

**IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

**DECLARATION OF WILLIAM Z
IN SUPPORT OF PLAINTIFFS' JANE W, JOHN X, JOHN Y, AND JOHN Z
MOTION FOR SUMMARY JUDGMENT**

I, William Z, declare under 28 U.S.C. § 1746 that:

I. Personal Background

1. I was born in [REDACTED], Grand Gedeh, in [REDACTED]. I am from the Krahn tribe.

2. I am currently [REDACTED] and living in [REDACTED].

3. I served in the Armed Forces of Liberia (the “AFL”) from [REDACTED] to [REDACTED], and then the [REDACTED]. My testimony regarding the AFL, its structure, organization, and operations is based on the personal knowledge I acquired during my [REDACTED] years of service in the AFL as an active-duty soldier and officer.

II. Personal Military Service

4. I joined the AFL on [REDACTED], when I was 18 years old. After enlisting, I received training at the Tubman Military Academy.

5. Over the course of the first three years of the First Civil War, I was promoted through the officer ranks of the AFL. Before Charles Taylor’s rebel forces, the National Patriotic Front of Liberia (“NPFL”), reached Monrovia in July 1990, I was the [REDACTED] at [REDACTED], which is located a few hours outside of Monrovia. As [REDACTED], my role was to [REDACTED], [REDACTED], and [REDACTED].

6. During the war, I was promoted to [REDACTED] and served as the [REDACTED] [REDACTED]. [REDACTED]. In these positions, I observed the inner workings of the AFL and met many senior officers, gaining significant knowledge about the structure and operations of the AFL.

7. Towards the end of the war, around 1997, I was promoted to [REDACTED] and was assigned as the [REDACTED]. In this position, I [REDACTED].

8. After the peace accords were signed in 2003, I was appointed [REDACTED] at the [REDACTED]. I retired from the AFL in [REDACTED].

9. In [REDACTED], I was assigned to the [REDACTED] as the [REDACTED]. I served in this position until I retired around [REDACTED].

III. The AFL

a. AFL Structure and Deployment

10. In 1990, the AFL had many infantry battalions. In times of peace, the infantry battalions would be on standby, ready to be deployed if there was a resistance. When the war started, the infantry battalions were deployed to fight on the frontline against Taylor and his NPFL forces. The AFL also had specialized units, such as the Artillery Unit, the Mechanized Unit, and the Brigade Armed Guard Unit, which had specialized weapons or expertise on tactical fighting. As the war intensified, these units were deployed to the frontline to reinforce the infantry battalions.

11. The AFL also had units responsible for protecting the President and the Executive Mansion. The Executive Mansion Guard Battalion and the Special Anti-Terrorist Unit (“SATU”) were the two main units tasked with that responsibility. Of all of the AFL units, the Executive Mansion Guard Battalion was the strongest and most powerful, followed by the First Infantry Battalion.

12. As the war approached Monrovia in the summer of 1990, SATU, the Mechanized Unit, and the Executive Mansion Guard Battalion were stationed at the Executive Mansion in Monrovia. SATU was the President's special bodyguard, the Mechanized Unit was responsible for heavy artillery, and the Executive Mansion Guard Battalion was responsible for protecting the Executive Mansion. On paper, these units all reported to the Chief of Staff of the AFL. However, in practice, the SATU commander reported directly to the President, as I explain more below. The Special Security Service was also stationed at the Executive Mansion. They were not an AFL unit but were a special police force assigned to protect the president, his family, and the mansion. The Special Security Service also reported directly to the President.

13. As I recall, in July 1990, General Henry Dubar was the Chief of Staff of the AFL, Colonel Moses Thomas commanded SATU, Colonel Edward Teaway commanded the Mechanized Unit, and General Charles Julu commanded the Executive Mansion Guard. All of these men were Krahn: Doe was fearful that Gio men were aligned with the rebels and, as a Krahn, he was not comfortable with Gio men serving as commanders in the AFL.

14. Typically, commanding officers in the AFL gave orders over Motorola walkie talkies and printed special orders. This practice continued even after the rebels cut off the electricity to Monrovia in July 1990. Military orders were still communicated through walkie talkies and radios, which were charged using generators.

b. AFL Uniforms

15. During the war, AFL soldiers could be recognized by their uniforms. Combat soldiers wore camouflage fatigues, and soldiers stationed in offices wore uniforms that were khaki or olive green in color. AFL soldiers were easy to distinguish from the rebels because the rebels did not wear formal uniforms; only the AFL did.

16. You could tell a soldier's unit and rank by the symbols on their lapels. Some soldiers wore these symbols on their arm instead of their lapel, but most wore them on their lapel. A soldier's unit was indicated by a symbol on their left lapel. For example, the symbol for the infantry was two crossed guns. A soldier's rank was indicated by a symbol on the right lapel. For example, the symbol for a Captain is two birds, a Major is a gold palm tree, a Lieutenant Colonel is a silver palm tree, and a full Colonel is the Liberian seal, with a palm tree and boat. A Brigadier General had one star, Major General had two, Lieutenant General or Chief of Staff had three stars, and the Commander in Chief had five stars.

17. Only high-ranking officers such as commanders would carry pistols. Other soldiers would carry long-range weapons; they did not carry pistols because those were insufficient for combat and there was a limited supply. High-ranking officers carried pistols for their own personal protection.

18. A true and correct copy of the images of the symbols for each rank is attached to this declaration as Exhibit A. I received this image from the Ministry of Defense Headquarters. While this document is from approximately 2004, except for the addition of one new rank—Sergeant First Class—this is an accurate depiction of the ranks and corresponding symbols as they were used by the AFL in 1990.

c. AFL Training and Discipline

19. Under President Doe, all official AFL soldiers, including SATU, received training at the Tubman Military Academy. The training lasted for nine months and covered the Geneva Conventions, how to distinguish between military and civilian objects, protection of children in wartime, and other important military subjects such as intelligence, riot control, and obedience to orders. There was also a two or three-week long session led by Red Cross personnel, which

covered specific training on emblems. AFL soldiers learned that a Red Cross symbol indicated that non-combatants were in the area and that churches and places of worship did not house combatants and must not be attacked. Soldiers also learned that if a soldier surrenders with a white flag, he is no longer in active combat and should be taken as a prisoner of war and rescued.

20. A soldier's duty to follow orders was reinforced throughout training. We learned that there are three "golden rules" in the AFL: first, your boss is your boss; second, your boss is always right; and third, if you think your boss is wrong, think of rule one. We were trained to always say, "yes sir, yes sir." Soldiers were taught that if they disobeyed orders, they would be punished, and if the crime was grave enough, the soldier would be court-martialed.

21. During training, every soldier also received a copy of the United States' Uniform Code of Military Justice ("UCMJ"), which Liberia adopted when the AFL was first formed. I received my copy of the UCMJ during my military training at the Tubman Military Academy in █████—a copy is attached to this Declaration as Exhibit B. The UCMJ was in operation during the war in 1990.

22. If a soldier went against the UCMJ or the ethics of the military, the soldier could be court-martialed. The UCMJ established all procedural, jurisdictional, and evidentiary rules for courts martial. According to the UCMJ, any soldier with knowledge of an offense was directed to report crimes to the accused's commander. *See* Exhibit B. However, not all soldiers reported violations, as they sometimes wanted to protect their friends or kinsmen. Commanding officers had the authority to punish their soldiers for petty crimes, but more serious crimes like murder and atrocity crimes were beyond the commanding officer's jurisdiction and had to be sent to a higher authority for referral to the court martial. If a commanding officer failed to refer

a crime to the court martial or was found to have covered up a crime, he could be charged with aiding and abetting the crime.

23. The court martial system functioned in 1990 under Doe. I have a book that references several soldiers who killed fellow soldiers and civilians, were sent to the court martial in 1990, and were executed. A soldier's punishment was equivalent to the crime they committed, so if their crime was killing someone, their punishment would be death.

IV. The Special Anti-Terrorist Unit

24. SATU was a specialized unit of the AFL stationed at the Executive Mansion. While I was never in SATU, I learned of the unit's structure and organization through my own position as an officer in the AFL and through conversations with relatives and friends in SATU.

25. By the time I joined the AFL in [REDACTED], President Samuel Doe had already formed SATU to serve as the special bodyguard for the President. It was an elite unit that was very difficult to join.

26. SATU was one of the most powerful units stationed at the Executive Mansion because it was directly connected to the President. Under the official chain of command, the SATU commander reported to the Chief of Staff of the AFL but in reality, the SATU commander reported directly to the President. Orders came directly from the President to the SATU commander, and from the SATU commander to his men. When the President went somewhere, SATU soldiers would go first as the advance team, to provide security for the President. If SATU soldiers came to a location with the President, only they could be armed; all other AFL units had their weapons taken until SATU left. The President also used SATU to carry out operations he personally wanted. For example, if the President wanted to arrest someone for political reasons, he would send SATU.

27. SATU was made up of more than one hundred men, divided between four companies, each of which was made up of two or more platoons. Each platoon was made up of two or more squads, and there were about nine men in each squad. This structure was maintained in 1990.

28. In addition to the standard AFL training, SATU forces received specialized combat training on how to deal with terrorists. Initially, select SATU members received training in Israel, by Israeli forces. When those SATU soldiers returned to Liberia, they trained the rest of the SATU forces. All SATU forces received specialized SATU training.

29. SATU soldiers were recognizable by the SATU symbol on their left lapel—similar to a small airplane—red t-shirts they wore under their fatigues, and the red on their collars. They also wore combat helmets and fragmentation jackets (flak jackets) that were unique to SATU. SATU's jackets had a collar, but other AFL fragmentation jackets did not.

30. In July 1990, Moses Thomas commanded SATU. He was a full Colonel, and he would have been identifiable by his SATU uniform, the SATU symbol on his left lapel, and the Liberian seal on his right lapel, indicating his rank. SATU soldiers would only have taken orders from their commander or sub-unit commander; they would not have taken orders from other commanders within the AFL. Sometimes, SATU would carry out joint operations with other units. For example, some SATU soldiers were deployed to the frontline to reinforce the infantry soldiers. Even in joint operations, however, SATU soldiers would still only take orders from the SATU commander or sub-unit commander.

31. I don't remember what year Moses Thomas left SATU, but I believe it was in the early 1990s. After he left, he became the Director of the Defense Intelligence Service. I believe this was the last position Thomas held in the Liberian government.

32. Around 1993, Amos Sawyer's interim government decided to dissolve SATU and several other military units. The interim government dissolved the units because they were fearful of them; these units were dominated by Krahn—Doe's kinsmen—and their soldiers were committing atrocities. When it was dissolved, SATU soldiers were placed in other units in the AFL.

V. Death Squad

33. In addition to the formal AFL units I have already described, in 1990, President Doe used the "Death Squad," an unofficial "unit" of about 20 men, for tactical operations. The term "Death Squad" was a colloquialism used because the Squad would kill indiscriminately—not just the enemy, but also their friends and fellow soldiers. Marcus Tilley commanded the Death Squad and supported, if not encouraged, this bad behavior. President Doe gave Tilley the rank of Colonel, but he was not a regular soldier who had been through AFL training. He was an elephant hunter from the bush who believed in supernatural powers. The other men in the Death Squad were AFL soldiers from different units. They would wear AFL uniforms and carried AFL weapons.

34. Tilley and President Doe were from the same tribe. As commander of the Death Squad, Tilley took orders directly from President Doe. He did not operate within the formal structure of the AFL, and therefore did not take orders from the Commanding General or Chief of Staff. The SATU unit also took orders directly from the President but was formally part of the AFL and was made up of well-trained soldiers who followed the chain of command. Moses Thomas, as the head of SATU, was a senior officer that was well-trained, and had command over his own unit in the AFL, unlike Tilley, who was just a man brought in from the forest. While I was not in SATU or the Death Squad and cannot speak directly to who was taking orders from

whom, given my experience in the AFL, I believe it is unlikely that SATU soldiers would have taken orders from Tilley.

VI. The Lutheran Church Massacre & Continued Impunity

35. In July 1990, I was stationed at [REDACTED], a few hours outside of Monrovia. Around [REDACTED], NPFL rebels attacked and overran [REDACTED]. I fled into the bush and managed to bring a radio with me. I listened to the radio whenever I could, and I remember hearing over a BBC broadcast that AFL soldiers had massacred civilians at the Lutheran Church in Monrovia. I returned to Monrovia only after President Doe was killed.

36. When I heard the AFL was responsible for the massacre, I felt deep regret. I wondered why the military would go to a center for displaced civilians and kill them. I felt great remorse that the AFL committed these atrocities.

37. After the Lutheran Church Massacre, President Doe claimed that NPFL infiltrators committed the Lutheran Church Massacre, and not the AFL. However, that claim does not make sense. The Executive Mansion was well-fortified, with all the units I discussed earlier, and was very close to St. Peter's Lutheran Church. At the time of the massacre, the Sinkor district of Monrovia, where the Lutheran Church is located, was well within government and AFL control. I know this because when I returned to Monrovia after President Doe died, I saw the AFL checkpoints in Sinkor and heard from friends in the AFL that they had controlled the neighborhood the whole time. If it was NPFL committing the massacre, the government could have easily stopped the attack.

38. The attack against civilians at the Lutheran Church was a clear violation of the Geneva Conventions and our military code of conduct on the treatment of civilians and protected buildings. But President Doe's denial of AFL responsibility foreclosed the possibility of any

investigation. Because President Doe said that NPFL rebels were responsible for the massacre, the government and the AFL never conducted an investigation into the massacre. As far as I am aware, no one was subject to court martial or military discipline for perpetrating the attack. To this day, people in positions of power are able to evade responsibility for atrocities committed during the war. Here in Liberia, people are killed easily without justice—without anybody getting jailed or convicted.

39. It is risky for witnesses and victims to come forward and speak openly about what happened during the war and seek accountability. I have been threatened because I have been helping seek justice for these crimes. There are many former combatants in Liberia who threaten people who pursue justice. But I am committed to telling the truth.

40. I believe justice for the Lutheran Church Massacre is important because this was a criminal offense. The AFL was trained to follow the Geneva Conventions and protect civilians, not to attack them. You do not go with arms to protected areas, like churches or United Nations compounds, to attack civilians. When civilians are running for their lives and are fearful, you do not go to their shelters and massacre them. Those who committed atrocities—not only the Lutheran Church Massacre but other massacres as well—who brought harm to the Liberian people should face justice. Only this can help restore Liberians' faith in the military and the rule of law.

* *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 4, 2021, in [REDACTED], Liberia.

[REDACTED]

[REDACTED]

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EXHIBIT A



**IN THE UNITED STATES DISTRICT COURT
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EXHIBIT B

ized to administer oaths. For example, they may not be sworn to before a warrant officer who is not commissioned although, if such a warrant officer were an adjutant, he would have general authority to administer oaths for other purposes. See 113 and Articles 1 (5), 30, and 136. The form of oath is prescribed in 114 and is set forth on the charge sheet (app. 5).

In no case may an accused be tried on unsworn charges over his objection.

30. BASIC CONSIDERATIONS.—The following basic considerations apply to any action upon a charge or with respect to a suspected offense:

a. No person subject to the code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him—whether oral or written—may be used as evidence against him in a trial by court-martial. See Article 31*b*.

b. No charge shall be referred to a general court-martial for trial until the formal investigation required by Article 32 has been made (34).

c. No charge shall be referred to a general court-martial for trial until it has been referred for consideration and advice to the staff judge advocate or legal officer of the convening authority (35*b*; Art. 34*a*).

d. No charge shall be referred for trial if the convening authority is satisfied the accused is insane or was insane at the time of the offense charged (121).

e. When it appears to any accuser, or to any investigating officer or commander to whom sworn charges are forwarded in a particular case, that a witness then available may not be so available at a subsequent stage of the proceedings or that, because of distance or other reasons, the disposition of the case may be delayed pending the taking of depositions, he will promptly make the matter known to the officer competent to convene a court-martial for the trial of the offense charged so that depositions may be taken in accordance with the provisions of Article 49. See 5 and 117.

The preferring of charges and the taking of depositions in accordance with the provisions of Article 49 is of particular importance in preserving the testimony of witnesses in a case involving an offense committed by an accused who is absent without authority. Unless otherwise directed, the charges and allied papers in such

a case will be held with the service record of the accused pending his return to military control.

f. Subject to jurisdictional limitations, charges against an accused, if tried at all, should be tried at a single trial by the lowest court that has power to adjudge an appropriate and adequate punishment. See 33*h* and *l*.

g. Immediately upon receipt of charges or of information as to a suspected offense, the proper authority shall determine the type of restraint, if any, that is to be imposed on the accused pending trial or other disposition of the case. See 18*b*, 20, 22, and Article 10.

h. Upon the receipt of charges or of information as to a suspected offense, the proper authority—ordinarily the immediate commanding officer of the accused—shall take prompt action to determine what disposition should be made thereof in the interests of justice and discipline. See Articles 30 and 98. When a person is held for trial by a general court-martial, the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction; otherwise, he shall report in writing to such officer the reasons for delay (Art. 33).

31. ACTION BY PERSON HAVING KNOWLEDGE OF A SUSPECTED OFFENSE.—When any person has knowledge of an offense committed by a person subject to the code, it is customary to report the facts to the commander exercising immediate jurisdiction over the accused under Article 15 to permit that commander to take the action outlined in 32. If charges are preferred by someone other than the commander who exercises immediate jurisdiction under Article 15, they should be forwarded to that commander to permit him to take the action outlined in 32. In preferring such charges, the accuser will be guided by the provisions of 29 and 30. Unless competent superior authority has directed otherwise, the accuser will forward the charges (ordinarily through the chain of command) to the commander who exercises immediate jurisdiction over the accused under Article 15, as follows:

a. Minor offenses.—When it appears to the accuser that the case will be disposed of either under Article 15 or by reference to a summary court-martial, he need not forward the charges by letter of transmittal. However, in such a case, sufficient information about the circumstances, including an informal summary of the expected evidence, should be attached to the charges to enable the commander

receiving them to make an intelligent disposition of them without conducting an additional investigation.

b. Serious offenses.—When charges are submitted which may require trial by special or general court-martial, they will be forwarded by a letter of transmittal containing an explanation of any unusual features of the case. The letter of transmittal will also include or carry as an inclosure a summary of the evidence expected from each witness or other source. The signature of each witness to the summary of his testimony will be obtained unless the procurement of the signature will unduly delay the forwarding of the charges. All reasonably available documentary evidence (originals or admissible copies) will be forwarded with the charges unless, on account of the bulk of such evidence or for other good reason, it is inadvisable to do so. Any articles, weapons, or bulky items which may be useful as exhibits should be properly marked for later identification, preserved, and referred to in the charge sheet or letter of transmittal with a statement as to where they may be found.

c. Exceptional cases.—In exceptional cases in which the accused is not, strictly speaking, under the command of any military authority inferior to a particular Department, the general principles of this paragraph (31) are applicable; but the charges may, according to the particular circumstances, be forwarded either to the appropriate Department or to the commander of the area command in which the accused may be. In this connection, see the first exception in 11.

32. ACTION BY COMMANDER EXERCISING IMMEDIATE JURISDICTION UNDER ARTICLE 15.—Upon the receipt of charges or information indicating that a member of his command has committed an offense punishable by the code, the commander exercising immediate jurisdiction over the accused under Article 15 ordinarily will—subject to the *basic considerations* stated in 30—dispose of the case in the following manner:

a. Exception.—See 33a for the action to be taken when the commander exercising immediate jurisdiction over the accused under Article 15 is also empowered to convene courts-martial.

b. Preliminary inquiry.—He will make, or cause to be made, a preliminary inquiry into the charges or the suspected offenses sufficient to enable him to make an intelligent disposition of them. This inquiry is usually informal. It may be conducted by the commander or by a member of his command. It may consist only of an examination of the charges and the summary of expected evidence which accompanies them; in other cases it may involve the interview of witnesses, the search of barracks, quarters, or other places, or the

collection of documentary evidence. With respect to searches, see 152. See 32f for the information which must accompany charges if they are forwarded with a recommendation for trial. It is not the function of the person making the inquiry merely to prepare a case against the accused. He should collect and examine all evidence that is essential to a determination of the guilt or innocence of the accused, as well as evidence in mitigation or extenuation.

c. Preferring charges.—When charges have not already been preferred and the preliminary inquiry shows that offenses punishable by the code have been committed by a member of his command, he may prefer appropriate charges for those offenses which he believes cannot properly be disposed of under Article 15. See 29 for instructions as to the manner of preferring charges. If charges have already been preferred, but they are not formally correct or do not conform to the expected evidence, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made (33d; Art. 34b). When the preliminary inquiry shows that additional or different offenses have been committed (24b), the immediate commander may prefer appropriate new charges for those offenses which he believes cannot properly be disposed of under Article 15. In such a case, he should consolidate all charges against the accused into one set of charges.

d. Dismissal of charges.—He may decide, as a result of the preliminary inquiry, that all or some of the charges do not warrant further action because they are trivial, do not state offenses, are unsupported by available evidence, or because there are other sound reasons for not punishing the accused with respect to the acts alleged. Likewise, as to suspected offenses for which charges have not been preferred, he may determine that charges should not be preferred. If so, he need not prefer charges. Unless competent superior authority has directed otherwise, he may dismiss all or part of any charges that have been preferred. With respect to offenses for which charges have been preferred, specifications and charges thus disposed of will be lined out and initialed. If all offenses charged are dismissed, he may notify the accuser of the action taken and the reasons therefor.

e. Non-judicial punishment.—Unless competent superior authority has directed otherwise, he may impose punishment under Article 15 for any minor offense (whether charged or not). See 128 and 131. With respect to offenses for which charges have been preferred, specifications and charges thus disposed of under Article 15 will be lined out and initialed and any remaining charges and specifications renumbered. If he believes punishment under Article 15 is proper in the case of a commissioned officer or warrant officer, he ordinarily should