

Sierra Leone (44)

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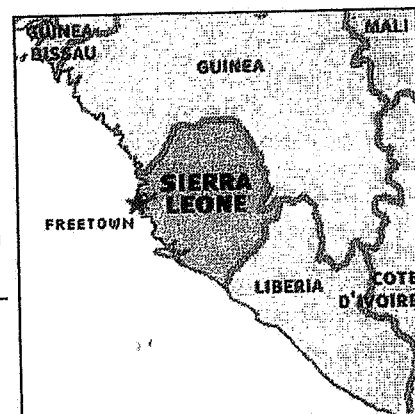
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Sierra Leone

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HUMAN RIGHTS DEVELOPMENTS

Sierra Leone made significant progress in 2002. On January 18, President Ahmad Tejan Kabbah declared that the decade-long civil war had ended, and on March 1, he lifted the four-year state of emergency. On May 14 the people of Sierra Leone went to the polls and re-elected President Kabbah and his Sierra Leone People's Party for a further five-year term. The elections were largely peaceful, though there were a few reports of violence and intimidation. Eleven parties vied for the presidency and 124 parliamentary seats. The seventeen thousand-strong peacekeeping force of the United Nations Mission in Sierra Leone (UNAMSIL) completed disarmament of over forty-seven thousand combatants, contributing, with British-led efforts to rehabilitate the ill-disciplined police and army, to dramatic improvement in prospects for peace, security, and respect for human rights. By October more than 195,000 Sierra Leonean refugees from Guinea, Liberia, and the broader sub-region had returned home. Two important transitional justice mechanisms aimed at ensuring accountability for the horrific abuses that characterized the war—the Special Court for Sierra Leone and the Truth and Reconciliation Commission—also began operations. Against these positive developments, the intensification of civil war in neighboring Liberia created a large refugee population in Sierra Leone, resulted in instability in the border areas, and drew in hundreds of Sierra Leonean former combatants to fight for both Liberian government and rebel forces.



From May 2001 through January 2002, UNAMSIL disarmed and demobilized close to forty-eight thousand combatants from the rebel Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC), and from the government-allied Civil Defense Force (CDF) militias. Of these, 6,845 had been child combatants, 92 percent of them boys. The vast majority of former child soldiers have been reunited with their families and about half of them were either enrolled in educational support or skills training programs. The United Nations Children's Fund (UNICEF) identified at least four hundred girls who remained with their former RUF captors, willingly or unwillingly. There were few reports of retaliation against former RUF combatants as they returned to their villages and towns. However, in former rebel strongholds returning refugees and internally displaced civilians sometimes faced problems from former rebels including intimidation and refusal to vacate returnees' homes that they had occupied.

In addition, a December 2001 dispute over mining in the diamond-rich Kono district led to serious clashes between former RUF rebels and youths from a local organization called the Movement of Concerned Kono Youths (MOCKY). During the clashes the youths, supported by policemen and former CDF militiamen, and allegedly backed by local chiefs and leaders, attacked former RUF combatants and their families. The clashes left at least thirteen mostly former RUF combatants dead, the majority of them hacked to death with machetes. During the fighting thousands of civilians, including hundreds of former RUF fighters, fled the area. There were periodic reports of MOCKY members using intimidation to evict non Konos from towns within Kono district in what appeared to be an attempt to consolidate ethnic Kono control over the diamond-mining area.

After being held without charge for eighteen months, former RUF leader Foday Sankoh and forty-nine other

former RUF rebels on March 4 were taken to court and charged with various criminal offenses including murder. The charges related to an incident on May 8, 2000 when Sankoh's bodyguards had opened fire on demonstrators in Freetown, the capital, killing at least twenty. Separately charged to court also in March were thirty-six members of the West Side Boys, a splinter group of the AFRC, who had been captured in September 2000, during a British assault on their base.

While there were very few complaints of abuses by the army, there were frequent complaints of corrupt, unprofessional, and in some cases violent practices by the Sierra Leone Police. Hundreds of ordinary criminal suspects continued to be arrested without warrants and/or unlawfully detained, many without due process guarantees as stipulated in the constitution. The insufficient number of judges, magistrates, prosecutors, and courtrooms continued to lead to huge backlogs within the legal system and the denial of justice for hundreds of detainees. The High Court was only functional in Freetown and two other provincial towns; several magistrates courts also remained closed, though three destroyed during the war, in Kambia, Makeni and Magburaka, were refurbished and reopened.

On July 5 President Kabbah formally swore in the seven Truth and Reconciliation Commission (TRC) commissioners, three international and four national. The commission had one year to prepare a record of abuses in Sierra Leone during the civil war from 1991 and make recommendations to avoid their repetition and promote healing. Efforts to establish the TRC were spearheaded by the Office of the United Nations (U.N.) High Commissioner for Human Rights (OHCHR), and was a priority for both the UNAMSIL human rights section and local human rights groups. In August the originally proposed budget of U.S.\$9.98 million was scaled back to \$6,276,440, of which, at this writing, barely a third had been pledged by donors. Following a three-month preparatory period, hearings were scheduled to begin in October 2002, but were pushed back until November following this poor donor response.

On January 16, after over a year of negotiations, the U.N. and the government of Sierra Leone signed an agreement that created the legal framework for the Special Court for Sierra Leone (SCSL), an independent court using both international and Sierra Leonean law, judges, and prosecutors. In March, the Sierra Leonean Parliament passed an act implementing this agreement into law. The court will be based in Freetown and will prosecute persons bearing "the greatest responsibility" for serious violations of international humanitarian law and certain crimes under national law perpetrated from November 30, 1996 onwards. On April 19, 2002, U.N. Secretary-General Kofi Annan appointed a senior attorney of the United States Department of Defense, David Crane, as the SCSL chief prosecutor, and Robin Vincent (United Kingdom) as registrar. After great delay by the U.N. Secretariat in obtaining the necessary approvals for funding the SCSL, it began operations in July. The SCSL is to operate for at least three years and has a proposed budget of U.S.\$56.8 million. While funds for the court's first year have been secured, there are shortfalls for the second and third years. A management committee representing the major donor states (United States, United Kingdom, Netherlands, and Canada) plus Lesotho and Nigeria, has oversight over the functioning of the court. UNAMSIL offered little administrative and logistical support to the SCSL, despite official commitments to do so.

Among the impacts on Sierra Leone of the renewed war in Liberia, as of October 2002 the United Nations High Commissioner for Refugees (UNHCR) had registered more than 37,500 Liberian refugees in Sierra Leonean camps. Liberian government troops and rebels of the Liberians United for Reconciliation and Democracy (LURD), often crossed into Sierra Leone to loot, buy provisions, escape fighting, or abduct people who are then forced to work for them as porters. From January to October there were at least fifteen such cross-border incursions, resulting in at least two deaths and the abduction of scores of Sierra Leoneans.

Hundreds of former RUF, West Side Boys and CDF combatants in Sierra Leone crossed over to fight as mercenaries with either the Liberian government or the LURD. There were also credible reports of recruitment from within the Liberian refugee camps in Sierra Leone. The presence of hundreds of Liberian government and rebel deserters in Sierra Leone prompted the government of Sierra Leone to move to set up an internment camp, which at this writing was under construction.

Another vulnerability of refugees was highlighted in February 2002, in a report by UNHCR and Save the Children-U.K. which alleged that refugee children in Guinea, Liberia and Sierra Leone had been subjected to sexual abuse and exploitation by employees of national and international nongovernmental organizations (NGOs), UNHCR and other U.N. agencies. The report provoked a major outcry, including from Kofi Annan who said he was "clearly shocked and disturbed." The report found that the victims were mostly teenage girls, and that the perpetrators were often "men in positions of relative power and influence who either control access to goods and services or

who have wealth and/or income." The government of Sierra Leone, U.N. agencies and NGOs established a Coordination Committee for Sexual Exploitation and Abuse (CCSEA) to address the problem. The U.N. Office for Internal Oversight Services (OIOS) and the UNHCR inspector-general conducted an in-depth follow-up investigation, and in Geneva, the U.N. and humanitarian community formed the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse to look at issues of protection and codes of conduct. However, the strategies adopted by the humanitarian agencies generally lacked a discussion of the importance of holding perpetrators accountable.

UNAMSIL was itself responsible for some similar and other abuses. In April witnesses saw a woman apparently being raped by two Ukrainian peacekeepers near the eastern town of Joru. There was no formal investigation into the matter. In June a Bangladeshi officer was accused of sexually assaulting a fourteen-year-old boy living in a transit camp for recently returned refugees. A formal UNAMSIL investigation came up with inconclusive results and the peacekeeper was repatriated soon after the investigation. On July 18 two people were killed and three injured after Nigerian UNAMSIL peacekeepers moved to quell violence that had erupted in Freetown after a Sierra Leonean black-market trader was allegedly murdered by Nigerian criminals. Initial reports by an ad-hoc UNAMSIL task force set up to investigate the incident found that the peacekeepers "employed a combination of persuasion, crowd dispersal tactics and firing of warning shots into the air" to break up the riot. They concluded that "the facts available to UNAMSIL indicate that at no time was firing directed at the crowd." By contrast, an August 22 report by a committee of seven Sierra Leonean human rights groups found that the peacekeepers fired into the crowd, killing the two, and characterized the peacekeepers' conduct as "disproportionate use of force." The leadership of UNAMSIL was generally reluctant to investigate allegations of abuses by peacekeepers.

DEFENDING HUMAN RIGHTS

Numerous human rights NGOs operated in Sierra Leone. Thirty-three of these groups were part of a coalition called the National Forum for Human Rights (NFHR) whose purpose was coordination, and technical advice to the membership. The establishment of government control over previously inaccessible areas of the country allowed human rights groups to start operating outside Freetown. However, most of these lacked funding, expertise, and institutional support.

As in past years, these groups did little monitoring of human rights abuses. Most of their activities focused on human rights and civic education for the public, promoting reconciliation, and preparing for the TRC. Local groups did not generally document and publicly denounce governmental non-compliance with due process, and abuses by the police or army.

The formation of an autonomous, quasi-judicial national human rights commission, as provided for in the 1999 Lomé Peace Agreement, received little national or international attention and neither UNAMSIL nor the government actively advocated for its formation. Meanwhile, the existing governmental body, the National Commission for Democracy and Human Rights (NCDHR), formed in 1996, continued to be severely constrained by lack of funds. As in past years, it did little or no monitoring or documentation of human rights violations. Its activities consisted of voter education; human rights education for the army, police and members of Parliament; and preparation for the TRC. It did, however, continue to run a successful legal aid clinic for indigents.

THE ROLE OF THE INTERNATIONAL COMMUNITY

International election observers, including the Carter Center, European Union, Commonwealth Observer Group, Organization of African Unity, and Economic Community of West African States, praised the manner in which the elections had been held, although they noted irregularities including multiple voting, underage voting, and direct interference with the marking of ballots. With the successful completion of disarmament and the peaceful elections, international donors turned their attention to post-conflict issues, including the reintegration of former combatants, resettlement of refugees and the internally displaced, consolidation of state authority, and the fight against corruption. While there was donor support for the Special Court for Sierra Leone, at least for its first year of operations, there was inadequate support for other accountability mechanisms including the Truth and Reconciliation Commission (to which, at this writing only U.S.\$2.1 million--\$500,000 each from the United Kingdom, the United States, and the Netherlands, \$400,000 from Norway, and \$200,000 from Sweden--had been pledged towards the more than \$6.2 million budget) and rehabilitation of the judicial system.

United Nations

The presence of 17,500 peacekeepers, currently the largest and most expensive U.N. military mission in the world, contributed significantly to the successful completion of both disarmament and elections. UNAMSIL's budget for 2002 was an estimated U.S.\$717 million. In a June 19 report to the U.N. Security Council on UNAMSIL, Kofi Annan said that existing governmental security apparatus was not yet capable of protecting Sierra Leone from both internal and external threats and warned that the international community must protect the major investments that had made possible the progress achieved so far. On September 24, the Security Council extended UNAMSIL's mandate for a further six months, following a further report on UNAMSIL which laid out benchmarks to govern the withdrawal of the U.N. from Sierra Leone, including the ability of the police and army to maintain security, the successful re-integration of ex-combatants, and the situation in the broader sub-region. The resolution also encouraged UNAMSIL to promote zero tolerance of sexual violence and exploitation and called on states to bring to justice their own nationals responsible for such crimes in Sierra Leone.

The UNAMSIL human rights unit—mandated in 2001 to be twenty persons strong—usually operated with at least seventeen monitors and operated four regional human rights offices, in Kenema, Port Loko, Makeni, and Koidu. The monitors conducted investigations into ongoing and past abuses, including an in depth project on victims of amputation and sexual violence, and set up a database to map human rights abuses during the conflict. UNAMSIL supported a research project on war-related sexual violence by Physicians for Human Rights, and in February jointly launched the project's comprehensive report. In June 2002, OHCHR funded a month-long mission to Sierra Leone by a team of Argentinian forensic experts who conducted preliminary investigations into numerous mass grave sites and alleged "execution houses."

In December 2001, the Security Council extended for an additional eleven months the ban on imports of rough diamonds from Sierra Leone that did not have a government certificate.

The Mine Ban Treaty entered into force for Sierra Leone on October 1. Sierra Leone had not submitted its initial Article 7 Report, which was due on March 20.

Organization of African Unity/African Union and Economic Community of West African States

Diplomatic activity by the OAU/African Union and Economic Community of West African States (ECOWAS) focused on resolving the crisis in Liberia, including by addressing its regional aspects. However, there was reluctance to address the presence of LURD rebels in Sierra Leone.

European Union

The E.U. Special Envoy for the Mano River region (i.e. Guinea, Liberia, and Sierra Leone), Hans Dahlgren, had by October 2002 visited the region five times following his appointment in 2001.

Ongoing European Commission development cooperation projects in Sierra Leone totaled €142 million (approximately U.S.\$139 million), and were primarily focused on social sector development. In late 2001, the European Commission gave €10 million (\$9.85 million) to the Disarmament, Demobilization, and Reintegration (DDR) Multi-Donor Trust Fund to assist former combatants. In January 2002, the European Commission granted €17 million (\$16.75 million) for humanitarian assistance to refugees and internally displaced persons affected by crisis within the Mano River Union. Out of this, €11 million (\$10.8 million) was granted to projects in Sierra Leone.

The European Initiative for Democracy and Human Rights chose Sierra Leone as one of its "focus countries," and made available €2 million per year over three years (2002-04) to be allocated to NGOs working on human rights and good governance.

At this writing, the E.U. itself had not decided on any joint E.U. contribution to the Sierra Leone Special Court,

though a number of member states contributed, including Denmark, Germany, the Netherlands, Sweden, and the United Kingdom.

United Kingdom

The U.K. continued to play a pivotal role in political and military developments in Sierra Leone. Priorities were the rehabilitation of the army and police, the fight against corruption, and the provision of humanitarian relief. During a visit to Sierra Leone in February, Prime Minister Tony Blair gave reassurance of the U.K.'s long-term commitment to Sierra Leone. However, Secretary of State for International Development Clair Short, visiting in February, warned that governmental failure to address "endemic" corruption could jeopardize the U.K.'s willingness to invest in and assist the country.

The U.K. continued its efforts to rebuild, restructure and equip the Sierra Leone Army and the Sierra Leone Police. In May, the British-led International Military Advisory and Training Team (IMATT) completed the training of over fourteen thousand Sierra Leonean soldiers, some three thousand of whom were former rebels or government militia members. In July, 220 British combat support troops left Sierra Leone, albeit 114 mostly U.K. military personnel continued to play a major role in advising and directing military operations, including the staffing of key positions within the Sierra Leone defense headquarters. In coordination with the Commonwealth Secretariat, the U.K. also provided officers and funds for training and administration of the Sierra Leone Police, including the secondment of a British officer as inspector general.

During 2002, U.K. assistance to Sierra Leone, mostly administered through the Department for International Development (DFID), was estimated to be €38.3 million (U.S.\$59 million). This included funding for the Anti-Corruption Commission, rehabilitation of the legal system, reintegration programs for combatants, training of the army and police, assistance to the National Electoral Commission and to human rights and civil society groups, humanitarian aid, and helping to restore the local Paramount Chiefs. The U.K. pledged €5.9 million (\$9.1 million) over three years to the Special Court, €322,000 (\$500,000) to the TRC, and spent an estimated €16 million (\$24 million) on IMATT.

United States

U.S. policy on Sierra Leone revolved around supporting the consolidation of civil authority, fighting corruption, combating the spread of HIV/AIDS, and providing humanitarian support. The U.S. pledge of \$15 million over three years to the SCSL was the largest of any contributing nation. The U.S. total humanitarian and emergency contribution in fiscal year 2002, including grants to aid agencies, World Food Programme, assistance to refugees, programs to combat HIV/AIDS, reintegration of combatants, and development programs was \$56 million. In March, the U.S. contributed \$1.9 million to the DDR program. In September, the U.S. dispatched an additional \$6.6 million from the Emergency Refugee and Migration Fund (ERMA) to respond to the refugee crisis brought on by the renewed war in Liberia. The U.S. provided three military officers to work with the IMATT.

Of the seven West African battalions trained by the U.S. for peacekeeping with UNAMSIL, five—four Nigerian and one Ghanaian—were in 2001-02 deployed to Sierra Leone. There was no mechanism set up to monitor the behavior and performance of the soldiers.

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