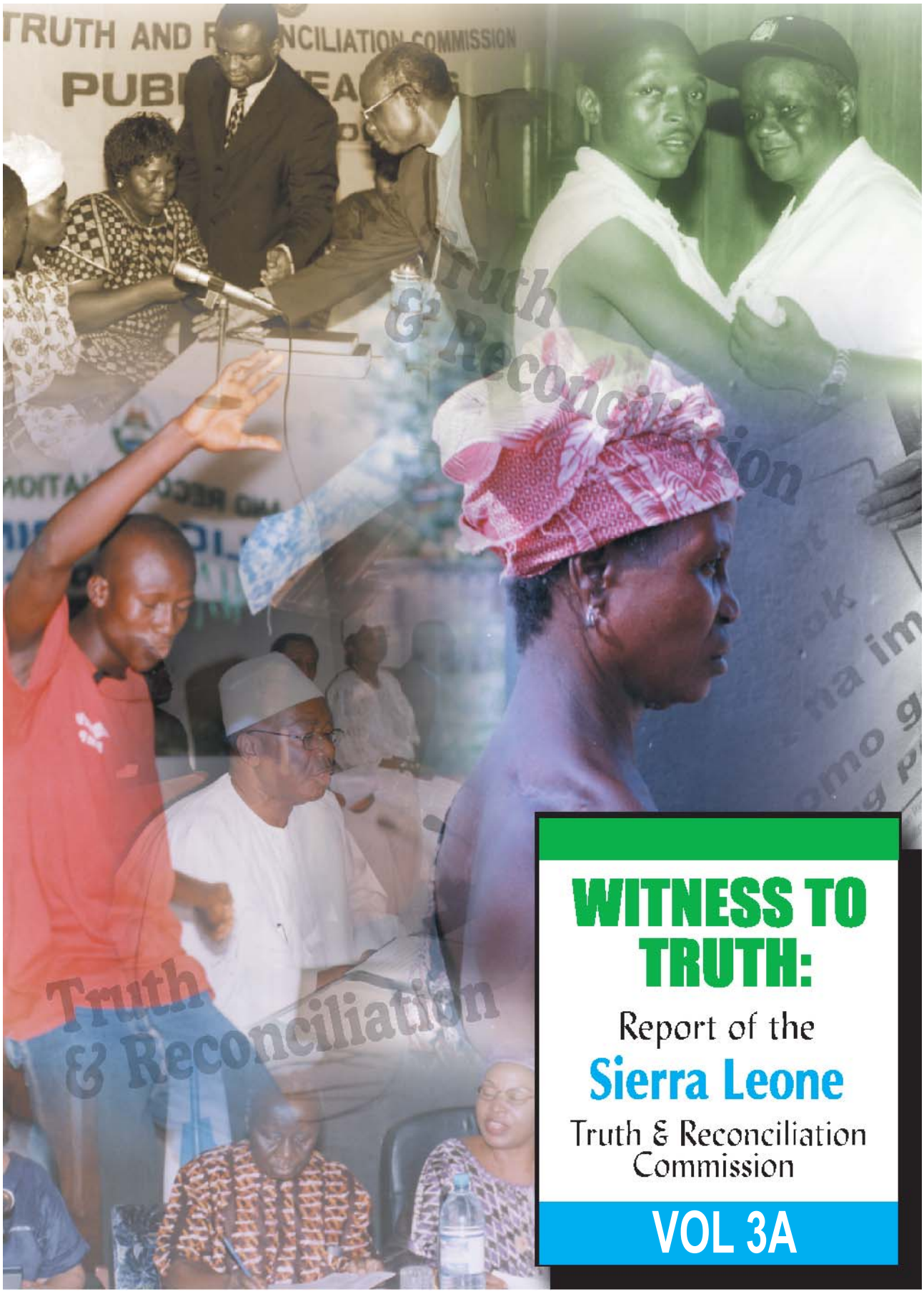


WITNESS TO TRUTH:

Report of the

Sierra Leone

Truth & Reconciliation Commission

VOL 3A

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VOLUME THREE
A

Report of the

Sierra Leone

Truth & Reconciliation Commission

The Truth and Reconciliation Comision Report was presented to President Ahmed Tijan Kabbah, President of sierra Leone on 5th October 2004

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CHAPTER ONE

Historical Antecedents to the Conflict

TRC

Tru at fo tok but na im nomo go bring pis

Produced by the TRC Steering Committee with support from the International Human Rights Law Group

CHAPTER ONE

Historical Antecedents to the Conflict

Introduction

1. In the final decade of the twentieth century, Sierra Leone – a tiny country on the coast of West Africa made up of just 4.5 million people – became the scene of one of the greatest human tragedies of our time. On 23 March 1991, armed conflict broke out in Sierra Leone when forces crossed the border from Liberia into the town of Bomaru near the eastern frontier. Over the next eleven years, the country was devastated by a complex and bitter war that unleashed appalling brutality against the civilian population.

2. How did a peace-loving nation become engulfed, seemingly overnight, in horror? What events occurred in the history of Sierra Leone to make this conflict possible? Explanations put forward have varied from 'bad governance' and 'the history of the post-colonial period' to 'the urge to acquire the country's diamond wealth' and the roles of Libya or the Liberian faction leader Charles Taylor.[1] The international community initially dismissed the war in Sierra Leone as just another example of tribal conflict in Africa; another failed state imploding in the context of environmental degradation and acute economic crisis.[2]

3. The Truth and Reconciliation Commission ("TRC" or "the Commission") was established in 2000 with a primary objective "to create an impartial historical record of … the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement."[3] The functions of the Commission, as set out in its founding Act, included investigating and reporting on the causes, nature and extent of the violations and abuses that occurred, including the antecedents to those violations and abuses and the context in which they took place.[4] From its outset, the Commission interpreted these provisions broadly, aiming to fulfil the intention of the drafters of the Act that the TRC should ''compile a clear picture of the past.''[5] Accordingly the Commission devoted considerable resources towards examining the pre-conflict history of Sierra Leone.

[1] Charles Taylor led the faction called the National Patriotic Front of Liberia (NPFL), which launched an insurgency in Liberia in December 1989. Taylor warned in a BBC radio interview in 1990 that Sierra Leone would "taste the bitterness of war" because of the country's membership and backing of the West African Intervention Force (ECOMOG) that was attacking his bases in Liberia.
[2] See Kaplan R., 'The Coming Anarchy'; *Atlantic Monthly*, February 1994. Also see Clapham C., 'Sierra Leone: The Global-Local Politics of State Collapse and Attempted Reconstruction'; Failed States Conference, Florence, 10-14 April 2001.
[3] See Section 6(1) of the Truth and Reconciliation Commission Act 2000. For further details, see the chapter entitled 'The Mandate of the Commission' in Volume One of this report.
[4] See Section 6(2) of the Truth and Reconciliation Commission Act 2000.
[5] This objective is contained in Section 1 of the Lomé Peace Agreement, as expounded in the 'Memorandum of Objects and Reasons', attached to the Truth and Reconciliation Commission Bill when it was tabled before Parliament in February 2000 by the then Attorney General and Minister of Justice, Solomon Berewa.

4. This chapter reflects a brief summary of the Commission's research into the 'Historical Antecedents to the Conflict'. The chapter attempts to locate causes of conflict in Sierra Leone's past, place the conflict within its proper historical context and offer explanations for what went wrong. It identifies social trends that spawned division and confrontation between the various groups that make up Sierra Leone. It picks out fault lines and key events that created the structural conditions for conflict. It highlights decisions on the part of the political elite that were designed to strengthen their grip on power at the expense of common benefit, progress and ultimately peace.

5. Central to the study contained in this chapter is the social and political interaction among Sierra Leone's constituent groups. Throughout Sierra Leone's history, the nature and extent of such interaction – often negative and limited – has influenced people's perceptions of the state in which they live and their own places within it. These perceptions have in turn presented the greatest challenges to the concepts of nationhood and citizenship. They have served to undermine the positive sense of national identity needed to build a strong and unified independent nation.

6. In order to adduce a balanced historical perspective on the conflict, the Commission invited a host of national and international stakeholders to make submissions about the key events of the past. It held public and closed hearings at which individuals, institutions of state, non-governmental organisations and donor agencies were able to express their views and opinions. It substantiated the material from all these testimonies by referring to multiple secondary sources, including books and periodicals on the country, as well as memoirs by Sierra Leoneans. The resultant chapter compiles a concise narrative out of these various resources and reflects contrasting versions of history in an impartial manner to the greatest extent possible.

7. The 'Historical Antecedents to the Conflict' have been divided into three sections for the purposes of this chapter. 'Part I – The Historical Evolution of the State' examines Sierra Leone's social, political and economic development under colonial rule and in the first few years of independence. 'Part II – The Management of Power by the APC' is a short synopsis of the system of government adopted by Sierra Leone's longest-serving and most influential pre-war Government, under the All People's Congress (APC) party. 'Part III – Local Historical Antecedents' traces pre-conflict dynamics in a variety of important Districts that help to explain the manner in which the war unfolded across the nation. The main points of the chapter are drawn together at the end in a brief 'Conclusion'.

PART I – THE HISTORICAL EVOLUTION OF THE STATE

8. The Commission has identified four distinct phases in the historical evolution of Sierra Leone, which it regards as crucial to understanding the roots of the conflict and some of the challenges that the country still faces today. These four phases are analysed below in the following order:

- The Colony and the Protectorate. Rather than constructing a unified Sierra Leonean state, the colonial government effectively created two nations in the same land. The divide between the entities known as the 'Colony' and the 'Protectorate' had far-reaching implications for issues such as citizenship, land tenure rights and conflict of laws.

- The Era of Party Politics (1951-1961). After the 1947 Constitution had amalgamated Sierra Leone's 'two nations' in preparation for independence, party politics became the greatest obstacle to national cohesion and identity. Party allegiance proved just as divisive as ethnicity, class or regional prejudice in the battle over who should succeed the British. On the cusp of independence in 1961, the ten-year-old Sierra Leone People's Party (SLPP) was joined in the political arena by the All People's Congress (APC), which would become its main rival in contesting elections.

- The Sierra Leone People's Party (SLPP) in Power. The euphoria and perceived unity of the immediate post-colonial period appear with hindsight to have been artificial. The first independent government, formed by the majority SLPP party, served to polarise public opinion in the country, introduced notions of cronyism in many state institutions and laid the foundation for military involvement in politics. This period had terrible, albeit foreseeable consequences on the unity of the young state and served to deepen existing cleavages.

- The 1967 Elections and their Aftermath. The elections of 1967 were scarred by bitter power struggles based on ethnicity, personality and party affiliation. Although the APC won the most seats, the leadership of the SLPP stoutly refused to concede defeat. The resultant standoff signalled a watershed in the political fortunes of the country and ultimately led to the destruction of the multi-party system.

The Colony and the Protectorate[6]

9. Before 1947, Sierra Leone was divided socially, geographically and historically into two entities. The colonial capital Freetown, known as the Colony, and the much larger area of provincial territory, known as the Protectorate, were political creations of the British, designed to facilitate their administration of the people as part of their expanding Empire. The Crown Colony State, established in 1808, was originally limited to the area of Freetown and its immediate environs on the Western peninsula, later taking in the Bonthe Urban District of Bonthe Island. The Protectorate, encompassing the remainder of the territory known in modern times as Sierra Leone, was established in 1896.

[6] This section of the chapter encompasses three periods, which are historically distinct from one another: 1808-1896; 1896-1947; and 1947-1961

10. The imperial leadership pursued a social engineering strategy that was deeply divisive in its nature and impact. Simply put, the Colony and the Protectorate were developed separately and unequally. The colonialists used commerce, Christianity and notions of 'civilisation' as their tools to manipulate the relationships among the indigenous peoples, who had intermingled and dealt with one another for centuries. In place of harmonious co-existence, the colonialists sowed seeds of distrust, competition and intransigence.

11. By way of example, the chiefs and peoples of the Sierra Leonean interior had originally welcomed the arrival and gradual resettlement of various categories of freed slaves[7] on the Western peninsula. Several traditional rulers even made their land available to the freed slaves. Yet the British colonial administration promoted the notion that western values and Christianity were superior to the traditional customs and religions practised in the Protectorate. The people in the Protectorate were thus effectively discriminated against on the basis of their belief systems.

12. In terms of land area, the Crown Colony was not more than 200 square miles. The Protectorate, on the other hand, extended some 182 miles from West to East, and 210 miles from North to South.[8] The Colony had only about sixty thousand people by the end of the colonial period, while the Protectorate had about two million people.[9] These massive disparities in land size and population, however, appeared to be inverted by the sociological and political divide.

13. The British had acquired the original land in the peninsula and its environs (now known as the Western Area) for the Colony in 1787, from the Temne ruler, King Nimbana, whose northern Koya Kingdom extended to the western tip of the territory. With colonial expansion, Bonthe Island, off the south-western shore, was later added. The Sierra Leone Company, a corporate entity created by the British Abolitionists who had led the campaign to end the slave trade in the United Kingdom, administered the Colony at first. By 1800, former slaves and their descendants had developed into a distinctive social group who were known as the Creoles, or Krios. They developed a language from among their various dialects, which became known as Krio.[10] By 1808, with the collapse of

[7] The categories of slaves freed onto the Western peninsula included the black poor from England, the labourers of Nova Scotia, the Maroons and the Recaptives. For a more detailed discussion of these immigrations, see Fyfe C.; *A Short History of Sierra Leone*, London, Longman, 1962 (hereinafter "Fyfe, *A Short History of Sierra Leone*"), at pages 26, 32, 38 and 61.

[8] See Gwynne-Jones D.R.G., Mitchell, P.K., Harvey, M. E. and Swindell, K.; *A New Geography of Sierra Leone*, Essex, Longman, 1978 (hereinafter "Gwynne-Jones, et al., *A New Geography of Sierra Leone*"); at pages 4-5.

[9] The peoples of the area formerly covered by the Protectorate include three dominant ethnic groups: Temne - 30%, originally in the Northern Province; Mende - 30%, originally in the Southern and Eastern Provinces; and Limba - 20%, originally in the Northern Province. Other minority tribes include the following: Susu, Koranko and Yalunka in the North; Vai, Krim, and Sherbro in the South; and Kono, Kissi and Gola in the East. Scattered among these groups are the Fullah and Mandigo tribes, as well as increasing numbers in the Lebanese community (4,000 in 2002 at end of the conflict, following massive emigration). For details of population distribution, see Manifesto 1999; *Traditional Methods of Conflict Management and Resolution of Possible Complementary Value to the proposed Sierra Leone TRC*; unpublished internal report; Freetown, July 2002 (hereinafter "Manifesto 99, *Traditional Methods of Conflict Management and Resolution*"), at page 6. See also Fyfe, *A Short History of Sierra Leone*, at page 174.

[10] Krio (sometimes referred to as 'Creole') is a unique pidgin English that incorporates words and phrases used in popular dialect by the freed slaves in the eighteenth and nineteenth centuries. It is the *lingua franca* of Sierra Leone today.

the Sierra Leone Company administration, the Creoles had become colonial subjects governed directly by the British crown.

14. The territories of the Protectorate, meanwhile, came under British rule through the gradual and subtle advance of the colonialists into the hinterland. The British took their lead from Krio traders and Christian missionaries, whose entry into the outlying territories provided the context and the conditions for their annexation. By 1896, the British had expanded their coverage and control to a sufficient extent to be able to declare the hinterland a Protectorate. Thus, almost nine decades after the resettled former slaves had come under British colonial rule in 1808, the remainder of the population also lost their sovereignty to the avarice of imperialism.

15. The British treated the peoples of the Colony and the Protectorate quite differently. The inhabitants of the Protectorate were classified as "protected subjects" and were commonly referred to as "natives". The people in the Colony were considered to be direct British subjects and were thus referred to as "non-natives". These designations were not merely descriptive, but rather had huge political, social, economic and administrative implications. Only the Crown Colony State was governed by the monarch and recognised as part of the British Empire. The Protectorate was administered indirectly, as a British "protected territory".

16. The existing rulers of the hinterland, who were monarchs in their own right, were nevertheless quickly subordinated to the colonialists. They had previously governed their people directly, but now became representatives of the Crown and were answerable to the local British administrator. In the past, these rulers had derived their legitimacy through a process of selection in accordance with the customs and traditions of their people. They represented the interests of their people and served as symbols of unity. They were subject to a variety of in-built checks on their power that purportedly prevented them from becoming abusive or autocratic.[11]

17. In the process of acquiring territory and expanding the frontiers of the British Empire, the colonialists in Sierra Leone entered into treaties and agreements with traditional rulers in approximately 400 land units, which they designated as chiefdoms. The leader of each of these chiefdoms was given the title of 'Paramount Chief'. In terms of functions and powers, Paramount Chiefs were restricted in comparison to the pre-colonial rulers.[12] Hierarchically, Paramount Chiefs fell directly under the District Commissioners, who were mainly white, British citizens. Only if a Paramount Chief fulfilled the District Commissioner's demands for labour and taxes, as well as "maintaining law and order" within his territories, would he be given a degree of autonomy to rule his subjects.

18. Conscious of their steady marginalisation, the Chiefs objected strongly, albeit in vain, to colonial domination. Their protestations culminated in the so-called 'Hut Tax War' of 1898, led by Bai Bureh of Kasseh and a number of Mende chiefs, such as Nyagua of Kpanguma. The 'Hut Tax War' was a revolt against the proposed imposition of a tax based on the size of one's homestead. The British suppressed the rebellion and the tax was retained. The perceived ringleaders of the protest were arrested and 98 of them were hanged in

[11] See Abraham, A.; *The History of Chieftaincy in Sierra Leone*; UNDP Governance Issues, 2003 (hereinafter "Abraham, *The History of Chieftaincy*"), at pages 3 – 4.
[12] See Abraham, *The History of Chieftaincy*, at pages 6 – 8.

Bandajuma. Indeed most of the Chiefs who had rebelled were punished – some of them imprisoned, others banished – while those who supported the British were rewarded along with their subjects.[13] The period of unrest around the 'Hut Tax War' thus marked the effective consolidation of colonial rule. All the chiefs were compelled to adjust to their new status as the servants and representatives of the colonial government.

19. The overhaul of the structure of Chieftaincy was to have grave implications on the ways in which traditional rulers related to their subjects and on the socio-political organisation of the communities. The overbearing attitudes and behaviour imbibed by the Chiefs from their colonial masters led to their assuming new and overwhelming powers over their subjects. Some of these measures, such as the ability to impose fines or other punishments for errant behaviour, were retained long into the post-colonial period and permanently defined the negative perceptions of Chiefs among many of their subjects. Indeed, these negative perceptions carried over into the conflict in Sierra Leone in the 1990s as a partial explanation for the brutality of the treatment meted out to Chiefs and other figures of status or authority.

20. No system of Paramount Chieftaincy existed in the Colony. Instead the Office of Colonial Governor was charged with administration. By 1863, the people of the Colony were allowed some form of representation in the colonial Legislative Council and therefore had the opportunity to learn and grow in the management of their own affairs. The Municipality Act of 1893 inaugurated the City Council, the equivalent of local government for the Colony. The existence of a City Council in Freetown gave the inhabitants of the Colony a distinct advantage over their counterparts in the Protectorate. The institution was to become a significant factor for the people of the Protectorate as they dealt with their fears of domination by the Krios in the years before self-government.

Education

21. The disparities between the Colony and the Protectorate were particularly acute in the realms of social and economic development. British colonial policies afforded the residents of the Colony vastly superior access to resources such as education. These advantages for the Krios, the predominant residents of the Colony, endured until the end of colonialism in 1961.

22. Education in the Colony flourished to the extent that some residents were able to attain what were considered high standards in the West. In 1827, one of the first universities in sub-Saharan Africa was established in Freetown in the shape of Fourah Bay College. The Krios, who were the sole beneficiaries of such facilities, became the first professional lawyers, doctors, missionaries, educators and engineers.[14]

[13] For more details see Squire, C. B., *Ill-fated Nation?*; Ro-Marong Limited, Freetown, 1995 (hereinafter "Squire, *Ill-fated Nation*"), at pages 63 – 67. See also Fyfe, *A Short History of Sierra Leone*, at pages 141 – 158. A further negative consequence of this period of unrest was the killing of a large number of Krios, especially those living in Mende territories, because they were seen as collaborators of the British colonialists.

[14] See Earl Conteh Morgan and Dixon-Fyle, M.; *Sierra Leone at the End of the Twentieth Century: History, Politics and Society*; Peter Lang, New York, 1999 (hereinafter "Dixon-Fyle, et al., *Sierra Leone at the End of the Twentieth Century*"), at pages 20 – 28.

23. In respect of primary education, the Colony had 67 schools, which was a disproportionately high number compared to only 104 schools in the Protectorate. Moreover, the colonial government supported 50 out of 67 schools in the Colony and only 24 out of 104 in the Protectorate. This disparity in educational provision manifested itself clearly in the contrasting percentages of children attending primary school in the different regions of the country in 1947:[15]

Southern Province (Protectorate)	4.8%
Northern Province (Protectorate)	1.8%
Western Area (Colony)	50%
Eastern Province (Protectorate)	N/A

24. A cursory examination of these statistics against population figures reveals that the Western Area had far more children attending school than the rest of the country combined. There were also notable disparities within the Protectorate itself, given that the number of children attending primary school in the South was twice that of the North.

25. There was an upsurge in the number of school-going children between 1946 and 1953, following the establishment of the Colonial Development Welfare Fund and a massive investment in education in the Protectorate.[16] However, the expansion did little to address any of the disparities because the new facilities were totally inadequate.

26. Further problems could be ascertained by examining the social profile of the children who were given the opportunity to go to school. In Bo, the main town of the Southern Province, for example, a school for boys was set up in 1906. Yet this school catered almost exclusively for the children of the elite and included the nominees and children of Chiefs. The establishment of such a school promoted the notion in the minds of ordinary people that members of the traditional ruling class were forming themselves into an elitist group. Indeed, this 'traditional elite' would provide the country's leadership from the end of colonialism. Meanwhile, there was only one school for girls anywhere in the Protectorate, namely the Hartford School at Moyamba.

27. With regard to teacher training colleges, the Northern Province had none at all, while there was one each in the South and East, owned and run by the missionaries in Bo and Bunumbu respectively. The highest qualification obtainable at these colleges in the Protectorate was the Teacher's Elementary Certificate, which qualified the holder to teach only at primary school level. No holder of such a certificate could enter Fourah Bay College, as the teacher training colleges did not offer Latin or science, both compulsory subjects for entrance to the university.

[15] The source for these figures is Tucker, P., *The SLPP at 50: 42 Years of Trials and Tribulations*; originally printed in the *Standard Times International*, Vol. 1, No. 30; reprinted in West Africa magazine, 2 May 2003 (hereinafter "Tucker, *The SLPP at 50*"), at page 11.

[16] The number of primary school-going children in the Protectorate expanded in a three-year period between 1950 and 1953 alone, from 18,931 to 24,889. By that period the South had nearly half (176 out of 367) of all the primary schools in the Protectorate. The entire North had only 96, while the East had 95. See Tucker, *The SLPP at 50*, at page 11.

28. As only persons who were “suitably educated” could serve in the colonial administration, the Krios had a massive advantage over people from the rest of the country. Accordingly, the Krios dominated all the important positions in the colonial government. Even the emergent entrepreneurial class relied on a literate work force, which was essentially Krio. The Krios were therefore extended inordinate advantages over other Sierra Leoneans, considering their population size.

29. The enduring disparities in education were not the result of some historical accident that favoured the Krios. On the contrary, the colonial rulers were adept at promoting specific indigenous groups with particular skills, which served their own interests. Communities close to the coast were the first to encounter the Europeans and had access to western education long before communities in the hinterland. The population from the coastal areas provided the bulk of interpreters, court officers, messengers and other support staff for the colonial administration.

30. The Krios were in a sense doubly advantaged because they were already literate by the time the Colony was governed directly from London and they had direct familial and other links to the United Kingdom arising from their historical relationship. They were classed as British subjects, which conferred certain privileges upon them and enabled them to be influential players in the period leading to self-government. Their only major drawback was their paucity of numbers. In 1947, when a constitutional debate addressed the question of voting rights, the Krios opposed an extension of the franchise to illiterate people. This opposition was widely considered to have been a self-preservation tactic on the part of the Krio minority, aimed at excluding illiterates (most of whom were from the Protectorate) from the political arena and thus allowing the Krios to continue to dominate domestic affairs. The move created deep resentment among the emerging educated elite in the Protectorate and heightened the perception of discrimination against Protectorate people.

31. Even educated Krios soon began to realise the impact of limited opportunities, however, when they found that there was a certain level in the colonial service beyond which non-British persons could not advance. The Krios were then quick to mobilise public opinion against the policies of the colonial government. With a vibrant civil society including established media houses, they constantly attacked the divisive politics of the colonialists. Experiences elsewhere on the African continent had demonstrated that such threats to colonialism were inevitably neutralised through the promotion of the interests of the numerically superior natives by the colonialists. Sierra Leone proved to be no exception. The British increasingly began finding common cause with the Protectorate peoples and the emergent immigrant groups such as the Lebanese and the Syrians. New constitutional arrangements that granted increased representation to the numerically superior Protectorate were ostensibly designed to expand public participation in governance. It is difficult to escape the impression, though, that in reality these measures were the first steps by the colonialists towards reining in the vocal and perceptibly “over-educated” Krio elite.

Legal duality

32. The distinction between the Colony and the Protectorate was also reflected in the laws that governed them. Whereas the Colony adopted the English Common Law, the Protectorate operated a combination of legal doctrines and a three-tier court system, as follows:

(a) The Court of Native Chiefs, which regulated matters relating to land and factional fights. It had no jurisdiction over criminal offences;

(b) The court of the District Commissioner, which had original jurisdiction over all offences; and

(c) The Court of the District Commissioner and Native Chiefs, on which both parties sat to try criminal cases. This court had the power to impose the death penalty.[17]

33. The ambiguity over the hierarchy of these three courts in the Protectorate created a great deal of confusion about the powers and the limits of the Chiefs. In theory, the Chiefs were not permitted to adjudicate on criminal cases alone. In practice, however, they often did so and they became very powerful as a result. The Chiefs frequently exploited their people's uncertainty about the legal system to impose fines and other kinds of punishment as a means of consolidating their authority. Their abuse of the courts sowed the seeds for conflict over which law would prevail in any given situation. Quite apart from the differences between the Colony and the Protectorate, the Chiefs created a harmful situation of legal duality within the Protectorate itself.

34. The multiple conflicts of laws were to reverberate long into the post-colonial period. The Colony had a heritage of applying only the Common Law, whereas the Protectorate had a mixed system of inconsistent and irrational application. The Common Law was supposed to supersede customary law in the event of a conflict between the two, but in reality most disputes were decided at the whim of the adjudicator. The Common Law was codified while Customary Law was not, making the latter more susceptible to arbitrary interpretation, varying from Chiefdom to Chiefdom as well as between different ethnic groups. The impact of this legal duality was that people were treated differently in response to the same forms of illegal behaviour. The people of the Protectorate were given cause to resent the law and feel aggrieved at their second-class treatment; they looked spitefully upon the Krios, who seemed to have everything tailor-made for them.

35. As custodians of custom, the Chiefs were responsible for creating and adjusting the laws of the Protectorate. Their interpretations were often influenced by considerations other than a sense of justice. An impression spread among the people that the Chiefs had become predators on their own subjects.[18] Such a negative perception undermined the legitimacy of the Chiefs and further alienated them from the ordinary folk. In addition, survival as a Chief came to

[17] See Abraham, *The History of Chieftaincy*, at page 7.
[18] See Palmer, I., *Investigating the Antecedents of the Rebel War in Sierra Leone*, narrative report on a project commissioned by the Ford Foundation for the Truth and Reconciliation Commission, University of Sierra Leone, Freetown, July 2002 (hereinafter "Palmer, *Investigating the Antecedents of the Rebel War*").

depend almost entirely on one's subservience to the colonial authority rather than on one's allegiance to the population one was elected to serve. Sadly this did tradition became entrenched to the extent that it did not change when colonialism ended. Chiefs were to be co-opted in an identical fashion by the post-colonial political parties, who relied on them to corral support from their people at election time. In exchange, the parties offered their support to help the Chiefs retain their positions even when there was good cause to remove them.

Systems of local government

36. The Colony and the Protectorate were also governed differently at the local level. In the Colony the Municipality of Freetown was established as far back as 1895. The management of the Freetown council was by election of a substantial percentage of the population who were literate and had assets that qualified them to be on the voters' list.

37. By contrast, in the Protectorate native administrations were first established in 1937, District Councils in 1946 and Town Councils in 1950. These institutions were perceived by the people in the Protectorate not to be progressive as they were dominated by Paramount Chiefs who were elected on a limited franchise by only the Tribal Authorities, to represent their Chiefdoms on the Councils. Feelings of disenfranchisement took root quite early in the Protectorate and contributed to a diminished sense of self-esteem and perception of enforced marginalisation, especially among the youths, which became a recurring theme as a cause of conflict.

Resources

38. The endowment of resources was another area in which the Colony and the Protectorate experienced contrasting fortunes. On the face of it, the Protectorate enjoyed a natural advantage in this regard, as it was blessed with all the economic resources (including bauxite, iron ore, rutile (titanium ore), diamonds, coffee and cocoa) the country needed to develop, while the Colony had virtually nothing to offer.

39. However, what the Colony lacked in economic resources it compensated for with its highly literate and privileged population. The people of the Colony were to form the professional classes that were needed to run the post-colonial bureaucracy. Centralisation of government enabled those in the Colony to enrich themselves using the resources that the people of the Protectorate had produced. The profits of Sierra Leone's resource endowment were channelled almost exclusively into the Colony, financing the construction of huge houses, hospitals and other infrastructure, as well as a clean water supply for the citizens of Freetown. The citizens of the protectorate were deprived of any such benefits and remained in abject poverty.

Strangers in the same country

40. The British colonialists suspected the Krios of inciting the people of the Protectorate into rebellion during the Hut Tax War in 1898. The colonial administration therefore enacted stringent laws to exclude all Krios from the hinterland. Krios became "strangers" in the Protectorate by virtue of the Protectorate Ordinance of 1896 and they had to pay "stranger" fees to the local Chief, making them a lucrative source of revenue. Given that Krios were regarded as 'foreigners' in the Protectorate territories, they were afforded only those rights extended to them by the local Chiefs.

41. In the Colony, the different ethnic groups from the Provinces were segregated and compelled to reside in designated areas: for example, the Mendes stayed in Ginger Hall, East Freetown, while the Fullahs were put in the area that became known as Fullah Town. Apart from living in individual ghettos, people from the Protectorate could not acquire voting rights in the city since they were illiterate and had no assets that qualified them to be on the roll of voters.[19] The Krios of the Colony did not mix with the Protectorate people in any way that could have fostered greater understanding of each other. Being ignorant of one other, it was easy and convenient for the Krio elite to characterise the Protectorate people as uncivilised. This stereotype was applied to the Mende people in particular, as illustrated by the following newspaper excerpt from the 1920s, which depicted them as:

> "…dressed, or rather undressed, in a style which would have been considered scanty even in the days when Adam delved and Eve spun. [They] go about our thoroughfares offering silent and nude reproaches to the existing local regulations, our civilisation and ideas of decency. The Kossoh folk or, as they liked to be called, Mendes… filled along the streets, all in a row, like skewered herrings, clothed for the most part with hideous grins and adorned with dirt. The lower apparel or rather appendage, which they ought not to wear, only render[s] the absence of those which they ought to wear more conspicuous…"[20]

42. The endurance of this prejudice was such that, by 1947, the Protectorate people in the Colony outnumbered the Krios[21] but were totally excluded from Colony politics.

43. The arrival of Lebanese and Syrian immigrants in 1905 created new dynamics in inter-group relations. The Protectorate people embraced the new arrivals and diverted the bulk of their trade to them. The Lebanese and the Syrians were efficient, humble and literate and they had capital. They were willing, unlike the Krios, to grant credit to the Protectorate traders. In a short time, the British also began to favour the Lebanese and the Syrians over the Krios. This shift in economic alignment removed the remaining opportunity for inter-dependency between the people of the Protectorate and the Krios.

[19] See Kandeh, J. D., "Politicisation of Ethnic Identities in Sierra Leone", in *African Studies Review*, 1992 (hereinafter "Kandeh, *Politicisation of Ethnic Identities*") at page 7.
[20] See Sierra Leone Weekly News, 9 September 1922, at page 8.
[21] *Ibidem*, at page 8.

44. In the period between 1896 and 1947, the separation between the Krios and the people of the Protectorate grew ever wider. The two groups became strangers to each other in the same land. The deepening division had stark effects on the approaches of both groups to post-colonial politics. The Krios, fearful that they would not be treated fairly under a Protectorate government, formed a party of their own, the National Congress of Sierra Leone, to protect their interests. The Protectorate people, in defiance of the Krios, seized the opportunity at independence to assert themselves and to redistribute the national wealth in a manner reflective of their numerical strength.

Land tenure and ownership

45. The differences in the rules for land tenure and ownership between the Colony and the Protectorate contributed in large measure to the neglect of the Protectorate and a glaring lack of investment in its rich arable lands. Whereas Sierra Leoneans from all parts of the country had similar rights in the ownership of land in the Colony, the same was not true in the Protectorate.

46. Three types of land ownership obtained in the Protectorate: communal land holding, family land holding and individual land tenure.[22] Irrespective of the type of land ownership an individual asserted in the Protectorate, different land laws applied to Sierra Leoneans depending on whether they were "natives" (those originating from the Provinces) or so-called "non-natives" (those originating from the Colony). "Natives" could hold an indefinite interest in land in the Protectorate but "non-natives" could only acquire land and hold it on limited tenancy. The Provincial Land Act of 1906 stated that "no non-native shall acquire a greater interest in land in the Provinces than a tenancy for fifty years." The same statute contained the further clause that "nothing in this Section shall prevent the insertion in any lease of a clause providing for the renewal of such lease for a second or further terms not over twenty one years."[23]

47. The Provincial Land Act of 1906 was manifestly discriminatory, as it gave certain advantages and privileges to the Protectorate people by reason of their place of birth or origin, which were not extended to other Sierra Leoneans. The Chiefs could arbitrarily recover land sold to "non-natives" if they so desired, especially if the land was formerly communally owned. The Act was designed to protect lands in the Provinces and have them available for use by the local people. In practice, however, it constrained the conversion of land into economic capital and prevented "non-natives" from making long-term investments in the Provinces for fear that their capital was not secure, being subject to recovery by the chiefs. Therefore, despite the huge agricultural potential in the Provinces, economic activities there focused mainly on trading and mining. Only the government made any real investment in agriculture in the Protectorate (through the Integrated Agricultural Projects scheme). The overwhelming majority of private economic investments were concentrated in Freetown and other parts of the Western Area.

[22] As regulated by Section 4, Article 122 of the Provincial Land Act 1906, in the *Laws of Sierra Leone.*

[23] Both passages come from Section 4, Article 122 of the Provincial Land Act 1906, in the *Laws of Sierra Leone.*

48. Discriminatory provisions against Krios and others regarded “non-natives”, such as the Lebanese, existed in the statutes of Sierra Leone for a period of 85 years, from 1906 to 1991. The effect of these discriminatory laws was a deep-rooted reluctance to invest in the Protectorate. Thus even where the possibility existed for partnerships to make the land profitable, the majority of the people in the Provinces, lacking the capital and restricted by law and communal ownership, remained poor in the midst of an abundant land. In particular, the banks and commercial enterprises interpreted the restriction imposed by Communal Ownership as a basis to reject Provincial land as collateral for loans. The people of the Provinces saw no route out of poverty.

49. Meanwhile the population of Freetown was able to secure commercial bank loans and access state services with comparative ease. This development steadily deepened the social gap between the two peoples and explains the perception of people in the Protectorate that that those in the Colony consumed all the country’s wealth.

50. The cumulative outcome of socio-economic divisions, coupled over time with a host of other disparities between the Colony and the Protectorate, would induce people who had lived harmoniously for most of history to become polarised along ethnic and regional lines at moments of crisis. The polarity that is captured in the phrase ‘two nations in the same land’ was an ominous historical antecedent for future civil conflict with ethnic and regional undertones.

The Era of Party Politics

51. The system that governed the Colony and the Protectorate as two separate entities lasted until 1947. Up to that point, the only contact between the two entities in terms of governance was the presence of three Paramount Chiefs on the colonial Legislative Council, as provided for in the Constitution of 1927. The numerical strength of the Protectorate was not reflected in the disbursement of institutional influence or state resources. It was iniquitous for such a small number of people as lived in the Colony to have such access to and control over state resources.

52. Contradictory views on the management of state resources had fostered such mistrust between the Krios and the Protectorate people that it would largely shape the subsequent political alignments of both groups. The impact of this mistrust came to the fore in 1947 when a new Constitution (known as the ‘Stevens Constitution’ after its chief drafter Siaka Stevens) was proposed in order to prepare the country for independence. This Constitution amalgamated the Colony and the Protectorate into a single political entity, but divided their elite representatives into opposing factions, each dedicated to protecting the interests of its own people.

53. Among the key provisions of the 1947 Constitution were:

- The creation of an elected “unofficial” (non-executive) majority in the Legislative Council, comprising 22 members;
- 14 “unofficial” positions in the Legislative Council for representatives from the Protectorate. These representatives would be elected by fellow Paramount Chiefs and members of Tribal Authorities to the Protectorate Assembly (which had been set up in 1946 as a counterbalance to the Legislative Council in the Colony), and then on to the Legislative Council;

- 7 “unofficial” positions in the Legislative Council for representatives from the Colony, who were to be directly elected.

54. The creation of a single legislature for the country signalled the demise of Krio dominance since the Krios were numerically far inferior. The Krios in the Colony argued vehemently against the 1947 Constitution on the basis that it was wrong and impracticable to have uneducated Chiefs making laws for people who were colonial subjects. The Krios therefore advocated that a separate legislature should be created for the Colony. To champion their respective positions, the factions from both Colony and Protectorate formed themselves into narrow, regionally-based political parties with little or no national agenda.

55. In the Colony, the original ideals of the West African Youth League,[24] namely to bring together the working class in both the Protectorate and the Colony to fight the evils of colonialism, gave way to the movement of Creole ethnic protectionism. This movement in turn gave birth to the National Congress of Sierra Leone, headed by Dr. Bankole Bright.

56. In the Protectorate, pressure groups such as the Protectorate Educational and Progressive Union, which was dominated by Paramount Chiefs, and the Sierra Leone Organisational Society, which was dominated by the Protectorate elite, were galvanised into action. They united into a single force, putting aside their differences at least temporarily, to meet the Creole challenge.

57. The political agenda became a battle over which regional elite would succeed the British. Little consideration was given to the majority of the inhabitants in either the Colony or the Protectorate. The debate on the issue of a single national legislature was indicative of this battle. Dr. Bankole Bright was reported to have said, “the Colony and the Protectorate are two hills standing opposite each other and can never meet.”[25]

58. The feelings of the Protectorate people were equally uncompromising, as vented by Bai Koblo Path Bana, one of the Protectorate representatives in the Legislative Council:

> “We warn the inhabitants of the Colony that they are embarking on dangerous grounds in making any claims of independence from us. We would urge them to reflect on what is happening between India and Pakistan and between the Arabs and the Jews in Palestine, before they persist in claiming exclusive rights. If our emancipation should come, as we earnestly hope it will, we could well depend upon our treaties to reclaim our here lands ceded to the British crown, now known as the Colony area, and I would therefore ask our Colony brethren to locate themselves elsewhere.”[26]

59. A variety of political groups in the Protectorate came together in 1951 to create the Sierra Leone People’s Party (SLPP). They included the Protectorate Education Progressive Union (PEPU), the People’s Party (PP) and the

[24] The West African Youth League was set up by I. T. A. Wallace Johnson as a pan-African organisation.
[25] See Tucker, *The SLPP at 50*, at page 11.
[26] See Tucker, *The SLPP at 50*, at page 11.

Sierra Leone Organising Society. Moderate members of the Krio community joined the party as well. This effort to forge a link between the Colony and the Protectorate was not welcomed among the elite Krios.[27] Despite claming to be a party for all the people of the Protectorate, the SLPP was composed almost entirely of Protectorate middle class interests, the only exception being Siaka Stevens, who was a trade union leader. The party was not a broad-based party of mass appeal and relied on Chiefs to "deliver" popular support in the communities. Its origins would affect its management of power in the post-colonial period.

60. The 1951 Legislative Assembly elections pitted the NCSL against the SLPP. The result was victory for the SLPP. Protesting Krios, who constituted themselves into the Settlers' Descendant Union, challenged the constitutional legality of imposing "native" rule on them, without success. Having failed to stop the SLPP, political and economic survival for the Krios depended on creating an alliance with any group opposed to the SLPP. This strategy was to prove convenient in elections held at the end of the colonial period and it places in context the historical link between the Krios and the Northern-dominated All People's Congress (APC).

61. The defeat of the Krios in the political theatre did not eliminate their impact on the newly self-governing state of 1951, as they continued to dominate the positions in the state bureaucracy. With its electoral victory, the SLPP was invited to choose members who would sit on the Executive Council, a kind of nascent cabinet. The Executive Council assumed a more indigenous character than the colonial administration, with the SLPP members becoming its Ministers and Sir Milton Margai becoming the Chief Minister.

62. In 1956, the Protectorate Assembly was finally dismantled. A year before its abolition, in 1955, the weak nature of support for the SLPP among the working class and peasantry was revealed by strikes in the North, South and East of the country, as well as in Freetown. Sierra Leoneans were rising up against various oppressors. In the North, the imposition of the precept – an extra tax levied by the Native Administration – sparked an open rebellion by the people against their Chiefs. Residences of Chiefs were burnt down, goods were looted from Lebanese shops in Port Loko, Kambia, Bombali and Tonkolili Districts and many people were killed.[28]. Buildings belonging to either Chiefs or Tribal authorities were burnt.

63. In the Southern District of Moyamba, similar acts were repeated. In the Eastern District of Kono, the Chiefs were targeted for their appropriation of diamond licence fees and for failing to improve the general welfare of the people. Finally in the Western Area, Marcus Grant, the Secretary General of the Artisanal and Allied Workers Union, led his group of urban unemployed and working class into rioting against official corruption and poor labouring conditions. The SLPP was not in tune with the mood of the provincial working classes, the support base it would need to win elections.

[27] La Ray Denzer, *Constance Cummings-John: Memoirs of a Krio Leader*, Sam Bookman publishers, Ibadan, Nigeria, 1995 (hereinafter "*Cummings-John: Memoirs of a Krio Leader*"), at pages 43-59.
[28] See Cartwright, J. R., *Politics in Sierra Leone 1947 – 1967*, University of Toronto Press, 1970 (hereinafter "Cartwright, *Politics in Sierra Leone 1947 – 1967*"), at page 79.

64. In 1957, the British colonial authorities conducted another election. This time the NCSL found an ally in the Kono Progressive Union, an ethnic-based party, to challenge the SLPP. It appeared for a time as if the NCSL-SLPP party rivalry was subsiding and being replaced by a division based on ethnicity, class and regionalism. The KPU won all the parliamentary seats in the Kono District. The overall victory of the SLPP was assured, however, as the party had no effective rival in the rest of the Protectorate.

65. The SLPP victory of 1957 was soon to be undermined by an internal split in the party. Albert Margai had defeated his brother Sir Milton Margai in the contest for party leader and should therefore have become Chief Minister. Yet the leaders of the party prevailed upon Albert Margai to allow his brother to remain as leader. When forming his cabinet, Sir Milton Margai removed from the list those members of the party who had opposed him, despite the list having been approved by the party's executive council. Among the members excluded was Siaka Stevens, while Sir Milton Margai's brother, Albert, was retained.[29]

66. The internal split in the SLPP led to the formation of the People's National Party – the PNP. The breakaway group that formed the PNP included Albert Margai, Siaka Stevens and many others who had been marginalised by Sir Milton Margai. An ethnic dimension was added to this opposition against the conservative wing of the party when Sir Milton Margai effected a cabinet change in 1960, which jettisoned Temne members from his cabinet.

67. The strikes of 1955, the formation of a splinter group from the SLPP, the defeat of the NCSL and the perceived Temne exclusion from cabinet had all contributed to the fragmentation of the political system by 1960. The constitutional talks underway in London, in contrast, called for some form of unity if the British were not to postpone the granting of independence. Anxious to rid themselves of colonial rule, the political class coalesced by necessity into the United National Front and went to London to negotiate for independence. Among the main players in the delegation was Siaka Stevens of the PNP, who would become a key player in post-independence Sierra Leone.

68. At the London talks, Siaka Stevens refused to sign the final document, which established the basis for granting independence to Sierra Leone in 1961. Stevens objected because, as he put it, the British "had given us the goat and held onto the rope."[30] His turn of phrase was a clear reference to the defence agreement between Sierra Leone and the United Kingdom for the use of the Freetown port as a naval facility for the British armed forces. Stevens returned home and immediately acted to exploit popular disenchantment with the political elite by forming The All People's Congress party – the APC.

69. The new APC party was quite different in composition from the SLPP. The majority of APC leaders came from working class backgrounds, while the SLPP leaders came from established traditional Chieftaincy homes. While the SLPP boasted numerous university graduates, the APC had none. The SLPP comprised mostly older men while the APC had a higher proportion of younger men.[31]

[29] See *Cummings-John: Memoirs of a Krio Leader*, at pages 118 – 121.
[30] See Cartwright, *Politics in Sierra Leone 1947 – 1967*, at page 79.
[31] Of the United National Front delegation that went to London in 1960, the average age of its SLPP members was 53 years old, while the average age of its APC members was 35 years old.

70. The APC was also ideologically detached from the SLPP. The SLPP motto of "One People, One Country" signified that national unity was important to the party.[32] The APC motto of "Now or Never" centralised the notion of capturing state power. While the SLPP claimed it wanted unity between the Colony and the Protectorate, the APC professed socialist ideals: a welfare state with no tribalism, no class distinctions, and no exploitation.[33] In addition, the APC was against the autocratic rule of Paramount Chiefs and wanted the whole institution of Chieftaincy to be democratised. Chiefs still provided the main bastion of support for the SLPP. Most important of all, the founding fathers of the APC were almost exclusively of Northern origin.

71. From 1960 onwards, the fight for political power would develop into a protracted rivalry between these two opposing parties. On the one hand, the APC sought to appeal to the proletarian masses and the influential tribes of the North; on the other hand, the SLPP drew on the backing of the middle class, traditional elite, dominated by the ruling houses of the South and East. From the 1960s onwards, party politics supplanted the Colony-Protectorate divide as the greatest obstacle to national cohesion and identity, and as a premise for prejudice, hostility and, ultimately, conflict.

The Sierra Leone People's Party (SLPP) in Power

72. On 27 April 1961, independence was granted to Sierra Leone. The new Constitution made provision for a legislature consisting of but one chamber, in which twelve Paramount Chiefs would sit alongside other, elected representatives. The Chiefs who were to be voted on to the legislature by a limited franchise of the Tribal Authorities, whereby one Chief would represent each of the twelve districts. The SLPP majority party formed the first post-colonial government, with Sir Milton Margai as Prime Minister. Key members of the APC were arrested on the eve of independence on suspicion that they wanted to stir up trouble. Consequently Sir Milton Margai declared the first state of emergency in independent Sierra Leone.

73. Barely a year after independence, the 1962 elections revealed the depths of ethnic and regional polarisation in the country and the superficiality of the ideological differences between the two main parties. First, perhaps predictably, the victorious SLPP obtained far more of its seats in the South and the East than in the North and the Western Area. The party won 18 of the 32 seats on offer in the South and the East and only ten of the 29 seats on offer in the North and the Western Area. It lost seats in its "safe areas" of Bo and Kenema due largely to the votes of northerners settled in these areas, the majority of whom were traders and diamond miners. It also failed to win any seats in Kono.

74. The poor showing of the SLPP in the North, the Western Area and in Kono illustrated that a growing divide was pitting the South and the Southeast (pro-SLPP strongholds) against the North and the West (apparently anti-SLPP territories). This divide seemed to be overlaid by a divergence of attitudes between traditionalists, on the pro-SLPP side, and youths, or radicals, against.

[32] See Sierra Leone People's Party (SLPP), Submission to TRC Thematic Hearings on Political Parties, 2003.
[33] See All People's Congress (APC), Submission to TRC Thematic Hearings on Political Parties, April 2003.

In addition, the rout of the SLPP in Kono District suggested the emergence of two new political forces. First, the impact of migrant workers in diamond-mining areas had demonstrated their clear potential to influence local politics. Second, the rejection of the SLPP by Kono voters represented their firm desire to retain ownership of the District's diamond resources. The SLPP Government, in collaboration with local Chiefs, had sold off many diamond licences to the foreign-owned Sierra Leone Selection Trust (SLST), which was an unpopular move.

75. Partly due to the fact that its main support base came from areas populated by Mende people, and partly because of opposition across the rest of the country, the impression grew that the SLPP was a "Mende man's party." The SLPP Government was therefore labelled as a Mende government.

Cronyism and the public perception of the SLPP

76. The image of a single, strong ethnic group running the government polarised public opinion in the country yet further and introduced notions of cronyism and nepotism in many state institutions.

77. In 1964, Sir Milton Margai died in office and was succeeded by his brother, Sir Albert Margai. The manner of succession was to cause another major fission in the Party. Section 58 (2) of the 1961 Constitution empowered the Governor General, Sir Lightfoot Boston, to appoint as "Prime Minister any Member of Parliament who appeared to him likely to command the support of the majority in the House". This was a controversial clause. In the first place, no person could know, prior to any vote, which MP commanded the majority at any given time. The clause therefore introduced the potential for a damaging split in the ruling SLPP. Predictably, Sir Albert Margai's appointment caused just such a split.

78. The controversy was underscored by the immediate measures Sir Albert Margai took against those who opposed his appointment. He sacked most of the prominent dissidents from his Cabinet,[34] with little appreciation of the rancour his move would cause. Most of those he sacked were not only strong erstwhile party members, but also men with formidable individual, ethnic and regional support bases. Each of them left the SLPP to join the APC, carrying large sections of their supporters with them.

79. Sir Albert Margai's reduction of the cabinet from nineteen to eleven members, coupled with the promotion of younger men who were personally loyal to him, seemed pre-destined to estrange the conservative members who had benefited under Sir Milton Margai's cabinet. The downsizing of the cabinet was also perceived as an attempt to sideline the North, especially the Temne ethnic group. The cabinet had five Mendes, four Creoles, one Temne and one Susu. There was no Limba and no Kono representation.

[34] The members of the SLPP Government sacked by Sir Albert Margai included Honourable Y.D. Sesay, Honourable D. L. Sumner, Honourable A. D. Wurie, Honourable M. S. Mustapha and Dr. J. Karefa-Smart.

80. Sir Albert Margai increasingly turned to his own Mende ethnic group to consolidate his power. When he doubled the percentage of Mendes in the officer corps of the Sierra Leone Army from 26 percent to 52 percent,[35] his actions were perceived as an attempt to "Mende-ise" the forces. In addition, he gave David Lansana, a Gola affiliated to the Mende, accelerated promotion until he became the Force Commander. Nepotism on the basis of ethnicity became rampant in the Army from Sir Albert Margai's rule onwards.[36]

81. After the Army, Sir Albert Margai turned his attention to the judiciary. He appointed his long-standing friend, Gershon Collier, to the post of Chief Justice and then sent the Acting Chief Justice C. E. O. Cole (whose loyalty he doubted) to become Sierra Leone's Permanent Representative to the United Nations.[37] This replacement was aimed at neutralising and bringing into line a dissonant judiciary, which was filled with Creoles allied to and increasingly supportive of the APC.

82. In the Civil Service, the changes effected by Sir Albert Margai created the impression that he was purging it of non-SLPP members. As Mendes received appointment to a number of high-profile jobs in the public sector, the perception of "cronyism" with ethnic undertones continued to deepen.[38]

83. Many Sierra Leoneans point out that such pro-Mende discrimination was not as pervasive as it appeared given that Krios retained 80 percent of all civil service jobs. One reason often cited as justification for these appointments was that Sir Albert Margai wanted to address the inequality of Krio domination in a proactive fashion. The very suggestion of such radical changes, however, increased concern among the affected elite and encouraged them to find common cause with the sidelined Temnes and Limbas who predominated in the APC.

Local elections and ethnic polarisation

84. The town and district council elections of 1966 proved that ethnic polarisation had become entrenched in politics. Moreover, it showed that the incumbent Prime Minister would go to any lengths to save himself and his party from defeat. Prior to these elections Sir Albert Margai took several measures to suppress the opposition. In 1965, for example, he used the Defamatory Libel Act to silence APC supporting journalists.[39] He was also alleged to have used Paramount Chiefs actively to suppress his opponents. In some constituencies he encouraged the Chiefs openly to take part in elections,[40] while in others the Chiefs refused permission for APC candidates to campaign in their Chiefdoms.[41] Increasingly the Chiefs were sucked into partisan politics and commanded less and less respect in the eyes of their subjects. Although the SLPP won the election, it was a hollow victory secured largely by intimidating the opposition and manipulating the Chiefs.

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[35] See Dixon-Fyle, et al., *Sierra Leone at the End of the Twentieth Century*, at page 78.
[36] Major (Retired) Abu Noah, Submission to TRC Thematic Hearings on the Sierra Leone Army, May 2003.
[37] See the report in the *Daily Mail* newspaper, 27 November 1965.
[38] See Tucker, *The SLPP at 50*, at page 17.
[39] One example of the use of this legislation was the prison sentence given to A. F Thorlu Bangura of the *We Yone* newspaper, as reported in the *Journalist Daily Mail*, 22 December 1965.
[40] See the report in the *We Yone* newspaper, 25 September 1965.
[41] See Cartwright, *Politics in Sierra Leone 1947 – 1967*, at page 197.

85. An examination of the electoral returns of 1966[42] seems to lend credence to the theory that Chieftaincy had become a political office. For example, 172 of the 208 seats in the Mende Chiefdoms of the South and East were obtained unopposed by the SLPP candidates. In the North and in Kono, the SLPP obtained only 47 unopposed seats out of the 165 on offer.

86. The SLPP could only really count on the Mende votes of the South and East to secure its majority. In the North, the results would suggest that the Temnes were assuming their own political identity in the form of the APC. In Freetown, the Krios threw in their lot with the APC, largely because of their view of the SLPP as a common adversary.

87. A widely held view among academics in Sierra Leone is that the SLPP was the first political party to have manipulated the electoral process through the intimidation of political opponents. The SLPP was alleged to have used such tactics as preventing aspiring adversaries from appearing at nomination centres in order for SLPP candidates to be declared as 'elected unopposed'. The cynical tactics of the SLPP under Sir Albert Margai amounted to a very flagrant denial of the right of the electorate to choose their leaders. Indeed, its practices were to be perfected and put to yet more debilitating use by the APC when it came to power later.

88. The victory of the APC in Freetown local elections brought Siaka Stevens to the seat of Mayor. The northern-led APC was now in control of the municipal government in the capital. The electoral tactics of both parties, along with the unashamedly "chameleonic" nature of Sierra Leonean politicians, ensured that disillusionment was the main reaction of ordinary people to politics. Nevertheless, it must be noted that while District Council election results arose from a limited franchise (only the Tribal Authorities could participate in the poll), the local elections of 1966 were indicative of the real political pendulum and therefore served notice that the 1967 general elections would be hotly contested.

[42] The figures included in this paragraph are obtained from the official election results as published in the Sierra Leone Gazette of 26 May 1966.

The 1967 Elections and their Aftermath

89. With the experience of the District Council elections having emphasised the fragility of his grip on power, Sir Albert Margai is alleged to have taken measures to prevent a defeat in the general elections of 1967. First he attempted to introduce a one party state, but in the face of intense opposition from civil society, his bill was withdrawn before it was presented to Parliament. He then announced a coup attempt on 9 February 1967, implicating some prominent Krios like Dr. Sarif Easmon and Dr. Davidson Nicol as its sponsors. He arrested eight military officers including the Deputy Force Commander, John Bangura, who was the only Temne among the six top-ranking officers in the armed forces.[43]

90. The arrests of Krio and Temne military officers overtly fuelled the accusations of an SLPP campaign to target people from these ethnic groups. Predictably there was a backlash. Anti-Mende feelings were whipped up to unprecedented levels prior to the election in Freetown.[44] SLPP attempts to rig the elections and widespread personal corruption were to be documented in the report of the Forster Commission of Inquiry, which was set up after the assumption of political power by the Army some time later.

91. On the eve of the general election in 1967, Sir Albert Margai was confronted with division and dissatisfaction that were largely of his own making. He had denied the party symbol to his internal opponents and prevented them from standing as official candidates of the SLPP. He encountered huge hostility from the Western Area and, in the shape of the APC, an aggressive opposition party that had successfully mobilised popular sentiment against the SLPP, particularly in the Northern Province. On the whole, the elections were scarred by bitter power struggles based on ethnicity, personality and party affiliation. The results, when they were eventually discerned from amidst the confusion, would spell defeat for Sir Albert Margai personally and for the SLPP party.

92. The SLPP officially won 28 seats out of a total of 66. When the Electoral Commissioner declared that the party had obtained 32 seats, the same number as the APC, it stoked a pervasive confusion that dominated the days after the elections. Just as at the local level, there were again stark regional variations in the election results. Most of the SLPP seats were obtained in the South and the East. It won only one seat in the North and not a single seat out of the eleven contested in the Western Area.

93. By ethnic division, the SLPP won 19 Mende seats and nine non-Mende seats, of which a total of six were “unopposed”. The APC, on the other hand, won 32 seats, mostly in the North and West. The APC returned 15 Temne seats, seven Krio seats, two Kono seats and eight seats in areas of mixed-ethnicity electorate, including Limbas, Korankos and Mendes.[45] On the basis of these results, it appeared that the country was divided in half along ethnic and regional lines.

[43] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first ‘G-1’ officer; TRC Interview conducted at TRC Headquarters, Freetown; 7 May 2003.
[44] See *Cummings-John: Memoirs of a Krio Leader*, at pages 154 – 155.
[45] See Cartwright, *Politics in Sierra Leone 1947 – 1967*, at page 205.

94. The Electoral Commissioner created a new source of tension by abruptly changing the rules for the Paramount Chieftaincy election results. Whereas in the past the Paramount Chiefs were expected to join the majority party in Parliament, the Commissioner in 1967 allotted these seats unilaterally to the SLPP before a winner of the elections had been declared. The Commissioner's actions provoked blind hysteria all over the country, with both parties celebrating that they had won the election.[46] There were reports of Temnes being attacked and expelled from the South and the East, as well as Mendes being assaulted in Ginger Hall (a Mende sector of the city of Freetown).[47]

95. In the course of its public hearings in 2003, the Truth and Reconciliation Commission received a number of submissions and testimonies regarding the conduct of the 1967 elections. It became clear that Sir Albert Margai's policy of excluding his internal opponents within the SLPP from contesting the elections on an SLPP ticket resulted in many of them contesting the elections as independent candidates. Four independent candidates who stood in this fashion defeated their former SLPP colleagues. Given what had transpired in 1962, the SLPP expected these independents to return to the fold after the election, which would have enabled the party to claim that it had secured 32 seats in Parliament. This prophecy was to prove impossible.

96. The independent candidates in question were Prince Williams of Bo, L. A. M. Brewa of Moyamba, Kai Samaba of Kenema and Manna Kpaka of Pujehun. This group of four insisted, apparently after consultations with members of the APC leadership, that the condition for their return to the SLPP party was that Sir Albert Margai stand down as leader. When Margai refused to step aside, the four independents declared their opposition to his continuing as Prime Minister. In effect therefore, the SLPP came out with 28 seats, four less than the tally of the APC.

97. The leadership of the SLPP stoutly refused to concede defeat, which heightened the political temperature in the country. The Governor General tried to calm the situation by inviting the leaders of the two parties, Sir Albert Margai and Siaka Stevens, to form a coalition government.[48] The APC rejected the proposal, maintaining that it had won the election by simple majority and should be allowed to form the new government. Several accounts of what transpired after this point have since surfaced. A submission to the TRC by Peter Tucker, who was Secretary to Sir Albert Margai during his reign as Prime Minister, claims that pressure was placed on the Governor General by elderly APC stalwarts, many of whom had been his former schoolmates and judges of the Superior Court. The APC delegation is said to have visited the Governor General at State House and pressed him to recognise Siaka Stevens as the winner of the election. Tucker therefore insinuates that cronyism was the key to Stevens' succession to the post of Prime Minister.[49]

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[46] See All People's Congress (APC); Submission to TRC Thematic Hearings on Political Parties; April 2003.

[47] See Alie, J. A. D., *Background to the Conflict (1961-1991): What Went Wrong and Why*; in Ayissi, A. and Poulton, R. E. (eds.), *Bound to Co-operate: Conflict, Peace and People in Sierra Leone*, commissioned for UNIDIR, at page 4. See also the report in the *Daily Mail* newspaper of 18 July 1968, which stated that between 21 and 23 March 1967, nine people were killed in Freetown alone, 54 were treated for gunshot wounds and 42 were admitted to hospital with other injuries.

[48] See Tucker, P. (former Secretary to the Prime Minister, Sir Albert Margai), Submission to the Truth and Reconciliation Commission, November 2003, at pages 16 – 17.

[49] *Ibidem*, at pages 16 – 17.

98. However, the four independent candidates had by this time written to the Governor General and informed him that they would not rejoin the SLPP as long as Sir Albert Margai remained leader. The undertaking of the independent candidates was proof enough to conclude that the SLPP could not command a majority in the incoming parliament. It was therefore formally correct for the Governor General, the representative of the Queen, who was still Head of State, to have invited the leader of the APC, as majority party, to form a new government in March 1967.

99. In the middle of the swearing-in ceremony of the new Prime Minister, Siaka Stevens, the Sierra Leone Army made a dramatic entrance into the mainstream political arena. The Governor General, Sir Henry Lightfoot Boston, was placed under arrest whilst conducting the ceremony by a Mende Army officer called Lieutenant Samuel Hinga Norman. Siaka Stevens and three other prospective APC Ministers were also taken captive. Lieutenant Hinga Norman, who was the Governor General's *aide de camp*, was apparently acting on the instructions of the Force Commander, David Lansana. Within twenty-four hours Brigadier Lansana had announced that the swearing-in of Stevens was unconstitutional and declared martial law.

100. The turmoil did not end at Brigadier Lansana's announcement, though. A further twenty-four hours later, when it became apparent that Lansana's move was engineered to reinstate Sir Albert Margai as Prime Minister, junior-ranking soldiers staged a coup to overthrow him. After minor internal wrangling in the military, a new administration led by Colonel Andrew T. Juxon Smith installed itself in power. It was known as the National Reformation Council (NRC).

101. The Commission can only speculate on whether the trajectory of Sierra Leonean national politics would have been any different if the SLPP had accepted defeat in the 1967 elections and gone magnanimously into opposition. What is certain is that the standoff the SLPP precipitated with the APC signalled a watershed in the political fortunes of the country and ultimately led to the destruction of the multi-party system. The consequent period of military rule under the NRC served to narrow the political space and would encourage others to seek alternative routes to power that did not depend on free and fair elections. It was a historical antecedent for conflict and instability, because it set the scene for multiple further coup attempts in the following decades.

PART II – THE MANAGEMENT OF POWER BY THE APC

102. In its official submission to the Truth and Reconciliation Commission in April 2003, the All People's Congress (APC) recalled its basis for a major policy shift upon finally assuming power in 1968. The APC stated that the SLPP-engineered military intervention of March 1967 had set an ominous precedent for the country. In the wake of that intervention, the APC perceived that the threat to remove it from office by unlawful means was ever present. Accordingly, in the interests of its own survival, the APC felt compelled to place emphasis on internal security rather than on governance.[50] Indeed, with the hindsight that history permits, it can be seen that the APC used its concerns about internal security as a pretext to stifle the nascent democratic culture.

103. On assumption of the office of Prime Minister, Siaka Stevens attended most urgently to the consolidation of his power. Despite espousing socialist principles, he adopted authoritarian methods of governance. All the institutions of the state were subjected to strict party control. Institutions that should have been checks on an overbearing executive were emasculated. The prolonged period of Siaka Stevens' rule is captured in more expansive detail in the chapter of this report entitled 'Governance', so a brief summary should suffice for present purposes.

104. First and foremost, the APC set out to ensure that it had effective control of the Army. The transformation of the Army Chief of Staff into a Member of Parliament in 1974 completed the subordination of the army as a tool for political manipulation. So fearful was Stevens of the threat posed to him by a well-equipped Army, he denied the soldiers any proper training and systematically suppressed their fighting capacity.

105. During Siaka Stevens' rule, all the gains made by Southerners and Easterners during the Albert Margai era were reversed. Government had become balkanised in the 1960s and the predominant ethnic group of the ruling party would seek to enrich and aggrandise itself, along with any co-opted members from other ethnic groups. So endemic was corruption that the government was simply expected by all sides to use state resources to advance the interests of its supporters.

106. Stevens created the Internal Security Unit (ISU), a paramilitary police force, which was more heavily equipped than the national Army and whose members were absolutely loyal to the APC. ISU recruits were chosen from the ranks of minority ethnic groups like Koranko and Limba. The current Inspector-General of the Police Service in his testimony before the Commission described the ISU, which later became the Special Security Division, or SSD, in the following terms:

> "The [ISU] group was feared even by Police Commissioners, [which] eroded the basic rules of discipline within the force. A de facto 'force within a force' was created, which bore little or no allegiance to the Sierra Leone Police. This divided loyalty greatly affected the cohesiveness of the police, resulting in maladministration. Inefficiency, as a direct consequence of such maladministration, became prevalent.

[50] See All People's Congress (APC), Submission to TRC Thematic Hearings on Political Parties, April 2003.

> Promotions and postings were based on political patronage and were done on political recommendation."[51]

107. Stevens also targeted the judiciary. With power vested in the Head of State to appoint and remove judges, all judicial officers cowed in fear. Lawyers and court officials alike were afraid to take on cases involving leading party members. With the only formal institution for mediating grievance compromised, the 'rule of might' prevailed over the 'rule of law'. Political disputes were settled by invariably brutal means on the streets, at election venues and in community spaces. Even intra-party disagreements within the APC generated terrible violence. Political disputes were played out in places such as Pujehun (Ndorgboryosoi), Koinadugu and Bombali Districts, as well as in Freetown during the 1977 and 1982 elections.

108. The creation of a one party state in Sierra Leone through the enactment of the One Party Act of 1978 led to the demise of independent political alternatives, with many individuals holding widely divergent political views forced to cluster under the same banner.

109. In examining the dynamics of this method of managing power – practised to differing degrees and at different times by both of Sierra Leone's main political parties – the Commission has heard many testimonies about the adverse effects it has had on the population. Ironically, oppressive and authoritarian governance seems to have led to both inward and outward forms of defection.

110. On the one hand, the fear of political exclusion forced members of the SLPP to join the APC party during the one-party system. These 'inward defections' were largely opportunistic, reflecting an unprincipled lust for power and denying them any hint of credibility when they later proclaimed a lifelong association with the SLPP upon the promulgation of a new Constitution for a multi-party system in 1991.

111. On the other hand, albeit related, the widespread loss of confidence in the political elite and the patently fickle nature of Sierra Leonean politics have driven inordinately high numbers of talented Sierra Leoneans to abandon their country and seek opportunities abroad. These 'outward defections' testify to the hopelessness experienced by the majority under a government that sustains itself through corruption, nepotism and the plundering of state assets whilst paying no attention to the human rights of its citizens.

112. By the late 1980s, Sierra Leone had become a fragmented country in which central government was almost totally irrelevant to people's everyday lives. The population in the Provincial communities conferred their loyalty and trust in their ethnic groups and traditional associations, rather than in the leadership of the nation. Yet the corrosive practices of the APC were replicated at regional and local levels, where Chieftaincy remained synonymous with power, patronage and control of resources. All semblance of accountability or effective opposition was eliminated, leaving disgruntled Sierra Leoneans with no outlet through which to vent their grievances. The one-party system simply exacerbated the worst of the nation's existing trends towards conflict and national disintegration. Sierra Leone was left poised on the precipice of a bottomless pit.

[51] Brima Acha Kamara, Inspector-General of the Sierra Leone Police Service, Submission to TRC Thematic Hearings on the State Security Apparatus, May 2003.

PART III – LOCAL HISTORICAL ANTECEDENTS

113. Prior to the outbreak of war in 1991, there were undercurrents of conflict in many Districts of Sierra Leone. The local dynamics of these areas would substantially influence the character and conduct of the war, from the border Districts that served as 'gateways' for the fighting forces, to the strategically located 'heartland' Districts that initially supported the insurgency to overthrow the APC. At local level as at national level, many of the answers as to why and how this conflict happened are to be found in its historical antecedents.

Pujehun District (Southern Province)

114. Pujehun District is in the extreme south of Sierra Leone, bounded in to the East by Liberia, to the West by Bonthe District and the Atlantic Ocean, to the North East by Kenema District, and to the North by Bo District.[52] The Southern boundary between Sierra Leone and Liberia is at the Mano River Bridge in Soro Gbema Chiefdom, Pujehun District.

115. Before the conflict, Pujehun District was beset with a host of problems, including the following five issues:

(i) Amalgamation and Chieftaincy conflicts. Disputes over the amalgamation of two Chiefdoms into Soro Gbema in 1953 and again in Barri in 1975 left lingering resentment between residents. In Pujehun's five amalgamated chiefdoms there were no formal agreements on rotation for the solitary seat of Paramount Chief, where previously there had been two positions. Chieftaincy elections became fiercely contested and candidates went all out to ensure victory. An especially bitter battle marred the election of the Paramount Chief in Gallinass Perri in 1976. With every new controversy the society became more severely divided, opening up numerous grudges, grievances and vendettas for exploitation by an armed insurgent group.

(ii) The presence of non-native Paramount Chiefs in three strategic Chiefdoms. The Kaikai and Sillah ruling houses in Pujehun Town, comprised of Fullahs and Susus respectively, along with the Magonas, a Mende clan, in Barri Chiefdom, were anomalous figureheads in predominantly Mende territories. These three ruling houses were installed in Pujehun as their reward for supporting the British during the Hut Tax War, despite their lack of local legitimacy with the indigenous population. The opportunity to throw off the yoke of these imposed Chieftaincies presented a strong allure to disaffected residents to take up arms against them. It became common for people who objected to their Chiefs to collaborate with the armed groups in attacking the ruling houses when the war broke out.[53]

[52] For background to the geography of the Pujehun District, see Gwynne-Jones, et al., *A New Geography of Sierra Leone*, at page 58.

[53] A similar set of local dynamics existed in the neighbouring Bonthe District, where the imposition of two Paramount Chiefs from outwith the traditional ruling houses created a massive amount of dissension among the local population. In both Pujehun and Bonthe, the Commission recorded violent attacks on Chiefs in the early years of the conflict, which represented especially traumatic events for the people of those Districts.

(iii) The high percentage of illiteracy in the District, resulting from the late arrival of western education methods and the dominance of Koranic teachings. The illiterate masses proved easier for the militias to mobilise and manipulate based on ethnic and religious affiliations. Promises to end their marginalisation were for many of them irresistible. When the Revolutionary United Front (RUF) arrived in Pujehun pledging free education, clean water and other social services people flocked forward volunteering to serve the 'revolution'.

(iv) The nation-wide student demonstrations of 1977 and the heavy-handed response of the Special Security Division (SSD). This period of civil unrest had the effect of driving most students in the Pujehun District over the border into Liberia. Many of these exiled students later returned as infiltrators and rebel leaders.[54]

(v) The lucrative diamond fields at Zimmi. The lure of illicit diamond mining attracted a huge pool of so-called "san san" boys (labourers who dig for diamonds in the sand) and hustlers from all over the country. These strong, unskilled young men would become willing tools in the hands of a manipulative invading force.

116. The most important local antecedent in Pujehun, however, was the Ndorgboryosoi rebellion, which started in Soro Gbema Chiefdom shortly after the first one-party state election in 1982. The Mende word 'Ndorgboryosoi' carried powerful connotations of the involvement of forest spirits in protecting the local people from an enemy. In 1982, according to a Pujehun resident interviewed by the Commission,[55] the enemy was the APC state security apparatus and the rebellion was directed against dictatorship, a gross disregard for human rights and the brutalisation of the rural people by the SSD.

117. There were essentially two factions in the dispute that gave rise to the Ndorgboryosoi rebellion: the Demby – Minah faction with the support of the Chiefs on one side; and the Manna Kpaka faction on the other. The election had been conducted and apparently rigged in favour of the incumbent Member of Parliament, Honourable Solomon Demby. Demby was supported by the APC strongman in the District Francis Minah, the Attorney General and Minister of Justice. Yet Demby became infuriated when a legal challenge to his election victory was filed against him in the courts.

118. Demby, with the support of President Siaka Stevens, called in the paramilitary force, the SSD, under the command of M. S. Dumbuya. The SSD was deployed to intimidate and arrest Demby's opponents in a move to have the election petition dropped. In Soro Gbema Chiefdom, where the support for Demby's opponent Manna Kpaka was strongest, a local militia was formed in order to resist the campaign of intimidation. The Ndorgboryosoi Group, as this militia became known, engaged in armed combat with the SSD for the rest of 1982 and part of 1983.

[54] A prominent example of this pattern was Richard Kemoh, one of the leaders of the 1977 demonstrations in Pujehun District. Kemoh escaped from the SSD into Liberia, only to return over a decade later as a commando fighting for the RUF. See also Palmer, *Investigating the Antecedents of the Rebel War*.

[55] Munda Rogers, former resident of Pujehun District; TRC Interview conducted at TRC Headquarters, Freetown; 22 December 2003.

119. As part of a sustained campaign in the Pujehun District, the SSD burnt down several whole villages across various Chiefdoms and killed many innocent civilians, including women and children. Hundreds of Demby opponents were arrested, while more than half of those detained died in jail.

120. The Attorney General and Minister of Justice, Francis Minah, was tasked with the prosecution of all those SSD members involved in the killing of civilians. Minah, however, procrastinated inexplicably over these cases, which many observers interpreted as an expression of his support for his friend Mr. Demby.

121. The Ndorgboryosoi rebellion ended only after the Army had been called in to assist the SSD in suppressing the militia. The hostile sentiments against the APC regime endured for much longer, though. Some of the Ndorgboryosoi ringleaders and their family members were among the first militiamen to join the RUF when it entered Pujehun District from Liberia in 1991. They formed a civil defence unit of the RUF called the 'Joso Group', deliberately invoking part of the word 'Ndorgboryosoi' in its name to represent continuity.

122. Pujehun District was thus replete with historical antecedents to the conflict, including several periods of mass unrest, which provoked repression and deprivation from the State in response. The District had a well-known history of rebellion, a large pool of exiled and aggrieved youths in Liberia and, ultimately, a volatile security climate. As Foday Sankoh and his RUF 'vanguards' plotted their entry into Sierra Leone in March 1991, Pujehun District had the vital characteristics of a 'gateway' through which the launch of an insurgency against the incumbent APC would meet with ideological support and find willing recruits.

Kailahun District (Eastern Province)

123. Kailahun District in the Eastern Province of Sierra Leone shares its boundary with both Liberia and Guinea at the point called the "Parrot's Beak". Like Pujehun, the District became a 'gateway' for the initial incursion by the RUF in March 1991. It has the same dense vegetation as Pujehun District, including thick forests that are impenetrable by armoured cars or conventional army columns and highly conducive for guerrilla warfare.

124. Before the war the Kailahun District was plagued by rivalry between its two ruling families, the Ngobehs and the Banyas (from the Kailondo ruling house). From 1943 to 1966 the Banyas and the Ngobehs produced Paramount Chiefs who were dethroned during their tenure on allegations of abusing the office and engaging in cannibalism.[56] Indeed, accusations of cannibalism against traditional rulers arose in many of the Chiefdoms in the District.

125. Kailahun District was gradually ravaged of its common identity and forcibly split into factions. Tyrannical Chiefs acted ruthlessly against suppressed subjects whenever there was a hint of rebellion. The antecedents to conflict in the District are best summarised in three points: desperately poor infrastructure, causing people to cry out for a social 'revolution'; antagonism towards APC rule and disillusionment with the ruling houses; and remoteness from the control of central authority.

[56] See Palmer, *Investigating the Antecedents of the Rebel War*.

126. This final point was critical because it emphasised the ordinary man's sense of detachment from the central government in Freetown. The resultant feeling of alienation in Kailahun was captured by the popular phrase (shared with other rural communities) when travelling to the capital city: "I dae go na Salone", meaning "I am going to Sierra Leone". Effectively Sierra Leone was associated with distance rather than belonging. The central government was irrelevant to most people's daily lives and loyalty to it was non-existent. Any promise of change in the economic and political order would prove very appealing in the Kailahun District.

Kono District (Eastern Province)

127. Kono District shares boundaries with the Republic of Guinea to the East, as well as four other Sierra Leonean Districts: Kailahun to the Southeast; Kenema to the South; Koinadugu to the North and Northwest; and Tonkolili to the West. Large areas of Kono are densely forested and would lend themselves to the creation of hidden 'bush paths' by the fighting factions during the conflict.

128. Indigenous Kono speakers were the predominant group in the District before the discovery of diamonds. Subsequent mining of the lucrative gemstone attracted vast numbers of other ethnic groups and foreign nationals to the District, especially Lebanese, Guineans and Malians. While the main offices of political power remained in the hands of the Konos, outsiders prised away control of the economic life.

129. Despite the overwhelming riches attached to diamonds, they were mined amidst mass illiteracy, poverty and general underdevelopment. The APC government did not build a single paved road in the entire District. Chiefdoms like Toli, Mafindo, Gbane, Sando and Lei remain inaccessible by vehicle to the present day. This paradox of Sierra Leone's most richly endowed territory was even more pronounced in Chiefdoms that actually produced diamonds, such as Tankoro, Kamara, Nimikoro, Sando and Nimiyama: mining proceeded in the middle of destitute wastelands.

130. Ultimately three classes of people emerged in Kono. First, rich foreign nationals lived comfortably in cohort with local traditional leaders. Many foreigners enjoyed their own private water wells, lived in huge mansions with satellite dishes on their rooftops and drove Mercedes Benz sedans. The second class encompassed the vast majority of the indigenous population. They were poor and forced to seek their own means of survival, with minimal access to the fruits of their land. The third class comprised the youths of all the ethnic groups who flooded the District and had no allegiance to traditional norms. They came from all over the country, desperate to become players in the diamond trade, as hustlers, diggers, middlemen or traders. This outcast group was referred to disparagingly as "san san" boys.

131. Only with the rarest of good fortune did a "san san" boy find a diamond in the sand. Most of these youths lived on the edge, barely able to eke out a living. They frequently resorted to banditry and petty crime to ensure their survival and were naturally willing conscripts, as both miners and combatants, when the RUF came calling.

132. Perhaps the most telling feature of Kono District was the total vacuum of state security in which its whole miniature economy operated. The nearest Army brigade was stationed at Tekoh Barracks in the central Bombali District, over 60 kilometres from the Kono headquarter town of Koidu. The APC regime's neglect of its defences and inept policing of its Eastern border made a mockery of the Kono District's genuine strategic worth to the country.

Kambia District (Northern Province)

133. Located in the far Northwest of the country, Kambia shares a lengthy boundary with Guinea, through which the RUF attempted several raids on Sierra Leone's neighbour in 2000. In a familiar tale of neglect of outlying areas, the Kambia District's remoteness from Freetown robbed the District of infrastructural development prior to the war and has denied it serious investment for reconstruction ever since.

134. The Temnes are the dominant ethnic group in Kambia, controlling three of the seven Chiefdoms in the District. Minority ethnic groups include Susu and Limba. An examination of the antecedents to the conflict in this District reveals the following factors:

(i) Intense competition between ruling houses such as the Yumkellas and their rivals in the Samu Chiefdom;

(ii) Gross injustices occasioned by arbitrary rulings and heavy fines imposed in Local Chiefdom Courts;

(iii) Persistent smuggling through the unprotected border with Guinea, which has remained a major source of illicit personal gain for traders at the expense of national benefit; and

(iv) The extreme poverty and illiteracy that are characteristic of geographical isolation, creating a sense of hopelessness among the people.

135. Kambia's historical connection to the central government in Freetown has been tenuous at best. Far removed from the bargains and benchmarks of national politics, the Chiefs wielded absolute power over their subjects. Traditionally, many young people found the stranglehold of the Chiefs so unbearable that they crossed the border into Guinea and never returned. Rather than allowing Freetown and the Western Area to benefit exclusively from their extraction of natural resources, Kambians often traded independently with Guinea. Over time, intended symbols of Sierra Leonean State authority, such as public buildings and institutions, became little more than hated monuments to the disdain displayed in Freetown towards the outlying Provinces.

Moyamba District (Southern Province)

136. Moyamba District was left scarred more than most by thuggery and election violence in the first thirty years of Sierra Leonean independence. The ruling parties had routinely overlooked candidates of the people's choice during election time, instead deploying thugs and using intimidation tactics to impose party strongmen and devoted stalwarts upon them. This scenario was most acutely illustrated in the 1982 elections, when the henchmen of the APC strongman Harry T. T. Williams forced the Paramount Chief of Kagboro Chiefdom, Honoria Ballor-Caulker, into enforced exile for nearly ten years.[57]

137. The indigenous population was also aggrieved with the employment policies of SIEROMCO, the Sierra Leone wing of an international mining conglomerate, which had the lease for the mining of bauxite in Mokanji, Moyamba District. They saw the company's policy of hiring workers from outside the District as especially unjust because of the first-class social facilities offered within the company. Employees who had moved from elsewhere to Mokanji enjoyed professional and domestic luxury, while people in the host community wallowed in abject poverty and deprivation. The SIEROMCO site in Moyamba was one of numerous industrial installations that would be attacked during the conflict; local people were frequently alleged to have vented their pre-existing grudges with major firms by acquiescing or contributing to such attacks.

Bo District (Southern Province)

138. The central District of Bo was the heartland of the SLPP from the inception of the era of party politics. Although several SLPP stalwarts switched their allegiance to the APC in order to take up positions in the one-party government,[58] there was a general feeling among the residents of Bo that their fortunes would be vastly improved if the SLPP could be revived and restored to power.

139. For this reason, the idea of "revolution" in Sierra Leone was popular in Bo. Many inhabitants of the District were even in favour of an armed action to overthrow the APC and scores of youths travelled to Kailahun to volunteer for the RUF in the first few months of the conflict. As in neighbouring Moyamba, a prevailing history of election violence and thuggery had also reinforced the propensity for conflict in Bo. The centrality and high population of the District made it a natural wartime headquarter s for the Southern-based Mende militia known as the Kamajors.

[57] See Palmer, *Investigating the Antecedents of the Rebel War*.
[58] Alhaji Daramy-Rogers, former Minister of the APC Government and recognised supporter of the present SLPP Government; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

Tonkolili District (Northern Province)

140. Tonkolili is most central of all the Districts in Sierra Leone and is therefore, in conflict terms, one of the most "strategically located". It shares boundaries with eight of the twelve other Districts. It has ten Chiefdoms, five of which resulted from amalgamation. Economic opportunities were few in the District, with non-mechanised gold mining in the North-eastern areas providing the single most important source of employment. The Magbass Sugar Factory boasted a large industrial complex, but offered only seasonal employment in the form of casual labour. The majority of the people were either petty traders or subsistence rice growers in the *boli* lands.

141. The major ethnic groups in the area are Temnes, Korankos and Limbas but Temne is the dominant language spoken in the Tonkolili District. Significant local peculiarities that were to have an impact on the course of the war include the following:

(i) Sibling and Chieftaincy rivalry. In Yoni Chiefdom, two brothers contested the Paramount Chieftaincy. The loser exploited the disappointment of his supporters to undermine his brother's leadership and destabilise the Chiefdom.

(ii) Youth deprivation. There was a desperate scarcity of job opportunities for the youths in the area, forcing many into petty trading and many more into petty crime. There developed an enormous army of unemployed youths who subsequently used the conflict to 'act out' their frustrations at the lack of economic opportunities.

(iii) The death of emergent political personalities from the District at the hands of the APC. When Siaka Stevens came to power in 1968, he faced increasing pressure on various issues from prominent natives of Tonkolili District who were in the Army or were members of his APC party. Dr. Mohammed Sorie Forna and Ibrahim Bash-Taqi, who were among the visionaries of the APC, broke away in acrimonious circumstances and formed the United Democratic Party (UDP) in 1970. The two men were then implicated by the Stevens Government in an alleged coup plot in 1971 and were arrested, charged and convicted, along with 13 others, in a celebrated treason trial in 1974. In July 1975 Forna, Bash-Taqi and six other men were executed.[59] Their deaths alienated most of the influential and educated members of Gbonkolenken Chiefdom from the APC, which resulted in many inhabitants of that Chiefdom taking up of arms when the conflict began.

(iv) The attachment to prominent sons of the District and identification with their fates. Another successful and well-loved son of Tonkolili District was Sam Bangura, the former Governor of the Bank of Sierra Leone. When Bangura died in suspicious circumstances in 1980,[60] the people

[59] Dr. Mohamed Sorie Forna's daughter, Aminatta Forna, has written perhaps the most detailed account of the circumstances leading up to his trial, along with 14 others, and eventual execution. It is contained in a memoir in narrative form: see Aminatta Forna, *The Devil that Danced on the Water*, HarperCollins, London, 2003.

[60] The original explanation given for the death of Sam Bangura was that he had fallen accidentally from his balcony. In the face of raised public suspicion, a number of alleged murder suspects were eventually arrested, but the case was never prosecuted to full trial.

> of Tonkolili perceived his death as a murder, stemming from internal feuding within the APC, to the detriment of their District. Moreover Foday Sankoh, the leader of the Revolutionary United Front (RUF) hailed from the Tonkolili District. Sankoh's uncle has remained a Chief in his home community and no member of the Sankoh family has ever been punished or ostracised for the harm and suffering their relative brought to the district. A widely held view in Sierra Leone is that the launching of the conflict was very popular in Tonkolili, despite the subsequent atrocities that were carried out by the RUF and others against the civilian population. The logic of armed struggle against the APC was accepted in Tonkolili and many residents allied themselves with the fate of their native son. Upon returning to the District after signing the Lomé Peace Agreement in 1999, Foday Sankoh was even accorded what his widow described to the Commission as a "hero's welcome".[61]

142. The local historical antecedents profiled in this part of the chapter are not intended to put the conflict into context in an exhaustive fashion. However, they are illustrative of some of the local undercurrents that ran parallel to daily life in Sierra Leone prior to the conflict, including popular grievances with socio-economic conditions and widespread opposition to the APC State. The country in which war broke out was in fact already a cluster of unresolved disputes and barely suppressed hostilities.

CONCLUSION

143. In examining the history of Sierra Leone through the lens of the mandate of the Commission, a picture emerges of a fragmented, exploited and deeply insecure country. The colonial government was responsible for dividing the land into two nations, one in the Protectorate and one in the Colony, and developing them separately and unequally. The impact of the colonial strategy affected access to education for generations and defined social, political and economic progress, or regression, for the whole population. It bred deep ethnic and regional resentment, the manifestations of which can still be observed, albeit in more subtle prejudices, to the present day.

144. The colonial government was also responsible for destabilising the system of Chieftaincy and creating a crisis of legitimacy around the traditional rulers. The colonial government formalised the Common Law but neglected the development of customary law, resulting in mass confusion and effective legal duality. Customary law became the preserve of the Chiefs who interpreted traditions and customs in an arbitrary fashion and utilised their authority to whatever ends they so desired. The rights of women, in particular, were denied during this period.

[61] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

145. During the post-colonial period, ethnic tensions were exacerbated by the emergence of domestic political parties. The elections of 1962 and 1967 had dangerous and divisive legacies for all the branches of government. Sir Albert Margai's overt manipulation of the Paramount Chiefs, the military sphere and the supposedly 'independent' judiciary devastated public confidence in the self-run State. When the Sierra Leone Army intervened in 1967 in an attempt to pervert the course of democracy, a precedent was set for military men to play influential roles in politics for decades to come.

146. It was during the protracted reign of the APC, however, that politicians and the processes they directed were to forfeit all credibility. A system of power through patronage developed, with blatant corruption and the plundering of state assets at its heart. Exclusionary politics led to an incestuous relationship between the APC and the SLPP: they merged into one, unprincipled "political elite". Ordinary people in Sierra Leone lost all faith in government. Up to the present day, Sierra Leoneans expect arbitrary administration of "justice", nepotism and cronyism in all public institutions, and little genuine prospect of a fairer and brighter future.

147. Neither the SLPP nor the APC has made any real effort to attend to the debasement of the post-independence politics and economy of the country. On the contrary, history speaks of a systemic failure, whereby all the members of the political elite belonged to the same failing system.

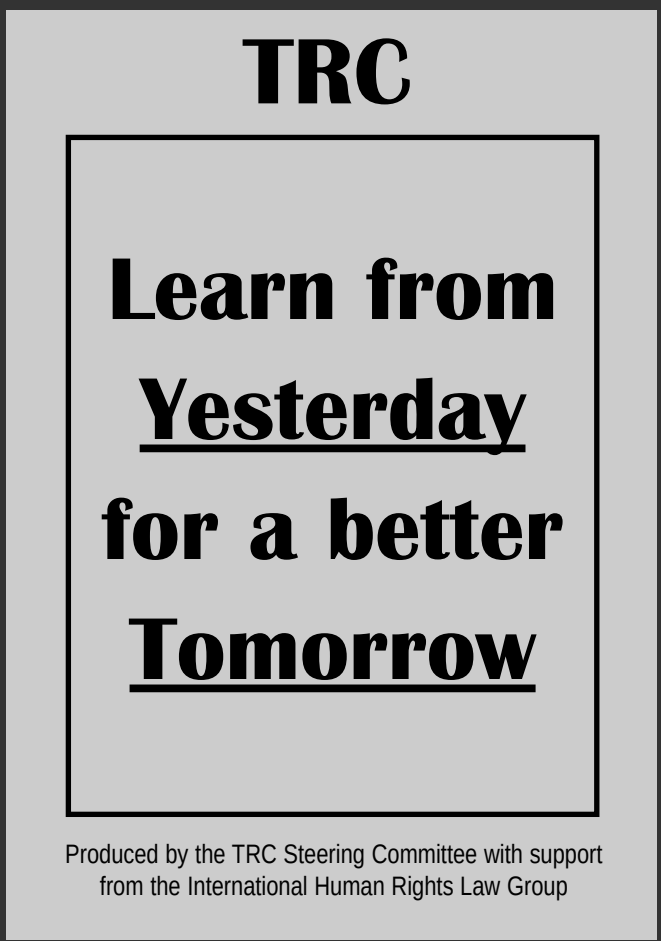
148. With time, it became difficult for Sierra Leoneans to distinguish between the SLPP and the APC. While the government changed hands from one to the other, many of the faces remained the same. The popular adage about government was that Sierra Leoneans would board "a different bus, but with the same driver". Deep-seated pessimism now prevails as to whether things can ever really get better.

149. While they may claim to be ideologically different, in reality the two parties have always shared a brand of politics that is all about power and the benefits it confers. Even a high-ranking member of the political elite[62] conceded to the Commission that "indeed, there is no difference" between the SLPP and the APC. Tragically many of the characteristics identified in this chapter as antecedents to the conflict persist today in Sierra Leone. The vital test in preventing the recurrence of such a tragedy lies in whether Sierra Leone can learn the lessons of its past.

[62] Alhaji Daramy-Rogers, former Minister of the APC Government and recognised supporter of the present SLPP Government; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

CHAPTER TWO

Governance



CHAPTER TWO

Governance

Introduction

1. The Commission heard submissions from a variety of authoritative sources that the war in Sierra Leone was largely the result of failures in governance and government institutions.[1] Successive regimes diminished the state's capacity to meet such critical challenges as the security and livelihood of its citizens, let alone to provide for democratic participation in decision-making processes.

2. In this chapter, the Commission sets out to explore how unsound governance created a context conducive for the interplay of poverty, marginalisation, greed and grievances that caused and sustained the conflict. The Commission hopes its treatment of governance issues in its report – by identifying past distortions, evaluating the adequacy of current remedies and making recommendations to fill the gaps – will enhance efforts towards national recovery, stability and reconciliation.

3. The Commission understands governance to mean a system of laws, institutions, processes and practices that promotes and protects the fundamental rights and freedoms, as well as facilitating the development and advancement, of people living in any given territory. Accordingly, the instruments of good governance include equitable laws, efficient institutions, due processes and humane practices that lead to such desired ends as security, justice, enhanced livelihoods and democratic participation. People living in a particular territory include citizens and non-citizens, as well as majority and minority groups. Proper governance is therefore not only about serving citizens, but also about regulating and securing the rights of minorities, of which non-citizens constitute a significant component.

4. The perceptions adduced by the Commission during its hearings indicate that the people of Sierra Leone yearn for a principled system of governance. They want a system that upholds the rule of law over the rule of strong patrons and protects the people from the abuse of rulers through a system of checks and balances. They wish to see horizontal and vertical accountability through the effective operation of such institutions as the judiciary, the auditor general's office, the electoral commission, the media and civil society.

[1] See United Nations Development Programme (UNDP), Submission to TRC Thematic Hearings on Causes of the Conflict, 7 May 2003, at pages 7-11. See also Mrs. Olayinka Creighton-Randall, Campaign for Good Governance, Submission to TRC Thematic Hearings, 5 May 2003, pages 1-3. See also UNAMSIL, Submission to TRC Thematic Hearings , 1 March 2003, at pages 2-5.

5. The Commission has looked at the record of each administration in the post-independence period on the following critical 'indicators': separation of powers; decentralisation; public participation in democratic processes; the independence of the judiciary; the rule of law; and the existence and effective operation of oversight bodies and institutions of accountability.

6. The Commission has analysed approximations towards or deviations from proper governance on two levels. First, it has reviewed the basic legal documents of the land, such as Constitutions and the evolving body of laws, to assess whether 'indicators' of proper governance were enshrined and guaranteed. Second, it has assessed the manifestation of these 'indicators' in practice.

7. This methodical approach has enabled the Commission to draw conclusions about the extent to which each of the post-independence governments contributed to the structural and proximate causes of the conflict in 1991. The chapter ends by discussing the lessons of Sierra Leone's past in the context of the obstacles to proper governance that still exist to the present day.

SEPARATION OF POWERS

8. For good governance to obtain, the three branches of government – the executive, the legislature and the judiciary - must be separate and independent of one another, and each must have the requisite power to fulfil its functions. The constitutional provisions that ensure the separation of powers must not merely exist on paper, but rather must be developed and reaffirmed continuously in their application. A failure to respect this separation inevitably allows one branch of government – most often the executive – to act in an unaccountable fashion and to influence or undermine the work of the other two. A government that permits little or no restraint on its own powers is an authoritarian government, which epitomises bad governance. In analysing the pre-war period in Sierra Leone, the Commission regards authoritarianism, wherever it occurred, as a direct cause of injustice and, accordingly, as a cause of the conflict.

9. The Independence Constitution of Sierra Leone in 1961 created a parliamentary system in the Westminster mould, with apparently less than absolute separation of powers between the three branches of government. The Governor General[2] delegated executive power to the Prime Minister and his cabinet, who were chosen from among Members of Parliament.[3]

10. Promisingly, the Constitution created room for checks and balances in the relationship between the executive and the legislature. For example, every decision of the Prime Minister was subject to Parliamentary approval and the Governor General had to be notified in advance. Equally, the Governor General could not act on major issues such as the proposed dissolution of the

[2] Governor General is a post familiar to the constitutions of many former British colonies and members of the British Commonwealth. Its holder is the representative of the Queen of the United Kingdom of Great Britain and Northern Ireland. In the independence settlement of 1961, the Queen remained the monarch and Head of State, with the Governor General acting as her immediate representative *in* Sierra Leone.

[3] See the Independence Constitution of Sierra Leone 1961 at Chapter V, Section 58. See also Public Notice No.78 of 1961.

Parliament[4] without the approval of Prime Minister. Moreover, the Governor General could not remove the Prime Minister from office unless it appeared to him that the Prime Minister no longer commanded the support of a majority of the Members of Parliament.

11. However, at the practical level, parliament's ability to hold the executive to account was restricted. At the time of independence in April 1961, Parliament comprised of a loose coalition of Members from various parties who had been brought together a year earlier by the Sierra Leone People's Party (SLPP). In a spirit of compromise on the eve of independence, representatives with contrasting political beliefs had formed the cross-party United National Front to secure a smooth transition into self-rule. The main beneficiary of this arrangement was the SLPP, which managed to subsume most of its opposing parties by awarding Ministerial positions to their leaders in the first independence government. This crude exercise in coalition building by the SLPP marked the beginning of weakened party politics in Parliament, undermined the relationship of individual politicians with the executive branch and disabled Parliament's capacity to check executive excesses in subsequent eras.

12. The independence settlement created two judicial tiers of contrasting character. The first, superior tier was set up to dispense English common law and its courtrooms modelled themselves on their English counterparts. There were three courts operating under English common law: the Supreme Court, the Court of Appeal and the High Court. They mainly served inhabitants of the capital Freetown and the surrounding Western Area.[5] There were no Magistrate Courts until Act No. 31 of 1965 provided for their establishment.[6]

13. This superior tier of the judiciary remained separate from the executive during the period from 1961 to 1964. It had control over its own financial resources, operating an autonomous 'Judiciary Account' into which all monies obtained from court fines or charges, as well as Government allocations, were deposited directly. The Chief Justice and all judges of the High Court had tenure of office until 62 years of age. They could only be removed in very limited circumstances, with the approval of the Judicial Service Commission.[7] The Attorney General was not classified as a Ministerial Office[8] but as a public one, to which non-politicians with the necessary legal qualifications would be appointed. The Commission found no evidence of any direct executive interference in the operations of the superior tier during Sir Milton Margai's regime.

14. The second tier consisted of local 'courts' in the Provinces, where over 80% of the population lived. The 'courts' were a facet of the traditional system of customary law and depended on the moral authority of Chiefs and community elders. Act No. 20 of 1963, which formalised this second tier, contained no provision for legal practitioners to have audience before the local courts.

[4] See the Independence Constitution of Sierra Leone 1961 at Chapter III, Section 55.
[5] These three courts also had appellate and criminal jurisdiction over matters in the Provinces. They were not, however, courts of first instance in the overwhelming majority of cases in the Provinces.
[6] See Chief Justice Abdulai A. Timbo, Submission to TRC Institutional Hearings on the Judiciary, July 2003, at page 1.
[7] See the Independence Constitution of Sierra Leone 1961 at Chapter VI, Part I.
[8] See the Independence Constitution of Sierra Leone 1961 at Chapter V, Section 59.

During Sir Milton Margai's regime, the executive abused the local court system to suppress the activities of the opposition All People's Congress (APC) party at Chiefdom level.[9]

15. The death of Sir Milton Margai in 1964 and the assumption of the office of Prime Minister by his brother, Sir Albert Margai, brought about ominous changes in the checks and balances between the executive, Parliament and the judiciary. Using the ambiguous Section 58 (2) of the Constitution,[10] the Governor General appointed Sir Albert Margai as Prime Minister without any formal procedure to ascertain whether he or any of the other contenders for the position commanded the support of the majority in the House. It was a classic case of imposed executive supremacy over Parliament.

16. Thereafter Parliament increasingly squandered its opportunities to curb executive excesses. It failed to block Prime Minister Albert Margai's misuse of Government funds for personal gain because it hardly bothered to monitor public income and expenditure. For example, the opposition APC newspaper "*We Yone*" alleged that Sir Albert had used huge sums of money to buy buildings in Washington and London, which he then rented to the Sierra Leone Missions in those countries for private gain.[11] Parliament failed to investigate these allegations, despite the need to transmit a clear message of accountability to the general public. This lapse precipitated a sense of resignation among Sierra Leoneans that corruption was an inevitable indulgence of government, in which Parliament was far more likely to acquiesce than to find fault or demand sanction.

17. Parliament failed to study or challenge effectively the Bills that could have made Sierra Leone a one-party State in 1966 and it supported the Absenteeism Bill, which led to the removal from Parliament of four members of the opposition in 1965. Similarly, there was no democratic dissent to the objectionable Public Order Act of 1965. The laws that came through Parliament in this period gave wide powers to the Executive to clamp down on opposition activities and dissent. The legacies of this regime would be used extensively in later years to bypass the judiciary and eliminate opponents of the government through arbitrary arrest and detention.

[9] For example in Kono District, in the Eastern Province, the local courts threatened to jail anyone who brought the APC party symbol into their Chiefdoms. For further details, see Cartwright, J. R., *Politics in Sierra Leone 1947 – 1967*, University of Toronto Press, 1970 (hereinafter "Cartwright, *Politics in Sierra Leone 1947 – 1967*"), at pages 150 – 155.

[10] See the Independence Constitution of Sierra Leone 1961 at Section 58(2), which included a clause that entitled the Governor General to appoint as Prime Minister "any Member of Parliament who appeared to him likely to command the support of the majority in the House".

[11] See the report in the '*We Yone*' newspaper on 6 August 1966.

TRC



Ministers in the current SLPP Government gather with representatives of civil society at a public meeting of the Commission in Freetown.

18. Other actions during Sir Albert Margai's rule that set the trend towards increased executive dominance[12] included the promotion of Chief Justice Bankole-Jones to Presidency of The Court of Appeal in order to replace him with the entirely unqualified Gershon Collier.[13] The latter was a close associate of Sir Albert Margai and his role as Chief Justice would allow him to sit on election petition cases and manipulate them in favour of the ruling SLPP.

19. Sir Albert Margai also used the local courts and Chiefs to restrain the opposition party's activities yet more severely. He acquired the power to appoint the President of Native Administrative Courts through the Local Court Act of 1963 and thereby completely robbed the local judiciary of its independence.[14] The courts became practically an extension of the SLPP party machine, proceeding to harass APC stalwarts in places such as Koya Chiefdom and Makeni Town in 1965.[15]

20. After the disgraceful election standoff, in March 1967 the constitution was suspended and all executive and legislative power was concentrated in the hands of the junta called the National Reformation Council (NRC), which ruled by decree. Thus there was no separation of powers nor checks and balances as the actions of the military council could not be challenged in any court of law.

21. Although democratic government was purportedly reinstated with the inauguration of Siaka Stevens and the APC, the separation of powers would in fact suffer a series of devastating reverses from 1968 onwards. The first fundamental blow occurred in April 1971 when Sierra Leone was made a Republic with an executive President. The manner in which this major constitutional change was effected seemed to confirm the demise of both Parliament and the judiciary as institutions capable of averting Stevens' drive towards absolute power. Fewer than ten out of the sixty parliamentarians opposed the Republican Bill of 1971.

22. The Republican Bill made changes to the Independence Constitution, with the Chief Justice replacing the Queen as a ceremonial Head of State. Within 48 hours of the creation of the Republic and the swearing-in of Chief Justice Cole, however, Parliament adopted further constitutional changes, transforming this ceremonial Presidency into an executive one. The Chief Justice, who had just been sacked as ceremonial President, then swore in the Prime Minister, Siaka Stevens, as executive President. This extraordinary sequence of events represented a fatal complicity by the judiciary in its own subordination and manipulation by the executive.

[12] Sir Albert Margai's imposition of executive power on parliament and the judiciary had an important nuance, however, according to testimonies before the Commission by important political observers. It arose in the fact that Sir Albert was hesitant on several occasions to follow through with particular paths of encroachment that he had started. See, for example: Francis Gabbidon, Ombudsman of Sierra Leone, Submission to TRC Thematic Hearings on Governance, Freetown, June 2003.

[13] See Cartwright, *Politics in Sierra Leone 1947 – 1967*, at page 215.

[14] See the Local Court Act 1963 at Section 4(a). See also the Debates of the House of Representatives, 1965-66, Volume II (22 September 1965), at columns 308-99.

[15] See the cited instances of these cases in Cartwright, *Politics in Sierra Leone 1947 – 1967*, at page 215.

23. With such a stranglehold on power, Stevens and his associates arranged for important court cases to be tried by their friends, tribesmen and loyal servants. In the notorious treason trial of Mohamed Sorie Forna and 14 others, from 1971 to 1973, a relative of the then First Vice-President, Sorie Ibrahim Koroma, served as a juror. According to memoirs published subsequently, the trial judge briefed the Vice-President about the progress of the case on a daily basis.[16]

24. Inevitably, the term of the head of government (now the President) was to be extended without reference to the electorate, despite his original tenure as Prime Minister having been limited to a period of five years. Parliament became nothing more than a rubber stamp institution. In 1970 and 1972, without much debate or scrutiny, Parliament endorsed two decisions by the executive that have significantly hampered the development of the country. First the closure of the Sierra Leone railway, which served as a vital link between the capital and the Provinces, was endorsed by Parliament without reference to the potential economic consequences for the population. Second, in 1972, Parliament blindly approved the abolition of District Councils and elected Local Government. These were archetypal bad governance decisions, for they centralised power and influence in Freetown, whilst suffocating the delivery of resources and services to the majority population in the Provinces.

25. Court cases involving elections under the APC were decided in favour of the APC by a compliant judiciary. Violent by-elections conducted under a state of emergency between 1969 and 1970 led to the loss of 23 SLPP opposition seats. Thus by the time the Republican Constitution was passed in 1971, the APC commanded more than the two-thirds majority necessary to pass whatever bill it deemed necessary. With an executive President and an obedient legislature and judiciary, the creation of a dictatorial system and destruction of state institutions took hold.[17]

26. The promulgation of a one-party constitution in 1978 unmasked all pretence to democracy and the principle of separation of powers from the Siaka Stevens regime. Chapter III, Section 21 (4) of the 1978 Constitution personalised the office of President - solely for Siaka Stevens - and extended his term of office to seven years.[18] In the moment the Constitution took effect, the 11 SLPP members still in Parliament were given the stark choice of joining the APC or losing their seats.[19] To their discredit, all of them joined the APC.

27. Powers vested in the President, in relation to both Parliament and the judiciary, were substantially increased under the One-Party Constitution. Chapter IV, Section 34 gave the President the power to appoint an Electoral Commissioner who would be responsible solely to him. Also, the central committee of the party, controlled by the President, was entitled to reject candidates for Parliament even where such people were the choice of the people in their constituencies.[20]

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[16] See Aminatta Forna, *The Devil that Danced on the Water*, HarperCollins, London, 2003.
[17] See Joe Opala, *Sierra Leone: The Politics of State Collapse;* an essay prepared for the conference on Irregular Warfare in Liberia and Sierra Leone, 30 July to 1 August 1998 (hereinafter "Opala, *The Politics of State Collapse*").
[18] See the One-Party Constitution of Sierra Leone 1978 at Chapter III, Section 21(4).
[19] See Sierra Leone People's Party (SLPP), Submission to TRC Thematic Hearings on Political Parties, 2003; at page 6.
[20] See the One-Party Constitution of Sierra Leone 1978 at Chapter IV, Section 38.

28. Constitutional provisions also simplified the procedures under which electoral candidates could be returned unopposed,[21] a practice that was frequently invoked. Parliamentarians elected in the one-party state were only accountable to the president and the APC party machinery. There was essentially no check on the actions of the executive. In one example that became infamous across the continent, Parliament failed to scrutinise the budget outlay for the hosting of the OAU in 1980, allowing scarce national revenue to be wasted on the megalomania of President Stevens.

29. The Auditor General had been mandated by Constitutions since 1961 to oversee government finances and ensure their outlay in the manner provided for by parliament. However, whilst the institution worked relatively effectively during Sir Milton Margai's regime, its capacity to ensure sound financial monitoring gradually diminished from the time of Sir Albert Margai through to the eve of the conflict. As government expenditure passed unregulated, corruption blossomed. The quality of service provision in the public sector plummeted across the spectrum, affecting security and justice just as it affected health and education. Meanwhile other oversight bodies such as the Electoral Commission and the Office of the Ombudsman were rendered equally redundant.

30. Yet perhaps the most flagrant breach of the separation of powers under President Stevens was reserved for the executive's control of the judiciary. Section 113 of the One-Party constitution stipulated that the President would appoint the Chief Justice (the head of the judiciary).[22] The President also had the right to suspend the Chief Justice or, acting in accordance with the advice of the First Vice-President, any other judge.

31. Judges abandoned their independence to preserve their jobs, as they faced the possibility of arbitrary removal or suspension if they incurred the displeasure of the executive. The provision in the 1978 constitution permitting the President to compulsorily "retire" judges who had attained the age of 55[23] was a potent weapon in the hands of the executive. It was especially so because most of the judges were well past the age of 55 at the time the Constitution came into effect. In its most abusive application the provision was cited to depose two successive Chief Justices of the country, namely Justice C. O. E. Cole and Justice Livesey Luke.

32. The financial autonomy of judges was also far from assured. The determination of their conditions of service was subject to the one-party parliament and any improvement of these conditions required prior approval from the President. The self-accounting system that enabled the judiciary to have control over its income was discontinued. The judiciary thus became wholly financially dependent on the Ministry of Finance. The Ministry provided inadequate resources and the arrangement precipitated the ascendancy of corrupt practices throughout the justice system.[24]

[21] See the One-Party Constitution of Sierra Leone 1978 at Chapter IV, Section 39(5).
[22] See the One-Party Constitution of Sierra Leone 1978 at Section 113, sub-sections (1) to (30).
[23] See the One-Party Constitution of Sierra Leone 1978 at Section 115(1).
[24] See Chief Justice Abdulai A. Timbo, Submission to TRC Institutional Hearings on the Judiciary, July 2003, at page 3.

33. Another act of contempt towards the separation of powers was the merger of the Office of Attorney General with that of Minister of Justice by the 1978 constitution. The Minister, also a Member of Parliament, retained supervisory power over the judiciary, and gained discretionary power in the prosecution of cases. Thus the joint office of Attorney General and Minister of Justice became a fusion of executive, legislative, judicial and prosecutorial powers,[25] and it remains just as problematic to the present day.

34. The ruling political class assumed absolute power and carved out a 'legal position' that deprived all its opponents of their basic rights as Sierra Leoneans. The outright supremacy of the executive and its domination of the other arms of government did not alter under President Momoh's tenure of office between 1985 and 1992. The one party constitution that destroyed the doctrine of separation of powers was firmly in place, along with the devastating perception on the part of many opponents that only armed rebellion could bring it down.

DECENTRALISATION

35. The process of decentralisation is intended to ensure that political power and the activity of government should impact positively on all levels of the society. The rationale is that a decentralised system of government allows for better delivery of public services and facilitates constant interaction between politicians, administrators and those they govern. Over-centralisation generally translates into inequity, particularly due to poor service delivery to peripheral regions and the vulnerable sectors of society.

36. There were two main structures of local government at independence in 1961. The first was the traditional local government structure that revolved around Chiefdoms, paramount Chiefs and the hierarchies they formed. The second included district councils, town councils and the Freetown City Council.

37. With the exception of the Freetown City Council, which was created by the Freetown Municipality Ordinance of 1893, the councils owed their existence to laws passed between 1946 and 1950. The 12 district councils representing Sierra Leone's 12 administrative districts were created in 1946. These councils were granted purely advisory roles.[26] The system was expanded in 1950 by the District Council Ordinance to include promotion of the economic development of the district and of the welfare of its people, using funds at the council's disposal. The town councils were situated in Bo, Kenema, Makeni, Koidu and New Sembehun. All local government structures were under the control of the Ministry of Internal Affairs.

[25] The joint office of Attorney General and Minister of Justice was originally created under the One-Party Constitution of Sierra Leone 1978, Chapter V, Section 88, sub-sections (2) to (4). This constitutional anomaly has been retained ever since.

[26] See Abraham, A.; *Development Issues in Sierra Leone: Selected Essays*, Atlantic Printers, Freetown, 1994 (hereinafter "Abraham, *Development Issues in Sierra Leone*"), at pages 53 – 62.

38. Under Sir Milton Margai the councils and decentralised local government structures functioned efficiently and continued to deliver vital services in education, health and agriculture, as well as small-scale construction of community facilities. However the councils had a number of weaknesses that placed them at the mercy of officials of the central government. Primarily, since their very existence was not entrenched in the constitution, they depended on the passing mood of the executive and the central legislature. Moreover, their establishing laws subjected them to administrative and political dominance of the Minister and his officials in the Ministry of Internal Affairs. Thus they were ultimately accountable to the central government rather than to the people of their various local bases.

39. Other weaknesses included the reliance of the councils on central government for up to 70% of their operational costs, their sub-ordination by Paramount Chiefs and the ease with which district council finances could be mismanaged and misappropriated. These weaknesses were ripe for exploitation by the over-centralising tendencies of successive governments. Sir Milton Margai set a precedent with his incapacitation of the opposition-controlled Kono District Council by withholding its operational funds.[27] Also, rather than reform district councils, Sir Milton Margai's regime suspended several of them on grounds of alleged financial malpractice in 1962. There were to remain neglected until 1967, as Sir Albert Margai would make no attempt to review local governance structures.

40. Though the traditional tier of local government was entrenched in the constitution, its office-holders were in reality placed under administrative and supervisory control by officials of the Ministry of Internal Affairs. Chiefs could be suspended, dethroned or banished from their Chiefdoms by the central government. Chief Mbriwa of Kono, for instance, was unceremoniously banished from his Chiefdom by Sir Milton Margai.

41. When reform arrived, under the National Reformation Council (NRC) junta regime, it merely accelerated the demise of local government and decentralised administration. The NRC established a pivotal Commission of Enquiry led by Justice Bekou-Betts, which exposed rampant malpractice across government.[28] Among the measures taken as a result were the arrests and detention of several Paramount Chiefs. It created public suspicion of Chiefs along with something of a power vacuum at the traditional local government level.

42. In 1972, the Siaka Stevens regime dissolved local governments all over the country. Whilst town councils were replaced by committees of management, the district councils were not to be revived during the entire rule of the APC up to the outbreak of conflict.

[27] See Abraham, *Development Issues in Sierra Leone*, at page 62.

[28] The Bekou-Betts Commission of Inquiry reported numerous acts of corruption and mismanagement on the part of public officials in several sectors. Most relevant to local government was the Commission's document of 19 January 1968, which resulted in the arrest of Paramount Chief B. V. S. Kebbie of Mallen Chiefdom, Paramount Chief Alikalie Mordu III of Maforki Chiefdom and several other traditional rulers.



Representatives of political parties participate in a meeting with the Commission.

43. Governance was clearly over-centralised during the regime of Siaka Stevens. Provincial and rural areas were left to their own devices and their inhabitants became disenchanted with the political system. In its submission to the TRC, the National Commission for Democracy and Human Rights (NCDHR) stated:

> "The abolition of local government system and its replacement by officers appointed by the centre (Freetown) led to marginalisation of the rural people. This, coupled with the centre's co-option of the traditional chiefs, increased the alienation. These two acts amounted to marginalisation and made many rural people to be receptive to the propaganda of the rebels and more tolerant to their presence."[29]

44. From 1972 onwards, socio-economic development in the Provinces was handled by central government agencies far removed from the people. The only alternative development assistance came from local or international NGOs who instigated their own activities at district level. Despite their many weaknesses, district councils had at least supplied water, roads, health care, agricultural services and rudimentary communal facilities during the 1960s. It would have been eminently more prudent to institute measured reforms of local governance rather than dissolving the councils outright.

45. As it was, the dissolution of district councils gradually stifled the flow of services to people in most of the Provinces. Riverine districts like Bonthe and Kambia, as well as remote ones like Koinadugu, Pujehun and Kailahun, received no electricity or pipe-borne water. Bridges and roads were in a state of disrepair and few schools or health centres survived. The whole of the North had neither running tap water nor electricity by the end of the 1970s. These were facets of regression rather than underdevelopment, as previous governments had apparently left several such facilities intact.[30]

46. The management committee system introduced into towns and municipalities effectively ensured that appointed individuals were more accountable to their political patrons than to the people they served. The decline in services such as sanitation, as well as poor maintenance of roads, streets, markets, slaughter houses, cemeteries, fire stations and public toilets were rooted in the abolition of elected municipal and town councils.

47. The dissolution of the councils also led to the emergence of members of the so-called "political elite" with no apprenticeship in governance at the local level being elevated to the national political stage. This trend, which has snowballed from 1972 right up to 2003, led to the installation of decision-makers whose actions were disastrously uninformed by the needs of ordinary people. Medical practitioners and teachers in the provincial communities were often the last to receive salaries. The provision of basic services in the Provinces collapsed long before it did in Freetown.

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[29] See National Commission for Democracy and Human Rights (NCDHR), Submission to TRC Thematic Hearings on Governance and Human Rights, June 2003, at page 2. See also United Nations Development Programme (UNDP), Submission to TRC Thematic Hearings on the Causes of the Conflict, 7 May 2003, at page 2.

[30] See Sierra Leone People's Party (SLPP), Submission to TRC Thematic Hearings on Political Parties, 2003.

MASS PARTICIPATION IN THE POLITICAL PROCESS

48. Good governance necessarily encompasses democracy, with an opportunity for the general populace to express its voice through regular elections. People should have opportunities to establish and belong to political parties, which in themselves should have organised internal systems of electing and replacing leadership according to the wishes of the membership. Bad governance obtains where the governing party engages in anti-democratic practices to undermine its opposition, or where political parties are themselves undemocratic. Where decisions are taken by an elite few people without reference to a wider constituency, they are less likely to reflect the interests of the majority. In such a situation, exclusionary politics prevails and discrimination against particular groups or regions is likely.

49. Sierra Leone's political scene has been dominated since independence in 1961 by two political parties - the Sierra Leone Peoples Party (SLPP) and the All Peoples Congress (APC). With the exception of the thirteen-month NRC military interregnum from 1967 to 1968, these two parties ruled the country for the 30 years between independence in 1961 and the outbreak of conflict in 1991. At the time of writing, the SLPP has ruled the country since the return of multi-party democracy in 1996. The APC, overthrown by the NPRC junta in 1992, is now the largest opposition party.

50. The increasing regionalism[31] and undemocratic strategies employed by these two parties have impacted negatively on the political process in Sierra Leone. A string of alternative parties have mounted challenges in the past, often to address particular political crises, but have ultimately gone down as failed historical experiments. These included the National Council of Sierra Leone (NCSL), the People's National Party (PNP), the United Progressive Party (UPP) and the Sierra Leone People's Independent Movement (SLPIM) in the 1950s and early 1960s, as well as the National Democratic Party (NDP) in the early 1970s. As a result, outside the membership of the two mainstream parties, most Sierra Leoneans have felt excluded from the domestic political process that independence was supposed to bestow upon them.

51. The Independence Constitution of 1961 made provisions for the conduct of multi-party parliamentary elections every fifth year. Two other legal instruments that bolstered the conduct of elections in the immediate post-colonial period were the Franchise and Electoral Registration Act of 1961 and the Electoral Provisions Act of 1962. Section 37 of the independence constitution established an electoral commission comprising a chief electoral commissioner or chairman, plus between two and four other members to be appointed by the Governor General on the advice of the Prime Minister. The commission was classified not as an independent body but as a unit of the Ministry of Internal Affairs; its administrative staffers were members of the civil service seconded to the Commission through the Ministry. The Commission also lacked a self-accounting status; the Ministry of Finance handled its finances on its behalf.

[31] The SLPP increasingly became identified as the party of the South and East of the country, whereas the APC was associated with the Northern Province and the Western Area.

52. Elections can be considered as three distinct time periods: the pre-election period; polling day itself; and the immediate post-election period. Exclusionary tactics were apparent in the pre-election period of the first post-colonial general election,[32] held in 1962. The SLPP under Sir Milton Margai deployed the Chiefs against the opposition in Kono and many other parts of the country by cleverly side-stepping the Electoral Provision Act 1962. This Act formally debarred the Chiefs from interfering in political meetings, unless it had become disorderly or appeared likely to lead to a breach of the peace. However, the provision in question applied only during the official period of election campaign and not before its announcement. SLPP Chiefs therefore acted pre-emptively to stop the opposition from campaigning in their Chiefdoms.

53. The District Council Elections of 1962 saw an extension of anti-democratic policies. Many APC supporters were charged before the Native Administration Courts for "incitement undermining the authority of the Paramount Chiefs."[33] The perceived mistreatment of these APC supporters would invoke hostility to a number of Chiefs after they resumed power in 1968. Some APC members advocated that the Chiefs should be suspended or dethroned as retribution for their repressive actions during the Milton Margai years.

54. Sierra Leonean politics in the 1960s also began to be undermined by the notion of the 'pa', a tag of quasi paternal authority attached to the perceived 'big man' of any given political grouping. In addition to its connotations of deferential respect, the title of 'pa' has always brought with it administrative, political and financial power over other members of the group or party.[34] In consequence it represents a personalisation of politics, as was the case in the SLPP in the run-up to the 1962 elections.

55. The sitting SLPP Members of Parliament allocated the party symbol for candidature to themselves, contrary to the rules agreed on in January 1962.[35] This tactic prevented the selection of any candidates whose loyalty to the leadership was not assured. Further pre-election manoeuvrings by the regime also led to six SLPP candidates being returned completely unopposed.[36] The Commission however found no evidence of attempts to rig the elections on polling day, which was relatively peaceful and orderly.[37]

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[32] The colonial authorities had staged two previous general elections in Sierra Leone, in 1951 and 1957. Both of them were won by the SLPP.

[33] At the time of these charges, no magistrate courts had been established in the Provinces. The Native Administration Courts were run by members of the traditional elite allied closely with the SLPP.

[34] The 'pa' figure determines the political career, the mobility and the level of influence of the other members in his party, compensating political allegiance and blocking perceived rivals. Thus it has always proven difficult to nurture a culture of debate or principled dissent within a political party. Those who dare oppose the 'pa' risk a career in the political wilderness. Sierra Leone's experience of party politics is replete with examples of those who rebelled against the controlling elite and the punishment meted out to them, directly or indirectly.

[35] The SLPP had agreed in January 1962 that local committees would allocate the party symbol to a candidate with the majority vote in each constituency, so that the field would be open to all aspirants.

[36] See All People's Congress (APC), Submission to TRC Thematic Hearings on Political Parties, April 2003, at page 4.

[37] The election results of 1962 put the SLPP in government, albeit without an outright majority. The SLPP won 22 elected seats, along with six unopposed seats, giving it a total of 28 seats. The APC won 16 seats, plus four seats from a party associated with it, giving it a total of 20 seats. Independent candidates won the 14 remaining seats.

56. After his brother's death, Sir Albert Margai inherited a party that was over-reliant on Chiefs and split internally over his controversial selection by the Governor General to become Prime Minister in 1964. Sir Albert Margai restricted the participatory process by obstructing opposition activities in several ways. First he used the Public Order Act 1965, Section 24 abusively to prevent the opposition from campaigning in the Provinces.[38] Paramount Chiefs chased out known APC members from their Chiefdoms allegedly on the instructions of the Prime Minister. Several Chiefs who appeared immune to this type of manipulation were simply removed from power.[39]

57. Sir Albert Margai weakened the opposition inside Parliament by introducing the 1965 Absenteeism Bill, which stipulated that any member who absented himself for 30 days without reasonable excuse would forfeit his seat. Four APC Members of Parliament lost their seats after they had been convicted and jailed for riotous conduct. Thus Sir Albert hampered an important element of democratic good governance by reducing the voice of the opposition in Parliament.

58. Another example of restricted political participation was the denial of the opposition's right to be heard over the national radio station operated by the Sierra Leone Broadcasting Service (SLBS).

59. Sir Albert's ultimately vain attempt at creating a one-party state in Sierra Leone was a further example of the inherently exclusionary political tendency under his regime.[40] He was only prevented from pursuing his plans by massive and sustained opposition from civil society.

60. Yet the SLPP's lacking internal democracy manifested itself again in the way Sir Albert Margai distributed party symbols during the 1967 general election campaign. He is alleged to have given symbols only to those who pledged him their unflinching support,[41] thus alienating party members who opposed his style of leadership. It was a classic case of personal interest being placed above party and national interests, as it forced a number of popular figures to stand as 'objectionist' independent candidates.[42]

[38] The Act empowered the Chiefs to forbid meetings or assemblies of more than 12 people within their Chiefdoms. See Public Order Act 1965, Section 24.
[39] One notable example of a Chief ejected for political reasons was Gbwaru Mansaray of Koinadugu District.
[40] See All People's Congress (APC), Submission to TRC Thematic Hearings on Political Parties, April 2003, at page 8. See also Tucker, P., *The SLPP at 50: 42 Years of Trials and Tribulations*; originally printed in the *Standard Times International*, Vol. 1, No. 30; reprinted in West Africa magazine, 2 May 2003 (hereinafter "Tucker, *The SLPP at 50*").
[41] During the election campaign itself, Sir Albert Margai was also alleged to have used the main secret societies - Bondo (female) and Poro (male) - to force people to swear allegiance to the SLPP and vote for his preferred candidates.
[42] See Tucker, *The SLPP at 50*.

61. The Prime Minister then allegedly instructed the civil servants who served as returning officers in the Provinces to rig the 1967 elections.[43] The Government had the Sierra Leone Broadcasting Service (SLBS) announce the results over radio in such a manner as to appear as if the SLPP had won 32 seats and the APC 32. In fact the APC had won 32 seats and the SLPP had managed only 28 seats. A prolonged and damaging standoff followed, descending into farce when military officers hijacked the political process and a hastily convened National Reformation Council (NRC) was anointed.[44]

62. The NRC junta was an aberration on the political scene. Having grabbed political power through a coup, the regime lacked legitimacy, which could only really be conferred on a regime through electoral success. The NRC was also extremely reluctant to implement the outcome of the 1967 elections, despite enormous popular pressure for the mass vote to be recognised. The regime neither represented nor encouraged broad-based political participation.

63. The first APC government under Siaka Stevens began deviating from the canons of free and fair elections and participatory politics almost immediately upon assuming power. Stevens disregarded the agreement of national unity between his party and the SLPP that had been set up in 1968 to heal a nation deeply divided by the elections of 1967.[45] He orchestrated a series of legal challenges, which unseated 23 SLPP Members of Parliament and later his regime instigated widespread violence against SLPP supporters in subsequent by-elections between 1968 and 1970. The APC Government also proscribed a new political party, the National Democratic Party, set up by some of Stevens' most outspoken opponents in 1970.

64. The Electoral Commission was a highly compromised institution during the regime of Siaka Stevens and was complicit in undermining the electoral process. It turned a blind eye to the immense violence of the by-elections in 1969 and 1970 and endorsed obviously flawed victories for the APC. In the 1973 polls, the Electoral Commission presided over numerous incidents in which SLPP candidates were violently prevented from entering nomination centres to certify their candidature, as was required by law. Thus by the close of the campaign on 24 March 1973, APC candidates were declared unopposed in 46 out of the 85 constituencies.[46] The SLPP was to withdraw from these elections as a result.[47]

65. The Electoral Commission became a dumping ground for the APC party faithful. Its credibility suffered immensely in the eyes of a populace that saw it as nothing but an agency of the ruling regime bent on maintaining it in power through violent and coercive tactics.

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[43] See Honourable U. S. B. Munu, Submission to TRC Thematic Hearings on Governance, April 2003, at pages 4-5.

[44] For a comprehensive analysis of this period of political turmoil, see the chapter entitled 'Historical Antecedents to the Conflict' at Volume 3A, Chapter 1 of this report, specifically in the section headed 'The 1967 Elections and their Aftermath'.

[45] See Sierra Leone People's Party (SLPP), Submission to TRC Thematic Hearings on Political Parties, 2003; at page 8.

[46] See the reporting in the *Daily Mail* newspaper, 2 to 6 May 1973.

[47] See Lavallie, A. M.; *The SLPP: A Political History of the Sierra Leone People's Party*, unpublished MA Thesis, University of Sierra Leone, 1983 (hereinafter "Lavallie, *A Political History of the SLPP*"), at page 224.



The Commissioners meet leaders of political parties, including Mr. Ernest Bai Koroma (first right) of the All People's Congress (APC) and Major (Retired) Johnny Paul Koroma (second right) of the Peace and Liberation Party.

66. In 1977, widespread intimidation and thuggery again resulted in an election that was neither free nor fair.[48] APC candidates were unopposed in all constituencies in the Bonthe, Koinadugu, Kambia, Tonkolili and Bombali Districts.[49] SLPP candidates in these areas were arrested under the Public Emergency Act 1978 and detained.[50]

67. The most devastating blow to a free, fair and participatory political process in Sierra Leone was the introduction of a one-party system of governance in 1978. In turning the country into a One Party State, the Parliament ruled that only members of the recognised party (the APC) could qualify for election to the Presidency.[51] Moreover, only members of that party in a conference of national delegates were eligible to nominate a candidate for presidential elections.[52]

68. The One-Party Constitution destroyed all constitutional pretences about an independent Electoral Commission. Chapter IV of the new Constitution stated that the Electoral Commission was to be appointed by the President and could be deposed by the President for inability to discharge its duty or for misbehaviour. The wide discretionary powers given the President in relation to the Electoral Commission ensured that its members held office only at the pleasure of the President and therefore could hardly perform their functions without being overtly or covertly biased in favour of the President or his preferred candidates. The notion of 'government candidate' took universal hold, denoting a candidate with the President's support who would be elected as a formality, whatever the preferences of voters.

69. Members of Parliament in 1978 had to join the APC party or face expulsion. Despite this objectionable downturn in the governance of the country, there is no indication that the 11 remaining SLPP MPs made any protest at the deliberate robbing of the right to mass participation in the political process. The opposition political elite instead proved that it would rather be included in the one-party structure than stand up for the cardinal democratic right and responsibility of the populace to chose candidates of its choice. The SLPP politicians, like their APC counterparts, have always preferred individual short-term survival over sound ideology, doctrines of principle or good governance. Thus in 1978, the SLPP members abdicated their responsibilities to challenge bad governance, their major focus instead switching to means of reaping the loot of co-optation.

[48] See Sierra Leone People's Party (SLPP), Submission to TRC Thematic Hearings on Political Parties, 2003; at page 6.
[49] The result was a large absolute majority for the APC and a crippling reduction in the strength of the parliamentary opposition. It was the consequent stranglehold on Parliament that enabled the APC to introduce the One-Party Constitution.
[50] See Public Notice Numbers 39-50 of 31 August 1978, announcing the arrest and subsequent detention of 158 opposition members all over the country. Among this batch were four SLPP MPs who were to lose their seats in Parliament by the invocation of the 1965 Absenteeism Act.
[51] See the One-Party Constitution of Sierra Leone 1978 at Chapter III, Section 22.
[52] See the One-Party Constitution of Sierra Leone 1978 at Chapter III, Section 5.

70. The challenge of effecting change was left in the hands of students and marginalised youths. In its submission to the Commission, UNAMSIL directly linked the emergence of this 'unofficial opposition' to the causes of the war:

> "The institution of a One Party system in 1978 and the suppression of freedom under that system suffocated the growth of democracy and good governance. This suppression also nurtured the rebellious attitude amongst the youth, making it easier for them to embrace demagogues like Foday Sankoh who had promised to overthrow the system violently."[53]

71. Exclusionary and violent electoral practices also blighted the conduct of the 1982 elections, the first such exercise under the One-Party Constitution. Many individuals who were distrusted or not favoured by the APC central committee were either excluded from the process by non-issuance of the party symbol, or looked on helplessly as their supporters were prevented from voting. Such blatant attempts at exclusion inevitably generated violence. Electoral violence occurred in Bombali between the supporters of Abdulai Timbo (mainly Fullah) and Thaimu Bangura (mainly Temne),[54] as well as in Pujehun South, between supporters of Manna Kpaka and Solomon Demby. The conflict between Kpaka's and Demby's supporters spawned what was referred to as the 'Ndorgboryosoi', which is widely acknowledged as a forerunner of the localised conflict that erupted there as part of the insurgency ten years later.[55] In Kagboro Chiefdom in Moyamba District, intense violence was waged on opponents by APC strongman, Harry T. T. Williams. In the Western Area, thuggery in the West One constituency led to the cancellation of the elections.

72. An especially ominous development was the emergence of 'drugging' as a means of preparing thugs to participate in electoral violence. The anti-democratic actions of drug-using youths, manipulated by politicians, foreshadowed similar practices in the conflict, often involving child combatants or forced recruits.[56]

73. The narrowing of the participatory process did not end with the transfer of power from Siaka Stevens to his APC successor President J. S. Momoh in 1985. Indeed, the succession itself epitomised many of the deficiencies in the wider political process. Within the APC party structure, dubious means were adopted to exclude the former First Vice-President S. I. Koroma, who believed that he ought to have succeeded Siaka Stevens.[57] The party selection process

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[53] See UNAMSIL, Submission to TRC Thematic Hearings on Governance, 1 March 2003; at page 2. For further discussion of the use of thugs, see also Rashid, I., Subaltern Reactions: Lumpens, Students and the Left", in *African Development,* Vol. XXII, 1997, at page 24.

[54] See Revolutionary United Front, Submission to TRC Thematic Hearings on Political Parties, July 2003.

[55] For a comprehensive analysis of the 'Ndorgboryosoi', see the chapter entitled 'Historical Antecedents to the Conflict' at Volume 3A, Chapter 1 of this report, specifically in the section headed 'Local Historical Antecedents'.

[56] See Dr. Dennis Bright, Minister of Youth and Sports, Submission to TRC Thematic Hearings on Youth, June 2003. See also the submissions to TRC Thematic Hearings by the SLPP, the Ombudsman, the NCDDR and the Centre for the Co-ordination of Youth Activities (CCYA).

[57] See Earl Conteh Morgan and Dixon-Fyle, M.; *Sierra Leone at the End of the Twentieth Century: History, Politics and Society*; Peter Lang, New York, 1999 (hereinafter "Dixon-Fyle, et al., *Sierra Leone at the End of the Twentieth Century*"), at pages 121-122.

contrived to present General J. S. Momoh, the Head of the Army, as the sole candidate of the party for the presidential elections.[58]

74. Since the Momoh regime was in many respects a continuation of Siaka Stevens' rule, the APC party's contempt for internal democracy was very much evident. Under Momoh, however, a small circle of members of the President's ethnic group – Limba – came to dominate decision-making processes. As well as being Limba, all the most important individuals were alleged to belong to the tribalistic Ekutay society.[59]

75. Local government elections were never conducted under Momoh, thus continuing the exclusionary political trend he inherited from Siaka Stevens.

76. To Momoh's credit, however, there were some improvements in electoral administration. The Electoral Commission conducted the 1986 elections in a relatively free and fair manner, devoid of violence. Shortly after those elections, the appointment of Max Bailor as Chairman of the Electoral Commission led to changes in its administration that improved its capacity to conduct elections. University graduates were recruited, a far cry from the usually poorly educated officers who staffed the neglected professional wing of the Commission. Amendments made to the voting methods in 1990 saw the reintroduction of ballot papers and a single box for candidates to replace the much abused marbles or tokens put separately in different boxes for each candidate. A process of computerisation of voters' registration was also begun. Thus the electoral commission was able effectively to conduct a referendum that approved the reintroduction of the multi-party system in 1991.

77. Unfortunately these incremental improvements were all too little too late. The upturn in participatory mechanisms coincided with the start of the conflict in 1991. Unsurprisingly a conspiracy theory emerged to question the veracity of Momoh's democratic credentials. It was alleged that instead of accelerating a return to democracy, his government wished to use the war as a pretext to delay multi-party elections, or to hold elections only in secure areas of the country where the APC enjoyed strong support.[60]

[58] This contrivance was partly achieved through an enabling amendment of the One-Party Constitution 1978 on 24 July 1985.
[59] See Opala, *The Politics of State Collapse*, at pages 9-12.
[60] See, *inter alia*, Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before the TRC Thematic Hearings held in Freetown; 5 August 2003.

THE RULE OF LAW

78. The rule of law signifies a society in which law is supreme. The running of state institutions, the relationship between the rulers and the ruled, interactions amongst and between individuals or corporate bodies; they should all be done according to law. The rule of law opposes the arbitrary rule of powerful men and women. The basic principles of the rule of law include equality before the law of the land;[61] an impartial and independent judiciary; an accessible justice system; irrevocable constitutional guarantees; and respect for human rights and fundamental freedoms.[62] Other important components of the rule of law are due process and fair legislative mechanisms that do not discriminate against particular groups in the society.

79. Citizenship provisions in the 1961 Constitution discriminated against Sierra Leonean women in many important respects. The most telling unfairness was that whilst the provision automatically granted citizenship to descendants of male Sierra Leoneans, it denied citizenship to the offspring of female Sierra Leoneans where the father was not of African Negro descent. The citizenship provisions also excluded the Lebanese, a long-standing and important community in Sierra Leone, from becoming citizens. The discrimination against them was racial – they were not of African Negro descent.

80. In 1906, the laws created to govern land tenure discriminated on grounds of ethnicity. Different land laws were applied to Sierra Leoneans depending on whether they were "natives" (those originating from the Provinces) or so-called "non-natives" (those originating from the Colony of Freetown, who were predominantly Krios). "Natives" could hold an indefinite interest in land in the Provincial areas but "non-natives" could only acquire land and hold it on limited tenancy. The Provincial Land Act of 1906 stated that "no non-native shall acquire a greater interest in land in the Provinces than a tenancy for fifty years." The same statute contained the further clause that "nothing in this Section shall prevent the insertion in any lease of a clause providing for the renewal of such lease for a second or further terms not over twenty one years."[63]

81. The Provincial Land Act of 1906 gave certain advantages and privileges to the Protectorate people by reason of their place of birth or origin, which were not extended to other Sierra Leoneans. The Chiefs could arbitrarily recover land sold to "non-natives" if they so desired, especially if the land was formerly communally owned. In this area, the rule of law was subverted.

82. Most Sierra Leoneans also lacked access to the superior courts of the land, which were located in Freetown. The English common law applied in these courts was not understood by ordinary Sierra Leoneans, the majority of whom were illiterates from the Provinces who could not speak English. The courts were administered mainly by people belonging to one ethnic group – Krio.

[61] Equality before the law means that everyone, notwithstanding status, is subject to and must abide by the ordinary laws of the State.
[62] Human rights include the right to life, the right not to be subjected to torture or any form of cruel or inhuman treatment, the right not to be deprived of one's liberty arbitrarily, the right to a fair trial and the right to a private life. Fundamental freedoms include freedom of expression, freedom of religion and freedom of association.
[63] Both passages come from Section 4, Article 122 of the Provincial Land Act 1906, in the *Laws of Sierra Leone.*

Thus even members of other ethnic groups who resided in Freetown avoided these courts. They preferred courts based on the traditional system of customary law, which were set up especially by Tribal Headmen in Freetown and its environs. The ordinance establishing Tribal Headship in the Western Area made no provision for the establishment of these courts. They were therefore illegal.

83. As magistrate courts were not established in the Provinces until 1965, provincial inhabitants only had access to local courts run according to custom, which varied from Chiefdom to Chiefdom. Customary law was not codified, no was there any uniformity of procedure or penalty. The room for arbitrariness was therefore too large.

84. Arguably the high point of Sir Albert Margai's regime in terms of rule of law was the passage of the Courts Act of 1965, which created magistrate courts that could be accessed directly by inhabitants of the Provinces. However, the Criminal Procedure Act of 1965 lacked acceptable safeguards to protect criminal defendants and was littered with anachronistic provisions. In particular, judges and magistrates were afforded an undue degree of discretion, inviting arbitrariness and abuse of their discretionary powers.

85. Many provisions in the Public Order Act of 1965 undermined basic rights. Provisions relating to seditious libel and the grossly arbitrary powers of the government during a state of emergency were typical examples.[64] Other measures that clearly undermined the tenets of the rule of law included giving control of public meetings in the Provinces to the Chiefs, which many Chiefs used in practice to ban APC meetings.

86. The APC under Siaka Stevens pursued the demolition of the rule of law to new and very violent levels. Stevens quickly declared a state of emergency using the deficient regime of the Public Order Act. Whilst Albert Margai had usually been hesitant in implementing some of the unfair laws passed by his regime to their full effect, Stevens became adept at utilising many of those laws in new and unimaginable ways. The Steven's regime promulgated its state of emergency during the by-elections of 1969-70 and under its cover unleashed the army and police against the opposition SLPP.

87. The state of emergency met with clamorous political dissent. Yet ironically, the more its opponents protested, the more the screws of its legal mechanisms were tightened. Notably the vocal and burgeoning National Democratic Party (NDP) of Dr. John Karefa-Smart was banned outright. Another instance of misuse of emergency powers came in 1977, after students demonstrated against President Stevens at a graduation ceremony at Fourah Bay College. The security forces intervened with brutal effect, firing live ammunition on the crowd. In 1978-79, in the face of mounting labour unrest and a threatened nation-wide strike, President Stevens again used emergency powers to clamp down on union leaders.

[64] The Commission has expressed its grave concern with remnants of the legal regime established under the Public Order Act 1965 elsewhere in this report: in particular, see the chapter entitled 'Recommendations' at Volume 2, Chapter 2 of this report.

TRC



The late Mr. Cleo Hancilles, a governance specialist and one of the intellectual driving forces behind the Pan African movement of the 1980s, consults with Leader of Evidence Ozonnia Ojielo at a TRC public hearing.

88. In the 1973 elections, APC thugs were hired by the APC specifically to operate above the law in kidnapping SLPP candidates until after nominations of candidates were closed. Laws passed during Sir Albert Margai's rule required candidates to be present at the nomination grounds on nomination day.[65] Thus the involuntary absence of SLPP candidates in effect meant that APC candidates were returned unopposed in a majority of constituencies.

89. The APC government's failure to implement laws like the Non-citizenship Trade and Business Act of 1969 (meant to empower indigenous Sierra Leonean business people by excluding foreigners from certain sectors of the economy) convinced a lot of persons that it was not a government that cared about the law. Rather than assessing laws on their merits, most people believed that the government only did things according to the wishes of the highest bidders.[66]

90. As the rule of law diminished, judgements in court cases were often decided on grounds other than those justified by law. Unethical practices were rampant among lawyers. It became common for lawyers to solicit bribes from their clients for judges, magistrates and court officials. Barristers and solicitors colluded with their clients to pervert the course of justice. Litigation proceedings were often reduced to a snail's pace with the deliberate concurrence of the lawyers involved.

91. The legal profession contributed a great deal towards the massive abuse of human rights that took place before and during the war. Indeed the lawyers of today are just as responsible for the woeful state of human rights protection that persists in the country. It was not uncommon during the 1970s and 80s for members of the Sierra Leone Bar Association to act as spies for the regime of President Siaka Stevens. Barristers leaked decisions by the Bar Association to government, thereby forestalling planned protests against oppressive and unconstitutional government actions.

92. Law reporting was neglected during the regime of Siaka Stevens. Between 1920 and 1973, regular editions of the African Law Report (Sierra Leone Series) had been published. The reporting of judgements of the courts of Sierra Leone was abruptly halted without proper explanation in 1973. One direct consequence of this decision was the upsurge in inconsistencies in subsequent judgements. These inconsistencies have left many decorated lawyers, not to mention the general population, utterly confused as to what really constitutes the laws of Sierra Leone. From the time of Stevens to the present day, the country has been denied an efficient system of recording and reporting the judgements of the courts.

[65] The provision requiring candidates to be present at nomination grounds had been promulgated by the Albert Margai regime to destabilise the APC. It represented a clear case of bad and biased law making. Under Stevens the government used the provision to suppress a section of the population on political grounds. Thus the bad law was compounded by a clear case of bad and biased implementation.

[66] See Indigenous Commercial and Petty Traders' Association, Submission to the Truth and Reconciliation Commission, April 2003.

93. Of equal concern has been the static nature of the laws of Sierra Leone. Without law reforms and revisions, the rule of law is gradually compromised because new challenges facing the state are not addressed satisfactorily. Although the APC government established a Law Reform Commission in 1975,[67] it did not treat the commission with any respect or seriousness. Thus the country was left with laws that were outdated[68] and largely irrelevant to the demands of development, growth and multi-faceted integration.

94. Local court officials lacked legal training. The Local Courts Act No. 20 of 1963 provided for their work to be supervised by judicial advisers or customary law officers. These officers were empowered to advise local courts in matters of law, train local court personnel and exercise judicial review over decisions of local courts. However, declining interest in the rule of law and poor conditions of service meant that few such customary law officers were appointed. Local courts' personnel continued to act as they wished without heed to the integrity or the improvement of the law. Customary law was never codified.

95. There were no marked changes in the rule of law situation during the regime of Siaka Stevens' successor, President Joseph Saidu Momoh. Though perceptibly less violent overall than the Stevens regime, the Momoh regime nonetheless hanged its own First Vice-President, Francis Minah, after he was implicated in an improbable coup. Minah was almost certainly a victim of political vendetta within the APC, but a compromised judiciary was not likely to acquit him of treason in a climate where political favours mattered more than legal justifications. Minah was convicted and condemned to death with a number of other party outcasts.

96. Momoh's reign elevated members of a tribalistic clique within the APC party, known as Ekutay, to a position well above the ordinary laws of the land. As the economic situation worsened, the regime carried the promulgation of states of emergencies yet another step further by declaring a state of *economic* emergency. State officials used emergency as a pretext to seize people's money and property without regard for the law. The economic state of emergency was itself a suspension of the rule of law and fundamental rights. Allegedly looking for 'economic saboteurs,' state officials invaded private homes, disrupted businesses and generally created a climate of economic mayhem.

[67] See Act No. 12 of 1975 in the *Laws of Sierra Leone*.

[68] Due to its colonial history, most of Sierra Leone's laws were either adopted or adapted from England. Section 74 of the Courts Act 1965 made pre-1880 laws of England automatically applicable to Sierra Leone. Examples of laws adopted pursuant to this section include the Statute of Frauds 1677, the Wills Act 1837 and the Common Law Procedure Act 1852. Post-1880 English statutes that were adopted additionally include the Conveyancing Act 1881, the Settled Land Act 1882, the Perjury Act 1911, the Forgery Act 1913, the Larceny Act 1916 and the Married Women's Maintenance Act (Cap. 100) enacted in 1888.

THE MEDIA

97. At independence, Sierra Leone enjoyed a vibrant media tradition, which included the first newspapers, radio broadcasters and television stations in sub-Saharan Africa. The governments of the post-independence era were theoretically in an excellent position to consolidate the country's proud heritage.

98. During the colonial period, newspapers like the West African Reporter (1876 – 1884) and the Sierra Leone Weekly News (1886 – 1951) had not only criticised the colonial authorities, but also created awareness about issues of common concern such as education, health and agriculture.[69] During Sir Milton Margai's three-year tenure, there was no deliberate attempt to gag the press by the regime.[70] There was pluralism in relation to the print media, albeit that the government controlled the only radio and television stations, as was the case in many parts of the world in that era.

99. Sir Albert Margai introduced laws to curtail press freedom, however. For example, a directive was issued to the government-owned newspaper, 'The Daily Mail', and the state broadcasting agency, the SLBS, not to afford any publicity to APC activities. When the government lost a libel case against the APC-leaning 'We Yone' newspaper for attempting to expose corruption at the Sierra Leone Produce Marketing Board (SLPMB), the regime removed juries from seditious libel cases and introduced trial by judge alone.[71] Journalists such as Ibrahim Bash Taqi, A. F. Thorlu Bangura, and Samuel Holist, who exposed corruption at the SLPMB through *We Yone*, were constantly harassed. A. F. Thorlu Bangura, who was the newspaper's financial controller, was sentenced to a year in jail for defamatory libel of the Prime Minister. The Public Order Act 1965 criminalised defamatory libel and set the tone for suppression of the press by successive regimes up to the present day.

100. The Media was considerably suppressed under the NRC, despite its short tenure in power. The junta passed a decree which "forbade publication of any mention of the overthrown SLPP regime, the opposition APC or any defamatory matter concerning the NRC or its individual members or any statement likely to stir up ill-will between the ethnic groups in the country."[72] The press subjected itself to extreme censorship as a result.

101. The Siaka Stevens regime orchestrated violent attacks against the independent press. One of the reasons Dr. Mohamed Sorie Forna gave for his resignation as APC Finance Minister in 1970 was the looting and burning down of the offices of 'Freedom Press', during which a child was killed. In 1972, the opposition newspaper, 'The People' was ransacked; in March 1973, following threats to journalists by the President, the editor of the opposition 'Unity' newspaper was detained without trial. Within five years the press was thoroughly cowed through threats, detentions and violent attacks on their

[69] Fyfe C.; *A Short History of Sierra Leone*, London, Longman, 1962 (hereinafter "Fyfe, *A Short History of Sierra Leone*"), at page 118. See also Tucker, *The SLPP at 50*.
[70] See Ibrahim El-Tayyib Bah, President of the Sierra Leone Association of Journalists (SLAJ), Submission to the Truth and Reconciliation Commission, August 2003.
[71] See Criminal Procedure Act 1965 at Section 144(3), amending the Criminal Procedure Act 1961 at Section 41(a), which had originally granted trial by jury.
[72] See the reports in the *Sierra Leone Daily Mail* newspaper of 4 April 1967 and the *West Africa* magazine of 15 April 1967, as cited in Cartwright, *Politics in Sierra Leone 1947 – 1967*, at pages 507-508.

premises. Those left alone were largely those that had metamorphosed into propaganda machines for the APC. Newspapers like 'We Yone', the 'Sierra Leone Daily Mail', 'The Nation' and 'Sunday Flash' became mouthpieces for the APC triumvirate of Siaka Stevens, S.I. Koroma and CA Kamara-Taylor.

102. A government news organ, the Sierra Leone News Agency (SLENA), was established in 1980 to clear all news items and other issues pertaining to the OAU conference. After the conference, the government agreed to a neutrality clause as a condition for continuous funding to SLENA from UNESCO and PANA (Pan African News Agency). The government steadily diverged from the ethos of this clause, however, and SLENA became another agency for government misinformation.[73]

103. Radio and television broadcasting were monopolised by the tightly-controlled SLBS. There has never been a Freedom of Information Act in Sierra Leone and its absence allowed for much speculative journalism. People's freedom of speech was severely restricted by the tendency of the security forces to arrest people for what was known as '*careless talk'* - essentially any criticism of the government. Newspapers that reported corruption or human rights violations were invariably admonished or attacked.[74] In 1982, state security agents bombed the offices and printing facilities of the independent newspaper 'The Tablet'. The publisher, editors, and senior journalists fled into exile.

104. In 1980, Parliament passed the Newspaper Amendment Act, which increased the cost of newspaper registration to exorbitant levels. The Minister of Information received and approved all applications and also had the right to refuse registration.

105. President Momoh inherited a regime hostile towards press freedom. The government-controlled broadcast media retained the same monopoly over the dissemination of information. During Momoh's reign, the coverage of the SLBS was restricted to Freetown. Thus when the conflict broke out in 1991, the majority of Sierra Leoneans relied on rumour to determine its progress. The SLBS effectively promoted the government's version of the war until junior officers from the war front descended upon Freetown to overthrow the regime in April 1992. A culture of misinformation laid the foundation for gossip and popular myth to dominate people's impressions of the conflict – a phenomenon known as the '*den say*' syndrome. Incongruously, Sierra Leoneans were over-reliant on the BBC World Service to keep up-to-date with events in their own country. Moreover, the dearth of accurate reporting contributed to propaganda successes on the part of the insurgent RUF,[75] driving large numbers of people away from their villages in panic even when the threat of attack was in reality very distant.

[73] See Professor Septimus Kaikai, Minister of Information and Broadcasting, Government of Sierra Leone, Submission to the Truth and Reconciliation Commission, 30 July 2003.
[74] See Ibrahim El-Tayyib Bah, President of the Sierra Leone Association of Journalists (SLAJ), Submission to the Truth and Reconciliation Commission, August 2003.
[75] Prominent RUF commanders became familiar contributors to news reports and radio broadcasts during the conflict years. Their trademark was boastful bravado and exaggerated claims of military prowess. Since there was rarely an objective view from the ground to contradict the RUF, its commanders spread fear and havoc among civilians and government forces alike by saying that an attack was imminent, when often their forces were not even close.

106. The continued attacks on the media drove many qualified and experienced people away from the profession, decimating the calibre and capacity of the so-called 'Fourth Estate'. Nowadays, anyone with a secondary school leaving certificate could practice as a journalist. Many of the media houses, in particular print media, are owned by people who wear their political loyalties on their sleeves. Many of the newspapers have degenerated into political rags.

107. A culture of debate and principled reporting still remains unattainable for most media practitioners in Sierra Leone. In consequence the average Sierra Leonean has no confidence in the media, either for newsworthy stories or informed, objective editorial opinion. The poor financial state of most of the media houses implies that the journalists are only paid a pittance. Many journalists are therefore inclined to practice blackmail, whereby people about whom they have received unsavoury information are 'compelled' to pay them to prevent the information from being published. Public figures who have attempted to call the journalists' bluff are rewarded with sustained negative press reporting. In order to protect their reputations, many people embark on criminal prosecutions for defamation against the erring journalists. Thus both press and public are ensnared in a vicious circle, which is all too often squared by the intervention of the ruling party.

108. The Sierra Leone Association of Journalists (SLAJ) needs to clean its house out in order to retrieve the reputation of journalism from its detractors intent on dragging it through the mud. SLAJ must clarify the criteria for admission to practise as a journalist. Only a small number of newspapers still remain true to the ideals of the profession. All other media practitioners must try to build upon the example these newspapers set and redeem the status of the media as valuable, regulated space for dialogue between all sectors, institutions and individuals in society.

CIVIL SOCIETY

109. Civil Society in the colonial era was mainly composed of elitist Freetown-based groups active in pressuring the colonial authorities to open up the political space between 1920 and 1947. By 1950, these groups had coalesced to form a political party – The National Council of the Colony of Sierra Leone (NCCSL) – dedicated to promoting the interests of the Krio ethnic group in the accelerated decolonisation process of the 1950s.

110. The two major civil society groups in the former Protectorate, the Sierra Leone Organisation Society (SOS) and the Protectorate Educational and Progressive Union (PEPU), also merged into a political party. It was the beginning of the Sierra Leone People's Party (SLPP), established ostensibly to promote the interests of people in the provincial areas.

111. The NCCSL was not successful in reaching its objectives and the rancour at having lost out to the political thrust of Protectorate civil society, embodied in the SLPP, had still not evaporated by independence in 1961. The NCCSL's enmity found new expression in the alliance forged between its constituent groups and the APC. The latter had grown out of splits within the ranks of the Protectorate representatives in the run-up to independence. The APC mainly represented one particular social category (people without ties to traditional rulers) and one Region of the country (the North). Like the Krios, however, its

members felt marginalised by the emerging dominance of the political scene by people from the South and those with strong ties to the Chiefs.

112. The support given by members of the Krio-dominated civil society in Freetown to the organisers of the 1955 riots[76] foreshadowed their readiness in subsequent years to support any strong engagement with Protectorate elite as represented by the SLPP. The organisers of the strike, the Artisanal and Allied Workers led by Marcus Grant, were agitating for an increase in salaries and improvement in working conditions. It was alleged that the leader of the National Council of the Colony of Sierra Leone (NCCSL) instigated the riot as a last-ditch effort to undermine the inevitable dominance of the SLPP in the post-colonial period.[77] Sir Milton Margai refused to talk to the workers and instead suppressed the riot after violent days, during which much destruction was done. Several strikers were killed and property belonging to some prominent cabinet ministers was destroyed.[78] This clash set the tone for a difficult relationship between workers and the ruling elite. Workers' demands were generally met with intransigence and force by the state.

113. Notwithstanding the Elections Before Independence Movement (EBIM),[79] which later spawned the APC, there were to be no further confrontations between civil society and the Milton Margai regime. Civil society was largely bereft of a flagship issue with which to engage passionately between 1961 and 1964.

114. The situation was quite different during Sir Albert Margai's tenure between 1964 and 1967. Freetown civil society discovered in Albert Margai's overbearing political tendencies reasons to be afraid that their future was under threat. Thus Freetown-based civic groups like the Fourah Bay Academic Staff and Students' organisations, the Sierra Leone Bar Association and the independent press actively engaged the regime on issues such as the proposed one-party state, harassment of the media and the introduction of a republican constitution. Civil society also challenged the regime on its alleged corruption and its appointment of mostly Southerners to public positions.

115. Civil society groups found a real focus, however, in their loathing of the NRC junta's attempts to perpetuate itself in power. Despite the regime's attempts at co-opting key members of civil society by appointing them into the Civilian Advisory Committee, the latter recommended a swift handover of power to civilians. Eventually junior military officers overthrew the NRC and set up the Anti-Corruption Revolutionary Council, which handed over power to a civilian government headed by the APC.

116. The return to civilian rule was basically a victory for the Freetown-dominated civil society groups, most of which were in reality aligned to the APC. These groups proceeded weakly to oblige the APC by turning a blind eye to the party's increasingly autocratic practices.

[76] See the observations made in this regard in the Shaw Report on the 1955 Riots, at pages 12–13.
[77] See Tucker, P. (former Secretary to the Prime Minister, Sir Albert Margai), Submission to the Truth and Reconciliation Commission, November 2003, at pages 2-3.
[78] Among the cabinet members whose property was destroyed in the 1955 riots were M. S. Mustapha, Albert Margai and Siaka Stevens.
[79] The leaders of this Movement were to spend Independence Day, 27 April 1961 in jail, being held under emergency powers assumed by Prime Minister Milton Margai.

117. That civil society failed to challenge the APC's brutal electoral practices in the by-elections of 1969-70 and the obviously doubtful legality of its proclamation of a republic in 1971 was symptomatic of a narrow-minded ethnic and professional fear of the SLPP political alternative. Civil society leaders were largely opportunistic and they saw in co-optation by the APC a better route to keeping their privileged positions that had been threatened under the SLPP.[80]

118. Even the Sierra Leone Bar Association, arguably the civil society group with the strongest potential voice, failed to stand up to the dictatorship of Siaka Stevens. Their meek submission to the One-Party Constitution in 1978 was a far cry from their vibrant protestations at the Albert Margai one-party initiative. In his submission to the Commission, a respected member of the Bar Association at that time lamented thus:

> "We the people of this country must accept some of the blame, because we did not challenge the government then, as has been done in Ghana and Nigeria. We the middle class, the professionals and intellectuals failed the people of this country, because when similar circumstances arose in Ghana and Nigeria, we would see the Ghanaian middle class or Nigerian middle class and intellectuals and professionals take to the streets! Unlike us, they went the course, they were prepared to go to prison, they were prepare to die!"[81]

119. Other groups within civil society lacked the financial or intellectual clout of the bar association and the academic staff association to mount a credible challenge to the APC. Other factors also contributed to their disinterest in engaging the APC in the early 1970s. First living standards had not yet deteriorated. Second the leaders of the unions shared ethnic ties with the leaders of the APC and were reluctant to act against the party.

120. However the foremost deterrent to opponents of the deteriorating governance situation lay in the violent methodologies deployed by the APC to crush dissent. Members of police units, the Special Security Division (SSD) and hired youths or thugs meted out brutality sanctioned by the state. In his submission to the commission, the Ombudsman stated:

> "The SSD was the instrument of tyranny in this country. It was used to cow opposition leaders; it was used to cow the press, the citizens, students and people who tried to protest; It was used for killing people, maiming and to some extent armed robbery. But everybody kept silent because of the fact that we were scared that they could seek their revenge."[82]

[80] For more discussion of the opportunistic liaisons of members of Freetown civil society with the APC, see Squire, C. B., *Ill-fated Nation?*; Ro-Marong Limited, Freetown, 1995 (hereinafter "Squire, *Ill-fated Nation*"), at page 83.
[81] See Francis Gabbidon, Ombudsman of Sierra Leone, Submission to TRC Thematic Hearings on Governance, Freetown, June 2003.
[82] See Francis Gabbidon, Ombudsman of Sierra Leone, Submission to TRC Thematic Hearings on Governance, Freetown, June 2003.

121. The government's ability to co-opt civil society leaders was markedly enhanced by the One-Party Constitution 1978 which in Chapter IV, Section 43 empowered the President to appoint seven members to Parliament by instrument under his own hand. Consequently, the Presidents of the Sierra Leone Teachers' Union (SLTU) and the Sierra Leone Labour Congress were appointed as Members of Parliament. Also, key members of the Academic Staff Association were co-opted and given ambassadorial posts or made ministers.

122. Student bodies, in which leadership was necessarily transient, were left as the only organised civil society. Their youth worked in their favour, since the government did not consider it worth co-opting them and they were bold enough not to back off from confronting the regime. However, the brutal suppression of the nation-wide students' demonstrations of 1977 muted student protest for a considerable period of time.

123. In 1982, deteriorating living conditions led to a regime-threatening strike organised by the Sierra Leone Labour Congress. The strike action was violently crushed in a manner that confirmed the government's willingness to take extreme measures to preserve its position. Thus was extinguished the last major flourish of civil society in highlighting either the political or economic deterioration of the country during the Siaka Steven era.

124. Upon assuming office in 1985, President Momoh met a virtually lifeless civil society. Though a military man and an obviously incompetent administrator, the new president was not overtly violent, so civil society actors started to raise their voices. A group of parliamentarians formed the Backbenchers' Association and they were complimented by such newspapers as the 'New Shaft' and 'For di People' in their call for an opening up of political discourse.

125. There were, however, members of President Momoh's administration who were prepared to unleash violence on opponents of the regime. The leader of this violent clique was the Inspector General of Police, Bambay Kamara. The President lacked the authority to shackle such men; thus the APC in its last days swung between violence on the one hand and, on the other, the more subtle interventions of intellectuals like Dr. Abdulai O Conteh, the Attorney General and Minister of Justice. Conteh was to lead the APC's thrust to become a multi-party constitutional regime. A new constitution was promulgated, but the untamed men of violence were allegedly planning to brutally rig the multi-party elections when war broke out.

126. The role of faith institutions in the period leading to the war also demands examination. It is indeed regrettable that faith institutions seem to have found common cause with the governments of the day and therefore took no stand on the issues that were tearing the country apart between 1961 and 1991. Faith institutions were content to be feted and revered by the respective Governments. They did not use the access this reverence conferred on them to engage in dialogue with the rulers and try to have them change their oppressive politics.

127. In this sense, the church men and imams were no different from their colonial forebears who encouraged the people to read their Bibles and Korans while their land and other resources were appropriated by the colonial government. The religious institutions have engaged the Government only once in public, when in 1993 an officer of the NPRC regime, Colonel Gabriel Mani, assaulted a notable religious figurehead, Bishop Keillie of Bo Diocese. Up to 1991 therefore, faith institutions in Sierra Leone buried their heads in the sand and intoned that everything was fine in the country, admonishing the faithful through their sermons to be loyal to constituted authority.

128. It took until the final throes of the conflict for the attitude of faith institutions to change in any significant way. One factor that accounted for the improvement was the establishment of the Inter-Religious Council of Sierra Leone (IRC/SL) in 1997. For the first time, an umbrella organisation that brought the leadership of all the faith institutions together was established. It became common for them to articulate unified positions on the burning issues of the day and to engage the unpopular junta government of the AFRC from a position of strength. Gradually the faith institutions were to play an important role in efforts at bringing peace, beginning with the Conakry Peace Plan and leading up to the Lomé Peace Agreement. Today, the churches and mosques are engaged in consolidating the peace through their work at community level, reintegrating and reconciling their followers whilst attempting to meet their developmental needs.



Members of the Republic of Sierra Leone Armed Forces (RSLAF) participate in the Commission's National Reconciliation Procession on 6 August 2003.

SECURITY INSTITUTIONS IN SIERRA LEONE

The Sierra Leone Army

129. The Sierra Leone Army at the time of independence was small and confined to the barracks. There were only four barracks, positioned at Daru in the Kailahun District, and at Wilberforce, Juba and Murray Town in Freetown.

130. When the British colonial authorities created the Sierra Leone Army, they used dual criteria for recruitment.[83] In the South and East, where more people had undergone western type education,[84] there was an insistence on educational qualifications. This requirement coupled with the fact that seven of the country's 12 districts were in the South and the East led to a preponderance of Southerners and Easterners in the officer corps of the Army in the immediate post-colonial period.[85]

131. In the North, a different criterion was used. Fitness and height were emphasised and educational qualifications were played down. Many Korankos, albeit uneducated because of the lack of western type educational facilities in their region, met these conditions. They were recruited in large numbers into the lower ranks. Some members of the other major ethnic groups in the North - the Temnes and the Limbas - also established themselves in the Army in this manner.

132. The Army inherited by Sir Milton Margai was therefore ethnically unbalanced. There were few Northerners in the officer corps, yet they were over-represented in the lower ranks. Upward mobility was limited, as a formal education and passing of professional examinations were standard requirements for promotion to the officer corps.

133. Terms of recruitment for soldiers included free medical and surgical services for their immediate families,[86] a salary commensurate to the cost of living, an annual leave allowance, adequate travelling allowances, promotion through fair examinations, provision for overseas training and security of tenure for all serving officers. Arbitrary removal was deliberately rendered difficult by the Constitution.[87]

[83] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.
[84] See Fyfe, *A Short History of Sierra Leone*, at page 74.
[85] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.
[86] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.
[87] See the Independence Constitution of Sierra Leone 1961 at Chapter IV.

134. However, on the negative side, the space in the barracks was too small to house many soldiers' families. Unhygienic bucket toilets were prevalent in almost all the barracks in the city of Freetown – a condition that has not changed up to the time of writing in 2004. Inadequate accommodation in the barracks led to many low-ranking soldiers moving outside the barracks and becoming much more susceptible to party politics right up to the time of the conflict.

135. Sir Albert Margai inherited a neutral, non-politicised Army headed by British Officers. The Commission found no evidence that the conditions of service in the Army deteriorated during Sir Albert's regime. However, the regime's 'Africanisation' of the force resulted in a lot of meddling in the hierarchies and inter-relationships between soldiers. The rapid promotion of Brigadier David Lansana, a compatriot of Sir Albert's from the East who was closely affiliated to the Mende tribe, did not go down well with members of the officer corps from other ethnic groups. In his submission to the Commission, a member of the Army at the time, Major (Rtd.) Abu Noah stated:

> "The fruit of such political largesse was *given* [to Lansana], I say, because he had not merited [such a rank] outside of the unnecessary need for Africanisation. It appeared then as if the programme were designed to put the most senior Sierra Leonean Officer in a position of trust as political insurance for the politician who introduced the scheme. In 1964, for example, the speech of the Governor General lauded the elevation of Lieutenant Colonel Lansana to the substantive rank of a Colonel and in 1965 he was promoted to the rank of Brigadier. Those where the salad days of Sir Albert Margai's reign."[88]

136. When in 1967 the Deputy Head of the Army, John Bangura, and six other Northerners and Krios were arrested for an alleged coup plot, it left mainly Mende officers in the senior cadre. Of the seventeen cadets recruited in 1967, thirteen were Mendes.[89]

137. The promotions that Sir Albert Margai effected and the overall domination of the officer corps by members of his Mende ethnic group paved the way for the Army's political intervention in 1967. Disputes and depositions by members of the Army, rather than politicians, would eventually lead to the installation of the country's first military regime, known as the National Reformation Council (NRC).[90]

[88] Major (Retired) Abu Noah, Submission to TRC Thematic Hearings on the Sierra Leone Army, 22 July 2003, at page 6.
[89] Dixon-Fyle, et al., *Sierra Leone at the End of the Twentieth Century*, at pages 26 – 52.
[90] For a comprehensive analysis of the period of political turmoil preceding the NRC, see the chapter entitled 'Historical Antecedents to the Conflict' at Volume 3A, Chapter 1 of this report, specifically in the section headed 'The 1967 Elections and their Aftermath'.

138. The NRC appointed the Head of the Police, William Leigh, as deputy chairman of their ruling council. This appointment represented the beginning of the politicisation of the Police Force, ironically instigated by the Army. Members of the NRC then promoted themselves to ranks that they did not merit. For example Colonel A. T. Juxon-Smith, the audacious Head of State, promoted himself to Brigadier. The actions of the NRC formed a blueprint for subsequent military regimes to distort ranks in the military by giving themselves unmerited promotions.[91] The officer corps was still dominated by Mendes under the NRC, however.[92]

139. Siaka Stevens ultimately came to power as a result of another military coup in 1968, which handed over power to Stevens on the basis that he was the rightful winner of the 1967 General Election. The Army was an unstable institution by the time Stevens took up office. Sir Albert Margai's policies had driven a wedge down the middle of the Army and the growing rift had become irreversible by the time Stevens took over.

140. Stevens accelerated political interference in the military, enacting a variety of policies that decimated its worth to the state, including the following:

- When Brigadier Bangura was Head of the Army, a system referred to as "Tribal Returns" was introduced. All ranks were accordingly re-examined in terms of their tribal composition. Ranks containing large numbers of Mendes, whether duly qualified or not, were reduced in number by the removal of members of this ethnic group. Thus many Southerners and Easterners were dismissed from the Army arbitrarily with an accompanying note stating simply "Service no longer required."[93]

- Conversely, all those soldiers who had been declared redundant by Juxon Smith for abandoning the Army to join APC loyalists for training in Guinea were re-enlisted under a policy called 'AWOL Recall'. These returning soldiers, most of them Northerners, were given the positions that had become vacant as a result of the "Tribal Returns Policy".

- So-called 'Specific Special Recruitment' was carried out between 1968 and 1969 to target Northerners. The benchmark set for such recruitment was the ability to lift a bag of rice over one's head. Such a baseless method of enlistment sapped the sense of professionalism from service and promotion in the Army, a trend that was never corrected in the decades preceding the conflict.

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[91] In the wake of the NPRC coup of April 1992, for example, all the members of the administration apart from the Head of State, Captain Valentine Strasser, awarded themselves rapid promotions. When the NPRC handed over power in 1996, the adjustment of such ranks by the civilian government to reflect service and experience would have required a problematic overhaul of military protocol. A similar scenario unfolded when the Armed Forces Revolutionary Council (AFRC) seized power in May 1997. When the AFRC was deposed by force and its main officers retreated into the hinterland, the military was confronted with the peculiar phenomenon of quasi-official "Bush Brigadiers".

[92] See Kandeh, J. D., "Politicisation of Ethnic Identities in Sierra Leone", in *African Studies Review*, 1992, at page 12.

[93] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.

141. The APC regime deployed the Army against its political opponents. AMIPOL, a combined unit of the Army and the police force apparently set up to curb armed robberies, was used to put down supporters of the rival United Democratic Party (UDP). In addition, a new security agency – the Internal Security Unit (ISU) - accountable only to Siaka Stevens and the APC was created to serve as a check on the military whose loyalty the APC still doubted.[94] Finally, the APC deliberately starved the military of supplies. An under-equipped Army would be no match for the generous firepower of the ISU in case of any attempt by the soldiers to once again take over the running of the state.

142. Senior officers quickly began to share in the spoils of corruption under the APC. For instance, senior officers were given 25,000 bags of rice per month to distribute to soldiers, even though the total number of members of the institution was less than 4,000.[95] Finances allocated to the Army were not audited. The recruitment process also accommodated 'favours' to powerful members of the regime. Recruitment cards were given to party bosses to enlist whosoever they wanted into the Army.

143. In 1978, the Army lost all semblance of political neutrality when the Head of the Military, Colonel Joseph Saidu Momoh, was appointed to a simultaneous seat in Parliament and made Minister of State. Momoh's extraordinary move was made possible by a tailor-made provision in the One-Party Constitution 1978.

144. The APC put forward the following justification as the basis for its policies on security institutions:

> "Since the APC was returned to power after the SLPP-led military interregnum in 1968, the ever-present threat to remove the party from office by force of arms forced successive APC governments into a self-defence and state defence posture. In the process, internal security and stability assumed a very prominent place on the government agenda, thus slowing down the full impact of our development strategies.'[96]

[94] See Brima Acha Kamara, Inspector-General of the Sierra Leone Police Service, Submission to TRC Thematic Hearings on the State Security Apparatus, May 2003, at page 3. See also Alie, J. A. D., *A New History of Sierra Leone*, Macmillan, London, 2002, at page 8. See also Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.
[95] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003.
[96] See All People's Congress (APC), Submission to TRC Thematic Hearings on Political Parties, April 2003, at page 3.

145. Under President J.S. Momoh, the same patrimonial system, the same Northern dominance, the same card system and the same corrupt rice policy were continued. The policy of stifling the resources available to the Army also continued. Thus the military, under-equipped,[97] under-trained and with a leadership engrossed in chasing ill-gotten gains, was most ill-prepared to meet the challenge of defending the country at the start of the war in 1991.[98]

The Sierra Leone Police Force

146. There is no evidence that Sir Milton Margai tried to manipulate the Sierra Leone Police force (SLP) based on partisan interests. The Police was largely under the control of British Officers for the transitional period around the country's independence.

147. Similarly, there was no widespread use of the Police force to suppress popular opposition during Sir Albert Margai's tenure. The only recorded attempt to deploy the police in this manner arose during the 1967 elections when the Prime Minister was alleged to have instructed the police officers not to grant police protection for opposition party meetings in the Provinces except where such authorisation came directly from the District Officer. The District Officers invariably refused to grant such permission, so Sir Albert's instruction amounted to a prohibition. However, in cases where some officers initially provided protection at opposition meetings, there is no evidence that they were sacked, demoted or transferred by the Prime Minister.

148. The Police was first brought into politics when its head, Commissioner William Leigh, was appointed deputy leader of the NRC regime in 1967. Mr. Alpha Kamara, Assistant Commissioner of Police, also served as a member of the NRC's Military Council.

149. Substantial political interference in police affairs took place during Siaka Stevens' regime. Furthermore, the police became so incapacitated that it struggled to provide even the most basic of services to the general populace.

150. The APC regime recruited party activists to form the nucleus of a paramilitary wing of the police, the Internal Security Unit (ISU).[99] Members of the rank and file of the ISU were mostly illiterates, drawn primarily from the Limba ethnic group. Their loyalty to the APC and Siaka Stevens was unflinching. They were deployed at key government locations and were very ruthless in suppressing political opposition. They wielded considerable political influence and some of them enjoyed accelerated promotions. The ISU was disloyal to Police Headquarters as its officers considered themselves as political appointees.

[97] See Lieutenant Colonel Sowa, current Commanding Officer at the Armed Forces Personnel Centre, Sierra Leone Army; TRC Interview conducted at private residence, Freetown; 13 December 2003; including the following quote: "We had to go and beg the SSD for support weapons". The dearth of weaponry was corroborated by several other long-serving military officers, including: Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

[98] See Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 5 August 2003.

[99] See Brima Acha Kamara, Inspector-General of the Sierra Leone Police Service, Submission to TRC Thematic Hearings on the State Security Apparatus, May 2003, at page 2.

The presence and the operational approach of the ISU greatly undermined the cohesiveness of the Sierra Leone Police.

151. Political interference adversely affected relationships between those officers with high political profiles and those with none. The latter group, probably out of frustration, made no meaningful effort at improving the force, while the former concentrated on improving their own lot. Between 1970 and 1985, this divided force became increasingly incompetent and corrupt. Without security of tenure, the police tried constantly to please their political patrons. Recruitment, promotion and dismissal of police officers were all decided on arbitrary and secret grounds. Thus the SLP was shaped into a force that acted as a ready tool in the perpetration of state terror against dissenters and political opponents.

152. Large-scale corruption by Police Officers due to poor remuneration and conditions of service led to the exploitation of the very people they were supposed to protect. Deviant behaviour by police officers in turn created disdain on the part of the public towards the SLP.

153. The heavy-handed means and tyrannical attitudes of most senior officers towards their juniors also served to heighten tensions in the force. Junior officers were routinely bullied and had their rice rations, salaries and other entitlements seized unlawfully. Some dependants of these junior officers would later graduate into the force and swell the ranks of rebellion.

154. This appalling situation was further compounded by the unprofessional behaviour of police officers in handling and investigating reports made by the public, which remained their core function. There was widespread extortion of complainants, taking of sides in disputes and daily violation of basic human rights, especially those of suspects. The violations included unlawful incarceration, brutal torture in order to extract 'confessions,' violent suppression of anti-government demonstrations and the lethargic failure of senior officers to investigate complaints made against the police. All these factors served to widen the already existing gulf between the public and the police.

155. In 1978, the Police Force was further politicised under the One-Party Constitution when its head was appointed by the President to be a Member of Parliament. This destroyed the institutional autonomy of the police, just as the Army had been robbed of its own. When he acceded to the Presidency in 1985, the Head of the Army J. S. Momoh made no tangible effort to restore the reputation of the Sierra Leone Police Force as an effective, non-partisan protector and promoter of people's lives, property and dignity.

SERVICE DELIVERY

156. Governance balances the right to rule with the responsibility to deliver services that enhance, rather than retard, people's basic material requirements. Service delivery is dependent on the available natural and human resources, the willingness of the governing regime to use these resources to enhance economic viability and a distribution mechanism that caters for vulnerable groups like youths, workers, women, children and rural dwellers. The distribution of services should never be decided on political grounds, or be used to deprive any sector of society of its essential supplies.

157. Sir Milton Margai inherited an economy that was fuelled by the export of diamonds, iron ore, bauxite and cash crops like cocoa and coffee. The first post-independence government established the Sierra Leone Produce Marketing Board (SLPMB) to enhance the cultivation and marketing of ginger, cassava, palm oil, palm kernels, cocoa and coffee. A stabilisation fund was established by the SLPMB to compensate farmers against fluctuations in world prices for these commodities.[100] Agricultural co-operatives were created all over the country to help farmers maximise their profits. The regime also established the Rice Corporation to ensure that the nation's staple food was affordable. The SLPP failed however to promulgate laws to make the investment climate in the agricultural sector more attractive.

158. The administration founded the Njala University College near Bo for the training of agriculturists and teachers, along with Milton Margai Training College in Freetown to produce teachers for the Junior Secondary School level. There was free medical care for all students and there was pipe borne water and electricity for all District Headquarter Towns. The School of Nursing in Freetown was established during Sir Milton Margai's rule.

159. The Government was able to negotiate with Sierra Leone Selection Trust (SLST) to reduce the latter's lease of the country's lucrative diamond fields from 99 years to 36 years. However, there was no arrangement to compensate the people of Kono District and Tongo for their diamondiferous lands. Instead the Paramount Chiefs of these localities were paid surface rents which they utilised for personal enrichment rather than community development.

160. Sir Albert Margai's regime established the central Bank and set up the first buying and exporting offices for diamond and gold in Kenema, Bo and Freetown. However, the SLPMB was handled in a very patrimonial and corrupt manner,[101] squandering the state funds required for service provision. It was also a case of members of the urban elite exploiting rural people to finance extroverted consumption patterns – the Prime Minister used monies obtained from the SLPMB to acquire properties abroad.[102]

[100] See Mr. Kallon, Deputy Director-General of Agriculture and Forestry, Submission to TRC Thematic Hearings on Governance, May 2003, at page 3.
[101] See the Bekou-Betts Commission of Inquiry Report on the SLPMB.
[102] Sir Albert Margai was also alleged to have allowed his friends on the board of the SLPMB to appropriate the stabilisation funds. See the reports in *We Yone* newspaper, 14 November 1964 and 12 January 1965.

161. The APC under Siaka Stevens took two decisions in the early 1970s that proved disastrous for service provision in the country: the closure of the railway in 1970 and the dissolution of elected local government in 1972. These actions cut off efficient service delivery to people in the Provinces.

162. The economy of Sierra Leone depended heavily on the mining sector, especially diamonds. A sharp decline in official export rates of diamonds considerably reduced government revenue during the Stevens years. In 1970, two million carats of diamonds was the figure officially exported. By 1980, the export total had dwindled to 595,000 carats. Three years before the conflict, it had dropped to only 48,000 carats.[103]

163. The country's woes were compounded by low producer prices for coffee and cocoa and an unrealistic foreign exchange rate. But it was corruption that totally ruined the economy. Corrupt acts[104] during the APC regime included the disappearance of a 968 carat Diamond (the feted 'Star of Sierra Leone') in 1972 and the 'Vouchergate' scandal in late 1970s.[105] $100 million was budgeted for the hosting of the OAU in 1980, yet in the event more than $200 million was spent on it.[106] The Governor of the Bank of Sierra Leone, Mr. Sam Bangura, had opposed the expenditure perhaps too openly and was allegedly murdered.[107]

164. The APC oversaw a number a infrastructural construction projects including the following: the Youyi Building; the Police Headquarters; and the National Stadium; the Juba Bridge; Hill Cut Road; the Mange and Kambia Bridges; the Masiaka–Bo Road; the Makeni–Kono Road; the Makeni–Lunsar Road; the Makeni–Kabala Road; the Bo–Kenema Highway; the Bo–Bandajuma Highway; and the Dodo Hydro Electric Power Project. Percentage distribution of these infrastructural achievements shows that 56% were in the Western Area, 30% in the North and 24% in the South and East. Barely a single infrastructural project was carried out in a financially sound fashion.

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[103] See Smilie, I. et al., *The Heart of the Matter: Sierra Leone Diamonds and Human Security*, Partnership Africa Canada, Ottawa, 2000.

[104] See Mrs. Olayinka Creighton-Randall, Campaign for Good Governance, Submission to TRC Thematic Hearings, 5 May 2003. See also Opala, *The Politics of State Collapse*. See also Colonel Komba S. M. Mondeh, Submission to TRC Thematic Hearings on Governance, June 2003.

[105] 'Vouchergate' was the phrase coined to capture the scandal when civil servants stole millions of Leones from Government Revenue by cashing in counterfeit workers' vouchers. The culprits of this devious scheme were initially dismissed but later reinstated. The Minister whose discovery exposed the scam, Mr. Alfred Akibo-Betts, was subsequently sacked.

[106] See Francis Gabbidon, Ombudsman of Sierra Leone, Submission to TRC Thematic Hearings on Governance, Freetown, June 2003. See also Alie, J. A. D., *Sierra Leone Since Independence: A Brief Political History,* internal document prepared for the Truth and Reconciliation Commission, 2002, at page 8. See also Opala, *The Politics of State Collapse*.

[107] For a discussion of the local dynamics associated with the death of Mr. Sam Bangura, see the chapter entitled 'Historical Antecedents to the Conflict' at Volume 3A, Chapter 1 of this report, specifically in the section headed 'Local Historical Antecedents'.

165. Over-centralisation of Government service delivery negatively affected health services in the regions. Of the total number of between 250 and 300 medical doctors on the eve of the conflict, only 150 served the Provinces, where the vast majority of the population lived. Thus although the country's aggregate infant mortality rate was amongst the highest in the world, the situation was far worse in the Provinces than in the Western Area.[108] Sierra Leoneans had a life expectancy of less than 40 years on the eve of the conflict.

166. The pipe borne water supply was also concentrated entirely in Freetown at the expense of the Provinces. Whereas throughout the colonial period up to the first half of the 1970s all District Headquarter towns and some Chiefdom towns had pipe borne water, none except Bo and Kenema had retained such facilities up to the eve of the conflict.

167. By 1991, the road network was also in ruins. The total length of roads in good condition was not more than 160 kilometres for the entire country. The depleted road network hampered troop movements for the Government's conventional fighting forces during the conflict.

168. Education clearly did not rank as a priority for successive regimes prior to the war. A report by the present Government attributes a budgetary allocation of only 5% to education.[109] The APC regime's neglect for the education sector was exemplified in Krio sayings attributed to President Stevens, such as: *'Nar sense mek book, nor to book mek sense.'*[110] There were several "go-slow" strike actions, during which teachers went to school but refused to teach. As state provision deteriorated in the education sector, private schools grew, but they were unaffordable to most Sierra Leoneans. Dropout rates escalated to alarming rates, while many children never went to school at all. School dropouts and others who never had an education were to provide easy recruits for the various armed factions during the war.

169. The Stevens regime created eight Integrated Agricultural development Projects (IDAs) in the country.[111] Two factors however hampered their success:[112] they were donor-created; and they had top to bottom conceptualisation, planning and implementation policies. All the IDA projects collapsed immediately after donor support was withdrawn.[113] Thus government increasingly imported rice

[108] The results of a 1977 survey carried out by Kandeh, B. and others revealed that under-fives mortality was 333.5 out of a thousand births in the Southern Province, 320.6 in the Eastern Province, 314.0 in the Northern Province and only 199.7 for the Western Area. Most of the premature deaths were due to Tetanus and fever-related diseases. The source for these statistics is the 'Analytical Report 1985 Population and Household Census' CSO, Freetown.

[109] See *Sierra Leone Government Report on the Compliance with the Convention on the Right of the Child*, Geneva, 10 January 2000.

[110] For commentary on Stevens' popular sayings and their explicit or implicit meanings, see Opala, *The Politics of State Collapse*.

[111] The IDAs included: Eastern Area Project located in Kenema; Northern Project located in Koinadugu; Magbosi Project; North Western Project located in Kambia; Southern Project located in Njala; IDA Port Loko Project located in Port Loko (created under President Momoh); IDA Moyamba Project located in Moyamba; and Bo-Pujehun Development Project.

[112] For detailed analysis of these projects, see Abraham, *Development Issues in Sierra Leone*.

[113] Other factors that contributed to the collapse of the IDAs included the inappropriate technologies used and the fact that the government paid extremely low prices for husk rice. The government's failure to offer viable rates discouraged the farming communities from staying involved in the projects.

between 1980 and the eve of the conflict,[114] draining scarce government resources. Due to dependence on imported rice, the commodity became a political weapon in the hands of the few politicians who had access to it. The Army was placated through the constant supply of rice quotas that were far below the market price. Politicians campaigned with rice and withdrew rice from Chiefdoms and communities that did not support them.[115]

170. There was no improvement in the agricultural situation when President Momoh took over the reins of government. His much-vaunted 'Green Revolution' was more rhetoric than reality. Dependence on external sources of rice actually increased. With the general economic decline, high inflation and collapse of agriculture in the Provinces, the average Sierra Leonean family could hardly manage to eat one meal a day. While the rural and urban poor were getting hungrier, the political elite who controlled the import and distribution of rice became steadily richer.

171. President Momoh inherited an empty Treasury and huge foreign debts. Economic mismanagement continued unabated. Attempts to control prices in the first few months of the regime led to an acute shortage of goods. The government could not find the money to finance a restock. Prices subsequently rocketed when government rescinded the price control measures. In an attempt to arrest the dwindling economic fortunes of the state, the government declared a disastrous state of economic emergency in 1987. Far from remedying existing woes, the emergency obscured the regulatory climate and provided yet more opportunities for extortion of money and seizure of property by corrupt state officials.

PRESENT CHALLENGES

172. Proper governance is still an imperative, unfulfilled objective in Sierra Leone. Corruption remains rampant and no culture of tolerance or inclusion in political discourse has yet emerged.

173. Many ex-combatants testified that the conditions that caused them to join the conflict persist in the country and, if given the opportunity, they would fight again.

174. Yet, distressingly, the Commission did not detect any sense of urgency among public officials to respond to the myriad challenges facing the country. Indeed, the perception within civil society and the international community is that all efforts at designing and implementing meaningful intervention programmes, such as the National Recovery Strategy, the Poverty Reduction Strategy Paper (PRSP) or 'Vision 2025', are driven by donors rather than the national government. This is lamentable.

[114] See table 1.1. in Abraham, *Development Issues in Sierra Leone* at page 23.

[115] President Momoh's Vice-President, Francis Minah of Pujehun, was given the nickname "devuyama", which means "life giver" in the Mende language. The moniker reflected the fact that he was the only one who sold rice per bag in the whole of Pujehun District in 1982. During electioneering, Minah's campaign slogan was 'Mbei, mbei, mbei' meaning rice, rice, rice. See Paul Sengeh, UNICEF employee and former teacher in a school in Minah's constituency in Pujehun, TRC Interview at private residence, October 2003.

175. The country has enjoyed peace for four years now. It is a credit to the government and the international community that Sierra Leoneans are beginning to sleep soundly again. Nevertheless a culture of silence, or murmured discontent, typical of the years of APC dictatorship still persists. The boundless energies of the people cannot be released for economic and social transformation if they perceive that they and their interests might be harmed if they hold 'politically incorrect' views or if they dare to be different. The Government needs to be active in promoting a culture of tolerance and good governance to convince Sierra Leoneans that the nation's future consists of more than its past has offered.

CONCLUSION

176. The Commission concludes that all the post-colonial regimes contributed shamefully in creating the structural and proximate contexts that led to the conflict in 1991. While the administration of Sir Milton Margai was perhaps less more tolerable of dissent than his successors, Sir Milton also engaged in dictatorial and vengeful practices that undermined the unity and cohesion of his party and laid the foundation for polarisation in the body politic. Terrible practices of governance began in Sierra Leone's honeymoon period and were encouraged by Sir Albert Margai, consolidated and then taken to new heights by Siaka Stevens.

177. The duality of the country's administrative and judicial structures made them vulnerable to manipulation, which the regimes of Sir Milton Margai, Sir Albert Margai and Dr. Siaka Stevens duly utilised to their respective advantages. In the Provincial areas, for example, local courts and Chieftaincy structures were used to clamp down on opposition activities and to entrench the authority of whichever traditional ruling houses were allied to the party in power. Meanwhile the continual assault on the rule of law weakened the capacities of state institutions to perform.

178. The judiciary was subordinated to the executive, parliament did little more than 'rubber-stamp', the civil service became a redundant state machine and the Army and police force became vectors of violence against the very people they were established to protect. Non-state bodies that ought to ensure accountability – like media houses or civil society groups – were thoroughly co-opted. Opposition political parties were suppressed and eventually banned by President Stevens' One Party Constitution of 1978.

179. Since it appeared impossible to halt the decline of state institutions and processes through democratic means, a number of Sierra Leoneans became convinced that the structures of governance could only be changed through violence. The initial planning for a revolutionary enterprise coincided with the inauguration of a new APC government under President Joseph Saidu Momoh.

180. Momoh attempted to decelerate the economic and political decline through the promulgation of an economic state of emergency and a multi-party constitution. These measures were, however, managed in a dictatorial and abusive fashion, which rendered them 'too little, too late' to salvage the situation. Against this backdrop, Sierra Leoneans became increasingly disgruntled and aggrieved with the malaise in governance and their inability to do anything to alleviate it. Many citizens, particularly the poor, marginalised youths of the provinces, became open to radical means of effecting change: they would readily answer the call to arms when so-called 'revolution' began to enter the country in 1991.

181. Today the state is an abstract concept to most Sierra Leoneans and central government has made itself largely irrelevant to their daily lives. In order to correct this deficit in engagement, an overhaul in the culture of governance is required. The executive in the post-conflict period needs to prove that is different from its predecessors in the post-independence period. It needs to demonstrate ownership, leadership, imagination and determination in developing and implementing programmes for change. Strong and independent monitoring institutions must hold the government accountable in this exercise. Only then will Sierra Leoneans believe that the necessary lessons have been learnt from the decades of rotten governance that culminated in the tragedy of conflict.

CHAPTER THREE

The Military and Political History of the Conflict

TRC

Truth hurts but war hurts more

Produced by the TRC Steering Committee with support from the International Human Rights Law Group

CHAPTER THREE

The Military and Political History of the Conflict

Introduction

1. This chapter of the report is intended primarily to fulfil the obligation on the Commission to produce an 'impartial historical record' of the violations and abuses of human rights and international humanitarian law related to the conflict in Sierra Leone. It takes the form of a narrative that spans across more than two decades of political and military activities in the country, but places its main focus on the years from 1991 until 2002, when the country was embroiled in armed civil conflict and war-related violations and abuses were visited upon the population.

2. This military and political history is couched in the terms of the Commission's mandate, attempting to present accurately the social and historical "context in which the violations and abuses occurred" and to address "the question of whether those violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual".

3. In the first place, the Commission has sought to lend an appropriate context to the outbreak of hostilities in Sierra Leone by analysing its most proximate antecedents in this chapter. These factors are included under the rubric of 'The Predecessors, Origins and Mobilisation of the Revolutionary United Front of Sierra Leone (RUF)'. Thereafter, in understanding and analysing the military and political history, the Commission has deemed it necessary to devise a periodisation of the conflict that adequately reflects its main phases and captures its main events.

4. To the extent that the greatest preponderance of key events in the military and political history of the conflict, not to mention the overwhelmingly majority of violations and abuses stemming from them, were driven by the combatants of the Revolutionary United Front of Sierra Leone (the "RUF"), it has been considered appropriate that the periodisation should reflect the evolving character of that faction, as well as the manner in which the conflict evolved as a result.

5. The chapter begins with an analysis of the broader context in which the RUF originated, which is closely tied to the means by which conflict came to Sierra Leone. By the same token, the chapter ends by focussing on the events that led to the demise of the RUF, which are ultimately inseparable from the circumstances that brought the war to its conclusion. Based upon this logic, the framework overleaf has been adopted to divide the chapter into 'phases':

Pre-Conflict Phase **The Predecessors, Origins and Mobilisation of the Revolutionary United Front (RUF)**

- the period that gave rise to the immediate causes of the outbreak of the conflict

Phase I **Conventional 'Target' Warfare**

- the period from the outbreak of the conflict until 13 November 1993

Phase II **'Guerrilla' Warfare**

- the period from 13 November 1993 until 2 March 1997

Phase III **Power Struggles and Peace Efforts**

- the period from 2 March 1997 until the present day

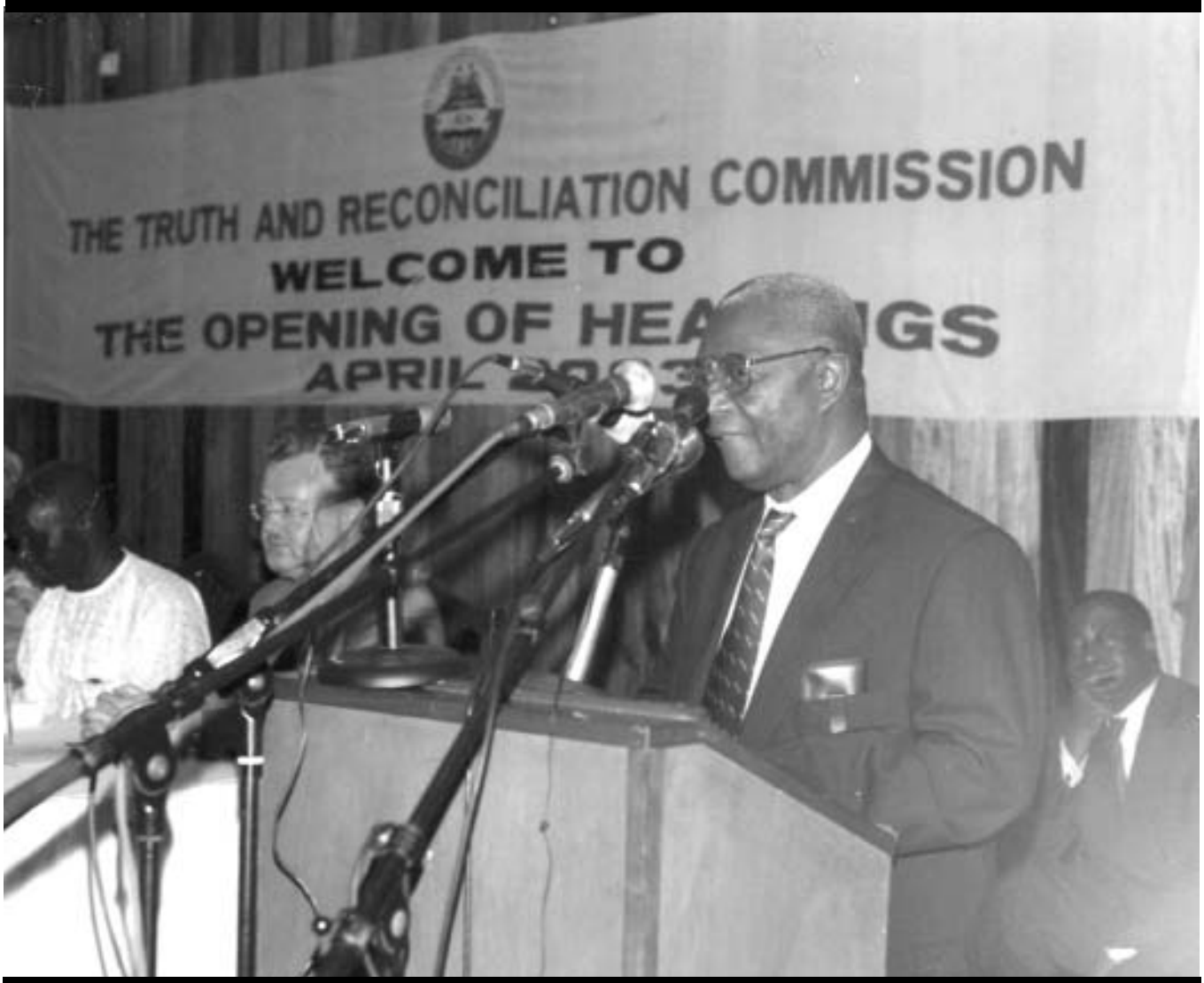
6. During the first three years of armed conflict in Sierra Leone, the defining events in military history were predominantly driven by the agenda of the RUF, or by the respective plans and actions of its predecessors and / or accomplices. On the political front, whilst ostensibly unrelated to the RUF itself, the elevation into Government of a group of junior officers of the Sierra Leone Army, calling themselves the National Provisional Ruling Council (NPRC), can be traced in origin and motivation to the perception on the part of the coup-makers that the Government had failed to prosecute the war efficiently. In other words, it stemmed from a perception that the Government had failed properly to defend the state against RUF incursions into its territories.

7. Thus, the period from 23 March 1991 until 13 November 1993 can aptly be called Phase I of the RUF's conflict. As the ensuing analysis will demonstrate, while it was focused primarily on the assignment and assault of 'targets', it is as close as Sierra Leone's armed struggle would ever come to 'conventional warfare.'

8. The selected cut-off point for Phase I is 13 November 1993. It was on this date that the RUF lost the border town of Baidu in Kailahun District to the advancing 'Allied Forces' of the NPRC Government and appeared to be on the verge of total defeat. However, on or around the same day, Foday Sankoh announced the reversion to 'jungle warfare' as a survival tactic and a strategy of attack, thereby signalling the start of a new phase - Phase II of the conflict.

9. The transition between Phases I and II encapsulated both setback and forward momentum for the RUF. It also heralded a far less predictable series of events that would expand the coverage and impact of the conflict as a whole into every provincial District of the country, onto the radar of the world's media and to the top of the agenda for the sub-region's peace negotiators.

TRC



Vice President Solomon Berewa addresses the audience at the opening of TRC public hearings in Freetown on 14 April 2003.

10. The challenge faced by the Commission in its periodisation was to identify a date that would be similarly pertinent to the transition between Phases II and III. In this regard, the watershed date of 25 May 1997 was not proven to be entirely satisfactory, since the events of that day were neither driven by the RUF nor directed towards the RUF. That day witnessed a protest action in the military, instigated by junior soldiers against their senior officers and culminating in an overthrow of the elected Government of President Kabbah. These events are of immense significance in the conflict as a whole, but they are unsuitable to form a cut-off point in the present frame of analysis. It is trite that in using a frame of analysis focused on the RUF, it is essential that any cut-off point should encompass either an event driven by the RUF or an action directed at the RUF.

11. Thus the separation between Phases II and III instead falls on the date of 2 March 1997. It was on this date that Foday Sankoh was taken into the custody of the Federal Republic of Nigeria, from which his subsequent firearms charges effectively put an end to any hopes of sustainability in the negotiated peace that had emerged from the Abidjan Talks of 1996.

12. By 2 March 1997, effective guerrilla warfare had been ended by the overthrow of all but a few of the RUF's original jungle bases, including its Headquarter Camp 'Zogoda'. Sankoh's second-in-command and perceived natural deputy, Mohamed Tarawallie, was missing, presumed dead in the siege of Zogoda. Accordingly, like the cut-off point for Phase I, the date constituted a seemingly fatal blow to the RUF. The morale-sapping effect of Sankoh's arrest was inestimable and left many of the 'men on the ground' questioning whether the struggle had in fact been decisively lost.

13. Moreover, the date heralded a period of bitter contention among the aspirant alternative 'leaders' of the RUF. These included a challenge for recognition from a group spearheaded by Captain Philip S. Palmer and the consequent re-assertion of control by Sam "Mosquito" Bockarie. The ignominious conclusion to Palmer's challenge can be seen to typify the subsequent wider 'struggles for power' in Sierra Leone: it was ill-conceived, implemented in a haphazard fashion and ultimately foiled by the actions of an opponent who pretended or purported to play fair and acquiesce, but in reality used deceit and brute force to come out on top.

14. Similar dynamics can be observed in many of the events that followed in Phase III: the AFRC seizure of power; the planning for self-restoration by the Government-in-Exile and the ECOMOG intervention; the 1998 Detentions, Trials and Executions; the internal divisions between the AFRC and RUF, as well as between Johnny Paul Koroma and 'Mosquito'; the violent backlash of 1998 and early 1999 that culminated in the January 1999 assault on Freetown; the Lomé Peace Accord and its problematic implementation; the UN Hostage-taking crisis; and the events of May 2000. Indeed, most of the material gathered by the Commission can be fitted comfortably into such a frame of analysis.

15. The title 'Power Struggles and Peace Efforts' for Phase III is intended to reflect the fact that 'warfare' in the sense of the first two phases did not really exist in the latter stages of the war. Confrontation was just as likely to take place away from the battlefront as on it. It was not always the same type of power that people were struggling for. In fact, sometimes negotiated settlements were floated as alternatives to power struggles; yet it might ultimately be concluded that these peace efforts were themselves little more than thinly-veiled power struggles.

PRE-CONFLICT PHASE

THE PREDECESSORS, ORIGINS AND MOBILISATION OF THE REVOLUTIONARY UNITED FRONT (RUF)

The Rise of Revolutionary Thinking and Sierra Leonean Participation in Training Programmes in Libya

16. The system of government adopted by President Siaka Stevens during his tenure at the helm of the All People's Congress (1969 – 1985) was one that marginalised and suppressed any semblance of opposition.[1] The creation of a one-party state monopolised decision-making influence and created a precedent for 'token' party membership that subsists to the present day. More than simply overcoming voices of dissent within the political sphere, however, Stevens contrived further to squeeze out the other institutions that would normally (either individually or collectively) impose checks and balances on the exercise of executive power

17. In particular by suppressing freedom of expression in the local media and in the schools and colleges, respectively, the Government did nothing to encourage constructive independent thought and open debate as to the best way forward for the country. There was only minimal democratic space in which ideas that went against the political programme of the APC Government could be shared openly. Accordingly, most of those who wished to propound or be exposed to such ideas were forced to do so in the political shadows.

18. As a direct result of their suppression, journalists, students and school leavers sought an alternative outlet in the company of like-minded individuals from Sierra Leone or, occasionally, abroad. They engaged one another socially and ideologically in the informal, unthreatening settings where they gathered in the evenings – outdoor yards set back off the street, upstairs rooms in inconspicuous apartments, newspaper offices and other selected safe havens. In the tendencies of such persons lay the roots of the first organisations that seriously contemplated a challenge to the state by means of 'revolution'.

[1] This brand of governance is assessed comprehensively in the 'Governance' chapter of the report. The much reduced commentary rendered here is thus intended only to trace the genesis of the revolutionary groups that were the effective predecessors to the Revolutionary United Front of Sierra Leone (RUF).

19. In the realms of the media, *The Tablet* newspaper[2] acted as one of the few genuinely independent advocates for political change and for human rights. It provided a platform for the Labour Unions and student bodies to state their opinions freely and without prejudice, often exposing elements of the management of the state that made uncomfortable reading for the ruling party. After being subjected to continual harassment by Government supporters, the editor and journalists of *The Tablet* were ultimately deterred only by an attempted bombing of their offices and the unbearable threats to their lives. The newspaper petered out without a truly worthy replacement and the opinion-makers were driven underground or into exile.

20. To a large extent, the struggle for a civil opposition to the APC was thereafter left in the hands of students. The University of Sierra Leone, divided into two constituent campuses, was the obvious breeding ground for revolutionary thinkers. As early as 1977, Fourah Bay College on Freetown's Mount Aureol had been a focal point for proactive demonstration of student dissent, invoking a clampdown from the state security forces. In spite of this event, FBC became associated with the development of 'organic intellectuals'[3] who formed clubs and 'social niches' in which to share ideas. Groups like The Gardeners' Club convened seminars and public events at which radical speakers would address crowds of young, impressionable minds.

21. The ideology of 'Pan Africanism', which attempted to promote a tailored approach to development and governance paradigms on the African continent, found a fertile soil among these radical groups, who in turn tried to inculcate that brand of thinking into the broader society. The visionaries of the Pan African Union (PANAFU) believed that youth, even in their schools and urban hang-outs, could be mobilised in their masses if only the informational material was sufficiently inspiring. The perceived educational standard or the background of the youth in question does not seem to have been of the utmost importance; any suggestion that the propagation of revolutionary ideals was limited to students is inaccurate. An ability to think laterally, a shared anti-APC sentiment, a commitment to the advancement of oneself and one's fellow man, and an individual 'focus' on the way forward have been proffered by some PANAFU members as the essential attributes a candidate had to possess. Beyond those characteristics, admission to a discussion group was on a fairly indiscriminate basis; a school leaver might sit with a journalist and a civil servant, while a student would lecture them on dialectics.

22. Out of the loose collection of students, therefore, blossomed a broader group of people from various walks of life who would gather together to smoke marijuana, discuss issues like resource distribution and the ills of materialism[4] and convince themselves that they were revolutionaries. In Freetown and other selected locations, the category was further sub-divided into so-called 'cells',

[2] *Tablet* is widely considered to have been the only free-speaking press on political issues during the repressive days of the APC; its motto - "the use of words is a choice of arms" – was a pertinent slogan for the effective voice-piece of the revolutionaries of the day.

[3] The text is drawing here on the terminology used by both Ishmail Rashid and Ibrahim Abdullah in their respective articles in *Africa Development, Vol. XXII, Nos. 3 & 4, 1997*.

[4] The discussions held among PANAFU groups were firmly geared towards intellectual stimulation; some of those who participated in such plenary sessions have been eager to point out that the materials used would span across a broad spectrum of revolutionary writings such as those by Fanon, Marx, Engels, Mao Tse Tung (supplied by the Chinese and printed at We Yone Press, which was – ironically – considered to be the official printing press of the APC). A widely read author was one Professor Cox.

the purpose of which was to engender comfortable and secure environments (away from the scrutiny of the Government) in which no more than six people at a time would 'cross-fertilise'.

23. In this climate, the first connections on an institutional level between 'revolutionaries' in Sierra Leone and representatives of the Government of Libya were established. The earliest channels to be carved out were for FBC students, including two successive student Presidents, to attend conferences in Tripoli at which Pan-African ideals and the socialist philosophies of the Green Book were discussed. Upon the expulsion of 41 students – including the incumbent student President Alie Kabba – and three of their lecturers from Fourah Bay College in March 1985,[5] however, the stakes were raised to the point where the youthful revolutionaries felt that they had nothing left to lose.

24. It appears that upon one visit to Tripoli in the wake of these expulsions, a delegation led by Alie Kabba petitioned successfully for what had previously been regarded as a last resort[6] – provisions for commando training to be made for Sierra Leonean revolutionaries. The acceptance of such a proposal by Libya is probably best understood in the first instance as an indication of that state's broader and longer-term, albeit complementary, objective of establishing an African-wide 'Green Army' to take on the perceived global hegemony of the United States and in support of revolutionary movements globally. There is no concrete evidence in the Commission's findings that Libyan President Colonel Muammar Ghaddafi harboured any inherent will to thrust war upon Sierra Leone in particular, although the regime of Joseph Saidu Momoh was perceived as pro-Western and its overthrow would certainly have been welcomed by Libya as a desirable corollary benefit.[7]

25. The first group of Sierra Leoneans to take up the offer of commando training, numbering four in total, were effectively those who expressed the highest degree of readiness or eagerness. Thus, among them was a man named Victor Idowu Ebiyemi Reider,[8] from Freetown, and another named Rashid Mansaray, a teenage revolutionary with a much-respected commitment to the cause and intellectual energy. Their group, which travelled to Libya in August 1987 and underwent training at the Benghazi base, was intended to become the core of a larger-scale programme, whereby those who had been trained would return to Sierra Leone and recruit others to follow in their footsteps.

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[5] The reasons for these expulsions, as well as nearly 60 further rustications that accompanied them, will be expanded upon in the further draft of this section that is being prepared jointly with the Governance team.

[6] Indeed, it has been suggested by one of the members of that delegation, expelled lecturer Olu 'Richie' Gordon, that the option of requesting training provision had not even been endorsed by all those present. Gordon contends that his intention was to secure funding for further peaceful revolutionary activity, including the opening of a printing press in Freetown; he states that Alie Kabba went 'behind his back' by discussing the prospect of revolutionary commando training for Sierra Leoneans.

[7] The averred role of Libyan state and non-state actors in providing a platform for the foundation of the RUF and in supporting the insurgent forces in Sierra Leone is assessed further in the chapter on 'External Actors'.

[8] Victor Reider is regarded as a duplicitous figure by his one-time colleagues and comrades in the PANAFU movement. He participated in an interview with the Commission on 21 October 2003 at which many of the key points of contention about his role in the precedents of the RUF were put to him; he produced a subtly different version of events, which the Commission believes should also be reflected in further writing about the pre-conflict period.

26. While both Reider and Mansaray did come back to the country after their training and participated in the motivation of further PANAFU cells, their respective influences on the origins and resultant character of the Revolutionary United Front of Sierra Leone (RUF) were not entirely congruous. Mansaray would become the RUF's First Battalion Commander and continue to inspire those around him with the sincerity and passion of his revolutionary beliefs until he himself fell victim to the dangers of a rebel war. Reider had only one further claim, albeit with hindsight a significant one, to have shaped the course of the RUF conflict: he was responsible for the effective 'recruitment' of Foday Saybana Sankoh,[9] who subsequently elevated himself to the leadership of what became known as the Revolutionary United Front of Sierra Leone, or RUF.

27. Three other persons in a cell under Reider's auspices travelled out of Freetown along with Sankoh in April 1988; the distinguishing factor in their case was that Reider did not tell them in advance about the nature of what awaited them at the end of their journey. Each of Sankoh's travelling companions thought he was heading to undergo 'Advanced Capacity Building in Revolutionary Ideology' and told, variously, that he would be taken to an institution such as the University of Nigeria or the Al-Fattah University in Tripoli to be further lectured and inspired.[10] This invitation came aptly to represent the kind of deceit and mismanagement of human resources that ultimately invoked a vacuum in revolutionary leadership[11] and a reversion towards militarism. The narrative of those who accepted their invitations in good faith, but instead underwent guerrilla training in Libya, resonates far more widely when examined under the lens of the subsequent military and political history of the conflict in Sierra Leone.

28. While in Libya, the budding revolutionaries were said to have fallen out among themselves. Among the issues were opposition by those in the Alie Kabba group to the idea of launching a revolutionary war without a composite political education. Alie Kabba was also accused of corruption in his management of funds belonging to the group and challenged for his refusal to personally undergo training. This was to cause the first split in the movement as Alie Kabba and those loyal to him left the training camps and returned to Sierra Leone. He subsequently emigrated to the United States where he presently lives. Meanwhile PANAFU in Freetown had also disassociated itself from the revolutionary programme, believing that a sustained period of political education was necessary before embarking on an armed struggle. In consequence, those of its members who had participated in the first training simply dispersed. PANAFU would not engage in the subsequent recruitment of people to undergo training in Libya. It is believed that all subsequent arrangements for training were by Foday Sankoh. These later trainees were not PANAFU members but may have been recruited by Sankoh through his contacts in PANAFU.

[9] Confidential TRC Interview with a member of the same PANAFU cell co-ordinated by Victor Reider, conducted in Freetown, Western Area, September 2003. Corroborated by the TRC Interview with Olu Gordon, conducted in Freetown, 23 April 2003.
[10] Confidential TRC Interviews with Sierra Leoneans who underwent training in Libya in 1988, conducted in Freetown, Western Area between 8th and 12th September 2003.
[11] At the time of Sankoh's travel to Libya, the organisation of which Alie Kabba was the indisputable leader was called the Popular Democratic Front, or PDF. Upon Kabba's departure to Canada at the beginning of 1989, the PDF structure disintegrated altogether and the only group of Sierra Leoneans left in Libya was a faction led by Sankoh, which would form the core of the RUF.

29. In Libya, a leadership vacuum developed among the remaining revolutionaries. Foday Sankoh became the spokesman of the group because of his age and prior military experience. Others therefore deferred to him. The training camps in Libya contained revolutionaries from all over the world. Interaction with foreign revolutionaries, particularly Charles Taylor, exposed Sankoh to revolutionary thinking and potential sources of support.

30. Although Sankoh's grasp of revolutionary ideology was broadly lambasted as weak by other members of PANAFU who travelled to Libya with him or met him on the training camp there, he clearly stood out to all of them as a strategist and manipulator. While the accounts of his self-elevation to the Leadership of a Sierra Leonean 'Front' organisation in Libya are not entirely consistent, Sankoh's time observing and discussing among peers in PANAFU and, especially, among the cosmopolitan collection of revolutionary thinkers in Libya was mostly time spent with people who displayed greater intensity and comprehension than he could muster himself. Nevertheless, with his prowess as an orator and an astuteness that stood him in good stead in most inter-personal contexts, Sankoh was able to elicit meaning from the ideology of others and propagate it elsewhere as his own. Allied to a good degree of perceptiveness and human instinct, Sankoh's innate charisma appears to have been a potent tool for convincing others of the merits of his agenda, despite his somewhat idealistic tone and his tendency for grave exaggeration.

31. All of these characteristics strengthened Foday Sankoh's subsequent claims to leadership of the RUF. Among the persons with whom Sankoh associated at the Libyan training camps were a number of Liberians, whose avowed intention was to overthrow the regime of Samuel Doe. An agreement of mutual support developed between the Sierra Leoneans and the Liberians to assist each other in executing their respective revolutions. The Liberians encompassed potentially several different sub-groups intent on overthrowing Samuel Doe. One of these sub-groups was to launch a rebellion in Liberia much earlier than anticipated by others. It therefore set the stage for subsequent developments in Liberia and parts of the sub-region including Sierra Leone. This sub-group was the National Patriotic Front of Liberia (NPFL).

Sub-Regional Dynamics, the Conflict in Liberia and the Formation of an Agenda for an Incursion into Sierra Leone

32. The Commission heard from several sources that the earliest immediate antecedent to armed conflict involving Liberia on the territory of Sierra Leone should be identified as the abortive 'rebel incursion' into Liberia from the Ivory Coast in 1985 led by the late Liberian General Thomas Quiwonkpa. It was widely alleged by Liberian nationals that the Sierra Leone Government had supported Quiwonkpa in his uprising against the then President of the Republic of Liberia, Samuel K. Doe.

33. The faction that Quiwonkpa spearheaded in 1985 had called itself the National Patriotic Front of Liberia, or NPFL. Its leaders were drawn predominantly from the Liberian Gio and Mano ethnic groups, whose origins are mostly traced to the Nimba County on Liberia's eastern border with the Ivory Coast. When President Doe had unleashed the full weight of his security apparatus, led by his Armed Forces of Liberia (AFL), to crush the NPFL, his treatment of the rebellion was widely condemned as heavy-handed, with strong allegations of

regionalist malice against the citizens of Nimba County. By some accounts over 3,000 civilians of Gio and Mano origin lost their lives in the counter-insurgency, causing massive ill-feeling: "The people could never forgive Doe for massacring the children of Nimba County."[12] Quiwonkpa too was killed and his defeated NPFL troops fled into exile, apparently hankering for a chance to launch a second, vengeful assault on Doe's regime.

34. By a sequence of events in the second half of the 1980s, the NPFL would find a new leader in the shape of Charles Ghankay Taylor. Taylor had once been a member of Doe's Government, but fled Liberia after accusations of embezzlement and harboured a grudge of his own against Doe, whom he declared had framed him on account of his connection with Quiwonkpa. Although his biography includes a period of incarceration in the United States on account of his alleged fraudulent activity in Government and an eventual haven in Ghana, Taylor's most far-reaching contribution to the descent of the sub-region into conflict was his reactivation of the NPFL as a fighting force, this time with vastly expanded capacity, from 1988 onwards.

35. In the process of mobilising resources, both human and financial, Taylor established relationships with supportive foreign Governments and their 'revolutionary-minded' leaders: first Burkina Faso and its President Blaise Campoare; then Libya and its President (Colonel) Muammar Ghaddafi. The latter link, as intimated in the foregoing analysis, was to prove especially formative for Taylor as he developed an "ideological" and strategic basis on which to prosecute his aggressive agenda.

36. The National Patriotic Front of Liberia (NPFL) eventually launched its insurgency against the Government of Liberia in December 1989, striking once again from the Ivory Coast into Nimba County. In the Commission's view this event was an integral immediate antecedent to the conflict in Sierra Leone. The ensuing analysis demonstrates that the single greatest threat to Sierra Leone's security in the years from 1989 to 1991 came from the Liberian conflict and the various ways it could spill over into the territory of its neighbour.

Sub Regional Dynamics of the War in Sierra Leone

37. According to a popular version of events relayed to the Commission by several key stakeholders, Charles Taylor had at one point entertained the notion of launching an insurgency into Liberia on two fronts, the second of them from Sierra Leone. It appears that Taylor went so far as to seek official approval for his plan by approaching the incumbent President of Sierra Leone, Joseph Saidu Momoh, in order to secure the use of territories in the East and South of the country as a 'springboard' and potentially a training base for his fighting forces. The following testimony was received from one witness:

> "Charles Taylor came here with some of his senior officers – this I know for sure, because Sankoh told me and some of the very officers in the NPFL told me. They came here and found Momoh and late Bambay Kamara, who was the Commissioner of Police, to get some sort of clearance to launch their revolution.

[12] TRC Confidential interview with Sierra Leonean national who was detained in Liberia in September 1990; conducted in Freetown; 18 – 21 September 2003.

> So he had certain conversations, he went through these people… and Momoh's people agreed. But later on they changed their minds and he [Taylor] was arrested together with some of his men. They were detained in Pademba Road Prisons."[13]

38. The current President of Sierra Leone, Ahmad Tejan Kabbah, told the Commission that Charles Taylor was "first received and even encouraged… as a result of some financial consideration paid by him (Taylor) to the higher echelons of the APC regime."[14] President Kabbah then implied that the APC Government subsequently retracted its support without returning Taylor's bribe, apprehended Taylor for making such a request and detained him in state custody for a time. According to President Kabbah, "this conduct by the APC regime is a factor that might have provoked the hostility of Charles Taylor and his active participation in the rebel war in Sierra Leone… This country and its people have paid most dearly and are still paying for such improper conduct of the APC Government." [15]

39. The Commission has confirmed that Taylor was indeed detained at Freetown Central Prison for a limited period in 1989, but must caution against the story being afforded any undue credence or significance as a motivation for his later involvement in the Sierra Leone conflict. Taylor had developed multiple other reasons for attacking Sierra Leone by March 1991 and his period of imprisonment ranked very low among them. Acknowledging that the detention itself was not the main cause of Taylor's rancour, some commentators have made claims that Foday Sankoh was incarcerated in the Prison alongside Taylor and that their friendship grew out of this common plight. Testimonies before the Commission do not support this version of events. Several first-hand testimonies place Sankoh in Libya and the Ivory Coast during the period in question. Taylor and Sankoh had met in Libya in 1988 and had become part of the deal between Sierra Leonean and Liberian revolutionaries to mutually support each other in their respective plans. Thus when Taylor was released from custody in Sierra Leone and returned to the Ivory Coast to pursue his incursion on a single front, he would meet Sankoh on Ivorian territory and the two of them would continue their joint plans from there.

40. In any case, what actually transpired with regard to Sierra Leonean state involvement in the Liberian conflict was diametrically opposed to the plan that Taylor had presented to Momoh. Rather than ceding territory to Taylor, Momoh instead permitted the use of Sierra Leone's central Lungi International Airport, situated across the peninsula from Freetown, to be used as a launch pad for air raids that were essentially levelled 'against' Taylor. Momoh's decision involved playing host to ECOMOG, the 'Ceasefire Monitoring Group' of the Economic Community of West African States (ECOWAS) that had intervened in Liberia's conflict and was perceived as a hostile force by the NPFL. The Sierra Leone Government further sanctioned at least two direct deployments of troops in what become known as the 'LEOBATT' (Sierra Leone Battalion) contingent of

[13] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 7 May 2003.
[14] Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone (hereinafter "President Kabbah"); testimony before TRC Thematic Hearings held in Freetown; 05 August 2003; at page 3 of the manuscript.
[15] President Kabbah; *Ibidem*; at page 3 of the manuscript.

ECOMOG, numbering 377 personnel.[16]

41. Although its 'Special Battalion' was smaller in terms of military bulk than that of other countries in the 'Group of Five' troop-contributors,[17] the very fact that Sierra Leone had deigned to participate at all in operations 'against' its neighbour drew an embittered and vengeful response from within Liberia. Certainly Sierra Leone was among those nations whose role in opposing him Taylor himself particularly resented. Hence he famously declared in a BBC radio interview on 1 November 1990 his conviction that Sierra Leone would "taste the bitterness of war" as a result of its interventionary vigour; his point was that these unfaithful acts by his neighbours would not be allowed to pass without a violent response.[18]

42. Commensurately, anti-Sierra Leonean sentiments were running high among certain segments of the Liberian population. The Commission heard testimony from Sierra Leoneans who lived in Liberia at the time, averring that they were routinely subjected to verbal abuse and molestation in public and occasionally even sustained beatings and attacks on their properties. The Commission did not find any evidence that such attacks were punished by the Liberian law enforcement agencies. In fact, the trend identified by the Commission based on the limited evidence available to it was for such acts to be endorsed and even more likely carried out directly by the new, self-proclaimed rulers of the territories in question – the commandos of the NPFL.

43. The question of personal choice in this matter is difficult and sensitive. From its extensive analysis of similar dynamics in the Sierra Leone conflict, the Commission holds the view that civilians are deprived of the right to choose freely once they are under threat to their lives and that certain of their actions might thus be considered as being the product of compulsion. What is certain, though, is that once they had become subject to the will of the NPFL aggressors, many Liberian civilians appear to have adopted certain attitudes held by the NPFL, including hostility towards its enemies, among whom were Sierra Leonean nationals. In testimonies to the Commission, descriptions of this hostility were usually accompanied by bewildered grievance on the part of its victims:

> "I don't think it was justified [on the part of the civilians]; it wasn't their place to take it out on those of us who had innocently come to their country to make our livings."[19]

[16] Colonel Bashiru S. Conteh, formerly Adjutant to the Sierra Leone Army's 'LEOBATT' contingent that served in Monrovia in late 1990 and early 1991; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.
[17] The countries in the 'Group of Five' were Nigeria, The Gambia, Ghana, Guinea and Sierra Leone; there were also reported to be soldiers from Mali and, later, Senegal deployed to Liberia as part of ECOMOG. In total, there were thought to be around 10,000 troops posted to Liberia. These details were reported to the Commission by Colonel Bashiru S. Conteh, formerly Adjutant to the Sierra Leone Army's 'LEOBATT' contingent that served in Monrovia in late 1990 and early 1991; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.
[18] BBC *Focus on Africa*; BBC Africa Service; "Interview with rebel leader Charles Taylor of the National Patriotic Front of Liberia (NPFL)"; broadcast on 01 and 02 November 1990.
[19] TRC Confidential Interview with Sierra Leonean national who was beaten by Liberian civilians, captured by the NPFL and subsequently joined them as a clerk; interview conducted in Freetown, 17 October 2003.

44. Residents of the 'occupied territories', including some Sierra Leoneans themselves, surmised that in the interests of securing their lives, families and properties, their only option was to join the NPFL, or at least to perform auxiliary tasks such as driving or secretarial duties on its behalf. One witness testified that such a course of action was also "not one of free choice, in the truest sense"[20] but that it was eminently preferable to be on the side of the NPFL than to be perceived as being against them. This supposition takes on added prescience when it is assessed in the light of what happened in the latter months of 1990.

45. Having interpreted ECOMOG's role in the Liberian conflict as being hostile to the NPFL, Charles Taylor had set out to oppose the intervening forces in any way he could. ECOMOG was deemed to constitute the greatest scourge to the Taylor's overall objective of seizing control of power. At the point when NPFL forces started to incur casualties as a result of ECOMOG bombing raids, which started around August 1990, Taylor was prepared to retaliate. He issued an arbitrary order to his NPFL troops to arrest and imprison all those persons on the territories under his control who were nationals of ECOWAS states, with a particular focus on the so-called 'Group of Five' countries, who had contributed troops to form part of the ECOMOG military operation. Taylor announced his policy over the radio and named the countries, including Sierra Leone, whose nationals he deemed due for detention.[21]

46. Potentially hundreds of Sierra Leoneans are thought to have been rounded up by the NPFL in this operation, although the Commission was unable to attain an exact or even estimated figure from an official source. What is certain is that whatever courtesies and immunities from harm might previously have been extended to those who performed important roles in their communities, like teaching and engineering, were immediately rescinded. One Sierra Leonean who was working as a senior instructor at a Technical Institute in Nimba County testified about his experiences of 15 September 1990 in the following terms:

> "At ten o'clock in the morning I heard hard knocks at my door with gun butts, threatening me to immediately open up or I would be killed. I opened the door and I was immediately placed under arrest, along with my whole family. In the afternoon of that day there was a press release heard on LAMCO FM radio station that all foreign nationals resident in Liberia, whose countries of origin formed ECOMOG based in Sierra Leone, were to be arrested. It stated that for every Liberian NPFL commando killed by jet bombings of ECOMOG, we were going to bear similar consequences.
>
> That night my whole family and I were taken by four armed men to a nearby jail; there we met over 85 other foreign nationals, including women, children and the elderly. The old, the women and the children were released two weeks later and allowed to return to their homes, while a number of us were still held in detention. Executions were carried out for every time the ECOMOG jet bombed their areas, even without killing anyone. I came to understand that multiple executions

[20] TRC Confidential Interview with Sierra Leonean national who was beaten by Liberian civilians, captured by the NPFL and subsequently joined them as a clerk; interview conducted in Freetown, 17 October 2003.
[21] Taylor's position with regard to this policy was broadcast on Radio Number Three out of Gbarnga, where he was based at the time.

were carried out in all control areas throughout the country as retaliation."[22]

47. The Commission heard similar testimonies from several other Sierra Leoneans who were taken into detention in different parts of Liberia during the same operation by the NPFL. One long-term resident, who was arrested along with a fellow Sierra Leonean teacher at his local college, described how he was locked up with up to a hundred others in "a large container that had been used to transport frozen fish or meat."[23] He testified that NPFL gunmen would periodically open the hatch at the top of the container and fire rounds of bullets indiscriminately into the crowd below, among whom were many women and children.

48. The Commission deplores the lack of basic respect for human life that the NPFL demonstrated through these detentions and the killings that accompanied them. Charles Taylor's instruction that civilians represented legitimate targets in the promotion of a his 'revolutionary' agenda carried immense destructive potential. Throughout its enquiries summarised in the present report, the Commission has maintained the position, well established under international humanitarian law, that there can be no worse violation than the deliberate targeting of civilians.

49. The interpretations and impact of Sierra Leonean involvement in the Liberian conflict can be distilled into two main points that are relevant to the causes of the conflict and the human rights violations that were to follow in Sierra Leone. The first point is that Sierra Leone's hosting of ECOMOG was *interpreted* by Charles Taylor as a legitimate ground for retaliation against the state. The second, partly connected point is that Taylor's war *impacted* profoundly on Sierra Leoneans living in Liberia, as they were deliberately targeted and maltreated by NPFL fighters.

The Role of Foday Sankoh in the Conflict in Liberia

50. Foday Sankoh, the RUF leader-in-waiting, eventually left Libya in 1989 and travelled via Burkina Faso to join the NPFL cadre that had assembled in the Ivory Coast. Effectively, Sankoh was to become one of Taylor's key NPFL commandos in the conflict in Liberia, organising and carrying out military operations alongside other senior NPFL combatants on the ground. He would later talk passionately about the experiences he had acquired on the battlefield in Liberia, participating in the capture of strategic 'enemy' positions including County Capital towns and military barracks formerly used by the Armed Forces of Liberia (AFL).

51. Among the captured County Capitals was Gbarnga, capital of Bong County in the central North of Liberia. Having chased out INPFL[24] forces from there in June 1990, it was in this town that Charles Taylor established his operational Headquarters for the NPFL in a secure urban residence he called the 'Mansion'. The town is well-connected to the road network of the country and

[22] TRC Confidential interview with a Sierra Leonean national who was detained in Liberia in September 1990; interview conducted in Freetown; 18 – 21 September 2003.
[23] TRC Confidential interview with a Sierra Leonean national who was detained in Liberia in September 1990; interview conducted in Freetown; 01 December 2003.
[24] The Independent National Patriotric front of Liberia, led by Prince Yormie Johnson which broke away from the NPFL in 1990.

relatively easily accessible from all sides, including from the direction of the Sierra Leonean border.

52. One of the captured AFL military barracks was a sizeable but inconspicuous base called 'Camp Namma', situated approximately 20 miles north of Gbarnga just outside the small town of Namma itself. It was on this base that Sankoh would seek to put into practice his programmes of commando training, drawing upon the techniques of ideological and military instruction he had picked up in Libya. Taylor initially retained sole dominion over the Camp Namma base for the training of his new recruits into the NPFL; accordingly the base provided the training ground for a unique and vicious breed of fighters, many of them child combatants, who passed out under the rigorous supervision of mostly Libyan-trained commanders. Sankoh is thought to have visited Camp Namma regularly in the first few weeks of its use by the NPFL and trained some recruits there himself. It does not appear that he had any firm conception at that stage as to how he would assemble his fighters.

53. Yet by then there was already developing something of a two-way overlap between the conflict in Liberia and the conflict-to-come in Sierra Leone. For example, the Commission heard testimony that other Sierra Leonean commandos who subsequently attained prominence in the RUF fighting force had also first participated in the armed conflict in Liberia on the side of the NPFL; the names mentioned in this regard include Abu Kanu, Rashid Mansaray, Mohamed Tarawallie, Mike Lamin, Sam Bockarie (alias "Mosquito"), Patrick Lamin and Morris Kallon. In terms of high-level engagement, though, the Commission has been unable to adduce any evidence that suggests any of these men was especially influential or responsible for human rights violations in the NPFL. In any case none of them was a commander of requisite seniority to be directing operations by then.

54. In contrast, the connections that Sankoh himself had made at the training camp in Libya appear to have afforded him a certain elevated respect in the eyes of his NPFL compatriots, not least because of his direct relationship with Taylor. It has been suggested to the Commission that Sankoh was held in high regard by Taylor as a military strategist; indeed, one testimony inferred that Taylor sought input from Sankoh in his "planning of battlefront manoeuvres" for the NPFL.[25] There were also many commanders in the NPFL more influential than Sankoh. One of these commanders was Prince Johnson, who is thought to have led NPFL battlefront tactics up until his breakaway in 1990 to form the Independent National Patriotic Front of Liberia (INPFL). There were also many other Libyan-trained commandos, most of them having passed out at a higher level of military attainment than any Sierra Leonean reached.

[25] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

Foday Sankoh's Training Programme and the Assembly of RUF 'Vanguards'[26]

55. Sankoh began assembling his fighting group in or around the second week of October 1990, when an NPFL troop of which he was a member began to sweep through various detention facilities in which Sierra Leoneans were being held. The available evidence suggests that Sankoh had already developed a clear strategy in his mind as to how he would convert the captives into his trainees. He had been briefed on the potential availability of 'recruits' by one of his earliest 'trusted lieutenants' in the RUF, Mike Lamin. Lamin, who had supposedly been recruited by the NPFL during his studies at the University of Liberia, first appeared to at least one of the detainees who subsequently became part of the assembly strategy as a "small boy with dreadlocks and an AK-47".[27] It was Lamin who had opened Sankoh's eyes to the prospect of speedily assembling Sierra Leonean manpower to put towards his revolutionary 'vanguard' force and furthermore establishing an instant moral imperative in their minds by casting himself as their 'liberator'.

The 'Detainee-turned-Vanguard' Category

56. Sankoh personally accompanied members of NPFL 'hit squads' who visited some of the detention facilities, apparently for the sole purpose of enlisting the men and women he wanted to make into his first revolutionary commandos. Among the locations in which Sierra Leoneans were held were detention facilities of differing character in Monrovia, Habell, Yekepa, Totota, Buchanan and Cape Mount.

57. In a number of the accounts given to the Commission, Sankoh appeared as part of a unit of NPFL fighters dressed in all-black uniforms, striking at the crack of dawn on an October or November morning. Several groups of soon-to-be 'vanguards' were exposed first to a show of mercilessness, whereby innocent fellow detainees among their number were severely beaten, molested or executed in front of them. Conspicuously, though, the Sierra Leoneans were always spared such a fate when Sankoh was present; they would be separated from the other nationalities and ushered into the hands of Sankoh by other commanders. Through a combination of conviction and compulsion, Sankoh would then proceed to conscript those he deemed he wanted into his RUF movement.

[26] Unless otherwise notated, all of the quotations and excerpts used in this section of the report are taken from TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003. Since most of the individuals who gave information to the Commission remain in vulnerable positions today, their identities are kept anonymous for their own safety and that of their families.

[27] TRC Confidential Interview with a member of the RUF High Command who worked closely with Foday Sankoh after joining him in 1990; interview conducted in Freetown; 01 December 2003.

58. In other testimonies to the Commission, the detainees were alternatively delivered to Sankoh from the places they were being held. A member of what appears to have been the first group of 'vanguards' to meet Sankoh in this manner gave the following testimony to the Commission:

> "On the 14th of October 1990 we were made to understand that we would be released the next day upon the orders of Charles Taylor, but instead of being released that day, we were picked up in the early morning hours and driven to Gbarnga [the capital of Bong County in Liberia], on the pretext of giving us clearance documents by Charles Taylor to spare us from further embarrassment. Upon our arrival in Gbarnga we were met by Foday Sankoh… [Later he] advised us that in the interests of our own lives we should stay there and dare not make any attempt to escape… There was in fact no need to escape as that attempt meant committing suicide."[28]

59. Sankoh's favoured means of recruitment depended on convincing people that their lives lay squarely in his hands and that if they refused to join him, they would be responsible for their own fate – effectively, he blackmailed them into becoming members of the RUF. Many of those enlisted by this means were acutely aware of what Sankoh was doing, but were equally powerless to prevent it in view of the all-pervading dangers at that time of being a Sierra Leonean in Liberia:

> "Had it not been for Foday Sankoh's mission, plenty of us might have been killed. So we regarded it as a rescue mission… Had he left it to volunteerism, perhaps he might not have successfully got that number that he managed to get in a very short time. So I believe that he used the warfare in Liberia as an opportunity for him to strengthen."

60. Some of the vanguards were faced with the choice in plain life-or-death terms:

> "Sankoh spoke to me as a fellow Sierra Leonean. He told me that had he left me there I was going to be killed."

61. It follows that one did not have to have even the slightest streak of militarism or 'revolutionary' pedigree to be enlisted in this manner. Indeed, on the contrary, the inclination of most of those people picked up from detention had been towards *not taking sides* in the conflict in Liberia; they had neither joined the NPFL nor fled in allegiance with members of the ousted Doe regime. Many of them told the Commission that they had wanted nothing more than a peaceful existence and to continue with the jobs they were pursuing in Liberia before the war had engulfed their homes. It was purely based on their grave misfortune of having been Sierra Leoneans in the wrong place at the wrong time that they had even come to be detained in the first place.

[28] TRC Confidential Interview with former RUF 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.

62. All of the recruits from this 'detainee-turned-vanguard' category appear to have been picked up in semi-darkness, loaded into NPFL trucks and driven to assembly points in the North of Liberia. The very first group, comprising six detainees picked up from Nimba County, was taken initially to the campus of Cuttington University College (CUC) in Lofa County, where they were accommodated in the rather incongruous surroundings of former student dormitories. CUC had been used as an NPFL training base in its own right between 2 July 1990 and 4 October 1990. According to the recollections of the then acting President of the institution, the NPFL had housed over 40 trainers and their dependents on the campus, incurred about USD $4 million worth of damage and trained as many as 6,000 recruits in the space of just three months.[29]

63. For the Sierra Leonean RUF contingent, CUC was to be nothing more than a stopover point; not all of the 'vanguards' passed through there at all, particularly those who were enlisted after November. The common destination of all the vanguards was the former military barracks that Sankoh had earmarked a few weeks earlier as a suitable training ground. Thus the 'vanguards' would make their base and take their instruction at 'Camp Namma', which some of them also referred to as 'Sokoto'.

64. After the initial period of training had got underway, it seems that Foday Sankoh still persisted with his tactic of 'forced recruitment' as a means of boosting the numbers in his force:

> "Others used to come on a daily basis from all the areas where the NPFL was in control; they were scouring the country in search of Sierra Leoneans – the ones who survived were brought to Camp Namma."[30]

65. Although some vanguards claimed differently, it appears that there was necessarily a discriminatory policy in favour of Sierra Leoneans during the trawl of the NPFL's detention facilities. This preference can be connected directly to Foday Sankoh's objectives of winning over the hearts and minds of the population in Sierra Leone to further the revolution: it would be eminently easier to gain support for a 'revolution' that was led by indigenes of the nation it was purporting to liberate, or at least those who could trace their familial heritage back there. The RUF Leader would later deviate from this approach and at tremendous cost to his public perception.

[29] For further details on CUC, see the following article: Tokpa, H. F.; "Cuttington University College During the Liberian Civil War: An Administrator's Experience"; in *Liberian Studies Journal*, Volume XVI, 1 (1991); at page 79.
[30] TRC Confidential Interview with former RUF 'vanguard' commander; interview conducted in Freetown; 16 September 2003.

The Composition of the RUF 'Vanguards'

66. Contrary to popular perceptions of an exclusively illiterate body comprised of marginalised lumpen youth, the RUF vanguards were actually a disparate collection of Sierra Leoneans and Liberians from across the demographic spectrum gelled together through coercion and training into a fighting force. The vanguards included among their number both men and women; Sierra Leoneans of most of the major ethnic groups in the country, including large numbers of Mendes and Temnes; boys as young as 11 years of age, 'senior citizens'; illiterate labourers and secondary-school drop-outs through to a few highly educated professionals in diverse fields.

67. A core group of seven young men formed the bedrock upon which the vanguard force would be built. They had been brought to the base by Foday Sankoh from the Ivory Coast, where apparently Sankoh had identified them as Sierra Leoneans and told them individually to join him in Liberia because there was a "job for them to do." Issa Sesay and Mustapha Thonkara (alias "Thomas Sankara"), both of whom would take commanding roles in the conflict, were among this group. Issa Sesay had been involved in petty trading in the Ivory Coast and was one of the first younger RUF members to be taken under Sankoh's wing and habitually referred to as 'my son'.

68. Added to the core group in a slow but constant flow were the 'detainee-turned-vanguards', among whom a select few had been educated well above the average: Jonathan Kposowa, Prince Taylor, Lawrence Wormandia and Peter Vandy were all teachers or instructors; some of the older men had held positions of considerable responsibility, including Dr. Fabai, a medical practitioner, and Mr. Nyandeh, a secondary school Vice-Principal; Philip Palmer, Augustine Koroma, Joseph Magona (alias "One Man One") and Augustine Bao had also acquired respectable qualifications and had jobs in areas including engineering and administration.

69. There were also many other Sierra Leonean vanguards, whose presence on the base was brought to the Commission's attention during its research. The list presented here is not exhaustive; nevertheless the historical record should include the following names as RUF vanguards: Joseph Kargbo, Ahmed Fullah, Yusu Sillah, Yusufu Sesay, Alicious Caulker, Saidu Kallon, John Kargbo, Edward Fembeh, Eldred Collins, Jatta Massaquoi, Richie Honeyrow, Memunatu Sesay, Fatu Gbemgbe, Mustapha Koroma (alias "Senkolleh"). Abdulrahman Bangura, 'Kelfawai' and 'Kailondo'. The 'pure' identity denoted here was widely referred to in interviews with vanguards, but it does not have any ethnic connotations for particular Sierra Leonean tribes; rather, it was used on the basis that the named persons used it: to differentiate themselves from a further category, known as 'Liberian-Sierra Leoneans'.

70. Among this 'Liberian-Sierra Leonean' group were some people who had been detained, others who had volunteered to join Sankoh, and others again who had been 'lent' to the RUF by Taylor from among his NPFL commandos. According to testimony received by the Commission:

> "The Liberians used the training as a means of rescuing themselves from the heat of the warfare in Liberia… Most of them were under no compulsion… the NPFL was in control of over half the territory, so they could have gone anywhere in the country… I think it was an agreement

between Sankoh and Taylor that there should be a small contingent of Taylor's own men among the Liberians."[31]

71. It was through this channel that a former NPFL fighter named Dennis Mingo (alias "Superman") became part of the vanguards. Mingo was identified by most RUF members as a Liberian of the Gbandi ethnic group; yet one of his parents was Sierra Leonean and he thus spoke Mende and Krio with ease. He was transferred to the RUF under Foday Sankoh in 1990, mostly on account of his prowess as a front-line fighter and mastery of Sierra Leonean languages.

72. Ibrahim Dugbeh, who testified somewhat evasively to the Commission at its public hearings in Makeni, was originally a trained soldier in Doe's Armed Forces of Liberia (AFL), but was captured by the NPFL in 1990. He was 'turned over' to Sankoh's RUF and became a vanguard, apparently with something of a stake in Sierra Leone on account of his mother's nationality. Dugbeh described his case as unique, stating that his participation in training was sparse:

> "We were having only one training depot, and as you entered that camp, you would not be allowed to go out until after the training… For me I didn't used to go into too much of the training because I was an old soldier – I was a soldier, so I don't need a long training. But the training took about six months."[32]

73. Among the 'Liberian-Sierra Leonean' group was perhaps the RUF's most notorious female combatant, Monica Pearson (alias "CO Monica") . In addition, there was a whole batch of commanders who later entered on the Southern flank going only by their nicknames, such as 'Dirty De Jango'. Many of the vanguards in fact never revealed their true identities to their fellow trainees, hence the response of one witness that he could not tell the Commission much about the backgrounds of his fellow members:

> "All I knew was that I had been saved from death – so I didn't ask any questions. You are what you are: you don't talk to me; I don't talk to you; I don't want to know about you."[33]

74. The Commission recognises that the period spent in training by the vanguards of the RUF was to provide a benchmark for the formation of other militias and armed groups that participated in the Sierra Leone conflict: in character, this group of people stands to be considered as a highly unconventional fighting force; its members were taken on board in troubled circumstances, many of them under false pretences, duress, or threats to their lives; and they were only loosely bound together by superficial bonds, more out of a sense of common adversity than any true notion of unity. It is therefore hardly surprising that the relationships of these vanguards among themselves would fluctuate between friendly camaraderie and mutual suspicion.

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[31] TRC Confidential Interview with former RUF 'vanguard' commander; interview conducted in Freetown; 18 September 2003.
[32] Ibrahim Dugbeh, former RUF 'vanguard' and erstwhile commander on the Northern axis; testimony before Commission Public Hearings held in Makeni Town, Bombali District; 29 May 2003.
[33] TRC Confidential Interview with a member of the RUF High Command who worked closely with Foday Sankoh after joining him in 1990; interview conducted in Freetown; 1 December 2003.

> "Maybe some people took it as a choice, but it came at a time when there was that insecurity in the lives of most of the trainees; where they had no alternative but to go for refuge. So the training camp was used as a refuge for most trainees; because once life is no longer safe in any other zone besides that training base, you have to consider it as something forceful."[34]

75. In placing the assembly and composition of the initial RUF force into its proper context, the Commission does not intend in any way to exclude or mitigate the responsibility of certain individuals among them for their actions in the conflict. In the narrative of the conflict that follows in this chapter, a variety of responsibilities are attributed to the vanguards notwithstanding their backgrounds. Moreover, along with stories of forced enlistment, the Commission had heard many tales of vanguards who entered the RUF with the express intention of proliferating conflict. In this vein the Commission notes the presence on the base of some of those who would later attain senior command roles in the combatant cadre of the RUF, particularly Morris Kallon and Augustine Bao.

76. Another of these members is Sam Bockarie (alias "Mosquito") , who had apparently made an ignominious exit from Sierra Leone after being accused of theft while labouring for a period as a 'san-san boy' in the diamond pits. In Liberia he was known to his compatriots as a hairdresser and a disco dancer with little education and a chip on his shoulder. He had wanted to become an electrician but had failed to attain the standards of entry to any of Liberia's technical schools. By all accounts 'Maskita' joined Foday Sankoh voluntarily at a relatively late stage in the training.

77. Finally, in line with the terms of its mandate, the Commission wishes to draw special attention to the plight of a small sub-group among the vanguards, who apparently numbered a maximum of five: they were children recruited by Foday Sankoh and formed the RUF's first contingent of 'small boys'. According to one of the vanguards, these boys were not trained with the adult recruits, but did on occasion carry firearms on the premise that they were 'bodyguards' or 'small soldiers'. They were said to be 'taken care of' by their 'guardians' or relatives on the base; for example, one of them, known as 'Young Pearson', was the younger brother of the aforementioned combatant Monica Pearson. Nevertheless, it was broadly accepted by the vanguards who testified that these boys, despite being estimated to have been between 10 and 14 years, went on to play roles as "fierce fighters" during the Sierra Leone conflict. At least three of them, nicknamed "Base Marine", "Gas" and "Steward", would become commanders and combatants in the RUF's Small Boys' Unit, or SBU.

[34] TRC Confidential Interview with former RUF 'vanguard'; interview conducted in Freetown; 18 September 2003.

The Preparation of the RUF Vanguards for Incursion into Sierra Leone

78. The Commission has established through its enquiries that Foday Sankoh introduced a system of numbering of the RUF vanguards during the training period at Camp Namma. Admittedly, there are certain anomalies associated with Sankoh's numbering, primarily that it appeared to have no coherent order and that it began not at zero, but at 021. The latter glitch was explained in the following terms:

> "Sankoh kept telling us that we were not given 001 because we were not the first; he just said: 'I have some colleagues who will join us later on'."[35]

79. Among these 'colleagues' whom it is believed were allocated numbers from 001 to 020 are Sankoh's co-trainees from Libya like Rashid Mansaray, Abu Kanu and Mohamed Tarawallie, as well as further Libyan-trained Sierra Leoneans like Noah Kanneh and CO Daboh who would come into the RUF at a later date. Mike Lamin and Patrick Lamin were also in this more exclusive group. And although no evidence exists that either man was trained in Libya, it is clear that they did not train concurrently with the vanguards at Camp Namma. The Commission notes that the number of 'colleagues' who joined later on was never said to have reached 20, however.

80. Through testimony from senior members of the RUF administration, the Commission has gained evidence that the number of RUF vanguards reached 387 at its highest ebb. Two members of the training group were apparently killed in training, leaving the figure at 385.

81. With regard to the training undertaken by this group, there are several indicators to affirm that physical and ideological instruction was administered in a manner reminiscent to the programmes conducted for members of the Sierra Leonean contingent in Libya. There were, for example, imported exercises like the dreaded 'halaka' and others known by names such as 'escaping for survival' and 'road march'. The basic objective of such techniques was euphemistically expressed as being: 'giving you a light beating to get you used to any hardness in the warfare.'

82. The training instructors on the Namma base were predominantly commanders of the NPFL who mostly volunteered their services to Sankoh due to their prior experiences of war. The Head Trainer was a Liberian NPFL commander called CO 'Gornkanue', in whom Sankoh was said to have "total trust and confidence." After several months of the training had passed, both Rashid Mansaray and Mohamed Tarawallie appeared to assist with instruction, but perhaps surprisingly it seems that their contributions were limited to functional military and public relations training, rather than anything that would stimulate ideological discussion among the trainees: "even if they had political ideology at the backs of their minds, there was no time for them to disseminate that to the other trainees."

[35] Jonathan Kposowa, former Adjutant General of the RUF who worked closely with the Leader and other members of the RUF High Command throughout the conflict; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003.

> "The training we received was all-round political-military commando training. It was political in the sense that the warfare was going to be exposed to civilians as well as military affairs, so basic political knowledge had to be introduced... such as the welfare of captives; such as administering people who have been cut off from their original style of livelihood; such as dealing with the old-aged; and dealing with women. The military training covered exposure to light weapons such as AK-47s, Berettas, G3s, RPGs and the like. The training was not for a long duration; it was a hasty training carried out basically to expose people to the use of arms on an emergency basis… and to prepare us for the revolution."[36]

83. In the Commission's view, the historical resonance of this period of training goes well beyond the purported preparation of its participants to take their own part in the war. On the one hand, it has become clear to the Commission that the training left the vanguards unprepared to wage revolutionary warfare. On the other hand, the exposure of the vanguards to extreme violence during training seemed to have had an enduring effect on each of them personally, creating a propensity to subject others to acts of personal violation and compulsion. This assertion is borne out by the fact that some of the vanguards went on to exercise their own reigns of terror over conscripts in the Sierra Leone conflict, especially child recruits at the infamous Camp Charlie.

[36] TRC Confidential Interview with former RUF 'vanguard' commander; interview conducted in Freetown; 18 September 2003.

PHASE I

CONVENTIONAL 'TARGET' WARFARE

BUILD-UP TO THE OUTBREAK OF CONFLICT IN SIERRA LEONE

84. The outbreak of actual hostilities on the territory of Sierra Leone has yielded widespread misunderstanding of its underlying motives and means of coming into being. There are considerable areas of disagreement in the interpretations offered to the Commission by the parties who themselves instigated the war, let alone in the second-hand accounts that circulate as popular myth. Rather than providing clarity, the attack on Bomaru on 23rd March 1991 added a layer of intrigue of its own.

85. Thus, the earliest instances of human rights violations recorded by the Commission took place in 1990 and bear the character of cross-border raids from Liberia. Moreover, the first attackers who engaged the Sierra Leone Army were all combatants who had fought and were based in Liberia. Foday Sankoh's plans on when to launch his 'revolution' in Sierra Leone was affected by the Liberian conflict. Had the agenda that Sankoh formulated in Liberia been enacted in the manner and in accordance with the time-scale he had originally foreseen, the outcome of the revolution may have been different. Instead Sankoh, the self-styled master planner, was overtaken by events on the ground and prevailed upon by Charles Taylor.

Context, Build-up and Dynamics of the Attack on Bomaru

86. Saturday 23rd of March 1991 has until now has stood as the date on which the first shots were fired in the Sierra Leone conflict; yet in fact it is a misleading milestone in history. What happened on that day was an attack that culminated in the commencement of the conflict, not the first attack of the conflict itself. There is no need to dwell excessively on the semantics of this subtle differentiation, but for a variety of reasons the Commission deems it necessary to place the event itself in an appropriate historical context.

87. The geographical area in question is in the northernmost portion of Sierra's Leone border with Liberia. Since the border is for the most part densely forested, towns adjacent to the open crossing points tend to assume strategic and economic importance inordinate to their size. Bomaru, in the Kailahun District, is one such place, renowned for its weekly market days to which Liberians would routinely cross from Vahun, in Lofa County, to buy and sell local produce including coffee and cocoa. The route between Vahun and Bomaru had become a free-flowing channel for both formal and illicit agricultural trade. As the Liberian conflict escalated, the volume of persons crossing the border became impossible to gauge or to regulate. The many hundreds of civilian refugees who plied this route in vehicles and on foot were then infiltrated by combatants from the different Liberian warring factions.

88. First, as was generally true for other border crossings from Liberia, fleeing members or supporters of the executive and elite of the Samuel Doe regime plied the route into Sierra Leone through Bomaru. According to various testimonies to the Commission, certain fragmented units of the former state security apparatus of Liberia arrived among this contingent with the full intention of establishing a base in one of the border Districts, where they would mobilise a new fighting force to strike back against the NPFL. The Commission heard the following testimony from the President of Sierra Leone as to the dynamics of the security situation that his predecessors in the APC Government had faced:

> "By late 1990 when the Liberian war had reached the outskirts of Monrovia, the refugee flow into Sierra Leone had reached its highest peak. Among these refugees were a substantial number of remnants of the late President Samuel Doe's Armed Forces of Liberia (AFL) and Liberia Police Force Personnel who had fled the fighting. Their common objective was to regroup and return to Liberia to continue their resistance against Charles Taylor's NPFL. This group included a number of influential Liberians who were supporters of the late Samuel Doe's regime."[37]

89. From the opposite end of the spectrum, NPFL commandos, apparently in significant numbers, also took advantage of the porous border to pass into and from Sierra Leonean territory anonymously and without regulation. According to residents of Bomaru, truckloads of Liberian youths would on occasion engage in harassment and looting of the local population before returning.

90. Apparently in direct response to formal complaints lodged by the community of Bomaru with the Army's Eastern Headquarters at Moa Barracks, Daru, a small deployment of Army Engineers from the Republic of Sierra Leone Armed Forces (RSLMF) was transferred to Bomaru from Wilberforce Barracks in Freetown in order to strengthen the security presence in the border vicinity. This platoon of about 30 men from the Sierra Leone Army (SLA) was commanded by Captain Emmanuel Foday and it formed the fatefully-named 'Operation Bomaru.'[38]

91. The SLA deployment stationed itself just outside Bomaru Town on the road leading to Vahun and, according to local residents, succeeded at first in stemming the flow of NPFL commandos. In any case, relief appears to have been short lived, as concerns soon surfaced that these soldiers were engaging in transactions with the very 'rebels' whose activities they were supposed to deter:

> "They started exchanging visits, recreational activities and so on and so forth. The friendship developed into trade by barter; that is, these NPFL men were bringing in their looted items, refrigerators, videos, fridges, televisions and all these things to the soldiers. They only demanded much-needed items like rice, palm oil, cigarettes and such things in

[37] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 05 August 2003; at paragraph 55 of the manuscript.

[38] Prior to the deployment of Captain Foday and his men, the only security force present in the Bomaru axis was a modest number of paramilitaries attached to the Special Security Division (SSD).

exchange. Our soldiers use to take the items from these people, go down to Kenema or other places and sell them… often without returning."[39]

92. Furthermore, the soldiers are thought to have reneged on a particular deal by failing to give anything in exchange for a number of items, most significantly a blue Toyota pick-up van, and thus incurring the wrath of the NPFL commandos. The NPFL Area Commander in the Liberian town of Voinjama, Anthony Meku-Nagbe, is said to have cautioned the soldiers about their dishonesty and even petitioned the Section Chief of Bomaru to act as a go-between; but neither factor prevailed upon SLA Major Foday. When Meku-Nagbe crossed back into Liberia for the last time prior to 23 March 1991, approximately one week earlier, he is said to have promised ominously that he and his men would return with a 'score to settle'.[40]

93. The Commission has confirmed that the subsequent attack on Bomaru, shortly after dawn on 23 March 1991, was carried out by between 40 and 60 NPFL commandos and incurred thirteen fatalities: eleven civilians and two soldiers of the Sierra Leone Army.[41] These killings have taken on a symbolic resonance over the years as they represent a format of attack and violations that would be repeated during later operations. They further constituted the first direct knowledge on the part of the Sierra Leonean population of the defining character that the conflict in their country would take. Following Bomaru, civilians would continue to account for the overwhelming majority of deaths at the hands of the various militias and armed groups.

94. The RSLMF officers killed in the attack have also come to symbolise recurring features of the military history of the conflict as it has been recorded by the Commission. Major Foday was targeted on this mission due to a personal vendetta stemming from inter-factional connivance between the NPFL and the SLA soldiers. He is said to have been conducting an inspection of his troops at the time of the attack and had insufficient time or capacity at his disposal to resist the swarms of fighters who entered Bomaru from the surrounding bush. He was eventually shot dead in his house.

95. The other deceased soldier was Lieutenant Osman Kargbo, who was on his way from nearby Senga to reinforce the defences of Bomaru but was not apprised of the reality on the ground due to failing communications. Indeed, the ill-fated action of Lieutenant Kargbo, plunging himself into a hostile environment without adequate heed or prior warning of the dangers he would

[39] Commission Statement No. 3864, pertaining to events in Bomaru, Pendembu and other places in Kailahun District; statement taken in Freetown; 24 March 2003.

[40] Whether this threat was delivered in public or whether it has become part of the local folklore surrounding the events in Bomaru is unclear from the testimonies received. It appears that the Liberians were especially aggrieved over the failure to 'pay up' for the blue Toyota van and had vowed to return to Bomaru to reclaim it from the soldiers. This element of the story is widely accepted by the people of Bomaru and its environs; see TRC Interviews with residents of Bomaru and its environs, April 2003.

[41] These figures, gathered by the Commission in its investigations in and around the town of Bomaru, correspond with the report compiled by the team of military officers sent to the scene in the wake of the attack to assess the situation on the ground. Details of this report were provided to the Commission during its public hearings: see Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

encounter there, served as a harbinger of the fate that awaited many of his compatriots in the Sierra Leone Armed Forces.

96. Immediately after their violent raid, which is reported to have lasted for about three hours, the NPFL attackers retreated back over the border into Liberian territory. The cruel irony of the event was that the contested motor vehicle that had apparently provoked the attack was left languishing in Bomaru and never collected. Anthony Meku-Nagbe's 'score' was settled nonetheless; in lieu of the pick-up truck, the NPFL commandos heavily looted Major Foday's house and drove away in the support vehicle that had been used to hurry to the scene by Lieutenant Kargbo. Anthony Meku-Nagbe came on a murderous mission "for the Major and not civilians"[42]; in settling his 'score', he left numerous human rights violations, a shattered Bomaru community and a country fearing further pandemonium in his wake.

Differing Perspectives on the Attack on Bomaru

97. At the outset, it is pertinent to reflect that the attack was woefully misreported in the local media and substantially misrepresented by the APC Government. It appears to the Commission that the root of much of this misinformation was to be found in the understandably hysterical rumours emanating from the 'first-hand' accounts of those civilians who had fled from the direct vicinity of Bomaru. Evidence given to the Commission by the leader of the military team sent to investigate the attack hints at the susceptibility of public information mechanisms to stories that portrayed the incident out of all due proportion:

> "On arrival [in Kailahun District] it was clear that something unprecedented had happened in that area. There was a visibly panic-stricken and unsettled public with various versions of what had happened and what was to come… In respect of the number of rebels that had crossed the border, some said they were about a thousand while some put the figure upwards of five thousand. Indeed, some messages had already been sent to Freetown from the police and military net speaking of some five thousand NPFL rebels advancing deep into Sierra Leone territory and some added 'with tanks and artillery'.
>
> Most of what we heard in Daru and read in signal messages from Kailahun proved to be grossly exaggerated."[43]

98. In this light one might surmise that the official statement released by the APC Government in response to the Bomaru attack was in fact quite moderate. It read as follows:

> "On 23rd March 1991 at 1.00 a.m. an armed gang belonging to the National Patriotic Front, one of the dissident factions in the ongoing civil unrest in Liberia under rebel leader Charles Taylor, invaded two border villages, namely Bomaru and Senga in Dia Chiefdom, bordering Liberia.

[42] This statement was apparently made to residents of Bomaru by other NPFL commandos in Meku-Nagbe's unit: See Interviews with residents of Bomaru and its environs; interviews conducted as part of an investigative field trip to Kailahun District; April 2003.

[43] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

> This unprovoked and wanton attack by members of the National Patriotic Front of Charles Taylor resulted in a number of casualties among the people resident in these areas, including many deaths, three of whom are military personnel belonging to the Sierra Leone Military Forces. Government has taken necessary measures to ensure the safety of the residents and security of the area."

99. The Government account erroneously suggests that the attack was two-pronged; in fact, the officer from Senga who was killed had met his fate in Bomaru. The time of the attack is wrongly stated, as is the number of military casualties. Moreover, the assertion that the Government had taken 'necessary measures to ensure the safety… of the area' appears to be somewhat disingenuous. Submissions to the Commission indicate that the level of acknowledgement in Government of the circumstances prevailing on the ground was totally unsatisfactory; SLA Brigadier (Retired) Kellie Conteh coined the phrase 'silent political sanction' to describe the invidious self-constraints retained by the APC, which hampered any effective response.[44] One element of the truth behind the Bomaru attack is that the Army High Command failed to act properly to prevent it, while the Army officers on the ground had acted irresponsibly to provoke it.

100. Some testimonies to the Commission have stated that there were Liberians visiting the Bomaru axis, as well as other towns in Kailahun such as Pendembu, on a series of 'reconnaissance missions' that were drawn out over several months preceding 23 March 1991. For example, one teacher from Pendembu expressed his utter disillusionment with the conduct of his erstwhile colleague Patrick Beinda, whom he alleged was the host and escort to Liberian spies on their regular visits to Bomaru and Pendembu.[45] He further contended that the very same Liberians later appeared in Pendembu as armed commanders when the town was eventually attacked.

101. In his own testimony to the Commission, Beinda accepted that he was among the first of the local townspeople who joined with the Liberian commanders upon their entry into Pendembu, but denied that he had ever previously encountered any of the assailants in question.[46] He claimed that as a long-time resident of Liberia before the war broke out, he was in a position to provide translation into the local Mende language for the Liberian English-speaking commanders. He thus facilitated their address to public gatherings at the Pendembu 'court barray' and may have appeared to some of the townspeople to have known the Liberians. Other RUF commanders, including some of those who were among the vanguard force in Pendembu, also suggested that although Beinda was one of the first appointments, he was unlikely to have played any prior reconnaissance role.

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[44] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003. For further analysis on this issue, see the section on 'The Incapacity of the Sierra Leone Army (SLA) to Respond to Armed Incursion'.

[45] Commission Statement No. 2151 from Pendembu and Bomaru in the Kailahun District.

[46] Patrick S. Beinda, former RUF 'G-2' commander and Chair of Investigations Boards in the Kailahun District; TRC Interview conducted in Freetown; 18 and 19 June 2003.

102. These explanations should not obscure the fact that there were indeed teams of spies gathering information on behalf of the attackers well in advance of their incursion. Although the Commission was unable to speak directly to any of those who performed such roles under the auspices of the RUF or the NPFL, reports were received as to the presence of 'informants' not only in the border areas of Kailahun and Pujehun, but also at various points in Freetown and even within the security structures of the state. They had acquired maps and details of deployment by the Army, ascertained locations of potential obstacles and 'enemy' forces and drawn up proposed 'targets' and routes of entry into the territory of Sierra Leone.[47]

103. In the immediate aftermath of 23 March 1991, based on the reported sightings of 'informants' and the exaggerated messages of what was happening in Kailahun District, the press and members of the public in Freetown began piecing together the circumstantial evidence to speculate somewhat disbelievingly that 'Sankoh's war' had arrived.[48] In the ensuing mayhem of the conflict that soon engulfed the country, the historical importance of the attack was never contextualised properly.

104. The Commission's own research indicates that the attack on Bomaru of 23 March 1991 served an important strategic purpose for the would-be insurgents. It demonstrated that the border crossing was effectively unprotected and that troops stationed in the territory just beyond could easily be caught off-guard. It convinced the commandos involved that they could, quickly repeat the tactic and conduct further attacks in a similar vein, probing deeper and staying longer. On the whole, if Sankoh had at all been wavering as to his attacking strategy, the attack was a fillip to his confidence.

105. Responsibility for the attack is not quite as transparent as its effect, however.

106. In later years and to considerable effect, Foday Saybana Sankoh recounted the tale that he had planned and timed his incursion for the 23rd of March 1991 in order to evoke some sense of circularity in his relationship with the long-standing APC Government. Sankoh's intimation was that the date bore great personal significance to him and was thus envisaged as a 'launch date' for symbolic reasons. Even in his address to fellow delegates at the signing of the Lomé Accord on 7th July 1999, Sankoh made reference to "the armed struggle we embarked upon on 23rd March 1991

107. It is indeed interesting to note that on 23 March 1971, exactly twenty years earlier, Sankoh had delivered a rousing speech to an assembled crowd of soldiers in the Sierra Leone Army, effectively presenting his views on an alleged coup plot, for which he was subsequently arrested and later put on trial.[49] In his statement to the police, Sankoh narrated the events that led to his arrest. In particular, he described in elaborate detail his speech of 23 March

[47] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

[48] See, *inter alia*, Sierra Leone Daily Mail; *Can Sankoh's Threat Be Real?*; 26 March 1991; at page 1.

[49] See the statement given to the Sierra Leone Police by Corporal Alfred Foday Sankoh, taken on 1st April 1971 and marked as Exhibit No. 1 in the Case for the Prosecution of the Fifth Accused before the *Court Martial of Major D. A. B. S. Noah and Five Others*, 20 March 1972 [case file in the possession of the Commission].

1971 and recounted a subsequent congratulatory remark from Major Abu Noah to the effect that he (Sankoh) should be "respected for [his] bravery and outspokenness" and that he was "the only Non-Commissioned Officer… who could express himself like [he] did to an officer".[50] The prosecution case against Sankoh appears to have been based on the claims that he was present photographing and participating in key meetings of the coup plotters, and that he thus aided and abetted Brigadier John Amadu Bangura and others in their efforts to overthrow the Government. The files referred to here are unclear as to the exact outcome of the Court Martial proceedings, but further testimonies gathered by the Commission attest that Sankoh was convicted for his part in the plot and spent just over four years in prison, before being released in 1975.[51]

108. In an effort to attribute significance to the recurring date, observers have pointed out that the grudge Sankoh harboured from this day onwards caused him to avenge his arrest twenty years later. One witness testified to the Commission that Sankoh had made an ominous declaration upon his arrest in 1971, to the effect that "even if it takes me twenty years, I will take revenge against the APC."[52]

109. In reality, though, this theory appears to be somewhat far-fetched. It is a matter of oddity that two key events in Sankoh's life came to pass on the same day of the same month twenty years apart,[53] In this regard the Commission has set out to analyse the credible alternative perspectives.

110. The first interpretation is that the attack was never envisioned as anything more than the venting of a personal grudge harboured by NPFL commander Meku-Nagbe against his Sierra Leonean 'trading partners'. In this characterisation, the attack was intended purely as a revenge or reclamation mission, in which the Liberians wanted either to punish the SLA soldiers for their failure to 'pay up' on the deal, or to assert themselves as a force to be reckoned with in the border territories. This version seems plausible as an original motivation for the singling out of Bomaru and the Army officers deployed there.

[50] Statement given to the Sierra Leone Police by Corporal Alfred Foday Sankoh; *Ibidem*.

[51] Testimonies to the Commission indicated that Sankoh's sentence was actually set at seven years, but that a 'year' in the military classification under which he was sentenced actually constitutes a period of only seven or eight months. In any case, Sankoh was released from prison by the latter part of 1975.

[52] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; testimony before TRC Public Hearings held in Freetown; 17 April 2003.

[53] Indeed, although 23 March 1971 was the date on which Sankoh made his speech, he was not arrested until 25 March 1971 – two days later. One could therefore just as well argue that the real date of significance was the 25th, and that the 23rd was given a spurious retrospective importance in a vain effort by Sankoh and others to concoct a connection with the outbreak of the war.

111. One senior former member of the RUF who joined after the conflict broke out presented his own understanding of events in his testimony to the Commission, which he maintains was also the version presented to him by Foday Sankoh during their time together in the conflict:

> "What Anthony Meku-Nagbe did was to mobilise his men on the 23rd of March to retrieve some of the items they [the Sierra Leonean soldiers] had taken… and that brought the war on the 23rd of March 1991. Immediately that happened, the International Community and other people started crying foul that Charles Taylor had invaded Sierra Leone.
>
> By then Charles Taylor never knew anything about the first attack on the 23rd; Sankoh too was on the base with his men… waiting for his own logistics, like arms and everything, to come through. They were both unaware, you know, of what was going on…
>
> So Charles Taylor sent for Foday Sankoh, and said 'this is the time for you to launch your attack'; in order to exonerate himself [from the allegation] that he had invaded Sierra Leone. Foday Sankoh said no. He said 'I haven't got my logistics, I am still waiting for my weapons; I am waiting for ammunition, for vehicles'. Charles Taylor said: 'No, this is the time; I will give you everything - all the weapons, the commanders and everything'. So, it was then that they assembled their men."[54]

112. Another interpretation was that the attack on Bomaru was pre-conceived by members of the High Command to gauge the auspiciousness of a larger incursion in the following days and weeks. In this case, the encroachment at Bomaru does not become the launch of the 'revolution' proper, but rather as something of a catalyst that encouraged Sankoh to accelerate and finalise his plans to instigate the Sierra Leone conflict.

113. These interpretations are not mutually exclusive. Sankoh had on 1st March 1991 given a 90 day ultimatum to the government of Joseph Momoh to relinquish power or "I will remove him from power". It was quite plausible that he gave such a lengthy time frame to enable him acquire his arms and ammunition. It was also well known to the government of Sierra Leone that dissident forces were being trained in Liberia to wage war on Sierra Leone. Anthony Meku Nagbe and his group were part of the subsequent incursion into the country. As the conflict subsequently demonstrated, factional alliances were quite fluid, more so in respect of Liberians who didn't share the revolutionary ideology (if any) of the Sierra Leoneans and were only involved in the conflict for private accumulation.

[54] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 07 May 2003.

Charles Taylor's Strategic Interests

114. Taylor perceived the immediate evolving threat to his military ascendancy in Liberia to come from the so-called Liberian United Defence Forces (LUDF), which comprised many of the exiled soldiers and police officers of the Samuel Doe regime who had fled into Sierra Leone in the wave of refugee flows noted above. Assessments of the activities of this faction had filtered through to Taylor in his base at Gbarnga, suggesting that it was evolving into a formidable force with logistics, command structure and a base at Kpetema in the Kenema District. The Commission heard various testimonies to the effect that Taylor wanted to eliminate this adversary before it could properly challenge him in Liberia. As the following excerpt from a close ally of Sankoh's attests, countering the LUDF was a prominent consideration in accelerating the time-frame for incursion:

> "Sankoh himself told me that the time was not ripe for him to cross with the war into Sierra Leone. His own plan was for December 1991. But [it was superseded] because Charles Taylor had received an intelligence report from Sierra Leone that there's a village called Kpetema near Joru in the Eastern Province, where dissidents were training to fight him. They [the dissidents] called themselves the LUDF: Liberian United Defence Forces, headed by Reiley Seikie. So he [Sankoh] said that Charles Taylor then urged him to stop his training and prepare to cross into Sierra Leone as soon as possible."[55]

115. A constant additional concern in Taylor's mind was the burgeoning presence in Sierra Leone of ECOMOG, whose shadow was inching closer to the Liberian border. Military sources testified to the Commission that discussions had been taking place in early 1991 for the bulk of the ECOMOG deployment stationed at Lungi Airport in the west of Sierra Leone to be transferred to Moa Barracks, Daru in the Eastern Kailahun District. Taylor had laid bare his antagonism towards ECOMOG in his infamous radio broadcast the previous year, so his continual attempts in March and April 1991 to deny that he was striving to scupper ECOMOG rang rather hollow.[56] It came as little surprise to the people of Sierra Leone when a statement from an early 'rebel' captive betrayed Taylor's true intentions:

> "I have decided to tell Sierra Leoneans the truth about this invasion. I am making a voluntary statement. I have decided to expose Charles Taylor because he lied over the radio that he knows nothing about our invasion… We are here [because] he ordered us to come and destabilise Sierra Leone because it is the ECOMOG base."[57]

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[55] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[56] See, *inter alia*, BBC Summary of World Broadcasts, detailing a variety of statements and reproducing an original report from Voice of Nigeria; *Taylor Denies NPFL Involvement*; 29 April 1991.

[57] New Shaft, Sierra Leone (motto: 'We Lead, Others Follow'); *And Now the Truth is Out: Captured Rebels Expose Charles Taylor*; 15-21 April 1991.

116. The urgency to confront both LUDF and ECOMOG as well as respond to international criticism against the incursion of 23rd March 1991 seemed to have pushed Taylor to convince Sankoh to commence his revolution well before the scheduled time.

117. With the agreement secured to commence a full-scale attack, all the plans that had been made by Sankoh were put into forward gear. The RUF would be relying absolutely on the goodwill and support of the NPFL fighters, most of whom were not part of their training, and owed loyalty to Charles Taylor to prosecute its revolution. With hindsight, this marked the abortion of the revolution even before it had started. It was a terrible strategic miscalculation and would cost Sankoh and the RUF very dearly.

118. The wisdom of the decision to rely on the NPFL fighters to prosecute the revolution was questioned by Sankoh's erstwhile most trusted co-organiser, Rashid Mansaray, in forceful and disillusioned terms:

> "How can you train us, prepare our minds and then allow somebody else to lead us into our own country? You are selling out the revolution!"[58]

119. According to one of Mansaray's closest friends, he made his stance on philosophical grounds:

> "Rashid's point was not that he opposed the Liberians per se, but that he believed their entry into Sierra Leone would be bad for the revolution. He stood by his position that if the NPFL joined the RUF then they were going to cause problems for us… and that is exactly what happened."[59]

120. Mansaray's words obtain all the more resonance from the assertion by some vanguards that he was not only speaking for himself, but for a large constituency of the RUF recruits who had witnessed the NPFL's propensity for violence at first hand and despised their generally unprincipled orientation. Sankoh apparently could not stand such an overt challenge to his Leadership of the movement and decided to proceed in spite of Mansaray's advice. He also ordered the detention of Rashid Mansaray in a cell at Gbarnga, thus preventing him from participating in the mobilisation of the RUF. The dispute thus excluded one of the RUF's most committed ideologues from the initial entry into the country.

121. Confidential interviews conducted by the Commission provide substantial evidence to support Mansaray's assertion that NPFL fighters would constitute a liability for the RUF. In fact, as will be shown later in this report, the NPFL were to become the primary perpetrators of the first two years of the conflict. Thus, perhaps the implications of the use of NPFL manpower in the RUF 'revolution' are best summarised in the following testimony from a senior RUF commander:

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[58] These are the words of Rashid Mansaray as they were recalled by a member of the RUF who was present in the meeting at which the disagreement between Sankoh and Mansaray erupted. See TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

[59] TRC Confidential Interview with a former RUF junior commander who joined the Pujehun front in 1991 and became a close friend to Rashid Mansaray; interview conducted in Freetown; 21 September 2003.

> "The explanation had been made to us so many times by the Leader himself that the old dictatorial regime of the APC is the only tyrant… Our targets would not be against civilians; nor even against armed men who surrendered. It was just rather unfortunate that the war started with a certain group of people who were not exposed to that type of ideology. Had it been a warfare started by people trained with that understanding, it would not have badly affected civilians in that initial phase[60].

Dynamics of the Full-Scale Incursion into Sierra Leone

122. According to the TRC's research and investigations, the conflict in Sierra Leone was launched from Liberia into both the Kailahun and Pujehun Districts, almost simultaneously. For the duration of Phase I, from 1991 to 1993, the combatant factions would use strategies of conventional 'target' warfare and the conflict would retain the character of a war on two fronts. The two fronts will be referred to throughout this chapter as the Eastern Front, centred on Kailahun District, and the Southern Front, centred on Pujehun District.

123. Initial combat operations on the Eastern and Southern Fronts commenced within a week of each other in late March and early April 1991. All the military indicators analysed by the Commission point to centralised leadership and direction of these Fronts: they employed strikingly similar troop movements from their respective points of entry; civilians were treated in a similar fashion in all the communities they entered; objectives of their operations were announced in an identical manner on both Fronts; and the hierarchies of commandership were structured and implemented under the same High Command.

124. Elementary and distorted details about the character and composition of the incursion force were spread among civilians by the insurgents, both initially upon their entry into many communities and repeatedly upon being asked by anyone who dared. The insurgents presented themselves in both Kailahun and Pujehun Districts as 'Freedom Fighters' of the Revolutionary United Front of Sierra Leone. They announced that they were here to overthrow the APC regime and were under the leadership of one 'Corporal Foday Sankoh'.

125. The incursion force was comprised of two distinct factions under the rubric of the RUF: the 'Special Forces' of the NPFL and the vanguards of the RUF.

The 'Special Forces' of the NPFL

126. Following Charles Taylor's promise of assistance, the overwhelming bulk of the fighters in the initial incursion force were commandos of the NPFL. Through analysis of data and numerous testimonies, the Commission has been able to determine that a force of approximately two thousand (2,000) insurgents entered Sierra Leone and that over four fifths of them – in the region of 1,600 fighters – belonged to the NPFL.

[60] TRC Confidential Interview with a former RUF junior commander who joined the Pujehun front in 1991 and became a close friend to Rashid Mansaray; interview conducted in Freetown; 21 September, 2003.

127. Nearly all of these NPFL fighters in Sierra Leone were of Liberian nationality, with possibly a maximum of one hundred (100) nationals from third countries among their number. Through the testimony of both their colleagues and their victims, the Commission has been able to verify that there were commanders as well as fighters from Burkina Faso (commonly called 'Burkinabes') and the Ivory Coast, in addition to individual or small groups of combatants from The Gambia, Nigeria, Guinea and Togo.

128. The Commission heard that all the NPFL commandos, whatever their nationalities, were referred to as 'Special Forces'. The term 'Special Forces' derives from the vocabulary of the NPFL and is understood to denote those fighters who have been trained outside the territory of the country in which they are fighting. The same title was applied to the select few Sierra Leonean commandos in the RUF who had been trained extra-territorially and had fought in the Liberian conflict, but were not vanguards; these included the senior commanders Rashid Mansaray, Mohamed Tarawallie, Abu Kanu, Mike Lamin, Noah Kanneh, Patrick Lamin, 'Pasawe' and CO Daboh.

129. The attack on the Eastern Front into Kailahun was led by NPFL General Francis Mewon while the attack on the Southern Front into Pujehun was led by NPFL General Oliver Vandy.

130. Key further commanders in the incursion into Sierra Leone included James Karnwhine (alias "Pa Jim"), Samuel Tuah (alias "Samtuah"), Benjamin Yaeten, Charles Timba, Dupoe Mekazohn ("General Dupoe"), James Wolonfa, John Wuseh, "Action" Jackson, CO "Bosco" and the man responsible for the Bomaru attack, Anthony Meku-Nagbe (who also used the alias CO "Dry Pepper"). Directional and command responsibility for the military operations of the NPFL – and thus for the bulk of the operations carried out by the combined incursion force between March 1991 and September 1992 – were vested in the hands of these men.

TRC



A former combatant testifies before the Commission during TRC public hearings in Magburaka, Tonkolili District.

The Vanguards of the RUF

131. Meanwhile the RUF vanguards, as described above, were largely untested in the realms of conventional or guerrilla warfare. They had been put through a programme of training that was unexpectedly curtailed due to the exigencies of the intervention plan. As one of the vanguards reflected:

> "They had told us [it would last for] six months… [so] according to the schedule, we never reached the end of the training programme."[61]

132. Nevertheless, this contingent would remain something of a 'special case' in terms of the composition of the RUF in the military and political history of the conflict. Their original number would not be expanded during the course of the hostilities, nor would the term be applied to any other group. In the folklore of the RUF movement, as it was later documented in 'public relations' texts like *Footpaths to Democracy*,[62] the vanguards were the founders of the revolution.

133. In this light it is ironic that the wholesale mobilisation of the RUF vanguards from their training base at Camp Namma was actually the secondary component of the deployment plan. According to testimonies of those who were involved in the incursion, the vanguards were divided approximately in two, each half constituting an initial 'Battalion' of the RUF. On this point, the Commission's research indicates that despite being numbered up to 385, the vanguard contingent in fact comprised between 360 and 370 operational fighters. The discrepancy resulted from the non-participation of most of the men with vanguard numbers from 001 to 021, who were claimed by Foday Sankoh to be 'colleagues who will join us later'.

134. Thus the aggregate number of RUF vanguards divided roughly into two groups of 180 fighters: the 'First Battalion' heading for the Southern Front, the 'Second Battalion' destined for the Eastern Front.

135. The 'First Battalion' had the longer distance to travel from Camp Namma, passing through Gbarnga and Bomi Hills on their way southwards to an assembly point at Bo Waterside, situated in Liberia's Grand Cape Mount County just over the border from Pujehun District. The 'Second Battalion' would cross towards the northernmost part of the Sierra Leone border, passing the NPFL stronghold at Voinjama and gathering at two assembly points, Foya Kamaya and Vahun, both of them in Liberia's Lofa County, within striking distance of Kailahun District.

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[61] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

[62] *Footpaths to Democracy* is a 44-page booklet that was published in the name of the Revolutionary United Front of Sierra Leone (RUF) in 1995 and for a time was available on the streets of Freetown. It contains several lengthy sections propounding the RUF's version of events in the early part of the war and some of its purported "liberation ideology and theology". Its keynote essay is attributed to "Foday Saybana Sankoh, The Zogoda, Sierra Leone". In their testimonies to the Commission, RUF members referred to the document as an original work, many of them claiming to have contributed personally to it writing. Nevertheless, the Commission has come to understand that much of the content is plagiarised from other, unaccredited sources. The text is available in full on the internet at the following address: http://www.sierra-leone.org/footpaths.html

136. While senior commanders, appointed at an uncertain time several weeks in advance, clearly knew the details of this plan, the instructions given to the majority of vanguards were said to be vague and confusing:

> "The Leader [Foday Sankoh] called us in the early hours and said that 'today we are going to launch' – we didn't have any warning, we were just loaded into trucks and moved. Most of us had no arms."[63]

137. The final sub-division of the vanguards before entering Sierra Leone appears to have been the most important. Each 'Battalion' was apparently split into three platoon-sized groups of about sixty (60) vanguards each, designed purposely to correspond with the 'targets' of conventional warfare on Sierra Leonean territory.

138. Each group was assigned to follow and buttress a particular cadre of commandos from the NPFL, with functions that encompassed both administration and combat.

139. Some of the educated and 'ideologically-trained' vanguards were given briefs as administrative commanders and tasks that included managing the movements and needs of civilians in the captured towns, recruiting new members into the RUF and investigating allegations of misconduct or rule-breaking.

140. Meanwhile the RUF's 'hardened fighters', including its senior Battalion and Battle Group commanders, joined the frontline advances of the NPFL and began to assemble growing cadres of Sierra Leonean combatants under their own command.

141. Commandership of the First Battalion on the Southern Front had originally been earmarked for Rashid Mansaray. He had been Sankoh's second-in-command throughout the period when the RUF was taking shape, including the training of the vanguards described above. However, due to the dispute between the two men and Mansaray's enforced exclusion from participation in the incursion, this position had to be re-assigned.

142. The title of RUF First Battalion Commander accordingly was handed to Patrick Lamin, under whom 'Pasawe', Abu Kanu (who apparently adopted the battlefield alias 'AB1B') and Mike Lamin were senior ground commanders.

143. On the Eastern Front, the RUF Second Battalion Commander and also the overall Battlefront Commander was Mohamed Tarawallie (alias "Zino" or "CO Mohamed"). The Battle Group Commander upon entry into Kailahun District was John Kargbo. Kargbo's biography appears to have been somewhat unique in the RUF: he was a former officer of the Special Security Division (SSD) of the Sierra Leone Police (SLP). The Commission heard that he had fought against the Doe regime in Liberia in the 1980s and was captured, tried and imprisoned. He was one 'genuine criminal' freed by Sankoh in his assembly of the vanguards. Pivotal ground commanders included Issa Sesay, Peter Vandy and Alicious Caulker, as well as the Libyan-trained Sankoh cohorts Noah Kanneh and CO 'Daboh', who joined the warfront somewhat later.

[63] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

144. Both the Eastern and Southern Fronts of the RUF vanguards were firmly under the command and direction of Foday Sankoh. The above-named RUF commanders, as well as the RUF's senior administrators, looked to Sankoh for their own distinct instructions, as well as for validation of the commands that were passed to them by the NPFL commanders.

145. Unlike Taylor, whom the Commission did not record as being present in Sierra Leone on a single occasion in Phase I, Sankoh would frequently visit both Fronts during the opening months of the war and eventually set up his own dwellings in the village of Sandiallu, Luawa Chiefdom in the Kailahun District. In his capacity as Leader and Commander-in-Chief of the RUF, Foday Sankoh was therefore in the position to have the final say on all RUF matters, including military operations, recruitment and promotion, political strategies and disciplinary measures.

146. It is worth concluding with a re-acquaintance of the RUF's objectives at the time they launched into their incursion plan. These should be reported notwithstanding the infinitely more complex dynamics that had been introduced by the subordination of the vanguards to Taylor's NPFL forces in terms of numbers, command and control.

147. Jonathan Kposowa, the Adjutant General of the RUF from the time of the training at Camp Namma, articulated the aim of the RUF movement in his testimony to the Commission:

> "The general objective of the RUF was to capture power. Sankoh told us that the Government was not doing anything better for the nation, so we could take them out. The people in power had gained power through force; so the only way to take them out was through force. Only after capturing power would we then think about ways to improve our own lives."[64]

Differing Dynamics on the Eastern and Southern Fronts

148. The Commission has come to understand that despite their supposedly common hierarchy of command and control, the Eastern Front and the Southern Front evolved as largely self-contained conflicts, at least on the side of the RUF. For much of Phase I, the combatants in the East had little or no idea of how their compatriots were faring in the South and *vice versa*.

149. Such disjunction was perhaps avoided at first because Foday Sankoh was able to use Charles Taylor's Headquarters in Gbarnga as an operational base from which to monitor developments on both fronts. Indeed Foday Sankoh visited Pujehun District on several occasions in 1991, as well as spending considerable time on the ground in Kailahun.

[64] Jonathan Kposowa, former Adjutant General of the RUF who worked closely with the Leader and other members of the High Command throughout the conflict; primary interview conducted at TRC Headquarters, Freetown; 25 June 2003.

150. However, within a matter of weeks, acrimony began to grow between members of the NPFL and RUF factions. As will be described below, a split in the Fronts and the emergence of differing dynamics became inevitable from this point onwards.

151. At the very latest, Foday Sankoh started losing contact with the Southern Front when the NPFL faction was forced out of the Pujehun and Kenema Districts by a strong alliance of various pro-Government forces in 1991. The significant factor here was that the core of the RUF in the South refused to jump on the bandwagon of the NPFL retreat to Liberia, believing that they could retain the territory they had captured until they linked up with the Eastern command.

152. On the contrary, the RUF actively encouraged the departure of the NPFL fighters by pitting itself against them. It had become clear to the RUF that the NPFL had become a liability, not sharing the objectives of the revolution, refusing to accept commands from Sankoh or any of the RUF commanders and having committed terrible atrocities against the people. In the process, the Southern Front of the RUF became isolated, territorially and in terms of communications. The separation of the Fronts would persist from that moment onwards, until the end of Phase I.

153. In one exceptional move, Rashid Mansaray, who had joined the Southern Front after his release from detention in 1991, travelled personally into Liberia and up to Kailahun in 1992 in an attempt to bridge the gap between the Fronts. However, Mansaray became 'cut off' from his return route and became deeply immersed in the dynamics of the Eastern Front. He was eventually executed in Kailahun District in late 1993 on allegations of connivance with pro government forces.

154. Thereafter, without direct lines of communication or any other conduits of information, Sankoh heard so little news from Pujehun that he was thought by some of his closest colleagues to have given up altogether on the Southern Front's chances of success. It was only upon commencement of Phase II and a different set of operations – analysed by the Commission under the rubric of 'guerrilla warfare' – that the RUF commandos from the two Fronts came back together and the movement was once again united.

155. This clear albeit unforeseen separation of the Fronts became increasingly apparent to the Commission during its information-gathering activities. In testimonies before the Commission, most of those who had been situated in the East gave their insights on a particular set of events that were concentrated in or directed from the East. Likewise most of those who had been situated in the South told a different set of stories, specific to their own area of operations.

156. The remainder of this section attempts to characterise the key military events on each of the Fronts as they were driven by or directed against the insurgents. At every turn, through the analysis rendered, an attempt is made to place these differing dynamics into the broader context of the conflict as a whole.

Incursion on the Eastern Front: Kailahun District

157. The Commission heard that within four days of the attack on Bomaru, the full-scale incursion into Sierra Leone was launched into the same Kailahun District. Accordingly the outbreak of the conflict in Sierra Leone is most accurately recorded as having taken place on Wednesday 27 March 1991. Statements given to the Commission indicate that the attackers crossed the border at Baidu in the early evening and that the first civilian settlement on which the incursion impacted was the market town of Koindu, Kissi Teng Chiefdom.

158. This location is much further north than Bomaru, but still on Sierra Leone's Eastern border with Liberia, close to the point where the two countries also meet Guinea. The incursion took the form of an entry along the main road into Sierra Leone from Liberia, leading directly from the town of Foya Kamala, which had been the final assembly point for the insurgents. At least one border guard was shot and killed as the insurgents forced their way into Sierra Leone.

159. The Commission further heard that the incursion was led by General Francis Mewon, a Libyan-trained commander of the National Patriotic Front of Liberia (NFPL), who travelled over the border in a camouflaged truck. The initial objective of the attackers was to 'clear the road' up to Koindu, at which point they would set up a holding position, receive reinforcements and begin to make incremental advances southwards. In the process of achieving this objective they forcibly displaced several hundred civilians from Koindu and began to carry out looting sprees and indiscriminate killings as they passed by houses on the main road.

160. The troops in the advance contingent commanded by Mewon were exclusively comprised of NPFL combatants, numbering approximately sixty – the strength of a platoon. In character and conduct, these men in almost every sense represented the prototype of combatants who would participate in the Sierra Leone conflict.

161. The insurgents carried firearms that included AK-47s, G3 automatic weapons, General Purpose Machine Guns (GPMGs) and Rocket Propelled Grenade launchers (RPGs). While the numbers alone constituted an ostensibly formidable arsenal, certainly in the eyes of the many civilian victims who reported on their activities to the Commission, it can also be pointed out that all of the firearms cited actually fall into the military classification of 'light weapons'. From the testimony presented to the Commission, weapons of their calibre were to remain by far the most common types of arms used in this conflict as a whole.

162. The attackers did not arrive in tanks or Armoured Personnel Carriers, nor did they receive air support from bomber jets or helicopter gunships. The fighting forces that instigated the conflict were exclusively ground forces, moving on foot or in trucks, trailers, pick-up vans and 4x4 vehicles, many of which were captured or stolen from the battlefield in Liberia. In terms of clothing, these commandos betrayed their unconventional nature through a combination of camouflaged uniforms, civilian clothes and a variety of 'charms', which were comprised of shells, nets, wigs, face paints and other adornments. Their appearance was intended to induce awe and alarm in those they encountered, based on the premise, shared by fighters of almost every faction, that they looked 'fearful'.

163. Crucial differences between the incursion of 27 March 1991 and the attack on Bomaru of 23 March 1991 are to be seen in the mode of entry, the nature and scale of mobilisation and the subsequent movements of the troops in question. The Commission heard that the group led by Mewon was quickly followed into the country by other fighters in trucks and on foot. These batches of insurgents did not retreat like the Bomaru group did; on the contrary they were ordered to move further into the District in the following days.

164. The numbers of insurgents present in the northern part of Kailahun is estimated to have grown to several hundred within two weeks, by which time the town of Koindu had been consolidated as a base and checkpoint, while the further towns of Dambo, Kangama and Buedu had also been taken. SLA troops in the area are reported in most accounts to have exchanged fire with the attackers for a brief period, before eventually retreating due to lack of logistics. According to one of the RUF vanguards, the SLA at that time "would repel you if you attacked them; but they were not strategising, so they could be easily defeated in battle."[65]

165. Moreover a second, separate flank on the Kailahun Front had been opened when several further platoon-sized contingents re-entered Bomaru and its environs on 31 March 1991; many residents of Bomaru, scattered in panic at the original attack, had only just returned to the town when the new wave of insurgents arrived. This time the nearby village of Senga was also directly targeted. SLA soldiers inside and outside the towns were reported to have returned gunfire, but were hopelessly outnumbered and ill-equipped to resist. Baiwala and Mobai were then taken by the insurgents by 12 April 1991, each of them experiencing similar patterns of human rights violations at the hands of Liberian fighters speaking in Gio, Mano and Pelleh languages.

166. Testimony received by the Commission suggests that the incursion group into Kailahun was led by the 'Special Forces' :

> "The NPFL Liberians were really the topmost commanders in the revolution when it met me. I came to learn that the Sierra Leoneans were just sub-commanders; they were not in control."[66]

Incursion on the Southern Front: Pujehun District

167. In Pujehun, the vanguard contingent appears to have entered the country simultaneously with the NPFL commanders; the role assigned to the vanguards was to 'backstop' the positions taken by the NPFL as they made their advance further into the territory. A number of Sierra Leonean vanguards were left to keep control of some of the earliest townships captured by the advancing Liberians. They were also the ones who 'prepared the ground' for the arrival of Foday Sankoh, the Leader, in the early days of April, when he addressed crowds of local people and 'sensitised' them as to the purpose and objectives of his 'revolution'.

[65] TRC Confidential Interview with a member of the RUF High Command who worked closely with Foday Sankoh after joining him in 1990; interview conducted in Freetown; 1 December 2003.
[66] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

168. A second front was opened in the south with the attack on the Mano river bridge, giving the rebels unlimited access into the Pujehun district. The capture of Potoru, and other towns like Bumpeh, Njaluahun, Gbaa and Benga, brought the rebels uncomfortably closer to Bo, the second city: Nyagorehun in Bargbo chiefdom about thirty miles from Bo town had come under attack by the 19th April, Bandajama and Koribondo in the Bo district by 27th April[67].

169. Word had been circulating for some time among the Bomi Hills contingent of the NPFL in Liberia that an attack on the Southern Province of Sierra Leone was being planned for the 2nd of April 1991. On the 3rd, from Bo Waterside, a SL refugee from Liberia recounted meeting the insurgents already in place[68] – he spoke with a Sierra Leonean named Ahmed Fullah who appeared to be part of a rearguard/backstop defensive position in Gendema – this was definitely reflective of the modus operandi of the insurgents: the NPFL fighters, who had a monopoly over the firearms and the lion's share of the logistics, would surge forward on the offensive, while Sierra Leonean vanguards and some of their early recruits would remain behind to guard the rear.

170. Among those who were left to guard the first town to be captured, Gendema, were the following Sierra Leonean vanguards in the initial incursion on the Southern front: Ahmed Foulah, Patrick Lamin, Augustine Koroma, Philip Palmer, Okeh George and Isatu Sesay.

171. Foulah advised some of the new recruits – "a fighter without political ideology is a criminal"; in the evening, the RUF cadres would gather together and conduct lengthy discussions about philosophy and ideology; Foulah handed some of the recruits an exercise book in which to make notes on the RUF ideology: causes of the war, eight codes of conduct, eleven principles of leadership, history of the country – Foulah himself had made his own notes in an exercise book during his training in Liberia; the new recruit in turn was intended to absorb the material, or to jot it down, to a sufficient extent to be able to pass it on to others.

172. Oliver Vandy, the commander of the Sixth Battalion of the NPFL based at Bomi Hills, led the attack on the Southern flank through Pujehun and to a great extent appears to have dictated the character of the military dynamics on that flank. On 17 June 1991, Vandy made a declaration in Zimmi that Sierra Leoneans were the avowed enemies of the NPFL. After that announcement, the Liberian contingent became extraordinarily violent towards Sierra Leonean civilians and the ruthless killings escalated. The acrimony on this flank then owed much to the strength and single-mindedness of the RUF leadership, particularly Mike Lamin, who repeatedly stood up for what was seen as the 'rightful' approach to revolution. Lamin, for example, was credited with the enforcement of rules and codes of conduct against miscreant NPFL commandos by administering punishments, including killings, in a public forum.[69]

[67] See SLENA News 29th April 1991, Daily Mail

[68] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

[69] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

173. It has been contended almost universally by former RUF members who have testified to the Commission that there was a "sharp difference" between the commandos of the NPFL and the newly-formed comrades of the RUF. While the former were said to be rough and unrefined, the latter claimed to carry with them a certain sense of purpose and pride in their programme, which sometimes even manifested itself in shows of mercy or moderation.

174. The essence of this contention would seem to be borne out by the submission of one of the Paramount Chiefs who suffered a wretched plight at the hands of the insurgents, Madam Matilda Y. L. Minah V.[70] The Chief was confronted with members of both fighting factions and recounted to the Commission a catalogue of violations carried out against her, her family and her people. Her testimony is salient, though, in the degree to which it demonstrates the subtle variations in the treatment of civilians and their authority figures by the NPFL and the RUF respectively:[71]

> "Sometime in 1991 I was in my Chiefdom Headquarter Town of Karlu when I learnt that rebels had arrived in Pujehun… [After two days] they met me at Karlu. The group was a very strange-looking set of people among whom I could recognise only one person whom I had known during my time as a teacher at Zimmi Makpele.
>
> […] After introducing himself, [the person I recognised] introduced me to the rest of the party. Their leader then explained their policy as one designed to liberate the country from corruption and all other malpractice. They then went ahead to lay down some ground rules for their operations, among which was their practice not to visit any town or village at night. He also emphasised that as a revolution, the RUF's policy was against looting, harassment and intimidation of civilians.

175. Foday Sankoh himself entered Sierra Leone initially through the Pujehun route, appearing in Gendema on 7 April 1991 in order to address a crowd that included three distinct groups: Liberian and other NPFL fighters; a host of vanguards from both Liberia and Sierra Leone; and a large gathering of civilians from local communities. The speech he delivered was the first in a series of efforts Sankoh made to sensitise and mobilise particular groups in support of his averred revolutionary objectives. By all accounts, he spoke passionately and convincingly on such occasions and was generally well received by his audiences.

176. According to a variety of testimonies before the Commission, Sankoh often spoke of his 'national vision' for the country. Many of the RUF members believe that Sankoh retained this vision for the whole duration of the conflict. He thus presented himself as an ideological force – and rather than crediting any of his mentors with his ideological posturing, he would emphasise that he

[70] Madam Matilda Y. L. Minah V, Paramount Chief in the Pujehun District; submission to TRC Public Hearings held in Pujehun Town, Pujehun District, June 2003.

[71] Understandably, the differing backgrounds of the attackers were not always clear to statement givers like P.C. Madam Minah. The collective and individual identities of the various insurgents mentioned in statements like this one has therefore had to be inferred by the Commission through further interviews with residents of the towns in question, combatants belonging to or captives who moved with the various factions involved, and patterns of abuse and attribution generated by the Commission's database.

owed his background only to the people of Sierra Leone and was therefore accountable only to them.

177. Despite all the efforts that Foday Sankoh made to institute some control of the destruction reaped in the name of the RUF, he was unable to put a stop to crimes against the people of Sierra Leone. From the inception of the conflict, he apparently maintained a notebook in which he would write down the names of all those whom he perceived as requiring to answer to the people of Sierra Leone. According to his Adjutant General, the notebook was Sankoh's means of discerning individual responsibilities and noting his regrets when members of the RUF deviated from the directions he had envisaged and issued:

> "Sankoh continually expressed regrets; not for the RUF in itself, but for the behaviour of its fighters. The one thing we most often heard him saying was: 'this is not what I told you.'"[72]

178. The RUF fighters became the instruments of other people's grudges. For this reason, recruitment into the RUF was compulsorily tied into the indoctrination of certain principles; at the earliest training bases, the purported idea was to educate the boys how to fight truly for their people.

179. Part of the motivation behind the insistence on a national sentiment in the RUF was meant to try and counter the dependence on personal grudges as a basis on which to wage the war. When Sankoh was around and a structure was in place to pass on such ideology, the tactic of training people ideologically was effective to a certain extent. However, this component of the RUF's programme mutated as the realities of warfare overtook it. Although it would underpin the first several years of RUF operations, it began to be eroded very early by the practice of the fighters. According to one of the earliest recruits, the commandos of the NPFL were the ones who set the predominant adverse examples:

> "The first collapse of political ideology in the RUF should be laid at the door of the NPFL. Look at the behaviour of most of their fighters; you will see they have no good ideology. Many of our young boys used to imitate the actions of the NPFLs and never understood what we were trying to do."[73]

[72] Jonathan Kposowa, former Adjutant General of the RUF who worked closely with the Leader and other members of the High Command throughout the conflict; primary interview conducted at TRC Headquarters, Freetown; 25 June 2003.
[73] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

180. Difficulties were also experienced in controlling the minds of those recruits who were taken from their homes against their will. Nevertheless the RUF continued to recruit forcibly. According to one of those who participated in the enlistment of new combatants, the command for such enlistment often came from the top:

> Sankoh just used to get word to us: 'X amount of young men are required to come on base and train'. After all, this was a 'national struggle'."[74]

181. Partly because of the miscreant activities of the NPFL and partly because of the acts committed by inexperienced or dishonest RUF fighters, the RUF contrived to alienate the civilian population from the very earliest throes of its revolutionary incursion:

> When a civilian population is with you one day and against you the next, there must be a reason: if you take someone's food from them, do you think they are going to support you? It became almost a custom of the RUF that everywhere you went you would have to loot."[75]

182. Among the prime reasons behind the selection of Pujehun as one of the entry points, or 'gateways', for an armed assault on the APC Government was that the District had a pedigree of anti-APC uprising. The opposition of the people of Pujehun to the APC had reached its pinnacle in 1982 with the civil unrest spearheaded by the 'Ndorgboryosoi'.

183. 'Ndorgboryosoi' was a reference to the feted 'bush devil' of the Mende people. In the 1982 rebellion, it had spawned the so-called 'Joso Group', or 'Bush Devil Group', a civil militia that embodied a particular mode of traditional warfare, invoking the assistance of the spirits. The concept was that the bush devil acted as bait to enemies by drawing them into the bush and leading them astray. It was said that the 'Joso Group' had the capability to spring surprise attacks on several points at the same time.[76]

184. The erstwhile second-in-command of the 'Joso Group' civil militia from the Ndorgboryosoi conflict nearly ten years previously, Lieutenant Momoh Konneh, became an unlikely ally and co-ordinator of field operations in the RUF for a time.[77] The original motivation for this group to mobilise appears to have grown from the widespread disgust among the civilian population at the behaviour of the NPFL commandos who had entered the District. The civilians presented a proposal to Lamin Kamara, who played a role in the RUF akin to that of a close civilian liaison to Foday Sankoh. The proposal sought the re-establishment of some kind of 'Joso Group' to participate in the liberation struggle.

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[74] TRC Confidential Interview with a former RUF combatant and 'G-5' commander; interview conducted in Koidu Town, Kono District; 12 August 2003.

[75] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

[76] TRC Confidential Interview with the former Executive Secretary of the Pujehun Residents' and Descendants' Association, who traced the links between Ndorgboryosoi and the early RUF; interview conducted in Freetown; 31 December 2003.

[77] Konneh contributed initial 'manpower' of 27 willing fighters to the RUF through one of Foday Sankoh's most trusted vanguards named Lamin Kamara. Konneh's motivations for adding his men to the RUF's fighting strength are not entirely clear, but it is incontrovertible that this addition changed the character of the movement on the Southern front.

185. The RUF took on the 'Joso Group' as an integral part of its infrastructure on the Southern Front. At least 27 of them were trained under Joseph Magona (alias One-Man-One), who was the RUF Battle Group Commander at the time, albeit only for a period of about three days. They were nevertheless immediately deployed in Potoru to counter the advancing ULIMO and SLA troops. Indeed the 'Joso Group' was probably the most prominent segment of the RUF fighting force on the Pujehun front line in the early months of the conflict.

186. The 'Joso Group' went into battle in a formation similar to that which would later be deployed by the Kamajors; wielding crude weapons like cutlasses and sticks with nails attached. As they bravely confronted the soldiers 'head on' in Potoru, these militiamen struck such a fearsome impression on the RUF fighters that the latter would later be convinced that it was not prudent to confront the similarly-constituted Kamajors.

187. Of course, the original name of 'Joso Group' was directly lifted from the 1982 uprising and reflected the fact that most of the fighters were in fact the same. Sankoh was aware that this group had in fact been the lifeblood of the First Battalion in its early stages, but wanted the character of the movement in the South to be more inclusive of potential other recruits. Thus, Foday Sankoh advised that the 'Joso Group' change its name to 'RUF Action Group' – partly as a stamp of his own endorsement, partly also to distance the RUF from any overt direct link with the Ndorgboryosoi uprising of 1982.

188. The advance of the initial invaders in the Pujehun District was much faster and arguably more direct than that of their counterparts in Kailahun. The reasons for this appear to be found in a combination of several factors: effective strategising and fast acting on the part of the NPFL;[78] lack of preparation and failure to take the attack seriously on the part of the Government forces; little or no resistance (if not active support) from most of the communities the invaders entered; and surprise tactics in various forms.

189. Within a few weeks of the incursion in Pujehun, the RUF had formed a Special Task Force intended to gather information about the activities of the fighters at the front. The STF also had the job of explaining the ethos of the revolution to the civilian population, since the Action Group was insufficiently trained in the ideology to perform such a task, and the commandos of the NPFL could not be relied upon to do in a manner that would encourage anybody to believe them.

[78] In particular, it appears that the NPFL had planned in advance to attack the base near Kenema that was being used for the mobilisation of LUDF, or ULIMO, forces. This information was contained in Gibril Massaquoi's statement and will probably be corroborated by some of our further sources, including Reuben's investigations.

THE PRACTICE OF CONVENTIONAL 'TARGET' WARFARE IN PHASE I OF THE CONFLICT

190. In exposing the rationale behind the original strategy of conventional warfare adopted in Sierra Leone by the combined forces of the RUF and the NPFL, it is essential to address the phenomenon of the 'target'. The Commission understands this term to be an area of territory that the attacking force wishes to capture and establish control over, assuming an offensive or a defensive posture.

191. As such, a 'target' will often be the subject of concentrated reconnaissance and planning well before any operations are conducted there. The object therein is to assess the topography, including roads, rivers, forested areas, hills, natural resource endowments and civilian settlements within the boundaries of the 'target'.

192. In seeking to understand the operational objectives of the strategy employed by the insurgent factions, the Commission gathered evidence from some of the RUF combatants charged with its implementation. The following testimony reflects one RUF junior commando's personal interpretation of the dynamics of conventional 'target' warfare and, in particular, its interface with the civilian population:

> "Foday Sankoh strictly warned that after the advancement into any 'target' and the capturing of any town or village, the inhabitants of those areas should only be responsible for feeding and accommodating [the troops] for a limited period of seventy-two hours. After that point, no single commando should stay or live in the towns, but should advance a mile or two forward and set up a defensive [position].
>
> From thence on, the commandos should be responsible not only for the feeding but also for the security of the inhabitants of the land captured [the 'target']. All food to support the people of that newly-captured land should be taken from the enemy-controlled areas. In other words, Sankoh said: 'RUF Feed the Nation and Protect the Nation'."[79]

193. On the side of the pro-Government forces, the type of warfare deployed was dependent on the nature of the threat they faced. The Army was not tactically flexible enough to develop into an effective jungle warfare unit, so it largely had to respond with a conventional strategy of frontal fighting. As one soldier who was recruited during Phase I told the Commission, there was also a degree of bravado in the approaches of the two factions to conventional 'target' warfare:

> "In that first phase, we would never use by-passes and neither would they. It was like a sense that we didn't need to go in a roundabout way because we felt we were stronger than them: we just relied on our support and so did they."[80]

[79] TRC Confidential interview with a former RUF junior commando recruited in Kono District in 1992; interview conducted in Freetown; 04 November 2003.
[80] TRC Confidential Interview with a former officer of the Sierra Leone Army who was recruited in 1992 under the NPRC and deployed in various parts of Kailahun, Kono and Kenema Districts; interview conducted in Freetown; 17 September 2003.

194. The tempo, medium and nature of the conflict as a whole were destined to be set by the conduct of the warring factions during Phase I. In this regard, the Commission regrets that certain facets of the tactics and operations proscribed by the High Commands of the NPFL, the RUF and the SLA were conducive to an inordinate level of civilian suffering.

Enlistment into and Expansion of the Insurgent Forces in Phase I

195. Channels of enlistment into the RUF were secured with varying degrees and different types of compulsion in the early years of the conflict. The Commission has encountered sensitive and astonishingly complex dynamics in many of the accounts of how Sierra Leoneans became 'junior commandos'.

196. In striving to generate an impartial overall understanding, it should be noted that there are always exceptional and unique tales, which will not fit comfortably into any of these categories. Nevertheless, the Commission presents the following narrative in the belief that it reflects some instances of enlistment that grew out of violations and abuses, some instances that directly caused violations and abuses, and some instances in which victims could go on to become perpetrators.

The 'Detainee-turned-Junior Commando' Category

197. The Commission received reports from both the Kailahun and Pujehun Districts that upon entering into major towns, the insurgents typically demanded that the residents should identify any soldiers, policemen or those in the community who were thought to be APC representatives or powerbrokers. In the event that these persons had fled, attention would turn to their relatives, their friends, their acquaintances and those who were deemed to know 'where they were hiding'.

198. Each of the persons pointed out in this manner, even where they denied any knowledge of the status they were alleged to hold, would be arrested and placed in captivity. Accordingly, sizeable groups of local residents, sometimes up to 20 at a time, were detained in a local cell or guardhouse on the premise that they had connections to the APC regime, however tenuous the link that connected them.

199. These detentions are of special relevance to the composition of the RUF because many of the detainees were subsequently converted into members, in a similar mode of compulsory 'recruitment' to the one applied to the 'detainee-turned-vanguard' category in Liberia. One resident of Pendembu, Kailahun District described to the Commission how he was enlisted into the RUF after a two-week period of detention until 29 April 1991:

> "Upon his first arrival in Pendembu, Foday Sankoh was made to understand that some people were jailed and that they were still in the cell. Immediately he sent for us and we were brought before him. We had been told the previous night that they were going to kill us next morning, so some of us thought Sankoh was going to do the killing. Rather fortunately he was our saviour.

> He became very furious with the [NPFL] commanders; he told him that this was not what he had sent them on and that they should not treat his people in such a way… He apologised to us and begged us to accept it in good faith as it was wartime… He then picked me up as the youngest among those from jail and asked for my name, my occupation and my qualification. He told me that the revolution is for those of us who are educated but have no better jobs."[81]

200. A similar story was recounted from the town of Gendema, Pujehun District, where Foday Sankoh appeared on 7 April 1991 and similarly lambasted his commanders for putting prominent functionaries of the authorities in a cell. Upon securing their release, Sankoh apparently embraced and praised the detainees for their courage and welcomed them, especially the soldiers among them, into his movement.[82]

201. According to testimonies, Sankoh described the men as "our brothers, not our enemies"; a popular refrain was that these people had no choice but to be working for the authorities because it was a one-party state. In Gendema as elsewhere, such displays by Sankoh in releasing detainees were reportedly greeted with rapturous ovations from the civilian crowds, from which Sankoh clearly drew valuable populist credentials.

202. From Pendembu, for example, Sankoh recruited his War Council Chairman S. Y. B. Rogers, his GSO-1 Moigande Moigboi Kosia and other educated persons like Francis Musah and Patrick Beinda, who would perform crucial roles in his administrative cadre. From Gendema he introduced service personnel like Patrick Mattia, Emmanuel Sheriff and Chico Myers to his growing force. In addition to their calibre, these men were destined to provide unflinching loyalty to Sankoh because he had cast himself as their 'liberator' and foreseen that they would then become captive to his wishes.

203. As the following testimony from a vanguard indicates, Sankoh was notorious for exerting moral compulsion over individuals and communities by playing on the perceived indebtedness of those he had freed:

> "He continuously reminded me of the fact [that he was my 'liberator'], everywhere we went. Even when we first captured my hometown, he gathered my relatives from the area and asked me to tell them where he had found me… When I just said the place, he was not comfortable. He wanted me to say 'in prison', which I did; so as to make it clear to the people that he had rescued me."[83]

[81] TRC Confidential Interview with former RUF 'junior commando' recruited on the Kailahun front, who later became a G-2 / IDU commander; interview conducted in Freetown, 13 September 2003.
[82] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.
[83] TRC Confidential Interview with former RUF 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.

204. As with the vanguards themselves, the 'detainee-turned-junior commando' category would become a key sub-group within the RUF, whose contributions to decision-making, in the realms of administration and political strategy in particular, would to a great extent help to shape the evolution of the movement into which they had been enlisted.

Willing 'Revolutionaries' and the Influence of Foday Sankoh

205. There are, it would appear, some complicated sociological dynamics to be considered when looking at the concept of 'volunteering' one's own or a family member's services to the RUF. It is often in ignorance of such dynamics that Sierra Leoneans from outside the Kailahun District have expressed surprise and faint derision to the Commission that, at the outset at least, it had appeared that many families in Kailahun had actually urged their youngsters to join the RUF as a token of their support for the 'revolution'.

206. The Commission heard of instances in which this phenomenon occurred; but these accounts do not warrant the stigma often attached to the people of Kailahun on the basis that they 'gave their children to the RUF'.

207. At the time when the insurgents entered Sierra Leone there was deep-rooted discontent among many segments of the population, much of it attributable to the Government that the RUF declared they had come to overthrow. With this in mind it is possible to regard the acts of 'volunteerism' registered in Kailahun and elsewhere as symbols of an overriding will to change the system. At the early stages of the insurgency there was no means of knowing that the RUF would go on to become an even greater scourge on the people of the country than the oppressive Government they opposed.

208. Nevertheless a variety of individuals in both the East and South of the country, with particular emphasis on young men from rural areas, joined the RUF of their own volition, stayed with the movement until the end of the conflict and, in many cases, have gone on to become members of the Revolutionary United Front Party (RUFP), which they feel still embodies their ideas for change. They comprise a category of recruits, first and most recognisably drawn from Phase I of the conflict, who absorbed the ideological rhetoric of the RUF's orators, identified appealing elements to its agenda and decided in good faith that they should ally themselves to its insurgency. They are best described, in their own words, as 'willing revolutionaries'. [84]

209. 'Willing revolutionaries' testified in significant numbers to the Commission about their experiences before the conflict and their reasons for joining the RUF. The stereotype seems to fit a young man who had come from a lower-class background of abject poverty and whose parents had not enjoyed any favour or good fortune under the APC, despite often having worked hard in the agricultural sector. He had nonetheless been able to acquire enough education to perceive some of the blatant injustices to which he was being subjected; but at the point the RUF found him, he had lost all social bearing and was therefore open to the option of taking up arms.

[84] TRC Confidential interview with a former RUF junior commando recruited in Kono District in 1992; interview conducted in Freetown; 04 November 2003.

210. This stereotype could be applied to thousands of former RUF combatants and it was borne out again and again by witnesses before the Commission. A common decisive factor in many of the stories told by 'willing revolutionaries' was that they had been ultimately convinced to join the RUF through a public address by Foday Sankoh or one of his compatriots, similar to the speeches described above. One young man narrated the impact an address by Sankoh had on him in the following terms:

> "What Sankoh said was what really made me stay with the RUF for a long time – his argument was really convincing. He made reference to many Sierra Leoneans who had been killed by the APC; to the mismanagement of our natural resources, not just diamonds, but all the land – that there is a lot to boast of, but what does the average man have to show for it? He kept coming back to the point that Sierra Leoneans were being deprived of their legal rights; he talked about so much bad governance; how politicians were manipulating the people – through tribal politics, sectional politics and party politics… [He said] that unless we bridge the gap between the North and the South we can never establish national unity… and without unity we can never achieve progress. Pa Sankoh had a huge amount of national pride. "[85]

211. Similarly 'willing revolutionaries' testified that they had seen the RUF as a means of effecting a positive change in the country, of freeing themselves from their soul-destroying socio-economic circumstances and of putting right some of the injustices that they perceived to have left them disadvantaged or marginalised in society. Through its discussions with these RUF junior commandos in this category, the Commission gained plentiful evidence of Foday Sankoh's uncanny ability to exploit the legacies of the multi-faceted bad governance that successive political elites had wrought on the country.

212. It is indeed in this regard that the Commission has come to realise the centrality of bad governance, corruption, all forms of discrimination and the marginalisation of certain sectors of society among the causes of conflict in Sierra Leone. As has been discussed in the chapter on antecedents, these historical ills and injustices had prepared the ground for someone of Sankoh's renowned manipulative ability to canvass among the people and find scores of would-be RUF commandos who could be brought on board with relatively little persuasion.

213. Sankoh in fact made pointed and often astute attempts to sensitise and mobilise particular groups in support of his averred 'revolutionary' objectives. By all accounts, he spoke passionately and convincingly in his public addresses and was apparently well-received by his audiences in the early weeks of the conflict. In addition to being a generally compelling character, he would often adapt his style, or indeed his rhetoric, to play on the particular characteristics or insecurities of the local population who were receiving him.

214. Thus in the Kailahun District, Sankoh's addresses dealt with the plight of impoverished farmers and coffee or cacao harvesters who were historically prevented from receiving due compensation for their yields; in the coastal District of Pujehun he was reported to have spoken about fishery and marine

[85] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

resources, as well as the local undercurrents of social disgruntlement that had given rise to events like the Ndorgboryosoi rebellion in the 1980s.

215. To accomplish such a level of familiarity with the diverse cultural and historical contours of Sierra Leone and its peoples had required years of exposure and application on Sankoh's part; it is this recognition that lends credence to the theory that Sankoh had been methodically gathering insights and experiences that would stand him in good stead as a 'revolutionary' leader for years in advance of his 1991 incursion. His time working as a photographer in the late 1970s and early 1980s, along with his extensive in-country travelling, had permitted Sankoh to gather up multiple public opinions on the perceived wrongs of the APC and thus to shape himself as a man of the people wherever he might go.

216. These perspectives on Foday Sankoh go some way to assisting our understanding of how certain members of the RUF were drafted in with what one might describe as the minimum degree of compulsion. These can be considered, on a certain level, to have been 'revolutionary-minded' recruits, who found common cause with the powerful, albeit unsophisticated, case for a revolution expounded by Sankoh.

217. Many of them, in the fullness of time, appear to have abandoned their original philosophical orientations and engaged in atrocities in the name of the RUF; many of them became discouraged by the acts of others, but saw dissent as futile when the most powerful commanders were prone to executing dissenters; some of them indeed opposed the course and conduct of the war, but their opposition apparently cost them their lives.

218. For the few such 'willing revolutionaries' who remained, it is fair to consider the perpetual paradoxes that they found themselves confronting as the realities of warfare enveloped them. Yet the incontrovertible truth is that none of these people ultimately did anything concrete to temper the ascendancy of volatile combatant commanders in the RUF or to halt the overall spate of violations and abuses for which the faction is collectively responsible.

219. Thus, in the Commission's summation, there were indeed some RUF members who genuinely and consistently seemed to believe in the possibility of effecting democratic change through a revolutionary programme; but right from the start of Phase I they constituted a miniscule and quite powerless minority in the RUF.

220. It was equally possible for the Commission to discern that there was often a very thin dividing line between purported 'genuine subscription' to the values of the RUF's agenda and the opportunistic pursuit of personal gain or retribution based on misplaced grudges, grievances and vendettas. In short, many people claimed to be 'revolutionary' when they were actually nothing of the sort; they simply wanted to utilise the RUF as a means of acquiring a firearm and a vehicle for their own aggression. As the RUF's former Adjutant General testified to the Commission:

> "Some people felt that going on the base would give them a chance to revenge for anything that had happened to them."[86]

The Original Strategic Objectives of Conventional 'Target' Warfare

221. The incursion as it had been envisaged by Foday Sankoh had one central objective: the capture of the strategic military barracks at Daru, situated on the banks of the Moa River in the Kailahun District. Its success would have cleared the way for the insurgents to consolidate their grip on Kailahun District without fear of large-scale attacks by the Sierra Leone Army and further to launch operations into the important Kenema District. It would also have signalled a more successful adoption of the blueprint carved out by the NPFL in the Liberian conflict, whereby Provincial military installations were routinely captured and thereafter became the training bases and fortresses of the NPFL.

222. Moa Barracks, at Daru, in the Kailahun District, was to stand out in Phase I of the conflict as the main hinge on which the fortunes of both the insurgency and the defensive effort would swing.

223. As far as the defensive effort was concerned, President Momoh, who was also a General in the Sierra Leone Army, knew that all available resources would have to be plied into the Barracks speedily and methodically to fortify it as his Eastern stronghold; its fall would have deprived the Army of its single largest installation and quite possibly stood to cripple the war effort irrecoverably before it had even properly begun.

224. Conventional 'target' warfare suited the geographical dynamics on the ground in Kailahun District: sizeable towns spaced apart at regular and manageable intervals; deployments of SLA units whose retreat would follow a fairly predictable path along main roads; and a series of distinct 'targets', progressively greater in size, that would build up to the grand strategic objective of capturing Moa Barracks, Daru.

225. Moreover, the social, economic and political conditions were amenable to a programme of the sort that the RUF purported to stand for. The area was known to be a hotbed of support for the SLPP, which made it relatively easy to derive cheap 'revolutionary' capital out of the political inclinations of the populace by adopting a signature colour of green and an emblem of palm fronds as RUF symbols. The following testimony suggests that these tactics were a rather crude effort, since the symbolism was not even understood by some of the people who were meant to spread its practice:

> "There was a little boy who ran up to me as soon as he saw me. He asked if I was a 'Momoh soldier'. At that time they were speaking Liberian pigeon language. The boy asked me if I was a 'Momoh soldier'. I said I was not a soldier. I asked him who brought the war. He said they had somebody supporting them and his name was Foday Sankoh [and] that he was a Sierra Leonean. 'We have just come to remove

[86] Jonathan Kposowa, former Adjutant General of the RUF who worked closely with the Leader and other members of the High Command throughout the conflict; primary interview conducted at TRC Headquarters, Freetown; 25 June 2003.

> APC', he said. The other boy said that we should have a palm tree or a green cloth tied on our hand."[87]

226. The people were mostly farmers, who had received an especially rough deal under the APC because they were never properly paid for their agricultural produce and forced to labour long and hard to support their families. One farmer's son who subsequently joined the RUF described his perspective in the following terms:

> "Members of Parliament in the APC Government regime chiefly exploited and oppressed the poor farmers with their selfish and greedy ideas. They and their children evaded all works of life by eating out of the farmers' farming activities… They would either cheat them of the money that was supposed to be paid for their produce, delay the payments, or pay the farmers by instalments instead of paying them everything at a stretch… They made sure that the farmers could not make any effective use out of their money earned from their plantations to make them become prosperous. We knew it was a deliberate act… so that everything should work at the advantage of the oppressors and at the disadvantage of the poor farmers." [88]

227. The Commission heard that when Sankoh's revolution was launched through speeches laced with populism and panaceas, many villagers were convinced that they should support the RUF as a preferable alternative to the system under which they struggled. A combatant cadre grew out of many different sources of enlistment, including volunteers. There were high numbers of 'willing revolutionaries', as people were seduced by the simplistic RUF mantra that claimed the first step to material betterment was to turn the guns of the system against it: "Arms to the People, Power to the People, Wealth to the People."

228. There were also recruits who were forced to undertake training purely on the basis that they were 'able-bodied', no matter what their age. The Commission heard from the RUF's Adjutant General that overt pressure was applied in this regard to ensure that would-be fighters effectively had no choice:

> "At that time anybody who was fit to walk could be put on the training base… if you didn't go for training you would have a load put on your head and be made to carry it to Liberia."[89]

229. The training bases set up by the RUF entailed terrifying exercises that habitually tormented their participants and often led to their deaths. As one child recruit testified to the Commission's closed hearings, this torture commenced from the moment the 'training' started.

> "The first day we arrived on the place they ordered us to lie flat on the floor. We had no idea and we lay down as if we were lying on a bed.

[87] Morie Feika, former RUF junior commando, recruited on the Kailahun front in 1991; testimony before Commission public hearings held in Kailahun Town, Kailahun District; 13 May 2003.
[88] TRC Confidential interview with a former RUF junior commando recruited in Kailahun District in 1991; interview conducted in Tongo Field, Kenema District; 15 July 2003.
[89] Jonathan Kposowa, former Adjutant General of the RUF who worked closely with the Leader and other members of the High Command throughout the conflict; primary interview conducted at TRC Headquarters, Freetown; 25 June 2003.

> They showed us how to lie down flat and if they saw your foot up they will use their foot to stamp your foot down. Then they will use the gun; they put it on the forehead of the first person in the line and fire! In that process if you are hit by the bullet you are killed. If you are not perfectly in line with the first person, that is the end of your life. They were doing that so that we can get accustomed with the sound of a gun. They taught us how to fire guns for ourselves. They also taught us courtesy and discipline that will show us how to respect them. But even though you respect them they will not respect you. It was no formal training where you go to a classroom. With that kind of training if you are sent to the warfront only God will help you."[90]

230. Additionally the administrative cadre took on added capacity by abducting, indoctrinating and affording lofty positions to a range of local teachers and clerks in the communities they entered.

231. On the Southern Front, on the other hand, neither the terrain nor the human population was quite as susceptible to this type of operation. In terms of land, there were three natural obstacles to overcome from the outset: the site of a major diamond-mining settlement, in the shape of Zimmi, surrounded by lucrative fields of gemstones; the path of the Moa River through the heart of the District, flowing into the awkward Turner Peninsula on its Southern coast; and the absence of major military installations that were easily and foreseeably assailable.

232. The first factor, material wealth, would prove to be a distraction of avarice, whereby NPFL commandos with a patent obsession for self-enrichment would choose to indulge themselves in looting and mining activities, using mostly forced labour, rather than to advance further into the territory of Sierra Leone. The second factor, the riverine terrain, could not be negotiated due to sloth: effectively the NPFL commandership could not muster the necessary sophisticated tactical assaults that would have been required to transgress plentiful rivers and marshlands. The third factor, distant targets, posed a quandary to the insurgents primarily because it required concerted and sustained application on their part; having been coaxed into more profitable pursuits by the first factor and somewhat overawed by the second factor, the fighting force demonstrated that it was simply not up to a task of that magnitude.

233. The Commission's research attests to the fact that the NPFL faction, comprising Liberians and a selected few other nationals of foreign countries in the sub-region, largely confined their bases in the Pujehun District to the areas around larger towns like Zimmi. In other words, since the goals were further out of reach than originally anticipated, it was easier for the NPFL just to rest on their laurels and live off the land.

234. This widespread deviation from original strategic objectives was confirmed by the Commission in interviews with many of those who fought for the RUF side alongside the NPFL. As one of the vanguards on the Southern Front testified:

[90] TRC Confidential Testimony from an early child recruit of the RUF in Kailahun District; testimony before Commission closed hearings held in Kailahun Town, Kailahun District; 14 May 2003.

> "When the fighting started, those who were in control of the arms, when they reached Zimmi, thought that Zimmi was Bo or Kenema. The properties that they met around those areas were all that they were after, to take back to Liberia. They became so amazed with all that they had met in Pujehun that they totally forgot about continuing the war. Instead, they were only interested in looting and taking properties back to Liberia. We started getting concerned: 'Are these people here to help us fight our war or are they just here to take all our peoples' properties?'"[91]

235. In the case of the Moa Barracks, it led to a fierce, all-out battle far greater than the one that the insurgents had planned for at the outset of their planning. The magnitude of the battle in fact attests to the added importance that had been attached to the Barracks in the light of ECOMOG's utterances that it could become a new station for its forces (supplanting Lungi on the grounds of geographical and strategic importance).

236. The Commission heard testimonies about the ferocity of the battle for Moa Barracks, Daru from combatants who fought there in several distinct capacities: RUF fighters whose objective had been to overcome the Barracks; SLA officers who provided infantry power to the defensive operations; and 'irregulars' from both the North and South of the country who fought on the side of the Government troops. Each of the perspectives garnered differed subtly from the next, but a unanimous, two-part conclusion was shared by them all: the battle was the single most critical strategic confrontation between the two sides in the entire duration of Phase I and it culminated in defeat for the insurgents.

237. The clash was essentially played out from the two opposite banks of the Moa River. The river runs between the town of Daru, on the Eastern bank, and the Barracks themselves, on the Western bank, traversed by a landmark bridge that is the sole crossing point in that vicinity. The insurgent forces were spearheaded by some of the most senior and most hardened fighters among Taylor's NPFL, who were of both Liberian and Burkinabe nationalities. They were buttressed by Sierra Leonean and Liberian RUF fighters, including up to two platoons of vanguards from the Eastern Front. The total force numbered up to one thousand commandos, who were well armed with light weapons and grenades, but had nothing of the cumulative calibre possessed by the pro-Government forces on the other side of the river.

238. On the side of the Government, the most formidable firepower was provided by the Guinean Armed Forces (GAF) faction, which is thought to have comprised only 200 troops. It was not so much the quantity as the quality of their artillery that made the difference in the confrontation that ensued.

[91] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

Early Tensions between NPFL and RUF commandos

239. Tensions between the RUF vanguards and the Liberian-led NPFL faction started to arise at a very early stage of the conflict. Indeed, rather than being drawn out along strictly factional lines, instances of in-fighting were reported to have taken place even between members of the same groups. For example, a series of incidents in Bunumbu Town in Kailahun District demonstrated the types of bloody spats that broke out among NPFL fighters. A Gambian commando, apparently also Libyan-trained, known to his compatriots only by the name of Abraham, had carried out a summary execution of one of his Liberian colleagues who was alleged to have committed various atrocities against civilians.[92]

240. In retaliation for this act, Abraham was set upon by the leader of the Liberian group, Colonel Samuel Tuah, shot in each of his legs and left to bleed slowly to death. Some of the Sierra Leonean vanguards who had originally supported Abraham's effort to quell such atrocities against civilians were understandably silenced by Tuah's response. By demonstrating such a callous disregard for human life and by slaughtering those – even from among their own – who stood in their way, the Liberians succeeded in orchestrating a reign of terror over the territories they entered.

241. Sankoh was unable to control the Liberians. Had it been simply a question of financial or logistical support, perhaps Sankoh could still have retained the prerogative to direct operations on the ground, commanded the unbending loyalty of his troops and taken firm leadership decisions to guide his 'revolution' in the direction he alone saw fit. However, such a level of autonomy would prove impossible to achieve whilst up to 2,000 armed NPFL commandos were present on the territory of Sierra Leone. These fighters were detrimental to Sankoh's leadership in two key ways. The most obvious is that collectively they had little respect for Sankoh once they crossed the border and therefore acted with malice and violence exactly as they wished, which was often against Sankoh's will.

242. The second factor is perhaps not immediately perceptible, but would result in irreparable damage to Sankoh's agenda. Having brought them here under the auspices of the RUF, he had to accept that in the eyes of the population these people *were* the RUF. Accordingly, whether Sankoh liked it or not, the acts and atrocities carried out by the NPFL fighters would be his ultimate responsibility.

[92] Among his other violations, the Liberian NPFL fighter had been witnessed by Abraham and many of the local townspeople as he killed and beheaded a civilian female, who was the mother of his girlfriend. The Liberian's justification for this act was that he had been visited in a dream by the evil spirit of his victim, and warned that she would place a curse on him if he pursued his relationship with her daughter. Accordingly, the Liberian had become so haunted by the prospect that he had told his colleagues of his intention to kill the woman's spirit for good. He had attacked her at her home, shot her dead, decapitated her corpse and thrown her remains into the bush, instructing the townspeople not to go near it. For this heinous act, Abraham decided to execute the Liberian.

THE MILITARY AND POLITICAL DYNAMICS OF THE RESPONSE TO THE ARMED INCURSION

The APC Legacy of Deficiencies in the Sierra Leone Army (SLA)

243. The Commission heard numerous testimonies regarding deficiencies in the conventional state security apparatus at the outbreak of the war. In their totality, these accounts paint a picture of grave abandonment of the basic needs of the Republic of Sierra Leone Military Forces (RSLMF) under the APC, to the extent that the country was devoid of an operational Army when it needed one most in 1991.

244. Some witnesses have indicated a belief that the impoverishment of the military was merely symptomatic of the universally tight constraints on Government spending that blighted the APC regime, both prior to and after the start of the conflict.[93] Others have speculated that the APC had purposely suppressed the development of the state military forces through a combination of misplaced priorities and 'intense political interference'; according to a lucid and authoritative submission from Brigadier (Retired) Kellie H. Conteh, "it seemed a deliberate strategy to make the Army a non-effective fighting force."[94]

245. In the light of the Commission's findings on the system-wide bad governance of the APC, there is little need to reiterate here the extent to which the military was marginalised throughout the 1970s and 1980s. By the commencement of the conflict, the army didn't have moveable vehicles, communication facilities were non existent, and most of the soldiers were not combat ready. They had not attended refresher courses or gone to the practice range for years. The senior officers had indulged in the good life and were therefore unwilling to go to the warfront. The army was simply in a mess.[95] It is worthwhile to point out certain specific effects of that period of systematic institutional destruction insofar as they were relevant to the dynamics of the military's involvement in the conflict.

246. The Commission heard scathing assessments from several long-serving officers. Colonel K. E. S. Boyah drew attention to the staleness as well as the small size of the force:

> "Before the war, we just had this single full battalion; just First Battalion. It consisted of a little below 1,000 extremely old soldiers, who have been here before, during the advent of the post-colonial days. So they were permanently here and they were in their [relatively] large numbers. Then we had the Second Battalion of about 500 to 600 personnel; then the

[93] Colonel K. I. S. Kamara, current Director of Army Medical Services and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF) who served under the APC, NPRC, AFRC and SLPP Governments during the conflict period; TRC Interview conducted at TRC Headquarters, Freetown; 15 October 2003.
[94] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.
[95] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

training units in Daru and Benguema. So it was not that much. I am not sure we were up to about 3,000; the infantry elements."[96]

247. Colonel Bashiru Conteh delivered a similarly bleak verdict in his testimony:

> "In my opinion because our Army was very small at the time, it was more or less a ceremonial army not really fit for combat… the few officers who were there were not competent officers.
>
> [We] are talking about the entire Army including fewer than four thousand soldiers. In fact it was not even up to four thousand; it was just three thousand plus.**"**[97]

248. In spite of its withering numbers and apparently for the sake of keeping up international appearances, the APC Government had posted 377 soldiers – more than one tenth of its total troops – to Liberia in late 1990 to participate in ECOMOG operations there. Asked if this LEOBATT 'Special Battalion' comprised the 'cream of the crop', Colonel Bashiru Conteh, Adjutant to the deployment, responded as follows:

> "I want to believe so because we were taken from different units and there were a lot of debates on the nomination of officers, the nomination of the NCOs (Non-Commissioned Officers) and even the nominations of the men. They were very selective.
>
> That was the first International Mission after the Congo crisis in 1961. So the commander by then had hand-picked officers who could represent the country outside properly."[98]

249. By the time a second LEOBATT contingent left for Liberia on 3 March 1991, it could be said that more than half of the SLA's 'competent officers' were in fact stationed outside the country.

250. SLA troops had been rendered not only collectively dysfunctional, but also individually disaffected. From the testimonies of soldiers who filled both the senior and junior ranks at the outbreak of the conflict, it is clear to the Commission that personal, familial and tribal disharmonies had eaten away at the sense of common purpose that is supposed to be the very essence of a national army. At every level, right to the core of the institution, morale was pathetic.

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[96] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.

[97] Colonel Bashiru S. Conteh, current Director of Training in the Sierra Leone Army, erstwhile Battalion Commander and one-time Secretary of State for the Eastern Province under the NPRC; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.

[98] Colonel Bashiru S. Conteh, current Director of Training in the Sierra Leone Army, erstwhile Battalion Commander and one-time Secretary of State for the Eastern Province under the NPRC; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.

251. In place of pride and professionalism, the soldiers – particularly senior officers – had indulged in vices such as embezzlement of public funds and favouritism along nepotistic or tribal lines. These were abuses of power that had been learnt and were copied from counterparts among the political elite. Their practice in the military meant that most of the officer class was corrupt while junior ranks harboured unhealthy levels of resentment towards their seniors.

252. The Army was also increasingly plagued by what were described to the Commission as 'generation gaps': fundamental disparities in the self-perceptions of different 'generations' of recruits, grouped by their year or 'era' of recruitment. Where a particular set of soldiers identified itself according to an exclusive 'group mentality', this would give rise to tensions and prejudices from and towards others.

253. One striking reference to this trend came in the testimony of Julius Maada Bio, a Lieutenant at the beginning of the war who would later become Head of State by virtue of his seizure of the Chairmanship of the National Provisional Ruling Council (NPRC). Bio identified a host of more stringent standards of attainment in the processes used to recruit or promote soldiers in the late 1980s and claimed that they had helped to develop "a totally different breed of officers". According to Bio's testimony, the officers who had benefited from the reforms of the 1980s were convinced of their superior pedigree:

> "The bulk of the military by 1990 was just ceremonial… most of the old officers were there because of tribal affiliations and did not merit their positions. But if you compared our batch to previous batches, you would have realised a significant improvement… for example in the general level of education."[99]

254. Bio's statement appears to carry a lot of credence in fact. At least a degree of positive evolution seems to be attributable to the introduction of the Progressive Qualification Scheme, Levels One and Two (PQS 1 & 2), which was an initiative of the Operations Department to ensure that Army ranks were connected to merit. However, it should be reiterated that new developmental initiatives were terribly narrow in their scope; for example, only two sets of PQS 1 & 2 officers had graduated before 1991 and any further training programmes envisaged were nipped in the bud when war broke out. Thus, it would have been premature to think that the Army was somehow turning the corner towards higher standards.

255. The Commission has instead come to realise that even the modest incremental advances made in these areas were being interpreted by trainees and non-trainees alike as grounds on which to differentiate themselves from their colleagues and to assert their own superiority, regardless of rank. Loyalty, respect and obedience did not obtain along the lines of conventional command structure; they depended much more on arbitrary considerations such as where you were from, which ethnic group you belonged to and whether you might be amenable to engaging in or turning a blind eye to someone else's malpractice. Quite apart from feeling that the politicisation and stigma attached to their collective identity was unjustified, many soldiers confessed to disillusionment with the ways in which personnel were treated within the military hierarchy.

[99] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

256. It would be an understatement to say that the Army was not unified. There were innumerable cleavages in competence and perceived competence that served to divide and alienate at every level: they caused disagreements between members of the officer corps on key directional issues; they precipitated widespread mutual suspicion in the rank and file; and they distanced the former cadre from the latter.

257. In addition to the manpower weaknesses there were also operational deficiencies:

> "The problem was that the whole thing was new to us. We were not prepared for it, in terms of training, in terms of arms and ammunition, in terms of getting the right structure to support a war machinery; and a lot of other things were against us in the system. Quite apart from the fact that the manpower itself was not there. The operations too were very new to us, because the conventional nature that is taught within the system was not what was applied by the rebels then. So it takes you sometime before people rethink to respond to the type of warfare that was introduced into the country."[100]

258. Most of the units deployed along the first line of defence in 1991 were without any form of modern communications equipment. Although they were scattered across considerable distances and unforgiving terrain, they mostly depended on human messengers to transmit situation reports or pleas for assistance to neighbouring deployments.

259. The length of time entailed in delivering a message was almost always prohibitive of any robust preventive measures being taken by the recipient. Where fear or folly caused soldiers to act upon messages of this nature, they were actually more likely to put their own lives in jeopardy than to counter the reported threat:

> "By the time a message was delivered at point B the situation would have been so different that any plan based on the message would prove to be useless and in most cases suicidal."[101]

The Legacy of Political Preference for Paramilitary Forces

260. It is worth pointing out that the Special Security Division (SSD), effectively the paramilitary wing of the Sierra Leone Police (SLP) force, had prospered in almost inverse proportion to the conventional military. The preference given to the SSD, formerly the Internal Security Unit or ISU, was attributable to the personal insecurities of Siaka Stevens, as the Commission heard from the incumbent Inspector-General of the Sierra Leone Police, Brima Acha Kamara:

[100] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[101] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

> "Once Siaka Stevens became Prime Minister in 1967 and the plans to unseat him failed, he began to rely more on the police than the military to protect him in undertaking his functions. A paramilitary wing was formed inside the police and gradually it became an instrument of tyranny and suppression. This was the start of the drift from [the police's] traditional peace-keeping constitutional role to that of a fighting force and its subsequent failure to protect the people…"[102]

261. Many of the SSD's functionaries had undergone advanced training abroad, notably in Guinea and in Cuba on state-sponsored programmes in the 1970s.[103] SSD officers were the enforcers of the will of the Government and were always on hand to perform specialist security tasks as a complement, or a substitute, to the RSLMF, as the Army was then known. Notably the SSD had made a decisive contribution to the quelling of the Ndorgboryosoi rebellion in the Pujehun District in 1982. The participation of the SSD in such operations invariably made the military acutely aware of its own inadequacies, but the poorly-funded and institutionally backward RSLMF could not aspire to even rudimentary improvements, far less parity in combat capacity with the SSD.

262. The Commission has interpreted the predominance of the SSD over the military as a sign that the APC state had concentrated its resources on equipping itself to put down dissent and potential uprising domestically, including that which emanated from inside the Army. This preoccupation with internal security had a naturally debilitating effect on the RSLMF and in particular its readiness for an attack from outside the country.

Incapacity at the Point of the Attack on Bomaru and the Incursion into Sierra Leone

263. Neither the government in Freetown nor the army appeared to have taken the first armed incursion of 23 March very seriously. The military's response to the events of 23rd March was very slow due to logistical and other problems

264. Although the strength of the Army deployment was bolstered from a platoon to a company, this increase in troop size happened only in Bomaru. Other areas of military deployments were still undermanned (with platoon size deployments) for a border that is about one hundred and fifty miles in length: any further attacks could not be easily defended. Under protected, the entire border region was left open to the attacks that followed the initial attack on Bomaru.

265. The army at that time was unused to any kind of warfare and so lacked the skills to counter the attacks that that followed 23rd March. It was purely a ceremonial army and was ill prepared for a war of this nature.[104] It lacked logistics, and personnel. Intense political interference suppressed most training initiatives and the military had less training in field exercise since 1980.

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[102] Brima Acha Kamara, current Inspector-General of the Sierra Leone Police (SLP); testimony before TRC Thematic Hearings held in Freetown; 23 July 2003.
[103] M. S. Dumbuya, Former Head of the Special Security Division (SSD) of the Sierra Leone Police and one of those who attended a training academy in Cuba in the early 1970s; TRC Interview conducted at TRC Headquarters, Freetown; 1 July 2003.
[104] Colonel Bashiru S. Conteh, current Director of Training in the Sierra Leone Army, erstwhile Battalion Commander and one-time Secretary of State for the Eastern Province under the NPRC; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.

266. For almost ten years, troops did not have the privilege of practicing their skills at the range for long periods even with their personal rifles. In 1989, the army had less than three infantry battalions (about 1,500 men) many of whom needed training; less than 30% of its transportation needs, less than 20% of support weapons and many more essential equipment in drastically short supply or non-existent.[105] By 1991, the total strength of the military in Sierra Leone was less than four thousand, with the 'cream of the crop' deployed in Liberia as part of the LEOBATT contingent of ECOMOG.[106]

267. As early as 6th and 16th April 1991 officers of the Special Security Division SSD, Liberian United Defence Forces (LUDF) and Guinean troops were reported fighting alongside Government troops in Potoru, Mobai and Daru and parts of Kenema distirct. 'Self defense committees were set up in the affected districts': civilians used arms such as machetes, shot guns and sticks in support of the armed forces.[107] Civil defense units were formed in many towns with volunteers receiving tactical training to combat possible rebel attacks on their towns and villages.[108]

268. Two months following the initial incursion, five senior officers Col. Lansana Turay, Major John Demby, Major Samuel Wellington, Capt. Theophilus Tengbeh and Capt. Maurice Banya were dismissed from the military. (These officers were in charge of most of the areas that fell to the rebels in the early days of the war.) The decision was a lighter penalty to court martial and had to do with the performance of these officers in their respective roles on the front lines in the eastern and southern provinces: they lost the confidence of the combat forces under their command.[109]

269. By June it was reported that government troops had virtually halted the progress of rebel forces in their clinical operation and were mopping up areas previously occupied by the rebels.

270. From the foregoing it is patently clear that the Sierra Leone Army embarked upon the eleven-year conflict from the brink of oblivion. The military was in a state of utter disrepair when the conflict broke out, hampered by ravaging deficiencies in its management, alarming inadequacies and glaring rifts in its human resources and a further catalogue of shortcomings across the full spectrum of its operational capabilities. In the views of some of those in the ranks, the range of problems afflicting the Army was so grave as to perhaps be insurmountable by whatever remedial efforts might be mustered in the decade that lay ahead:

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[105] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

[106] Colonel Bashiru S. Conteh, current Director of Training in the Sierra Leone Army, erstwhile Battalion Commander and one-time Secretary of State for the Eastern Province under the NPRC; TRC Interview conducted at TRC Headquarters, Freetown; 02 August 2003.

[107] See SLENA News 6th April 1191

[108] Daily Mail 18th May 1991

[109] See New Citizen 1st June 1991. It is surprising that a government which had not taken action on intelligence and which had failed to equip it's national army could take such measures on poorly equipped frontline commanders)

> "The Army was not worthy of being called a military force when the war broke out and it was never going to be possible to make it worthy of that name during the war." [110]

271. In a series of speeches designed to encourage solidarity among the local population and the various expatriate communities based in Sierra Leone, President Momoh was eager to portray the efforts to defend Sierra Leone against the threat of the insurgents as an issue whose successful resolution was in the interests of all the countries of the sub-region. Within two weeks of the outbreak of hostilities, Momoh announced that both Nigeria and Guinea had "responded positively to our requests [for assistance] by sending military hardware and soldiers," [111] although the sizes and mandates of the respective deployments from these states remained a topic of some confusion and consequent debate. The Nigerians, for example, were moved to correct rumours in their local press that as many as three Battalions had been deployed in Sierra Leone soon after the start of the conflict, announcing that in fact their contribution numbered only 800 soldiers and that its role was restricted to guarding "airports and other key installations to ensure their protection from the threat of war."[112] In effect it appears that Nigeria had simply bolstered the defence of Lungi Airport, whose strategic importance was as much derived from its use as a take-off and landing point for ECOMOG flights over Liberia as from its status as Sierra Leone's only international airfield. Indeed, the Commission did not receive any reports of the participation of Nigerian soldiers in warfront activities in Sierra Leone until later in the conflict.

272. The impact of the use of Guinean troops was much more immediately felt, although like that of the Nigerians, their positioning was representative of a broader sub-regional dimension to the conflict.

[110] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[111] Sierra Leone Broadcasting Service (SLBS), Freetown; "Momoh says Troops and Material Received from Nigeria and Guinea"; broadcast on 12 April 1991, included in the BBC Summary of World Broadcasts, 15 April 1991.
[112] Voice of Nigeria, Lagos; "Only 800 Nigerian soldiers in Sierra Leone, says Nigerian official"; broadcast on 04 July 1991, included in the BBC Summary of World Broadcasts, 08 July 1991.

THE COUP OF 29 APRIL 1992 THAT LED TO THE OVERTHROW OF THE APC GOVERNMENT

273. The original testimonies proffered to the Commission indicate that the events of Wednesday 29 April 1992 have been widely misinterpreted and misunderstood in the broader history of Sierra Leone's conflict. The crucial feature of this landmark date is that notions of power and control in the military and political spheres converged significantly for the first time since the launch of the full-scale incursion just over a year earlier.

274. To the considerable and undoubted surprise of the wider population, the dynamics of the warfront were brought to the theatre of Freetown not by the insurgent forces but by elements of the national Army. Thus the fifteen years of one-party rule by the All People's Congress (APC) were brought to an end in the space of a single day by a cunning and decisive coup plot conceived, organised and executed by a contingent of SLA junior officers. It culminated in the establishment of a military administration led by Captain Valentine E. M. Strasser under the nomenclature of the National Provisional Ruling Council, (NPRC).

275. The inference that the coup was connected to the insurgency is not entirely misplaced, for each of the men at the heart of its conception had been engaged in head-to-head combat with RUF forces for the several months immediately prior to April 1992, often being asked to overcome massive logistical constraints as well as incontestably fierce adversaries. However it is entirely mistaken to extrapolate further that the action was the handiwork of the insurgents, or even that they must have had a hand in it.

276. The NPRC coup plotters acted as an independent group with an autonomous agenda. They did not overthrow the Government in order to secure victory for the RUF or to validate the insurgents' objectives in waging war on the state. Nor did they intend for a moment to unify ranks with the militiamen they had been fighting against and call a halt to the hostilities that were ravaging the country.

277. Such direct connivance would have been welcomed by the RUF – or, more accurately, at least by the RUF's Sierra Leonean fighters – and to a great extent its troops were disappointed when no such offer to form an 'Army of national unity' was forthcoming from the junta leaders. Yet to suggest that the non-invitation to the RUF after 29 April 1992 was tantamount to a broken promise is to miss the point about this coup and to imagine too far into the potential conspiracy theories of this conflict.

278. The coup-plotters' motives for seizing the power of Government had everything to do with their collective sentiment that their predecessors had abused power to the detriment of the people of Sierra Leone. In the first instance, as Strasser himself testified to the Commission, the move for a coup was driven by the fact that the APC's mismanagement of the war effort had left a lot to be desired:

> "Fundamentally why the Army, in my view, took a decision to go for a regime change was because troops in the front had not the support that they needed to fight the war. Rations were not available; re-enforcements were not available; re-supplies were not available.

> Officers and men were losing their lives… So it became evident that the Government was negligent in the handling of the war."[113]

279. At the same time, though, the Commission recognises that it was a desire for a lot more than simply control of the military that brought Strasser and his colleagues to Freetown.

Motivation and Planning for the Coup

280. The Commission heard that planning for a coup in late April 1992 had begun approximately one month in advance of the date chosen to execute it. A core group of officers, among whom were Valentine Strasser, Solomon A. J. Musa (commonly called SAJ Musa) and Julius Maada Bio were the lynchpins, had begun to strategise for the overthrow, from their respective postings in the Provinces.

281. Strasser at the time was convalescing at Tekoh Barracks, Makeni, having sustained an injury during fighting in the East of the country. He nevertheless travelled frequently back eastwards for a number of co-ordination meetings with Maada Bio in Segbwema, Kailahun District. Asked as to the exact nature of his role in organising the coup, Maada Bio testified to the Commission that:

> "I was one of the actual planners because I was in the centre of our operational area… I wouldn't say I conceived the plan… but there was a commonality of purpose at the time."[114]

282. Among the others who contributed to the planning were Tom Nyuma, Komba Mondeh, Charlie Mbayo, Komba Kambo and even Johnny Paul Koroma, who attained subsequent infamy mainly for his part in another coup.[115] All the men involved in the NPRC plot had been members of the same warfront operations in which Strasser had been a commander in the East; under the APC's renaming and re-aligning of the troops as described above, most of these men were in the 'Tiger Battalion', with Musa and Nyuma the notable exceptions in the 'Cobra Battalion'.

283. The coup-making group comprised largely Lieutenants and Second Lieutenants in rank, with Strasser, as the sole temporal Captain, a moderate notch above the rest. The death in action of one of their like-minded comrades, Lieutenant Prince Ben Hirsch, in the February before the coup, had proven to be a decisive source of resolve and single-mindedness on the part of the plotters.

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[113] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; testimony before TRC Thematic Hearings held in Freetown, 30 July 2003.

[114] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[115] According to Maada Bio, Johnny Paul Koroma knew about the plot in finite detail in advance, but chose not to see it through to the operation itself. Apparently he did nothing to undermine the coup, such as sharing the information or alerting the authorities, but rather "backed off for reasons he never told us".

284. In particular, the widespread suggestion of Government complicity in Hirsch's death gave rise to a shared sentiment among these young, committed officers that they could not afford to leave their lives in the hands of a notoriously slippery and unfaithful political elite:

> "We felt that we were being used as pawns; we felt neglected. We decided that it was better to come and fight in town than to die out there."[116]

285. Hirsch's death had apparently also brought about the 'moral support' of John Benjamin, the deceased's elder brother, who was naturally suspicious of the APC elite and convinced that a coup by the soldiers could serve his own purposes. Benjamin was thus one of the few civilians to be informed of the coup plot in advance, and would become a crucial ally to the new administration due to his familiarity with the political terrain and his contacts in business.

286. The main motive of the coup as it was described to the Commission by Julius Maada Bio was to try to instil a more vivid connection between the state and its citizens. Maada Bio cited inadequacies in the delivery of services such as healthcare, squandering of the state's natural resources and the continued unresponsiveness of the Government over exigencies such as record unemployment and continual shortages of fuel and electricity. These amounted, in Maada Bio's analysis, to an awfully indignifying existence for the average Sierra Leonean, quite apart from the fact that the war was visiting especially acute suffering on large sections of the population in the East and the South:

> "We knew that the social conditions were ripe for a change. There was no rice; people would quite literally kill for two or three gallons of petrol; and they used to call Freetown the 'darkest city in the world'. Nothing seemed right and all that people really wanted was for someone to do things right."[117]

287. In Maada Bio's further evidence to the Commission he went on to philosophise about his perception of 'a coup':

> "A coup is not just about taking ground; it is a mental battle. You are working together with people and you have to know that they are ready for it. If they are not ready for it, don't try because you are going to lose."[118]

[116] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[117] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[118] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

288. It is apposite to place Maada Bio's comments into their correct context and deduce that he was in fact reflecting on the potential hazards that his own coup faced and only narrowly overcame. For all that the coup-plotters thought they knew each other well enough to trust in one another's readiness and adherence to the script, their individual characters would only show themselves fully at the moment of truth.

289. It is here that the imponderables of the 'mental battle' to which Maada Bio refers come to the fore. The NPRC coup was not to be thwarted altogether by such imponderables, but would come into being in a subtly different manner that has until now widely influenced the way it is seen in the eyes of Sierra Leoneans and the world.

The Execution of the Coup

290. Partly due to the aforementioned element of surprise that caught much of the nation off guard, it has become common for people to think of the action of 29 April 1992 as something that started out as a spur-of-the-moment mutiny against the unbearable conditions of service at the front.

291. This version of events points to a build-up of unpaid salaries and undelivered consignments of medical supplies as the root of the problem; it maintains that the soldiers despatched their delegates to Freetown to register their discontent with the High Command and had nothing more grandiose in mind than that. Public and personal euphoria, it is said, was what drove the young officers to rush to State House, after which they suddenly found themselves in power.

292. This version of events does not reflect what really happened. The reasons for the myth are understandable, on the one hand, because the plan that was in place was not precisely adhered to in the event. The NPRC coup was a pre-conceived overthrow of the Government, in which the modalities were planned but the implementation was improvised.

293. To convey clearly these separate 'layers' of the coup, it is necessary also to present something of the background to its three main orchestrators and their roles. First, Valentine Strasser was final choice (after the coup makers had considered and discarded Jusu-Sheriff) to lead whatever administration would stand to be constituted in the wake of a successful operation. He had been injured at the warfront and was stationed at Tekoh Barracks, Makeni, by the time of the proposed action. He would ultimately engineer a way of being in Freetown at the right time through somewhat convoluted means, as the Commission heard from Colonel K. E. S. Mboyah, Strasser's erstwhile Battalion Commander:

> "Strasser then was my Impress, my Paymaster you know… He asked for permission to come to Freetown, to do one or two transactions for the Battalion; so he left. We stayed for a couple of days without hearing from him. So I had to send to town to find out what the whole situation was about. He called to tell me that definitely he has some problems with the guys at Headquarters.
>
> […] But the whole problem was that, whilst he was leaving [his residence in] Allen Town to come to Headquarters on foot, I think because of the rainy season he had some kind of cold and he was being treated… that

was why he didn't get on to me, but promised that in the next two days he will be back with me in Makeni. Only to find out later, two days later, [one of my men] said he heard somebody's voice on the radio [declaring] that a coup had taken place and that the person talking was Strasser."[119]

294. Strasser's movements were crafty and evasive of official monitoring. First by taking the leave of his commander to go to the city to pick up salaries for the month, he planted a different premise in the minds of his superiors. Then by reporting himself sick and extending time at his residence he kept clear of suspicion as the coup approached. Finally by relaying a fabricated story to his commander at base that there were delays with the salaries, which would necessitate his prolonged stay in Freetown to 'sort out the problem', he fuelled an erroneous retrospective assumption about why the coup had taken place. Upon hearing Strasser's voice on the radio on 29 April 1992, Mboyah and others assumed that it was a case of protest about their salaries that had got out of hand.

295. The impression that the coup was an impromptu action by disgruntled soldiers from the front was lent credence by the actions of SAJ Musa and Tom Nyuma. SAJ Musa, the second key player in the NPRC administration was to become ever more conspicuously troublesome from this point onwards. Brash and tactless in the extreme, Musa had set out for Freetown in the company of Tom Nyuma, two days in advance of the agreed upon date. The duo had, in their apparent gusto, commandeered a number of trucks filled with their men and 'bulldozed' an unspecified number of checkpoints on their route into the city, alerting the Army High Command to the imminence of a possible coup plot in the offing. It was this blunder, precipitated by Musa's gung-ho style, which gave credence to the assertion that the NPRC administration had been born out of bravado and exuberance, devoid of careful contingency planning.

296. While there is no doubt that Musa and Nyuma were quite unrestrained in their individual and dual approach to the whole notion of taking power, testimony before the Commission enables it to conclude that the operation was lent sufficient forethought to be described as a deliberate and pre-conceived attempt to unseat the incumbent President.

297. The coup was originally scheduled to take place on 30 April 1992, one day later than it actually transpired. Maada Bio reflected somewhat scornfully on the advance of Musa and Nyuma on 28 April 1992 in his testimony to the Commission, surmising that their action had left him "stranded at Daru."[120]

298. There are lessons about both the strengths of the coup-plotters' planning and the weaknesses of the state's defence mechanisms to be drawn from the relative ease with which the long-standing Government was overthrown. In the case of the former, the Commission heard evidence from Maada Bio that the last-minute hastening of the coup agenda did not adversely affect its outcome because all the logistical supplies were already in place; for example, the requisite firepower had been smuggled into Freetown in a concerted and

[119] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[120] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

methodical fashion in the weeks preceding the coup:

> "We actually smuggled a lot of ammunition into different points in Freetown – not any serious arms, just small arms… Nobody in town was involved; we were all members of that same Battalion… Komba Kambo was responsible for most of the actual transporting." [121]

299. As for the weakness of the defensive effort, the coup became the final legacy of the many deficiencies in the APC's management of the state security apparatus, as described above. In this case, the crucial factor appears to have been short-sighted political favour-mongering, whereby the political elite had afforded 'comfortable' positions in the city to those officers with nepotistic, tribal or other connections in order not to expose them to the dangers of the warfront.

300. These functionaries were of course lacking in battle-hardness, while all the best fighters from other Battalions were posted to their respective fronts in the war against the NPFL and RUF. Thus the defence of the Presidency was left in the hands of willing auxiliary staff who were never likely to be a match for the assembled coup-makers, as was pointed out to the Commission by Kellie Conteh:

> "The NRPC coup could not possibly have been resisted by the hotchpotch of cooks, drivers, tailors and carpenters hurriedly put together as a resisting force to stop it. Internal indecisiveness among the APC party strongmen completed the comedy of errors because even the SSD, which had been developed for that purpose at the cost of the development of the Army, could not be given clear orders."[122]

301. The battle for State House that ensued, beginning at around 8.00 a.m. on 29 April 1992, was reported in the international media to have pitted as many as sixty SLA soldiers against the ramshackle Presidential security squad, during which the soldiers were only able to take over the premises "after blasting two huge holes in the side of the building with a mortar." [123] The situation in the immediate vicinity of State House had apparently calmed down by the mid-afternoon, after which other parts of the city were said to have experienced "sporadic shooting," [124] before the whole affair settled out into a "relatively quiet night." [125] The Commission was unable to ascertain, on the evidence available to it, whether anyone was in fact killed or seriously injured in the course of these skirmishes.

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[121] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[122] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

[123] British Broadcasting Corporation (BBC), "Sierra Leone five-man junta claims to have ousted Government – Momoh 'in hiding'"; collected from broadcasts made on 29 April 1992, included in the BBC Summary of World Broadcasts, 1 May 1992.

[124] British Broadcasting Corporation (BBC), "Sierra Leone five-man junta claims to have ousted Government – Momoh 'in hiding'"; broadcasts made on 29 April 1992, included in the BBC Summary of World Broadcasts, 1 May 1992.

[125] Agence France Presse, "Coup leader says junta in control, President fled"; broadcast on 30 April 1992.

302. The NPRC came to power through a relatively bloodless coup. It is also apparent that the ranks of those in favour of the coup in fact swelled considerably as awareness of the action spread. Not only police and military officers, but also members of the Freetown public actively encouraged the overthrow to succeed.

303. One element of unresolved ambiguity was the role on that day of Lieutenant Colonel James Yayah Kanu, the erstwhile Commander of the Eastern-based 'Cobra Battalion' from which some of those involved in the coup had travelled to Freetown. Kanu was definitely not among the contingent who planned and executed the coup, nor did he jump on the bandwagon as it rumbled into power.

304. On the contrary, Kanu was thrown amidst the chaos of 29 April 1992 on behalf of the Government to act as a kind of pacifier to the coup-makers, or a mediator between them and the troops who remained loyal to President Momoh. In spite or perhaps because of the fact that he initially brought a degree of persuasion to bear on some of the junior officers, particularly on Tom Nyuma whom he had formerly commanded, Kanu's intervention was held in contempt by the coup's ringleaders.

305. Kanu thought the men's actions would discredit the military and he appears to have said as much in his efforts to appease; instead the approach served to inflame their disgust.[126] Thus Kanu was instantly, arbitrarily detained at Freetown Central Prison on 29 April 1992, from whence, due to circumstances described below, he would not emerge alive.

306. Testimony available to the Commission indicated that the Government was actually aware that a coup was in the offing. Intelligence information received on 10th December 1991 was that two coups were being planned by majors and captains respectively, with details about the planners. However a senior official of the government doubted that the information was passed on to the President, Joseph Momoh. In his view, a number of important officials of the APC regime wanted regime change for their own personal agenda. Many of them including the then Force Commander Major General Tarawalie and other senior military officers were aware of the coup and did not lift a finger to stop it. When he finally confronted the President with the information, he saw total resignation and an unwillingness to confront the challenge by the President.[127]

[126] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[127] TRC Interview with Brigadier Sam King, Private residence, September 2003.

MANAGEMENT AND PROSECUTION OF THE WAR EFFORT BY THE NPRC GOVERNMENT

Recruitment under the NPRC

307. One of the most immediate goals that the NPRC Government set for itself upon assuming power was to bolster the capacity of the Army to prosecute the war. As the Commission heard from Valentine Strasser, there were a variety of difficulties for the administration to overcome:

> "I stated that one of my Government's most fundamental concerns was to end the war quickly. Now at the time when I took office, the Army had a lot of problems. One of [them] had to do with the very size of the organisation: it was very, very small; we had basically about three infantry Battalions at that time. It was also badly organised. It was poorly trained and ill-equipped. [So] the first thing I had to do was reorganise it."[128]

308. In addition to some less perceptible structural measures,[129] the NPRC launched a massive recruitment drive, inviting patriotic citizens to join the Army and serve their country. The initiative was well publicised through radio advertisements and posters and succeeded in expanding the force exponentially. While exact figures were not made available to the Commission, some officers estimated in their testimonies that within three years the Army grew three-fold to an aggregate size of 10,000 troops.[130]

309. Unlike previous recruitment intakes into the Sierra Leone Army, the one which was launched in 1992 was not accompanied by clearly specified entrance criteria.[131] The majority of the recruits taken on were young, some of them quite possibly under 18 years of age, uneducated and unemployed. They had come forward from fairly downtrodden backgrounds, many of them from the school of hard knocks in urban Freetown. According to Julius Maada Bio, it was not a matter of policy to bring in recruits of this nature, but rather a variety of social circumstances forced the hand of the NPRC:

> "We had to take on all kinds of people who were offering themselves to the Army. Those who were coming were those who didn't have jobs… No self-respecting parents were going to send their children to join the military at that time… [So] those guys from the street were the ones who made themselves available to us."[132]

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[128] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; testimony before TRC Thematic Hearings held in Freetown, 30 July 2003.
[129] According to Strasser, the creation of the First Infantry Brigade out of the three existing Battalions was the main achievement of NPRC restructuring.
[130] See, *inter alia*, Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.
[131] Brigadier (Retired) Sam H. King, former National Security Adviser to the NPRC Government from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 1 September 2003.
[132] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

310. Some of the more accomplished officers looked upon the recruitment drive as an unfortunate development for the Army. Colonel Bashiru Conteh told the Commission that departures from standard practice, while perhaps unavoidable, led to unsuitable recruits slipping through the net:

> "It was indiscriminate recruitment, ignoring the laid down standards. Nobody was blaming anybody about that because basically it was done as a result of the authorities trying to meet their commissioning obligations. They had to provide forces to secure the territorial integrity of Sierra Leone. The only thing about it was that in the process, the wrong people were recruited. When you ignore the laid down standards, these are the consequences. You recruit people who are not supposed to be recruited and they disrespect a lot of military principles."[133]

311. The Commission heard that some of those who answered the NPRC call were at the time leading lifestyles consisting of criminal activity and drug abuse in the ghettoes of Freetown.[134] It was also pointed out that fire officers, security guards, sportsmen and labourers put themselves forward on the basis that they had "good fighting credentials."[135] One volunteer who was 21 years old at the time said he knew of the battles the Army had been facing and was seized by the impulse to become a fighter when he heard an advertisement on the radio:

> "I believed that if I could get out to that warfront, I could do better than them."[136]

312. It therefore seems that predominantly young men from the margins of society answered the NPRC call. On the whole they joined the Army for the wrong reasons: mostly because of idleness, disaffection with their previous surroundings and misplaced bravado. None of these characteristics boded well for the future direction of the conflict.

313. Perhaps the worst upshot of all, however, was the obvious scope the recruitment drive offered for persons of malicious intent. In addition to the attraction of receiving a monthly salary, a period of service in the Army carried with it several temptations for delinquent characters. They would be equipped with a firearm, engaged in high-adrenaline pursuits and would operate in a largely lawless zone at the warfront. In other words, some of them had given little consideration to what they might contribute to the war effort, imagining instead what they might get out of it.

314. Colonel Bashiru Conteh testified that in his own view, even some members of the insurgents were able to creep into the state security apparatus to acquire information or weaponry before later returning to the RUF:

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[133] Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.
[134] TRC Confidential Interview with a private soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 08 December 2003.
[135] TRC Confidential Interview with a former soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 16 July 2003.
[136] TRC Confidential Interview with a former officer of the Sierra Leone Army who was recruited in 1992 under the NPRC and deployed in various parts of Kailahun, Kono and Kenema Districts; interview conducted in Freetown; 17 September 2003.

> "I tend to believe that the RUF were recruited into that type of recruitment system… There were occasions later on when some of these recruits were deployed, but when checks were made none of the deployed soldiers could be found at their deployment area. When they tried to account for them they could not. There were so many cases of 'missing in action', and later on when the RUF surfaced most of the boys who were 'missing in action' were seen back with them."[137]

315. Certainly the consensus among most military sources appears to be that with hindsight there was little long-term merit in the NPRC Government's approach of flooding the warfront with hordes of youths in the hope that it could overwhelm the insurgency and seal a swift victory. The NPRC's National Security Adviser, Brigadier (Retired) Sam King, told the Commission that the folly of the exercise had been apparent to him at the time but that he left the decision in the hands of the executive:

> "It seemed like they went for bodies rather than brains – those who can go and fight. It was perhaps their own way of recruiting to cope up with the war situation… wherein they were fearful of the war turning against them."[138]

316. In this vein Julius Maada Bio defended the policy as a necessary reversal of the historical dilapidation of the Army. The Commission heard his admission that entry standards were in practice abandoned and that new soldiers were definitely of a lower calibre, but that the NPRC was "only trying to fix a broken boat."[139]

317. There was in the Commission's view a major foreseeable dilemma with the sheer numbers of new soldiers recruited. It lay in the risk that a decisive victory on the warfront might not be as readily forthcoming as the NPRC campaign had implied. The expanded, unorthodox Army would then have to be managed through more pressing challenges requiring more intricate solutions. In other words, no one quite knew what would happen if those drafted in as a hoped-for quick fix were to become in due course an unwanted permanent fixture.

Problems in Training and Discipline

318. Aside from the recruitment drive itself, perhaps the unsuitability of the newly-enlisted soldiers could have been mitigated by prudent management of the Army's human resources. However there were further grave inadequacies in the Government's efforts to train and discipline its new breed of soldiers.

319. The Commission heard that even a recruit with the "right credentials" would in normal circumstances require at least a year of professional instruction to

[137] Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.
[138] Brigadier (Retired) Sam H. King, former National Security Adviser to the NPRC Government from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 1 September 2003.
[139] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

graduate into the military ranks.[140] Naturally he or she would require considerably more time than that to become fit for participation in a conflict situation. The measured and multi-layered screening process undergone in respect of the Sierra Leone Battalion (LEOBATT) sent to Liberia was testament to the rigours of assembling a worthy fighting force out of the pre-war SLA,[141] let alone out of the beast of burden that it had become.

320. Yet the ramshackle intake of 1992 would be fortunate to receive even a few months of rudimentary training when they joined the Army; some received just six weeks.[142] Benguema Training Centre became a veritable conveyor belt for new recruits, each of them processed on a fast track to the warfront. They were taught little more than how to fire a gun, how to move in formation, how to mount offensives and how to respond to orders;[143] the rest would be left to their instincts. Among the telling omissions then were how to react when faced with an enemy deploying guerrilla tactics and how to interact with the civilian population.

321. In terms of discipline, the raw new batch was apparently predestined to cause problems for its seniors. According to military officers who were already in the force, some of the new recruits sought to import the social habits of their former lives into the ranks.[144] The consumption of drugs, as it proved, was unpreventable and the use of marijuana in particular became endemic. Military codes of conduct were frequently neither observed nor enforced in this regard;[145] one young private soldier told the Commission that his commanding officer condoned and actively partook in "smoking so much *djamba* every day."[146]

322. Organisation, structure and professionalism in many units became less rigid and more ragged. On the one hand, it was suggested that the numbers of newcomers were so large that soldiers were scarcely able even to identify their own kind, let alone to know who to take orders from.[147] On the other hand, though, there were certainly individuals who were refusing to take instructions

[140] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[141] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[142] TRC Confidential Interview with a private soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 08 December 2003.
[143] TRC Confidential Interviews with various soldiers recruited in 1992 under the NPRC; interviews conducted in Freetown, Makeni and Kenema; June to December 2003.
[144] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[145] Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.
[146] TRC Confidential Interview with a private soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 08 December 2003.
[147] TRC Confidential Interview with a former officer of the Sierra Leone Army who was recruited in 1992 under the NPRC and deployed in various parts of Kailahun, Kono and Kenema Districts; interview conducted in Freetown; 17 September 2003.

and often defying basic tenets of military conduct.[148] Combined with the 'power of the gun', as so many ex-combatants described it in their testimonies, such an attitude gave rise to a dangerous propensity on the part of these soldiers to commit violations.

323. In the end the recruitment intake and its accompanying disregard for the quality of human resources served to exacerbate the overall lack of common understanding and common purpose in the SLA. The Commission heard that the NPRC never managed to unify its Army under a single, coherent command structure.[149] The recruits of 1992 formed another distinct faction in an already divided force.

324. It was the high degree of intra-factional disharmony that had always appeared most likely to spark confrontations within the Army and to give rise to negative sentiments towards the Army on the part of civilians. That likelihood merely increased after 1992.

The Executions and Associated Violations of December 1992

325. On 29th December 1992, the airwaves burst with the news of an attempted coup on the government of Valentine Strasser. On the 30th it was announced that the coup plotters numbering 26 had been executed after a trial by a military court-martial. According to Strasser, "a group of officers and civilians had attacked the presidential residence at Kabassa Lodge" in Freetown.[150]

326. The mastermind of the story of the coup plot was the Vice Chairman of the NPRC, Captain SAJ Musa. SAJ Musa's version was that someone came and informed him about the plan in the offing; he then spiked the officer and sent him back to report – on two further meetings, in which the list of those involved was compiled and various items of documentary evidence were *apparently* procured. Strasser claimed in his testimony to the Commission that there was in fact a plot to overthrow his government. What has become evident is that despite the official posturing in 1992, no judicial trials of the coup plotters took place. According to Strasser, his government was too busy with the war effort to organise a trial immediately. A trial was subsequently organised posthumously.[151] Some of the alleged coup plotters like Lt. Col. Yaya Kanu were actually in detention at Pademba Road prison at the time of the alleged coup plot.

327. The Commission has been able to piece together the circumstances of what transpired on the day of their arrest on 28 December 1992 and their execution the next day.[152]

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[148] Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.

[149] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

[150] Agence France Press report, 31st December 1992.

[151] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; testimony before TRC Thematic Hearings held in Freetown, 30 July 2003.

[152] The then National Security Adviser to the NPRC Government, Brigadier Sam H. King indicated to the Commission that the alleged coup plotters were actually arrested on 22 December 1992 and

328. SAJ Musa had known some of those implicated in the coup from their time together in the army; he regarded them unambiguously as traitors who had betrayed him, personally and politically. According to Maada Bio, who had known in advance of SAJ Musa's volatile temperament and the likelihood that he would attempt to carry out some kind of summary justice, some of the implicated men were taken to Musa's own residence and subjected to torture by Musa himself: *"When I went there at night, he had actually tortured them very seriously – their ears were cut off and they were practically dead*".[153] SAJ realised that by daybreak they had been really badly tortured in his compound; so he confronted the gruesome, *"it was better to do away with them, than to keep them on his hands in this terrible state"* – he was then alleged to have organised the summary executions. Maada Bio lamented their inability to put the coup plotters through proper judicial process, blaming it on SAJ Musa's ambitions for power: *" to a very large extent, SAJ was somebody who liked power and could do anything to retain it…. that was the darkest side of our whole period in power".*

> "SAJ Musa's quest for power was an obsession for the man; and he had a wife who inculcated that into him; so it was a terrible combination"; SAJ was also responsible for the killings of looters. At this point in time, he was actually the key actor; Strasser was much more laid back, and to an extent he let SAJ get on with his business."[154]

Maada Bio's account is an attempt to shift responsibility for a gross failure of leadership by their government to the shoulders of one person. The execution of the alleged coup plotters did not advance SAJ Musa's lust for power in any way.

329. Lt. Col Yaya Kanu was arrested on the 29th April, the day of the coup and taken into detention at the Pademba Road, prisons, from which he didn't emerge alive. No reason was offered to his family or his wife who was at the time, a major and second in command at the Army Ordinance Section of the Sierra Leone Army.

330. Throughout his period of detention, his wife made several representations to most of the NPRC officers. They assured her that her husband had not committed any offence and would be released shortly.[155] Public statements by the NPRC were that they were being held in "protective custody" and would be very well taken care of.

331. Col. Kanu was in detention for eight months. All through that period neither his wife nor any member of his family was allowed access to him. Even when he developed dental health problems and his family made arrangements for him to

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executed one week later. See: Brigadier (Retired) Sam H. King, former National Security Adviser to the NPRC Government from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 1 September 2003.

[153] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[154] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[155] Major (Retired) Lucy Kanu, former officer in the Sierra Leone Army dismissed in the wake of the NPRC executions of 29 December 1992; TRC Interview conducted in Freetown; March 2004.

be treated by a dentist, the NPRC authorities refused to take him to the hospital because "they were afraid for his security"[156].

332. On the day the alleged coup plotters were executed, there was a passing out parade for newly commissioned officers. As was the custom, the head of State would normally take the salute. In the instant case, all the key officers of the NPRC including Strasser were not present at the passing out parade at Wilberforce Barracks in Freetown. Brigadier Jusu Gottor took the salute. Captain Strasser and his key henchmen claimed that they were busy and couldn't attend the passing out parade. The Commission was informed that they had assembled at Strasser's Kabassa Lodge residence where the coup plotters were brought for "trial".

333. The Commission was told that Col Kanu was tricked that he was finally going to be taken to the dentist. So he entered the van and was taken to Kabassa Lodge where Strasser and his colleagues resolved that they should be executed. SAJ Musa then took them away and subjected them to terrible torture before they were executed at the Lumley beach in Freetown. Mrs. Kanu told the Commission that witnesses to the execution informed her that their bodies were taken to the Kingtom cemetery, acid poured on them and burnt before being buried in unmarked graves.[157] The Commission requested the Director of Prison Services to identity the location and graves where the men were buried so that their families could organise funeral services and reburials for them. He replied that all documents relating to their execution and burial had been burnt during the January 6 1999 attack on Freetown.

334. On 29 December 2002, Captain Strasser made a public broadcast that a coup attempt against his government had been uncovered, all the people had been arrested and "executed summarily". Capt. Strasser, Col. KES Boyah, Lt. SAJ Musa, Lt. Karefa Kargbo and other hendchmen of his government were alleged to have coordinated the arrest, detention and murder of the alleged coup plotters. None of the other leaders of the regime intervened to ensure that they were granted any form of judicial process. The Commission holds all the leaders of the NPRC responsible for the murder of these men.

335. In a press statement issued the same day, the NPRC claimed that:

> "The special military tribunal convened by His Excellency the Captain to immediately try the suspects apprehended has met and they have proved beyond all reasonable doubt that (alleged plotters) did try to overthrow the government of the National Provisional Ruling Council and has found each of them guilty of treason and has sentenced them to death by firing squad. The confirming authority of the National Provisional Ruling Council have met and endorsed the sentence recommended and have ordered that the executions take place immediately".

[156] Major (Retired) Lucy Kanu, former officer in the Sierra Leone Army dismissed in the wake of the NPRC executions of 29 December 1992; TRC Interview conducted in Freetown; March 2004.
[157] Major (Retired) Lucy Kanu, former officer in the Sierra Leone Army dismissed in the wake of the NPRC executions of 29 December 1992; TRC Interview conducted in Freetown; March 2004.

TRC



The former NPRC Head of State, Captain (Retired) Valentine E. M. Strasser, leaves the podium after testifying before a TRC public hearing in Freetown.

336. The three alleged coup plotters were killed in a "cross fire". They were [158]

a. Sgt. Mohammed Lamin Bangura, alias Scorpion, of the Sierra Leone Military Police (leader of the coup)
b. Private Alusine Mohammed Sito Sesay of the First Battalion Headquarters (spokesman)
c. Major (rtd.) A.S. Jalloh, Sierra Leone police.

Among those executed were the following:[159]

d. Lt. Col James Yaya Kanu, former Commanding Officer of the 4th Battalion
e. James Bambay Kamara, former Inspector General of Police
f. Corporal Mohammed Mansary, alias Candapa of the 1st Battalion
g. Warrant Officer Class 1 Kargbo, alias Fernando of the 1st Battalion Headquarters
h. Lieutenant Colonel (Rtd.) Kahota M.S. Dumbuya, Army Headquarters.
i. Major (Rtd.) M.C. Jalloh, fomer Paymaster
j. Captain Hanciles Bangura, Quartermaster, Benguema Training Centre
k. Mr. Chernor Jan Jalloh of thunder Hill
l. Mr. S. Samba
m. Sieh Bangura, Deputy Superintendent of police (Second-in-Charge, "D" Division, Kissy Police Station)
n. Sub Inspector D.T.S. Lebbie, Kissy Police Station
o. Mr. Salami Coker, 8 Huggin Street, Freetown
p. Mr. Victor Jarret, 37 Campbell Street, Wellington
q. Ms. Salamatu Kamara, 7 Huggin Street, Freetown
r. SLA/18168240 Private Bangura Mohammed, c/0 RSLMF
s. Mr. Emmanuel E.Mani, 9 Jones Street, Kissy
t. Mr. Sorie Bangura, Bangura Street, Lumpa
u. Mr. Yapo Conteh, 17 City Road, Wellington
v. Sergeant 1315 Conteh A.F., 57 Dundas Street, Freetown.
w. PC 6819 Bangura S. 3s George Brook, Kissy.
x. Sergeant 1107 Saffa J., Police Training School, Hastings.
y. Corporal 407 Lavalie W., Police Training School, Hastings.
z. Mr. Moses Davies, Police Training School.
aa. Mr. Emmanuel Koroma, Police Training school
bb. Mr. Foday Turay, Police Training School.
cc. Mr. Sieh Turay, 92 Dundas Street, Freetown.

337. On 31 December 1992, armed soldiers from the Military Police unit invaded the Kanu's official residence at the Wilberforce Barracks, arrested Mrs Lucy Kanu and took her to the military headquarters at Cockerill in Freetown. She was presented before Brigadier Jusu Gottor, who read to her a letter compulsorily terminating her services with the army for "being the wife of Yaya Kanu". She was further ordered to vacate her official residence the same day. She returned to her house under armed escort to forcibly hand over possession of the house to the army. The family subsequently moved in with some family members. For months thereafter, soldiers of the NPRC raided the family's residence at random or would cordon off the neighbourhood shooting indiscriminately into the air, so as to put Mrs. Kanu and members of her family as well as her

[158] As published in the Sierra Leone Review, Volume 1, Summer-Autumn 1992.
[159] As published in the Sierra Leone Review, Volume 1, Summer-Autumn, 1992.

neighbours under psychological stress and torture. The army authorities with drew her passport:

> "I went from one office to the other requesting them to give me back my passport. Lt. Karefa Kargbo told me that they needed to know why I wanted to travel out of the country and that in any case, my file was on the desk of the head of state, Captain Strasser and only he could decide my fate. These were people I had known fairly well in the army. They were very junior to me but I had treated them well and regarded them as colleagues".[160]

338. Col Kanu was very popular in the army. The first broadcast on the coup by the NPRC on 29 April 1992 had claimed that Col. Kanu was the leader of the coup. This was a trick designed to tap into his huge popularity with the officers and the rank and file of the army. On the basis of this announcement, SLA troops in Freetown did not resist the coup plotters. Some of the soldiers even encouraged him to take over power as he mediated between President Momoh and the mutinous soldiers but he refused. The coup was therefore largely bloodless and the plotters secured the capital, Freetown, before the end of the day. The claim that Kanu led the coup has entered the literature on the conflict as some scholars have repeated it as truth.[161]

339. Col Kanu was not one of the plotters. On hearing about the coup, he had gone to meet the plotters at the State House, urging them that as soldiers, their loyalty was to the government of the day, and that they could not change the government by force of arms. His mediation effort was to get the mutineers to renounce the coup in exchange for pardon. Finally he was arrested and taken to the Pademba Road prison.

340. Brigadier Sam King, National Security Adviser to the NPRC regime, informed the Commission that the alleged coup plotters were killed and buried without any trial. All the officers of the NPRC that the Commission spoke to denied knowledge of a coup and of any trials that followed, including the chief of Army Staff, Brigadier Kellie Conteh, the Attorney General Mr Arnold Gooding, Colonel K.E.S. Boyah and Major General Tom Carew. Brigadier Conteh denied that the coup plot was ever discussed at a meeting of the Council of State or any of the organs of Government of which he was a member. He claimed he heard the rumour just like any other officer. At no time did the Council of State or the Army Council meet to confirm any sentences from a military tribunal. There was however speculation that a military tribunal had been set up with two officers Colonel K.E.S. Boyah and Colonel J.A.S. Conteh as members.

341. There was indeed an attempt to retroactively legitimize the process. Accusing fingers were pointed at the then Attorney General, Arnold Bishop Gooding as the arrowhead of the government's attempt to mitigate the backlash following the execution of the coup plotters. Bishop Gooding was said to have been very close to Capt Strasser, yet when confronted with the allegation by the Commission, he claimed that he actually felt threatened by the NPRC and was afraid that if he had left the government, he and his family would have been targetted. In the view of many witnesses before the Commission Bishop Arnold

[160] Major (Retired) Lucy Kanu, former officer in the Sierra Leone Army dismissed in the wake of the NPRC executions of 29 December 1992; TRC Interview conducted in Freetown; March 2004.
[161] In his book, Fighting for the Rain Forest, Paul Richards cites at page 9 that Lt. Col Yaya Kanu led the NPRC coup of 29 April 1992, and that he was subsequently arrested because he was a Momoh loyalist.

Gooding, the Attorney General and Minister of Justice conveniently put the blinkers on and allowed the Government to trample on the rights of the people.

342. In his testimony before the Commission, Captain Strasser claimed that there was a military tribunal appointed which tried the coup plotters. He named Colonel K.E.S. Mboyah as the President of the tribunal. When confronted with this allegation by the Commission, Col. Mboyah replied:

> "My own contribution here [before the Commission] is that we want people to accept responsibilities for whatever right or wrong they do. It has happened [that way] in many, many areas. It is good to distribute blames; it is normal. But if you do it in a way that you know people who were destined to rule, or people who for whatever reason found you as their leader, then it can be unfortunate.
>
> […] What I want to say is that never, never in my career have I sat down as President of any Court Martial in this country. That is what I wanted to tell the Sierra Leone public… Never in my life have I sat down on a Court Martial [Board] in this country since I joined this Army; you know, from 1976 to now. So anybody who attempts for any reason to say that I served in such a capacity; he is doing it for his own purpose or whatever."[162]

343. Despite Colonel Boyah's denials however, his colleagues in the army allege that at that time, he was claiming publicly that a tribunal had been set up and that he was the president of the tribunal.[163] K.E.S. Boyah claimed that it was later in 1998 that someone told him that a paper had been circulated within military circles early in 1993 that a military tribunal had been set up which named him as a member of the tribunal. According to him, all his efforts to trace the letter were abortive.

344. What is obvious to the Commission is that there was no trial of the suspects. This much was admitted by Captain Strasser at his public testimony before the Commission that the suspects were tried retroactively. The Commission is dumfounded to think that the Government of Captain Strasser, first killed people and then put them on trial.

345. Having got them executed, SAJ Musa according to testimony before the Commission poured acid on the bodies of the suspects and then had them buried at different graves at the Kingtom cemetery. Efforts by the Commission to get the prison authorities to identify the exact locations where the men were buried have not met with success as the prison authorities deny knowing where the men were buried.

346. In spite of having killed them extra judicially, the families of the alleged suspects began to be targeted. In one particular, case, the wife of Colonel Yaya Kanu, Mrs. Lucy Kanu who herself was a major in the RSLMF at the time, was dismissed without excuse by the Army High Command. All her supervising officers who testified before the Commission in response to the petition she wrote to the Commission, including the then Force Commander, Brigadier

[162] Colonel K.E.S. Boyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[163] TRC Confidential Interview with former commanding officer in the Sierra Leone Army.

Kellie Conteh and Major General Tom Carew described Mrs. Kanu as a very dedicated officer and saw no reason why she was dismissed. They all urged the Commission to remedy the injustice done to Mrs. Kanu.

INTERNAL DIVISIONS BETWEEN AND AMONG THE INSURGENT FORCES

The Top 20, Top 40 and Top Final Operations

347. The NPFL contingent had rested on its laurels in the Kailahun District and failed either to hit its primary target of Moa Barracks or to endear itself to the population of the territories it entered as a 'liberation force'.

348. Several RUF operatives who worked in the internal security operations of the movement testified that they had received detailed reports from members of the civilian communities they occupied about the violations and abuses of the NPFL fighters on the Kailahun flank; and that they in turn filed reports with the High Command. This registering of discontent was seen as a direct threat to the authority of the NPFL commandos, stemming primarily from the administrative cadre of the RUF.

349. The combatant cadre too had revolted – despite their often facile grasp of the guiding principles they had been taught on the training bases, they had retained at least one of the mantras drummed into them at the behest of Foday Sankoh – that "a fighter without ideology is a criminal." Thus rose a tide of opposition to the NPFL based on the principled position that civilians should not be the ones to suffer so extremely at the hands of this supposedly liberating revolution. The consensus among the members of the RUF appears to have been centred on the notion that 'enough is enough'; the question therefore became not whether but when a confrontation between the two factions would break out.

350. Sankoh was well acquainted with the deep-seated reservations of many of his fighters regarding the activities of the NPFL commandos, but he was utterly powerless to do anything about it. In the face of continual complaints, he eventually petitioned Taylor, who then recalled his fighters to Liberia. The recall by Charles Taylor did serve an important purpose for the Sierra Leonean vanguards. It signalled the severance of arms supply from Liberia, meaning that the commandos who remained on the ground would be gradually debilitated as their existing ammunition ran out.

351. In terms of manpower, however, 90% of the NPFL commandos are thought to have stayed on in spite of the Taylor removal order.

352. Before the recall, tempers had reached boiling point and skirmishes were breaking out between the NPFL fighters and members of the RUF. This resulted in the infamous Top 20 operation. TOP 20 was an attempt by the Liberian NPFL commandos to decapitate the administrative command structure of the RUF.

353. TOP 20 was conceived and led by NPFL commando Jim Karnwhine. The plan to get rid of all RUF top commanders and their deputies, as well as all strong fighters – "they wanted to eliminate the heart and brains of the RUF so that they could take control of the whole thing for themselves."[164]

354. Effectively, those responsible for carrying out the Top 20 operation were the ones who had refused to follow Taylor's orders to return. Their refusal notwithstanding, some of the most senior commanders had been removed against their volition upon the insistence by Taylor that they were among the foremost troublemakers – Samuel Tuah was in this category, as was the commander known as 'Sergeant Major'. Their withdrawal took place in December 1991.

355. In January 1992, one of the more assiduous junior commandos assigned to the RUF's G2, or internal investigation unit, discovered and reported a gruesome act of cannibalism in a village off the Kono Highway, to which he had been led by the civilian population of the District. The official registering of the issue in the disciplinary files of the High Command enraged the NPFL commandos to the extent that they vowed to quell the perceived 'petty dissent' by the RUF. In consequence a number of leading RUF members were arrested on 10th February 1992, and taken to Gbarnga where they were detained. Among those arrested included Jonathan Kposowa, Moiganda Kosia, Pa Kallon and Eldred Collins.

356. The original arrests of these senior administrators were carried out without Charles Taylor's advance knowledge. When Taylor found out about it, in April 1992, he ordered their immediate release and they returned to Pendembu along with Foday Sankoh.

357. In the wake of these arrests, numerous junior commandos and civilians (largely those in the communities were targeted because they were the hometowns or villages of the commandos the NPFL was looking for) took refuge in 'hiding places' in the surrounding bushes along with their families. The NPFL nonetheless coerced some civilian communities into disclosing their whereabouts and many of them were killed. One junior commando testified to the Commission that he had been shot in the back as the NPFL commandos tried to apprehend him, but believes that he would not have survived if they had really wanted to shoot him dead: "They wanted to capture me alive, torture me and pull out my heart to eat."[165]

358. After a while, the hot pursuit of RUF commandos ceased and many of them were sent messages that they should come out of hiding, for it was safe. This proved to be a tactic of deceit on the part of the NPFL.

359. The killing of civilians during the 'Top 20' operation was largely indiscriminate: it was a general campaign of malice directed against the Sierra Leonean population of Kailahun District by the Liberian commanders of the NPFL.

[164] TRC Confidential Interview with one of the RUF commanders arrested during the Top 20 operation; interview conducted in Freetown; September 2003.
[165] TRC Confidential Interview with one of the RUF commanders arrested during the Top 20 operation; interview conducted in Freetown; September 2003.

360. The kinds of words spoken in anger by the NPFL aggressors while they were carrying out these systematic violations can perhaps assist in understanding the motivations behind their acts. They would repeatedly bemoan the reception they were given in local communities, abusing the residents for being 'ungrateful' for their purported acts of 'liberation'. They also harboured a vengeful grudge against Foday Sankoh in particular, whom they believed had betrayed them with his reports back to Taylor about their misdemeanours.

361. Sankoh would later come and apologise to the victims of the operations; his only refrain was that there was nothing he could have done: this was war and nobody could change what had already happened.

362. Jim Karnwhine subsequently came to Pendembu and in front of Sankoh's very eyes arrested 'Kelfawai', Issa Sesay, Morris Kallon, Peter Vandyand Mohamed Tarawallie (alias "Zino" or "CO Mohamed"). Seven or eight of Sankoh's key commanders were tied up, loaded into a truck and carried to Kuiva. One of them was even executed, a Liberian vanguard who was apparently particularly resented because to the NPFL aggressors he was "one of our own brothers".

363. These arrests signalled the beginning of 'Top 40' – in around June 1992. None of the RUF fighters had done anything in particular to antagonise the NPFL commandos, but were rather targeted because they were perceived to be the major power-brokers in the combatant cadre of the RUF movement. They were held for approximately two weeks before being released.

364. The original detainees of Top 20 were 'administrators' – Collins, Kposowa, Kosia, Pa Kallon. These men were seen as the 'book men' of the movement and were thought to be the ones who were meticulously making notes on every movement of the NPFL commandos, thus undermining their command authority.

365. On the second occasion, however, the focus was changed to that of the combatant commanders, whereas Top 20 had primarily been restricted to administrative commanders, Top 40 was effectively a continuation of Top 20, designed to get rid of the top commanders of the RUF.

366. Top 40 was ended when it became obvious to the RUF that the NPFL fighters had run out of ammunition. Then, Musah (Internal Defence Unit), Isaac Mongor (Battlegroup Commander), Michael Rogers (MP Commander) Patrick Beinda (originally G-5 but by then IDU commander) came to the conclusion that the arms the Liberians were carrying were basically furniture. Their supplies of ammunition from Taylor had been cut off at the point where he had ordered withdrawal. If the SLA soldiers had known about it, they would have crushed the incursion once and for all. Testimony indicates that the NPFL fighters were normally too 'trigger-happy', firing unnecessarily whenever they got the chance, but suddenly the firing died down and the Sierra Leoneans concluded that there must be something of an ammunition crisis and the same information was relayed to the Sierra Leoneans by their own informant 'small soldiers'. So, having concluded that ENOUGH WAS ENOUGH, the opportunity then presented itself to launch a decisive 'Top Final'.

367. The RUF philosophy behind 'Top Final' was that if the revolutionary movement was to achieve anything, it would have to remove those who were systematically violating the security and thus undermining any prospect of support from the civilian population.

> "We too had no ammunition, but we sent [word] to the front line." Alicious Caulker [at Laah], Issa Sesay and CO Mohamed (Zino) [at Bunumbu] and one other commander [at Baiama] were then requested to send ammunition – but some of them were afraid to do so. Issa and Mohamed were particularly reluctant to participate, but upon Wormandia's insistence they eventually sent men from Kono By-pass [Gandorhun] under the command of CO Foday. The RUF pulled their men together and strategised on their mode of attack."

368. Liberians were reputed to enjoy living in groups, although one could surmise that the desire to be with the group was directly related to the need for security. They had not set up defences around their group assembly points but rather carried out human rights violations in groups, including cannibalism and rape.

369. Sankoh was always a little wary of the impact that an overt operation would have, he therefore had to turn a blind eye to Top Final, but in its aftermath he applauded the efforts of his vanguards and communicated the change in command structure. His only fear was that the war might not be able to be continued without the presence of these hardened fighters and their firearms, but his fears were soon allayed by the important ambush captures on the Gandorhun flank that would propel the RUF towards Kono.

370. The operation 'Top Final' lasted about two months in all, August and September 1992. It covered the key points of Pendembu and its environs (first week in August), Kailahun (towards end of August), Buedu and Koindu [in that order]. About 45 men participated in the initial move at Pendembu, 20 of whom were carrying arms. Gradually the numbers would increase, and even civilians joined up as momentum gathered. From Pendembu, over 100 NPFL men were flushed out, from a variety of different corners of the town.

371. The Liberians were neither particularly spirited fighters nor able to withstand much pressure – they were far too reliant on their guns; by all accounts they were in fact quite cowardly and could only assert themselves through armed force against innocent civilians. As would be echoed in the sentiments of other foreign fighters later in the conflict, one popular refrain heard from the Liberians was that "we don't want to die in this place oh – it's not our country."

372. Upon attacking the NPFL afresh in Kailahun Town, the RUF assailants were joined by reinforcements sent from CO Lawrence (Gandorhun) and Alicious Caulker (from Laah); their numerical strength had by this time gone up to about 200 persons. Nevertheless they were unsuccessful in dislodging the NPFL on their first night. Musah was sent on recce and had to fight physically (backs to the wall) before finally being overpowered and struck with a gun butt and a bayonet – the NPFL were too many for one man and they didn't want to give up their positions that easily, particularly because they had looted so much material during the Top 20 and Top 40 campaigns and were abducting human caravans to carry it over the border on their behalf [bicycles, Hondas bags of rice] they had actually detained over 40 civilians whom they intended to enlist for this purpose the following morning. Indeed the Commission's research supports the conclusion that for the NPFL cadre, the conflict had become an exercise in self enrichment. Eventually the NPFL took flight from Kailahun to Buedu; but again they were pursued, this time by over 200 men.

373. The top final operation was a dramatic declaration of self-reliance by the RUF in Kailahun district and represented the first time that the movement had acted in a manner that could be seen to have protected the interests of the civilian population. Ironically, though, its impact was limited. The RUF men had finally managed to purge the Liberians by the end of September 1992. All the NPFL commandos had gone; the only ones who remained were the ones trusted by the RUF, the 'Liberians' who had been recruited into, or willingly joined, the RUF. In the Commission's attempts to trace the origins of this faction, it became clear that most of them were not purely Liberians, but rather among the category of Sierra Leoneans who settled in Liberia. They could not speak the Sierra Leonean languages, so people mistook them for Liberians because of their accents.

374. The upshot of Top Final was that in November 1992, the RUF managed to capture a BZT and other heavy-weaponry from the SLA at Baiama, which afforded them a substantial boost to their self-morale. Potentially over 10,000 RUF had already been assembled and were left behind after the 'Top' Operations to set out on the new phase of their operations. But it turned out to be a false dawn. The main problem was the perpetual dearth of arms and ammunition. The RUF in Kailahun District had only 45 'functional' automatic weapons between them, allied with a clutch of shotguns, Berettas, 'cock-and-fires' and other rudimentary local weaponry. These figures which are born out by both the Commission's interviews with commandos of the RUF and by testimony from members of the civilian population, challenge the widely held belief that Charles Taylor was still providing weaponry to the RUF. Whatever supplies he had shared with the RUF during the early part of the incursion had seemingly dried up by 1992. This may perhaps indicate that he was only fuelling the war in Sierra Leone in advancement of his own agenda, rather than truly believing in that of the RUF.

375. The inescapable conclusion therefore is that the NPFL and the RUF in fact entered Sierra Leone with completely distinct and partly divergent agendas. There was no sincerity in Taylor's offer to Sankoh to assist with the launch of a fraternal revolution with a common purpose. Rather, Taylor wanted to shift some of his cumbersome military capacity out of Liberia and in the process disguise the culpability of his fighters for the grave consequences of their cross-border raid on Bomaru. He wanted to counter the menace of the ULIMO militia group that was building up manpower and capacity by training on a base near Joru, Kenema District. He wanted to destabilise the border region and create a further security dilemma for the Government of Sierra Leone and the ECOMOG contingent it hosted. Perhaps he even aspired to toppling the APC and earning the acclaim of the Sierra Leonean people as a supreme liberator. But there is no evidence that he ever provided viable and useful assistance to Foday Sankoh in promoting his revolution in the manner that Sankoh saw fit. This would have entailed considerable solidarity with the civilian population, and possibly eventually also the soldiers of the Sierra Leone Army, against a corrupt and dictatorial regime. The NPFL and the RUF had different programmes, different command structures and different minds when they encroached upon the territory of Sierra Leone in 1991.

ESCALATION OF ARMED CONFRONTATION AND THE END-PHASE OF 'TARGET' WARFARE

376. Having finally dislodged the RUF from Koidu Town in February 1993, the SLA slowly but surely picked off RUF positions one by one over the ensuing six months. On 06 May 1993, the Army captured Pendembu, confining the RUF to the four Chiefdoms in the north-eastern tip of the Kailahun District. Three months later, after a series of smaller-scale skirmishes, the Headquarter Town of Kailahun was also overcome. At this point the RUF on the Eastern front was diminished to a level of territorial confinement that it had not experienced since the very first month of its incursion. Its senior combatant commanders knew that they were being chased up the same blind alleyway that the NPFL 'Special Forces' had fled along during 'Top Final' and they feared that their fate would be an equally wholesale expulsion.

377. Indeed, by 08 November 1993, when Sankoh's own Headquarters at Sandiallu and the town of Koindu, where the full-scale incursion had been launched, had both been secured by the Sierra Leone Army, the RUF stood squarely on the border with Liberia and on the brink of oblivion.

378. Bolstered by air support from Nigerian Alpha Jets, their advance had continued right up to the border town of Baidu, the last customs point on the road out of Koindu; but that was to be the point where they stopped.

The Ascendancy of the SLA

379. At this juncture it is appropriate to examine the reasons for the relatively sudden, seemingly decisive ascendancy of the SLA. In the end-phase of conventional 'target' warfare, they actually conquered every single one of the RUF's 'targets', and prevented them from achieving their original strategic objectives. As 1993 drew to a close, the whole nature of the conflict would change dramatically, as the tactics of the insurgents and the stakes for which they were fighting would be changed to devastating effect. The SLA's battlefield victory would prove not to be sustainable, but it was a victory nonetheless.

380. The foregoing analysis has demonstrated that each of the key events between 1991 and 1993 had impacted profoundly on one or other of the factions and their respective capacities to prosecute the war. On the part of the insurgents, deviations from the original strategic objectives of 'target' warfare had diminished their chances of success, as had the swelling tides of internal division between the RUF and their supporters in the NPFL. On the side of the pro-Government forces, the massive boost provided by the Guineans at Moa Barracks, the recruitment and fast-track deployment of thousands of youths and the strategic use of auxiliary forces that included vigilantes and civil militias had resulted in the capture of all the territories that the RUF had captured upon entry into Sierra Leone. Indeed the dynamics of Phase I of the conflict tipped the aggregate balance in favour of the pro-Government forces.

381. The ascendancy of the SLA was greatly helped by the total lack of ammunition within the RUF, following the departure of the NPFL forces. The RUF could not longer hold on to the territory it had captured and it was receiving a terrible beating on the battlefield. The use of jet bombers which began in October 1992 following the capture of Baiama by the RUF began to turn the tide in favour of the pro-Government forces. The jets continually strafed RUF positions with the

pro-Government ground forces moving in to finish off the remaining RUF forces on the ground. The Government propaganda machinery was also working effectively. Strasser had come to power amidst great expectations of peace. The NPFL commandos who were with the RUF at that time thought that the war was over. Instead Strasser declared that he would fight the enemy by "land, air and sea". This statement of intent dealt an enormous shock to the RUF and provided a fillip to the SLA troops.

382. It has become clear to the Commission that the pro-Government forces had sufficient large-scale weaponry to finish off the RUF if they had used it sparingly and efficiently in the few head-to-head confrontations that took place between the two factions. The RUF at that time was uniquely, albeit fleetingly incapacitated as it awaited the arrival of new arms consignments from its trading over the Guinean border. Commanders testified that they had completely expended their missiles and RPGs and no longer had any ammunition even for their automatic rifles and personal weapons. They were retreating backwards with the bare minimum of firepower, reduced to the level that one commander said was only suitable for "emergency defensive response."[166]

383. These incapacities were apparently unknown to the SLA, however, who for their part appear to have advanced with tedious over-cautiousness. The soldiers confessed with hindsight that they tended to show the RUF combatants more respect than was perhaps necessary. In fairness, much of this was probably due to the vastly-exaggerated accounts filtering through the civilian population about the fearsome potency of the insurgents. However, as it rolled over each town and strategic point with very little or no resistance, the SLA should have begun to realise that the RUF was not such a force to be reckoned with; the soldiers should have quickened their advance and forced the RUF decisively into submission.

384. The Commission heard that by September 1993, having relinquished every key town in the Kailahun District to the advancing forces of the SLA, the RUF had nothing more than an indefatigable spirit to rely upon in the face of virtual defeat. Astonishingly some RUF commanders told the Commission in defiant terms that they were neither giving up nor losing confidence. They claimed that they had drawn renewed conviction from their period of common adversity and had been instructed that they were poised to revive their offensive:

> "We didn't think that the war was over; we thought that the war was very hot."[167]

385. Other commanders disagreed, however, confessing somewhat more believably that their collective confidence had withered. They told the Commission that they might have laid down their arms during 1993 had it not been for the example set by the RUF Leader:

[166] TRC Confidential Interview with former RUF 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.
[167] TRC Confidential Interview with former RUF 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.

> "All of us thought we were going to be overcome at that point in time; we thought that RUF was going to come to an end – it was only Foday Sankoh who gave us courage."[168]

386. Most of the civilians who had been flushed from RUF-held territory did in fact cross the border into Liberia. The soldiers were establishing a reputation for dispensing merciless summary justice to any captive whom they suspected of even the flimsiest connection with the RUF, which in practice seemed to mean almost all residents of Kailahun District.

387. The RUF combatants, though, did not dare to cross onto what they knew would be enemy territory, though they were not certain of which of their enemies they would encounter. On the one hand, reports were emerging of a significant presence of ULIMO fighters in Lofa County, allegedly deployed in an effort to cut off the suspected supply line between Taylor (at Gbarnga) and the RUF. When Sankoh had despatched Morris Kallon, one of his most accomplished field commanders, with a troop of up to one hundred junior commandos to assess the feasibility of an escape route, he had apparently returned alone, reporting a massacre in battle at the hands of ULIMO. On the other hand – and according to most RUF commanders the consideration that weighed most heavily – the RUF feared recriminations from the very same NPFL commandos whom they had chased out barely a year earlier. They were wary of the reportedly brutal treatment that was being meted out by the NPFL to anyone crossing from Kailahun and deduced that should they be captured and identified as RUF combatants, they would certainly be killed.

388. Thus, the final decision of the RUF appears to have been justified on the grounds that it would better to face up to the devil you know than the devil you don't. There was always the chance that the SLA would capture and kill an RUF commando, but such a fate was one with which RUF commanders were far more readily able to come to terms with.

Successful 'self-preservation' on the Southern Front

389. The Commission heard that the unique dynamics of the Southern Front had created conditions that were thoroughly divergent from those on the Eastern Front and had brought with them a host of different challenges for the RUF members fighting there. While they retained the status of the 'RUF First Battalion' in name, they were much more of a nebulous and disorganised force in nature. Their main objective in Phase I, practically from the time they had established an initial foothold, became simple self-preservation.

390. Having failed to make the same level of territorial gains as their counterparts in the East, the RUF in Pujehun District could not lay claim to 'control' of large towns or to anything remotely worthy of the description of a Regional Headquarters, its original office in Zimmi notwithstanding. Instead, its combatants and the civilians they carried with them had become accustomed to taking up positions in villages and forested areas of little strategic importance. In effect the RUF occupied only paltry and peripheral parts of its 'targets' in the South, having relinquished the main towns and highways to the combined forces of the Army and ULIMO and had been unable to recover the lost ground.

[168] *Ibid*

391. The battles in the Southern Province in the latter stages of Phase I had therefore been far less pivotal to the course of the conflict than those that were taking place in Kailahun. The RUF Southern Front was fighting mostly in an attempt to assert its existence and prevent further fragmentation. Its key fighters were stung by the brutal murder of so many of their 'senior' commanders at the hands of Gibril Massaquoi and his cohorts. Those outside Massaquoi's inner circle huddled mainly on the banks of the Moa River and sought fairly primitive means of sustenance. Nevertheless they ensured resolutely that they would not be completely wiped out, even if it meant that only one single town remained under their control. One of those who formed the RUF core contingent at that time portrayed the struggle to retain a Southern RUF in the following terms:

> "In Pujehun we had to employ all possible tactics for survival from the very beginning. The enemy kept using conventional warfare against us and they were having very strong fighters. But we were more determined to survive and somehow we managed…"[169]

392. The concept of jungle warfare had in fact been mooted by some of the vanguards as an alternative to 'target' strategies at the very beginning of the conflict. The reality on the ground in the East and South was to make this option inevitable for the RUF.

Recovery from virtual defeat on the Eastern Front

393. On 13 November 1993, when only Geima and selected areas of border jungle remained under his forces' control, Foday Sankoh circulated a message among his followers that the time had come to embark on a new approach to the war – a strategy of 'guerrilla tactics' centred around jungle warfare.

394. For some time already there had been a tendency towards the cover of the forest among certain RUF commandos in the Kailahun District. Apart from general distrust of the civilian population in the towns and rising concerns about their internal security in the light of the execution of several of their colleagues, many of the RUF cadres favoured residing in the bush due to the devastating effectiveness of the bombing missions carried out against them by the Government-backed Nigerian Alpha Jet. Accordingly, it was not entirely unexpected when Sankoh ordered the creation of hundreds of 'zoo-bushes'[170] in the forest in Eastern Kailahun in order to provide new forms of shelter for the RUF movement.

395. Sankoh had always counselled his troops that real commandos had to live in 'zoo-bushes'; but during the period when the Kailahun District had been relatively welcoming (and comfortable) for the insurgents, they had almost all preferred to stay in the towns, replete as they were with the comforts of life in a civilian settlement, such as housing, food and cooking equipment, produce on sale and medical supplies.

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[169] TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003.

[170] 'Zoo-bush' is a local term for makeshift accommodation in the dense jungle. Typically it comprises a community of small huts, constructed using tree trunks, branches and pieces of foliage, sometimes supplemented by sheets of zinc (corrugated iron).

396. In particular, though, the RUF addressed itself to the need for some form of territorial stronghold that would not be so susceptible to frontal attack by pro-Government forces. In resolving that issue and devising an entirely new *modus operandi* for the advancement of its armed struggle, the RUF set the conflict off on a fundamentally changed course, attendant with revised strategic objectives and varied patterns of violations and abuses carried out by all warring factions. This heralded Phase Two of the conflict.

Declaration of a cease-fire

397. By the end of 1993 believing that the war had been won, the Head of State, Captain Valentine Strasser declared a cease-fire in the war. The Commission acknowledges the gesture that Strasser made, for it did seem to be a positive step towards reconciliation and a break from the confrontation of the warfront.

398. Nevertheless, Sierra Leoneans have come to regard the offer by Strasser as something of a strategic blunder, whereby the military had a clear advantage over the RUF troops on the front and should have pursued the fight to its natural conclusion.

399. Speculation as to why in fact Strasser should have been moved to make such a mistake effectively divides itself along several fault lines: either he was compelled to do so by circumstances beyond his control; or he thought that he could gain some kind of international recognition as a peace-broker as well as a successful leader of the war effort. There was also speculation that he declared a cease-fire because of the alleged prior links between the NPRC and the RUF. The Commission believes that there was no relationship between the RUF and the NPRC. There was speculation that if the army had moved decisively against the RUF, there would have been a clamour by the public for the army to hand over power to civilians. In allowing the RUF a breather, the NPRC government was charged with wanting to perpetuate itself in office through justifying the need for a firm handling of the war effort.

400. Despite the cease-fire, the Government should have put in place measures to confine the RUF to the border areas and limit their scope for manoeuvre. The declaration of a cease-fire however was a strategic mistake that allowed the RUF the breathing space to reorganize and restock its ammunitions to be able to wage war against the government of Sierra Leone.

PHASE II

'GUERRILLA' WARFARE

THE TRANSITION TO 'GUERRILLA' WARFARE

401. In the light of the dynamics of the end-phase of 'target' warfare described above, the transition into a new phase of 'guerrilla' warfare in late 1993 can be seen in the first place as a necessary measure for self-preservation on the part of the RUF. While Foday Sankoh had remained defiant during his retreat on the Eastern Front, he was not oblivious to the somewhat fortunate circumstances that had conspired to save the RUF narrowly from an all-out defeat.[171]

402. Crucially Sankoh had been disabused of his notion that the unconventional fighting force of the RUF could match the Sierra Leone Army and its auxiliaries in a battle fought on conventional terms of engagement. The survival, let alone the victory, of the RUF depended on the formulation of a new operational plan. There was therefore a military imperative for the RUF to become a 'guerrilla' movement.

403. The Commission notes the allusion to the motivations for a switch to guerrilla warfare as they were subsequently published in the RUF Handbook, *Footpaths to Democracy*. While the story is presented in somewhat simplified terms in this document, it appears to be a relatively accurate reflection of the main events as they unfolded towards the end of 1993:

> "Frankly we were beaten and were on the run but our pride and deep sense of calling would not let us face the disgrace of crossing into Liberia as refugees or prisoners of war. We dispersed into smaller units, whatever remained of our fighting force. The civilians were advised to abandon the towns and cities, which they did… We now relied on light weapons and on our feet, brains and knowledge of the countryside. We moved deeper into the comforting bosom of our mother Earth – the forest."[172]

404. The Commission also heard, however, that Sankoh had conceded that his hitherto continued insistence on the rhetoric of 'revolution' would only serve to create unwanted paradoxes in the minds of the civilian population. The following perspective on Sankoh's thinking at the time came from one RUF commander who claims to have spoken regularly with his leader on points of strategy:

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[171] Reference to the decision by Strasser to declare a cease-fire

[172] *Footpaths to Democracy* is a 44-page booklet that was published in the name of the Revolutionary United Front of Sierra Leone (RUF) in 1995 and for a time was available on the streets of Freetown. It contains several lengthy sections propounding the RUF's version of events in the early part of the war and some of its purported "liberation ideology and theology". Its keynote essay is attributed to "Foday Saybana Sankoh, The Zogoda, Sierra Leone". In their testimonies to the Commission, RUF members referred to the document as an original work, many of them claiming to have contributed personally to it writing. Nevertheless, the Commission has come to understand that much of the content is plagiarised from other, unaccredited sources. The text is available in full on the internet at the following address: http://www.sierra-leone.org/footpaths.html -

> "The war went on to a certain period when Sankoh himself felt that his ideology was no longer holding; because if you say that you have come to fight for the people and then these people are being killed for their sheep and goats [and] their properties are being looted… [Then] people start running away from the 'revolution'… By early 1994; that was when the RUF Phase Two operations started."[173]

405. Testimony suggested that Sankoh wanted to concentrate more of his energies on devising and directing the operations of the movement. According to some of the RUF's commanders, Sankoh effectively wanted to "centralise" his leadership in order to assert a tighter grip on the direction of the movement as a whole and the conduct of his field commanders in particular.

406. In terms of 'centralisation', it is also pertinent to note that the transition to guerrilla warfare coincided with the re-convergence of the combatants from the separated Eastern and Southern Fronts. The dynamics of the transition are therefore inseparable from the objective, described below, of attaining a wider coverage for the RUF.

407. The 'reunification' itself was effected somewhat unexpectedly through the appearance of an entire unit of commandos from the Southern Front at Pendembu, on the Eastern Front, in early 1994. According to RUF members on the Eastern Front, this contingent comprised 21 men upon arrival and was led by the Pujehun-based commanders Augustine Koroma and CO 'Manawa'. This account is remarkable because the RUF commandos arrived wearing full SLA uniforms and claimed to have marched in formation through parts of the Pujehun, Kenema and Kailahun Districts without being identified as 'rebels'.

408. These commanders briefed Sankoh on the activities of the Southern Front and its relatively depleted nature. After the initial offensives of the guerrilla warfare phase had then succeeded, upon which a permanent base was established, messengers were despatched back to Pujehun in order to summon the remaining members of the RUF's Southern Front from their various positions around the District; many of them were in makeshift lodgings around the banks of the Moa River.

409. The Commission heard that Sankoh received the main contingent of commanders from the Southern Front with apparent surprise and words of apology for having lost touch. Many among this contingent were subsequently given 'refresher' training in order to integrate them fully into RUF operations for Phase II.

410. In addition to bolstering the RUF's capacity on account of the added, or rather rediscovered, manpower, the appearance of the combatants from the Southern Front emphasised to Sankoh the importance of efficient communications to the success of the movement. Throughout the period from 1991 to 1993, the only medium through which the main executive body of the RUF in Kailahun had received word of the activities of its counterparts in the South was that of international radio broadcasts. Reports of significant battles in which the SLA or ULIMO had succumbed to or overcome 'rebel forces' would give the two

[173] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

fronts an indication of the approximate geographical spread of one another's 'targets', whereas no news for a period of several weeks or months would be interpreted as a sign of setback, misfortune or defeat.

411. In the absence of any news of territorial gain from either South or East in 1993, the RUF on both Fronts had fought under the illusion that their defensive efforts were the last embers of the struggle and that they were the only prospects of keeping the 'revolution' alive. It was only after they re-established contact in 1994 that the members of the two original RUF Battalions gained any accurate impression of the successes and failures of their respective contingents.

412. Foday Sankoh vowed never again to allow such a cleavage to develop between the wings of his military operations. He had received specialist training in signalling during his time in the Sierra Leone Army and declared himself eager to put his expertise to use to avert further instances of disconnection.

Operations and Tactics of the RUF 'Guerrilla' Warfare

413. The RUF's *Footpaths to Democracy* included its own statement on Phase II operations that portrayed its fighting forces as a revolutionary force:

> "What is clear is that the patriotic and democratically-minded Africans of Sierra Leone are waging a successful guerrilla warfare using their feet and brains, footpaths and by-passes to surprise, disarm and totally disorganise the offensive operations of the rebel NPRC."[174]

414. The Commission heard the contention from several former RUF commandos that the tactics of guerrilla warfare were as much in the mind as in the practical implementation. One RUF commander who served as an 'Intelligence Officer' during Phase II gave a lengthy narration of his experiences of how guerrilla tactics assisted the RUF in carrying out its operations to attack key defensive positions of the Sierra Leone Army. A portion of his testimony, which is typical of the modus operandi of RUF guerrilla warfare in the Commission's view, is included below:

> "Ambush was one of our tactics; 'recce' was one of our tactics; intelligence was one of our tactics; braveness was one of our tactics; and accurate information was one of our tactics as well…
>
> […] As an example, when we were preparing to attack Koidu, Kono, with all the forces that were there, we used to send 'reccie' teams sometimes four, five, six times a day. They would spend the whole day with the enemy in the township, then in the night, they carried their feedback back to us: their locations; location of their armoured tanks; how many armoured tank carriers; the manpower situation; location of civilians - all this information was given to us.
>
> […] Then we ourselves set up one of our strategic fighting forces; the plan was that at night, we would put up night attacks – 'combat at night'. That operation used to comprise only two to three men, who would only

[174] *Footpaths to Democracy*, Revolutionary United Front of Sierra Leone (RUF), 1995; available in full on the internet at the following address: http://www.sierra-leone.org/footpaths.html

> come into Koidu, or to enemy positions, just open two or three rounds of rapid firing and then leave the town. For that whole night the enemies would be firing – some of them would even be killing themselves. This was showing that there was prejudice all over. So we made the whole Koidu Township so fearful even for the enemy combatants until they all packed themselves into one location. So what we did as guerrillas, we left them in Koidu here and went behind as offensive ambush towards Makeni. We laid the ambush and the ambush was effective up to a month without these people in Koidu here taking any notice at all.
>
> […] We arranged our ambush into three categories: we had our 'Iron Gate'; we had our middle team; and we had our front team. So whenever any force left from Koidu towards Makeni, the 'Iron Gate' towards Koidu would never open fire; the middle team would never open fire; the last team will only give them an 'air firing'. Then, the back team, as the 'Iron Gate' from the back, replies with fire; and then the rest are in the middle of the ambush. So just tell me [how it feels], in the seven mile distance of all that; you cannot do any fighting, you are weakened totally because all of you are travelling in a big panic. So you have no option but to give yourselves up; these were the ways we used to capture these people."[175]

415. In essence then, the first notable difference in tactics during the guerrilla warfare phase lay in the RUF's mode of engagement with the Sierra Leone Army. The RUF deliberately moved away from head-to-head confrontations with Government troops and tried instead to enfeeble them by surrounding them, separating them and terrorising them.

416. In its military operations just as in its attacks on civilian communities, the RUF effectively went underground: it sought to become less visible, less predictable, less consistent and less distinguishable in everything that it did. As a consequence it became infinitely more difficult to fight against and drove SLA military officers lacking in ingenuity into contriving a variety of irrational responses. The war had indeed changed. It was no longer between armed groups confronting each other in battle fields. The civilian population began to bear the brunt of the war.

417. The Commission database recorded more instances in which the RUF alone attacked civilian settlements in Phase II than in either the earlier or later stages of the conflict. However, in comparison with the Phase I tactics of direct and transparent entry into towns and villages, the mode of attack used in Phase II seemed to invoke stark contrasts; sometimes even polar opposites.

418. Whereas, for instance, there had been an audacious policy of forewarning a town or village of an RUF advance in the early months of the war, there was now an unerring uncertainty in the timing and location of attacks. Combatants would sometimes quite literally lie in wait for periods of several days, observing the conditions at the site of proposed attack and assessing the attendant dangers and likely modalities of different types of operations.

[175] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

419. A common objective was to ascertain the movements and destinations of military and civilian convoys, usually by means of sustained surveillance from hidden watch posts in the jungle next to key local thoroughfares and major cross-Regional highways. The Commission heard that such 'stake-outs' could often last for up to a week, demanding rigorous levels of physical endurance that were instilled into RUF combatants through their concentrated commando training.

420. When the scope and nature of a particular attack was determined, the key to its success would then rely upon achieving an element of surprise. In attacking a civilian settlement, for instance, the commandos would invariably strike at dawn or at another moment when the inhabitants of the chosen location were least expecting it. In their fright and alarm, the inhabitants would most often attempt to flee into the nearby bush, imagining that the attack would take over their town or village and subject them to the prolonged abuses of occupation associated with previous years.

421. However, the response of flight, which spared so many civilian lives in Phase I, was often cruelly scuppered in the guerrilla warfare phase due to the setting of 'traps' with clinical efficiency along the same bush paths and by-passes to which civilians would normally bolt in search of an escape route. Accordingly, at the very point when they tried to run away, civilians became most vulnerable to capture and abduction.

The Strategic Objectives and Consequences of RUF 'Guerrilla' Warfare

422. One of the strategic objectives of the RUF was the crippling of commercial and industrial activities. The short term consequence of this was that it destroyed the revenue base of the government. In the long term however, it was to make reconstruction more difficult for the country. The strategy at the heart of RUF guerrilla warfare was therefore one of incremental territorial expansion and ever-increasing material and psychological yields. In each operational area, the RUF commandos deployed at the front were instructed to build up gradually from small-scale attacks, limited in scope, to larger strikes intended to have national or international impact by sabotaging the Government's primary military or economic interests and robbing civilians of any chance of a life free of fear and human rights abuse.

423. In contrast to the activities of Phase I, the RUF did not seek to 'seal off' large areas of territory in the form of 'targets', or to co-opt civilian administration in towns and communities in the name of the 'revolution'. Instead the movement set out to infiltrate deep into Government-held territory, operating across a far broader geographical area than the original armed incursion had been able to reach. This differed from the 'target' approach of Phase I in the sense that territorial control was secondary to nationwide coverage, however thinly spread. The aim was not occupation but penetration; the objective was not to take control, but to carry out raids, ambushes and arbitrary violations and abuses to such a disturbing extent that nobody would be genuinely in control.

424. The RUF 'guerrilla' warfare deliberately sought to cause rampant confusion and destruction throughout the state of Sierra Leone, to the massive cost of the country's human and infrastructural development. The RUF seemed to be driven in this pursuit by the belief that if it made the life of the people in the Provinces unbearable, it would render the Government devoid of alternatives but to engage in negotiations. It therefore played upon what it perceived to be an uncomfortable relationship between the leaders of the NPRC military administration and their civilian subjects.

425. Hence as the call for democratic elections grew among certain constituencies, the RUF then opposed these constituencies directly and declared that what the country needed before elections was 'peace'. In a harbinger of what was to come in Phase III of the conflict, this strategy was one which was dressed up as striving for peace, whilst actually struggling for power.

426. Another vital component of the RUF approach entailed the crippling of commercial industrial sites that were seen to be contributing revenue to the Government's war effort. In 1995, the two highest-profile and highest-earning mineral mining companies in the country, Sierra Rutile and SIEROMCO, were subjected to ravaging assaults by the RUF that would lead to their enforced closure for the remainder of the conflict. Several smaller minerals concerns, including gold and diamond prospectors, miners, dealers and buying houses, were similarly put out of action by attacks that overran and destroyed their premises.

427. The RUF admitted to having accrued some resources from these attacks, especially in the form of looted vehicles, telecommunications equipment, food and fuel, but the loss on the part of the proprietors and by extraction the state was always exponentially higher than the gains made by the RUF.

428. A corollary objective of the RUF was to attract international publicity for its armed struggle. Publicity in this regard should not be confused with positive recognition, though, for popularity *per se* was out of the question by this stage in the conflict. The RUF had invoked derision and alienation from the Sierra Leonean population in Phase I, wherein the astounding qualification was that the international community had been conspicuous by its lack of outspoken condemnation for the insurgency. The RUF guerrilla warfare in Phase II aroused the moral consciousness of the world and forced it to take notice of the violations and abuses that were being perpetrated against the civilian population.

429. Foday Sankoh thought that he could manipulate the international media and, when the time came, the foreign peace-brokers who got involved. Thus Phase II would for the first time carry the dynamics of the conflict outside the territories of Sierra Leone and Liberia, most notably to Abidjan in the Ivory Coast for a series of negotiations between the parties. The responses of the incumbent national Government of Sierra Leone as well as those of the leaders of interested external actors would then go a long way in determining whether the RUF would opt for peace or perpetuation.

430. Finally, but most significantly in the Commission's view, the RUF was intent on undermining the general physical security of the state and its inhabitants, primarily by casting the institution of the Army as a pariah in the eyes of the civilian population. The RUF deliberately carried out 'false flag' operations,

dressing in the full camouflage uniforms and other insignia of the SLA and often adopting troop formations or positions of deployment that were used by the SLA. In these instances, the RUF commandos not only violated the laws of war pertaining to combatant identification, but also systematically flouted human rights and humanitarian law norms in their acts of targeting civilian areas, destroying and plundering properties and carrying out mass killings.

431. To reflect on such a tactic of malicious deception is to say nothing at this juncture about the conduct of the 'real' soldiers, for this will be drawn out in more detail in the ensuing analysis. What requires to be stated here is that the RUF intentionally spread confusion and terror among the civilian population, while doing their utmost to impute responsibility for their attacks to the Sierra Leone Army. In a conflict of this nature it has continually proved staggeringly difficult to decipher any clarity between the blurred lines of perpetrator responsibility, but this dilemma was to prove particularly acute in Phase II.

Designing and Operationalising RUF Guerrilla Warfare

432. Just as the Sierra Leonean RUF vanguards and junior commandos testified that collectively they had fought for the ownership of the movement when they attacked the NPFL during 'Top Final', so the Commission heard that Foday Sankoh asserted his claim for more stringent control and became a far less tolerant and all-embracing leader as Phase II operations commenced.

433. According to some of those who were close to him, Sankoh had developed a heightened sense of paranoia about plots to undermine and ultimately assassinate him. He assumed the sole prerogative for strategic thinking in the RUF and sought assistance only from his closest administrative allies and his most dependable ground commanders in designing and operationalising his strategies.

434. Accordingly, the operational plan for guerrilla warfare had been conceived by Foday Sankoh himself and was drawn up at Sankoh's behest by the RUF's 'G-1' commander in the administrative cadre, Moigande Moigboi Kosia. Kosia had been appointed 'G-1', with responsibility for recruitment and training policies, at the time of Sankoh's first visit to the town of Pendembu, Kailahun District, on 29 April 1991. The two men knew one another well from their days together as junior officers in the Sierra Leone Army of the 1960s.

435. Kosia testified to the Commission that he was one of very few members of the RUF with a military pedigree and ingrained professional ethics. He claimed that his own personal approach in the RUF was one based on disengagement and deftness, trying to exert some degree of influence on the activities of the movement without incurring the wrath of his younger colleagues, whose objectives were essentially geared towards achieving power at all costs and impunity for the acts committed in its pursuit. In turn, he appears to have been considered as something of a perfunctory figure in the eyes of many of the RUF's combatant commanders.

436. Sankoh nevertheless identified Kosia as a trustworthy and efficient strategist who, by his own admission, thrived on the paperwork of war. At around the same time that the RUF was pushed right back to the Liberian border, in November 1993, Sankoh requested Kosia to draw up the blueprint for a comprehensive RUF guerrilla training programme and a means of

implementing a system of jungle warfare. This blueprint provided the basis for the main thrust of the RUF's operations between 1994 and 1996; in recognition of his contribution to the design of the strategy, Kosia earned the RUF sobriquet of 'The Jungle Wizard'.

437. On the question of putting Kosia's plans into practice, the Commission heard a series of testimonies that pointed to the RUF's most senior battlefront commanders as the key purveyors of guerrilla warfare. Foremost among them was the RUF's sole surviving Battle Group Commander and the last of the Libyan-trained Sierra Leoneans to fight for the RUF, Mohamed Tarawallie (alias "Zino" or "CO Mohamed"), who by 1994 was the only Lieutenant Colonel in the movement. He carved a niche for himself as the commander in charge of 'expanding' the RUF's areas of operations and leading attacks on Government installations of perceived strategic importance.

438. Tarawallie was answerable directly to Foday Sankoh and in the Commission's view bears a larger share of responsibility than any other single combatant for the spread of RUF attacks into the Northern Province of Sierra Leone from 1994 onwards. The Commission's database recorded multiple violations and abuses that were directly attributed to Tarawallie under one or more of his various *nommes de guerre*, including "Zino" and "CO Mohamed".

439. The Commission furthermore regards Tarawallie as a central instigator of the considerable mayhem and bitter mutual distrust that grew out of the RUF's 'false flag' operations; he was cited by a string of fellow RUF combatants in their testimony to the Commission as the main and most frequent perpetrator of attacks in which the whole troop under his command wore full SLA uniforms.

440. Phase II was also the period in which one of the RUF's most notorious future military leaders, Sam Bockarie (alias "Mosquito"), rose to prominence as both a Battlefield Commander of lethal prowess and a deviant unknown quality who would frequently disobey orders and commit human rights abuses with total abandon. Bockarie was in some quarters considered to be a henchman for Foday Sankoh; explicit in the testimony of at least two fellow vanguards was the suggestion that when Sankoh wanted somebody to carry out his "dirty work" he would look to Mosquito.

441. The Commission further heard that Mosquito was for a time tasked with responsibilities to oversee the jungle bases of the Southern Province, which included the training position in the town of Mattru Jong, Bonthe District. It was from this posting that he was recalled by Foday Sankoh to The Zogoda and investigated on allegations of summary killings, although the Internal Defence Unit (IDU) of the RUF did not take any stern punishment against him.

442. The third noteworthy commander among the RUF's guerrilla warfare cadre was the vanguard Dennis Mingo (alias "Superman"). In testimony given to the Commission, Mingo was blamed for a multiplicity of violations and abuses in Phase II, many of them abduction-related crimes against children, including forced recruitment and forced drugging. It was Mingo who, in conjunction with Mohamed Tarawallie, came closest to attacking the city of Freetown in 1995; he had participated in the battle to open a Western flank of RUF military operations, which included establishing a Western Jungle base and inflicting a host of attacks on the previously unaffected Districts of the North-West of Sierra Leone.

443. According to an RUF signaller who monitored most of the radio communications among commanders between 1994 and 1996, Mingo and Tarawallie went so far as to announce a plan to advance to Freetown in 1995 but were ordered by Sankoh to refrain on the grounds that "the RUF was not going to attack the city. The Leader told the men that 'the RUF would enter Freetown without a single shot'. And that is exactly what happened."[176]

444. Thus, the Commission received testimony that the success of guerrilla operations was contingent not upon a rush to the capital city, or indeed the overthrow of any major towns in the Provinces like the District Headquarter Towns, but on gradual strengthening of the RUF's attacking capabilities through one successful raid or ambush after another.

445. The first offensive of the second phase was planned by Foday Sankoh in the company of almost all his senior combatants, including the above-named guerrilla commanders, from their starting point in the defensive *zoo-bush*[177] in Giema, Kailahun District at the end of 1993. It took the form of an ambush on the SLA position at Gborworbu, spearheaded by Dennis Mingo (alias "Superman") and Sam Bockarie (alias "Mosquito"). The Commission heard that due to the dearth of weaponry and logistics faced by the RUF at this time, the attack was carried out by a troop of guerrillas moving through the bush on foot, wielding fewer than ten machine guns and a single Rocket-Propelled Grenade launcher (RPG).

446. The RUF used a variety of simple but effective tactics to create a sense of pandemonium among the unsuspecting occupants of the targeted position, including shouting "war cries in hundreds of voices at the same time" and throwing a barrage of stones incessantly onto the corrugated iron roofs of the soldiers' dwellings. Upon gaining sight of a suitable target, the RPG was then launched and backed up by sparing, sporadic firing from different angles. Both RUF commandos and their various warfront adversaries attested that such tactics had the effect of convincing soldiers, many of whom were young and panic-stricken, that they were under siege from an enormous and well-armed force. Consequently they would abandon their posts as they did in Gborworbu and leave their bases, including arms stores, at the mercy of the RUF.

447. The modest yield of the Gborworbu attack was registered as follows in the Giema base files: eight 'rocket-sticks' for a Rocket-Propelled Grenade launcher (RPG); one 'sardine tin' of ammunition rounds for a German-Three (G-3) machine gun; and two boxes of ammunition rounds for automatic AK-47 rifles.[178] The significance of this haul obtains not ostensibly from its magnitude,

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[176] TRC Confidential Interview with a former RUF signaller and radio operator who channelled and monitored communications between commanders; interview conducted in Freetown; 23 October 2003.

[177] The terminology used here was found in numerous testimonies to the Commission from former RUF members in both the civilian and combatant cadres. It is understood to denote makeshift accommodation in the dense jungle. Typically it comprises a community of small huts, constructed using tree trunks, branches and pieces of foliage, sometimes supplemented by sheets of zinc (corrugated iron) or other looted building materials. In *Footpaths to Democracy* the term used is slightly different: *sowo bushes*. It is defined in that document in rather cryptic language as a "sacred grove for the initiated".

[178] The source of this information is the register kept by officers of the Internal Defence Unit (IDU), whose tasks included verification of all looted properties and captured logistics from the scene of an attack. TRC Confidential Interview with former RUF 'junior commando' recruited on the Kailahun front, who subsequently became a 'G-2' Commander and investigator in the Internal Defence Unit; interview conducted in Freetown, 22 September 2003.

but from the fact that its capture emboldened the ranks to undertake larger raids on other SLA positions in the District. Thus the real turning point in terms of boosting morale and acquiring materials was the next attack, which struck the town of Giehun.

448. Giehun sits between two bridges approximately halfway between Pendembu and Kailahun Town on the main access road. Just outside the town on either side are a number of classic ambush points, where attackers concealed in roadside foliage can sabotage vehicles passing into or out of the town. In early 1994, the NPRC Government was attempting to consolidate its grip on the Eastern border areas by transporting plentiful supplies of arms and ammunition to fortify its military positions close to Liberia.[179]

449. A convoy of at least seven vehicles was making its way North from Pendembu to Kailahun when it first fell into the RUF ambush at a point short of Giehun; armed men sprung onto the road and laid siege to the military vehicles, inducing an immediate and powerful response from the SLA's 'war-tank'.[180] While the first attack was repelled, it appears to have shocked and disrupted the convoy, causing some of the vehicles, carrying manpower reinforcements, to head back to Pendembu while others, carrying a wealth of military provisions, pressed on towards Giehun.

450. Demonstrating another of the tactics that came to characterise its guerrilla operations, the RUF garnered 'reconnaissance'[181] and assessed the remnants of the convoy in Giehun Town to be ripe for attack. It then launched an unexpected assault on buildings and vehicles in the town and flushed the soldiers out of Giehun.

451. The Commission heard that the RUF stayed in the town for two days and plundered all available military supplies before succumbing to a counter-attack by the soldiers and retreating into the bush. Sam Bockarie registered a list of captured materials from the Giehun attack that was to prove of inestimable significance: 185 brand new 'TD' weapons; 150 boxes of ammunition rounds for automatic AK-47 rifles; 18 boxes of 'rocket-sticks' for RPGs; and, of special note, one-and-a-half bales of SLA military uniforms.[182] In one fell swoop this attack re-equipped the RUF and allowed it to operationalise its guerrilla army.

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[179] Reference to this series of operations is contained in the files of the National Security Agency (NSA) of the NPRC Government, which were obtained by the Commission from the former NPRC National Security Adviser, Brigadier (Retired) Sam H. King.

[180] The vehicles known as 'war-tanks' were commonly used by the NPRC Government to escort its convoys of supplies to the warfront and lead attacks to recapture RUF positions. Despite RUF accounts suggesting that several armoured tanks were commandeered from Government troops, the Commission heard that only one such tank was registered as 'lost' in an ambush. See Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; testimony before TRC Thematic Hearings held in Freetown, 30 July 2003.

[181] 'Reconnaissance', or 'reccie' as it became known across all the combatant factions, was a facet of the guerrilla phase that implicated large numbers of civilians, including women and children, in the RUF's assault on the state security apparatus. Reconnaissance missions were largely low-key, undercover affairs, carried out either by RUF combatants in disguise, or by civilians pretending to be on innocent searches for food, sex or protection from the soldiers whilst actually gathering information.

[182] The source of this information is again the register kept by officers of the Internal Defence Unit (IDU), whose tasks included verification of all looted properties and captured logistics from the scene of an attack. TRC Confidential Interview with former RUF 'junior commando' recruited on the Kailahun front, who subsequently became a 'G-2' Commander and investigator in the Internal Defence Unit; interview conducted in Freetown, 22 September 2003.

452. The weaponry and the uniforms acquired from Giehun were the main materials used by the RUF in its operations to dislodge SLA positions in Kailahun District and parts of Kenema and Bo Districts in 1994. The RUF was able to recapture both Buedu and Kailahun Town from the SLA and establish training and administrative bases there as part of its stranglehold on most of the District. Beyond Kailahun, the materials were also put to use in the 'clearance' operations that were an important prerequisite for the RUF's establishment of jungle bases in other parts of the country.

453. The RUF continued to attack SLA convoys as a means of acquiring weapons and other resources. The major inter city highways became death traps for both civilian and soldier alike. What has been dubbed the mother of all ambushes took place on Wednesday 2 August on the Freetown-Bo highway at the notorious stretch between Magbosi and Mile 91. The attack took place near Mile 77 on a convoy that was progressing towards the provinces. The convoy came under a salvo of bullets and RPG gunfire. Nearly 70 out of a total of 75 vehicles, mainly trailers and trucks - laden with precious relief supplies for the provincial cities of Bo and Kenema, were destroyed. Government claims that 15 people were killed was contested by other reports. The realistic number was put at between 80 and 100 people. Scores of people were wounded and taken to hospitals in Freetown. Many of those who escaped to the bushes were feared to have perished in their search for sanctuary. Described as the worst throughout the civil war, this incident was preventable but it seemed the authorities were given the wrong signals. There were calls for an immediate investigation. The government announced the setting up of an inquiry because of the widespread belief that the ambush could only have taken place with the collusion and connivance of elements in the army who had an eye on the goods on the vehicles. For example, it was alleged that despite the protestations of the men of Executive Outcomes, that it was not safe for the convoy to travel up country at that material time, they were nonetheless overruled by senior officers and the convoy was allowed to proceed."[183]

454. An RUF combatant who participated in the Magbosi Hill attack described it to the Commission:

> "As we were pulling out, we saw a truck and they said we were going to Magbosi. I was told that I should capture that village in order to get my height in the jungle. There was a Lt. Jongopie and others who wanted to know me. By then I was a small boy and everybody wanted to know me. We were then in control of Magbosie right unto Okra Hill; we made a short cut from Magbosie to Okra Hill. Magbosie was called Foday Sankoh's Garage; there were a lot of cars there. We were there for a long time; people did not realize what we were doing; but in 91 area, the Temne area, they knew that rebels were there. We decided to find women; we laid ambushes for vehicles. Lungi and the surrounding villages were my area; when you approach the town from the direction of Bo, the first storey building was my office. I captured five SLA soldiers. I am not denying that I kill or burn houses, but to say that I killed an

[183] Focus on Sierra Leone internet journal, containing news and opinion on the conflict in Sierra Leone.

innocent man, I did not. Instead, if you asked me not to kill you, I would ask you to join the revolution."[184]

455. From the totality of the evidence before it, the Commission concludes that the two tactical pillars on which the RUF guerrilla campaign was built were ambushes and 'hit and run attacks'. Both types of operations seem to have depended on vigilance in advance and 'courage' in the heat of the moment, two of the attributes that were brutally instilled into junior commandos on their training bases through the forced ingestion of stimulants during preparation and through the frequent administering of punishments for any outward displays of cowardice.

456. In the recurring accounts of 'hit and run' attacks about which the Commission received testimonies, violations and abuses appeared to follow two principle sub-patterns within the operation. First, the 'hit' intended, in its conception at least, to entail a targeted assault on an installation of military or strategic importance. The targeting, however, became gradually less discriminate as the guerrilla campaign broadened and it transpired to inflict gross human rights violations on numerous civilian communities. Violations typically included killings on sight, detentions of civilians (often *en masse* in cramped conditions), beatings of captives and incidents of rape and gang rape.

457. The 'run' then took the form of either a retreat in the face of counter-attack or a return to the relative safety of a nearby bush base. In the process, new 'members' were habitually and unwillingly taken from their communities, tortured and forced into carrying loads. The clear demographic preponderance among abductees was young boys deemed suitable for conversion into combatants and young girls who were subjected to rape and sexual violence violations and abuses. Violations of forced recruitment and sexual slavery increased substantially during Phase II as both were more typically perpetrated in the jungle environment.

THE ESTABLISHMENT OF A NETWORK OF JUNGLE BASES

458. Jungle bases provided the RUF with a form of territorial stronghold that would not be susceptible to frontal attack by pro-Government forces. Often growing our of a secluded settlement in the bush where rural peasantry had established a clearing, a well or a small plantation, each of these sites was built up to accommodate potentially hundreds of commandos for training purposes and for the launch and return of attacking forces under the cover of the forest. Typically, the RUF would seek to situate a base in a mountainous area, which the Commission was told would allow for the placement of different 'combat units' at various heights on the mountainside; the group in the foothills would then be responsible for attacks on surrounding villages and ambushes on passing highways.[185]

[184] TRC Closed Hearings with former child combatants who participated in ambush attacks during the guerrilla warfare phase; hearings conducted in Bo and Bombali Districts; May to June 2003.
[185] This division of 'combat units' was corroborated by intelligence information amassed by the NPRC during its investigations into jungle bases. See the document entitled: "RUF Bandits – Hideouts and Enclaves in Sierra Leone", dated 21 February 1995; contained in confidential files compiled by the National Security Agency (NSA) of the NPRC Government, 1992 - 1996; presented to the Commission by the former NPRC National Security Adviser, Brigadier (Retired) Sam H. King; September 2003.

459. Within the first year of guerrilla operations, the number of jungle bases had mushroomed to such an extent that the RUF boasted a fully-fledged network of 'strongholds' and safe havens across the country, which would become the main locations for training, harbouring and indoctrinating their new recruits as well as for planning and co-ordinating their operations.

460. Typically, advance teams of reconnaissance officers and commanders, where possible with an appropriate 'local knowledge', were despatched on missions to identify and 'clear' an appropriate area of the bush for conversion into an RUF jungle base. The Commission heard that the first such mission was commanded and undertaken by Foday Sankoh himself in the company of troops under Sam Bockarie (alias "Mosquito") . Their express intention and indeed result was to carve out a symbolic first base in the heart of the Eastern Province.

Jungle Bases in the Eastern Province

461. Thus the Headquarters of the RUF from February 1994 until October 1996 would become **The Zogoda**, an encampment of makeshift buildings and storage huts nestled in the forest atop a ridge in the Kambui Hills of the Kenema District. From the point the territory was originally claimed by Sankoh and Mosquito, this camp was characterised and also protected by its difficulty to access: from the nearest road, which runs south from Blama Junction and passes through the town of Gbandawo, it required a trek of more than seven miles over rugged footpaths, all of them uphill.

462. Moreover, **Gbandawo** itself was the location for a defensive base, marshalled by the vanguard commando Augustine Koroma. A further base at Jui Koya, referred to as '**Camp Lion**' and occupied by a variety of training instructors under the supervision of Gibril Massaquoi, provided a further screen in the nearby bush.

463. Foday Sankoh was regularly, if not almost permanently, stationed at The Zogoda for approximately two years. The camp was intended to be the 'Control Centre' of the RUF, its hub of communications from which Sankoh would despatch messages and instructions to his field commanders over signalling equipment and other radio gadgetry that had been appropriated in ambushes from the Sierra Leone Army.

464. The base also played host to meetings, both collective and individual, between Sankoh and his senior commanders, in which reports from the front were presented to the Leader. There was at least one regular meeting of the High Command, commonly called 'The Forum', at which members of the RUF's War Council, chaired by S. Y. B. Rogers, would discuss and decide upon elements of structural or political strategy. Sankoh retained autonomy over combat operations in his capacity as the RUF's Commander-in-Chief.

465. Testimonies indicated that a summons to report to The Zogoda was often a disciplinary measure through which Sankoh planned to admonish combatants who had been involved in alleged misconduct. On other occasions all officers of a particular rank or from a particular operational area would be called to the base for purposes of reassignment, re-training or the issuance of specific orders relating to an imminent military operation.

466. The Commission heard that it was often directly upon returning from such meetings to their various smaller bases in other parts of the country that commanders would unleash new campaigns of abuse or implement changes to their training activities on a particular base. It was reported to the Commission that every RUF operation of any scale or significance in the period between 1994 and 1996 was orchestrated from, carried out with the full cognisance of, or at the very least reported to the High Command at The Zogoda. The RUF command structure was in this sense intended to be centralised under the sole authority of Foday Sankoh. Nevertheless, his authority was often undermined by the failure to punish or otherwise discipline commanders in the field who carried out operations without his express instruction.[186]

467. For a number of reasons the Eastern Province encompassed the jungle territories which the personnel of the RUF movement were most familiar. The overwhelming majority of junior commandos who were enlisted in the years between 1991 and 1993 were indigenes of the Kailahun and Kono Districts; this group also formed the numerical majority in the RUF by the commencement of guerrilla operations. Meanwhile the vanguards had grown to know the terrain intimately during their fighting on the Eastern Front; several Sierra Leoneans testified that having lived in Liberia for many years before the outbreak of the war, they were better acquainted with Kailahun District than with their own places of origin in other parts of the country.[187]

468. Accordingly, in addition to The Zogoda, other vital strategic bases were positioned in the East and assigned to senior members of the High Command. First, in the Kenema District, Sam Bockarie (alias "Mosquito") was responsible for the so-called **Cuba Base** situated near the mining town of Peyama in the more northerly ridges of the Kambui Hills. Mosquito was not often present on the base in person, but was reported during one of his visits to have brought in 'juju men' and a 'doctor' from Liberia who injected drugs and administered herbal medicines to each of the forced recruits on the basis that it would 'boost their morale'. On one rare occasion when he conducted a training session at Cuba Base, Mosquito was said to have been particularly merciless, executing three child combatants for their failure to run fast enough.[188]

469. Second, in the Kailahun District, the Battle Field Commander Issa Sesay assumed leadership of what was popularly called **Camp Burkina** or **Burkina Faso**. Sesay's communications were set up in the town of Geima, Luawa Chiefdom, which was the effective home of the RUF's Second Battalion. However this base covered a greater expanse of territory than the other control areas and accordingly was known by some commanders simply as **Kailahun Jungle**. In many ways Sesay was bestowed control of the 'target' areas on the Eastern Front that had been 'behind rebel lines' for most of the first three years of the conflict.

[186] For further details, refer to the section below on Patterns of Violations and Abuses.
[187] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.
[188] TRC Confidential Interview with a former RUF junior commando recruited in the Bonthe District in 1995; interview conducted at TRC Headquarters, Freetown; 15 July 2003.

470. Third, in the Kono District, the 'Vanguard Commander' Morris Kallon (alias Birlai Karim) held the **Kono Jungle**, which was alleged to be in Kono along the main road from Kailahun to Koidu Town but was actually closer to Kenema.

471. Additionally in the East, the Commission heard reports of bases whose exact locations was not clear. The first of these was the **Kenema By-pass Jungle**, which appears to have been a stopping point on the bush route used to move between Kenema and Kailahun; it was headed by an RUF commander named 'Mohamed Small Voice'. Additionally a base was created on the banks of the Moa River and referred to as **Across Moa Jungle**. Several RUF combatants recollected that the troop at this location was led by the former Small Boys' Unit (SBU) commander Sheriff Parker (alias "Base Marine"), although Parker himself did not allude to such a position in his testimony to the Commission.[189]

Jungle Bases in the Northern Province

472. The RUF second-in-command Mohamed Tarawallie was assigned to take command of the '**Northern Jungle**', which in reality comprised a sub-network of disparate individual bases spread over several Districts. The most strategic cluster of camps was **Kangari Hills**, positioned in the vicinity of the village of Kpetima, Tonkolili District in a remote gold-mining creek called Nakwata. The creek is reportedly so hilly and treacherous that even second- and third-time visitors experienced difficulty locating the camps there.

473. In addition, the Northern Province hosted the RUF base commonly referred to as **Malal Hills**, located near Mabang, Tonkolili District on the thickly-forested Ropulun Hill. According to information in the possession of the NPRC Government, it was commanded by an RUF commando nicknamed 'First Blood'.[190] There was another jungle base known as Mantumbi in Matoloka.

474. A third strategic base-point in the North was in **Makundu Hills**, Bombali District, within ten miles of the Northern Headquarter Town of Makeni. According to the RUF's administrative head of recruitment and training, Moigboi Moigande Kosia, this axis was opened by troops under the command of Dennis Mingo (alias "Superman").[191] It encompassed the RUF training base referred to as **Camp Charlie**.

475. The Commission heard testimony from a variety of abductees, predominantly children, who were taken to Camp Charlie under the purview of training commanders such as Rashid Sandi and Monica Pearson. Within these accounts the Commission registered a litany of violations carried out by the commanders on this base, including forced recruitment, torturous training exercises, deployment of children into attacks on civilian areas and systematic forced drugging.

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[189] Sheriff Parker (alias "Base Marine"), former RUF vanguard and erstwhile commander of the Small Boys' Unit (SBU); TRC Interview conducted in Magburaka, Tonkolili District; 14 August 2003.
[190] See the document entitled: "Rebel Activities at Mabang, Rochanmalal in the Port Loko Area – A Few Kilometres to Lungi, which is close the City of Freetown", dated 23 January 1995; contained in confidential files compiled by the National Security Agency (NSA) of the NPRC Government, 1992 - 1996; presented to the Commission by the former NPRC National Security Adviser, Brigadier (Retired) Sam H. King; September 2003.
[191] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; May 2003.

476. Among all the RUF training bases where violations against children were perpetrated, the site of Camp Charlie must be highlighted as the scene of particularly abhorrent conduct by its commanders.

Jungle Base in the Western Area

477. The coverage of the RUF guerrilla campaign by 1995 was such that even a **Western Jungle**, located around Fogbo on the axis approaching the capital city of Freetown, was established and maintained for a period of up to one year. It was held and supervised by Dennis Mingo (alias "Superman"). In 1995, Dennis Mingo had wanted to use the base as a springboard from which to launch a series of full-scale attacks including a proposed attack on Freetown with support from troops led by Mohamed Tarawallie. However, due to Sankoh's veto on that occasion and due to the concentration of military strength in Freetown around the NPRC Government, the Western Area was the part of the country least affected by guerrilla attacks.

Jungle Bases in the Southern Province

478. As described in the foregoing analysis, several cadres of RUF fighters in Pujehun District, as well as in limited areas of Kenema and Bo Districts, had been deploying unconventional tactics of warfare while their compatriots in the East were still engaged in conventional 'target' warfare. Thus there existed *de facto* jungle bases in the Southern Province well before Sankoh conceived his guerrilla strategy. The question was not so much one of establishing new areas of control, but of identifying the most viable areas that were formerly in use and incorporating them into the national network.

479. The former First Battalion base on the outskirts of Pujehun Town assumed a similar significance in the South to that of its Second Battalion counterpart in Kailahun in the East: it afforded a sense of continuity to the movement by launching new operations from old ground. The Commission heard some of its trainees refer to the base as **Camp Libya**, while it was apparently known more widely simply as **Pujehun Jungle**. At the start of Phase II operations, Gibril Massaquoi held commandership of the First Battalion but was subsequently reassigned to front-line duties alongside Mohamed Tarawallie and did not command the base. Instead it was led predominantly by another Southerner, Michael Rogers (alias Bordal), who also commanded the base known as the **Rutile Jungle**, Bonthe District.

480. During 1993 the RUF in the South had also established the **Koribondo Jungle**, which sat on the banks of the Waaje River close to the town of Bandajuma, Bo District. This position derived much of its strategic importance from its proximity to the SLA garrison at Koribondo itself, which was the subject of intense inter-factional fighting for much of the third phase of the conflict. The nearest base to the Southern Headquarter town of Bo was the so-called **Njala Jungle**, from which important covert attacks on the SLA units deployed around Bo were frequently launched.

481. Finally, the town of **Mattru Jong**, Bonthe District, became an important training base for RUF officers in the Internal Defence Unit (IDU). The former 'G-2' commander Patrick Beinda led a training programme for several batches of

recruits there , while prominent vanguards including Augustine Koroma, Sam Bockarie and Morris Kallon each served a stint in the town in order to co-ordinate the activities of the RUF in the Bonthe District as a whole. The Commission heard that the RUF commanders and combatants based in the Bonthe District underwent numerous disciplinary investigations between 1994 and 1995, particularly with regard to their perceived raggedness in the aftermath of the attack on Sierra Rutile in early 1995.[192]

DYNAMICS OF THE DEFENSIVE RESPONSE TO THE TACTICS OF 'GUERRILLA' WARFARE

482. In Pujehun District, the fighters who were affiliated to the RUF in Phase I had always subscribed had a very limited local objective to their participation in the conflict. While the vanguards and early batches of junior commandos were set on the propagation of 'Sankoh's revolution', the militiamen of the 'Action Group' styled themselves more as 'defenders of the people' against the pro-Government forces of the Army and ULIMO. It was always likely to be a confusing dichotomy for the military properly to understand. In trying to decipher the blurred lines between civil defence and rebellion, the Army often got it wrong and ended up targeting innocent civilians. Local people started to see the soldiers as the most likely abusers of their human rights, whereas the various squads of local militiamen fighting under the umbrella of the RUF were, conversely, a source of protection.

> "The information that we got was that most of those who mobilised as Kamajors were either once with RUF as members or they were civilians who were behind the RUF."[193]

483. Their gripe was that the RUF had caused too much havoc off their own backs and had not done enough to defend the people against other attackers; they thought that they could do better under an alternative strategy embodied by the CDF, whereby the objective would be advancement of a concept of civil defence, rather than an ideology for improved or reformed governance in the country. Accordingly, almost the entire 4th Battalion of the RUF relocated to Liberia and left it in the hands of the local militias.

484. Obviously this somewhat disfigured face of the war in Pujehun can be traced back to the unfortunate events of 1982 and 1983, when the civilian uprising in Ndorgboryosoi was quelled by a heavy-handed response on the part of the Government troops and SSD.

485. There are good grounds on which to conclude that the Sierra Leone Army engaged in vindictive targeting of purported 'rebels' and 'collaborators' in the first two phases of the conflict, and that numerous violations of human rights also stemmed from their ragged and undisciplined deployment, compounded by massive fear, lack of training and an enemy whose war tactics were designed specifically to exploit such weaknesses. Many soldiers also saw the war as an opportunity for personal profit and engaged in reprehensible conduct

[192] Submission by Moiganda Mogboi Kosia, February 2003.
[193] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

such as the looting of property of civilians, and in extreme cases colluding with the RUF in planning attacks on communities.

486. In a sense, while there were grounds for mistrust of the army, it was manipulated out of proportion to what was existing on the ground. There was certainly misbehaviour by elements within the army. There were also false flag operations carried out by the RUF which deepened the perception among the civilian populace that the army could no longer be trusted. Politicians had begun to manipulate the widespread discontent against the army for partisan political objectives: as a basis or pressuring the army to hand over power, since it was no longer capable of successfully prosecuting the war. However, the army did little to clean up its image. The perceptions therefore lingered.

487. The failure of the army to protect the populace gave rise to an overwhelming desire among the people to institutionalise the existing civil militia as the only force that could protect the communities against attacks by the RUF. The RUF's 'false flag' tactic, necessarily kept secret from the public consciousness by its perpetrators, added fuel to the fire of the politicians' argument that the Army had reduced itself to a mode of behaviour that was no better than that of the 'rebels' – neatly encapsulated in the rubric of 'sobels'. As the concept was readily absorbed by the civilians – who themselves witnessed and reported what they thought were attacks by soldiers in every corner of the country – the position of a Government spearheaded by soldiers became untenable.

488. In turn, the politicians' shrewdness brought power at a high price. In winning over the civilians on the ticket that soldiers were against them, the politicians conveyed a message to the soldiers that indeed they were the pariahs of the state. Since their best efforts would yield only derision, the soldiers took on the mantle that had been cast upon them and gradually transformed themselves into a deliberate enemy of 'democracy'. Simultaneously but particularly subsequent to this transformation, the politicians, now bedding themselves into Government, were left with no option but to create an additional arm to the state security apparatus that would supplant and compensate for the Army.

SEEDS OF DISTRUST IN THE SIERRA LEONE ARMY

489. In the space of little over one year, the whole context of the conflict in Sierra Leone changed for its civilian population. In November 1993, every civilian settlement in the country had been purged of RUF presence. The insurgents were living in the bush, largely devoid of weaponry and ammunition, cut off from their former supply route out of Liberia. As described above, the Head of State, Captain Strasser, was subsequently moved to declare a cease-fire in what many had hoped would be end-phase of the conflict.

490. In contrast, by late January 1995, when the RUF attacked Kambia Town in the North, there was not a single District in the Provinces in which the RUF was not present. The RUF's guerrilla attacks impacted on civilians in many ways, but their foremost effect was to make everyone feel vulnerable.

491. In times of crisis, according to the Constitution, the Sierra Leone Army has the duty to preserve the lives and property of the citizens of the state. The inescapable impression reached by the majority of civilians was that the Army was failing in its task. By any standards, the sheer breadth of geographical coverage achieved by the RUF represented a fundamental collapse in the state

security apparatus. Naturally, the civilians developed certain misgivings about the capacities of the soldiers on the ground to protect them.

492. RUF guerrilla attacks, as described above, were characterised by killings, abductions and systematic destruction of property. In the wake of such an attack, it became commonplace for collective 'post-mortems' to be conducted in which soldiers and civilians would put forward their explanations as to why the defence of communities was so frequently breaking down. A familiar pattern in these explanations emerged, just as it did in the testimonies received by the Commission: soldiers and civilians would narrate two different sides to the same story.

493. On the one hand, the Army would claim that it was powerless to prevent such attacks taking place on account of its 'institutional incapacities': its soldiers were inexperienced, poorly-trained, ill-equipped and unused to the type of fear that guerrilla tactics could induce. They were forced to take flight in the face of overwhelming pressure and occasionally lost men or military materials to an ambush or assault that was impossible to withstand. Military leaders would then declare that they were making provisions to overcome their incapacities and would continue to do their utmost to protect lives and property.

494. On the other hand, civilians refused to accept that such far-reaching and regular spates of violations and abuses could continue to occur in spite of the Army's best efforts. Instead they would point to highly suspicious circumstances surrounding guerrilla attacks in their communities and aver that the soldiers had engaged in 'connivance'. Their allegations would portray degrees of connivance that fluctuated from place to place and from one week to the next. In their moderate form, they said that the Army had deliberately abandoned the civilians to suffer violations at the hands of the RUF. In their more unrestrained form, they said that the soldiers themselves had carried out an attack and visited violations and abuses upon civilians directly.

495. As Phase II unfolded, the word spread among civilians that SLA soldiers were working with the rebels, providing arms and supplies to the rebels, acting on instructions from the rebels, and even carrying out joint operations with the rebels. In fact, according to conventional wisdom, many SLA men were "soldiers by day, rebels by night." All of these notions of an untrustworthy Sierra Leone Army were neatly encapsulated in one accusatory word: "sobels."

496. More so than in any other sphere of its research and investigations into this conflict, the Commission's guiding principle with regard to the tense relationship between the Sierra Leone Army and the civilian population has been to strike an impartial balance. Neither 'institutional incapacities' nor 'sobels' can serve as an entirely historically accurate portrayal of the dynamics that governed the relationship. The truth, in fact, lies somewhere in between.

Understanding the Conduct of the Sierra Leone Army

497. One of the keys to understanding the role of the Sierra Leone Army in the conflict is to think of it not as an institution, but as a conglomeration of individuals. For all the reshuffling and restructuring, the creation of new units and the renaming of existing ones, the essential nature of the Army and its conduct in practice derived from the human characteristics of those who filled its ranks.

498. During the reign of the NPRC, the Sierra Leone Army encompassed a broader and more diverse mixture of mindsets and capabilities than at any other point in its history. First and foremost, the unprecedented variety was a function of size. The paltry force of between 3,000 and 4,000 soldiers that started the war in 1991 accounted for only a minority of the total force by 1994.

499. The enormous recruitment drive begun in 1992 had enlisted predominantly urban youths from the streets of Freetown. It was the greatest single contributor of new 'manpower', but it was not the only source.

500. Steady and significant additional growth had also been taking place locally at the various frontlines. Quite informally at first, but ever more systematically as time passed, Army units incorporated local volunteers into their midst. The voluntary cadre burgeoned into a whole new class of soldiers known as 'irregulars', which comprised vigilantes, Border Guards (SLBGs) and other auxiliary forces. Eventually these irregulars were given weapons, uniforms and military identification numbers. Equally, their names were added to the SLA register in their thousands.

501. An important factor in determining the way a soldier behaves is his own self-perception. Before 1991 most soldiers saw themselves as performing a largely ceremonial role. The central difference for those who entered the Army during the conflict was their certain knowledge that they would see action at the warfront. Such an inevitability of combat meant that people came on board specifically because of their eagerness to fight. Professional values like loyalty and humanitarian concern were not then prerequisite to becoming a soldier.

502. Some 1992 recruits testified that the prospect of serving the SLA invoked sentiments of national pride in them. Nevertheless there were others who joined up with dangerous misperceptions of the types of personal gains they would get out of it. The same was true for the irregulars: most of them brought indispensable local knowledge to the good of the Army; but some of them also sought to act out irremissibly localised vendettas to its detriment.

503. The Commission's database records that early as 1991, violations and abuses were carried out against the civilian population by the members of the army. Most of these violations and abuses fitted into a particular pattern, whereby soldiers detained, tortured or killed people they suspected to be 'rebels' or 'collaborators'. The Commission regards such acts of summary justice as being representative of a wider trend: armed combatants of all factions acted hastily and violently to eliminate an 'enemy' whom they did not know for certain was an enemy.

504. Often these actions were directed or encouraged by other civilians. Apparently they were mostly motivated by their unresolved personal feuds; – disputes over land ownership rights between families and 'ruling houses' – were cited as frequent examples. Residents pointed fingers at other members of their communities with whom they had a history of civil strife. On occasion, SLA soldiers or RUF fighters then executed the alleged wrongdoer without substantiating the accusation.

505. The Commission understands this type of violations as a category of isolated incidents that were caused by the localised dynamics of the particular deployment areas in which they took place. This does not lessen the seriousness of the individual acts in any way, but it ought to prevent their being seen as evidence of a campaign of deliberate killings by the Government. They were caused by their individual contexts rather than by commands from above.

506. In this light the Commission notes that soldiers were 'driven' to kill some of those detained in their custody on the basis of what they didn't know and what others told them. Contributing factors included unfamiliarity with the local populace and vindictive urgings from their accompanying 'auxiliary forces', like ULIMO and the vigilantes. The following testimony from an officer who served in the South indicates that he and his colleagues were often rushed into taking inappropriate action:

> "Being strangers to the place, we hardly knew how to differentiate between the real 'rebels' and the civilians. So anyone that was brought before us accused of being a rebel… it was very difficult to investigate properly… [This was the case] especially when we were fighting alongside ULIMO, because they had had their experiences in Liberia concerning the rebel tactics. Whenever a 'rebel' was brought before us, it sometimes took just two or three hours before we formed a 'Kangaroo Court' and if found guilty, the 'rebel' was executed…
>
> When we became aware of this situation, we started mounting up thorough investigations before we could execute rebels at random. But before that time, to be frank, a lot of innocent lives were lost due to the inexperienced nature of the troops." [194]

507. What is most telling of all, then, is that many soldiers failed to respond in a measured fashion to the exigencies they faced at the warfront. Herein the Commission perceives the first symptoms of insufficient training and waning self-confidence coming to the surface.

508. Understandably the impact of soldiers' shortcomings varied from one community to the next, but on the whole, the early instances of abuse by soldiers are not sufficient in number or nature to represent a systematic deviation from the Army's constitutional role.

[194] TRC Confidential Interview with an officer of the Sierra Leone Army (SLA) who served on the Pujehun Front between 1991 and 1993; interview conducted at private residence, Freetown; 07 July 2003.

509. The task is to establish whether this situation had changed by 1994 and for what reasons. The Commission is required to take stock of key events in the conflict up to this point and trace what influences they had brought to bear on the attitudes and actions of soldiers.

Ramifications of the 1992 coup on the Conduct of Soldiers

510. In the Commission's view, those who carried out the coup of 1992 possessed a unique opportunity to overhaul the APC culture of military unaccountability when they took power. Yet the majority of testimonies received suggest that they did not seize this opportunity. Instead, according to erstwhile Force Commander Kellie Conteh, they embarked upon an altogether more destructive approach to the running of the Army:

> "Although they replaced the APC, which we had all experienced had become a bad political entity, the NPRC was no better… This is not to say there were no fine sides to the regime… For sure they were not short of enthusiasm, zeal and courage, even if these were misplaced. [Their] excesses however dealt a heavy blow especially to the military's capability to prosecute the war effectively."[195]

511. The coup represented the ascendancy into political decision-making of a core group of hardened fighters in their mid-twenties. Valentine Strasser, who was just 26 years old at the time, became the Head of State and Commander-in-Chief of the Army. His attainment of this dual role meant that he usurped both his predecessors in the APC and his erstwhile seniors in the military hierarchy. This sudden change in the pecking order had a critical psychological impact on every soldier, from the freshest recruit to the longest-serving officer.

512. Older, more experienced men of senior rank held a generally low opinion of the NPRC leadership cadre. Some of them nevertheless acquiesced and accepted positions in the NPRC Government, including Brigadier (Retired) Sam King, who was the NPRC's National Security Adviser. With hindsight, King looked upon the youthfulness of the Head of State and his cronies as being a disadvantage in their exercise of authority:

> "I was working with young and inexperienced men who were totally hypersensitive and hyperactive. [They] were full of themselves and full of some ideas or ideology that they were bright stars… They were acclaimed as heroes in the society, so they thought they knew everything [and thought they] had it all. I just looked at Strasser and said: 'I joined the Army in 1959; you were born in 1966. I was a Captain when you were born'."[196]

513. Brigadier Kellie Conteh told the Commission that while he was Force Commander he were never able to assert any influence on policy on account of being ignored, suspected and derided by men such as SAJ Musa and Tom Nyuma.

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[195] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

[196] Brigadier (Retired) Sam H. King, former National Security Adviser to the NPRC Government from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 1 September 2003.

514. Anecdotal evidence abounded of a flippant lifestyle of excess and self-importance pursued by the junta leaders in Freetown. In some testimonies it was also put up as demonstration of the continuing scourge of corruption at the heart of Government.

515. The patterns of violations committed by members of the Sierra Leone Army under the NPRC speak of opportunism and abandon. These traits appear to have filtered down to the warfront from the leadership in Freetown.

Allegations of direct connivance with the RUF

516. A further problem in the field was the reactionary nature of the NPRC High command towards complaints made against commanders. While the civilians perceived discipline to be slack, the truth was that disciplinary action was hardly taken against an errant commander. If a commander was found to be engaging in some kind of unsavoury or unscrupulous activity, he would simply be switched and replaced. There was very little continuity as a result and civilians had no particular conception of who was in charge in their area at any given time. Under international law, the command structure would be guilty of omission. Witnesses testified that this practice of reassigning people is symptomatic of governance in Sierra Leone where non performers are simply reassigned to other important government offices. It disrupted the effectiveness of the command structure and led to a far higher degree of indiscipline as well as fed into perceptions of collusion with the RUF:

> "If they [the RUF] were helped, I wouldn't say for sure; but they definitely had some connections. There was a guy who they called 'Ambush Commander'. Wherever there was an ambush, he would clear it. Later we learnt that in fact he was in it, hand and glove, with the rebels. He is Tom Nyuma. He was held in high esteem by everyone. It was only later that we learnt that he was working in collaboration with the rebels. That's very sad."[197]

517. The Commission heard that in the pre-war years Sierra Leoneans had joined the Army for reasons that could range from patriotism to political favour-seeking, but were rarely actively bellicose.[198] In any case they were treated as second-class citizens in the APC security apparatus because of the primacy in the use of armed force given to the paramilitary SSD. Soldiers mostly considered themselves as performing a ceremonial role, with only the so-called 'party strongmen' in the inner circle around the President having any active say in the conduct of the affairs of the state. Merit and dedication to one's duties were really of very little importance to one's rise through the ranks; officers who engaged in political sycophancy or who played on their tribal connections were the ones most likely to advance their careers.

[197] Dr. Samuel Maligie, former Secretary of State for Internal Affairs, Rural Development and State Security under the NPRC; TRC Interview conducted at private residence in Freetown; 31 March 2003.
[198] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 07 May 2003.

518. Soldiers were quite often desperately unhappy with their plight at the warfront. When they were unfed and generally maltreated, their moods could degenerate to such an extent that they would seek solace in the thrills of front-line activity. In some instances the very objective of a mission might be to loot or gather food in order to fill empty stomachs.

519. Many of the NPRC's efforts at structural engineering fell far short of making tangible improvements to the capacities of the Army at the warfront. Most of them in fact served merely to perpetuate the internal divisions in the military hierarchy because they were ordained by the brash, younger men in the inner circle of Government and did not have the support of the senior officers, including successive Force Commanders, Major General Gottor and Brigadier Kellie Conteh.

520. Nevertheless, the NPRC was responsible for enlisting the services of the South African security firm, Executive Outcomes (EO) in 1995. In the circumstances of the time, the enlistment is understandable. In the long term however it amounted to a surrender of the country to mercenaries, led to concessions on economic resources for which the country is still paying, and sustained perceptions of structural weakness of the army and its alleged relationship with the RUF. According to the mastermind of the recruitment of the Executive Outcomes,

> "I knew the military was not going to save us and I was in charge of the military. I thought EO was the only chance to save our country."[199]

521. From a purely military perspective, EO was able to afford an immeasurable boost to the defensive operations of the SLA. In the space of just a few months and with an initial contingent of just 200 men, EO was in effect able to reverse the decline of the Army as a fighting force and begin to regain the upper hand in guerrilla warfare. Its intervention therefore also served to highlight some of the shortcomings of the Army in the period that had gone before. First, EO brought with it superior communications sets and monitoring equipment that allowed efficient code-breaking work in identifying the RUF's whereabouts and movements. Second, it injected clinical precision and devastating power into the air assaults of the SLA. Its helicopter pilots and gun controllers commandeered the three existing helicopter gunships in the Sierra Leonean fleet and flew raids over key bases and ambush points used by the RUF. Finally, its sophisticated night-vision equipment enabled the pro-Government forces to carry out surprise attacks of their own, often succeeding in sending the unsuspecting RUF cadres "running around like ants."[200]

522. It is quite easy to understand why the efforts at structural re-engineering were not working: captains and lieutenants were the political masters of Brigadiers and Colonels. There was obvious disharmony between the largely impoverished soldiers on the front lines and the astoundingly decadent junta leaders, mostly their peers, in Freetown. Moreover there was latent rancour in the administration itself, since the Head of State did not see eye-to-eye with his

[199] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[200] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

Vice Chairman, nor did the Force Commander see eye-to-eye with either of them.

523. Their constitutional status notwithstanding, there were some parts of the country in which a soldier would be more likely to kill you than would a commando of the RUF. One reason for this was that civilians were unreasonably yet unambiguously held to be partisan to the forces among which they lived. If a civilian had failed, usually through no fault of his or her own, to escape from territory held by the RUF, then he or she would invariably be deemed to have been working with the RUF. Without clarity of thought or any means of verifying information given to them at source, soldiers were usually bound to punish anyone picked out as such a 'collaborator'. Additionally complications derived from the fact that there always individuals who were ready to point fingers, not because the person had necessarily done anything wrong, but on account of a pre-existing grudge or grievance that in all likelihood had very little to do with the conflict.

524. The leadership did nothing to stem the tide of distrust. The military junta was naturally implicated in the whole affair. At the very least its decisions were roundly criticised for having created the climate in which wayward youths from the margins of society could have become soldiers in the first place. On top of that most civilians believed that officers of the NPRC inner circle were deeply involved in 'sobel' activity, leading their men in committing violations and abuses themselves, or conniving with commanders in the RUF to prolong the war and continue to prosper from its ill-gotten gains.

525. The state of the Army did not improve under the new civilian government for reasons that are discussed below. In fairness to the government, the president had complained to the Commission that he was not receiving advice from the army even when he requested it. The army just didn't want him in power. At some level however, the government must accept responsibility for its failures, after all, the military is an institution of the state.

526. On the part of the Sierra Leone Army, there were many trends that gave rise to distrust even within the ranks. Colonel K.E.S. Boyah, a member of the NPRC administration, reflected that the recruitment drive begun in 1992 and the subsequent deficiencies in training and disciplining the expanded army had "created the foundation for a lot of ugly happenings within the system."[201]

527. Bishop Kellie in Bo was actually beaten up rather violently by Gabriel Mani, Minister of State by the NPRC in full view of the gathered public of Bo Town – something of a costly misdemeanour. This was used as an issue from which to extract political capital by the politicians. Mani was subsequently sacked.

528. There came a point when soldiers began to lose faith in themselves. At around the time of the transition between the military council and civilian rule, the Army began to show signs of structural collapse and pervasive uncertainty as to its worth to the state.

[201] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.

529. It was directly out of this somewhat paranoid sense of persecution that the beginnings of a further sentiment of marginalisation started up. The CDF, ever the unpopular party in the eyes of the soldiers, began targeting the soldiers directly. In a way, the sense of persecution on the part of the military became something of a self-fulfilling prophecy.

530. However, in the eyes of the civilian population, the very group to whom they were looking for protection was effectively turning its guns against them. The SLA was slowly but surely being stripped of its credibility as a defender of the people's human and constitutional rights. Indeed there were some communities that were immediately antagonised by the conduct of particular SLA units and their significance should not be underestimated in the longer term.

531. Sierra Leoneans lost all confidence in the Army as an institution that could protect the population from ravaging attacks on lives and property. Many civilians reported incidents in which they felt the Army had been actively malicious, rather than simply incompetent. In the Southern Province in particular, the military lost any semblance of public confidence and any chance of co-operation from the civil defence committees and liaison structures that had been put in place to try and ease the tension. Indeed, rather than leaving their protection in the hands of the Army, communities mobilised all the loyal manpower they could muster, particularly from among the youth, and made a decisive choice to defend themselves.

532. Civilians began to refer to the Government troops as 'sobels'. The implication of this was that those who were soldiers by day were becoming 'rebels' at night. It clearly reflected the complete suspicion with which the army was now viewed and the conclusion in the minds of the people that the army was incapable of protecting the communities.

533. It came to the point in 1995 when any military unit that relinquished control of a town or installation would be said to have done so deliberately. Nor was there an effort to distinguish between the actions of genuine soldiers who were genuinely miscreant and the acts of manipulative RUF commandos who masqueraded as soldiers. The term 'sobels' became somewhat fashionable, as a figure of speech, used to will away the full extent and complexity of the problems that were vitiating the apparatus of state security.

534. A major gripe on the part of the civilian population was that disciplinary action was extremely rare and always insufficient to deter recurrence. It is clear from the Commission's investigations that there were certain SLA commanders whose conduct was above reproach. Yet there were equally those whose conduct was reprehensible in the sense that they appeared to be at least neglecting their duties, if not directly conniving with the enemy.

535. On some occasions, SLA commanders were known to acknowledge that there had been misconduct on the part of their own soldiers. Typically, the acceptance of responsibility would be something of a token gesture made through gritted teeth, however. Civil society members in the Bo District described how "scores of complaints" were referred by the Paramount Chiefs to the Brigade Commander, Colonel Tom S. Carew.[202] Even where an SLA

[202] TRC Discussions with prominent civil society representatives from the Southern Province, conducted in Bo Town, Bo District, 16 to 19 August 2003.

officer put up a different story in his defence, invariably the Paramount Chief would report that the civilians' version of events had been favoured. The problem was that no robust action materialised and the climate of distrust would remain unchanged:

> "This was the time when the Army was in Government and whatever misconduct was reported against them was not taken very seriously. Sometimes they would believe the civilians' complaints over the soldiers, but nothing much would actually come out of it. The Brigade Commander might ask him to pull out, report back at his station… but after one week he would be deployed in another area. As far as we were concerned that means nothing came out of it."[203]

536. David Kobby worked as a liaison between the civilian population and the soldiers of the Sierra Leone Army in his own community. Kobby told the Commission about the accumulation of events that caused him to conclude that SLA soldiers were conniving with the RUF:

> It doesn't actually mean that we understood the relationship between the rebels and the soldiers. It doesn't actually mean that we saw them sitting down together, talking or making any arrangements for anything. What I am saying here is that, with all the things that happened… I would form a case to say that it was a sell-out.
>
> For example, there's a situation where the rebels have attacked and they're in one location; [so] we want the army, in fulfilment of their own duties, to step down some distance so that they can gather some information. But they simply cannot do that!
>
> There is another situation where the night before the attack, some of them come to tell us that they have been into the area where the rebels were coming out from and they discovered that the rebels are not there. But the following day we're attacked from the very same place!
>
> There is another situation where an army commander has ammunition in his house. And when there is an attack, he doesn't call his men to carry this ammunition away, so that it cannot be taken by the rebels. He leaves the ammunition there for the rebels to take!
>
> So with all these kinds of scenarios, one would just infer that there was some kind of connivance."[204]

[203] TRC Discussions with prominent civil society representatives from the Southern Province, conducted in Bo Town, Bo District, 16 to 19 August 2003.
[204] David Kobby, former civilian liaison between communities in the Bo District and SLA deployments stationed there, later Regional Information Officer (South) for the Civil Defence Forces (CDF); TRC Interview conducted in Bo Town, Bo District; 09 August 2003.

The Role of the RUF in the Relationship between the SLA and Civilians

537. RUF guerrilla tactics were designed specifically to undermine the military. The RUF sought to soil the reputation of the Army in order to heighten the feelings of 'state insecurity'.

538. There was something of a tactical naivety in this premise, however, since it failed to acknowledge that the Army at that time was the Government and that it already suffered from a damaging disjunction with the civilian population. The upshot of this short sighted opportunism was a blow to the chances of the RUF of attaining a satisfactory peaceful settlement, *because the SLPP would prove infinitely harder to negotiate with than the NPRC.*

539. The RUF precipitated a crisis of identification: people often did not know whom to trust because they did not know the true identity of those they were being asked to trust. As the Commission heard from some of the organisers of community defence initiatives in Kenema District, the level of suspicion was extended to both those who appeared to be civilians and those who appeared to be soldiers:

> "The first problem is that you would not know who was a rebel. Even on the day we were attacked, a lot of strangers we saw around, our people suspected that they might be rebels, but you would never have said so at that time because you did not see them with weapons; you did not even hear them say that they were this or they were that.
>
> As for the military personnel at that time, except if I knew somebody personally to be a soldier before I could believe he was a soldier. But if I had not seen you anytime before, if I had not known you before that time and I saw you in a uniform then I will take you as a rebel."[205]

540. In a country the size of Sierra Leone, it is inevitable that there are familial, tribal and financial connections that in fact make for extreme factional fluidity. Two of the more intriguing individual biographies in the NPRC administration in this regard are those of Julius Maada Bio and Tom Nyuma, both of whom were alleged in testimonies received by the Commission to have had direct family ties with the RUF that allowed them relationships of influence and persuasion within the High Command.

541. In the case of Julius Maada Bio, testimony received by the Commission from one of his sisters, Elizabeth 'Baby' Bio, would seem to belie the accusation in the most conclusive terms. It is true that two of Maada Bio's sisters, Elizabeth Bio and Agnes Deen-Jalloh (nee Bio), as well as his brother-in-law, Ibrahim Deen-Jalloh, spent several years with the RUF. They were captured in 1991 during an attack on the Bunumbu Teachers' College, Kailahun District, where Ibrahim Deen-Jalloh was a senior staff member.

[205] TRC Discussions with members of civil society in the Kenema District who participated in the efforts to defend their local communities; conducted in Kenema Town, Kenema District, 12 to 17 July 2003.

542. It is untrue, however, to infer that Maada Bio's relatives stayed with the RUF of their own free will: all of them suffered horrendous abuses of their human rights and were forced to remain in the personal dominion of the RUF leader, Foday Sankoh. Elizabeth Bio, herself a victim of continual sexual violence, explained part of the harrowing ordeal as follows:

> "When they captured us, we stayed with them in Bunumbu for three days and in Salonwo (Small Freetown) for four days. We then went to Kailahun Town with Foday Sankoh. He did not want people to know about us. Foday Sankoh had sex with my sister Mrs. Agnes Deen-Jalloh in the presence of her husband against her wish. While we were in that camp, they made us launder and cook for them.
>
> I stayed with them from 1991 until 1994. One day my brother Julius Maada Bio sent soldiers with our photographs to look out for us. Fortunately they met me at Vahun [in Liberia], because we their 'wives' had been sent out… I went back to Mrs. Agnes Deen-Jalloh in the camp and told her about the incident. She said it was impossible for her to leave her husband behind because if she did, the rebels would kill him. She added that since Foday Sankoh was having sex with her, her husband also could not leave her there, knowing that they would kill her. Therefore she told me to go alone. I returned to the soldiers and we boarded a bus and travelled to Freetown.
>
> When we arrived in Freetown in 1994, the soldiers informed my brother Julius Maada Bio. When he came and saw me, he cried bitterly and took me to hospital for treatment."[206]

543. By all accounts Foday Sankoh systematically raped Agnes Deen-Jalloh for a period of several years. He thereby also inflicted prolonged psychological torture on the victim's husband, Ibrahim Deen-Jalloh. Part of Sankoh's cruel and deliberate abuse was to compel both Agnes and her husband to perform active and public roles in the RUF movement. Ibrahim Deen-Jalloh became something of a spokesperson for the RUF, making statements on behalf of Sankoh and a movement for which he can have left little affinity. Agnes Deen-Jalloh was despatched to the Ivory Coast as part of the first RUF peace delegation there in 1996.

544. Until now, the common suspicion has been that Maada Bio nurtured underhanded political connections with the RUF, based on the presence of his family members in its midst. The inference made through such an allegation is that Agnes Deen-Jalloh and her husband wanted to stay with the RUF and advance its objectives. It suggests that the Bio family all worked together with Foday Sankoh towards a common cause. This is patently not the case.

545. Foday Sankoh singled out the Bio family deliberately for a range of violations and abuses at his personal behest, principally at his own hands. When Julius Maada Bio became a member of the NPRC administration and later the Head of State, Sankoh sought to place the family under the most deplorable pressure. Indeed, several further Bio relatives were killed or maimed in the Tihun massacre of 1995, as narrated elsewhere in this report.

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[206] Elizabeth 'Baby' Bio, sister of former NPRC Chairman Julius Maada Bio and abductee of the RUF; Commission Statement No. 4602 taken in Sogbini Chiefdom, Bonthe District; 20 February 2003.

546. In this light, it is to Julius Maada Bio's great credit that he retained a statesmanlike demeanour towards Sankoh during the peace efforts of early 1996. Against a background of widespread distrust in Maada Bio as the head of a military junta that was thought to want to perpetuate itself in power, his dignity and courage in overcoming a family tragedy was not publicly understood. His effort in attempting to make peace with Sankoh in Abidjan in 1996 is commendable. In his interview with the Commission, Maada Bio lamented the personal agony he felt in negotiating with a man who had caused so much pain and anguish to his family. Putting nation above self, he pushed himself to shake Sankoh's outstretched hand in Abidjan.

547. More so than in any other sphere of its research and investigations, the Commission's guiding principle with regard to the relationship between the Army and the civilian population has been that there are at least two sides to every story.

548. It is prudent to begin, as many witnesses before the Commission did, by acknowledging the importance of the battle for the hearts and minds of the populace in any conflict situation. The people of Sierra Leone had held a generally low opinion of the military in advance of the conflict, based largely on its well-known incapacity as described earlier in this chapter. Moreover the RUF had proven itself to be adept in capturing whole communities in one fell swoop and introducing quasi-governmental measures intended to incorporate civilians into their membership and their administrative structures. Thus it became all the more imperative to institute a concerted process of educating and sensitising the civilian areas in which troops were expected to operate.

549. According to senior administrators in the RSLMF, there existed a certain degree of awareness of the pressing need for good public relations:

> "It was my firm conviction that unless the military secured the full co-operation of the civilians the war would never be won."[207]

550. Yet the Commission has found that the Army singularly failed to achieve any such harmonious relationship with the civilian population. Rather than regarding the soldiers as a friendly defensive force, many civilians appear to have looked upon them as simply another armed group with the potential for destruction.

Tactics of the RUF to shatter the relationship between the SLA and the public

551. The RUF did everything in its power to entrench the perception among civilians that the SLA ought to be considered a hostile force. Through a combination of subtle indoctrination by its administrative cadre and ruthless operations by its combatants, the RUF effectively smeared the reputation of the SLA and undermined much of the good work it had done in the conventional warfare of Phase I of the conflict.

[207] Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); testimony before TRC Thematic Hearings held in Freetown; June 2003.

552. Certainly by 1995, the RUF had contrived at one time or another to 'occupy' significant areas of territory in the Eastern Districts of the country, referring to them as 'liberated territories' and casting the Army perversely as a threat to the freedom of the inhabitants. On the back of this 'occupation' grew a notion among many members of the RUF that they had effective 'ownership' of large groups of civilians, whom they forced to travel with them, carry out labour or auxiliary tasks for them, march with them over long distances and, occasionally, create an impression that their advancing group was larger or more powerful than it actually was. Thereafter, the RUF combatants began to perceive a distinction between the plight, or indeed the protection, of the civilians under their own faction's purview – "our civilians" – and the commensurate conditions of the civilians who were not in this group – "their civilians". This perception is adequately demonstrated by the following statement by an ex-RUF combatant:

> "One of the discoveries I made through observations in my early days with the movement was the capability of my fellow Revolutionary United Front of Sierra Leone combatants to protect *our* civilians and the properties they had with them. It was never common to find armed combatants floating among the civilians with their arms, except for the bodyguards of those combatant commanders who were having assignments towards the rear… Also, one would notice that from the civilian base or settlement known as 'the rear' there would be a distance not less than eight miles to the no man's land – it would not just be too easy for an enemy combatant to infiltrate the control area of our commandos to destroy lives and properties of *our* civilians at the rear. All of this was unlike the Government soldiers, whose ways of setting up their defensive positions indicated their incapacity to secure and protect the lives and properties of *their* civilians."[208]

553. Contained in this statement is the attitude of derision applied by the RUF to the SLA, which they successfully managed to impute to the civilians. Even in areas where RUF members were neither welcomed nor well-liked by the civilians, it seems that a variety of factors often conspired to ensure that they were marginally more tolerable than the SLA as the lesser of two evils. Hence the strategists of the RUF, led by their so-called 'Intelligence Officers', grasped the concept that if they couldn't force the civilians to actively like them, they could perhaps manipulate the civilians to hate the SLA more than they hated the RUF. Using the commando skills derived from their training, RUF fighters began to carry out many of their further and more far-reaching attacks on civilian communities in the guise of Government soldiers. They would dress in Army uniforms they had captured from successful ambushes and battlefront victories and present themselves as fully-fledged SLA officers.

> "Whenever our intelligence is applied, in the strategies I have explained, then we create our offensive ambushes and become successful…
>
> Sometimes, you know, one thing from the Government's side was that anything they were doing, instead of keeping it a secret, they used to give announcements. So we used to listen to radio all the time for

[208] Excerpt from a confidential submission to the Commission by an ex-RUF fighter who joined the movement in the Eastern Kono District in late 1992; submission prepared and submitted to the Commission in October 2003.

their movement. Sometimes, when they are moving, they will send messages and when these tracks are in communication, so and so date we are coming to so and so point, at so and so time; be expecting! So obviously we would go and set up our offensive ambush. This was how we used to track these people down. It happened so many times.

Upon that success, we dress in the full military attire, like any 'pips' of the highest command of that mission. We can use all types of uniforms: some were Captains; some were Colonels; some were Sergeants…

People always felt that rebels were the most dirty people, that they are not clean, not civilised and so forth; and at the initial stage of the war that was true. But after we had got far on with this thing and we went up to training bases with some of these tactics, we begin to apply them. We dressed as the soldiers dressed, behaved as the soldiers behaved, then we were successful.

It was a good number [of commandos involved in these operations]. Actually, we didn't just present ourselves as Military Officers. You know, as I said, as rebels we had so many tactics and ways of fighting, when fully implemented."[209]

554. The Commission was able to obtain several vivid accounts of this tactic being implemented, as RUF guerrilla fighters spread across the country in Phase II and began to set their sights on the capture of larger towns and civilian communities, as well as some of the key strategic and economic installations of the state, including its minerals mines and commercial enterprises. Hence, the Commission confirmed that the attacks on the Sierra Rutile and SIEROMCO mining sites in the Bonthe District were both carried out by RUF troops, led on those occasions by Mohamed Tarawallie (alias "Zino" or "CO Mohamed") and CO Gibril Massaquoi. Likewise, the Commission traced several acts of grand deception to the fighters of the RUF, whereby soldiers and civilian residents alike were duped by the RUF and rendered vulnerable to costly and destructive attacks. One such attack, in Kabala, the Headquarter Town of the Koinadugu District, was recounted to the Commission in the following terms:

"In Kabala, when we went in, we were all dressed in white shirts; because we got the information that on that day there was going to be an occasion – a football match. When we heard of that, we organised a group: the fighting group, the 'reccie' team, we all went together. The first 'reccie' team presented itself as surrendered rebels; so we dressed in white, tied white on our foreheads, went to the people, put our hands up, and said we have come to surrender…

We let ourselves fall into their hands… [but] it was not a proper surrendering programme; it was just done to find a way how to 'encounter ourselves' with the enemies…

Later they [the soldiers] did not take careful notice, so our real fighting force entered and took positions, strategic positions. You know, they

[209] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

were all playing football somewhere, some were dancing; some were drinking. It was somewhat towards 4.00pm or 5.00pm in the evening…

There was an exchange of fire and all of the enemies were overcome in the town… Before ever they could make up their minds, we had spread over the whole town. We were able to capture their missiles – 40-barrel missiles up to two; their BZT; their AAs; 50-calibre or so forth; and some other things. Even down to ground missiles – 120-millimetre mortar bombs also were captured. These are the ways we used to get weapons from these enemies; by using our 'offensive intelligences'."[210]

555. Another RUF combatant offers a very important perspective on how they manipulated the public discontent with the RUF:

> "In the area wherein people always say soldiers have connived and joined the rebels, I'm categorically against that. These are the instances I've just explained. You see, as a soldier or as a guerrilla, you live by your senses, you live by your braveness, you live by your 'intelligences'…
>
> Let me just say something very clear. Some of these people who are talking about 'sobels' were not on the full front of the warfront. Somebody can be seated in Freetown; how can he say something about the warfront? He's not there. So most of these things that were supposed to be happening were just by hearsay, then said to these people.
>
> When people were hearing this, it was a big historical effect. What do I mean by historical effect? Okay, well, already before the junta, the soldiers were somehow not trusted by the Government. Government had more interest at that time in the hunters, the Kamajors. More support, more logistics and trust went to the Kamajors. So many of these soldiers felt discouraged…
>
> So, with all our tactics – like most especially our ambushes – whenever some of these soldiers fell in our ambushes, those that were fortunate to be captured and those that were unfortunate to be 'missing in action', you know, it was a big, big problem to the Government side. Already there was no real loyalty to the Government. So it was just additional feelings on the part of the people who had become disadvantaged by the 'sobel' situation. They were also saying: "as the legal Government soldiers, why doesn't the Government have trust in us?"
>
> Not knowing it, our tactics had brought in a misunderstanding, you know, so that's how the hunters issue came up. The Government was having more interest in the hunters than in the Army, the lesser Army. What I'm saying is about the lower ranks. All the top-ranked Officers were in Freetown. So, actually, this is only what I have to explain and

[210] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

tell you the facts and explain the tactics, how we used to overcome these people."[211]

556. Public confidence in the army degenerated. Communities in the Eastern and Southern Provinces declared the army unwanted in their areas. They began to organise sporadic attacks on military settlements and personnel in their neighbourhoods. Many of those who attacked soldiers went unpunished. A siege mentality began to develop within the army.

557. The new government began to encourage the strengthening of the community defence groups as an alternative security mechanism to replace the distrusted army. In these efforts lay the institutionalisation of community defence.

THE GENESIS OF THE KAMAJORS OUT OF THE CONCEPT OF CIVIL DEFENCE

558. The coastal areas of Bonthe and Pujehun Districts, concentrated around the neighbouring Chiefdoms of Kwamebai Krim (Bonthe) and Mano Sakrim (Pujehun), held an inestimably important place in the heritage of the Kamajor Society. The natives of that area were uniquely capable of fighting 'on the sea', since they were able to swim and to navigate boats through the marshlands and riverine territories.

559. The men in their prime ('youths') who lived in these areas were among the first civilians to confront the RUF face-to-face, despite an ostensibly unassailable deficit in terms of weaponry. Moreover, they succeeded in chasing the RUF out of their communities by sheer doggedness and a refusal to comply with the will of their attackers. According to the testimony of Francis Gormoh, this strategy evolved out of a single incident on 12 February 1995, when a group of fewer than twenty men called upon God-given powers to overcome an RUF contingent:

> "The rebels were armed with AK-47s and Beretta machine guns. When they stated their intention of moving to our Chiefdom to collect foodstuffs as well as to abduct youths to prepare salt for them, we started exchanging abuses. At that moment, one of our men declared defiantly: 'Today God is going to fight on our side because you have inflicted so many unjust casualties on us'. The rebels then immediately took to their heels.
>
> We were inspired to give chase, armed with cutlasses, swords and paddles. One of the rebels aimed his gun at us and as he was about to fire, another of our men shouted at him: 'Your gun will not fire today'. God answered our man's remark and the gun failed to fire. In complete panic they dropped three of their guns and ran away. We chased them for about three miles and succeeded in capturing two of them with their guns."[212]

[211] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.
[212] Francis Gormoh, organiser of vigilantes in the Kwamebai Krim Chiefdom, founding member of the Kamajors and former Member of the CDF War Council at Base Zero; Commission Statement No. 7352 taken in the Kwamebai Krim Chiefdom, Bonthe District; 8 June 2003.

560. The Commission heard that certain SLA officers in the Southern Province actively encouraged the deployment of these men as auxiliary forces, sometimes despatching them on missions to search for RUF locations or to capture stray insurgents and report back to the SLA base. Typically groups of twenty-five (25) or more young men would go on patrol in a particular area of operations. The boundaries were usually defined according to a stretch of coastline, or the flow of a river.

561. Moreover the vigilantes often engaged in active combat, independently or alongside the Army, at the warfront. Although they were not usually provided with firearms by the soldiers, they had full authority from the SLA to fire their single-barrelled shotguns in defence of their people. Many of them became formidable vigilante fighters. Joseph A. S. Koroma was one such fighter in Pujehun District; he explained to the Commission in a public hearing how his participation materialised:

> "I left my village and came to Pujehun Town, where I reported to the SLA men who were stationed there at that time. I had been moved to inform them that as a result of all my experiences, I am interested in 'the game' and that I want to volunteer my services so that I can help them to drive out the rebels. They welcomed my interest, but they wanted to know how I proposed to assist them. I simply told them to give me weapons.
>
> They refused my request; they said they cannot give me a single gun. However, they did suggest an alternative: they said if any of our people were in possession of single-barrelled shotguns ('single barrels') then we should go and collect the weapons from them. The people should be willing to help us, since we are mobilising in the interests of those very same people.
>
> We approached our people for their support and they were able to provide us with three 'single barrels', which we duly collected from them… With a single packet of cartridges we managed to sustain ourselves at the warfront for up to a month."[213]

562. Contrary to popular perception, the transition between hardened, patriotic defence of local communities and membership of a fully-fledged warrior society was not simply a question of coalescing into a unified force. The Kamajor Society was in fact a novel creation of human minds, expressly geared towards waging war and cognisant of the need to endow unconventional combatants with the confidence to go to the warfront and face the enemy.

563. At one level, the resort to traditional defence mechanisms is an entirely understandable, even logical progression from wanting to repel an enemy but not having the means to do so. In retrospect, however, the incorporation of age-old 'societal' practices into the theatre of the conflict was a destructive and irresponsible move. It produced a shambled and unscrupulous militia that tried to compensate for its military inadequacies and virtually non-existent hierarchical controls by deferring to a transcendental 'belief' in the invincibility of its members. It has also sullied the sacrosanct nature of the hundreds of pre-existing, long-standing and culturally inviolable secret societies in Sierra Leone.

[213] Joseph A. S. Koroma, former National Director of Operations for the CDF; testimony before Commission Public Hearings held in Pujehun Town, Pujehun District; 24 June 2003.

564. The key to the genesis of the wartime Kamajors lies in the reprehensible abuse of the practice known as 'initiation'. There must be a clear comprehension at the outset that adherence to rules, rituals and even sacrifices are not uncommon among secret societies across the country. Moreover, it should be recognised that many such practices are highly sensitive areas of the sociological make-up of the country.

565. However, in the case of the Kamajors, 'initiation' was co-opted by a cadre of individuals who were morally and spiritually corrupt. The evidence adduced by the Commission, as described below, indicates that the 'initiators' of the Kamajors wrested a notion of empowerment from dignified beginnings and turned it into a vehicle for their own material enrichment and the abuse of the human rights of others.

566. Several Kamajors who testified to the Commission ascribed notions of supernatural power that reached Biblical proportions to the handful of men and one woman whom they knew as their 'initiators'. Just as the dreams of the Bible were interpreted to be direct messages from God, the Kamajor Society was reported to have arisen from a divine miracle, wherein three elderly ladies in the two coastal Chiefdoms of Kwamebai Krim (Bonthe) and Mano Sakrim (Pujehun) shared an identical vision in their sleep.

567. Francis Gormoh, who became one of the founding members of the new incarnation of the Kamajors, gave the Commission a detailed first-hand account of the dream that inspired the Society and the actions that were taken based thereon:

> "In the dream, [the three ladies] said that our ancestors have heard our cries and that they were willing to come to our rescue. According to them, we the men were instructed to gather at Kale village in the Kwamebai Krim Chiefdom and pour libation to our ancestors. They said our ancestors had signalled that upon doing that, a revelation would be made to one of the participants. We performed the ceremony [accordingly] and the revelation was given to Allieu Kondewah, who was then living in Kale, to be the Initiator of Kamajors."[214]

568. Allieu Kondewah was known in the South of Sierra Leone as an amateur 'herbalist', a native doctor who specialises in the uses of leaves to cure ailments and, on occasion, to bestow himself or others with capabilities and immunities that they would not otherwise possess. For example, Kondewah was said to have lived in a house without a roof, yet was able to remain dry inside even in the heaviest of rainstorms.[215] His ancestors and relatives were also thought to carry special powers, which gave him the perceived "birthright" to engage with the spirits.[216]

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[214] Francis Gormoh, organiser of vigilantes in the Kwamebai Krim Chiefdom, founding member of the Kamajors and former Member of the CDF War Council at Base Zero; Commission Statement No. 7352 taken in the Kwamebai Krim Chiefdom, Bonthe District; 8 June 2003.

[215] TRC Discussions with prominent civil society representatives from the Southern Province, conducted in Bo Town, Bo District, 16 to 19 August 2003.

[216] The Commission heard that a particular ancestry or family lineage is a prerequisite for somebody aspiring to engage in native herbalism in Sierra Leone. See, *inter alia*, Chief Augustine Safea Nyademo, Town Chief of Baiama and former 'Donso' commander; TRC Interview conducted in Koidu Town, Kono District; 12 August 2003.

569. Kondewah's inherent shortcomings were also made clear to the Commission in testimonies from those who knew him. Much of his mythos derived from his performances as a roving magician. He led a band of younger men akin to a cultural dance troupe and put on displays of dancing and drumming in which he conjured 'illusions' for watching audiences. He was also known to be a man of vices: he gambled incessantly and was almost perpetually drunk.[217]

570. One Kamajor told the Commission that Kondewah's alcoholism drove him to concoct ever more warped ideas for 'initiation' practices in his semi-conscious stupors.[218] He would later present them as 'dreams' he had experienced that entitled him to subject initiates of the Kamajor Society to further ceremonies. In effect, he was charging them money to endure further ordeals of physical and psychological torture, which they believed would give them renewed or improved 'special powers'.[219] In due course, the 'initiator' transformed himself into the High Priest, carrying the fantastical title of King Dr. Allieu Kondewah.

571. The original conception of 'initiation' was reported to be something altogether humbler and simpler. It was the first and only formula that could be considered to be the authentic product of spiritual togetherness. Francis Gormoh described how the late Pa Modibo Jalloh, resident of Mokpewa village in the Nongoba Bullom Chiefdom (Bonthe District), introduced the idea of merging an expertise in herbalism with excerpts of evocative script from the Holy Koran. The stimulus for this combination was also said to emanate from a vision:

> "Pa Modibo Jalloh was selected to be the sorcerer. He too had a dream after the [above-mentioned] ceremony [in Kale]… It came from Kasila, the traditional sea-god of the area known as Turner's Peninsula. In the dream, he was directed to a location along the coastline of Turner's Peninsula. In the morning he went there and found a small book written in Arabic together with some dried leaves lying next to it.
>
> [Jalloh] used that book and the dried leaves to foretell the day-to-day actitivities and movements of the enemies. His activities assisted the Kamajors greatly in their fight."[220]

572. The Commission notes that the story of how the Kamajor Society came into being has been told and retold in many different forms as the years have passed. Predictably, as rumours have circulated among Kamajor initiates as to the origin of Kondewah's 'special powers', variations and exaggerations of the above narrative have filtered into the folklore of the Mende people.[221] A popular

[217] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[218] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.
[219] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[220] Francis Gormoh, organiser of vigilantes in the Kwamebai Krim Chiefdom, founding member of the Kamajors and former Member of the CDF War Council at Base Zero; Commission Statement No. 7352 taken in the Kwamebai Krim Chiefdom, Bonthe District; 8 June 2003.
[221] TRC Discussions with prominent civil society representatives from the Southern Province, conducted in Bo Town, Bo District, 16 to 19 August 2003.

component of these fictional alternatives is that Kondewah had to perform some heroic act of escapism in order to become the Initiator of the Kamajors.

573. Thus, in the only noteworthy published account of the genesis of the Kamajors,[222] an academic by the name of Patrick Muana drew upon fairly typical stories told by Kamajor fighters and displaced persons in the wartime camps around Bo. Muana's account situated Kondewah in the Jong Chiefdom of Bonthe District under conditions of considerable duress at the point of his revelation:

> "Following an RUF attack on a village in the Jong Chiefdom, the rebels are reported to have massacred people in the village including a great Kamajoi and medicine man called Kposowai. His brother Kondorwai [sic Kondewah][223] is said to have been captured by the rebels, forced to carry looted goods and tied with 'tabay' securely for the night whilst the rebels pitched camp.
>
> As he drifted to sleep in spite of his pains, Kondewah is said to have had a vision of his brother who had been killed the day before. The ropes fell loose and the elder brother invested him with the authority to take to all able-bodied Mende men that the defence of their own lives, homes, wives and children was a sacred duty.
>
> To assist them in that task, Kposowai is said to have shown Kondewah a secret concoction of herbs and instructed that a stringent initiation process should precede the 'washing' of the warriors in the herbs. This concoction would make them invincible in battle, impervious to bullets, and endow them with powers of clairvoyance if all taboos were kept. Kondewah is said to have slaughtered the RUF rebels, freed the other captives, and trekked several miles to a secret hiding place where he initiated the first set of men."[224]

574. The Commission found no evidence that Kondewah was detained by the RUF. Indeed, based upon confessions from RUF members in other Districts, it is highly unlikely that he would have been spared death if he had been captured in the manner suggested because men thought to possess 'special powers' and to be working with the enemy were routinely killed upon capture.[225] Moreover, Kondewah displayed no such abilities in escapology when he was

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[222] See, principally, Patrick K. Muana; "The Kamajoi Militia: Civil War, Internal Displacement and the Politics of Counter-Insurgency", in *Africa Development*, Vol. XXII, Nos. 3-4, 1997; at pages 87 to 88.

[223] The spelling of the surname of the High Priest of the Kamajors was given to the Commission variously as Kondowai, Kondorwai and Kondewah. It is understood that the spellings are practically interchangeable, due largely to the fact that the man himself is illiterate. Nevertheless, the Commission has opted for the spelling 'Kondewah' because it is consistent with what was written on the 'certificates of initiation' distributed by the High Priest, as well as the spelling that appeared on his official stamp.

[224] Muana; "The Kamajoi Militia: Civil War, Internal Displacement and the Politics of Counter-Insurgency", *Ibidem*; at pages 87 to 88. Muana described this as an "amorphous account" and conceded at the time of his writing that "the origin of the Kamajoi militia as it is presently constituted, however, remains obscure."

[225] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003 ; and TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

detained in a later episode, as one senior member of the Kamajors told the Commission:

> "On one occasion, this Kondewah looted a truck and the people came to report it to me; I passed the complaint on to ECOMOG… Kondewah came and challenged them, so they put him in the cells. The commander said to him: 'If you have your correct charms, you escape then!' People [like him] were just lying about their abilities. If you have your correct charms, why don't you disappear? He was there for several hours."[226]

575. From first-hand testimonies, the Commission ascertained that the first initiates of the Kamajor Society as it was constituted during the war comprised between four and six native sons of the Kwamebai Krim (Bonthe) and Mano Sakrim (Pujehun) Chiefdoms.[227] They included Francis Gormoh, Joe Timmeday, Joseph A. S. Koroma and Moinina Fofana.

576. The first initiation ceremony took place in Kale village, Kwamebai Krim Chiefdom, Bonthe District in June 1996 and was performed by Allieu Kondewah. These initiates represented the first *de facto* members of the wartime Kamajor Society. Their status as descendants of Bonthe families and residents of the Bonthe District was vital, for at that time membership of the Kamajor Society was essentially an ancestral heirloom. Thousands of fellow Bontheans would follow them into the ranks of the Kamajors. The Bonthe District became the defensive stronghold of the movement.

577. Indeed, there might have been some credence in the contention that the Kamajor Society was purely a collective traditional defence mechanism if only membership had been limited to the citizenry of Bonthe District. In this light, it would have accorded with the widespread social custom of passing particular 'local' knowledge, skills or characteristics from one generation to the next. The concept is akin to keeping a secret, or keeping something in the family.

578. Such custom is practised in all parts of Sierra Leone, particularly with rituals and the powers accrued from them.[228] The limited extent to which sharing and mixing takes place is evidenced by the strong and distinct locative identities that most Sierra Leoneans retain; in other words, a large component of who you are depends on where you come from.

579. The scale and nature of the role played by the Kamajor Society in the Sierra Leone conflict would have been very different if this traditional practice were to have been retained. There ought to have been a shared understanding of the parameters within which initiations could take place. From the testimony of Francis Gormoh, however, it is clear that there was a breach of faith somewhere down the line. What the whole of Sierra Leone came to know as the Kamajor

[226] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[227] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[228] See Commission Research Paper entitled '*Traditional Belief Systems and Customs of Ethnic Groups and their Implications for Reconciliation*'; 26 March 2003.

Society grew out of an abuse of the ancestral heirloom by the man whom it had chiefly empowered:

> "Allieu Kondewah was instructed by the ancestors and Kasila [the sea god] never to perform any initiation ceremony outside of Bonthe District and that if he ever did that he would get his downfall. Failure on his part to pay heed to this instruction was what led to his downfall."[229]

THE MILITARY AND POLITICAL DYNAMICS OF 'ELECTIONS BEFORE PEACE'

Internal Dynamics in the NPRC and the Maada Bio Palace Coup

580. Towards the end of its period in Government, the NPRC administration became mired in internal power struggles and peace efforts. These events represented the culmination of several distinct but parallel trends. They also formed the basis for the handover of power to a democratically-elected Government, which all parties hoped would signal a new dawn for the country. Finally they offered a pre-emptory pointer to what lay ahead in the third phase of the conflict.

581. Valentine Strasser's grip on the office of Head of State had begun to look increasingly tenuous. In 1995, his susceptibility to an in-house plot to remove him from power was drawn to his attention on numerous occasions, both formally and informally. Rather than alter his perspective or the arrangements in place for his personal protection, Strasser rested on his laurels. His avowed faith in his closest colleagues had given rise to a false sense of security. It would prove to be his undoing.

582. The Force Commander of the Sierra Leone Army, Brigadier Julius Maada Bio, knew of the deficiencies in Strasser's leadership more than most. In his capacity as Deputy Chairman of the Supreme Council he had been asked to step into the breach on more than one occasion to compensate or cover for his compatriot's shortcomings. It was Maada Bio's contention to the Commission that he never seriously considered vying for power throughout the three roller coaster years that had passed. Indeed he maintained that his eventual intervention was an emergency measure carried out in the best interests of the country:

> "If I had wanted power then I would have become Head of State long before I actually became Head of State…."[230]

583. What became known as the 'Palace Coup' was essentially an action in two parts. The first entailed a protracted political and philosophical disagreement over the modalities of succession and the conduct of elections. The second was a meeting of military minds on the point that Strasser had to be forced from office and out of the country. The outcome was the arrest and removal of

[229] Francis Gormoh, organiser of vigilantes in the Kwamebai Krim Chiefdom, founding member of the Kamajors and former Member of the CDF War Council at Base Zero; Commission Statement No. 7352 taken in the Kwamebai Krim Chiefdom, Bonthe District; 8 June 2003.
[230] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

Valentine Strasser, leading to the installation of Julius Maada Bio as the new Chairman of the NPRC. Maada Bio assumed all protocols as Head of State on the day of his 'Palace Coup', 16 January 1996.

Putting in place the Modalities for Presidential and Parliamentary Elections

584. In accordance with objectives stated at the time it came to power, the NPRC would make way for a civilian Government during its fourth year. This policy was endorsed and frequently reiterated by all members of the Council, at least in principle. Julius Maada Bio travelled to Ghana to assess institutions and 'good practices' in the transition to military rule that Sierra Leone could adopt.[231] Succession was to be effected through democratic multi-party elections for both the Presidency and the national Parliament.

585. Inevitably the practical issues around elections would present a variety of challenges, primarily in determining the format and timing for the polls themselves. There was certainly a play-off between two key priorities in the process: thoroughness and public trust. Thoroughness, it was argued, required lengthy deliberation and several preliminary steps before staging the elections. Conversely, public trust and confidence would only be maintained if the process was seen to be advancing smoothly and speedily.

586. The Commission heard from the former Chief Secretary of the Supreme Council, John Benjamin, that the NPRC's original succession proposal placed an emphasis on thoroughness. It advocated for an incremental re-introduction of politics into Sierra Leonean governance. The first step was intended to comprise non-partisan elections at the level of Town and District Councils. According to Benjamin, it was based on the rationale that freedom and fairness were best secured by slowly ceding organisational responsibilities back to the people:

> "Our programme was gradual… We had a programme to register voters and do local elections without a political platform. Then, instead of having a management team appointed by the Government, you do elections which are party-free. You let the people function for six to 12 months, and thereafter you lift the political party ban and introduce politics. Only then will people contest the General and Presidential Elections on a political platform."[232]

587. To a large extent, however, this proposal appears to have been shelved in favour of expediency. In a speech on 27 April 1995, the anniversary of Sierra Leone's independence, Strasser declared that the standing ban on political parties would be lifted immediately and permanently. The speech resonated principally because of its undertaking to stage a national 'consultative conference' in advance of a handover to civilian rule:

[231] The Commission heard that Maada Bio's report from his fact-finding trip would lead to the creation of important transitional institutions such as the National Electoral Commission and the National Commission for Democracy; see Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[232] John Benjamin, former Chief Secretary of State and Secretary-General under the National Provisional Ruling Council (NPRC), from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 10 April 2003.

> "This [conference] would provide a forum for all parties concerned to genuinely discuss the details and criteria for the declared electoral process, leading to the swearing-in of the new President in January 1996."[233]

588. The Commission has found that this speech represented a crucial point of divergence within the NPRC administration. It precipitated a sudden clamouring for 'ownership' of the succession process. It also had profound ramifications on how and when elections would be held. Strasser obviated the possibility of non-partisan local elections and accelerated the timetable for the election of a new President.

589. Moreover, Strasser took a further decisive step by removing important consultations from the internal forum of the NPRC and transferring the prerogative into the public domain. The body created for the purpose of steering these consultations was called the Interim National Electoral Commission (INEC). Its Chief Electoral Officer was the former United Nations Assistant Secretary-General Dr. James Jonah.

590. The Commission heard from Dr. Sam Maligie, who was a Minister at the time, that Strasser's declaration was made unilaterally and to the great disdain of other members of the Government:

> "He lifted that ban [on political parties] without discussing it with either the Supreme Council or with us in Cabinet. It was unexpectedly during one Independence Anniversary. A lot of them were very disappointed and upset.
>
> When he appointed the Electoral Commissioner, he said that by rights the Electoral Commission should be under the Ministry of Internal Affairs, but that he did not want the Commission to be influenced by me or by any other members of the Council. [So] they worked with me and we used to hold meetings together but then the report was sent straight to him…"[234]

591. On the face of it, Strasser's 'consultative conference' was an alternative mechanism for ensuring that the electoral process was immune from manipulation by members of the NPRC. The Commission heard that the NPRC administration undertook meticulous efforts in planning the legislative and institutional basis for the elections, which included a Commission for Education on Rights and Civic Responsibilities in addition to INEC.[235]

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[233] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; Address to the Nation on the Occasion of the 34th Anniversary of Independence; speech delivered in Freetown, 27 April 1995; copy contained in the 'Protocol' files of the National Provisional Ruling Council (NPRC), obtained by the Commission from Government archives; April 2003.

[234] Dr. Samuel Maligie, former Secretary of State for Internal Affairs, Rural Development and State Security under the NPRC; TRC Interview conducted at private residence in Freetown; 31 March 2003.

[235] See, *inter alia*, John Benjamin, former Chief Secretary of State and Secretary-General under the National Provisional Ruling Council (NPRC), from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 10 April 2003; and Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

592. James Jonah's allurement back to Sierra Leone was a prize that was pursued ardently over several months of negotiations. Maada Bio testified that members of the NPRC administration "were so much bent on really cleaning up the political system" that they had set their sights on a co-ordinating committee comprised solely of credible and impartial functionaries.[236]

593. However, behind the common albeit subtly differing expressions of noble objectives, there was clear discord. Some witnesses testified to the Commission that Strasser's departure from a unified position belied the existence of tribalism within the NPRC administration.[237] Maada Bio expounded his own suspicion that Strasser was coerced by a powerful constituency of Krios in the Cabinet to engineer the process in order to become the first Krio President of the Republic.[238] He highlighted the lobbying of Krio personalities such as Arnold Bishop Gooding, the then Secretary of State for Information, and Hindolo Trye, whose brief was Transport and Communications.

594. A similar viewpoint was put forward by John Benjamin. He also contended that those who should have been in charge were effectively marginalised:

> "[Strasser] was badly influenced by some politicians, like Dr. Jonah and his other [Krio] tribe-mates. He was no longer listening to the people with whom he actually had the greater share of the Government. When you stop listening to advice, you make mistakes."[239]

595. These allegations of tribalism were not borne out in practice. The path that Strasser took was in fact one that led to multi-party elections being held in the shortest possible space of time. Moreover, he did not contest those elections; nor did he become the first Krio President. Thus, the accusation of a Krio-driven conspiracy remains unsubstantiated.

596. Nevertheless, the Commission notes that the elections without Strasser's participation were more realistically salvaged in spite of him rather than secured by him. Certainly Strasser's political convictions seem to have fluctuated somewhat between April 1995 and January 1996. It is in these fluctuations and the reactions to them that one can best understand how the whole episode culminated in a peaceful handover to a new Government.

597. Having publicly billed the 'consultative conference', Strasser was held to his word by a vigorous insistence on democracy among the civilian population. Accordingly, the National Consultative Conference on the Electoral Process

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[236] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[237] See, inter alia, TRC Confidential Interview with a civil society leader who attended Bintumani I and II and supported 'Elections before Peace'; interview conducted at private residence, Freetown; 31 October 2003.

[238] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

[239] John Benjamin, former Chief Secretary of State and Secretary-General under the National Provisional Ruling Council (NPRC), from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 10 April 2003.

took place at the Bintumani Hotel in Freetown between 15 and 17 August 1995. A second conference on the same theme was held in the same location six months later, between 12 and 14 February 1996. These two events are popularly referred to as 'Bintumani I' and 'Bintumani II'.

598. At Bintumani I, Strasser relinquished the task of deciding whether or not elections should proceed. Instead he sought the Conference's direction. In doing so he betrayed an almost counter-intuitive acceptance that elections would have to go ahead sooner rather than later. He demonstrated his reservations by posing the following questions to the conference participants:

> "Given that the security situation deteriorates or improves, would the voter be secure on polling day? Should the peace process be linked with a date for elections? Assuming the RUF, true to its word, intends disrupting the electoral process, do we still insist on elections without a cease-fire? If we must have elections regardless of the RUF's threat to disrupt them, how are these elections going to be conducted and what voting system is going to be adopted given the current size of the displaced and refugee population?"[240]

599. Among those present at both Bintumani I and II were religious leaders and civil society groups, including representatives of the professional associations for teachers, medics, lawyers and journalists. A particularly strong voice was that of Sierra Leonean women,[241] who formed their own body called Women Organised for a Morally Enlightened Nation (WOMEN), led by the women's rights activist Zainab Bangura.

600. On the whole the attendants were seen to be staunchly in favour of elections, no matter what obstacles were proclaimed to exist by the military Government. Some sections of the civilian population held the NPRC leadership in utter contempt. They suspected that to wait for 'Peace before Elections' would be to play into the hands of the 'sobels' who wanted to prolong the war.[242]

601. Bintumani I thus overwhelmingly insisted that elections must be conducted despite the hazardous security situation. The participants characterised democratic stability as a precondition for a negotiated end to the war.[243] In short, they opted for 'Elections before Peace'. The provisional date for

[240] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; Address to the National Consultative Conference on the Electoral Process; speech delivered in Freetown, 15 August 1995; copy contained in the 'Protocol' files of the National Provisional Ruling Council (NPRC), obtained by the Commission from Government archives; April 2003.

[241] For more details of the roles played by women in the drive towards 'elections before peace', see the following submissions: Marie Bangura (Mrs.), Secretary-General, Sierra Leone Market Women Association; "The Role of Market Women in the Conflict and the Effect of the Conflict on Market Women"; Submission to TRC Thematic and Special Hearings on Women; May 2003; and Christiana Thorpe, Founding Chair, Sierra Leone Chapter, Forum for African Women Educationalists (FAWE); "The Role of Women in the Armed Conflict"; Submission to TRC Thematic and Special Hearings on Women; 22 May 2003.

[242] TRC Confidential Interview with a civil society leader who attended Bintumani I and II and supported 'Elections before Peace'; interview conducted at private residence, Freetown; 31 October 2003.

[243] TRC Confidential Interview with a civil society leader who attended Bintumani I and II and supported 'Elections before Peace'; interview conducted at private residence, Freetown; 31 October 2003.

Presidential elections was agreed upon by the plenary. A slight postponement was accommodated, with the primary vote scheduled for 26 February 1996.

602. Amidst a raft of concerns about the likelihood of RUF violence, Strasser made another point at Bintumani I that carried prophetic significance:

> "Past experience has shown us that politicking and electioneering in our country have always been characterised by widespread violence and bloody confrontations. We must have learnt our lessons now; and this time around political groupings must be prepared to play by the rules."[244]

603. The rules themselves were the subject of considerable controversy. James Jonah was mandated to complete a nationwide registration of voters. In the original plan, the registration process was due to preface local elections, which in turn would provide the basis for Presidential elections. However, Jonah was unable to meet the deadline for registration. He contrived a revised plan of action in order save face and to ensure that at least the primary Presidential elections would remain on course.

604. John Benjamin testified to the Commission that Jonah's inability to "perform against target" had impacted considerably on the sense of common purpose within the administration:

> "I had a lot of disagreement with people like Dr. Jonah because our programme was supposed to be gradual. We wanted first to revise the constitution, because the one we had [the APC constitution of 1991] was 'washed' on the people without a proper referendum. The present President [Ahmad Tejan Kabbah] was working with the NPRC as an Adviser, or Counsellor… He did a revised constitution and we were going to do a referendum based on the work that he had done… But because Dr. Jonah could not register people against the deadline that we were working with, he then convinced the Chairman [Strasser] that we can reverse the whole process."[245]

605. Thus in another crucial fluctuation, the rules eventually succumbed to a change of direction by Strasser. The previously favoured incremental approach, complete with a newly-drafted Constitution, was rejected as too cumbersome. Strasser declared instead that the regulations of the 1991 Constitution promulgated under the APC would be used to conduct the elections. The General and Presidential Elections would take place first in February 1996; local council elections would, as it turned out, be put off indefinitely.[246]

606. Maada Bio recounted that the proposed reversal of process encountered stout resistance during a meeting of members of the NPRC Cabinet. One of the

[244] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; Address to the National Consultative Conference on the Electoral Process; speech delivered in Freetown, 15 August 1995; copy contained in the 'Protocol' files of the National Provisional Ruling Council (NPRC), obtained by the Commission from Government archives; April 2003.

[245] John Benjamin, former Chief Secretary of State and Secretary-General under the National Provisional Ruling Council (NPRC), from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 10 April 2003.

[246] At the time of completion of the Commission's information-gathering phase, the local elections envisaged in 1996 had yet to take place, a full eight years later.

firmest dissenters was the NPRC Secretary-General John Benjamin. Nevertheless Strasser signed the rules into effect as the basis for succession. The Commission heard from Benjamin that the influence of James Jonah on Strasser's course of action was conspicuous:

> "Strasser said we should use the 1991 constitution… It was on the advice of Dr. Jonah. Because [originally] he had told Dr. Jonah that he was not interested in politics. So Jonah had been directing him. When Strasser did that [insisted on the 1991 Constitution], we said: 'Fine; but the 1991 Constitution states that for you to contest the Presidency, you must be 40 years old or above'… We went along and set everything in position for the elections to take place."[247]

607. One somewhat unexpected product of the NPRC in the subsequent build-up to the elections was a political party of its own creation. The so-called National Unity Party (NUP) was formed in order expressly to secure some NPRC representation in the election campaign.

608. It was speculated before the Commission that Julius Maada Bio harboured ambitions to stand as the NUP candidate in the elections, but that Strasser's ratification of the constitutional minimum age had prevented him. Maada Bio was quite guarded in his testimony on this issue. He stated his continued perception that the NUP was envisioned as a vehicle for the civilian members of the NPRC; not a platform that would be commandeered by one of its military officers.[248]

609. It transpired that the NUP candidate for the Presidential Elections was John Karimu, the former NPRC Secretary of State for Finance. He was one of thirteen candidates who put themselves forward for the Presidential Elections. With regard to the fluctuations of the succession process, there was one other candidate with notable connections to the NPRC. He was Ahmad Tejan Kabbah, former Head of the NPRC Advisory Council and drafter of the proposal for the revised constitution that was subsequently rejected. Kabbah was nominated as the candidate for the Sierra Leone Peoples' Party (SLPP).

610. Thus all the modalities were put in place for General and Presidential Elections to take place in February 1996. This period would have profound reverberations on the immediate and longer-term future of governance in Sierra Leone.

611. Of immediate consequence was the rumour that Strasser had changed his mind and wanted to contest the 1996 elections. In order for the incumbent Head of State, who was 31 years of age by that time and had for a lengthy period been the youngest serving Head of State in history, to assume the Presidency through victory in a ballot conducted under the terms of the Constitution, there would have had to be a change made to the provision containing the proposed minimum age. Strasser himself had signed this provision into force, which appears to indicate that, up until a certain point, he

[247] John Benjamin, former Chief Secretary of State and Secretary-General under the National Provisional Ruling Council (NPRC), from 1992 to 1996; TRC Interview conducted at private residence, Freetown; 10 April 2003.
[248] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

genuinely harboured no intention of contesting the election. It would seem that pressure had been put upon him by certain interest groups to make him change his mind sufficiently to advocate for the Constitutional change.

612. Strasser denied that he attempted to change the constitution to make him contest the election to the presidency:

> "You would perhaps know that our Constitution has a minimum age limit of 40 years; that if you want to put yourself up as a candidate in the Presidential elections, you have to be 40 years old or above… Some people might have felt that I had intentions to change or amend the Constitution so [as to] make it possible for me to run in the Presidential elections – so as to succeed myself.
>
> […] I will say this clearly: I had no intention to succeed myself because I knew then at the time that the Constitution made it impossible for me to contest in that particular Presidential election in 1996. But some of the members of the Government might have felt that I intended to change or amend the Constitution with Parliament in suspension, so that it would be possible for me to put myself up as a candidate in the Presidential election and in doing so succeed myself. That might have been one of the reasons why my Government was overthrown. I actually don't know."[249]

613. The Commission heard testimony from the former Secretary of State for Internal Affairs, Dr. Samuel Maligie that Strasser actually wanted to change the Constitution. However he wanted to do so in order to avert a piece of belated double-dealing from Maada Bio:

> At the eleventh hour, when he realised that his Deputy [Maada Bio] was in running for Presidency, that's when he said: 'No, I will put a stop to this now; I'm interested in it now'. But he really was not interested in becoming President; he had already received his admission letter from a college in England… He was framed and that was a very sad thing."[250]

614. Testimony available to the Commission indicated that at a meeting of the Supreme Council of State on or about 12th or 13th January 1996, Strasser told his colleagues, "let's change the Constitution, I want to contest".[251] He was stoutly opposed by Maada Bio, Charlie Bayoh and Karefa Kargbo. The meeting was inconclusive as Strasser angrily walked out. At a second meeting on the subject, Maada Bio and the others became convinced that Strasser was serious to succeed himself. They therefore concluded that a regime change had become inevitable.

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[249] Captain (Retired) Valentine E. M. Strasser, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from 1992 to 1996; testimony before TRC Thematic Hearings held in Freetown, 30 July 2003.

[250] Dr. Samuel Maligie, former Secretary of State for Internal Affairs, Rural Development and State Security under the NPRC; TRC Interview conducted at private residence in Freetown; 31 March 2003.

[251] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

615. Strasser himself began applying pressure on the key members of his government to change their minds. He sent Chief Steve Bio to convince his nephew Maada to change his mind, otherwise by the next Monday, Maada Bio would be arrested and taken to Pademba Road prison.

> I knew that I had only two options in that situation – let him throw the country into chaos with my support, or refuse him and end up in prison. I spent the
> Saturday and Sunday plotting the way to remove him. I knew his natural enemies, so I would have to enlist their support; I called Charlie Bayoh, Karefa Kargbo, Idriss Kamara, Tom Nyuma, his Chief of Security, Mondeh.[252]

Some of the military officers were looking for Strasser's head on a plate. Maada Bio claims that he insisted on no bloodshed, " less chaos, just disarm the security, surround him and perform a clinical operation."

616. They agreed that at the next Council meeting the following Monday, Strasser was to be removed. Maada Bio had to make sure that none of his co-plotters had leaked the plan to Strasser. He therefore paid Strasser a visit over the weekend and convinced him to re-present the plan on the Monday, assuring him that most Council members would support it.[253] An opportunity presented itself to carry out the coup that weekend as Strasser was guest of honour at the passing out parade from training of military personnel at the Benguema military camp. Strasser had travelled by helicopter and the coup plotters considered shooting it down. Finally they restated their resolve that the overthrow should be bloodless and deferred their plans to the following Monday.

617. All through the weekend, Maada Bio perfected his plans. He ensured that only troops loyal to him would be on duty at the Cockerill Military Headquarters where the meeting was to take place. He also smuggled his personal pistol into the meeting. Once the meeting commenced, the doors to the Council chambers were to be locked until he directed otherwise. He also got the army pilot to be on standby with the engine of the helicopter running to drown out any noise from the Council chamber and to be able to take off at a moment's notice.

618. At the rescheduled Council meeting, Strasser repeated his plans, and sought the support of his colleagues to enable him contest the election to president. The moment he finished, Maada Bio told him that they wouldn't support him and that as at that moment, he was no longer Head of State. Maada Bio pulled out his pistol and pointed it to Straser's head. Strasser turned out to be very strong. He engaged Maada Bio in a fistfight and many of those present joined in. After a while they managed to wrestle Strasser to the ground:

> "The whole operation did not take more than five minutes; he might have resisted initially, but as soon as we got the handcuffs on him, he stopped fighting. He was immediately put on the helicopter and flown out to Guinea."[254]

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[252] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[253] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[254] *Ibidem*.

619. Having constructed an elaborate electoral process including adopting a constitution that disallowed anyone below 40 years from contesting for the president, the motivations behind Strasser's designs to continue in power as an elected civilian president are unclear. At the outset of their government, the NPRC had stated that it would hand over after four years. The Government had courted and recruited Sierra Leoneans in the diaspora who could assist it with organising a transparent election. It also set up a number of important institutions such as the National Commission for Democracy and Human Rights, as bulwarks for strengthening democracy in the country. His Vice Chairman, Maada Bio had travelled extensively within the sub region understudying other experiences in arranging transitions from military to civil rule. There was therefore so much expectation riding on a successful transition.

620. Brigadier Maada Bio saw the attempt at transmutation into a civilian president as the culmination of deep seated personal problems that Strasser had had for a long time, which conduced him to bouts of unpredictability and inconsistency and from which the public had largely been shielded until then:

> "My personal belief is that Strasser has serious psychological problems and that these things had started to come in when he was in power; but we were all in denial; I am now trying to trace this issue back to certain things he did – he became queer, he pushed important appointments to the side of his agenda, failing to Chair even his own Cabinet meetings. Sierra Leoneans were kept in the dark on all of these things….. There were times when even his Chief Security came to me and asked me to take over from him, but I refused. I was loyal to him to the point that I could be.
>
> […] sometime in September 1995 – Strasser left to go to the UN General Assembly. He was out of the country for one month (30 days) and did not make a single phone call home. Sani Abacha called at one point to speak to the Head of State, but I could not even provide a phone number for him.
>
> […] I don't expect him to forgive me, but I've never regretted that action. Whenever I considered my life to be at stake, which is usually connected with a strong national issue, that's when I would resort to an action like that."[255]

621. Whether or not Strasser was coaxed into following a path of folly by other, older men of the same Krio ethnic group to which he belongs is a matter for conjecture. The objectives that were harboured by those who sought to coax him are an equally elusive question. In any case, the only discernible outcome of the internal double-dealings of the members of the NPRC regime was further disharmony between them. Strasser's own nature proved to be his undoing.

[255] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

PHASE III

POWER STRUGGLES AND PEACE EFFORTS

622. This last section of the chapter presents the third and final phase of the darkest decade in Sierra Leone's history. It allows the Truth and Reconciliation Commission to convey the clearest possible understanding in retrospect of all the military and political dynamics that went before. It reflects on what brought an end to the conflict. Finally it focuses the lens gradually onto peace-time and a contemplation of how best to prevent a recurrence.

623. The Commission has given primacy in its title for the third phase to the notion of power struggles. The Commission thereby aims to demonstrate the causes of the overwhelming majority of violations and abuses committed in the conflict. Woven through almost every event in the foregoing narrative are conflicting notions of power, as seen through the eyes of those who pursued them. Members of every faction referred to their participation in the conflict as "the struggle", giving the impression that it was waged in the name of the people. As the chapter on the Nature of the Conflict demonstrates, the dynamics are more complex than that.

624. Sierra Leoneans were displaced, pillaged, killed and subjected to all imaginable forms of torture because fellow Sierra Leoneans saw these violations as unfortunate, though avoidable collateral damage in the protection or pursuit of power. Innocent, powerless civilians were targeted more than ever in the final phase of the conflict on the premise that the 'power-brokers' affiliated with them might sit up and take notice of their plight.

625. There were important elements in the power struggles that occurred during this phase of the conflict. These elements are assessed below.

626. In introducing the concept of peace efforts, the Commission bridges the gap between the past and the future. There will not be true peace in Sierra Leone until there is communal peace of mind. Thus, the Commission does not regard the signing of the Lomé Accord as the culmination of peace efforts, but rather as a set of measures that would bring an end to the hostilities. As this section will show, Lomé did not draw a line under the power struggles that occurred within and between military or political factions. The TRC is one remnant of the Lomé Accord's mostly trampled framework. In that regard, the Commission is endowed with the duty to open the way for a more enduring model for peace based on conflict prevention.

Rivalries within the Factions

627. All the factions were riven by internal conflicts. Often it was represented by an individual's assertion of ascendancy over his local, factional or political rival. In these cases, the individual himself could act to suppress, harm or eliminate his rival directly, or he could deploy his agents to do so on his behalf. The arrest and detention of Foday Sankoh in Nigeria set the stage for the gradual but inevitable decline and disappearance of the RUF as a military and political force, a process that was completed in the period following the events of 6-8 May 2000 in Freetown.

628. There was no one of the same stature and sagacity as Sankoh to command the loyalty and confidence of the commanders and footmen. As the Battle Group Commander, leadership of the movement fell to Sam Bockarie ("Mosquito"). Mosquito was feared by his fellow commanders for his brutality. Being ensconced in Buedu in Kailahun district, he was not centrally located to control the heartbeat of the movement. Individual commanders retained absolute authority over their areas of control and could on occasion take actions that were not approved by Mosquito or for which he had not even been consulted. A process of competition for control and management of the movement and its resources ensued. This was to have disastrous consequences on the movement.

629. Some of the leaders of the AFRC told the Commission that the only reason they invited the RUF to join them in government in 1997 was their desire to bring the war to an end and stop the suffering of the people. Such invitation did not seem to have been clearly thought through. From the onset there were stresses and strains tearing at the seams of the partnership. In the first week of the overthrow, the Commission was told that the leader of the AFRC Major Johnny Paul Koroma had consented to end his unconstitutional act and give way to the elected president.[256]

630. At a meeting with the then British and Nigerian High Commissioners, he had agreed to make a broadcast announcing that he was stepping down and inviting President Kabbah to come back from exile and resume his presidency. Elements within the RUF arm of the new government threatened mayhem if he made the broadcast. On the appointed day, the High Commissioners waited in vain for the scheduled broadcast. Subsequently, each faction in the governing AFRC/RUF coalition wanted to stamp its authority and control on the instruments of governance. The result was that officers of state continued to act with impunity and could not be disciplined as they resorted to their respective factions for protection.

631. In the Civil Defence Forces, an intense internal struggle had erupted by late 1997 for the control of the soul of the movement. The central characters were the National Coordinator, Chief Sam Hinga Norman and the War Council in Exile, the arrowhead of the president's attempt to bring the movement under executive control. All kinds of persons, some of them with very dubious credentials were to be invited into the contest in support of the rival groups. This debilitating contest for the soul of the CDF partially explains how the movement deviated from a people's cause to serving individual and group interests, and finally spilled into the political arena with the end of the war. To some of Chief Norman's followers, his present travails are a reflection of these power struggles within the CDF and the attempts to prevent him deriving political mileage for his national service in institutionalising and leading the CDF to resist the AFRC and the RUF.

[256] Peter Penfold, former High Commissioner of the United Kingdom to Sierra Leone; TRC Interview conducted at TRC Headquarters, Freetown; 31 July 2003.

Power for the Sake of the Trappings of Power

632. This particular form of power-hungriness is most identifiable in the actions of ground-level commanders and the remarkably ad-hoc rabbles of combatants they carried with them. The quest for power led to the emergence of new factions and sub-factions from existing ones.

633. The coup leaders of 25 May 1997 were incapable of resigning themselves to the life of soldiers serving a civilian Government. They made a concerted thrust to redefine their conditions of service by overhauling the state security apparatus of which they were part. They carried a sizeable proportion of the Sierra Leone Army with them, leading to a large-scale shift in allegiance and a 'new' fighting force known as the Armed Forces Revolutionary Council (AFRC).

634. When the AFRC junta was ousted forcibly from political office, the institution was wiped out but the factional identity persisted for its soldiers. Having been rejected by the people they claimed to be liberating, they claimed they were fighting in revenge for the trial, detentions and execution of some of their colleagues, and in the vain hope that they could acquire power through battlefield successes. Their sole right to bear arms as soldiers was to protect lives, property and the territorial integrity of the country. Thus, the longer they fought against the will of their people, the more confused became their cause, and the more impossible it was for them to win from the battlefield.

635. The context of the conflict was certainly compounded by the intervention of foreign troops under ECOMOG. The mandate of this Nigerian-led force was as a ceasefire monitoring group. With the existing national army having turned its guns against the government and the people, ECOMOG was compelled to step in to restore the legitimate government. This was viewed as partisan by the AFRC and the RUF and may have contributed to prolonging the conflict.

636. Essentially the ECOMOG intervention was mandated by the Heads of State of the sub regional body as well as the Organisation of African Unity. The United Nations Security Council subsequently accepted the intervention as necessary to restore the elected government to power. By rights, soldiers of the SLA should fulfil a mandate to protect the state; yet it was SLA soldiers who posed the greatest threat against the state. Meanwhile foreign troops who entered Sierra Leone to separate the fighting forces and ensure observance of ceasefire were increasingly looked upon and requested by the state to become its foremost source of protection.

637. Upon applying these dynamics to the minds of the combatants themselves, it becomes possible to understand the way the factions behaved. The Sierra Leonean soldiers having committed treason were stripped of their constitutional status. This precipitated resentment and frustration, which in turn gave rise to an irrational tendency to lash out violently. The soldiers viewed civilians with contempt because they regarded civilian life as the hallmark of what their enemies stood for. By deliberately disrupting and destroying civilian life, the soldiers were striking at the foundations of civilian Government.

638. ECOMOG faced an enemy that was unpredictable and unrestrained by the conventional parameters of warfare between Armies. ECOMOG soldiers were disadvantaged by their lack of topographical knowledge. Roads flanked with thick forests were imbued with the danger of ambush attacks. Alternative

routes were only navigable with the assistance of local militiamen. It therefore continued to recruit scouts and work with the Kamajors in resisting the forces of the RUF and AFRC. The topography meant that vehicles, heavy weaponry and other superior logistics had to be left behind. Liberated areas could not be held for long as ECOMOG dispersed itself thinly on the ground. Members of the RUF and AFRC testified to the Commission that the key to overcoming ECOMOG was to put them under sufficient psychological pressure to render an all-out gunfight unnecessary. Yet, ECOMOG engaged the AFRC and the RUF all over the country scoring resounding victories. Its thin spread meant that the victories could not be consolidated as the RUF and the ARC took to the countryside while ECOMOG maintained intimidating presence in the main towns. It was therefore difficult for ECOMOG to respond sufficiently to attacks in the countryside as the RUF deployed its ambush strategy to devastating effect, quickly dispersing into the bushes before ECOMOG arrived.

639. In the wake of the devastating events in Freetown in January 1999, combatants coalesced afresh around commanders with whom they had become allied or associated during the fighting.

640. Approximately two years later, having been forcefully repelled from office and again in their renewed assault on power, a smaller core of them constituted a splinter group called the West Side Boys. Their declared aim was to be re-absorbed into the new Sierra Leonean Army.

The Peace Paradigm: Power Sharing

641. It is accordingly of immense significance that the paradigm for peace opted for under the Lomé Accord was one centred on power sharing. This route was the only one available for compromise between the two sides since none of them had the capacity for an all out victory to bring the war to an end. The mantra of the RUF that it was a revolutionary movement had become totally rejected by this time and sounded hollow even to its members, many of who didn't even know what the movement stood for. Terror became its chief weapon in fighting for power. The restored SLPP government in attempting to consolidate its rule and defeat the RUF and the AFRC, promoted a civil militia that engaged in gross abuses and violations of human rights and international humanitarian law, to which the government turned a blind eye.

642. The RUF became a totally amorphous movement in the third phase. Its command structure had been decapitated by Foday Sankoh's arrest and confinement in Abuja, Nigeria. In his last direction to the combatant cadre of the RUF that was paid heed and carried out, Sankoh announced an alliance with the soldiers of the AFRC to establish a People's Army. Thereafter he became a pawn in other parties' moves towards 'conflict resolution'.

643. Perhaps the most important finding of the Commission is that erstwhile soldiers of the Sierra Leone Army carried out the most egregious acts of atrocity during the third phase. They acted largely in their individual capacities in doing so and are held accountable accordingly. Yet in certain instances they were deployed as agents of someone else's agenda, precisely because they were known to be malleable and unscrupulous by those who directed them.

644. The factional fluidity that defined this conflict is also drawn into sharper focus in the third phase. Many of the early members of the RUF on its Southern Front in the Pujehun District reappeared as Kamajors under the banner of the CDF. Theirs was not so much a switching of sides as the identification of a new vehicle on which to purvey their notions of empowerment as civil militiamen. The chameleonic nature of the third phase of the conflict is part of the uncomfortable truths around the conflict.

645. Hence, perhaps the most uncomfortable truth about the third phase of the conflict: the very same core of individuals who visited mayhem on Freetown on 6 January 1999 were subsequently co-opted by the Government to eliminate the RUF on and around 8 May 2000.

THE AFRC COUP OF 25 MAY 1997

646. To most observers within the military, the 25 May 1997 coup was predictable. Most of the army officers interviewed by the Commission claimed that the new Government made so many wrong decisions in its early months in power. This compounded existing feelings of alienation in the army, and coupled with the political ambitions of some of the junior offices, they concluded that a coup was a matter of time. A number of reasons have been offered as to why the coup occurred.

> "On my taking up office as President in 1996 thereby succeeding a military junta, the National Provisional Ruling Council (NPRC), I was bequeathed with a security outfit which had been polarised for years as I have already mentioned and which regarded itself as having loyalty not to the Government of the day but to the only political class which they had known over the years and to which they had related. The one thing the NPRC coup of 1992 did was to bring an end to that political hegemony and to prevent it from perpetuating itself further. But the ill effect of that coup, like all others, was to entrench the military in government in this case for a period of four years.
>
> In this situation, even when the leadership of the NPRC appeared to have given up power on the assumption of office of my civilian Government in 1996, there still remained in the military in both senior and junior ranks, elements who had tasted power and what they considered as the perquisites of power. They were not prepared to give these up lightly and become loyal to my civilian Government. These were, for instance, personal bodyguards, drivers and batmen of the NPRC Secretaries of State. Such lackeys, because of the positions occupied by their patrons were able to amass a lot of ill-gotten wealth by their extortion and intimidation of the civilian population who held such soldiers in awe. The fear of their losing their underserved privileges and of an end of the opportunities they had for amassing more wealth illegally was one main reason for their unwillingness to accept the changes from a military regime to civilian rule."[257]

[257] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 5 August 2003; at page 16 of the transcript.

647. The Army had become divided by the various differences of opinion within it towards the transfer to civilian rule. According to Julius Maada Bio, his intention from the point at which he assumed the Chairmanship of the NPRC was to secure the handover of the reins of government back to a civilian party. Yet many of the boys who Maada Bio and his compatriots were leaving behind did not want to relinquish their hold on power. These constituencies applied sustained pressure on Maada Bio in an attempt to elicit an assurance from him that he was staying put.

> "If I had told them for one moment that I would hand over power, I am sure that I would have been overthrown. I therefore kept on giving them the impression that I would stay on until the very last minute. On the day I handed over power, some of them came to me to express their disappointment, and they warned me that we would hear from them in the future[258]

The 'future' reference implied an express link between the fallout of the handover to civilian rule and the eventual execution of a coup by some of the same disaffected soldiers.

648. One of the reasons why the AFRC coup occurred was that the ring leaders had some affiliation with the previous NPRC government.

> "In the first place, if you look at the key players of that coup, more than 80% were the same guys who were either bodyguards or whatever [other auxiliary functions] to the NPRC guys. If you look at it, eighty to eighty-something percent of those guys really took part in the coup. Their backgrounds meant they had personal connections to the guys who had left. And apparently none of them was actively involved in war at any one time. They were all at the rear.
>
> […] Some were footballers; some were just mere civilians. Some were just living off the work of others and that kind of thing. I agree that when you look at the genesis of what happened, there were one or two problems with the war. But none of them was a key player in the war; so for somebody to tell me that the AFRC guys did what they did because the war situation was not properly managed, I will not buy it." [259]

649. Beyond the issue of affiliation to the NPRC, there were further reasons that made 25 May 1997 predictable:

> "It was common knowledge to most critical Sierra Leoneans that the majority of the military were dissatisfied with the apparent exposure of serious abuse and misuse of public funds in prosecuting the war [which] they themselves had not succeeded in ending. Allegations continued to be highlighted about massive corrupt practices and

[258] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[259] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.

> embezzlement of funds in key sector ministries such as Finance, Education, Mineral Resources, Defence and so on."[260]

650. In the perception of the soldiers, what followed was a major purge of the Army in a bid to rid the institution of NPRC junta elements. Examples included the Chiefs of Defence and Army Staff, Brigadier Joy Toure and Colonel Komba Mondeh respectively, both of whom were replaced. There were also serious moves by the new civilian government to implement major reforms directed at improving the system of accountability and transparency in the financial management of the army. At the heart of this reform within the defence ministry alone was the downsizing of the bloated army and review of the quantity of rice allocated to the armed forces every month.[261]

651. The size of the Army was always a contentious issue, more so because rice allocations to the army were correlated to its official size. By 15 September 1994, the official size of the army was put at 11,694 including 395 officers.[262] The President in 1996 ordered a census of the size of the army to ascertain its exact strength. At that time, the Government was giving out approximately 25,000 bags of rice to the Armed Forces every month as salary supplement.

652. The official size of the Army that was presented to the president was approximately 17,000. The Government therefore decided to prune the size down to no more than 7,000. Accordingly only 8000 bags of rice were released to the army every month. This decision was conveyed by the President in respective meetings with the officers and the rank and file.

653. However, in order to continue to allocate to themselves large quantities of rice, the officers told the rank and file that the Government had drastically reduced their rice quotas. No one could have foreseen that the reduction of the rice quotas to accord with the actual size of the army would give rise to such anger.

654. There was intense resentment against the government and the officer corps from within the rank and file, who notionally held the officer corps responsible for their reduced quotas. They saw the officers as colluding with the government to deny them the only material expression of appreciation by the government for their service to the country. As one soldier put it:

> They took the rice away from us; the senior officers just said that the Government said they should cut down the rice. All of the circumstances combined to make the plight of the junior soldier fairly miserable… the serving officers were living well at the time… I thought that they were eating some of our supplies… they promised that they were going to raise the salary by 50%; but it never materialised. By March 1997 the CDS was apologising that there were no better supplies.

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[260] Professor Ernest Wright, Vice Chancellor, University of Sierra Leone. Submission to the Commission, July 2003, p.5

[261] Ibid

[262] Colonel Kellie H. Conteh, Chief of Army Staff; confidential memo to the Under Secretary of State, Department of Defence on the "Status, DOD/RSLMR Relationship and TRG Plans as a Broad Working Guide for DOD"; document dated 15 September 1994; original copy of document submitted to the Commission by Brigadier (Retired) Kellie H. Conteh, current National Security Co-ordinator at the Office of National Security and former long-serving officer in the Republic of Sierra Leone Military Forces (RSLMF); June 2003.

> Senior officers and the Government alike were pushing down the junior soldiers.[263]

655. The threat of redundancy following the decision to purge the army of NPRC junta elements added to the resentment. In one instance, Maada Bio recounted to the Commission the speed with which the SLPP government retired about 17 soldiers who had been sent on intensive training in executive protection. They were to form the bulwark of a protection arm for the office of the President, providing him with eagle eyed and well trained security protection. This force he had commended to his successor.[264] No sooner had they returned from their training, than they were retired. A close associate of the president had defended this action saying that the men were retired on the advice of the serving officers in the army who warned the president that having such a group around him would make it easier for him to be overthrown. It was therefore in the national interest that they be retired.[265]

656. Whatever be the case, the impression within the entire armed forces was that the new government was out on a witch-hunt. This was compounded by the relationship between the soldiers and the Kamajor militia.

> "Another issue which was regarded as a sensitive factor which displease the army was the Kamajor–soldier relationship against the RUF as a common enemy. Before this time, the Kamajor as a local militia force mobilised by the Deputy Minister of Defence Chief Hinga Norman had stemmed the tide of advances of the RUF mainly in the southern region of the country. With the coming into power the SLPP-led democratic government, there were plans to integrate the fighters into the regular army, and the somewhat increased attention paid to their welfare fuelled speculation of the desire of the SLPP stalwarts to create a private army to manipulate their continue stay in power. Thus it was obvious that an uneasy calm characterized their relationship which grew worse when there were reports of serious fighting between the army and Kamajor at Mile 91 sometime around the end of 1996."[266]

657. While the reforms may have been carried out with the best of intentions, the timing was wrong. The reforms did not lead to the consolidation of the rule of the new government. The army was riven with factions and the government could not count on the effective support of any segment of the army. The alternative to the reforms might have been that the Government would continue to be held to ransom by the soldiers. The impact however was that the reforms alienated the few friends the Government had in the army who folded their hands to watch events as they unfolded.

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[263] TRC Confidential interview with a serving member of the Republic of Sierra Leone Military Forces (RSLMF); interview conducted in Freetown; April 2003.
[264] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[265] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[266] Professor Ernest Wright. Submission to the Commission op cit. p.6

658. According to one military witness:

> "Because of the treatment of the Army; every soldier knew it was going to happen at that time – everybody was disgruntled, so when this thing began, we all just said let it happen and afterwards we'll confront it."[267]

659. From his appointment as Deputy Minister of Defence in 1996, Chief Hinga Norman made no bones of his distrust of the army and increasingly sought to institutionalise the Civil Defence Forces as an effective security apparatus on which the government could depend. There may have been some justification for his actions. The seeds of distrust in the Sierra Leone Army were beginning to take root with the increasing adoption of phrases like 'sobels' to describe the soldiers.[268] What irked the rest of the armed forces and irrevocably turned them against the government was the wholesale condemnation of the army rather than some members of it, as colluding with the RUF. While the army was accused of supporting the RUF, members of the CDF felt encouraged to attack soldiers in the regions.

> Since the war started in 1991, the RUF was not able to capture any district in the country until after the elections of 1996. If we had been with them, we would have allowed them to capture many places and that would have given them the leverage to discuss (allow them to talk from a position of strength.) How could we have allowed ourselves to have anything with them when you had officers and men of the army being killed at the war fronts. From Colonel to private, they were being killed. I don't know how we could have played such a game and have had such an unholy alliance when our colleagues were being killed. Let's assume that someone among us had been giving them information, that I can't tell. But to say that there was an alliance, I want to challenge that. Up till this moment, there has been no proof and I challenge somebody to come up and say this is the proof.[269]

660. Despite the spirited denials by the army that it was not colluding with the RUF, the perception continued to grow among the populace that the army could not be trusted. Attacks against men in uniforms mounted.

661. In 1996 the army had sought to impose a very sharp and decisive military response to those attacks through organising a raid against Kamajor elements at Telu Bongor. Scores of Kamajors were killed in that attack and Chief Norman, the then Regent Chief of the Chiefdom narrowly escaped being killed.

662. With his appointment as Deputy Minister of Defence, rather than striving to bring an end to attacks on soldiers, Chief Norman continued making inflammatory remarks against soldiers. Other officers of government joined in too, including the then Vice President, Dr. Joe Demby. The Kamajors took this as an invitation to launch attacks on soldiers. The whole of the south was declared a no go area for soldiers. Those wandering outside their barracks risked being killed by Kamajor militia men.

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[267] TRC Confidential Interview with a private soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 08 December 2003.
[268] See section of this chapter entitled 'Seeds of Distrust in the Sierra Leone Army' and also the chapters on Nature of the Conflict and Youths.
[269] Colonel Robert Kamara, long-serving officer in the Sierra Leone Army (SLA); TRC Interview conducted at private residence, Freetown; 24 March 2003.

663. According to Colonel K. E. S. Boyah[270]:

> "I think the army was able to hold the rebels for a considerable period to prevent them from taking over this country, until when things started getting some dimensions. If you look at the time we came back from [political] command to headquarters you will find out that the whole situation became complex. You cannot now know who a government soldier is, because the government soldier will say the CDF or whosoever is given more priority than the soldier. At a point soldiers came complaining. Let me tell you that very senior people [in Government] will go and meet them and say "we are sorry for you… your situation is such that it can be compared to 2nd World War, when soldiers came back and they were demobilized." You see the message they want to send to them is that any time from now, they would all be demobilised."

664. Maada Bio also confirmed the integrity problem faced by the Government with the armed forces:

> "The military only became a problem when it was politicised; my successors [in the SLPP Government] saw the military as their major threat so they wanted to shift the power to a new group on whose loyalty they thought they could more definitely depend. "[271]

The problem was that the military was already politicised by its participation in government which began in the 1960's. The latest experience of governance during the NPRC regime created a hunger for the spoils of office in the serving soldiers. The miscalculations of the SLPP government fed into this hunger.

665. Feeling themselves under attack by the new government and having lost political power, morale among the armed forces quickly deteriorated. Many were no longer keen to go to the war front, not when they perceived that they were not appreciated by the government:

> "The CDF was a creation of the army. When the war started, we were not prepared because we did not have enough manpower and arms and arms to effectively fight the war. This was so because the army had largely become a ceremonial army… The Deputy Minister of Defence should not tell the national army to leave a certain area and be replaced by a militia… the soldiers felt that the Deputy Defence Minister was not only supporting the Kamajors but was also their chief and it was like somebody was playing the ethnic card. It made one wonder what role he was playing best between Deputy Defence Minister and Kamajor chief. The soldiers felt that they should not leave things lying down. They made a lot of complaints ad wrote a lot of anonymous letters. I have the feeling that both Hinga Norman and our bosses did not foresee the danger until it was too late by which time

[270] Colonel K. E. S. Boyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.
[271] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.

> the boys had struck. This was one of the reasons they gave for the coup."[272]

666. According to a very senior officer in the Army:

> "The soldiers believed that the government had a hidden agenda to eliminate the army and replace it with the Kamajors as they were saying it in the open that they were going to build a new army. I don't know what their agenda was but it was reckless of the Deputy Minister of Defence to ally himself [with the Kamajors] and let that issue get out of hand because he knew everything that was happening.
>
> […] For instance, [he knew] about the soldiers who were killed in Kenema. It may not be true but let me give you another example. He was in Bo the previous night before the Kamajors attacked our positions there. They were holding a meeting together with the CDS, which was called to see how best a compromise could be reached in the relationship between the army and the Kamajors. During the meeting, commitments were made that the hostilities would cease and that they would come together to fight the common enemy, which was the RUF. The next morning, the Kamajors attacked our position and a lot of Kamajors were killed including their Paramount Chief. After some inquiries it was made clear that Hinga Norman had left Bo late at night. I said to myself that if this was his plan, then he must be a mad man because we were the constitutional army. If this man had no hidden agenda, why didn't he take them [the Kamajors] to task when they executed 11 soldiers and one army officer in Kenema?"[273]

It should have been obvious that there would be contradictions in allowing a dual role to exist for Chief Hinga Norman as Deputy Minister of Defence and National Coordinator of the CDF. As Deputy Minister of Defence he was expected to move against the paramilitary force when it overstepped the bounds of its authority or for breaching the peace. His dual role compromised his independence and integrity.

667. Majority of the members of the armed forces therefore felt alienated. Rumours spread of impending coups. Everyone was on edge.

> In addition to their [the army's] continued active collaboration with the rebels, they attempted a number of coups d'état, which were foiled. One such coup plot involving an Acting Major, Johnny Paul Koroma was unearthed early in 1997. In order to produce a thorough and objective investigation into the allegations relating to the plot I requested the Government of Nigeria to assist my Government by the provision of experienced Nigerian investigators. As a result of those investigations, Major Johnny Paul Koroma and a number of junior military officers were charged with treason.[274]

[272] Colonel Robert Kamara, long-serving officer in the Sierra Leone Army (SLA); TRC Interview conducted at private residence, Freetown; 24 March 2003.
[273] TRC Confidential interview with a Senior Army Officer,conducted in Freetown, March 2003.
[274] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 5 August 2003; at page 16 of the manuscript.

668. Worried by the worsening relations between the army and the CDF, the President set up a committee in March 1997 to investigate the problems in the relationship and make recommendations to him. The committee was comprised of members of the SLA and representatives of various factions of the CDF under the chairmanship of Bishop Keilli. The committee could not conclude its assignment when the May 25th coup occurred. With the death of Bishop Keilii and the restoration of the President to power in 1998, the Committee ceased to operate. By this time too, the majority of the members of the armed forces had joined the AFRC in the bush.

669. The President also invited Nigerian military personnel to investigate allegations of a coup plot. Based on the investigation, a number of army officers including Major Johnny Paul Koroma were put on trial. The trial of the alleged coup plotters was in progress when the coup of May 25 1997 occurred.

670. It seemed that there was more than one coup attempt. According to the then Chief of Defence Staff, Brigadier Hassan Conteh:

> "During my tenure of office, I was able to foil two coup attempts against the SLPP government, namely, the attempt by Major Johnny Paul Koroma and others, and the attempt by Stephen Bio, Lieutenant Tamba Alex Brima and others few months later. As regards Major Johnny Paul Koroma and others, I learnt of their plot from the late W.O. I Mansaray and the military intelligence branch. I wasted no time in informing His Excellency the President and other authorities. In the case of Lt. Brima I was informed by Hon. Prince Harding the then Minister of Mineral Resources and I took action to arrest the alleged coup plotters and the matter was still being investigated at the CID when the coup of the AFRC took place."[275]

671. Major Johnny Paul Koroma disputed the fact that he participated in an alleged coup attempt.

> Since 1996 I was in prison for an alleged coup for which I knew nothing. It was when we were in court that the whole thing came out because there was one accused person who testified he was given Le25,000 to implicate me by one Captain Miller. And then there was also one warrant officer who was at the armoured regiment, armoured unit. He testified that he was also threatened to be killed, that if he didn't implicate me he was going to die just like one staff sergeant died. So he was afraid and he mentioned my name in a statement. But what he said about me was not very important because he only said that he met me at the junction and I didn't say anything when he greeted me. My lawyer saw there was nothing and was asking that I be acquitted, but…they never let me go...they started adjourning the case. I was preparing to go to court on the Monday morning when this coup took place on the Sunday.[276]

[275] Brigadier Hassan Conteh, Statement made to the Criminal Investigation Department of the Sierra Leone Police in relation to the AFRC coup; statement made at CID Headquarters, Freetown; 10 May 1998.

[276] Johnny Paul Koroma, Former Head of State as Chairman of the AFRC and latterly Chairman of the Commission for the Consolidation of Peace (CCP); interview conducted by a television journalist from Oxygen Media, on behalf of New-York based human rights group WITNESS; recorded on DVCAM (Tape R2003-0543) in Freetown; 5 November 2001.

672. Another credible allegation of a coup plot was presented to the President by the Deputy Minister of Defence Chief Hinga Norman on 16th May 1997. Chief Norman had sought the president's permission to summon a meeting that included the President, the Vice President and the service chiefs, including the Chief of Defence Staff, Brigadier Hassan Conteh, the Chief of Army Staff, Colonel Max Kanga, the Naval Commander Commodore A.B. Sesay and the Inspector General of Police, Mr. Teddy Williams.

673. At the meeting, Chief Norman accused the CDS and the Army Chief of having prior knowledge of a pending coup against the government and doing nothing to suppress it.

> After I had finished talking, the president turned to the two officers and said, "gentlemen, did you hear what Chief Norman said?" They said "yes sir". Then His Excellency went on further to say, "do you have anything to say?" The officers said. "No Sir". The President then turned to me and said, "Chief Norman, they say they do not have anything to say".
>
> I became lost for words for a while. After a few minutes, I said, "Your excellency, I did not invite these two officers to say something, but since it is conclusive you do not intend to do anything, I am therefore inviting your Excellency as the Minister of Defence, Commander in Chief of the Armed Forces of Sierra Leone and the President of the Republic to order these officers not to carry out the coup or allow it otherwise if they do, I shall have no alternative but join the people of Sierra Leone to fight and reverse the coup. Thereafter, your Excellency will be constitutionally required to sign their death warrants after due process of law. As of now I shall pray that God will make you survive the coup and to see the consequences of your not taking the appropriate action to protect the people and the state"[277]

674. According to Chief Norman, he felt a sense of betrayal by the President's inability to act and prevent the coup from occurring. This was clear evidence of a deepening crisis of confidence among the leading members of the government such that the President was incapacitated in taking a decision. He didn't know who to trust.

675. The CDS, Hassan Conteh had a different recollection of this meeting. He called it an operational meeting which took place on Sunday 19th May to discuss the general operational theatre in the country and the war front. His recollection did not include the levelling of any allegations against him by Chief Hinga Norman.[278]

676. The Commission confronted one of the president's associates with this allegation. His defence was that the President could not be blamed for not taking immediate action on the allegation since the President was getting numerous reports of coups and no longer knew who to believe.[279] Whatever be the case, to have ignored the allegation from the Deputy Minister of Defence

[277] Chief Hinga Norman, Letter to the Commission on the May 25th 1997 coup. November 2003.
[278] Brigadier Hassan Conteh, Statement made to the Criminal Investigation Department of the Sierra Leone Police in relation to the AFRC coup; statement made at CID Headquarters, Freetown; 10 May 1998; at page 9.
[279] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.

meant that there was a real crisis of confidence between the President who is also the Minister of Defence and his deputy Minister. This crisis of confidence impacted on how the information from the deputy Minister was treated. The President and the country were to pay dearly for this state of affairs.

Staging the Coup

677. The mastermind of the 25 May 1997 coup was Sgt Alfred Abu Sankoh (alias "Zagallo"). The coup was not detected by the officers or the military intelligence because it was planned on the 24th and executed the next day. Zagallo was a bodyguard to a former Secretary of State during the NPRC regime, and had enjoyed a lot of benefits from that association. He was also a footballer and had been associated with a number of Freetown clubs and was finally requested to set up a football club for the army. The membership of the club was to provide the nucleus of the coup plotters. Zagallo gave vent to the frustrations in the army that led to the coup:

> "Soldiers in the lower ranks were not paid a good salary unlike the officers…we were denied of privileges such as overseas courses… soldiers were killed at the war front and no provision was made for their families…there was the burning issue of the rice allocation, our rations had been drastically reduced and many times we got them quite late…the issue of Kamajors was another thing that finally discouraged the soldiers under the regime of the SLPP. As all of this was happening there was widespread rumour in the army that the government wanted to cut down the size of the army…about 240 soldiers were retired from the army early in 1997…most of them had served for more than 30 years…when their retirement benefits were finally paid it was a mere four thousand Leones and four bundles of zinc to each retired soldier and nothing more. There was a lot of grumbling from both the retired soldiers and even serving soldiers were not happy about the way the old men who had suffered in the army were treated."[280]

678. There was complete disorderliness in the military among the rank and file. The officer cadre played ostrich while the soldiers complained. Many of the rank and file, including Zagallo, decided to resign from the army. Their letters of resignation were not accepted.

679. On the morning of 24 May 1997, Zagallo assembled his team of footballers numbering 17 at the billet of the Wilberforce Barracks where the footballers were camping and reiterated the problems in the country to them, the need for them to take action, and that the way forward had been presented to him in a dream the previous night. He was told in the dream that all their problems were caused by the senior officers. They agreed to arrest all the senior officers and detain them at the military headquarters in Cockerill, Freetown. They further resolved to carry out the operation the next day. In attendance at this meeting were the following people, listed overleaf:

[280] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.

1. Sgt. Alex Tamba Brima
2. Lance Corporal Tamba Gborie
3. Corporal George Adams
4. Warrant Officer 11 Franklyn Conteh
5. Warrant Officer 11 Samuel Kargbo
6. Sgt. Ibrahim Bazzy Kamara
7. Sgt. Brima Kamara
8. Sgt. Moses Kabia alias Rambo
9. Sgt. Sullay Turay
10. Corporal Mohammed Kanu alias 55
11. Corporal Momoh Bangura
12. Lance Corporal Foday Kallay
13. Lance Corporal papa Bangura alias Batuta
14. Ex SSD Officer Hector Lahai
15. Civilian Bioh Sisay
16. Abdul Sesay, a civilian staff of the army, and
17. Sgt. Abu Sankoh (alias "Zagallo")[281]

680. On Sunday 25 May 1997 they all met at 6.00am at Cockerill, the military headquarters. They went through the main gate and met Corporal Gborie who was on duty. All seventeen of them were encouraged to assemble with their personal arms. Major King, the Commanding officer in charge of the Air Force in Cockeril was allegedly contacted by Alex Tamba Brima and had pledged his support to the group. Alex Tamba and WO II Franklyn Conteh were to take care of the armoured tanks. The group then moved on to the arms store. The door was not locked. They collected as much arms as they could carry on their persons including AK 47 rifles and rocket-propelled bombs and tubes. They arrested the soldiers on duty at the Airforce and headquarters security office, tied them up and locked them at the Military Police guardroom. They seized all the arms and ammunition contained in both offices.[282] They then proceeded to the tanks and ammo stores. There was no soldier on duty there either. From this store, they collected a formidable supply of rocket-propelled grenades which they loaded in three Mercedes Benz cars they found at Cockerill. They then surrounded the perimeter of the military headquarters and mounted a road block.[283]

681. As they did so, other soldiers quickly understood what was happening and joined them swelling their ranks to about 100 men. They began deploying themselves to strategic areas. One group headed by Tamba Gborie quickly left for the state radio station SLBS FM 99.9 to announce the take over of government to a shocked nation, and to alert other soldiers on guard duty at the station. Sgt. Alex Tamba Brima was despatched to the Wilberforce Military Barracks while Sgt Brima Kamara quickly moved to secure the army ordnance

[281] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.
[282] Tamba Gborie, Corporal in the Sierra Leone Army and one of the leaders of the coup of 25 May 1997; statement made to the Criminal Investigation Department of the Sierra Leone Police at Defence Headquarters, Freetown; 22 to 25 March 1998.
[283] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.

at Murray town with a group of soldiers. WO II Franklyn Conteh was left behind to take care of the military headquarters. Group three under the command of Corporal Mohammed Kanu alias 55 was to handle the 7th Battalion. The rest of the group commandeered several vehicles and moved into the town towards the prison. At the Wilberforce Barracks they arrested about 15 senior officers including Colonels K.I.S. Kamara; A.K. Sesay; S.O. Williams; S.T. Davies; A.B.Y. Kamara and Major Koroma. The arrested officers were locked up at the military guardroom at the barracks.

682. By 7.00am this group had numbered several thousand soldiers. They split into different groups and approached the prison from different directions. There was agreement that all the prisoners, in particular, the military officers who were detained at the prison were to be set free. With the numbers of soldiers who had joined the revolt, sporadic shooting was occurring all over the city.

683. There was no resistance at the prison gates, as the prison officers obediently opened the gates. The Nigerian ECOMOG officers that previously guarded the prison were nowhere to be seen. They were too few to offer any meaningful resistance. All the detained prisoners were set free. One of them was Major Johnny Paul Koroma detained earlier for alleged coup plotting. He praised the boys for freeing him, describing them as brave.[284]

> Later, Major Johnny Paul's countenance changed and as he assumed command of the operation which had now taken a different dimension, he first gave orders that we should head for CID headquarters… so that we could burn it down. The reason he gave was that this was a place where cases were not decided with fairness taking his own case as an example. He later changed his mind. No one told Major Johnny Paul Koroma to assume command of the operation but seeing the situation and after we explained to him that our intention initially was to arrest all the senior officers in the army for reasons already outlined above, he told us that he was now taking over command as he saw that we were all junior officers.[285]

684. By 8 o' clock a blue helicopter flew towards Juba Hill in Freetown. A few minutes later they saw the helicopter flying towards Lungi. The President was leaving the country. They suddenly found themselves in control of the country.

685. Johnny Paul Koroma has given a somewhat different account of the events of this date. He claimed that he had requested his liberators to simply release him so that he, his wife and children could leave the country safely, to which they replied:

> "No you have to be with us. You have to lead or else we will not allow you to go. If you say you are going we will have to kill you."[286]

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[284] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.

[285] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.

[286] Johnny Paul Koroma, Former Head of State as Chairman of the AFRC and latterly Chairman of the Commission for the Consolidation of Peace (CCP); interview conducted by a television

686. Johnny Paul Koroma believed that his presence helped stabilise things as the coup plotters were going to kill all the politicians and all the senior officers.

687. The first sign that the CDS, Brigadier Hassan Conteh had of the coup was a radio message he received at 4.30am on the 25th from a Lt. Banja Marrah of the Signals Squadron at Wilberforce reporting that some armed soldiers in a Mercedes Benz car had claimed that they were staging a coup and had taken over the country. He began calling on all senior officers to report to the Myohaung Officers Mess. Within a short while, there was sporadic shooting all over the city.[287]

688. For the President, he was having his early morning shave, when he heard the exchange between Brigadier Conteh and the Lieutenant on the service radio. He requested information from Brigadier Conteh on the efforts being made to repel the coup. Not satisfied with the response, he continued to call the Brigadier regularly on the service radio. After a short while, the radio went off air. That was when it dawned on him that the coup makers had succeeded. He quickly accelerated his plans to leave the country.[288]

689. Meanwhile Brigadier Conteh and a group of other officers having learnt that the plotters had taken over the officers mess and were on the lookout for officers quickly detoured to the British High Commission where they holed up to plan a counter attack strategy for wresting control of the capital city from the coup plotters. He tried to rally the remaining troops to the support of the government. Increasingly it became clear that the respective formations were either not lifting their finger in support of the government or were pledging support to the coup plotters. Col Tom Carew after escaping arrest at the Wilberforce barracks had tried to mobilise the remaining officers and men to mount a resistance. Some of the officers like Major Gottor and Lt Akim had already joined with Johnny Paul Koroma at the State House. By 10.00am there was a broadcast by Corporal Tamba Gborie on the state controlled radio that the "other ranks" of the armed forces had taken over power. The broadcast called on Foday Sankoh to join the new government and urged the RUF to come out of the bush. This weakened the resistance of the remaining loyal troops who all scampered to different parts of the country for personal safety.

690. Johnny Paul Koroma prevented the mounting of an assault on the State House, which had been proposed by the soldiers. He also ordered that no politician should be molested by the soldiers. Many of them were arrested, detained for a while and then released. All senior officers were directed to report at Cockerill and those who did, like this witness, were locked up:

> "It was during that period when this fourteen other ranks, mostly junior ranks interfered with the operations of governance. After that I was detained by junior military officers. I was there for three weeks on the allegation that the President was in contact with me by telephone at my house. My official residence was looted and vandalized and they came

journalist from Oxygen Media, on behalf of New-York based human rights group WITNESS; recorded on DVCAM (Tape R2003-0543) in Freetown; 5 November 2001.

[287] Brigadier Hassan Conteh, Statement made to the Criminal Investigation Department of the Sierra Leone Police in relation to the AFRC coup; statement made at CID Headquarters, Freetown; 10 May 1998.

[288] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before the TRC Thematic Hearings held in Freetown; 5 August 2003.

> to my office. I tried very hard to work with other officers to let the boys understand that it was not acceptable for coup or whatsoever. They could not understand."[289]

691. Later in the day there was a phone call from London to Major Johnny Paul Koroma by Omrie Goley the external spokesperson of the RUF, who said he had heard the radio broadcast calling on Sankoh to join the new government. He said that in the interest of peace he was going to make Sankoh's phone number in Nigeria available to the coup plotters.[290] Major Johnny Paul Koroma then called Sankoh in the presence of some of the coup leaders such as "Zagallo" and Tamba Gborie. Major Koroma told Foday Sankoh that the war was over and invited Sankoh to take over the leadership of the new government. Sankoh replied that this was impossible since he was detained in Nigeria. He commended the plotters for their nationalistic action in inviting the RUF to join the new government and requested that he wanted to relay a message to his fighters which he wanted recorded immediately. He gave his blessing to the new regime and called on all his fighters to come out of the bush and join the new government. They were directed to henceforth take all orders from Johnny Paul Koroma.[291] This statement was subsequently rebroadcast repeatedly on the state run radio station. The invitation to the RUF was justified as necessary to end the war:

> "We are all Sierra Leoneans and were just killing one another all the time; so you see it was senseless. At least we could call these guys from the bush to come and join us to get peace in this country. They decided to bring the two armies to one – the RUF and the SLA, we are all brothers; we are all one. So we should join to make a People's Army.
>
> I had small fear of them, because the [RUF] guys were proper trained commandos. The plan was to train them to be trained like professional soldiers. I was really surprised [because] it was peaceful at the time – no firing, no ambushes, just peaceful. I felt happy because I was tired of war at that time. The RUF too said that they are tired of war and that this is the time to bring peace in Sierra Leone. There were all Sierra Leoneans, just like us."[292]

692. The new government suspended the constitution as well as political parties. To the shock and consternation of the populace, Freetown was overwhelmed within days by the presence of the RUF combatants who came to the city in their thousands.

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[289] Colonel Bashiru S. Conteh, current Direct of Military Training and senior officer in the Republic of Sierra Leone Armed Forces (RSLAF); TRC Interview conducted at TRC Headquarters, Freetown, 02 August 2003.
[290] Tamba Gborie, Corporal in the Sierra Leone Army and one of the leaders of the coup of 25 May 1997; statement made to the Criminal Investigation Department of the Sierra Leone Police at Defence Headquarters, Freetown; 22 to 25 March 1998.
[291] Tamba Gborie, Corporal in the Sierra Leone Army and one of the leaders of the coup of 25 May 1997; statement made to the Criminal Investigation Department of the Sierra Leone Police at Defence Headquarters, Freetown; 22 to 25 March 1998.
[292] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

> "Some of us were in the bush at that time, we only heard an instruction that we are to go and join the AFRC junta; that it is because of peace that we should join them and then the UN will come in between for peace. So that gave the passion to some of us – when the command was given, there was no time to waste. In the space of three days, some good number of the RUF left their hiding places and came to bigger towns. Some were sent to Bo, some were sent to Kenema, some in fact went as far as Freetown.
>
> In fact, as I told you, we believe in loyalty. When the instruction came that we should join, we never knew the circumstances at the end but our feeling was that when we were coming to a town like Freetown, we could be in Freetown, then the UN and other international bodies would come in between us and make the peace. That was what the other Commanders told us: that the war is over; we are agreeing to join the AFRC for disarmament.
>
> But when we came to Freetown, after a couple of times, we saw different issues; things were looking somehow unsuitable with regards to what they had told us in the bush. So, some of us who had far-sighted thinking started to leave from Freetown. We said: 'hey, this is not the peace, this is just a sort of suspended government'."[293]

693. This effort to end the war worked briefly in getting the RUF out of the bush but it was counter productive. It endorsed the assertion that the army was in connivance with the 'rebels'. This stiffened the peoples resolve not to have anything to do with the new "people's army". All commercial enterprises closed shop, schools and offices remained closed for much of the nine months that the AFRC was in power. About eighty percent of the armed forces had forsworn their allegiance to the constitution and the elected government and joined the Peoples' Army established by the AFRC.[294] The CDF and all militia groups were ordered disbanded and to hand in their weapons at the nearest police stations.

[293] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.
[294] Major General Tom. S. Carew, former Chief of Defence Staff; testimony before TRC Thematic Hearings held in Freetown; 16 July 2003.

THE MILITARY AND POLITICAL *MODUS OPERANDI* OF THE SLPP GOVERNMENT IN EXILE

Roots of Chief Samuel Hinga Norman's Dissonance with the Government in Exile

694. The immediate impact of the AFRC coup on the incumbent SLPP Government was to force all of its key office-holders into exile. Ahmad Tejan Kabbah and the core of his Cabinet went to Conakry, Guinea, where they were accommodated by the Guinean President Lansana Conté in the Government Guest House. Conakry also became the operational centre for the Government. Most the key in-house strategy meetings between Ministers took place there. It also hosted the negotiations between ECOWAS and the AFRC junta leaders that led to the ECOWAS-brokered Peace Plan on 23 October 1997; according to the President, the Government held an "observer status" at those talks.[295]

695. President Kabbah undertook only fleeting trips outside Guinea for diplomatic purposes, notably to Abuja, New York and Edinburgh. Otherwise he was based exclusively in Conakry until his restoration on 10 March 1998. As he testified to the Commission, President Kabbah had already felt detached from the workings of his state security apparatus during his first year in office.[296] His nine months in exile would precipitate yet further episodes that served to undermine his authority as Commander-in-Chief. His ideas about how the war should be managed were radically different from those of his Deputy Minister of Defence. This differing was about the overall management of the restoration effort.

696. Meanwhile, Chief Hinga Norman followed a somewhat dissonant, albeit apparently more decisive strategy. In his capacity as Deputy Minister of Defence, he began immediately to lobby for an armed intervention driven by a Sierra Leonean fighting force. The Kamajor militia of the Southern and South-Eastern Districts would form the bulk of this force, under his direction and command. Hinga Norman invited great risks to his life and his credibility to put his vision into practice.

697. Hinga Norman was successful in garnering international backing from a diverse array of sources. Importantly, he found favour with various foreign donors: some of them were multinationals based in Sierra Leone; others were groups constituted abroad by Sierra Leonean expatriates. He was subsequently able to enlist support in the form of finances, food supplies and a variety of crucial logistical needs for the Kamajors.

698. One example of the broad-based input from commercial interests arose in a statement given to the Sierra Leone Police in 1999 by an Israeli businessman named Yair Gal (alias Yair Galklein). Gal recounted how Hinga Norman approached him on board the US Navy ship that evacuated foreign nationals from Freetown soon after the 25 May 1997 coup. Gal and some of his

[295] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before the TRC Thematic Hearings held in Freetown; 05 August 2003.
[296] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before the TRC Thematic Hearings held in Freetown; 05 August 2003.

compatriots in the diamond trade informed Hinga Norman that they would be staying in Guinea. Accordingly he narrated the following events:

699. "In Conakry we put up at the Mamado Hotel. While there, Hinga Norman visited us. At that time there were owners of other companies staying in the same hotel. Those other big companies were working in Kono in Sierra Leone. Hinga Norman then asked all the owners of companies working in Sierra Leone to help to restore the legitimate Government of Tejan Kabbah.

700. The owners of companies made promises, including our company. However, I remember we fulfilled our own promise by supplying food to Chief Hinga Norman in Liberia to feed the Kamajors. After some time, Chief Hinga Norman left Conakry and went to Liberia to organise the Kamajors."[297]

701. Hinga Norman's immediate presence in Guinea after the coup had been fleeting. Having received a variety of pledges and made the business community aware of his plans, he promptly left the country. He was to spend very little time in the company of the President, his fellow Ministers and senior parliamentarians during their period in exile. His justification was that he preferred to remain closer to the 'ground operations' he had already envisaged in Sierra Leone. As the Commission heard from one of Hinga Norman's close associates in the Kamajors:

> "When we met, you know… Hinga Norman said he did not stay there [in Guinea] because if all of them in the Government were cut off from the country, then nobody will be there to fight these people. He believed that you should not stay outside the country to fight the enemy who are fighting your people. Therefore he left them there in Conakry and came to organise his Kamajors; those were the reasons he gave us."[298]

702. Hinga Norman's choice of Liberia as a place from which to launch back into Sierra Leone was founded on the continued stationing of ECOMOG there. He was granted permission and protection to stay in ECOMOG's strategic military base in Monrovia and he travelled under escort. It made it easier for him to receive support from ECOMOG and he was able to maintain telephone links with prospective partners in the outside world.

703. Perhaps the most significant of all Hinga Norman's international partnerships was formed in the month of July 1997. It grew out of the diligent efforts of Reverend Alfred SamForay, an American-based Sierra Leonean with a robust network of contacts. The added importance of SamForay's participation was attributable to the fact that he liaised not only with Hinga Norman, but simultaneously with President Kabbah, Richard E. S. Lagawo and several other figures in the hierarchy of Sierra Leone's Government in Exile.

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[297] Yair Gal (alias "Yair Galklein") Israeli businessman involved in diamond mining companies and dealerships in both Liberia and Sierra Leone during the conflict period; statement given to the Sierra Leone Police Force at RSLMF Headquarters, Cockrill, Freetown; 28 January 1999; at page 5 of the transcript.

[298] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.

704. SamForay provided substantial evidence to the Commission about his own conversations with these key players and their dealings with one another. He described the genesis and nature of this link as follows:

> "In July 1997… the Deputy Minister of Defence [Hinga Norman] was in Monrovia and seeking international support to remove the AFRC military junta… A few personal friends of mine immediately suggested that some of us organise ourselves into an independent support group to assist the Deputy Minister and his Civil Defence Forces (CDF).
>
> […] Later that month I did speak with Chief Norman. About the same time, some of my colleagues were able to link me with President Tejan Kabbah. After acquainting the President with our contact with Chief Norman, Kabbah informed us that he would greatly welcome any assistance we would give to Chief Norman and the CDF… President Kabbah told us in a phone conversation on 17 August 1997: 'Anything done to restore democracy in Sierra Leone is fine with me'."[299]

705. SamForay further told the Commission that he became the Secretary-General of a newly-founded body known as the Sierra Leone Action Movement for the CDF (SLAM-CDF). He described its role in the following terms:

> "SLAM became the external mouthpiece of the CDF and in some instances the Government in Exile… Members of SLAM-CDF served both as couriers and a liaison between Hinga Norman and Kabbah for much of the time the Government was in exile, with Hinga Norman in Monrovia and Kabbah in Conakry."[300]

706. Based on the evidence adduced by the Commission, Hinga Norman also shared a commonality of purpose with Nigeria that local forces should liberate the country with the support of countries in the sub region. It was eminently preferable for a 'home-grown' faction to bolster, if not lead the operation to oust the AFRC. This participatory approach would engender greater support among Sierra Leoneans for an armed intervention. It would also heighten the prospects of a relatively 'clean-break' for ECOMOG by putting in place some kind of indigenous security forces that could perhaps evolve into a reformed national Army.

707. ECOMOG's Chief of Staff in Liberia, General Abdul Aziz Mohamed, was another strong proponent of the deployment of the Kamajors in an armed intervention to dislodge the AFRC. Certainly as far as the military option was concerned, Hinga Norman therefore had valuable allies for his strategy from the outset. A symbiosis between ECOMOG and an indigenous militia would not have been possible without Hinga Norman's swift manoeuvring to raise funds and consciousness among international backers. By seizing the initiative in such a manner, though, he succeeded in making the option viable ahead of diplomacy or an exclusively international restorative intervention.

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[299] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 2-10 December 2003.

[300] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 2-10 December 2003.

708. Chief Norman's enthusiasm was misinterpreted and perhaps misunderstood. The Commission heard that it deepened the level of suspicion between Hinga Norman and President Kabbah. These two influential figures held the two most important positions in planning military operations in the name of the state: President Kabbah was the Commander-in-Chief and Minister of Defence; Hinga Norman his Deputy Minister and the National Co-ordinator of the CDF. Yet they did not share the same opinion as to how the reinstatement of their Government should be managed. SamForay described his impressions in this regard as follows:

> "I believe that Hinga Norman and Kabbah saw the conflict in Sierra Leone from two different viewpoints. Norman was a born soldier who had been in the colonial Army from the age of fourteen. As a soldier and as Deputy Minister of Defence, I believe he saw his role as defending the country and defeating the enemy on the battleground. Norman had never actually lived outside Sierra Leone and had no interest in living anywhere [else]. Sierra Leone was the only home for Norman.
>
> […] Kabbah, on the other hand, had lived nearly all his professional life abroad. He was a wealthy man and could live wherever he chose to in the world. Sierra Leone was like a second home for Kabbah… [He] was a consummate diplomat who would do anything to resolve the conflict through diplomacy."[301]

709. The President and Chief Norman were united in the view that the AFRC should be removed from power. From the testimonies received by the Commission, the difference lay in the management of the effort to remove the junta from power. Witnesses testified to fears among the President's close associates of the amount of power and influence that Chief Norman would muster were he to directly lead the restoration efforts. It was therefore necessary to rein him in and have the President retain control. In the Commission's assessment of the chronology of events, the strongest possible case for the President to remove Hinga Norman from his role in the prosecution of the war was to develop when Hinga Norman re-entered Sierra Leone.

710. Yet according to the testimony from Sam Foray, an attempt to install a new National Co-ordinator of the CDF was instigated as early as July 1997, while Hinga Norman was still stationed in Monrovia. The candidate touted as Hinga Norman's replacement was Tom Nyuma, one of the most influential members of the NPRC administration.

[301] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 2-10 December 2003.

Perspectives on the Reappearance of Tom Nyuma

711. The facts as they have been presented to the Commission must first be stated. SamForay's assessment of President Kabbah's personal and professional relationships is instructive in establishing a background understanding:

> "Kabbah relied very heavily on the advice of his Senior Adviser and confidant, Honourable Richard E. S. Lagawo, as he did on his personal friend [and Minister of Presidential Affairs] Momodu Koroma. At the diplomatic front he leaned heavily on his UN Ambassador James O. C. Jonah… It is therefore inconceivable that Kabbah would have tried to replace Hinga Norman without the knowledge or advice of Lagawo, Koroma or perhaps Jonah… Hinga Norman later told me that the architect of this scheme was Kabbah's Spokesman Momodu Koroma."[302]

712. Tom Nyuma was living in the United States at the time of the 1997 coup, having been compulsorily retired from the Army. His last significant post in service was as General Staff Officer during the final year of the NPRC administration.[303] He was the beneficiary of a United Nations scholarship that funded his pursuit of college studies in the United States of America. The arrangement under which he took up this scholarship was similar to the one afforded to other members of the NPRC regime, including Valentine Strasser and Julius Maada Bio. The broker of these arrangements was Sierra Leone's Permanent Representative to the United Nations, James Jonah.[304]

713. According to SamForay, Jonah paid for Tom Nyuma to travel from the USA to Guinea. Nyuma made the trip on or around 20 August 1997 and reported directly to President Kabbah in Conakry. One of those with whom Nyuma met in Conakry was Momodu Koroma, who confirmed that Nyuma engaged in discussions with President Kabbah and others about the possibility of liberating Freetown.[305]

714. SamForay explained to the Commission that the selection of Nyuma as "President Kabbah's choice for the job"[306] was based primarily on what the President saw as Nyuma's credentials in the realms of military planning. For instance, he had spoken in praise of Nyuma's 'expertise' in mapping and topography,[307] which were seen to be key attributes for anyone entrusted with command of the effort to liberate Freetown. Nevertheless there were particular

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[302] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[303] Tom Nyuma was one of the nine officers who were relieved of their political duties and posted back to barracks in 1995, as discussed above in the analysis of the transition to civilian rule. According to SamForay, he had been retired on allegations of a coup attempt.
[304] Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003; corroborated by SamForay.
[305] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[306] These were the words of James Jonah expressed to SamForay when SamForay expressed reservations about Nyuma. Apparently Nyuma had made known his financial demands in advance of the trip but nevertheless was brought over to Guinea in order to effect the planned handover.
[307] James Jonah relayed this impression to SamForay in a conversation held while Jonah was arranging Nyuma's flight over to Conakry from the United States.

warning signs about Nyuma that the Government appears to have overlooked, or that it dealt with in an insufficiently cautious manner.

715. First, as noted in the foregoing analysis,[308] People's views about Tom Nyuma's were that he was an opportunist and a turncoat. His factional allegiance was almost impossible to decipher conclusively. In testimonies to the Commission he was identified as having played different roles. Some erstwhile colleagues in the Sierra Leone Army knew him as a hardened front-line commander;[309] members of the RUF knew him as a relative of Foday Sankoh and one of the few dissident soldiers with whom they worked together in guerrilla operations;[310] Kamajors and civilians in the Eastern Region knew him as one of the pioneers of the use of vigilantes on the battlefield.[311]

716. In short there were major question marks over the wisdom of taking a risk on a man like Nyuma. Certainly he was well connected to the leadership of the AFRC, including his peer Johnny Paul Koroma. All of those who had carried out the coup on 25 May 1997 were his military juniors and he referred to them in conversations with SamForay as '*me borbor dem*' (my boys). This reference was apparently intended by Nyuma to convince the Government that he could prevail upon the junta members if given the chance. It ought rather to have alerted the Government to Nyuma's dubious character and misplaced sense of self-importance.

717. Tom Nyuma stated that he would not be willing to fight for the Government unless he was awarded the sum of ten thousand US dollars ($10, 000) as remuneration for his services.[312] According to Momodu Koroma, this sum was never paid out.[313] Instead President Kabbah despatched Nyuma, along with his two former NPRC cohorts Captain Amara Kwegor and Captain Komba Mondeh, to the ECOMOG base in Monrovia, Liberia. They were tasked to recruit soldiers serving in the Sierra Leone Battalion (LEOBATT) to put together a 'task force' that could launch an attack on Freetown to dislodge the junta.

718. The Commission heard testimony from a soldier who was posted to Monrovia in the LEOBATT contingent in 1991 and 1992.[314] He confirmed that Nyuma and Komba Mondeh, whom he knew as 'Colonel RPG', approached the SLA

[308] See section on 'Seeds of Distrust in the SLA' and the allegations that Tom Nyuma was one of the Army officers involved in committing violations and abuses against the civilian population.
[309] See, *inter alia*, Brigadier (Retired) Julius Maada Bio, Former Head of State and Chairman of the National Provisional Ruling Council (NPRC) from January to March 1996; TRC Interview conducted at private residence, Freetown; 30 September 2003.
[310] See, *inter alia*, TRC Confidential Interview with a member of the RUF High Command who worked closely with Foday Sankoh after joining him in 1990; interview conducted in Freetown; 1 December 2003.
[311] See, *inter alia*, Dr. Albert Joe Edward Demby, former Vice President of the Republic of Sierra Leone; "Presentation on Militias and Armed Groups"; testimony before TRC Thematic Hearings held in Freetown; June 2003.
[312] Nyuma had stated in advance that he would ask for this level of remuneration: Transcript recollections from telephone conversations involving SLAM-CDF and Tom Nyuma; August 1997; details given to Commission by Reverend Alfred M. Sam Foray. According to SamForay, James Jonah was also aware of this stipulation in advance; he later told SamForay that Nyuma had made the same request to the President.
[313] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[314] TRC Confidential Interview with a former soldier in the Sierra Leone Army (SLA); interview conducted in Freetown; 16 July 2003.

troops stationed there with the offer of money to fight the AFRC. Yet the LEOBATT men had no collective desire to go back into Sierra Leone and fight against their own compatriots. They refused to join with Nyuma and an armed confrontation erupted near to the ECOMOG base, although no deaths were reported.

719. Nyuma was expelled from Liberia along with his compatriots and returned to the USA. SamForay received information about this incident and relayed it to President Kabbah.[315] It constituted the last active participation of Tom Nyuma in the Sierra Leone conflict. It also spelled the enforced end of the President's plan to replace Hinga Norman as the National Co-ordinator of the CDF in the operation to restore the Government.

720. In his testimony to the Commission, Momodu Koroma denied the involvement of the President or of himself in any effort to have Nyuma replace Chief Hinga Norman. Koroma confirmed that Nyuma had a meeting with the President in Conakry, although he insisted that it was at Nyuma's own instigation. According to Koroma, the President was suspicious of Nyuma's motives for wishing to assist; the President therefore merely acknowledged Nyuma's offer and looked forward to the outcome of his intervention, which never in fact materialised.[316]

The Appointment of M. S. Dumbuya to the CDF

721. A major public relations concern for the Government was the widespread belief that the CDF was an exclusively Mende militia. Throughout Kabbah's Presidency the view had been expressed, mostly by Northerners, that there was a tribalist agenda behind the favourable treatment afforded to the Kamajors. The then Vice President Joe Demby testified to the Commission that the Kamajors were the "focus of the whole country" and that they were popularly referred to "using political or tribal connotations."[317] Towards the end of its reign, the NPRC Government had averred that the Kamajors were deliberately ethnically-aligned against the Army. Subsequent clashes between the SLA and the CDF had merely compounded that impression.

722. For the sake of preserving national unity in the restoration effort, President Kabbah wished to rebut the accusation of tribalism in the CDF. The most effective means of countering tribal concerns in Sierra Leone is to create an impression of Regional balance. In this instance Kabbah identified a course of action that would allow him to do this whilst simultaneously installing a counterweight to Hinga Norman in the institutional structure of the CDF.

723. Thus, in August 1997, the President summoned the former Head of the Special Security Division (SSD) of the Sierra Leone Police, M. S. Dumbuya, to meet him in Conakry. Dumbuya's credentials speak volumes of the reasons for his recruitment to the cause of the Civil Defence Forces: by experience, he was a

[315] Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[316] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[317] Dr. Albert Joe Edward Demby, former Vice President of the Republic of Sierra Leone; "Presentation on Militias and Armed Groups"; testimony before TRC Thematic Hearings held in Freetown; June 2003.

highly-trained military professional[318] and by birth, he was a Northerner of Limba ethnicity. It didn't seem that the President considered Dumbuya's record which was tilted against the people of the South.[319]

724. In his testimony to the Commission, M. S. Dumbuya conceded that his appointment had everything to do with the President's perceived need to present the CDF in a more neutral light:

> "The primary motive for me to come in was to allay the rumours that the Kamajors were a force to destroy the North. I was called upon directly by His Excellency [the President]… to sort of calm down the growing speculation that the Kamajors was an armed group geared to destabilise the whole country along ethnic lines."[320]

725. Dumbuya was immediately installed as the Northern Commander of the Civil Defence Forces. His position was the second most senior in the whole movement in terms of command and control responsibilities. He took on the CDF rank of Colonel, which was deemed to be equivalent to his former SSD police rank. Yet Hinga Norman, the National Co-ordinator of the CDF, was neither notified nor consulted before the appointment was made.[321] This deepened even more the suspicion between him and the Commander-in-Chief and affected the war effort.

726. In assessing the impact of the President's commissioning of Dumbuya in this manner, the question of threat perception must be brought to the fore. According to Dumbuya himself, Hinga Norman instantly felt that Dumbuya wanted to take over from him in one or both of his roles as Deputy Minister of Defence and National Co-ordinator of the CDF.[322] The men were supposed to work closely together, but their relationship was doomed before it had started, due to the undercurrents of rivalry between them. It was to have a profoundly detrimental effect on the operational structure of the CDF.

727. The appointment of Dumbuya was the President's prerogative. It however exacerbated the existing levels of discord and suspicion that had existed between Chief Norman and Dumbuya for at least the preceding three months. Just when the restoration of the Government – and certainly the CDF's role in that restoration – depended to such a large extent on this relationship, it moved further away from cordiality.

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[318] M. S. Dumbuya undertook three years of advanced infantry training in Cuba on a scholarship from the Sierra Leone Government between 1971 and 1974. When he returned to Sierra Leone he was attached to the paramilitary wing of the Sierra Leone Police, which at the time was called the Internal Security Unit (ISU) but later became Special Security Division (SSD). Dumbuya headed the SSD for ten years and was eventually promoted to Assistant Commissioner of Police, in charge of state security under the APC.

[319] The people of Pujehun District were known to harbour strong feelings of distrust against Dumbuya because of his leading role in quelling the Ndorgboryosoi rebellion of 1982. See TRC Confidential Interview with former Secretary-General of the Pujehun District Descendants' Association; interview conducted in Freetown; 19 December 2003.

[320] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

[321] M. S. Dumbuya admitted that Hinga Norman had not been involved in prospective discussions of his appointment. However, he testified as follows: "I don't think it was necessary because every grouping was mobilising to protect its own area."

[322] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

728. The institutional structure of the CDF also included an ECOMOG presence in the shape of Nigerian General Maxwell Khobe, who was based at Lungi Airport. General Khobe's designation was supposed to create a unified, integrated line of command and an additional layer of accountability for both Dumbuya and Chief Hinga Norman.

729. The President's inclusion of General Khobe was perhaps the best medium through which to limit operational friction between Dumbuya and Hinga Norman, since it kept them apart. Dumbuya testified to Commission that his own role was concentrated mostly at Lungi, where he was training alongside ECOMOG under Khobe's command. According to Dumbuya's understanding of the institutional structure, Khobe was intended in addition to oversee Hinga Norman:

> "Actually Hinga Norman and I were not most times together. What I know is that Hinga Norman was made National Co-ordinator of all the groupings together under one command… But I was actually with late General Khobe under ECOMOG. The only time I remember being directly with Hinga Norman was at Base Zero.
>
> […] The motivation behind the CDF at that time was basically to complement the efforts of the foreign troops coming to assist the Government… [So] myself and Hinga Norman were supposed to be answerable to General Khobe."[323]

730. In practice, the proposed line of command from Hinga Norman to Khobe did not materialise. Rather Khobe and Dumbuya worked on planning the intervention into Freetown, while Hinga Norman prepared and carried out independent operations to remove the junta from the towns of the South and East. There were two different flanks to the restoration operation and for the most part they went about their preparations for combat in starkly contrasting fashions.

The Establishment of the War Council in Exile

731. President Kabbah's final effort to contrive institutional accountability and oversight of the CDF's operations in Sierra Leone was his establishment of a structure known as the 'War Council in Exile', based with him in Conakry. Chairmanship of this War Council was awarded to one of Kabbah's staunchest political allies and his Chief Adviser, Richard E. S. Lagawo. It comprised twelve members, all of them SLPP 'party stalwarts' and Ministers or senior officials of Kabbah's Government.

732. While the Commission was unable to obtain documentary evidence of the meetings convened by this War Council, evidence was heard that the following persons either held permanent positions or participated in its decision-making consultations at some point during the exile period:[324]

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[323] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

[324] All designations given are posts in the Cabinet in Exile, which had been retained from President Kabbah's reshuffle of 21 November 1996. The composition of the War Council in Exile was heard from a variety of sources, including: TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003; M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters,

Chairman R. E. S. Lagawo	Chief Adviser to the President
Dr. Prince Harding	Minister of Mineral Resources
Shirley Gbujama	Minister of Foreign Affairs
Momoh Pujeh	Deputy Minister of Finance
Dr. Harry Will	Minister of Agriculture, Forestry and the Environment
Momodu Koroma	Minister of Presidential Affairs and the Public Service
S. B. Marrah	Leader of the House
T. K. Vandi	SLPP party stalwart
SLPP Consul	The Deputy Ambassador to Guinea
Charles Margai	SLPP party stalwart
Foday M. D. Sesay	Deputy Minister of Health and Sanitation
Mohamed B. Daramy	Deputy Minister of Finance

733. M. S. Dumbuya provided evidence to the Commission based on having attended two meetings of the War Council in Exile during his time in Conakry in August 1997:

> "By the time I went there all these structures were already in place… They had a Council that was responsible for the affairs and the prosecution of the war. It was known as the War Council in Exile. They reported directly to the President; [their objective was] to facilitate the return of Government to Sierra Leone. They invited me to the War Council meeting and I was introduced and so on… Later I went to Base Zero [in Sierra Leone] but that never happened there; I was a member of the War Council only in Conakry."[325]

734. The Commission heard that the War Council sat to deliberate on operational and political elements of the effort to restore the Government. Having lost all control of the SLA and therefore disowned its conventional military forces, the Government concentrated its endeavours on the CDF. Thus the War Council's main concern was to support and direct the operations of the CDF through Chief Hinga Norman. Its attempts to have an active say in the prosecution of the war met with varying degrees of success, however. The War Council's efficacy depended largely on the extent to which its directions converged with Hinga Norman's own views, or where its decisions served his needs.

735. There is considerable evidence to support the impression that the War Council struggled to assert its mandate, particularly over the National Co-ordinator. Hinga Norman did not attend meetings of the War Council in Exile, even when he was in Conakry.[326] Nor did he hold its work in high esteem; thus, according to the testimony from SamForay, the existence and the role of the War Council in Exile merely perpetuated the rifts between the President and Hinga Norman:

> "From President Kabbah's perspective, the War Council was an advisory body which met regularly to discuss ways and means to end the war

Freetown; 21 October 2003; and Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

[325] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

[326] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

through dialogue with the AFRC junta. From Chief Hinga Norman's perspective, the Council was a *tok-tok* organisation (a talking shop) whose main purpose was to carry on endless debates about the war in the safety of the Guest House in Conakry. Hinga Norman and [ECOMOG Chief of Staff in Liberia] General Abdul Aziz Mohamed had little faith in dialogue with the junta and had little or no regard for the War Council, whatever it was [meant to be]."[327]

736. Nonetheless the Commission is able to conclude that the War Council was fully apprised of events that were taking place on the ground in Sierra Leone. The Chairman of the Council, R. E. S. Lagawo, participated personally in multiple telephone conferences organised by SLAM-CDF. The Commission was provided with transcript excerpts of four separate conversations in the months of August and September 1997 alone.[328] In these conferences, information was not only shared through SLAM as a conduit, but also directly divulged to Lagawo by Hinga Norman himself.

737. In another telephone conference whose details were presented by SLAM-CDF, President Kabbah and members of the War Council including Lagawo, Shirley Gbujama and Charles Margai spoke directly with Hinga Norman about the provision of arms to the CDF. Another participant in this conversation was the President's late wife, Mrs. Patricia Kabbah. According to the testimony from SamForay, Mrs. Kabbah addressed Hinga Norman in Mende language during this conversation and confirmed that the CDF had received a consignment of firearms she had sent for them. This consignment was understood to have comprised revolvers or pistols, which were referred to simply as 'short ones'.[329]

738. The Commission has found no evidence to conclude that there was any systemic provision of arms or ammunition to the CDF through its War Council in Exile, but according to SamForay some of its members "often plied the back alleys of the international arms market to acquire arms for the CDF and I was made to believe that they did so at the request and / or [with the] knowledge of the President."[330]

739. The Commission heard that Hinga Norman's presence was frequently requested in Conakry, both by fellow members of the Government and by private groups of supporters who travelled there eager to make contact with him.[331] On at least one occasion he was invited expressly by the War Council to attend one of its meetings in Conakry. While there is no evidence as to whether he subsequently attended the meeting, it is clear that Hinga Norman travelled to Conakry in August 1997. With hindsight the reasons that the War

[327] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[328] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[329] Telephone conference involving SLAM-CDF, Chief Hinga Norman, President Kabbah, Mrs. Patricia Kabbah and various members of the War Council in Exile; 29 July 1997; details given to the Commission by Reverend Alfred M. SamForay.
[330] Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[331] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.

Council and indeed the President insisted on his trip seem to have extended beyond attendance at a meeting into wider issues relating to the management of the war effort.

Hinga Norman's Visit to Conakry in August 1997

740. August and September 1997 in many respects constituted a watershed in the organisation of the CDF's operations at the level of its High Command. Simultaneously, in many parts of Sierra Leone the AFRC junta had turned towards armed confrontation with ECOMOG forces and civil militia groups. Kabbah was anxious to instigate a more decisive plan of action, particularly one which initiated the liberation of Freetown.[332] Thus the time arrived for a decisive resolution on the question of where Hinga Norman should be based as he pursued his programme to mobilise the CDF as part of the restoration force.

741. The sub-regional dynamics of the Sierra Leone conflict again came into play at this juncture. Charles Taylor, who won the Liberian Presidential elections on 19 July 1997, was furious with the presence of Hinga Norman on Liberian territory. According to some Kamajor fighters from the Eastern Province who had fled across the border when the coup took place, Hinga Norman was frequently threatened with assassination attempts ordered directly by Taylor.[333] Others who subsequently joined up with Hinga Norman after his re-entry into Sierra Leone testified that his existence in Liberia was one of perpetual fear:

> "Hinga Norman had a very hard life in Liberia: he could never stay in one place for a long time… So he was sleeping in a certain location for two days, then in a different location for the next two days. All the time he was in the hands of ECOMOG, so Charles Taylor never saw him. But every time they [Taylor's men] heard about him, they sent their bodyguards to get him. It's just fortunate that they failed."[334]

742. President Taylor communicated with President Kabbah in August and September 1997; Kabbah later reported to SLAM-CDF that Taylor had expressed 'concern' about Hinga Norman's activities in Liberia.[335] Specifically, Taylor cited Hinga Norman's connections with the Liberian commander Alhaji Kromah, who headed the ULIMO-K faction. ULIMO-K had fighters in both Liberia and Sierra Leone, who were pitted against Taylor's Government and the AFRC/RUF alliance respectively. Taylor had alleged that Kromah was asking Hinga Norman to provide protection for ULIMO-K fighters in Sierra Leone.[336]

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[332] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[333] TRC Confidential Interviews with members of the Kamajors in the Eastern Province; interviews conducted in Kenema District; 12 to 16 July 2003.
[334] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[335] Telephone conference between members of SLAM-CDF and President Kabbah, 9 September 1997; details given to Commission by Reverend Alfred M. Sam Foray.
[336] Telephone conference between members of SLAM-CDF and War Council Chairman R. E. S. Lagawo, 20 September 1997; details given to the Commission by Reverend Alfred M. Sam Foray.

743. There is no evidence that President Kabbah made any assurances to President Charles Taylor in response to the latter's allegations. Nevertheless, shortly after having spoken with Taylor, Kabbah reported to SLAM-CDF that he had advised Hinga Norman to cease operating on Liberian territory.[337] The President's direction to Hinga Norman was framed as a choice between staying with the rest of the Cabinet in Conakry or proceeding immediately across the border into Sierra Leone. In other words, Kabbah sought to condition Hinga Norman's movements and, specifically, to have him move from his base in Liberia.

744. The events that enveloped around Chief Hinga Norman in Conakry on his visit there in August and September 1997 soon ruled out any viable prospect of his staying with the rest of the Cabinet. Hinga Norman travelled to Conakry on 14 August 1997 upon the insistence of President Kabbah and various members of the War Council in Exile.[338]

745. The nature of Hinga Norman's trip was described to the Commission as 'clandestine',[339] whereby CDF fighters in Liberia were not told of its destination or purpose.[340] On the day of his arrival, Hinga Norman was given an unspecified 'mission' by the President, which entailed his remaining in Conakry for approximately one month.[341] It is uncertain what the mission was and whether the 'mission' in question was ever completed. According to SamForay's understanding, the trip was organised on false pretences, in connection with the courting of Tom Nyuma described above:

> "I later learned that the real reason [why] President Kabbah was so anxious to bring Hinga Norman and Nyuma to Conakry [at the same time] was to replace Hinga Norman as head of the CDF with Colonel Nyuma."[342]

746. According to SamForay, Hinga Norman later confided to members of SLAM-CDF that his passport had been temporarily confiscated from him by Momodu Koroma and was only returned to him when he threatened Koroma with physical force.[343] The details of this version of events were disputed by

[337] Telephone conference between members of SLAM-CDF and President Kabbah, 9 September 1997; details given to the Commission by Reverend Alfred M. Sam Foray.
[338] Transcript excerpts from a telephone conference involving SLAM-CDF, Chief Hinga Norman, President Kabbah, Lady Patricia Kabbah and various members of the War Council in Exile; 29 July 1997; details given to Commission by Reverend Alfred M. Sam Foray.
[339] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[340] TRC Confidential Interviews with members of the Kamajors in the Eastern Province; interviews conducted in Kenema District; 12 to 16 July 2003.
[341] Transcript excerpts from a telephone conference involving SLAM-CDF, Chief Hinga Norman, President Kabbah, Lady Patricia Kabbah and various members of the War Council in Exile; telephone conference held on 29 July 1997; details given to the Commission by Reverend Alfred M. Sam Foray.
[342] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[343] Transcript recollections from a telephone conference involving SLAM-CDF and Chief Hinga Norman; details of conversation given to Commission by Reverend Alfred M. SamForay.

Momodu Koroma, who claimed in his testimony to the Commission that no such plot to replace Hinga Norman was ever hatched.[344]

747. In any case, President Kabbah's attempt to gain a tighter grip of the CDF had been presented to Hinga Norman in the form of two options: the National Co-ordinator should remain in Conakry and direct the movement from a distance; or he should cross the border from Liberia into Sierra Leone and stay permanently on Sierra Leonean territory thereafter.[345]

748. Hinga Norman opposed both of these options on practical grounds.[346] On the one hand he could not remain in Guinea because he would become too detached and distanced from the fighters on the ground. On the other hand he could not relocate permanently into Sierra Leone because he required access to his international channels in Liberia in order to be able to secure logistical support.

749. In the end Hinga Norman decided to move back into Sierra Leone, but he did not do so on the terms laid down to him by President Kabbah; on the contrary he would continue to visit Liberia frequently. The upshot of Hinga Norman's trip to Conakry was that he returned to his hide-out in Liberia, harbouring deep-lying reservations about the strategies of those he was supposed to be working with on the restoration effort. According to SamForay, Hinga Norman departed Guinea embittered, without taking formal leave of the President or the War Council in Exile.[347]

Hampering the Government's Management of the War Effort

750. The struggle to dislodge the AFRC junta from power had begun in earnest with a lingering grudge: the Deputy Minister of Defence was at loggerheads with his Commander-in-Chief over the latter's failure to pay heed to warnings of the 25 May 1997 coup.[348] As the efforts towards restoration entered their operational phase, the relationship between Kabbah and Hinga Norman had been further soured. The Commission was provided several examples to illustrate the resultant impact: that their mutual distrust hampered their joint management of the war effort.

751. Hinga Norman petitioned President Kabbah to allow the CDF to mine and trade diamonds in order to support their efforts in the war. Hinga Norman's proposal was for the CDF to take a portion of the profits from the alluvial diamond pits around Tongo Field, Kenema District. President Kabbah later explained to

[344] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[345] Transcript excerpts from a telephone conversation between SLAM-CDF and President Kabbah; conversation held on 9 September 1997; details given to the Commission by Reverend Alfred M. SamForay.
[346] Transcript recollections from telephone conversations between SLAM-CDF and Chief Hinga Norman; details given to the Commission by Reverend Alfred M. SamForay.
[347] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[348] Transcript excerpts from a telephone conversation between SLAM-CDF and Chief Hinga Norman; conversation held on 7 October 1997; details given to the Commission by Reverend Alfred M. SamForay.

SLAM-CDF that he had rejected the proposal on the basis that "he did not want to mortgage the country."[349]

752. Hinga Norman of course saw it differently; he took Kabbah's response as further evidence of the detachment and insensitivity of the Government.[350] Moreover, CDF fighters testified that they went on to mine in Tongo regardless and to exchange the diamonds they found with Lebanese and Fullah 'middle-men'.[351]

753. On a separate occasion President Kabbah was said to have "asked [Hinga] Norman to send Kamajors to the North to initiate the liberation of Freetown."[352] According to Reverend SamForay, Hinga Norman vetoed the request on the premise that "units of the CDF were only allowed to fight in their respective ethnic and geographic areas."[353]

754. Subsequent events would prove that Hinga Norman was not as committed to this principle as he might have suggested: Kamajors frequently fought outside of the South and East upon the National Co-ordinator's return to Sierra Leone. Hinga Norman's refusal in this instance appeared instead to be an assertion of his prerogative to direct ground movements of the Kamajors as he saw fit, in spite of the President's promptings.

755. Disagreements like these set the tone for management of the CDF during the Government's period in exile. Chief Hinga Norman retained practical autonomy over the day-to-day operations of the CDF on the ground. President Kabbah controlled the institutional workings of the CDF and the purse strings on the monies it received from central Government. Neither party was entirely satisfied with these arrangements, as candid testimonies from their associates attest.[354]

756. Nevertheless President Kabbah ensured that he retained intimacy with the operations of the CDF during his period in exile. According to the Secretary-General of SLAM-CDF, the very rationale behind the telephone conferences his organisation administered was for Kabbah retain a firm finger on the pulse:

> "The President set up a regular session which began at 6.00 a.m. (US Eastern Standard Time) two to three days a week, at which time we [SLAM-CDF] would make a three-way conference call between himself

[349] Transcript recollections from a telephone conference involving SLAM-CDF and President Kabbah; details of conversation given to the Commission by Reverend Alfred M. SamForay.
[350] Transcript recollections from a telephone conference involving SLAM-CDF and Chief Hinga Norman; telephone conference held on 7 October 1997; details given to the Commission by Reverend Alfred M. SamForay.
[351] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[352] Transcript recollections from a telephone conference involving SLAM-CDF and Chief Hinga Norman; telephone conference held on 7 October 1997; details given to the Commission by Reverend Alfred M. SamForay.
[353] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[354] See, *inter alia*, Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003; and M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

> [Kabbah] in Conakry and Chief Hinga Norman in Monrovia. These weekly sessions lasted almost throughout the period of time the President was in exile in Guinea. The general purpose of these sessions was to allow President Kabbah and Chief Hinga Norman to discuss plans for restoration of democracy in Sierra Leone and general security issues."[355]

757. The president nevertheless spoke to his associates in a fashion that betrayed his naivety about the conduct of unconventional military operations.[356] At crucial moments he had been found lacking in vigilance and foresight, as the AFRC coup had proved.[357] He also failed to understand what was feasible in the conditions that prevailed. Hence he advocated for a Kamajor assault on Freetown within months of the coup, when in reality the Kamajors on the ground scarcely had the logistics to defend their own villages.[358]

758. Hinga Norman, meanwhile, used his geographical and conceptual detachment from the Government to establish positions and plans that did not involve the President or the War Council in their making.[359] He gave field updates when called upon to do so by SLAM-CDF. Senior Kamajors who testified to the Commission said that they knew the relationship between the Commander-in-Chief and his Deputy to be perpetually "tense."[360]

759. Kabbah and Hinga Norman engaged in a struggle for ascendancy that had profound short-term and long-term ramifications. It not only detracted from the efficacy of their joint prosecution of the war, it also raised vital questions about accountability at the heart of the Government that the Commission has addressed at the end of this chapter.

[355] Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[356] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[357] See section on the Motivations and Makings of the AFRC Coup.
[358] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[359] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[360] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.

ACTIVITIES TOWARDS THE ADVANCEMENT OF THE RESISTANCE EFFORT ON THE GROUND

Reactions to the Coup of 25 May 1997

760. The Commission heard that the military coup of 25 May 1997 was greeted with horror by supporters of the SLPP Government on the ground. The Kamajors and other members of the Civil Defence Forces (CDF) construed themselves to be among the foremost targets of potential AFRC violence.[361] For its part, the AFRC leadership issued a highly ambiguous statement as to the status of pre-existing fighting forces in Sierra Leone. Johnny Paul Koroma's words were that the AFRC would welcome its enemies to come forward and join a united Army, but that he didn't want to see or hear anything more of the Kamajors.

761. The CDF membership interpreted Johnny Paul Koroma's statement as a thinly-veiled threat towards its militiamen, which effectively forced them to go into hiding in fear of their lives. Hassan Jalloh, one of the most prominent ground commanders in the Pujehun District, recalled the immediate disdain with which the announcement to the nation was greeted:

> "We were not able to tell exactly what the man meant by dropping us and calling the rebels to join him. Johnny Paul Koroma made a particular reference that he didn't want to hear about that name 'Kamajors' again. We were made to feel that our lives were endangered.
>
> […] Let's just assume when he took over the Government of Sierra Leone that he could have called all [of us] together as one – CDF, RUF to come down from the bush and do one thing for the state. Then we might have worked out what we needed to do together. But instead he said he didn't want to see us. So we knew he was coming to bring more fighting or revolution in Sierra Leone."[362]

762. Other Kamajors also understood the message from the AFRC to be overtly hostile. Joseph A. S. Koroma, a senior commander in the Southern Province and an early initiate into the Kamajor Society, told the Commission of the gravity of this situation:

> "It was while we were still on that fight protecting our villages that we heard about the overthrow of the Government. After the overthrow, the newly-instated junta who took over Government declared that they didn't even want to see any signs of Kamajors. Then we started to see it in their actions; they were out to kill us. They wanted to eliminate the whole *Kamajoisia*. It was certainly not a laughing matter."[363]

[361] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[362] Al-Hassan W. Jalloh, former Kamajor and Battalion Commander for the Civil Defence Forces; TRC Interview conducted in Freetown; 06 August 2003.
[363] Joseph A. S. Koroma, former National Director of Operations for the CDF; testimony before Commission Public Hearings held in Pujehun Town, Pujehun District; 24 June 2003.

763. Such testimonies ran somewhat contrary to the evidence given by members of the AFRC and RUF. In retrospect both of these factions averred that their counterparts in the CDF were called forward to forge a permanent peace among all the warring factions on an equal basis. Both of them further alleged that the CDF outrightly rejected the proposal. One soldier told the Commission about this offer in the following terms:

> "We also called the CDF to come peacefully; [but] they refused to join us. It was not that we wanted to disarm them, just to let them join us. For the sake of peace, we just decided to put all the past behind us to welcome them too as brothers."[364]

764. In the context of the foregoing clashes between the CDF and the Sierra Leone Army, any retrospective suggestion that an alliance of the two was possible is totally misplaced. The unresolved violence had left no room for fraternal sentiment between these two armed camps; on the contrary there was still rampant antipathy on both sides.

765. The rank and file of the Army was deeply embittered and enraged by the CDF. Many SLA men, whom soldiers referred to in testimony as their "brothers," had been killed at the hands of the Kamajors. Soldiers perceived the Kamajors as a body created purposely to undermine them: after all, senior Ministers had publicly spoken out in support of the Kamajors and to the belittlement of the SLA. They also suspected that their reduced rations were attributable to the Government's favouritism of the Kamajors in terms of financial and moral support.

766. The men who led the action on 25 May 1997 clearly shared these sentiments and had cited the Government's 'biased' handling of the Kamajors as one of the injustices they wanted to avenge. Abu Sankoh (alias "Zagallo"), one of the SLA Sergeants who spearheaded the coup, later explained this to the Sierra Leone Police:

> "The issue of the Kamajors was another thing that finally discouraged us the soldiers under the regime of the SLPP. It reached a stage when the Kamajors turned their guns against us and soldiers were now being killed by Kamajors. The reason behind this was simply because the Kamajors as a Civil Defence Unit tried to equate their standing in the Government to ours and [they] now treated us as if they thought we were no more the Constitutional Army of Sierra Leone. It came to a time that when a Kamajor killed a soldier no action would be taken by the authorities; but when a soldier killed a Kamajor that soldier will definitely be taken to Pademba Road Prisons."[365]

767. The particular soldiers who had been detained in Pademba Road Prison harboured deep-lying personal grudges. Potentially several hundred of them were released during the jailbreak of 25 May 1997 and allied themselves with the AFRC. According to evidence received from soldiers, the majority of these prisoners were there as a result of their part in clashes with the CDF:

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[364] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC; interview conducted in Freetown; 17 October 2003.

[365] Alfred Abu Sankoh (alias "Zagallo"), former Sergeant in the Sierra Leone Army and one of the seventeen coup leaders of the AFRC coup of May 1997 (subsequently executed after Court Martial proceedings); statement given to the Sierra Leone Police Force at Defence Headquarters, State Avenue, Freetown; 27 to 31 March 1998.

> "When they broke out everybody [from] inside the prisons… there were so many of our brothers in there without charge. Instead of investigating what had really happened with the Kamajors in the South, we found out that they had just put the soldiers in Pademba Road and left them there."[366]

768. These aggrieved soldiers carried vengeful feelings with them into service under the AFRC. There was also a clear empathy with their plight among those who had carried out the coup. Above all the new Chairman of the AFRC, Johnny Paul Koroma, had been in prison at the same time as them, albeit on charges unrelated. In short, the prevailing collective sentiment in the SLA towards the Kamajors was one of hatred. Thus those testimonies that suggest the AFRC issued an 'invitation' to the CDF to come forward must be regarded as disingenuous.

769. The Commission finds it inconceivable with hindsight that the two factions could possibly have co-existed harmoniously in the wake of the coup. The AFRC's ulterior motive of neutralising its main domestic challenger was all too obvious; the CDF in any case would not stand for a change in the Government that had brought it into being. Thus at the point where the AFRC seized power, the two sides entrenched their opposing positions and immediately began spoiling for the fight that lay ahead.

770. The Commission heard from a variety of CDF members and SLPP loyalists that they had no choice but to go into hiding when the military junta started to take over the major towns.[367] Inevitably the places that were most closely identified with the SLPP Government were in the Mende heartlands of the South and East. These were also the areas in which the majority of Kamajors were based. Hence they became the prime targets of the AFRC.

771. The AFRC and RUF quickly occupied the Southern and Eastern Regional Headquarter Towns of Bo and Kenema. The presence of AFRC soldiers and RUF commandos in the towns gave rise to legitimate fears on the part of Kamajors and prominent community figureheads that they would be killed in a witch hunt. Some of them therefore moved out of their homes and into 'safe houses' belonging to friends or relatives.[368] Others cooped themselves up in underground cellars; others again established makeshift dwellings in the bush. Large numbers escaped to their villages and plantations in rural parts of the country.

772. The Commission heard that many of these people were eager to engage in some form of organised resistance against the AFRC. The major obstacle to effective resistance was the absence of any viable co-ordination structure, which prevented meaningful mobilisation of manpower or logistics. The flow of information from the Government in Exile dried up in the first few months after

[366] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC; interview conducted in Freetown; 17 October 2003.
[367] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[368] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

the coup. Thus, its supporters on the ground were forced to begin their resistance activities surreptitiously.

Emergence of the Movement for the Restoration of Democracy (MRD)

773. `The name given to the overall resistance against the AFRC in 1997 was the 'Movement for the Restoration of Democracy' (MRD). To a great extent, MRD was a public proxy for the CDF, whose activities were supposed to be kept as a tightly-guarded secret while they were operating under the noses of the junta. Nevertheless, as one senior CDF member from Bo District testified, there were also added dimensions to the resistance:

> "MRD was really a name for everybody who was not supporting the AFRC junta. All of us were members, but those who did not join the CDF as Kamajors joined the MRD. While the Kamajors were in the bush, they [the civilian MRD] were in the towns. They were also in Conakry; and everywhere else where there were Sierra Leoneans in exile; they were there – MRD. They were playing a very important role to promote democracy, to show the international community that we were not supporting the junta Government. In fact the MRD made the AFRC to become very unpopular." [369]

774. Accordingly, some MRD members attended AFRC meetings 'undercover' in towns like Freetown, Bo and Kenema in order to gather information on the plans of the soldiers. Others assisted the groups of Kamajors in different Districts to keep in touch by relaying information through messenger boys or traders. They also provided food for the Kamajors and other key civilian organisers in their areas, trying to remain incognito and out of the reach of the AFRC.

775. During these early resistance actitivities, it was generally agreed among participants in the MRD that the catalyst they were waiting for was news of the whereabouts of Chief Samuel Hinga Norman. All over the South and East, Hinga Norman was expected to mount a concerted campaign to oust the junta in his capacity as the Deputy Minister of Defence and National Co-ordinator of the CDF. One senior member of the CDF described to the Commission why Hinga Norman's presence on the ground was seen to be so important to the launch of an armed resistance:

> "Upon hearing of the overthrow of the Government, all the Kamajors left the town; they went into the suburbs. So we were asking ourselves how we could contact these people, so that we would be able to join up with them… But Hinga Norman who had been the head of these vigilantes [and] who had been training us was not there.
>
> All our Districts were becoming vulnerable because we had no co-ordination of Kamajors. Particularly in the big towns like Bo, we who were left here were vulnerable, because a good number of the Kamajors had gone to the outskirts of their Chiefdoms… We came together and we started sending people into the areas where the Kamajors were based, in order to organise them – I was the liaison officer for that particular operation. But we were looking out for Hinga Norman to

[369] TRC Confidential Interview with former Member of the CDF War Council at Base Zero; interview conducted in Bo Town, Bo District; 10 August 2003.

co-ordinate with him properly so that we would be able to get rid of these people and bring back our elected Government."[370]

776. The Commission heard from several individuals who were involved in active efforts to trace and link with the CDF National Co-ordinator. Among the elders of the Bo District, where Hinga Norman had been a Regent Chief and where support for him was undoubtedly at its strongest, a proposal emerged to send representatives to Conakry, Guinea. This delegation left in September 1997.[371] Although Hinga Norman was actually in Liberia at the time, one of these representatives testified that their trip to Guinea enabled them to establish common purpose with the Government in Exile:

> "I was one of the delegates that led the delegation to Guinea; two of us went there… We went to Conakry in search of Chief Norman but we could not find him there; still we were able to stay there for quite a good time – about a month.
>
> We spoke with Ministers and Members of Parliament who were based there in Conakry; indeed we achieved our aim, which was to prepare some documents, work out what we needed to do in order to get these people [the AFRC junta] out of power. Eventually we returned here [to Sierra Leone] without getting Chief Norman."[372]

Original Assembly Points of the Movement for the Restoration of Democracy

777. While the members of the Movement for the Restoration of Democracy in the Bo District were therefore somewhat slow in getting off the ground, the same could not be said for their counterparts to the South and to the East. Indeed, in accordance with the general trends in civil defence that persisted throughout the conflict, there were subtle differences in the experiences recounted to the Commission from people in different parts of the country.

778. It is apparent that the Kamajors of the two Southern coastal Districts, Bonthe and Pujehun, were the most successful in organising themselves in the early months of the resistance. For the people of Bonthe, the period of junta rule was seen as an extension of the adversity they had faced in the preceding three years whilst continually repelling the RUF. There had already developed a siege mentality among the civil militiamen, particularly after the genesis of the Kamajor Society that had taken place there in 1996.

779. A core of Kamajors who were defending their local community in Tihun, Sogbini Chiefdom had established a stronghold that they regarded as impenetrable to potential attackers. The area in question is essentially marshland, dotted with creeks, rivers, lakes and streams. Much of it is only traversable by boat when the water level is high, especially during the rainy

[370] TRC Confidential Interview with former Member of the CDF War Council at Base Zero; interview conducted in Bo Town, Bo District; 10 August 2003.
[371] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[372] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Samuel Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.

season. The people living in the settlements built on the inhabitable higher ground generally refer to themselves as islanders. According to Joseph A. S. Koroma, Tihun became a perishing point for RUF assailants and a base in which all the inhabitants of the area could feel secure:

> "While our people were based there at Tihun, the island was our weapon – our best form of defence. We wouldn't allow our island to be infiltrated by the rebels; we prevented them from coming there. If in the event that one of them made it there, they would not come back again.
>
> […] We continued in that manner until we became really strong men in 'the game'. We could move far away from our base and settle elsewhere, but whenever the rebels threatened our base at Tihun we would come back and drive them away… I'm telling you the facts: I've already told you several times that we had a most potent weapon in the form of our island; our gun was the river surrounding us. We were untouchable on our island.
>
> […] Eventually we had succeeded in flushing all the rebels out; in fact there was not a single rebel on the ground in our area of control."[373]

780. The Kamajor stronghold at Tihun earned its codename from the concept that 'not a single rebel on the ground' could encroach on the base: it was the original 'Base Zero'.

781. Meanwhile CDF members from across the Southern Districts had begun to converge in the Pujehun District. Many of them had set out on their journeys with the original intention of crossing into Liberia to seek refuge from attack and a means of regrouping there. However, a CDF base was established in Gendema, Soro Gbema Chiefdom, within a fortnight of the coup. The Commission heard from Al-Hassan W. Jalloh, a prominent Kamajor in the Pujehun District, that Gendema was the crucial first assembly point for the CDF and a launch pad for early warning raids on enemy positions:

> "I can tell you it was 6 June in 1997 when we opened Gendema Base… Gendema Base was the first base of the Kamajors and the CDF for the 'junta war'. It was created for Kamajors, so that whosoever would find his way to Gendema, [it] meant that he was saved… We did not say 'we are coming to build this base in order to fight for Sierra Leone or to fight for revolution in Sierra Leone'. We only found the place there because it was the last station on the way to Liberia.
>
> While we were there, we were grouping ourselves; moving down to the bases of other fighters like the AFRC junta and the rebels, to attack them; so that they would know that we ourselves were ready to fight. This was how we gained that base. It became a permanent base for disrupting the junta forces."[374]

[373] Joseph A. S. Koroma, former National Director of Operations for the CDF; testimony before Commission Public Hearings held in Pujehun Town, Pujehun District; 24 June 2003.
[374] Al-Hassan W. Jalloh, former Kamajor and Battalion Commander for the Civil Defence Forces; TRC Interview conducted in Freetown; 06 August 2003.

782. The location of the Kamajor base at Gendema was afforded added importance because of its close proximity to the Army barracks at Zimmi, Makpele Chiefdom. The soldiers in Zimmi and the Kamajors at Gendema were reported to have attacked one another's positions frequently in the first few months of junta rule. Neither side was able to gain a decisive upper hand. Instead they engaged in a see-saw battle, inflicting casualties on both contingents. As one of Kamajors involved in some of the battles for Zimmi testified, there was a distinct volatility to the situation there:

> "We launched our attacks on Zimmi Township but we were unsuccessful in capturing the place properly. Some of our people were killed and at the same time we killed some of them. If we had just sat down alone and waited at that point for more than a few days, then their reinforcements would have come and they would have captured us. So instead we retreated to our base."[375]

783. The Commission heard that Chief Hinga Norman monitored the early fluctuations in the Pujehun District closely during his original personal exile in Monrovia. The first major encroachment of Kamajor fighting forces into AFRC-held territory was a raid on Zimmi in the final days of July 1997. Hinga Norman had conveyed details of this operation to President Kabbah in two separate conversations: first through his secretary on 29 July 1997; then to him in a personal conversation on 2 August 1997.[376] Both parties appeared to regard the raid as a harbinger of further military operations; in a transcript excerpt from the latter conversation, President Kabbah's reaction to news of the capture of Zimmi was recorded simply as: "Congratulations, Chief Norman."

784. The President's laudatory tone was somewhat premature, however. The Kamajors were repeatedly dislodged from Zimmi on each occasion they made ostensible gains in these early skirmishes. Thus the fighters based at Gendema developed a similarly backs-to-the-wall attitude to the one maintained by their counterparts on 'Base Zero' in Tihun. One of the Kamajor commanders who came to Gendema from elsewhere in the South described the impact on the will of his fighters as follows:

> "After a while we realised that the whole of loyal Sierra Leone had been reduced down to the area of Gendema. My fighters and I resolved not to accept rule by these junta boys; we decided that we would not stand for such a state of affairs any longer. That was the point at which all of us regrouped and vowed to start the war afresh… We fought the war with renewed strength; it was fiercer than the one we had started earlier."[377]

785. Accordingly, knowledge of these two strategic bases began to spread among the members of the Movement for the Restoration of Democracy across the Southern and Eastern Provinces. Pre-existing civil militia groups from Bo, Moyamba, Kenema and Kailahun Districts began to divide themselves into 'defensive' and 'offensive' units: the former would stay in their villages to protect them against possible raids by AFRC or RUF forces, while the latter

[375] TRC Confidential Interviews with former Kamajor combatants in the Pujehun and Kenema Districts; interviews conducted between July and September 2003.
[376] Transcript excerpts from two telephone conferences, involving SLAM-CDF, Chief Hinga Norman, President Kabbah and the Presidential Secretary, Isatu; telephone conferences held on 29 July 1997 and 2 August 1997; details given to the Commission by Reverend Alfred M. Sam Foray.
[377] TRC Confidential Interviews with former Kamajor combatants in the Pujehun and Kenema Districts; interviews conducted between July and September 2003.

headed for Bonthe or Pujehun to seek common co-ordination with other Kamajors and a potential link-up with Chief Hinga Norman. A senior CDF member from Bo District described his own part in this movement of manpower in October 1997:

> "We heard that Chief Norman usually came to Gendema, but with the situation at that time, nobody could walk on these roads except if you have a paper [pass] from the AFRC; you know they were very 'tense'. So we decided to say: 'Okay, how do we go to this place?' There was no vehicle, so we took the Tikonko Road by-pass and headed for Tihun (Sogbini) to cross the river to go to Gendema.
>
> Fortunately, as we arrived at Tihun, which was at that time called 'Base Zero', we learnt that Chief Norman usually came to that place too; and he was [due to be] coming in two days' time, so we stayed there… So that was how we contacted Base Zero. We were there up to two days and two nights, then Chief Norman came. Now we told him all about what was happening in Bo. AFRC had been with our people and in the surroundings. So we were there [from that point], going and coming, planning how to put all our efforts together to take these people out of power."[378]

786. Hinga Norman, who by that time had returned from his visit to Conakry, was in fact shuttling between the bases in Gendema and Tihun, while retaining a preserve in Liberia at the ECOMOG base. According to other Kamajor commanders, Hinga Norman gauged the nascent trends of activity across the South and East as the first step towards mobilisation against the AFRC.[379]

787. In order to embolden the masses and to signal the intent of the Kamajors to fight, it was decided that an announcement should be made over the international media. Thus, the Commission heard testimony from Al-Hassan Jalloh that in October 1997, the Kamajors set out their stall in the following manner:

> "It was in the hands of our spokesman at that time, Eddie Massallay. We instructed him that he would vow to fight over the BBC; so it happened when [BBC correspondent] Jonathan Paye-Layleh came to our Gendema Base to interview us. We said to him that we the CDF in Sierra Leone do not recognise the Government of the AFRC and we will never allow them to work in this state. So [Massallay said]: 'We will 'rush' them and we will follow them until they will all get lost into the sea'."[380]

[378] TRC Confidential Interview with former Member of the CDF War Council at Base Zero; interview conducted in Bo Town, Bo District; 10 August 2003.
[379] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[380] Al-Hassan W. Jalloh, former Kamajor and Battalion Commander for the Civil Defence Forces; TRC Interview conducted in Freetown; 06 August 2003.

MOBILISATION OF THE KAMAJORS AS AN ATTACKING FORCE IN THE RESTORATION OF DEMOCRACY

788. The newly-proclaimed stance added an attacking dimension to the Movement for the Restoration of Democracy. In spite of the diplomatic efforts being undertaken by ECOWAS towards the Conakry Peace Plan, the Government in Exile, through its agent and Deputy Minister of Defence Chief Sam Hinga Norman, had opted for a military-driven restoration effort.

789. The Commission heard several testimonies that spoke of a meeting of the joint CDF-ECOMOG 'Planning Committee'. This Committee convened both in Liberia and in Gendema to agree upon the modalities of joint military operations.

790. The Planning Committee decided upon a two-pronged approach to the CDF's involvement in the restoration effort. From Gendema Base, Pujehun District, Kamajors of the Pujehun, Kenema and Kailahun Districts would lend infantry support to ECOMOG in its efforts to liberate the Eastern Regional Headquarter Town of Kenema. From Base Zero, Bonthe District, Kamajors of the Bonthe, Moyamba and Bo Districts would accompany

791. As the MRD transformed into an armed struggle against the AFRC, Chief Hinga Norman selected a new site to become the hallowed turf of the Kamajor Society. In this regard, the Commission heard again that rites and ceremonies were in fact ordained by human instruction. The traditions of peace-time secret societies through the ages were done a terrible disservice by the cruel and aggressive interpretation they were given by Hinga Norman and the initiating cadre. The town of Talia, Yawbeko Chiefdom in Bonthe District was chosen to accommodate the massed ranks of the Kamajors. The name given to the new stronghold was cribbed from its predecessor base in Tihun, slightly to its north: '**Base Zero**'.

Organisation and Conduct of Training at the New 'Base Zero'

792. The new Base Zero was sited at Talia, Yawbeko Chiefdom, Bonthe District. It was situated in a clearing among the forested swamplands of Sierra Leone's coast, which offered protection from ground attack. Here a massive new camp was to be built for the training of the Kamajor fighters and the direction of the war effort. Chief Hinga Norman assumed effective command and control.

> "Whatever building we might see around us, we were ordered to destroy and demolish it; Hinga Norman's instruction was that even if a school should be destroyed, no worry."[381]

793. As news of the establishment of the new base spread, Kamajor fighters and many leaders in the communities of the south and east sought to go to Base Zero to join up with the efforts to liberate the country from military rule.

> "Almost the entire South of the country was converting to the Kamajors – Kondewah managed to assemble a huge number of men in a very short

[381] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 5 June 2003.

space of time; the speed with which enlistment was being carried out grew exponentially over time."[382]

794. From Base Zero, Chief Norman began immediately directing operations, sending Kamajor fighters out to engage the AFRC/RUF in pitched battles. According to many of the young men at Base Zero, there was very poor planning and coordination going on. They didn't have much confidence that the movement would survive for long if they continued with Chief Norman's style of managing the war effort. Many of the supporters of the elected government were in hiding in the bushes around their home communities. Some of them like Alhaji Daramy-Rogers established their own form of communication with the government in exile and the team at Base Zero. He testified to the Commission that he sent "emissaries to both Conakry and to Talia, Base Zero, where Norman was."

> "I was the main link, because I had some money. I was financing young men to go to Guinea and then sending them also with that information to Base Zero." These young men were undoubtedly engaged in a perilous exercise, since travelling anywhere under the noses of the junta was highly dangerous – "when you send those boys and they don't come back, I can't sleep. I was not only there: I was co-ordinating things with top people."[383]

795. The young men at Base Zero apprised Alhaji Daramy-Rogers of the need for him to join those at base Zero, " we would want you to join Hinga Norman; we don't think he's doing much in terms of planning – it would be better for you to go to Base Zero and join him there."

796. Many of the elders and chiefs who wanted to join the war effort were also making their way to Base Zero. It was certainly not easy to get from Bo to Bonthe during the period of junta rule, and it was particularly difficult to get to Talia because of the nature of the operation that was based there.

> "Several times I dressed as a woman, until we were sure that I could not be recognised as a male. Then I rode on the back of a motorbike to somewhere near to Bumpeh and made the rest of the journey on foot."[384]

797. Long trips on foot were commonplace for the committed members of the communities of the South and East who wanted to make it to Base Zero.

798. Alhaji Daramy-Rogers enjoyed a very friendly relationship with Hinga Norman – he had given two shotguns to Chief Norman upon the latter's assumption of chieftaincy in Jaiama Bongo – the two men saw themselves at the outset as political affiliates, native "brothers", fellow elders and friends. But Daramy-Rogers was also particularly close to the President. He presented himself to

[382] TRC Confidential Interview with a member of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interview conducted in Pujehun District; July 2003.
[383] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[384] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

the Commission as a supporter of the Government in general and was eager to see democracy win over the junta.

799. The base was indisputably well protected. For Daramy-Rogers, arriving at Base Zero did not pose any particular problems – "they had got the news that I was coming". He was therefore warmly welcomed by Chief Norman and the others.

800. There were also many paramount and other chiefs as well as elders at Base Zero. The problems at the base quickly became apparent to them. According to Daramy-Rogers:

> "Base Zero now had made itself into a demi-God. There were very dangerous commands in it… they would sing war-songs; and they don't see any positive role in organising the boys. They just initiate them; first of all he would try for them to get guns to engage the AFRC; sometimes they are ill-equipped and he sends them. You know, in the process they kill them … so nothing was properly organised there; and we lose a lot of boys from Base Zero. That was actually what we were doing. It made me worried. Especially when they attacked Koribondo, on two occasions, the men were not equipped – so how can they face them [a professional Army]?"[385]

801. Chief Norman apparently placed a lot of trust and confidence in his initiators to develop a set of fighters who needed minimum or no training to be able to do battle with the RUF/AFRC troops. The chief initiator, the High Priest Allieu Kondewah was described to the Commission as:

> "a drunkard; a dancer; a gambler; a herbalist; a man with magical powers."[386]

Although he had no ostensible connections to the SLPP Government, Kondewah was apparently highly valued by members of the administration and was initially taken off into exile with the President when the overthrow by the AFRC took place.[387]

The Act of Initiation into the Kamajor Society

802. High Priest Kondewah with his assistants, Kamoh Brimah and Kamoh Lahai, established an initiation ceremony that promised "bullet proof' protection to the combatants in battle. The initiation contained a lot of rituals, including cannibalism as well as a fearful outing in a grave yard at night that served to create some mysticism around the process. The act of initiation was derived from traditional ceremonies associated with secret societies in Sierra Leone. They were perverted and manipulated by the initiators to achieve the aims of institutionalisation and whatever other purposes they had.

[385] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[386] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 5 June 2003.
[387] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 5 June 2003.

803. The acts of cannibalism at Base Zero came as a rude shock to some of the elders and chiefs gathered there:

> "At one stage a boy even woke me up and said: 'Alhaji you are sleeping… that's why you don't even know what is happening here… Do you know that we're doing cannibalism here?.. If you don't believe, I will take you secretly to see everything… we have pans (banda in Mende); you go there, they put the chops to dry; one day I will take you there.' I was afraid – I never imagined that a human being can 'chop' [eat] another human being. I didn't solicit it; he came by himself as a true confession to me. I didn't sleep the whole night."[388]

804. After the initiation, the potency of the ritual was usually tested with the firing of a "loaded" gun at the initiate. The bullet either hit the person and fell to the ground, or completely went off target. This was followed with loud chants to demonstrate that the initiation had indeed been successful. All the persons present at Base Zero were then requested to undergo initiation. In September 1997, an initiation ceremony was organised for all of them, including the paramount chiefs and elders. It was only subsequently that they came to know that the tasty dish they consumed as part of the initiation ceremony contained human flesh. Alhaji Daramy Rogers considers the avowed powers conferred by the initiation as a hoax.

> "I went into that society – but it's not even true that you have charms that can make you bullet-proof. He [Hinga Norman] believed that; and that was how they were killing innocent children because of that."
>
> And besides that, if they say they should test you, when they are testing you… a lot of people used to die. It's all deception. Sometimes, if they want you to believe, they'd remove all the shells – all the pillets [the cartridges and their casing] – from these shotguns that we use. So they'd remove the bits, close it, to make it appear real… and believe me, if you shoot it, it will be as loud as just the actual thing."
>
> It was [a fraudulent conspiracy] and that was our worry. If you do that to one or two people then they will say it is true. But to say that there was any charm? To be very frank, from the word go I did not believe that. I could not stand to be shot, believing that I have some charm that could make me invincible."[389]

805. To discerning minds, the initiation ceremony was a cleverly manipulated process that duped the mass of the membership into believing that they were the chosen ones blessed by the gods and ancestors to liberate their people:

> "I will be telling you a lot of things that happened there. It was all about believing… If you make a man's mind, then you can make him feel that something has happened when in fact it does not exist.

[388] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[389] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

> There was nothing like magical powers; nothing like magical powers… They used basic deception to win people over."[390]

806. The process of initiation and the powers it supposedly conferred elevated the status of the initiators among the Kamajors. They became extremely powerful.

> "Why one cannot divorce the initiators from the Co-ordinator is because of their relationship; because, to be very frank, the relationship was so cordial that 'they never do bad'… if you correct them, it angers him. And what I found out, deliberately in my mind, was that he was very superstitious; and superstition can take you to a lot of things you don't even imagine doing. He was so superstitious and he believed Kondewah, whatever he told him. How can you believe that?"[391]

807. The initiators' assistants were those responsible for 'preparing' the materials for the ceremony. They learned the tricks of the trade from their masters and went on to use them alone in other, often unlicensed ceremonies that took place later.

808. Raw greed began to dictate the initiating policy of the High Priest. Self-enrichment was also apparently embraced almost universally by his subordinates in the initiating cadre. According to accounts gathered by the Commission from different parts of the country and pertaining to different years of the conflict, new 'phases' of initiation to accrue further financial gain met with mixed levels of implementation. On the one hand Initiators, both recognised and unlicensed, sometimes took up the schemes even more voraciously than Kondewah himself, to the extent that they embellished elements of it to yield further income. On the other hand, Initiators sometimes deployed the new techniques sparingly or not at all, leading to the scenario where some witnesses declared that they had never even heard of some of the phases on which they were questioned.

809. What is certain is that the initiators themselves made a considerable amount of money out of initiating and it was therefore in their interests to adopt new 'types' of initiation offering novel and more potent 'powers' to their subscribers. Yet every one of the apocryphal benefits bestowed upon Kamajors by such ceremonies can be seen to have precipitated ever-more irresponsible conduct on the part of those who paid for them.

810. The Initiators consistently 'doctored' the cartridges they loaded into their shotguns, removing a component of the ballistic composition known as the 'pillet' and upon pulling the trigger released a projectile that had been reduced to effectively nothing more than the plastic casing or 'skin'. Such an item, even when fired at close range and pointed directly at the target, ought to have posed no threat of injury to the initiate. Indeed the most frequently-recorded outcome of such a performance was that the human subject of the demonstration would walk away unscathed, convinced of his own immortality. Several Kamajors who spoke with the Commission professed to have been

[390] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[391] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

fired at and to have survived. The gathered masses of Kamajors in attendance at any given initiation, sometimes numbering several hundred, would marvel at the powers of the Initiator and themselves subscribe to the 'bullet-proof' myth. Other statements collected by the Commission suggested that bullets had 'turned to water', 'failed to fire' or 'flown over the head' of the man at whom it was fired.

811. Upon consideration of the ramifications of this practice, the Commission is apt to condemn it in and of itself. Although a quantitative measurement of the phenomenon is impossible, the Commission's qualitative evidence suggests that the majority warfront casualties incurred by the Kamajors were attributable at least in part to the misplaced gusto, akin to what is sometimes referred to as 'Dutch courage', with which their combatants went into battle. Put simply, as a direct result of their initiation ceremonies, they did not think they could be killed by bullets. The tally of deaths caused by the war would in all likelihood have been lower without the background charade of invincibility against which much of it was fought.

812. In any case, it cannot be permissible for figures of authority, whether their leadership is political, factional, spiritual or moral, to so wilfully abuse the rights of those who look up to them. The Commission refuses to slight the integrity of any of those who were killed during an initiation process, for they participated in most instances to earn themselves what they saw as the power, but which was actually the right, to defend themselves, their families and their communities in a country whose state security apparatus had collapsed or turned against them. The responsibility for their deaths lies squarely with the initiating cadre of the CDF under the leadership of High Priest Allieu Kondewah.

813. The Initiators and their apprentices brought the whole concept of civil defence into disrepute. Collectively, under the direction and following the example of their High Priest, they extorted and exploited the membership of the Kamajor movement in a seemingly insatiable pursuit of their own self-enrichment. Moreover, Initiators were responsible both directly and indirectly for the commission of human rights violations on an alarming scale, particularly in the South and East of Sierra Leone. For every death that took place during an initiation ceremony in the country, of which the Commission has recorded multiple cases but suspects the number to be much higher, the Initiators bear the responsibility.

814. The Commission is unsatisfied with the explanations conjured by Initiators and loyal recruits alike for this mode of killing, since they essentially attempt to exonerate the perpetrators of due culpability. The Commission instead condemns this perversion of the sacred and long-standing tradition of initiation and rites of passage. The Initiators of the CDF deliberately targeted the social and cultural fabric of this nation. We implore that nobody, whether in a group or individual capacity, should ever again be allowed to engage in destruction and exploitation under the false pretences of a 'secret' society.

815. This state of affairs created a sense of panic among the chiefs and elders also gathered at the base. They felt like bystanders, yet by their progeny and station in life, they believed they had a lot to offer. They therefore consulted with Chief Norman and insisted on a bigger role for themselves in the operations of the movement. Chief Norman was running the operations of the base, only in

consultation with his initiators. It was then agreed that a War Council be constituted.

816. Among the members of the War Council at Base Zero were:

1. PC J.W. Quee – Chairman of the War Council
2. PC W. Tucker – Vice Chairman / Representative for Bonthe District
3. Chief Vandi Soka – Member / Representative for Kenema District
4. Robert F. Kombe-Kajue – Member / Representative for Moyamba District
5. Ibrahim F.M. Kanneh – Member / Representative for Bo District
6. M.S. Dumbuya – Member / Representative for the Northern Province
7. Francis Lumeh – Logistics Officer/Member/Representative for Pujehun District
8. Alhaji Daramy-Rogers – Executive Officer / Member
9. Mohammed O. Musa – Executive Officer / Member
10. George Jambawai – Executive Officer / Member

Other Members at Base Zero included:

1. Chief J.D. Muana – Resident Paramount Chief
2. Chief Francis Gormor – Logistics Officer
3. Joseph A.S. Koroma – National Director of Operations
4. Ruphus M. Collier – Battalion Commander / Bonthe District
5. Yaya Kamara – Store Keeper
6. Paramount Chief Caulker – Bonthe District

817. The Council was composed of representatives who were drawn in from each District in order to ensure some kind of geographical spread and balance. However, there was no person from the Western Area, nor from the North… apart from Dumbuya. There is some argument as to whether Dumbuya was a member of the War Council at Base Zero or not. He vehemently denied being a member of the Council, arguing that he was not accepted since he was not Mende and that he disagreed with the practices going on there (a clear reference to the cannibalism that was widely practised). He claimed instead that he was a member of the War Council in Conakry. Members of the War Council at Base Zero have testified to the Commission that "Dumbuya was also involved in the decision-making".

818. The Commission had understood that some of those who formed the War Council had been to Guinea immediately prior to coming to Base Zero; and that they had been part of a delegation there who had met with members of the Government in Exile before travelling down to Talia.

819. However, members of the War Council were adamant that the Government did not have any input into the formation of the War Council at Base Zero.

820. The Council immediately directed the training of the combatants. "We thought it was necessary for the boys to have some training; because you cannot send somebody who does not have military training and give him just a gun." They

sent word to Freetown to Maxwell Khobe, ECOMOG commander who despatched former SSD commander, M. S. Dumbuya to train "the boys".

821. The training was designed to complement ECOMOG efforts:

> "Already ECOMOG was on the move to advance. So we were just training to complement the efforts of ECOMOG, so that in terms of the fact that they don't have the manpower, our boys would have had some knowledge, so that they could join them."[392]

822. Everyone was supposed to participate in the training, including the chiefs and elders. It was a rigorous military training, not just the bare physical exercises suggested by Dumbuya's testimony to the Commission. People were even reported to have died during the training at Base Zero, as a result of its intensity. Dumbuya however told the Commission that the Kamajors were disinclined to participate in the training. They believed that the initiation ceremony offered them sufficient preparation to go to war. He was compelled to train only the chiefs and elders, some of whom were well over 70 years old.[393] He claimed further that he was not invited to participate in the discussions that took place in planning the war effort. All the discussions took place in Mende language with which he was not conversant. He perceived that the environment was becoming oppressive.

823. The members of the War Council had tried to assert their authority, particularly after they became aware of the extent of cannibalism being practiced at the base, and the deployment of fighters to missions without prior consultation with them. The circumstances indeed beg the question as to why none of the other senior Kamajors at the base saw fit to hold a frank and candid discussion with Chief Norman in order to understand what he had in mind with his often secretive endeavours. A combination of fear and a deep-lying sense of vulnerability appear to have accounted for the silence. A tense relationship therefore developed between them and Chief Norman and the initiators. They were seen as interfering. Subtle threats began to be directed their way:

> "Even when we [were] trying to correct the boys, they told us at one point that even our lives were… that they could not guarantee our safety. So why can't we be afraid?"
>
> I thought it was a threat. I thought it was a threat – and that was a serious threat. We were all afraid – ask any one of us and they will tell you that."[394]

824. The War Council made one last feeble attempt to wrest control of the movement. A rumour had spread that the movement had become so strong that it could even take over the government whenever the AFRC was expelled from power. A whispering campaign developed that perhaps that was the way to go. The Council convened a meeting of all persons present at Base Zero. Speaker and after speaker warned the boys to desist from contemplating such

[392] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[393] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[394] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

thoughts, and that all their efforts and resources should be deployed to restoring the legitimate government to power. When it got to his turn to speak, Chief Norman denied any plans to replace President Kabbah and wondered why the meeting had to be convened in the first place since his loyalty to the President was not to be doubted by anyone.

825. This last act of the Council seemed to have drawn the line between it and Chief Norman. Its members claim that they were no longer consulted on operational or other issues. They stayed on at the base passing their time as they saw fit, and picking up snippets of information from local commanders ready to blow the whistle on the movement. For M.S. Dumbuya he perceived that his life was no longer safe at the base. It was to his great relief when General Khobe sent a helicopter to evacuate him after six weeks at the base. He never returned to the base till the government of President Kabbah was restored to power.[395]

826. The initiators became so powerful that they began directing military operations, sending the combatants out on missions without consultation with any of the chiefs and elders present at the base.

> "I told you that the Priests were more effective because they had armed men. If it was only meant to initiate people – make them 'disappear – then it was okay. But the question was: why should they have a contingent of armed men? We knew for sure that some of them were using those arms to intimidate, or even to loot people – dispossess their properties. It is an open secret that Kondewah was one of those who had a contingent of armed men at his disposal. Each of them had arms; Mama Munda too. Mama Munda was initiating independently outside of Base Zero."[396]

827. The Initiators refused to be cowed by the War Council and ignored it most of the time. They had their own armed men to respond to their commands:

> "I considered it a parallel command structure; but Hinga Norman was in command of the initiators. They were never loyal to the War Council. In fact they took us as a threat; that we had eroded their powers; that we tried to neutralise them. They were calling us some nickname…something council. They said they had all the powers – that whatever they said would happen; when we came we tried to take that power from them."

828. There were however no real attempts to impose any codes of conduct, discipline or official restraint on the actions of the Initiators. Whilst it may have been raised at War Council meetings no substantive decision was taken. The War Council issued an instruction that the initiators needed to be curbed, but the power to take away this grip on power lay squarely and solely in the hands of Hinga Norman. On the inability of the War Council to exercises control, it has been argued on its behalf that:

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[395] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003. See also: M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

[396] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

> "It ought to have been the case [that we were in control] but it was never the case. For instance the arrangement to attack Koribondo, they left before we knew about it. That is one vivid example. Nor was it routine for the Council to receive briefings or reports on what had taken place during a front-line operation. Not to the War Council, but to individuals who were members of the War Council. But to say as a Council: I never saw once that we deliberated on such a matter."[397]

829. Relationships between learned people in the War Council and the initiators – who were 'Kamohs', or learned in Islam – were strained in both directions. They were treated with something of a haughty derision by the conventionally educated members of the War Council, who flinched at engaging them and sneered at their indulgence in 'native magic'. "The man was drunk almost every day, so how can you have a healthy discussion with him?" The initiators in turn regarded the War Council as a quibbling group of people.

830. The Commission sees a fundamental contradiction at the heart of some of the explanations tendered by members of the War Council. There were grave organisational flaws in the structure of the Civil Defence Forces of which each of these men was a senior executive member. Many of these deficiencies in fact relate to a lack of coherent leadership, a dearth of sensible co-ordination, a disjunction between the initiating cadre and the administrative cadre and an incessant problem in exerting effective control over the rank and file, or the masses. Whilst the Commission recognises that with hindsight members of the War Council might see such shortcomings as anomalous and even comical, it remains the case that there are very serious issues intertwined within them that ought to have been resolved at the level of the War Council. The Commission finds that the senior citizens of the Kamajors were hapless and hopeless in the paramount task of living up to their responsibilities. They did nothing to prevent the mayhem that unfolded around them; in fact they lent legitimacy and their implicit endorsement to the acts of atrocity that were taking place by staying in a movement that had become a systematic violator of human rights.

> "It's easy to say as you are speaking in normal times. It was true that the whole thing was chaotic. Where illiterate people are given arms and ammunition; there was no command structure; they were a law unto themselves. It was difficult, let me tell you; it was difficult. Because as I explained to you, when Mr. Kombe was molested: an old man over 70; a young boy with a gun, telling him 'you sit down there'; and he sat there. We made a report – nothing happened and the boy was not punished. We knew the situation was chaotic, we knew that. Why honestly [did I do nothing]? This was a jungle; it wasn't normal times. If you see one big man humiliated and nothing came out of it, you must be afraid. I am not speaking for the others, but for myself: I was actually afraid for my life."
>
> This is why I didn't wait – I was one of the first people who left Base Zero when we heard that ECOMOG was coming. Even when we went to another place, a base called Base Dasam that was nearer Bo, when we heard that the Kamajors had been repelled in the first attack,

[397] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

> and we were ordered to go back to Base Zero, I refused to go; I stayed at that point. Because once God saved my life I left that village; I did not go there again – I have not even been there even at this peace-time. Oh yes; I was very scared.
>
> The movement was in fact uncontrollable and you were constantly in a state of fear that prevented you from taking action to correct that. ECOMOG and the Government were now in control – I felt that I could make a useful contribution based on the respect I commanded. I said to myself enough is enough. I vowed to make my own role one of an advisory capacity."[398]

831. Thus power struggles broke out between commanders who owed their loyalties to different leaders within the movement; in the public perception there is a fine line between the activities of troops acting on behalf of Kondewah and the enforcement squad instructed by Alhaji Daramy-Rogers to retrieve vehicles.

> "At the time we came when I was Regional Co-ordinator we used to get supplies directly from ECOMOG; I cannot say it was abundant supply, but we were supplied. Even if they carried guns, these were their own guns – they had come back to Bo from Base Zero with guns."[399]

832. There were in fact a number of testimonies given to the Commission that spoke of pitched battles between armed forces acting on behalf of various individuals in the CDF organisation including Allieu Kondewah and Alhaji Daramy-Rogers.

833. After the Government was restored to power, it put out as many as three statements instructing the Kamajors to cease initiations for fear that it had escalated out of hand, but it was to no avail. Initiation still went on for a considerable period of time thereafter.

834. In the management of the war effort, Chief Norman appeared to have given prominence to the initiators. They began to determine operations, missions and tactics. This the ground commanders resented. Putting the two segments of the movement together into one organogram created unanticipated problems.

835. Monitoring and reporting was particularly weak – hence those who were supposed to authorise or plan such attacks were effectively bypassed by commanders who acted unilaterally. The conflict between the two cadres (initiation Vs hierarchy) would be the crux of the power struggles in the movement) and it was all down to the poorly-defined parameters of initiation as against organisation; and due to the ill-discipline of a fighting force that had received hardly any formal training and many of whom once were farmers.

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[398] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

[399] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.

The Kamajors' Operation Black December

836. Base Zero was construed by some members to have been established purposely for the carrying out of Operation Black December:

> "Black December was an all-out offensive against any stumbling block towards the development of Pa Kabbah's Government. Wheresoever an RUF or AFRC man stays, we should attack that position; and whosoever has food that could assist in our war effort, we should take that food from them – and we did that.
>
> […] Purposefully it was a ritual – people did a lot to succeed on that [operation]… ceremonies, burials, rituals, sacrificing; it included much sacrificing of human beings. We did that purposely for the good of this Government. People were handled without their own knowledge, but all the Ministers of the Government knew about it."[400]

837. There is compelling evidence before the Commission that Operation Black December was debated at the level of the War Council in Exile.[401] Those who participated in discussions around it included Ambassador James Jonah, the President, ECOMOG commanders in Freetown and Government Ministers, including Hinga Norman, Patrick Foyah, Foday Sesay, Harry Will, Momoh Pujeh, and M. B. Daramy. The main objective of the operation was to choke the supply routes of the AFRC and thereby hasten its collapse.

838. The means by which Operation Black December was to be carried out were described to the Commission in the following terms by one of those who was tasked with its implementation:

> "We would go all out to cut off the roads, mostly by setting up roadblocks and checkpoints so that the roads could not be used to transport materials or otherwise assist the AFRC in the big towns. Two flags were used: red and white. The red was for danger; the white was for peace.
>
> The Black December operation was so nasty that it could turn your stomach. Children were taken in handcuffs, everyone was put under our will."[402]

839. An anonymous survivor of the conflict gave the following statement to the Commission pertaining to the Kamajors' practice of summary executions and other violations at checkpoints during the period of the Black December operation. The statement-giver indicated his belief that Chief Sam Hinga Norman was personally responsible for ordering the violations and abuses he described:

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[400] TRC Confidential Interview with a Kamajor combatant who participated in the Black December operation in his own District and other parts of the country; interview conducted in August 2000.
[401] In this regard see, *inter alia*: 'Operation Black December – Summary of Conversations held with Civil Defence Force leader Sam Hinga Norman'; document marked 'Exhibit IV' among the exhibits submitted to the Commission by Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[402] TRC Confidential Interview with a former Kamajor fighter; interview conducted in Bo District; June 2003.

> "On 2 November 1997 I was travelling from Kenema to Bo in a Government bus… I was in the bus with other passengers whom I didn't know, including about thirty pilgrims, both male and female. On the journey, we did not know that the Kamajors had set a one-mile ambush.
>
> When we reached Gembeh at 10.00 a.m. an RPG was launched on the edge of the bus and cut off the driver's head; he died on the spot. The bus was then moving uncontrolled and finally [was] blocked by a big tree.
>
> […] The Kamajors then came in their hundreds and surrounded the bus and asked everybody to come down, including me. The Kamajors took us to the bridge and their commander, whom I know facially, took out a Motorola [mobile phone] handset and communicated to Hinga Norman, who was in Monghere at that moment. According to their conversation, I understood that Hinga Norman gave them the order to execute everybody.
>
> […] By the other side of the bridge there was a big pit; the commander told all the men to stand in one line and the women in another line. Four of the Kamajors stood in front of the rows and began to slaughter the people with their swords and daggers and dump them into the pit.
>
> […] I was the last person in the men's row. As they were about to kill me, I used mystical power and disappeared."[403]

840. The Black December operation lasted at the most a few months. It reached its climax in terms of intensity and the number of sub-operations conducted during the month of December 1997, which was to become the country's blackest month during the AFRC's reign in power.

841. The duration of the Black December operation would seem to indicate that it had been envisaged and designed as an integral prerequisite to the full-scale intervention that was to be launched by ECOMOG in February of 1998. CDF witnesses informed the Commission that the Government in exile was not only aware but participated in the planning of 'Operation Black December". To carry out the operation, ECOMOG supplied arms and ammunition to the CDF. The purpose of the training provided for Kamajors by M.S. Dumbuya and for the Gbethes by ECOMOG was to reinforce the civilian resistance to the AFRC. The high point of this resistance was supposed to be Operation Black December' which was to be a forerunner to the expulsion of the AFRC from Freetown. It is therefore unfortunate that neither the government nor the leadership of the CDF took any substantive measures to curb the pervasive violation of the rights of civilians which occurred during these three dark months of the conflict named 'Operation Black December'. There was massive looting, particularly of agricultural facilities and of harvests that had been the whole season's work and planting on the part of the victim. "We were grabbing their harvests just for the Black December."[404]

[403] TRC Confidential Statement from a survivor of a Kamajor ambush in 1997; Commission Statement No. 4411; statement taken in Cole Farm, Freetown; 25 February 2003.
[404] TRC Confidential Interview with a Kamajor combatant who participated in the Black December operation in his own District and other parts of the country; interview conducted in August 2000.

842. There was no public response from the government to the violations that occurred following the launch of 'Operation Black December'. Efforts had been made by members of the War Council at Base Zero to inform the President of the atrocities being committed by the Kamajors.

> "We did not formally or informally advise him [the President] as a Council; maybe as individual members of the Council…I did not shirk my responsibility. I did not advise him, but I explained to him. I gave him some explanation. I said to him that all was not well in the CDF; that I said to him. Many things were not known to us at Base Zero… I said even the Nigerians didn't think that he [the President] was handling the Co-ordinator; because Hinga Norman was doubling as Co-ordinator of CDF and also as a Minister. I said that was not good. I said, they [ECOMOG] had said that. For instance, we didn't know; the only information we got from Hinga Norman was that he had a friend in Liberia who told him he was in the Army, the British Army or so, and this friend was the one that was supplying us food. And I felt that that was not the case
>
> The President said he didn't want to open up another fight. He had attempted at one time to change this man and there was no good response from the CDF, the Kamajors. He said he got information from intelligence that if they remove this man, if they change him – because the President wanted to send this man to Nigeria – they said if they change him, there will be trouble. And we had had this peace, so he didn't want another diversion. If he had relied on my opinion, perhaps he would have made the changes I recommended. But he did not. So I cannot say per se that he relied on my suggestions."[405]

843. In consequence the Government did little to rein in the rampaging CDF troops who in places like Bonthe Island turned to "worse oppressors than the RUF rebels".[406]

844. Despite the above, the President continued to retain Chief Hinga Norman as CDF National Coordinator. One reason was that without an effective national Army, ECOMOG needed the capacities of the CDF to afford them inside knowledge of the countryside for purposes of dislodging the AFRC/RUF from their occupied areas. The President and his closest advisers were acutely aware of Hinga Norman's deficiencies and the violations his leadership had precipitated, but they also knew that it was only under his leadership that the CDF would remain a strong enough fighting force to overcome the AFRC/RUF and effectively liberate the country and win the war. They therefore kept him there in spite of their own and others' better judgement:

> "I think it was the other way round. The President felt that if he removed Hinga Norman that would displease [the Kamajors]. You see the President… I could say he had the wrong conception. If he had done that, that would have saved the situation. Seriously – I'm not

[405] TRC Confidential interview with a Member of the War Council at Base Zero; Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[406] Reverend Father Emmanuel Garrick; testimony before TRC Public Hearings held on Bonthe Island, Bonthe District; July 2003.

saying it because I wanted the job, honestly. I did not; I had even told the President that I didn't want him to make me Minister."[407]

POWER STRUGGLES IN THE CDF – THE EFFORT TO FIND A REPLACEMENT FOR CHIEF HINGA NORMAN

845. It is impossible to avoid the question of Hinga Norman's appropriateness for the leadership of the CDF in any serious discussion of the fighting forces in the conflict. President Kabbah found himself in utter desperation, knowing that something had to be done but unsure of which way to turn, he battled with several competing and conflicting dynamics central to the outcome of the war: a proposed restructuring of the CDF would have to encompass the following criteria: cut Hinga Norman out of the loop, replace him with someone who can engender a similar degree of respect and authority among the rank and file of the Kamajors, and does not compromise the war effort. The challenge was to find a suitable person to replace Chief Norman. It had to be somebody who had leadership – either innately or institutionally - within the movement who also had gravitas. A man who had influence and standing in the movement. The reason Hinga Norman commanded such control was because he had the respect of the boys as a fighting man himself.

> "I told the President – the person should be someone with some military backing; he should have some respect. They wanted a trained soldier. There are Sierra Leoneans competent, who had also served the Army and left… some of them were Kamajors, like M. M. Koroma – I wonder whether he was not a Major in the Army; he was a Kamajor."[408]

846. In the end, Chief Norman was not replaced. The mutual suspicion between him and the President intensified and was to play an important part in the events surrounding the May 6-8 2000 demonstrations in Freetown. Even after the war had ended and the Kamajors were encamped at the Brookfields Hotel in Freetown, they became guns for hire, going out on private operations against perceived enemies of their hirers. The operations included targeted assassinations, looting or property, rape etc. In one particular instance, a group of Kamajors went to the residence of the former Vice President, and forcibly took away five cars as part compensation for their "war efforts". The Vice President not only did not upbraid them but "advised them that rather than take the cars by force, if they wanted cars, they should have come to him to give them cars voluntarily."[409] A culture of impunity therefore took sway in the Kamajor camps:

> "As a group, we cannot shy away and nobody can completely exonerate himself. I am very clear in my mind that what happened, all that you have said is true. If it is a question of blame, I cannot be exonerated. But to say as personal blame, I think in my own little way

[407] TRC Confidential interview with a Member of the War Council at Base Zero; Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[408] TRC Confidential interview with a member of the War Council at Base Zero; Interview conducted at TRC Headquarters, Freetown; 24-29 October 2003.
[409] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 5 June 2003 corroborated by other interviews with ex-Kamajor combatants.

> I tried to pacify things, but I had my limitations….This was a difficult situation. Most of those people who had arms were very illiterate.
>
> Why did it happen? Well you know with human conflict. We knew that there were excesses, but I did not personally take part in those excesses… I saw them and sometimes I raised it. And in fact the problem I had with CDF was because I raised most of those issues. So they were not very comfortable with me and that was where I had my problem."[410]

847. The usual voices of authority which in most of Sierra Leonean society belong to Chiefs, elders and respected senior men, had become marginalised in the CDF movement. They were replaced by those who had command over armed groups. For a senior man to have to subordinate himself to an armed commando is not in line with the norm in Sierra Leone. The Government and the leadership of the Kamajor movement including the chiefs, must bear full responsibility for all the atrocities that were committed by the Kamajors in the course of the war.

THE MANAGEMENT OF THE RESTORATION EFFORT

848. The Commission found multiple further indications of the importance of maintaining executive oversight and intra-Governmental communication during the exile period. Yet most of the evidence suggests that not enough was done in this regard, while what was done was often botched. In fact, as the preceding narrative demonstrates, the attempts at co-ordination by the Government in exile were generally ill-conceived, disorganised and highly defective.

849. Many of the most telling insights in this regard came from members of the two 'War Councils', which were parallel bodies established in Guinea and Sierra Leone. The Commission has found that the mandates of these Councils were in one sense complementary: they both sought to oversee certain operational and political elements of the effort to restore the SLPP Government. Yet according to testimonies they were established separately, administered differently and thus predestined to act inconsonantly. Both War Councils proved insufficiently courageous in enforcing their decisions.

[410] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; October 2003.

THE ECOMOG INTERVENTION TO RESTORE THE SLPP GOVERNMENT TO POWER

The Modalities of the ECOMOG Intervention into Freetown

850. At the level of Heads of Government in the Economic Community of West African States (ECOWAS), a three-pronged progressive policy for the restoration of President Kabbah was accepted. The founding principle upon which ECOWAS sought the reinstatement of Kabbah's Government was that the nascent, albeit imperfect democracy of Sierra Leone should be protected and bolstered.

851. The Commonwealth Conference, the OAU Summit and the United Nations General Assembly all gave their outright support for the policy of restoration. The Government of Sierra Leone had to be supported in its quest for speedy restoration on favourable terms, since anything less would have been a terrible condemnation of the low durability of democracy in the West African sub-region.

852. Promoting democracy assumed an added internal dimension in Sierra Leone because of the fluctuations in public opinion during the 1990s. The AFRC had come to power believing that the context which gave rise to the NPRC five years earlier still existed. However, as Colonel K. E. S. Boyah pointed out to the Commission, the whole social context by 1997 was predicated on an undertaking to keep the Army away from politics:

> "My version, the way I see it, the AFRC guys just miscalculated the whole situation when they thought that people wanted a change. In 1992, yes: the people wanted a change. Even when efforts were being made to stop that [coup]; people were rejoicing, people virtually led those boys to State House. We were all witnesses; they virtually led them [there] dancing.
>
> But 1997 was a different situation; a different scenario. People had gone through a lot of trauma by then; they were in the [mental] state that they were not ready for that kind of rubbish any longer. But they [the coup makers] also thought that they could come and make themselves comfortable and at the end of it they could still have an exit like the NPRC guys who left. I think that was what happened."[411]

853. Indeed, in the case of the junior soldiers who seized power on 25 May 1997, there was a manifest desire to enrich themselves and enjoy the trappings of power as demonstrated by testimony from Maada Bio and other leaders of the NPRC regime. Therein lay an unwarranted extension of the culture of abuse of Government that their forebears in the NPRC had propagated. Yet the question of whether the AFRC would slip into exile with impunity at the end of their reign quickly became secondary to the question of whether they would be willing to relinquish power in the first place. It was for this reason that ECOWAS envisaged coercive measures of gradually increasing intensity.

[411] Colonel K. E. S. Mboyah, long-serving officer in the Sierra Leone Army (SLA), erstwhile Battalion Commander and Director of Defence Information; TRC Interview conducted at private residence, Freetown; 29 August 2003.

854. The first step was to elicit from the AFRC regime an undertaking to hand back power peacefully; this was to be achieved through direct dialogue and, if necessary, multilateral negotiations. The five-member contact group established for that purpose was given something of a cold shoulder by the AFRC leadership however. The initial declarations of intent by Johnny Paul Koroma suggested an intention to hold on to power for somewhere between two and four years.[412]

855. Upon the apparent insistence of ECOWAS leaders, a strict embargo on international trade was imposed on Sierra Leone, along with a robust set of sanctions on the AFRC. While the enforcement of these measures was undoubtedly flawed, they seemed to have the effect of scuttling at least some of the AFRC's designs on longevity. The Conakry Peace Plan of 23 October 1997 grew out of the need for the AFRC either to embrace international mechanisms, or slowly to suffocate in economic segregation.

856. Thus the Government pursued a proactive policy of isolation, convincing the international community to sever all ties with the junta, deny the AFRC regime recognised status in international law and impose economic sanctions on the economy. Nevertheless, irrespective of these diplomatic efforts, the planning and implementation of a military-driven restoration operation took place in earnest. From an early juncture, a joint plan was envisaged in which ECOMOG would assault the power base in Freetown, as well as the Provincial Headquarter Towns of Bo and Kenema, with contingents of Kamajors for support where appropriate. The pledge of the AFRC leadership in the Conakry Peace Plan to hand over power on 22 April 1998 was given short shrift.

857. From analysis of the Review Document produced subsequently by ECOMOG, coupled with the inseparable evidence of intent to fight by the Kamajors noted in the previous section, the Commission finds that an armed intervention became inevitable from November 1997. During that month, 11 ECOMOG soldiers were reported to have been killed by land mines, which had been littered around the approach routes to Freetown from the East.[413] Skirmishes between AFRC forces and the Kamajors at various locations in the South were also interpreted as outward displays of hostile intransigence by the junta.[414]

858. Moreover, an RUF troop launched several attacks on the ECOMOG position at Kossoh Town, purportedly to test the fighting strength of the Nigerians.[415] The RUF's persistent probing at that time added to the perception of ECOMOG that the People's Army was "belligerent and defiant", rather than compliant with the provisions of the Conakry Plan.[416]

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[412] See BBC reports of interviews granted by Johhny Paul Koroma during this period.
[413] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraphs 82 and 134.
[414] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; at paragraph 55.
[415] Abdulai Sesay, former commander of an RUF 'Small Boys' Unit' (SBU) and later commander in the Northern Province and Western Area; testimony before TRC Public Hearings held in Makeni Town, Bombali District; 30 May 2003.
[416] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; at paragraph 55.

859. Thus the third and last of the ECOWAS strategy materialised: "to use force to remove the regime from power where dialogue and sanctions fail."[417] The armed intervention was code-named 'Operation Sandstorm'. Its first phase, 'Operation Tigerhead', assumed a three-pronged approach into Freetown: each route in military jargon was known as an 'axis'. The first axis moved directly into the East of the city from Jui through Calaba Town; the second proceeded along the peninsular road from Hastings through Waterloo; the third, known as the 'Regent Axis', crossed via Grafton and headed towards Wilberforce Barracks.[418]

860. The Commission heard that each of ECOMOG's three main Battalions in the operation was supported by a unit of the so-called 'Sierra Leone Contingent of ECOMOG'. The contingent consisted of 172 loyal ex-policemen, military officers and university students who had been trained at Lungi Airport by M. S. Dumbuya.[419] These were the only Sierra Leoneans involved in the operation to oust the junta from Freetown, after Dumbuya's involvement in training Kamajors at Base Zero had been unceremoniously aborted by Colonel Maxwell Khobe one month earlier.

861. The ECOMOG operation to conquer Freetown began on 2 February 1998 when the majority of the participating forces were airlifted to Hastings Airfield. The advance was hampered and hardly moved for over a week due to stout resistance, however. On all three of its routes, ECOMOG encountered heavy fortifications mounted by the AFRC, including a widespread presence of landmines. In addition, junta positions were initially defended by artillery support from elite mercenaries, apparently drafted in from the Ukraine. M. S. Dumbuya told the Commission of his participation in the offensive on the 'Regent Axis':

> "Originally we were moving in on the main road, but we lost several men to landmines on our advance. There was a heavy concentration of trenches and bunkers all over the place. It was so late in the night when we finally took Regent that we deployed in Regent and waited until the following day.
>
> […] Our other troops were at Wellington fighting just as hard, because there was resistance everywhere. Apart from that I was told by my commander – the ECOMOG commander – that we had come into contact with some Ukrainians, mercenaries who were operating the SBG weapons… They were fighting alongside the juntas; and because of their expertise it was extremely difficult for us to move beyond that point. So from 2 February we were there for ten days: going forward to fight; coming back to fight; all just to weaken their defences."[420]

[417] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; at paragraphs 52 and 78.
[418] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; at paragraph 132.
[419] M. S. Dumbuya, former Trainer of the Sierra Leone Contingent in ECOMOG and Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 1 July 2003.
[420] M. S. Dumbuya, former Trainer of the Sierra Leone Contingent in ECOMOG and Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 1 July 2003.

862. Having successfully worn down the main military defences of the AFRC, ECOMOG was able to capture the majority of strategic points in Freetown within a further two days, the 12 and 13 February 1998. ECOMOG reported its operations as a resounding success, proclaiming the 'making of history' when 'the entire Freetown and its environs were liberated.'[421]

863. Indeed, the seat of Government and its immediate environs were conclusively 'flushed' of the presence of AFRC and RUF fighters. Within one month of the conclusion of Operation Tigerhead, the Government of President Kabbah was reinstated in a ceremony at State House on 10 March 1998.

The Legacies of the ECOMOG Intervention to Oust the AFRC

864. The ECOMOG intervention bequeathed a number of legacies upon Sierra Leone. These were not of ECOMOG's making but their impact affected the restoration effort. Although democracy was restored in name, the exercise of executive power was to prove far more challenging for the Kabbah Government in its second sitting. In view of the effective vacuum in the state security apparatus that existed in the AFRC's wake, the preservation of law and order was a task that would require exceptional sensitivity and an upright sense of justice. Moreover, there was to follow a proliferation of hostilities in most parts of the country, involving an unprecedented number of different factions. The military and political equilibrium was more fragile than at any other point during the Sierra Leone conflict.

865. The ECOMOG-led intervention was prosecuted in the name of restoration. Its non completion divided the Regions of the country along faction controlled areas. With the exception of the Western Area, which was safeguarded by its ECOMOG 'liberators', and the Kailahun District, which once again became the preserve of the RUF, there were essentially two main theatres of conflict in the period after February 1998. These were the North and North-East, on the one hand, and the South and South-East, on the other.

866. The five Districts of the Northern Province,[422] as well as Kono District in the North-East, became hosts to the overwhelming majority of the ousted AFRC dissidents. Thousands of junta soldiers, as well as a considerable proportion of the fighting forces of the RUF, flooded into the North on their mass retreat from power. The AFRC and RUF factions, both separately and in tandem with one another, visited a sustained and unprecedented level of human rights abuse on the populace of the North and North-East in the year 1998.

867. Meanwhile the four Districts of the Southern Province,[423] along with Kenema and parts of Kailahun in the South-East, were dominated by the enormous and growing Civil Defence Forces, nearly all of whom at that time were initiated as Kamajors. These Districts became unambiguously classifiable as heartlands of the Kamajor movement. These heartlands were not to be wrested from the control of the Kamajors by any other combatant faction for the entire remaining duration of the conflict.

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[421] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph 188.

[422] The Northern Province comprises Port Loko, Kambia, Bombali, Tonkolili and Koinadugu Districts.

[423] The Southern Province comprises Moyamba, Bonthe, Bo and Pujehun Districts.

868. The main factor in drawing out the battle lines in this manner was the astonishing flight of the ousted junta into the North of the country. Several members of the RUF and AFRC told the Commission that they had been unable to resist the ECOMOG intervention due to the sheer scale of the force brought to bear; yet they also reflected that their escape from the city was essentially unhampered:

> "When ECOMOG came, they toppled us in a short time – they used jets, they used artilleries, armoured cars, tanks, everything. At that time the AFRC did not have those weapons, so for the sake of the civilians we decided to pull out.
>
> I was trying to save my life – I knew I would be killed if I stayed in Freetown. If you are a victim and someone is trying to capture you, are you going to stand around and wait for them? [So] we went, thinking we would have to fight our way out. But we were surprised [when] it was free passage for us."[424]

869. Had it been left to a matter of choice, there is little doubt that the AFRC soldiers and their RUF compatriots would have opted to beat their backward retreat through the North. Their fiercest rivals, the Kamajors, were so numerically strengthened and committed to the retention of territory in the South and South-East that the soldiers would not have been foolhardy enough to confront them.

870. Ultimately, though, the reason the junta was able to secure 'free passage' was because ECOMOG intentionally left open a 'corridor' of escape around the Freetown Peninsula. At the point of impact, this policy was commendable in principle at least. It sought to avert bloody head-on clashes between the junta and the pro-Government forces in and around the city of Freetown. It spared the urban population and the villagers in the immediate environs from the suffering of being caught in the crossfire between two warring factions. In particular, it avoided the public relations disaster of casting the international 'peacekeepers' as the 'aggressors' in a massacre in Freetown.

871. The Commission heard about the rationale behind this arrangement from M. S. Dumbuya, who was the Commanding Officer of the 'Sierra Leonean Contingent in ECOMOG' during the intervention. Dumbuya was intimately familiar with ECOMOG's operational plans. In his evidence to the Commission, he described how he had perceived the corridor as a success:

> "What we did was deliberately [to] avoid permanent and direct contact, which would have resulted in a lot of causalities on both sides. So we decided to open up one place for them to go out and that was the Peninsula route; they were allowed to pass freely through the Peninsula route. From what I know, they went to Tombo, then they went across to Masiaka and from there they went up country.

[424] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

> […] You see, in war, after they had lost the ground, [our aim was] to avoid direct contact. After that we would aim to organise ourselves properly for the defence of the city. So we 'opened up' one axis… because you cannot clear the body in war. If we had blocked all of it we would have fought to the finish; just like what happened in [the battle for the Liberian capital] Monrovia.
>
> It was actually part of the plan; to 'open up' one axis. It was the decision of ECOMOG's operational High Command. We were just there to comprehend it… That's how the main core of the junta and the rebels escaped. The planning was that we should leave an opening for them to pull out from Freetown; otherwise, as I said, we would have [had] direct confrontation and it would create a lot of civilian and military causalities."[425]

872. In that light, ECOMOG's own discussion of this operation in its Review Document was conspicuously sparse and obtuse. The Commission is in no doubt that this corridor was deliberately left open. There is considerable circumstantial evidence to support this position in the ECOMOG document itself, including the following excerpts:

> "It was a result of the detailed and comprehensive planning that led to the successful conduct of the operations and the subsequent liberation of Freetown.
>
> […] One important thing that was borne in mind in the planning stage was the safety, security and protection of the loyal citizens, Key Points / Vulnerable Points and strategic installations. The city of Freetown was liberated with little or no destruction during the triumphant entry of ECOMOG troops on 13 February 1998. The Administrative arrangement for the operation was perfect.
>
> […] Although the sacking of the AFRC junta was successful, the enemy escaped from Freetown. It was observed that an escape route around the Peninsula was left unblocked. Had the Tombo Bridge been blown or a blocking force deployed in the general area of Tombo, the retreating rebels would have been trapped."[426]

873. In the Commission's view, a retrospective contemplation of this strategy will give precedence to its effect over its cause. In the first instance, the opening of a 'corridor' spared Freetown from the final acts in power of a junta that was enraged and liable to employ all available force in order to go down fighting.

874. ECOMOG effectively freed the combined forces of the People's Army from the immediate intensity of direct military confrontation. It inadvertently allowed the AFRC and the RUF to regroup and remobilise in the expansive, elusive and rugged territories of the North and North-East. All the characteristics that marked out the junta as a formidable enemy in February 1998 would only become more entrenched by allowing them this 'breathing space'.

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[425] M. S. Dumbuya, former Trainer of the Sierra Leone Contingent in ECOMOG and Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 1 July 2003.

[426] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraphs 127, 125 and 189.

Hence the interventionary strategy really served to set up the country for a renewed series of confrontations, all the more bloody for the fact that both parties harboured notions of unfinished business.

875. The defensive force in the North bore several vital different characteristics to the Kamajors in the South. First, there was really no CDF to speak of before the intervention itself took place. The nominal Northern Commander, M.S. Dumbuya had spent a full six months since his appointment co-ordinating the so-called Sierra Leone Contingent of ECOMOG. Only upon entry into a particular community or District did the joint intervention force go to the extent of selecting, training and equipping men to fill the ranks of the various Northern CDF units. The conditions of assembly were far from ideal: ECOMOG was pursuing its own operation 'Tiger Tail' through the North of the country and was certainly preoccupied with the fight, not to mention the various operational handicaps it had to overcome.

876. Furthermore the junta dissidents and the scrambled RUF forces were mingling and mixing together, mostly in the North-Eastern Districts of Koinadugu and Kono. They came into contact with some units of Gbethes, Kapras and Tamaboros, but largely managed to evade ECOMOG. ECOMOG's presence was concentrated in the more forgiving territory of the Headquarter Town, Kabala. ECOMOG's foreign troops were unable to charter the bush of the more outlying areas since its numbers were thinly spread. ECOMOG decided to conscript some of those SLA soldiers who had been serving the AFRC but who subsequently were captured or gave themselves up. A rudimentary process of screening was undertaken before these SLAs were kitted up and sent out alongside the ECOMOG deployments.

877. The Kamajors in the South refused to accept any such presence of SLA soldiers on their territory – not even loyal troops alongside ECOMOG – due to their suspicions that the soldiers would inevitably be disloyal and would harbour ulterior motives to re-attack Kamajor-held areas. They also saw themselves as competent to defend their communities. As a result these soldiers were only deployed in the Northern and North-Eastern Battalions of ECOMOG… and the unique 'baggage' of problems and challenges they brought with them was also confined to those areas.

878. The CDF High Command mirrored the suspicions of its Kamajors fighters on the ground. The CDF collectively did not trust the North. According to the commanders in the North, the attitude was attributable to both distant and proximate causes, the latest of them being the Temne ethnicity of the AFRC junta leader Johnny Paul Koroma. Hinga Norman repeatedly rejected petitions from his Northern counterpart MS Dumbuya to release arms and ammunitions to the North. Dumbuya testifies that he is certain that the supplies were denied because of distrust based on ethnicity and Regionalism. He also had an overt confirmation to that effect from a Nigerian commander Adeshini. In consequence the CDF units in the North were unable to reinforce strategic towns like Makeni, Lunsar and Masiaka; they were limited to putting up guidance or auxiliary efforts alongside ECOMOG.

879. The AFRC and the RUF therefore had very few encounters with any stout resistance from CDF fighters in the North and their path to Freetown was relatively unhindered. Accordingly, the invasion of Freetown could have been forestalled, but ethnic suspicions were put ahead of the security of the city.

The Operational Failings of ECOMOG

880. ECOMOG had swept into Freetown quite triumphantly and invested its initial operational thrust towards sealing off the Western Area in order to secure the seat of Government for the restoration of the President.

881. The further from Freetown the ECOMOG troops strayed, the more unfamiliar and unforgiving they found the terrain. This ran in inverse relationship to the junta leaders and RUF combatants, who were retreating back ever-closer to their native strongholds of the North and extreme East

882. The ECOMOG troops were able to flush the dissidents out of Masiaka (Port Loko), Makeni (Bombali) and even Kabala (Koinadugu). The large towns came under their control and demanded the focus of their attention; but the outlying villages became safe havens for members of the AFRC and RUF.

883. As the junta and RUF forces fled, they (the dissidents) engaged in numerous violations against the civilian population, apparently on an indiscriminate basis – the sheer fury of having been flushed out of Freetown by a foreign force is the only explanation tendered. Thus as ECOMOG entered communities on its 'liberation path', its soldiers were relatively warmly received by local residents – some of them publicly applauded their liberators into town.

884. The pace of ECOMOG's advance appears to have slowed remarkably as it reached the far North and East of the country. The simplest explanation for this stagnation is that human capacities began to wane: battle fatigue, blustery weather during the rainy season, hostile terrain and (consequently) low morale all started to take their toll. Many of the Nigerian troops had stayed in Sierra Leone for more than a year and had not been allowed to go on rotation. The more territory ECOMOG captured, the more thinly-spread became its troops.

885. Shortages of logistics became severe – and prospects of reinforcement seemed to lessen due to failing political will – Nigerian dictator Sani Abacha had died and was replaced by General Abdulsalami Abubakar who immediately began making promises of returning Nigeria to civilian rule. Other ECOWAS states were making statements of support "without actualising pledges". Personality clashes and questionable allocation of responsibilities among the ECOMOG commanders certainly compromised the authority and implementation of their orders.

886. The susceptibility of the ECOMOG troops to ambush and poor communications led to the isolation of the deployment in Kono and subsequent collapse of Koidu Town to the RUF on 18 December 1998. A flood of retreating troops, accompanied by large numbers of infiltrators, descended upon the ECOMOG Brigade Headquarters in Makeni, which succumbed amidst devastating operational confusion.

REINSTATEMENT OF THE SLPP GOVERNMENT AND 'JUSTICE' UNDER THE STATE OF PUBLIC EMERGENCY

The Flight of the AFRC Junta and the Emergence of Misplaced Notions of Justice

887. The ousting of the AFRC gave rise to an alarming haste among some sections of the population to see punishment meted out to those they felt were responsible for their perceived oppression. Within hours of the flushing of the junta from the seat of Government, there emerged signs of a tendency towards 'mob justice', whereby citizens took matters into their own hands and exacted punitive retribution.

888. ECOMOG assumed full control of the city of Freetown and its immediate environs on 13 February 1998.[427] On and after this date, a diverse array of members of the public and soldiers of the Sierra Leone Army were subjected to the wrath of civilians who felt that these people were responsible for the oppression they suffered during the interregnum. There was widespread paranoia that the "collaborators" should be punished. ECOMOG did not know who the enemy was among the civilians and was therefore incapacitated in imposing its full authority on the city. In many cases, it arrived only after someone had been arrested, assaulted or killed for collaborating with the AFRC.

889. The majority of the AFRC's central role players, including the Chairman Johnny Paul Koroma, were allowed to escape from Freetown into the North of the country, as described above. One of the few well-known junta members who remained behind was its Spokesman and Public Relations Officer (PRO), Allieu Kamara. Kamara told the Commission of the circumstances that prevailed in the city at the time:

> "The youths were targeting people after they expelled us [the AFRC]. They were killing people and burning them. Even the family members of the AFRC officers were not spared. Alhaji Musa Kabia, a sympathiser of the regime, was burnt alive at New England. Saccomah, another sympathiser, was burnt alive in front of the Clock Tower at the Kissy Road intersection. Sheikh Mustabah was burnt in front of his relatives at Fourah Bay in the East of the city.
>
> […] As for me, ECOMOG Personnel also arrested me in February 1998. I was tortured and badly beaten up by ECOMOG soldiers and some of the youths down at Lumley… I sustained a broken right leg, swollen eyes and a broken head. ECOMOG didn't make any effort to control the youths. They took me in a wheel-chair to Lungi, where I was detained for a week with other AFRC sympathisers. We were molested, humiliated, beaten by ECOMOG soldiers who were supposed to protect us at that time."[428]

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[427] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph 188.

[428] Allieu Kamara, former Public Relations Officer for the Government of the Armed Forces Revolutionary Council (AFRC); TRC Interview conducted at TRC Headquarters, April 2003.

890. Sheikh Abu Bakarr Nabbie had acted as the Director of the State Lottery Company for three months after the signing of the Conakry Peace Plan. He told the Commission how mob violence and general hysteria masqueraded as notions of justice:

> "As the search for AFRC men intensified, I left my house. On my way going I came across a group of youths stoning an AFRC man to death at Hope Street field. On reaching Eastern Police, I saw Haja Fatmata half-naked and Saccomah, a businessman, naked and burnt to death. From that scene I knew it was not a child's play; therefore I hastened speedily to seek refuge at my younger brother's house.
>
> […] I came from hiding on that day [to find] jubilating crowds at Sani Abacha Street where the Diplomats were passing. Unfortunately for me two youths from my neighbourhood saw me. They caught me and dragged me to a place to burn me. As the place became crowded I managed to escape from them [to go back into hiding].
>
> […] I remained in hiding for so long until at one time when I heard a Government press release through 98.1 FM radio station that everybody should go back to his or her previous work, and everybody is free to go about his business. I was happy with the news therefore I came out openly and headed towards the place I formerly lived. On reaching there, a former colleague grabbed my shirt and shouted: 'I have captured Sheikh Nabbie whom we have been looking for!'
>
> […] A lot of people came out of their houses and gave me a thorough beating. They burst my head with stones; I bled and partially fainted. They handed me to an ECOMOG Corporal who attempted to kill me but no bullet was in his gun. One of them brought two tyres and a gallon of fuel and said: 'Sheikh Mustabah has been burnt in Fourah Bay and we will also burn Sheikh Nabbie in Foulah Town'. In the process, a retired SLA Captain working at the State House intervened and told the ECOMOG to take me to CID instead of killing me."[429]

891. The Commission recorded numerous acts of violence and abuse that followed a consistent pattern during the transitional period between the ECOMOG intervention of 12 February 1998 and the restoration of the SLPP Government on 19 March 1998. In essence the pattern also pervaded in the motivations for the acts, since they seemed to be carried out in pursuit of misplaced notions of 'justice'.

892. Typically, a 'suspect' would be identified by a neighbour or other acquaintance and brought to a public place. In instances where the person was renowned or had been widely sought in a particular neighbourhood, his or her name was often called out to attract passers-by or to alert other residents of the 'capture'.

893. Thereafter the person might be blamed or held responsible, usually publicly and arbitrarily, for some perceived act or misdeed during the rule of the AFRC. Such a declaration would be the trigger for violent punishment to be meted out to the 'suspect'. The typical outcome of such a sequence of events would be

[429] Sheikh Abu Bakarr Nabbie, former Director of State Lottery Company and accused in the Treason Trials of 1998; TRC Interview conducted in Freetown; 2 May 2003.

death for the suspect. In the few instances where 'survivors' of such incidents reported them to the Commission, they had usually been spared by fate or fortune, or by the intervention of a courageous dissenter, rather than by show of collective mercy on the part of a 'mob'.

894. This brand of 'mob justice' was disturbingly prevalent during the transitional period that preceded the restoration of President Kabbah on 10 March 1998. Despite quickly becoming known to law enforcement authorities, it was not sufficiently quelled or controlled. Many civilians were executed arbitrarily on allegations of so-called 'collaboration', many others beaten up, harassed or molested on similar grounds. A clear message or other assertion of control by the Government may have prevented such violations. Indeed there was no law.

The Role of the Radio Station 98.1 FM

895. During the rule of the AFRC, the Lungi-based radio station 98.1 FM was successful in providing a platform from which the President and members of his Government in Exile could communicate their views to the Sierra Leonean population. It had also aired 'alternative' perspectives to those propagated by the AFRC over the Sierra Leone Broadcasting Service (SLBS). In the contention of one of its broadcasters, Hannah Foulah, 98.1FM had justified its existence during junta rule in the following terms:

> "[The public] needed to know that the situation was not going to be like that forever and what the UN, ECOWAS and the legitimate Government of Sierra Leone was doing to resolve the situation. They needed the truth of the whole issue and they were obviously not getting it from state radio or another station.
>
> […] Besides it was already clear that if they did not hand over peacefully, the whole matter would be resolved through a military intervention. We needed to prepare the minds of the people for the eventuality of that intervention."[430]

896. Hannah Foulah presented news items and discussion programmes on 98.1 FM under the supervision of Dr. Julius Spencer, the Station Manager, and Alie Bangura, who was responsible for information gathering and production. All three of them worked under pseudonyms in order to preserve their personal safety and the integrity of their sources. A number of 98.1 FM's flagship shows had become popular listening for many residents of Freetown. In particular, the show entitled 'News Briefs' was renowned for incisive insights into AFRC's performance in Government and the activities of those who associated with it.

897. In the wake of the ECOMOG intervention, however, the role of 98.1 exacerbated tensions within the society. Its presenters on 'News Briefs' and other shows resorted to reading out lists of perceived junta 'collaborators' over the air. The exact sources of these names remained somewhat unclear, although individual citizens were invited to submit information to the station if they thought it might be in the public interest. Such an information-gathering exercise was open to abuse by vindictive or malicious members of the public.

[430] Hannah Foulah, presenter of news programmes on Radio 98.1 FM and later station manager of Radio Democracy; TRC Interview conducted in Freetown; 6 June 2003.

898. Inevitably there emerged rumours among the public, and particularly among persons who felt they were being persecuted, that the Government-in-Exile had compiled a 'black list' of names of those people it wished to see subjected to 'justice' once civilian rule had been restored. Equally, on a local level, the Commission heard that speculation was rife in Provincial towns like Bo and Kenema as to the identities of the persons whom the Government had 'listed' to be singled out by ECOMOG, the CDF or other law enforcement agencies.

899. Momodu Koroma, who was then the Spokesman for Presidential Affairs, confirmed in his testimony to the Commission that the Government in Exile did engage in drawing up a list of sorts.[431] However Koroma maintained that the list was intended purely to provide a basis for the imposition of a travel ban on the leadership of the AFRC and RUF by the Security Council of the United Nations. According to Koroma, the Security Council had expressly requested such a list from the Government of Sierra Leone.

900. The Commission nonetheless noted the view articulated by several witnesses[432] that there were considerably more names on the unofficial 'black list' than on the roster of persons affected by the travel ban that was subsequently imposed. It was apparently the latter, broader domain of names that was used by pro-Government operatives, and particularly the announcers on 98.1 FM, to disseminate and in some cases fabricate information about them that cast them in a negative light as the population prepared for the restoration of the Government.

901. Hence some of those who suffered beatings, detention and other human rights abuses at the hands of fellow civilians and the state squarely attributed their own suffering to the fact that their local rivals or civic enemies had fabricated some allegations about their connections with the AFRC regime. Donald Smith, a Freetown resident who was detained for some 16 months without charge by the SLPP Government, described in detail to the Commission the part played by 98.1 FM in instigating the targeting of his life and property as a 'collaborator':

> "It had been alleged earlier, even before the troubles started proper, that Johnny Paul Koroma had slept at my house at Regent. This was stated over 98.1 FM time and time again and was used to whip up hate and malice and to 'teleguide' the rabble who later sacked and looted my properties and put my life in danger.
>
> […] It became very clear that those who said that Johnny Paul Koroma had slept at your house knew that they were passing a death sentence on you, waiting to be carried out when the 'mopping up' – which was the cliché used over and over again over 98.1 FM – caught up with you. If you were unlucky and unfortunate, as it happened with a few others and most definitely with Saccomah, you were shot dead if you were pointed out to ECOMOG as having been the host for even one night of Johnny Paul Koroma.
>
> […] I have since found out that hate, malice and jealousy led leading citizens in the area to lie that Johnny Paul slept at my house and this

[431] Momodu Koroma, former Minister of Presidential Affairs in the Government in Exile and current Minister of Foreign Affairs; TRC Interview conducted at state office, Freetown; 5 January 2004.
[432] See testimony of Victor Foe and others at public hearing of the Commission.

> information was in turn dutifully passed through the grapevine and then passed to 98.1 FM, who in turn broadcast this information for people with hate to interpret the way they wanted it. Radio 98.1 FM repeatedly broadcast that Johnny Paul Koroma slept in my house at Regent, whipping up public hate towards me and effectively condemning me to death, thereby putting my life in grave danger."[433]

902. The organisers and presenters of Radio 98.1 FM used their broadcasts to disseminate material that was unnecessarily incendiary and often focussed on vindictive comments against individuals. The broadcast of the names of alleged collaborators of the AFRC over the radio station created the context which often led to killings, beatings, looting, destruction of property and prolonged intimidation campaigns being committed against civilians who were alleged to have had affiliation to the AFRC.

903. During the invasion of Freetown, the broadcasts were in many respects misleading as they conveyed false information to the public about the location of RUF combatants within the city. Listeners who believed the broadcasts and came out to celebrate the liberation of their neighbourhoods inadvertently fell into the hands of marauding bands of AFRC and RUF combatants and were in many cases killed.

904. In his testimony before the Commission's public hearings, Dr. Julius Spencer acknowledged that he received complaints that people were being killed as a result of comments aired on the radio station. Spencer notified the President of his intention to stop the broadcasts, but according to him he was instructed to continue.[434] In the light of this testimony, the Government was aware of the impact of such broadcasts as potential catalysts for violent attacks on the persons they named. Yet the President refused to countenance the proposal to abate the broadcasts. Instead, by ordering their continuation, the President effectively encouraged mob justice and the attendant abuses of human rights.

The Creation of the 'Task Force' and the Lingering Vacuum in Law Enforcement

905. As a pre-emptory step towards the restoration of conventional law and order, ECOMOG set up an eleven member *ad hoc* administrative body to supervise the affairs of the Sierra Leone Government until President Kabbah's return from exile. The body included among its members the ECOMOG Task Force Commander Colonel Maxwell Khobe, the Vice President Dr. Albert Joe Demby and the Attorney-General Solomon Berewa. This body, which became known simply as the 'Task Force', was the only entity authorised by President Kabbah to act on behalf of the Government until his return.[435] According to Victor Foh, who subsequently stood trial for treason under the restored SLPP Government, the Task Force also included Julius Spencer and Alie Bangura of 98.1 FM on its panel and was in his view "engaged in settling scores and corruption."[436]

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[433] Donald Smith, civilian resident of Freetown who was arrested and detained without charge by the Sierra Leone Government from March 1998 until July 1999; petition to the Commission; 12 March 2003.
[434] Dr. Julius Spencer, testimony before Commission Public Hearings in Freetown.
[435] See Sierra Leone web (17.02.98)
[436] Victor Bockarie Foh, first accused in the first round of Civilian Treason Trials held in 1998; testimony before TRC Thematic Hearings held in Freetown; 4 July 2003.

906. President Kabbah's first broadcast to the nation after the intervention served to inform the public that members of the ousted AFRC regime would in no way benefit from the amnesty provisions of the Conakry Peace Accord because of their refusal to hand over power. The President said the amnesty provided by the Conakry Peace Accord might be re-evaluated, since both the AFRC and the RUF had refused to yield to peaceful overtures and co-operate with the implementation and terms prescribed in the document. The President was reported to have surmised that "it would have to be determined whether or not and to what extent the immunities to be accorded them under those agreements may have been forfeited."[437]

907. This view was also echoed by Vice President Demby, Attorney General and Minister of Justice, Solomon Berewa, Dr. Jonah, former ambassador to the UN and later finance minister, Julius Spencer, station manager of radio SLBS 98.1, aligned to the government in exile in Conakry and member of the interim task force and SLPP leader Prince Harding.[438]

908. In the apparent vacuum in law enforcement that directly followed on from the intervention, summary killings were carried out in public places in the major urban centres of the country. In Freetown, ECOMOG was unable to replace the civilian police with any great expediency, leaving mobs of vigilante law enforcers to carry out their will. A number of high-profile civilians who had performed civic duties under the AFRC regime were captured from their homes or on the streets. Eye witness accounts given to the Commission told of suspects being stripped naked and burned alive in retribution for having assisted the AFRC.

909. In Kenema, where the civilian populace had lived under the de facto rule of Sam Bockarie (alias "Mosquito") for approximately six months, those suspected to have provided services to the RUF, kept company with the RUF, or assisted the RUF in any other manner were also targeted. Eye witnesses reported to the Commission that 'lynch mobs', comprising members of the Kamajors and affiliated civilians, developed the practice of hanging tyres around the necks of suspected collaborators and burning them alive. One young member of civil society in Kenema, David Allieu, told the Commission of some of his observations in the following terms:

> "So we went to the Kamajor zone; there we were until the Kamajors finally overcame them in [Kenema Town], they captured this town. Even when we came, some of the youths that were in this town that were school-going boys, some of them decided to just encourage the Kamajors; some of them joined the Kamajors and started pointing out collaborators that were thought to be with the RUF. That was the time now that this tyre on the neck – this 'necklaces with tyres' – started to be seen.
>
> When they capture you as a collaborator definitely you are going to die; they cannot spare you whether you were with the rebels or not. As soon as somebody approves it that: 'this man, one time I saw him with these

[437] See Sierra Leone web (17.02.98)
[438] Sierra Leone Web (02 & 04.98)

[RUF] boys working in this town', then definitely you will lose your life. So, most of our fellow youths, lost their lives in such cases."[439]

Legal Basis for the State of Public Emergency and Attendant Provisions

910. On 10 March 1998, the same day of his reinstatement as President, Alhaji Ahmad Tejan Kabbah issued three distinct but related Public Notices. Their cumulative effect was to overhaul the legal parameters within which his Government required to operate. The first of them, entitled *Public Notice No. 1 of 1998*, was a Proclamation framed in the following terms:

> "I, Alhaji Ahmad Tejan Kabbah, President of the Republic of Sierra Leone… do hereby by this Proclamation declare that a State of Public Emergency exists in the whole of the Republic of Sierra Leone with effect from the 10th day of March 1998."[440]

911. The declaration of a state of public emergency by President Kabbah was an unprecedented step during the conflict in Sierra Leone. While both the military administrations, the NPRC and the AFRC, had at different junctures suspended the Constitution of 1991 and ruled by decree during their respective reigns, Kabbah became the first Head of State to make his Proclamation in accordance with Section 29 (1) of the Constitution. He thereby also became entitled to issue further Public Notices under Section 29(5) of the Constitution that would form Public Emergency Regulations, as well as other amendments to existing laws.

912. The Public Emergency Regulations were published in the same supplement to the Sierra Leone Gazette on 12 March 1998, as Public Notice No. 2 of 1998.[441] These regulations effectively set aside fundamental guarantees of the Sierra Leone Constitution and vested in the President a variety of executive powers. The Commission seeks below to draw attention only to those provisions of the Public Emergency Regulations that were to prove of the utmost importance in the detentions and trials that were to follow.

913. Section 2(a) of Public Notice No. 2 provided for emergency powers of detention in the following terms:

- "The President may, if in his opinion it is necessary… make an Order";
- He may make the order "for the purpose of maintaining and securing peace, order and good government in Sierra Leone";
- The Order may direct "that any person be detained or [should] continue to be detained" at the sole discretion of the President;
- A person detained under this Order "shall be liable to be detained in such place and under such conditions as the President may from time to time determine"; and
- For as long as an Order from the President is in force, any person "shall, while so detained, be deemed to be in legal custody".

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[439] David J. Allieu, civilian resident of Kenema Town and member of civil society; TRC Interview conducted in Kenema Town, Kenema District; 17 July 2003.
[440] Public Notice No. 1 of 1998, Proclamation by H. E. Alhaji Ahmad Tejan Kabbah, President of the Republic; published as a Supplement to the Sierra Leone Gazette, Vol. CXXIX, No. 13; 12 March 1998.
[441] Public Notice No. 2 of 1998, *The Public Emergency Regulations, 1998* under the Constitution of Sierra Leone (Act No. 6 of 1991); published as a Supplement to the Sierra Leone Gazette, Vol. CXXIX, No. 13; 12 March 1998.

914. Section 5 of Public Notice No. 2 further authorised the President to set aside particular laws and provisions from the rules governing the conduct of trials. It did so in the following terms:

- "The President may… make an Order";
- He may make the order for the primary purpose of "expediting the trials of offenders and appeals arising therefrom";
- His order will also be seen to be serving the purpose of "restoring, maintaining and securing peace, order and good government in Sierra Leone or any part thereof";
- His order may have the effect of "suspending the operation of any law, other than the Constitution of Sierra Leone, 1991";
- Alternatively, his order may suspend "some provisions of any law";
- Included among the statutory provisions the President may suspend are "the Criminal Procedure Act, 1965 and any procedural rules relating to appeals in criminal cases".

915. Public Notice No. 4 of 1998[442] diluted the rules of criminal procedure and evidence in relation to trials in which the subject matter of which was connected to the AFRC and where the alleged offence took place between 25 May 1997 and 13 February 1998. The relaxing of these procedural and evidential protections also applied to trials of AFRC "collaborators". The rules did away with the need for juries to reach unanimous verdicts. A two thirds verdict was deemed to be the verdict of the whole jury.

The Role of the Attorney General and the Use of the Word 'Collaborator'

916. A collaborator of the AFRC was generally understood to be someone who supported or sustained the junta in power. The notion of 'collaboration' was often applied subjectively and arbitrarily by those who used it. It spread fear and suspicion. 'Collaboration' often became a premise upon which violations and abuses were carried out.

917. On 13 March 1998, just three days after the formal restoration of the Government of President Kabbah, the then Attorney General and Minister of Justice, Solomon Berewa, circulated a letter to Officers-in-Charge at District level, bearing his signature and the official stamp of the Attorney General's Office. It was entitled 'Present Position relating to the Collaborators of the AFRC Junta'. The letter set out the policy of the Government towards collaborators in the following terms:

> "Take note that all persons who have evidence that any individual collaborated with the AFRC Junta should report that information to the nearest Police Station or to any member of the ECOMOG Forces whose responsibility is to take appropriate action including arresting such individuals…

[continued overleaf]

[442] Published on 9 April 1998 and made in terms of section 29(5) of the Constitution.

> Members of the public are requested to co-operate in giving information relating to the activities of the AFRC collaborators in their area but are warned in the interest of good governance to desist from inflicting any punishment on such suspected collaborators. This should be left to the law enforcement agencies.
>
> I wish you to bring the contents of this letter to all members of the Civil Defence Forces in your area and to ensure that they comply with what is stated herein."[443]

918. The use of language in this letter was ambiguous. It was open to misinterpretation by its recipients. The letter made no attempt to define who "the collaborators of the AFRC junta" or "the AFRC collaborators" actually were, whereas the phrase was highly prejudicial in legal terms.

919. The Attorney-General's instruction that the infliction of punishment on 'such suspected collaborators' should be left to "the law enforcement agencies" made no reference to the due process of law and presumed the guilt of persons in question. There was no requirement for interrogation of the 'evidence' that a member of the public might put forward before punishment could be inflicted.

920. There was also no clear definition of who "the law enforcement agencies" actually were. Members of the Civil Defence Forces could have construed themselves as fitting into both the category of "members of the public" and the category of "law enforcement agencies", in which case they could mete out punishment. They could also have construed themselves as acting on the instructions of the Attorney-General, since they were instructed, through their District Officers, to 'comply with what is stated' in his letter.

921. The letter was open to wide interpretation and consequently may have led to abuse on the ground. The Attorney-General appeared to have created a new category of criminal known as a 'collaborator' and sought to have all persons falling into that category detained in the custody of the state. This new category was not codified in law but it served to 'criminalise' thousands of Sierra Leoneans.

Arrests and Surrenders of Suspected Civilian and Military 'Collaborators'

922. The President also issued an instruction to all civilians who had served under the AFRC regime to submit themselves to the custody of the Sierra Leone Police or ECOMOG forces "for their own safety". Many of them were however arrested by 'community conscious' and well informed citizens.[444] They were beaten and assaulted and some of them killed. According to the President, detainees were sent to Pademba Road prison for their own personal safety under the "safe custody" legislation and for fear of reprisal and mob justice.[445]

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[443] Solomon E. Berewa, Attorney-General and Minister of Justice; letter entitled "Present Position relating to the Collaborators of the AFRC Junta"; signed and stamped, sent to The Officer-in-Charge, Bonthe; 13 March 1998.
[444] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before the TRC Thematic Hearings held in Freetown; 5 August 2003.
[445] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; supplementary written submission provided to the Commission in response to a set of 'Questions for the President'; received by the Commission by delivery; August 2003.

923. Testimonies before the Commission indicated that even before the intervention itself, the Government had proclaimed its intention to prosecute role players and collaborators of the AFRC regime. The instruction for them to turn themselves in was therefore a means of bringing them into custody.

924. Following the President's order, as well as the letter from the Attorney General and Minister of Justice and the finger-pointing that was being orchestrated by 98.1 FM radio station, more than three thousand citizens were rounded up by ECOMOG and the CDF and detained at the Pademba Road Prison.

925. Subsequently, the President set up an Investigating Committee headed by Mr. Tejan Cole to examine the cases of the thousands of people detained under this preventive detention order and recommend those who didn't have any cases to answer so that they could be released. The records of this Commission indicate that most of the 'collaborators' were arrested by the police and ECOMOG rather than by any groups of community people. It is difficult not to conclude therefore that the government targeted sympathisers and persons affiliated with the AFRC following its reinstatement.

926. Civilians and officers of the SSD and the police also made several arrests.[446] Many of those arrested were first taken to Kossoh, then Lungi and finally to Pademba Road were they were imprisoned for several months. Some junta members who managed to escape to Guinea later surrendered to or were arrested by the Guinean authorities, repatriated to Freetown and detained at Pademba Road. Among them were 156 pro-junta activists, -AFRC Secretary-General- Colonel Abdul K. Sesay, Sergeant Abu Sankoh, one of the 17 men who masterminded the coup and Captain Simbo Sankoh, Koroma's aide-de-campe.[447] Senior officials of the junta travelling on board two helicopter gunships were extradited to Freetown after the aircrafts had been intercepted and forced to land at Monrovia's Spriggs Payne airport.[448]

927. More than three thousand citizens were rounded up and detained in the wake of the ECOMOG intervention of February 1998.

928. Moreover the Government of Sierra Leone deployed a 'catch-all' strategy to round up all persons associated with the AFRC regime, however loosely, and to imprison them arbitrarily without charge.

929. Responding to questions at the Commission's public hearings, the former Attorney-General and now Vice President Solomon Berewa pointed out that "according to the criminal act, every citizen has a right to effect arrest in respect of certain crimes known to have been committed… they [the arresting parties] didn't want those people to escape justice at all… civilians wanted justice and because of that they tried to make many arrests as possible."[449]

[446] See interview with Philip Sankoh (16.07.03); submission from F. S. Conteh, Director of Prisons (15.07.03); and submission from the APC party (15.07.03).
[447] See Sierra Leone web (19, 22&28. 03.98)
[448] See Sierra Leone web (01.03.98)
[449] Solomon Berewa, public hearing before the Commission, July 2003.

Conditions of Detention at Pademba Road Prison

930. Prison conditions were deplorable. Initially built to house a capacity of about three hundred inmates, the number in detention during this period was about three thousand by some estimates, like Donald Smith, five thousand) resulting in overcrowding of cells, and poor living conditions of detainees.

931. According to Hilton Fyle, who was one of those detained:

> "Each of the sixty-eight cells on each block had been built to accommodate two people; but now six or seven people were crowding into each one. On the left hand corner was the bucket into which you would empty your bladder or our bowels at night… the ground was bare, and up on the wall there was a large air vent with thick iron bars. There was no chair, no bench, and no mattresses. Prisoners were not allowed to sing, to whistle, to have pen or paper, to read newspaper, to write or receive letters, or be in possession of any instrument with which to communicate (like plain paper or writing book)."[450]

932. A similar description was provided to the Commission in the testimony of Victor Foh:

> "[The conditions were] abysmal, awful, hopeless, useless, degrading, wretched, oppressive, abhorrent and all such vices most inhumane. I and many others were selectively tortured. Pademba Road prisons were designed for about four hundred inmates. The period following the restoration of the Kabba government in 1998 saw an unprecedented large number of children of all ages stuffed into very untidy cells at Pademba Road. Whilst I and many others were charged for treason, the bulk of our unfortunate compatriots were dying by the hour in the cells at Pademba Road prisons. Our human rights were grossly abused."[451]

933. Another inmate, Philip Sankoh, was particularly critical of the attention paid to the detainees' health:

> "The food was almost without sauce. I never saw a piece of fish or meat in any food during the first six months of imprisonment. No salt and just a thin spread of oil at the top of the rice. The quantity was very small. Ration was once a day. They started preparing special diet for us after the treason trials commenced. During the six months I saw so many people die or fall ill because of the poor quality and quantity of food. We slept on the floor. One blanket on which to lie and the other to cover: no mattress, no pillow. We were eight in my cell."[452]

934. The conditions of detention at Pademba Road Prison in the period between February 1998 and 6th January 1999 were deplorable and in breach of multiple provisions of both the Sierra Leone Constitution and applicable human rights instruments including the ACHPR and the ICCPR. These conditions had existed right from the APC regime and had changed little during the intervening years.

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[450] See The Fighter from Death Row (by Hilton Fyle 2000 p153)
[451] See interview with Victor Foh (03.06.03)
[452] See interview with Philip Sankoh (16.07.03)

935. In addition, the Commission has received substantial allegations of torture being practised against inmates in flagrant breach of the Constitution, even under a regime of Emergency Powers. The Commission was advised that these allegations were brought to the notice of the Government through the Tejan Cole Commission and the regular visits by a number of international actors. The Government failed to discharge its legal obligation to conduct rigorous investigations into all allegations of torture against agents of the State to ascertain the veracity of such allegations.

936. Detainees were later taken to the Criminal Investigations Department to give statements[453] on diverse dates from March to May 1998. Those who were detained at Pademba road were escorted to the Criminal Investigations Department by ECOMOG personnel and prison guards to obtain statements from them.[454] The investigations ended in June. (Most of these detainees who were initially detained for their own personal safety and security now had to face charges)* It was during this time that most of the detainees learnt that they were to be charged for treason: one interviewee however mentioned that he first knew they were going to be charged was when Dr. Spencer paid a visit to Pademba Road prisons.[455]

ANALYSIS OF THE LEGAL PROCESS IN THE PROSECUTIONS LED UNDER THE STATE OF PUBLIC EMERGENCY

The Selection of Persons for Trial

937. The then Attorney-General and Minister of Justice and current Vice President, Solomon Berewa, in responding to questions at the Commission's public hearings, gave the following description of the steps he took to instigate the legal process:

> "It was the absolute discretion of the Attorney General to decide who to prosecute and who not to… We set up mechanism for investigating those cases. It was necessary for an early action. I decided to concentrate on the cases of civilians in the first. I set up a large team of investigators. I relegated my powers to this committee. Because of the sensitivity of the matter I brought in all the groups that were very considerate – persons who were very objective in their assessment of facts (students, lecturers, members of the CCSL). Vast majority of them were not to be charged. We proffered those charges and took civilians to court."[456]

938. During the Government's period of exile in Guinea, Mr. Berewa had stated that:

> "Those responsible for the coup in Sierra Leone will be called to account for their actions. We shall mount an in-depth investigation to bring these people to book and take steps to prevent a recurrence. There will be no vendetta and we shall try to be as fair as possible. Those who were not

[453] See interviews with Victor Foh (03.06.03); D.S (12.06.03)
[454] See submission by the Director of Prison (12.07.03)
*Berewa and Director of Prisons responding to questions at hearings (14 &15 07.03)
[455] See interview with Dennis Smith (15.06.03)
[456] See Berewa's transcript (14.07.03)

active collaborators have nothing to fear, but those who caused the suffering to the people must be accountable for their deeds."

Mr. Berewa had reported on 27 February 1998 that 145 civilians were in detention, "together with a large number of prisoners of war."[457]

The Charging of Persons to Court

939. After the investigations, fifty-nine of the civilian detainees and thirty-seven soldiers were charged with treason and three treason courts were set up. The civilians that worked with the AFRC were arraigned before Justice Cowan (court no.1), Justice A.B Rashid (court no2) and Justice Sydney Warne (court no3).[458] These persons were charged with treason under the Treason and State Offence Act of 2963. Those who had little connection with the AFRC were sent to the Tejan Cole Committee of Investigations, which was set up to look into the allegations made against persons who were not likely to be charged for treason, in order to reduce the number of persons detained.

940. The prosecution was headed by the then Attorney General and Minister of Justice Mr. Solomon E. Berewa, assisted by Messrs C.F. Edwards, Anthony Brewah, A.H. Charm and others.[459]

941. The first batch of accused, comprising twenty-one detainees, appeared in Magistrate Court Number One on 30 March 1998. Among those appearing were Sheku Bayoh, a former secretary to several civilian and military heads of state; Umaru Deen-Sesay, Secretary of State for Sports and one-time captain of the national football squad; Victor Brandon, Secretary of State for Development and Economic Planning; Hassan Barrie, a former engineer with the National Power Authority; Dennis Kamara, who was Deputy Head of Immigration before the coup; Mohammad Bangura, Commissioner for Tourism and later Secretary of State for Information, and former President of the National League for Human Rights and Democracy; Gipu Felix George, head of SLBS under the junta and a former freelance consultant to UNICEF; Dennis Smith, a former SLBS director; Olivia Mensah, a SLBS reporter; Maada Maka Swaray, a former SLBS reporter; William Smith of the newspaper *We Yone*; Dalinda Lebby; C.P.O. Samuel Sanpha "Major" Sesay, who was head of immigration under the AFRC; Claude Campbell, a lawyer and former attorney-general under the NPRC; Steve Bio, an arms dealer, relative of former NPRC leader Brigadier Julius Maada Bio, and associate of RUF leader Corporal Foday Sankoh; and Gibril Massaquoi, Sankoh's former spokesman. Bio and Massaquoi were arrested by the military junta in November on charges of plotting to overthrow the AFRC. Broadcaster Hilton Fyle's name was read out in court, but he was not present at the hearing.[460] No charges were read at the hearing, and the proceedings were adjourned until April 6. On 6th April according to the prosecution, all 22 "participated in and promoted an endeavor to overthrow the legitimate government of Sierra Leone on May 25, 1997 by unlawful means." All of the accused were charged with treason, which carries the death penalty. Some of the defendants also faced additional charges of arson and murder. Sesay and Patrick were also charged with murder, while

[457] See Sierra Leone web (27.02.98)
[458] See submission by the director of prison (12.07.03); Interviews with military officers and Victor Foh (03.06.03), etc.
[459] See 98.1 Daily News Briefs (25th August 1993
[460] See Sierra Leone web (31.03.98)

the two women, Olivia Mensah and Dalinda Lebbie, were accused of spying for the junta. [461]

942. Pursuant to the declaration of a State of Public Emergency, Public Notice No. 4 was issued on 9 April 1998 in conformity with the powers conferred upon the President by subsection (5) of section 29 of the Constitution of Sierra Leone. It was issued after the first set of accused had made a second appearance at the magistrate court. By this Public Notice, the Criminal Procedure Act of 1965, No 32 of 1995 was amended and also certain aspects of the law of evidence and procedural rules relating to criminal trials in the country.[462] Rule two of this Notice amended the traditional practice in the country whereby the verdict of a twelve-member jury in capital criminal cases should be unanimous. This rule allowed the verdict of the jury to be qualified by watering it down to two-thirds, as the verdict of the whole jury.

943. According to Victor Foh, first accused in the first treason court, by promulgation of this notice and the rule of evidence, 'our human rights were grossly abused and those of us charged to court were robbed of our constitutional right of fair hearing.[463] According to Abdulai Conteh, such fundamental change regarding the unanimity rule of the jury's verdict, must be brought about by an Act of Parliament and not 'emergency regulations and their exigencies'.[464] Rules four, five and six of this notice unfairly prejudiced the trials of the accused persons by robbing them of their rights to fair hearing.[465]

944. The Public Notice could not easily be reconciled with some important provisions of the constitution, which guarantee the fundamental human right to a fair hearing. Moreover, this Notice offended the provisions of the Constitution that grant the President power to make emergence regulations and rules.[466]

945. On 14 April 1998, fourteen more persons appeared before Justice Claudia Taylor in Magistrate's Court in Freetown charged with treason in connection with the 1997 military coup. The defendants include former President Joseph Saidu Momoh, the Managing Director of WBIG FM 103 and former BBC presenter Hilton Fyle, AFRC Under Secretary of State for Information and former junta spokesman Allieu Badara Kamara, Secretary of State for Religious Affairs Rev. David Bangura, Ahmid Kamara, who was secretary to AFRC Chairman Lt.-Col. Johnny Paul Koroma, and Citizen newspaper managing editor Ibrahim B. Kargbo. No pleas were taken from the defendants, and the hearing was adjourned until April 21.

946. Some of the defendants faced difficulties in obtaining legal counsel. "Many lawyers in Freetown are saying that they are not going to represent some the accused because they encouraged looting, and also because of the public perception that by representing some of the accused persons, the public might

[461] See Sierra Leone web (06.04.98)
[462] See Essays on the Sierra Leone Constitution 1991 (chpt. 10).
[463] TRC Interview with Victor B. Foh – APC party office (03.06.03). Rule 2 of Public Notice No. 4
[464] Conteh A.O *The Treason Trials of 1998 and the Public Emergency Regulations 1991 – Criminal Procedure and Evidence Rules of Public Notice No. 4 of 1998 and the Constitution and the Laws of Sierra Leone* in Essay on the Siera Leone Constitution,1991 pg. 105-107.
[465] Public Notice No. 4 of 9th April
[466] Conteh A.O *The Treason Trials of 1998 and the Public Emergency Regulations 1991 – Criminal Procedure and Evidence Rules of Public Notice No. 4 of 1998 and the Constitution and the Laws of Sierra Leone* in Essay on the Siera Leone Constitution,1991 pg. 109

consider them to be AFRC sympathizers."[467] On 21 April, 23 more people were charged with treason in Magistrate's Court one bringing to 58 the total number of those charged in connection with last year's AFRC coup and nine months of junta rule. The accused included AFRC Secretary of State for Internal Affairs Brigadier (Rtd.) Modibo I. Leslie Lymon, Central Bank Governor Christian Kargbo, politician Nancy Steele, a former mayor of Freetown, and a lawyer who allegedly helped to print a new denomination of Sierra Leone's currency.[468]

The Commencement of the Trials

947. The trials of 59 persons charged with treason in connection with the coup began on Wednesday 6th May, Thursday 7th May, and Friday 8th May. The accused were tried in three batches. Some of the accused also faced charges of murder and arson. "We are seeking to reestablish the principle and respect for the law," Chief Justice Desmond Luke said. Luke said that guilty verdicts will be automatically appealed, first to the Court of Appeals and, if the appeal is unsuccessful, to the Supreme Court.[469]

948. According to Solomon Berewa, Attorney General and State Prosecutor:

> "No accused person or any of the observers (local and international) said any accused [was obstructed by]… way of presenting their case. We had a T.V. in courtroom played videocassettes of activities in which they were involved. They saw it, audience and the nation saw it. It took months not weeks for the matter to be concluded. The defence was given enough chance to put their defence.[470]

949. Nevertheless in the perception of many of the accused persons:

> "The trials were a callous display of injustice and gross disregard for human rights. Untenable as the case of the prosecution was callously and without regard for judicial precedence and the law a verdict of guilty was recklessly handed down to our lot. Even before the trial, senior members of the Kabbah government made pronouncements that we were to be sent to the gallows because according to them we did not like the Kabbah government. … and those of us charged to court (three treason courts and one court martial) were robbed of our constitutional rights of fair hearing by the promulgation of public notice No. 4 of 1998 issued on 9th April 1998. By this public notice, the constitution was substantially illegally amended by the Attorney General, now Vice President Solomon Berewa. In my view only parliament can amend the constitution but with vengeful inclination on the part of the Kabba government, they tampered with the Criminal Procedure Act of 1965, No. 32 of 1965. By that action, the age-old practice from time immemorial in this country whereby the verdict of the jury in capital criminal cases shall be unanimous, was illegally tampered with and watered down to eight and not twelve with the sole intent to slaughter our good."[471]

[467] See Sierra Leone Web (14.04.98)
[468] See Sierra Leone Web (21.04.98)
[469] Se Sierra Leone web (05.05.98)
[470] See Berewa's transcript (14.07.03)
[471] See interview with Victor Foh (03.06.03)

[and]

> "With these I was charged for treason – capital treason the punishment being death. With God's help at that time Berthan Macaulay senior came, scrutinized all the charges and my charges were changed from death to conspiracy which involved prison terms".[472]

[and]

> "On Monday the 13th April it finally happened. Over twenty others and I were … charged with treason… for attempting to overthrow the government of President Tejan Kabbah. I had six counts to answer to: count one – treason; count two- treason; count three- aiding and abetting treason; count four – conspiring together with others know or unknown to prepare to overthrow the Tejan Kabbah government; count five – conspiring with others known or unknown to endeavor to overthrow the government of President Tejan Kabbah; count six – conspiring with others known or unknown to usurp the executive powers of the state. I was asked if I wished to say anything. This was my terse reply. Having heard the charges read to me … I am not guilt of any of the counts of treason or conspiracy that have just been read to me. I consider them to be most unfair. Right from the start of the real action, it was clear beyond all reasonable doubt that the new trial judge Edmund Cowan who had replaced Sidney Warne, was biased in favor of the state…to me, the case had been decided even before it began".[473]

[and]

> "I was taken to the CID and detained for three days. I was taken to court and charged with Treason and Arson. I was convicted and waited to be hanged to the gallows.
>
> During my trial, Marilyn Spaine and Amadu Koroma were my lawyers. I was denied the rights to a witness and Cornelius Davies and Omo Terry, two of the youths who had attempted to kill me, testified as witnesses against me."[474]

950. While the trials of civilians were in progress, 38 soldiers accused of overthrowing the civilian government of President Ahmad Tejan Kabbah got underway. The 38 defendants were charged in a seven-count indictment with mutiny; failure to suppress a mutiny, and five counts of treason. The penalty for conviction was death.

951. The 38 accused include Cpl. Tamba Gborie, who announced the coup; PLO-1 Sgt. Alfred Abu "Zaggalo" Sankoh, Brig. Hassan Karim Conteh, Col. (Rtd.) James Max Kanga, Director of the National Relief, Rehabilitation and Demobilization Commission; AFRC Secretary-General Col. Abdul Karim Sesay, Squadron Leader Victor L. King, Secretary of State, Office of the Chairman; Director General of Defence Col. Daniel Kobina Anderson, Col. Samuel Francis Y Koroma, AFRC Chief of Defence Staff and older brother of AFRC Chairman Johnny Paul Koroma; Lt. Col. Saa Anthony Sinnah, Lt. Cdr. Samuel Kanu-Boy Gilbert, Lt. Col. David Boisy Palmer, Lt. Col. Anthony Bockarie Mansaray, Col. Alpha Saba Kamara, Col. John Amadu Sonica

[472] See interview with Philip Sankoh (16.07.03)
[473] See Hilton Fyle's, The Fighter From Death Row (2000 p.86/7)
[474] Sheikh Abu Bakarr Nabbie, former Director of State Lottery Company and accused in the Treason Trials of 1998; TRC Interview conducted in Freetown; 2 May 2003.

Conteh, Maj. Kula Samba, Secretary of State for Social Welfare, Children and Gender Affairs; Col. A. C. Nelson Williams, Major Abdul Masekama Koroma, Lt. Cdr. Francis Momoh Duwai, Maj. Augustine Fannah Kamara, Secretary of State, Southern Region; Maj. Tamba Anthony Abu, Maj. Bayoh Conteh, Capt. Albert Johnny Moore, Capt. Abu Bakarr Kamara, Aide-de-Camp Capt. Simbo Sankoh, Capt. Idrissa Keita Khemala, Lt. Jim Kelly Jalloh, Capt. Josiah Boisy Pratt, Flying Offr. Arnold H. Bangura, Capt. R. Beresford Harleston, Lt. Marouf Sesay, WO II Jonathan Dero-Showers, Pte. Gibril Din Sesay, Col. P. F. Foday, Lt. Cdr. L. D. Howard, Lt. A. M. Keita, Lt. Col. Bashiru S. Conteh, Lt. Cdr. Abdul Aziz Dumbuya, and Lt. A. B. S. Bah.

952. Members of the Court Martial Panel included Court Martial President Colonel Tom Carew, the Judge-Advocate Captain Godwin Ayamalechi, a Nigerian, Retired Lt. Col. P.M. Duwai, (father of accused - Lt. Cdr. Francis Momoh Duwai), Lt. Cmd A.M Jalloh, Lt. Col. B. Conteh was prosecutor, Lt. Col. Thomas Gramby and Majors Bangura and Sherrif. The accused made daily appearances at the tribunal.[475]

953. Both the civilian courts and the court martial proceedings went on simultaneously after 22nd July, the former at the Law court Building and the latter at the City Hall, Wallace Johnson street.

The Issuance of the Verdicts

954. On 24 August1998, Justice E Cowan, following several days of deliberations by the 12-member jury, read out the verdicts in the Treason Court No. 1. Sixteen persons received the death sentence: Victor B Foh, Hilton Ebenezer Fyle, Allieu B. Kamara, Christian Sheka Kargbo, Gipu Felix George, Denis Ayodele Smith, Olivia Mensah, Ibrahim Ben Kargbo, Bai Hinga Kooray Bangura, Sheku A.T. Bayoh, Mohamed Adkalie Bangura, William Sabana Bangura, Kaifen Saidu Tablay Kallay, Edward Akar, Ibrahim Mariti Foday Sesay, and Willie Ekundayo Taylor. Olivia Mensah, who gave birth in prison, was also convicted on an additional charge of murder. Dalinda Lebbie and Mohamed Kekuru Daramy were acquitted and released. The condemned had 21 days to appeal their sentences.

955. The next set of verdicts announced were those from the court martials. The Judge-Advocate Captain Godwin Ayamalechi, began his address Wednesday 7th October and conclude Thursday 8th, after which the court was adjourned to allow the panelists at least three days to deliberate over the verdict. On Monday12th October, 34 officers were condemned to death by firing squad. Three other defendants were acquitted, and one defendant died during the two-month trial. "In the case of the 34 condemned to death, you will be taken to some public place where you will be executed by firing squad," Court Martial President Tom Carew told them. Sierra Leonean military law provided no mechanism for appeal.

956. Those found guilty and condemned to death were: Cpl. Tamba Gborie, Sgt. Alfred Abu Sankoh, Brig. Hassan Conteh, Col. James Max Kanga, Col. Abdul Karim Sesay, Sqn. Ldr. Victor L. King, Col. Daniel Kobina Anderson, Col. Samuel Francis Yariemeh Koroma, Lt. Cdr. Samuel Kandu-Boy Gilbert, Lt. Col. David Boisy Palmer, Lt. Col. Anthony Bockarie Mansaray, Col. Alpha Saba

[475] Interview with Lt. Cmdr F. Duwai (08.08.03); reference also available through Sierra Leone Web.

Kamara, Col. John Amadu Sonica Conteh, Maj. Kula Samba, Col. P.C. Nelson Williams, Maj. Abdul Masakama Koroma, Lt. Cdr. Francis Momoh Duwai, Maj. Augustine Fannah Kamara, Maj. Tamba Anthony Abu, Maj. Bayoh Conteh, Capt. Albert Johnny Moore, Capt. Abu Bakarr Kamara, Capt. Simbo Sankoh, Capt. Idrissa Keita Khemolai, Lt. Jim Kelly Jalloh, Capt. Josiah Boisy Pratt, Flying Offr. Arnold H. Amadu, Capt. R. Beresford Harleston, Lt. Marouf Sesay, WO II Jonathan Dero-Showers, Col. P.F. Foday, Lt. Cdr. L.D. Howard, Lt. Col. Bashiru S. Conteh, and Lt. Cdr. Abdul Aziz Dumbuya.Lt.Col. Saa Sinnah was found not guilty on all charges and acquitted. Charges against Lt. A.M. Keita and Lt. A.B.S. Bah were also dismissed for lack of evidence.

957. Appeals for clemency were made by the international community and human rights organizations to President Kabbah, the only person who can grant clemency after confirmation of the sentences. The international human rights monitoring group Human Rights Watch released an open letter to President Kabbah on Friday calling on him to commute the death sentences of 34 soldiers accused of treason.

The Executions of 34 Soldiers

958. After deliberation by the Prerogative of Mercy Committee, (members which included the Vice President, the Attorney General and Army chief of Staff, Maxwell Khobe), on 18 October 1998 the Deputy Inspector of Police received orders for the execution of twenty- four officers who had been condemned six days earlier.

959. On the 19th October, the twenty-four officers all of them (apart from Kula Samba who had a white dress on), dressed in black with a big C (meaning Condemned) boarded a Police vehicle, which conveyed them from Pademba Road into the Goderich firing range where they were handed over to military personnel already on the ground. Present at the scene were the Deputy Inspector General of Police, Mr. K. Bangura, the Immam of Prisons, Assistant Superintendent of Prisons, Mr. I. Sankoh, the Chaplain of Prisons, Rev. Jesa Williams, the Prisons Medical Officer Dr. J. Sandy, and the Director of Prisons F. Conteh.[476]

960. The executions took place in the afternoon of that day, after the Chaplain and the Immam had offered prayers. It was carried out by men dressed in military uniforms, their faces coloured with charcoal and masked with green leaves. They took up their positions facing the convicts. After some brief instructions, they opened fire "and they were just shooting randomly at the prisoners who had been hooded and bound to execution stakes.[477]

961. Executed were: Cpl. Tamba Gborie (SLA 181643840); Sgt. Alfred Abu Sankoh (SLA 181632273); Brig. Hassan Conteh (SLA200); Col. Max Kanga (SLA 301); Col. Abdul Karim Sesay (SLA 207); Sqn Ldr. Victor L. King (SLA 448); Col. Daniel Aderson (SLA 144); Col. SFY Koroma (SLA 204); Lt. Cmdr. Samuel Gilbert (SLA 405); Lt. Col. David B. Palmer (SLA 223); Col. John AS Conteh (SLA 220); Major Kula Samba (SLA339); Major Augustine F. Koroma (SLA 465); Major Bayoh Conteh (SLA 495); Captain Albert Johnny Moore (SLA 462); Capt. Abu Bakarr Kamara (SLA 674); Capt. Simbo Sankoh (SLA501); Capt.

[476] F.S. Conteh, Director of Prisons; submission made to the Commission in the context of Thematic Hearings on 'The Detentions, Trials and Executions of 1998'; 12 July 2003
[477] Sierra Leone Web 19th October 1998

Idrissa Khemolai (SLA 439); Capt. Josiah B. Pratt (SLA 434); Lt. Jim Kelly Jalloh (SLA 650); Lt. Marouff Sesay (SLA 531); Col. PF Foday (SLA 272); Lt. Cmdr LD Howard (SLA 415); Lt. Cmdr. Abdul Aziz Dumbuya (SLA 412).

962. Of the twenty-four, only two - Tamba Gborie and Abu Sankoh were among the seventeen coup plotters: the rest simply worked for or with the junta either because they were forced to do so[478] or as an indirect result of the pressure on the junta from the international community and the President to endeavour to include as many of senior officers as possible in the Government.

963. After the executions, twenty-four death certificates signed by the Inspector General of Police were issued to the Director of Prisons by the prisons medical doctor. The corpses were also handed over to the Prisons department for burial: they were placed in coffins and buried at the Kissy Mess Mess Cemetery.

Pardons and the Commuting of Death Sentences to Life Imprisonments

964. President Kabbah commuted the sentences of 10 others to life imprisonment. Those who benefited from this reprieve were Lt. Col. Bashiru S. Conteh (SLA 300); W.O. 11 Jonathan Showers (SLA 18163392); Capt. R. Beresford Harleston (SLA527); Flying Officer Arnold H. Bangura (SLA634); Major Tamba A. Abu (SLA 358); Lt. Cmdr. Francis M. Duwai (SLA 404); Major Abdul M. Koroma (SLA 417); Col. Claude Nelson Williams (SLA215); Col. Alpha Saaba Kamara (SLA 152); Lt. Col. Anthony B. Mansaray (SLA214).[479]

Further Issuance of Verdicts

965. The verdict for the second batch of persons facing treason charges was passed on the day following the execution of the twenty-four. Accused persons were transported to court in a blood strained vehicle, which had been used to convey the corpses of the soldiers for burial the previous day.[480] Convicted were Brigadier (Rtd.) Modibo I. Leslie Lymon, Claude Victor Campbell, John Ajina Sesay, Eric Kwaku Dixon, Ahmed Charrid Dumbuya, Sorie Allie Fofanah, Samuel Sanpha Sesay, Tommy Anthony Patrick, Lawrence Loving Lamin, Mohamed Basiru Savage, Kainde Bangura, Mayilla Yansaneh, Phillip Sankoh, Harry Ben Alpha, former Freetown deputy mayor Nancy Steele, and Sorie Samuel Sesay. Those acquitted were Mabinty Scott, Winifred Cummings, and Alim Jalloh Jamboria. One defendant, Abdul B. Sankoh, died in prison.[481]

966. Following four days of deliberations, a 12-member jury returned verdicts of guilty against 16 of 21 defendants who were facing charges of treason and conspiracy for allegedly collaborating with the ousted AFRC military junta. Among those convicted were former President Joseph Saidu Momoh, who was found guilty on two counts of conspiracy and was sentenced to two concurrent

[478] The two named persons, Tamba Gborie and Abu Sankoh (alias Zaggallo) in fact rendered confessional statements before the Court Martial in which they explained their own individual participation in the coup plot and that of fifteen others. None of the fifteen others mentioned in this regard was apprehended and tried before the Court Martial.
[479] F.S. Conteh submission to the Commission 12th July 2003
[480] Interview with Philip Sankoh (Old Railway Line Tengbeh Town) 16th July 2003
[481] Sierra Leone Web 21.10.98

five year prison terms. Those sentenced to death were Attorney-General Ajbiola Emmanuel Manley-Spaine, Baila Leigh, Under Secretary of State for Health and Sanitation Dr. Matilda King, David Bangura, Saidu Daniel Bangura, Hamid Abdul Kamara, who served as secretary to AFRC Chairman Johnny Paul Koroma; John Tommy, Stephen Cathys Bio, a businessman and relative of former NPRC Chairman Julius Maada Bio; Under Secretary of State for Energy and Power Hassan Barrie, Secretary of State for Development and Economic Planning Victor Brandon, Sheik Abu Bakarr Nabie, former national soccer team captain and Secretary of State for Youths, Sport and Social Mobilisation Umaru Din-Sesay, Denis Kawuna Kamara, Secretary of State for Labour Abdul Salaami Williams, and Eben Victor Coker. . Those acquitted were Rev. Victor Ajisafe, former RUF spokesman Gibril Massaquoi, Alhaji Ibrahim Kargbo, Winston Crowther, and Alpha Omega Bundu Sr. Judge Sydney Warne advised the condemned prisoners that they had 21 days to appeal their sentences.

The Preferment of Further Charges

967. According to the Attorney General, fifty more detainees including 16 military officers were to face trial on charges that they collaborated with the AFRC military junta. The trial Berewa said would begin after the Appeals Court had dealt with the case of RUF leader Corporal Foday Sankoh, who was sentenced to death by Freetown's High Court.[482]

Appeal against the Sentences

968. All convicted persons appealed against their sentences. Yet these appeals and the trial on the fourth indictment were never completed. While the appeals of the accused persons sentenced to death were pending, the atrocities of the 6th of January 1999 leading to the huge massacre and destruction in Freetown occurred. All detainees who escaped from prison on 6th January were asked to surrender themselves or be considered as rebels. Some obeyed while some others escaped with the remnants of AFRC/RUF as they retreated into the jungle.[483] In accordance with the provisions of Article IX.2 of the Lomé Accord, the government granted free pardon and reprieve to all combatants and collaborators of the RUF/AFRC. In order to benefit from this blanket amnesty, all convicts withdrew their appeals and were finally released from detention in July.[484]

969. There was considerable public sentiment for the soldiers to be executed and for all those associated with the AFRC to be punished. In succumbing to this sentiment, the Government inadvertently laid the foundation for the subsequent assault on Freetown by the combined forces of the AFRC and the RUF. In its desire to punish, the Government was unable to distinguish those who were part of the AFRC and others who were either forced to serve that government or were performing their formal functions as public servants. Everyone was tainted with the brush of collaboration. Many witnesses claimed before the Commission that in a broadcast from Guinea the President had charged that anyone who stayed behind in Freetown during the AFRC regime would be

[482] Sierra Leone Web (27.10.98)
[483] Testimony (Public Hearing) of Victor Foh 15.07.03
[484] Interviews with Philip Sankoh (16.07.03), Victor Foh (03.06.03), Lt. Cmdr. Duwai (08.08.03)

treated as a collaborator.[485]

970. It was therefore easy to label the Government's attempts at punishing those associated with the AFRC as political witch hunting. Many civil servants were detained for upwards of nine months.[486] Allegations became rife that some of those in detention "bought" their way to Freedom and were released, while others who belonged to different political persuasions from the leaders in Government were allowed to languish in detention[487]. The prerogative to commute sentences rests with the President in accordance with the Sierra Leone Constitution. Some of the military officers who were convicted and sentenced to death had their sentences commuted to different years of imprisonment. The Commission heard allegations that these commutations were based on party affiliations. The Commission's attempts to solicit a response from the President on the basis for the exercise of this discretion were rebuffed as interference in presidential prerogative.

THE MILITARY ASSAULT BY THE AFRC AND THE RUF ON THE PEOPLE OF SIERRA LEONE

The Makings of the Attack on Freetown of January 1999

Mass Forced Recruitment Drive by the AFRC in the North-East of the country

971. An illiterate rice farmer from a village in Kono District later described to the Sierra Leone Police how he had been 'drafted' into the Army in order to participate in the advance to Freetown:

> "I was captured by soldiers under the command of late Colonel Tito… They did nothing to me but only requested me to follow them… I was taken to Koinadugu Village in the Koinadugu District, where over one hundred captured civilians were trained on guerrilla warfare. We were also trained on weaponry and tactics for a period of five months. We were taught how to operate an AK-47 and an AK-58 rifle. It was after the training exercise that Colonel SAJ Musa had to enlist us as Sierra Leone Border Guards. The majority of us were given AK-47 rifles and were detailed to Colonel Tito as body guards. Our base was called Koinadugu Camp."[488]

972. Indeed it appears to have been a familiar pattern for civilians first to be abducted in the Kono District, then to be taken to the Koinadugu District for training before the launch towards Freetown. One of the most 'prolific' training instructors was CO 'Alabama', who went on to play a leading role in the assault on Freetown as the Chief Security to SAJ Musa as well as a commander in his own right.

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[485] Victor Foe, submission and testimony before public hearing of the Commission, May 2003.
[486] See the petition to the Commission by Mrs. Sylvia Blyden, a senior civil servant during the AFRC regime; April 2003.
[487] See the petition to the Commission by Mr. Donald Smith; April 2003.
[488] Joseph Koroma, forced recruit into the Sierra Leone Armed Forces as a SL Border Guard; statement given to the Sierra Leone Police at Central Prison, Pademba Road, Freetown; 28 June 2000.

973. The same testimony went on to describe how SAJ Musa soon thereafter led an attack on Kabala in which several houses were burnt down and "a lot of atrocities were caused.":

> "From Kabala we passed through the jungle to attack the city of Freetown. We passed through Mile 38 and attacked Waterloo township and had to engage the ECOMOG personnel detailed there in battle. We succeeded in repelling them. Several houses were burnt and a lot of atrocities committed by us. We eventually reached at Benguema Military Training Centre, where we launched another attack on the ECOMOG personnel deployed there. At Benguema, we lost our commander SAJ Musa, who was replaced by Brigadier Papa (alias Bomblast). We passed through the jungle and on 6 January 1999 we attacked Freetown."[489]

Composition and Firepower of the Attacking Force

974. The fighting force that assembled in the bush near Kurubola, Koinadugu District in October 1998 numbered approximately 2,000 armed combatants. After rigorous investigation, the Commission has been able to conclude that the impetus for the attack on Freetown that began on the 6th of January 1999 came not from the Revolutionary United Front of Sierra Leone (RUF), but from the dissident soldiers who had formed the Armed Forces Revolutionary Council (AFRC) and their irregular fighting colleagues. The evidence suggests that the two factions were not in fact acting in concert at the level of their respective High Commands; rather, the AFRC launched and led the assault through the North of the country and only later did certain combatants from the RUF join them from a separate flank.

975. The personal weaponry was mostly in the range of light firearms, such as AK-47s and General Purpose Machine Guns (GPMGs), of the calibre that had proliferated and dominated in the Sierra Leone conflict in the preceding seven and a half years. Many combatants carried RPG-launchers or hand grenades in addition to their personal guns, especially at the higher ranks, where it had become commonplace for a commander to handle up to four weapons at once.[490]

976. What distinguished this group from all other armed factions since the NPFL 'Special Forces' entered Sierra Leone in 1991 was its 'support weaponry'. The troop was astonishingly well-equipped in terms of mounted or heavy artillery pieces, having acquired mortars and missile launchers from Ukrainian arms dealers illegally during the period of junta rule. According to M. S. Dumbuya, who encountered the dissident forces at several points during their assault on the North and West of the country, these weapons carried the most formidable firepower of any artillery used by 'rebel' forces in Sierra Leone:

> "It was a top secret for them – and we were least expecting it. We were not fully aware of the types of weapons they were bringing in during their nine months in power. We knew they were bringing in artillery, but we

[489] Joseph Koroma, forced recruit into the Sierra Leone Armed Forces as a SL Border Guard; statement given to the Sierra Leone Police at Central Prison, Pademba Road, Freetown; 28 June 2000.
[490] Foday Kallay, former 'Honourable' Member of the AFRC administration and later Leader of the West Side Boys; statement given to the Sierra Leone Police; September 2000.

> least expected them to have brought in 'SBG' missile-launchers… These things have long tubes [and] barrels bigger than cannon 175s in size. They can fight equally like a tank; and a tank is next to a jet."[491]

977. Dumbuya told the Commission that three such missile-launchers were captured in the effort to repel the attackers: one on the outskirts of Freetown; two on the axis around Port Loko. Apparently the dissidents managed to import and transport them with impeccable stealth, for there was not a single sighting of truck-mounted cannons reported to the Commission in nearly 10,000 statements gathered during its investigations.

978. The Commission was also unable to verify the origins of the artillery pieces in the possession of the dissident AFRC soldiers. Since the country was surrounded by porous borders and an unregulated coastline for most of the conflict, there are multiple possibilities as to the route of entry. Their captors testified that they were Russian-made missile-launchers that had been imported at enormous expense from the Ukraine.[492] In this regard, the Commission identified a possible source of the import as being an AFRC functionary named Saidu Turay (alias Saidu Moscow), whose name appeared in intelligence material provided to pro-Government forces in the run-up to the January invasion:

> "Saidu Turay, alias Saidu Moscow, visited Conakry some time ago [before September 1998] and stayed with one of [former President] J. S. Momoh's loyalists called Sanfa Turay. The report states that while Saidu was in Conakry, he contacted a retired Brigadier in the Ukraine for arms, ammunition and other war logistics in order to increase the firepower of the AFRC/RUF and the training of their fighters. A Guinean businessman co-ordinated the arrangement and it has opened up a very lucrative business through which they [the AFRC dissidents in Guinea] now get their supplies and communications easily."[493]

979. The undisputed leader of and directional influence on this faction was Solomon A. J. Musa (popularly known as SAJ Musa), whose return to the battlefield had occurred less than a year earlier. SAJ inspired an overwhelming deference among the contingent. Most of whom held him in awe or were plainly fearful of him, largely because of the reputation he had earned during his tenure as Vice Chairman of the NPRC Government in the first two years of its existence. One of the younger soldiers who came under SAJ's command in October 1997 described him in the following terms:

> "SAJ was strong and very brave. He was a good soldier – he was trying to reinstate the Army. Other soldiers with strong hearts were loyal to him. He was once the Vice President in this country; everybody knew him and we all loved him more than we loved our own commanders. It was like after ECOMOG attacked us, we felt so bad; morale was down

[491] M. S. Dumbuya, former Commanding Officer of the Northern CDF; Commisssion Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[492] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[493] CDF Intelligence Document, *Confidential Security Report Submitted to Chief Nagbanama Tande Sina while en route through Conakry*; Compiled by National Security Agent in Guinea, marked 'Unedited and Confidential', September to November 1998; received by facsimile by CDF Chief of Intelligence, Mustapha Sankoh, 30 December 1998; copy provided to the Commission by e-mail, December 2003.

too low at that time. SAJ was the only one who brought us up again to believe in ourselves."[494]

980. The avowed and unambiguous objective of the group under SAJ Musa's control was to invade the capital city Freetown, overthrow the constitutional Government of Sierra Leone and resurrect a form of military junta in power. These aims were largely representative of the personal will of SAJ himself, who had retained an unquenched lust for power from the time of his membership of the NPRC administration. Yet he was able to make the mission a popular one by appealing to the soldiers' general sense of injustice and battered pride. One of those who took up a commanding role alongside SAJ explained the manner in which the mission was announced to the troop;

> "SAJ Musa said to us: 'Let's stand and fight this time; we'll use our tactics and defeat them'.
>
> […] We had stopped in Kabala, but when they attacked us there we went into the bush. There were thousands of them: Gbethes, Kapras and Kamajors, fighting with ECOMOG against us. They just attacked massively while there were a lot of civilians around.
>
> […] It was the first time I was in the bush for even one day. It was not easy. A lot of the soldiers ended up in Kurubola; some of the RUF were united with us, some of them went to Kono. But we just summarised everything together: we need to come to one, fight a common cause. [So] we set up in Kurubola and decided to go on the offensive, to hit them on the counter-attack. We knew we could attack them all the way to Freetown if we used the jungle."[495]

981. The attacking group expanded dramatically in size as the advance towards Freetown gathered momentum. Existing captives were held under close surveillance in the bush in order to prevent their escape and brutal punishment was meted out to those who attempted to abscond. Moreover, with every civilian settlement the group passed through on its path to Freetown, civilians were abducted in large numbers, sometimes in their hundreds at one time. SAJ Musa ordered the capture of these civilians and their restraint by force. Operations were duly planned and executed so as to place a 'net' around the settlement under attack and deny the civilians an escape route.[496]

982. Abductions reached levels of unparalleled intensity in this period, as the invaders practised a deliberate policy to muster numerical bulk. The primary objective of this policy was to create such a burgeoning presence of human bodies that any defensive deployment would be at a loss to respond. First, the sheer mass of numbers was designed to create an impression that the hostile forces were larger in number than was actually the case. This impression, compounded by the AFRC's astute battlefield tactics and ballistics doctoring described below, was enough in itself to send most defensive deployments into flux or flight. Some troops, notably the ECOMOG contingent in the town of

[494] TRC Confidential Interview with a former soldier in the Sierra Leone Army (SLA) who was recruited in 1992 under the NPRC; interview conducted in Freetown; 16 July 2003.
[495] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[496] Although forced displacements of the type where civilians pack their bags and leave out of fear of attack might conceivably have gone up as well.

Hastings, were thus cowed into retreating before they had even properly positioned themselves.

983. Second, by sprinkling the 'real combatants' in among a crowd comprised mostly of innocent civilians, the troops succeeded in dissolving themselves into an indistinguishable mass. This tactic proved devastatingly effective in undermining the professionally-trained and better-equipped soldiers of ECOMOG because it deprived them of clear sight of enemy targets. It constituted a flagrant violation of the laws of war, whereby combatants were 'protected' from attack by the cover of non-combatants. The tactic is known in international humanitarian law as the illegal use of 'human shields'.

Motivating Factors for the Attack

984. Testimonies received by the Commission indicate that AFRC soldiers continued to fail to comprehend the gravity of the abuses they had committed against the people of Sierra Leone. This void of understanding manifested itself in the extent to which they claimed that they were highly aggrieved with the Government for refusing to recognise them as constituents of the national Army.

985. Accordingly, highly-placed among their motives for undertaking the attack on Freetown were the grievances of the disempowered. They were irked that the Government had seen fit to 'import' a foreign Army in the shape of ECOMOG, whom they had afforded priority at the exclusion of a conventional national Army in the sense envisaged by the Constitution. Thus they wanted recognition.

> The Government made an announcement that the Army has been disbanded. That particular one made the Army frustrated. They didn't recognise us as soldiers; they didn't take us seriously. Any time Spencer came on, he just talked against us. We felt more disgruntled.[497]

986. Moreover, the AFRC and RUF were deeply embittered about the manner in which their sympathisers were dealt with after their flight from Freetown. In particular they cited the widespread resort to mob justice that had accounted for several hundred deaths in Freetown in the wake of the ECOMOG intervention. Their disdain however also extended to principled dissent about the trials and executions of their fellow soldiers. The AFRC spokesman Allieu Kamara described these proceedings as warranting no more constitutional legitimacy than summary executions – he openly criticised them as 'kangaroo trials'.[498] Thus they wanted revenge.

987. The apparent most proximate cause for the attack to take place when it did was the confirmation of the deaths of twenty-four (24) soldiers in the Special Court Martial proceedings of 1998. SAJ Musa was known to repeat a single refrain to motivate his men on their march westwards: "They are killing our brothers." The widely-held belief was that the executions were certainly not at

[497] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[498] Allieu Kamara, former spokesman of the AFRC; TRC Interview conducted in Freetown, April 2003

an end, as further trials and indeed Court Martials were foreseen by the Government. Hence, many testimonies referred to the attackers' motives of freeing those who remained in Pademba Road Prison in an act of rescue. Allieu Kamara the spokesman for the AFRC who was in the Central Maximum Prison on the day of the invasion said

> "When the invaders came to Pademba Road prison their message was that they had come purposely to free us because we were there [on account of having] worked for them. It was planned by SAJ Musa, that they should not allow the Government to execute us. It was planned for that very reason by SAJ Musa."[499]

Thus they wanted redemption. However it must be borne in mind that the leaders of the AFRC wanted power. Having been expelled from Freetown, it was logical that they wanted to come back to power.

988. The identities of these detainees are a matter of note, for they included SAJ Musa's wife and several relatives of other members of the attacking group.

989. The last line of defence at Kossoh Town was literally abandoned as it had become indefensible by the limited numbers of ECOMOG troops there.

990. By the time the city of Freetown was in the sights of the attackers, ECOMOG was shell-shocked and in disarray.

991. The shortcomings of ECOMOG as an intervention force had become patently clear to Sierra Leonean fighting factions from as early as the moment of their deployment.

992. Through early encounters with ECOMOG Battalions, the AFRC and RUF fighters had come to know their enemy well.

993. ECOMOG was also hampered by its unfamiliarity with the chameleonic character of the fighting forces in Sierra Leone. The Nigerian Battalions were too trusting in accepting national soldiers back into the fold of national service, irrespective of whether they had served the AFRC junta or not. In the first place, ECOMOG thereby opened itself to unscrupulous and disloyal behaviour by some of those whom it had hoped were there to support its efforts. This point was highlighted in the subsequent Review Document produced by ECOMOG:

> "The local arrangement to co-opt a number of Sierra Leonean soldiers to join the NIGCON (Nigerian Contingent) troops as a way of making up for manpower shortage later proved very disastrous. In a shocking act of treachery and betrayal, the SLA soldiers not only deserted in large numbers to join the rebels, they later fought actively against the increasingly demoralised NIGCON soldiers."[500]

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[499] Allieu Kamara, former spokesman of the AFRC; TRC Interview conducted in Freetown; April 2003.

[500] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph 86.

994. As well as actual switching of sides, though, the redeployment of SLA soldiers alongside ECOMOG troops precipitated a wholesale blurring of lines. Since the integrity and trustworthiness of individual Sierra Leonean soldiers could not be absolutely guaranteed, ECOMOG soldiers confronted with large numbers of unfamiliar faces in military uniforms tended to panic. There was in fact very little to distinguish the Sierra Leoneans who were with ECOMOG from the Sierra Leoneans who were their enemies. M. S. Dumbuya explained the complexities of this problem to the Commission:

> "What happened after the liberation of Freetown, I told you some of the military men joined us who were not in the AFRC intentionally; and in the process as time went on we started bringing a lot of them into the ECOMOG fold, to an extent that they composed about three Battalions. They rejected them in the South; I mean the Kamajors did not allow them to be deployed there. But when they came to the North we welcomed them to join ECOMOG.
>
> So these Battalions of the Sierra Leonean military were redeployed in areas like Makeni, Kono and Kabala. But when the actual body of the AFRC junta came to start their attacks, these men were pulling out of their deployments in Kono [in the East of the country] to come for safety in areas like Makeni [in the central North of the country]. It was these movements that caused the confusion that made ECOMOG not to effectively defend Makeni. While these men were coming to Makeni a lot of the rebels and juntas join[ed] in the crowd and you just see them all as military men. As a result of that, ECOMOG had no alternative but to pull out."[501]

995. In determining the responsibility of various parties for this protracted period of suffering, serious scrutiny must first be afforded to the utter ineffectualness of those who held positions of military and political power in Sierra Leone at the time and who might have pre-empted or prevented the entry of an armed force numbering thousands of fighters into the city of Freetown.

996. Militarily, there were two main components to the pro-Government troops that were charged with patrolling and securing the strategic towns, roads and installations of the state.

997. First, the core of the ECOMOG contingent that had led the intervention force to restore President Kabbah remained stationed in Freetown and at various other points of strategic importance. Officially ECOMOG was empowered to provide a 'peace-keeping' or 'peace-monitoring' presence that would bolster the defences of the legitimate Government against attacks by insurgent or rebel forces. In effect, though, and in the light of the President's declaration that the Sierra Leone Army had been 'disbanded', ECOMOG constituted the only entity even remotely close to a conventional military force that the Government had at its disposal. In apparent acknowledgement of the principal role assigned to ECOMOG in the state security apparatus, a Nigerian commander, Brigadier-General Mitikishe Maxwell Khobe, had been appointed as Sierra Leone's Chief of Defence Staff.

[501] M. S. Dumbuya, former Trainer of the Sierra Leone Contingent in ECOMOG and Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 1 July 2003.

998. Second, in an unlikely alliance, the predominantly Nigerian professional soldiers of ECOMOG were accompanied on most of their infantry operations and in many of their defensive positions - including checkpoints - by militia men of the Civil Defence Forces (CDF). The steadily increasing reliance on the CDF by the Kabbah Government had culminated in a situation where Chief Samuel Hinga Norman was directing the military operations of the CDF not only in his capacity as National Co-ordinator of the CDF but also, crucially, in his capacity as the Deputy Minister of Defence.

999. Several CDF functionaries who held administrative responsibilities for their respective community forces have testified to the Commission that the main hindrance to their *own* capacity as a fighting force was the failure of the Government and its agents to provide them with the weapons they had promised them. On the other hand, though, the CDF was able to rely on ECOMOG for many of its logistical needs and fighters were at times given weapons and ammunition for their use in specific operations. This joint force ought to have been in a position to repel a threat to Freetown through stout resistance in an outlying location, rather than letting the urban environment become a battleground.

1000. The political stance of the SLPP Government appears to have been one either of horrendous complacency, or of irrationally misjudged propaganda. In particular, the strategy of the erstwhile Minister of Information, Dr. Julius Spencer, in attempting to downplay the size, strength and character of the attacking force seems to have had an awful incendiary effect.

1001. Some of the worst instances of violence against civilians occurred on the path to Freetown, in the direct wake of Spencer's pronouncements on radio news broadcasts that the 'rebels' comprised no more than a couple of hundred 'deranged boys' in the bush. His contentions that pro-Government troops were able to contain any threat comfortably were patently misguided or deliberately disingenuous.

1002. The fragility of an ECOMOG-secured democracy and the climate of uncertainty and suspicion that prevailed in the wake of the 1998 treason trials might be proffered as mitigating factors in the condemnation of pro-Government forces for allowing an attack on the capital city. However, coupled with the veritable collapse of the defences assigned to Koidu Town, Kono District in the preceding month, this breach of state security and simultaneous evaporation of all measures to protect civilian life and property in Freetown amounted to the exposing of innocent victims to harm.

1003. The composition of the force that entered the city has been widely misreported in the international media. Rather than an operation led by the RUF, this was a violent backlash against the Government of the state led by some of the key commanders of the AFRC junta that had been overthrown in February 1998. The troops they commanded comprised not only their 'own men' that is, dissident soldiers who had fled into the bush along with the junta rulers after the intervention of ECOMOG - but also several hundred Freetonian and Provincial youths who had joined with them in order to re-stake their claim to recognition and a place in the urban life of the country. Among the commanders just as among the ground forces there were unconventional fighters who had never been soldiers in the Sierra Leone Army nor undergone any guerrilla training with the RUF. Indeed, their involvement in the AFRC was apparently at the level of auxiliary staff on military barracks or in the

'urban support network', which included supplying drugs to the members of the junta or carrying out operations on their behalf, such as late-night attacks, lootings, burning of houses and killings. Their conscription, or absorption, into the AFRC group that took flight from Freetown was partly in recognition of their status as 'main men' [reference a sociological observation], and partly inspired by their own fear of retaliatory action by those who had labelled them as 'collaborators'.

1004. Thus, the overwhelming majority of those who entered Freetown on 6th January 1999 saw themselves as returning to their rightful homes after having been purged from the city prematurely.

1005. The Commission's findings indicate that this particular attack cannot be attributed to the RUF as a faction, nor to any of its High Command as individuals. While a sizeable proportion - probably several hundred - of those who committed violent acts against property and human life in Freetown during the month of January 1999 had belonged to the RUF at one time, they were neither in the majority nor among the key commanders and decision-makers.

Tactics and Counter-Tactics to Misrepresent the Size and Strength of the Attacking Force

1006. Tactics deployed by the AFRC troops, which included the removal of the ballistics controls on their personal weapons to amplify the 'bang' upon firing a bullet, played a major part in instilling a sense of fear into their adversaries and in convincing any group they encountered, whether civilian or military, that their fighting forces were more formidable and of greater combat prowess than was actually the case.

1007. Moreover, their numerical strength was bolstered by the addition of thousands of abductees to their ranks as they advanced onto Freetown. The eventual size of the entourage that descended upon the city from the surrounding hills has been estimated at up to 10,000 persons - among them were captive senior citizens, women, children and newborn babies, who in normal circumstances could not conceivably pose any threat to a professional peacekeeping force like the Nigerian ECOMOG deployment, but who in the prevailing confusion and panic of the moment constituted a deluge of hostile bodies onto the city they were supposed to be protecting.

1008. Several accounts from both combatants and non-combatant civilian captives attest that key strategic positions on the path into Freetown were left exposed or abandoned by ECOMOG soldiers. The most poignant example seems to have been the desertion of the long, narrow bridge at Waterloo, which as a river crossing with very little prospect of cover from attack had been foreseen by many members of the entourage as a probable point of ambush to thwart the advance into the city in its final stretch.

1009. However, as testimony before the Commission indicates, there was apparently no resistance whatsoever to the attackers' march over the bridge, which suggests either a failure to acquaint with the topographical features of the route into the city, or an ill-fated miscalculation on the part of ECOMOG. ECOMOG reports indicate that a pull back became imperative following the massive numbers of civilians accompany the attacking forces. There would have been

too many civilian casualties had ECOMOG attempted to forcefully halt the invaders.

1010. It is unclear whether such miscalculation was based upon an assessment of the invading force that overestimated its strength, or alternatively upon a notion that better opportunities to put up a defence of Freetown, perhaps with reinforcements, would present themselves at a later stage; the Commission was unable to garner any explanation from those charged with making strategic decisions at that time as to the rationale behind leaving the bridge unprotected. What is certain, however, is that it was the decisive mistake among a catalogue of errors that left the nation's capital city - into which up to half of its population was squeezed - wide open to a catastrophic month of destruction.

1011. The Government and ECOMOG had received reports of RUF/AFRC collaborators filtering into Freetown in advance of the invasion on missions that ranged from reconnaissance to hoarding of arms and ammunition.

> "The AFRC/RUF are daily sending their men and 'Agents' to Freetown [under the auspices of] the UN repatriation of refugees programme. The information gathered is that many of the AFRC/RUF rebels and their collaborators are infiltrating the repatriation camps and finding their way to Freetown without proper identification and screening."[502]

1012. The Commission also received testimony from a group of young male residents of central Freetown who were placed 'on alert' in the weeks preceding the attack. Their stated intention was that they would take up arms to bolster the invading troops when it began to strike at strategic points in the city. As one of them told the Commission, several of those who supported the invasion were able to come to Freetown to give notice in advance:

> "My boss came to this ghetto in Christmas week [in 1998] and said we should get ready. He was with the boys in the bush before they went into Makeni but he passed his gun to a small boy to bring to town and watch for him. He came on one truck with the civilians who were escaping. We kept getting more of us into the 'camp' [a hideout in central Freetown] in that same way; our supplies [of drugs] were plenty by then.
>
> They [the invading troop from the bush] were supposed to come for Christmas but we heard that they couldn't make it… [So] when they came in to town I was sleeping; but I was ready to join them. Lion gave me one AK [-47] back and told me: 'Long time, brother, where have you been hiding?'"[503]

1013. ECOMOG reported that it was also in possession of information that predicted the attack on Freetown. Its review document gave details of a variety of

[502] CDF Intelligence Document, *Confidential Security Report Submitted to Chief Nagbanama Tande Sina while en route through Conakry*; Compiled by National Security Agent in Guinea, marked 'Unedited and Confidential', September to November 1998; received by facsimile by CDF Chief of Intelligence, Mustapha Sankoh, 30 December 1998; copy provided to the Commission by e-mail, December 2003.

[503] TRC Confidential Interview with resident of Freetown who took up arms during the 6 January 1999 invasion; interview conducted in Freetown; 30 November 2003.

monitored activities, including the advance arrival of 'rebels' into the city, various means of reconnaissance and smuggling of arms and ammunition:

> "There was ever-present information that which indicated that the rebels intended to attack Freetown. The rebels, in desperate need to disrupt the just concluded trials or at best cause sufficient confusion in the status quo, employed various means of infiltrating Freetown.
>
> […] Child combatants were used in large numbers to spy ECOMOG positions. It was also reported that arms and ammunition were smuggled through the use of trucks loaded with firewood and even sand, cargo vehicles and PAE vehicles were suspected to [have been] used by the rebels as well. These fears seem to have been ignored."[504]

1014. The incompetence of the state intelligence services was made apparent to the Commission by a variety of sources. The evidence before the Commission suggests that there was a collapse in the state security apparatus around the seat of Government at the time when it needed protection most.

1015. In his conclusion to one intelligence report that foresaw the means of attack pursued almost with precision, a Government Agent operating in Guinea stated the following:

> "The rebel war in Sierra Leone is not yet over – far from that. The rebels have vowed to continue attacking the Tejan Kabbah Government until ECOMOG and the Kamajors are overstretched and their resources exhausted, during which time they will be ready to attack Freetown. It is also reported that SAJ Musa has been tipped to become the Leader if and when they succeed in their operational plans. Please do needful (sic) quickly to save Sierra Leone."[505]

The Military Dynamics of the Battle for Freetown in January 1999

1016. The military assault on the capital city, Freetown, quickly evolved into one of the most concentrated spates of human rights abuse and atrocities against civilians perpetrated by any group or groups during the entire history of the conflict. For over two weeks the populace of Freetown and its environs, among which were living thousands of displaced persons from the rest of the country, was subjected indiscriminately to a gamut of different crimes against their persons and destruction of their property.

1017. The invaders employed clinical tactics of urban warfare and were able frequently to use side streets and alternative routes to take the defensive forces by surprise and attack them at the rear. Naturally the combined forces

[504] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph XX.

[505] CDF Intelligence Document, *Confidential Security Report Submitted to Chief Nagbanama Tande Sina while en route through Conakry*; Compiled by National Security Agent in Guinea, marked 'Unedited and Confidential', September to November 1998; received by facsimile by CDF Chief of Intelligence, Mustapha Sankoh, 30 December 1998; copy provided to the Commission by e-mail, December 2003.

lost a number of their fighters in such operations, each death causing an amplified psychological impact, particularly on the ECOMOG forces, and ensuring that the remainder of the deployment fought with an enhanced sense of their own mortality. The invading force advanced up to Murray Town, Kingtom and Brookfields areas of Freetown.

The Role of the Kamajors in Defending Freetown

1018. The High Command of the Civil Defence Forces persisted in its operational bias towards the Kamajors when the realisation dawned that an attack on Freetown was unavoidable. Thus, in what was termed a state of "operational alert" by Chief Hinga Norman, it was the Kamajors who were drafted in as an envisaged last line of defence in the early days of January. They were airlifted from several locations across the South of the country and dropped at Hastings Airfield.

1019. The Commission heard testimony from Kamajors who participated in the operation, which tended to suggest that it stood an unlikely chance of success from its outset. There were fewer than two hundred (200) Kamajors airlifted to Hastings, albeit some of its most hardened fighters.[506] They were promised by their commanders that they would receive arms and logistics immediately upon arrival,[507] but in the event not a single weapon was forthcoming. At the point when the neighbouring ECOMOG Battalion of NIBATT 36 was removed without even engaging the enemy,[508] these Kamajors were left exposed to bear the full brunt of the onrushing troop.

1020. According to M. S. Dumbuya, as soon as the Kamajors realised the magnitude of the threat they were meant to repel, a large number of them dispersed and removed themselves from the firing line. Alternative evidence received by the Commission indicates that what ensued was a massacre.[509] The AFRC attackers deployed heavy artillery and a well-armed infantry force; they outnumbered the unarmed Kamajors by as many as ten to one. With the exception of only a handful who escaped in advance of the onslaught, almost the entire contingent of Kamajor fighters was wiped out.

1021. The Kamajors were dealt a further blow when attackers led by the AFRC broke through their defences around the Orugo Bridge near Jui. According to the subsequent ECOMOG review, the Bridge was held by Kamajors alone, despite its military classification as a "vital point."[510] It succumbed in the space of a single day, leaving the surviving Kamajors to retreat in haste into the city and

[506] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.
[507] TRC Confidential Interviews with members of the Kamajors who worked together with Chief Sam Hinga Norman at Base Zero; interviews conducted in Bo, Kenema, Pujehun and Freetown, July to November 2003.
[508] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph 195.
[509] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.
[510] ECOMOG Deployment Review Committee, chaired by Colonel D. D. Oyebanjo; *The Participation of the Nigerian Contingent in the ECOMOG Operation in Sierra Leone*; undated document marked 'RESTRICTED'; provided to the Commission in hard copy; September 2003; at paragraph 195.

take refuge at the CDF Headquarters at the site of the former Brookfields Hotel.

1022. The morale among the young Kamajors was at an all-time low when the AFRC-led troop entered Freetown on 6 January 1999. The base at the Brookfields Hotel was attacked and ransacked within 24 hours of the initial entry and many of its Kamajor inhabitants were captured and killed.[511] Thereafter the participation of the Kamajors in the defence of Freetown became something far more peripheral. Their deployment history and elementary training meant they were not suited to the travails of urban warfare in a built-up environment. As a collective force, their main contribution was reserved for the 'mopping up' phase that followed the main operation to liberate the city.

1023. One Kamajor recounted how he arrived at the Brookfields Hotel to discover a scene of disarray.[512] Chief Hinga Norman was reportedly 'in hiding' in Pujehun District along with Eddie Massallay, far from the heat of the battle.[513] In his wake Hinga Norman had secured only an ad-hoc arrangement for the command and control of the Kamajors encamped in Freetown. Hence, ammunition boxes were being delivered sporadically by ECOMOG and then transported to various points in the city that were considered to be 'front lines' by self-appointed Kamajor commanders. The tasks on which the Kamajors were despatched within the city were often imprecise; rather than a controlled and co-ordinated operation, Kamajors told the Commission that it amounted to their simply being let loose on the city of Freetown:

> "The only responsibility on the part of the High Command was to cater for us to be eating and smoking [marijuana]. They had no better plan for us to defend the city properly. We took orders from the commanders on the terms that: 'you feed us and give us djamba (marijuana); we'll go out on deployment'. With the djamba it was like they were taking a leaf from Hinga Norman's book… he told us to be smoking this thing so that we could be reaching our goal."[514]

1024. Wilberforce – up Hill Cut beyond King Harman Road was under the command of M.S. Dumbuya and a group of Kamajors. Groups of AFRC/RUF stragglers had found their way up the Hill Cut Road and into Wilberforce but were quickly repulsed. The Kamajors under Dumbuya's command pursued them down to King Harman Road and then ran out of ammunition. They however managed to hold their territory despite constant barrages by the invaders. Meanwhile Hinga Norman had a large cache of arms at his house, most of them in the possession of the innermost security detail. M.S. Dumbuya told the Commission that he made repeated requests to Chief Norman for arms and ammunition to bolster his forces but was ignored.

1025. The battle raged all over the city. The invaders were very widely dispersed in small bands of fighters. They appeared at unexpected corners and places. It

[511] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.
[512] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.
[513] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[514] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.

seemed in the first few days that the invaders would certainly overpower the ECOMOG forces and take over the city.

Repelling the January 1999 Invaders of Freetown

1026. Leadership tussle between Generals Shelpidi and Khobe - the latter, who knew the terrain and had familiarity with the types of operations required; and first, who commanded little respect and didn't have much of a grasp of the key priorities compounded the issues. Khobe was a junior officer, a colonel in the Nigerian army who was elevated to brigadier because of the mission. He proved hugely successful and was popular with the troops. He was however Chief of Defence Staff of the Sierra Leonean Military Forces, and strictly speaking had no real troops under his command. He needed Shelpidi, a much more senior officer and ECOMOG commander to agree to and approve any deployment of ECOMOG troops. Witnesses before the Commission testify that Khobe was envied by some of the ECOMOG commanders, who proved subsequently unwilling to assist him when the AFRC invaded Freetown.

1027. A number of factors account for ECOMOG's poor initial response to the invasion. Some have attributed it to Shelpidi being overwhelmed by the context; and his inability to defend a city that was also increasingly being flooded with refugees; others point to the patent divisions between key commanders in the ECOMOG contingent. Dr Julius Spencer testified to the Commission that on the day of the invasion, he had gone to the ECOMOG headquarters to find out what was being done to repulse the invaders. He found the whole place surrounded by an air of confusion. General Shelpidi was leaning heavily on his desk looking totally out of touch with what was going on and unable to articulate a coherent programme of response.

1028. General Khobe was eager to engage the invaders but was being thwarted by the Nigerian led ECOMOG high command. The Commission was told that President Kabbah had to personally appeal to the Nigerian leader, General Abdulsalami Abubakar who authorised the take over of the ECOMOG command by General Khobe. General Abubakar also despatched several battalions of Nigerian soldiers to Sierra Leone immediately. As quickly as the fresh soldiers got out of the aircraft at Lungi airport, they were thrust into the war front. The President had to be evacuated to Lungi airport to ensure his safety.

1029. By the fourth day of the invasion the tide began to turn in favour of the ECOMOG troops. Every street and corner had to be fought over. Using their superior knowledge of the streets, the invaders inflicted very heavy casualties on ECOMOG. In retaliation, ECOMOG troops began to indiscriminately attack and kill any person suspected of being an RUF/AFRC sympathiser or accomplice.

1030. The effort to flush out the invading forces was to a great extent concentrated on the Brookfields area. The turning point was reached when the major invading party was turned back at the Congo Cross bridge. From then on, they were in retreat. As it became increasingly evident to the invading forces that they would not be able to take over Freetown, they turned the battle into an orgy of looting, destruction, abduction, rapes and killings. The Eastern end of Freetown bore the brunt of the fighting and the destruction. Unofficial estimates were that more than 5000 houses were destroyed and close to 10,000 people

killed during the battle for Freetown. As the invaders departed Freetown, they embarked on a scotched policy of obliterating everything in their wake.

THE FORMATION OF THE WEST SIDE BOYS

1031. As the invaders left Freetown they returned to Makeni. What lay open to the expunged soldiers as available options were few and far between. After the split between the RUF and AFRC all the soldiers moved out of Makeni and set up their new base in the West Side – around October 1999 – which was a move back into the bush for some of the soldiers. It was because of that fight that the base at Okra Hills was set up. Brigadier Mani on the soldiers' side and Dennis Mingo and Issa Sesay on the other side. This group attracted the name 'West Side Boys' because they had found themselves in the Western Area. Mani stayed with the boys until a certain point; then he eventually moved off and returned to Krubola end – leaving Tamba Brima and Bazzy in charge at the Masiaka/ West Side axis.

1032. Many of the West Siders hoped that they would still be integrated into the army. When the peace negotiations started at Lomé, they all supported it and hoped that a peace agreement would lead to their reintegration into the army.

> "The West Side Boys were soldiers, but some of them were civilians. The civilians wanted to join the Army - that was their plan. They thought that this was their best way into the Army."[515]

1033. Some of the civilians from the prisons from the January 6 invasion – both soldiers and civilians were there. There were about one hundred people, 50 or 60 of whom were soldiers and who possessed weapons. Their main collective purpose was to gain acceptance back into the ranks of the Sierra Leone Army.

> "We were well-disciplined. Everybody was just sitting down waiting for UNAMSIL to come in. We had no operations at that time. Everybody was free."[516]

1034. The West Siders had free passage to most parts of the city. "At times ECOMOG would escort me. At times I would take my own security. I could bring anything in."

1035. The Chief of Defence Staff and the Army were providing them with supplies and had publicly contemplated turning the west side abode into a barracks for the Fifth Battalion.

1036. The notion that the West Side Boys were trying to establish their own foothold in the vicinity of Okra Hills was dismissed in testimony to the Commission by some of their most influential commanders. They claimed that they were all united behind a patriotic cause and were intent on reinstating themselves back into the Army in order to be able to serve the Government. However the West Side Boys continued to prey on the civilian population in the neighbourhood of

[515] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[516] TRC Confidential Interview with a former member of the West Side Boys; interview conducted in Freetown; 16 August 2003.

Okra Hills, culminating in their abduction of 1 British military observers and one Sierra Leonean soldier.

1037. They evidence their 'intentions' by reference to the role they played in averting another catastrophic attack on the city in the month of May 2000. Issa Sesay was said to have led an advance on Freetown in the wake of the incident at the compound of Foday Sankoh on 8 May 2000.

> "We are the ones who stood up and stopped them attacking Freetown. We ambushed them right around our West Side base. They were plenty – many more than us – up to 500 or one thousand."[517]

1038. With the failure of the attack on Freetown, it became obvious to the Government of President Kabbah that the war was unwinnable. Furthermore the new civilian government in Nigeria committed itself to a process of disengagement and withdrawal from Sierra Leone. There was alarm in Freetown that if the Nigerians withdrew, there would be no more impediment to the take over of the country by the RUF and its allies. The international community, in particular, the Americans mounted pressure of the Government to enter into negotiations with the RUF. It was in this weakened state that the Government went to Lomé, Togo, to negotiate a peace agreement with the RUF.

IMPLEMENTATION OF THE MILITARY AND POLITICAL FRAMEWORK FOR PEACE IN THE LOMÉ ACCORD

Preliminary Perspectives on the Implementation of the Lomé Accord

1039. Since the Lomé Accord was cast as a military and political solution to the conflict, its success depended on the implementation of both its military and political elements.

1040. The RUF was the signatory whose institutional future was most closely tied in with the implementation of the Lomé Accord. From its inception the RUF had harboured both military and political objectives. The appeasement of the RUF was therefore always likely to entail a balance between concurrent measures of pacification and inclusion.

1041. The RUF's military wing was to be neutralised and permanently dissolved through the process of Disarmament, Demobilisation and Reintegration (DDR). Meanwhile its political wing was supposed to be reformed and strengthened through its incorporation into the mainstream of politics and Government in a process known as 'power sharing'.

1042. The military element would require the RUF to demonstrate a commitment to peace and a responsibility for the effective participation of its combatants in the DDR process. The political element would require meaningful concessions from the Government of Sierra Leone to build new national transitional institutions and assist the RUF in seeing through its transformation.

[517] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

1043. Among the political elements of the Peace Accord was the conversion of the RUF into a political party, to be known as the Revolutionary United Front Party (RUFP). The ethos behind this provision was drawn from an RUF position advocated strongly at the talks. It said that there could be no peaceful resolution in the longer term without addressing some of the political reasons for which the RUF took up arms. The RUF's original ideology had been based on the overthrow of a corrupt one-party regime. At Lomé, it was granted the opportunity to make a contribution to an effective Government of National Unity in a multi-party system.

1044. However, suspicion and exclusion of the other side have always plagued politics in Sierra Leone. The power-brokers of the SLPP and the APC were unused to the concept of compromise in forming governing administrations. Hence the introduction of the RUFP was not popular with the 'establishment'.

1045. The volatility of the military situation in Sierra Leone was already at the highest point in its history when the Lomé ceasefire was agreed upon. The parties would require the utmost vigilance over the implementation of the political provisions of the Accord to ensure that any irregularities were not allowed to become the spark for further hostilities.

1046. The cease fire was to be bolstered by an expanded and diversified presence of peacekeeping troops in the country. The troops were envisaged to depart somewhat from the previous reliance on the West African regional force of ECOMOG. The 'moral guarantors' of the Lomé Accord were obliged to demonstrate a more broad-based support for the maintenance of Sierra Leone's security than had been perceptible in the wake of the restoration of President Kabbah's Government in 1998.

1047. Hence the leading peace-keeping presence was to be provided by the United Nations Assistance Mission in Sierra Leone (UNAMSIL). The troops were to be accompanied by a greatly enlarged civilian mission. UNAMSIL would become an active party and stakeholder in most of the institutions created by the Lomé Accord.

1048. Foday Sankoh frequently expressed his own interpretation of the delicate balance between military and political implementation during and after the Lomé negotiations. The most vehement articulations of his public position came in his letters to the moral guarantors after the implementation had begun in earnest. One example was provided in a letter in February 2000:

> "When I signed the Abidjan Peace Agreement, I did not request for any position. I only requested for the opportunity for the RUF to be transformed into a Political Party. That request was denied and a machination against me led to my arrest in Nigeria in 1997, whilst I was trying to ensure the proper and practical implementation of the Abidjan Peace Accord.
>
> In signing the Lomé Peace Agreement and requesting key positions for members of the RUF and myself, I wanted to ensure that the RUFP would interact within the system and personally give the people of Sierra Leone peace. This could only be achieved by the RUF being part and parcel of the system and changing the system from within, towards successfully democratic elections. The people of Sierra Leone and even Sierra Leone herself have been hurt by negative propaganda and I will

not stand by and allow the country to be destroyed again by any force, internal or external."[518]

RUFP Attempts to Gain International Support for Implementation of the Lomé Accord

1049. Foday Sankoh and other high-ranking members of the RUF delegation toured the countries of the sub-region and beyond for some months after the signing of the Lomé Accord. One of the countries that offered assistance in the wake of the Lomé talks was Libya. Sheikh Abu Bakarr Nabbie, who acted as Sankoh's Chief Protocol Officer in Lomé, described to the Commission his own interactions in Libya in July and August 1999 with supporters, various members of the Sierra Leonean Diaspora and the leaders of both the RUF and Government factions:

> "After the signing of the Peace Accord I went to Libya and held a meeting with a cross-section of Sierra Leoneans in that country. I explained to them how the peace was signed and how it would be implemented. I further held a consultation with Dr. Ali Triki, the Libyan Minister for African Affairs- that meeting was televised. The Islamic Call Society (ICS) in Libya offered me an appointment to spread the word of Islam in West Africa. They gave me $27,000 (US dollars) as well as office equipment, medicine and other goods to set up my office in Freetown.
>
> Pa Sankoh met me in Libya and the (ICS) offered us a private jet which took us to Mecca to perform Umbra. After we returned to Libya, Pa Sankoh went back to Lomé.
>
> In August President Kabbah met me in Libya. I held a meeting with Kabbah; I notified him about my appointment through the ICS and made him aware of my funding. I told him that some of the money would be used to assist in setting up and organising activities for the RUFP… I further told him that I had catered for 150 scholarships for Sierra Leonean ex-combatants to travel to different parts of the world. President Kabbah praised me and wished me success in all my endeavours."[519]

1050. Foday Sankoh also spent several weeks in Liberia during the preparatory phase of Lomé implementation, in the care of his long-standing ally President Charles Taylor. In order to arrange the modalities for the RUF's participation in the peace process, Sankoh summoned a host of senior RUF commanders to meet him at the Executive Mansion in Monrovia for a set of consultations with President Taylor and the Liberian Cabinet.

[518] Foday Sankoh, Chairman and Leader of the RUFP; letter of complaint entitled "The Lomé Peace Agreement", addressed to the Moral Guarantors of the Lomé Accord, Heads of State and members of civil society; 24 February 2000.
[519] Sheikh Abu Bakarr Nabbie, former Chief Protocol Officer to the Chairman and Leader of the RUFP Foday Sankoh; TRC Interview conducted in Freetown; 2 May 2003.

1051. These meetings took place in August and September 1999. Some of those involved in the meetings included Sam Bockarie (alias "Mosquito"), Kaisuku Kaisamba, Rashid Sandi and Peter Vandy.[520] The last of them, Peter Vandy, was informed whilst in Liberia that he would be one of the RUF's nominees to a Ministerial post. Various other RUF members were also called over the border to Liberia to be informed of the roles expected of them in the implementation phase. Other than providing accommodation, it is not clear whether Taylor had any direct role in these consultations.

1052. Foday Sankoh was to continue to canvass for further financial and institutional support for the RUFP well into the implementation phase. Sankoh also expanded his network of international contacts considerably in the wake of his new-found official status. It was during the latter part of 1999 that Sankoh formed a professional and romantic relationship with his wife-to-be, Madam Fatou Sankoh (née Mbaye). She was a US citizen of Senegalese origin who worked in humanitarian assistance projects in sub-Saharan Africa. The two would marry in February 2000. As Madam Sankoh explained to the Commission, their relationship was based on a notion of mutual support:

> "We were both adults – I wasn't looking for a husband and he wasn't looking for a wife, but he needed a partner to help him move forward his image and his political party; me too, I wanted to help him. That's what allowed us to develop that love for each other."[521]

1053. Partly in the context of his proposed wedding, Foday Sankoh was able to undertake a short international trip in February 2000. According to Madam Sankoh, the priority objective of the trip was to secure a full medical check-up for Foday Sankoh before the couple married. The destination of the trip was South Africa, where a small RUFP delegation stayed in the company of a South African businessman called Raymond Kramer, Chief Executive of the Kramer Group. In addition to Sankoh and his wife-to-be, the delegation included Gibril Massaquoi, Sankoh's Special Assistant, and Babsy Coker-Gibbs, one of the RUFP's secretarial staff.[522] The trip culminated in the marriage of Foday and Fatou Sankoh on 26 February 2000 in Dakar, Senegal.[523]

1054. Beyond Sankoh's wedding, the significance of this trip was found in the means by which Sankoh sought support for the RUFP while in South Africa. It was widely alleged that the trip was organised by Sankoh for the purpose of dealing diamonds with a South African conglomerate headed by his host, Raymond Kramer; among others, the Attorney General Solomon Berewa was to make

[520] Peter Borbor Vandy, former RUF commander and Minister of Lands, Housing, Country Planning and the Environment in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[521] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[522] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[523] A copy of the Sankoh marriage certificate was provided to the Commission. The wedding took place at the Grand Mosquée de Castors, Derklé, Dakar on 26 February 2000 as the RUFP entourage returned to Sierra Leone from South Africa.

this claim later.[524] There were rumours that he had imported weapons into the country as well as cars without paying customs duty on the cars. Yet in the Commission's own analysis of the materials recovered from RUFP residences and now in the possession of the Sierra Leone Police, there is no conclusive evidence to support this version of events.

1055. Alternatively, according to Madam Fatou Sankoh, the visit to South Africa enabled Sankoh to lobby for material and financial support for the RUFP from foreign investors.[525] This portrayal of the trip was supported by a statement from one of its organisers, a Sierra Leonean business consultant by the name of Mory Kabba:

> "A few of the South Africans wanted to know from Foday Sankoh about his commitment to lasting peace in Sierra Leone. Sankoh reassured them that the war was completely over in Sierra Leone and that as a matter of fact he was no longer a rebel leader but a leader of a political party. He encouraged the South Africans to come and invest in Sierra Leone and… represented the fact that his main priority was to consolidate his political party and organise himself for the upcoming campaign for the General Elections."[526]

1056. Foday Sankoh was unable to garner any international political support for the newly-founded RUFP. Indeed, many RUFP members lamented the fact that in the wake of promising beginnings after Lomé, the RUFP was not afforded sufficient financial support to sustain any kind of publicity or other political party activity. The RUFP that attempted to implement Lomé was only provisionally registered as a party and has never since grown into a fully-fledged Party in its own right.

Emergent Divisions in the RUF between the Political Wing and the Combatant Cadre

1057. In their negotiations at Lomé and beyond, the parties to the Peace Accord made the assumption that Foday Sankoh enjoyed sole and unfettered authority over all arms of the RUF movement. The inherent implication in this assumption was that Sankoh controlled and directed all the RUF's members and that he was answerable for all the acts of its commanders and their troops on the ground. In retrospect, this assumption appears to have been mistaken.

1058. Sankoh had been in prison – first in Nigeria and then in Sierra Leone – for over two years by the time he arrived in Lomé. For the overwhelming bulk of that period he had been out of contact with his field commanders and oblivious to most of their dealings. Indeed the tape-recorded message that caused the RUF to join the AFRC in May 1997 was Sankoh's last word of direct instruction to his men until he came back into the fray to endorse the Lomé cease fire in

[524] Solomon Berewa, Attorney General; statement to the press, 13 May 2000; reported on the BBC Africa Service and available in the news archives of Sierra Leone Web (www.sierra-leone.org). Berewa claimed that Sankoh had made deals in a "reckless manner" during his trip to South Africa.
[525] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[526] Mory Kabba, international business consultant who arranged Foday Sankoh's visit to South Africa in February 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 21 to 23 May 2000.

May 1999. After his absence, Sankoh's endorsement necessarily came from a position of uncertainty as to whether he was truly representing the consensus of the RUF on the ground.

1059. Only after the signing of the Lomé Accord did Sankoh have the opportunity to visit the RUF Headquarters in Sierra Leone, which was positioned at Buedu in the Kailahun District. According to testimonies from RUF combatants and administrators, it was from this point that Sankoh really staked his leadership on the success of the peace process:

> "To start with, the combatants of the RUF were never interested in diplomatic means of bringing an end to the war. They had wanted fighting to continue until the SLPP Government was rooted from power. All they wanted [from the cease fire] was the release of Foday Sankoh.
>
> […] When Sankoh was released and met us in Buedu, he was told by his fighters in secret that he should stay in Buedu from that moment… The fighters said: 'we are ready to fight and capture Freetown and the whole of Sierra Leone; ECOMOG or no ECOMOG; UNAMSIL or no UNAMSIL!' But Pa Sankoh told them that he had signed peace with the Sierra Leone Government in the presence of the international organisations, non-governmental organisations and journalists of the world. So there was no way for him to subvert the arrangement.
>
> […] Sankoh tried to convince the fighters that no war can go on forever; it must end up at the peace table. When he saw that they were still adamant, he had no choice [but to do the following]: he authoritatively stated that he brought his war [to Sierra Leone] and as far as he was concerned, his war was over. Whosoever wanted to fight could fight for himself, but not for Foday Sankoh. At that juncture, everybody accepted the peace talks and agreed to work towards everlasting peace in this country… because Foday Sankoh has said so."[527]

1060. Accordingly, Sankoh's position was not universally accepted by the majority of the RUFP members. It became divided into two wings with differing agendae. A political wing loyal to Sankoh ad a combatant wing determined to undermine the peace process.

The Position of the RUFP Political Wing

1061. The first group ("the political wing") looked up to Sankoh as the only person who could bring the struggle of the RUF to a decisive, peaceful and amicable resolution. Its members were largely educated recruits and administrators who were personally devoted to the RUF leader. By no small coincidence, Sankoh himself knew and had worked with most of them in previous years and had personally 'rescued' many of them, either from detention or other adverse circumstances.

1062. In assessing the biographies of the members of the political wing, the Commission identified commonalities between them in the reasons for which they joined and stayed with the RUF. Many, for example, had been brought on board out of personal moral compulsion – the notion that they owed Sankoh

[527] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

something. That contingent stayed on out of a sense of duty. Alternatively they had been 'convinced' to join by a vague promise, either spoken or implied, that through the RUF their lives would be improved. That contingent stayed on because its members were dependent on Sankoh for the fulfilment of such a promise.

1063. When the time came to implement Lomé, one of Sankoh's most important early tasks was to instigate the 'urbanisation' of the RUF and integrate its key office-holders in the city of Freetown. The majority of the political wing was still firmly behind Sankoh and agreed almost unconditionally to follow him on the path to peace, even as far as Freetown itself. Hence the RUF's appointments to Cabinet and Deputy Ministerial positions were drawn from this group, as were its nominees to central implementation bodies like the Joint Monitoring Committee (JMC) and the Commission for the Consolidation of Peace (CCP). The political wing appeared genuinely to be in support of Sankoh and to believe in the Lomé Accord. Those asked to play an active role appear to have sought in good faith to implement its provisions.

1064. It was largely with the support of his political wing that Sankoh made crucial decisions as to how to see through the transition of the RUF into a political entity. Under the terms of the Lomé Accord, Sankoh himself was to take up residence in the seat of Government and head the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD).[528] This step was in the first instance a signal that Sankoh was aligning himself and identifying most closely with the political wing. His next task, therefore, was to ensure that in the process he did not alienate the remaining section of the movement – its combatant cadre.

The Position of the RUF combatant cadre

1065. This second group ("the RUF combatant cadre") was composed largely of unsophisticated fighters who had been enlisted from rural areas across Sierra Leone during RUF attacks on their communities. Many of them had been forced to join the RUF through brutal means, or had become members in pursuit of their own interests. Of the forced recruits, most had never laid eyes on Foday Sankoh personally and had no grasp of the wider goals of the RUF movement. They knew an existence dominated by fighting and they were led by field commanders with little sense and even less sensibility.

1066. The field commanders of the RUF combatant cadre were mostly high-ranking vanguards who appeared to have lost sight of most of the original goals of the RUF. Importantly, they no longer seemed to believe that Sankoh was apt to secure their interests. Most of them were naturally wary of the proposal to subsume Sankoh and the RUF into the political environment of the capital city. Having witnessed the fate of the soldiers who were executed as a result of the 1998 treason trials less than a year earlier, they opposed the relocation of the High Command to Freetown on the principle of suspicion.

1067. This constituency was championed by the self-appointed Interim Leader of the RUF, Sam Bockarie (alias "Mosquito"). Mosquito insisted that it would be grave folly for the RUF to engage in politics without retaining a formidable military dimension. One RUF member who would later receive a political

[528] Lomé Peace Agreement, Article IV, Section 3.

appointment from Foday Sankoh told the Commission of the differing approach to peace that Mosquito advocated:

> "[Sam Bockarie] tried to convince Foday Sankoh not to come to Freetown but to stay in one of the Provincial or District Headquarter Towns under RUF control. Sankoh refused it. They talked to some of us not to take up the Ministerial and other positions given to us, just to sabotage the whole peace talks. But because of our love for the people of this country and also loyalty to Foday Sankoh who said the war was over, we did not accept their conviction.
>
> […] At last, Mosquito, who was the head of all those against the peace talks, told us that if we were to come to Freetown then we would not come with less than one thousand armed men. The reason he gave was that the Government of Sierra Leone was not sincere with the peace process and that the United Nations was in support of Kabbah. He reminded us of the Abidjan Accord and the Conakry talks, all of which failed [in his opinion] as a result of the behaviour of the SLPP Government.
>
> […] Gradually, Mosquito reduced the number to 500 armed men and that too Pa Sankoh said was too much. Pa Sankoh said he was not coming to Freetown for war but for peace and that UNAMSIL was there to protect all who were coming to Freetown. In the end it was agreed upon by all factions involved in the peace talks - RUFP, SLPP, ECOMOG and UNAMSIL – that Foday Sankoh should come to Freetown with 45 armed men as his personal security. But even then, I was made to understand that he came with 30 armed men, but that all the arms were packed in the store as he was guarded by UNAMSIL.
>
> […] The conflict between Mosquito and Sankoh started from that point. Mosquito said that Sankoh was slowly selling the lives and fate of the combatants, as [I feel] it has happened to us today."[529]

1068. Mosquito's conception of disarmament was far removed from the principles that the exercise was supposed to embody. After one 'sensitisation session' conducted by the RUF's advance implementation team in the wake of Lomé, Mosquito addressed a large troop of combatants under his command in the terms that 'we are not a defeated army – we will not surrender to foreigners'.[530] Mosquito successfully managed to convey his prejudices onto the larger RUF combatant cadre, who in turn were malleable enough to adopt them as their own thinking.

1069. Accordingly, a dangerous perception among the RUF combatant cadre was that the dividends of the Peace Accord were concentrated in the hands of their 'political' leadership, while the concessions associated with disarmament and demobilisation were all 'military' sacrifices that fell to be made by the combatants. In other words, they saw Sankoh and a select few around him decamping to a life of luxury in Freetown while they were being asked to give up their guns, which were the only claims they had on power.

[529] TRC Confidential Interview with former RUF 'junior commando' recruited on the Kailahun front, who subsequently became a 'G-2' Commander and investigator in the Internal Defence Unit; interview conducted in Freetown, 22 September 2003.
[530] TRC Confidential Interview with a former RUF junior commando recruited in the Bonthe District in 1995; interview conducted at TRC Headquarters, Freetown; 15 July 2003.

1070. Many of the combatants therefore saw no reward in the disarmament process and refused to participate. Their strategy was to become one of 'stockpiling' weapons in secret locations or drifting out of the surveillance areas of the disarmament monitors.[531] As such the combatant cadre developed into a far more volatile and dangerous proposition in the peace process than its counterparts in the political wing could ever have been. Militarily and strategically, the combatant cadre was well-armed and well-positioned, with bases across most of the North of the country and unthreatened control of Kono and its mines. Their participation in the peace process was by no means certain and nor was Sankoh's ability to changed their minds.

Foday Sankoh's Appointment of ex-SLAs to his Security Operation

1071. In the midst of the emergent divisions in the RUF, Foday Sankoh was faced with the difficult task of selecting a personal security detail to accompany him to Freetown. In many respects, this was an unprecedented assignment for Sankoh, since he had largely lived in bush bases and militarised territories during the six years of the conflict that preceded his detention in Nigeria. He had never before had to assemble a security squad to guard an urban residence like the one earmarked for him in Freetown at No. 56 Spur Road.

1072. The only cadre of the RUF that had previously been concerned with the provision of bodyguards or security officers for the High Command was known as the 'Black Guards'. This unit comprised unconventional commando fighters. Most of them were forcibly enlisted, trained only in guerrilla tactics and offensive manoeuvres, and used to bearing firearms, which they would discharge indiscriminately or at the whim of their commanders. The most common scenarios in which the Black Guards were asked to mobilise involved repelling enemies from 'targets' or RUF camps in the context of combat with an enemy.

1073. Clearly a force of the nature of the 'Black Guards' was not suitable to provide security to Sankoh in his new capacity as a VIP living in the heart of Freetown. Additionally, Sankoh had begun to doubt the loyalties of some of his combatant cadres, including the Black Guards, on the basis of the trends of divergence noted above. He therefore turned to a different type of fighter to comprise his security personnel in Freetown.

1074. The typical profile of Sankoh's new security guards bore several identifiable elements. First and foremost, they were professionally trained soldiers or former soldiers of the Sierra Leone Army (SLA). The majority of them had been recruited into the SLA during the 1990s, either in the final batch of recruits under the APC in 1991, or in the massive recruitment drive under the NPRC in 1992. As with the bulk of the wartime SLA, these were mostly young men in their prime, aged between 25 and 30, many of them born and raised in Freetown. In short, they were urban youths.

1075. The means by which Sankoh came to select these new security officers appear to have been somewhat arbitrary. In their testimonies to the Commission, members of this group recalled that they had been fighting alongside the RUF since the merger of the AFRC and RUF into the 'People's Army' in 1997.

[531] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

However, several of them had experienced acrimonious relationships with senior RUF commanders like Issa Sesay, Sam Bockarie (alias "Mosquito") and Morris Kallon. One of their number told the Commission that he and his colleagues were emphatically "not chosen because of any good understanding with the RUF strong men."[532]

1076. In fact, interestingly, it appears that many of those selected by Sankoh to be his 'particulars' were closer in their prior affiliations to the AFRC and Johnny Paul Koroma than they were to Mosquito and the RUF. Such were the anomalies of the relationship between the RUF and the AFRC, however, that there were also some among them who had received 'bush ranks' of Colonel, Major and Captain directly as a result of promotions by Mosquito.[533]

1077. The Chief Security Officer for Sankoh's personal detail was RUF Colonel Akim Turay. In his testimony to the Commission, Turay indicated that he was astonished to have been appointed because he had never even made Foday Sankoh's acquaintance before that point:

> "In October 1999, I was asked to report to Kailahun by Mosquito, so I went there. Mosquito told me that Pa Sankoh had invited me to Liberia, so I went across the border and met with Pa Sankoh there. On meeting him I was too surprised when he told me I was going to be his Chief Security. That was the first time I had even seen him in the flesh. I stayed with him in Liberia for three days before we left for Freetown. I continued to stay with him and work with him because I wanted peace."[534]

1078. In total, the new security force for Sankoh's Freetown residence comprised at least 24 soldiers. All of them had at one time fought as part of the AFRC and the People's Army, but most of them had also at one time fought against the RUF.

1079. The implications for the RUF of the appointment of this new security cadre were not entirely foreseeable at the time. Certainly their presence among the RUF ranks made Sankoh's inner circle more closely assimilated in terms of its character to the soldiers who surrounded the former AFRC leader Johnny Paul Koroma.

[532] Alex George Williams (alias "Twin Barrel"), former soldier in the Sierra Leone Army and later a member of the RUFP; TRC Interview conducted in Freetown; 2 May 2003.
[533] See, inter alia, 'Colonel' Soriba Mansaray, former soldier in the Sierra Leone Army and later a member of the RUFP; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[534] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003.

The relationship between Foday Sankoh / Johnny Paul Koroma and their respective Factions

1080. It should be recalled that Johnny Paul Koroma was the man in whom Foday Sankoh had vested the ultimate responsibility for directing the conflict in his absence. From 25 May 1997 until March 1998, Koroma was not only the Chairman of the AFRC, but also the Commander-in-Chief of the People's Army, which included the RUF. Yet Koroma subsequently fell dramatically out of favour with the RUF High Command when he attempted to abscond to Ghana.[535] Koroma was placed under house arrest in Kailahun and he was widely despised at most levels in the RUF for his perceived betrayal of the movement.

1081. The RUF's alliance with the AFRC after that point became gradually more charged with tension and mutual distrust. This discord was evidenced by the divergent operations the factions pursued and by the perpetual power struggles in which their respective commanders engaged.[536] Dissident units and splinter groups sometimes incorporated both members of the RUF and former soldiers of the AFRC in their ranks, but these groups were anomalous and quite anarchic.

1082. Koroma's own opportunism and unscrupulousness was widely blamed for the degeneration in relations between the RUF and the AFRC. Some senior members of the RUF testified to the Commission that they were yearning for a means by which to shackle the wayward combatant cadre, especially the units like the West Side Boys that were led by ex-AFRC commanders.[537] They argued that this was the best means by which to reinstall order in the country and stop the wanton violence that had culminated in the invasion of Freetown in January 1999. They saw Sankoh's return as the best prospect of achieving an improved state of affairs for themselves and for the general security situation in Sierra Leone.

1083. Other RUF members sought to catalyse the break-up of the alliance with the AFRC and to exploit the resultant mayhem to their own benefit. These were the 'strongmen' of the combatant cadre, led by Sam Bockarie (alias "Mosquito"). Bockarie and his cohorts portrayed the RUF's chaotic position as a symptom of Sankoh's ill-judgement. They contended that Sankoh had erred in elevating Koroma unilaterally in the first place. This position was born out of disrespect for Sankoh, disregard for the well-being of the population of

[535] Johnny Paul Koroma was alleged to have attempted to leave Sierra Leonean territory in 1998 in possession of a large amount of diamonds. According to a variety of confidential interviews conducted by the Commission with members of both the RUF and the AFRC, Koroma's own security guards revealed Koroma's intentions to one or more members of the People's Army High Command. As a result, Koroma and his wife were captured, searched and allegedly brutalised by RUF combatants under the command of Sam Bockarie (alias "Mosquito"). Mosquito found the diamonds and ordered Koroma's immediate detention.

[536] By way of example, the prominent senior RUF commander Dennis Mingo (alias "Superman") engaged in a drawn-out series of confrontations with the AFRC strongman Solomon A. J. Musa ("SAJ Musa"). Superman and SAJ Musa apparently refused to undertake joint operations. Furthermore, troops under their respective command were reported to have clashed in direct military battles in certain areas of the North of the country, particularly in mid- to late-1998.

[537] TRC Confidential Individual Interviews with members of the RUF 'vanguards' contingent; interviews conducted variously in Freetown, Makeni, Magburaka, Kailahun and Kono; June to December 2003.

Sierra Leone and insecurity in the knowledge that an end to the conflict would spell an end to their brutal domination.



Major Johnny Paul Koroma — ***Leader of the AFRC***

Sam "Mosquito" Bockarie — ***Commander of the RUF***

1084. At around the same time the RUF plan for participation in Government was being formed, the ex-soldiers of the AFRC also reformed themselves. Johnny Paul Koroma's absence on the ground for eighteen months had given rise to well-publicised disaffection among the former AFRC soldiers he had left behind.[538] The AFRC High Command, including Alex Tamba Brima (alias "Gullit"), Santigie Kanu (alias "Five Five") and Foday Kallay, had advocated strongly for Koroma's participation in the Lomé Peace Talks.[539] However, they were overruled by their RUF counterparts and Koroma was deliberately cut out from the Lomé talks at the behest, mainly, of Sam Bockarie (alias "Mosquito").[540] The collective leadership of the AFRC faction thus contended that they had been "totally unrepresented, unrecognised and marginalised"[541] throughout the Lomé negotiations.

1085. The official delegate of the AFRC at Lomé was Idrissa Hamid Kamara (alias Leather Boot).[542] According to his ex-colleagues in the AFRC, he was in fact 'co-opted' as a candidate who would be favourable to the interests of the RUF.[543] For that reason, Leather Boot was disowned by the AFRC. Moreover, the majority of the AFRC commanders declared their loyalty to Koroma and set

[538] Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.
[539] Foday Kallay, former AFRC 'Honourable' who later became Leader of the West Side Boys; statement given to the Sierra Leone Police at Jui Police Post, Freetown; 10 September 2000.
[540] Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 07 May 2003.
[541] Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.
[542] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.
[543] TRC Confidential Interview with a former 'Brigadier' under the AFRC; interview conducted in Freetown; 17 October 2003.

their stall out against the RUF as the implementation of Lomé unfolded. Their appeal to the Government for Koroma's inclusion in the peace process seemed to carry with it a mildly threatening tone.[544]

1086. As the most telling period in the implementation of the Lomé Accord began, the remnants of the AFRC felt moved to make the following statement, detaching themselves from the RUF:

> "We want to emphasise that ours is an alliance of partners or stake-holders and not a firm union; so therefore the perceived imposition of [the RUF's] will on us [the AFRC] is unacceptable. The non-recognition of our leader, Lieutenant-Colonel Johnny Paul Koroma, as a stake-holder in his own right, representing the interest of the AFRC is not only unacceptable, but will no longer be tolerated."[545]

THE IMPLEMENTATION OF THE POLITICAL ELEMENTS OF THE LOMÉ PEACE ACCORD

The Formation of the Commission for the Consolidation of Peace (CCP)

1087. The full composition of the Commission for the Consolidation of Peace (CCP) was as follows:

1.	Chairman [Presidential appointee]	Johnny Paul Koroma (AFRC)
2.	Commissioner [Government nominee]	PC Charles Caulker (CDF)
3.	Commissioner [Parliamentary nominee]	Honourable Manso Dumbuya
4.	Commissioner [RUF nominee]	Charles Kamara
5.	Commissioner [civil society nominee]	Dr. Dennis Bright
6.	Commissioner [civil society nominee]	Abu Brima

1088. The Commission for the Consolidation of Peace (CCP) was the principal body charged with overseeing the implementation of the Lomé Accord. It was agreed by the parties at Lomé that the CCP should have "the overall goal and responsibility for supervising and monitoring the implementation of and compliance with the provisions of the [Lomé] Agreement relative to the promotion of national reconciliation and the consolidation of peace."[546]

1089. Despite the stipulation that it should commence its work within two weeks of the 7 July 1999 signing, the CCP did not become formally operational until 15 November 1999, when the Commissioners received their letters of appointment.[547] In accordance with its mandate, the CCP was comprised of five Commissioners. The Government, the RUF and Parliament nominated

[544] Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.
[545] Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.
[546] Lomé Peace Agreement, Part 2, Article VI.
[547] Honourable Manso Dumbuya, nominee of Parliament to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 13 August 2003.

one representative each, while civil society put forward the remaining two.[548] In addition, the President of Sierra Leone unilaterally appointed his own candidate as the 'Chairman' of the CCP. President Kabbah selected the former AFRC Head of State Johnny Paul Koroma to fill this post.

1090. It was thus through a remarkable and somewhat unlikely turn of events that Johnny Paul Koroma was reintroduced to the political arena. He had taken part in at least some of the above-mentioned consultations with Foday Sankoh and Charles Taylor in Monrovia but he was not appointed to any post under the auspices of an RUF nomination. Upon reuniting with other RUF delegates at Lomé, Sankoh had been informed of Koroma's alleged betrayal of the RUF in Kailahun. He treated him with great suspicion thereafter. He had set out to orchestrate Koroma's involvement in the peace process on terms that were favourable to the RUF.

1091. Sankoh's strategy proved to be somewhat flawed, however, for he was outdone and overruled by the intervention of President Kabbah. Kabbah had made the decision to engage Koroma in the peace process in the interests of national reconciliation. Towards this goal, he awarded Koroma a position that carried almost as high a profile as Sankoh's own. Koroma became the Chairman of the Commission for the Consolidation of Peace.

1092. The RUF's nominee to the CCP, Charles Kamara, explained in his testimony how his own appointment transpired. He thereby also gave a valuable insight into the means by which Koroma was brought on board:

> "After the Lomé Accord, Isatu Kallon [the wife of Sankoh's Adviser] told Foday Sankoh that I was in town. He sent for me; it was a happy reunion… It was then that they were asking for people to be nominated for positions in Government and the CCP. President Tejan Kabbah wanted Johnny Paul [Koroma] to be nominated by the RUF, but Foday Sankoh told him [the President] that he had a different candidate. He then submitted my name to Pa Kabbah. That was how I became the RUF nominee in the CCP.
>
> […] But after all the nominations were made, the President, in his own wisdom, appointed Johnny Paul Koroma as Chairman of the Commission. The President appointed him Chairperson and Foday Sankoh did not approve that. There was a lot of dissent, especially within RUF circles; they did not want him [Koroma] to have anything to do with the CCP."[549]

1093. There was equally disillusionment outside RUF circles at the President's move to bring back Johnny Paul Koroma. After all, Koroma was the man who seized power after the 25 May 1997 coup that had overthrown Kabbah. Kabbah's principle of inclusion behind the appointment was unquestionably laudable and the President was rightly praised for his effort to rebuild bridges. However, as the former NPRC Minister Sam Maligie testified to the Commission, there was certain bafflement about the invitation to Koroma to return to the peace process as a 'prodigal son':

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[548] Lomé Peace Agreement, Part 2, Article VI, Section 5.

[549] Charles Kamara, former RUFP nominee to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 14 August 2003.

> "We have a leader [in President Kabbah] whom, at one time, I was tempted to ask if he was fighting for the Nobel Peace Prize! Inasmuch as we are in a democracy, it is not democracy at the expense of your country or your leadership.
>
> […] I don't care what they say about peace; the peace [at Lomé] was actually with the RUF. Why bring in Johnny Paul? And look at the important position that was given to him! Let us say what we want to say. If we say APC was a big problem for this country, the fellow who relieved us from that trouble – Strasser – nothing has been done for him. Johnny Paul attempted a coup on Strasser and he even attempted a coup on Tejan Kabbah before he carried out the 1997 coup. He wanted power at all costs… Yet we made Johnny Paul to look like a hero of peace."[550]

1094. Quite apart from the questions it raised over the credibility of the peace process, Koroma's appointment served to put in jeopardy the success of the CCP. The five other Commissioners held Koroma in low regard. Honourable Manso Dumbuya, who was nominated to the CCP by Parliament, testified that he found Koroma to be a 'difficult' man to work under; he stood opposed to the way Koroma conducted himself and to the decisions he made on a variety of issues.[551] This perspective was apparently shared by the other Commissioners, as Charles Kamara explained:

> "Johnny Paul Koroma did not understand his role [as Chairman of the CCP]; he did not know what to do. I should say that he was incompetent to handle the position. He did not treat us as if we were all members of the Commission.
>
> […] Excepting the differences of names, we had all received the same letters of appointment. [But] as a soldier, Koroma thought that he was the boss and we were his juniors. We collectively told him that he was a leader among equals and that we should work as a Commission. Sometimes, we reminded him that his presence in the Commission was imposed [by the President] and not necessarily provided for… Why did the President appoint Koroma? Perhaps he needed a job; that is my guess… [In any case] we collectively worked together without him, most of the time."[552]

1095. Perhaps the most significant impediment to peace presented by Koroma's appointment was the fact that it alienated the CCP from the RUF High Command. There was bitter resentment towards Koroma in the highest echelons of the RUF, which in turn gave rise to resentment on Koroma's part. Koroma and Sankoh were barely able to disguise their acrimony towards one another in the planning stages for the implementation of Lomé. Accordingly, Charles Kamara testified that he foresaw problems with the arrangement from the outset:

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[550] Dr. Samuel Maligie, former Secretary of State for Internal Affairs, Rural Development and State Security under the NPRC; TRC Interview conducted at private residence in Freetown; 31 March 2003.
[551] Honourable Manso Dumbuya, nominee of Parliament to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 13 August 2003.
[552] Charles Kamara, former RUFP nominee to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 14 August 2003.

> "We thought that things would not go well with Johnny Paul's presence on the CCP. I personally said that things would not go well if Johnny Paul was made Chairperson, because Foday Sankoh would have nothing to do with that Commission; and I guessed rightly. In fact, Sankoh not only had nothing to do with it [the CCP]; he had nothing to do with him [Koroma] as well."[553]

1096. The Commission heard that the CCP's work was additionally constrained by overwhelming logistical and financial shortfalls. According to one of its Commissioners, Honourable Manso Dumbuya, the CCP was forced to hire vehicles for the majority of operations because the one official car assigned to it was commandeered by Johnny Paul Koroma for his own use. Furthermore, the support staff for the CCP never grew beyond one driver, one messenger and a sub-accountant; while a photocopier, a fax machine and a single computer comprised its equipment.[554]

1097. With hindsight it is scarcely believable that the CCP was intended to ensure that no less than nine other categories of Commissions or Committees were "operational and given the necessary resources for realising their respective mandates."[555] Among the bodies enumerated as being under the auspices of the CCP were the NCDDR, which led disarmament, the NCRRR, which was to institute programmes for resettlement and reconstruction, and even the then as yet unborn Truth and Reconciliation Commission. The CCP was, in short, impossibly overburdened and never stood a chance of fulfilling its mandate as foreseen in the Lomé Accord.

The Joint Monitoring Commission (JMC) for Ceasefire Violations

1098. The JMC, along with the Provincial and District Cease ire Monitoring Committees (CMCs) also fell under the auspices of the CCP. The JMC was one of the few CCP offshoots that managed to become fully operational within the calendar year of 1999. It was conceived as a forum of all parties to the peace in which members of the former combatant factions and their monitors would determine responsibility for a particular violation of the ceasefire and put measures in place to prevent its recurrence.

1099. Representatives of all factions sat on the JMC, including the Revolutionary United Front (RUF), Civil Defence Forces (CDF), the former AFRC, Government of Sierra Leone, Defence Headquarters (SLA) and UNAMSIL.

1100. Sheku Andrew Coomber and Samuel Lamboi (alias Ebony) were among the RUF representatives on the JMC. Coomber arrived in Freetown on 25 November 1999 to commence work almost immediately; he described the *modus operandi* of the JMC in the following terms:

> "The purpose of the JMC was to receive all cease fire violation reports from the Cease fire Monitoring Commission members across the country, or their counterparts in the UN military observations. These reports were tabled in our weekly Tuesday meetings to be defended by

[553] Charles Kamara, former RUFP nominee to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 14 August 2003.
[554] Honourable Manso Dumbuya, nominee of Parliament to the Commission for the Consolidation of Peace (CCP); TRC Interview conducted at TRC Headquarters, Freetown; 13 August 2003.
[555] Lomé Peace Agreement, Part 2, Article VI, Section 2.

each member representing the group which the report was against. There and then, the representative [may choose to] admit and apologise for the alleged crime committed by his group. In that case, where the representative is not sure, he can find out and give his findings in the next JMC meeting. [Alternatively] he can outrightly deny it, if he knows the alleged crime never occurred. But once the majority of the JMC members have the conviction that the alleged crime occurred, they will oblige that member to accept the allegation."[556]

1101. The JMC ought to have strengthened the link between the various political delegations in Freetown and the combatants on the ground in their various deployments across the Provinces. However, in practice it had the opposite effect: it alienated those in Freetown from their erstwhile colleagues who were still carrying arms. Combatants, particularly among the RUF of the Northern and Eastern Provinces, voiced a common grievance that they were being 'spied on' by the members of the JMC and their co-workers in the Cease fire Monitoring Committee (CMC). Hence the monitors themselves were often subjected to harassment and physical abuse by members of their own factions, as one RUF representative explained to the Commission:

> "I was working as a Cease fire Monitoring Committee (CMC) representative for the RUFP and I was assigned to work with UNAMSIL in the Eastern Province. I used to travel frequently back and forth to receive allowances, attend meetings, or report to the JMC if called upon. Through all my journeys I was able to learn that those RUFP members that were working on the peace programme, those representing the RUFP in Government and those working directly with the Party Headquarters in Freetown were termed as collaborators with the SLPP Government and UNAMSIL, and betrayers of the RUF organisation by the combatants under the command of the Battle Field Commander Issa Sesay.
>
> […] I faced several confrontations [with my own RUF colleagues], which sometimes resulted in public disgrace to me, beatings, sometimes raiding my properties and alleging that I'm a betrayer of the RUF organisation by the combatant commanders. I was beaten in Makeni by six RUF combatants while I was on my way heading to Freetown. When they searched into my bag and found an identity card with 'CMC Representative, RUFP' written on it, they accused me of being a collaborator and betrayer and beat me more."[557]

1102. In this light, it is possible to surmise that appointment to one of the cease fire monitoring organs was actually more of a curse than a blessing for the members of the RUF political wing. They generally endured abuse and hostility from the combatant cadre they monitored, only then to come to Freetown and be asked to justify or excuse the actions of the same people. It was an impossible task.

[556] Sheku Andrew Coomber, RUF Representative to the Joint Monitoring Committee (JMC); statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[557] TRC Confidential Interview with former RUFP representative to the Ceasefire Monitoring Committee (CMC); interview conducted in Freetown; 22 September 2003.

1103. The Commission heard that similar ordeals were experienced by members of the Civil Defence Forces who attempted to assert some sense of adherence to the ceasefire among their own combatants.[558] In particular, the wayward activities of the initiating cadre, who persisted in carrying out raids with units of armed men at their disposal, were difficult to rein in.[559] In the territories of the Southern 'heartlands' of the Kamajors, particularly Bonthe and Bo Districts, there were multiple reports of armed raids on civilian communities and targeted thefts of vehicles and agricultural supplies by CDF units. In the event that a senior member of the CDF High Command should intervene to prevail upon the perpetrators, he opened himself to accusations of 'opposition' to the interests of the movement, or 'collaboration' with the international peacekeepers in pursuit of a subversive agenda.[560]

Appointment of RUF Members to Positions in Government

1104. The reshuffle of President Kabbah's Government to incorporate the power-sharing provisions of the Lomé Accord occurred in October 1999. The political wing of the RUF had put forward candidates of somewhat diverse backgrounds as its nominees for appointment to four Ministerial and four Deputy Ministerial posts. As of 3 October 1999, the following persons assumed the following titles indicating offices of the state under the auspices of power-sharing:

Mike Lamin	Minister of Trade, Industry and State Enterprise
Peter Vandy	Minister of Lands, Housing, Country Planning and Environment
Alimamy Pallo Bangura	Minister of Energy and Power
Rtd. Cpt. ABS Jomo-Jalloh	Minister of Tourism and Culture [*appointed by the AFRC*]
Dr. Emmanuel Fabai	Deputy Minister of Rural Development and Local Government
Idrissa H. Kamara	Deputy Minister of Labour, Industrial Relations and Social Security
Francis M. Musa	Deputy Minister of Agriculture, Forestry and Marine Resources
Susan Lahai	Deputy Minister of Transport and Communications

1105. The Lomé Accord had made provision for four Cabinet positions, one of which was to be a "senior" Ministry such as Finance, Foreign Affairs or Justice.[561] In the event, Mike Lamin's post in Trade and Industry was the most senior awarded to the RUFP. Moreover, the total size of Cabinet was supposed to be 18 posts;[562] yet, again in a departure from the terms of the Accord, 21 Ministerial positions were created by the President. Meanwhile, the foreseen positions in parastatals, diplomacy and other public bodies[563] never materialised.

[558] TRC Confidential Interview with former Member of the CDF War Council at Base Zero; interview conducted in Bo Town, Bo District; 10 August 2003.
[559] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[560] Alhaji Daramy-Rogers, former Member of the CDF War Council at Base Zero and later Regional Co-ordinator (South) of the CDF; TRC Interview conducted at TRC Headquarters, Freetown; 24 – 29 October 2003.
[561] Lomé Peace Agreement, Article V, Section 3.
[562] Lomé Peace Agreement, Article V, Section 3.
[563] Lomé Peace Agreement, Article IV, Section 3.

1106. Questions of status and spirit were also to the fore in assessing the extent to which power sharing was really achieved. First, in his position as Chairman of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMMRD), Foday Sankoh was supposed to be accorded the "status of Vice President".[564] As Sankoh frequently made known to the international community, he felt that he was afforded considerably fewer luxuries and a far lower status than the incumbent Vice President, Albert Joe Demby.[565]

1107. Likewise the RUFP consistently complained that its other political appointees were accommodated in dingy cellars and ill-equipped office space, hampering their ability to carry out their executive functions.[566] Yet as Sankoh remarked in his letters to the moral guarantors in January and February 2000, there did not appear to be any political will on the part of the SLPP-led Government to equalise the *de facto* status of RUFP functionaries with their SLPP counterparts of the same nominal positions. Instead, Sankoh remarked in his letter of 24 February 2000, the RUF was simply construed as the pariah of the peace process, a mantle for which he coined the phrase "goat's head".[567]

1108. The Commission holds that responsibility for this particular breakdown in the process must be shared by all sides. Certainly, the perception among senior RUFP members was that the SLPP Government had negotiated the compromises of power-sharing in bad faith; its undertakings to incorporate RUFP members into Government amounted, according to the RUFP's Chief Protocol Officer, to nothing more than "sugar-coated words."[568] The Ministers put forward by the SLPP party to form part of the same power-sharing Government indeed cannot point to any credible efforts to promote genuine solidarity with their RUFP partners.

1109. Yet on the other hand, Foday Sankoh displayed a great deal of impatience and an apparently deliberate tendency to ruffle the feathers of his fellow senior Government officials. He seemed unwilling to countenance any shortcomings in the implementation of the Accord, even where they might quite legitimately have been caused by logistical constraints that affected all sides, not just the RUFP.[569] His first instinct, born out of deep-lying distrust, was to blame President Kabbah and the SLPP political elite and allege deliberate spoiling tactics.

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[564] Lomé Peace Agreement, Article V, Section 2.
[565] Foday Sankoh, Chairman and Leader of the RUFP; letter of complaint entitled "The Lomé Peace Agreement", addressed to the Moral Guarantors of the Lomé Accord, Heads of State and members of civil society; 24 February 2000.
[566] TRC Confidential Interview with former RUF office-holder in the post-Lomé Government of Sierra Leone; interview conducted on 28 August 2003.
[567] Foday Sankoh, Chairman and Leader of the RUFP; letter of complaint entitled "The Lomé Peace Agreement", addressed to the Moral Guarantors of the Lomé Accord, Heads of State and members of civil society; 24 February 2000.
[568] Sheikh Abu Bakarr Nabbie, former Chief Protocol Officer to the RUFP; TRC Interview conducted in Freetown; 15 August 2003.
[569] The failure to create posts for RUFP members in parastatals and diplomatic missions, for example, was said by the President in his responses to Sankoh's correspondence to have resulted from the inadequate levels of funding available to central Government to bolster the sizes of such bodies.

1110. Nevertheless, in the Commission's view, the power-sharing clauses of the Lomé Accord were just as important to the durability of peace in Sierra Leone as the provisions relating to disarmament. The Government of Sierra Leone accepted the principle of balance on paper when it appended its signature to the Accord. Yet when the litmus test of implementing its pledges at Lomé began, it appeared reluctant to put its principles into practice.

THE IMPLEMENTATION OF THE MILITARY ELEMENTS OF THE LOMÉ PEACE ACCORD

1111. The Commission heard that lawlessness and rule by military force continued to prevail in certain parts of the country, even after the signing of the Lomé Accord. The Northern Headquarter Town of Makeni and almost all the territories of the Northern Province were controlled wholly and solely by the RUF combatant cadre. The RUF had expelled soldiers and former soldiers of the Sierra Leone Army (SLA) from there in June and July 1999 after a protracted armed confrontation. The dissident SLAs from that group relocated to their new base at Okra Hill, around Gberebana, which had become the West Side Jungle. The West Side Boys, as they became known, controlled the gateway between the Western Area and the rest of the country.

1112. During the initial phase of working towards the military elements of the implementation of the Peace Accord, the RUF despatched a confidence-building team from Lomé to Sierra Leone with a mandate to prepare the ground for peace. The four-man delegation comprised the Chairman of the RUF 'Peace Council' (formerly War Council) Solomon Y. B. Rogers, the Lomé delegate and former AFRC Minister Mike Lamin, Idrissa Kamara (alias Leather Boot) and Sahr Kangbajah.[570] Its tasks consisted mainly of informing the combatant and non-combatant populations in the RUF-controlled areas of the terms and conditions of the agreement to which the RUF had put its signature.

1113. The West Side Boys signalled their intent with regard to the peace process by ambushing this RUF delegation in September 1999 as it was travelling into the Provinces to educate combatants about the imperative for disarmament. The above-mentioned members of the delegation were held for eight days, along with two of the most prominent combatant commanders in the RUF, Jackson Swarray (alias CO 'Wray') and Dennis Mingo (alias "Superman"). The RUF contingent was only released upon the intervention of the United Nations and other signatories to the Accord.[571] The bad blood in the relationship between the RUF and the West Side 'junglers' nevertheless lingered on.

1114. In addition to most of the Northern Province, the RUF also held the diamondiferous areas of Kono and Tongo, where several senior RUF commanders conceded that rampant illicit mining activities were taking place.[572] The diamonds procured from these mining activities were mostly

[570] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[571] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[572] TRC Confidential Interview with an RUF combatant, 'G-5' commander and former intelligence officer; interview conducted in Koidu Town, Kono District; 12 August 2003.

being exported to Liberia through illegal channels controlled by RUF Battle Field Commander Issa Sesay. Sesay was by far the most prolific member of the RUF High Command in terms of accruing profits from diamond dealing,[573] which many testimonies to the Commission have suggested was his underlying motive for trying to retain immunity from UNAMSIL monitoring in the areas where mining was taking place.[574]

1115. It was estimated by foreign dealers that approximately 90% of the proceeds of RUF illicit mining were going to state and non-state actors outside Sierra Leone,[575] while a meagre 10% was finding its way to the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD), under the Chairmanship of Foday Sankoh.[576] This insight serves to attest to the broader dynamics of the RUF's involvement in the peace process. Out with the ranks of the movement itself, foreign businessmen and dealers saw benefits in the RUF combatant cadre's retention of a 'militarised' zone in the Provinces. It would allow the illicit business sector to engage in profiteering and unregulated transactions, which would evaporate if genuine peace and stability were restored.

RUF Retention of Control Areas and Resistance to the Disarmament Process

1116. In military terms, the RUF had entered the cease fire in a favourable position in terms of the amount of territory under its control. Almost the whole of the Kailahun District, where the RUF had retained its Headquarters, was concentrated with combatants awaiting disarmament. In the immediate aftermath of Lomé, Kailahun was the dominion of the RUF's overall Battle Field Commander, General Sam Bockarie (alias "Mosquito"), who was deputised by Colonel Momoh Rogers and Colonel Martin George.

1117. The Districts of Kono, Koinadugu, Tonkolili and Bombali constituted the control area of General Issa Sesay, the movement's second most senior commander. In land mass, Sesay's area represented approximately one third of the territory of Sierra Leone, including almost all its Northern infrastructure. Sesay was deputised by two further senior vanguard commanders, Brigadier Morris Kallon and Colonel Augustine Bao. Kallon's reputation as a wanton abuser of human rights preceded him into the peace process; Bao had also garnered a fearsome edge for himself during his tight grip on power as the RUF's Chief of Security.

1118. The RUF's hold over the entire Northern perimeter of Sierra Leone was completed by its command of the Kambia District. The Brigade Commander in Kambia was Colonel Komba Gbondema (alias Mon amie). He was

[573] For more details of the specific diamond deals in which Sesay's personal involvement was alleged, see the chapter on Mineral Resources in the present volume of this report.
[574] See, inter alia, Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 07 May 2003.
[575] Again, for more details, see the chapter on Mineral Resources in the present volume of this report.
[576] This estimate of the respective percentages of proceeds was included in a facsimile message sent to Foday Sankoh by a Belgian diamond agent named 'Michel' . The authenticity of the message was confirmed by Madam Fatou Sankoh, who was present upon its receipt: Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

supported by Colonel Abubakarr Jalloh (alias Bai Bureh) and a contingent of potentially several thousand combatants. The Kambia axis was to engage in combat operations on both the Sierra Leonean and Guinean sides of the border in its demonstration of obstinate resistance to the disarmament process.

1119. The compliance of the RUF combatant cadre with the terms of the disarmament programme was somewhat elusive. Even in areas where combatants expressed a readiness to disarm, they were often hampered by the lack of logistics, whereby disarmament monitors were not present in their deployment areas, or by the resistance of their commanders, who refused to comply in the DDR initiative on the terms stipulated in Lomé. Instead they engaged in persistent breaches of the peace, which spoke of a particular disregard for the status of the peacekeepers.

1120. One of the first significant violations of the post-Lomé peace took place in Kambia in October 1999.[577] Its historical significance derived from the fact that it was the first occasion on which RUF combatants challenged the authority and free passage of foreign peacekeeping troops whose mandate was recognised by the RUF under international agreement. It involved an audacious assault by Komba Gbondema and his troops on the Guinean ECOMOG contingent as it returned overland to Guinea. At least six armoured vehicles were commandeered by the RUF and the ECOMOG peacekeepers were forcefully stripped off their arms.

1121. According to S. Y. B. Rogers, the most senior member of the RUF confidence-building team, the Guinean ECOMOG Commander sought redress by lodging his original report on Gbondema's violation directly with the RUF.[578] Rogers instructed the immediate return by the RUF of all captured weaponry. However, his seniority in the movement counted for little with the combatant cadre and "never yielded any good response from Colonel Gbondema."[579]

1122. According to the Commission's investigations, the fracas in Kambia lasted for three months and was belatedly resolved in January 2000. In response to intense international pressure, Foday Sankoh was moved to order Gbondema in writing to release the full bounty of his seizure.[580] Even then, it is impossible for the Commission to verify whether all materials were in fact returned.

1123. Kambia set the trend for other RUF-held Districts over the following months. The combatant commanders across the North and East appeared determined to thwart smooth monitoring and advancement of the disarmament of RUF combatants. They also acted in a manner that indicated their intention to be perceived as the *de facto* law enforcers on the ground. Commanders such as Gbondema, Morris Kallon, Issa Sesay and Augustine Bao displayed utter contempt for the ethos of the peace process in their areas of control.

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[577] United Nations Mission in Sierra Leone (UNAMSIL); "Summary of Ceasefire Violations: 1 November to 8 November 1999", recounting violations committed in the months of October and November 1999; Reference CF/VIO/ 41; dated October 1999.

[578] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.

[579] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.

[580] Foday Sankoh, Chairman and Leader of the RUFP; letter entitled "Release of Guinean Arms", addressed to Colonel Komba Gbondema, Brigade Commander, Kambia; 11 January 2000.

1124. Hence, in addition to their opposition to the presence and progress of peacekeepers, these commanders also imposed themselves as arbiters of summary justice against civilians and even their own combatants. On 25 February 2000, the UNAMSIL Force Commander, General V. K. Jetley, wrote to Foday Sankoh with the following complaint:

> "On 22 February 2000, a team of UNAMSIL Military Observers and Civilian Police Officers reported to me that seventeen persons, including three women, were illegally detained under the control of RUFP elements at Makeni Central Police Station… It appeared that these prisoners were detained and 'sentenced' by RUFP elements to deprivation of liberty for reasons including petty crimes.
>
> […] Despite my sincere efforts to engage in a constructive dialogue with your local commanders on this issue, I was not able to speak to the prisoners, nor [to] secure their release from illegal and arbitrary detention… I was also informed that some prisoners were being held in detention for wanting to join the disarmament process – a process which you publicly continue to support."[581]

1125. Jetley had forwarded the same complaint directly to Issa Sesay on 24 February 2000, in which he had demanded that Sesay should "immediately effect unconditional release of the detainees, failing which you [Sesay] shall be entirely responsible for any consequences that may follow thereafter".[582] Jetley's interventions demonstrated the rising frustration present in UNAMSIL towards RUF commanders who not only regarded themselves as being above the law, but also took measures to present themselves as 'the law'.

1126. Foday Sankoh was outwardly fiercely protective of 'his boys' in the field, particularly where he perceived the interventions or suggestions of others as unwelcome 'interference' in the internal affairs of the RUF. One example of this attitude came from Sankoh's response to the complaints of General Jetley, in which he curtly dismissed UNAMSIL's concerns as follows:

> "I hereby remind you once again that the Command Structure of the RUFP should on no account be interfered with. The RUFP personnel under detention [in Makeni] are under discipline for breaking codes of conduct which would put the Lomé Peace Agreement in jeopardy… I thank you for your concern on behalf of the people of Sierra Leone, which is equally shared by all at the Revolutionary United Front Party."[583]

1127. Sankoh's persistent efforts to present a united front from within the RUF were however at odds with the real internal dynamics of the post-Lomé RUF. The analysis presented herein can only cast light upon some of the cracks that had started to appear within the RUF ranks, whereas in reality the rifts were too many and too complicated to reflect properly in their aftermath.

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[581] General V. K. Jetley, UNAMSIL Force Commander, Letter to Chairman Foday Sankoh, Leader of the Revolutionary United Front Party (RUFP), Freetown; 25 February 2000.
[582] General V. K. Jetley, UNAMSIL Force Commander, Memorandum to Brigadier Issa (RUF) Makeni entitled "Release of Illegal Detainees"; 24 February 2000.
[583] Foday Sankoh, Chairman of the RUFP; letter entitled "Re: Release of Illegal Detainees", addressed to General VK Jetley, UNAMSIL Force Commander; 4 March 2000.

1128. Notably, members of the political wing had ceased to support Sankoh in his approach to dealing with the persistent violations of the combatants. Some of his closest allies in the RUFP attempted to advise him of his responsibilities under the Lomé Accord. However, as the late S. Y. B. Rogers, Chairman of the RUFP Peace Council, explained, such attempts were just as likely to incur Sankoh's wrath as his compliance:

> "As an executive member of the RUF, I personally talked to Foday Sankoh alone in his office on so many occasions. I told him [of my concerns] by reminding him that the RUFP had now transformed itself into a political party and that military options would no longer solve the problem in Sierra Leone. I further reminded him about the signing of the Lomé Peace Accord.
>
> At this point, Chairman Foday Sankoh shouted at me that I am collaborating with His Excellency the President Tejan Kabbah and the Deputy Minister of Defence Chief Sam Hinga Norman by disseminating information to the Government of Sierra Leone about the [workings of the] RUF. From that moment, Foday Sankoh lost confidence in me; I was no longer consulted on any matter regarding the RUF or even called upon for decision-making. Sankoh continued to castigate me in the presence of RUF Executive members."[584]

1129. There were nevertheless differing interpretations from RUFP members as to the reasons why Sankoh did not seem to be effectively controlling the combatant cadre. Most of the testimonies received by the Commission agree on the issue that Sankoh was determined to prevent others from 'interfering' in his command of the troops. Yet while some saw this stance as a reflection of Sankoh's intransigence, there were others who believed that it was something of a charade. Sheku Andrew Coomber, for instance, suggested that Sankoh's apparent duplicity grew out of his own sense of insecurity:

> "Sankoh's refusal [to reprimand his combatants] and other related incidents caused me to believe that Foday Sankoh was fearing his gun carriers despite his public pronouncements that he had control over them. Sankoh's attitude deceived myself and perhaps all well-meaning Sierra Leoneans who had been hoping of getting everlasting peace."[585]

1130. Certainly Sankoh became personally ever-more detached from his combatants as the demands of the Lomé implementation wore on. Apparently inadvertently, he became distracted from some of his own averred principles while he was based in Freetown. He ceased to pay close attention to the combatant cadre in the bush, let alone to cater personally for their needs. The result was that low-level fighters began to question Sankoh's commitment to them. Hence the RUF leader was viewed with greater suspicion and his natural authority diminished. High level fighters, meanwhile, perceived

[584] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.
[585] Sheku Andrew Coomber, RUF Representative to the Joint Monitoring Committee (JMC); statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.

Sankoh's position as being at the top of a slippery slope that "seemed destined to end in disaster."[586]

1131. The starkest manifestation of this attitude and the most significant blow to the unity of the post-Lomé RUF organisation came on 15 December 1999 when Sam Bockarie (alias "Mosquito") left Sierra Leone. He made it categorically clear to his fellow commanders that he was leaving the RUF on account of his personal differences with Sankoh. He mobilised a sizeable contingent of combatants loyal to him and crossed into Liberia with the blessing of Charles Taylor. Mosquito vowed never to return to Sierra Leone for as long as Foday Sankoh was the leader of the RUF.[587]

1132. Mosquito's move would have been unthinkable during the earlier years of the war when Sankoh was afforded complete respect and loyalty by all of the RUF commanders in the movement. That level of control was tied in with the notion of common destiny, whereby all the commanders relied on Sankoh for their empowerment or enrichment: without him they were nothing. By this latter juncture, though, Mosquito's personal contact with President Taylor in Liberia was sufficient for him to sustain a life of warlordism independently of the RUF. After his departure from Sierra Leone he continued fighting in Liberia and the Ivory Coast and was to evade justice all the way to his grave.[588]

1133. Among those left in the Provinces, there was still no evidence of a courageous military leadership who would embrace the disarmament process. The RUF combatant cadre did not appear ready to forfeit the power they had attained through brute force. On the contrary, some of the most senior commanders sought to consolidate their own control over civilian areas in the absence of armed assault on their positions from any 'enemy'. The Commission found that a major failure on the part of all the faction leaders was that they failed to inspire confidence and faith in Lomé as a fair and impartial process in the RUF combatant cadre.

1134. It was in this light that the fuse was lit for the final explosive episode in the military and political history of the conflict as it was directed by the RUF. The three most senior commanders left in the field were Issa Sesay, Morris Kallon and Augustine Bao. According to RUFP members, the individual and collective opposition of these three men in particular had already been made apparent to the political wing through harrowing personal encounters. On one occasion, the Lands Minister Peter Vandy was stripped naked and beaten by Morris Kallon in Makeni.[589] In a trip to Freetown to collect allowances in late April

[586] TRC Confidential Interview with former RUF 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.
[587] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[588] Sam Bockarie (alias "Mosquito") was indicted by the Special Court for Sierra Leone in March 2003. At the time, he was believed to have been engaged in fighting in the border area between Liberia and the Ivory Coast. Within weeks of his indictment, Bockarie was reported to have been shot dead in a firefight at the border, while trying to enter into Liberia. A corpse alleged to be that of Bockarie was eventually brought to Freetown for forensic examination on behalf of the Special Court. In December 2003, the Special Court pronounced Bockarie dead and declared that the indictment against him was void.
[589] TRC Confidential Interview with former RUFP representative to the Cease fire Monitoring Committee (CMC); interview conducted in Freetown; 22 September 2003.

2000, Augustine Bao had vowed that he was about to put a stop to the whole peace process.[590]

RUF VIOLATION OF THE LOMÉ PEACE ACCORD IN TAKING UNAMSIL PEACEKEEPERS HOSTAGE

1135. On Monday 1 May 2000 the RUFP leader Foday Sankoh convened a press conference at his residence. Sankoh commented on an altercation between armed ECOMOG peacekeepers and West Side Boys that had taken place at Frederick Street, Freetown three days earlier and had left one AFRC soldier dead and another wounded. Sankoh publicly blamed UNAMSIL for the breakdown in relations between combatants in the city. He was perceived to have sent hostile impulses to RUF commanders nationwide as to how they should relate to the new units of UNAMSIL peacekeepers that were about to deploy in the country.

1136. Augustine Bao was reported to be in attendance at the 1 May 2000 meeting. According to the UN Secretary-General's Report[591], Bao was despatched by Foday Sankoh to return to Makeni with a letter, the contents of which were unspecified, for the attention of Issa Sesay. The Commission was unable to identify any link between the letter that Sankoh purportedly sent to Sesay and the events that subsequently unfolded. However, what is certain is that Bao's return to the Northern Province coincided exactly with the outbreak of hostilities between the RUF and UNAMSIL peacekeepers.

1137. The Commission heard from the National Commission for Disarmament, Demobilisation and Reintegration (NCDDR) that it had opened a new 'reception centre' for the purposes of disarming combatants at Makoth, in the vicinity of Makeni, on 17 April 2000.[592] It was at this centre that ten RUF combatants presented themselves to Kenyan UNAMSIL troops for disarmament on the weekend of 29 April 2000. Apparently these ten combatants proceeded to the DDR camp without seeking the prior 'permission' of their commanders, the most senior of whom was Morris Kallon. Kallon responded to this news on 1 May 2000. He led an armed troop of RUF combatants to the DDR camp and demanded that the disarmed combatants and their weapons be returned to the RUF High Command.[593]

1138. There were shots fired between the Kenyan peacekeepers and the RUF at Makoth, as Kallon and his troop forcefully deployed inside the boundaries of the UNAMSIL reception centre. The upshot of the confrontation of 1 May 2000 was that four Kenyan peacekeepers and four UNAMSIL military observers from the UK and New Zealand were captured and detained by the RUF at its

[590] TRC Confidential Interview with former RUF 'junior commando' recruited on the Kailahun front, who subsequently became a 'G-2' Commander and investigator in the Internal Defence Unit; interview conducted in Freetown, 22 September 2003.
[591] See Fourth Report of the UN Secretary-General Kofi Annan to the Security Council on the Situation in Sierra Leone; 19 May 2000.
[592] NCDDR, submission to the Commission in the context of Thematic Hearings held in Freetown; June 2003; also Dr. Francis Kaikai, Executive Secretary of NCDDR, TRC Interview held at NCDDR Headquarters in Freetown; 20 July 2003,
[593] TRC Confidential Interview with former RUF commander on the Northern Axis; interview conducted in Magburaka, Tonkolili District; 14 August 2003.

Brigade Headquarters in Makeni.[594] According to Foday Sankoh's 'Special Assistant', Gibril Massaquoi, the RUF High Command in Freetown received a message about the tension in Makeni from Morris Kallon, although both the timing of this message and the veracity of Massaquoi's claim as to its content remain to be ascertained:

> "The real thing started with Morris Kallon… who sent a message to Foday Sankoh complaining that UNAMSIL soldiers had forcefully disarmed RUF soldiers at a place called Makoth, some ten miles to Makeni… [Kallon said] that they were not going to agree to that; and that the latest information was that they had killed seven of their men – seven RUF men. He said UNAMSIL had killed them."[595]

1139. Information about the attack had also been relayed to Freetown through UNAMSIL channels, however, and its details were known to President Kabbah the same evening. Kabbah chose to express his concerns to the RUFP Minister Mike Lamin rather than addressing Foday Sankoh himself. Lamin later explained his participation in a meeting with Kabbah to the Sierra Leone Police:

> "I recall sometime in the early part of May 2000, I was summoned to the Lodge of President Kabbah for a briefing. At the [President's] Lodge, I met the President together with General Jetley, UNAMSIL Force Commander. Both President Kabbah and General Jetley told me that RUF combatants had attacked the DDR camp and UNAMSIL troops in Makeni. General Jetley further said that the RUF commanders in Makeni were demanding the release of ten RUF combatants who had already disarmed to UNAMSIL. To that effect, President Kabbah therefore impressed upon me to relay his concern to Foday Sankoh for the immediate settlement of that crisis… When I left that same night, I met Sankoh around 11.00 p.m. at his own Lodge at 56 Spur Road. I explained to him the development as was narrated to me by General Jetley and President Kabbah… Sankoh said he was going to send a message that same night to ascertain the situation."[596]

1140. The sequence of events from 1 May 2000 onwards has been reported to the Commission in a relatively consistent fashion from all sides. The most immediate development was that Morris Kallon and Augustine Bao proceeded to mobilise two further troops of combatants from nearby Magburaka under the respective command of the local Brigade Commander Sheriff Parker (alias "Base Marine") and the Operations Commander Amara Pelleto.[597] The RUF troops attacked the UNAMSIL position in Magburaka and engaged in a lengthy gun battle with Kenyan peacekeepers deployed there. On the same day the

[594] TRC Confidential Interview with former RUF commander on the Northern Axis; interview conducted in Magburaka, Tonkolili District; 14 August 2003.
[595] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[596] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[597] Prince Mannah Kpaka, former RUF training instructor; TRC Interview conducted in Koidu Town, Kono District; 15 April 2003.

Kenyan unit based in Makeni was also attacked by the RUF and forced to retreat in the face of a much larger and better-equipped fighting force.[598]

1141. It was reported that all three of UNAMSIL's deployment companies in Magburaka were pulled out on the evening of 2 May 2000, each of them using a different route. All of the roads out of the town were ambushed by RUF forces. The company that attempted to reach Makeni was intercepted by RUF gunfire around a high bridge on the old railway line. When a UNAMSIL Armoured Personnel Carrier was forced of the road, it apparently tumbled onto the river bank; two Kenyans died and several others were injured. The report later presented to the UN Security Council stated that a total of four Kenyans were killed by the RUF in the Magburaka incident.[599] Meanwhile three of the 60-man Kenyan unit in Makeni sustained injuries in the second attack.

1142. The highest numbers of violations committed by the RUF in these operations, however, were the rates of abduction of UNAMSIL peacekeepers. According to UNAMSIL sources, the RUF took more than 550 UNAMSIL peacekeepers as hostages in the space of barely one week, beginning on 1 May 2000.[600] This total comprised: an estimated 92 Kenyan personnel from the Magburaka attacks;[601] up to 30 Indian peacekeepers at separate incidents around Kuiva, Kailahun District;[602] 226 Zambian troops on the road between Makeni and Magburaka;[603] and over 300 peacekeepers of different nationalities in Yengema, Kono District.[604] According to the preponderance of interviewees in the Commission's enquiries into these incidents, the UNAMSIL personnel were typically robbed of their uniforms, headgear and other personal effects, forced to parade in lines under armed supervision and detained in cramped conditions. Several official UNAMSIL vehicles in which the captured personnel had been travelling were also seized.

1143. The RUF's public presentation of the hostage-taking at the time remained resolutely removed from the realities on the ground. The briefings made by several senior officials, particularly Sankoh's 'Special Assistant' Gibril Massaquoi, were remarkable if only for their elusiveness. On 5 May 2000, Massaquoi's statement to the press was typical of the denials he released to the media: "We want to believe the peacekeepers alleged to have been held by RUF fighters may have got lost in the bush during the fighting in Makeni and Magburaka… [we are seeking] to organise a search party for the missing UN peacekeepers."[605]

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[598] See Fourth Report of the UN Secretary-General Kofi Annan to the Security Council on the Situation in Sierra Leone; 19 May 2000.
[599] See Fourth Report of the UN Secretary-General Kofi Annan to the Security Council on the Situation in Sierra Leone; 19 May 2000.
[600] Colonel Mutale, Personal Assistant to the UNAMSIL Force Commander; TRC Interview conducted in Freetown on 12 July 2003.
[601] See Fourth Report of the UN Secretary-General Kofi Annan to the Security Council on the Situation in Sierra Leone; 19 May 2000.
[602] Alhaji Fomba Jaward and Bashiru Sheriff, former RUF commanders in Kuiva, Kailahun District; TRC Interviews conducted in Kuiva, Kailahun District; 17 April 2003.
[603] Colonel Mutale, Personal Assistant to the UNAMSIL Force Commander; TRC Interview conducted in Freetown on 12 July 2003.
[604] Prince Mannah Kpaka, former RUF training instructor; TRC Interview conducted in Koidu Town, Kono District; 15 April 2003.
[605] Gibril Massaquoi, Special Assistant to the RUF leader Foday Sankoh; statement to the press quoted in the News Archives of Sierra Leone Web; 5 May 2000.

THE UNAMSIL HOSTAGE-TAKING EPISODE AND RESPONSIBILITIES FOR THE DETERIORATION IN THE SECURITY SITUATION IN SIERRA LEONE

1144. The Commission readily concurs with the United Nations[606] that the widespread and unprovoked abductions of UNAMSIL peacekeepers constituted a grave breach of the conditions of the Lomé cease fire. Moreover, the Commission finds that the hostilities against UNAMSIL peacekeepers, which culminated in their abductions, were instigated and commanded by Morris Kallon and Augustine Bao of the RUF, apparently in a joint and co-ordinated operation. According to Gibril Massaquoi, Issa Sesay also gave commands for the abductions to be carried out and participated in "the fight against UNAMSIL."[607]

1145. From the evidence adduced, however, there is considerable unresolved controversy as to the exact means by which these abductions came about. Issa Sesay certainly played a part in perpetuating the crisis, for he met with delegates from both UNAMSIL and the RUFP and gave false assurances that the situation was about to subside.[608] Yet the internal dynamics of the RUF at the time must be put into proper context when analysing this episode. In particular, the roles played by Foday Sankoh and his Special Assistant Gibril Massaquoi warrant further scrutiny.

1146. The first point of contention concerns the question of whether a command was directly issued to Kallon and Bao from Foday Sankoh's Lodge in Freetown. Certainly, as Mike Lamin and others intimated, Sankoh was apprised of the situation on the ground within 24 hours of the first altercation between the RUF and UNAMSIL in Makeni. The RUF leader was made aware by Lamin that RUF troops had contested the disarmament of the original ten combatants in the Makoth reception centre. One account of what happened thereafter was given by Sheku Andrew Coomber, RUFP delegate to the Joint Monitoring Commission (JMC), who was present at Sankoh's Lodge on the night of 1 May 2000:

> "Sankoh instructed the signal operator Samuel Lamboi (alias Ebony) to invite Bao and Morris Kallon to explain the incident. That was to be done through the High Frequency radio. Gibril Massaquoi, Special Assistant to Sankoh, came and spoke with Morris Kallon on the issue. During the conversation between Kallon and Massaquoi, I overheard… [Kallon's version of the UNAMSIL hostage-taking episode]. Kallon said Bao was not satisfied with UNAMSIL's answer. Therefore a quarrel ensued between Bao and UNAMSIL. He concluded that Bao took one UNAMSIL Major as hostage in place of the alleged combatants held by UNAMSIL.

[606] See Fourth Report of the UN Secretary-General Kofi Annan to the Security Council on the Situation in Sierra Leone; 19 May 2000.
[607] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[608] TRC Confidential Interview with senior RUF member who attempted to assist in resolving the UNAMSIL hostage-taking crisis; interview conducted in Freetown; 17 August 2003.

> […] In my presence, Gibril Massaquoi left the communication set to explain the report received to Foday Sankoh. Few minutes later, Gibril [Massaquoi] came from Sankoh and informed Morris Kallon through the same set that Sankoh had instructed to arrest the remaining UNAMSIL soldiers and detain them. Gibril transmitted that message to Kallon in Mende thus: '*Pa yeh, wu ti kpelleh huo*'; which means 'Pa said to arrest all the UNAMSIL soldiers'. That was the end of the message."[609]

1147. In assessing the content of this account by Coomber, the Commission is obliged to make several observations. First, as various senior figures within the RUF political wing testified, there were numerous attempts to apply moral pressure on Sankoh to issue a firm order to the responsible parties to release the peacekeepers.[610] There is no evidence that Sankoh ever complied by issuing a deterrent order.

1148. Second, the combatants in the field had made it clear to Sankoh that they were prepared to take action beyond the abductions if their authority was again challenged in any way by the political wing. According to some of those who worked around him, Sankoh appeared to cower in the face of intimidation tactics by the combatant cadre.[611] Mike Lamin capitalised on Foday Sankoh's perceived weakness in this regard to make a case for holding Sankoh responsible for the abductions:

> "Foday Sankoh failed adequately and promptly to address the Makeni RUF arrest and detentions of peacekeepers. This is because he could have used the H. F. (high frequency) radio to instruct the release of the peacekeepers; more so when he is the signatory and possibly the only and highest leader of RUF whom every combatant fears. But if Sankoh never considered that [step] until the current break in the implementation of the Lomé Accord, he should be held responsible for any outcome whatsoever."[612]

1149. Yet Gibril Massaquoi, in his own testimony to the Commission, implied that Sankoh's responsibility in the matter was mitigated by the allegedly deceptive tactics employed by Bao and Kallon on the ground. Massaquoi implied that the hostage-taking crisis was effectively sparked by a spontaneous action carried out by Bao and Kallon, who then duped the RUF leadership into 'playing along' with their 'plot' by portraying the UNAMSIL troops squarely as a military adversary:

> "Sankoh was in a dilemma, especially when people were then pouncing on him. The actual stories never met Sankoh. They [Bao and Kallon in

[609] Sheku Andrew Coomber, RUF Representative to the Joint Monitoring Committee (JMC); statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[610] See, inter alia, Peter Borbor Vandy, former RUF commander and later Minister of Lands, Housing, Country Planning and the Environment in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000; and Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.
[611] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[612] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.

> the North] were giving false information to him [Sankoh]. When we reached Makeni, we learnt that no UNAMSIL [troops] had killed any RUF soldier. It was just a plot. There was just one morning when Bao, Kallon and others stood on the street and said that that day, they would start riding in UNAMSIL vehicles. They forged all types of cliques who started attacking the people just to take some of their vehicles and other items from them. So that was how the whole thing had started."[613]

1150. In this area as in others, the Commission treats the testimony of Gibril Massaquoi with extreme caution. Massaquoi was unique in the RUF in that he remained an enigma to many of those around him throughout the war. He was well-educated and therefore able to pass himself off as an 'administrator' to the outside world, especially in the post-Lomé phase. Throughout his testimony to the TRC, he deflected questions as to his own role in combat operations and maintained that he was "working with [Sankoh] basically on administrative level."[614]

1151. Yet according to numerous testimonies from his former RUF colleagues, Massaquoi fought fiercely at the front line when he was away from the public eye.[615] He commanded units of combatants during phases when vital military operations were being conducted, particularly as a Target Commander on the Southern Front and as a Battalion Commander during the guerrilla warfare phase. He was the most senior combatant in the RUF movement who had not been trained in advance of the conflict.

1152. Massaquoi is all the more unique in that he successfully manipulated his way into Sankoh's affections, despite the burning acrimony between him and other senior combatants, particularly the vanguards. In the prosecution of military and political strategy after Lomé, Massaquoi was Sankoh's 'Special Assistant' in every sense. His position was the closest to a de facto second-in-command as there existed in the High Command of the RUF after the departure of Sam Bockarie (alias "Mosquito").

1153. As will be demonstrated in the following section, Gibril Massaquoi performed a variety of functions at the Lodge of Foday Sankoh that went far beyond the public relations duties associated with most spokesmen. Several high-ranking RUF members testified to the police that Massaquoi was one of those in charge of administering the arms stockpile at Sankoh's Lodge. Massaquoi was also the commander who collected deposits of diamonds from the combatant cadre and in exchange distributed food and logistics to the fighters. In his testimony to the Commission, Massaquoi conceded that this was one of his roles, but was eager to downplay the importance he had to the movement:

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[613] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[614] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[615] See, inter alia, TRC Confidential Interview with former RUF 'junior commando' recruited on the Pujehun front, who subsequently became a Front-line Commander and Training Instructor; interview conducted in Freetown, 29 September 2003; and TRC Confidential Interview with a member of the RUF High Command who worked closely with Foday Sankoh after joining him in 1990; interview conducted in Freetown; 1 December 2003.

> "We came back [after Lomé] and we were working together; Sankoh had said that we should forget about all our problems from the past. I used to meet Issa [Sesay] in Kono: I went with food for the soldiers; I went with machines, medication and so forth. Issa gave me diamonds, which I brought back to Sankoh.
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> […] But I have never at any point in time controlled Sankoh's diamonds or his money. What I know is that I had received diamonds from his Field Commander [Issa Sesay] to be brought down to him [Sankoh] on two occasions: one from Magburaka and the other from Kono. That's all I knew."[616]

1154. The Commission finds that Gibril Massaquoi acted dishonestly and without integrity during the UNAMSIL hostage-taking crisis. He misrepresented the situation on the ground as it was reported to him. His motives for doing so were most likely premised upon his strained personal relationships with the field commanders in question and his enduring tendency to manipulate Foday Sankoh. He sought to disadvantage his allies and to improve his own lot.

1155. Massaquoi's role is afforded special attention because he presented what most observers believed to be the RUF position during a most controversial and explosive episode.[617] He acted as the Spokesman for the RUF and conveyed statements to a national and international audience. Moreover, though, Massaquoi was the conduit of information between Sankoh and the RUF field commanders: he relayed Sankoh's instructions in one direction and brought back the field reports of the commanders in the other direction. In this role, he was an integral part of the chain of command of the RUF.

1156. The success or failure of the Lomé Accord was riding on the preservation of a fragile relationship between the parties. The Government's stake in the process depended on the extent to which it trusted Foday Sankoh. In turn, Foday Sankoh's trustworthiness relied mostly upon the extent to which the RUF field commanders were responsive to him. Massaquoi's abuse of his position undermined the Government's trust in Sankoh. Moreover it deliberately drove a wedge between Sankoh and his field commanders. The Commission finds accordingly that Gibril Massaquoi bears an individual share of the responsibility for the deteriorating security situation in Sierra Leone.

1157. None of the foregoing should be allowed to obscure the responsibility of the RUF leader Foday Sankoh. He alone held the ultimate decision-making prerogative on the operations of the RUF. If his leadership as a peace-maker had been strong and sincere, he would have halted the hostage-taking crisis and served the cause of the Lomé Accord. He alone had the authority to influence the actions of Bao, Kallon, Sesay and Massaquoi and to divert them from their respective destructive agendas. He failed to do all of this. He had effectively lost control of his people once he decided to participate in the Lomé peace process.

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[616] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[617] See the various entries in the News Archives of Sierra Leone Web between 1 May 2000 and 7 May 2000 for evidence of the multiple misrepresentations Massaquoi made to the national and international media during the hostage-taking episode; available at www.sierra-leone.org.

1158. The Commission finds that Foday Sankoh deluded himself and deceived his fellow signatories to the Peace Accord by purporting to resolve the hostage-taking crisis. Sankoh forfeited his credibility in the RUF due to his lack of rectitude. Whatever the extent to which he felt himself constrained in his ability to issue orders of binding and unchallengeable force, he had nobody but himself to blame for the RUF's obstruction to the peace.

1159. Yet Sankoh continued to present a false impression to the international community by suggesting that his movement was not responsible for taking the UNAMSIL peacekeepers hostage. The Commission finds that in doing so, Sankoh further endangered the lives of the peacekeepers. He squandered any semblance of trustworthiness he previously had as a partner in peace. Cumulatively he served to aggravate the deteriorating security situation in Sierra Leone.

1160. It remains to be seen whether the RUF High Command collectively harboured an agenda to enhance its stake in power beyond the hostage-taking. Further analysis in this regard follows in the next section. At this juncture, it suffices to conclude with the viewpoint in retrospect of the RUF's representative on the Joint Monitoring Committee, Sheku Andrew Coomber. Coomber's testimony largely speaks for itself:

> "In most RUF meetings, Gibril Massaquoi and Foday Sankoh were always at variance with the other members… These two people, I believe, were greatly responsible for the collapse of the Lomé Peace Accord. Gibril in particular [was] insisting that all the provisions mentioned and meant for the RUF [would have to be] provided before complying with the implementation of the Peace Accord. For instance, Chairman Sankoh was saying he was committed to the peace process but he was then giving underground instructions to the combatants in the field not to disarm.
>
> […] Lately it was the determination of Foday Sankoh to take peace by the use of force. That was most times echoed by Sankoh and Steven Williams: that the RUF must overthrow the SLPP-led Government. For that, after the Frederick Street episode [involving ECOMOG and the West Side Boys], it became apparent that Sankoh's determination was ripe. In one of the preparations for that, Gibril Massaquoi used the RUF High Frequency (HF) radio to instruct one commander that at anytime there was a loss of communication on the radio with them, let the troops move and attack Freetown. I do not specifically know with whom he was talking, but I suspected that he was talking with Brigadier Morris Kallon.
>
> […] Gibril [Massaquoi] and Sankoh were sure of overthrowing the SLPP-led Government from their pronouncements during those latter days until the Monday [8 May 2000] demonstration."[618]

[618] Sheku Andrew Coomber, RUF Representative to the Joint Monitoring Committee (JMC); statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.

1161. In summary, the Commission finds that the hostage-taking of several hundred UNAMSIL military personnel in the early days of May 2000 was the gravest misadventure carried out by RUF cadres during the disarmament phase. There can be no justification for the use of armed force against observers and support staff whose neutrality and safety were imperative to the successful implementation of the Lomé Peace Accord.

1162. The RUF as an organisation inflicted irreparable discredit upon itself during the hostage-taking episode. The episode planted the seeds of hysteria in the minds of members of the public, who felt betrayed by the RUF. It also served to antagonise the RUF's partners in Government, including President Kabbah, who drew a great degree of vindication for his approach of never properly trusting the RUF in the first place. The public, the Parliament, the President and the RUF's other 'partners' in the peace process held a common viewpoint that the RUF had exhausted all its chances. These parties all united behind the principle that some form of demonstrative action would be warranted to put an end to the RUF's perceived threat.

1163. The hostage-taking saga in the provinces was to run relatively unabated for over a month, as the RUF combatant cadre spiralled totally out of hand. However, the lifespan of the RUF political wing was to be cut short abruptly as the conflict reached its breaking point in Freetown in the month of May 2000.

THE EVENTS OF MAY 2000 AND THE DECLINE OF THE RUF

The Military and Political Transition enters the Public Domain in Freetown

1164. The task of instilling accountability into the peace process was much more than simply an official duty vested in the Commission for the Consolidation of Peace (CCP) and the various other monitoring bodies. It was also an issue of public interest.

1165. The peace had been secured in the name of the people, so in turn the people considered themselves stakeholders in ensuring that the terms of the peace were upheld. The Sierra Leonean population was watching vigilantly to see whether the various undertakings made during and in the wake of Lomé were anything more than empty promises.

1166. Freetown was the city in which the outcomes of the post-Lomé political transition were most in evidence. The prominent personalities of Sierra Leonean politics had to make room on the hillsides of Western Freetown to accommodate leaders of the former fighting factions in houses, referred to as 'Lodges', that were just as large and lavish as their own. The most conspicuous newcomers to this particular club were the Chairman of the CCP Johnny Paul Koroma and the RUFP leader Foday Sankoh. Their residences became 'bases' for the factions who identified these men as their leaders.

Johnny Paul Koroma's Juba Hill Residence

1167. Upon his official appointment by President Kabbah to the post of Chairman of the Commission for the Consolidation of Peace (CCP), Johnny Paul Koroma assumed residence in the same grandiose, state-sponsored compound that had been occupied by General Joseph Saidu Momoh while he had been President under the APC.[619] This 'Lodge' was located at Juba Hill in the far West of Freetown, towards the peninsular settlement of Goderich.

1168. Within weeks of his return to the political scene, Koroma began to demonstrate the high level of risk that was incumbent in President Kabbah's strategy of including him. Specifically, Koroma started to assemble at Juba Hill a group of fighters whose track records in the conflict marked them out as being among the greatest threats to state security. The inner circle who joined Koroma in late 1999 included Santigie Kanu (alias "Five Five"), Alex Tamba Brima (alias "Gullit"), Ibrahim Kamara (alias 'Bazzy'), Samuel Kargbo (alias 'Sammy') and George Adams. Since their expulsion from Freetown in late January 1999, they were known collectively as the 'West Side Boys'.

1169. The irony is not lost on the Commission that through Koroma's actions, most of the ringleaders of the 6 January 1999 invasion of Freetown were returning to the city as 'protectors of the peace'. There was no evidence in their actions that these 'West Side Boys' warranted any role in helping to restore calm and confidence to the minds of the Sierra Leone population. They were not of a mind to reconcile their difference with the RUF; indeed the stance they put forward in their letter of 'grievances and demands' in September 1999 indicated that they had an axe to grind on account of the RUF's "unacceptable" treatment of their leader, Johnny Paul Koroma.[620]

1170. In a statement to the Sierra Leone Police, a West Side Boy named Samuel Bassie (alias 'Machiavelli') explained how the dissident soldiers were hand-picked by Johnny Paul Koroma to assemble in Freetown. Bassie also indicated that Koroma's original order was somewhat misinterpreted, as other AFRC members and West Siders came to 'deploy' in Freetown without having been invited:

> "Chairman Johnny Paul Koroma and other members of the RUF/AFRC-SLA came to settle in Freetown. A message was despatched to the Okra Hill's [base] commonly called 'West Side' for a team of personnel to be selected to form Johnny Paul Koroma's security in Freetown. That order came from Chairman Johnny Paul Koroma himself.
>
> […] I was fortunate to be selected by Brigadier Ibrahim Kamara (alias 'Bazzy') as a bodyguard to my commander Brigadier Hassan Bangura (alias 'Papa' or 'Bomblast'), who himself was also to become one of the guards to Johnny Paul Koroma in Freetown. We were twenty-six (26) in number selected for the task; to name a few: Junior Johnston (alias

[619] See, *inter alia*: Ibrahim Bioh Sesay, former civilian auxiliary to the Sierra Leone Army who joined the AFRC and later became a commander of the West Side Boys; statement given to the Sierra Leone Police at the Records Office of the Pademba Road Prison, Freetown; 29 July 2000.
[620] Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.

> 'Junior Lion') as Chief Security Officer, Fodayba Marrah as Deputy CSO, 'Colonel Hashim' and others.
>
> […] Whiles on deployment at the Lodge… at Juba Hill, some SLA members from Okra Hill were deploying themselves at the Lodge [in addition to the existing cadre]. In fact, Chairman Johnny Paul Koroma was against the influx of SLA combatants at his Lodge."[621]

1171. Another senior AFRC soldier who worked closely with Koroma told the TRC that the eventual number of West Side Boys who came to the Juba Hill Lodge grew to "more than double" the number that Koroma had originally called upon.[622] In the light of this evidence, the Commission believes that Koroma hosted as many as 50 men in his compound, including the 'influx' of gatecrashers. It is clear that some members of the expanded contingent were unwelcome even at the Juba Hill Lodge, not to mention among the Freetown populace as a whole.

1172. The Commission finds that the presence of such a rabble at the house of an esteemed office-holder in the Lomé peace process was an immediate and ever present danger to a successful transition to peace. It was destined to precipitate fear and suspicion among the residents of Freetown and to provoke clashes between and among factions over unresolved vendettas from the conflict.

1173. Johnny Paul Koroma was by no means blind to the potentially incendiary effect of the West Side Boys at his Juba Hill Lodge. Yet while he professed himself to be 'against the influx', he took no decisive action to quell it. Moreover, he allowed weapons to be kept in his house, many of them Army-issue rifles that he had accessed through those who were still loyal to him in the Sierra Leone Army.[623]

1174. The Commission finds that Koroma's credentials as Chairman of the CCP, an important peace-building institution, were seriously undermined by his assembly of a unit of West Side Boys around him. He acted as the *de facto* ground commander of a private Army of hardened fighters known for their propensity for excess and brutality.

Foday Sankoh's Spur Road Lodge

1175. Meanwhile Foday Sankoh and his RUFP entourage took up residence in a sizeable two-storey Lodge at No. 56 Spur Road. The Spur Road Lodge became something of a communal dwelling for the extended family, friends and associates of Foday Sankoh. It also served several other functions simultaneously: it was the Party Headquarters of the RUFP; Sankoh used it as his provisional office in his capacity as Chairman of the CMMRD; and it was the venue of countless formal and informal meetings that Sankoh held, variously, with Ministers, foreign Ambassadors, potential business partners, former commanders, journalists and members of the public.

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[621] Samuel Bassie (alias "Machiavelli"), soldier in the Sierra Leone Army and former security guard to Johnny Paul Koroma; statement given to the Sierra Leone Police at Pademba Road Prison, Freetown; 28 June 2000.

[622] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC; interview conducted in Freetown; 17 October 2003.

[623] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC; interview conducted in Freetown; 17 October 2003.

1176. The Spur Road Lodge was renowned among RUFP members as a place where they received hospitality and lodging whenever they were in need.[624] Sankoh ensured that food and medical provisions were in abundant supply; according to his wife, Madam Fatou Sankoh, he sometimes catered for over a hundred people a day.[625] At any given time, there were between 50 and 100 people 'on the ground' at the Spur Road Lodge.[626] Among them were security guards, RUFP employees, drivers, cooks and auxiliary staff as well as women, children and other dependants. Many of them lived and slept at the Lodge.

1177. As described in the previous section, Sankoh also kept a personal security detail on permanent watch at his Spur Road Lodge. It numbered approximately 30 men and comprised mostly former soldiers of the Sierra Leone Army, led by the RUFP Chief Security Officer, Akim Turay.[627] A small number of RUF 'ex-combatants' also played roles in the security set-up, calling themselves 'Black Guards', which had been the name given to Sankoh's RUF Security Unit during its combat operations. The erstwhile commander of the 'Black Guards', Jackson Swarray (alias 'CO Wray'), was among this contingent. However, Swarray was subordinate to several of the former soldiers at Sankoh's Lodge, including Akim Turay and Soriba Mansaray.[628]

1178. According to testimonies given to the Commission, as well as statements taken by the Sierra Leone Police, the security guards working at the Spur Road Lodge did not regularly carry firearms as part of their security remit.[629] Each of them was assigned a personal weapon on paper, but these were in fact taken from them and placed in a common storeroom.[630]

1179. The guards were not, for instance, permitted to patrol the grounds of Sankoh's compound carrying weapons; they were rather expected to act as watchmen, or 'look-outs', on three separate shifts covering a 24-hour cycle.[631] Where their duties entailed accompanying Foday Sankoh on business outside the compound or indeed outside Freetown, they would move with Sankoh as his

[624] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[625] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[626] 'Nominal Roll of Soldiers and Others on the Ground [at the] Residence of the Leader'; RUFP document recovered from the Spur Road Lodge of Foday Sankoh by the Sierra Leone Police; May 2000.
[627] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003.
[628] See, *inter alia*, Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.
[629] See, *inter alia*, 'Colonel' Soriba Mansaray, former soldier in the Sierra Leone Army and later a member of the RUFP; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000; Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003; and TRC Confidential Interview with a senior RUFP member who fled from Foday Sankoh's Lodge on 8 May 2000; interview conducted in Freetown; 19 August 2003.
[630] Ibrahim Blango (alias "T and T"), former RUF combatant and security guard to Foday Sankoh; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 29 May 2000.
[631] Junior Momoh (alias "Junior"), former driver for the RUF and member of the security cadre at Foday Sankoh's Lodge; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 15 May 2000

personal bodyguards.[632]

1180. Several of the ex-SLA security guards at the Spur Road Lodge had in fact given up their weapons during high-profile disarmament ceremonies in Freetown. Some of them indeed participated in the very first such ceremony held in Freetown, at the SLA's Wilberforce Barracks.[633]

1181. In a meeting with the Ambassador of the United States, Joseph Melrose, Foday Sankoh had expressed his hope and intention that all of the ex-combatants based at the Lodge, including the 'Black Guards', should go through the DDR process.[634] Yet Sankoh retained a firm principle that he would not send all of his men to disarm if he felt that in doing so he would jeopardise his own security. According to one of his close colleagues in the RUFP, the main obstacle to Sankoh's total and permanent disarmament was his lack of trust in UNAMSIL: "he wanted them to monitor RUF disarmament just like the other parties, without making it a crusade against the RUF."[635]

1182. In this light, the Commission noted that the Deputy Force Commander of UNAMSIL wrote to Sankoh in April 2000 to raise a number of points about security at the Spur Road Lodge. In this letter, Sankoh was "requested to discontinue the retention of armed RUFP cadres" on the basis that "only UNAMSIL and the armed SSD who operate under UNAMSIL are authorised to provide armed guards."[636]

1183. This letter strengthens the case for saying that as a Government official with a "status equivalent to that of Vice President,"[637] Sankoh, like other VIPs including the President, was due to be afforded official armed protection by UNAMSIL peacekeeping troops.

1184. A platoon-sized unit of the Nigerian Battalion (NIBATT), comprising about 30 armed soldiers, manned a UNAMSIL checkpoint on the approach road to Sankoh's Lodge and patrolled the vicinity on a 24-hour basis. The commanding officers assigned to the Spur Road Lodge, first Captain Akibo and later Captain Abdullahi,[638] participated in two-way briefings several times daily with Foday Sankoh or other senior RUFP members like Gibril Massaquoi. To the Commission's knowledge, between July 1999 and April 2000, the UNAMSIL officers did not file any reports to their superiors about incidents involving firearms at the Spur Road Lodge.[639]

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[632] TRC Confidential Interview with a former member of Foday Sankoh's security personnel at the Spur Road Lodge; interview conducted in Freetown; 20 August 2003.
[633] Alex George Williams (alias "Twin Barrel"), former soldier in the Sierra Leone Army and later a member of the RUFP; TRC Interview conducted in Freetown; 2 May 2003
[634] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[635] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[636] Brigadier-General MA Garba, Deputy Force Commander of UNAMSIL; letter entitled "Security to VIPs", addressed to Chairman Foday Sankoh and marked 301/Sec/Ops/UNAMSIL; 17 April 2000.
[637] Lomé Peace Agreement, Article V, Section 3.
[638] J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head Security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain J.D. Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.
[639] In this regard, the Commission has scrutinised all available documentation on Ceasefire Violations that occurred during the period in question. Mention is made, for example of incidents

1185. Sankoh largely complied with the instruction given by the UNAMSIL Deputy Force Commander, in that the only permanent armed security at the Lodge was the unit provided by UNAMSIL. Yet Sankoh had disclosed to several of his colleagues that he did not wish to rely upon the UNAMSIL contingent alone in the event that any 'incident' were to take place.[640] Thus Sankoh kept a private stockpile of weapons at the Spur Road Lodge, including approximately 30 automatic rifles. These were locked up in a storeroom close to the Lodge's 'computer room'.[641] According to the RUFP Minister for Lands, Peter Vandy, the man responsible for the arms was Foday Sankoh's Special Assistant Gibril Massaquoi:

> "In Freetown, to be frank, I have not at anytime seen these [security] guards carrying weapons in their day-to-day activities. These arms brought by Chairman Sankoh to town were in the custody of Gibril Massaquoi and I cannot tell whether he surrendered them for the DDR programme or distributed them to the security guards."[642]

1186. Sankoh had informed members of the Government about the existence of the stockpile and, according to his colleagues in the RUFP, he had secured the President's blessing to retain enough arms for 30 of his own men.[643] Several RUFP members later interviewed by the police corroborated this evidence of official acquiescence for the arms at Sankoh's Lodge. One of them narrated his understanding as follows:

> "The said arms were brought to Freetown [from Kailahun] during the time Foday Sankoh made his first visit to Kailahun after signing the Lomé Peace Accord. The arms were brought to No. 56 Spur Road, Freetown with the consent of the ECOMOG commander and even the President, Ahmad Tejan Kabbah and the UNAMSIL boss General Jetley."[644]

1187. Madam Fatou Sankoh testified that the presence of arms in the Lodge was also made known to representatives of the moral guarantors in the diplomatic community. For example, she attended a meeting between Foday Sankoh and the US Ambassador Joseph Melrose in April 2000 at which the subject was raised:

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involving firearms at Johnny Paul Koroma's residence, but not of Foday Sankoh's Lodge. See, inter alia, United Nations Mission in Sierra Leone (UNAMSIL); various editions of the monthly "Summary of Cease fire Violations", recounting violations committed in the months between September 1999 and April 2000; References CF/VIO/--; diverse dates between 1 October 1999 and 30 April 2000.

[640] TRC Confidential Interview with former RUFP office-holder in the post-Lomé Government of Sierra Leone; interview conducted on 28 August 2003.

[641] This information was corroborated by many of the witness statements given to the police: see, *inter alia*, Mayilla Yansaneh, statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

[642] Peter Borbor Vandy, former RUF commander and later Minister of Lands, Housing, Country Planning and the Environment in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.

[643] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

[644] Augustine Bonga, RUFP member who worked with Foday Sankoh on the implementation of the Lomé Peace Accord; statement given to the Sierra Leone Police at the Pademba Road Prison, Freetown; 20 to 26 June 2000.

> "Foday told Melrose openly… he said: 'I have some arms here at the Lodge; President Kabbah knows about them and they are here as a contingency in case something happens to me; in case I have to defend myself'. I was there at that meeting [with Melrose]; Melrose cannot possibly deny that he knew [about the arms]."[645]

1188. It is worth reiterating that Sankoh was not alone in keeping significant quantities of arms and indeed fighters at his compound. The Deputy Defence Minister, Chief Sam Hinga Norman, retained a 30-man security detail at his own residence, comprising armed Kamajor fighters from the Civil Defence Forces (CDF).[646] Equally, as noted above, Johnny Paul Koroma administered an effective arms reserve, which was made available to the contingent of West Side Boys who lived in his compound at Juba Hill.

1189. The Commission finds that each of the faction leaders played his part in brewing suspicion and apprehension in the city of Freetown. The fact remains, however, that Foday Sankoh's Spur Road Lodge was the focus of most of the public concern because its inhabitants were something of an unknown quantity in the public eye.

1190. The Government of Sierra Leone was remiss in allowing the proliferation of weapons to occur around the key players in the peace process in Freetown. The failure to impose appropriate conditions on the retention of arms supplies at the Lodges of Johnny Paul Koroma and Foday Sankoh, at Juba Hill and Spur Road respectively, was a fatal blunder in the transition into peace.

Foday Sankoh's Further Properties in Freetown

1191. Foday Sankoh also administered two further properties in Freetown. The first, located at Spur Loop, further up the same hillside as the Spur Road Lodge, was the lesser populated and lesser visited of the two; it became the residence of his wife, Madam Fatou Sankoh.[647] The second, at No. 12 Josiah Drive in the Malama / Lumley area, was more strategically important, for it served a variety of purposes in effecting the transition from the RUF in conflict to the RUFP in peacetime.

1192. The Commission noted that the Josiah Drive property was assigned various, differing descriptions by those who had visited it: Madam Fatou Sankoh called it a "clinic;"[648] UNAMSIL soldiers referred to it as a "warehouse;"[649] and one of

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[645] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

[646] Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.

[647] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

[648] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

[649] J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head Security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain J.D. Abdullahi

its temporary residents said it was "a kind of guesthouse."[650]

1193. The three-storey building was home to as many as 50 RUFP members, although the roster of inhabitants was not permanent.[651] A core group of about 20 staff lived and worked there permanently as security guards, drivers and domestic staff. According to the nominal roll of RUFP members, there were also between 10 and 20 former child combatants attached there as a remnant of the RUF 'Small Boys' Unit'.[652]

1194. The Josiah Drive property also served as a hospital or rehabilitation centre for wounded RUF ex-combatants and some former soldiers.[653] There was a full-time staff of medical nurses on duty, who received supplies of drugs and other medical provisions directly from Foday Sankoh. Their patients included a small number who were accommodated there permanently, and a majority who came in on an ad-hoc basis for treatment. Some senior RUF members were brought to Freetown during the post-Lomé phase to receive medical attention from the nurses at Josiah Drive for their wounds or other after-effects of the war.[654]

1195. There were nonetheless persistent rumours that the RUFP residence at Josiah Drive was being used for subversive purposes. A former child combatant who resided there briefly would later tell the police that there were "guns under the beds" on one of the floors that was used to house ex-combatants.[655]

1196. The Government, through its Attorney General and Minister of Justice Solomon Berewa, was later to assert that the residents of Josiah Drive were in fact an integral part of a "coup plan."[656] This allegation, based on what the Attorney General called "circumstantial material," suggested that weapons and potential participants in the plot were harboured at Josiah Drive in anticipation of an operation against other members of the Government, with the intention of capturing power for the RUFP and Foday Sankoh.

(N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.

[650] TRC Confidential Interview with former RUF combatant who came to Freetown after the signing of the Lomé Accord; interview conducted in Freetown, 29 September 2003.

[651] See attachment to the document entitled 'Nominal Roll of Soldiers and Others on the Ground [at the] Residence of the Leader'; marked 'List of Manpower', dated 24 April 2000; RUFP document recovered from the Spur Road Lodge of Foday Sankoh by the Sierra Leone Police; May 2000.

[652] See attachment to the document entitled 'Nominal Roll of Soldiers and Others on the Ground [at the] Residence of the Leader'; marked 'List of Manpower', dated 24 April 2000; RUFP document recovered from the Spur Road Lodge of Foday Sankoh by the Sierra Leone Police; May 2000.

[653] See, *inter alia*, Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.

[654] See, *inter alia*, Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.

[655] Ginnah Lansana Brima, former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 23 May 2000.

[656] Solomon Berewa, Attorney General; statements to the press, the first of which was made on 13 May 2000; reported on the BBC Africa Service and available in the news archives of Sierra Leone Web (www.sierra-leone.org). See also: Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003. Madam Sankoh recollected Berewa's allegation in one of his statements that the medication and syringes found at Josiah Drive were evidence of the RUF's 'drug-taking'.

1197. The Commission was unable to determine definitively whether these allegations were accurate or not. What is certain is that the Josiah Drive property was unambiguously identified as a 'rebel house' by local residents and security forces alike. According to one of its inhabitants, groups of youths accompanied by armed SSD officers appeared at the house on several occasions chanting 'offensive slogans' and sometimes throwing stones.[657] Josiah Drive was therefore another flashpoint on the Freetown landscape.

THE WEEK ENDING 6 MAY 2000 AND THE RISE IN NEGATIVE PUBLIC SENTIMENTS TOWARDS FODAY SANKOH AND THE RUF

1198. Public perception turned dramatically against the RUF and, in particular, Foday Sankoh as the first week of the UNAMSIL hostage-taking episode unfolded.[658] There was a unanimous and unyielding belief among the public that Sankoh was responsible for the abduction and molestation of peacekeepers as it had been reported by various media outlets.

1199. Moreover, Freetown-based civil society was adamant that Sankoh should be brought to account for the actions of his men on the ground. The popular view was that until the RUF combatants achieved full compliance with the disarmament objectives of the Lomé Accord, Sankoh should be stripped of all political privileges afforded him under the power-sharing clauses of the agreement.[659]

The Passing of a Private Members' Motion by the Sierra Leone Parliament

1200. The negative public sentiments towards Foday Sankoh and the RUF were echoed in the chambers of the Sierra Leone Parliament. On Tuesday 2 May 2000, it was reported that after discussions in the Parliament a "private members' motion" had been adopted.[660] The motion contained a number of resolutions, which cumulatively amounted to an outright condemnation of Foday Sankoh and the RUF for their perceived lack of "genuine commitment to the peace process."[661]

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[657] TRC Confidential Interview with former RUF combatant who came to Freetown after the signing of the Lomé Accord; interview conducted in Freetown, 29 September 2003.
[658] CROSS-REFERENCE BACK TO THE UNAMSIL HOSTAGE-TAKING EPISODE in previous section.
[659] See, *inter alia*, Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[660] Sulaiman Momodu, Regina Thomas and Osman Benk Sankoh, reproduced in Africa News; "RUF Terror: 4 Kenyans Killed, Sankoh under House Arrest"; circulated on international news wires by All Africa, Inc.; 3 May 2000.
[661] See the excerpted contents of the Private Members' Motion adopted by the Sierra Leone Parliament on 2 May 2000; reported in the news archives of Sierra Leone Web (www.sierra-leone.org) and accredited to 'a parliamentary source'; 4 May 2000.

1201. In the motion, the Sierra Leone Parliament further called upon a number of distinct groups to take decisive action in response to the perceived "resumption of hostilities." The motion framed the position of the parliamentarians in the following terms:[662]

- It called upon the Government to place Foday Sankoh, the leader of the RUFP, under 'house arrest' at his Spur Road Lodge;
- It advocated for restrictions to be imposed on the movement of RUFP Ministers and other office-holders until the 'hostilities' were ended;
- It demanded that all RUF combatants be disarmed within 45 days;
- It called for the enactment of legislation suspending or retracting "some of the privileges accorded to Mr. Foday Sankoh and other elements of the RUF by virtue of the Lomé Peace Agreement;"
- It motivated for the moral guarantors to "use their influence and good offices" to bring Foday Sankoh back into line;
- It declared that the "series of co-ordinated attacks against UNAMSIL troops" was evidence that the RUFP was "not interested in peace but [rather] committed to derailing the peace process and seizing power by force;" and
- It announced the intention of the parliamentarians to stage a protest march against the RUF on either the Thursday or the Friday of the week ending 5 May 2000.

1202. The motion represented a bold statement of intent by the parliamentarians that they would not tolerate lapses in the implementation of the military aspects of the Lomé Peace Accord. Members of Parliament also signalled their conviction that the RUF was wholly and solely answerable for the 'resumption in hostilities'.

1203. Parliament's positions were adopted in spite of protestations from the RUFP regarding various irregularities in implementation of other areas of the military and political framework for peace. In announcing details of the motion, the Presidential Spokesman, Professor Septimus Kaikai, cited financial constraints and ongoing efforts at dialogue with the RUF to provide a context for the problems in the process of power-sharing.[663]

1204. The demands made by the parliamentary motion were taken up with varying degrees of vigour and immediacy. Some aspects stood little chance of success: for example, the call for total RUF disarmament within 45 days was unrealistic and did not happen. Other aspects, like the request for international pressure, materialised almost immediately. The United Nations Security Council issued a statement through its President on the evening of 3 May 2000. The statement was in almost total consonance with the Sierra Leone Parliament: it "condemn[ed] in the strongest terms the armed attacks perpetrated by the RUF" and "consider[ed] Foday Sankoh, as leader of the

[662] All of the listed points are excerpted contents of the Private Members' Motion adopted by the Sierra Leone Parliament on 4 May 2000; *Ibidem*.
[663] Sulaiman Momodu, Regina Thomas and Osman Benk Sankoh, CONCORD TIMES; reproduced in Africa News; "RUF Terror: 4 Kenyans Killed, Sankoh under House Arrest"; circulated on international news wires by All Africa, Inc.; 3 May 2000. In defence of Government non-compliance with Lomé, Kaikai was reported to have said: that 'a white paper will soon be out on how parastatals will be run'; that 'President Kabbah has discussed on five different occasions with [Foday] Sankoh on diplomatic jobs for the RUF'; and that 'Government does not have money at the moment'.

RUF, to be responsible for these actions, which are unacceptable and in clear violation of [the RUF's] obligations under the Lomé Agreement."[664]

1205. On the whole, the parliamentary motion appears to have been taken very seriously by the parties it addressed, particularly among the branches of Government and the national and international law enforcement agencies. In fact the motion became a blueprint for a series of co-ordinated actions against the RUF in the days that followed. These actions formed what President Kabbah would later describe as his "effective contingency plan"[665] against the RUF.

Imposition of Surveillance and Restrictions on the Movement of RUFP Members

1206. The SLPP-led Government acted swiftly to put in place measures of containment around the Freetown-based members of the RUFP. Its first step towards realising the demands of the parliamentary motion was to identify the modalities that would be required to place Foday Sankoh under 'house arrest' and to restrict the movements of the other office-holders of the RUFP.

1207. The Government enlisted the support of UNAMSIL to accomplish its containment strategy. The UN Peacekeeping Best Practices Unit later characterised the various militating factors that compelled UNAMSIL to participate in "swift, concerted remedial action" to restrain the RUF, as follows:

> "[In May 2000] the United Nations involvement in Sierra Leone was under attack, literally and figuratively. The United Nations Mission in Sierra Leone (UNAMSIL) was being humiliated by a rebel army of young thugs called the RUF, led by Corporal Foday Sankoh. Hundreds of UN peacekeepers were taken hostage, disarmed and even disrobed by the RUF. The international and local press carried daily condemnations of the UN and its inability to stop the rampage of the RUF through the country and all the way to its capital, Freetown. President Ahmad Tejan Kabbah's Government, which had been unable to exercise any real authority since its election in 1996, was expressing extreme disappointment at UNAMSIL's capitulation to the rebels."[666]

1208. The Commission learned that the Government and UNAMSIL had already been working together for some time on joint monitoring and information-gathering actitivities concentrated on the RUF. In this regard, evidence given to the police by a long-standing member of the RUF named Sahr Sandy was particularly revelatory.[667] Sahr Sandy first recounted how he forged a

[664] United Nations Security Council, Presidential Statement to the 4134th Meeting of the Council, S/PRST/2000/14 of 3 May 2000; reproduced in UN Press Release SC/6852; "Security Council, in Presidential Statement, Condemns Actions of RUF in Sierra Leone [and] says Foday Sankoh 'Must be held Accountable'; 4 May 2000.
[665] President Alhaji Dr. Ahmad Tejan Kabbah, Address to the Nation, broadcast on the Sierra Leone Broadcasting Service; reported in the news archives of Sierra Leone Web (www.sierra-leone.org); 7 May 2000.
[666] United Nations, Department of Peacekeeping Operations (UN-DPKO); Peacekeeping Best Practices Unit; "Lessons Learned from United Nations Peacekeeping Experiences in Sierra Leone"; part of the UN 'Learning from Experience' series; June 2003.
[667] See: Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.

connection with the Vice President, Dr. Albert Joe Demby. He explained that this relationship came about as a result of two principal factors: first, Sandy's personal rift with Foday Sankoh;

> "[When] I came to Freetown, I joined the RUF leader Foday Sankoh at his residence at No. 56 Spur Road, Freetown… I was with Pa Sankoh, whom I fell out with due to the bad treatment he was giving me;"

and second, a meeting with Demby in which Sandy and fellow RUF ex-combatants presented themselves as willing partners in peace;

> "On 25 March 2000, I left Freetown for Kailahun [District] to collect … thirty-nine (39) of my men who had disarmed to UNAMSIL personnel and they were in the DDR camp. I came to Freetown with the thirty-nine (39) men. I took them to the residence of the Vice President, Dr. Albert Joe Demby. We had a meeting with the Vice President, the then Minister of Agriculture Dr. Harry Will, the SLPP Chairman Maigoh Kallon, late Paramount Chief A. A. Mannie, the Chief Agriculturalist Mr. Tengbeh and the Permanent Secretary to the Vice President, Mr. Henry Gongor. At the meeting, I told the Vice President to accept us as his children and that we are no longer members of the RUF movement. The Vice President agreed and accepted us."[668]

1209. Sahr Sandy then went on to describe how Vice President Demby had engaged his services as an 'informant', who would provide valuable information to UNAMSIL and the Government about the activities of the RUF:

> "[At the end of] March 2000, the Vice President Dr. Albert Joe Demby called me to his residence at Spur Road, Freetown wherein he handed me over to the Chief Military Observer (CMO) Brigadier-General Chadi Odusi, to whom [he said] I should give information about Pa Sankoh in respect of his [Sankoh's] armed movement in the country. The following day Brigadier-General Chadi Odusi led me to UNAMSIL Headquarters at Pademba Road, where we met the UNAMSIL boss General Jetley. On our arrival, Odusi told General Jetley that I was the Mr. Sandy who would assist UNAMSIL to discover arms kept in the city and Provinces by Pa Sankoh and his men. With effect from that day I started giving information to UNAMSIL personnel… working directly with CMO Odusi."[669]

1210. The importance of Sahr Sandy's role increased greatly in the wake of the above-mentioned parliamentary motion. The Government and UNAMSIL took heed of Parliament's call for conditions of 'house arrest' to be imposed on Foday Sankoh. They heightened the levels of surveillance of RUFP members in Freetown and began joint operations to stifle the RUF movement. As Sandy later told the police, the weekend that began on Friday 5 May 2000 proved to be pivotal:

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[668] Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.

[669] Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.

"On 5 May 2000 at about 12.00 noon I met General Jetley at the UNAMSIL Headquarters, Pademba Road. No sooner had I arrived than General Jetley called Brigadier Mohamed, the Jordanian Commander, and introduced me to him as an informant for arms concealed in the Western Area. [Jetley told Mohamed] that he should work with me.

[…] Straight away we started the operation. Brigadier Mohamed and I went to Colonel Boroh, the Nigerian UNAMSIL officer at Wilberforce Barracks. Brigadier Mohamed instructed Colonel Boroh to take all the armoured tanks and block Pa Sankoh's house in order to prevent him from moving out of the house; [there was a further instruction] to arrest all the inmates of the house.

[…] Brigadier Mohamed and I [then] moved to Malama for me to show [him] the other locations inhabited by RUF personnel. No arrest was made. Later we moved to Lumley Beach area, where I showed him another RUF location. From there we moved to Cline Town where I showed him another RUF base before we returned to UNAMSIL Headquarters.

[…] Whilst there [at Headquarters], Brigadier Mohamed called Mr. Christopher John, who was in charge of police operations. On his arrival [Christopher John] was instructed by Brigadier Mohamed to alert the police in order to cordon the areas I located. As it was already late the two officers agreed to do the operation the following morning, but that plain clothes officers should be posted in those areas on surveillance. That particular night I did not sleep at home for fear that the RUF will harm me."[670]

1211. Both UNAMSIL and the Sierra Leonean state security forces gained information as a result of Sahr Sandy's 'guided tour' of RUF residences in Freetown and its environs. From Friday 5 May 2000 onwards, the police mounted permanent surveillance operations on the Josiah Drive building in Malama; the residents quickly noticed that 'watchful strangers' were present in the neighbourhood.[671] Within the space of 24 hours, Foday Sankoh had been made aware of at least two other houses elsewhere in the city that were being monitored, both of them occupied by RUFP office-holders.[672] A co-ordinated containment operation was being put in place.

[670] Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.
[671] TRC Confidential Interview with a former RUF commander who was residing at Josiah Drive, Malama when the residence was attacked in May 2000; interview conducted in Freetown; 24 August 2003.
[672] TRC Confidential Interview with former RUF office-holder in the post-Lomé Government of Sierra Leone; interview conducted on 28 August 2003.

Foday Sankoh's 'House Arrest'

1212. In the evening of Friday 5 May 2000, it was announced on the BBC Africa Service that Foday Sankoh had been placed under 'house arrest' at the behest of the Sierra Leone Government.[673] This announcement was purportedly based upon the transfer of UNAMSIL personnel and vehicles into the direct vicinity of Sankoh's Spur Road Lodge, as was indicated in the testimony of Sahr Sandy.[674] Yet the UNAMSIL Commander responsible for the security of Freetown, Lieutenant Colonel Paul Boroh, maintained that "there was no stationed Armoured Personnel Carrier or armoured tanks" assigned to the residence of Foday Sankoh at that time.[675]

1213. Furthermore there was a high degree of confusion on the ground as to whether there was an express measure in place to prevent Foday Sankoh from moving outside his compound. As it happened, Sankoh did remain in his house for the duration of the weekend. However, according to one of his associates, Sankoh's lack of movement was more attributable to his disinclination to move around town than it was to any order stopping him from doing so.[676] Other senior members of Sankoh's entourage apparently moved in and out of the compound without impediment.[677] Gibril Massaquoi, Dennis Mingo (alias "Superman") and Akim Turay were among those who entered and left Sankoh's Lodge freely whilst the 'house arrest' order was supposedly in place.

1214. The ambiguity surrounding the classification of Sankoh's status was also apparent in the somewhat confused press reporting of the time. One journalist described the restrictions on Sankoh's movement as "an informal version of house arrest."[678]

1215. Nevertheless, the containment measures implemented against the RUF under the combined auspices of UNAMSIL and the Sierra Leone Government from Friday 5 May 2000 onwards constituted a significant step up from the levels of vigilance that had existed in the preceding ten months since the signing of the Lomé Accord.

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[673] British Broadcasting Corporation (BBC), Focus on Africa; "Sierra Leone former rebel leader under house arrest"; broadcast on 5 May 2000; included in the BBC Summary of World Broadcasts, 7 May 2000.
[674] Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.
[675] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.
[676] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[677] See, *inter alia*, Junior Momoh (alias "Junior"), former driver for the RUF and member of the security cadre at Foday Sankoh's Lodge; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 15 May 2000.
[678] Alexandra Zavis, Associated Press (AP); "Sierra Leone's peace process seems lost"; circulated on international news wires by Associated Press; 8 May 2000.

The Makings of a Mass Public Demonstration against the RUF

1216. Perhaps the most noteworthy element of the motion passed by the Sierra Leone Parliament was its clarion call for a protest march against the RUF. Originally this march was conceived as an outlet through which Members of Parliament themselves would vent their discontent. However, since the theatrics of the political transition were so openly on display in the city of Freetown, it was inevitable that members of the public would want to become involved as well.

1217. The vehicle for mobilising large numbers of people behind a civic agenda was the Sierra Leone Civil Society Movement (CSM). The Commission heard testimony from one of the foremost personalities in the CSM, Festus Minah. Minah described how a sense of outrage had grown among many civil society groups, including students' associations, traders' collectives and professional bodies like the Sierra Leone Teachers' Union (SLTU), of which Minah himself was President. According to Minah, there was such a formidable tide of opposition to the RUF's hostage-taking of UNAMSIL personnel that he and his colleagues in the CSM felt compelled to take action of their own:

> "The RUF [was] holding to ransom, or holding hostage, 500 and more peacekeepers who were in this country and for no just reason had to face a situation of that nature. For us who believed that the presence of the peacekeepers in the country had brought relief to us… we thought that they ought not to have to go through such a hazardous experience.
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> […] Our intention was merely to give a picture to Sankoh… that power cannot be attained or cannot be usurped using the barrel of the gun or by using force. It should be given freely by the will of the people. His attempt not to acknowledge this fact made the pillars of the Civil Society Movement to engage in strategising [on] means and ways by which we could get our message across to Sankoh."[679]

1218. The 'strategising' of the Civil Society Movement coincided exactly with the plans of the parliamentarians. It was upon recognition of this common agenda that the Chairman of the CSM, Hassan Barrie, established contact with the parliamentarians and managed to agree upon the basis for a collaborative venture.[680]

1219. The planning assumed an urgent dimension when the notion was introduced that Foday Sankoh was eager to make a grab for the Presidency. Festus Minah told the Commission that this notion was not taken lightly by the joint planners. He acknowledged that a public demonstration became the favoured option because it would symbolise the democratic will of a sheer mass of people against the perceived excesses of Foday Sankoh:

> "About a week before our action, there were evidences from the forces, both military and police, particularly testified by our British-born

[679] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

[680] Davidson Kuyateh, teacher, trade unionist and Acting Secretary-General of the Civil Society Movement (CSM) in Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.

> Inspector-General Keith Biddle… that Foday Sankoh had participated in a masked devil parade and had come to the police and said: 'The people are in my favour; they are in support of me; you must be careful! In the next few days, when I come to be the Leader of this country, you will have to account for the way your people are treating my people'.
>
> I believe those were very serious statements, which got to us in the CSM office and, noting what the RUF can do – they do not only plan, but [they] execute what they say - led us to say: 'well, we must nip it in the bud; not allow him to even engage in a programme that will try to destabilise the situation'.
>
> […] These were the few circumstances that made the Civil Society Movement, in collaboration with the parliamentarians, think that 'enough was enough'… All these issues, when put together, formed a circumstance that forced us to take action in the form of demonstrating. We thought that Sankoh would see the multitude of people who were against him [and] at least appreciate the efforts of Sierra Leoneans in trying to make peace with him."[681]

1220. One realisation that quickly dawned on both parties was that a joint public protest march would be a much larger undertaking than what either of them had originally envisaged. It would require planning and organisation over several days. Accordingly, the march was postponed from the week ending 5 May 2000 and rescheduled for the following Monday, 8 May 2000.

1221. With the new date in mind, the Chairman of the CSM, Hassan Barrie, assembled what he called a 'Task Force' to co-ordinate the various aspects of the organisation of the demonstration. According to the recollections of Festus Minah, this Task Force was divided into six sub-groups or committees, each of which took responsibility for a particular aspect of the planning of the event. The designations and basic functions of the six groups were as follows:[682]

- Resolutions Committee – to decide upon the content of the formal speeches that would be addressed to Foday Sankoh and the assembled demonstrators on the day;
- Information and Sensitisation Group – responsible for making announcements on the radio, stimulating discussion and raising public awareness;
- Mobilisation Group – to work with existing civil society groups and "get them to mobilise their membership for action";
- Transportation Group – effectively to take over the public transport system for the day and assist people in moving to the assembly point at Victoria Park in central Freetown;
- Security Group – to avoid putting the demonstrators or other residents in danger and to prevent damage to property or other inconvenience on the route; and
- Finance Group – to generate and administer funds from sponsors and supporters.

[681] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[682] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

1222. The roles played by some of these committees were self-explanatory and warrant mention only insofar as they contributed to the staging of a landmark event in history. Others have attained a more profound significance in understanding the dynamics of the demonstration that subsequently transpired.

1223. The Information and Sensitisation Group, for example, can lay claim to a quite incredible dividend, since it succeeded in instituting what was probably the largest mass demonstration in the country's history. It achieved the feat by bombarding the airwaves with advertisements and related discussion programmes for the whole weekend leading up to the demonstrations. As one of those who responded to the campaign later explained, these media announcements mixed the concept of protest with a certain patriotic imperative:

> "On Friday 5 May 2000 I heard a radio announcement from the Radio Democracy 98.1 FM station that members of the Civil Society Movement (CSM) and parliamentarians would stage a peaceful demonstration march on Monday 8 May 2000. The march would end at the residence of the RUF leader Foday Sankoh, at Spur Road, Freetown. The announcement alleged that they are demonstrating against the RUF movement because the RUF arrested the UNAMSIL peacekeepers; they are tired with fighting in the country and now they needed peace forever. Finally, they said that all patriotic Sierra Leoneans must join the demonstration."[683]

1224. The Security Group was another that had a central part to play in the proceedings. Festus Minah sat on this particular committee and drew attention to the fact that upon the insistence of the police, the upper part of the Spur Road hillside was to remain 'off limits' to the demonstrators:

> "We made sure that the demonstrators would use only the route that was lined up; because we had to ask permission from the police and the police guided us as to how we could move. Even though they did not support it; they guided us as to how we should move. We were not to use the Spur Road route, because that was the area of the diplomats and that was the route they used.
>
> […] So we had to use Wilkinson Road, up to Lumley and then move to [Sankoh's] residence, which was very close to Lumley. Myself and six others were involved in ensuring that no demonstrators used the [upper] Spur Road route, either from Spur Loop, or from Tengbeh Town… They only used the route that was prescribed by the police."[684]

1225. Finally, selected delegates from each of the committees were drawn into a seventh group that comprised a cross-section of both parliamentarians and civil society activists. It was an 'umbrella body' known as the liaison group, which would work with potential partners, including the police and the Government of Sierra Leone, towards the smooth running of the demonstration. Festus Minah was chosen as the liaison representative from

[683] Donald Boston Mammah, baker in Freetown and participant in the May 2000 demonstrations; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 23 May 2000.
[684] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

the security committee. In this capacity he helped to keep the demonstration on course for 8 May 2000 despite the apparent opposition of President Kabbah, which was premised on security considerations:

> "I must say it here: as a member of the Security Group, I happen to have been part of the liaison delegation that went to meet the President. The President was not in favour of the demonstration; he had a fear that anything could go wrong. But indeed, the group was resolute.
>
> […] We spent close to three hours with [the President], trying to reason out with him on the issue of the demonstration; but I think his position was against the position of the Civil Society Movement. So there was very little he could do, but to [allow us] at least to go ahead with the action as planned, in the interests of stabilising the Sierra Leonean society."[685]

1226. All of the above testifies to the single-mindedness and sense of purpose that was present among the organisers of the 8 May 2000 demonstrations. After the Parliament and the Civil Society Movement had united behind the principle of a demonstration, they resolutely refused to be thwarted in their intention of making themselves heard by Foday Sankoh in the loudest and dearest terms. There was a definite element of stubbornness in the organisers' attitudes, but as they pointed out to the Commission, it was the stubbornness that Sierra Leoneans had developed "after several years of being subjected to rule by force and wanting finally to put a stop to it."[686]

1227. The organisers of the demonstrations generated an unprecedented level of interest and engagement in the post-Lomé political transition. This increased public scrutiny came at the exact time when the RUF movement had cast itself in a very negative light in the peace process. Foday Sankoh never ordered the responsible parties to release the UNAMSIL peacekeepers. Nor did he issue a public statement condemning the hostage-taking episode. The RUF movement led by Sankoh in fact did nothing to counter the perception that it was a belligerent and untrustworthy faction. In the circumstances, the unfavourable public perception of the RUF was more than justified. The RUF invited demonstrative action against itself.

1228. While the thrust of the demonstration remained peaceful, there were certain sentiments evoked by it that served to frighten or antagonise some members of society, particularly among the RUFP. The Commission heard from one RUFP office-holder who was residing in Freetown at the time that the prospect of the demonstration haunted him from the moment he heard the comments of a caller on a radio 'talk-show' programme:

> "I was tuning in to 96.2 FM radio station when a certain caller made all kinds of threatening remarks that [seemed to be] a summary of the contingency plan against the RUF for the 8 May demonstrations. Abu Bakarr, a programmer on the 96.2 FM station, had organised a forum [with] Chairman Foday Sankoh to talk to the people of Sierra Leone on

[685] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[686] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

the problem at hand in the country – the near collapse of the peace. Foday Sankoh had turned down this invitation to the forum.

> [Sankoh's refusal] was the exploding point for the caller. He said: 'Come May 8th, we will march to Sankoh's house and destroy all the facilities he is enjoying: electricity, water and anything else that makes him too proud to refuse us! For ten years, Foday Sankoh has been ambushing us, so on that May 8th day, we too will surely ambush Foday Sankoh and just as surely he will not survive the ambush!'
>
> […] That caller's threat sent cold sweat running down my brows."[687]

The Staging of an Independent Women's Group Demonstration on 6 May 2000

1229. The organisers of the 8 May 2000 demonstration were beaten to the gates of the Spur Road Lodge by an independent group of protesters who gathered there two days earlier. This group was composed of up to 2,000 Sierra Leonean women, who wanted to convey their own hopes for peace and bring home to Foday Sankoh a sense of the particular suffering that women had endured as a result of the war.

1230. The Women's Forum was among the conglomeration of interest groups that led the noteworthy, albeit relatively minor demonstration on Saturday 6 May 2000. One of its members, Christiana Macfoy, was quoted in the press as having explained the motivations for this action in the following terms:

> "We are tired. We are not only tired; we are fed up. We have reached the end of the road as far as taking all these atrocities that are being committed. And it is the women that are bearing the brunt of it."[688]

1231. From the side of the inhabitants of the Spur Road Lodge, there were mixed impressions of the arrival of the women. One RUFP security guard later told the police that the protest was treated quite dismissively by Foday Sankoh and therefore concluded in a short space of time without making any significant impact:

> "On Saturday 6 May 2000 during the morning hours I was in the compound at No. 56 Spur Road, Freetown when a group of women arrived and started singing provocative remarks against the RUF leader Foday Sankoh. The leader [Sankoh] called everybody in the compound and advised us to close the main gate, which we did. After a while, the women who were demonstrating had to return to their various homes."[689]

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[687] TRC Confidential Interview with former RUFP office-holder in the post-Lomé Government of Sierra Leone; interview conducted in Freetown; 28 November 2003.
[688] British Broadcasting Corporation (BBC), Focus on Africa; "Sierra Leone women protest at the breakdown in the peace"; broadcast on 6 May 2000; included in the BBC Summary of World Broadcasts, 7 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).
[689] Vea Kentiga (alias "Woineyeh Clott"), former RUF fighter and member of the ground staff at Foday Sankoh's Spur Road Lodge; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 May 2000.

1232. The Chief Security Officer at Sankoh's Lodge, Akim Turay, told the Commission that he was sent out by Foday Sankoh to engage in a dialogue with the women and to 'thank them' on Sankoh's behalf for their concern. Turay described his discussion with the women as having been 'in good spirits' and 'totally peaceful', which led him to believe that the demonstration planned for Monday 8 May would assume the same character.[690]

1233. Certainly there were no incidents of violence during the visit of the women on 6 May 2000. After the gates to the Spur Road Lodge were closed by its inhabitants, the possibility of confrontation was so conclusively averted that the women had to resort to reading their prepared statements to Foday Sankoh over a megaphone.[691]

1234. The women's statements focussed on the breakdown in the implementation of the military aspects of the Lomé Accord and the perceived violence of the hostage-taking episode. They called for the immediate and unconditional restoration of a ceasefire by the RUF in the name of achieving a more durable, longer-lasting peace.[692] It is unlikely that the statements were even heard by their intended recipients.[693]

1235. Madam Fatou Sankoh was not in Freetown on the weekend of 6 May 2000 but was keeping in touch with her husband Foday Sankoh by telephone from her permanent home in the United States. According to Madam Sankoh, the women's protest was perceived in RUFP circles as a deliberate effort to 'shake the cage' of Sankoh and his entourage. She cited the prominent role played in the protest by the SLPP Minister of Development Kadie Sesay as evidence that the Government used the women's demonstration to continue the gradual build-up of tensions around the RUFP presence in the city.[694]

[690] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003.
[691] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[692] British Broadcasting Corporation (BBC), Focus on Africa; "Sierra Leone women protest at the breakdown in the peace"; broadcast on 6 May 2000; included in the BBC Summary of World Broadcasts, 7 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).
[693] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[694] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.

Changes in the Character of State Security and the Mobilisation of a 'Peace Task Force' by Johnny Paul Koroma

Raid on an RUFP Member's Residence on 6 May 2000

1236. The first human rights violations that were discernibly targeted against a Freetown-based member of the RUFP took place in the evening of Saturday 6 May 2000. These violations were levelled against the Deputy Minister for Labour, Industrial Relations and Social Security, Idrissa Hamid Kamara (alias "Leather Boot"). Leather Boot would later explain to the police how he came to learn of the disturbing incident at his official residence:

> "On Saturday 6 May 2000 at about 6.30 pm… I got a call from my wife through my mobile telephone set that a group of armed personnel led by Brigadier Santigie Kanu (alias "Five Five") went to my room at Cape Sierra Hotel and had looted all my properties and also molested my wife and two children, aged three and 14 respectively. She further went on to say that they were desperately looking for me; for what I don't know. I straight away drove to Chairman Foday Sankoh's residence… [Sankoh] advised that I should stay within his premises because he does not know the intention of those looking out for me."[695]

1237. This attack has come to represent the onset of a pattern of violations and abuses that took place in Freetown over the ensuing days. The perpetrators were identified as West Side Boys and other remnants of the AFRC regime. They were led by Santigie Kanu (alias "Five Five"), who was known to be assigned to the Juba Hill Lodge of Johnny Paul Koroma as part of the burgeoning security detail there. The Commission draws a direct link between 'Five Five' and Johnny Paul Koroma and holds the pair jointly responsible for the instigation of this particular raid.

1238. It is no coincidence that Leather Boot was singled out as the first target among the various RUFP office-holders scattered across Freetown. As noted in the previous section, Leather Boot had been the official, albeit unrepresentative delegate of the AFRC to the Lomé Peace Talks. He was jettisoned by the majority of his erstwhile colleagues in the AFRC on the basis that he had 'sold out' to the interests of the RUF. Thus, 'Five Five' and his troop attacked with an intra-factional axe to grind, quite apart from any other instructions they may have received from Koroma.

1239. In the prevailing climate, the loyalties of the soldiers in the Sierra Leone Army were closely aligned to Koroma and the likes of 'Five Five', against the RUF. Equally, the officers of the Sierra Leone Police, including those in the paramilitary Special Security Division (SSD) were generally hostile towards the RUF. The crises that had ravaged the Army and the police were attributable to the RUF in the first place. These elements of the state security apparatus would make life uncomfortable for the RUF if given any opportunity.

[695] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.

1240. Under the terms of the Peace Accord, Leather Boot ought to have been able to look to UNAMSIL as an intermediary in the event of an attack by a rival faction. Yet on that front the actions of the RUF combatant cadre and the UN's decisive attribution of blame to Foday Sankoh had made for a very tense *prima facie* relationship. The apparent 'house arrest' order and UNAMSIL's implication in other containment measures against the RUF presented further deterrents to the pursuit of that option.

1241. Hence, the last hope for Leather Boot was that Sankoh's Spur Road Lodge, the security of which was supposed to be a matter in the interests of all the parties to the Lomé Accord, would constitute a protective enclave. Sankoh, as Chairman of the CMMRD, was the only RUFP office-holder who was afforded official armed security at his residence from UNAMSIL officers.[696] This arrangement had not been altered despite the RUF's ongoing mistreatment of the peacekeepers. Moreover, as leader of all wings of the RUF, Sankoh was the arbiter of what measures to take in the event that UNAMSIL's armed security could no longer be relied upon.

Johnny Paul Koroma's Call for a 'Peace Rally' on 7 May 2000

1242. The climate in Freetown became yet more heated on the morning of Sunday 7 May 2000. Johnny Paul Koroma called together a rally of former warring factions in his capacity as the Chairman of the CCP. The gathering was billed as a 'Peace Rally'. It began with a radio announcement on the Sierra Leone Broadcasting Service (SLBS), in which Koroma instructed that all 'loyal' men who wished to declare themselves in favour of peace should assemble at a large Government office block in downtown Freetown. The rally culminated in a series of public addresses to a crowd of several thousand in the National Stadium.

1243. The majority of those present at the so-called 'Peace Rally' were soldiers or ex-soldiers from Freetown: the same bulk of people who had remained loyal to Koroma since the days of the AFRC. Up to a few hundred of them had by now assumed the identity of West Side Boys, affiliated to the band of armed renegades who occupied the base at Okra Hills. Their 'strongmen' included the leaders of the 6 January 1999 invasion of Freetown, such as Alex Tamba Brima (alias "Gullit"), Ibrahim Kamara (alias 'Bazzy') and Santigie Kanu (alias "Five Five"). They were still malleable to Koroma's agenda and still motivated by notions of power largely centred on their recognition as professional soldiers.

1244. The 'Peace Rally' was not organised with the same degree of planning that is normally associated with an event of such a scale. It was hastily convened and quite ramshackle. An SLA soldier who answered Johnny Paul Koroma's call to the 'Peace Rally' described the scene that he encountered there as follows:

> "On 7 May 2000 at about 9.30am over state radio, there was a broadcast made by Johnny Paul Koroma that all SLA, ex-SLA and combatants loyal to the Government should report immediately to the [site of Government offices known as the] Youyi Building. I hurriedly

[696] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

went there and I met a large crowd of soldiers converged there waiting for Chairman Johnny Paul Koroma.

[…] Koroma came a bit later and asked all of us to move to the National Stadium so that he could talk to us there. At the National Stadium, I stood at the Presidential Pavilion close to Chairman Koroma and his entourage."[697]

1245. A commander of the West Side Boys told the Commission that he had participated in the 'Peace Rally' having been informed of a threat posed by the RUF:

> "Johnny Paul and the Chief of Defence Staff [Tom Carew] said that the RUF want to make a disturbance against the peace; they gave us the information in early May, before May 8th. At that time I was planning to come and collect my salaries, so I just came into town and suddenly they explained these things to me that the RUF want to disturb the peace process. I said: 'OK, don't worry about that'; and [suggested] we should try to get them under control. I said to myself: 'one day if they try it, we were sure that if the CDS gave us support we could get them under control'.
>
> […] The Peace Rally was on that plan of securing the peace; it was not bad – everybody wanted peace. The Kamajors were there too but they were just comfortable with us this time. Even some RUF boys were at the Stadium; even if they were not for peace. We were watching them closely; I had the confidence that we could put anything under control."[698]

1246. Johnny Paul Koroma was perhaps unique in his ability to engender a sense of common purpose among fighters who had previously lined up for opposing factions. Hence he was able additionally to invite a small but significant amount of Kamajors and other CDF to his 'Peace Rally'. The presence of the Kamajors came despite the numerical domination of SLA soldiers and SSD policemen, with whom the CDF had previously had relationships of animosity and rivalry.

1247. It is notable that the Kamajors who participated were members of CDF units with a well-established reputation for violence – among them was the 'hit squad' led by the former ULIMO fighter Morris Dolley (alias Opabenu).[699] The central ground for their convergence with the soldiers under Johnny Paul Koroma was the idea of uniting against a common enemy in the shape of the RUF.

1248. The Commission holds some reservations as to whether the Peace Rally called by Johnny Paul Koroma was a gathering towards genuinely peaceful ends. There was an ominous portent in the composition of the participants,

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[697] Sullay Sesay, soldier in the Sierra Leone Army with the rank of Sergeant, participant in the 'Peace Rally' convened by Johnny Paul Koroma; statement given to the Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 June 2000.

[698] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

[699] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 05 June 2003.

namely warlords and thugs from different factions in the conflict, now united by their common antipathy to Sankoh and the RUF. Some of those who attended the rally made it clear to the Commission that they were encouraged to take part in the event by their superiors and were told that they would be mobilised for an 'operation' on behalf of the Government.[700]

1249. It is no coincidence that the uncertain status of the Sierra Leone Army in the peace process was raised during the Peace Rally. The greatest insecurities and grievances on the part of the soldiers revolved around their perceived marginalisation and lack of recognition in the peace process.[701] In order for them to be mobilised behind the Government with any sense of conviction, it was necessary to instil in them a renewed sense of worth. According to a soldier in attendance, parliamentarians and Johnny Paul Koroma made a concerted effort to win back the support of the SLA during the 'Peace Rally':

> "[…] In that meeting, members of Parliament gave us a message from the President that the Army was not disbanded and that we will be reinstated. Chairman Johnny Paul Koroma made a request that all of us should join forces with the Government to defend the country from any attack by the RUF rebels."[702]

1250. These addresses were doubly significant in that they sought to lend legitimacy to the actions of the assembled soldiers in the context of the ongoing security clampdown. The soldiers were assured that they would be acting on behalf of the state, with the support of the Government, as they carried out further security measures against the RUF.

1251. The West Side Boys derived unprecedented endorsement from the Peace Rally. Although some of them had been on the official military payroll and collecting salaries to take into the jungle for about six months by May 2000, they were never previously assured that the Government would reinstate them. Thus they were emboldened by the message from the President and 'felt freer' with the Government behind them.[703]

1252. Members of the West Side Boys based outside of Freetown similarly received news of the Peace Rally as a positive sign that their faction was being supported to fight against the RUF. One young recruit who had participated in the attack on Freetown later gave his perspective to the police:

> "I was there [at our base] when Johnny Paul Koroma summoned a meeting of SLA personnel at Siaka Stevens' [National] Stadium. At that

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[700] See, *inter alia*, TRC Confidential Interview with a private soldier in the Sierra Leone Army (SLA) who took part in the 'Peace Rally' organised by Johnny Paul Koroma; interview conducted in Freetown; 08 December 2003; and TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

[701] See, *inter alia*, Lieutenant Colonel Johnny Paul Koroma (Chairman, AFRC), Brigadier Ibrahim Bazzy Kamara (Head of Military Delegation, Okra Hills) and twelve others; "Grievances and Demands of Soldiers of the Sierra Leone Army with Regards to the Lomé Peace Agreement"; document circulated as a petition to the parties in the peace process; 3 September 1999.

[702] Sullay Sesay, soldier in the Sierra Leone Army with the rank of Sergeant, participant in the 'Peace Rally' convened by Johnny Paul Koroma; statement given to the Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 June 2000.

[703] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

> meeting, we [the West Side Boys] were represented by our commanders, like Brigadier 'Bomblast' and Colonel 'Tiger', to name but a few. After the meeting, we were told that we should now fight alongside with the Civil Defence Forces (CDF) as the RUF had an intention to attack Freetown. The message was welcomed by us with good intentions now to defend our territory."[704]

1253. The 'Peace Rally' was used as a forum at which to brief the soldiers and their accomplices as to their proposed roles in bringing the RUF back into line after the eruption of the hostage-taking episode. Johnny Paul Koroma was determined to take the credit as the undisputed driving force behind this initiative, as he would later explain in an interview with a television journalist:

> "Foday Sankoh held the peacekeepers, UN Peacekeepers, and delegations came from all over the world to plead to him. He was adamant. We also talked to him. But he didn't listen to anybody.
>
> […] So because I thought they [the RUF] wanted to do something that would jeopardise the whole peace process, I thought I should intervene. And I intervened. And I tried to stop that by mobilising all the forces, the CDF, the soldiers, the SSDs, the Civil Society group – mobilising all of them that if the RUF are not sincere for peace, we all have to stand very, very firm against them. And that is exactly what happened."[705]

1254. In media interviews on the day of the rally, with emotions running high, Koroma was quite gung-ho about the self-styled heroism of his role. Claiming in characteristically exaggerated fashion that he had roused a crowd of over 30, 000 people, Koroma gave the following assessment of the Peace Rally:

> "We are taking a stand ready to defend the people. We don't want to resort to violence because that cannot solve the problem. We just have to find ways and means to defend the people and ourselves… We are saying that we cannot sit by and see this country be torn apart. I think we've had enough of this violence. And I'm sure with this message today, they [the RUF] would think twice and then they would try to comply."[706]

[704] Joseph Koroma, forced recruit into the Sierra Leone Armed Forces as a SL Border Guard; statement given to the Sierra Leone Police at Central Prison, Pademba Road, Freetown; 28 June 2000.
[705] Johnny Paul Koroma, Former Head of State as Chairman of the AFRC and latterly Chairman of the Commission for the Consolidation of Peace (CCP); interview conducted by a television journalist from Oxygen Media, on behalf of New-York based human rights group WITNESS; recorded on DVCAM (Tape Ref. R2003-0543) in Freetown; 5 November 2001.
[706] British Broadcasting Corporation (BBC), Focus on Africa; "Interview with Johnny Paul Koroma, Chairman of Sierra Leone's Commission for the Consolidation of Peace (CCP)"; broadcast on 7 May 2000; included in the BBC Summary of World Broadcasts, 7 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).

The Mobilisation of an Armed 'Peace Task Force' by Johnny Paul Koroma

1255. In the immediate wake of the Peace Rally, Johnny Paul Koroma called together another, smaller gathering that cast further doubt upon his conception and application of the word peace. Koroma assembled a group comprising West Side Boys (former AFRC), SLA soldiers and SSD policemen to take action against RUF members over the following 24 hours. He coined the name "Peace Task Force" for his group, which, as events unfolded over the course of 7 and 8 May 2000, proved to be something of a misnomer. The Commission notes that during this period people needed security and assurance that the war would not be re-started. In many people's minds, Johnny Paul Koroma's actions conveyed a sense of security to them.

1256. According to testimonies to the Commission, members of the 'Peace Task Force' were kitted out from military supplies. One soldier explained in his statement to the police how Johnny Paul Koroma's speech was the stimulus for them to be equipped and deployed:

> "Johnny Paul Koroma instructed all soldiers in the Sierra Leone Army to take up arms and defend our mother land as the RUF had planned to take over the city of Freetown. He [Koroma] also warned that the AFRC should work together with Government troops to fight against the common enemy that is the RUF.
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> […] As a result I was supplied with: one self-loading rifle (SLR); two magazines, each containing twenty live rounds of ammunition; and military fatigue attire for this operation."[707]

1257. A commander of the West Side Boys who was enlisted by Johnny Paul Koroma into the 'Peace Task Force' on 7 May 2000 told the Commission that he and his closest compatriots formed the core of this unit. He was under the impression that the unit was primed by Koroma on the orders of the President; he also claimed that the Peace Task Force was being resourced directly by the Sierra Leone Army:

> "We the West Side Boys were the leaders of the 'Peace Task Force' – just a few of us who our leader [Johnny Paul Koroma] knew he could rely on. The President gave the orders to Johnny Paul and Johnny Paul gave the orders to us. We were being supported by the military; anything we ask them [for], they give us."[708]

1258. The Commission viewed the establishment and proclaimed mission of the Peace Task Force with some circumspect. Like the Peace Rally, there was very little about this task force that was peaceful. It was a force of armed vigilantes tasked to raid, arrest and detain members of the RUFP. It embarked on this task on Sunday 7 May 2000 before it had even properly been formed.

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[707] Samuel Kargbo (alias "Sammy Ragga"), former soldier of the Sierra Leone Army and prominent member of the West Side Boys; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 3 to 4 October 2000.

[708] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

The arrest of Honourable Mike Lamin on Sunday 7 May 2000

1259. The first member of the RUFP to be detained in the turbulent events of May 2000 was the then Minister of Trade, Industry and State Enterprise, Mike Lamin. Lamin had performed a variety of roles for the RUFP in the implementation of the Lomé Accord, including the monitoring and sensitisation of combatants in the Provinces. He described the circumstances in which he was apprehended in the following terms:

> "On Sunday 7 May 2000, I decided to meet the Chairman of the CCP, Johnny Paul Koroma, to express to him the degenerating situation between the RUF combatants and the UNAMSIL peace-keepers. I also decided to suggest to him that he [should] provide people to be part of a delegation that was going to be sent by Foday Sankoh to visit Makeni in order to resolve the problem between RUF and UNAMSIL.
>
> For that reason, I went to meet Johnny Paul at his office at Youyi Building, but I was told that he was at the National Stadium. I went to the National Stadium to meet him. Unfortunately, before I could reach him, I was grabbed by some ex-SLA combatants who manhandled me and stripped me of all my belongings. Johnny Paul Koroma then intervened and took me to his residence, along with his securities and the majority of the ex-SLA combatants. At his residence, some of the ex-SLA combatants demanded that I should be summarily executed." [709]

1260. Lamin's detention was reported to the inhabitants of Foday Sankoh's Spur Road Lodge by one of Lamin's security guards who had witnessed the incident at the National Stadium. Several of those present at Sankoh's Lodge on the day recalled hearing the report and awaiting the response of Foday Sankoh as to what action ought to be taken.[710] Akim Turay, Sankoh's Chief Security Officer, briefed Sankoh on the situation in the company of Lamin's wife, Manella.

1261. According to Akim Turay, the conversation about Lamin's detention was preceded by a number of unusual tensions in the relationship between him and Foday Sankoh. These were based on Akim's feeling that Sankoh was concealing something from him. Akim told the Commission that in spite of the tense relationship he was requested by Foday Sankoh to lead the effort to negotiate with Johnny Paul Koroma:

> "Pa Sankoh had told me to settle this problem [with the UNAMSIL peacekeepers]. I went to UNAMSIL headquarters, discussed the issue and got some papers from [Deputy Force Commander] General Garba. But for some reason I did not know, Pa Sankoh refused to let me go to Kono to mediate with the RUF boys; instead he sent Isaac Mongo and Lawrence Wormandia who travelled to Lunsar on 7 May 2000.

[709] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[710] See, *inter alia*, Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.

> On the same day we heard news that Johnny Paul had called for all factions at the National Stadium. I went straight to Pa Sankoh and demanded that he hide nothing from me because I did not know what was happening. During that time there were rumours that the RUF wanted to attack Freetown again. Sankoh told me to ask Gibril Massaquoi. I refused, pointing out that he has made me his Chief Security Officer so he should talk to me directly. I left angrily.
>
> When I returned to the Lodge after I was calmed down, I heard that Mike Lamin had been arrested. I went in and informed Pa Sankoh. Pa Sankoh asked me to go to Johnny Paul and resolve the situation, because I am a solder and Johnny Paul will talk to me. So I went."[711]

1262. At around noon on Sunday 7 May 2000, Akim Turay led a delegation of RUF security guards to the Government offices at the Youyi Building to determine the whereabouts of Mike Lamin and hear a justification for the arrest from Johnny Paul Koroma. At least twenty-four (24) guards travelled in two Toyota Hillux vans to Koroma's offices at the Youyi Building. According to members of the delegation, none of them was armed.[712]

1263. Upon arrival at the Youyi Building, the delegation came across a group of soldiers who had been participating in the earlier 'Peace Rally'. This group included the former AFRC 'Honourable' Samuel Kargbo (alias 'Sammy'), who informed Akim and the others that Lamin had been taken to Johnny Paul Koroma's Juba Hill residence and was being held there 'for his own safety'. Thus the full contingent of RUF security personnel, accompanied by 'Sammy', proceeded to Koroma's residence in the same two vehicles. Their objective was to find out the reasons behind the detention of Mike Lamin and to secure his release.[713]

1264. It is worth pointing out that this was not the first occasion on which RUFP security guards had travelled to Johnny Paul Koroma's residence with the potential of 'squaring up' for a confrontation. Earlier in the year 2000, Akim Turay had gone there in almost identical circumstances and become embroiled in a violent clash with his counterpart, Johnny Paul Koroma's Chief Security Officer Junior Johnson (alias 'Junior Lion'). On that occasion, Akim had been badly beaten up by several West Side Boys and sustained a deep cut in his head from being struck with an iron bar.[714] The West Side Boys attached to Koroma's residence had been held responsible for that clash by ECOMOG Colonel Bohari Musa.[715] It is fair to surmise that there was a lot of bad blood between the West Side Boys and the RUFP security personnel led by Akim

[711] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003
[712] See, *inter alia*, Alex George Williams (alias "Twin Barrel"), former soldier in the Sierra Leone Army and later a member of the RUFP; TRC Interview conducted in Freetown; 2 May 2003; and Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.
[713] 'Colonel' Soriba Mansaray, former soldier in the Sierra Leone Army and later a member of the RUFP; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000
[714] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003
[715] Samuel Bassie (alias "Machiavelli"), soldier in the Sierra Leone Army and former security guard to Johnny Paul Koroma; statement given to the Sierra Leone Police at Pademba Road Prison, Freetown; 28 June 2000.

Turay to Johnny Paul Koroma's residence on Sunday 7 May 2000; indeed, 'bad blood' may well be something of an understatement.

The Arrest of Foday Sankoh's Entire Personal Security Detail on Sunday 7 May 2000

1265. The face-to-face meeting between the respective security cadres of Johnny Paul Koroma and Foday Sankoh represented a convergence of two squads of men whose personal backgrounds and fighting histories were remarkably similar. The inhabitants of Koroma's residence at the time included several of the coup-makers of 25 May 1997, who had subsequently become 'Honourables' in the AFRC regime. Among the most prominent soldiers at the compound on 7 May 2000 were Ibrahim Kamara (alias 'Bazzy'), Santigie Kanu (alias "Five Five"), Hassan Bangura (alias 'Papa' or 'Bomblast'), George Adams, Ibrahim Kamara (alias 'Cobra'), Alex Tamba Brima (alias 'Gullit) and an SLA officer nicknamed 'Peggy'. The RUF security guards were also all ex-SLA soldiers and had served alongside many of those they went to confront during the AFRC regime and later in the bush.

1266. Koroma's guards insisted that no more than five RUFP personnel should be allowed to enter Koroma's compound. Those who entered comprised four of the most senior and respected of the ex-SLAs in the RUFP: Akim Turay, Soriba Mansaray, Alex George Williams and Ernest Ngegba; plus one bodyguard. Only Akim and Soriba were permitted to go inside the house to speak with Koroma and Mike Lamin in person.[716]

1267. Whilst waiting in and around the compound, the other RUFP personnel claim to have been molested and provoked by Koroma's West Side Boys.[717] One of the RUFP security guards testified that Santigie Kanu (alias "Five Five") made threats to kill several of the RUFP for their perceived defection to the side of Foday Sankoh:

> "I was told by 'Five Five' that I had been a soldier and upon returning to Freetown I had been keeping too much of a low profile and not co-operating with them. Therefore, he told me he was going to 'deal with me'. I didn't put up any resistance because we were outnumbered and they had armed men on their side. I was instructed to get on board one of the vehicles where some of my colleagues had already been loaded. 'Five Five' said I was going to suffer and out of it I would learn a lesson."[718]

1268. Another RUFP member described how the SLA soldiers drew parallels between this scenario and the previous occasion on which the West Side Boys had detained Mike Lamin in the post-Lomé phase:

> "One SLA soldier by the name of 'Elonguma' came downstairs and used remarks that Mike Lamin will not persuade them this time because the

[716] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003

[717] Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.

[718] Alex George Williams (alias "Twin Barrel"), former soldier in the Sierra Leone Army and later a member of the RUFP; TRC Interview conducted in Freetown; 2 May 2003.

> last time he was arrested by them at Okra Hills and he was allowed to talk, he managed to secure his release. So this time, no chance was going to be given to him to talk and he was going to be executed. He further remarked that some of us that had come were spies and that all of us were going to be executed because we had betrayed their cause."[719]

1269. According to Akim Turay, Johnny Paul Koroma's disposition was welcoming enough to entertain a "lengthy discussion" with those who entered the house. However, upon trying to depart, the RUFP members were prevented by Koroma:

> "We talked in confidence and Johnny Paul assured me that Mike Lamin is inside in one of his rooms in his house. So I went into the room to see Mike Lamin. Mike told me he went to stadium and soldiers jumped on him and arrested him. I told Johnny Paul I will not leave without Mike. He agreed and pointed that he was only putting Mike under 'protective custody'. [But] when I attempted to leave his house with Mike he stopped me and told us that they had to take us to Cockrill Barracks."[720]

1270. Indeed, as it transpired, neither Mike Lamin, Akim Turay nor any other member of the 24-man RUFP security detail was allowed to leave Johnny Paul Koroma's residence freely. According to Soriba Mansaray, who was also inside Koroma's house, West Side Boys started a fight with the RUFP members waiting in the forecourt of the Lodge.[721] In a sizeable scuffle, the RUFP members were beaten up, tied with rope to restrain them and robbed of a host of personal belongings. The keys to the two Toyota vehicles they had arrived in were also taken from them.[722]

1271. Johnny Paul Koroma then called in a team of 'loyal officers' in the Military Police, who arrived in military land rovers and were led by a man named Emil Dumbuya (alias Sawimbi).[723] Koroma ordered the arrest of Mike Lamin and all twenty-four (24) of the RUFP security men who had arrived at his lodge. According to one of those arrested, Koroma made a point of emphasising to the group that he was taking this action with the authority of the President:

> "Suddenly, three military land rovers came and surrounded us; they were full of armed Military Police. Johnny Paul [Koroma] took out his mobile handset and called President Kabbah in our full view and hearing. Johnny Paul said to the President: 'I have arrested the coup plotters!'

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[719] Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.
[720] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003.
[721] 'Colonel' Soriba Mansaray, former soldier in the Sierra Leone Army and later a member of the RUFP; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[722] 'Colonel' Soriba Mansaray, former soldier in the Sierra Leone Army and later a member of the RUFP; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[723] Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.

> All of us were escorted to Cockerill where [Chief of Defence Staff] Tom Carew told us that we should be taken to the prisons for safe custody and that we would be released the following day… Although no verdict has ever been passed against me, I am still in detention until the present day."[724]

1272. Mike Lamin and the twenty-four (24) RUFP security guards were held for just a few hours in the guardrooms at the RSLMF Headquarters, Cockrill Barracks. According to one of the RUFP men, the only apparent discussion on their status was as to whether or not they should be allowed to be executed by the West Side Boys:

> "There was no weapon in our possession but however the military personnel that came in were in possession of arms. We were all arrested by them and brought to the Military Headquarters [at] Cockerill. No reason was given to us for our arrest and while we were in custody at Cockerill, the former AFRC 'Honourable' [George] Adams arrived in and requested that we should be handed over to him for execution at Okra Hills. His request was not granted."[725]

1273. The Commission is moved to express its deep concerns about the manner in which these arrests were carried out. There is absolutely no evidence that the Constitution of Sierra Leone was adhered to in respect of the procedures that ought to be followed when depriving a person of his liberty;[726] indeed, the arrests and subsequent detentions flouted several constitutional guarantees and represent grave breaches of the human rights of these men.

1274. In particular, Johnny Paul Koroma unilaterally ordered the arrests as if performing in the capacity of a military police commander. In doing so he acted *ultra vires*, i.e. outside the powers accorded him as the Chairman of the CCP. From the point of their arrests, these men were held in detention facilities administered by the state. No justification for the arrests was given to any one of the men.[727] The Commission holds these arrests and detentions at Koroma's behest to be illegal.

1275. Koroma himself attempted to distort the truth about the arrests. In an interview with a television journalist in 2001 he falsified the reasons why the RUFP men had been at his house and again invoked the justification of his acting in the interests of the state:

> "The worst of it was that [Sankoh] was planning to take over by force again. We knew about that because some of his men were arrested

[724] Alex George Williams (alias "Twin Barrel"), former soldier in the Sierra Leone Army and later a member of the RUFP; TRC Interview conducted in Freetown; 2 May 2003.
[725] Idriss Ibrahim Sesay, former soldier in the Sierra Leone Army and member of the RUFP; statement given to Sierra Leone Police at Central Prison, Pademba Road, Freetown; 7 to 8 June 2000.
[726] See the Constitution of Sierra Leone (Act No. 6 of 1991), at Chapter III – The Recognition and Protection of the Fundamental Human Rights and Freedoms of the Individual; Section 17 – *Protection from arbitrary arrest or detention*.
[727] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.

living in my house – because they had wanted to study operations here."[728]

1276. Even at the time, Koroma was keen in his public statements to present himself as a champion of the peace. When he explained his motives for carrying out the arrests on the BBC Africa Service the following morning, he laid emphasis on having foiled a 'coup' and passed the buck to President Kabbah to resolve the status of the detainees:

> "These people had planned a coup for today (8 May 2000). And there are some of my men who can testify to that, because they asked them to take part. So instead of sitting down, we decided to foil that by making those arrests. We did that with the consent of the President. And I cannot sit by and see this place be torn apart.
>
> […] We just got the key players: soldiers who defected to the RUF. We informed [President Kabbah] about it, and to get his blessing. He told us to contact Defence Headquarters so that they can take appropriate action… [Mike Lamin] is one of those held by the military police. If [the President] thinks the situation is not what we explained to him, is not correct, then he can go ahead and release [Lamin]."[729]

1277. Unsurprisingly, Koroma's actions caused considerable consternation among the members of the RUFP who were gathered at Foday Sankoh's Spur Road Lodge. Sankoh himself learnt of the arrests of his entire personal security detail in the form of hearsay. Some of his commanders reported to him that they had seen George Adams and other members of the West Side Boys driving around the city in Sankoh's Toyota Hillux vans.[730] These were of course the same vans that Sankoh had sent out with Akim Turay and the other security guards earlier that afternoon. Sankoh was heard to proclaim a string of expletives when it dawned upon him what had happened.[731]

1278. Foday Sankoh subsequently telephoned Johnny Paul Koroma and enquired after the reasons for the arrests. Koroma apparently rebuffed Sankoh with the refrain that he was acting with the consent of the President.[732] According to one of Sankoh's close associates, Sankoh then decided to convey his grievance to President Kabbah himself:

> "The leader [Foday Sankoh] told us he was going to inform the President about the ugly developments on his side. Indeed, he telephoned the

[728] Johnny Paul Koroma, Former Head of State as Chairman of the AFRC and latterly Chairman of the Commission for the Consolidation of Peace (CCP); interview conducted by a television journalist from Oxygen Media, on behalf of New-York based human rights group WITNESS; recorded on DVCAM (Tape R2003-0543) in Freetown; 5 November 2001.
[729] British Broadcasting Corporation (BBC), Network Africa; "Interview with Johnny Paul Koroma, Chairman of Sierra Leone's Commission for the Consolidation of Peace (CCP)"; broadcast on 8 May 2000; included in the BBC Summary of World Broadcasts, 14 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).
[730] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.
[731] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[732] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

> President and later informed us that the President had assured him of the release of Mike Lamin and others."[733]

Implications and Aftermath of the Arrests of RUFP members on 7 May 2000

1279. It is manifest that President Kabbah was the only person who had the power to order the release of the 25 men arrested and detained illegally on 7 May 2000. The status of the detainees remained illegal from the point of their arrests until the following morning, 8 May 2000, since there was no evidence of an executive order that might have brought them within the criminal law of the country. For that period, their fate lay *de facto* in the hands of Johnny Paul Koroma, for it was he who had ordered the arrests and he who had made it clear that he would not release them unless prevailed upon by the President.

1280. Nevertheless, the Commission is satisfied that the Government was aware of the presence of these men in its custody overnight from 7 May to 8 May 2000. Upon being transferred to Freetown Central Prison on the evening of 7 May, the detainees were paid a visit by a Government Minister, Dr. Julius Spencer.[734] In addition to the evidence of Sankoh's telephone call to the President, Spencer's visit attests to full knowledge of the number and identities of the men locked up on the part of the Government. The detainees spent the night of 7 May 2000 in jail believing that they were certain to be released the following morning.

1281. Indeed, the nation awoke on 8 May 2000 to news of an official statement, broadcast on state radio, that the President had "ordered the immediate release of Mike Lamin and a few others."[735] Coupled with the assurances made privately to Foday Sankoh over the telephone, this announcement encouraged confidence among RUFP members at Sankoh's Lodge that the President was going to reverse the actions taken by Johnny Paul Koroma the previous day.[736]

1282. However, the radio broadcast proved to be untrue. The RUFP members' confidence proved to be misplaced. In fact the opposite scenario transpired, whereby the detainees were separated from one another and incarcerated in high-security areas of the prison, as Mike Lamin explained in his later statement to the police:

> "On 8 May 2000 at about 9.00 a.m. the Officer-in-Charge of Pademba Road [Prison], whose name I cannot remember, told me and the others in my category that our detention was 'purely for protective custody'. For that reason, I was transferred from the Wilberforce Block to the Clarkson Block, where I was placed in one of the cells downstairs. The others

[733] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.
[734] Akim Turay, former soldier in the Sierra Leone Army and later Chief Security Officer in the RUFP; TRC Interview conducted in Freetown; 4 May 2003.
[735] Agence France Presse, "Sierra Leone Government orders release of arrested Minister"; broadcast on 8 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).
[736] TRC Confidential Interview with former RUF combatant who came to Freetown after the signing of the Lomé Accord; interview conducted in Freetown, 29 September 2003.

arrested with me were placed in different cells in the same Clarkson House. There we remained…"[737]

1283. According to the Public Emergency Regulations 1998, the power to detain persons in 'safe custody' or 'protective custody' was vested in the President alone.[738] Under those regulations, only an express 'Order' from the President could direct "that any person be detained or [should] continue to be detained" in order for that person to be "deemed to be in legal custody".[739] In prison records, this mass arrest was registered as having been effected by the 'Military Police', while the categorisation was indeed that of 'safe custody',[740] apparently under the Public Emergency Regulations 1998.

1284. The Commission has ascertained that at least nine of the men arrested on 7 May 2000 remain in detention at Pademba Road Prison to the present day.[741] On the other hand, an unspecified number of them have been arbitrarily released, either as individuals or in groups.[742] Mike Lamin was released on 5 September 2001, apparently after a consultative process that involved officials from the Human Rights Section of UNAMSIL.[743] There appear to have been no justifications given for the distinctions made between the men detained and the men released, particularly not on grounds of law.[744]

1285. The Commission finds that the 25 men arrested on 7 May 2000 stand as living examples of the abuse of the justice system that persists in Sierra Leone. Their continued detention beyond the morning of 8 May 2000 dealt a crushing blow to the causes of truth and reconciliation in Sierra Leone. President Ahmad Tejan Kabbah made private and public assurances that they would be released on the morning of 8 May 2000. Yet on that very morning they were transferred into maximum security detention at Pademba Road Prison under the category of 'Safe Custody', which the President alone had the power to authorise. There has been no transparency whatsoever in the disposal of 'justice' against these men.

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[737] Mike Lamin, former RUF commander and later Minister of Trade, Industry and State Enterprise in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.

[738] Public Notice No. 2 of 1998, *The Public Emergency Regulations, 1998* under the Constitution of Sierra Leone (Act No. 6 of 1991); published as a Supplement to the Sierra Leone Gazette, Vol. CXXIX, No. 13; 12 March 1998.

[739] *Ibidem*, at Section 2(a).

[740] Criminal Investigations Department (CID) of the Sierra Leone Police; files from the Department of Prisons included in the dossier pertaining to the 'Foday Sankoh / 8 May 2000' case; dossier provided to the Commission in July 2003.

[741] See: TRC Confidential Interviews with detainees at Freetown Central Prison, Pademba Road, Freetown; May to October 2003; and The Director of Prisons, Prisons Department, Freetown; "Information Required in respect of Investigations by the Truth and Reconciliation Commission"; letter to the Commission marked PS.3/104/11; dated 13 June 2003.

[742] Criminal Investigations Department (CID) of the Sierra Leone Police; files from the Department of Prisons included in the dossier pertaining to the 'Foday Sankoh / 8 May 2000' case; dossier provided to the Commission in July 2003.

[743] TRC Confidential Interview with a member of the UNAMSIL Human Rights Section; interview conducted in Freetown; 19 November 2003.

[744] Some of those who remain in detention allege that the release of Mike Lamin, a Mende, attests to a policy of ethnic discrimination in the prisons system, since the majority of members of the SLPP governing "political elite" are also Mende. See also: TRC Confidential Interviews with detainees at Freetown Central Prison, Pademba Road, Freetown; May to October 2003.

1286. In terms of their more immediate aftermath, the arrests of the twenty-four men (24) men who comprised Foday Sankoh's security detail were to have a profound impact on the denouement of the RUF. The enforced removal of the official security contingent from Sankoh's Spur Road Lodge weakened the safety of that compound in every sense. The detained men were replaced by members of the 'Black Guards', a group of RUF combatants who were not only more susceptible to danger from the outside, but who were themselves considerably more dangerous.

1287. First, the rounding up of all the RUFP guards with a background in the Sierra Leone Army meant Sankoh was deprived of his only real sources of discipline and professionalism. The Black Guards were simply not conditioned to act with the same degree of restraint as the ex-SLA men. They had been used to participating in guerrilla warfare, in which their deployment instructions were rarely more sophisticated than 'spare no living soul', 'hit and run' or 'shoot on sight'. Almost all of their fighting had taken place in the jungle; few if any of them were familiar with the urban environment of Freetown.

1288. Moreover, by forcibly extricating the Chief Security Officer Akim Turay and other experienced members of the inner circle from Sankoh's Lodge, Johnny Paul Koroma had dented the co-ordination of Sankoh's security operations irreparably. Akim was the only person truly familiar with the security 'network' for the Spur Road Lodge, including the manner and extent of interaction necessary between the RUFP guards and the members of the official UNAMSIL deployment. The commander of the Black Guards, Jackson Swarray (alias 'Wray'), had no such grasp of the organisational side of the operation, or indeed any rational concept of 'security': he was essentially an unrefined thug.[745]

1289. In sum, the arrests severely depleted Sankoh's protective unit. They left the security of Sankoh's Spur Road Lodge in an exposed and disarrayed state. From the night of 7 May 2000, the task of affording personal protection to Sankoh transferred to the hands of undisciplined, unconventional RUF commando fighters. They presented an incontrovertible public danger at the Spur Road Lodge.

[745] Jackson Swarray (alias CO 'Wray') was mentioned in a number of statements received by the Commission as a wanton violator of human rights. His brutish behaviour extended to the rape and abduction of young girls, at least one of whom he forced to be his 'bush wife'; forcing children to carry loads on threats of death; and carving the initials 'RUF' into the chests of abductees. See, *inter alia*, TRC Confidential statements numbered 5906 and 5985 relating to Wray's activities in the Koinadugu District.

The Night of Violent Activity between 7 May and 8 May 2000

1290. On the night between 7 May and 8 May 2000, a series of co-ordinated attacks in Freetown were carried out by the newly-assembled 'Peace Task Force', which consisted of Johnny Paul Koroma's men, the West Side Boys, supported by 'loyal' members of the Sierra Leone Army and the Special Security Division (SSD) of the police. The attacks were spread out across all sectors of the city, concentrating on the residences of Cabinet and Deputy Ministerial office-holders, as well as those of RUF members living in 'communal' houses.

1291. The self-styled 'Peace Task Force' that perpetrated these attacks included notable hooligans such as Santigie Kanu (alias Brigadier 'Five Five'), Alex Tamba Brima (alias "Gullit"), Samuel Kargbo (alias 'Sammy'), Hassan Bangura (alias 'Papa' or 'Bomblast') and George Adams. It was largely the same rabble of individuals who had attacked Freetown on 6 January 1999 and who patrolled Koroma's compound as his security guards during the post-Lomé implementation period.

1292. One member of the 'Peace Task Force' explained to the Commission that he and his compatriots were equipped with "plenty" of firearms and ammunition, which he believed had come directly from the armaments store of the Military Headquarters, Cockerill Barracks on the authority of the Chief of Defence Staff, Tom Carew.[746]

1293. The Peace Task Force was given a series of 'targets' by Johnny Paul Koroma. These were locations, mostly houses, where they were told they would find RUF members residing or 'in hiding'. The 'targets' of their operations were identical to the RUF 'bases' and 'hideouts' that had been identified to UNAMSIL officers during the 'guided tour' by RUF informant Sahr Sandy on 5 May 2000.[747]

1294. It was unclear exactly what instructions the members of the Peace Task Force were given with regard to the use of their weapons against the inhabitants of their targets. However, the ultimate objective of their operations was described as being "to arrest everyone who was against the peace."[748]

1295. The Commission received testimony as to armed attacks by the Peace Task Force in Babadorie, Malama, New England and several other locations. The West Side Boys and their accomplices committed a host of violations and abuses in these raids. They systematically looted and vandalised the properties they attacked, and they arrested and detained a number of captives arbitrarily. One of those whose home was set upon explained the circumstances to the Commission:

> "They attacked me, my wife, children and other dependants in a Ministerial Guest House in New England… They looted all my

[746] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[747] See: Sahr Sandy, former RUF combatant and 'informer' on RUF activities in Freetown after Lomé; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 17 September 2000.
[748] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

belongings, right down to the carpet. My wife and children were arrested and taken to Pademba Road Prison; I escaped and went to Foday Sankoh's Lodge, where I met all the others who were chased out from their homes. All of us thought Sankoh's residence would be a safe haven, bearing in mind his status as Vice President."[749]

1296. Following its close surveillance for most of the weekend, the RUFP residence at No. 12 Josiah Drive was central among the targets of the Peace Task Force on its night of violent activity. The following account received by the Commission was typical of the experiences recounted by those who lived there:

> "The night of 7 May 2000 was a sleepless night for us [the RUFP members] at No. 12 Josiah Drive, Malama. We spent the whole night running away from the house because of the constant raids by unknown armed men. Some people escaped and managed to reach to Pa Sankoh at Spur Road in order to explain the conditions to him. He sent some of his security detail and UNAMSIL personnel to investigate and secure the place until day-break, but unfortunately they returned to Spur Road before dawn.
>
> […] First thing in the morning of 8 May 2000, No. 12 Josiah Drive was attacked again at around 7.00 o'clock. I ran out of the house using the back door, but about ten metres away from the house I was arrested by armed and uniformed soldiers."[750]

1297. Another two residents of the same house at Josiah Drive described in their statements to the police how those who were unable to escape were forcibly rounded up and abused on the multiple occasions when the Peace Task Force raided the residence:

> "At about 12.00 midnight I was at No. 12 Josiah Drive when Brigadier Bioh [Ibrahim 'Bioh' Sesay] and a group of soldiers on board two Toyota Hillux vans arrived [and] asked all the occupants to come out of the house with all our belongings. These soldiers forcefully took some of our belongings and they left. At about 1.30 a.m. some soldiers who were well-armed arrived and arrested me."[751]
>
> [and]
>
> "At 2.00 a.m. on Monday 8 May 2000 I was at home when a group of SLA soldiers attacked our No. 12 Josiah Drive residence with heavy firing. I was arrested together with the Deputy Minister of Transport and Communications, called Susan [Lahai], as well as three RUF ex-combatants. The SLA brothers who arrested us were headed by one 'Gullit'; we [the ex-combatants] were taken to Cockerill Military

[749] TRC Confidential Interview with former RUFP office-holder in the post-Lomé Government of Sierra Leone; interview conducted on 28 August 2003.
[750] TRC Confidential Interview with a former RUF commander who was residing at Josiah Drive, Malama when the residence was attacked in May 2000; interview conducted in Freetown; 24 August 2003.
[751] Foday Kennie Lansana, former signaller for the RUF and resident of the house at Josiah Drive; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 31 May 2000

Headquarters and later to the Central Prison, where we were detained."[752]

1298. Among the most appalling multiple violations committed by the Peace Task Force during its rampage through Freetown was the fate it inflicted upon the Deputy Minister for Transport and Communications, Susan Lahai. According to one of her close associates, Lahai was not transported to Cockrill Barracks with the other RUFP captives; instead she was singled out, "arrested and taken to an unknown location."[753] Indeed, Susan Lahai's name was not to appear on any of the records of those formally taken into state custody in the month of May 2000.[754]

1299. Susan Lahai's captors were led by Alex Tamba Brima (alias Gullit);[755] they included Samuel Kargbo (alias 'Sammy'), Hassan Bangura (alias 'Papa' or 'Bomblast'), George Adams, Ibrahim Kamara (alias 'Cobra'), Ibrahim 'Bioh' Sesay, Ibrahim 'Bazzy' Kamara and the military police officer Emil Dumbuya (alias 'Sawimbi'). This list certainly does not reflect all those involved because, as one of the Peace Task Force commanders testified: "there were plenty of us making that arrest."[756]

1300. Susan Lahai was killed in the early hours of Monday 8 May 2000 by the West Side Boys.[757] The full extent of the horror suffered by Susan Lahai was never properly disclosed to the Commission. It was confirmed that acts of violent sexual abuse were carried out against her, 'probably' by each of the above-named men and their accomplices.[758] It was also confirmed that the media, apparently based on information from official sources, gravely misreported the incident and gave the impression that Lahai had been "among those arrested and subsequently freed."[759] Based upon an account from a source that is universally relied upon by members of the RUFP, it was claimed to the Commission that Susan Lahai was "gang-raped to death and her body found in

[752] Junior Momoh (alias "Junior"), former driver for the RUF and member of the security cadre at Foday Sankoh's Lodge; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 15 May 2000
[753] Sheikh Abu Bakarr Nabbie, former Chief Protocol Officer to the Chairman and Leader of the RUFP Foday Sankoh; TRC Interview conducted in Freetown; 2 May 2003.
[754] See: Prisons Department, Sierra Leone Police; "Revolutionary United Front Suspects in Custody from 8 May to 14 May 2000", plus addendum entitled "List of RUF Detainees from Military Headquarters to Central Prisons, Pademba Road on 17 May 2000; documents provided to the Commission upon request by Sierra Leone Police; July 2003.
[755] Junior Momoh (alias "Junior"), former driver for the RUF and member of the security cadre at Foday Sankoh's Lodge; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 15 May 2000
[756] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[757] See, *inter alia*, Sheikh Abu Bakarr Nabbie, former Chief Protocol Officer to the Chairman and Leader of the RUFP Foday Sankoh; TRC Interview conducted in Freetown; 2 May 2003.
[758] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[759] See, *inter alia*, Agence France Presse, "Sierra Leone Government orders release of arrested Minister"; broadcast on 8 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).

a gutter."[760] This allegation was not denied when it was put to one of the West Side Boys.[761]

1301. The Commission holds the West Side Boys and Johnny Paul Koroma responsible for the violent sexual abuse and murder of the RUFP Deputy Minister for Transport and Communications, Susan Lahai. The Government's failure to account for the sudden disappearance of one of its key office-holders is a shameful act of neglect that can not be tolerated in a democratic society. The moral responsibility for the tragic and silent death of Susan Lahai is shared by all parties in Government.

1302. Furthermore, the Commission condemns the executive decision to accommodate the West Side Boys as law enforcement agents. Many of those arrested and detained by the West Side Boys were subsequently kept in prison in the custody of the state under the 'Safe Custody' or 'Protective Custody' category created by the Public Emergency Regulations of 1998. As noted above, the President alone was statutorily permitted to authorise the detention of any person under this category.[762]

1303. Thus, for every person arrested by the Peace Task Force who was subsequently detained in the so-called 'safe custody' category, the Government lent further credibility to the self-proclaimed 'heroic' actions of the West Side Boys, which they claimed were carried out in the name of the state. The Commission finds that the effective creation of a new unit of paramilitary police was a wanton subversion of the rule of law. Indeed it allowed this band of brutal warlords to take the law into their own hands.

1304. The pattern of attacks on 7 May 2000 testifies to a systematic and co-ordinated campaign of violations against the office-holders of the RUFP. It was a campaign that led to acute suffering by both RUFP members and various civilians, who had no connection to the RUFP but were unfortunate to be caught up in the operation.[763] The campaign caused an unspecified number of deaths and disappearances; large-scale looting and destruction of property; blanket and arbitrary arrests and detentions; and a sudden, forced convergence upon Foday Sankoh's Spur Road Lodge by all of those who managed to escape the mayhem.

1305. In the words of Idriss Hamid Kamara (alias "Leather Boot"), the RUFP Deputy Minister of the power-sharing Government whose home had been raided the previous evening, the implications of these attacks were as follows:

> "On 7 May 2000, all RUF Ministers in Government and senior commanders of RUF attached to the various Commissions residing in Freetown had their houses ransacked and their families molested by

[760] TRC Confidential Interview with RUFP member; interview conducted on 13 September 2003.
[761] TRC Confidential Interview with a soldier who joined the West Side Boys; interview conducted on 7 November 2003.
[762] Public Notice No. 2 of 1998, *The Public Emergency Regulations, 1998* under the Constitution of Sierra Leone (Act No. 6 of 1991); published as a Supplement to the Sierra Leone Gazette, Vol. CXXIX, No. 13; 12 March 1998; at Section 2(a).
[763] Some of those arrested were, for example, domestic staff of the RUFP members targeted, or were simply in the vicinity of the residence that was being targeted. In one document compiled by the Prisons Department, believed to have been produced at the end of May 2000, no fewer then seventy-seven (77) detained persons are listed under the heading 'Those believed to be having little or no connection with RUF'.

> Johnny Paul Koroma's men. Based on this development, all of them deserted their houses and went to Foday Sankoh's residence for safety. Towards the evening of that same day, the house of Chairman Sankoh was 'jam packed'."[764]

1306. The actitivities of the Peace Task Force would continue in essentially the same vein for the next 24 hours into 8 May 2000. They succeeded in completely transforming the character of state security in Freetown and in heightening tensions in the city to a level that was closer than ever to breaking point.

1307. Throughout these operations Johnny Paul Koroma was kept abreast of the situation through phone calls and situation reports from members of his mission squads.[765] At no point did Koroma or any other party intervene to stop the descent of the city into chaos. Indeed Koroma maintained his position that he was acting "with the consent of the President"[766] and nobody so much as challenged him.

1308. The Commission finds that the West Side Boys acted upon the instructions of Johnny Paul Koroma in their engagement as part of the 'Peace Task Force' between 6 and 8 May 2000. They carried out Koroma's instructions as to the targets and mode of their operations. Koroma in turn derived authority to command these operations directly from the President. It was thus that the West Side Boys became part of the state security apparatus for the particular period in question. Their participation signalled a complete turnaround in the alignment of their faction, which further vindicated the Commission's impression of the essentially chameleonic character of many combatants who fought in the Sierra Leone conflict.[767]

[764] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.
[765] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[766] Johnny Paul Koroma made statements declaring that he had the support of the Government for his Peace Task Force throughout Sunday 7 May and Monday 8 May 2000. See, *inter alia*: British Broadcasting Corporation (BBC), Network Africa; "Interview with Johnny Paul Koroma, Chairman of Sierra Leone's Commission for the Consolidation of Peace (CCP)"; broadcast on 8 May 2000; included in the BBC Summary of World Broadcasts, 14 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org). As if to prove the point, he continued to maintain the position without contradiction until his eventual flight out of Freetown in January 2003.
[767] For further discussion of this, see the chapter of this report on the Nature of the Conflict.

A Last-Ditch Attempt by the RUFP to Avert the Demonstration of 8 May 2000

1309. A four-man delegation of RUFP office-holders paid a personal visit to the then Vice President, Albert Joe Demby, on the evening of 7 May 2000. The delegation was led by the Minister of Lands, Peter Vandy, who carried an influential personal sway over Demby on account of his being married to Demby's daughter.[768] The other delegates were Sheku Andrew Coomber, RUFP Representative on the Joint Monitoring Commission, Vandy Kosia, RUFP Representative for Moyamba District on the Ceasefire Monitoring Committee, and one Corporal Bayoh of the Sierra Leone Army.

1310. The stated intention of the party was to petition Demby to call a halt to the proposed demonstration scheduled for the following day. However, as Coomber explained to the Commission, the Vice President instead painted a bleak picture for the RUFP of the prevailing circumstances as they pertained to state security:

> "The Vice President told us that it was too late. He said that he had on his own accord ordered the two helicopter gunships to go to the RUF zones and bomb all physical evidence of people, houses and vehicles [and indeed] that from Rokupr, Kambia, Makeni, Kailahun, Pendembu and Tongo Field there were already some reports of satisfactory air bombings being carried out.
>
> […] He told us that arrangements have been made so that no assault, abuse or trespass would be encouraged from anybody on the day of the demonstration. Government had instructed the Inspector-General of Police to detail the anti-riot police to move with the crowd so that they could not enter anybody's premises, nor attack anybody physically.
>
> […] When we informed the Vice President that Johnny Paul Koroma and the AFRC men had already begun arresting and embarrassing RUFP members and sympathisers… he assured us that [the detained RUFP personnel] would be released without delay. But even though the President ordered their release, no heed was taken of his words."[769]

1311. The visit of this RUFP delegation to the Vice President was a last-ditch attempt to avert the demonstration for the following day in what appeared to be a climate of rising hostilities. The attempt failed. Thus the stage was set for a tumult to occur in Freetown on Monday 8 May 2000.

[768] Peter Borbor Vandy, former RUF commander and later Minister of Lands, Housing, Country Planning and the Environment in the post-Lomé Government of Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 2 to 7 June 2000.
[769] Sheku Andrew Coomber, RUF Representative to the Joint Monitoring Committee (JMC); TRC Interview conducted in Freetown; 28 October 2003.

THE LANDMARK EVENTS OF 8 MAY 2000

Agreement to mobilise the CDF in the Pre-dawn Morning Hours of 8 May 2000

1312. The first genuine involvement of the institutional hierarchy of the Civil Defence Forces (CDF) in the intensified state security operations of May 2000 arrived in the pre-dawn morning hours of 8 May 2000. The President of Sierra Leone, Alhaji Dr. Ahmad Tejan Kabbah, later acknowledged the importance of the CDF's deployment in his testimony to the Commission:

> "The CDF continued to play significant roles in providing the necessary leverage at critical stages for Government to tilt the scale to its favour – [primarily] against the RUF… For this reason the CDF became a household name as people embraced it as the viable option.
>
> […] They [the CDF] provided the leverage when the RUF misbehaved again and again – notably during the May 8, 2000 problem; they helped to send a clear message to all renegades that the people meant to realise the peace promised by my Presidency sooner rather than later, by the end of 2000."[770]

1313. The Secretary-General of the international support network SLAM-CDF, Reverend Alfred M. SamForay, was by this time one of the closest confidants of the National Co-ordinator of the CDF, Chief Samuel Hinga Norman. SamForay spent three months in Freetown as a guest of Chief Hinga Norman, ending on Friday 5 May 2000. Upon returning to his home in the United States, SamForay was told by Chief Hinga Norman that, in the light of "rumours of a rebel advance on Freetown" and the impending march by civilian demonstrators on the residence of Foday Sankoh, Hinga Norman would be "keeping to himself."[771] Nevertheless, SamForay was given a telephone number where Hinga Norman could be reached "in case of emergency."

1314. Hinga Norman had not provided his emergency contact details to the President, the Vice President or the Chairman of the National Co-ordination Committee of the CDF, Richard E. S. Lagawo. Thus SamForay was put in the familiar position of having to link the Deputy Minister of Defence with other members of the Government by means of an international conference call. Apparently the President was woken from his sleep at approximately 4.00a.m. in order to make an input to this conference call. SamForay testified in detail as to the contents of the lengthy negotiations between Chief Hinga Norman and Chairman Lagawo, in which SamForay personally participated for SLAM-CDF:

> "I was made to understand that Hinga Norman was upset with Kabbah because the President [had] refused to arm the CDF to protect the city in the event the RUF invaded or if there was any violence at Foday

[770] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 05 August 2003; at paragraph 48 of the transcript.
[771] Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.

> Sankoh's home. Lagawo pleaded with Hinga Norman to deploy the CDF. Hinga Norman insisted on guarantees that the men would be provided with the necessary logistics before he could send them on a suicide mission. Lagawo indicated that it was late at night by then and that both President Kabbah and the Vice President were already in bed.
>
> […] We stayed on the phone from about 12.00 midnight to about 4.00 am Sierra Leone time in order to resolve this issue. Hinga Norman refused to relent unless Lagawo would get Kabbah to authorise the release of arms. Finally Lagawo told us to break off for about an hour so [that] he could try and reach the President.
>
> […] At about 4.00 am, we resumed the negotiations and Lagawo informed Hinga Norman that President Kabbah had agreed to release whatever Hinga Norman needed to defend the city. Hinga Norman was to report to the President early in the morning of 8 May 2000 to finalise everything."[772]

1315. The President authorised Chief Samuel Hinga Norman to undertake a large-scale mobilisation of members of the Civil Defence Forces in Freetown on the morning of 8 May 2000. The scale of the CDF deployment during that day, numbering "several hundred armed Kamajors,"[773] indicated that the President approved the provision of weapons and ammunition sufficient to fulfil Hinga Norman's operational requirements. Kamajors were thus deployed as a supplement to existing arms of the state security apparatus.

1316. Reverend SamForay testified that in his view, the deployment of large numbers of CDF across Freetown was a sterling vindication of the leadership of Chief Hinga Norman:

> "[…] The CDF units that participated in the 8 May 2000 incident included units of the Western Area CDF ('Ojeje') and the Organised Body of Hunting Societies (OBHS) as well as Kamajors from Brookfields Hotel and the thirty or so Kamajors who stayed with us at Hinga Norman's Spur Road residence.
>
> […] As I later learned, Hinga Norman, in spite of his hard bargaining the night before, had actually mobilised the CDF throughout the city. The CDF went into action on 8 May preventing general breakdown of security in the city. The feedback we received from Lagawo and Hinga Norman was that the operation was a success… Once again, Mr. Kabbah's mistrust of Chief Hinga Norman almost plunged the city and the country into chaos and destruction."[774]

1317. The agreement to deploy the CDF in operations on 8 May 2000 further multiplied the amount of lethal weapons in the hands of various fighting factions on the streets of Freetown. Armed CDF lined up alongside armed

[772] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.
[773] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 11 August 2003.
[774] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.

West Side Boys, armed soldiers of the regular Sierra Leone Army and armed policemen of the SSD. All of these groups were primed to participate in operations against the RUF on the orders of their respective commanders. The civilian demonstration was therefore destined to be overshadowed by the spectre of violence.

Preparations for the Demonstration among the inhabitants of Foday Sankoh's Spur Road Lodge

1318. On the morning of 8 May 2000 there was undoubtedly considerable panic among the inhabitants of Foday Sankoh's Spur Road Lodge. The population of the Lodge had swelled to more than double its normal size due to the influx of displaced RUF combatants, RUFP members and their families, and various other residents of the locations that had been stormed by the Peace Task Force in the course of the previous night. The RUFP Secretary-General, the late Solomon Y. B. Rogers, estimated that there were over one hundred and fifty (150) RUF and RUFP personnel at the Lodge that morning.[775]

1319. With the exception of a few individuals who had slipped the net of the Peace Task Force and managed to escape to private hiding places in the city, almost the entire Freetown-based membership of the RUF and RUFP was packed into two locations: the Spur Road Lodge and the Pademba Road Prison.

1320. In their accounts given to the Commission and to the Sierra Leone Police, the inhabitants of the Lodge cast differing portrayals and perspectives of the actitivities that took place there on the morning of 8 May 2000. One feature common to all the testimonies was the air of expectancy that had grown in anticipation of the mass demonstration.

1321. In most versions of events, the expectancy was laced with fear, particularly among the sizeable contingent of women and children at the Lodge. Foday Sankoh had a large extended family living with him, including sons, daughters, nephews, nieces and even grandchildren. One young member of Foday Sankoh's family, who was barely a teenager at the time, told the Commission how he had approached Sankoh the previous evening and suggested that the children should find a way out of the Lodge:

> "The fear was hot for everybody in the house. More of the RUF [members] from the other points in town kept coming and asking Dad [Foday Sankoh] to let them stay with him. They were full of fear but Dad was just sitting them down, ask them: 'have you eaten?'; give them food. I wanted to get out, [so] I went and spoke to him: 'Dad, I want to leave the house with the other children'; but he would not let me go, because he said he was responsible for us and he would protect us. That Sunday, throughout the night we could not sleep."[776]

1322. According to an RUFP member who had also expressed concerns about safety at the Lodge, Sankoh was still keen to present himself as a guardian and protector the following morning. Sankoh apparently tried to allay some of the

[775] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.
[776] TRC Confidential Interview with a young member of the Sankoh family who escaped from Foday Sankoh's Spur Road Lodge on 8 May 2000; interview conducted on 19 November 2003.

fears of those around him by declaring that the demonstration would be a joyous occasion to share with the demonstrators:

> "Foday Sankoh said he was very happy that morning because he was seeing it as an opportunity for him to explain himself to the people and prove that he was not the obstacle to peace as most people thought. He slaughtered two cows to be cooked, bought enough drinks and many other food items.
>
> […] Sankoh spoke to us all to encourage us: 'I am glad my people are coming to meet me today; let them come. I will make it clear that I am not the 'stumbling block'… When they come we will all eat, drink and talk like family members. Even though it is politics, we are all Sierra Leoneans; the same people. So let them come!' Some of us were just hoping that the scene would not turn ugly."[777]

1323. There was nevertheless clear evidence that the combatants at the Lodge, especially the Black Guards, were developing a siege mentality: they were preparing to defend the Lodge against an armed attack. According to one of the former RUF commanders who were in the Lodge on 8 May, Foday Sankoh received 'intelligence' that the attackers who had raided the other RUFP residences in the city had "decided to make Sankoh's house the last target on their 'hit list'."[778]

1324. Foday Sankoh is said to have responded to these 'intelligence' reports by ordering the distribution of weapons among some of the combatants and commanders at his Lodge. While it is indisputable that these weapons were indeed handed out on Sankoh's authority, the timing and the means of distribution are somewhat unclear. One of the senior commanders present at the Lodge on the day testified to the Commission that Gibril Massaquoi was responsible for arming the RUF men:

> "Foday Sankoh had arms and ammunitions in his Spur Road Lodge to the full knowledge of the Sierra Leone Government; they were always there for security reasons. Some of us never asked where the arms were being taken from, but they were under the control of Gibril Massaquoi. I think Gibril was distributing the arms to the RUF bodyguards, like the Black Guards, for whenever there was a threat to the security of the Lodge. I saw Gibril passing arms to some of the boys on the morning of May 8th."[779]

1325. Alternative accounts suggested that Mohamed Sandi (alias 'I-Tay') was the person responsible for distributing arms among the men. 'I-Tay' was a senior Black Guard commander, believed to be the effective second-in-command to Jackson Swarray (alias 'CO Wray') and the so-called 'storekeeper' of the arms

[777] TRC Confidential Interview with a member of the RUFP who took refuge at Foday Sankoh's Spur Road Lodge on 7 May 2000 and escaped from there the following day; interview conducted in Freetown; 20 October 2003.
[778] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[779] TRC Confidential Interview with a senior RUFP member who fled from Foday Sankoh's Lodge on 8 May 2000; interview conducted in Freetown; 19 August 2003.

stockpile.[780] In a statement to the police, a 12-year-old child combatant gave his perceived version of events as follows:

> "On that day, 8 May 2000, in the morning hours, Foday Sankoh called together [a host of senior commanders and bodyguards] in a room and told them that he had learnt that some SLA soldiers were intending to come and attack his residence that day. He further said that he was going to arm them and that they should retaliate in the event that he [Sankoh] was attacked… At that point Captain 'I-Tay' took up a list of names and started calling them… to arm them with RPG, or AK-47 and AK-58 rifles. After these people have been armed, they were deployed in different areas around the compound."[781]

1326. The third perspective recorded was that Foday Sankoh himself supplied the guns to his men after delivering instructions to them as to them as to how they should deal with the demonstration. George Baba Musa, who was working as a caretaker at a construction site near to Foday Sankoh's Spur Road Lodge, gave the following statement to the police:

> "Early in the morning of 8 May 2000 I was in my compound when I heard Chairman Foday Sankoh addressing the UNAMSIL security and his rebel bodyguards. He was talking in a loud voice to his men and I went closer in order to listen to what he was saying.
>
> […] From the point I was standing, I heard Foday Sankoh telling his men that he was expecting a large crowd of demonstrators who were to be led by a so-called civil society group to demonstrate against him. He then gave orders in no uncertain terms that none of the demonstrators were to be allowed into his premises and not even beyond the UNAMSIL checkpoint.
>
> […] A few minutes later in my full view, I saw Chairman Sankoh enter his house and come out with brand new guns, which he supplied to all his men with the instruction that they should be on the alert. At the time he was doing so, the UNAMSIL security personnel were standing close by and they saw what was happening.
>
> […] A few minutes later, about twenty (20) well-armed RUF men came out of the compound and took positions around the building… Looking at them, they appeared very desperate and determined."[782]

1327. The Commission finds that Foday Sankoh authorised up to 30 RUF combatants in the compound of his Spur Road Lodge to bear arms on 8 May 2000. The most prominent among all those with arms were Gibril Massaquoi, Dennis Mingo (alias "Superman") , Jackson Swarray (alias 'CO Wray') and Mohamed Sandi (alias Captain 'I-Tay'). They were deployed around various positions in the compound. While most accounts suggest that the bulk of the men were

[780] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.
[781] Ibrahim Conteh (alias "Creole Boy"), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[782] George Baba Musa, caretaker of a building site situated close to Foday Sankoh's Spur Road Lodge; statement given to the Sierra Leone Police at Peter Kamaray's Construction Site, Spur Road, Freetown; 12 May 2000.

armed on the morning of the demonstration, the most senior commanders, including the above-named men, had their firearms with them from the evening of 7 May 2000, right through until the following morning's activities.[783]

1328. Some RUF combatants staying at the No. 12 Josiah Drive residence were also equipped with arms on the morning of 8 May 2000. As recounted above, the residence came under attack on multiple occasions during the preceding night, when its residents were not armed. Many of its inhabitants fled or were arrested by the 'Peace Task Force' before dawn. A child combatant who was among those left in the house told the police the following information:

> "On 8 May 2000 in the morning hours, I was at home [at 12 Josiah Drive, Lumley] when Dennis Mingo (alias "Superman") arrived aboard a Landcruiser vehicle and carried five AK-47 rifles. Superman handed over the rifles to [five of us] and then told all of us in the house to be on standby as there is going to be a fight soon in the city. He further told us that if anybody should shoot against us, we should do the same."[784]

Mobilisation of the Kamajors from the Upper Hillside of Spur Road

1329. It should be recalled that the route prescribed for the demonstration was purposefully chosen by the 'Security Group' of its organising committee in order to avoid traversing the upper hillside of Spur Road. The reason tendered for steering clear of this area was that it housed a number of important state functionaries, whose business was not to be disrupted by the demonstration. The residents of the upper part of Spur Road included the Vice President, Dr. Albert Joe Demby, and the Deputy Minister of Defence, Chief Samuel Hinga Norman.

1330. As the day of the demonstration arrived, however, residents of Wilberforce Village, located just up the hill from Spur Road, began to detect that the 'business' being conducted by state functionaries in that vicinity was something out of the ordinary. The upper part of Spur Road was being used as an assembly point for scores of Kamajors. From the compound of Chief Hinga Norman and from the house that was formerly inhabited by the ECOMOG General and erstwhile Chief of Defence Staff Maxwell Khobe, Kamajors were being despatched in the direction of Foday Sankoh's Lodge.

1331. These Kamajors began assuming their formations early in the morning. According to testimonies gathered from civilian residents in the Wilberforce area, Kamajors from Hinga Norman's compound started firing gunshots randomly in the direction of passing vehicles at approximately 8.30am.[785] Some residents of the area attempted to move down the hillside to the access road leading to Foday Sankoh's Lodge, past the site of the British High Commissioner's residence. As they approached the access road in question,

[783] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.
[784] Ginnah Lansana Brima, former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 23 May 2000.
[785] TRC Confidential Interviews with civilian residents of Wilberforce Village who witnessed the build-up to the 8 May 2000 demonstration at Foday Sankoh's Spur Road Lodge; interviews conducted in Freetown; November 2003.

they were frightened off by gunshots from the Kamajors and had to return back to Wilberforce Village.[786]

1332. Nonetheless, shortly afterwards they tried again. According to one resident, "almost the whole population of Wilberforce started making its way to the Sankoh compound" in order to assert their right to participate in the demonstration; many of them were chanting "they are coming, they are coming" as they neared the point where the Kamajors were deployed. The Kamajors had to hold fire in the face of the large swell of civilians coming down from the upper hillside of Spur Road. Statements from members of the civilian crowd expressed concern as to the sight that greeted them when they saw the Kamajors:

> "The Kamajors were holding all sorts of 'military hardwares' – they had tied their heads with leaves and they had weapons with them like cutlasses, automatic weapons and RPGs."

[and]

> "The Kamajors were coming down the hill like bees; [they were] coming through the bushy area at the back of the [Sankoh] compound, waving leaves and shouting 'heh-heh-heh'. Their presence was too heavy."[787]

1333. Members of the crowd from Wilberforce Village also laid eyes on an array of parliamentarians, including some Government Ministers, gathered alongside other dignitaries outside the gates of the compound of General Khobe. One young man expressed to the Commission his disillusionment at the roles he witnessed certain Members of Parliament and the Government performing at the scene:

> "Abdul Karim Koroma [a politician from Tonkolili District] was there; Okere Adams [SLPP Minister of Agriculture] was there; Shirley Gbujama [SLPP Minister of Social Welfare] was there – some of these people were standing there at Khobe's compound… They were really inciting the [Kamajors] boys who were coming, pushing them forward, making their hands in a sweeping gesture like this [*makes motion with his hands as if urging cattle into a pen*].
>
> […] That's how I got the experience that this was really well-planned and orchestrated by some Government officers. The Government know how they planned that so-called demonstration and yet they tell the world that this was all an action by Sankoh's people to kill civilian people. It's rather unfortunate."[788]

[786] TRC Confidential Interviews with civilian residents of Wilberforce Village who witnessed the build-up to the 8 May 2000 demonstration at Foday Sankoh's Spur Road Lodge; interviews conducted in Freetown; November 2003.
[787] TRC Confidential Interviews with civilian residents of Wilberforce Village who witnessed the build-up to the 8 May 2000 demonstration at Foday Sankoh's Spur Road Lodge; interviews conducted in Freetown; November 2003.
[788] 'Andrew', a civilian who joined the crowd from Wilberforce Village to move down the Spur Road Hillside towards Foday Sankoh's Lodge on 8 May 2000; TRC Interview conducted at private residence in Freetown; November 2003.

The Mass Public Demonstration of 8 May 2000

1334. The demonstration organised jointly by parliamentarians and the Civil Society Movement brought the entire city centre of Freetown to a standstill on 8 May 2000.

1335. Communal taxis and other public transportation vehicles had been briefed by the various drivers' unions that they should carry passengers only to the main congregation points for the march. Many Freetonians made the spontaneous decision to join the march as it moved through their neighbourhoods. As noted above, the Information and Sensitisation Group had succeeded in mobilising the masses from among all sectors of the population. The consequence was that a "mammoth crowd, over a hundred thousand people and more"[789] paraded on the route from Victoria Park to Foday Sankoh's Spur Road Lodge.

1336. According to one of those who participated in the demonstrations, many of the protestors carried placards with inscriptions directed at Foday Sankoh, such as 'No Violence Sankoh', 'Enough is Enough' and 'Sankoh: Our People are Dying'.[790] Thousands of t-shirts were made purposely for the event and were handed out to representatives of the various groups involved as well as to members of the public.

1337. In most of the testimonies from demonstrators, two common characteristics were emphasised: the participation of people from all walks of life; and the predominantly pacific nature of the marchers. One of the main organisers of the demonstration described it as follows:

> "Nearly all civil society groups including trade unions, professional and academic organisations, youth and women's groups, farmers; associations and NGOs joined the march. Even members of the general public associated themselves with the cause. It was a non-violent, peaceful march; in fact, nobody sustained any injury or molestation along the route of the march… Because there were thousands and thousands of people, the whole of Spur Road and [the adjoining] Lumley roundabout was jam-packed."[791]

1338. A small segment of the demonstrators, mostly young men, joined in the march out of a somewhat over-zealous 'mob mentality'. One young man told the Commission that he "had nothing personal against Foday Sankoh", but that he was "interested" to see how the "anger" would be resolved upon arrival at Sankoh's Spur Road Lodge:

> "There was a vengeful taste in town at that time; some people really wanted Sankoh's blood.[792]

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[789] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[790] Gibrilla Turay, building electrician in Freetown and participant in the 8 May 2000 demonstrations; TRC Interview conducted at private residence, Freetown; 27 July 2003.
[791] Davidson Kuyateh, teacher, trade unionist and Acting Secretary-General of the Civil Society Movement (CSM) in Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[792] TRC Confidential Interview with civilian resident of Freetown who participated in the demonstration on 8 May 2000 at the Lodge of Foday Sankoh; interview conducted in Freetown; 12 September 2003.

1339. The main body of the march was led by Hassan Barrie (Chairman, CSM) and the late Deputy Speaker of Parliament, Mr. Bangura on behalf of their respective groups. Behind them were the majority of the peaceful protesters, including the civil society groupings and associations. However, this contingent, which can legitimately be seen as the 'official demonstration', was by no means the first band of demonstrators to reach the Spur Road Lodge.

1340. By the time the leaders of the 'official demonstration' arrived on Spur Road at approximately 1.00 p.m., there had been considerable activity and considerable commotion ahead of them for up to three hours hence.[793]

Commotion at the Spur Road Lodge and Foday Sankoh's Communications

1341. At approximately 9.00 a.m. on 8 May 2000 Foday Sankoh declared to a small group of his senior commanders his conviction that the Lodge was set to be attacked that day "by Government troops and Johnny Paul's men."[794] The RUF leader's proposed course of action was to attempt to secure the release of his security guards in the prison, as the President had promised to him the previous evening and as had been announced on state radio that morning.

1342. The Nigerian Captain in charge of the UNAMSIL deployment at Sankoh's Spur Road Lodge described Sankoh's erratic behaviour as follows:

> "On Monday 8 May 2000 at about 7.00 a.m. when I went to greet Chairman Foday Sankoh, he accused me of refusing to deploy soldiers at his warehouse at Babadorie… Not long after that we heard sporadic gunshots coming from that direction.
>
> […] Chairman Sankoh who was dressed in sleeping gown and pants, holding a pistol, entered a vehicle together with some of his fighters who were armed, with the intention of proceeding to town to release some of the boys held by the state security on 7 May 2000; but [he] was stopped by Dennis Mingo (alias "Superman") , who insisted that they should all remain in the house and die there. The Chairman agreed and entered his house, straight to his office."[795]

1343. The UNAMSIL deployment at Sankoh's Lodge was normally fixed at approximately twenty (20) armed personnel, but for the day of the demonstration it was due to be bolstered by an additional ten (10) men at the request of the Nigerian Captain in charge.[796] The Captain explained in his

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[793] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

[794] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

[795] J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain JD Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; 12 May 2000.

[796] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

situation report that he had received the 10-man 'Rapid Deployment Force' at approximately 10.00 a.m. He used them to supplement his normal deployment, which was positioned "around the house, with emphasis on the main road leading to the house."[797]

1344. UNAMSIL's overall security commander arrived at Sankoh's Lodge along with the Rapid Deployment Force. He described the welcome he received:

> "I saw Foday Sankoh, who was dressed in pyjamas. He called my attention, saying: 'Can you see what is happening?' [He was] referring to the large crowd that was coming up the road… I noticed that the demonstrators had moved towards the barricade leading to the house, shouting: 'We want peace! We want peace!' I was standing by the barricade when the group became violent and started throwing stones at me and my other officers.
>
> […] Among the crowd there were some soldiers armed with guns in full military uniform."[798]

1345. According to testimonies from those inside the Lodge, Foday Sankoh at this point engaged in a series of telephone calls with the three key faction leaders whose troops were deployed around the Spur Road Lodge on 8 May 2000. The three men with whom Sankoh spoke were: General V. K. Jetley, the UNAMSIL Force Commander; Johnny Paul Koroma, Chairman of the CCP and commander of the self-styled Peace Task Force; and the President of Sierra Leone, Alhaji Dr. Ahmad Tejan Kabbah.

1346. For every call he made, Sankoh turned on the 'speakerphone' function on the telephone in his parlour, which enabled his closest associates[799] and some family members[800] who were in the room to hear the full content of the conversations.

1347. According to those present in the room, Foday Sankoh first called General Jetley.[801] Sankoh sought to ascertain what kind of security assessment had been rendered by UNAMSIL in the light of the sporadic gunfire and sightings of armed military men among the demonstrators, both of which were reported by

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[797] J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain JD Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; 12 May 2000.

[798] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

[799] Among the close associates who sat in on Foday Sankoh's telephone calls on 8 May 2000 and heard their full content was Sankoh's 'Special Assistant' Gibril Massaquoi. See: Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[800] At least three members of the Sankoh family, including one of Foday Sankoh's sons, were present in the room for all or part of Foday Sankoh's telephone calls on 8 May 2000. They heard the full content of these calls and described them in detail to the Commission. See: TRC Confidential Interviews with assorted members of the Sankoh family who were present in Foday Sankoh's Spur Road Lodge on 8 May 2000; interviews conducted in November 2003.

[801] TRC Confidential Interviews with assorted members of the Sankoh family who were present in Foday Sankoh's Spur Road Lodge on 8 May 2000; interviews conducted in November 2003.

UNAMSIL officers at the scene.[802] General Jetley told Sankoh that he (Jetley) had spoken with Johnny Paul Koroma earlier that morning and asked Koroma who had ordered him to deploy his West Side Boys to Sankoh's Spur Road Lodge. Jetley was then heard to tell Sankoh that Koroma, consistent with his news interviews, had advised Jetley that the orders for deployment came from President Kabbah.

1348. Foday Sankoh then called Johnny Paul Koroma.[803] Koroma told Sankoh that he was indeed acting on the orders of the President.

1349. In perhaps the most important telephone conversation, Foday Sankoh called President Kabbah. Like the others, this conversation was broadcast to a roomful of people by the 'speakerphone' function on the telephone at Sankoh's Spur Road Lodge. Foday Sankoh's Special Assistant, Gibril Massaquoi, testified to the Commission that he heard President Kabbah denying any part in the attack in the course of this conversation:

> "There was a phone call [on the morning of 8 May]. I was present. It was a phone call with Kabbah. At that time he was leaving. He was leaving for Conakry; he told Sankoh. The speaker phone [function] on the telephone was on; the receiver was lying [off the hook]. He [the President] told Sankoh that he was going to Conakry.
>
> […] Sankoh asked the President whether he had sent people to attack him. But he [the President] denied it and said that he was even trying to quell down the situation. I heard that dialogue between the two of them; I had been representing Foday Sankoh at meetings with President Kabbah."[804]

1350. Foday Sankoh again called General Jetley. In the light of the conflicting versions of events from Koroma and President Kabbah, Sankoh asked Jetley what action he was going to take. According to one of those who heard the response, General Jetley said:

> "I've advised President Kabbah that he should put a stop to it; and [he knows] that if anything goes wrong it will be his responsibility."[805]

1351. Finally Foday Sankoh tried again to contact both Johnny Paul Koroma and President Kabbah. Sankoh was unable to reach either Koroma or the President again, despite several attempts.[806]

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[802] For corroboration, see: J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain J.D. Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; 12 May 2000; and Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

[803] TRC Confidential Interviews with assorted members of the Sankoh family who were present in Foday Sankoh's Spur Road Lodge on 8 May 2000; interviews conducted in November 2003.

[804] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[805] TRC Confidential Interview with an inhabitant of Foday Sankoh's Spur Road Lodge; interview conducted in November 2003.

[806] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

1352. Foday Sankoh received an incoming call from his wife, Madam Fatou Sankoh, who was in the United States. According to Madam Sankoh, her call was made at the equivalent of 10.00 a.m. GMT (Sierra Leone time). Her call coincided with the eruption of real commotion at the Lodge and the severance of Foday's Sankoh's telephone lines:

> "I called to Papay [Foday Sankoh] at the Lodge at 5.00 a.m. by New York time. When Papay came on the phone, he was totally confused… [He said:] 'These people are demonstrating'. I asked him how many people were demonstrating and he just said: 'I don't know, I'm inside; but they have already looted the other house [at Spur Loop]'.
>
> […] While we were talking, I heard the children screaming in the background. He [Foday Sankoh] called out in Krio 'I don't like it, I don't like it'; and then he came back to me and said: 'My sister, let me call you back.' After ten minutes he still had not called me, so I picked up the phone and called his house – the line was dead."[807]

1353. Madam Sankoh testified that she also rang the house at Spur Loop that her husband had claimed was being looted:

> "I called my own room in my own house [at Spur Loop] – where the door is so difficult to open and the only key was with Papay. Somebody picked up the phone and said: 'wrong number'. I checked my telephone records; I found that it was the right number and I dialled the right number again – the line was dead."

The Circumstances Leading to the Outbreak of Gunfire at the Spur Road Lodge

1354. RUFP members who were huddled in various parts of the Spur Road Lodge described their impressions of the rapidly-growing crowd on the road outside:

> "I was still in the compound until 11.00 a.m. when suddenly a group of demonstrators arrived towards Foday Sankoh's residence. The demonstrators were singing 'we want peace' and they started advancing towards the leader's house. At that juncture the UNAMSIL personnel deployed outside the gate of Foday Sankoh's residence tried to stop them. This made the demonstrators begin throwing stones towards Sankoh's residence."[808]

[and]

> "I saw a large group of people with stones, bottles and sticks, but some others saw guns with some of the demonstrators. They damaged vehicles, windows and many other things with the stones, bottles and sticks they threw. UNAMSIL were trying very hard to stop them but they didn't stop. With all these, the Kamajors were still behind them, together

[807] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 07 to 09 November 2003.
[808] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.

with the West Side Boys and the Government soldiers, firing in the air."[809]

[and]

"I was at the house when the first batch arrived… They started throwing stones, hanging on the electric and telephone cables, cutting them off. They said they wanted Sankoh's head, chanting offensive slogans… They threw a stone that hit me on the arm. They started forcing their way into the house."[810]

1355. Truckloads of people, consisting of a mixture of civilians and unidentified military personnel, were witnessed arriving in the vicinity of Sankoh's compound from the upper hillside of Spur Road.[811] This area was supposed to be 'off limits' to the official demonstration. Militia men of the Civil Defence Forces, many of them carrying firearms, were seen interspersing with the masses of civilians.[812]

1356. Armed soldiers and West Side Boys co-mingled with the crowd of demonstrators who advanced on Foday Sankoh's Spur Road Lodge. They attempted to incite ill-feeling among the civilians around them. A former soldier of the SLA testified that several fighters who were present on that day had tied bands of material around their foreheads, as had once been their trademark at the warfront.[813]

1357. People among the crowd carried makeshift weapons like sticks, bricks, stones and agricultural cutlasses, which some of them wielded in a threatening fashion.[814] Its members were attempting to cut off power and communications lines to the Lodge. They were also throwing a barrage of 'missiles' in the direction of the Lodge. The few hundred demonstrators at the front of the gathering, most of whom were young men in their prime, surged forward deliberately. A boisterous group began thrusting against the UNAMSIL barricade that blocked the access road leading to Sankoh's Lodge.

1358. Davidson Kuyateh, the Acting Secretary General of the Civil Society Movement (CSM), pointed out that the hostility in the atmosphere was enhanced by the provocative gestures of some of the RUF members visible in the Lodge:

"The armed RUF and their colleagues around Foday Sankoh's house were making signs to the crowd that symbolised slaughtering a goat's throat and amputation of the arm and leg. This infuriated the crowd and some others tried to make attempts to go to the residence of Foday

[809] TRC Confidential Interview with former RUFP office-holder in the post-Lomé Government of Sierra Leone; interview conducted on 28 August 2003.
[810] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[811] TRC Confidential Interviews with civilian residents of Wilberforce Village who witnessed the build-up to the 8 May 2000 demonstration at Foday Sankoh's Spur Road Lodge; interviews conducted in Freetown; November 2003.
[812] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[813] TRC Confidential Interview with a former soldier in the Sierra Leone Army (SLA); interview conducted in Freetown; 16 July 2003.
[814] TRC Confidential Interview with civilian resident of Freetown who participated in the demonstration on 8 May 2000 at the Lodge of Foday Sankoh; interview conducted in Freetown; 12 September 2003.

> Sankoh. The UNAMSIL officers and the leadership of the CSM and Parliament who were present could not allow the marchers [to go] to the house."[815]

1359. Festus Minah, one of the leaders of the CSM delegation, told the Commission of his dismay that the march had been turned into a mob. He testified as to his own vain attempts to salvage the situation:

> "In the course of the stone-throwing the demonstrators were struggling to remove the barrier that was protecting the compound, and at the same time trying to 'drop' the telephone poles – these were all the circumstances that made me come and begin to intervene.
>
> […] I rushed down to stop our people in the demonstrating group from throwing stones at the compound; but unfortunately, it was extremely difficult; it became out of hand. [My intervention] in fact provoked and irritated the demonstrators all the more."[816]

1360. Thus the crowd of demonstrators created a variety of exigencies for which the UNAMSIL contingent was simply not prepared. The official security briefings given to UNAMSIL[817] had underestimated the size of the crowd and downplayed its character. The event was treated simply as a peaceful civilian march. UNAMSIL saw fit in advance to deploy a total of only thirty (30) men and not a single armoured personnel carrier or armoured tank.[818]

1361. The events of 8 May 2000 at the Spur Road Lodge of Foday Sankoh testify to a failure to communicate and co-ordinate effectively between the arms of the state security apparatus and the internationally-mandated UNAMSIL security force. President Kabbah was especially lacking in this regard, since he failed to apprise General Jetley, the UNAMSIL Force Commander, of the full extent of the multi-faceted security operation that would be carried out that day. UNAMSIL's contingent on the ground was devoid of consultative input. The conglomerated domestic security forces endangered the lives of the UNAMSIL peacekeepers by attacking the Spur Road Lodge.

1362. In the early afternoon, the most senior UNAMSIL officer at the scene, Lieutenant Colonel Paul Boroh, was compelled to call to his Headquarters for the emergency despatch of an armoured personnel carrier. According to Lieutenant Colonel Boroh, he called for this vehicle to carry out a rescue mission because he felt his life was being threatened by the demonstrators:

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[815] Davidson Kuyateh, teacher, trade unionist and Acting Secretary-General of the Civil Society Movement (CSM) in Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[816] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[817] Mr. Christopher John, the Assistant Commissioner of the Sierra Leone Police, had briefed UNAMSIL about the 'pending peaceful demonstration' the previous evening, Sunday 7 May 2000.
[818] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

> "The group became violent and started throwing stones at me and my other officers. At this stage… I had to escape to the armoured personnel carrier for my dear life."[819]

1363. The protesters began actively to oppose the blocking tactics of the UNAMSIL officers at the barricade about 50 yards from the Lodge. They made chants of "we dae go, we dae go" (meaning "we are going" or "we will pass") in defiance of the express instructions given to them to hold back.[820] The official patrol report of the UNAMSIL deployment described how the crowd eventually broke through the barricade:

> "Our attention was now turned to the crowd who insisted on entering the house to speak to the Chairman. All attempts to limit them to the main road proved abortive as we were outnumbered. Instead the crowd shoved us to the direction of the house."[821]

1364. The UNAMSIL deployment at Foday Sankoh's Spur Road Lodge capitulated on 8 May 2000. The UNAMSIL officers were overcome by unruly elements in a crowd of demonstrators and the combined armed assailants of Johnny Paul Koroma's 'Peace Task Force'. The Commission finds that the responsibility for this capitulation lies squarely with the UNAMSIL High Command. UNAMSIL was detailed to defend the residence of RUF leader Foday Sankoh, the security of which was vital to the implementation of the Lomé Peace Accord. Yet a paltry contingent of 30 men was expected to secure the Lodge in the face of a threat that was known in advance would comprise at least several thousand angry demonstrators. UNAMSIL showed itself to be woefully ill-prepared.

1365. Once the UNAMSIL barricade had fallen, there was no averting an armed confrontation. Nonetheless, according to sources from all sides, a UNAMSIL officer fired a warning shot into the air in a final, futile attempt to restore order. The CSM organisers of the demonstration described the outbreak of gunfire from their perspective:

> "The first warning shot was perhaps to make the people stop whatever they were doing – [to stop] the stone-throwing."[822]

[and]

> "We were [trying to stop the demonstrators] when suddenly a gun was fired from the house of Foday Sankoh, followed by sporadic firing. While UNAMSIL was firing in the air, the RUF boys were firing directly into the crowd. The people dispersed, running in different directions, while many

[819] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.
[820] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[821] UNAMSIL, 4th Nigerian Battalion; "Statement / Patrol Report on the Incident that occurred at Chairman Foday Sankoh's Residence on 08 May 2000"; report submitted to the Criminal Investigation Department (CID) of the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.
[822] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.

> others fell on the ground… When the shooting continued and people were shouting and crying with pain, I sought a way to [escape]."[823]

1366. The view from inside the Spur Road Lodge was expressed to the Commission in the following terms:

> "One of the UNAMSIL soldiers who was guarding Sankoh fired a warning shot into the air in an attempt to disperse the crowd… [then] some of them ran to the back of the house. Little did we know that there were armed groups among the crowd: CDF and the Army. So automatically they started firing [into] our camp."[824]

[and]

> "The West Siders and the Kamajors suddenly became more [in number] than the civilians, and they were now aiming their weapons towards the Lodge.
>
> […] The UNAMSIL commander ordered one of the Nigerian soldiers to fire a shot in the air. As soon as he fired that shot, it was the beginning of the end of the whole thing."[825]

1367. The Commission finds that the demonstration organised by parliamentarians and the Civil Society Movement on 8 May 2000 was allowed to get out of hand. There were advance warnings given to the Government about the likelihood of further unrest. However little was done to prevent the occasion from descending into a violent tumult.

Inter-factional Violence and the Killings of Civilians

1368. The UNAMSIL warning shot was followed swiftly by further firing from both sides of the compound walls. The civilians among the demonstrating crowd and those inside Sankoh's Spur Road Lodge were instantly trapped in the crossfire of a fierce inter-factional battle.

1369. The UNAMSIL captain deployed to Sankoh's Lodge, J. D. Abdullahi, explained in his patrol report that the RUF gunmen in the compound opened fire once the UNAMSIL barricade was breached. Abdullahi's report also confirmed the prominence of the West Side Boys at the scene, attacking Sankoh's Lodge in the same Toyota Hillux van they had seized from Sankoh's security detail the previous day:

> "Gunshots were released by the Chairman's boys, who were already armed by the Chairman, as they saw the crowd and one of the Chairman's confiscated vehicles loaded with people dressed in military fatigues, armed and coming close to the house after overpowering us. From there every one started running in all directions.

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[823] Davidson Kuyateh, teacher, trade unionist and Acting Secretary-General of the Civil Society Movement (CSM) in Sierra Leone; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[824] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[825] TRC Confidential Interview with an inhabitant of Foday Sankoh's Spur Road Lodge; interview conducted in November 2003.

> […] I being close to the [neighbouring] uncompleted building, charged through it into the gutter by the main road and entered [a Nigerian Colonel's] quarters. I sheltered for some time [and] gathered some of my men before proceeding to my NIBATT Headquarters."[826]

1370. It is clear that most of the Nigerian UNAMSIL troops took flight, rather than participating in the gunfight. Nevertheless there was a host of reports about the unbecoming conduct of UNAMSIL personnel at the scene. It was not suggested that they actually shot at anybody, but their deployment was exposed as having been flawed and their behaviour unrefined. A 15-year-old RUF child combatant who was watching the scene from the upper floor of Sankoh's Lodge described his observations as follows:

> "At the point where the firing started, there were some UNAMSIL personnel [in and around the compound]. There were also some UNAMSIL personnel at the parlour with Pa Sankoh and others. [From] the position where I was standing around the compound, there was a UNAMSIL personnel lying on the ground shooting up in the air. As they continued to fire they were told to cease fire by one of the UNAMSIL soldiers, which they complied [with]."[827]

1371. The armed SLA soldiers and West Side Boys fired on Sankoh's compound from within the crowd of demonstrators.[828] The Commission finds that they exposed the civilians around them to grave danger by failing to allow distinction between military and civilian targets.

1372. Essentially these soldiers were deploying the same tactic of 'shielding' themselves that they had used when they invaded Freetown under the auspices of the AFRC on 6 January 1999. The difference between the 6 January 1999 invasion and the 8 May 2000 operation was in the nature of the resistance these attackers faced. ECOMOG officers had held their fire on 6 January 1999 to avoid civilian casualties. The ad-hoc RUF security guards in Sankoh's Lodge showed no such restraint on 8 May 2000.

1373. George Baba Musa, the caretaker from a nearby construction site, told the police that in his view the RUF commandos in Sankoh's Lodge fired indiscriminately against the mass of people before them:

> "I heard sporadic gunfire from all directions of Foday Sankoh's house and there was panic among the demonstrators, who were in their thousands. From the point I was standing, I heard people crying in pain and I saw several of the demonstrators lying on the ground. There was total pandemonium and as the demonstrators were running away, I saw

[826] J.D. Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain JD Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; 12 May 2000.
[827] Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.
[828] TRC Confidential Interview with civilian resident of Freetown who participated in the demonstration on 8 May 2000 at the Lodge of Foday Sankoh; interview conducted in Freetown; 12 September 2003.

several of the RUF men who were earlier armed by Chairman Foday Sankoh firing at the crowd."[829]

1374. A 12-year-old child combatant in Sankoh's Lodge recollected that armed RUF men in the compound gunned down an unspecified number of demonstrators:

> "One of the bodyguards to Foday Sankoh shot from his AK-47 rifle at the demonstrators. The other body guards and armed men at Sankoh's house also opened fire on the demonstrators, as a result of which I saw several people among the demonstrators falling down."[830]

1375. Another child combatant, who claimed that Foday Sankoh was his biological father, made the following revelations as part of a confessional statement to the Sierra Leone police:

> "I was holding a pistol… I was deployed inside the house with one Abu, who is my special body guard. He was holding an AK-47 rifle… It was I who gave orders to the security to fire against the crowd. I was firing up, trying to find way to escape as the crowd was advancing towards us.
>
> […] It is true that I was among those who fired against the demonstrators and killed some of them. I am pleading to the Government to forgive me for my act as I am a small boy and I have a brighter future."[831]

1376. As pistol shots and automatic weapons fire were unleashed by RUF members in the direction of the crowd, the West Side Boys and soldiers among the crowd reciprocated by continuing their own firing at the Lodge. RUFP Deputy Minister 'Leather Boot', who was inside Sankoh's compound, expressed a sense of desperation about the escalating intensity of the barrage on the compound:

> "We were expecting the UNAMSIL personnel to take control of the situation but it did not happen that way. The situation became very serious when we started getting rocket-propelled grenades (RPGs) exploding into the premises of Chairman Sankoh. [Then] what made it worse was when tear gas was fired into the compound… which made it very much unbearable and that left us with no alternative but to pull out of the house."[832]

1377. Gibril Massaquoi, who was said in the majority of statements to be one of those carrying arms on the RUF side, told the Commission that he had been cowed into escaping from the Lodge by the incoming weapons-fire:

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[829] George Baba Musa, caretaker of a building site situated close to Foday Sankoh's Spur Road Lodge; statement given to the Sierra Leone Police at Peter Kamaray's Construction Site, Spur Road, Freetown; 12 May 2000.
[830] Ibrahim Conteh (alias "Creole Boy"), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[831] Ibrahim Koroma (alias 'Junior Daddy'), former RUF child combatant; statement given to the Sierra Leone Police at the Central Prison, Pademba Road, Freetown; 26 to 28 June 2000.
[832] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.

> "I had to run away during that process; especially when I saw one of our boys lying down dead from RPG shrapnel. I had to run away and leave them."[833]

1378. However another senior RUF combatant described how Massaquoi, who was carrying an AK-47 rifle, had in fact been the person who gave him a similar weapon to carry:

> "When the firing died down I came out of my hiding place and walked out of the gate; there I met Gibril Massaquoi dragging a wounded RUF combatant. Gibril Massaquoi then took the AK-47 rifle from the wounded RUF combatant, whose name I don't know, and gave it to me and told me to defend myself."[834]

1379. In any case it was maintained by most RUFP members that the shootings were not planned in advance. Rather, as the RUFP Secretary-General Solomon Y. B. Rogers told the police, the exchange of fire came about spontaneously, contrary to the orders of Foday Sankoh, as a result of immense 'provocation' from the demonstrating crowd:

> "It was not a pre-arrangement by the RUF to shoot live bullets on the civilians who were demonstrating for peace on that day. At the time when the demonstrators were throwing stones at Foday Sankoh's residence, I heard Sankoh give command to his combatants who were well-armed not to shoot at the demonstrators. He [Sankoh] told his RUF combatants not to open fire at the demonstrators because [the RUF combatants] were intending to open fire or shoot at the demonstrators when they were halted by Foday Sankoh."[835]

1380. Based on the preponderance of the evidence before it, the Commission finds that RUF combatants in the compound of Foday Sankoh's Spur Road Lodge unleashed firing from pistols, automatic weapons and at least one RPG in the direction of the demonstrators who had broken through the barricade. As will be analysed below, the RUF killed at least ten civilians and potentially twice that number. The RUF also shot and injured several further civilians.

1381. As it transpired, however, these shootings by the RUF did not constitute the whole story. The disruption of the demonstration was in fact the signal for the full force of the state security apparatus to be brought to bear against the RUF.

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[833] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[834] Momoh Rogers, former RUF Battalion Commander; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 29 May 2000.
[835] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.

Mobilisation of 'Reinforcements' from the Kamajors based at the Brookfields Hotel

1382. The base of the Civil Defence Forces in Freetown was at the site of the former Brookfields Hotel, on Jomo Kenyatta Road, New England. The majority of the Freetown-based leadership were residing there in May 2000, with the exception of Chief Hinga Norman.[836] The combatants accommodated at the Brookfields Hotel were mostly Kamajors from the Southern and Eastern Provinces. They had been transferred to Freetown upon the orders of Chief Hinga Norman, or on their own volition due to personal connections with comrades who were already in the city.[837] At any given time there were potentially several hundred Kamajors living in the Brookfields Hotel and approximately 20 more working there as part of the CDF High Command.[838]

1383. On 8 May 2000, in the early afternoon, a small contingent of personnel from the Sierra Leone Army arrived at the Brookfields Hotel with considerable urgency. A member of the CDF testified to the Commission in a closed hearing that the SLA contingent was accompanied on this mission by M. S. Dumbuya, the former Head of the SSD and Northern Commander of the CDF.[839] Dumbuya denied that he was present in his testimony to the Commission.[840] The SLA soldiers informed the Kamajors that their contingent had been sent directly by Hinga Norman. Their task was to collect a select few Kamajor combatants and transport them to the scene of Foday Sankoh's Spur Road Lodge in order to participate in a 'reinforcement operation'.[841]

1384. One of the Kamajors who joined this operation testified to the Commission that he was among only a handful of 'specialist fighters' who joined the soldiers in their vehicle:

> "Everybody within the Brookfields Hotel knew what I was capable of doing, so when the soldiers came, they asked for me by name. Hinga Norman had requested the best men to take part in the operation; we were only told: 'There is a Special Task Force emerging to deal with a situation – they have started killing people at Sankoh's house'.
>
> […] So we joined them without even a proper situation report. We were up to seven men in the vehicle, soldiers as well as Kamajors."[842]

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[836] See, *inter alia*: Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the TRC by e-mail; 10 December 2003.

[837] TRC Confidential Interview with a Kamajor combatant who resided in Freetown at the Brookfields Hotel; interview conducted in Freetown; 21 September 2003.

[838] The CDF did not make many of its institutional and operational documents available to the public, so it is impossible to be precise about the number of CDF personnel who resided and worked in the Brookfields Hotel. However, an indication of the scale of the operation was given in the *CDF Calendar 2001*, which documented the organisation's main office-holders and depicted the layout of the base at the Brookfields Hotel. A copy of this document was given to the TRC in September 2003.

[839] TRC Confidential Testimony from a member of the CDF; testimony given at TRC Closed Hearings in Bo Town, Bo District; 3 May 2003.

[840] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

[841] TRC Confidential Interview with a Kamajor combatant who resided in Freetown at the Brookfields Hotel; interview conducted in Freetown; 21 September 2003.

[842] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.

1385. The Kamajors were immediately equipped with brand new automatic weapons, the like of which they had only used fleetingly in the past. They were given no detailed deployment instructions, nor any indication of the conditions that awaited them at Sankoh's Spur Road Lodge. Upon querying the soldiers as to the military objective of the mission, one of the Kamajors was informed by an SLA Captain only that the "RUF was the target" and that they were enlisted "on the orders of the President". The Kamajor was further told:

> "You are a Special Task Force; that's why you are here in Freetown – for this special purpose. You are auxiliary forces for Tejan Kabbah's Government."[843]

1386. Upon reaching the Wilberforce Military Barracks at the top of the upper Spur Road Hillside, the SLA Captain declared that he would go no further without express clearance from his commanding officer. The Kamajors at this point assumed control of the operation, emboldened by having consumed 'morale boosters' and convinced that they should see the mission through to its conclusion:

> "It was an order from the President and Hinga Norman to go to Sankoh's place to do this; so we said [to the SLA Captain]: 'Young man, just get down from the vehicle. You brought us here for this purpose as a Captain; why are you now telling us to get command first? Let's go and waste no more time!'
>
> […] We were given rum and cannabis sativa when we were leaving for this mission. Now we just took up the initiative to perform the mission ourselves. We saw so many civilians running in the crowd… we were now coming to liberate them from the trouble."[844]

1387. These Kamajors were adding a further armed presence to the assorted mix of hostile groups who were already active in the vicinity of Sankoh's Lodge. They posed an augmented threat to the lives of innocent civilians on both sides of the compound's walls.

1388. The Government's decision to mobilise this reinforcement squad in favour of deferring to the internationally-recognised UNAMSIL troops was most irresponsible. It revealed much about the Government's *modus operandi* with regard to its state security operations against the RUF. The deployment of these Kamajors served to perpetuate, rather than alleviate, the suffering of the many innocents caught in the crossfire.

1389. Morris Dolley (alias 'Opabenu'), a Liberian former ULIMO fighter, led the Kamajors in their 'reinforcement operation' from the Brookfields Hotel. Opabenu ordered that the Kamajors should disembark at the house of Vice President Demby and head to the scene of the gunfight on foot.[845] Upon arrival at the access road to Sankoh's Lodge, the Kamajors witnessed eight UNAMSIL personnel taking cover in a trench-like security post while West Side

[843] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.
[844] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.
[845] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.

Boys and RUF guards exchanged fire. The Kamajors also encountered a number of dead bodies and wounded persons lying on the tarmac. Opabenu was the first to order the clearance of some of the dead bodies and their transportation to the mortuary.[846]

1390. The Kamajors assumed an offensive position just off the main road and prepared to attack Sankoh's Lodge. Further support from the Government arrived in the form of a vehicle laden with arms and ammunition, driven by unidentified military personnel. The Kamajors were invited to re-stock their supplies, which they duly did by accumulating further automatic rifles and a rocket-propelled grenade launcher (RPG). The RPG was given to a Kamajor named 'Thirty-Forty', who was a member of the unit that usually operated under M. S. Dumbuya. The Commission received the following testimony as to the use to which this RPG was put:

> "'Thirty-Forty' was having his RPG. I gave orders [to him] to launch at a large, unfinished house at the side of the main road. Some RUF were based there; they had some standby rooms already at this unfinished house… [So] I ordered 'Thirty-Forty' to launch there and they scattered – but then again, all the people in the shop next door were killed. [The shop] belonged to one Fullah Pa [a trader]. But all of his people have died out during that cause.
>
> […] The RUF were sheltering close by, while others were still inside the Sankoh house; but the unfinished house cleared after our launching and we were able to gain entry unopposed. Some of the RUF were killed too, but it is difficult to be specific."[847]

1391. The Kamajors killed an unspecified number of civilians with their RPG strike on the shop owned by the Fullah trader. They then immediately moved forward into the unfinished house they had cleared and renewed their assault on Sankoh's compound with automatic rifles. The Kamajors joined forces with West Side Boys and other SLA operatives at this point, apparently because "when the soldiers saw our performance, they rushed to the scene."[848] The attack was also bolstered by more armed Kamajors from further up Spur Road:

> "As soon as they saw that we were getting the chances, the boys from Hinga Norman's place started coming down to join us. That's when we rose up to a greater number." [849]

1392. One young RUF member described how he perceived the move made by the combined Government forces from his vantage point inside Sankoh's compound:

> "During the shooting, some people were lying down dead, whilst others had sustained gunshots wounds… Then came a group of Kamajors and SLA fighters armed with heavy artilleries and deployed at an unfinished

[846] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.
[847] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.
[848] TRC Confidential Testimony from a member of the CDF; testimony given at TRC Closed Hearings in Bo Town, Bo District; 3 May 2003.
[849] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.

house opposite the house of Chairman Sankoh. Eventually the SLA soldiers and the Kamajors were engaged in heavy firing with the RUF fighters who were in Sankoh's house. At the peak of the firing between Government troops and the RUF fighters, the UNAMSIL soldiers left the scene through the backyard of Sankoh's house."[850]

1393. From the perspective of the Kamajors, the Commission heard that the resultant confrontation was the fiercest head-to-head firing in which the two sides engaged that day. The only lull came due to an unusual observance of protocol to permit UNAMSIL to escape from the vicinity:

> "It developed into an all-out war at one point; fighting deliberately took place now, being that the RUF guys had been 'suspended', waiting on what can happen there thereafter. Immediately we saw the UN [passing us], we stopped the firing; we recognised their presence. Then immediately they went back, firing started again."[851]

1394. The military impact of the Kamajor 'reinforcements' was crucial in shaping the outcome of the events of 8 May 2000. The Kamajors decisively overstepped the thresholds of an operation assigned ostensibly to secure the safety of civilian demonstrators. By catalysing the departure of the UNAMSIL contingent, the Kamajors opened the way for Government forces to attack Sankoh's Lodge more forcefully, with the overt intention of 'capturing' the territory and all those RUF members who were occupying it.

1395. The intervention of the Kamajors helped to prevent the RUF from harming any more civilian demonstrators. However, the Kamajors themselves committed further violations and abuses, including civilian killings. Thus the Commission finds that the Kamajors were a further scourge to human rights during the landmark events of 8 May 2000.

Mobilisation of Further 'Reinforcements' from the 'Peace Task Force'

1396. The prime perpetrators of the raids of 7 May 2000, collectively known as the Peace Task Force, were moving and operating as several smaller units on 8 May 2000. Some of the West Side Boys and their accomplices in the Sierra Leone Army had moved in on Sankoh's compound furtively as part of the crowd of demonstrators. Others had attacked on board the vehicle they had seized from Sankoh's security detail the previous day. A third and final contingent was lying in wait for the command from the Government to launch them into action.

1397. This third contingent was a small but notorious 'hit squad' led by the popular West Side commander Hassan Bangura (alias 'Papa' or 'Bomblast') and his henchman Lansana Bangura (alias Colonel Tiger). One of its members gave the following account of how the unit came into action on 8 May 2000:

> "We were at Jack's Relaxation [Guest House] at Kingtom… when we saw people moving in a hurry down the streets. This attracted us; we

[850] Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.
[851] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.

then asked what happened and we learnt from the people that were running that when the demonstrators visited the Lodge of Chairman Sankoh they were attacked by armed men.

[…] As a result of the information that firing was still going on there, we decided to check at the Military Headquarters… There was information of some people killed during the shoot-out… Some soldiers were in preparation to visit the scene."[852]

1398. The Commission notes that the West Side Boys had become frequent visitors to Cockerill Barracks, the Military Headquarters, as their participation in official state security operations had increased between 6 May and 8 May. They appeared to be welcomed as a result of the legitimacy newly bestowed upon them by the President's announcement that they would be reinstated into the Army. Tom Carew, the Acting Chief of Defence Staff, was one of those who participated in the mobilisation of Government troops as further reinforcements on 8 May 2000. Carew placed the leadership of this operation in the hands of the West Side Boys. [853]

1399. This mission was to obliterate the chances of a peaceful resolution to the day's landmark events. Yet in his testimony to the Commission, one of the West Side Boys again tried to characterise the participation of his cadre, alongside the Kamajors, as being an indication of their 'peaceful' objectives:

"During that time they were supposed to demonstrate – Sankoh didn't want peace; we wanted peace. The President called Johnny Paul; then Johnny Paul called Tom Carew [the then acting Chief of Defence Staff]. They called us to go to the Lodge of Sankoh and secure the peace.

Hinga Norman came to Cockerill that morning with two vans of Kamajors. Those were our partners in the peace operation. It was about fifty (50) of all of us. We are the ones who restored peace."[854]

1400. Various testimonies indicated that Tom Carew and M. S. Dumbuya were jointly responsible for despatching the 'Peace Task Force' unit from Cockerill Barracks to Sankoh's Lodge.[855] Dumbuya admitted to the Commission that he had indeed assembled and helped to equip "a platoon of Government forces" on that day, but maintained that he did so under an illusion of good intentions:

"I even participated in advising them to go in defence of the nation."[856]

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[852] Samuel Bassie (alias "Machiavelli"), soldier in the Sierra Leone Army and former security guard to Johnny Paul Koroma; statement given to the Sierra Leone Police at Pademba Road Prison, Freetown; 28 June 2000.
[853] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[854] TRC Confidential Interview with a senior member of the West Side Boys who participated in the provision of military reinforcements on 8 May 2000; interview conducted in October 2000.
[855] See, *inter alia*: TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[856] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

1401. The Peace Task Force unit travelled in a small convoy of Government military vehicles, using a route that brought it down from the upper hillside of Spur Road. At the front of the convoy was an SLA Landrover with a single-barrelled Anti-Aircraft missile launcher mounted on the back. This weapon was the heaviest artillery piece used by any of the forces during the inter-factional violence at Sankoh's Spur Road Lodge. Almost immediately upon arriving at the scene, the West Side Boys released an Anti-Aircraft missile at Sankoh's Lodge,[857] registering a direct strike and causing an enormous explosion that was heard "for miles around."[858]

1402. According to witness statements, the moment that the West Side Boys began shelling the compound of Foday Sankoh spelt the defeat of the RUF gunmen in the Lodge:

> "One Landrover carrying an Anti-Aircraft (AA) gun came from the area of Wilberforce Barracks and started shelling. Because of that, the firing that was coming from the area of the rebel leader's house stopped."[859]

1403. Cumulatively, the West Side Boys and soldiers of the SLA unleashed sustained automatic weapons fire as well as at least one Anti-Aircraft missile at Foday Sankoh's Spur Road Lodge on 8 May 2000. Certainly at the point when they began their attack, there were still a large number of civilians in Sankoh's compound. The range from which the West Side Boys were striking and the type of artillery they were using rendered their barrage totally indiscriminate.

1404. The Commission finds it impossible to regard the role of the Peace Task Force in this operation as having been peaceful or constructive. The West Side Boys killed many civilians in and around the compound of the Lodge.

The Escape of Foday Sankoh and other Inhabitants of the Spur Road Lodge

1405. The RUF gunmen positioned at the perimeter of the compound and in the neighbouring buildings were gradually killed or flushed out by the heavy onslaught from the combined pro-Government forces of the Kamajors, the SLA and the West Side Boys. While the Commission was unable to ascertain the exact number of RUF combat casualties, it is certain that practically the entire 'front line' of the defence of the Spur Road Lodge was eliminated. In the process, it is most likely that the RUF men who fired at the demonstrators were killed. The most senior ground commanders, Gibril Massaquoi and Dennis Mingo (alias "Superman"), were forced to revert to a strategy of escape:

> "At this juncture, the RUF fighters that were defending Sankoh's premises retreated from the gate into the compound. However, Gibril

[857] TRC Confidential Interview with a senior member of the West Side Boys who participated in the provision of military reinforcements on 8 May 2000; interview conducted in October 2000.
[858] TRC Confidential Interviews with civilian residents of Wilberforce Village who witnessed the build-up to the 8 May 2000 demonstration at Foday Sankoh's Spur Road Lodge; interviews conducted in Freetown; November 2003.
[859] Alimoh Fornah, Sergeant in the Sierra Leone Army; statement given to the Sierra Leone Police at Ministry of Defence Headquarters, Freetown; 13 May 2000.

> Massaquoi instructed the RUF fighters together with Superman to collect Chairman Foday Sankoh and leave the compound." [860]

1406. It was later revealed to the police that Foday Sankoh spent most of the period of the gunfight hiding in a bedroom along with a Togolese lady he had invited to join him as a guest at his Lodge. The lady, named Victoria Bataba-Ena, explained to the police what happened:

> "Corporal Sankoh joined me in the upstairs bedroom and [we both] laid flat on the floor following persistent gunfire outside the house. I saw bullets streaming into our (Corporal Sankoh's and my) bedroom from outside. I never knew who precisely were shooting at us in the house.
>
> […] Corporal Sankoh was by then dressed in a black, long gown lying flat on the room floor close to me. Not too long [after] I saw a certain young man who hurriedly entered the said bedroom and took Corporal Sankoh by the hand… [Sankoh] hurriedly moved down the stairs with the gentleman in question, leaving me alone in the bedroom… That was the very last time I ever set eyes on the RUF rebel leader Corporal Foday Saybana Sankoh."[861]

1407. According to testimonies from RUF members, Sankoh was led out of the back gate of the Lodge and through the compound of a neighbouring building, owned by a Lebanese family. Sankoh's escorts were some of his most senior commanders and associates, including Gibril Massaquoi, Superman, Pa Daniel Kallon, Pa Mansaray, Idrissa Kamara (alias Leather Boot), Eldred Collins, Momoh Rogers and Kenneth Macauley.[862] They were able to remove him from the immediate vicinity of the escalating gunfight and found an unmonitored route at the back of the compound that led towards the hills.

1408. This account of Sankoh's means of escape was corroborated by George Baba Musa, the caretaker of a nearby construction site. However, Baba Musa recalled seeing men in UNAMSIL uniforms among those who escorted Sankoh:

> "From the point I was standing at an open window of an unfinished house, I clearly saw Chairman Sankoh, whom I had seen many times, dressed in black attire and having a silver-coloured pistol hanging from his waist.
>
> […] [Sankoh] was being escorted by two men dressed in UNAMSIL uniforms, [who] were Africans. I saw them hurriedly coming out of the compound through the main gate and running towards the back of the house followed by a group of his [Sankoh's] rebel body guards, who were fully armed and firing in all directions. I believe that it was about

[860] Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.
[861] Victoria Bataba-Ena, Togolese national who came to Sierra Leone on a private visit to Foday Sankoh and got caught up in the events of 8 May 2000; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 5 to 9 June 2000.
[862] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.

this time that Foday Sankoh made his escape out of his house, through the assistance of men dressed in UNAMSIL uniforms."[863]

1409. The Commission noted the strong belief held by many members of the attacking forces, both Kamajors and soldiers, as well as members of the public, that Foday Sankoh's escape was facilitated by actual officers of the UNAMSIL deployment at the Lodge. For example, Reverend SamForay testified that it was universally understood among the Kamajors that "a UNAMSIL armoured vehicle whisked away Foday Sankoh as the CDF closed in on his residence."[864]

1410. The rumour of official UNAMSIL involvement was refuted by the UNAMSIL commander at the scene in his statement to the police:

> "I don't know how Foday Sankoh escaped from the house. It would have been my pleasure to carry Mr. Foday Sankoh in my armoured personnel carrier in order to save him, as I am charged with the responsibility of his security. [But] the armoured personnel carrier was parked about 100 metres from his house and there was no chance for me to go inside and collect Mr. Sankoh. The said carrier took me to the Wilberforce Headquarters and I did not release it to go anywhere again."[865]

1411. Based on the preponderance of the evidence before it, the Commission takes the view that UNAMSIL's Nigerian officers deployed at the Lodge were not the ones who led Sankoh away. There are numerous accounts from RUF members, in particular, which present a different sequence of events in a manner that speaks of factual consistency. The Commission finds that Sankoh escaped the scene on foot and in the company of his own men.

1412. The Commission does not however rule out the possibility that some of the men who escaped from the Lodge with Foday Sankoh were wearing UNAMSIL uniforms. It was reported to the Sierra Leone Police that the RUF had access to UNAMSIL uniforms in relative abundance.[866] It was also apparent that the RUF sought to gather more such uniforms when it disrobed the UNAMSIL officers it had abducted during the previous week.

1413. The RUF had mastered the tactic of disguising its fighters in the uniforms of other forces during the conflict.[867] It had deployed that tactic on many occasions to deceive enemies and onlookers alike. Thus, while some of those who ran away at the same time as Sankoh were later found wearing civilian clothes, others named as Sankoh's escorts, including Gibril Massaquoi and

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[863] George Baba Musa, caretaker of a building site situated close to Foday Sankoh's Spur Road Lodge; statement given to the Sierra Leone Police at Peter Kamaray's Construction Site, Spur Road, Freetown; 12 May 2000.

[864] Reverend Alfred M. SamForay, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the Commission by e-mail; 10 December 2003.

[865] Paul Boroh, Lieutenant Colonel in the 4th Nigerian Battalion of UNAMSIL in charge of security in Freetown; statement given to the Sierra Leone Police at the Mammy Yoko Hotel, Freetown; 11 May 2000.

[866] This statement was made, *inter alia*, by some of the RUF combatant cadre subsequently detained in so-called 'safe custody' at Pademba Road Prison.

[867] For further information on this tactic, please refer to the earlier section in Phase II of this chapter entitled 'The role of the RUF in the relationship between the SLA and civilians', at paragraph 537.

'Superman', were never apprehended. Although it is not possible to be conclusive, the Commission finds it conceivable that RUF commanders may have appropriated the insignia of UNAMSIL in order to camouflage their identities while escaping.

1414. Nonetheless, UNAMSIL officers did nothing to slow down or obstruct Sankoh's escape when some of them were suddenly confronted by him at the rear of the Lodge. Sankoh was reported to be extremely flustered by the events at his compound. Members of his inner circle maintain that Sankoh had no inkling of the attack before it took place and was indignant as he left the scene.[868] Thus a Nigerian Sergeant who was deployed in the back-up deployment on 8 May 2000 recounted how Sankoh confronted a small pocket of UNAMSIL soldiers who had retreated from the firing line:

> "We withdrew across the road [at the rear of the Lodge] and took cover behind one house. While there I saw Chairman Sankoh and his men coming. They met us and he started shouting at us that we, UNAMSIL, are useless. He said that we wanted the Government troops to come and kill him.
>
> […] He [then] sat down behind that house on a pipeline and he was saying that he wanted to talk to the President [by phone]… but one of his strongmen held his hand and told Chairman Sankoh to forget, let them continue with their journey; so they left and I myself ran to a hiding place for safety. [Sankoh] followed the pipeline and they went away."[869]

1415. Sankoh together with up to 20 others then continued into the bush towards the hillsides at Malama, which involved passing through at least some inhabited areas. As one of those who escaped from the Lodge told the Commission, the group eventually divided into different parts to continue its flight:

> "After I had left, not too long after, I saw a crowd of RUFP members including Pa Sankoh himself. As they passed on their way going towards the hillside, I followed them. But firing was also coming from the direction we took. That was the moment Pa Sankoh said: 'Let everybody choose his own way, as the group can be a target'. I took the direction to the left with a few others… All those who were carrying guns followed Pa Sankoh."[870]

1416. Sankoh became jaded and disaffected. He told the commanders around him that he could not manage to undertake the journey through the hills on foot at the sustained pace required to make a clean getaway.[871] Thus, Sankoh took one personal bodyguard, known as Pa Mansaray, with him to an obscure and private hiding place in the nearby bush.

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[868] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[869] Zakka Yusuf, Sergeant in the 4th Nigerian Battalion of UNAMSIL; "Statement from Zakka Yusuf on the Incident that happened at Chairman Foday Sankoh's Residence on 08 May 2000"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.
[870] TRC Confidential Interview with former RUFP member who escaped from the Lodge of Foday Sankoh on 8 May 2000; interview conducted in Freetown; 3 May 2003.
[871] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.

1417. One of the younger members of the party that escaped from the Lodge explained how the remaining members of the RUF were thereafter left largely to fend for themselves under the direction of some of the other ground commanders:

> "I ceased seeking Chairman Sankoh; however I went with the armed men to the other part of the hill where we were instructed to camp for a while. We were there until night, when [our commander] told us to come down in search of Superman and his team. When we came down we only saw Gibril Massaquoi, who told us that Superman and others had gone in search of Chairman Sankoh up the hills where they had left him. Whilst I was with Gibril Massaquoi, then came Superman and told us that he had not seen Chairman Sankoh, Leather Boot, Colonel 'Wray' and others,
>
> […] Eventually Superman and Gibril Massaquoi gave commands to move to the jungle towards the area of Masiaka Town… On our way heading to Masiaka, Gibril Massaquoi and Superman took some of their armed men and went a different direction I did not know."[872]

1418. It is worth pointing out that while many persons unconnected to the shootings of demonstrators at Sankoh's Lodge were imprisoned, many of them *prior to* the events of 8 May 2000, and have never since been released, the two main men who commanded the fighters at the Lodge became fugitives. Gibril Massaquoi and Superman escaped with total impunity while innocent parties have suffered in their stead. Gibril Massaquoi was in fact afforded temporary refuge on the evening of 8 May by Vice President Demby. According to Massaquoi, he went to Demby's residence and was 'sheltered' while scores of soldiers, West Side Boys and Kamajors were out hunting for him.[873]

1419. Back at the Spur Road Lodge, the last inhabitants to leave the house were civilians, mostly young children, who had been huddled in the cellar while the gunfight raged above them. They were 'smoked out' shortly after 2.00 p.m., when a canister of tear gas was fired in through one of the windows by the attacking military personnel.[874] In the panic of their attempt to escape, this group too became divided. While the stronger, older children leapt the back fence to safety in neighbours' houses, some of the younger ones were gunned down in cold blood by Kamajors, West Side Boys and other Government operatives.[875]

1420. The remnants of armed defence in Sankoh's compound were finished off when the West Side Boys engaged them in close combat. The two contingents of West Side Boys – those who attacked during the demonstration and those who arrived as 'reinforcements' – had by this stage united as one force. Some of them were in SLA uniforms, some in civilian clothes, which bore testament to

[872] Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.
[873] Gibril Massaquoi, former RUF Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later 'Special Assistant' to former RUF Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.
[874] TRC Confidential Interviews with assorted members of the Sankoh family who were present in Foday Sankoh's Spur Road Lodge on 8 May 2000; interviews conducted in November 2003.
[875] TRC Confidential Interview with a young member of the Sankoh family who escaped from Foday Sankoh's Spur Road Lodge on 8 May 2000; interview conducted on 19 November 2003.

the tactics they had earlier deployed to infiltrate the civilian crowd.[876] One of the last RUF combatants to leave Sankoh's Lodge was a 12-year-old child, who described his escape as follows:

> "I came out from my hiding place in the compound and went to the place where the demonstrators were. I found three male and one female bodies lying there. I then returned to [Foday Sankoh's] compound when I saw some SLA soldiers coming to the scene of the incident. As soon as the SLA soldiers arrived at the scene, [an] exchange of fire started between the remaining RUF armed men still at Pa Sankoh's compound and the SLA soldiers. I then ran and jumped over the fence to the Lebanese compound… and followed the bush path as the SLA soldiers were chasing [me]."[877]

1421. The senselessness and human tragedy of the landmark events of 8 May 2000 are perhaps best represented by the testimony of Victoria Bataba-Ena, the only person who stayed in the Spur Road Lodge until the last shot was fired. Bataba-Ena, a young Togolese lady who met the RUF delegation during the Peace Talks in Lomé, had come to Sierra Leone on a private visit to stay with Foday Sankoh. Sankoh, as far as she knew, held a status equivalent to Vice President of the country. She became an innocent victim of the armed assault on Sankoh's Lodge by Government forces. She was arrested by soldiers and West Side Boys that evening and has been held in the custody of the state ever since. This extract from her statement to the police portrays the helplessness of her plight:

> "[Eventually] I had to hide in one of the downstairs bedrooms, where I stayed for over three hours. At about 5.00 p.m. on Monday 8 May 2000 I was arrested by one man in plain clothes. It was under the bed of the said bedroom I was arrested. I was taken from the bedroom by the man in question, who I later learnt to be a Sierra Leone Army personnel who was a Captain. I heard his men call him 'Captain' and to my dismay I saw so many armed military personnel in the compound by then. I did not set eyes on any UNAMSIL personnel in the compound. I also saw some men in plain clothes but they were very strange to me.
>
> […] I explained to the SLA Captain that I am a stranger from Lomé, Togo but this only fell on deaf ears. The Captain and his armed military personnel started to beat me up with their rifles and I continued to cry bitterly."[878]

[876] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[877] Ibrahim Conteh (alias "Creole Boy"), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.
[878] Victoria Bataba-Ena, Togolese national who came to Sierra Leone on a private visit to Foday Sankoh and got caught up in the events of 8 May 2000; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 5 to 9 June 2000.

Analysis of the Killings carried out on 8 May 2000

1422. Approximately forty (40) persons were killed in the inter-factional violence that ensued around Foday Sankoh's Spur Road Lodge on 8 May 2000. Almost all of them were killed by gunshots or rocket-propelled grenades fired between the RUF, the West Side Boys, the Kamajors and other security forces. At least one man was crushed to death in a stampede.[879] As the following analysis confirms, over half of the deceased were civilians, on both sides of the compound's walls. At least a further fifteen (15) persons were wounded by gunshots or shrapnel and hospitalised as a result of the same incident.

1423. The information made available publicly by state authorities in relation to the deaths and injuries that resulted from this incident is substantially incomplete. Moreover it is unbalanced and unsatisfactory to the Commission for the purposes of its impartial historical record. This section attempts to present the evidence of the violations and abuses committed on 8 May 2000 in a more accurate light.

Casualties sustained on the side of the Demonstrators

1424. According to the Pathology Laboratory in the 'Mortuary Department' of Freetown's Connaught Hospital, nineteen (19) persons were registered by 11 May 2000 as having been "killed on the 8 May 2000 during the peaceful demonstration."[880] The figure later increased to twenty-two (22) persons, a full list of whose names, ages and occupations was presented to the Commission by the Civil Society Movement:[881]

	Name of deceased	**Age**
a.	Harding Kallon	32 years
b.	Kabba Bangura (Junior)	21 years
c.	Foday Brima	60 years
d.	Abu Bakarr Conteh	16 years
e.	Alhaji Sesay	24 years
f.	Peter Kargbo	52 years
g.	Musa Kamara	26 years
h.	Mariama Gassama*	21 years
i.	Saio Marrah	47 years
j.	Ballah Turay	27 years
k.	David Jusu	28 years
l.	Komba Brima	31 years
m.	Saoman Conteh	48 years
n.	E. T. Kamara	32 years
o.	Pa Kemoh Jusu	39 years
p.	Lamin Massaquoi	42 years

[879] A 52-year-old man named Peter Kargbo died on 8 May 2000 as a result of "crushed chest injuries". His death was recorded on 11 May 2000. See: Republic of Sierra Leone, Office of the Chief Registrar of Births and Deaths – *Medical Certificate of Cause of Death*; 11 May 2000.
[880] Dr. S. O. Walker, Specialist Pathologist; *List of Casualties*, Mortuary Department, Connaught Hospital, Freetown; 11 May 2000.
[881] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003. Mr. Minah provided a series of documents to the Commission as part of his submissions, including a full list of deceased as registered by the Civil Society Movement.

q.	Lucy Cole*	35 years
r.	Josephus Conteh	29 years
s.	Manso Sesay	38 years
t.	Foday Bangura	47 years
u.	Sulaiman Bah	32 years
v.	Alie Koroma	Unknown

[* denotes female]

1425. It was noted by Festus Minah, one of the main organisers of the demonstration, that a number of those who lost their lives were innocent civilians with little or no conception of the reasons for the protest outside Foday Sankoh's Spur Road Lodge:

> "Some of those killed did not even know what had brought about the demonstration – they only knew that there was going to be a demonstration because of the radio announcements."[882]

1426. The Commission's attention was also drawn to the fact that nine (9) of the original list of people killed were soldiers or other auxiliaries attached to the Sierra Leone Army.[883] It is unclear what role these military personnel were playing in the demonstrations, or indeed how many of them were carrying firearms.

1427. The Commission holds the view that some of the deceased military personnel were present as combatants, particularly in the light of the testimony of a member of the Kamajors that among the dead bodies his unit removed from the scene of the gunfight were "some corpses in military uniforms."[884] In six instances, the deceased were identified as soldiers before their names were even known,[885] which indicated that they were in uniform or carried other military identification on their persons when they arrived at the mortuary.

1428. In addition to the deceased, the Commission heard from the Civil Society Movement that there were at least fifteen (15) persons registered as wounded and hospitalised on the side of the demonstrators.[886] With the exception of one young girl, the wounded persons were all males between the ages of 17 and 50. Indeed, the overwhelming majority of them fitted into the category known in Sierra Leone as 'youths', i.e. adult men in their prime.

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[882] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003.
[883] Dr. S. O. Walker, Specialist Pathologist; *List of Casualties*, Mortuary Department, Connaught Hospital, Freetown; 11 May 2000.
[884] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2003.
[885] Dr. S. O. Walker, Specialist Pathologist; *List of Casualties*, Mortuary Department, Connaught Hospital, Freetown; 11 May 2000. This document included among the deceased six persons whose medical certificates stated simply: 'unknown adult male (soldier)'.
[886] Festus Minah, President of the Sierra Leone Teachers' Union (SLTU) and one of the organisers of the 8 May 2000 demonstration march to Foday Sankoh's Lodge; TRC Interview conducted at SLTU offices, Freetown; 11 July 2003. Mr. Minah provided a series of documents to the Commission as part of his submissions, including a full list of wounded as registered by the Civil Society Movement.

1429. Most of the wounded persons were given the opportunity to make statements to the Sierra Leone Police in the wake of the shootings. None of them was able to identify a particular gunman responsible for firing the shots, although in several instances a suspicion was stated that 'the rebels' or 'RUF securities' were responsible. Other demonstrators referred more ambiguously to 'rapid gunfire' from a variety of directions.[887] Donald Boston Mammah, who was shot quite some distance from Sankoh's Lodge in the part of the city known as Tengbeh Town, attributed his wound to "a stray bullet."[888] Mammah claimed he had not participated in the demonstration nor gone near to Sankoh's Lodge for any other reason.

1430. The statements of the wounded were valuable in validating and corroborating the sequence of events described in the foregoing analysis. The statements confirmed that the violence erupted because demonstrators were allowed to get out of hand: first, they cast stones and other objects maliciously towards the Lodge; second, they deliberately broke through the UNAMSIL barricade in spite of warnings that they would be shot at if they did so.

1431. The following anecdotes from wounded demonstrators help to portray the circumstances in which the shootings occurred:

> "We were about to enter the road that goes to Foday Sankoh's residence when the UNAMSIL personnel on duty blocked us. Some of the crowd became offended and started throwing stones into the compound of Foday Sankoh."[889]

[and]

> "I was at the forefront of the demonstration… Whilst the procession was going on, we the demonstrators were chanting: 'We Want Peace! We Want Peace!' Sometimes we were clapping our hands to suit the chanting, while others were beating drums… Chairman Foday Sankoh's RUF fighters were outside his compound… about 25 yards from Spur Road.
>
> […] Whilst we were chanting, we could see the rebels making signs to us that if we advance to the compound, they will kill us. On seeing the attitude of the rebels we the demonstrators decided to advance. The UNAMSIL force then put up a resistance for us not to cross their barricade post; but… they found they could no longer resist the crowd."[890]

[and]

> "Arriving at [Sankoh's] residence, we were blocked by UNAMSIL personnel attached to Foday Sankoh not to enter the compound. My group, including myself, used force to enter the compound. The sooner

[887] See, *inter alia*: Lawrence Fawundu, 27-year-old male demonstrator who sustained a gunshot wound to the foot during the 8 May 2000 shoot-out at Foday Sankoh's Spur Road Lodge; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.
[888] Donald Boston Mammah, 21-year-old baker in Freetown who sustained a gunshot wound to his stomach; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 23 May 2000.
[889] Sulaiman Barrie, 46-year-old male demonstrator who sustained statement given to the Sierra Leone Police at CID Headquarters, Freetown; 11 May 2000.
[890] Alie Daramy, 26-year-old male demonstrator who sustained two bullet wounds in his leg; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 10 June 2000.

> we entered the compound, some members of the RUF who were in the compound with arms opened fire on us."[891]
>
> [and]
>
> "As the firing intensified I had cause to run and jump a fence next door to Foday Sankoh's Lodge to seek refuge. It was at this point I was shot."[892]

1432. The Commission notes that the demonstration ceased to be a peaceful affair after it was hijacked by the armed thugs of the West Side Boys and their accomplices. Several of those who were wounded had become carried away by the influence the armed thugs had on the crowd. Some elements of the crowd deliberately provoked and antagonised the RUF gunmen by charging at the compound with makeshift weapons[893] accompanied by armed men. This potentially threatening mob drew a terrible, violent response from the RUF personnel on duty.

1433. The Commission holds the RUF as a faction responsible for the shootings of members of the demonstrating crowd and, as far as they killed or wounded unarmed civilians, for the human rights violations they represent. The Commission however cautions against the hasty categorisation of all those persons killed or wounded into one group, for example by describing them all as 'civilians' or 'peaceful demonstrators'.

1434. The President of Sierra Leone, Alhaji Dr. Ahmad Tejan Kabbah, presented his own analysis of the events of 8 May 2000 in his testimony before the public hearings of the Commission on 5 August 2003:

> "It was… inevitable that the harassed, brutalised and dehumanised citizens of Sierra Leone would finally rise against the excesses of the AFRC/RUF, which were in flagrant violation of what the people considered as the final peace settlement in the form of the Lomé Peace Agreement.
>
> […] The people organised a peaceful demonstration and marched on the residence of Foday Sankoh, the rebel leader, to insist on his observing the terms of the Agreement and to refrain from continuing with activities which obviously threatened the peace; activities such as the continued taking as hostages of UN Peace Keepers and the persistent laying of ambushes on the highways for unsuspecting civilian travellers. His [Foday Sankoh's] response to this peaceful demonstration was the cold-blooded murder of 21 of the demonstrators."[894]

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[891] Ballah Turay, 27-year-old male demonstrator who sustained a bullet wound in his stomach and later died; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 10 May 2000.

[892] Mohamed Mansaray, 17-year-old male demonstrator who sustained gunshot wounds in his back and shoulder; statement given to the Sierra Leone Police at CID Headquarters, Freetown; 10 June 2000.

[893] The foremost throng of the crowd who surged towards the compound included a number of young men who wielded implements, including cutlasses and long sticks. See, *inter alia*: TRC Confidential Interview with civilian resident of Freetown who participated in the demonstration on 8 May 2000 at the Lodge of Foday Sankoh; interview conducted in Freetown; 12 September 2003.

[894] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; testimony before TRC Thematic Hearings held in Freetown; 05 August 2003; at paragraph 37 of the transcript.

1435. The Commission notes again that among the deceased and the wounded there were those who carried weapons[895] and who therefore fall to be classified as combatants. The combatants among the crowd by their actions precipitated armed defensive action on the part of the RUF guards. These combatants bear a share of the responsibility in precipitating the human rights violations against others that stemmed from the armed defensive action.

1436. It has not been proven to the Commission that Johnny Paul Koroma or the members of the SLPP Government, did anything to prevent the clash between different combatant factions at the scene of a civilian demonstration. Indeed Koroma and others thrust their combatants into action among the demonstrators. As such, Koroma and the SLPP Government are also morally accountable for the killing and wounding of civilians among the demonstrating crowd.

Casualties sustained on the side of the Inhabitants of Foday Sankoh's Spur Road Lodge

1437. The Commission learned of numerous deaths among the inhabitants of Foday Sankoh's Lodge on 8 May 2000. The Commission also heard testimony as to the deaths of bystanders who had no connection to Sankoh or to the demonstrating crowd. The deceased persons in these cases were killed during the fierce inter-factional fighting that characterised the day. Their deaths went unacknowledged by the Government.

1438. Through a variety of interviews and corroborative submissions, the Commission has compiled a list of those inhabitants of Foday Sankoh's Spur Road Lodge known to have died on 8 May 2000. In the absence of proper records from an official coroner or mortuary, it was impossible for the Commission to determine accurately the ages of those killed; nevertheless, where details of background or occupation were provided to the Commission, they have been noted in the list that follows:

	Name of deceased	**Details known**
a.	Juliet 'Julie' Sankoh*	Student at Laura Dove Secondary School
b.	Fatmata Sankoh*	Infant granddaughter of Foday Sankoh
c.	Adama Sankoh*	Niece of Foday Sankoh
d.	Adama Koroma*	Nurse and child-minder at the Lodge
e.	Hawa Sankoh*	Nurse
f.	Hawa Lebbie*	--- no details known ---
g.	Haja Sankoh*	--- no details known ---
h.	Mikhail Khalilu Sankoh	Electrician and nephew of Foday Sankoh
i.	Mohamed Turay	--- no details known ---
j.	Musa Koroma	--- no details known ---

[895] See, *inter alia*: TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003; and TRC Confidential Interview with civilian resident of Freetown who participated in the demonstration on 8 May 2000 at the Lodge of Foday Sankoh; interview conducted in Freetown; 12 September 2003.

k.	'Ibrahim' (surname unknown)	An amputee missing the lower part of one leg
l.	'American' (real name unknown)	A driver for the RUFP
m.	'Tupac' (real name unknown)	Bodyguard to RUF Colonel Gibril Massaquoi
n.	Mohamed Koroma	Tailor in the tailor's shop near to the Lodge
o.	Ibrahim Kamara (alias 'Heavy D')[896]	A driver for Foday Sankoh

[* denotes female]
Sources in footnote[897]

1439. In attempting to ascertain the manner in which these persons died, the Commission heard eye-witness testimony from members of Foday Sankoh's family who narrowly escaped from the Lodge on 8 May 2000. One young member of the Sankoh family gave his insights as follows:

> "We lost a good number of our Sankoh family members. Most of them were killed as they were trying to escape from the Lodge and they couldn't make it. Some of the small, small children were killed when they could not jump the fence. There were other small children who were caught later in the bush and thrown in prison; like one seven-year-old girl."[898]

1440. Other inhabitants of the Spur Road Lodge later confirmed in their statements to the police that they had indeed been forced to leave some of the younger ones behind. Mayilla Yansaneh was the foster mother of several children with the surname Sankoh. She testified that she had been unable to carry along all of her six adopted children, who were between two-and-a-half (2½) and ten (10) years of age:

> "While on the ground [in the compound], tear-gas was fired into the compound, which started burning my eyes. It was at this stage I jumped over the fence with the children. I was unable to jump the second fence with the children. I left the children in the compound and escaped for my dear life."[899]

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[896] In one list provided to the Commission by the Criminal Investigation Department (CID) of the Sierra Leone Police, believed to have been compiled in May 2000, Ibrahim Kamara (alias 'Heavy D') is listed under the heading "Those believed to be members of the RUF." This list appears to indicate that Ibrahim Kamara (alias 'Heavy D') was taken into custody in May 2000. According to RUFP inmates of Pademba Road Prison, this information is inaccurate, as they 'left Heavy D for dead' in Sankoh's compound and have never seen him since. By the time the Commission enquired officially as to the identities of those in custody, Heavy D's name no longer appeared on the list; see: The Director of Prisons, Prisons Department, Freetown; "Information Required in respect of Investigations by the Truth and Reconciliation Commission"; letter to the Commission marked PS.3/104/11; dated 13 June 2003. Nor has the Commission received any explanation as to what happened to him, if indeed he was ever in the custody of the state. Accordingly his name is included among the casualties on the side of the inhabitants of Foday Sankoh's Spur Road Lodge.

[897] See, *inter alia*: TRC Confidential Interviews with assorted members of the Sankoh family who were present in Foday Sankoh's Spur Road Lodge on 8 May 2000; interviews conducted in November 2003; and TRC Confidential Interview with a senior RUFP member who fled from Foday Sankoh's Lodge on 8 May 2000; interview conducted in Freetown; 19 August 2003.

[898] TRC Confidential Interview with a young member of the Sankoh family who escaped from Foday Sankoh's Spur Road Lodge on 8 May 2000; interview conducted on 19 November 2003.

[899] Mayilla Yansaneh, statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

1441. The Commission notes that none of the 'Sankoh children' who were left behind in the compound subsequently appeared on the lists of those taken into Freetown Central Prison and other detention facilities. Indeed, they were never seen again by their guardians and relatives.

1442. These children, who were mostly young girls and all of them unarmed, were killed by the attacking pro-Government forces that rained heavy gunfire and RPGs into Sankoh's compound, namely the West Side Boys and the Kamajors. The killings of children attest to deliberate and merciless targeting of civilians by these forces. It exposes their collective moniker of 'Peace Task Force' to be cruelly out of place.

1443. The Commission heard testimony from one of the Kamajors who admitted to having carried out killings on 8 May 2000. The Kamajors stormed into Sankoh's compound in the immediate wake of the shootings and briefly surveyed the carnage. The following testimony indicates that there were casualties even beyond the named list above, including the Fullah trading family whose shop was struck by the Kamajors' rocket-propelled grenade:

> "There were no dead bodies inside the Sankoh house as such… [but] there were plenty of dead bodies on the balcony and the terrace surrounding it; and at the shop where we had fired that RPG. We came to know that one of the bodies was the owner of the Fullah shop. They said that some of the others were civilians who had been living in the Sankoh compound as staff or [as] Sankoh's dependants."[900]

1444. The Kamajors did not remove or cover the dead bodies they found in the compound. In fact they proceeded instead to carry out a massive looting spree without heed for the lives lost around them. The Commission heard that the Kamajors, led by the Liberian commander Opabenu, ransacked the Lodge and retreated in the cars that had been abandoned in Sankoh's yard:

> "I did not enter into the room of Foday Sankoh, not even the parlour, but I was within the campus. I was the second man from the Government fighting force to enter into the campus, after Opabenu… I took one vehicle from there to Chief [Hinga Norman]'s house and parked it there. John Sonny took a LandCruiser. There were up to eight or nine vehicles there, some of them vans, Landcruisers, jeeps… Others took away the [bags of] rice, the furniture, documents, and even some computers."[901]

1445. The Commission is moved to express its dismay at the revelations of ill-gotten gains accrued by the Kamajors and their political masters as a result of their 8 May 2000 attacks. The Deputy Minister of Defence, Chief Samuel Hinga Norman, was among those who accepted looted properties from the house of Foday Sankoh with total disregard for the rule of law; indeed, according to one member of the CDF, Hinga Norman made official use of certain items, including a vehicle that belonged to Sankoh.[902] In particular, the following

[900] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.
[901] TRC Confidential Interview with a Kamajor combatant who participated in the operation on 8 May 2000; interview conducted in August 2000.
[902] TRC Confidential Testimony from a member of the CDF; testimony given at TRC Closed Hearings in Bo Town, Bo District; 3 May 2003.

excerpt of testimony from a Kamajor alarmed the Commission for its suggestion of grave misconstruction of the concept of 'amnesty':

> "The Article in the Lomé Accord covered us – whatsoever somebody had acquired during the war, it should remain to him. That article had been preached by the authorities all over. For my own part, I presently have money with me that was given to me for being part of the Foday Sankoh operation."[903]

1446. The various military personnel who later 'patrolled' the premises also acted in a manner devoid of respect for human dignity by failing to dispose of or otherwise deal with the corpses in the vicinity of the Lodge. The task was left to a unit of Police Inspectors attached to the Criminal Investigation Department (CID) of the Sierra Leone Police, who went to Sankoh's compound on the morning of 9 May 2000. The officer who headed this unit filed a statement with the police about his discoveries at the compound:

> "On arrival at No. 56 Spur Road and its environs, we observed that it was the residence of Foday Sankoh, the RUF leader. A further observation [we] made was that an unspecified number of corpses and RUF documents were scattered all over in and around the premises of No. 56 Spur Road. In view of this [discovery], the coroner's officers attached to the Prosecution Division of the Sierra Leone Police were contacted; [they] later came and collected the corpses for the Connaught Hospital Mortuary, Freetown."[904]

1447. Despite the purported transportation of the corpses from Sankoh's compound to the mortuary, the Commission received no evidence that they were recognised by the Government of Sierra Leone as casualties of the inter-factional violence of 8 May 2000.

1448. While the deaths on the side of the demonstrators, including those of some combatants, were mourned in a state ceremony on Friday 12 May 2000, the deaths at the hands of pro-Government forces were kept silent. The Commission condemns this latent selectivity in honouring the loss of civilian lives, for it undermines basic respect for human life in a democratic society.

1449. The Commission holds the West Side Boys directly responsible as factions for the killings of civilians on the side of the inhabitants of Sankoh's Lodge. The Peace Task Force led by Johnny Paul Koroma carried out the most grievous abuses of all and were allowed to act with the utmost impunity because their acts were 'hushed' by the Government.

1450. Based on the clear and corroborated evidence above, President Kabbah approved of the mobilisation of the CDF, through Chief Samuel Hinga Norman. The Commission wrote to the President about the use and deployment of Kamajors on this date seeking his explanation. In his response to the Commission the President replied:

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[903] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.

[904] Komba Kemoh, Police Inspector who headed the unit that inspected the premises of Foday Sankoh's residence on 9 May 2000; statement given to the Sierra Leone Police, Freetown; 23 May 2000.

> "No Kamajors were sent to Foday Sankoh's house during the demonstration on May 8, 2000. As I have explained [in previous testimony], the demonstration which moved to Sankoh's residence on that day was organised by the Civil Society Movement and Parliamentarians, and it was made up of persons from all walks of life. I cannot therefore see the basis for holding the Kamajors responsible for the outcome of that demonstration."[905]

1451. UNAMSIL must also take a share of the blame. The contingent of UNAMSIL troops at Sankoh's Lodge underrated the gravity of the situation. It was no surprise that they deserted their duties at the time when their presence was most required. The UNAMSIL High Command singularly failed to provide its own reinforcements, which opened the way for deplorable warlords and their henchmen from the West Side Boys and Kamajors to wreak further havoc.

1452. The security provided by the peace keepers at Sankoh's residence and to other RUF personnel was poor. Two RUFP Deputy Ministers of the Government, as well as other key stakeholders in the peace process, were left to suffer at the hands of the mob. This poor reading of the security situation allowed UNAMSIL to pull out its own men using an Armoured Personnel Carrier. The peaceful civilians in the Lodge, who had put their faith in UNAMSIL for protection, were emphatically let down.

1453. The Commission wishes to highlight the fact that several RUF combatants were also killed on 8 May 2000. In the enforced absence of Sankoh's entire personal security detail, an ad-hoc and unlikely group of persons had been armed by Sankoh as his own last line of defence. This line of defence was called upon to act in the face of exigencies, which included the capitulation of the UNAMSIL presence, on 8 May 2000. Its members responded by opening fire against the demonstrators and the attackers who accompanied them.

1454. The sole threat from the Lodge came from the RUF combatants in the last line of defence. Yet that threat was eliminated as the RUF combatants were overcome militarily and most of the individual gunmen were killed.

1455. There are two profound implications attendant to the killings of the main gunmen at Sankoh's Lodge. First, even after their deaths, the pro-Government forces continued firing on inhabitants of the Lodge, indicating their callous disregard for civilian life. Second, those who were chiefly responsible for the civilian deaths on the side of the demonstrators were now dead. The prospect of securing 'justice' for this incident in itself was severely diminished. Yet the pro-Government forces launched into a reckless blanket strategy of arresting and detaining everybody else who had even the remotest connection with Foday Sankoh and the RUFP.

[905] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; supplementary written submission provided to the Commission in response to a set of 'Questions for the President'; received by the Commission by delivery; August 2003.

The Whereabouts of Foday Sankoh in the Wake of 8 May 2000 and his Eventual Capture

1456. The UNAMSIL Patrol Reports prepared in the days after the events of 8 May 2000 were clear in their portrayal of the escape of Foday Sankoh from the Spur Road Lodge. UNAMSIL maintained that Sankoh, along with his key commanders, followed the pipeline through the bushy areas at the back of the Lodge and headed towards Malama and Regent Village.[906] The UNAMSIL officers who gave statements said that they were effectively incapacitated by the unexpected hostility of the demonstrating crowd.[907] Apparently they neither 'captured' nor 'sheltered' Foday Sankoh.

1457. The last official word from UNAMSIL on the whereabouts of Foday Sankoh seemed to correlate with the testimonies given by various RUF members who escaped from the Lodge. UNAMSIL based the following report on its interview of a local resident in the vicinity of Regent Village:

> "It was revealed that Corporal Sankoh was 'fagged out' and could not continue to move; hence he is taking refuge in the forest while waiting for his men to come to his rescue."[908]

1458. On 10 May 2000, UNAMSIL further reported on its participation, alongside SLA troops and CDF militiamen, in a search patrol through the areas where Sankoh was thought to be hiding. The objective of the patrol was to find Foday Sankoh, but the purpose of finding him was rather ambiguous. The report first stated that the patrol was "despatched to locate and rescue the Chairman [Foday Sankoh];" yet at its conclusion it spoke of "apprehending the escaping men."[909]

1459. President Kabbah made a speech on the evening of 8 May 2000 in which he condemned the killings of "innocent and unarmed civilians by RUF rebels stationed at Corporal Sankoh's residence." With regard to the disappearance of Foday Sankoh, the President remarked: "As I speak to you, the exact whereabouts of Corporal Foday Sankoh have not yet been determined. A thorough investigation is, however, now being undertaken to determine where he is."[910]

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[906] See: UNAMSIL, 4th Nigerian Battalion; "Statement / Patrol Report on the Incident that occurred at Chairman Foday Sankoh's Residence on 08 May 2000"; report submitted to the Criminal Investigation Department (CID) of the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.

[907] See, *inter alia*: JD Abdullahi, Captain in the 4th Nigerian Battalion of UNAMSIL and Head security Officer in the UNAMSIL deployment attached to Foday Sankoh; "Statement by Captain JD Abdullahi (N/9528)"; statement given to the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.

[908] UNAMSIL, 4th Nigerian Battalion; "Statement / Patrol Report on the Incident that occurred at Chairman Foday Sankoh's Residence on 08 May 2000"; report submitted to the Criminal Investigation Department (CID) of the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.

[909] S. O. Alli, Captain in the 4th Nigerian Battalion of UNAMSIL; "Patrol Report of 10 May 2000"; statement given to the Sierra Leone Police by the patrol leader, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.

[910] President Alhaji Dr. Ahmad Tejan Kabbah, Address to the Nation, broadcast on the Sierra Leone Broadcasting Service; reported in the news archives of Sierra Leone Web (www.sierra-leone.org); Monday 8 May 2000.

1460. The stakes were raised on Saturday 13 May 2000, when Solomon Berewa, the then Attorney-General and Minister of Justice, made a presentation to the media to allege that Foday Sankoh had been plotting "to stage a very violent and bloody coup."[911] Berewa's presentation, based on what he called "circumstantial material" that he never subsequently disclosed, prepared the ground for Sankoh's arrest. Berewa built his case as follows:

> "We have materials on the coup plan [hatched by Foday Sankoh]. This is not a speculation. Some of his [Sankoh's] associates are giving us more details and telling us what Sankoh had in mind… Foday Sankoh was anxious to have power."[912]

1461. Members of various fighting factions and large sectors of the Sierra Leonean population continue to believe in a theory that Foday Sankoh was held in the custody of UNAMSIL for over a week after 8 May 2000. This theory was also the one propagated by RUF commanders at the time of Sankoh's disappearance. Augustine Bao, who was based at RUF Headquarters in Makeni, gave an interview to the BBC on 16 May 2000 and called upon UNAMSIL to co-operate:

> "They [UNAMSIL] should release our leader so that we should revisit the Lomé Peace Accord. They don't have regard and respect for the leadership of RUF. What about more when we are disarmed? They will just arrest us; put us in a container and chuck us into the sea. That is the aim of the UN and [President] Kabbah presently."[913]

1462. The Commission was given a plausible alternative version of events by Madam Fatou Sankoh, who claimed to have discovered accurate details of what happened to Foday Sankoh from close confidantes she consulted in the RUF.[914] Madam Sankoh dismissed the notion of UNAMSIL custody and insisted that Foday Sankoh had in fact evaded capture altogether by taking refuge in a humble hideout in the hills behind his Lodge. He was accompanied there by just three of his closest associates.

1463. One of Foday Sankoh's original companions in his hideout was apparently Dr. Steven Sahr Williams, the so-called humanitarian co-ordinator of the RUFP, who was to surrender himself to UNAMSIL troops at the Mammy Yoko Hotel.[915] Another was Foday Sankoh's personal bodyguard, known to Madam Sankoh only as 'Pa Mansaray'. The third was Mariama Morrison ("Mariama"),

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[911] Solomon Berewa, Attorney General; statement to the press, reported on the BBC Africa Service and available in the news archives of Sierra Leone Web (www.sierra-leone.org); Saturday 13 May 2000.
[912] Solomon Berewa, Attorney General; statement to the press, reported on the BBC Africa Service and available in the news archives of Sierra Leone Web (www.sierra-leone.org); Saturday 13 May 2000.
[913] British Broadcasting Corporation (BBC), Network Africa; "Interview with Colonel Augustine Bao, a commander of Sierra Leone's RUF"; broadcast on 16 May 2000; included in the BBC Summary of World Broadcasts, 21 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).
[914] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 7 to 9 November 2003.
[915] Steven Sahr Williams, former RUFP Humanitarian Co-ordinator, statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 14 to 16 May 2000.

a female former member of the kitchen staff at Sankoh's Lodge.[916] According to testimony from Madam Fatou Sankoh, Mariama inadvertently became an advantage to the Government in the game of hide-and-seek that led to Foday Sankoh's final capture. The narrative given to the Commission by Madam Sankoh is summarised in the following paragraph.[917]

1464. Apparently Foday Sankoh and his three companions essentially went without food or proper drinking water for approximately one week. Thus the RUF leader sent Mariama off to find water on or around 14 May 2000. He gave her an ultimatum that she should return to him within three days; if she did not return, then he would know that she had either encountered difficulties or fallen into the wrong hands. Mariama was trusted by Foday Sankoh beyond question. Members of the RUF maintain that she did not betray Foday Sankoh by revealing his whereabouts deliberately, but rather was apprehended in Freetown by somebody who recognised her and was prevented from returning to Sankoh's hideout within the stipulated time.

1465. On 17 May 2000, Foday Sankoh and his bodyguard Pa Mansaray came out from their hideout at dawn and re-entered the public domain. Foday Sankoh was captured and arrested almost immediately. The BBC reported the circumstances of the capture based on interviews with local residents, summarised in the following paragraph.[918]

1466. As Foday Sankoh and Pa Mansaray moved along a footpath just behind the Spur Road Lodge, they encountered a man named Kabba Sesay who was on his way to take early morning prayers with his son. Although Foday Sankoh asked to be assisted to take transport to the Nigerian High Commission, Kabba Sesay instead tipped off a former soldier nicknamed 'Scorpion'. Scorpion fired at least one gunshot in the process of arresting Foday Sankoh, apparently killing Pa Mansaray and injuring Sankoh on the lower leg. Scorpion is reported to have declared to a civilian crowd who arrived at the scene:

> "Today I am a hero. Today the Scorpion catches the lion. The war is over."[919]

1467. The Commission did not receive testimony from Scorpion or any other eye-witness as to the means by which Foday Sankoh was captured, or as to whether he in fact emerged from a simple hideout. Equally, there is no concrete evidence before the Commission to support the contention that Foday Sankoh was held by UNAMSIL in the wake of 8 May 2000. The Commission is unable conclusively to dismiss the latter possibility however.

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[916] Mariama Morrison is listed as one of six cooks in the 'Nominal Roll of Soldiers and Others on the Ground [at the] Residence of the Leader'; RUFP document recovered from the Spur Road Lodge of Foday Sankoh by the Sierra Leone Police; May 2000.

[917] Madam Fatou Sankoh, member of the RUFP and widow of the former Leader of the RUF, Foday Saybana Sankoh; TRC Interview conducted at private residence, Freetown; 7 to 9 November 2003.

[918] See: BBC News Online, Africa News; *The strange tale of Sankoh's capture*; posted on the internet on Thursday 18 May 2000, available at http://news.bbc.co.uk/1/hi/world/africa/752036.stm.

[919] Scorpion is reported to have made this statement in the following account: BBC News Online, Africa News; *The strange tale of Sankoh's capture*; posted on the internet on Thursday 18 May 2000, available at http://news.bbc.co.uk/1/hi/world/africa/752036.stm.

1468. In particular, there remains some ambiguity as to whether the gunshot wound on Foday Sankoh's leg was sustained at the point of his capture. In a statement given to the police on 13 May 2000, four days prior to Sankoh's being brought into custody, RUFP Secretary-General Solomon Y. B. Rogers said the following:

> "I have no knowledge whether in fact Foday Sankoh escaped from his residence, but two days after the incident I was informed by [RUF] Radio Operator [Samuel] Lamboi at Cockerill Defence Headquarters that he was in the hands of UNAMSIL personnel with a shot in his leg."[920]

1469. Notwithstanding the uncertainty surrounding the circumstances of Sankoh's arrest, the Commission is assured that he was not admitted into the custody of the Sierra Leone Police under the same classification as the scores of other men and women whose arrests in May 2000 are analysed above. Foday Sankoh's name does not appear on any of the prison records presented to the Commission pertaining to detentions during May 2000.[921]

1470. Perhaps inevitably, Johnny Paul Koroma heralded the arrest of Foday Sankoh as the culmination of his almost single-handed quest to 'restore peace' through the actions of his 'Peace Task Force'. In an interview on the day of the arrest, Koroma again portrayed himself and his men as heroes acting in the interests of the SLPP Government:

> "[Sankoh] was arrested somewhere behind his house, just by the hills, and he was taken to Lumley Police Station and then finally brought to me. It was because my men made the arrest, and they… took him to the police station, and they in turn sent him to me, and I handed him over to the Government."[922]

1471. The responsibility for Foday Sankoh's custody and security appears to have been vested in the hands of the British Army from 17 May 2000 onwards. According to reports on the BBC, Sankoh was transferred from RSLMF Military Headquarter, Cockerill Barracks to a 'secure location' by British paratroopers in a Royal Air Force helicopter.[923] The Government of Sierra Leone kept the whereabouts of Sankoh for the most part a tightly-guarded secret.

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[920] Solomon Y. B. Rogers, former Chairman of the RUF War Council and later National Secretary General of the RUFP; statement given to the Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 to 13 May 2000.

[921] See, *inter alia*: Prisons Department, Sierra Leone Police; "Revolutionary United Front Suspects in Custody from 8 May to 14 May 2000", plus addendum entitled "List of RUF Detainees from Military Headquarters to Central Prisons, Pademba Road on 17 May 2000; and an untitled document, believed to have been produced at the end of May 2000, listing "Those believed to be Members of the RUF"; documents provided to the Commission upon request by Sierra Leone Police; July 2003.

[922] British Broadcasting Corporation (BBC), Network Africa; "Interview with Johnny Paul Koroma…"; broadcast on 17 May 2000; included in the BBC Summary of World Broadcasts, 21 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).

[923] The circumstances of this transfer and Sankoh's destination were discussed extensively by the then BBC correspondent Mark Doyle in his reports for the BBC in the weeks following Sankoh's arrest; see, *inter alia*: BBC News Online; *Wife's Writ to Locate Sankoh*; posted on the BBC website on 3 August 2000, available at http://news.bbc.co.uk/1/hi/world/africa/865010.stm.

1472. From the outset, the only detail about Foday Sankoh's detention that was universally agreed upon was its classification as another instance of 'safe custody' or 'protective custody'.[924] The Commission notes that in accordance with the Emergency Regulations of 1998, the President of Sierra Leone thereby ordered Sankoh's detention without charge. Foday Sankoh was never subsequently released from detention. In March 2003 he was transferred to the custody of the Special Court for Sierra Leone, where he remained until his death on 29 July 2003.

ANALYSIS OF THE ARRESTS AND DETENTIONS CARRIED OUT ON 8 MAY 2000 AND IN ITS AFTERMATH

1473. The Commission has come to understand that the Government of Sierra Leone deployed a 'catch-all' strategy in its efforts to secure the elimination of the RUF as a military and political adversary. Having closed the net around Sankoh's Lodge in the days immediately prior to 8 May 2000, the assorted pro-Government forces proceeded to apprehend every suspected RUF member or affiliate they could find.

1474. In their testimonies to the Commission, suspects and witnesses alike described captures at gunpoint and threats of death that were strikingly similar to the events recorded in the period of 'mob justice' that followed the ECOMOG intervention of 1998. The arresting authorities included West Side Boys, Kamajors, Sierra Leone Army officers and members of the Special Security Division (SSD) of the Sierra Leone Police. This ad-hoc state security force effectively took the law into its own hands. Having already killed, wounded and looted, the pro-Government forces engaged in armed pursuit, intimidation and torture, followed by arbitrary imprisonment of their captives in a variety of locations.

1475. The Government of Sierra Leone authorised and formalised these captures retrospectively, essentially drawing a veil over the abuses that took place. The official records obtained by the Commission simply show that between 7 May and 17 May 2000, 180 persons who were suspected to be members of the Revolutionary United Front (RUF) were arrested and detained.[925] The Commission regards this figure as an unreliable reflection of the actual numbers detained. As explained below, testimonies and later documents indicate that many more than 180 persons were put in prison, some of them for a matter of days, others for several years.

1476. In the absence of proper police records pertaining to these arrests and detentions, it has been left to the Commission to compile anecdotal evidence to convey the circumstances in which they took place. Certainly, almost immediately after having 'cleared out' Foday Sankoh's Lodge, the state

[924] On the day of Sankoh's arrest, Minister of Information Dr. Julius Spencer was quoted as describing the classification of Foday Sankoh's detention as 'protective custody'; see, *inter alia*: British Broadcasting Corporation (BBC), Network Africa; "Interview with Julius Spencer…"; broadcast on 17 May 2000; included in the BBC Summary of World Broadcasts, 21 May 2000; also available in the news archives of Sierra Leone Web (www.sierra-leone.org).

[925] Prisons Department, Sierra Leone Police; "Revolutionary United Front Suspects in Custody from 8 May to 14 May 2000", plus addendum entitled "List of RUF Detainees from Military Headquarters to Central Prisons, Pademba Road on 17 May 2000; documents provided to TRC upon request by Sierra Leone Police; July 2003.

security forces began a massive 'manhunt'. Most of the RUFP members who managed to escape from the barrage at Sankoh's Lodge had fled into nearby bush terrain towards the Freetown suburb of Malama. Lacking sufficient bearings or knowledge of the area, many RUFP members became lost and tried in vain to find hiding places. Others inadvertently moved in the direction of the Wilberforce Military Barracks and fell back into the hands of their pursuers.

1477. In statements given to interrogators at Pademba Road Prison in the weeks after 8 May 2000, many inmates gave detailed personal accounts of the events leading to their detentions. A fairly typical sequence of events was described by the then Deputy Minister of Labour, Industrial Relations and Social Security, Idrissa Kamara (alias Leather Boot):

> "I took refuge within the vicinity of the Ghanaian High Commissioner's residence at a neighbouring Government quarter where I hid myself. I was there when I heard sporadic shooting coming towards my hidden direction and eventually I was arrested and placed under gunpoint by SLA soldiers.
>
> […] It was at this point that a Second Lieutenant ordered one of his men to open fire at me, [from] which I sustained three gunshot wounds on my left leg. From this point I was brutally manhandled and stripped naked and later dragged to their immediate commander, one Lieutenant Kandeh (alias 'Big Joe') whom I know very well. He in fact rescued me because his men were intending to execute me instantly."[926]

1478. Kamajors were prominent among those scouring the West of Freetown, determined to catch perceived key figures of the RUF movement. The Commission found it remarkable that throughout the operation, the Kamajors appeared to work in harmony with the West Side Boys, their once arch enemies. Several testimonies from captives mentioned more than one faction involved in single arbitrary arrests accompanied by brutal physical violations. The following example comes from an RUFP member who had fled in fear from Sankoh's Lodge on 8 May 2000:

> "I ran out of the house with a few others. I escaped and on my way I came along some Kamajors and some West Side Boys. I was caught around Wilberforce and they put me under gunpoint. Fortunately for me they did not kill me, but [they] stripped me naked without briefs and I was beaten mercilessly.
>
> One of the Kamajors bit my left ear, cut part of it off with his teeth and ate it raw in my presence. They asked me to walk forward because they were going to kill me.
>
> […] Fortunately a Lieutenant [from the Sierra Leone Army] came and stopped them. I was dragged to the Military Headquarters at Cockerill and dumped – locked in a cell. So many others were treated in the way I was

[926] Idrissa Hamid Kamara (alias "Leather Boot"), former Deputy Minister of Labour, Industrial Relations and Social Security; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 12 May 2000.

> treated and taken to Cockerill. The way in which we were arrested is out of the Constitution."[927]

1479. Potentially scores of people were tortured in a similar fashion by the Kamajor arrest squads during the afternoon of 8 May 2000 and in the following days. Members of these units themselves confessed to the Commission that they had used aggressive tactics to carry out the arrests. In one testimony, a Kamajor commander explained how he dealt with one of the RUF's 'strongmen':

> "I said to [one group of] people: 'If you don't surrender I will kill you all'. As soon as their strongman saw me, he went down; I said to him: 'If you don't come up, I will kill you'. Then he came up and I disgraced him – I flogged him and I had a 'smash-up' with him. He was arrested, beaten, undressed, but I did not kill him. I decided to hand him over to the Sierra Leone Army, who took him to Cockrill [Military Barracks]. From there he was handed over to the authorities in concern."[928]

1480. No explanation of the reasons for arrest was given to any one of the prisoners with whom the Commission spoke, either among those who have subsequently been released or among those who remain imprisoned. Nor was the legal basis for the arrests made clear. The only possible legal correlation is that the arrests were carried out on the orders of the President and the State's intention was that they should be justified under the Public Emergency Regulations 1998. Once again, therefore, the arrests and subsequent detentions in 'safe custody' constituted multiple denials of the captives' human rights and flagrant abuses of executive power.

1481. A variety of civilians were detained on the basis of patently spurious connections with the RUF, such as having resided with a member of the RUFP, or even having performed household chores for a member of the RUFP.[929] The Commission further discovered the following specific instances of a 'catch-all' strategy against the RUF, in which the named individuals had at one time been members of the movement but had no ostensible connection to any of the events surrounding 8 May 2000:

- Christian 'Junior' Boltman was arrested far from the realms of any of the RUF residences – he was staying at Kissy, Eastern Freetown with a relative and was arrested "on 7 May 2000 when a group of ex- SLAs headed by Sammy and 'Five-Five' waved to him and stopped him… Subsequently he was arrested and taken to an unknown destination";[930]
- Mohamed 'Major' Bockarie was living on a displaced persons' camp; he was arrested by a group of CDF men from the same camp; according to a

[927] TRC Confidential Interview with former RUF commander who joined Foday Sankoh in Freetown as a member of the RUFP; interview conducted in Freetown; 18 August 2003.
[928] TRC Confidential Interview with former Kamajor fighter for the Civil Defence Forces; interview conducted in Bo Town, Bo District; 11 August 2003.
[929] Some of those arrested were, for example, domestic staff of the RUFP members targeted, or were simply in the vicinity of the residence that was being targeted. In one document compiled by the Prisons Department, believed to have been produced at the end of May 2000, no fewer then seventy-seven (77) detained persons are listed under the heading 'Those believed to be having little or no connection with RUF'.
[930] Charlotte Conteh, businesswoman in Freetown; statement given to Sierra Leone Police at CID Headquarters, Freetown; 14 June 2000.

witness, the CDF men were acting on a tip-off by an informant that Bockarie was an RUF man;[931]

- Bobby Fumba had disarmed and sought safe haven at a UNAMSIL Security Centre in Port Loko District from 5 to 8 May 2000; he had no knowledge of the incident at Sankoh's Lodge. He was arrested and imprisoned along with other ex-combatants a full month after the event, despite having never moved away from the Security Centre.[932]

1482. Tellingly, the majority of those arrested in May 2000 remain in the custody of the state to the present day. Four years have passed since their arrests. None of them has been afforded a fair trial. According to interviews, none of them has yet been properly charged with any offence before a magistrate of the criminal courts in an open and transparent hearing. The continued detention of these persons in relation to the conflict in Sierra Leone is tantamount to a continuation of the conflict. It is corrosive to the prospect of national reconciliation. For every day that passes, the violation of their human rights is further entrenched. The Commission finds that each of these persons is presently and continuously being denied justice by this Government of Sierra Leone.

1483. Additionally, many of those arrested and detained during the month of May 2000 have been subjected to torture and inhuman and degrading treatment during their time in state custody. The Commission has conducted hours of interviews with present and former prisoners at Freetown Central Prison, Pademba Road. The following account is a conglomeration of several individual testimonies that provide a comprehensive overview of the plight of RUF detainees, as well as a damning indictment of the human rights record of the present Sierra Leone Government:[933]

> "To start with, we were locked up for complete six months, both night and day, from May to November without seeing the sunlight… except wherein somebody was fortunate enough to be called upon to go to the CID Headquarters for statement-taking. The food is very poor; the medical facilities are inadequate as the hospital is always lacking drugs. In some cases, two months can pass before we are given one bathing soap, one laundering soap and one tube of toothpaste. For a long time many of us were sleeping on bare ground.
>
> […] On 14 March 2001, CID police officers unexpectedly came to conduct ruthless searching of our cells. There was no sign of the prison wardens. We don't know why the CID came that day – since being in prison, we were only ever searched by prison wardens. During the searching by CID, many of us were grossly molested. All hell broke loose; fighting was all over the place. The incident resulted in the opening of fire, a shoot-out in the Pademba Road Prison. Ten of our brothers were seriously maltreated to the point of near death.

[931] Pa Brima Mansaray, CDF Chief at Displaced Persons' Camp; statement given to Sierra Leone Police at Kissy Police Station, Freetown; 9 May 2000.
[932] Bobby Fumba, former RUF member and now a detainee in state custody; statement given to Sierra Leone Police at CID Headquarters, Freetown; 14 June 2000.
[933] The following excerpts are put together from TRC Confidential Interviews conducted in various locations throughout Sierra Leone; May to November 2003. The identities of the individual statement givers and their locations are not disclosed in order to preserve their personal safety.

[…] It was rumoured that these ten prisoners were to be executed, but UNAMSIL intervened. Instead, on 17 March 2001, they were carried to a special detention facility, an old mortuary at Jui that was being used as an armoury dump. They were kept there for five months, with no explanation given for the arbitrary transfer, or for the selection of inmates.

Most of the RUF who were left at Pademba Road Prison were seriously tortured. They were kept under tight lock-up for complete three weeks. Twenty-one (21) RUF prisoners died during the time of this lock-up, in addition to the late Secretary-General of the RUFP, S. Y. B. Rogers, who had earlier died as a result of the same maltreatment – 'steady batting' as it is commonly called among prisoners.

[…] The release of some RUF prisoners in late July and early August 2001 gave us hope that we were all going to be released within the shortest possible time. Instead, all of a sudden, many prisoners were transferred out of the blocks and into condemned separate cells.

Then, after the midnight of 11 August 2001, at about 3.00 am, some armed SLA, SSD Police, Prisons and UNAMSIL personnel forcefully took us out of our separate cells and gave us a good beating. There were up to 300 officers involved, including 'Eighty-Eighty', 'Scorpion', 'One Mohamed' and Major Ray England.

They handcuffed our two hands at our backs, plastered our mouths with heavy tape, covered our heads down to our necks with black execution bags and plastered our mouths again. We were dragged out of the prison yard and thrown into waiting trucks just outside the prison gates. We received more severe beatings before we were thrown into the trucks and even while inside the truck.

Everybody was treated the same way. Some sustained very deep cuts and broken bones as a result of being hit by the security men. Some prisoners toileted on themselves, while others urinated on themselves, because we all thought we were going to be killed.

Eleven (11) prisoners were at that time brought to the Mammy Yoko helipad and later transferred into a helicopter and loaded as cargoes; they were flown to Pujehun and spent nine months in Pujehun Prison. Seven (7) other prisoners were treated the same way and transferred to Bonthe Prison. The majority of the transferred prisoners were later brought back to Freetown for further detention.

Any time we have been visited by [human rights] NGOs, we put our problems to them as to how the Government has been violating our fundamental human rights. According to Human Rights Watch, Amnesty International and other NGOs, they have taken up our case with the Government on so many occasions and have appealed for us to be set free, but to no avail. The message always returned that this SLPP Government is very difficult to deal with and formidable when it comes to RUF matters."

1484. Detainees have been beaten with weapons, assaulted and routinely subjected to excessive force. Detainees have had their mouths taped and their heads forcibly 'bagged' in executioners' bags. Detainees have been denied their human rights with regard to their conditions of detention. Protracted periods of solitary confinement and transfers to alternative detention facilities in undisclosed locations have been imposed on many of them. The Government is responsible for this litany of human rights violations against detainees presently in its custody. The Government is also responsible for the deaths of at least 21 RUF prisoners in state custody.

Results of the Commission's Investigations into the Circumstances of Persons Detained in the Custody of the State as a Result of the Conflict in Sierra Leone

1485. The Commission stands opposed to all forms of human rights abuse, irrespective of the identities of those responsible for them or those against whom they are carried out. Above any other principle, it opposes human rights abuse that endures to the present day.

1486. The continued practice of acts or measures that originally derived their legitimacy from the existence of a State of Emergency is unacceptable in a democracy. For example, there is no place for the arbitrary imposition of limitations on the freedom of the press. Retention of Public Emergency measures authorised in relation to the conflict in Sierra Leone is tantamount to a continuation of the conflict.

1487. The Government of Sierra Leone today continues the practice of detention in the category of 'safe custody'. There are currently at least 17 persons detained in the custody of the state under this category. The 17 individuals whose names were given to the Commission in this regard are all rank-holding members of the Sierra Leone Army or the Sierra Leone Border Guards. Their detention is illegal. Their immediate release is imperative. The retention of 'safe custody' as a category of detention is a stain on the rule of law in Sierra Leone. The category must be removed immediately and permanently from all statute books and other legal instruments.

1488. Beyond the 'safe custody' prisoners, there are also other categories of detainees at Pademba Road whose detention is unlawful. For instance, there are those who were arrested and deposited in state custody on 7 May 2000, but who have been charged *ex post facto* with 70-count indictments for the murders of 8 May 2000. Moreover, there are thirteen (13) RUF prisoners from May 2000 against whom charges were first preferred on 3 May 2002, which was 63 days after the lifting of the State of Emergency on 1 March 2002. The 63-day period directly contravenes the Constitution of Sierra Leone[934] and invalidates the Government's right to detain them.

1489. In the absence of any legal basis for the detention of a particular person, that person falls to be described as a political prisoner. Moreover, where the legal basis advanced for the detention of a particular person is found to be

[934] See the Constitution of Sierra Leone at Sections 17(2)(a) and (b); Chapter III. After the lifting of a State of Emergency, a detainee held under Emergency Powers legislation must be released or charged promptly with a criminal offence. The charges ought then to be prosecuted in accordance with standard Sierra Leonean criminal procedure.

mala fides, or in bad faith, then that person may also be considered a political prisoner. By the Commission's best estimate, there remain in the region of 150 political prisoners at Freetown Central Prison, Pademba Road at the time of writing.

1490. The Commission endeavoured throughout its investigations to obtain a full and accurate list from the Prisons Department of those detained under the RUF classification, or under other classifications related to the conflict in Sierra Leone. For example, the Commission wrote to the Director of Prisons on 10 June 2003 requesting the following information:

i. The full names and, where applicable, aliases of all persons in your custody detained in relation to the conflict in Sierra Leone;
ii. The dates on which these persons were detained and a description of the act(s) each of them is alleged to have committed;
iii. An accompanying list of those inmates who are detained in connection with the 8 May 2000 incident at the residence of Foday Saybana Sankoh;
iv. A full list of all criminal charges levelled against these inmates, as well as the date(s) and nature of any and all court appearance(s) made by any of these inmates since detention began;
v. The exact locations in which these inmates are detained; and
vi. The attendant classifications or categorisations pertaining to the status of all these detainees.

1491. The Commission found that the information returned to it in response to this request was most unsatisfactory. In a memorandum dated 13 June 2003, the Director of Prisons intimated that that he had provided the Commission with a "comprehensive list."[935] The list contained the following attachments:

- "A Comprehensive List of Safe Custody Prisoners (in relation to the conflict in Sierra Leone) Incarcerated at Freetown Central Prison, who have not yet been charged to court up to [the present] date"; containing the names of seventeen (17) inmates, all of them carrying ranks in the Sierra Leone Army (SLA) or Sierra Leone Border Guards (SLBG)
- "A Comprehensive List of RUF Prisoners (in relation to the 8 May 2000 incident at the compound of Foday Saybana Sankoh) Incarcerated at Freetown Central Prison, who have not yet been charged to court up to [the present] date"; containing the names of 49 inmates, including three females
- "A Comprehensive List of West Side Prisoners (in relation to the conflict in Sierra Leone) Incarcerated at Freetown Central Prison, who have not yet been charged to court up to [the present] date"; containing the names of 34 inmates, including four females.

1492. Subsequent enquiries by TRC investigators proved that there were numerous prisoners in the Maximum Security Unit at Freetown Central Prison whose names were in fact omitted from all three of these lists. There has been no official effort on the part of the Prisons Department or the Ministry of Justice to clarify the status of the remaining prisoners, despite the Commission's requests. The Commission nevertheless conducted interviews with several detainees whose names do not appear on any of the lists. The only apparent reason for their detention is that they have been accused of offences related to the 8 May 2000 incident. The accusations remain thus far completely unsubstantiated.

[935] The Director of Prisons, Prisons Department, Freetown; "Information Required in respect of Investigations by the Truth and Reconciliation Commission"; letter to the TRC marked PS.3/104/11; dated 13 June 2003.

1493. The Government of Sierra Leone has been uncooperative and unhelpful to the Commission in its efforts to establish the full extent of human rights abuses that persist in the justice system to the present day. Some requests by the Commission to the Prisons Department were met with petty obstructionism. What were described as 'comprehensive' lists of detainees provided to the Commission were flawed and incomplete. Justice in Sierra Leone must not only be done; it must be seen to be done.

1494. Moreover, there has been a series of inexcusable delays in the operation of the justice system, which have culminated in a woeful breakdown of the rule of law. More than four years after the 8 May 2000 incident occurred, there have been no trials or preliminary proceedings to determine the guilt or innocence of the men and women detained. Justice delayed is most certainly justice denied.

1485. Many of those in Pademba Road Prison were not present at Sankoh's Lodge on 8 May 2000. Many of them have never carried firearms, let alone fired shots into a crowd of demonstrators. Statements taken by the Sierra Leone Police from the suspects themselves, as well as from witnesses and other interested parties, vouch for the fact that a considerable number of the detainees have no more than tenuous, superficial connections with the RUF. With a few choice exceptions, whose cases could be distilled from the majority of others by means of a rigorous analysis of the evidence, there is no legal basis on which to proceed with prosecutions against the majority of these suspects.

1486. One inmate drew the TRC's attention to a particular anomaly by which certain senior members of the RUF have been released from detention, while the bulk of the junior, non-office-holding members remain locked up:

> "May I inform the Government of Sierra Leone and the international community, through the TRC, that the notion of holding the presently-detained RUFP members responsible for the hiccups in the peace process in this country is a miscalculation.
>
> […] It is very disheartening to spare the 'heads' of an institution and hold onto its 'tail'. In May 2000, almost all Ministers of the RUFP and the other original vanguards who took decisions were rounded up by the Government and kept in jail. The snag now is that the Government has released the ringleaders of the RUFP, especially the top cadres of the late Foday Sankoh like Mike Lamin, Eldred Collins and Peter Vandy, yet they continue to hold onto the inferior members or subordinates… These are all indications of the abuse and violations of the fundamental human rights of the members so affected in prison. There is no country in the whole world where peace, love and unity shall hold firmly without equal rights and justice."[936]

[936] TRC Confidential Interview with member of the RUFP incarcerated at Pademba Road Prison after the events of 8 May 2000; interview conducted in Freetown; 19 September 2003.

1487. The inescapable impression conveyed by a preponderance of these detainees in their testimonies to the Commission is that they are being held as political prisoners. The justice system in the country remains rotten to its core, to the prisoners' enormous disadvantage. Yet the TRC received a host of reconciliatory messages from the remaining RUFP detainees, both in the course of their interviews and submissions, and in their contributions to the Commission's National Vision project. In concluding this section of the present chapter and providing a basis for recommendations made elsewhere in the Commission's report,[937] it is appropriate to reproduce some of the most poignant testimony:

> "To the people of Sierra Leone we say sorry for all the wrongs we committed and plead for mercy. We are the children of the SLPP government. When the war started it was against the APC members and their Government at the time. I hailed from Kailahun and the leaders of this country know that my home town is the heart of the SLPP government. That was one of the reasons why some of us supported the war in the first place. Now that there is peace we have no evil intention for the President and the nation. So please we beg that the Government release us and let us work together as one for the future of the country."

[and]

> "Yes, we have been imprisoned unlawfully and have been maltreated. But we don't wish bad upon any person or any other party. We simply want the Commission to recommend to the Government to give us justice; because injustice was the root of our war."[938]

[937] See Recommendations, Chapter 3 , Volume 2

[938] TRC Confidential Interviews members of the RUFP who have been in state custody for the past four years; interviews conducted in Freetown; May 2003.

THE DECISIVE DECLINE OF THE RUF AND THE CONCLUSION OF THE SIERRA LEONE CONFLICT

1488. Whilst the RUF's political wing, the Revolutionary United Front Party (RUFP), was neutralised by the landmark events of 8 May 2000, the combatant cadre still boasted a sizeable presence of troops in the Provinces and control of a number of key strategic territories. The same commanders who had precipitated breaches of the cease-fire in the year since the Lomé Accord and, to a great extent, led the hostage-taking of United Nations peacekeepers, remained the RUF's key leaders in the field. They included Issa Sesay, Morris Kallon, Komba Gbondema (alias "Monamie") and Augustine Bao.

1489. Within hours of the barrage at Foday Sankoh's Lodge on 8 May 2000, the combatant cadre was notified of the operations by pro-Government forces against the RUF leader. Hundreds of RUF troops were therefore summoned to Freetown to provide reinforcements. According to UNAMSIL officers who witnessed Sankoh's flight from his Lodge that afternoon, Sankoh himself made the call to Issa Sesay by mobile or satellite telephone.[939] Sankoh's instruction to Sesay was apparently to come and 'rescue' him from Freetown.

1490. The RUF force that advanced toward Freetown in response to the 8 May 2000 incident was estimated by one of those who joined it to be about the size of a full Battalion – one thousand men strong.[940] This contingent moved in vehicles and on foot at a remarkable pace along the Makeni axis. Within 24 hours, a considerable amount of RUF manpower had arrived at Newton on the main highway into Freetown and was engaging the ECOMOG troops stationed there in active combat.

1491. The pro-Government forces in Freetown soon joined what was to become a decisive inter-factional battle in the final phase of the war. Buoyed by their offensive operation against the RUFP in Freetown, the members of the self-styled 'Peace Task Force' were once again mobilised. Many of the same unlikely combination of pro-Government combatants – the Sierra Leone Army, the West Side Boys and the Kamajors – collaborated to form a force of at least one Battalion in strength. They were given all necessary logistics, including vehicles, out of Government military supplies.[941] They began to move out to Newton on the evening of 8 May 2000 to bolster the ECOMOG deployment in countering the threat.

[939] UNAMSIL, 4th Nigerian Battalion; "Statement / Patrol Report on the Incident that occurred at Chairman Foday Sankoh's Residence on 08 May 2000"; report submitted to the Criminal Investigation Department (CID) of the Sierra Leone Police by the Operations Officer, NIBATT 4 UNAMSIL, Freetown; dated 12 May 2000.
[940] TRC Confidential Interview with former RUF commander on the Northern Axis; interview conducted in Magburaka, Tonkolili District; 14 August 2003.
[941] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

1492. The Commission heard that the pro-Government forces were placed under the Joint Command of Tom Carew, the Chief of Defence Staff, and M. S. Dumbuya, the erstwhile Northern Commander of the CDF.[942] According to Dumbuya, by the time his troops reached Waterloo, the ECOMOG contingent, under severe attack from the RUF, was preparing to retreat because "they had been exchanging gunfire and at a point they were running out of ammo."[943] Hence Dumbuya's men immediately entered into combat. Their arrival was the prelude to several days of intensely fierce fighting.

1493. The express purpose of the Government deployment was to prevent the RUF from entering Freetown. For many of the combatants involved, however, the battle took on an added psychological dimension, because a victory for the pro-Government forces would prove to the RUF that its adversaries were serious about ending the war. According to one of the Kamajors who fought in the battle:

> "We were co-ordinated now; all the factions that wanted peace were moving together. We thought that 'this is the right time now for us to stop this trouble! Let the RUF realise that we are no longer going to allow there to be fighting in Sierra Leone!' We were ready to stop them anywhere they started."[944]

1494. In terms of weaponry, the pro-Government forces were well equipped: they boasted twin-barrelled as well as single-barrelled missile launchers, in addition to a stockpile of light weaponry.[945] Meanwhile the RUF claimed to have captured a considerable haul of logistics and munitions from the UN peacekeeping units they had taken hostage, and were prepared to utilise these weapons in combat.[946] The initial contribution from the pro-Government forces was significant, as they strengthened the ECOMOG defensive deployment at Waterloo and successfully repelled the RUF. They were subsequently able to counter-attack and push the RUF back out to Songo under Dumbuya's leadership.[947]

[942] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[943] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[944] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.
[945] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.
[946] TRC Confidential Interview with former RUF commander on the Northern Axis; interview conducted in Magburaka, Tonkolili District; 14 August 2003.
[947] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.

1495. At Songo there was pocket resistance, in which a number of Kamajors were killed on the pro-Government side.[948] However, the real clash was to take place around the strategic junction town of Masiaka. It became a pivotal battle, which in retrospect represented something of a 'last stand' on the part of the RUF. There was massive fighting and considerable destruction in the township, as each faction attempted to assert itself and make territorial gains over the other. The pro-Government forces were at an advantage in being able to call upon 'back-up', including that of international troops,[949] and it was this advantage that was to prove decisive.

1496. Ironically, though, the most memorable enlistment of reinforcements, according to testimonies from all sides, came in the shape of additional fighters from among the West Side Boys. Although the West Side Boys were known to have committed extensive attacks against the civilian population and were regarded as renegades by most of the Sierra Leonean population, the military hierarchy saw fit to invite this group to join the battle on the side of the pro-Government forces. They were thus called out by radio from their base at Okra Hills and converged with the existing troops under the command of Dumbuya and Carew in time for the final thrust to claim Masiaka.

1497. According to M. S. Dumbuya, there was considerable suspicion on the part of the 'loyal' serving SLA soldiers about the decision to co-opt the West Side Boys. It was thought, with some justification, that their allegiances would waver and may eventually lead to in-fighting among the different factions in the pro-Government 'coalition':

> "We didn't want to work with them [the West Side Boys]. We thought there would be a fracas with our own men. The arrangements were made by others and I just realised they were going to join us… They were issued [Government] weapons, purporting that they had completely come in on the side of the military. And indeed there was a fracas, in which we lost two of our Special Forces [ex-ULIMO] men."[950]

1498. The West Side Boys who testified to the Commission were adamant that they played a vital role in the eventual thwarting of the RUF's plans to reach Freetown. This senior commander's contention is typical of the bravado they displayed in claiming victory over the RUF and with it the unwarranted mantle of 'protectors of the peace':

> "We are the ones who stood up and stopped them [the RUF] attacking Freetown. We ambushed them right around our West Side base. They were plenty – many more than us – up to 500 or one thousand. [But] we are the ones who made peace."[951]

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[948] TRC Confidential Interview with former Kamajor fighter; interview conducted in Bo District; June 2003.
[949] In addition to United Nations peacekeeping troops numbering over 11,000, a newly-arrived contingent from the British Army was on standby to deploy into defensive operations out of Lungi.
[950] M. S. Dumbuya, former Commanding Officer of the Northern CDF; TRC Interview conducted at TRC Headquarters, Freetown; 21 October 2003.
[951] TRC Confidential Interview with a former officer of the Sierra Leone Army (SLA) who served as a 'Brigadier' under the AFRC and later became Leader of the 'West Side Boys'; interview conducted in Freetown; 17 October 2003.

1499. The battle over Masiaka in May 2000 constituted the last prolonged sequence of fighting between the main factions in the Sierra Leone conflict. The Sierra Leone Army (SLA) and the Kamajors (CDF) combined with the West Side Boys and received support from Indian UNAMSIL troops to expunge the RUF from Masiaka and push them up to Lunsar. It was an almighty battle and signalled the largest consolidated onslaught against the RUF alone since the very earliest years of the war. At Lunsar there were further skirmishes, and at Gbere Junction there were multi-factional clashes that led to the break-up of the pro-Government force and the return of the West Side Boys to their Okra Hills base. Yet the city of Freetown was spared another assault by anti-Government militias and the RUF was sent into a military decline from which it would never recover.

1500. One further noteworthy set of military dynamics after May 2000 surrounded the confrontation between the remaining combatant cadre of the RUF and the Guinean Armed Forces (GAF) in early 2001. The understanding of this confrontation conveyed to the Commission by authoritative witnesses[952] is that the RUF combatants deployed over the border into neighbouring Guinea from the Sierra Leonean District of Kambia. The RUF's objective was apparently to bolster the defences of Liberia's then President Charles Taylor against the growing threat of a Liberian opposition group called LURD – Liberians United for Reconciliation and Democracy – which was thought to be training in Guinea. The Guinean Armed Forces (GAF) mustered a full-scale military response to the destabilising forays of the RUF into Guinean territory. GAF deployed ground troops against the RUF combatants, supported by the Kono-based Donso militias who once formed part of the CDF, on the front lines near to the Sierra Leone border. GAF also unleashed artillery and air strikes against perceived key RUF positions along the border, both in Guinea and in Sierra Leone's northern Kambia District.

1501. The effectiveness of GAF's military operation was so crushing that the RUF was pushed back into Sierra Leone in a matter of days and suffered untold destruction to its internal infrastructure and organisation on the ground. The battles with GAF led to the deaths of some of the RUF's most influential field commanders. Those killed included: Dennis Mingo (alias "Superman"), who was said to be the leader of the RUF operation in the North and into Guinea; Komba Gbondema (alias "Monamie"), one of the Northern Battalion Commanders; and John Peters (alias "Scorpion"), a former overall RUF artillery commander. The main military capabilities and prowess of the RUF were almost entirely eliminated in one fell swoop. Many commentators consider the Guinean confrontations to represent the dying breaths of the RUF as a serious military menace.[953]

[952] Notably, the following witnesses gave conforming accounts of the incident: Captain (Retired) Moigboi Moigande Kosia, former officer in the Republic of Sierra Leone Military Forces (RSLMF) and later recruited into the RUF by Foday Sankoh as his first 'G-1' officer; TRC Interview conducted at TRC Headquarters, Freetown; 07 May 2003; and TRC Confidential Interview with former RUF commander on the Northern Axis; interview conducted in Magburaka, Tonkolili District; 14 August 2003.

[953] See, inter alia: Lansana Gberie, Partnership Africa-Canada; in BBC News Online, Africa News; *Analysis: Rebels without a Future*; posted on the internet on Monday 21 May 2001, available at http://news.bbc.co.uk/1/hi/world/africa/1343113.stm.

1502. Hence, the Abuja peace process that had been instigated in November 2000 suddenly attained a greater degree of viability for all parties and an enhanced prospect of success. Issa Hassan Sesay took on the Interim Leadership of the RUF movement after a nomination letter was prepared by Foday Sankoh in a meeting at Lungi with President Kabbah of Sierra Leone, along with Presidents Obasanjo of Nigeria and Konare of Mali.[954] Sesay was recognised by other parties to the peace process as somebody who held real sway with the RUF combatant cadre. In Sesay's expression of his desire to lay down arms and negotiate a reintegration settlement for the RUF, the pro-Government constituencies were said to have "sensed a genuine attempt on the part of the RUF to accept peace."[955] The original Abuja Cease-Fire Agreement of 10 November 2000[956] (sometimes referred to as 'Abuja I') was thus tabled for review.

1503. A Sierra Leone Government delegation, including the Attorney General Solomon Berewa and the Deputy Minister of Defence Chief Samuel Hinga Norman, met with members of the RUF in the presence of the United Nations and the ECOWAS Committee of Six on 2 May 2001. This second conference also took place in Abuja, Nigeria and is popularly referred to as 'Abuja II'. The central compromise required from the RUF was the relinquishing of its 'control areas' in order that governmental authority could be restored in all parts of the country with a view to holding fresh elections. Although the RUF had originally stipulated that there could be no deal without a commitment from the Government to release Foday Sankoh and the other RUF detainees, such an objective was to prove illusory. The RUF ultimately agreed to participate in the Disarmament, Demobilisation and Reintegration (DDR) programme without securing Sankoh's release. Thousands of RUF ex-combatants were to benefit from initiatives run by the National Committee for DDR (NCDDR)[957], including opportunities to institute their own agricultural and small-scale business projects.

[954] Alhaji Dr. Ahmad Tejan Kabbah, current President of the Republic of Sierra Leone; supplementary written submission provided to the TRC in response to a set of 'Questions for the President'; received by the TRC by delivery; August 2003.
[955] These words are attributed to Chief Samuel Hinga Norman, National Co-ordinator of the Civil Defence Forces (CDF), as part of his justification for participating at the second round of Abuja Peace Talks; see Reverend Alfred M. Sam Foray, former Secretary-General of the Sierra Leone Action Movement for the Civil Defence Forces (SLAM-CDF); written statement and supporting documentation submitted to the TRC by e-mail; 10 December 2003.
[956] The original Abuja Cease-Fire Agreement between the Government of Sierra Leone and the RUF, signed on 10 November 2000, is available at http://www.sierra-leone.org/ceasefire1100.html.
[957] At January 2002, according to the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), 24,352 ex-RUF combatants were disarmed. Approximately one tenth of that number was recruited into the Republic of Sierra Leone Armed Forces (RSLAF), while thousands of others were given money to assist them in their efforts to resettle, opportunities for short-term employment and job training, and access to a referral and counselling service. See: National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), written submission to the TRC in the context of Thematic Hearings held in Freetown; June 2003; also Dr. Francis Kaikai, former Executive Secretary of NCDDR, TRC interview held at NCDDR Headquarters in Freetown; 20 July 2003.

1504. In the wake of Abuja II, the final instruments of the Cessation of Hostilities between the RUF and pro-Government forces, including the CDF, were formally signed on 14 May 2001 at UNAMSIL Headquarters, Mammy Yoko Hotel, Freetown. The RUF's so-called 'Legal Representative', Omrie Michael Golley, signed on behalf of the RUF, while Chief Samuel Hinga Norman appended his signature for the pro-Government factions. The Commission regards the signing of this landmark agreement as the signal conclusion of the war that had blighted the nation for over a decade.

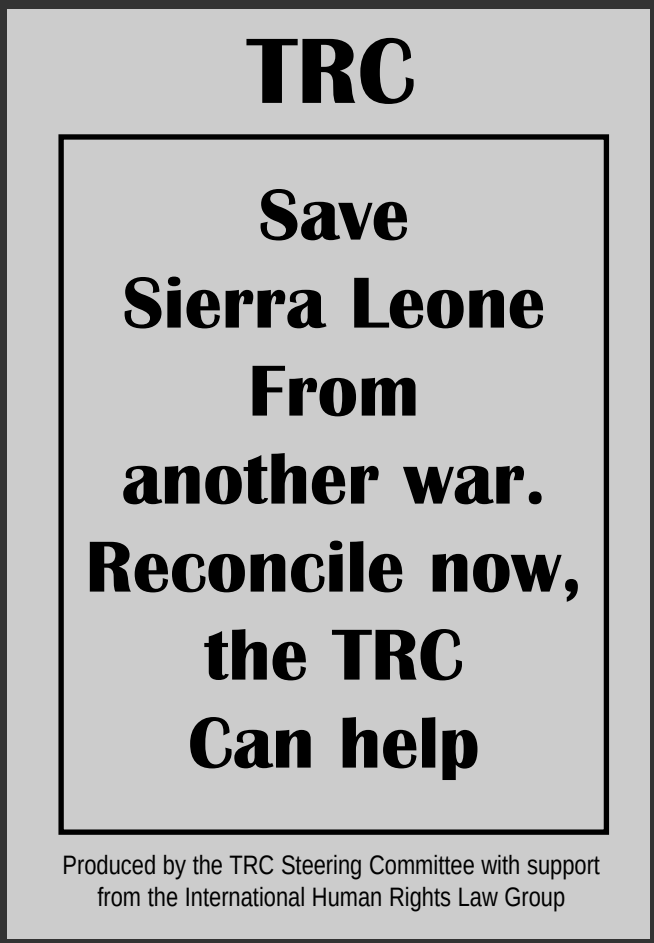
1505. On 18 January 2002, a gathering near Lungi International Airport brought together all of the factions in the Sierra Leone conflict to underscore the achievement of peace. Alongside President Ahmad Tejan Kabbah, a host of international dignitaries attended this ceremony. President John Kuffour of Ghana expressed the solidarity of African nations and a makeshift bonfire was set alight, composed of thousands of weapons collected by UNAMSIL during the disarmament process. In destroying the instruments of war, the fire stood for the collective determination of Sierra Leoneans never again to wage war on one another. It was christened the 'Flame of Peace'.

1506. In the Commission's view, the date of the symbolic burning ceremony at Lungi ought to be commemorated in future years with a unifying annual celebration – a National Day of Reconciliation.[958] While the Commission does not underestimate the struggle that lies ahead for the people of this nation, it is gratified to acknowledge that since that day there have been no further military hostilities in Sierra Leone. 18 January 2002 saw the closing of this turbulent chapter and its consignment to history: the military and political history of the conflict.

[958] The Commission's recommendation for a National Day of Reconciliation, to be held annually on 18 January, is included in the chapter on 'Reconciliation' in Volume Three B of this report.

CHAPTER FOUR

Nature of the Conflict



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Introduction

1. The Commission is required by its enabling legislation to determine whether the conflict was a result of deliberate planning, action or authorisation of any person or government, and what roles external or other actors may have played in the conflict.

2. The conflict started as an attempt to overthrow a dictatorial and tyrannical regime. It was unable to mobilise support among the people to prosecute the revolution. It resorted to abductions, forced recruitment and other violations and abuses to increase its numerical strength. Community militias were established to resist the purveyors of revolution. In no time, the militias themselves began to attack the civilian population that they were established to protect.

3. The defining character of this conflict was its radical departure from other armed conflicts in terms of targets. This was a conflict waged against the civilian population. The combatant factions did not target conventional military targets. There were very few accounts of direct confrontation between the combatant factions. In consequence, civilians bore the brunt of the violations and abuses that marked the conflict.

4. The conflict was also notable for its chameleonic nature. Factions and groups changed sides frequently culminating in the wholesale transfer of loyalty from a national army to a renegade fighting force established by an illegal government. The confusion among the civilian population led to the sobriquet, “sobels,” soldiers who became rebels at night in order to loot and plunder the resources of the people.

5. What shines through in the rest of this chapter is the plethora of violations and abuses to which the people were subject. The chapter analyses the fighting forces and identifies the strands in their composition and behaviour that enable an understanding of the violence they deployed against the civilian population.

6. Using qualitative testimony and quantitative analysis, the Commission captures the roles played by the armed factions in prosecuting their campaigns and ascribes responsibility for the violations and abuses to the different combat groups including the ECOMOG peacekeeping forces.

7. The Commission has researched the influence of external actors and factors in starting, and fuelling the many thousands of violations that took place during the conflict. Indeed there are specific examples of foreign involvement that attest to a war with significant international, particularly sub-regional, dynamics and reverberations. The overwhelming majority of abuses recorded by the Commission were carried out by Sierra Leoneans against Sierra Leoneans. The patent truth is that for eleven years the people of this country effectively waged armed conflict against themselves. In its essence, it was a self-destructive civil war.

8. The nature of the conflict is better understood in terms of its complexities and ambiguities than through the lens of any single, defining cause of ill intent. What this chapter shows is the multiplicity of causes and effects that permeate the violations and abuses of human rights and international humanitarian law as well as the institutional fluidity of the violators themselves.

9. There are notable paradoxes at the heart of this analysis, which the time and resources available did not permit the Commission fully to resolve. One of our most important observations is that in spite of all the malice and suffering of the conflict period, Sierra Leone has returned in peacetime to what appears to be a climate of tolerant and harmonious co-existence. Sierra Leoneans demonstrated tremendous courage, resilience and desire to put the past behind, through accepting many of those who committed violations against them back in their home communities.

10. However, a propensity for conflict continues to exist among the people. Many of the root causes of the malice and violence remain unaddressed. To a large extent, the purpose of this chapter is to pose a deterrent to the recurrence of armed conflict by recording the full extent of the violations and abuses that have taken place and analysing the context that enabled the perpetration of such violations. The chapter also reports on two further features identified by the Commission as characteristics of the conflict:

    (a) *particular malice*, whereby violations and abuses are found to have occurred as a result of deliberate targeting, planning or policy on the part of their perpetrators; and
    (b) *particular suffering*, whereby the specific ordeals of communities, groups or single persons demand to be given a voice in the hope that we might all learn lessons from them and unite to ensure that such things never happen again.

11. Based upon the tenets outlined above, this chapter has been divided into four main sections. The first section outlines the Nature of the Violations by describing the framework for the categorisation of violations adopted by the Commission. The second deals with the victims of the conflict, noting certain characteristics of the violations and abuses perpetrated, and focusing on the patterns of abuse and evidence of targeting. The third section profiles those who committed the violations, that is, the perpetrators and perpetrator groups. It includes an assessment of the character and conduct of each of the militias and armed groups involved in the prosecution of the conflict. The fourth section titled, 'Characteristics of Context' elaborates the general trends that underpin the conflict. Each of these sections is supported, where necessary, by qualitative and quantitative data identifying patterns and peculiarities in the conflict.

TRC



Commissioner Sylvanus Torto leads an offering of prayers for the dead in front of one of the mass graves identified in Port Loko District.

NATURE OF THE VIOLATIONS

12. The violation categories used by the Commission are the violations known to have occurred frequently during the conflict in Sierra Leone. These are quite different from those that occurred during outbreaks of mass human rights abuse in other conflicts and countries. By using these common violations, the Commission hopes to comprehensively describe the common experiences of the Sierra Leonean people during the conflict.

13. The list is deliberately short, numbering 16 violations. Each is precisely defined to avoid ambiguity, ensuring a common understanding of the violations recorded by the Commission. While the list is short, there is scope for a broad analysis of each one. For example, acts of rape should be considered as not only happening in the context of abduction as sex slaves or "bush wives"; but as a violation perpetrated against women during attacks on villages or as part of encounters at checkpoints or in the bush. Furthermore, the burning of property should be understood, not just as an economic crime, but on occasion, as a means of murdering the persons detained within the property.

Data Framework

14. In order to grasp the context in which the violations took place, the Commission organised the different violation types into a framework. Some violations such as amputation, forced cannibalism and forced displacement stand alone, because of their specific character and the patterns in which they were committed. The remaining violations have been divided into three sections: violations perpetrated in the context of abduction; violations without prior abduction; and economic violations. It was a major characteristic of the conflict that economic violations were accompanied by other violations, such as beatings.

15. Abduction is violation by itself. In the context of the war, it was carried out with other violations and/or provided a foundation for other violations. Abduction is defined by the Commission as the *capture and forced/unwilling removal from current location, in the control of person/s defined as perpetrators.* The Commission recorded 5968 cases of abduction.

16. Certain violations occurred specifically in the context of abduction. Abductees experienced abuse for an extended period, often for many years, whereas the experiences of non abducted victims were in the context of encounters with perpetrators. These experiences represented "events" in the lives of the non abducted victims. They occurred mostly during attacks on villages, village occupations, check point encounters, ambushes on the road and bush encounters. For those who were abducted, life was a continuous state of fear, within a rigid hierarchical command structure based on terror. The consequences on the lives of these two categories of victims varied accordingly.

17. It is important that we do not forget the common experiences of thousands of Sierra Leoneans who suffered during chance encounters with perpetrators. This created a climate of general terror within the country, as people never knew when they would be abused and their rights violated, in their village, in their home, etc.

TRC



Three amputees prepare to testify before a TRC public hearing in Freetown in April 2003.

18. The violations occurring in the context of abduction are dealt with more specifically in the chapters of this report dealing with Women, Children and Youth respectively. Indeed, sexual slavery was perpetrated mostly against women and girls. Forced recruitment was targeted at children and youths by the RUF, the AFRC and the CDF. The targeted age group for forced recruitment violations were those 10-14years.[1]

19. Following from the above, the Commission developed the following framework for categorising the violations recorded in its database:

1 Amputation
2 Forced Cannibalism
3 Abduction and subsequent long term Detention and Mistreatment
  3.1 Forced Recruitment and Sexual Slavery with particular reference to children (including the Drugging violation), Forced Labour
  3.2 Assault, Torture and Rape of both children and adults that accompany or follow from Abduction
4 Mistreatment without Abduction
  4.1 Forced Labour, Assault, Torture and Rape
  4.2 Short term Detentions
5 Economic Violations
  5.1 Looting and Property Destruction
  5.2 Extortion
6 Forced Displacement
7 Killing

20. The purpose of the framework was to make the organisation and analysis of data collected practical. If the Commission had used the hundreds of categories of violations available in the legal or international instruments, the incidents would have been too few for relevant analysis or for the identification of patterns.

21. The examples provided throughout this chapter come from witnesses who made statements to the Commission and serve to illustrate the nature and the circumstances of each violation. However, it is important to understand that in the majority of the situations, victims suffered a combination of *several* violations from the same perpetrators in one incident. 63% of the victims[2] suffered two or more violations. While the Commission deals with the specificity of each violation, it also provides an account of how these violations were interrelated. For example, looting and destruction of property were usually carried out together and are therefore treated together.

22. The following testimony provides an example of this interrelation. The events described relate to the invasion of Moyolo village in Moyamba district, on the 18th of February 1996:

> "The RUF told us that they are divided into 4 groups. The first group was called the Killers. The second group was responsible for amputations, the third was responsible for stabbing people to death

[1] See the Children's Chapter of this Report in Volume 3B.
[2] 9440 out of the 14,995 violations recorded in the database

and the last group responsible for burning.

Ten people were captured. They divided empty gallons into half, placed them on these people, sprinkled fuel and set them on fire. These people were burnt to ashes. As we were all locked in a room, the RUF started to kill people from this room one after the other. They would call you from the room, you would be taken out and be killed. The killing lasted for hours.

After, they said they were going to start cutting off hands. Many people were severely wounded. Six people had their hands finally chopped off. Amputation stopped and they started stabbing. Many people were again severely wounded and later died. That stopped and they started beating. Many people were beaten to death and survivors are still suffering from serious pain as of today.

I am a victim of the amputation group. I was seriously beaten and severely wounded on my hands for they had wanted to amputate me. I managed to escape from them, went into the bush and managed to reach Moyamba the next day."[3]

23. This testimony included numerous incidents or acts of violations and no less than six *categories* of violations: torture, arbitrary detention, killing, amputation, assault and forced displacement. The testimony also demonstrates the planned and structured character of the abuses that were perpetrated, a topic that will be addressed later in this chapter.

Violation Categories

24. The following violations are captured in the database: amputations; forced cannibalism; abduction, forced recruitment, sexual slavery; drugging; forced labour; assault; torture; rape, arbitrary detention; looting and destruction of property; extortion; forced displacement; killing and cannibalism. A general characteristic of these violations is the indiscriminate manner in which they were committed. There was no respect shown to traditional norms, or vulnerable groups. The percentage of each violation committed by the armed factions shows that none of the violations was a peculiar characteristic of any group. They all seemed to be competing to outdo themselves on who would commit the most violations against civilians. Even the government soldiers who had gone through formal training did not seem to have felt themselves bound by the laws of war. Terror became the main tool for the armed groups. Even those groups set up to defend the communities against attack made no distinction between friend and foe. This chapter is therefore very painful reading of how armed groups claiming to act on behalf of the common man turned their guns on the very people in whose name they claimed to be acting.

[3] John Williams, TRC statement number 947, Moyolo, Moyamba, 14 December 2002

1. Amputation:

25. The Commission has compiled statistical data only on those acts of amputation that involved the chopping off of a limb. The decision in this regard was to reflect more accurately how many victims were "disabled" by the violation. Therefore, the Commission defines amputation as *the removal of one or more hands, feet, arms or legs.*

26. The Commission finds that amputations occurred in "sets" or "spates" during the conflict; in other words they were not a constant or underpinning feature to the prosecution of the war, but rather came in the form of campaigns. Some of the notable campaigns for which amputations were carried out include the 1996 elections, the expulsion of the AFRC from power, the January 1999 attack on Freetown.[4] While data in the database does not contain the total number of amputees in the country, they do reflect the general trends that during the conflict.[5] The graph below captures the level of amputation committed by the armed groups during the war.[6]

Source: TRC database

[4] See the chapter of this Report on the Military and Political History of the Conflict for a discussion of these campaigns.
[5] See the Statistics Chapter of this Report for an analysis of the database.
[6] Of the 378 amputations documented by the Commission, the month of violation was reported in only 40% (152 violations).

Peaks in amputation are believed to have occurred at the following times and places:

a. From November 1995 to June 1996, abuses were concentrated in Bo, Kono, Moyamba, and Port Loko. This was the period covered by the elections that led to the disengagement of the military from power. Many of the young soldiers were unwilling to give up power. The Chief of the army claimed that he could not guarantee security for the elections. This alleged inability was exploited by renegade elements in the army and by the RUF to commit amputations against the civilian population.

b. The second quarter of 1997, from April to June. This period marked the entry of the RUF into the Government of the AFRC in Freetown. Their entry to Freetown was followed by particular brutality and ferocity.

c. The first half of 1998, from February to May. This was the period when the Nigerian led ECOMOG expelled the AFRC from power by. Abuses were concentrated in Bombali, Koinadugu and Kono – the route taken by the AFRC as they fled Freetown. To a lesser extent, abuses also occurred in Kenema and Tonkolili.

d. The first quarter of 1999 (January to March). The AFRC with a rag tag of RUF elements marched on Freetown in January 1999. The entry was marked with wanton attack on civilians. Abuses concentrated in Western Area. Having failed to keep Freetown, they laid waste to the city as they departed under heavy casualties from ECOMOG bombardment. Their resentment at the civilian support for ECOMOG was marked by the highest peak in amputations throughout the war.

27. The peaks mark separate campaigns. The motivations for the various campaigns differ. While the RUF campaign before and during 1996 was in protest against the elections and terrorising the people to stop them from voting, the purpose of the AFRC/RUF amputation campaigns of 1997, 1998 and 1999 was revenge on the population for failing to support them. The more the people kept away from the AFRC, the more they were punished by AFRC/RUF combatants through amputations and other violations perpetrated against them.

28. The RUF was responsible for the majority of the amputations carried out during the conflict in Sierra Leone. The percentage of amputations attributed to the RUF is 40.7% (154). The RUF conducted a campaign of violence in and around 1996 known as “Operation Stop Elections” which entailed the chopping of hands and arms as a way of preventing people from voting. One specific circumstance surrounding the cutting of limbs was for the victims to be told to go to President Kabbah for a new hand or that the amputations were a message to the President that the elections were meaningless without the RUF.

29. Tamba Amara, an adult farmer, had his limb amputated in his village Bo Ngleya in 1996:

> "People armed and in combat uniforms attacked our village and killed many people. They went all round and shouted that we, in the village had voted for President Kabbah as President of the Republic of Sierra Leone and because President Kabbah is a proud man they are going to cut off our arms so that we will never vote for him again. It was in 1996 and they said that we should go to him to treat us and give us another hand. Four of us were amputated, two men and two women."[7]

30. Morlai Conteh had her hand amputated by the RUF in 1995 in Kainu town:

> "After they cut off my hand, they gave it to me and told me to take it to the government."[8]

31. Mohammed Kallon encountered armed men on Election Day in 1996:

> "I was on my way from Njopewahun with my children to Bo for elections. We fell into rebel ambush at Falaba. They then asked us our reasons for travelling and where were we going to vote. We then told them we were going to Bo. Then I was tied, laid on three "mortar pestles" and they cut off my right arm."[9]

32. In the RUF, a significant proportion of those who wielded the "implement of amputation" and actually performed the cutting off of limbs appear to have been children. Many of the testimonies collected by the Commission indicate that the perpetrators themselves were acting under strictly enforced orders or other forms of compulsion. For example, the children were instructed that they would be killed if they did not act as their commanders wished. This applied to all violations, but was more prominent in amputations where the children were given different *nommes de guerres* such as "Cut Hand".

33. The amputating implement in most cases was a local agricultural machete known as a cutlass, but on occasions also included knives, axes and other forms of crude cutting blades, picks and crowbars, and broken glass from smashed windows or bottles.

34. The AFRC demonstrated a specialisation in amputations in the period 1998 to 1999. While the AFRC was responsible for 3255 of all violations committed during both years[10] , they committed 44% of the amputations that took place between 1998 and 1999[11].

[7] TRC confidential statement number 113, Kenema town, Kenema, 4 December 2002
[8] Morlai Conteh, TRC statement number 1134, Freetown, 7 December 2002
[9] Mohamed Kallon, TRC statement number 733, Kalanda, Bo, 9 December 2002
[10] 11,874 violations
[11] 85 out of 190 violations

35. The amputations carried out by the AFRC were all part of campaigns. One AFRC abductee recalls the following event in 1998:

> "About 28 of us who were all abducted were taken to the camp. The AFRC sobels we were with were expecting some ammunition for an attack on Koidu Town but, most unfortunately, a letter came through to the effect that they have to handle with care the ammunition they have left; they should not use their ammunition at all until they were back from the raiding trek. Instead, any enemy being captured – Kamajor, civilian or ECOMOG – must have his hands chopped off. This letter was signed by most of the AFRC PLO's and top officials. I was cooking for them while they met to discuss it."[12]

36. With ammunition scarce, it was considered cheaper to amputate victims' limbs and save the ammunition for confrontations with the government. Any person captured by the AFRC risked having their limbs chopped off during this period. Mohamed Kanu became a victim of amputation by the AFRC/RUF in his village Baba Foindu in 1999:

> "One of them threatened to kill me and some others but it was stopped by another soldier. Rather, that soldier that prevented us from being killed told us that they should give us letters that will be taken to His Excellency Tejan Kabbah. After they left my wrist shaking, they told me, 'that is the letter we have given you to be taken to Kabbah'".[13]

37. People were often lined up and their limbs amputated in turns with the choice of having their right or left hand amputated. Single and double amputations of hands were routine, like the following event that occurred in Calaba town in the Western Area in 1998:

> "They announced to us that the time has come to display amputated hands. First was Mr. Tickim. His hand was cut off with an axe, and they also macheted him in several places. He fell down and was dumped into the gutter, he was presumed dead. Second was Pa Jolloh, his hand was amputated. Third was me. My left hand was amputated and then they told me to put the right hand again. I did but when he hit it with the machete, not all the bones and veins were cut. They did this to all ten of us. Some were doubly amputated, others single. One Mamie Sampa did not survive the amputation. She died shortly after. They told us to go to Tejan Kabbah to give us hands." [14]

[12] Excerpt from TRC statement taken in Moyamba District, relating to events in the Kono District in 1998; TRC Statement Code Number 3922.
[13] Mohamed Kanu, TRC statement number 5521
[14] Isata Kamara, TRC statement number 7170.

38. On other occasions, civilians were asked if they wanted “long or short sleeves”. If they answered short, their arm was amputated above the elbow; if they said long, it was amputated below the wrist:

> “I was brought to a small boy called “Burn House.” He placed my right hand on a stick and asked me whether I wanted long sleeve or short sleeve, not knowing what to say, my hand was cut from the elbow area and I was asked to go and clap for Tejan Kabbah.” [15]

39. All the armed factions carried out amputations against the civilian populace. Even children as young as one year old and very old people had their limbs amputated. They were indiscriminate. The first case of amputation recorded by the Commission was against a SLA soldier by the RUF in July 1991 in Kailahun. In October of the same year, an automobile mechanic in Pujehun had his hand amputated by the SLA for rendering service to the RUF. Since then, amputation became a popular tool used by all the armed factions against perceived opponents irrespective of the laws of war. The amputations have become the clearest manifestation of the brutality of the RUF. In many of the cases reported to the Commission, the perpetrators were exacting punishment on the civilian population for policy actions of the Government or the ECOMOG forces. For the 1996 elections, those whose hands were amputated were told to ask the President to give them new hands. Some were told that they would given letters to the president, only to have their limbs amputated. One of the poster campaigns for the 1996 elections read, “let’s put hands together to create a new future”. Figuratively, the RUF was collecting thousands of hands to prevent people from voting. The targeting of civilians was clearly in breach of the Geneva conventions. Even the leadership of the army did not seem to have made serious efforts to dissuade the targeting of civilians for amputation or punish those who were responsible. One amputee said the commander of an AFRC troop contingent told him in Kono in 1998 just before they amputated both his hands, “you want Kabbah and not the AFRC. We have been kicked out of power and you are going to pay for that. Those hands that were used to vote for Kabbah, you will not use them again. For those who survive, Kabbah will give you hands.” Another commander said, “you don’t want us, it is democracy you want. You are going to pay for that.”[16]

40. It is difficult to determine where the idea of amputation in the conflict came from. There are however examples from different parts of the world that could have motivated the combatants who used amputations to devastating effect. During the colonial period in the Democratic Republic of Congo (former Zaire), the Belgians cut off the hands of workers who didn't bring home enough rubber. Mozambique's RENAMO rebels also carried out amputations during the 70s and 80s, and in Uganda, the Lord's Resistance Army has amputated ears, particularly, and tongues. Nazi Germany was also reputed for terrible medical experiments on victims that included amputations and mutilations. What makes the Sierra Leone case unique is that people elsewhere usually lost limbs to land mines. In Sierra Leone, they were hacked off by human beings using an ax or a machete. What is more, the amputees elsewhere typically lost a leg or sometimes two legs, which though horrible still allows the victim to function with crutches or a wheelchair. In Sierra Leone, most amputees have lost an arm, and many are what technicians call "double upper-limb amputees."

[15] Foday Kabbah, TRC statement number 2068.
[16] Testimony of Tamba Finnoh, TRC Public Hearings, April 2003.

41. The World Food Programme registered 1,128 amputees in the amputees camp in February 2002. Since then, the numbers in the camp have drastically reduced, because of the voluntary resettlement of many of the amputees in their home communities.[17] It should be recalled however that thousands of the amputees didn't have access to medical care in the communities where their limbs were amputated. Many of them have probably died from lack of care.

2. Forced cannibalism:

42. Throughout the conflict, various factions forced their captives to eat the flesh and body parts of human corpses, cooked and uncooked. The Commission defines forced cannibalism as the act of *forcing a person to eat human flesh, body parts or drink human blood by threat, intimidation, force or violence*. This particular violation also manifested itself in the forced drinking of (one's own or another's) blood, and the forced chewing of body parts, especially parts of one's ears. The Commission recorded 19 forced cannibalism violations in its database. While this number may seem small in relation to the total number of violations in the Commission's database, the extraordinary character of the violation and the purpose it served warrant a closer look at the circumstances under which it was perpetrated. The Commission recognises that many more cases of forced cannibalism and other violations may not have been recorded during the statement taking exercises and hopes that further inquiries into the war will unearth the full plenitude of violations committed against the people of Sierra Leone.

43. Forced cannibalism was a means of inflicting psychological torture on the victims, who were often relatives or neighbours of the person they were forced to eat. Cecilia Caulker's son was murdered by the RUF in 1992 in Bonthe:

> "They cut my son in pieces alive. I was under gun point and all actors were in uniform and caps [which] were very low over their eyes, I did not detect anybody. They cut him in pieces with a knife and when they opened his chest, they took out his heart and cut a piece of it and pushed it into my mouth, saying you first eat of it, but then when they have cut his head, they laid it in my hand saying go and breast feed your son and they started dancing."[18]

[17] TRC Interview, March 2003.
[18] Cecilia Caulker, TRC statement number 1262 obtained in Bonthe

44. These acts were also perpetrated on children. The following account was given to the Commission by a girl who was 8 years old at the time of the events:

> "On the 6th of January 1999 RUF/SLA rebels attacked my house at 3 Kissy Road Mental Hospital. The rebels captured me and my sister and they put my sister on the top of my head and they told her they were going to kill her if she did not give them money. My sister was not able to meet their demands and the rebels stood by their words and they shot at my sister on the top of her head and all her blood spilled over my body. I had wanted to cry but they told me that if I do they will kill me also. The rebels further gave me human flesh to eat. After they killed my sister they cut off her head and they told me to dance and laugh."[19]

45. On many occasions, victims were forced to eat parts of their own body, or drink their own blood. This was a means to humiliate the victims. The two following victims were forced to dink their own blood:

> "Corporal Blood came with a dagger and a block and cut off one of my finger, but the remaining one he did not cut of, he only cut them half way, he cut off my right ear and gave me my blood to drink. Whilst he was doing this exercise one of his comrades was pointing a torchlight for him. They also cut the hands and ears of the other six people."[20]

46. The following victims narrated to the Commission how they were forced to eat parts of their own bodies by the Kamajors and the RUF respectively:

> "One of the Kamajors dragged me outside and cut off my left ear and told me to chew it under gun point."[21]

> "I told them there was nothing more and I kept pleading for mercy. Still one of them came from among their lot and cut off my left ear and then put the half into my mouth to eat. As I chewed, the blood oozed out of my mouth. But as I wanted to take it out he hit me with a gun. Still I was pleading to [them to] show mercy. They told me that the next operation was going to be my penis, which they were going to cut off. I was then held, tied up and dropped to the ground. They opened my legs and put them apart. My scrotum was first held and pierced open. The penis was then held as well and chopped off using the same knife. After that they left me and went away to my village where they assembled in their numbers."[22]

47. The CDF and the RUF account for the majority of the forced cannibalism violations.[23] For every other violation category, the majority of that violation type are attributed to the RUF.

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[19] TRC confidential statement
[20] Alusine Turay, TRC statement number 5006, Murray Town Amputee Camp, Western Area, 20 March 2003
[21] Moriba Junny, TRC statement number 4612, Talia, Bonthe, 21 February 2003
[22] Statement to the TRC. Statement Number 7079
[23] The database records 6 violations against each of them.

48. It is difficult to understand the logic of forced cannibalism outside the desire for psychological torture of the victims. It is more baffling in the case of the CDF, which was a community response to the inability of the army to protect the populace. Some of the CDF targets were soldiers and members of their families. The targeting of soldiers was a response to their perceived collusion with the RUF. What this violation demonstrates is that this was a war without rules. Nothing was sacrosanct.

3. Abduction, forced recruitment and sexual slavery:

49. These violations have been dealt with comprehensively in the chapters of the report on women and children respectively. Forced recruitment is the forced or unwilling recruitment of any individual to an armed group or organisation by threat, or intimidation to self or family members and /or violence, while sexual slavery is where the perpetrator exercised all or any of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons or by imposing on them a similar deprivation of liberty; and where the perpetrator caused such person or persons to engage in one or more acts of a sexual nature.[24]. The victim often known as a "bush wife" is held by one or more perpetrators.

4. Drugging:

50. Most of the young people who testified before the Commission complained of forcible drugging by local commanders within the armed factions. Women, abducted and converted to "bush wives" were injected with the psychotropic substances or forced to consume them. In a drugging violation, the victim takes a substance, which alters, temporarily, or permanently, their mental state. The taking of the substance was also be achieved by devious means such as lacing drinks or food with the drugs. The drug may result in permanent physical and/or mental injury. Drugging was used mainly against children forcibly recruited into an armed faction to make them more inclined to fight.

51. One witness before the Commission who was abducted as a little girl gave the following testimony:

> "I don't remember from where [I was abducted] but I spent ten years with them. I don't know my parents or their whereabouts. My commander was colonel Kontobi. I was raped many times. I also cooked for them. I was injected the first time I complained of sickness. I felt cold immediately and sat quietly under the sun for a long time. My body would rise and I became hyperactive. I felt this way for almost two months. One day I was stabbed on the breast by junior and I was told to shoot him. I couldn't. They gave me cocaine to sniff saying I won't be afraid. I tried it and started laughing. My eyes felt watery. I opened fire where junior was standing. He ran into the bush and I ran after him firing everywhere until someone held me from the back.
>
> Other times we were injected with a red liquid. Sometimes it was yellow. They said it would give us strength. Then they will disperse us

[24] See Elements of Crimes of the International Criminal Court 1

to go 'jaja'. If you refused to take the injection, you will be starved. The effect of this drug is dangerous. We were merciless. I was given a human liver to roast and I did and we shared it. We were given blood to drink and we did.

We most times go 'jaja' after eating. There is always a different feeling after you eat. I came across a pregnant woman who strayed into our camp. I threatened to stab her with my knife. The others came around and were curious to know the sex of the baby she was carrying. I said male and others said female. The boys opened her up a front of me and brought out a boy. I jumped with joy that I had won.

We called our Doctor Samuel. He administered drugs on everyone when sick or when on the verge of a mission. Sometimes we are told to go to the car park to collect items including boxes of medical drugs, rice, clothes, and cows. I am not sure where they came from but I guess it was from Guinea through Kabala.

We could hunt dogs and catch them with knives and kill them. This we cooked for every one to eat. We threw grenades to scare the inhabitants of a village away always. Then we would go in to "jaja". A person is re-injected when they know that the previous effect is wearing off. I used to wonder how come they knew when it was wearing off. But when we were given it, we are recharged."[25]

52. Another witness recounted his abduction as a little boy by one commando, Osman, alias 'Kill man no blood'. He acquired this nickname because he drank the blood of his victims. Osman was one of Rambo's commandos.

> "I was called 'kill man blood small' since I was his boy. Marijuana was boiled and given to us to drink. They said it will make us wild, unafraid. When I take it I was not afraid to confront anybody. Under its influence I could shoot anyone without being ordered to do so. Cocaine was first administered to me through a cut on the arm. I loved the effect on me. I felt very happy, playful with the fun. We called it coffee or coco. I beat kids younger that I am. Sometimes we were injected. This is normally a blue liquid. After taking it, I once slapped my boss and he locked me up. We had Brown Brown and tablets like Valium 10 or Blue Boat. Sometimes we won't pay and fighting would break out. We could fire and people are killed. Rambo on the other hand could just walk in and take whatever drugs he wanted. When hungry we also used to open up to 60 bullets and empty the powder on a leaf or piece of cloth. This we would chew and later drink water believing it would make us strong. When food was cooked, our commander would sprinkle a white substance into it, we [had no] sauce but it had a bitter taste. Afterwards, I normally felt dizzy but I didn't want to sleep. Then we were sent out to 'jaja'."[26]

[25] Confidential interview with the TRC, Freetown October 2003.
[26] Confidential interview with the TRC, Freetown October 2003.

53. The widespread use of drugs within the armed factions demonstrates that it was condoned and promoted by the leadership of the factions. Many of the children who consumed hard drugs within the factions are now suffering from all kinds of mental health problems presenting an immediate challenge to the health authorities.

5. Mistreatment Violations

5.1 Forced labour:

54. The Commission defines Forced Labour as *forced/unwilling labour by a victim that occurs whilst they are detained*. It excludes the labour implied by being the victim of a "Forced Recruitment" or "Sexual Slavery" violation.

55. Forced labour occurred either without or in addition to abduction. Abductees were forced to do all kinds of domestic work, including cleaning, cooking, and so on, for their abductors[27]. They were forced to carry loads to various locations, engage in agricultural labour and work in the diamond mines[28].

56. Outside abduction, forced labour occurred when villagers were forced to engage in agricultural activities in their own farms, the proceeds of which were given to the RUF or the CDF[29]. Town chiefs were asked under the threat of death to provide a determined quantity of agricultural products, usually cocoa or coffee, within a specified period. Failure to comply led to the punishment of either the chief or the entire town population.

57. According to one witness, Fomba Mohammed:

> "I was at Sefadu in Kono district when the war came. I had tried to escape to Guinea but it was not possible. I went to stay with an uncle at Giema. When the RUF first entered Giema they did not harm anybody. After a while they gathered all the strong men and they elected a Town Commander. The next day they took us to their training base. …After we finished training, we were given guns [and] sent to the war front. This did not last long as a separation occurred in the movement between the Gio RUF and the Junior commandos who were trained here in Sierra Leone. I was appointed the master farmer responsible for food. I would order civilians to brush and plant rice for them and it was the food that we would use anytime they have visitors."[30]

58. Upon entering a town or village, the factions usually recruited all the able-bodied men and women as forced labour. The civilians had to cook and carry looted property for them back to their base or to another town, and to perform sundry other services for them. The following account involved the SLA in Yele in 1994:

> "These soldiers were bullies. They used to take the wives of

[27] These violations are described extensively in the Women and Children chapters of this Report.
[28] Examples of these violations are described in the Mineral Resources chapter.
[29] See Mineral Resources chapter for details.
[30] TRC statement Number 4299.

community people to sleep with them, cook for them as well as launder their clothes."[31]

59. A witness told the Commission about the RUF attack on his village in 1991:

> "They made us sit on the ground and ordered us to cook for them. Chickens were caught and slaughtered and food cooked by the women. We were all forced to eat the food with the rebels because they feared that they would be poisoned by the civilians."[32]

60. The RUF is responsible for the majority of the forced labour violations recorded in the TRC database amounting to 68.2%, while 11% is attributed to the AFRC. The remaining perpetrators were each responsible for less than 7% of the forced labour violations.[33]

5.2 Assault:

61. An assault violation consists of *physical harm inflicted on a victim by punching, kicking, and/or striking with an object or objects over a period of time. It also includes whipping, lashing, stabbing and the shooting a victim*.

62. Assault was used to punish civilians, compel victims to do things or hand over goods. The following statements relate to incidents involving the AFRC in 1998:

> "One day, rebels asked me to carry a bag on my head to Makeni. When I refused, they started beating me with sticks. Five rebels beat me with sticks. They hit me on all parts of my body. They released me later."[34]

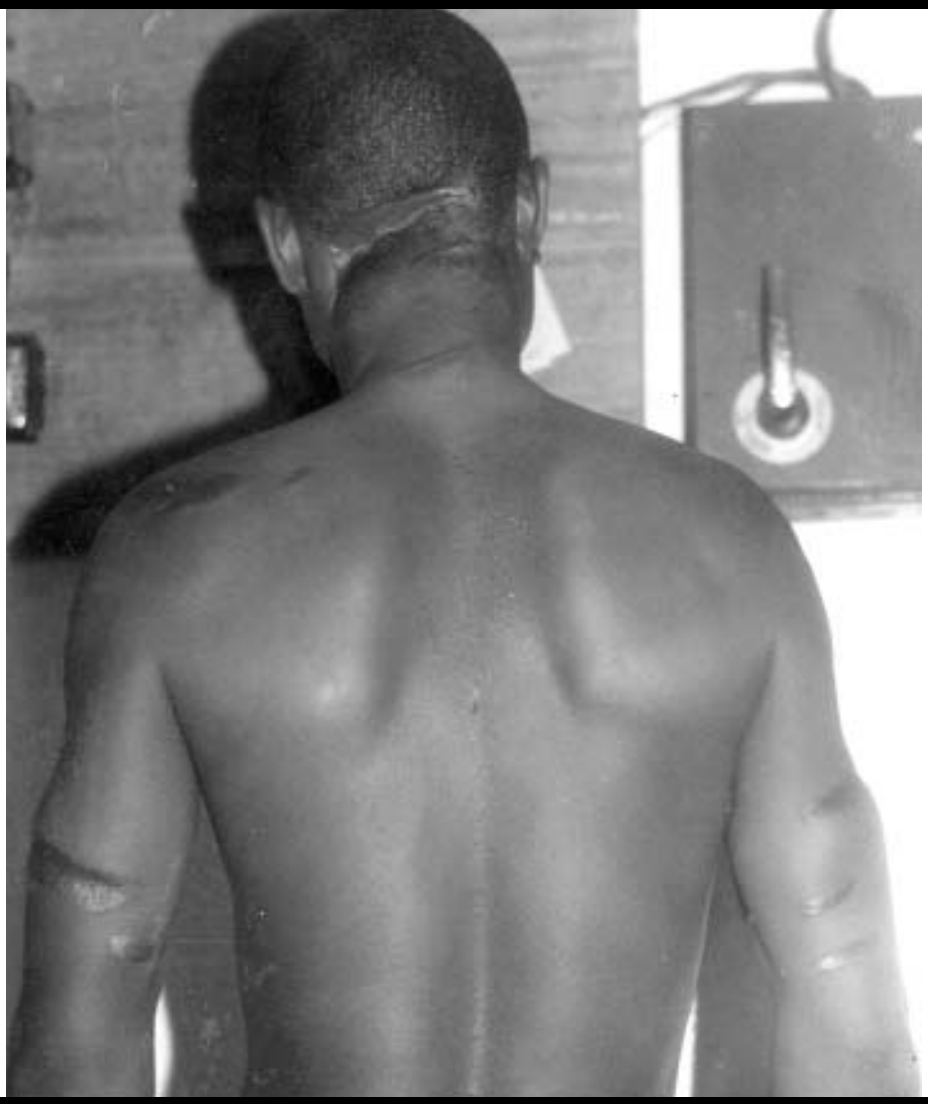
> "I was stopped by some soldiers who were well armed. I refused to stop and one of them chased me and later gave me a hard hit on the side. My two-month-old child got loose on my back and fell while the soldiers took the bag of rice I was carrying. I was then commanded to go with them. As I wanted to take my child, the soldier told me to go away and leave him there. So I had to leave my child crying."[35]

63. The RUF also used beatings to force civilians to comply with orders:

> "They insisted on us producing food and meat. When we failed to comply with their demand, two men took out their belts and started beating us at random. They beat me and I fell down. They continued to beat me until I became unconscious. I sustained a deep wound on my head."[36]

[31] TRC confidential statement number 633, Yele, Tonkolili, 14 December 2002
[32] Bockarie Lewis Kartewu, TRC statement number 164, Kenema town, Kenema, 12 December 2002
[33] The Commission recorded 1834 forced labour violations.
[34] TRC confidential statement number 2592, Bombali Bane, Bombali, 28 January 2003
[35] Margarette Lagowa, TRC statement number 7404, Moyamba town, Moyamba, 7 June 2003
[36] Ansumana Allieu, TRC statement number 2172, Garama, Kailahun, 22 January 2003

TRC



A victim who was beaten and lacerated with a machete by the RUF displays the wounds on his head and upper body.

64. Suspected collaborators were beaten. Those who were perceived to be sympathetic to the Government of the CDF were singled out and severely punished.

> "They gathered everybody under the barrie. Our children suffered beatings. This group was headed by CO Manawai who ordered the boys to beat themselves. People started beating each other. We asked them what wrong have we done? They answered that we had allowed our sons to run away and that they had gone to the Kamajors."[37]

65. The Commission also received numerous testimonies of assault by the SLA and the ECOMOG forces. Assaults were often combined with other violations, especially looting, extortion and physical torture. The number of assault violations attributed to the RUF is 1883 or 58%. For the other groups, the numbers of assault violations are as follows: SLA 245 or 7%; ECOMOG 53 or 1.6% and the AFRC 320 or 9.9%.[38]

5.3 Torture:

66. Torture is *the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody of or under the control of the accused*, except that torture shall not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.[39] The method of torture may be unspecified. The torture could lead to bruising, bleeding, internal injury or severe pain. It includes mutilations such as cutting off ears or breasts.

67. Torture was a means of terrorising the population and breaking down their resistance. Public acts of torture were extensively used to humiliate victims in front of their communities and/or relatives. The following victim was stopped in a village by the RUF in March 1997. She was carrying her husband's gun in a basket, without knowing that the weapon was there. When they found the gun, she was tortured:

> "They stripped me naked, laid me on the ground and told me to roll on the ground. As I was rolling on the ground, they got buckets of water and poured them on me, laid me under the sun and told me to look at the sun for several hours. When they brought me to Mobai naked, there was an RUF commander named Tidda who passed the order that 8 of his men beat me to death. Commander Tidda also gave the command that they should put me in a deep hole. I was put into a deep cemented hole and padlocked until the morning of the next day."[40]

68. Instances of torture carried out by the CDF were brought to the attention of the Commission. A witness described how alleged members of the RUF were tortured and killed by the Gbethes in the North:

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[37] Mariama Sesay, TRC statement number 2723, Woroma, Kailahun, 30 January 2003
[38] The Commission recorded a total of 3246 assault violations in its database.
[39] See article 7 of the Rome Statute of the International Criminal Court.
[40] Sounah Coomber, TRC statement number 1736, Mobai, Kailahun, 13 January 2003

> "Between October and December 1998, I was in Port Loko. The Gbethes were using a house as their base, with their commander Mr. Dumbuya. Normally, he and his boys would go on raids. When they returned, they would come with six to ten men, whom they accused to be rebels. They blindfolded them, tied their hands and locked them in a dark room where they used to torture them. In the night, he would take the victims out and summarily execute them in a secret place. He carried these exercises every four days until December 31st 1998, when the rebels attacked the township."[41]

69. The following account illustrates how torture was used by the AFRC, in this case, to humiliate civilians, leaving them with scars for the rest of their lives:

> "He ordered the operation to start. He started by cutting my two ears. He had wanted to cut the man close to me but he ran away. So the third man's ears were cut off."[42]

70. The elderly were also tortured. This was part of the RUF strategy to break down the social fabric and communal norms.

> "My grand-father was too old to run when there were attacks on the village. He was always left in the village alone. One day, these rebels captured him and brought him out of the house. They tied him up and seriously beat him. One of them stabbed him on the eye, which resulted in the loss of his eye. As a result of the torture, he became very sick. He couldn't bear the pain and died."[43]

71. The AFRC and the CDF are responsible for 235 or 11.5% and 217 or 10.6% of the acts of torture recorded in the Commission's database respectively. The RUF is responsible for the majority of torture violations in the database, accounting for 1136 or 55.4%.[44]

6. Rape:

72. The Commission has defined *rape as where the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body*. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear or violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment or the invasion was committed against a person incapable of giving genuine consent.

[41] Haja Mariama Kamara, TRC statement number 2913, Freetown, 6 February 2003
[42] TRC confidential statement number 7140, Panlap Amputee Camp, Bombali, 26 April 2003
[43] Sahr Morie, TRC statement number 2165, Pujehun town, Kailahun, 21 January 2003
[44] The Commission recorded 2051 torture violations in its database.

73. While victims who were abducted and turned into sex slaves or bush wives suffered numerous rape violations[45], hundreds of other rape violations were reported to the Commission outside of the context of abduction, during encounters on the road or in the bush, or during village attacks.

74. Male combatants did not use rape merely as a weapon against female civilians. It was a devastating tool of terror wielded intentionally to strike a sense of vulnerability into the wider society. It became the crux of a whole-scale assault on belief systems and traditional norms; a medium through which entire families or communities were "punished" in revenge acts; and a crime against humanity. The very nature of the forced sexual acts forced upon the civilian population was an aberration to the individual and collective sense of self.

75. Civilians were often forced to rape family members, under the threat of being killed if they refused. The NPFL used this strategy to devastating effect at the beginning of the conflict:

> "We were here when the Liberian rebels entered the country in 1991. The rebels came and they met me on the road with one girl by the name of A; they captured us and demanded to know where we were going. We told them that our people had sent us to collect food for prayer. When they asked me about my relationship with A I told them that she was my sister. They ordered that I must have sex with her by force. After the sex they threw plenty of dirty water on us and allowed us to go.
>
> I left for another nearby village in search of salt. It was that same night that the rebels entered this village and commanded us all to come out of our various houses and homes. They ordered us to undress ourselves naked, both men and women, and to dance, men on one side, women on the other. The rebels then ordered the women to lie down on the ground on their backs.
>
> The rebels then made the men to identify their relationships with these women on the ground. Each time when a man points to one lady or girl to identify her as his sister or mother those rebels will force him by the gun to have sex with her. We did this for over one hour.
>
> One man lost his life during this process because he refused to have sex with his mother; he was brutally beaten. The next day we saw only his dead body."[46]

76. On occasion, civilians were forced to witness the rape of a family member, a mother, sister or daughter. This was aimed at stigmatising family members thereby weakening the bonds of the family, since it is the most basic component of society.

> "It was during the dry season in 1998 at Romendi village in the Bombali district when a group of RUF rebels headed by Superman attacked the village. One of the rebels arrested my daughter Fatmata and raped her in front of my naked eyes. I went to his colleagues after the attack and reported him. This rebel was taken to Lunsar to their

[45] Those experiences are fully captured in the Women's chapter of this Report.
[46] TRC Confidential statement 0855; place and date of statement undisclosed.

commander Superman for further punishment."[47]

> "In January 1999, RUF/SLA attacked my village called Rokou. They raped my wife in my presence and they abducted her. Since the abduction, I have not set eyes on her."[48]

77. The RUF used rape to destroy the social respect and standing for pregnant and older women. A victim narrated an experience in 1991:

> "One fearful thing they used to do was when they got hold of old women, they raped them. Some of these grand mothers died from sex with these young men. Sometimes, a woman who had just given birth would be used for sex until she dies."[49]

In traditional Sierra Leonean society, men did not have sex with pregnant or lactating women. It was a social taboo. The rape of such women during the conflict was aimed at destroying the traditional social fabric, stigmatising the old and pregnant women and nullifying the boundaries of acceptable behaviour within the community.

7. Arbitrary detention:

78. Arbitrary detention is defined as *detention in a single location such as a prison, guardroom, or civilian building adapted to use as a detention place. The detention is illegal and the detainees are not charged with an offence.*

79. Arbitrary detention was used extensively to punish civilians who disobeyed orders, or suspected of being allied with the "enemy":

> "On the 6th of January 1999, I was at home with my children [when] I saw a group of Kamajors and ECOMOG soldiers coming to our area. I ran inside with my children and they opened fire on us. They were shooting directly at our house. We all laid down on the floor to avoid being hit by the bullets. I found out that two of my children had been shot. I heard the ECOMOG soldiers telling the Kamajors to stop shooting. They came to our house and they saw what they had done, but they did not care. The ECOMOG soldiers told us that if we don't like President Kabbah, they will make sure that they kill all of us. We told them that we liked Tejan Kabbah and that we voted for him. They locked us in a house for three days without food. On the fourth day, they released us and I managed to take care of my children."[50]

80. Detainees were often beaten and tortured while in detention. They were denied basic utilities such as water:

> "One day in 1997, I was caught by the ECOMOG forces. They misconceived me as a rebel and I was taken to the Daru barracks where I was detained. I was given a serious beating. I was detained in the guardroom for four days without food and water."[51]

81. Many of the cases of arbitrary and illegal detention occurred in the period after

[47] Confidential statement to the TRC, Amputee Camp Aberdeen Road, 20 March 2003
[48] Confidential statement to the TRC, Rokou, Western Area, 12 March 2003
[49] Gbassey Musa, Statement 4282, Kailahun town, Kailahun, 20 February 2003
[50] Yeabe Conteh, TRC statement number 4395, Freetown, 20 February 2003
[51] Fomba Kamara, TRC statement number 2161, Ngegbema, Kailahun, 21 January 2003

the restoration of President Kabbah to power in 1998. 18.2% of all recorded detentions occurred in 1998 and 15.7% occurred in 1999.[52] 1998 and 1999 are the first and second highest years, respectively, for reported cases of arbitrary and illegal detention.

82. The graph below shows the annual pattern of reported detentions, and the 1998-1999 peak is higher and sustained longer than any other period.

83. People suspected of being sympathisers of the AFRC were attacked at will, severely beaten and detained. In a number of instances the detentions were orchestrated by ECOMOG as a means of protecting people from rampaging bands of Kamajors attacking Northerners and AFRC "collaborators". However the detentions became prolonged even after the threat level had minimised. According to records at the CID obtained by the Commission, more than 3000 people were detained at the Pademba Road prison in the period after the restoration of the president to power.

[52] Many testimonies given to the Commission did not specify in which month the violations occurred, and consequently, we cannot be specific about the temporal pattern of detentions. However data for the year in which the violation occurred is given in 86.2% of dententions,

84. Hundreds of civil servants who had served in one capacity or another during the AFRC regime, and others with connections to leaders of the AFRC were detained under the state of emergency declared by the government. A subsequent inquiry established by the Government declared that many of them had no cases to answer and should be released. Despite this recommendation, many of them languished in detention for several months thereafter.

85. Hundreds of people, many of them former soldiers of the RSLMF with no connections to the AFRC other than that they were soldiers and who had not supported the AFRC were detained first at Lungi and subsequently at the Pademba Road prisons, until the Government determined that they had no relationship with the AFRC and ordered their release.

86. Following the events of May 6-8 2000 in Freetown, leaders of the RUF were ordered to report at the police stations nearest to them. All those who did were detained. The explanation offered then was that the detention was protective since mob justice after members of the RUF was on the prowl. Till date, no less than 16 of those persons are still in detention at the Pademba Road prisons without any charges having been preferred against them.

8. Economic violations

8.1 Looting and Destruction of property:

87. Looting consists of *theft of personal or commercial goods with the victim absent, or present under threat, intimidation, force or violence*.

88. Destruction of property is defined as the *destruction/damage to private/public property through burning, mining, bombing, shelling, and arson or by other means. Property means a home or other building or personal effects*.

89. The looting and destruction of property violations are often interrelated. In most cases of attack on towns and villages, movable properties of civilians were looted and the remaining items, such as houses and other fixed assets were burnt down or otherwise destroyed.

90. The Commission recorded 3044 looting violations and 3404 property destruction violations in its database. Of these, the RUF committed 56.4% of the property destruction and 60.5% of the looting violations. The AFRC committed 12% and 8.3% respectively while the CDF committed 3.2% and 5.7% of the property destruction and the looting violations respectively.

> "It was in January 1999 when about 5 RUF/AFRC rebels came into our compound. We were so frightened. They came into our house and demanded money, but my stepfather begged them telling them that we do not have money in the house. They did not believe him. They went into the rooms, ransacked everywhere; they took the video, television, clothes and many other things. They told us to come out of the house and put us together in a corner of the compound and ordered us not to move an inch or else they would shoot us. They took petrol, sprinkled it on the house and set the house on fire."[53]

[53] Noella Hamid, TRC statement number 1394, Freetown, 14 January 2003

91. The Commission received many testimonies of people being locked up in a house and the house set on fire with the people burnt alive. An old woman described how her granddaughters were killed:

> "I am explaining a sad story. This was at the early stage of the war in 1991. The rebels invaded Rotifunk and went to the house where my granddaughters were living. All four of them were ordered to enter into the house. They closed them in and set the house ablaze. They all died in the fire."[54]

92. Another witness had his properties stolen and his house burnt down on three occasions:

> "I returned to the village and discovered that my house had been burnt down. Also, all my possessions that were in the house were burnt down [by the RUF]. We went to Bandajuma Sowa. While there, I built another house, which I occupied with my family. Later in 1997, the Junta soldiers drove us from Bandajuma, stole all properties in our houses and again burnt down my house. We returned home to Kobeibu and built huts there. One day in 1998, the AFRC Junta soldiers came and burnt them down."[55]

93. Many people in Sierra Leone are still living in displaced camps or in shanty-towns in Freetown because they lost their houses and properties. The fighting factions used looting of property to finance their war effort, thereby transferring the fiscal costs of the war to the civilian population.

8.2 Extortion:

94. Extortion is as an incident during which *perpetrators use intimidation and/or threats to attempt to compel the victim to surrender goods, cash or services, including sexual services*.

95. The armed factions used checkpoints to extort property from civilians. Instances include the NPRC looting petty traders' merchandise[56] in Freetown, and the ubiquitous RUF check points wherever they entered.

> "In November 1998, the RUF rebels attacked my house in Yengema. They demanded Le500,000 from me or else I would lose my life. I gave them half of that money and I begged them not to kill me as that was the only cash I had. Because there was an argument among them on whether they should accept the money or kill me, they decided to cast a vote. Fortunately for me, they accepted the money."[57]

96. Numerous incidents of extortion occurred along the roads in ambushes:

> "I was stopped by RUF rebels on the highway towards Gbetgbo. I was removed from my car and my money amounting to Le500,000 was

[54] Fatmata Tejan, TRC statement number 1631, Dworzak farm, Western Area, 21 January 2003
[55] Borbor Bao, TRC statement number 3826, Kobeibu, Pujehun, 14 February 2003
[56] Abdul Bundu, TRC statement number 4951, Funkia, Western Area, 15 March 2003
[57] Kabineh Conteh, TRC statement number 4362, Waterloo, Western Area, 19 February 2003

> taken from my pocket. I was asked by the rebels to choose between my life and my car. My driver who resisted was beaten. I chose my life and left the car."[58]

97. Extortion was also common place when fighting factions invaded or occupied villages. Corporal punishment was used to compel people to give money or other goods:

> "When the RUF came, they started writing letters for contributions in cash and kind. They also used to lock up people in a box for failing to contribute. One of such people was X. He was placed in the box for almost three hours. He was only released after the sum of Le 5,000 was paid."[59]

9. Forced displacement:

98. Forced displacement is s the *forced/unwilling departure or movement from one's property/home by threat, intimidation, force, violence, fear, suspicion or due to conflict. The move may be due to perception of danger, rather than actual abuse*. It was the most frequently reported violation to the Commission. There were 7983 instances reported. Of these violations 63.8% and 12.5% were attributed to the RUF and 'rebels' respectively

99. The climate of fear created from attacks by all the combatant factions all over the country made thousands of people flee their homes. Upon hearing rumours that the "rebels" were planning an attack or gaining ground, villagers would pack some of their property and leave their houses. They would either run to hide in the bush, or escape to a neighbouring village. On many occasions, they would be attacked in the bush, or an attack would be launched on the village they escaped to, forcing people to flee again and again. The following account describes this climate of fear created by the RUF:

> "The war spread rapidly. Civilians fleeing the war from Tongo Fields and Dodo began to enter Boajibu with bundles on their heads. We began to feel concerned about our security. Letters were often found on the streets about the rebels' intention to attack Boajibu. All the roads leaving the town became vulnerable so we remained to live in fear. On the 17th of March 1994, the RUF attacked Boajibu."[60]

100. Some civilians were permanently displaced or at least displaced for several months or years at a time. After the RUF had stayed in the community of Gofor (Pujehun) for three months in 1991:

> "One day, the chief who was in charge of this community called us all and told us that the government soldiers will be coming around to fight the rebels and whosoever they meet here will be considered as rebels. This was a very big shock for the community and we all vacated the town, I was partially paralysed, so the community people helped by groups to convey me. We went as far as Dia. There we were stopped not to cross [the border to Liberia]. We spent 6 days and

[58] Alusine Koroma, TRC statement number 351, Makeni, Bombali, 13 December 2002
[59] TRC confidential statement number 6161, Sumbuya, Kambia, 14 March 2003
[60] Nancy Matia, TRC statement number 2457, Komende, Kenema, 25 January 2003

later were allowed to cross. We stayed at Gbaoma Lumeh where the ULIMO soldiers met us and brought us back to Sierra Leone. We were taken to Kenema because our town Gofor was a complete bush. My house and all the houses in the town were burnt."[61]

101. On many occasions, the destruction of people's houses led to their being displaced, sometimes outside of Sierra Leone:

> "The day following the attack, I was told by fleeing civilians that my house in Falaba had been burnt down by SAJ Musa's men. I found that the area was not safe and I decided to head for Guinea."[62]

102. But crossing the border did not mean being safety, because of cross border attacks and disastrous living conditions in the refugee camps:

> "We decided to seek refuge in Shekia in neighbouring Guinea. At about 3 am, the rebels launched an attack on the village of Shekia. They arrested my nephew and, using their bayonets, they impaled his throat. They also shot my elder brother in the foot. I fled the village into the bush. I later decided to take my family to the supposed safe haven of the refugee camp at Forecariah. It was there that my son fell ill and passed away."[63]

103. Many of these refugees stayed abroad in refugee camps for years. Some of them are yet to return. One of the most dramatic and painful experiences involved in the events surrounding forced displacement is the separation of family members. The Commission received numerous testimonies of people losing their children, their parents or their siblings while escaping an attack. Many of these family members left behind are dead, and many others are yet to be reunited with their family.

104. The following statement giver left his village because of fears of RUF attack and stayed in the bush for two months, carrying his blind brother who was an old man. After two months, they went to Levuma:

> "Two days after our movement to town, the RUF rebels launched an attack on Levuma. I again ran into the bush. I was not able to carry my brother. He was blind and could not find his way. He was left in the town. When I went back to see what had happened, I saw my brother lying dead with seven other people."[64]

10. Killing:

105. The Commission considers a killing as causing death. In addition to intentional killing, a person's life was taken in the course of other abuses and violations.

106. Many civilians were killed in crossfire through encounters between government and "rebel" forces which occurred on numerous occasions within villages and towns. While killing arising from cross fire is generally regarded as collateral damage and therefore not a violation, the Commission considers that collateral

[61] Iye Massaquoi, TRC statement number 1888, Gofor, Pujehun, 22 January 2003
[62] Jeneba Samura, TRC statement number 3639, Falaba, Koinadugu, 20 February 2003
[63] Kompolo Sorieba Sumah, TRC statement number 3608, Bubuya, Kambia, February 2003
[64] Momoh Abdulai, TRC statement number 4007, Vaania, Kenema, 15 February 2003

damage in the context of the Sierra Leonean conflict was in many respects arbitrary. The combatants were in the main reckless and negligent in avoiding civilian casualties.

107. Sometimes people were killed intentionally to satisfy the innate desires of the combatants:

> "I came across a pregnant woman who had strayed into our camp. At first I threatened to stab her with my knife. Then the others came around and asked what we should do with her; they were curious to know the sex of the baby she was carrying. I suggested male while others said female. The boys opened her up in front of me and brought out a baby boy. I jumped with joy that I had won."[65]

108. Killing or the threat of killing was used extensively to punish disobedient civilians and terrorise the population into obedience by "giving the example" of what happened with those who failed to obey orders.

109. The following witness' brother in law was in hiding. He was punished when he was caught:

> "My brother in law was captured from his hiding place and was brought to town. He was placed before us and shot. He fell down and one of the RUF men went closer and fired at his head. He died on the spot and was thrown into the bush."[66]

110. People were killed as human sacrifice to bring luck to the fighting factions. The following account relates events that happened in Koinadugu town in August 1998. The CDF had attacked the town but were repelled by the AFRC forces:

> "When the fighting ceased, Superman called on the civilians and informed us that he was about to make a sacrifice. Many people were then forced to be present, although in fear. At first, he maintained that he was making the sacrifice in the name of peace while he had planned to massacre civilians. He blamed the civilians for giving intelligence information to the CDF at Kabala, which resulted in the attack of Koinadugu.
>
> Several people were locked up in a room and burnt alive. They included my wife, my uncle, my grand-mother and several other people."[67]

111. Another account relates a similar event in Bumpeh Tabbay, Bo district, in 1997. The AFRC massacred about 50 people in the same way:

> "The rebels went from house to house searching for people. They got hold of my grandfather and grandmother who were too old to run away, and also of other old and young men and women, nearly 50

[65] Excerpt from a confidential TRC interview with a female RUF ex-child combatant, conducted on 09 September 2003 in Makeni, Bombali District.
[66] Vandi Momoh, TRC statement number 2157, Jenneh, Kailahun, 21 January 2003
[67] Ferenkeh Marah, TRC statement number 3250, Koinadugu town, Koinadugu, 4 February 2003. Also corroborated by James Lebbie, TRC statement number 507, Kabala, Koinadugu, 19 December 2002

> people. They were all put inside our house and locked up. They sprinkled petrol on the house and set it on fire. They went afar to watch the house burning so that no one could attempt to put off the fire. Everyone in the house was burned down to ashes."[68]

112. Ritual killings were practised on enemy fighters or on civilians, including children:

> "The most fearful event I saw was when fifty babies were punched on an iron alive, as sacrifices for the war."[69]

113. Another account, was of killings by the AFRC in Kono in 1998:

> "They decided that one person should be sacrificed. I was pointed out to be slaughtered. They brought one Limba woman who could not speak Krio; she was just crying and begging them in Limba. Since the woman was crying, they said the woman was causing noise so that ECOMOG could hear her. For that, they will release me and slaughter the woman in exchange. The woman was stripped naked and slaughtered and a pestle was inserted into her vagina."[70]

114. The Commission received reports of the killing of 4514 people. The RUF were named as perpetrators of 58% of the deaths, and AFRC were identified in 11.3%. Killing were concentrated in 1991, 1994-1995 and in 1998-1998 with relatively less violent periods in between.

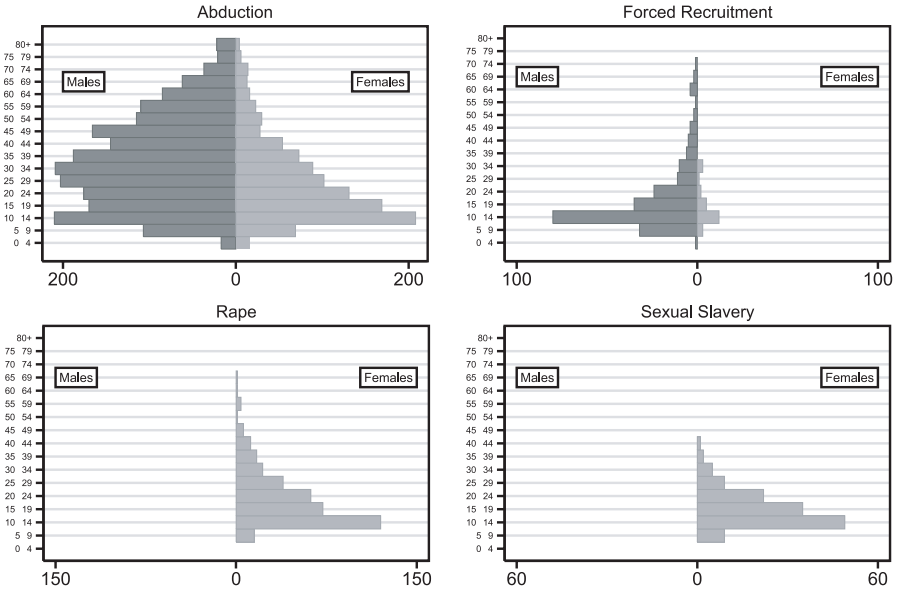
11. Cannibalism:

115. The first emergence of the practice of cannibalism the Sierra Leonean conflict appears to have been attributable to the contingent of Liberians, predominantly from the Geio and Mano tribes, who fought for the NPFL, under the auspices of the RUF,[71] in the first two years of the conflict. A woman who witnessed the killing of her husband narrated the incident to the Commission:[72]

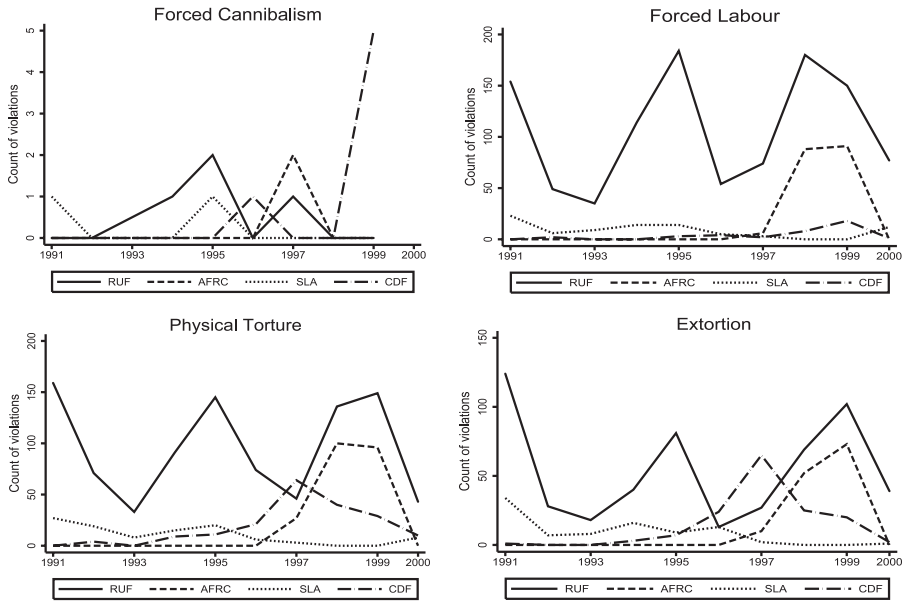
> "I had to hide myself in the nearby bush from where I could see the body of my husband where he lay. I then saw Johnson coming up to him, he came to where the body was, stood by it and with the knife he had opened up Kamanda's stomach. He removed most of the internal organs and gave them to some of the captives to cook. Johnson rubbed Kamanda's blood all over his body. They cooked it for him and ate every thing."

[68] TRC confidential statement number 2195, Fallah, Kenema, 24 January 2003
[69] Joseph Mava, TRC statement number 7054, Baoma, Bo, 14 March 2003
[70] TRC confidential statement number 7140, Panlap Amputee Camp, Bombali, 26 April 2003
[71] Although fighters of the NPFL did not appear to unite themselves behind a common command structure with the 'vanguards' or the junior forces of the RUF/SL movement, they appear to have identified themselves as RUF 'revolutionaries' in the communities they entered. Accordingly, they were perceived by most of those they encountered to be part and parcel of the same, single movement headed by Foday Sankoh; in the recording of human rights abuses by the TRC, victims of abuses in Kailahun District that appear in fact to have been committed by NPFL fighters were widely, if not universally, attributed to the RUF.
[72] Statement to the TRC. Statement Number 4243

Selected violations categories according to age / sex of victims
(number of violations documented in TRC database)



Selected violations categories according to year / perpetrator faction
(number of violations documented in TRC database)



116. Some members of the RUF/SL were vehemently opposed to the practice and upon that premise there developed severe hostility between the two component factions of the original incursion force.

117. The Commission recorded instances from Kailahun District in 1991 of the establishment of 'eating areas' in which fighters would gather habitually to devour the flesh of their victims. Killings were committed in order to acquire 'human meat'. Even in instances where those who subsequently cannibalised the corpse were not the killers, the families were deprived of their right to respectful burial of the deceased.

118. The Kamajors, who constituted the CDF of the Southern and Eastern Regions, founded their existence partly upon a ceremony known as 'initiation', in which recruits were marshalled through a rigorous series of physical and psychological challenges. This veiled form of psychological torture bears striking parallels with the RUF/SL's strategy of 'de-institutionalising' its forced recruits.

119. Organs, tissue, blood and flesh from the bodies of dead persons – some of them relatives of Kamajors – were used in the ceremony of initiation. Civilians from communities surrounding the initiation site and even would-be recruits were killed for the express purposes of 'sacrificing them to the cause'.

120. The Commission recorded testimony that pregnant women were killed by the Kamajors in order to extract parts of their bodies for use in initiation ceremonies. Furthermore some Kamajors carried 'charms' or 'fetishes' with them which were constituted of human remains, including the mutilated genitalia of women.

121. In some of the cases recorded by the Commission, the Kamajors who participated in initiation ceremonies that involved the eating of human flesh were unaware of the 'materials' that had been used in preparing the 'ceremony', or indeed the manner through which they had been acquired. Thus, added to the incidence of human sacrifice, some Kamajors participated unwittingly in cannibalism. Testimony before the Commission indicated that they became aware of this only subsequently, yet they also didn't do anything to stop the practice. This was a perversion of people's perceptions of the 'justness' of the cause, or the nature of the initiative, and smacks of deceit and exploitation by the leaders of the Kamajors.

122. The 'Initiators' of the Kamajor Society in concert with their assistants, or 'apprentices', prepared the 'food' for initiation ceremonies and also indoctrinated the 'initiates', most of who were illiterate, with the 'belief' that certain supernatural powers would be bestowed upon them through the practice of cannibalism and human sacrifice.

> "In fact, some AFRC 'sobel' captives who were held in prison were at the same time handed over to the Kamajors. One AFRC captive was brought out of his prison cell and laid on the ground; he had his chest split open with a cutlass, divided into two halves. The Kamajors took out his heart, kidney and liver, which I saw 'respirating' or beating, and I saw the Kamajor man starting to eat the above-named organs, and the intestines, raw – without cooking them or roasting them – publicly, in the open, before everyone. This induced the town and chiefdom

> elders into making arrangements for the feeding, transportation and all other necessary logistical support for the Kamajors so that all courage would be given to them to defend the township. From this point, things started going on fine, as normal, everyday activities were resumed."[73]

123. In particular, the High Priest of the Kamajor Society, self-styled King Dr. Allieu Kondewah, played a key role in the practice of cannibalism and human sacrifice. Evidence available to the Commission indicates that these violations were carried out with the full knowledge of the National Co-ordinator of the Civil Defence Forces (CDF), Chief Samuel Hinga Norman, who appears in fact to have actively encouraged them.[74]

124. Witnesses told the Commission that the practice of such violations by the Kamajors was brought to the attention of the President, Alhaji Dr. Ahmad Tejan Kabbah, who neither sanctioned nor condemned those responsible, and who in fact continued to endorse the activities of the CDF thereafter.[75] The witnesses stated that the President organised a meeting at his office after his restoration to power in 1998 where members of the War Council at Base Zero gave him a comprehensive briefing of their activities. Furthermore, many of them subsequently came to see the President privately where they notified him of the terrible practices going on within the Kamajor camps. The witnesses claimed that the President lamented his inability to call Chief Norman to order for fear that he might incite the Kamajors to revolt against the Government. However, the president was alleged to have issued an order banning further initiations within the Kamajor movement. The order was however largely ignored by the initiators.

125. A woman testified to her husband being eaten by the Kamajors:

> "The Kamajors brought the head of my husband, gave me the head cut off and said I should give them money to buy tomato paste, magi, onions for them to cook the head and eat. I gave them the sum of one thousand Leones. They hit my hands, stripped me naked and took from me the sum of 50,000 Leones. I have the scar marks on my left hand near to my wrist. Further more they went with the head to town dancing with it while his flesh was in the pot in front of my house cooking for them to eat."[76]

126. All the combat groups engaged in cannibalism. The RUF had demonstrated a clear propensity for attacking the very people in whose name it claimed to be carrying out the revolution. It was no surprise to the people that the RUF also engaged in cannibalism. What was shocking to the people was that the Kamajors also engaged in it, for no ostensible reason. A group within the Kamajors, called the "yarmotor" is reputed to be a cult of warriors in traditional Sierra Leonean society. Witnesses claim that this group carried out most of the cannibalism violations. As legend has it, eating the remains of a conquered foe

[73] Excerpt from TRC statement taken in Moyamba District, relating to events in the Kono District in 1998; TRC Statement Number 3922.
[74] TRC confidential interview with a member of the War Council at Base Zero, TRC office, Freetown, November 2003.
[75] TRC confidential interview with a member of the War Council at Base Zero. TRC Office Freetown December 2003; also M.S. Dumbuya, TRC Offices, Freetown, 2003.
[76] Statement to the TRC. Statement Number 150

imbued the warrior with the strength of the vanquished. This fable has existed from ancient times, providing the basis for cannibalism in some of the great wars in different parts of the world. It has no scientific basis and remains unproven. The leadership of the Kamajor militia and of the RUF were grossly remiss in preventing their members from participating in cannibalism or punishing those who did.

THE IMPACT OF THE CONFLICT ON FAMILIES

127. As the smallest unit of social organisation, the family felt the most impact of the war in Sierra Leone. Household heads were targeted, brutalised and killed in the presence of their children. Young girls most of them not yet at puberty were raped and taken away to become "bush wives". Boys, some of them as young as eight years old, were taken away to be trained to fight for the combat groups, some of them never to return. In most cases, their links with their families were deliberately severed through forcing them at the pain of death to commit incest and horrendous atrocities against family members. The following testimonies before the Commission capture the tragedy that befell the average family during the war.

128. A witness from Magbotoso village was forced to watch the rape and killing of his blind mother by "men in combat attire" in January 1999.

> "As we reached the town my mother was raped right in front of me. I covered my face so as not to see, but one of them gave me a slap saying I should see what was happening. Three of them raped her, one after the other. The fourth one was about to rape her when my mother pushed him. He immediately removed a knife from his pocket and stabbed her in the chest. They were in disarray when they heard the helicopter gunship. I carried my mother on my back to a nearby village. She died later that day."[77]

129. Nothing seemed to attract the respect or deference of the RUF soldiers. Even pregnant women were beaten and raped.[78]

> "During the war in 1999 the rebels captured me. At that time I was pregnant. The rebels stabbed me in the leg with a bayonet. They beat me with a stick on my head until I bled from the nose. The rebels took me back to their base at Burkina in Kailahun district. The rebels raped me on the way to their base. I was with them when I gave birth, but I lost the child because of the serious pain. When I gave birth I was seriously sick because of the way the rebels beat me when I was pregnant."

[77] Mohammed Fofanah. Statement to the TRC. Statement Number 2556.
[78] Statement to the TRC. Statement Number 1830

130. John Lamboi was a resident of a village that was attacked by the RUF on January 4 1995. He was detained at gunpoint, denied food and water. His house was burnt and he witnessed the raping of his young daughter:[79]

> "My daughter was a small girl and knew nothing about sexual affairs. But it was that night that the rebels inaugurated her against her wishes. She was shouting and crying but they didn't listen to her and wend ahead and raped her in my presence."

131. Adama Gribow, of Moyamba town, fled to the bush with part of her family when the RUF first attacked her town. They stayed in the bush for two months until the rebels captured them and other displaced women. She was forced to watch the torturing to death of her mother and aunt. She was also made to sing and dance as the atrocities were taking place.[80]

> "One morning the rebels met us in the forest. They threatened to shoot anyone who attempted to run. We were asked to line up in groups, children in one line, women in another. They later separated pregnant women from us. My mother's younger sister, Moinya, was pregnant. She was made to stand in front of all the pregnant women. An argument erupted among the rebels. One rebel argued that Moinya was carrying a baby boy, while the other denied and maintained that the baby was a girl. They bet 10,000 Leones on who was correct. The argument lasted for nearly twenty minutes. A young rebel boy was appointed as a judge, and four other young rebel boys were appointed to split the stomach of Moinya. The rebels split her stomach and removed the baby while my aunt was crying in pain. While they were splitting her stomach they told us to sing and dance. My mother refused to dance. She too was arrested. She was forced to lie on the ground. They beat her with sticks. They also kicked her in the stomach until she started bleeding. We stood around them singing and dancing until both my mother and her sister died. No reasons were given as to why my mother and my aunty were killed."

132. The AFRC soldiers who had revolted against the elected government were no different from their RUF colleagues in their treatment of civilians.[81] AFRC soldiers abducted Miss X during the January 6 invasion of Freetown. She was used as a slave after refusing to submit to rape. She watched her cousin being raped.[82]

> "When we came back to their base three of the men raped my cousin, but my elder sister and I refused. They put my sister's left foot into boiling water and later she could not walk for days."

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[79] Confidential Statement to the TRC.
[80] Statement to the TRC. Statement Number 2550
[81] The relationship between the RUF and the AFRC is explored in detail in the chapter on youths in this report.
[82] The name o f the witness has been removed to protect her identity.

133. Miss Y had a similar experience. She was forced to watch the rape of her elder sister by "soldiers"[83]

> "During the January 6th invasion we were also abducted. One soldier used to rape Fatima (elder sister) every day in my presence. He said that I should start to learn how to have sex."

134. A paramount chief recounted the rape of his nephew's pregnant wife by members of the SLA in 1995: [84]

> "In early 1995 my nephew was passing by the brigade with his wife, when they were intercepted by soldiers. Both were alleged to have passed by without greeting them. They were taken into the brigade. The woman was forcefully taken to a room and the husband was asked to stay outside. The woman, who was a month pregnant, was raped. The husband informed them of his wife's pregnancy. Because of this statement he was severely beaten and almost killed."

135. According to Lamin Mauranay, his pregnant daughter was raped and murdered in his presence by AFRC soldiers in 1998[85]:

> "Later in the night another group of AFRC came from Sandia road on a mission statement saying 'operation no living thing.' They killed 17 civilians, raped one of my daughters who was pregnant at the time and later killed her in cold blood."

136. "Satu", 32 years of age and a mother of four, was abducted by "Sobels" retreating from Freetown in January 1999. Pregnant at the time, she was repeatedly raped while in captivity[86].

> "I was two months pregnant. During the time of my stay with the Sobels I was appointed as one of their cooks. I was raped three times per night by different Sobels. Three Sobels were raping me not even thinking I am a pregnant woman. The Sobels forced me to have sex with them and if I failed to do so I would have been killed, leaving behind my four children. The Sobels were not allowing us to watch at their faces, they only came from the Bengurnia barracks at night and they forced us to have sex and later they returned to their barracks."

[83] The name of the witness has been removed to protect her identity.
[84] The name of the paramount chief has been removed in order to protet the identity of the woman.
[85] Statement to the TRC. Statement Number 2064
[86] The real name of the witness has been removed to protect her identity.

TRC



A photograph taken by a TRC investigator inside the notorious “Slaughter House” of the RUF in Kailahun District, where people were tortured to death, including having their heads smashed against the wall.

137. The targeting of families was not restricted to the RUF and its allies. The pro government militia, the CDF also targeted the families of those they suspected of being collaborators to the AFRC/RUF.[87]

> "The Kamajors stormed our house again claiming that my brothers had dug a hole [in the back of the compound] and had hid arms there. My brothers denied this, telling the Kamajors that it was not arms they kept in the pit but fuel and money. My brothers even told them that they would go dig up the hole so that the Kamajors would believe what they were saying. But the Kamajors did not listen saying that as long as they have got that information [from an informant] they know it is true and will act on it. It was then that they chopped off the ear of Abu, one of my brothers. After that they put my brothers in a vehicle with five other men and drove away. After sometime they appeared again in our area and told us that everybody should come out and identify their relatives. When we came out we were under gunpoint, and they took us to the vehicle, where we saw seven human heads they had just chopped off. We identified our brothers, and they told us that we should laugh over their heads and dance, which we did for fear that we would be killed if we refused."

138. "Kadi" was hiding in the bush with her young son when 3 Gbethes stopped her. She was pregnant at the time.[88]

> "One of the men asked me where the people were hiding. I told him that I didn't know because I was a stranger in the village. They said that if I failed to direct them to where the people were hiding they would kill me. They were with me the entire day walking in the bush. One of the men raped me in the bush. In the evening when they came to the town with me another two men raped me. At the time I was five months pregnant. They were about to give me some load to carry, but one of the men who raped me in the bush appealed to his colleagues to set me free. I was then released."

139. The targeting of families was designed to remove all vestiges of respect and dignity in the people abused. Such conditioning makes people very malleable and easy to control. It however led to the break up of families, as the trauma was too great for many to bear.

140. One characteristic of the conflict was the familial connection between prominent actors on both sides of the conflict. One notable family was the Bio family of Tihun, Bonthe district. A prominent member of the family, Steve Bio was a reputed supplier of arms and ammunition to the RUF and the AFRC. His nephew Julius Maada Bio was the mastermind of the April 29th 1992 coup that brought the NPRC to power. An in law of the Bio's, Ibrahim Deen Jalloh was a teacher at the Bunumbu Teachers College in 1993 when the RUF attacked the college and abducted him and his wife, Agnes. Subsequently, he was converted into a believer in the RUF cause. All through the conflict however, his wife was detained and compelled to provide sexual services to Foday Sankoh as a means of keeping her husband in check. After the AFRC was kicked out of Freetown, Steve Bio was arrested and detained at the Pademba Road prison.

[87] Mamodu Kamara. Statement to the Commission. Number 1017
[88] The real name of the witness has been removed to protect her identity.

Steve Bio was in prison with Gibril Massaquoi and other associates of the RUF and AFRC including former President Joseph Momoh and Alex Minty. They all attempted to escape from Freetown following the January 6 1999 attack. Hiding around the Guma Valley premises in the days after the attack and looking for a safe exit from Freetown, Steve Bio was killed by an ECOMOG shell. Gibril Massaquoi subsequently took Steve Bio's wife Edna under his wings to offer solace and protection and made her his "wife".[89] Because of the involvement of the Bio family with the different factions during the conflict, Brigadier Maada Bio was accused of colluding with the RUF. The Commission's investigations demonstrate that this was not the case. When Maada Bio became Head of State, he sent photographs of his sister Agnes to all military formations to try and track her as they launched attacks on RUF positions. A witness reported to the Commission how he broke down and wept uncontrollably when he was finally reunited with his sister. Tihun, their home town, was attacked in January 1996 because Maada Bio was the Head of State. That attack has entered the conflict folklore as the 'Tihun Massacre'. Several members of the family including Josepo Bio were killed in the attack. It is to the credit of Julius Maada Bio that he did not allow family tragedy to becloud his pursuit of peace with the RUF.

141. The linkage between family members and the different factions again came to the surface in the after math of the May 8 2000 demonstrations and attack on the residence of Foday Sankoh in Freetown. While all the leaders of the RUF were ordered to report to the nearest police stations or at ECOMOG headquarters, Gibril Massaquoi claimed to the Commission that he hid himself at the residence of the then Vice president, Dr. Joe Demby who he said is an uncle of sorts to him. Another prominent member of the RUF, Peter Borbor Vandy who became the Minister of Lands and Country Planning after the Lome Peace Agreement was married to Georgina Demby, daughter of the then Vice president. One of the accused officers during the treason trials of 1998 was one Lieutenant Commander Francis Momoh Duwai. He was convicted and sentenced to death. One of the members of the Court Martial Board that convicted him was his father, Lieutenant Colonel P. M. Duwai (Rtd.). His sentence was subsequently commuted to life imprisonment. He also broke out of Pademba Road prison following the January 6 1999 attack on Freetown, and is currently serving in the armed forces.

142. Another of the treason convicts was Reginald Halston, head of the military police during the AFRC regime. He was also sentenced to death. In the weeks after his conviction, his father was involved in a ghastly motor accident with ECOMOG at the Congo Cross Bridge in Freetown, from which he died. The Commission has received testimony that then Head of the Sierra Leone Armed Forces, Nigerian born Brigadier Maxwell Khobe lobbied very hard for his sentence to be reduced to avoid the double tragedy that would result for the family. His sentence was commuted to life imprisonment. The Commission does not consider it part of its mandate to interrogate the exercise of the discretionary power of prerogative of mercy by the president.

143. One of the leaders of the NPRC regime whose roles in the conflict is discussed in the chapter on military and political history is Captain Tom Nyuma who claimed that he is a nephew of Foday Sankoh. After the overthrow of the government on May 25 1997, a lot of effort was invested by the government in

[89] Confidential interviews with ex-RUF combatants in Bo, Kenema and Pujehun August 2003.

exile, in bringing him back to Sierra Leone from the United States to take over from Chief Hinga Norman as commander of the CDF forces. All testimonies received by the Commission about Tom Nyuma point to a relationship between him and the different combat groups and a multiplicity of roles by him in each of them.

THE IMPACT OF THE CONFLICT ON COMMUNITIES

144. The RUF "revolution" was launched to dislodge the dictatorial regime of the All Peoples Congress from power. During the early contacts with people in the Kailahun and Pujehun districts, the movement tried to explain its purpose, promising emancipation for the people. Their tactic of co-opting support and forcibly appropriating property belonging to the people as well as the targeting of prominent and educated people showed the people that this was anything but a revolution. Communities were captured for the basis of plunder, where the movement sought to replenish its stock of food and other materials from community resources. In the targeting of communities lay the basis for the widespread displacement of people that took place during the conflict.

145. In many respects this strategy by the RUF speaks volumes about the misconstrued platform on which the 'revolution' was launched. The very acts that the attackers believed to be emancipatory were received by the populace as oppressive and offensive. Moreover, such acts contributed significantly to the siege mentality prevalent in many communities of the Southern and Eastern provinces. One of the most direct manifestations of the siege mentality was the subscription to the concept of civil defence and the consequent mobilisation of local militias.

146. 'Rebels' held Loretta Sesay held captive in her house for three days, beginning on January 6, 1999. [90]

> "They put us under gun point and asked us to sing and dance for them. The song they asked us to sing was 'we want peace'. They also forced us to use obscene language on the Tejan Kabbah government. They rebels took all my belongings. They tortured me with guns and sticks. They also restricted my movement by putting me under siege for three days. They forced us to sing and dance for them both day and night. On the third day, the rebels told me and the others who were under siege that they were going to amputate people's hands. Upon hearing that I and others started begging them to have pity on us…As God would have it, one of the rebels decided to take pity on us and told his colleagues not to implement their plans, but that they should let us evacuate the house so that they could burn it. Before they finally freed me and the others they gave each of us forty strokes."

147. Sei Tham witnessed abuses committed by the Kamajors against the people of his village,

> "I cannot remember the dates of all the events, but Kamajors visited us at 8.00pm and gathered all the people in our village, locked the women up in a house and then asked the men to come outside and

[90] Statement to the TRC. Statement Number 1389

dance for them. The men were beaten up while dancing."

148. John Abdallah, son of Lebanese and Sierra Leonean parents, was a resident of a township in Kailahun, which was attacked by the RUF on 27 April 1991.[91]

> "About thirty six people jubilated and came out to stand for peace since the APC was overthrown. Sankoh who was the RUF leader instructed his boys to boil palm oil and dump it on all thirty six people who jubilated for peace."

149. One of the communities to feel the direct impact of the war was Koribundo in Bo district. There was a military garrison in the town, which during the AFRC regime was occupied by the renegade soldiers. The town was fought over between the CDF and the AFRC several times with control seesawing between the groups. The Kamajors accused the towns' people of supporting the AFRC. When the AFRC finally evacuated the town, several contingents of the Kamajors led by Joe Timide and Joe Nunie came on revenge missions. The Commission's investigations revealed that the Kamajors committed so many atrocities during this and subsequent visits to the town. The Commission therefore decided to organise a public hearing on the destruction of Koribundo by the Kamajors.

150. Koribundo residents told the Commission that the SLA soldiers who occupied the town treated the towns' people decently. This was to change when the RUF joined them in a "peoples' army" in 1997.

> "Sincerely the soldiers didn't do much destruction, but the people's army did most of the looting in Koribundo. They were violent with us. They took our property without respect. They said they are not paid by the government. Anywhere they go they will just take what they want."[92]

151. Interviews and testimonies reveal that the order to attack and destroy Koribundo was given by no other than the National Coordinator of the CDF himself, Chief Hinga Norman. The attack was led by Joe Timede. Other Kamajor commanders who participated in the attack included Tommy Lahai, Bockarie Beloko, Slagie Rogers. They were alleged to have committed wicked and inhuman acts, ordering the deaths of many people who challenged their activities in the town.[93]

> "The Kamajors occupied the town and started firing or shooting for the rest of the day while I was inside my house. Heavy machine guns were used for the rest of the day. At 4.15 in the evening I got up ad peeped. I saw more than 4000 Kamajors. They entered from one house to another. When they entered my house they cleared everything, including 15 bags of rice and 10 bags of groundnuts…they stayed for 2 months. Everyone ran away…majority of the houses were burnt, about 106 houses.
>
> My blood brother was killed by the Kamajors. I was arrested and charged with making radios for the soldiers. They started dropping

[91] Statement to the TRC. Statement Number 243
[92] TRC Interview with Momodu Kijan, resident of Koribundo at Koribundo 3rd June 2003
[93] Ibid.

[burning] rubber on my body. They said that I should die."[94]

152. Following complaints by the chiefs and people of Koribundo, a meeting was subsequently called at which Chief Hinga Norman was to address the people.

> "So majority of us went for that meeting. When everybody reached, both civilians and Kamajors, he [Chief Norman] said that the Kamajors didn't do their work for which he sent them. He asked them, 'what happened? Are you afraid to kill?' he asked the Kamajors in front of everybody. He told the Kamajors that Kapras kill people, nothing come out of it; Tamaboros kill, nothing happened; the soldiers killed nothing happened; the rebels the same thing. Why if Kamajors killed. 'Why are you afraid to kill?' He said further, 'look these rebels, why are you afraid to kill them?' Then the Kamajors started shouting, 'pa-pay pa-pay!' I was afraid. I thought that the Kamajors would open fire at us. So I dived down and moved off from the barray. Many people didn't sleep in that town because of that speech by Hinga Norman."[95]

153. Following the speech, a regime of terror was established in Koribundo. The Commission during the public hearing heard harrowing tales of atrocities committed against the towns' people. The most notorious of the kamajor commanders was Tommy Lahai. He converted the hospital in the town to a "high court". A high court judgement usually meant death for the unfortunate victim. The Commission was told that Lahai's other name is Halai and that he is presently a member of the armed forces.

THE PARTICULAR SUFFERING OF THE ELDERLY, THE AFFLUENT AND THOSE OF STATUS

154. In terms of material loss, it is perhaps inevitable that people of affluence and status suffer inordinately in a conflict of this nature. The more one has, so the theory goes, the more one stands to lose. In a conflict in which forced displacement and looting violations were rife and constant throughout the period of fighting, property owners and those with assets such as expensive motor cars and large numbers of livestock were deliberately targeted by each of the fighting factions as they sought to accumulate wealth for themselves.

155. The particular suffering of the affluent and those of status attests to a great deal more about the dynamics of the conflict as a whole than simply the idea of material loss, however. In view of the character of the majority of the fighting forces, which appears to have been young, disgruntled and poor, the Commission considers that violations such as looting and destruction of property were as much an expression of the wretchedness of the plight with which so many of the perpetrators were familiar as it was any reflection of the particular identity of the victims themselves. Through those violations, they strove for a material existence better than that to which they had been conditioned.

[94] Interview with Mr. Ibrahim Bar, resident of Koribundo at Koribundo 3rd June 2003.
[95] TRC interview with Mr. Ibrahim Bah, resident of Koribundo, at Koribundo 3rd June 2003.

156. From the evidence available one conclusion could be that it was a recurring tendency on the part of marginalised groups in Sierra Leone to harbour resentment against those who did not seem to have struggled like they have for whatever small gains they can gather. Thus, when a poor farmer has lived on a knife's edge for many years, possibly even decades, and has watched as those in positions of power and privilege enrich themselves at his expense, then he will lash out when he attains the means to exact revenge, which during the conflict came through the barrel of the gun.

157. The members of society who were perceived to 'have everything' were therefore often the ones destined to 'lose everything'. Equally, those that took them to task for their wealth and status were those who perceived themselves to be the silent victims of their self-enrichment. It was not so much a case of targeting the individual as lashing out against what that individual symbolised.

158. From the statements made to the Commission, it becomes evident that the aggressor sometimes creates justifications for his actions in his own mind - including allegations of collaboration or support for the corrupt system. The attacks represented an attempt to “bring down the system”. The system was perceived as oppressive and enabling only the well connected and affluent to prosper. By “bringing down the system”, the attackers hoped to make a statement that the playing field was not equal and that a new and egalitarian system needed to be constructed.

159. On the part of those who carried out such violations, there is little sense of the moral outrage of his act. He perceived himself, in fact, to be acting out a divine justice, by 'equalising' the disparities that society had thrust unfairly upon him. In this regard, one can perhaps begin to understand the utterance of the abusers of an elderly lady in the Bonthe District that "it is only because you have called the name of God that we are going to spare you".

160. The stories of loss are plenty and pitiful. Foday Kamara lost all his property, which he values at millions of Leones, after fleeing his town of Kamasondo, following the arrival of “men in combat dress.”[96]

> “I ran into the bush together with my wife and children. The following morning I went into the village to check if they had left. Indeed, none of them were around, but my two houses were burnt down to ashes. Also, my two stores with two hundred bushels of rice kept there, containers of palm oil, bags of groundnuts and bags of flour were burnt down. My twenty goats and ten sheep were looted too. Properties worth millions of Leones couldn’t be recovered. Everything in my two houses was burnt down. My rice farm that was to be harvested that month was again burnt down. I was left with nothing except the clothes I had on.”

[96] Statement to the TRC. Statement Number 2094

161. Cecilia Caulker, mother of Victor Caulker, former Secretary General of the SLPP, recounts the arrest and murder of her son at the hands of "the junta" on October 14, 1997.[97]

> "They said, 'You are our bitterest enemy, both you and your son, because you worked so hard against us that it was announced on the radio that Bonthe District scored the highest percentage [during the elections], so you are the greatest enemies of us and when the enemy catches the other enemy that enemy must die'. They took us to the base and imprisoned us. Then they took us out and separated us…. They said, both you and your son have gold, diamonds and a lot of money in your compound. Therefore, we have come so that you can show us where they are because it isn't yours any more because your son is dead."

162. Bankole Isaac George Vincent is a retired senior civil servant who was forced to hand over all his money to the 'rebels' and to subsequently flee his house.[98]

> "I went into my room under escort and removed the 500,000 Leones I had in my box. Under great shock, I handed the money over to them. The Commando ordered one of his men to give me two slaps, which he did very brutally. The commando ordered his men to lock my family and myself in one room whilst they ransacked all the six rooms of the house and store. All the articles they looted were loaded inside of a lorry; before they departed they ordered me to dance and laugh and express my gratitude to them for looting my house and destabilizing my Mercedes Benz car beyond repairs. The rebels promised to come back in two days time and ordered me not to vacate the house as they would bring me some good gifts. However, knowing the notorious character of the rebels and the advice which an old lady gave me, my family and myself immediately left our house and sought refuge in different places."

[97] Statement to the TRC. Statement Numbers 1262/1267
[98] Statement to the TRC. Statement Number 5992

THE IMPACT OF THE CONFLICT ON BELIEF SYSTEMS

163. The RUF forces showed scant regard for the institutions and symbols of the people's belief systems and cultural heritage. Barrie's, which were the community meeting places and served all kinds of purposes including as places for the settlement of disputes were randomly attacked and destroyed. Faith and community institutions were desecrated. Belief systems were mocked and people were forced to commit religious and other sacrileges. Modibor Kaikai was present in Sahn Mahlen when the RUF arrived in 1991:[99]

> "The rebels then requested the townspeople to give them drinks (rum). At first the townspeople told them that they are Muslims and they don't have alcoholic drinks. But these elders were highly molested by the rebels and were forced to give them a "batta" of moley (rum). The rebels were so happy with this offer and said that they were going to dance with the town (bamba) people for the whole night and this they did. But before the dance started they asked those who could not drink to identify themselves. We were all given alcohol forcefully. A good number of elders and Muslims were disgraced that night since that was the first time they would take alcoholic beverages."

The 'rebels' who forced the villagers to drink the rum were dressed as civilians. They proclaimed their mandate to be "fighting for the comfort of Sierra Leoneans". Such ironic representation of the "revolution" was not lost on the ordinary people in whose name the "revolution" was being carried out. These attacks shocked the collective conscience of Sierra Leoneans who began mobilising within the communities to find ways of resisting the invaders.

The targeting of Chiefs and figures of traditional authority

164. Acts carried out against Chiefs, Speakers and their fellow elders in fact account for only a minute numerical percentage of the abuses inflicted on the civilian population during the conflict. Their suffering does not impact statistically to the same degree as, say, a consistent pattern of violations recorded against a certain ethnic group or an age group would do. Whilst there are several instances of deliberate targeting that are statistically more perceptible, however, there is none that is wrought with more symbolism than the singling out of social and cultural figureheads for humiliation and brutal maltreatment.

165. Essentially, the Commission has discovered two trends pertaining to the plight of local traditional authority figures whose communities were attacked in the opening year of the conflict. First, the attackers actively sought them out upon arrival in a town or village. Second, where they were found and identified, they were typically subjected to a particular and peculiar *nature* of abuse.

166. Tragically, most of the instances recorded by the Commission in which this category of persons fell into the hands of their attackers culminated in their being tortured to death or otherwise killed. The responsibility for these acts rests squarely with the advancing troops of the NPFL contingent who formed the bulk of the incursion force that entered the country at its Southern and Eastern borders with Liberia. Accordingly the brunt of this apparently

[99] Statement to the TRC. Statement Number 6494

deliberate targeting strategy was borne by those holding positions of authority in the Kailahun, Pujehun and Bonthe Districts.

167. Such was the impact of just a handful of killings of Chiefs and elders by the National Patriotic Front of Liberia (NPFL), one might legitimately reflect upon why the numbers killed were not much higher. Rather than mercy or a change of heart, though, this anomaly is mostly attributable to the fact that there were very few Chiefs in Sierra Leone in the first place,[100] and even fewer who remained in their Chiefdoms long enough still to be there when the vicinity was attacked. News of early atrocities – and the identities of their victims – spread quickly through the country with the flow of displaced persons from the border areas towards the interior. The leadership elite, with finances and transportation at their disposal, was in the privileged position of being able to take flight almost at will, quite often out of the country. Thus, if the objective of such targeting was indeed to rid the territories captured of any effective traditional ruler (as a precursory step to putting in place alternative structures to fit with RUF/SL objectives), then it succeeded without reaping as high a death toll as its architects might have imagined would be necessary.

168. Nevertheless, attacks on Chiefs' properties and estates in their absence were commonplace. It is not surprising that Chiefs' compounds were among the first properties to be looted and destroyed when one considers that in any given township they are among the largest and most decorated residences. To a great extent, extortion and destruction violations against Chiefs followed an almost identical pattern to those against the foreign, affluent and well-heeled members of a community.

169. More significantly, when a Chief was physically abused, tortured and killed, often consecutively rather than in the alternative, the impact tended to be more profoundly and enduringly felt by his community than when similar abuses were meted out to less-exalted citizens. One statement giver Brima Amara Davowa witnessed the abuse carried out against the town chief of Sandayallu when the RUF first arrived in April 19991. The towns people were asked to gather at the barrie.[101].

> "There was one lady in the group who was forced to show them the town chief, otherwise they would kill her. So with fear, she pointed at the town chief. Immediately, he was stripped naked in front of his subjects, including his wives and children. He was asked to run from where we were gathered to his store which was about 50 metres away. As an old man, he became exhausted and asked to lie down on the ground. He laid down, they asked him to open his mouth, he did, the commander took a single barrel gun loaded with bullets, put the gun in his mouth and pulled the trigger. His brains scattered all over the street."

[100] There are 149 Paramount Chiefs in Sierra Leone, one for each of Chiefdom in the three Provincial Regions. Additionally, there are Section Chiefs and Town Chiefs, who can be afforded an equal status in many communities depending on disparate factors such as their age, family pedigree or simply their charisma.

[101]. Statement Number 4311. Statement obtained at Talia Section, Kailahun District on 23rd February 2003., corroborated by Statement Number 4313

170. Sally Katta was recruited by the SLA as a "vigilante". She found herself involved in the commission of atrocities:[102]

> "Chief Sanuka was asked to bring us fish two times a day. It was an order from me. He told us he had no fishermen. I said that we were only interested in fish, not excuses. One week later, he discontinued. I undressed him naked with his wives, took them to the riverside and told them to dance. One of us came and thought they were rebels. He shot the chief and released the women. I had no alternative but to jubilate over the chief's death. I get confused and don't feel like eating whenever I think of Chief Sanuka."

171. Haja Isata Mattia was "sick and confined" in her home in Sumbuya when the RUF attacked her town on May 4 1991. She witnessed the humiliation of her paramount chief[103]

> "The Paramount Chief Amidu Nallo was dancing before them under duress and the moment he proclaimed that he was the chief, they showered abuses and insult on him."

172. Al Haj Alpha Amaou Mansaray lost all his property to the RUF. He had anticipated being targeted because of his status as a Section Chief and a wealthy businessman:[104]

> "Being as I was the section chief I knew that I might be a possible target. This is also because I was a big business man with three houses, a very big shop and 272 cows. When they came, they set my houses ablaze, including other houses as well. I could not see a single cow later as all had been destroyed. My shop was completely looted. Even my safe was vandalised. They took away everything. So finally I was left with nothing."

173. The fate of the regent chief of Makayrembay was no different from that of other chiefs who were attacked. He was killed by 'rebels' in 1997, after being presented with a false choice between amputation and death. He was later hacked to death with a machete.[105]

174. A Kono Chief, Kai Sarquee, lost his life when an SLPP identity card and a traditional dress was found in his possession as he was escaping fighting in his home town. He was stopped at a military checkpoint manned by soldiers and when searched, these things were found in his possession. He was tortured and burnt alive.[106]

[102] Statement to the TRC. Statement Number 871.
[103] Statement to the TRC. Statement Number 7220
[104] Statement to the TRC. Statement Number 2905
[105] Statement to the TRC. Statement Number 382
[106] Statement to the TRC. Statement Number 257

175. In 1991 Chief Kallon-Kamara, Section Chief of Bomaru was arrested by SLA soldiers after a counter offensive in Bomaru to dislodge the 'rebels'. He was accused of being a rebel collaborator. He was beaten and tortured till his body was all swollen. He was eventually taken away on board an armoured car supposedly to Freetown and to this day he has not been seen and is presumed killed.[107]

176. In 1996 Chief Lagbenyor Lebbie of Konboya was killed by soldiers. Chief Lebbie was very outspoken about his doubts of the army and this made him a target. Most people in the chiefdom suspected that the army was unable to protect them and they preferred the Kamajors. He and his bodyguards were ambushed by SLA soldiers and shot dead.[108]

177. The attacks on chiefs and other local authority figures gave the civilian populace the inescapable impression that their attackers had embarked on a calculated programme to destroy the tenets and symbols of their local culture. In many of the cases recorded by the Commission, the outcomes of such murderous missions – either the corpses or dismembered body parts of the victims – were then paraded through the communities themselves as a chilling confirmation of the terror that had struck.

178. There is little doubt that many of the Chiefs and elders killed in the early phases of the conflict had themselves been responsible for the systemic suppression of their townspeople during the preceding decades of bad governance under the APC, although the Commission was not able to substantiate such a supposition in any individual case. The evidence before the Commission suggests that the attackers harboured an ill-conceived notion that by humiliating, torturing and ultimately eliminating figures of traditional authority, they might actually gain some popularity among the indigenes of the communities they entered. In reality, though, this tragic miscalculation quickly came to form a major part of the basis upon which residents of the Kailahun and Pujehun Districts – and through them the population of Sierra Leone as a whole – were instinctively averse to and alienated from the self-styled revolutionaries.

179. One of the most shattering individual killings of the nascent months of the conflict was undoubtedly that of Paramount Chief Ernest Claudius Farma Mahalor IV, who met his death in his home village of Tei in the Kwamebai Krim Chiefdom, Bonthe District on the 11th of May 1991. According to first-hand accounts,[109] the heavily-armed, RUF-affiliated attackers – Liberians most likely fighting under the large contingent of NPFL troops – numbered eleven in total and were under the command of one CO Livingstone. Upon their arrival in Tei, they gathered all the villagers together at the court barray and, apparently acting on the personal vendetta of one local man named Sahr Gibrilla, began to interrogate them about the whereabouts of their Chief. Although the Chief was among the party, he remained unidentified during this interrogation; when he was himself questioned, however, he was shot on his ankle in an apparent act of warning, causing him partial paralysis and profuse bleeding that was later to

[107] Statement to the TRC. Statement Number 24
[108] Statement to the TRC. Statement Number 686
[109] See, in particular, TRC Statements 7352 and 7353, collected in Tei, Kwamebai Krim Chiefdom, Bonthe District; 08 June 2003. The Commission also recorded numerous second-hand accounts and related references to this killing from statement givers in Bonthe and several other Districts, all of which testify to its massive symbolic impact on the local populace.

prove his undoing. Despite having effected an initial escape from the rebels' captivity, Chief Farma left a trail of blood in his wake and was again apprehended due to the assistance of Sahr Gibrilla in tracing the blood to his hiding place. At that point he was firmly bound up with nylon twine, known locally as 'tabay', and dragged before his people at the court barray one final time to bid them farewell.

180. One of the last sights the Chief was forced to endure was that of his house being burnt down by his would-be killers. Still bound by the twine, he was then shot dead at Sahr Gibrilla's behest and subsequently his body was dismembered. The Liberian attackers later paraded the dead Chief's decapitated head through some of the communities of his erstwhile subjects, openly boasting that they had 'finished' him. As if further to destroy the Chief's legacy and the dignity of his family, the attackers abducted and raped one of his wives and later looted most of his properties from his relatives' homes. "Following the attack and brutal assassination of our Chief, the entire town of Tei was in a state of panic."[110]

181. The impact of such a killing on a local population cannot be overstated. In one fell swoop, the community loses its figurehead and its sense of security. The myriad practical and ceremonial functions of the Paramount Chief, many of which cannot be performed by anybody else, are suddenly unattended to. His dependents, commonly numbering twenty and more, are left to fend for themselves, often having been mercilessly victimised. In terms of the past, several generations of ancestral heritage are sullied; in terms of the future, the Chiefdom can be rendered devoid of status and direction, at least in the short term.

182. Both the element of publicity and of averred complicity in the killing of Chief Farma are mirrored in multiple other examples of targeting of senior authority figures in the early stages of the war. Making the Chief bid farewell to his subjects before being killed is thoroughly offensive to the local culture because it represents an admission of the figurehead's vulnerability, or mortality; on the other hand, though, it was a rite of passage that few murdered chiefs were actually afforded.

183. The targeting of chiefs is significant because it became an antecedent to the formation of the Kamajors in the form they took, with the chiefs very much in the forefront of their operations. The targeting also provides a poignant human angle on the broader targeting of Sierra Leonean traditional and cultural norms that featured as a defining characteristic of the conflict.

184. The tradition of leadership in Sierra Leone is most definitely one premised upon notions of seniority. It would be inconceivable in most communities for an elder to be subordinated to an untried 'junior man', especially one who hails from another geographical area, or from another culture altogether. Yet that is exactly what the insurgents set out to achieve, fully aware that in overhauling the traditional leaders, they would be punishing the individuals themselves on the one hand and targeting the very institution of chieftaincy on the other.

185. To a great extent, though, the theory that to humiliate and undermine figures of authority in a particular community might actually serve to gain some popularity among the indigenes was horrendously ill conceived. Townspeople whose

[110] TRC statement 7352, collected in Tei, Kwamebai Krim Chiefdom, Bonthe District; 08 June 2003.

Chiefs were slaughtered invariably saw the attacks as an affront to themselves and their collective dignity. They were also left with an enhanced feeling of vulnerability, spawned by the realisation that if the Chiefs were not immune to this wave of terror then nobody would be. In many respects the strategy speaks volumes about the misconstrued platform on which the 'revolution' was launched.

186. The RUF leadership did nothing to prevent the targeting of chiefs and other community symbols. The Leader, Foday Sankoh, according to some accounts objected to certain acts committed by the insurgent forces, particularly by the NPFL fighters, on the basis that they were 'counter-revolutionary'. Among the objects of his alleged disapproval was rape, for which it was claimed that he introduced an express rule that anybody found to have committed rape would be executed. Sankoh himself committed rape and sexual slavery in the forcible detention and conversion of Agnes Deen Jalloh to his bush wife. On the issue of killing Chiefs, Sankoh remained conspicuously silent. Indeed he lent the practice his implicit endorsement by proceeding to keep a house in the same Sandeyallu Village in Kailahun District where the incumbent Town Chief had been so brutally and publicly murdered in 1991. It may have been that Sankoh was in favour of such tactics on the misplaced premise that they struck a blow against 'the system' he so despised.

TARGETING ON THE BASIS OF GRUDGES AND VENDETTA

187. One other common characteristic of the conflict was the targeting of individuals on the basis of pre-existing grudges and vendettas. People were also targeted on the basis of nationality, as Nigerians were during the AFRC regime. Several factors account for this. The study on the antecedents of the conflict[111] identified several local and district variables that gave the conflict a particular flavour in the communities. Many of the issues identified relate to the imposition of arbitrary fines and punishment by the chiefs in the local courts leading to exile (many times across the border into Liberia) by the convicted persons, conflicts arising from the imposition of unpopular candidates as chiefs and as members of the local councils and the legislature, conflicts over land and other communal resources. Many of those who lost out in these instances allied themselves to the RUF or the CDF and on many occasions to both groups when it suited them to revenge the punishment or loss they had suffered. There were also cases of targeting arising from rejected love and marriage overtures, the possession of resources over and above the perpetrator. The inexplicability of the targeting was captured in most of the testimonies of the victims who appeared before the Commission.

188. Mohammed Conteh, narrated to the Commission the roles played by the RUF, the SLA and the CDF in Bo during the conflict:[112]

> "Later I came back to Bo but one of our neighbours at 14 Barima Road, Bo went to the ECOMOG peacekeepers and told them that I was one of the armed men in Bo and that I was responsible for the death of his wife. I learnt that his wife died in the Liberian war but he

[111] Palmer, Isaac. Dr. *The Antecedents of the Rebel War in Sierra Leone*. Research conducted for the TRC by the Research and Documentation Bureau of the Fourah Bay College, University of Sierra Leone, July 2002.
[112] Statement to the TRC> Statement Number 693

> lied and said that I killed her. He made a statement to the police. The CPO said that is a murder case and that he could not handle it. I was sent to the ECOMOG peacekeepers. When I got there, they did not allow me to explain. They flogged me mercilessly from morning to evening. I was treated in this way for one week, and I was regularly flogged during that period."

Mr. Conteh was later allowed to go home after the ECOMOG troops discovered that he was a "peaceful citizen". In the end he left his former abode at Barima Road "because of the fear that I was a Temne and the angry Kamajors who are Mende would retaliate destructively and indiscriminately."

189. Umu Jalloh, described how a group of Kamajors surrounded her house in 1999:[113]

> "According to those Kamajor fighters, the house was owned by a SLA soldier. I told them that the house was built and owned by me. They said they would burn the house. I pleaded, crying bitterly, but they still insisted on burning the house down. They asked everybody in the house to vacate or they would burn us alive. My family and I had to leave the house and we weren't allowed to remove a single item of property from the house before it was burnt down. They guarded the house until the entire building was razed to the ground. The next thing they did was to sell the land again to another person. That day, most houses owned by Temnes were burnt down. I wanted to take action but my life would be in a very risky position. During that time, the Kamajors were the voice of Bo".

190. What the targeting signified was a wanton disregard for the common threads that bound people in the communities together before the war. In many cases attacks were led by people with whom the victims were previously acquainted or familiar. The attacks created distrust among people and undermined the foundations for co-existence in the communities.

Targeting of Soldiers

191. Throughout the first half of the 1990s, the RUF gained territory and the war spread to many parts of the country. As perceptions increased that the soldiers were colluding with the RUF, they were declared *persona non grata* in the Southern and Eastern provinces. Attacks on soldiers increased. It was risky for any person in military uniform to go to these regions, even if to visit their family members. The Commission heard harrowing tales of soldiers who went visiting their family members were arrested and butchered by the CDF. The lucky ones escaped with their lives but with physical scars of their experience:

> "I was the last in the row and I had to hold the decapitated head of my brother until all life had drained from it. I was certain that I too would be killed in this manner. However, 'The Killer' declared that I would not be beheaded; instead, the rebels' commander named 'Scare the Baby' ordered a letter to be tied around my neck to send a 'warning' to my colleagues. 'The Killer' then took out his blunt sword and used it to hack at my arm until the bone broke; he used his hands to snap the

[113] Statement to the TRC. Statement Number 5812

> bone fully; then he severed the remaining veins and tendons entirely to finish the job. I passed out from the excruciating pain and re-awoke three hours later to find that my other hand had also been amputated. I stumbled around for several days in the forest without food or water, before eventually making it back to my soldier colleagues."[114]

A presidential commission to review the relationship between soldiers and the CDF was unable to complete its assignment before the soldiers overthrew the Government in 1997.

Targeting of Nigerians

192. The relationship between Nigerians and Sierra Leoneans blossomed from the colonial era. The colonial authorities recruited many Sierra Leoneans as missionaries and civil servants in Nigeria. Many of them subsequently settled in Nigeria. Furthermore thousands of slaves who had been freed from the slave ships arrested on the high seas and resettled in Sierra Leone were able to trace their homes in Nigeria and re-establish contact with their family members. The links between both countries have therefore been very strong. Up until the start of the war, majority of the students at the Fourah Bay College were Nigerians. Inter marriage between both nations had been quite strong and thousands of Nigerians had settled in Sierra Leone carrying on legitimate business activities

193. It was no surprise therefore that Nigeria spearheaded the ECOMOG intervention in Sierra Leone. Following that intervention, thousands of Nigerian soldiers who had served in ECOMOG returned to Sierra Leone as civilians on completing their commission to engage in business activities. On the overthrow of the Tejan Kabbah Government, ECOWAS and the Organisation of African Unity charged the Nigerian dominated ECOMOG with ensuring the restoration of the civilian government to power. The AFRC regime therefore perceived Nigeria as the biggest threat to its hold on power. It began a campaign stigmatising Nigerians are responsible for the woes to which the populace was subjected as a result of the blockade of Freetown port. Mass hysteria against Nigerians was promoted, and it wasn't surprising when Nigerians began to be molested and attacked on the streets and in their homes by the civilian collaborators and the troops of the AFRC.

194. A Nigerian victim of the conflict, David Anyaele said, "the rebels isolated Nigerians from the other captives and began amputating their forelimbs. After amputating me, the rebels set me on fire and told me to go deliver their message to the Nigerian government".[115]

195. Another victim, Emmanuel Egbuna who was lucky to have his mutilated limbs stitched together, also recounted his experience:

> "They cut off the hands of my younger brother, Benedict, from beneath the elbow. They dumped him at the cemetery behind the house, and he bled to death in front of me and his pregnant wife. The machete cut

[114] Excerpt from TRC statement taken in Western Area, relating to events in the Kono District in 1992; TRC Statement Code Number 7132.
[115] Affidavit in a petition to a Nigerian High Court to have Charles Taylor tried in Sierra Leone by the Special Court for supporting the RUF. Reported by the Pan African News Agency, Monday July 14 2004.

> through the flesh and the bones of my hands, but did not entirely severe them. With my hands dangling from my arms, the rebels dumped me at the cemetery."[116]

196. During the evacuation of Freetown by members of the international community in May 1997, Nigerians who had sought safety at the Mammy Yoko hotel and other parts of Freetown were prevented from leaving unlike other nationals. Whenever groups of people were arrested, the Nigerians among them were separated from the rest, kept behind, and taken away into detention or killed without trial. Thousands of them suffered amputations, arbitrary detentions, killings, rapes and other sexual offences, looting and the destruction of their property. The material losses by Nigerians during that period have been estimated at more than $5.5million.[117]

> "[Following the 25 May 1997 coup] our shops, business premises and even our residences were vandalized and destroyed. Our women were raped, our Sierra Leonean wives were humiliated on the streets, and many of our people were killed. Some were maimed and rendered destitute. Some lost their properties and everything they possessed to the hoodlums. Some managed to escape into the bush where they lived miserable lives until 1998. Only the Almighty God, on whose mercies we relied, saved us and ensured our inexplicable survival. We lost less than 100 Nigerians within this period. Among many other pathetic and unforgettable experiences, the one at Mammy Yoko Hotel on the morning of June 2nd 1997 stood out. On that day, nearly all the Nigerian citizens in Freetown sought refuge at the hotel awaiting evacuation to Guinea. The only help the Nigerian government could render was for those who could make it to Guinea. On this day, AFRC/RUF forces attacked the hotel from the sea and land, launching heavy military artillery at the building with hundreds of Nigerians in there. A Nigerian army detachment was then lodged at the Mammy Yoko hotel. They put up a fight and the heavy firing went on till evening when the Nigerian Army surrendered after mediation by the RED CROSS, because of the consideration about the possibility of heavy civilian casualties. Civilians were then allowed to board an American helicopter on standby nearby. As the civilians (mostly Nigerians) left the hotel, they were stripped of virtually all they owned all their lives by AFRC/RUF fighters. Cash, jewelries and other priceless items were forcibly taken from Nigerians fleeing the country. Some were taken to Military headquarters for detention and to be used as human shield in case of a Nigeria-led attack on the military base."[118]

197. The legacy of the conflict period still lingers in the relationship between Nigerians and Sierra Leoneans. In its submission to the Commission, the Nigerian National Union in Sierra Leone charged that Nigerians have become the proverbial fowl used for sacrifices in all occasions:

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[116] Affidavit in a petition to a Nigerian High Court, to have Charles Taylor tried in Sierra Leone by the Special Court for supporting the RUF. Reported by the Pan African News Agency, Monday 14th July 2004.
[117] Nigerian National Union in Sierra Leone, Submission to the TRC, 9th May 2003.
[118] Nigerian National Union in Sierra Leone, Submission to the TRC, 9th May 2003.

> "The parties to the conflict on every occasion see us as enemies. We always bear the brunt of all clashes in the country. Even on the Streets, in the buses/taxis in Sports arena, markets, schools, residential areas, what we hear of Nigeria is incredible and unimaginable. People don't ever say any good thing about Nigeria. I don't know if those good Sierra Leoneans who value our activities and appreciate good things are afraid of speaking out. The voices of our detractors always overshadow that of our admirers (if any). All our genuine goodwill is turned into bad and evil."[119]

THE ROLE OF ETHNICITY IN THE CONFLICT

198. The link between the conflict and ethnicity lies in the element of targeting, whereby ethnic origin was 'instrumentalised' by a particular leader or interest group against those whom they perhaps resented or wanted to eliminate. In numerous submissions to the Commission, it was averred that the motivation for such a strategy was power, self-preservation or self-enrichment. Moreover, the use of ethnicity as a 'justification' appears to have been a veil for quite different motives, for example: fear that the object group was 'exploiting' the natural resources of the country; suspicion about the success that a particular 'outsider' or group of 'outsiders' enjoyed in a particular community, for example as a businessman or a diamond miner/dealer; or indeed desire to preserve their positions (of power) in a certain social order (perhaps Government itself) and to ensure that those who participate in any criminal enterprise with them are people they can understand and trust – invariably their own tribal counterparts.

199. The implicit impact can give the impression, as many submissions to the Commission have intimated, that there is widespread ethnic intolerance and hatred among the individuals themselves, when this is not in fact the case.

200. In reporting such incidents of 'instrumentalising ethnicity', the Commission is not in fact finding that, for example, all Krios were vehemently anti-Mende in the years immediately after independence, nor that all Mendes were inherently anti Temne in the latter years of the conflict. In fact, Sierra Leone is a society that is founded upon a fair degree of ethnic tolerance, as evidenced by the various factors cited in submissions such as inter-marriage and cross-Regional co-operation.

201. The Commission's research finds that it is rather the case that persons in positions of leadership or responsibility made vitriolic statements regarding the opposing ethnic group in order to promote their strategic objectives. The first such objective appears to have been that of giving the recipient audience a sense of vulnerability; statements against another ethnic group made them feel threatened by the object group and therefore more likely to act against them. The second such objective seems to have been creating and / or emphasising a notion of 'otherness' – which in itself is largely artificial – among the recipient audience. Such a strategy was intended to convince them that the object group is somehow different from them in terms of character, loyalty or interest (as manifested through traits over which the individual has no control, such as ethnicity) and is 'plotting' something unfamiliar against them.

[119] Nigerian National Union in Sierra Leone, Submission to the TRC, 9th May 2003.

202. Targeting on the basis of ethnicity was mostly carried out in the South against victims of Northern origin. It is important to place this targeting in context. The targeting began against soldiers. By the onset of the war, majority of the members of the armed forces were of Northern origin. This had both historical and political foundations. Historically, the rank and file of the army was predominated by people from the North. Politically, one of the legacies of APC rule was the bastardisation of the finest tenets of the military in favour of ethnic and other considerations. Candidates into the army had to present a recruitment card issued to them by a politician. Without such a card, even the best qualified candidates stood the risk of rejection. Elevations and promotions went to those either from the north or who owed allegiance to Siaka Stevens and his successor, Joseph Momoh.

203. As the war wore on, allegations of collusion by the army began to dominate public discourse. Accusing fingers in the South and East, were pointed at Northerners in the army as providing support to the RUF. This distrust deepened during the AFRC rule when soldiers of Northern origin were suspected of sympathising with Johnny Paul Koroma, a fellow Northerner. This distrust even affected the CDF response to the war, as the national Coordinator of the CDF refused or neglected to provide logistics to the northern CDF for fear that it would divert those resources to the AFRC.

204. Although there might be alternative explanations for some of the violations committed against Northerners by Kamajor militia men in the South of the country, it is important nevertheless not to underestimate the ethnic undertones of such acts, particularly with a view to achieving meaningful reconciliation in the future.

205. One witness testifies to his experience in Bo town where he had lived for more than 27 years.

> "The burning of houses belonging to Temnes or Northerners was only done in Bo Town, where 110 houses were burnt. No house belonging to a Mende or a Southerner was burnt in Makeni and all over the North. It [has planted] a bad seed for tomorrow… One of the main objectives of Kamajors or Civil Defence Forces in Sierra Leone [was] to defend the lives and properties of civilians in general. They should not have seized or looted or destroyed properties from peaceful civilians on a tribal basis that was not practised or done in other areas of the country, especially the North and East, but even the West. The people to whom I have addressed my complaints and cries have not done anything to remedy the situation; to save the Sierra Leone family from created troubles and divisions of minds against each other. We all have children who will become leaders of the nation tomorrow. Revenge is possible in the case the table of leadership turns and falls on the side of those children whose parents' homes and properties [were] destroyed in Bo by order of COs of the CDF in power today, under the SLPP family and under the same Sierra Leone nationality banner."[120]

[120] George S. Tarawally, resident of 27 years' duration in Bo Town, whose compound was ransacked and burnt by CDF forces under the command of Bo Commanding Officer Kosseh Hindowa; full account given in letter to the TRC dated 20 December 2002; at pages 2 to 4.

206. Mr. Abu Kamara, [121] a Temne, worked as a farm and revenue collector. One day in 1998, while Mr. Kamara was in Fanima Sow in the Pujehun District to mine diamonds, the chiefs and natives of the town declared his presence along with that of a few others as unwanted because they were Temnes, "the natives alleged that as Temnes they expected us to be enemies". As a result, they were asked to leave the town. The group of Temnes left Fanuma Sow for Bumpeh. After a few days in Bumpeh, the leader of the Kamajors asked the people of the town whether they had Temnes staying among them. They said yes. The Temnes were called upon and told to leave:

> "He gave us only three days to leave the town. He commanded the Kamajors in the town to ensure that we complied with his order, otherwise he was going to kill them himself for not executing his orders."

207. The group of Temnes decided to leave but requested a pass from the Kamajors to guarantee their safety along the way. They arrived at the Dandabu town checkpoint. There, they were accused of being rebels and were asked to disembark from their vehicle. All the Mende passengers were asked to re-board while the Temnes were left at the checkpoint. The commander of the checkpoint was one Mr. Kemoh:

> "In presenting our passes, our names were called one after the other and we were asked to stand aside, while we were undressed leaving us only in our underpants. We were beaten up very seriously. One of the Kamajors pointed his gun at me and fired. God helped me as the bullet missed me. The Kamajors were pointing us out to passing vehicles as rebels. I was side kicked and fell to the ground. I sustained bruises from the hard surface of the ground. Statements were obtained from us and all our bags were emptied of our possessions which they took away."

208. A disagreement arose among the Kamajors over whether they should kill the Temnes. In the end it was decided that they should not be executed but taken to their headquarters in Pujehun. As the Kamajors organised a car to take them to Pujehun, Mr. Kamara describes how he and others were treated. *"Five Kamajors were asked to escort us. They had loaded guns. As the Kamajors entered the vehicle, they beat us until my skin was thoroughly scraped."* At the headquarters they were put in cells. Their hands were tied backwards to their feet, making it impossible for them to stand up and causing them tremendous pain in the joints. They were questioned by "Mr. Eddie" the leader of the Kamajors on the events that had taken place during the day. Mr. Eddie then scolded the Kamajors for disobeying his orders. He directed that their belongings be released to them. Mr. Kamara and his group proceeded to Bo. Upon their arrival in Bo, other Kamajors came to them and forced them to give up their accommodation. On why he believed that Temnes were targeted, Mr Kamara said, *"Mr Eddie, the head of the Kamajors in Pujehun district told us that since Foday Sankoh is a Temne, they were no longer going to tolerate Temnes in their land as Temnes were against them*".

[121] Statement to the TRC. Statement Number 440

209. Fomba Korgie, a student in 1999 saw some Kamajors at the Old Railway Line in Freetown committing violations against Northerners.

> "[I saw] Kamajors torture some Temnes on the allegation that they were collaborators of the RUF/SLA."[122]

210. Ibrahim Kamara, another Temne, told the Commission that in 1998, after the intervention and reinstatement of President Kabbah, Kamajors took to the streets of Bo on a house to house search for Temnes and Northerners:[123]

> "They said all Northerners, especially Temnes, should go back home. People were molested, harassed, and properties were looted. They came to my house and arrested me. I was severely beaten and laid to the ground for execution. I managed to sneak out and fled to the C.K.C. cemetery and hid there for three days without food and water."

Mr. Kamara later went back to Bo to check on his property. He discovered that his shop had been looted and a Kamajor commander was occupying his house. When Mr. Kamara approached the vendor who sold the property to the Kamajor, he was told by the vendor that he sold the property because he assumed that he (Mr. Kamara) was dead and that in fact, because he was a Temne, he should go back to the North and that if he insisted that he owned the property, it would cost him three times as much to get back the house.

211. In Kono the war created a context for the assertion of rights over land, which was occupied by Temnes and other non-indigenes, for the mining of diamonds. Leaders of different local factional groups took advantage of the situation to attack Temnes and other groups. An inter ethnic conflict seemed imminent. According to one account, efforts were then made to pacify the feuding groups and prevent an ethnic bloodbath:[124]

> "Commissioner Val Bangura came, so the people moved from Kono to Masingbi and turned it into a tribal war. They started saying that the Konos were killing the Temnes and Mendes in Kono. We met with the chief together with the youths of MOCKY. The NGO's told us they were leaving because their properties have been taken away including motorcycles etc. They arrested a police truck and a landrover of one chief and these things were taken away. Then I promised the chief that I would go to Masingbi where the Temnes had regrouped for the tribal war and I will stop them. I assured them that I am going to Masingbi to meet the chief who had led the regrouping and that I will bring them to Kono in order to bring stability. So they gave me Fomba and other Pakistani soldiers to go with me to Makeni. When we arrived, we saw so many cutlasses, machetes, single barrels, sticks and knives. I was with some policemen whom they wanted to attack. I came down and stopped everybody and asked them what was wrong.
>
> They told me that the Konos have killed so many Temnes and Mendes that they were no longer going to accept it. So I showed

[122] Statement to the TRC. Statement Number 5597
[123] Statement to the TRC. Statement Number 7291
[124] Abdul Razak Kamara, former youth leader and self-styled RUF/SL 'peace ambassador'; testimony at TRC Public Hearings held in Koidu Town, Kono District, 26 June 2003.

them a Kono guy who was with me called Fomba. I told Fomba there and then to disarm all the Temnes and to put all the single barrels and knives together so that we could open the route to Makeni. I told Fomba that I am a son of the Temnes and Mendes and he is a Kono but he should disarm them of all their guns and knives. I told them all to lay down their sticks. I asked them to call the Konos for me. We went to Makeni and I called all the chiefs. I told the chiefs if anybody should inform them that there was a tribal war, they should not believe it. I said it was only a disagreement since some people did not want to respect the owners of the land. I then invited them to go to Kono with me and meet with the Kono chiefs. The chiefs agreed and the UN sent a helicopter for them. We went to Kono and signed a communiqué with the chiefs to open the Makeni road."

212. The statistical patterns of perpetrators and victims in the testimony are consistent with the claim that there was targeting of people of Northern origin in the Southern Region during the war. Northern ethnic groups include the Temne, Koranko, Loko, Limba and Yalunka tribes. The targeting is more sharply illustrated by the table below, which depicts violations against victims of Northern origin in selected districts of the Southern and Eastern Regions and in the Western Area

213. For example, in Bo district, 5.9% or 145 of the 2475 violations committed by the RUF are against victims of Northern origin, whereas 19.5% or 43 of the 221 violations attributed to the Kamajors were against victims of Northern origin.

Figure 3.4.7: Percentage of Violations against victims of Northern origin

Perpetrator Faction	**Percentage of Violations Against Victims of Northern Origin**				
	Bo District	**Kailahun**	**Kenema**	**Moyamba**	**West/Area**
RUF	5.9	3.1	5.3	9.6	39.8
SLA	2.0	2.0	0.7	13.5	29.2
Kamajors	19.5	6.8	16.3	15.5	69.1

214. If the various perpetrator factions were choosing their victims at random, without any consideration of the victim's ethnicity, we would expect the proportion of Northern victims to be the same for all the factions. This is clearly not the case. So in interpreting the table, two possible conclusions can be drawn. Either the Kamajor faction was targeting Northern peoples or the RUF and SLA were targeting Southern peoples. Given the qualitative evidence describing targeting of Temne persons by the Kamajors, the data is consistent with the view that the Kamajors deliberately targeted Northern victims.

215. Bo is a Southern District. Despite migration, people of Northern origin living in Bo are a minority in what is historically a Mende district. Whilst 19.5% of the Kamajor violations in Bo had a Northern victim, it is unlikely that Northern people account for 19.5% of the population in Bo district. This is consistent with the claim that the disparity between the factions is explained by deliberate Kamajor section of Northern victims.

216. The Western Area including the capital Freetown had become a cosmopolitan area with people from all over the country making it their home. Nonetheless, Kamajor violations focused on victims of Northern origin: 69.1% (67 out of 97 violations) of Kamajor violations in the Western Area were directed against Northerners. In the testimony of victims of attacks, there are frequent notes that their attackers told them they were targeted because they were Northerners.

217. Testimony before the Commission indicates that the motivation for the attacks include the fact that Foday Sankoh, a Temne and the leader of the AFRC, Major Johnny Paul Koroma, a Limba were both from the North. The North was therefore perceived as supporting the RUF rebellion and subsequently the AFRC overthrow of an elected government. The demagoguery of some of the Kamajor leaders propelled their followers into believing that attacks against Northerners were encouraged. The attitude of many in the country in the early years of the war had created a siege mentality in the east and the south. The war was described as "a Mende man's war", meaning that the rest of the country would not be affected by it. The implied statement was that the Mendes who inhabit most of the south and east should find a solution to the war themselves. A national emergency was confined to a sectional or ethnic problem. Such attitude was intensely resented in the south and east. The resentment seems to have accounted for some of the violations against Northerners.

Other cases of ethnic targeting

218. There were other cases of ethnic targeting in the conflict. Victims targeted by the RUF on the basis of ethnicity included the Lebanese, Fullahs, Madingos and Marrakas. These groups are essentially trading or mercantile communities who were targeted because of their perceived wealth and the opportunity to appropriate their property. The statements in the Commission's database on the numbers of persons from these communities targeted as a result of their ethnicity is quite small.

219. There are indeed terrible stories about the experiences of the people during the war that cannot be fully captured in this report. Subsequent research will hopefully enable Sierra Leoneans come to terms with the terrible tragedy that befell them for ten years. The thousands who were maimed, sexually violated and endured other sundry violations may live with the trauma of their experiences for the rest of their lives. Thousands of those who died could not be afforded a decent burial. Many were abandoned in the open fields and may have been devoured by vultures. Others are still missing because their families cannot account for their whereabouts. Thousands of children still roam the streets of Freetown and the regional capitals because they do not remember where they came from or cannot trace any family members. They are denied the love and affection of their biological parents and siblings. Many of those who in the past enjoyed a middle class existence have been impoverished by the war. There is no family in Sierra Leone that has not been affected by the war. In the end it is difficult to talk about the gains of the revolution. It may well be concluded that the years 1991 to 2000 represent the years of the locust in the lives of Sierra Leoneans and for their country.

THE PERPETRATORS

220. It is now necessary to discuss the armed groups that participated in the war in Sierra Leone. This discussion will first identify the groups and their various mutations, and attempt to construct some explanation for the roles they played during the conflict.

Perpetrator Aggregations

221. Based on its research and investigations, the Commission has identified the following groups as the main protagonists in the conflict, the Revolutionary United Front Sierra Leone; the Government of Sierra Leone; the Armed Forces Revolutionary Council and the Civil Defence Forces. Each of them had other groups associated or affiliated to them or where umbrella organisations for several groups, and these groups are included in the sections dealing with the main groups.

222. The RUF had different sub groups. These groups are examined in more detail in the chapter of this Report on the military and political history of the conflict. The main support for the RUF was the national Patriotic Front for Liberia, which constituted the main incursion force that invaded Sierra Leone in 1991. The NPFL was not markedly different from the RUF. For the people therefore it was difficult to distinguish one from the other. The major difference for a lot of the populace was that most of the NPFL fighters "spoke with a Liberian accent." However, it should be noted that many of the RUF fighters were Sierra Leoneans recruited in Liberia. Speaking with a Liberian accent was not conclusive proof that the person was Liberian. For the people however, it was sufficient to distinguish the RUF fighters from their Liberian compatriots.

223. Throughout the Report, the Commission examined the RUF as a distinct group from the onset of the conflict to 27th May 1997. On this day, soldiers carried out a coup d'etat against the elected civilian government and established the Armed Forces Revolutionary Council. They then invited the RUF to join the government. The merger of the RUF with the AFRC led to the establishment of the "Peoples Army". Attribution of responsibility for violations during the period May 1997 to March 1998 is generally to the AFRC/RUF since in most cases it was difficult to determine which wing of governing faction committed the violation.

224. On 10th February 1998, ECOMOG expelled the AFRC/RUF from power in Freetown. The group then dispersed to the North and East of the Country. In the course of the departure from Freetown, internal differences emerged within the AFRC/RUF coalition. These differences led to different commanders leading pockets of supporters to settle in different parts of the country, and pledging allegiance not to the larger coalition but to specific commanders. Loyalty split along the lines of their previous RUF or AFRC affiliations. Many of the AFRC soldiers were uncomfortable being led by RUF commanders whom they perceived as illiterate and not as professional soldiers. From this point to the end of the conflict, the Commission attempts as much as possible to attribute responsibility to the specific group that committed any violation.

225. With the coalition split along amorphous and clearly indistinguishable lines in the eyes of the public, it became extremely difficult for the public to identify with any certainty the group responsible for any violation in their communities. It should be noted that none of the armed factions in the conflict had any remarkable distinguishing gear with which they could be identified. Even the RUF had engaged in false flag operations wearing full SLA uniforms, leading the public to believe that the violations were carried out by the SLA and strengthening public perception of collusion between the SLA and the RUF. The public therefore attributed many of the violations committed during the period 1998 to 2000 to "rebels" because of the difficulty in determining the exact institutional affiliation of the perpetrators. The numbers of violations attributed to this group is therefore quite high in the Commission's database. Any violation attributed to 'rebels' should be understood as referring to the RUF, the AFRC, both of them, or a group comprising of members of the AFRC and the RUF.

226. Many of the remaining AFRC soldiers who wanted to return to service in the army organised themselves into a group that occupied the Occra Hills in the outskirts of Freetown. From here they organised raids in the neighbouring communities, seizing food and other material possessions from people, and committing all kinds of violations. They however maintained their contacts in the army after the restoration of the Government. Increasingly they found more grounds of difference with the RUF and common purpose on a range of issues with the Government. On occasion therefore they became "guns for hire" for the army, and were deployed to devastating effect against the RUF by Johnny Paul Koroma during the May 6-8 2000 events in Freetown. Violations committed by this group are specifically attributed to it in the period 1998 to 2000.

227. Another perpetrator category of "unknown" is included by the Commission to cover violations and abuses where no mention was made of the person or institution responsible for the violation or in cases where the presence of several perpetrator groups make it impossible to distinguish which of them was responsible for a specific violation or abuse.

228. The Government of Sierra Leone underwent different mutations in the course of the conflict. These mutations reflect the different governments that were in power during the conflict. The Commission attributes violations to the specific government in power at the time the violations occurred. Consequently, violations by operatives of the Government such as the Civil Defence Units, the police, or that occurred outside a theatre of military action, between 1992 and 1996 are attributed to the NPRC, while violations that occurred between March 1996 and May 1997 (the first period of the SLPP in power) are attributed to the SLPP Government. Similarly violations by the amorphous civilian groups, such as neighbourhood vigilantes or groups of civilians acting on behalf of the Government or by the police or the loyal members of the army in the period February 1998 to 2000 are also attributed to the SLPP Government. However, violations that were committed by army personnel in the period 1991 to May 1997 while prosecuting the war (up to the AFRC coup) are attributed to the SLA. This is because the complexion and alignment of the SLA varied, being, to some extent, outside of direct government control. For example, there were substantial defections of SLA troops to the RUF during the conflict. Also elements within the SLA developed their own agendae, becoming involved in looting and other violations, rather than opposing the RUF as would be expected of a professional fighting force.

229. A number of civil militia groups sprang up to support the Government. They went by the generic name, “Civil Defence Forces”. They were composed of the following specific groups: the Kamajors, Gbethes, Kapras, Donsos, Tamaboros and hunters. Violations committed by any of them are generally attributed to the CDF. The largest of them, the Kamajors controlled most of the Southern and Eastern provinces and committed the most violations. Where it was necessary, the Commission distinguished the Kamajors from other constituent groups in the CDF in attributing responsibility for violations.

230. A number of external actors supported the Government in prosecuting the war against the RUF. These included ULIMO (the United Liberation Movement of Liberia, an armed faction that eventually moved back to Liberia to fight Charles Taylor and his NPFL), the Ghurkhas and Executive Outcomes. Where any of these groups committed violations, these were specifically attributed to them.

231. The ECOWAS peace monitoring group, ECOMOG, in the course of its operations was responsible for a number of violations. While these violations were committed by troops from the troop contributing countries, the violations have been attributed to ECOMOG because it provided the institutional platform for the presence and participation of those countries in the Sierra Leonean conflict. The database of the Commission however contains the breakdown of the violations committed by troops from specific countries.

The Revolutionary United Front/Sierra Leone (RUF/SL)

232. The RUF was a revolution that was still born even before it started. It was born out of opportunism. The original leader of the movement, Allie Kabbah, and the Pan African Union, the group of ex-student radicals who wanted to actualise a revolutionary regime based on popular participation in governance, believed in a revolution anchored first on the political education of the people. Military action would be the culmination of other preceding revolutionary activities. Believing that these antecedent actions had not taken place, the Pan African Union late in 1988 pulled out of the revolutionary project. The likes of Foday Sankoh with his military background, believed that armed force was all that was necessary to carry out a revolution. With the departure of Allie Kabbah and his group from Libya, Sankoh exploited the leadership vacuum by claiming ascendancy. The remaining members of the movement deferred to him because of his age and military experience. Even at the conclusion of training in Libya, the RUF had no document that espoused its beliefs. It was only in 1995 that it released “Footpaths to Democracy”.

233. Witnesses to the Commission claim that Footpaths to Democracy was a terrible corruption of an earlier PANAFU document which they themselves had participated in drafting, and which the RUF mutilated beyond logic.[125] The RUF document mouthed platitudes about how corrupt the system was and needed to be changed. There was nothing revolutionary about it. It had no ideological content and therefore is an unsuitable document for measuring the ideological foundations behind the RUF struggle. The man who recruited Foday Sankoh into PANAFU exclaimed his alarm and disappointment when he heard the BBC broadcast of Sankoh’s ultimatum in 1991 giving the Government of Joseph Momoh 90 days to step don or be removed by force. To him, Sankoh did not

[125] See submission and testimony from Cleo Hanciles. TRC Public Hearings, Freetown, April 2003.

have the credentials to wage a revolutionary war[126]. The assistance Sankoh received from Charles Taylor in launching his revolution compounded his problems. Taylor himself was no ideologue, but a crass opportunist. Within the RUF therefore, there was no inspirational or ideological thread that welded the leadership and membership of the movement.

234. In the absence of an ideological foundation, it is difficult to talk of a common cause among the members of the movement. There was some attempt to instil an ideology early on in the movement. This attempt was not widespread and stopped altogether with the death of Rashid Mansaray.

235. Without an ideology, there was no overriding consideration for the recruitment of members into the movement. People were recruited as long as they could carry a gun. In this context, it did not matter whether they believed in the cause or not. What mattered was numbers. All kinds of tools, including deception and forced recruitment would be deployed on a large scale by the RUF to get people into the movement. This was to have a terrible impact on the civilians as evidenced by the widespread violations committed by members of the movement against the very people they claimed they were fighting for.

236. Testimonies received by the Commission suggest that the violations carried out by the RUF fighters may be directly related to the methods of recruitment of the group, the widespread use of deception, and the rigorous training programmes to which young recruits were subjected. While these strategies and experiences were not peculiar to the Sierra Leonean conflict, outside an ideological foundation for the revolution, they provided the only context to the relationship between the fighters and the civilian population in captured territory.

'AWOL' – A Pre-RUF Case Study: Tajura Training Base, Tripoli, 1988

237. The prospect of a training seminar in Nigeria seemed to provide a rare opportunity of self-enrichment to a young man who had felt suppressed and devalued by the APC one-party rule in Sierra Leone. In the company of like minds and kindred spirits, AWOL had often sat around in '*potes*' and other people's stairwells, smoking marijuana, drinking beer and chewing over the complexities of revolutionary writings. His best friend was with him; they had both joined a PANAFU 'cell' in an effort to build up their knowledge of alternative systems of government, as well as the finer points of dialectics, rhetoric and finding the truth.[127] In April of 1988, he was given a handful of different currencies in order to make his way out of Freetown overland to Accra, from whence he would be flown to a 'Capacity-Building Seminar' in Lagos.

238. Having paid for a series of public vehicles through Sierra Leone, Liberia, Côte d'Ivoire and Ghana, AWOL and his three comrades had made it to their first destination in decent spirits. The older man among them, who had joined them on the verge of departure, was quiet, not to mention a little eccentric,[128] but

[126] TRC interview with Victor Reider, Freetown, October 2003.
[127] These topics are merely three of the headings contained in a novel piece of literature entitled 'Ideology of the PANAFU' which was dictated to the members of the young man's revolutionary cell.
[128] These were the descriptions applied by other members of the group to the one man among them who had not been part of their discussion cell: his name to them was 'Sanks', better known as Foday Sankoh.

apparently no cause for concern. Their meeting point, an International Student Centre at the University of Legon in Accra, Ghana, was fairly non-descript and, since they arrived there late at night, there was nothing particularly unsettling about it. When men in military uniforms started ushering them around, however, there was a distinct feeling in AWOL's mind that something unsavoury was afoot. The subsequent appointment at the Libyan Embassy in Accra and double-quick transfer to a military airbase in the dusk of the same evening confirmed a deep, unspoken fear within him. He had been drafted against his will into a guerrilla training programme from which he had no easy means of escaping. He had been deceived into joining a revolution for which he was ill prepared.

239. From the military airbase in Accra, AWOL was flown directly to Tripoli, Libya and transported to a sizeable training camp where he was to be housed along with up to 700 'recruits' of diverse nationalities.[129] After observing a ceremony known as 'passing out', in which prior trainees demonstrated the skills and aptitudes they had acquired, the new recruits were themselves inducted into a physically and psychologically gruelling series of exercises over a period of several months.[130] Among the disciplines they were expected to master were such torturous and inhumane undertakings as the 'halaba',[131] the 'black hole'[132] and the murdering of a live animal by ripping its head off with their teeth.[133]

[129] Among the other nationalities with whom Sierra Leoneans were trained in Libya were Liberians, Gambians, Senegalese, Congolese, Philippinos and Indonesians. Whilst it cannot be stated with any degree of certainty, it appeared to most of those recruits who spoke to the TRC that the fighters of other nationalities on the training base had arrived there voluntarily.

[130] The declared objective of the series of physical exercises to which trainees were subjected in Libya was to 'remove the civilian blood from inside' them. This metaphor was all too often extrapolated into the realms of the physical; many trainees shed blood whilst undergoing guerrilla training.

[131] The exercise known by this name was originally conceived to be conducted on a circular 'running track' in a rough desert area on the outskirts of Tripoli. Recruits were given an onerous load to carry on their heads, such as a large plastic container filled with water or oil. They were then made to run (or stumble) around the circuit, the soles of their bare feet being torn open by the rough ground, whilst simultaneously kicking up sand and grit into their own and other trainees' faces. Trainers would stand on the edges of the circuit barking instructions at the trainees, sometimes slapping or kicking them to encourage greater speed. Any trainee who so much as tripped would be verbally lambasted and often physically beaten. If one should fall to the ground during the 'halaba', he or she would be mercilessly flogged using sticks and other implements, including the butts of guns. The use of 'halaba' was retained by Foday Sankoh and the other Libyan-trained Sierra Leoneans throughout their further participation in insurgency training and combat. Thus, it was used to train the 'vanguards' of the RUF/SL on their camp in Namma, Liberia, and indeed to train the recruits who were brought into the RUF/SL after its incursion into Sierra Leone. At some point, probably between Libya and Liberia, the name of the exercise was warped from 'halaba' into 'halaka'; accordingly those recruits who were trained in 1990/91 in Liberia, or after 1991 in Sierra Leone, know the exercise as 'halaka'.

[132] The ominous-sounding 'black hole' exercise was purportedly designed to instil fearlessness and an aptitude for self-preservation at the battlefront into the trainees. It was conducted in a large, unlit building (or series of buildings) at night and entailed several 'checkpoint-style' traps where instructors would lurk in the shadows, armed with various weapons and ready to pounce when a trainee came upon one of them. The trainees were admonished to fight their way out of trouble, sometimes sustaining severe injuries in the process. They would emerge at an unspecified point 'into the light' to be told that they had completed the exercise.

[133] The examples given of this kind of exercise entail the murders of live fowl (chickens) and live frogs. The trainee would be given the animal to grasp in his fist, then, upon the order of the instructor, sink his teeth into its neck and rip its head off in his clenched jaw. Most trainees would spit out the head of the decapitated creature; on more than one occasion, however, some of the most fearsome trainees were seen to swallow what they had bitten off. The whole exercise made

The Head Instructor on the base, who was a Libyan known only by the derogatory term 'Haiwan',[134] apparently revelled in the suffering of his trainees and would often push them beyond their physical limits whilst 'laughing sadistically'.[135] AWOL's tolerance to this kind of torture withered over the months of his training. When he eventually suffered a fall during an exercise, which entailed walking through the flames of a raging fire, sustaining serious burns in the process, he was a broken man. To compound his dejection, he was taunted and humiliated by the instructors for the unavoidable limp he carried from his injuries, and on one occasion received a full-blown kick to the buttocks from Haiwan. Although he eventually secured safe passage away from the Tajura base in Tripoli and back to Sierra Leone,[136] AWOL was unable to resurrect anything resembling a normal life, or his former mental state. The promising life of an innocent young man had been ravaged by the ordeal of guerrilla training.[137]

240. AWOL's story might initially seem somewhat incongruous with the military and political history of the conflict in Sierra Leone that was to unfold three years later. He never took part in that conflict, nor has he, to the Commission's knowledge, since perpetrated any human rights abuse against others. Upon closer inspection, though, his story is instructive in understanding the *nature* of the violations committed in the conflict in Sierra Leone. The Revolutionary United Front of Sierra Leone (RUF/SL) is behind the majority of violations and abuses committed during the conflict.[138] Yet behind the majority of RUF/SL combatants in the conflict is a story of deception and forced recruitment. In turn, behind every forced recruit, including those who did not become combatants is a story of victimisation.

241. What lies beneath the victimisation of the many thousands of forced recruits in this conflict is uncertain; but testimonies to the TRC indicate that it can manifest itself in several ways: as a protracted psychological torment; as a burden on one's conscience and one's mind; and, most pertinently, as a tendency, or a capacity, to subject others to a victimisation akin to the one endured by oneself. Herein lay the recurring phenomenon of the *victim turned perpetrator*.

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for a distressing spectacle and was known to induce vomiting and convulsions in even the non-participating observers.

[134] 'Haiwan' is an Arabic phrase meaning 'animal' or 'bastard'. The commander in question used to call every one of the trainees 'Haiwanat', which in loose interpretation from Arabic means 'son of a bitch', or 'spawn of a bastard'. According to one interviewee, "When you say 'Haiwan', it means 'you are a bastard', so everybody called him 'Haiwan'." Although this nickname would normally be considered derogatory, it appears to have been worn as something of a badge of honour by this commander. His real name is not known to anybody with whom the TRC has spoken.

[135] This chilling description stems from a TRC interview with men who trained under Haiwan's supervision.

[136] This element of AWOL's story is particularly relevant to the subsequent course that the conflict took and has been discussed in greater detail under the 'Military and Political History of the Conflict' chapter in the section entitled 'The Predecessors, Origins and Mobilisation of the RUF'.

[137] A real-life human tragedy lies at the heart of this narrative. None of AWOL's close friends or associates knows his present whereabouts, or indeed whether he is dead or alive. On the few occasions that he was spotted after his ordeal at the training base he displayed acute symptoms of trauma and no palpable lust for life. His friends suggest that his spirit was in fact totally drained from him by his 'forced recruitment'.

[138] According to a rough approximation conducted against the August batch of statements, around 70% of all violations recorded in the TRC's statement-taking phase are attributed to the RUF/SL.

Institutionalisation and De-institutionalisation in the RUF

242. After their recruitment, a culture of total dependency prevailed among most of the individual combatant units established in the RUF. Junior fighters, the overwhelming majority of whom were forced recruits, depended totally on their commanders for provisions, for their livelihoods, for privileges such as drugs and women, or girls, whom they raped and for their 'licence to kill'.[139] All of this was quite apart from the fact that if they disobeyed or deviated from the orders they were given, they would almost certainly be either beaten severely or (in the worst cases) killed.

243. The concept of institutionalisation appears to apply mostly to the entrenched practice within the RUF of ridding a particular forced recruit of all grounding in the society to which he or she previously belonged (including by subverting the moral and socio-cultural norms of that society) and then compelling (corrupting) the recruit to adopt a new, fundamentally warped set of standards and guiding principles. It was a form of inculcation, which included elements of physical and psychological torture as well as indoctrination.

244. Among the recurring insights into this process of 'conversion' deployed by the RUF is the use of mantras and chants in order to embed certain principles or perceptions into the minds of forced recruits. The most common format for such chanting would be during a muster parade, when the commander would stand at the front of a mass of ranks and lead them in a series of motivational shouts: "Arms to the People! Power to the People! Wealth to the People!"[140]; or "COMMANDO! – Disciplined, Brave and Contented!"[141] During the AFRC regime such mantras included, "Sierra Leonean People don't like themselves", "Kabbah is fooling the Native People", No Sierra Leonean Army! No Sweet Sierra Leone", "Nigerians are not able to disband the National Army", "Tejan Kabbah caused this Problem for the Sierra Leonean People", "If ECOMOG don't leave Sierra Leone! Burning and Killing will never Stop".[142]

245. Contrary to many of the declarations of wanting to enthrone an egalitarian society, particularly those made to civilian communities in the early days of the incursion, there does not appear to have existed any such thing as egalitarianism within the RUF. Combatant promotions were awarded on the basis of arbitrary factors like the 'business' a fighter demonstrated, the prowess he displayed in a particular battle, or the relationship he enjoyed with a senior commander. In the case of child combatants or junior commandos, promotions

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[139] This phrase, which is drawn from an interview with an ex-child combatant, should be understood to indicate two central facets in the relationship between commanders and rank-and-file: first, the commanders would have total control over which of the junior commandos in their unit would be given access to firearms; second, most child combatants were disciplined strictly for acting beyond the direct commands issued to them – it seems that in reality, therefore, they could only fire their weapons upon the issuance of an express order to do so.

[140] This chant was known among most RUF members as the official motto of the movement, long before its incorporation into the propaganda pamphlet known as '*Footpaths to Democracy: Towards a New Sierra Leone, Vol. I*', which was produced in 1996.

[141] Among some of the child recruits, this mantra was recited almost mindlessly, since most of them had no idea of the meanings of the words they were using. In asking them what qualities they thought a commando was supposed to possess, many recruits reverted to more simplistic interpretations such as 'tough' or 'fearsome'.

[142] Abdulai Barrie, Statement to the Commission at Kamakwie 1, Sella Limba, Bombali District on 26 March 2003. Statement Number 5758

were awarded as a form of morale-booster.[143]

246. In any case, this institutionalisation process appears to have been clearly directed towards disorientating the recruits and detaching them from the conventional psycho-social norms on which their civilian lives were premised. Similarities with the concept of 'removing the civilian blood from inside', the ethos of the early training in Libya, are striking: it is thus eminently possible to trace a filter-down effect from one round of trainees to the next.

The transformation from RUF Detainee to Junior Commando

247. The Commission received reports from both the Kailahun and Pujehun Districts that upon entering into major towns, the insurgents typically demanded that the residents should identify any soldiers, policemen or those in the community who were thought to be APC representatives or powerbrokers. In the event that these persons had fled, attention would turn to their relatives, their friends, their acquaintances and those who were deemed to know 'where they were hiding'. Each of the persons pointed out in this manner, even where they denied any knowledge of the status they were alleged to hold, were arrested and placed in captivity. Accordingly, sizeable groups of local residents, sometimes up to 20 at a time, were detained in a local cell or guardhouse on the premise that they had connections to the APC regime, however tenuous the link.

248. These detentions are of special relevance to the composition of the RUF because many of the detainees were subsequently converted into members, in a similar mode of compulsory 'recruitment' to the recruitment of the Vanguards in Liberia. One resident of Pendembu, Kailahun District described to the Commission how he was enlisted into the RUF after a two-week period of detention until 29 April 1991:

> "Upon his first arrival in Pendembu, Foday Sankoh was made to understand that some people were jailed and that they were still in the cell. Immediately he sent for us and we were brought before him. We had been told the previous night that they were going to kill us next morning, so some of us thought Sankoh was going to do the killing. Rather fortunately he was our saviour.
>
> He became very furious with the [NPFL] commanders; he told him that this was not what he had sent them on and that they should not treat his people in such a way… He apologised to us and begged us to accept it in good faith as it was wartime… He then picked me up as the youngest among those from jail and asked for my name, my occupation and my qualification. He told me that the revolution is for those of us who are educated but have no better jobs."[144]

[143] One commander described this concept as a means of encouraging his combatants to participate in battles with more vigour and commitment; if a commando could be convinced that he was a 'senior man' (even if, paradoxically, he was actually a 'small boy', then he would be 'more able to carry out my instructions well'.

[144] TRC Confidential Interview with former RUF/SL 'junior commando' recruited on the Kailahun front, who later became a G-2 / IDU commander; interview conducted in Freetown, 13 September 2003.

249. A similar story was recounted from the town of Gendema, Pujehun District, where Foday Sankoh appeared on 07 April 1991 and similarly lambasted his commanders for putting prominent functionaries of the authorities in a cell. Upon securing their release, Sankoh apparently embraced and praised the detainees for their courage and welcomed them, especially the soldiers among them, into his movement. According to testimonies, Sankoh described the men as "our brothers, not our enemies"; a popular refrain was that these people had no choice but to be working for the authorities because it was a one-party state. In Gendema as elsewhere, such displays by Sankoh in releasing detainees were reportedly greeted with rapturous ovations from the civilian crowds, from which Sankoh clearly drew valuable populist credentials.

250. As the following testimony from a vanguard indicates, Sankoh was notorious for exerting moral compulsion over individuals and communities by playing on the perceived indebtedness of those he had freed:

> "He continuously reminded me of the fact [that he was my 'liberator'], everywhere we went. Even when we first captured my hometown, he gathered my relatives from the area and asked me to tell them where he had found me… When I just said the place, he was not comfortable. He wanted me to say 'in prison', which I did; so as to make it clear to the people that he had rescued me."[145]

251. Sankoh in fact made pointed and often astute attempts to sensitise and mobilise particular groups in support of his averred 'revolutionary' objectives. By all accounts, he spoke passionately and convincingly in his public addresses and was apparently well received by his audiences in the early weeks of the conflict. In addition to being a generally compelling character, he would often adapt his style, or indeed his rhetoric, to play on the particular characteristics or insecurities of the local population who were receiving him. Thus in the Kailahun District, Sankoh's addresses dealt with the plight of impoverished farmers and coffee or cacao harvesters who were historically prevented from receiving due compensation for their yields; in the coastal District of Pujehun he was reported to have spoken about fishery and marine resources, as well as the local undercurrents of social disgruntlement that had given rise to events like the Ndorgboryorsui rebellion in the early 1980s.

252. In the RUF's recruitment of new members there was very often a very thin dividing line between purported 'genuine subscription' to the values of the RUF's agenda and the opportunistic pursuit of personal gain or retribution based on grudges, grievances and vendettas. In short, many people claimed to be 'revolutionary' when they were actually nothing of the sort; they simply wanted to utilise the RUF as a means of acquiring a firearm and a vehicle for their own aggression. As the RUF's former Adjutant General testified to the Commission:

> "Some people felt that going on the base would give them a chance to revenge for anything that had happened to them." [146]

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[145] TRC Confidential Interview with former RUF/SL 'vanguard' commander who was taken from detention in Liberia to become a member of the movement; interview conducted in Freetown; 19 September 2003.

[146] Jonathan Kposowa, former Adjutant General of the RUF/SL who worked closely with the Leader and other members of the High Command throughout the conflict; primary interview conducted at TRC Headquarters, Freetown; 25 June 2003.

The pitfalls of allowing such people into the movement should have been all too apparent to the RUF leadership from the very outset.

253. Hence the RUF ranks began to fill up not only with forced conscripts, but also increasingly with a potentially uncontrollable number of 'bogus revolutionaries', who had no interest in common objectives, seeking only the power of the gun to act out their suppressed feelings of rage and revenge, usually against innocent civilians from their own or other communities. This category of persons was obviously prone to human rights abuses, but was also highly dangerous to the RUF movement itself, since they were effectively beyond discipline and could be just as likely to turn their guns on fellow RUF members.

254. Many testimonies received by the Commission traced the path of individuals who were brow-beaten into joining the RUF because they simply could not survive outside the movement. Living conditions in a town or village situated within an NPFL or RUF 'target area' seemed in its initial throes to be manageable. Government functionaries, many of whom were loathed, were typically chased out or killed and the distribution of provisions, including agricultural produce, became for a time more liberal and equitable than it was under the unjust 'system'. However, without exception, these ostensible benefits would prove to be a false dawn once the rule of law descended into rule by force. Armed commandos were often reported to have arrived at civilians' houses unannounced and invariably in the middle of the night, forced entry and helped themselves to food wherever it was available. Moreover the NPFL and RUF forces extended their terrorising of families to the raping and gang raping of women and girls in their homes, often in front of their husbands, parents or other family members. One witness who testified at a public hearing in Kailahun captured the plight of many families:

> "If they met you with food, they would take it and rape your wife in front of you. I was a victim. I was sleeping with my wife when four of them took me outside, under gun point, and took my wife and had sex with her."[147]

In many other reports recorded by the Commission, men who resisted or opposed such grievous acts were habitually shot dead or tortured.

255. Through the continual wearing down of people's normal lives and levels of tolerance in this reprehensible fashion, but also commonly through more explicit means that included coercing them at gunpoint, the insurgent factions forced civilians to join them, either by making them take up positions within the 'administrative' cadre, or by sending them to training bases and turning them into combatants, whom the RUF referred to as their 'junior commandos'. Some of the persons recruited through these means in the early days and weeks of the war went on to play important roles in actual combat undertaken by the RUF. Gibril Massaquoi, an early recruit on the Pujehun front who would later become one of the few junior commandos to rival the vanguards in terms of battlefront prowess and commandership, described his enlistment into the RUF:

> "Initially, I resisted joining them. I even had to escape, leave Pujehun

[147] A civilian resident of Pendembu and other parts of Kailahun District during the conflict; testimony before TRC public hearings held in Kailahun Town, Kailahun District; 13 May 2003.

> and go to a village… Unfortunately for me, I met them, still looking for men whom they could train… Each and every member of the RUF, whether you were a civilian, you were working with them on civil service or whatever, you were always forced to take training. There were some people who were only taking ideological training, there were others who were taking the real physical, military training. We were taken to Zimmi to take our training."[148]

256. The early 'mass recruitment' intakes were dominated by children and, more especially, youths. These were vulnerable groups whose innocence or disaffection made them less likely to resist their enlistment into the RUF; some of them in fact would even start to embrace the ethos of the RUF wholeheartedly and later bring others on board under similar duress. They were certainly malleable to the will of the trainers, who would subject them to both rigorous physical exercises and what was known as ideological instruction, but which might more properly be referred to as indoctrination. It was a pattern of forced recruitment that was bringing more and more traumatised but subsequently hardened boys, girls and young men and women into the RUF. Its practice would only intensify as the conflict wore on, with increasingly brutal methods of enlistment and commensurately more adversely affected conscripts.

> "The first day we arrived on the place they order[ed] us to lie flat on the floor. We had no idea and we lay down as if we were lying on a bed. They showed us how to lie down flat and if they saw your foot up they will use their foot to stamp your foot down. They will use the gun; they put it on the forehead of the first person in the line and fired! In that process if you are hit by the bullet you are killed. It you are not perfectly in line with the first person that is the end of your life. They were doing that so that we can get accustomed with the sound of a gun. They taught us how to fire guns for ourselves. They also taught us courtesy and discipline that will show us how to respect them. But even though you respect them they will not respect you. It was no formal training where you go to a classroom. With that kind of training if you are sent to the warfront only God will help you."[149]

257. After the first year of the conflict – and certainly after the transition to full-scale guerrilla warfare at the end of 1993 – the RUF/SL retained and increased its fighting force in both size and commitment predominantly through a wide array of compulsive measures that included abduction and forced recruitment.

258. The RUF/SL pioneered the concept of forced recruitment in the conflict. It bore a marked proclivity towards abduction, abuse and training of civilians for the purpose of creating commandos. Particular units, including those units that were expressly formed to comprise child combatants, were almost exclusively comprised of forced recruits. Unfortunately, the Commission's database does not permit findings to be made as to whether forced recruits in fact constituted the majority of the RUF/SL fighting force as a whole.

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[148] Gibril Massaquoi, former RUF/SL Target Group and Battalion Commander, originally recruited as a junior commando in Pujehun and later Personal Assistant to former RUF/SL Leader, Foday Sankoh; TRC Interview conducted at TRC Headquarters, Freetown; July 2002.

[149] TRC Confidential Testimony from an early recruit of the RUF/SL in Kailahun District; testimony before TRC closed hearings held in Kailahun Town, Kailahun District; 14 May 2003.

259. The experiences endured by these recruits were replicated in their relationship with the civilian communities with which they came into contact. It is therefore no surprise that the scale of violations increased as the war progressed. According to a child combatant:

> "During my five years' jungle life with the rebels I adapted to their barbaric activities. And I usually made trips (missions or patrols) to the surrounding villages where we broke people's houses and loot whatever that was in our access. We captured their cattle, picked fruits and sometimes after the looting we set some houses ablaze and returned with the booty which we handed over to the commander."[150]

RUF Codes of Conduct / Internal Discipline

260. The RUF developed a code of conduct, which was taught to every recruit during training. It is indeed doubtful how much use the combatants made of the code of conduct in the light of the violations and abuses that have been attributed to members of the movement.

261. Acknowledging, perhaps, some of the limitations to the disciplinary system, particularly as it pertained to the obvious acrimony that existed between various high-ranking members of the movement, Foday Sankoh's erstwhile personal assistant Gibril Massaquoi appeared to obscure the issue somewhat in his testimony:

> "At one point in time, Sankoh told me that there was some offences which were committed and the people involved could not be disciplined for fear that there would be in-fighting; except at the end of the war, when he would have brought such people to book. For instance, the case of Rashid [Mansaray] who was killed in Kailahun; he said he never gave orders. He told Sam Bockarie to take Rashid and others from positions towards which the enemies were advancing to continue their prison sentences in another location. When Sam Bockarie took them to the front line, he killed all of them."[151]

Indeed, Massaquoi himself was implicated on multiple occasions for his assassination of rival commanders in his native Southern Province.

262. As could be imagined in any organisation with such a diverse and essentially incompatible membership, bitter disputes took place at almost every level in the RUF/SL. Unsurprisingly most of the commanders felt intensely vulnerable to threats – real or imaginary – posed to their dominance. The senior ranks were almost universally suspicious of one another. Hence, it was frequent for bitter and often violent confrontations to break out between them, mostly premised upon territoriality or control of the movement's fighting resources.[152]

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[150] Confidential Statement to the Commission. Statement Number 5761

[151] Gibril Massaquoi, former RUF/SL commander and erstwhile personal assistant to Foday Sankoh; TRC interview conducted in Freetown, July 2002.

[152] See *inter alia* TRC interviews with Moigboi Moigande Kosia, former GSO-1 in the RUF/SL; conducted in Freetown between XX May and XX June 2003. Kosia refers to the disagreements that resulted in armed confrontations between, among others, Superman and Issa Sesay, Superman and Maskita, and Gibril Massaquoi with various others.

263. Furthermore, there was apparently always something of a chasm in the RUF/SL between the well-educated, experienced, minority in the movement and the majority membership of unrefined, marginalised, angry young men. On the one side were those who believed somewhat naively that they could inject a degree of moral rectitude into the movement, perhaps through the examples they set or the good sense they talked. Many of this group would, under circumstances in which the traditional cultural norms applied, have ascended to positions of responsibility and authority in the movement because of their education and seniority if nothing else. Some of them did indeed harbour pretensions on the leadership of the movement, although any active efforts to achieve it invariably met with spectacular failure.[153]

264. On the other side were the younger, more militant members who found their natural constituencies among the malleable combatant youths whose loyalty could be guaranteed based on factors such as local allegiance, raw compulsion, manipulative bra-ism, dependency syndrome or a combination of several of those. These *de facto* leaders – the commanders of the RUF/SL – mostly enjoyed reputations for using force to solve their problems, whether against civilians or their fellow combatants.

265. The prevailing attitude held by the RUF/SL combatant cadre towards the intellectual or educated members of the RUF/SL was one of resentment and suspicion. Elder members of the movement most of who occupied investigative or administrative roles, were invariably subjected to intimidation and violence by the 'force men' whose discipline they were charged with ensuring; accordingly, most internal rule enforcement was ultimately abandoned due to fear.

266. The Commission recorded numerous instances of physical violence, intimidation and harassment against those RUF/SL members who profess to have had an interest in pursuing an ideologically based revolution, with principles, objectives and reasons at its heart. Those who opposed them were largely the ones who stood to make material gains out of the wayward acts they carried out with utter impunity. The favourite refrain of a group of younger thugs beating up a better educated, typically older man was: "noto buk wo dis" (literally this is not a book war or this is not a war for educated minds).

267. The practice appeared to continue right up until the end of the conflict: as long as there were new members coming on board, there were longer-standing members who saw the need to dig in their heels; as long as there were moderates in the ranks who tried to appease or restrain the combatant cadre, there were combatants and commanders who would try to thwart them with force. Issa Sesay, whose rise up the leadership ladder in the RUF/SL was marked by outbursts of violence and long-standing personal vendettas, ordered a number of acts against those he perceived as threats to himself. One such example was the severe beating administered to a prominent youth from Tonkolili District named Abdul Razak Kamara, who testified to the Commission during its public hearings in the Kono District:

[153] The most pertinent example of such a failure was the attempt in 1996 by a small band of self-deluding RUF members led by Philip S. Palmer to squeeze Foday Sankoh out of leadership of the RUF and install a new set of figureheads who were more palatable to the ruling political classes.

> "After three days, I was travelling to Masingbi to go to Makeni, not knowing that they had sent a radio message ordering my arrest. I was arrested in Masingbi and taken to Makeni; Issa then sent 50 people headed by Lion – Colonel Lion – to meet me in the jail. They came and met me in the jail. They then removed me from the jail and I was stripped naked and beaten. They said I was thinking that I was in an educated world; but now I have been 'handled' and taught a lesson. I was stabbed on my hand and Lion kicked me hard on my private part."[154]

268. The prevailing atmosphere of suspicion within the RUF/SL was perceived in the later years as a major cause of acrimony and a potentially fatal obstacle to peace:

> "There was one thing in the RUF: you should never say the truth; when you do that you are going to have problems. And you should not challenge, neither question whatever thing they are doing. But I did not believe in those things. I believe that I have to question whatever thing the case may be so that I can know the truth and say the truth. And allegations against people with the RUF were very much common."[155]

269. From all accounts, the movement appeared to have lost focus from the very day the incursion was launched in to Sierra Leone. Without an ideological foundation, attacks on civilians were rationalised as necessary to consolidate the revolution, whatever that meant. It was no surprise that combatants attacked even family members of fellow combatants. It would take ten unfortunate years for the tragedy that was the RUF to play itself out and for the people to begin counting the costs of such a misadventure.

The Sierra Leone Army (SLA) and Dissident Military 'Splinter Groups'

270. At the start of the conflict, the Sierra Leonean Army numbered less than 3,500. Within four years, the strength of the Army was to jump to as high as 12,000[156]. The NPRC government embarked on a massive recruitment exercise to strengthen the human resources available to the army for the prosecution of the war.

271. The social origins of most of these new recruits into the army were the urban marginalised groups who lived on the fringes of society. The antecedents of this group have been eloquently captured in the chapter of this Report dealing with youths.

272. As a result of their social origins, this group historically had a grudge against the rest of society arising from their long years of deprivation and marginalisation. The conflict provided an opportunity to vent the bottled up frustrations against those perceived to have benefited more from the opportunities available within the system.

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[154] Abdul Razak Kamara, former youth leader and self-styled RUF/SL 'peace ambassador'; testimony before TRC Public Hearings held in Koidu Town, Kono District, 26 June 2003.
[155] Abdul Razak Kamara, former youth leader and self-styled RUF/SL 'peace ambassador'; testimony before TRC Public Hearings held in Koidu Town, Kono District, 26 June 2003.
[156] Interview with Brig. Julius Maada Bio, private residence, Freetown November 2003.

273. People of means, public officials and public institutions were reminders of the "oppressive" regime of zero opportunity under which they had lived for a very long time. The conflict became an opportunity to level the playing field. They began preying on the very people they were supposed to protect. For the first time in modern history, a national army turned against its very public in a civil war.

274. The signs that the army would ultimately consume its benefactors were rooted in the history of the institution.

275. The Republic of Sierra Leone Armed Forces traces its history back to British colonial days. From its inception, the RSLAF has had series of title changes and underwent rapid transformation from the colonial days to date. The original name was the Royal West African Rifles. It was later transformed into the Royal Sierra Leone Rifles, and subsequently the Royal Sierra Leone Regiment. The army served with distinction in both first and second world wars gaining the battle honours of Cameroon, in what was then German West Africa, and Myohaung, in Burma in 1944. Following independence in 1961, the armed forces became known as the Sierra Leone Regiment and finally, the Republic of Sierra Leone Military Forces (RSLMF) after the attainment of republican status in 1971. In 1995, the NPRC military regime renamed it the Armed Forces of the Republic of Sierra Leone (AFRSL). President Kabbah on 21 January 2002 renamed it as the Republic of Sierra Leone Armed Forces (RSLAF).

276. The RSLAF was founded on a sound tradition of discipline, professionalism, and valour.[157] As a primary organ of the security forces of this country, it is answerable and accountable to civil constituted authority. Article 165 (2) of the 1991 Constitution defined the constitutional role of the Republic of Sierra Leone Armed Forces as follows:

a. To guard and secure the sovereignty of the Republic of Sierra Leone and its citizens.
b. To preserve the safety and territorial integrity of the state.
c. To participate in the development of the state.
d. To safeguard the people's achievement.
e. To protect the Constitution.

277. These provisions were not radically from those of the Independence Constitution of 1961. Yet, with the passage of time, instead of building on this enviable foundation, the entire institution deteriorated. Order and hierarchy are the noblest traditional foundations of any Army; when that structure is destroyed, chaos is bound to follow. Unfortunately, that was the path the Army was forced to follow in the period after independence. Things became so bad that the Sierra Leone Military completely lost all semblances of command and control. The appointment of the Army Commander to parliament, for example, was enough inducement to selfish, greedy and disgruntled soldiers dreaming to become president or ministers overnight instead of aspiring to become generals by rising through the ranks systematically and by merit. Some elite members of the society who sought to use the military to further their own personal

[157] Major General Tom Carew, Chief of Defence Staff. Submission to the TRC. May 2003.

ambitions and interests were also responsible for the decay of the institution. The decay of the' institution was further compounded by other vices such as tribalism, sectionalism, lip service, indiscipline, loss of command and control and the lack of respect for the chain of command within the military.[158] It is therefore in the manipulation of the army by politicians that the roots of the terrible violations committed by the army during the conflict could be found.

278. A programme of 'africanisation' of the military in Sierra Leone started in 1964. It has been argued that the escalation of the 'africanisation' was political, premature and therefore deficient in professional judgment.[159] The recipient of such political largesse was not given the time to mature in any of the new commands he had been given. This was because the new positions were not merited outside the criterion of the need for 'africanisation'. According to Major Noah,

> "It appeared then as if the programme was designed to put the most senior Sierra Leonean Officer in a position of trust as political insurance for the politician who introduced the scheme. In 1964, for example, the speech of the Governor General lauded the elevation of Lieutenant Colonel Lansana to the substantive rank of a Colonel and. I in 1965, he was promoted to the rank of Brigadier. As the time for elections drew nearer, the political atmosphere took on a new dimension. Tribalism was clothed in negativity and this led to the alienation of tribes: the south and east from the north and the west. It was a very disastrous divide which systematic demise of values and finally culminated in the crisis. It was that unfortunate phenomenon (negative tribalism) that catapulted the Force Commander into politics and consequently, led to the erosion of his grip on the army, as the alienated segment in that same army fossilized into a counter-poise to safeguard stability and continuity of sanity in the force."[160]

279. The tribal and regional divide assumed a very catastrophic political dimension. The political parties exploited it to the extent that sycophancy became the order of the day. Professional promotions and other considerations that were hitherto meritorious in the military were politicised. The primary criterion for promotion, merit, became redundant and ostracized. The main criterion became 'The right tribe and the ability to pass on intelligence on fellow officers and men'. This system automatically made square pegs in round holes extremely prominent in telling abominable lies and calumnies about innocent, hardworking, more qualified, and competent colleagues. It completely negated and alienated such virtues as easy camaraderie, sharing, mutuality and permissiveness, which were the cohesive factors of the norms and traditions of the officer corps.

280. The slogan became "Survival of the fittest", meaning `the most depraved liar was King'. Thus, depravity wedded the Army and as mediocrity assumed importance, the schism in the tribal divide widened. By 1967,

[158] Major General Tom Carew, Submission to the TRC. May 2003. See also submission to the TRC by Major Abu Noah (Rtd.) May 2003.
[159] Major Abu Noah (Rtd.) Submission to the TRC. May 2003.
[160] Ibid

the army was already consumed by the divide. Two clear groups emerged along the lines of the political divide. Officers from the North allied with those from the Western Area, while officers from the South were allied with those from the East.[161]

281. The disintegration continued to propel the army inexonerably to a climax. Other senior officers perceived the Force Commander as a tool of the Prime Minister who depended on the Force Commander for his security and political victory in the impending election of 1967. With increased powers arising from his closeness to the Prime Minister, the Force Commander on a number of occasions had his colleagues retired or arrested and detained for all kinds of infractions, or assigned junior officers to administrative positions over and above other senior officers. This led to indiscipline as the senior officers refused to recognise the authority of the junior officers.

282. Mutual suspicion gripped the military about the role of the officers in the 1967 elections. When the Force Commander declared martial law on 21st March 1967, after the Prime Minister had lost the elections, the bonds of unity and espirit de' corps in the army finally snapped. A process of military intervention in politics had been unleashed on the country, with the new helmsmen awarding themselves military ranks they didn't diverse and which elevated them far above more senior, qualified and experienced army officers.[162] Such an arrangement could only lead to an implosion. What it needed was a spark, which was provided by the onset of the conflict in 1991.

283. The return of Siaka Stevens in 1968 and his rise to power ushered in the final assault on the values and traditions of order, discipline and hierarchy in the Army. He rendered the Army impotent by a system of subtle but deliberate disarmament through fear, that when it was called upon to perform its constitutional role (to defend the sovereignty of the state), it was in no position to do so. Over politicisation of the Army had castrated the higher echelon, and entrenched those whose sole desire to get to the top led to their betrayal of their colleagues. They became *merchant-generals,* more interested in material acquisitions from the politicians than in a professional armed service. Therefore when war came, there was no officer corps to handle it.[163]

284. By the beginning of the war in 19991, the rot in the army had become obvious. Discipline had collapsed. Training was non-existent and people had risen to the commanding heights of the army by simply doing desk jobs. Officers simply abandoned the war front or cowered in the face of the RUF onslaught. Junior officers developed disdain for their officers who were unable to show leadership at a critical time in the life of the country. The disdain culminated to the plan by the junior officers to overthrow the government. The coup of April 1992 was designed to arrest the collapse of the army and prosecute the war in a more professional

[161] Ibid.
[162] After the counter coup of 1967, the coup leaders elevate even private soldiers to Captains and Lieutenants. Siaka Stevens himself granted 21 Warrant Officers commissions as officers. The leaders of the April 1992 also approved fantastic promotions to themselves. All these elevations were intensely resented by other officers and destroyed the chain of command in the military.
[163] Major Abu Noah (Rtd.) Submission to the TRC. May 2003.

manner. The coup plotters assigned to themselves very important political offices as a result of their participation in the coup. During the NPRC era, it was common to see Brigadiers and Colonels saluting their juniors (mostly captains and lieutenants). The impact on morale and discipline in the army was devastating and negated the core foundations for executing the coup.

285. During the war years, the gates into the military were thrown open to good citizens, criminals, and hooligans alike in the hope of flooding the warfront with enough manpower to prosecute the war. These undeserving individuals quickly exploited their uniforms and guns for personal, sectional and other selfish interests. The ultimate result was the AFRC coup of May 25, 1997, which threw the entire nation into turbulence, lawlessness, chaos, anarchy and catastrophe. It was reported to the Commission that a colonel in the army even argued before his colleagues that there was nothing wrong for a colonel to pay compliments to a corporal during the era of the AFRC. "That was how discipline disappeared and the entire officer corps decomposed."[164]

286. It wasn't surprising therefore that both the officer corps and the rank and file of the army began preying on the civilian population right from the onset of the war. There was no overriding national sentiment on which the army could be mobilised. The military was national only in name. By 1991 it was still hostage to ethnic and tribal sentiments. These deepened with the onset of party politics in 1996 when the well intentioned efforts of the Government at reform of the army were labelled as ethnic persecution of Northerners. The Sierra Leonean army has still not weaned itself of ethnic sentiments. Those who harbour such sentiments are however in the minority. The Government needs to move fast to consolidate the gains of the present restructuring and retraining efforts for the army.

The Civil Defence Forces (CDF)

286. The term "civil defence" is not construed here exclusively to mean the group that became known as the Civil Defence Forces, or CDF. In fact, the Commission identified numerous examples of groups that embarked upon initiatives to lend protection to their communities quite independently from the formal structures of the CDF and in many cases long before that institution was even conceived.

287. We must, of course, acknowledge that in the minds of many Sierra Leoneans the CDF faction was to become associated with most of the official 'operations' carried out towards the cause of defending civilians against their attackers or oppressors. A primary reason for this association is that the majority of those civil defence initiatives that had existed before the time of the CDF were eventually subsumed into the CDF's structures of co-ordination. Nevertheless, as a wealth of testimonies before the Commission confirm,[165] between different

[164] Major General Tom Carew, submission to the TRC. May 2003.

[165] The TRC has conducted statement-taking, public and closed hearings, investigations and research interviews in each of the twelve Districts of the country, as well as in the Western Area. In every District, the TRC heard from representatives of local civil defence groups, including – wherever possible – from the leaders of the relevant local arm of the CDF. One of the most striking points stressed by witnesses time and again was that the CDF was contrived as a formal endorsement, or an 'institutionalisation', of activities that had been undertaken at community level

Regions, between different ethnic groups and even between cultural sub-groups, there were substantial differences in the character and conduct of the respective CDF components, let alone of the autonomous civil militias and vigilante groups that had preceded them. This chapter shall however deal with the CDF. It is hoped that subsequent research will investigate the roles played by these other groups and the extent of their intervention in the conflict.

288. Civil defence evokes different images and memories depending on the part of the country from which one originates and the place or places in which one lived during the hostilities. At least in the first few years of the conflict, the local populace of most communities felt a strong sense of ownership over the persons they had entrusted with their protection and thus they developed nomenclature in their own native languages to refer to these groups.

289. Hence the people of the Koinadugu District in the Northern Province, who are predominantly Koranko, Limba and Yalunka by tribe, knew the warriors, soothsayers and guides who mobilised alongside the Army as early as 1991 by the collective term *Tamaboros*.[166] In the Temne-dominated Districts of Bombali, Port Loko and Tonkolili, there were *Gbethes*, the word having derived from the Temne term for hunters, which is also understood to carry an implied meaning of power or prowess,[167] and *Kapras*. The people of Kono referred to their local militiamen as *Donsos*, which also means hunters, but which was abstracted effectively to mean 'fighters', or any one who stood up in the face of the enemy.[168] Finally, the people of the predominantly-Mende Districts of the South and East of the country – Moyamba, Bonthe, Bo, Pujehun, Kenema and Kailahun – mostly spoke of their own 'local hunters' or *Kamajors*.[169]

290. The last of these categories – the Kamajors – merits special attention in an analysis of the concept of civil defence during the conflict. At the point when the Commission began the pursuit of its mandate, there existed a great deal of ambiguity and contention in the popular understanding as to who or what the Kamajors actually were. To a great extent, it remained the case during the Public Hearings across Sierra Leone, as Kamajor witnesses proved to be incredibly reticent and in one District practically boycotted the Hearings on the suspicion that the TRC was simply a witch-hunt intended to expose their Society 'secrets'.

291. While such attempts to cast a veil of mystery over the character and conduct of the Kamajors were perhaps motivated out of a certain fear of the reception that a candid testimony might get from erstwhile compatriots or adversaries alike, they in fact did nothing to serve the cause of truth in Sierra Leone. Only a very

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for many years previously. Moreover, the Regional and cultural differences between the ways in which different civil militia groups described their roles was also a noteworthy feature of the TRC's enquiries. It would thus be neither accurate nor impartial for the Commission to restrict its analysis of civil defence to the activities of the CDF.

[166] In interviews with the Commission, witnesses from the Koranko ethnic group translated the word 'Tamaboro' as meaning "come and take us out of trouble"; see for example James F. Koroma, elder of the community of Kondembaia, Diang Chiefdom; TRC interview conducted in Kondembaia, Koinadugu District, 15 August 2003.

[167] Sheikh Ahmed Tejan Sesay, former 'Tamaboro' and CDF District Commander for the Bombali District; TRC interview conducted in Makeni, Bombali District; 17 August 2003.

[168] Chief Augustine Safea Nyademo, Town Chief of Baiama and former 'Donso' commander; TRC interview conducted in Koidu Town, Kono District; 12 August 2003.

[169] Kekura Brima Gbau, prominent community stakeholder and former Kamajor; TRC interview conducted in Pangoma Township, Kenema District, 17 July 2003.

small handful of former Kamajors testified publicly about the full extent of their participation in the conflict; accordingly, the remainder of witnesses in that category did as much to confuse the Commission further with half-truths and convenient oversights as they did to assist in the creation of an impartial historical record. There was a marked absence of public testimony from Kamajors pertaining to their participation in actual combat or military operations. The Commission has depended largely upon closed testimony and confidential interviews to formulate its account of that aspect of the CDF's conduct. Moreover, very few witnesses were willing in any forum to discuss the details of their initiation ceremonies, which for many of them remain taboo.

292. Indeed, there has been a generally unproductive effort on the part of some Kamajors to obscure the character of their faction. They have tried to finesse a place for the Kamajors among the sacred secret societies that form an integral part of Sierra Leone's cultural heritage. This place is simply not their due: the Kamajors were created for the express purpose of war, albeit a war that they perceived themselves to be fighting in the name of a just cause. The secret societies, including the Poro and Bondo Societies for men and women respectively, are essentially peaceful unions of citizens premised on common belief in the powers of spirits that dwell mainly in the "bush."[170]

293. There was undoubtedly an underlying integrity to the manner in which certain individual Kamajors engaged in the struggle to liberate their homeland from the unconstitutional stranglehold of the People's Army (comprising fighting forces from both the RUF/SL and the AFRC). However only through a nuanced analysis of the evidence can it be possible to garner an accurate understanding of how the Kamajors, abstracted out of, yet distinct from any pre-existing tribal militias, turned a noble cause into a presence that proliferated the armed conflict in its latter stages.

294. The word *Kamajors* was used in testimonies to the TRC in essentially two different contexts: first, to describe certain among the locally-organised Mende militia groups of the early 1990s – by all accounts consisting mostly of those who had actually been hunters;[171] second and much more commonly, to apply to the dramatically-expanded CDF that mobilised *en masse* from 1996 onwards. There is, once again, an important disconnect between the two groups: the first attempted to capitalise upon pre-existing aptitudes among the local populace that would assist in rendering protection to the township; whereas the second has, upon rigorous inspection, proven to be a much more less discriminatory means of recruiting manpower with which to wage war.

295. The latter Kamajors group was not in fact a hunting society, nor did the majority of its members have any unifying pedigree as local hunters or traditional 'bush warriors'. On the contrary, the Kamajors of the 'mass mobilisation' era were mostly hurriedly assembled youths from rural communities; spirited into action

[170] The Truth and Reconciliation Commission made a principled decision not to undertake any of its own analysis regarding the possibility of violations and abuses of human rights taking place within secret societies in peace-time Sierra Leone, precisely because of the *de facto* detachment of these groups from the militias and armed factions that prosecuted the war. The role that such belief systems play in society in general was perceived to have been of greater relevance to the reconciliation component of the Commission's work; hence the production of the internal research paper entitled: *Traditional Belief Systems and Customs of Ethnic Groups and their implications for Reconciliation*; 26 March 2003

[171] TRC interviews with Kamajors from the Kenema, Bo, Pujehun and Bonthe Districts; conducted in each of those four Districts of the country between July and September 2003.

through an initiation ceremony that made the illusory promise that they were endowed with supernatural powers; then sent to conduct sensitive and serious operations without adequate training or any recognised system of discipline. It is to this expanded group of Kamajors, comprising the overwhelming bulk of the CDF membership after 1996, that nearly all of the violations citing CDF in the Commission's database are attributed.

296. In addition to the above-listed geographically-specific groupings, there were also diverse mechanisms for civil defence that sprung up in different parts of the country under generic terms such as 'vigilantes', 'community defence units' or CDUs, 'auxiliaries' and 'watchmen'. Each of them played its own distinct role in Sierra Leone's history and the Commission is mandated to capture such contributions to the greatest extent possible.

Character and Conduct of the Kamajors

297. There is a great deal of merit in assessing the leadership of the Civil Defence Forces, particularly as regards the intricacies of its structures, according to a phased approach: first, from the attainment of power by the SLPP Government up to the point of the 1997 military coup and the establishment of the Armed Forces Revolutionary Council (AFRC) [that is 10 March 1996 to 25 May 1997]; second, during the period in which the SLPP Government was in exile in Guinea, which is also known as the *inter-regnum* [that is, 25 May 1997 to 10 May 1998]; and third, after the restoration of the Government to power until the final cessation of hostilities [that is, 10 March 1998 to 18 January 2002]. These distinctions are vital in piecing together an accurate understanding of the means by which decisions were made and, either as a result of those decisions or due to other militating factors, operations were carried out during each of the periods in question.

298. The erstwhile National Director of Operations for the CDF, in his public testimony before the Commission in Pujehun, appeared with hindsight to belittle the importance of a title or official rank within the movement. His testimony – whilst couched in parables - further lends credence to the deduction that power and effective command in the CDF appeared to be relatively centralised.

> "Giving me the power as National Director of Operations was like you giving me a goat and then you continuing to hold onto the rope; if you're going to hold onto that rope, what would be the point of giving me the goat in the first place – how could I benefit from it?
>
> You have to bear in mind that there were so many of us, all vying for power or position. There were certain people among us who always tried to interfere; to undermine; to grab the position of the next man. You can't work properly under those kinds of conditions; but those were the conditions in which we were being asked to work. Nobody was reporting to his compatriots or to his commanders further up the chain of command; our attitudes to leadership and organisation were negative."[172]

[172] Joseph A. S. Koroma, former CDF National Director of Operations and Member of the War Council at Base Zero; testimony before TRC Public Hearings held in Pujehun Town, Pujehun District, 24 June 2003.

299. On a somewhat lower level, Kamajor fighting units seem to have organised themselves around fairly arbitrary, ad-hoc criteria. It is indisputable that many groups of Kamajors, a substantial number of who had not been formally 'initiated' into the Society or who had been through false initiations, acted in excess of their collective mandate. The Commission's research suggests further, however, that on an individual level, combatants also acted beyond and often in direct contravention of their superiors' instructions. In the circumstances, effective command responsibility was vested in the commanding officers at the lower level; the unit commanders whose groups were smaller, well known to them and therefore more manageable. Several witnesses before the Commission used the terminology of gang violence to describe the ways in which Kamajors moved through the townships they patrolled.[173] According to one of those civilians who observed the Kamajors most closely in the Bonthe District:

> "[A] battalion commander could conceivably be against a lot of the things that happened, but he [would not be the one] to have absolute control over 'his' Kamajors. It was something like a clan system; every group had its own identified leader."[174]

300. The Civil defence Forces was established to defend the communities against attacks by the RUF. Its base of support was in the communities. For a group professing a "just cause", that of defending the communities against unprovoked attack, it was inconceivable that it would attack the very people it was established to protect. This was exactly what happened. It may be tempting to explain away the violations committed by the CDF as collateral damage in a war situation as some witnesses suggested to the Commission. However, such simplistic explanation does not contextualise how a just cause became indistinguishable from 'rebel' atrocities. The following paragraphs are insights discerned by the Commission as rationale for some of the violations that were committed by the CDF.

CDF Initiation and Training

301. The initiation process in the CDF was a very rigorous exercise that emphasised compliance with certain taboos that included sexual abstinence and non-appropriation of other people's property. Compliance with these taboos was expected to protect the combatant in battle, making him invisible to the enemy. With numerous initiation ceremonies going on all over the southern and eastern regions, and with all kinds of people welcomed into the group, it became difficult to enforce compliance with these taboos. The Commission received testimonies of harassment of the civilian population, especially those suspected of being RUF sympathisers. Subsequently to a lot of people, membership of the CDF became a passport to free passage in the communities. Membership became highly sought after. Many of those who joined were not initiated neither did they receive any training in the mores of the group. Initiation became a highly commercialised enterprise with people paying exorbitantly to go through the process. Initiation fees ranged from Le2000 to Le10, 000 per person. At times there were as many as 5000 men to

[173] Locate testimony in the database and refer further to Father Garrick and others.
[174] Reverend Father Emmanuel John Garrick; TRC interview conducted in Pujehun Town, Pujehun District, 26 June 2003; at page 7.

initiate. The initiators chose their times and locations. With such numbers being initiated on a regular basis, discipline and control became lax. The possession of a weapon became an important instrument for the new arrivals in settling old personal and family quarrels.

302. The establishment of the civil defence units in the communities had been on the initiative of the chiefs. In the early days, the chiefs selected able-bodied young men from their communities and sent them for "training". With institutionalisation of the movement and the massive numbers that subsequently joined, it became impossible for the chiefs to control the membership. Furthermore, while the chiefs' retained symbolic authority in the communities, the control of men in arms created new levers of power in the communities. The CDF was organised both as a military and an administrative entity. Each district and town had administrators who were in charge. The function of the administrator was to ensure the maintenance of law and order, settle disputes among people and encourage the people to continue with their daily lives. The administrators had supplanted the government appointed administrative officers. Increasingly the administrators supplanted the chiefs as points of authority and contact. The administrator could override the decision of a chief on any issue. He could punish a chief for "errant" behaviour or appoint a chief in any community or interfere in chieftaincy disputes in the community in favour of a disputant.[175] Many administrators became drunk with power and began sending the troops out against perceived opponents. The administrators wielded powers of life and death over people. Some of them like Kosseh Hindowa in Bo protected CDF militiamen accused of killing innocent people and shielded them from law enforcement officers. This created a culture of impunity that membership of the CDF put you above the law. The Commission has received testimony of CDF troops being sent out to murder opponents or seize their property, even after the conflict was over in 2001.[176] In a letter of complaint to the Commission, a petitioner accused Kosseh Hindowa of ordering the destruction by Kamajors of his compound in Bo valued at over Le50Million, and the removal of valuable property including steel windows and doors, roofing and other building materials which were then taken to the CDF store in Bo on 16th February 1998. The petitioner had complained to the CDF Coordinator in Bo at the time, Alhaji Daramy Rogers, the National Coordinator, Chief Hinga Norman and the then Vice president, Dr. Joe Demby. None of them intervened to facilitate the return of his property, pay him compensation for the destruction or punish Kosseh Hindowa for his actions.[177]

303. After the expulsion of the RUF from power, the Kamajors launched an operation on the town of Koribundo in Bo district, "to punish the people for supporting the AFRC". This support was an apparent reference to the fact that an army garrison had long existed in Koribundo. The town was completely destroyed. On the basis of reports made to the Commission, an event specific hearing was organised in Freetown on the destruction of the town. Witness after witness narrated to the Commission that after the destruction, the National Coordinator of the CDF, Chief Hinga Norman, visited the town and congratulated the boys for "a job well down". When confronted by the town's people he was alleged to have told them that his instruction was actually that no building in the town should be left standing, but that he noticed that his boys had spared the local church. He told the people that the destruction was a

[175] Testimony at Bo Public Hearings
[176] Confidential interview with an ex-CDF combatant in Bo, 5th June 2003.
[177] Petition to TRC dated 20th December 2002.

punishment for the support extended to the AFRC and warned them from such conduct in the future.

304. The CDF became a law unto themselves in all the districts and communities they controlled. While there were police stations in some of the districts, the police officers were hamstrung and could do nothing in the face of the overwhelming powers of the CDF. Police officers were summarily beaten for not obeying the orders of the Kamajors. Testimonies abound of people arrested on all kinds of charges and it was left to the district administrator or the local commander to determine the fate of the person. For such purely civilian matters, no code of conduct had been laid down for the rank and file. It all depended on the momentary idiosyncrasy of the local commander whether one lived or was killed if arrested on any charge by the CDF. As witnesses told the Commission:

> "They take the laws into their own hands; they have the feeling that they are the people in charge in the country so they will act however they wish."[178]

> "The complainant was a businessman who had lived in Bo for many years, with his family. The Kamajor leader in Bo without any lawful excuse or justification raided his house, beat him up and took up his goods on many occasions. He reported the matter to the police in Bo who tried to safeguard him and his properties, but the Kamajors in Bo repeatedly beat him up and took his goods away. Later the police decided to send him to the CID Freetown for "protective custody". The CID Freetown decided to keep him in Pademba Road prisons without any justification or lawful excuse. He was there for six months without release when his wife and mother came to our office to complain."[179]

The police sent a citizen into detention for six months, yet it was their constitutional duty to offer him protection. The police authorities could not bring his persecutors to account even after the war had ended.

> "The seizure of my Honda motorbike took place at Bumpeh, on the Bo – Mattru Road on the 17th October 1997. I met a Kamajor at a checkpoint in Bumpeh town with a gun. He stopped me and demanded the Honda keys from me. He then took me and the Honda bike to his boss, Mr. Moses Lamina alias Gbokambama. Moses Lamina told me that he acted upon the order of his boss, Mr. Allieu Kondewah, the Kamajor High Priest, that all vehicles used on that road should be confiscated and brought to him at his base – Talia in Bonthe district. I became helpless and my Honda bike was forcefully taken away. I continued my journey the next day walking 20 miles on foot from Bumpeh to Serabu.
>
> In the attempt to retrieve my Honda and to test the veracity of Moses lamina's allegation, my brother, James Farma of Kaniya and I walked 60 miles to Allieu Kondewah to his base at Talia on the 30th October 1997. He admitted passing the order to seize all vehicles and send them to his base. He promised to return the confiscated vehicles to their owners after the war but he never did."[180]

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[178] Rev. Fr. Garrick, testimony at TRC Public Hearings in Bonthe District, July 2003.
[179] Office of the Ombudsman. 1st Annual Report 2002. OMB 3921/2002 page 23-24.
[180] Mr. Henry Moriba, Petition to the TRC, dated 11th March 2003. As at the time of the petition, the motorcycle had still not been returned.

305. There were contradicting testimonies from members of the CDF on the nature and length of the training they received. Most of the witnesses talked of "a few days" for the initiation after which they were drafted to the war front. They also claimed that they were not even trained in how to handle a gun. A combatant was expected to learn how to use a gun himself. Other testimonies talked of training programmes lasting from between a week to one month. Such witnesses however could not recollect or discuss in detail the nature of the training offered them during that period. It seems obvious that some training was offered at least at Base Zero. It is however doubtful the nature of any training offered the combatants who underwent initiation in their various chiefdoms. Even while at Base Zero, the Commission was told that the combatants refused to undergo training considering it worthless or unnecessary.[181] Without adequate training, it was no surprise that the combatants took liberties with people as they liked. The Commission was invited to compare the behaviour of the Kamajors with the Gbethes whose leader M. S Dumbuya invited the ECOMOG forces to train his men. It seemed therefore that for the Kamajors, a lot of emphasis was placed on the initiation as if it was the solution to all potential problems that might be encountered by the combatants.

306. For many CDF combatants, wielding a gun provided a context to appropriate property. Numerous testimonies before the Commission talk of Kamajor local commanders taking over the private property of individuals without the payment of compensation, and apparently for no cause. Many of the properties taken over have not been returned even now that the war is over. By 1999 the Chief Initiator, King Kondewah was telling the Kamajors that everything was over. This was interpreted to mean that they were freed from all injunctions and taboos, and further that from thenceforth, they were to fend for themselves.[182] The scale of violations dramatically increased as the Kamajors began a spree of looting that was not markedly different from the RUF. Houses were unroofed and the materials converted to the personal property of the commanders.

307. The CDF had been very popular as a concept. It would have been logical to assume that its leadership at the communities would derive from an amalgam of all the groups and interests present in the communities. Many middle class persons and members of the political elite supported the movement in various ways. Yet it's fighting forces and the administrative arm were led by people with very basic education or none at all. Lacking knowledge of human rights principles or the laws of armed conflict, it is not surprising that brazenness and arbitrariness subordinated common sense and intellect in decision making within the movement.

308. The government seemed unable or unwilling to rein in the CDF. Very prominent witnesses informed the Commission that they brought to the attention of the government the grave violations that were being perpetrated against the civilian population by the CDF. In one instance, a witness said the President confessed to him his inability to call the National Coordinator of the CDF, Chief Hinga Norman to order about the behaviour of the combatants for fear that he might turn the CDF against the government.[183] Hon. Richard Lagawo, majority leader

[181] M.S. Dumbuya, interview at the TRC Office, Freetown, October 2003.
[182] Confidential interview with ex-Kamajor combatant in Bo. 5th June 2003.
[183] Confidential interview with a member of the CDF War Council at Base Zero, TRC Office, Freetown, November 2003.

in parliament and former National Chairman of the CDF has described Chief Norman as “a strong man” who could not be controlled.[184] All of this took place in a situation where the national army had been effectively disbanded by executive fiat. Defence of the country and even peacetime defence activities fell to an armed faction that had not been trained in the basic rudiments of how to relate to civilians. This state of affairs could only worsen the climate of impunity that prevailed in Kamajor camps, as they were indeed beyond control by the government. In one instance it took the intervention of ECOMOG to arrest the Chief Priest, King Kondewah over the murder of a civilian.[185] After a few days in detention he was released and the matter has not been resurrected. The behaviour of the Kamajors provides important lessons in managing civilian militias when they deploy violence on behalf of a national government.

FACTIONAL FLUIDITY IN THE CONFLICT

309. To the extent that the violations committed by the RUF are a permanent, underpinning characteristic of the conflict, the Commission has identified the RUF/SL as the foremost single influence on the course of the conflict from its outset until its cessation. Indeed, due to the transient presence of some fighting factions on the territory - for example, the National Patriotic Front of Liberia (NPFL) or the Ghurkhas, both of whom entered but subsequently left Sierra Leone - and to the initial non-existence of some factions which came to feature prominently in the conflict - for example, the Civil Defence Forces (CDF) and ECOMOG, the Sierra Leone-mandated Monitoring Group of the Economic Community of West African States (ECOWAS) - it is possible to surmise that the RUF/SL was in fact the only faction that featured in the conflict from start to finish.

310. Whilst certain combatants of other affiliations fought throughout, some of them continually against the RUF/SL, the capacity in which they were fighting changed, in some cases many times over, depending on such factors as shifts in political power or leadership, force of circumstance or sheer adversity. The biographies of individual fighters over the course of the conflict testify to its unfathomable complexity and an astounding factional fluidity. The Commission has, for example, heard from certain combatants who first took up arms as members of the RUF, later joined a civil militia group to fight against the RUF and now serve in the reformed Sierra Leone Armed Forces. Others began as soldiers fighting for the Government, later joined the junta and turned against the Government, formed their own splinter groups in the bush, found favour with the Government again to assist in eliminating the RUF and are now sitting in prison.

311. None of the above ought to imply that the Revolutionary United Front itself had anything akin to a fixed identity, or identities, from the point of its conception to the point of its effective elimination. On the contrary, the RUF is most fittingly described as a 'movement' - a set of loosely bound objectives, some of them divergent or even contradictory, afforded a military dimension and finding their expression in the actions of people from across a wide spectrum of backgrounds, many of whom associated themselves neither with the objectives of the movement, nor necessarily with one another.

[184] Interview with the Commission. TRC office, Freetown, May 2004.
[185] TRC Confidential interview with an ex-Kamajor combatant. Bo 5th June 2003

312. Indeed, as the ensuing analysis demonstrates, the scale and nature of atrocities committed by members of the RUF appear to have their roots as much in dissension within the ranks, the nature of their training and in any shared agenda among them. The RUF were not rebels without a cause, but nor can we ascribe a common cause to 'the rebels'. In reality the movement attains its defining character from the differences - sometimes subtle, sometimes fundamental - behind the various causes for which RUF members fought.[186]

The Chameleonic Character of the Combatants

313. The conflict was prosecuted largely by unconventional fighting forces among and between themselves, certainly in its second and third phases. Even during the first phase, when the factions aligned themselves to a more conventional brand of warfare, there was a marked absence of head-to-head battlefront confrontations. Militias and armed groups, including the Sierra Leone Army in its various incarnations, generally concentrated their strategic planning and resources on carrying out 'operations'. Whether or not couched in the rubric of offensive and defensive missions, these operations were predominantly geared towards the destruction of life and property. Civilians, as individuals and in groups, were often the express targets of participant militias and armed groups rather than merely the unfortunate victims of 'collateral damage'.

314. To the extent that it retained at least a semblance of conventionality in its command structures, ranks and rules of engagement until the bulk of its soldiers were subsumed into the Armed Forces Revolutionary Council (AFRC) in 1997, the professional Sierra Leone Army was something of an exception in the conflict as a *de facto* conventional Army. The norm for the militias and armed groups whose formation or transformation was essentially premised upon participating in the conflict was to structure and organise themselves in a mode and manner that was irrevocably reflective of the social order that reigns in Sierra Leone.

315. The Commission identified an astonishing 'factional fluidity' among the different militias and armed groups that prosecuted the war. Both overtly and covertly, both gradually and suddenly, fighters switched sides or established new 'units' on a scale unprecedented in any other conflict of which the Commission is aware. These 'chameleon tendencies' spanned across all factions without exception; they say much about the character of the general 'breed' of combatant who participated in the Sierra Leone conflict.

316. On an individual level, the biographies of ex-fighters who testified to the Commission attest to the relative frequency of the peculiar scenario whereby combatants could be allied to a particular faction for several years before joining their proclaimed archenemies.

[186] It should be noted that compulsion was one of the most common causes that drove conscripted civilians into fighting for the RUF.

317. On a collective level, almost entire 'factions' switched 'sides' on at least two occasions during the conflict. First, after 1994, the membership of the so-called 'Action Group', a component of the RUF/SL in the Pujehun District, largely abandoned the RUF/SL and became Kamajors fighting for the pro-Government CDF. Second, upon the creation of the Armed Forces Revolutionary Council (AFRC) as a junta regime, the majority of officers and private soldiers in the Sierra Leone Army transferred their allegiance away from the incumbent (*de jure*) Government of Sierra Leone to ally themselves with the RUF/SL under the banner of the 'People's Army'.

318. In every single case recorded by the Commission, including those cited above, the dynamics of factional fluidity were complex and somewhat anomalous, but nevertheless remarkable to even the most experienced of military observers. Research carried out by the Commission has been able to proffer the following possible explanations for such factional fluidity.

319. Broadly speaking, for each of the different factions, the composition of the ground forces was almost identical – young, impressionable, disgruntled 'youth men' eager for an opportunity to 'assert themselves' and see that no harm was done to their own people ('people' here to be understood restrictively to mean either immediate family or perhaps members of the same close-knit community) whilst fighting against perceived injustice.

320. Due in part to the prevalence of organised hierarchies in Sierra Leonean society – sometimes referred to as *bra-ism* and a related culture of dependency– groups of combatants were more inclined to remain loyal to particular commanders than to overarching causes or societal interests. Thus, where an influential commander (or a *bra*, a big brother figure) declared that the whole unit was now to follow orders from a new source, or to ally themselves with a different set of fighters from another 'faction', there would invariably be wholesale compliance without so much as asking questions. During the conflict, the declarations and suggestions of a *bra* carried all the more persuasive weight because they were backed up by threats of summary punishment for non-conformists.

321. Upon conducting a in-depth investigation into the circumstances, the Commission has found that there are subtleties to the collective switches (like the examples of the Action Group and the People's Army described above) that preclude their being described accurately as 'defections', 'sell-outs' or transformations of character.

322. On the contrary, chameleonic tendencies in the conflict are actually representative of the consistency of the underpinning objectives and motivations of the combatant factions. For example, where a local militia like the Momoh Konneh (Ndorgboryorsoi) component of the 'Action Group' (purportedly) sought sincerely to protect and/ or promote the interests of the indigenous people in the face of scourges like bad governance and corrupt leadership, they originally found a vehicle in the shape of the RUF/SL; after the RUF/SL reverted to guerrilla warfare and moved out of the communities in question, the 'Action Group' (Ndorgboryorsoi) members identified a new means of fulfilling their objective – through the local civil militia concept embodied in the CDF. A further example of the subtleties of an apparent collective 'switching of sides' is found in the case of the Sierra Leone Army and its various incarnations.

‘Blurred lines’: various phenomena relating to perpetrator identity

323. In the second phase of the conflict in Sierra Leone, there grew among the public a widespread subscription to the theory that soldiers of the Sierra Leone Army were ‘behaving like rebels’ or indeed ‘working together with the rebels’. The concept that soldiers generally could not be trusted with the defence of the civilian population became popularly understood under the rubric of ‘sobels’.

324. While appearing at first glance to be testament to the ‘chameleonic character’ of combatants (purporting to be one thing while acting like quite another; ‘soldiers by day, rebels by night’, etc.) these ‘blurred lines’ in fact reaffirm the adage that a ‘soldier is a soldier’.

325. The loyalties of the soldiers have always been transient and malleable to the political agenda of those in power. The disharmonies and internal conflicts between soldiers in this conflict appear to have arisen primarily due to the mixing of military and political concepts of ‘power’ in an unsophisticated fashion.

326. The NPRC administration of Captain Valentine Strasser consistently caused offence to senior officers who resented having to receive directions from their ‘juniors’ who occupied State House.

327. ‘Power’ was sought and wielded in an even more crude form under the AFRC regime of Major Johnny-Paul Koroma; such was the unconventionality of the AFRC hierarchy and the lack of coherent (far less *unified*) military or political strategy that its reign in Government and, especially, the imposed state of flux that resulted from its dislodgement both created a propensity towards violence against civilians they identified as loyal to the SLPP Government.

328. In the end, it is difficult to answer the question, why the combatants fought the war. If they claimed any overriding agenda, the fluidity in their membership and their transient loyalties make it difficult to perceive, much less understand their agenda. The Commission is left with the regrettable and uncomfortable conclusion that the war was a naked pursuit of power clothed in the garb of revolution. The original agenda for radical system change had been aborted in 1988. What the people of Sierra Leone were served from 1991 was a counterfeit. They have paid a terrible price for a fake product.

329. It is easier to understand the motivations of those who engaged in a just war, to resist the enslavement of their people. However, the Commission is unable to understand or justify the whole scale condemnation of the civil populace as collaborators or supporters of the RUF by those who claimed to be liberating them from the RUF scourge. How else should the Commission interpret the indiscriminate attacks on people by the CDF? Despite the achievements of the CDF in the conflict, Sierra Leoneans must feel terribly disappointed and let down by the CDF record on human rights. Sierra Leoneans gave all their possessions denying themselves even basic services to feed and cloth their assumed liberators. Indeed, the thought must be shocking to them that between the CDF and the RUF, the difference on respect for people’s human rights is marginal.

PERPETRATOR RESPONSIBILITY FOR THE VIOLATIONS

330. In the statements received by the Commission, the AFRC is responsible for 14,646 or 36.4% of the total of 40,242 violations. These violations were committed primarily in the third phase of the conflict, with the greatest number occurring in early 1999. The second highest number of documented violations, 13,657 or 33.9% were attributed to the RUF/SL. These violations were carried out prior to the RUF alliance with the AFRC junta regime and include abuses by the NPFL. Smaller numbers of violations are attributed to the SLA (6.0%) and the CDF (6.0%) and other forces (1.5%).[187]

331. The other perpetrators include local civil forces such as the police and SSD, and international parties such as the ECOMOG and the Guinean Armed Forces (GAF). Both the ECOMOG and GAF account for less than 1% of the recorded violations.

1991-1996: The First Phases of the Conflict

332. Throughout the first two phases of the conflict, the groups responsible for the highest number of violations were the RUF and to a lesser extent, the SLA. The RUF is responsible for 13,657 or 74.6% of the 18,308 documented human rights violations while the SLA accounted for 2,025 or 11% of the violations.

1997-2000: The Final Phase of the Conflict

333. In the final phase of the conflict, from 1997 onwards, the character of the war changed markedly. Though active previously, the CDF groups mobilised to a much greater extent, committing thousands of violations and abuses, especially in the South. In Bonthe the civil militia is the dominant perpetrator, with the statements describing more abuses committed by the Kamajors than by any other party. Furthermore the national army that had previously been charged with defending the country formed an alliance with the RUF after the AFRC coup. Both the GAF and the ECOMOG intervened more forcefully into the conflict in its final phase, with the latter driving the AFRC/RUF forces from Freetown. In the bush the AFRC soldiers adopted the behaviour patterns of the RUF fighters, committing atrocities on a massive scale in the Northern region.

334. Slightly more than two thirds, 14,646 or 66.8% of the documented 21,934 violations committed from 1997 onwards are attributed to the AFRC, the RUF or a combination of both. The next major perpetrator is the CDF accounting for 1893 or 8.6% of the violations.

335. Both the ECOMOG and GAF bear a measure of responsibility for the abuses during this final phase of the war. It is important to note that numbers for violations committed by ECOMOG troops do not purely relate to involvement in the fighting, but the alleged commission of violations against the civilian population. Thus, it is most unfortunate to record that forces intended to bring peace to the country, comprising professional soldiers, contributed to the violations against the people.

[187] It should be noted that many violations had no specific perpetrator attributed to them, while violations may have been shared among several perpetrators.

336. Many statement givers were unable to determine or recall those responsible for the violations against them. Consequently many abuses have unknown perpetrators. The proportion of violations and abuses without an identified perpetrator increases as the conflict progresses. Between 1991 and 1996, 2,342 or 12% of the 18,308 documented violations have unknown perpetrators. In the final period, they make up to 4,411 or 20.1% of the 21,943 documented violations. This is an indicator of how over time, it became increasingly difficult to distinguish between the various fighting factions.

CDF Militia Responsibility

337. The militia groups in the North of the country were not comparable to the Kamajors in terms of the scale of their abuses. The Kamajors account for 2188 or 90% of the 2419 violations attributed to the CDF. The next largest group, the Gbethes, accounted for 143 or 5.9% of CDF violations. The Tamaboros, Kapras, and the Donsos are responsible for 15 or 0.6% of the documented CDF abuses between them. In 78 or 3.2% of the violations, the statement giver indicated that the CDF was responsible but did not specify which militia.

ECOMOG

338. The violation with which ECOMOG forces were associated was killing. To comprehend the killings in which it is alleged that ECOMOG actors were responsible, a special coding exercise was undertaken. The total number of statements in the TRC database involving killings by the ECOMOG forces is 72. Out of these a random sample of 55 statements were studied. As such, the results can be considered as representative of ECOMOG violations in the TRC database.

339. The statements indicate that abuses by ECOMOG forces primarily occurred in the Western Area – 90% of the killings in the sample were in Freetown. This supports the notion that abuses by the ECOMOG force are concentrated in the Western Area. Taking evidence from the database as a whole, less than 1% of the abuses are attributed to the ECOMOG forces. However ECOMOG actors are blamed for less than 3% of the abuses in Freetown in 1999.

Indiscriminate Killing

340. Some of the deaths studied in the Special Coding exercises were indiscriminate, due to bombing, shelling or cases where the victims were caught in a crossfire. Of these 'accidental' killings, the majority (63.5%) were caused by stray bombs. The issue of cross fire has been discussed earlier in this chapter. It is now important to deal with the issue of bombing. In general it is forbidden to carry out aerial bombing in urban areas. The dangers of civilian casualties are just too great. It is important to set out the applicable international humanitarian law norms to the bombing of military objectives. Article 51 of the Geneva Conventions protects civilian populations against dangers arising from military operations. It sets out rules that give effect to this protection. The rules are additional to other applicable rules of international law, which should be observed at all times. The rules include that the civilian population shall not be the object of attack. Acts or threats of violence designed to spread terror and indiscriminate attacks are prohibited. Indiscriminate attacks are those not directed at a specific military objective; those which

employ a method of means of combat the effects of which cannot be limited as required by the protocol. In consequence such attacks could strike at military objectives and civilians or civilian objects without distinction. The article further defines indiscriminate attacks as an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

341. Civilian objects are all objects, which are not military objectives as defined in paragraph 2 of the section. The attacks ought to be limited strictly to military objectives. Military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a military advantage.

342. Any attack therefore must demonstrate that there was a clear military objective being sought, and that some 'collateral' damage to the military objective was inevitable, and that tactics and weapons were chosen in order to minimise such collateral damage. Where ECOMOG is unable to provide proof that military objectives were targeted, the aerial bombing of Freetown will be considered to be a violation of international humanitarian law. In the Commission's view, the use of bombs in largely urban areas violated the principle of proportionality. In consequence, ECOMOG's bombing campaign in Freetown did on occasion, kill entire families including children.[188]

Summary Executions

342. Of all the sample deaths, 58.8% were deliberate executions. Of the 50 killings recorded, in the sampled statements, over three quarters involved some accusation that the victim was involved with the AFRC or RUF factions. Where such an allegation was made, 70% of the victims were accused of being a 'rebel'. The remainder were accused of being either 'rebel' collaborators or members of a family containing a 'rebel'. This is consistent with the argument that elements within the ECOMOG force targeted and summarily executed suspected rebels and collaborators. Regardless of the veracity of the allegation – or indeed the 'guilt' or 'innocence' of the supposed collaborator - such executions constitute a breach of international human rights law.

343. The method of killing was, primarily, execution by shooting at short range. The deaths mainly occurred in public places and were witnessed by civilians. The public nature of the violation suggests that it may have been intended as a warning to others. In some cases the victims were first abducted from their home or workplace and brought to the point of execution.[189] Summary executions constitute serious violations of international human rights law. They amount to arbitrary deprivation of life, which is prohibited by the major human rights treaties. In addition, they constitute serious violations of international humanitarian law. For example, Common article 3 to the Geneva Conventions, which applies specifically to non international armed conflict, prohibits the

[188] See statement Numbers 1156,2221,5041,5046.
[189] See statement Numbers 1116, 1352, 1420, 1686, 1942, 2586, 2593, 5409, 7134

carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilized peoples. The ECOMOG forces who perpetrated these acts are not sheltered by the amnesty of the Lomé Agreement, and should be prosecuted before the courts of their own countries in accordance with national and international law.

CHARACTERISTICS OF CONTEXT

Understanding the Violations

344. It has been argued that the conflict in Sierra Leone was the worst in recent history and cannot be explained by reference to any existing phenomena in the country. Many victims want to understand why the conflict was attended by so much violence and abuse. To provide an insight into the psychology of perpetrators, the Commission commissioned some monographic studies in the hope of finding some explanation.[190]

Psychological perspectives on the process of enlistment

345. In the Sierra Leone conflict, various violent acts were perpetrated by individuals, all of who underwent a process of enlistment, which was basically conscription into any of the fighting forces. This process preceded the act of perpetration.

346. Specific procedures were methodically used to enlist and create a whole group removed from society. This process was open-ended; in that under-aged children, youths, males and females were no exception. The focus of enlistment is the destruction of specific social and psychological links between the individual and his community resulting in a bid to inculcate the new beliefs and ideas of the group in the individual.

347. There were diverse reasons why individuals were enlisted in the fighting forces during the conflict. Some volunteered as a way to carry out revenge for previous wrongs. Others were forcibly enlisted. Left with no choice they became active fighters. The reasons for enlistment were either personal, social, economic or political in dimension. But enlistment involves specific psychological processes that lead vulnerable individuals, especially young children, to commit atrocities.

> "I was living with my father and mother and was the elder son of the family. At around 5.00am that day our village was attacked by the RUF in the South. One of the commandos who knew my parents entered our house with a group of teenagers. Three of us were captured since we were not able to escape. The commando who was called K ordered his boys to gang rape my mother before my father and me. They had to rape her by turns in front of my father. This was

[190] The TRC commissioned Handicap International to conduct a study of perpetrators to examine causal links between their initiation and the violence they subsequently perpetrate. The Commission also contracted a private consultant to examine the relationship between the use of drugs and the violations that occurred. The ensuing paragraphs draw upon the papers produced as a result of these studies.

done as a way of revenge because my mother refused to marry K who had earlier asked her hand in marriage.

After five of the boys have raped my mother, she became unconscious and asked my father for help. As the husband who was at this point under gun point attempted to move he was shot at point blank range. I saw my father drop dead. I cried for help but a gun was pointed at me. I do not remember how many of them raped my mother later. I was asked to follow them which I did. We left my mother close to my father's corpse. Later, I saw our house on fire. I cannot tell whether my mother also died after. A bag of looted items were given to me to carry for that night. I cried quietly along the way. Soon one of my colleagues in the village who was also captured told me to keep quiet or else I would be killed. This made me to stop crying."[191]

The traumatic transmission

348. It is important to note that the representations/images of the initiator are transmitted to the future soldier in a traumatic climate. This is not done unconsciously. Through how it is transmitted, the mechanism is automatically put in place. Victims of enlistment who have gone through the process therefore become representations of the same process like the one the torturer went through: a traumatic logic through traumatic initiations. One example of this is that when a victim of traumatic violence is narrating the event, it provokes deep and uncomfortable emotions to the person listening to it.

349. The individual abducted or initiated into a combat faction goes through a deliberate process of disruption of the links and the marks that constitute the individual's psyche. It happens in the "torture" process and in some initiation rituals in traditional societies[192] such as the initiation processes organised around the testing of abilities through trials. The relationship between the future soldier and his leader/initiator is important to understanding the relation between torturer/victim.

350. There are two ways to transmit and to initiate: through pedagogy and through trials. In the context of perpetrators, to traumatically initiate, one goes through this duplication. The secret binds the initiated with his initiator[193], emphasising and perpetrating the traumatic aspect of the initiation. This aspect would therefore initiate the trauma, and push the initiated to transmit it by duplication, as a psychological way to cope with the traumatic image. The initiation takes place in a secret environment that has also a function of demarcation between those who are initiated and the others. It is as if it is conferring to the individual something additional, an "extra or supernatural power". However, it reinforces his identity with the group but also creates a gap between the two groups: those who were initiated and those who were not. Those who speak are those who are disrupting their affiliation with the initial group and are in a process of affiliation with another group. Finally there is often a need to finalize the initiation by perpetrating an act that they have been trained for. By this concrete act, they are concretising their affiliation to the body.

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[191] Statement from a child soldier, S.
[192] T.Nathan (1994), *L'influence qui guérit,* Paris, Odile Jacob.
[193] L.Hounkpatin et T.Nathan, « *Secret professionnel, secret initiatique. Deux modalités de constitution de groupe professionnel de soins* », Agora, 37, 1996.

The altering of the initial identity

351. This phase marks a deliberate process of disorientating and dissociating initiates from all previous attachments, beliefs or values. He is cut off from all his usual works, which totally disorientates him. One of the examples is that he loses all his contacts with his family or social marks (by being abducted).

> "After a long journey we finally arrived at their base. This place was called "Burkina", it was very far. I was so tired that I couldn't recognise it. We were put in a sort of cage till the next morning. We were later called out and sent to the training field."

352. He is also systematically cut off from his environment. They integrate him in another "mystic" and strange world that ex- combatants usually do not remember. The location of training camps is carefully selected. It is an excluded area, cut off from the rest of the society. This is to ensure that there is no escape and to be sure that they are cut off from all usual marks and bonds. Some of the ex-commandos called it "Burkina" or said that it is the training put in place in foreign countries: what this part of a myth, was it the part of the intentional disorientation?

> "We were two dozen in number and each of us was given a cup of juice mixture to drink. This drink was to help us go through the training. During lunch a plate of porridge mixed with brown-brown was shared among us with gunpowder added to it. Our trainer commando "S" told us that it will strengthen us to face the enemy. On the training ground you are subjected to different exercises ranging from running, jumping, rolling and marching. You are also expected to stand in one place for hours on end. All this is done with the hope of testing your physical fitness and endurance. During this period, you are given different forms of punishment if you fail to take instructions from the trainer. Some of the girls are asked to carry out these punishments. I felt the punishment was inhuman but there is no training wherein somebody will not die. So any attempt by a trainee to escape is punishable by torturing you to death."

353. Then, they are subjected to harsh and humiliating trials in a bid to put them in a position of vulnerability. New rules are introduced some of which can be illogical. Some of the humiliating acts could be carrying food and other support items for the initiators, wives being raped in the presence of their husbands or girl children being used as sex slaves. Some commented that in the training, they also had to walk naked during hours in the bush.

> "The second phase is the use of the gun. This also entails dismantling, assembling and firing to the right target etc. You spend sleepless nights during this phase because the training instructor can give order any time for you to fire. Failure means punishment. We are also trained to lay down in one place for days without drinking neither eating nor moving. We all went through this training naked."

354. As a way of making initiates more vulnerable they are deprived of any form of privacy. Every action of the initiate is watched and monitored to increase his sense of insecurity. For example, the doors were always open, everything belonged to everybody. To emphasise the effect, the act is accompanied with deliberate exaggeration of superiority over initiates. The initiate is reduced to

the level of universality making him believe that he is nobody. All the usual character marks of his individual identity are deleted. Every single difference between individuals are erased and not tolerated within the group. He is placed at the same level with other initiates. This is done to erase any previous link (with the family, community) be it formal or not. At this point it is clear that initiates are in a position of nakedness, totally dispossessed of all former ties and completely vulnerable.

355. The moment of natural selection is not ruled out wherein those who cannot survive the ordeal die. On the other hand, any form of emotional breakdown or resistance or escape warrants instant elimination. These fears suppress initiates and strengthen their resolution to move on. In this state of extreme vulnerability, the ideals are reinforced to boost the morale of new converts.

> "SJ tried to escape from the training, he was captured back and it was decided that he should be killed. They covered his face with a bag and beat him. Fortunately, a friend came to rescue him, as he was about to die. Since that time, he had stopped crying each day he had the urge to undertake the training."

356. Two approaches are used to integrate and inculcate the new ideals to converts. The psychology approach is based on the belief that the individual behaviour is influenced by subconscious and unconscious motivations. The perpetrator uses this approach to motivate an individual by disturbing the equilibrium of his personality, making him feel uncomfortable, then offering him some course of action that will dispel this uncomfortable feeling. The socio- cultural approach is by attempting to define or redefine the norms that are guidelines for the behaviour of groups. It takes place most easily in unstructured situations where the norms have not yet been formed. By these new approaches, new members are integrated and ideals/beliefs are resultantly inculcated. At this juncture the initiates experience a feeling of annihilation and are resolved to stay.

> "We normally go through different phases of this training. Before each training period, you are asked to sing the national anthem of the movement. At the end of each phase you are told why this type of training is needed. Towards the end of the training you are frequently taken out of the camp to attack villages and towns."

357. Initiates are linked to members through an oath of secrecy with rituals and initiations. They are based on traumatic rites, where the trials are to live or die. The trials of endurance and courage continue in the same degree until all humiliating tones disappear. This is a moment of total submission and a new person is formed. They are based on traumatic rites, where the trial is up to the point that you live or you die.

The final phase

358. New converts display their new identity in public through ceremonies. This goes with a symbol of identification usually a 'tattoo'. These corporal marks which cannot be erased, explain their affiliation to this group. This new identity is also reflected in some cases in their dress and behavioural codes. The initiator will show some signs of recognition through acting also. The closing ceremony follows the period of traumatic ritual. This is done to recognise their 'new identity' that depicts values of ideal manhood. With their newly acquired rights

and powers the new converts begin to implement their beliefs. The individual is now focused on the full implementation of the ideas through continuous training and rehearsal for the execution of tasks and instrumental roles. They consider themselves above the law that governs humanity and civilisation. They act in very strange ways taking orders from above (commandos). Orders are also taken from external commands that have been integrated in order to ensure cooperation, solidarity and total affiliation with other group members.

359. Another symbol of identification for new converts is the dreadlocks. In times of their action, they are usually badly dressed with military trousers and T-shirts, worn out boots or slippers. They do not care about what they wear as long as they are filled with the notion of being in control of the situation. Everyone is under their command. In this position they can get what they want forcefully. Converts display sadistic behaviour to non-members. This explains the nature of atrocities committed against civilians, which range from amputation, mutilation, arson and rape.

> "After three months intense training, we were distributed among the different groups with different commanders. Assignment made me to be brave. I was involved in massive killing, raping, looting properties and abduction of people, even specifically in my father's village. In one of these missions, we faced an attack where my commando could not survive. I killed an ECCOMOG soldier whose gun and uniform shirt I used. I gave the short and boots to my other commando."

360. The act is usually inflicted on targeted victims. The perpetrator consciously or unconsciously transfers all the humiliations and pains he has gone through to the innocent victim. These acts are climaxed by celebrations with group members. They rejoice at this moment because they feel that they are now above the common world, above its limits and laws and all codes of race and prohibitions that constitute it. They dance, drink, take drugs, gang rape and this final stage is celebrated by the whole group in extreme ways after this initiation. SJ explains this ceremony, which has to be understood as an effect of the traumatic aspect of the rite:

> "I went through the training in front of the whole group, I was so proud. The test was on one of my members of the same age and consisted in a protection of bullet proof. I didn't dare him at the beginning but he first shot me on the foot and on the ankle, (he shows the scar). I thought I was dead at a moment, but I realised that the bullet did not reach. I was stronger than now. So I decided to revenge when I realised that it was he or I. I killed him. I was so proud, I was now a rebel. Everybody was so enthusiastic, they screamed with joy (he makes an extreme face). The end of the training was marked by a lot of ceremonies. This I cannot explain because I took an oath.
>
> They took me to a gorgeous party. We drank, we danced and sang. We were all so happy."

He was now affiliated to the group, with his war 'brand identity'.

361. New converts experience a sense of pride, fulfilment and purification having gone through the training successfully. They are now new persons totally disorientated from previous beliefs and ideals. They are part of a new set of beliefs and values, with a new identity.

362. The individual is now superhuman; he doesn't belong to the other world and is above all the laws, prohibitions and codes that used to structure the individual's marks. R.U.F. rebels used to say "civilians don't have blood", they are the bad objects, we do not belong to the same race, and we are coming from a superior group. This served to show their perception of humanity that they are above humans. Ex-commando children expressed this as a beautiful and enjoyable moment and state and as a sort of second state.

Downfall and the end

363. This is the breaking point of perpetrators, a moment to face reality and of retransformation. The feeling of super human, invulnerability is being questioned. They are now targeted and sought after. This is when they disguise themselves to mingle with civilians. This does not prevent them from flouting accepted codes of behaviour. They flee to areas where they could engage in savage activities. Those who resist the law are killed. Others surrender and are kept in seclusion where they are rehabilitated.

> "I attacked the villages, killed people. I was the best, and especially with these drugs they used to give us or to directly inject in the brain. My bravery made our commando send me to Kono as a bodyguard to Colonel "C" who was also the spokesperson of the RUF. After a lot of involvement in different attacks and missions in which I played a leading role, I was made a commando at he age of 12 years. I had six girls that were my wives. Two were my uncle's daughters. As a commando, I had well over 10 adults, 10 boys who were my age group, 'elders' or adults; I was free to command, as I wanted. The more I caught, the more I had men under my command, and I had five girls, two of whom were bodyguards to my wives.
>
> Most of my missions were always successful. This was due to the fact that I had a map of the country, which helped us. I was feared by most of my colleague commandos because of my bravery and attacking skills. That was why my colleagues called me young Rambo. Soldiers or ECOMOG forces always occupied most of the villages that I captured. These attacks were always bloody and horrible. However after the signing of the peace accord, the international committee asked that child soldiers be handed over to UNICEF."

364. This brings to an end the process of enlistment. From a position of passivity, the initiates gradually become active in implementing the group's beliefs and conducts. This is accomplished after a long period of disorientation, dehumanisation, brainwashing, integration and implementation of new beliefs and values akin to that of the initiator. At the end of this exercise a new human being is formed who implements what he has been trained to do based on the several traumatic stages that he went through, he will deal with these uncontrollable ways and act them on as a way to cope with it. There will be the displacement of all the anguishes and anger on the victims and the atrocities committed. He carries out atrocities with out remorse.

THE USE OF DRUGS

365. A number of researchers who have investigated the conflict have concluded that the only way to explain the violations that occurred must relate to the widespread use of drugs by the combatants. The Commission has also interrogated the use of drugs in the conflict. It must be noted that in every conflict, use of hard drugs is prevalent. The Commission therefore looked for peculiarities in the use of drugs in the Sierra Leonean conflict as a way of explaining the level of violence that attended. The Commission's conclusions are that hard drugs were widely used in the conflict. Each combatant group promoted the ingestion or injection of drugs to strengthen the endurance capacity of the fighters, make them bold and able to carry out orders. Some of the hard drugs used included cocaine, heroin, ephedrine etc. Hard drugs were widely administered on very young boys and girls. Since the majority of the fighting forces for all the combat groups were young people, the use of these drugs widely affected their behaviour not only in battle but in their relationship with the civilians they encountered in the communities.

366. An ex RUF female testified that she was captured in Kenema in 1991 together with her sister Mbalu and little brother Musa. They were taken to Kailahun. She and other older persons were given marijuana to smoke. Refusal meant serious beating or starvation. She attempted to run away once but was captured and injected with a green liquid. She felt "instant happiness and would go wild and become bold to challenge other rebels". She was raped multiple times, either sober or under the influence of cocaine. She used to cook for them and she was given marijuana to boil with the sauce. Her commander was called 'Major'. Under the influence of drugs they would raid villages and fire at will at civilians. She also drank blood passed around without protest. She was usually used as a decoy when they wanted to enter a village.[194]

367. Abu Bakar Conteh was captured in Makeni in 1997 and forced to join the RUF. His commander was called "sufferer".

> "We were given heavy boxes to carry. Those who dropped their load were shot and left behind. After three days all porters were lined up and injected with a white substance. We were told that it would make us strong and tireless. I suddenly became active and during the night journey never felt sleepy. When we rested I felt scared and jumpy at the slightest sound. I could be in this state for weeks. In my present state we could raid villages, take their food and any resistance would mean death. I wasn't afraid. I became bold. I was marked with the RUF symbol and I never felt it. They injected me saying I won't feel the pain. They rubbed cocaine into it saying it will disinfect the wound. I immediately felt like killing someone. They gave me some boys and asked us to go 'jaja' (loot)."[195]

[194] Confidential Interview with the TRC. Freetown, October 2003
[195] Interview with the TRC. Freetown, October 2003.

368. Joseph Kamara was abducted on June 16 1997 at Wusum Lane. He couldn't run because of his partial deformity. His commander was Colonel Gold Teeth.

> "I kept his pistol and ran his errands, such as getting his cocaine from his drawer. When I was captured, I was given a tablet that looked like 'super appetite'. I was sent to go and kill dogs for cooking. The drugs made me tireless and unafraid of dogs. I could grab a dog and strangle it. The drug gave me energy to do so. Colonel "gold teeth" gave me cocaine and under its influence I saw humans as 'chicken'. I can fire at will mercilessly. I used to beat women or shoot them. 'Colonel Gold Teeth' acted as our doctor. Whenever supplies were short, he would communicate by radio and someone would bring the drugs. Not always the same person. He spoke like a Liberian. They had tablets that would last a week, five days, six weeks in the system. When they want to go on the offensive they come to the doctor and select what they would need. If you need the tablet or 'injection' it is given to you. When under influence we could move from Kamalo to Sanda, Kamakwe and we clashed with Kamajors and took their food. Supply is brought from Liberia through Daru and is included in the boxes of ammunition. If you refused taking the drugs you are beaten by 'junior' (that's his job). The only thing that made us afraid of the Kamajors was the 'controller' an object fitted on top of their caps. This could send us running away."

369. A witness Richard Abdulai Kamara, described his use of a cocktail of drugs:

> "I was captured in Makeni in 1997 and taken as a driver for Issa. We had abundance of cocaine and brown brown with us. We got this from Bo Waterside where we exchanged cocoa for cigarettes, cocaine, fuel, brown brown. We also took a tablet called 'blue boat' (because of its colour) which is mixed with 'mamanyini' a very hard alcoholic drink brought from Liberia. When these two are mixed, that is, blue boat and mamanyini the effect is drastic, instant intoxication. It makes you drunk or intoxicated for two or three days. In that state a lot of things could happen. We would fight among ourselves at the slightest provocation. we sniffed cocaine and talked a lot. We became sleepless, jittery. We could do anything under the influence of these drugs: kill villagers on impulse even where some of them cooperated with us. We were merciless. The injection was not administered on everyone. When a gallant male was captured, it is given to him to make him fall asleep. It depended on the dosage. Then when he wakes up he is no longer himself he does things our way. He becomes ruthless, kills mercilessly in raids on villages. The injection is sometimes blue or green in colour and the feeling is like being chloroformed."[196]

[196] Interview with the TRC, Freetown, October 2003.

370. Foday Sesay was captured at Wusum field by 'Captain Siwo'.

> "They gave me a tablet to take and asked me to fire at women. I refused. They asked me to fire at a dog, I did. At Sanda I was given an injection. I was not myself after that. I shot people who looked to me like 'chickens'. After taking these drugs we would raid villages. We abused the villagers and took their goats, cows and food. The effect of the injection lasted for nearly two months in me. We were taken to kono, Kenema, Makeni, Sanda, and then Makeni. All this time we looted and killed. The injection given to us looked blue or green. There was also another white tablet which we took anytime we felt like it especially if we wanted to attack the Kamajors. It gave us the zeal to enter their territory without fear. I didn't even know what death was. I didn't care."[197]

Generally, such injections were common with the RUF and administered to make the combatants tireless, sleepless, energetic, and hyperactive, traits, which were very much valued at the battlefront.

371. The picture that emerges above is that all the combat groups widely administered drugs and other substances to their fighters. In particular, the RUF bears overwhelming responsibility for the widespread use of drugs by its combatants. The widespread use of drugs within the combatant groups convinces the Commission that it was a deliberate policy on their part to administer drugs to their fighting forces with a view to making them fearless in battle. Unfortunately, there were very few battles between combat groups. Most of the "battles" were direct attacks on the civilian population. The leadership of the combat groups cannot claim ignorance about the potential impact of feeding thousands of their fighters with these mind twisting and hallucinogenic substances. It turned them into brutes who viewed and treated the civilian population, to use the words of one RUF witness, "as chickens" or "ants".

[197] Interview with the TRC, Freetown, October 2003.