fear. It is not surprising that, given opportunity, soldiers tend to lawlessness and excess. This is regardless of race or culture: British and French armies, after successfully storming cities in the Napoleonic Wars of the early Nineteenth Century, conducted atrocities similar to those seen in late Twentieth Century Africa. Although education can assist prevent such breakdown, the most reliable means of controlling soldiers is through an effective disciplinary system, threatening identification of crime and a level of punishment sufficient to deter wrongdoing. This may involve some form of military police and a military legal system to dispense justice and impose punishment.

B4.7. Recruiting and Training. Recruitment is essential for a military organisation to survive; either to expand, or simply to remain at its current strength to replace casualties, deserters, or others who return to civilian life. Some armies offer inducements to young people to join, others use some form of compulsion; this latter category includes those nations that employ conscription, such as Germany. Once in the organisation, the recruit then has to be trained in military skills, to become an effective member of the organisation. Usually this takes place in specialist training establishments, although it can be done on-the-job within a unit consisting primarily of trained soldiers who pass on their skills to the recruit. Training is also likely to include inculcation of the values and standards of the organisation, so that the recruit comes to believe in what the organisation

stands for. Frequently, there is some form of recognition at the completion of training, such as a "passing-out" parade or certificate.

B4.8. <u>System for Promotions and Appointments</u>. Military organisations are complex bodies, and there are many different appointments to be filled by people with a wide variety of skills. Some may be commanders, others radio operators, and others staff officers. As people gain experience in the organisation many become capable of greater responsibility. At the same time, others become casualties or otherwise leave the organisation; or the organisation expands offering considerable opportunities for new appointments. An effective appointment system seeks to marry the most appropriate skills to the right posts within an organisation, whilst at the same time attempting to meet the aspirations of deserving individuals. Within military organisations, appointments are generally tied to rank, and the most common system of reward is through promotion in rank.

B4.9. <u>Logistic Supply (including Arms Procurement)</u>. Armies require considerable quantities of combat supplies to remain effective, typically consisting of water, food, fuel, and ammunition. Some, such as water and food, may be available locally. A light force that has few vehicles has little need for fuel. All forces depend on supplies of arms and ammunition, without which they cannot fight. Unless the military organisation runs some form of arms factories[8], then it will rely on some form of procurement system to purchase munitions and other supplies from elsewhere. It then needs to transport the supplies into the theatre of operations; and provide some form of tactical transportation system to where they are required.

B4.10. <u>Repair and Maintenance of Equipment</u>. Many armies are reliant on technology and equipment, much of it expensive. Since military useage tends to be heavy, constant maintenance is often required to keep it working. Well developed armies rely on sophisticated repair and maintenance systems; armies less reliant on equipment may only have rudimentary systems for repair, or none at all.

B4.11. <u>Medical System</u>. Effective military organisations care for their injured and sick. They do this partly because they do not wish to waste trained manpower; but also it is to give soldiers the confidence that if they are wounded in battle then they will be looked after. A medical system requires effective evacuation from the point of wounding (often under fire), immediate first aid (to restart breathing or staunch excessive blood loss), and then evacuation to proper medical care, and subsequent recuperation. Essential is provision of adequate medical supplies. Well developed armies have highly effective medical systems[9], matching the best available civilian standards.

B4.12. <u>Fundraising and Finance</u>. Military organisations usually need money, to pay for procurement of supplies and equipment, and to pay the salaries of its soldiers. Established national armies do this through government taxation and provision of a defence budget.

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[8] Such as the Provisional IRA that built improvised mortars, bombs, and rocket launchers.

[9] For example, in the British Army the goal is get any casualty to an operating theatre within one hour of wounding.

Others do so through fund raising internally or externally: this could be through voluntary donations; or through exploitation of resources which the military organisation controls or has access to[10]. It is likely that sources of funds are likely to be strictly controlled: this also gives control of the supply system; and subsequent control of the military organisation as a whole.

B4.13. Pay or Reward System for Soldiers. Most people expect some form of reward for their labour. In most armies this provided financially through salaries, couple with some system of promotion or appointment reward system. In less well developed armies, or in environments where money has less meaning, such rewards may be in the form of goods, money, or enhanced living conditions.

B4.14 Religious Welfare System. Religion tends to play a significant role in many military organisations. Some military organisations are wholly based around religion, such as medieval Crusader armies; but even when not it is noticeable that in times of stress or high threat, an increased number of soldiers take solace from religion. Military organisations tend to provide opportunity for such religious welfare[11], either within the military structure, or permit access to it outside the structure.

B5.   Was there coherent linkage between strategic, operational, and tactical levels?

B5.1   Most modern analysts divide conflict into three levels: strategic, operational, and tactical[12]. War aims and high level objectives are developed at the strategic level; broad approaches are designed at the operational level, to achieve strategic aims; and then individual battles and engagements are planned at the tactical level which, together, achieve operational level objectives.   In an effective military organisation, there will be clear linkage between the three levels.

B5.2   An example of clear, coherent linkage between strategic, operational, and tactical levels is Operation OVERLORD in June 1944. At this time the Allied Powers had the *strategic* aim of defeating Germany by opening a second front in Western Europe and invading Germany from both East and West. At the *operational* level, land, air, and maritime force was concentrated in south east England, to enable invasion of Normandy; coupled with *operational* level deception to convince Hitler that any invasion would be in the Pas de Calais. *Tactical* operations were then conducted to clear sea minefields, suppress German defences, and seize beachheads to permit rapid reinforcement.

B5.3   Poor linkage existed for Operation BARBAROSSA, the German invasion of Russia in 1941. The German *strategic* aim was the takeover of the Soviet state through

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[10] For example, the warlords' control of poppy production in Afghanistan.

[11] Except for noticeably secular organizations such as Communist guerrillas in Malaya 1948-60. Even in such cases it can be argued that secular ideology or nationalism fulfilled the same need.

[12] This categorization first emerged from 19th Century Prussian/German thinking, although it was primarily developed by the Soviet Union between WW1 and WW2, resulting from experience of the Russian Civil War. It was adopted by the US Army in the 1980s, and rapidly became standard military thought in all major Western powers.

military invasion. *Operationally*, they intended a massive blitzkrieg to defeat the Soviet Army, with *tactics* of armoured encirclement. But coherent linkage between levels did not exist. The Soviet Army was too big, and the Soviet Union too large, for armoured encirclements alone to defeat it (a breakdown in linkage between tactical and operational levels). Similarly, defeat of the Soviet Army did not equate to the collapse of the Soviet state – for that Hitler needed to win support of at least some of the peoples within the Soviet system; but his own racist policies would not allow this (a breakdown in linkage between operational and strategic levels).

B5.4   Linkage between the levels of conflict also exists in non-conventional wars. In the Rhodesia-Zimbabwe War of the 1970s, the two guerrilla armies of ZIPRA and ZANLA had the strategic aim of forcing the collapse of the minority white Rhodesian government and replacing it with black majority rule. One of their operational-level objectives was the collapse of the rural economy upon which the wealth of the country depended. They achieved this at the tactical level through attacks on remote white farmers, forcing the abandonment of many farming areas through fear.

B5.5   There is much political, military, and academic debate on the nature of insurgent and terrorist groups, and how they may be different from each other. Both may use terrorist methods, but insurgent groups tend to operate within a military and political framework: simultaneously overcoming the opponent's military structure while building popular support for the insurgency[13]. Terrorist groups generally do not attempt to defeat opposing military forces, but intimidate governments directly into granting political concessions[14]. They may conduct tactical operations to have strategic effect, without the existence of an operational level. Terrorist groups therefore have less need of classic military structures; insurgent organisations cannot succeed without them[15]. This is not to say that terrorist groups cannot become insurgent organisations over time, indeed they usually aspire to do so; simply that when they are acting as terrorists they do not have the same strategies or structures.

B6.   Was command effective?

B6.1   One useful model of command incorporates three overlapping elements: **leadership**, **decision-making**, and **control**. These encompass all the activities normally associated with command. In essence, command involves deciding what has to be achieved (decision-making), getting subordinates to achieve it (leadership), and supervising its achievement (control).

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[13] For example, the Viet Cong built up considerable public support for their operations, while simultaneously fighting the South Vietnamese and American Armies: a classic case of Maoist revolutionary theory in action.

[14] Examples are the European terrorist movements of the 1960s and 1970s, misnamed "urban guerrillas", such as the Italian Red Brigades and German Baader-Meinhof Gang. They consisted of small numbers of terrorist cells, who never attempted to combat the armed forces of their opponents.

[15] The *foci* of Che Guevara and Carlos Maringhella attempted to break this linkage in Bolivia in the late 1960s, by cutting off the guerrilla groups from the population and not build up a popular base for the insurgency. As a result, they were relatively easily defeated by security forces.
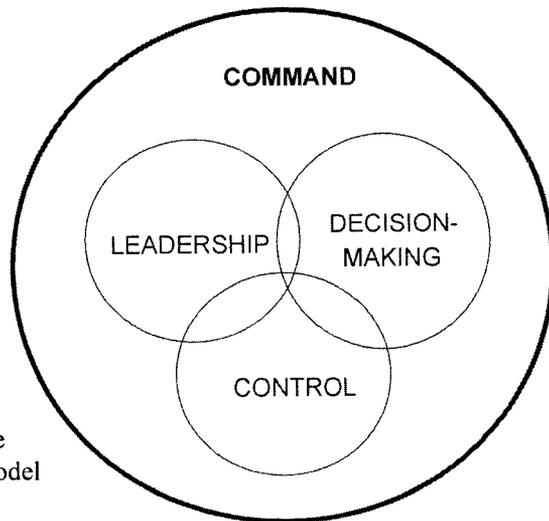
Figure 3: the command model

B6.2   Decision-making is the process of deciding what to do. It is the result of analysis, either rational or intuitive, to determine the best way of achieving the goals established by the superior commander. At the highest level, it will be to achieve the strategic objectives of the organisation. Accurate and effective decision-making relies on an understanding of the situation (knowledge of enemy, own forces, and the terrain). Such knowledge requires some form of intelligence organisation, to find out the enemy's dispositions, intentions, strengths and weaknesses; and also a system of reporting status and location of own forces. Knowledge of the terrain comes from maps, personal knowledge, or scouts. Decision-making can be done individually by the commander, or as part of a collaborative activity involving many of the staff and subordinate commanders. The final responsibility for the decision reached, however, remains that of the commander. The output of decision-making is operational plans, articulated in written or oral orders to subordinates.

B6.3   Leadership is an intrinsic part of motivating a force. People are usually motivated through both *physiological* and *psychological* means. Physiological motivators include food, shelter, security, and sex. Military organisations provide all these (except sex, for most armies); but on occasions military service also demands that physiological motivators are suspended, because of danger, hunger, and cold etc. Military organisations therefore also have to provide powerful psychological motivators. This is usually provided in two overlapping ways (although narcotics and alcohol could also be used):

•   Belief in a higher ideal/vision: nationalism, freedom from oppression, religion etc
•   Leadership: provided through combination of example, persuasion, and compulsion. Its purpose is twofold: to unify to a common purpose (to create cohesion), and to inspire (to build the moral will of the force).

B6.4   Control consists of direction, oversight, and coordination.

- Direction incorporates the communication of a decision once made, through the passage of orders. This can be done face to face, in writing, or by radio/telephone. Direction is not only given at the start of an operation, but may be given during execution, to respond to a changing situation.
- Oversight is the process of ensuring orders are implemented. It requires communications and reporting systems so the commander is adequately informed. Oversight needs to be backed by a disciplinary system: this is normally achieved through a rank structure, investigative system, and punishment.
- Coordination of subordinate activities is required when two or more subordinates are working together in time and/or space to achieve a common goal. Although two subordinate commanders may coordinate together without superior command involvement, this becomes increasingly difficult with a greater numbers. Coordination requires effective oversight: reporting systems and communications.

B6.5   Judgement on whether effective command was being exercised is based on the assessment of the extent to which the three elements of decision-making, leadership, and control were present.

PART E
ANALYSIS

E1 Introduction.

E1.1. The purpose of this section is to analyse the CDF to determine the answers to the four tests posed earlier in this report, in 'Part B – Methodology':

- Did the group have a recognisable military hierarchy and structure?
- Did it exhibit the characteristics of a traditional military organisation?
- Was there coherent linkage between strategic, operational, and tactical levels?
- Was command effective?

I address each test in turn, using the methodology laid out in Part B of this report[1]. I use the evidence, analysis and judgements presented in 'Part C – CDF Structure and Systems' and 'Part D – the Koribundu-Bo Campaign' to draw conclusions for each question. Finally, I synthesise the conclusions to all four tests to provide an overall opinion on whether the CDF was a military organisation and whether command responsibility existed. Military judgement is required for such synthesis, since not all characteristics and requirements can be expected to be met.

E2 Did the CDF have a recognisable military hierarchy and structure?

E2.1. The organisational needs of the CDF altered dramatically when the AFRC mounted their coup in May 1997. Until that point the CDF and their predecessor organisations were structured on territorial lines, by district and chiefdom. This worked well when they were working with government forces that controlled the majority of the territory of Sierra Leone, and when their primary role was operating in support of the Sierra Leone Army. Once they joined in combat with junta forces, the territorial organisation broke down except in those areas physically controlled by the CDF.

E2.2. Broadly, there were two types of forces in the CDF: those that were distributed geographically by chiefdom, continuing to live in their villages and operating in their local areas; and those forces that concentrated at Base Zero, because they came from areas now overrun by junta forces or for some other reason. These two types of force were indistinguishable from each other, although the CDF at Base Zero were generally better armed and equipped than those in the villages, since they had access to ECOMOG-provided supplies. Following the Koribundu-Bo campaign, and the seizure of much of the country from RUF/AFRC forces, the CDF once more re-organised primarily on a territorial basis.

E2.3. From the time that Hinga Norman arrived at Base Zero in summer 1997, it became the overall headquarters of the CDF. He exerted considerable influence and control over all CDF forces in the south east of the country (Bonthe, Pujehun, Bo,

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[1] It is advisable to refer to Part B of the report through this analysis.

Kenema and Moyamba Districts), but looser control over forces in more distant districts: this was simply a result of distance and the CDF's lack of communications other than by foot.

E2.4. Initially, the CDF did not have traditional military names for its fighting groups, such as battalion or brigade, but this does not mean that they didn't organise themselves into military units. Usually groups were named after the leader, and when they had to form larger groups then one of the senior group leaders would be selected to be the overall commander. So, for example, in the attack on Bo, there were five high level commanders operating under the ostensible command of Albert Nallo: these were Hassan Dekko, James Kiley, Francis Yahyah, Hassan Sherrif, and the unknown commander of the ambush position on the Freetown road. Each of these senior group commanders had multiple smaller groups under command; for example the group of 25 Kapras were in James Kiley's group attacking from the west. Similarly there were four subordinate commanders for the attack on Koribundu, including Jegbeyama's Death Squad. Territorially based units were used to reinforce offensive groups from Base Zero: for example when Joe Timide led his raids on Gondama and Sembehun, he collected local groups from Gbama and Mambona which he used to reinforce his own group; he was still, though, in overall command.

E2.5. The other important aspect of a military organisation is the staff structure designed to assist the commander. The CDF did not have a formal staff system throughout its structure, but it did have a staff structure in Base Zero to support the high command: this included a Director of War and Chief of Logistics (Moinina Fofana) and various Directors of Operations to coordinate regional operations across Sierra Leone. Apart from in the southern region, where the Director was Albert Nallo, it is uncertain how effective the other Directors were, given the difficulties of central coordination without effective communications. Although the Directors could be described as staff officers, they were used as commanders in their own right, in command of various CDF groups.

E2.6. **Conclusion. The CDF had a recognisable military hierarchy and structure;** with both a chain of command and a span of command, although its structure was less formalised than many military organisations and its staff system was not well developed.

E3   Did the CDF exhibit the characteristics of a traditional military organisation?

E3.1. Part B of this report identified 13 functions which characterise the operation of a traditional military organisation. This section lists the functions and determines whether each existed in the CDF and if so in what form.

Function	Application in the CDF
The Intelligence Process	The intelligence process in the CDF was more advanced than in either the RUF or AFRC. As well as relying on civilians, they conducted reconnaissance patrols and recruited agents

	within the junta organisation. However, there were still significant failures of intelligence, such as unawareness of the junta counter-attack on Bo on about 17 Feb 1998 or the subsequent junta withdrawal from Bo which was undetected by the CDF for two days.
Communications System	There were little or no radio communications during this period. At the strategic level Norman used a satellite phone to communicate abroad: reportedly to ECOMOG and President Kabbah. At the operational level, communications were written and carried by hand: in the south this could be by motorbike (Albert Nallo was often used in the role); otherwise all would be carried by foot. At the tactical level messages were usually passed verbally, often through several messengers depending on the distance involved. This communication system appears to have been simple but effective: there do not appear to be many instances where messages went astray or were corrupted. It is also difficult to intercept. The disadvantages are that it takes time, and is unresponsive to rapidly changing tactical situations: CDF attacks were coordinated by time, and if this went wrong (as in Koribundu) then nothing could be done about it. It is also less easy to communicate across great distances, and explains why the bulk of *coordinated* CDF operations during the junta period took place in the south east of Sierra Leone.
Planning and Orders Process	Planning seems to have been conducted in collaborative fashion, evolving out of discussion between key leaders at Base Zero. Fofana chaired such discussions, and results were then briefed to Norman for his approval. Magic appears to have played a part in the planning process, such as the selection of the date of the attack on Koribundu. The giving of formal orders tended to be rare, except by Norman; usually the plan would evolve out of discussion where all the key commanders were present, and everyone would then know their part in the plan. The major exception to this would be the general briefings given to all CDF fighters on the parade ground at Base Zero, although these would then be supplemented by commander meetings were the details of the operation would be discussed and determined upon.
Lessons Learnt System & Doctrine Development and Dissemination	I can detect no process for the CDF to spread lessons learnt by one group, and apply it generally across the organisation. However, the CDF did improve in quality over time: by 1999 it was considerably better than in 1997; this can be attributed to gaining of individual experience by commanders and greater access to modern and effective weapons.
Disciplinary System	The disciplinary system in Base Zero was poor, with many wrongdoings openly unpunished. There was no equivalent of

	a military police unit; the War Council tried to enforce justice but were snubbed and ignored by Norman. However, he did demand obedience from his commanders, and anyone disobeying his orders could expect severe punishment. On operations, away from Base Zero, commanders enforced discipline in their own groups: much depended on the quality and strength of personality of the commander. Punishments varied from beatings to incarceration.
Recruiting and Training	Unlike the RUF, the CDF relied on volunteers; it was highly successful in building its strength based on its popular appeal in the south east region amongst, primarily, the Mende people. Initially, recruits were nominated by the chiefs, although subsequently men came directly for initiation. The success of the CDF's recruitment campaign was based on two factors: one was social and peer pressure, the other was the promise of immunity from wounding or death by bullets. Seemingly, families were prepared to spend much of their spare cash to pay for sons to be initiated and immunized, and thus safe from being killed. The training system was generally rudimentary, although effort was made at Base Zero to establish a formal training system for recruits and commanders.
System for Promotions and Appointments	Since the CDF did not have a formal rank system, there was no established process for promotions. This does not mean that CDF fighters could not gain status: successful fighters and commanders were rewarded with greater responsibility. An example is Norman appointing Timide to command the Koribundu operation. It is not clear who else had authority to grant such status other than Norman. Subsequently, following the capture of Bo, Norman appointed trusted commanders to be regional and district CDF commanders.
Logistic Supply (including Arms Procurement)	Most weapons were captured from junta troops, although it is likely that some were provided by ECOMOG using helicopter lift into Base Zero. This was certainly the source of most of the CDF's ammunition, until they started capturing major junta bases such as Koribundu and Bo together with their ammunition stocks. Once delivered, ammunition was looked after by Moinina Fofana until distributed according to Norman's orders. Like most guerrilla forces, individual fighters were responsible for finding their own food, although this was most difficult for the major concentration of fighters at Base Zero: the local farms were unable to support them all. Rations were partially supplemented by ECOMOG, who flew in some stocks of food; Norman and Fofana would tend to distribute these to senior CDF members and those who had done well on

	operations.
Repair and Maintenance of Equipment	The CDF had little mechanical equipment other than their weapons and, later, vehicles. There was no system for their repair and maintenance; when something broke it was discarded and replaced with a newly captured or stolen item.
Medical System	There was a medical system operating in Base Zero with trained medical staff, although I have been unable to determine how it worked. Medicines were either provided by ECOMOG or stolen/looted from pharmacies. On operations medical care seemed to be rudimentary with little or no medical support being available for casualties.
Fundraising and Finance	There is little evidence of money being used to finance the CDF or of funds being raised, apart from the cash charged to new recruits by initiators. These funds seem to have gone directly to the initiators, as a perk, rather than to the organisation as a whole. The operation to capture Tongo Field in January 1998 might have been aimed at exploiting the diamond mines, but if so it may have been for personal gain rather than to pay for the organisation. ECOMOG seem to have given logistic support to the CDF for free.
Pay or Reward System for Soldiers	CDF fighters were not paid; indeed they had to pay for initiation. The reward system seems primarily based on making women freely available for fighters for sexual gratification. Senior commanders were rewarded with personal gifts by Norman, such as Nallo received a bottle of whisky for the capture of Koribundu.
Religious Welfare System	There was no system for religious welfare, although religion played a large part within the CDF initiation and immunization ceremonies: these appear to have been a complete mix of animist, Christian and Islamic rites. Unlike the RUF and AFRC there does not seem to have been as much emphasis given to prayer, but much greater emphasis on magical ceremonies to grant immunization.

E3.2. **Conclusion.** Of the 13 functions identified that characterise the operation of a traditional military organisation, in the CDF not one took the same form as would be expected in a traditional army. Three appear to be totally absent (lessons learnt system, fundraising, and equipment maintenance). All the others are present, but in radically different forms, born out of the unique circumstance of the CDF; for example the communications system was totally unlike the radio communications networks of modern armies (and the RUF), but that developed by the CDF worked well enough for their needs. Therefore, **the CDF had most of the functions that characterize a military organisation, but in substantially different form than traditional armies.**

E4 Was there coherent linkage between strategic, operational, and tactical levels?

E4.1. This is one of the most important tests to indicate not just the presence of military organisation but also effectiveness of command throughout the organisation. If the organisation is coherent with clearly delineated command systems working to common goals, then it should be possible to map all tactical activity to operational level objectives, and then to strategic aims.

E4.2. The CDF's strategic aims were not articulated as such. In my view, they can be interpreted as below, varying over time:

a. May – November 1997. Strategic Defence. The strategic aims were: survival of the CDF; preventing further junta encroachments on CDF held territory; and build up sufficient strength to mount offensive operations.

b. December 1997 – January 1998. Limited Offensive. The strategic aim was to undermine junta strength in preparation for the ECOMOG Intervention and the major CDF attack.

c. February – March 1998. Strategic Offensive. The strategic aim was to liberate as much of Sierra Leone as possible from junta occupation, alongside ECOMOG forces.

E4.3. Tthe CDF's strategic aims were linked to ECOMOG's intentions; without the ECOMOG Intervention the CDF could not have mounted a successful strategic offensive. However, it is clear that the CDF's strategic aims and operational objectives were theirs alone; these were adapted to accommodate ECOMOG, but the two organisations were different and had different aims and objectives.

E4.4. Below is a matrix charting how operational objectives and tactical activity connect to strategic aims over time.

Date	Strategic Aims	Operational Objectives	Example Tactical Activity
May - Nov 97	Survival, build up strength, defend against further encroachments	• Establish a secure base of operations • Recruit heavily • Establish line of supply with ECOMOG • Recreate territorial defence structure	• Seize Talia as a base and establish an HQ • Establish security framework for Talia • Conduct initiation and immunization ceremonies • Establish linkages with ECOMOG; make arrangements for resupply helicopter • Defence of individual villages against junta attack
Dec 97 - Jan 98	Undermine junta strength	• Operation Black December: isolate junta forces both	• Individual road blocks and ambushes

		physically and psychologically • Seize Tongo Field	• etc
Feb-Mar 98	Liberate Sierra Leone from junta forces	• Capture Koribundu, Pujehun and Bo • Capture Kenema • Establish command relationship with ECOMOG	• Establish bases of operations at Kpetewoma and Bumpe. • Concentrate forces around Pujehun. • Block Bo-Koribundu highway • Attack Koribundu and destroy junta garrison. • Attack Pujehun and destroy junta garrison • etc

E4.5. The tactical activities shown are simply examples; of course there were many activities at this level, some of which may not be coherent. So, to establish whether the totality of tactical activity fulfils operational level objectives, and therefore whether the organisation is truly coherent, I examined two operations in detail – the attacks on Koribundu (and the preceding raids on Gondama and Sembehun) and Bo. Analysis showed that these operations were largely coherent, despite many tactical failings brought about by poor training and lack of experience of large scale offensive operations. The vast majority of tactical activity was focussed on the capture of these two towns (and thus achievement of the strategic aim); the only activities I can find that were probably irrelevant in terms of operational objectives were the raids of Gondama and Sembehun. These took place not to assist the capture of Koribundu, but were the local commander's reaction to implied criticism from Norman. That said, this is not unusual in war; personality differences and traits continue to influence the activities of the best run armies. Overall, therefore, it can be induced from these examples that CDF operational activity in this timeframe achieved good levels of coherence between strategic, operational, and tactical levels.

E4.6. **Conclusion.** As in many armies, clashes in personality accounted for some degree of incoherence, but in general **the CDF demonstrated good levels of coherence between strategic, operational and tactical levels**, even though much tactical activity was poorly executed. This level of coherence, in particular at strategic and operational levels, is indicative of the powerful leadership of Hinga Norman.

E5   Was command in the CDF effective?

E5.1. The model of command being used for this analysis incorporates decision-making, leadership, and control. This section analyses each in turn for the CDF, looking principally at command in general, but where necessary drawing specific tactical examples from the attacks on Koribundu, Pujehun, and Bo.

E5.2. Decision-making was mainly intuitive within the CDF. There was no formal methodology for the analysis of situations, development of potential courses of action,

and rational comparison leading to operational decisions. Instead, commanders did what they thought right under the circumstances, often in collaborative fashion at the operational level. Given the absence of training and experience in large scale operations, it is remarkable that the CDF made such good decisions at strategic and operational levels. The selection of aims and ensuing operational objectives are entirely appropriate given the situation the CDF found itself; they are evidence of great skill and strategic level insight, principally demonstrated by Hinga Norman. Tactical level decisions were not so well founded; at this level the clear strategic and operational direction frequently failed due to inexperienced tactical commanders. The use of superstition and magic in decision-making at this level probably also contributed to some militarily poor decisions.

E5.3.   Leadership was strong at the top of the CDF, with Hinga Norman dominating the entire organisation in pervasive fashion. The CDF was a voluntary organisation, and the level of motivation amongst CDF fighters was high. Nevertheless there was considerable privation, in particular at Base Zero where there was little food. This was partly off-set by the forced use of women for sexual gratification, but in general the high levels of motivation came from a genuine sense of what the CDF stood for – the defence of their families and homelands. This motivation was underpinned by the entire leadership structure of the CDF: the Chief Priest playing a key part through initiation and immunization ceremonies, instilling a sense of institutional loyalty within the CDF. Leadership at low levels was more mixed; some junior commanders were clearly effective, others less so. This became evident in battle: whereas all the fighters appear to have been highly motivated, some groups were more determined in battle than others: this was a function of junior leadership.

E5.4.   Control has three elements: direction, oversight and coordination. The strategic and operational level **direction** given by Norman to the CDF was clear. He articulated the strategic idea of the CDF, frequently to all CDF fighters assembled at Base Zero. However, at lower levels direction could become muddled, including when Norman meddled at the tactical level; examples are the confusion caused by his appointment of Timide to command the Koribundu operation without clarifying the position of Nallo, and his early launching of the Bo attack without telling the operational commander. **Oversight** was mixed within the CDF. Norman had a good grasp of what was happening operationally, sending Nallo to confirm the veracity of reports submitted by subordinates. However, his oversight of what was happening at Base Zero was poor, where he permitted considerable abuses of discipline. I can find no good reason why this happened: his authority was unquestioned and the motivation of CDF fighters was high – he could have imposed much tighter discipline to no detriment of his own position. On the contrary, the abuses of discipline which he allowed were probably instrumental to some of the failures of discipline which occurred later on the battlefield, such as after the capture of Bo. The CDF had difficulty **coordinating** operations because of the difficulties of communications. They attempted to achieve coordination through synchronization of operations by time, but this became difficult when the situation changed. Further difficulties in coordination occurred when the command situation was muddled, with group commanders not knowing whose orders to obey.

E-8

E5.6. **Conclusion.** In the CDF **command was most effective at strategic and operational levels**, through the clear direction and dynamic personality of Hinga Norman. However, **inexperience was apparent at the tactical level**, and the quality of command was mixed; this was exacerbated, not improved, by Norman's interventions at the tactical level.

E6   Synthesis of conclusions.

E6.1.   It can be seen that the results of the four tests of whether the CDF was a military organisation in the traditional sense, and whether command responsibility exists, are:

a.   **The CDF did have a recognisable military hierarchy and structure.**

b.   **The CDF had most of the functional characteristics of a military organisation, but in substantially different form than traditional armies.**

c.   **The CDF demonstrated good levels of coherence between strategic, operational and tactical levels, even though much tactical activity was poorly executed.**

d.   **The CDF had an effective command capability at strategic and operational levels, but was weaker at the tactical level.**

E6.2.   It is clear that although the CDF is unlike any conventional army, it fulfilled the main criteria for being a military organisation. Unlike the RUF and AFRC it was not modelled on western army structures; indeed it reflected its roots as a 'Civilian Defence Force'. Nevertheless, it was faced with the same needs and dilemmas as other military organisations, and it is not surprising that it found many of the same answers in terms of structures and functional characteristics. The most telling test is the good level of coherence between strategic, operational, and tactical levels – this demonstrated that the chain of command was mostly effective and working to common purpose. Unlike other organisations I have analysed, the CDF was dominated by one personality – Hinga Norman. The CDF reflected his strengths and weaknesses, in particular in the effectiveness of command. The fact that the CDF had many failings as a military organisation, in particular at the tactical level, does not mean that it was not a military organisation; it was just not a very good one.

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Case Name: The Prosecutor – v- Norman Fofana & Kondewa
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☐ Affidavit
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