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BACKGROUND PAPER ON

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SIERRA LEONE

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PREFACE

Sierra Leone has been an important source country of refugees and asylum-seekers over a number of years. This paper seeks to define the scope, destination, and causes of their flight.

The first and second part of the paper contains information regarding the conditions in the country of origin, which are often invoked by asylum-seekers when submitting their claim for refugee status. The Country Information Unit of UNHCR's Centre for Documentation and Research (CDR) conducts its work on the basis of publicly available information, analysis and comment, with all sources cited.

In the third part, the paper provides a statistical overview of refugees and asylum-seekers from Sierra Leone in the main European asylum countries, describing current trends in the number and origin of asylum requests as well as the results of their status determination. The data are derived from government statistics made available to UNHCR and are compiled by its Statistical Unit.

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Acronyms

AFRC: Armed Forces Revolutionary Council

APC: All-Peoples Congress

ECOMOG: Economic Community of West African States Monitoring Group

ECOWAS: Economic Community of West African States

NPRC: National Provisional Ruling Council

SLPP: Sierra Leonean People's Party

UNPP: United National People's Party

RSLMF: Republic of Sierra Leone Military Force

RUF: Revolutionary United Front

1. COUNTRY PROFILE OF SIERRA LEONE

1.1 Basic Country Information

The republic of Sierra Leone is located on the West Coast of the African continent surrounded by Guinea to the north, Liberia to the southeast and the Atlantic Ocean. It covers an area of 71,740 sq. km. (*Encyclopedia of the Third World*, 1992, 1711). The country is divided administratively in three provinces: eastern, southern and northern provinces plus one area known as the western peninsula in which the capital Freetown is located. According to the last national census in 1985, the country's population was 3,515,812. In 1995, estimates of Sierra Leone's population amounted to 4,509,000 inhabitants (*Regional Surveys of the World* 1998, 1997, 903).

Of the 13 indigenous ethnic groups in Sierra Leone, the two main ones are the southern-based Mende and the Temne who live mainly in the north, together constituting about one third of the population (Pitsch, A., 1997, 2). The Limba constitute less than 10 per cent of the population and they co-exist with the Temne in the north. The Mende and the Temne have different attitudes towards the other neighbouring ethnic groups. The Mende have influenced the smaller ethnic groups to the extent that languages of the Sherbo, Krim Vai, Gola and Kissi are all in various stages of retreat. The Temne have been fairly liberal and the Limba, Koranko, Loko, Yahunka and Susu continue to speak their own language and hold to their own traditions (Freetown, J., 1996, 2). Krios, constituting about 3 per cent of the total population, are descendants from the freed slaves (Pitsch, A., 1997, 1). The Krios were widely used by the colonial administration and assimilated British education and culture, distancing themselves from the rest of the local population (*World Directory of Minorities*, 1997, 451). However, their influence in politics has gradually been decreasing since independence (Freetown, J., 1996, 2).

Although the two most important political parties, the All-Peoples Congress (APC) and the Sierra Leonean People's Party (SLPP) have their main support base in the two main ethnic groups, ethnicity has not had any major influence in Sierra Leonean politics to date (Pitsch, A., 1997, 2).

Cultural elements cross the boundaries between the different ethnic groups in Sierra Leone. While English is the official language, *Krio* is spoken by all ethnic groups and it acts as an unifying factor among the different ethnic groups of Sierra Leone (Freetown, J., 1996, 2). Inter-marriage is very common and traditional religious beliefs prevail in all ethnic groups.

It is estimated that 50 to 70 per cent of the population follow traditional religious beliefs, 25 to 40 per cent adhere to Islam and 5 per cent are Christians, mainly descended from freed slaves (*Encyclopedia of the Third World*, 1992, 1715; *Contemporary Religions, A World Guide*, 1992, 464). The traditional religions follow a belief in charms, medicine men, divination and witchcraft and they are often related to secret societies (*Ibid.*). All the heads of government until 1992 have been Christian (*Ibid.*). Nevertheless, leaders from the three main religious groups (Muslim,

Christian and traditional belief) united in a public statement condemning the military overthrow in May 1997 of the democratically elected government of Sierra Leone (Christian Aid, 29 May, 1997 [internet]).

The economy of Sierra Leone has been marked by a decline in growth since the 1960s, and severe stagnation and recession since the early 1980s. The World Bank put the country's average GDP growth rate between 1980 and 1990 at 0.6 per cent, decreasing to -3.3 per cent between 1990 and 1996 (The World Bank, 1998), falling to -3.6 per cent in 1996. (Economist Intelligence Unit (EIU) Country Profile 1998-99, 1998, 43). This sharp economic decline is generally attributed to the internal conflict since 1991 and economic mismanagement during the 1970s and 1980s (Ibid., 45). In 1994, Sierra Leone recorded a trade deficit of US\$72.7 m. (Europe World Year Book 1998, 1998, 2977).

Sierra Leone is rich in minerals, the most important being gold, diamonds, bauxite and rutile (The Statesman's Yearbook, 1998-99, 1998, 1236). Rutile and bauxite production contributed approximately 80% of Sierra Leone's foreign-exchange earning before the war forced the mines in the south of the country to close in January 1995 (EIU Country Profile 1998-99, 1998, 43). The exploitation of the country's mineral resources has experienced serious setbacks by the fighting, which has compelled companies to stop production. Although some multinational companies did resume production in 1997, the mining sector as a whole will probably not recover speedily (Ibid.). The economy is, however, dominated by agriculture, which in 1994/95 was responsible for 49% of the GDP (The Statesman's Yearbook, 1998-99, 1998, 1236; EIU Country Profile 1998-99, 1998, 43).

Despite the massive potential wealth, Sierra Leone is one of the poorest countries in the world, ranking lowest in the human development index (United Nations Development Programme Human Development Report, 1997, 1998). Life expectancy at birth was 33.6 years in 1997 and adult illiteracy is estimated between 64% and 69% (Ibid.; National Human Development Report, 1996, 11; The World Guide 1997/98, 1997, 498).

1.2 Historical Overview

Colonial Period

Freetown, on the Sierra Leone peninsula, was established by Great Britain in 1787 as a settlement for freed slaves and was administered by the Sierra Leone Company (Freetown, J., 1996, 4; Encyclopedia of the Third World, 1992, 1715). During the next twenty years, former slaves from Britain, North America, the Caribbean and recaptives from slave ships were settled there (Ibid.). Freetown became a British Crown Colony in 1808, and thereafter colonial administrators, teachers and missionaries were installed (Ibid.). The indigenous kingdoms in the hinterland of Sierra Leone stayed unaffected by the development of Freetown until 1896 when they were joined and declared a British protectorate (Regional Surveys of the World 1998, 1997, 903; EIU Country Profile 1998-99, 1998, 40).

Freetown and the hinterland were governed as two different political entities; the former directly under British administration and the latter through indirect rule with selected chiefs acceptable to the British colonial administration (Freetown, J., 1996, 5). It was not before 1951 that the two entities were administratively joined together by a unitary constitution. However, the historical difference in the administration still prevails. The western part of the country, the peninsula containing the capital Freetown is governed by a city government whereas the three provinces are each headed by a minister of state and the districts within the provinces are administered directly by the central government in Freetown (Encyclopedia of the Third World, 1992, 1717).

Post-Independence period

Sierra Leone became independent on the 27 April 1961 as a constitutional monarchy within the Commonwealth (Europa World Year Book 1998, 1998, 2972). The first constitutional elections were held in 1962, at which the Sierra Leonean People's Party (SLPP) won the majority of votes (Political Parties of Africa and the Middle East, 1993, 245). The winning party, conceived as right-wing, had been created in 1951 by Sir Milton Margai, Sierra Leone's first Prime minister (Political and Economic Encyclopaedia of Africa, 1993, 245). The SLPP held power until the general elections of 1967, which were won by the opposition All-People's Congress (APC) party, a left-wing party, created in 1960 by Dr Siaka Stevens (Political Parties of Africa and the Middle East, 1993, 246).

The APC was prevented, however, from governing by the first military *coup d'état* in 1967, until a *counter coup d'état* in April 1968 restored civilian rule, with the APC's Dr Siaka Stevens as Prime minister (Regional Surveys of the World 1998, 1997, 903).

In 1971, Sierra Leone was proclaimed a republic and a new republican constitution was adopted in which the head of state, Dr Siaka Stevens, became executive president (Freetown, J., 1996, 6). Due to irregularities during the legislative elections in 1973, they were boycotted by the opposition. Thus, Sierra Leone became a *de facto* one-party state. In a new constitution adopted in 1978, the one-party rule became official and the APC became the only legitimate political party (Encyclopedia of the Third World, 1992, 1715). Dr Siaka Stevens retained the presidential power until 1985 when the cabinet minister and commander of the armed forces, Major-General Joseph Saidu Momoh was nominated by the APC to succeed Dr Siaka Stevens as president (Regional Surveys of the World 1998, 1997, 904).

The 1980s were characterised by recurrent financial crises and corruption scandals. A state-of-emergency rule was regularly imposed, often to suppress general strikes and civil unrest such as occurred in 1987, when public workers went on strike to protest against the non-payment of their salaries (Regional Surveys of the World 1998, 1997, 904).

The high level of corruption in Sierra Leone is said to be attributable to the distribution of state resources. To gain and retain political power, political leaders reportedly created a network of supporters on the basis of the personal distribution of state resources (Richards, P., 1996, 34). Strong patron-client ties were developed after

independence and increased in the 1970s. In the early 1970s, President Siaka Stevens is said to have used up to 70 per cent of state revenues for "preferred (untaxed) concessions in diamond mining areas to political allies who were essential to his effort to resist local demands for greater revenue allocations" (Reno, W., 1997, 18). President Monoh was subsequently not able to change this well established system which functioned without reference to principles of accountability or a rational bureaucratic system (Richards, P., 1996, xviii). President Monoh faced business men with allegedly strong connections in the political sphere who would not permit any effort to strengthen the state bureaucracy. A 1987 business backed attempt to overthrow President Monoh discouraged further initiatives in this area (Reno, W., 1997, 18).

In the early 1990s, following popular demands for a multi party system and democracy, the APC-led government undertook a review of the constitution (Regional Surveys of the World 1998, 1997, 904). A new constitution was formally adopted in September 1991 by the government which provided for the restoration of a plural political system (Europa World Year Book 1998, 1998, 2972, 2973).

It was, however, suspended after the 29 April 1992 *coup d'état*, led by a group of young army officers, who elevated the 27-year-old Captain Valentine Strasser to the position of head of state (Ibid.). A National Provisional Ruling Council (NPRC) was subsequently established, which declared a state of emergency, and governed by decree (EIU Country Profile 1998-99, 1998, 41).

Captain Strasser was deposed in January 1996 by military officers led by Captain Julius Manda Bio who scheduled presidential and legislative elections for the following month (Ibid.). The presidential and legislative elections, monitored by international observers, had 13 political parties participating. It was the reconstituted SLPP who took most seats in the election for the parliament (27 seats out of 68) and their presidential candidate Ahmed Tejan Kabbah won 59.5% of the votes in the second round (Regional Surveys of the World 1998, 1997, 906) against the candidate John Karfa Smart from the United National People's Party (UNPP), which came second after the SLPP in the parliamentary elections. The government was formed by SLPP, the People's Democratic Party (PDP), which had obtained 15.3% of the vote, and the Democratic Center Party (DCP) with 4.8 % (Derkson, W., 25 October 1998 [Internet]). The government is said to be more broad-based than previously, with the Mende ethnic group in the minority (Carver, R., 1998). Although the elections were boycotted by the movement Revolutionary United Front, rebels, who had been fighting against the central authorities since 1991, and violent incidents took place, international observers recognised the elections as fair and found "no irregularity or fraud ... that would cast into doubt the ultimate outcome of the vote" (EIU Country Report, 2nd quarter, 1996).

1.3 Background to the Current Conflict

It has been suggested that the war in Sierra Leone should be understood as a breakdown in law and order and not as a civil war (Freetown, J., 1996, 9). A special

feature of the Sierra Leonean conflict which distinguishes it from many other recent internal conflicts is that the fighting parties do not identify themselves with a specific ethnic group. Therefore it can be seen as a conflict not based on ethnicity (Richards, P., 1996, xix; Cruvellier, T., 1996, 87; Abraham, A., 1997, 107). Although relations between ethnic groups are held to be competitive, there is little ethnic strife in Sierra Leone (Freetown, J., 1996, 2).

The conflict in Sierra Leone began in March 1991 when armed combatants crossed the border from Liberia into the South-Eastern part of the country, attacking and subsequently occupying the border town of Bonny in Kailahun District (Muana, P., 1997, 77).

The attack has been variously attributed to a "spill over" of the Liberian civil war (Carver, R., 1997, 1) organised by Charles Taylor, at that time a faction leader in Liberia, after the Sierra Leone regime joined the ECOMOG forces which tried to bring to an end the fighting in Liberia (Freetown, J., 1996, 7). Other sources indicate that the rebels were members of the Sierra Leonean Revolutionary United Front (RUF) movement (Abraham, A., 1997, 101). Most observers, however, suggest a combination of the two. In this view, a number of Sierra Leonean opposition groups had existed for a long period in neighbouring countries even before December 1989, when the Liberian civil war began, ostensibly united and armed by Charles Taylor (Alao, A., 1998, 2; *Regional Surveys of the World* 1998, 1997, 907). The closeness and association between the Sierra Leonean and Liberian rebels has been traced back, by observers, to the joint military training they received in Benghazi, Libya in the 1980s. (Richards, P., 1996, 2). Among them was the RUF leader Foday Sankoh, a former corporal in the national army of Sierra Leone who was jailed for seven years for plotting to overthrow the regime in 1971. (Ibid.). The attack caught the national army, the Republic of Sierra Leone Military Force (RSLMF) unprepared: it was ill-equipped, badly trained and highly politicised (Freetown, J., 1996, 7).

In retaliation, the government of Monoh increased the number of soldiers enrolled in the armed forces sharply. The armed forces rose from 3,000 to 14,000 men in the first two years of the conflict and expenditures of the conflict accounted for 75% of state spending (Reno, W., 1997, 19). A few months after the first attack, the RUF controlled one fifth of the country in the South-East region. In a counter offensive, the army (RSLMF) joined its forces with ULIMO (the United Liberian Movement for Democracy), an armed faction fighting against Charles Taylor's faction, the National Patriotic Front of Liberia (NPFL) and active in the border region between Liberia and Sierra Leone (Richards, P., 1996, 5ff). Nigeria and Guinea also contributed with military support (*Regional Surveys of the World* 1998, 1997, 907). This collaboration eventually placed the RUF in an inferior position. The next major advance by the RUF was in the autumn of 1992, when they launched attacks on economic targets in the diamond-rich Kono district (*Africa Confidential*, 27 April 1998 [internet]).

In Freetown, the APC-led government had been overthrown by a group of junior officers in April 1992, the army was re-equipped and the subsequent fighting caused major losses among RUF combatants (Ibid.). In turn, the RUF changed its tactics. With the objective of avoiding established settlements which could easier be identified,

several bush camps were built where young conscripts received military and ideological training. When the armed forces managed to recapture some of the locations in the diamondrich area of Pendenby, Kailahun and Koidu in late 1993, a new party in the war entered the scene : local civil defence forces, also known as *Kamajors* which had clashes with the army (Richards, P., 1996, 13ff).

In 1994, RUF launched a major campaign involving attacks on several locations in the country within very short intervals. New RUF camps were established during this campaign. The civil defence forces became very important in the effort to protect the civilians. In Bo, controlled by the army, a civil defence force patrolled in the streets at night and also tried to take control of the town (*Ibid.*).

The military situation was now in favour of the RUF. The advancement of the RUF had cut the government off its major source of revenue: the diamond trade. The RUF had attacked and shut down the Sierra Rutile and SIEROMCO plants in January 1995 (Reno, W., 1997, 20). The government then turned to foreign mercenary companies for arms force. Executive Outcomes from South Africa was identified. The military operations of Executive Outcomes were linked to a business branch exploiting the diamonds of Sierra Leone. The revenue generated from the sale of the diamonds enabled the payment of Executive Outcomes. This strategy changed the military balance at the war front and the RUF rebels were repelled from the diamond mining areas by mid-1995 (Reno, W., 1997, 21-22). The mercenaries from Executive Outcomes, assisted by the civil defence groups, worked 22 months in Sierra Leone (Alao, A., 1998, 6; Shearer, D., 1998, 49).

These successful attacks on the RUF were followed by a number of RUF captives surrendering to the army. The fact that the armed forces treated them well, constituted a danger to the RUF who then initiated a new wave of atrocities against the civilians (Richards, P., 1996, 17). Apart from the surrender of smaller groups, the RUF also suffered major losses on the battlefield. Of the total number of rebels, estimated at 1,500, one-third were reportedly killed (Reno, W., 1997, 22). The change in the military balance was followed by free multiparty elections in March 1996, the first since 1973 (*Ibid.*).

Attempts to reach a peace settlement had stalled because of the government's demand for peace before negotiations, while the RUF insisted on the withdrawal of all foreign troops from the country (Richards, P., 1996, 17). A peace agreement was eventually signed on 30 November 1996 in Abidjan between the government of President Kabbah and the RUF (United Nations Security Council, S/1997/80, 26 January 1997), who had been assisted in the effort by representatives of the United Nations and the Organisation of African Unity (OAU) (Richards, P., 1996, 18; Alao, A., 1998, 4). The agreement provided, *inter alia*, for the transformation of RUF into a political party (EIU Country Profile 1998-99, 1998, 40). However, the restoration of peace was problematic as violence reportedly continued to be inflicted by rebels, soldiers or *sohels*, the latter said to be men who were allegedly soldiers by day and rebels at night (Abraham, A., 1997, 103). The peace process collapsed completely in March 1997, when RUF leader Foday Sankoh was arrested on charges of arms trafficking in Nigeria (EIU Country Profile 1998-99, 1998, 41).

Civilians organise themselves

The armed forces did not provide protection to the civilians nor did the RUF although it stated its intention to liberate the Sierra Leonean people (Abraham, A., 1997, 101). The civilian population had been targeted by both fighting parties since the beginning of the conflict and the lack of protection became self-evident. This led in early 1994 traditional institutions such as local paramount chiefs, men's secret societies and traditional hunter/warriors to initiate their own protection of the civilian population (Freetown, J., 1996, 8). According to the US Department of State Country Report on Sierra Leone, three civil defence groups were active : Mende Kamajohs, Temne Kapras and Koranko Tamaboros. Like the RSLMF, they were not fully under government control (U.S. Department of State Sierra Leone Country Report for Human Rights Practices 1997, 1998). Local militias based on traditional institutions in the provincial towns of Bo and Kema started to cooperate with foreign troops from Nigeria and Guinea to ensure the protection of the civilians (Ibid.).

Links between the two fighting parties : RUF and RSLMF

The relationship between the two chief contenders in the conflict, the RUF and the national army, is said to have become increasingly intertwined and ultimately led to their fusion. In May 1997, the combined forces overthrew the fourteen-month-old democratically elected government of president Kabbah (Alao, A., 1998, 4). The union was formalised officially by the new leader, Major Johnny Paul Koroma who appointed RUF leader Foday Sankoh Vice President and invited all RUF rebels to join the new administration (Ibid.). The new leaders established the Armed Forces Revolutionary Council (AFRC) comprising members of the RUF and the army (Abdullah, I., 1997, 6).

The collaboration between the army and the RUF is emphasised by many observers (Richards, P., 1996; Alao, A., 1998; Abraham, A., 1997; Reno, W., 1997, de Waal, A., 1997). Allegedly, it started already in the beginning of the RUF rebellion when rebels were said to have transmitted political messages, encouraging the overthrow of the APC government, to the soldiers at the war front (RUF/SL paper, 1995, 8). The leaders of the military takeover were a group of discontented officers who had arrived in Freetown from the fighting against the RUF in the Southeast of the country. It has been suggested that they had been in contact with RUF, initiating a secret "collaboration agreement" between the two warring parties (Abraham, A., 1997, 103). According to various sources, the *sobel* phenomenon was an aspect of this collaboration (Richards, P., 1996; Alao, A., 1998; Abraham, A., 1997; Reno, W., 1997; de Waal, A., 1997). The term *sobels* was invented by Sierra Leonean villagers to designate the fact that a clear distinction between soldiers and rebels had ceased to exist (de Waal, A., 1997, 305; Abraham, A., 1997, 103).

The soldiers and the rebels had common economic interests. The low paid soldiers at the war front were neglected by their colleagues in NPRC in Freetown and the complicity between the rebels and the soldiers was both a question of survival as it was a will to pursue personal economic gain in the diamond mines (Richards, P., 1996, 10, 23; Africa Confidential, 27 April 1998). The *sobels* would loot civilian properties and commit similar atrocities as the rebels in order to shift the blame to the RUF (Ibid.).

The NPRC government (in power from 1992 to 1996) incorporated one of RUF's major tactics in the conflict: the conscription of the youth. Thus, both parties made extensive use of child soldiers in the fighting (Africa Confidential, 27 April 1998 [Internet]; Richards, P., 1996, 9,10).

Regional Peace-Keeping Efforts: ECOMOG

Created in August 1990, the Economic Community of West African States Monitoring Group (ECOMOG) was conceived as a multilateral regional peacekeeping force to intervene in Liberia's civil war. From the beginning, it was dominated by Anglophone West African States, in particular Nigeria, who contributed the majority of troops, materials and finances (OCHA Integrated Regional Information Network for West Africa (IRIN-WA), 5 February 1998, 1 [Internet]). During the mission in Liberia, Gambia, Guinea, Ghana, Sierra Leone and several other African states also supplied troops, adding to a total of 15,000 soldiers at the height of the mission. In October 1990, ECOMOG succeeded in expelling the National Patriotic Front for Liberia, led by Charles Taylor, from the country. In successive years, ECOMOG gradually drove the Taylor faction out of Liberia. The force gained a bad reputation in Liberia, where they are thought to have attacked and looted humanitarian convoys (International Crisis Group, March 1998, 6 [Internet]). It also assisted the demobilisation process and monitored elections in Liberia in July 1997.

ECOMOG troops had used Freetown as a rear base since almost the start of the Liberian intervention. Moreover, Nigerian forces have been based in Sierra Leone as part of a bilateral defence pact (Africa South of the Sahara, 1998, 117). After the *coup d'état* of 25 May 1997, additional Nigerian troops, which had been serving in Liberia under ECOMOG's mandate, arrived in order to drive the RUF out of Sierra Leone. On 28 May 1997, Freetown came under naval bombardment in an attempt by the Nigerian armed forces to put down the *coup d'état* - under ECOMOG's auspices, also reinforced by troops sent from Guinea and Ghana (Pitsch, A., 1997, 11 [Internet]). Although ECOMOG's involvement was supported both by the OAU and the UN from July 1997 onwards, many commentators criticised what they saw as 'a Nigerian unilateral initiative which [...] had contradicted the humanitarian nature of the force's mandate (Africa South of the Sahara, 1998, 117).

After a peace plan for Sierra Leone had been drawn up by the Economic Community of West African States (ECOWAS) ministers of foreign affairs in Conakry (Guinea) at the end of June 1997, ECOMOG's mandate was extended to Sierra Leone on 29/30 August 1997. The ultimate aim of the peace agreement was to remove the junta from power, be it by dialogue, sanctions or force. To this end, ECOMOG's mandate consisted of enforcing the economic sanctions imposed by ECOWAS, namely an air, land and sea blockade (Economic Community of West African States, 23 October 1997 [Internet]). There was, however, no specification as to the time limitation for sanctions before considering military force (Ibid.).

On 27 October 1997, after the peace agreement between AFRC representatives and the ECOWAS Committee was signed, ECOMOG became a regular peacekeeping force (OCHA IRIN-WA, 5 February 1998, 3 [Internet]).

On 5 February 1998, ECOMOG invaded Freetown unilaterally in order to overthrow the junta. During the period between the intervention and the return of president Kabbah on 10 March 1998, ECOMOG effectively acted as an interim government. The re-instatement of the Kabbah government by the ECOMOG intervention has provoked different reactions: although the overthrow of the junta has generally been welcomed and the intervention has been accepted as a fait accompli by the UN, the OAU, the US and the UK (EIU Country Report, 2nd quarter 1998, 27), several African states questioned its legitimacy, alleging 'that the offensive was unilaterally initiated at the behest of the Nigerian government' (Ibid.). Furthermore, some observers hold that Nigeria's commitment might also be a means of diverting attention from Nigeria's own military regime (Carver, R., 1998, 8). In any case, ECOMOG's presence in Sierra Leone will certainly contribute to Nigeria's position as a regional peacekeeping force (Ibid., 7): on 24 June 1998, more Nigerian troops were moved from Liberia to Sierra Leone in anticipation of the relocation of the headquarters of ECOMOG from Monrovia to Freetown (Panafrikan News Agency, 24 June 1998 [Internet]), totalling some 10,000 troops in Sierra Leone, 90% of which are Nigerian nationals.

1.4 RECENT POLITICAL DEVELOPMENTS

On 25 May 1997, the government was overthrown by a *coup d'état* led by Major Johnny Paul Koromah, ostensibly because of President Kabbah's failure to implement the peace agreement with RUF and his alleged 'ethnic favouritism' (Human Rights Watch, July 1998, 11). The *coup d'état* has been described as 'unprecedented in the history of Africa in terms of violence involved' (Abdullah, I., 1997, 5) and led to a total collapse of the judiciary as many judges, attorneys and police officers fled the country. As a quick replacement, Major Koromah's Armed Forces Revolutionary Council (AFRC) created 'People's Revolutionary Courts' led by people with little or no legal training. The court suspended the constitution and parliament, banned political parties, public meetings and demonstrations and imposed rule by decree (Human Rights Watch, July 1998, 11). Later, the RUF joined forces with the AFRC. During the period of RUF/AFRC rule, gross and widespread human rights violations were committed (Amnesty International, 20 October 1997, 2 [Internet]).

The international refusal to recognise AFRC rule was, however, unanimous, and various groups of countries, including the OAU and the UN, supported ECOWAS efforts to resolve the crisis (Carver, R., 1998, 4). Under a committee of four ECOWAS foreign ministers (Cote d'Ivoire, Guinea, Ghana, Nigeria, with Liberia added later), an agreement for peace-talks was reached on 18 July 1997. On 23 October 1997, a regionally backed agreement to restore constitutional rule in Sierra Leone by April 1998 was signed in Conakry, Guinea. This included 'an immediate cease-fire and disarmament, the return of refugees and displaced people; a programme of humanitarian assistance; the return of an expanded Kabbah government; and the immunities and guarantees for acts carried out during the period the AFRC was in power' (Economic Community of West African States, 23 October 1997). As time passed, however, the AFRC showed itself increasingly unwilling to adhere to the agreement and relinquish its power. In particular, the AFRC questioned the legitimacy

of ECOMOG presence in Sierra Leone on the grounds of the high percentage of Nigerian troops within ECOMOG, and demanded that the AFRC/RUF forces be recognised as legitimate national army, as well as the release of RUF leader Foday Sankoh from a Nigerian prison. Thus, the deadline for return to civilian rule was unlikely to be met.

On 5 February 1998, after RUF fighters blocking the road to Freetown had demanded the immediate release of Foday Sankoh, large-scale fighting erupted between ECOMOG and RUF/AFRC forces - who dubbed themselves the 'People's Army' - at the outskirts of Freetown. ECOMOG, acting unilaterally under command of Nigerian Major-General Timothy Shepiti, initially claimed to be acting out of self-defence (International Crisis Group (ICG), March 1998, 5 [Internet]), but acknowledged after five days of heavy artillery bombardment that its attack was 'an all-out offensive intended to flush the junta out of the capital' (EIU Country Report, 2nd quarter 1998, 25; ICG, March 1998, 5 [Internet]). As the junta gradually retreated from Freetown, they engaged in massive looting and burning, threatening and terrorising citizens they passed (ICG, March 1998, 6 [Internet], EIU Country Report, 2nd quarter 1998, p.25). More than 100 civilian deaths have been confirmed for this period (Carver, R., 1998, p.5). Contrary to the expectations of many, ECOMOG reportedly behaved in a relatively disciplined manner (Carver, R., 1998, 5; ICG, March 1998, 6) and had secured most of the Freetown peninsula by 16 February (ICG, March 1998, 6 [Internet]). Fighting continued in major towns in the provinces, where the retreating RUF - and sometimes the *Kamajors* - inflicted 'widespread damage, shooting at random and looting wildly' (ICG, March 1998, 8 [Internet]). However, ECOMOG had gained control over almost all major cities by early March 1998 (EIU Country Report, 2nd quarter 1998, 27). Thousands of civilian refugees fled to neighbouring Guinea and Liberia, whose refugee camps were already overcrowded (Ibid.).

Fierce fighting between ECOMOG and RUF forces has reportedly continued in the north and east of Sierra Leone since February 1998. ECOMOG, with the help of Kamajor fighters, is said to have gained control over the cities of Bo, Makeni and Kenema by early March, but fighting continued at Koidu. However, the RUF has not yet given up and continues to spread violence near the Malal Hills, attacking the main roads between Freetown and the Provinces. Other RUF groups are said to be present in the south-eastern part of Koidangu District and in northern Kailahun, where both groups are 'poised to harass the rich diamond-mining areas around the town of Koidu in Kono District (EIU Country Report, 3rd quarter 1998, 26). The RUF/AFRC forces appear to number 7000, with the AFRC representing only ten per cent of the rebels' overall strength (Ibid.) and with up to 80 per cent said to be children between seven and 14 years of age (EIU Country Report, 2nd quarter 1998, 29). However, ECOMOG has also increased its strength: in June 1998, more Nigerian troops were reportedly moved from Liberia to Sierra Leone. More troops were expected from Gambia and Guinea, bringing the total of ECOMOG troops to 10,000 soldiers, of which 6,000 are reportedly from Nigeria (Panafrikan News Agency, 24 June 1998 [Internet]).

As of October 1998, fighting continued also in the northern part of Sierra Leone, namely in Kambia District, where more than 50 people died in clashes between Guinean ECOMOG and AFRC/RUF rebels (Sierra Leone News, 4 October 1998

[Internet]). In the town of Mange, 90 miles north of Freetown, more than 25 people died as a result of rebel attacks (*Ibid.*, 9 October 1998[Internet]). Furthermore, the RUF still maintains important bases at Koindu, Kailahun and Gaingama (*Ibid.*, 15 October 1998 [Internet]), and is in virtual control of Kono District (*Ibid.*, 13 October 1998 [Internet]).

On 4 October, the rebels called on the government to participate in peace talks mediated by either the United Nations or the Commonwealth. The initiation of talks, however, hinges on RUF's willingness to accept the Commonwealth's terms for talks, which call on the RUF 'to recognise the legitimacy of President Kabbah's government, to accept an unconditional and indefinite cessation of hostilities, and to enter into talks to bring about an immediate end to the conflict' (Sierra Leone News, 9 October 1998 [Internet]). Also in October 1998, the eight-nation Commonwealth Ministerial Action Group (CMAG), concerned about the continuing atrocities in Sierra Leone, called on the RUF 'as a mark of their good faith, to make an immediate statement accepting the terms for talks as conveyed to them by the Commonwealth Secretary-General' (*Ibid.*).

Effect on the economy

The war, along with an embargo imposed by ECOWAS and enforced by ECOMOG, has brought Sierra Leone's economy to a virtual standstill. During the May 1997 *coup d'état*, all commercial banks were closed and many civil servants abstained from work in silent protest (Carver, R., 1998, 10). Agriculture, fishing and mining activities had already been disrupted since the start of rebel hostilities in 1991 (EIU Country Report, 2nd quarter 1998, 29). As a result, government revenues have fallen by 90 percent, all foreign aid (30 per cent of the budget had been stopped) and custom duties were stopped by the embargo (*Ibid.*).

Sierra Leone relies heavily on aid and donations by foreign governments and international institutions. In October 1997, the UN Security Council introduced sanctions, including a ban on the supply of arms and petroleum products (UN Security Council, Resolution 1132 (1997)). The ECOMOG intervention on 5 February 1998, however, led to an ease of the economic sanctions imposed by the UN and ECOWAS (EIU Country Report, 2nd quarter 1998, 29). On 7 October 1998, Sierra Leone received US\$28.7 million in aid from the World Bank, the European Union and Great Britain to draw up a budget. The World Bank provided US\$15 million of a US\$55 million package, Britain gave US\$8.2 million, and the European Union US\$5.5 million (Sierra Leone News, 7 October 1998 [Internet]). On 12 October 98, the World Bank extended a \$40 million grant to Sierra Leone to help revive agriculture in the country (*Ibid.*, 12 October 1998 [Internet]), on condition that the money be spent on the construction of feeder roads, the provision of farm inputs for farmers, food processing, purchase of equipment and capacity building.

For its part, on 9 October 1998 the government of Sierra Leone allocated US\$90,000 for ECOMOG operations in the country (Sierra Leone News, 9 October [Internet]). It also committed itself to make the country more self-reliant, especially in response to the alleged strong participation of Lebanese nationals in the diamond sector, many of whom are said to be illegal immigrants. To this end, the government of President Kabbah reportedly launched a crackdown on illegal immigrants (*Ibid.*, 8 October

1998[Internet]). In the meantime, however, the country's mining sector is beginning to recover - on 13 October 1998, the government of President Kabbah, eager to reopen the mines, and Nord Resources, a 50 per cent owner of Sierra Rutile Limited, have concluded talks on reopening the Sierra Rutile titanium oxide mine in an area now free of fighting (Ibid., 13 October 1998 [Internet]).

On the whole, it is believed that on a short-term basis, the country's economy will be revived by the renewed flow of foreign aid. Long-term development, however, will depend on stability in the country, which has not as yet been achieved (EIU Country Report, 2nd quarter 1998, 23). Also, a transparent taxation system has to be set up, and mining policies and quotas have to be enforced (Ibid.).

1.5 PROFILES OF CONTENDING ARMED GROUPS

The Republic of Sierra Leone Military Force (RSLMF)

The national armed forces of Sierra Leone have played a decisive role in the political life of the country. This can be observed in the number of military *coups d'état* in Sierra Leone where the army has acted independently or as an instrument for political factions. Fourteen *coups d'état*, either foiled or successful, have taken place since independence in 1961 (Regional Surveys of the World 1998, 1997, 903ff). The armed forces are integrated in the patron-client relations which have been the backbone in the functioning of the political system (Richards, P., 1996, xviii, 23). The patrons have extended favours to essential parts of the army and in return, they could count on their loyalty even after temporary set-backs (Ibid.). The number of *coups d'état* since independence taught politicians the crucial role of the military: it became imperative to have the army on one's side, leading to selective recruitment and promotion based on the government's political and ethnic affiliations (Alao, A., 1998, 2).

The number of the armed forces increased significantly from 3,000 to 14,000 men during the first two years of the civil conflict from 1991 to 1993 (Reno, W., 1997, 19).

According to a speech given by President Kabbah, a challenge for the new government is the reconstruction of the national army (Presidential Address, 22/5/98 [Internet]). One factor is the question of loyalty since an important number of the army officers were associated with the AFRC military junta. The Civil Defence Force, known as the *Kamajors*, supportive to the government, will be integrated in the national army, but have not been organised around an effective command structure and are ostensibly ill-disciplined (UN Security Council, S/1998/486, 9 June 1998, 3 [Internet]); EIU Country Profile 1998-99, 1998, 42).

The Revolutionary United Front (RUF)

In the beginning, RUF only had about 100 members but during the years of fighting, the movement expanded to several thousands (Richards, P., 1996, xix, 5). At the beginning of 1997, the number of RUF forces was estimated to be 5,000 armed

combatants and 5,000 non-armed combatants (Security Council, S/1997/80, 26 January 1997). Its inner core consists of a 21 member war council (Richards, P., 1996, xix, 5). The RUF conscripted young people who did not have much of a choice whether or not they wanted to join. They were terrorised in the beginning but later treated generously and were given into the secrets of the movement. This initiation process is by some sources seen as similar to a century's old initiation whereby young people are separated from their families and adult loyalties are created to a wider society (Ibid.).

The RUF leadership is mainly composed of former student activists of the late 1970s and early 1980s. They were strongly influenced by Pan-Africanism and Muammar Gadhafi of Libya's *Green Book*. RUF leaders still appear to be committed to aspects of this revolutionary heritage and especially to the populism of the *Green Book* (Ibid., 21). This has, *inter alia*, found expression in public statements in which it has been declared that the issues of war should be resolved through a national assembly of ordinary Sierra Leoneans (Ibid.). The personal backgrounds of the RUF leaders as well as some of the newer recruits have a common denominator which is social exclusion for political protest and student activism (Ibid., 25). The huge number of unemployed young people without prospects for the future is also an important aspect in the understanding of the RUF movement (Abraham, A., 1997).

Initially, the RUF did not articulate a particular political agenda regarding its political aims and objectives were for Sierra Leone (Human Rights Watch, July 1998, 13 [internet]. It was not before 1995 that a formal statement from RUF was published on its political programme (and their version of the conflict) (Richards, 1996, 1). However, shortly after the first rebel attack in 1991, the leader Sankoh contacted the British Broad Casting and announced that the aim of the RUF was to overthrow the corruptive regime of APC in power since 1968 and to install a democratic plural political system (Richards, P., 1996, 5, 7). The *coup d'état* in 1992 had among others the implication that the RUF lost its original *raison d'être*. The fighting, however, persisted (Ibid.).

Opinions vary as to the political foundation of the RUF. Some sources describe the movement as bandits and teenage hoodlums and emphasise the lack of ideology and politics (Bradshaw, S., 1996; Kaplan, R., 1994). Other observers, however, hold that the political message of the RUF is implicit and that the RUF leadership has a political vision of a reformed and accountable state (Richards, P., 1996). In late 1992, a testimony of an American hostage confirmed the existence of organised bush camps in which the RUF trained young conscripts and led the political element in the movement (Ibid., 12).

The hostage taking of international workers was a means for the RUF to obtain media coverage which in late 1994 led to the production of a film about the movement, parts of which were shown on BBC television. This was to have helped the RUF to modify the "bandit image" of the movement (Ibid., 16). Representatives of RUF delivered a speech on the national radio in June 1997 entitled "Revolutionary United Front's apology to the Nation" in which the movement tried to explain their actions during the conflict years: "[the atrocities] were the result of the rottenness of a system which could not be uprooted except by brutal means...in the process of cleaning the system,

however, we have wronged the great majority of our countrymen" (Revolutionary United Front, 18 June 1997 [Internet]). However, the joint AFRC/RUF forces committed severe atrocities against the civilian population, using campaigns of fear and terror of which two are known as "Operation No Living Thing" and "Operation Pay Yourself". According to Human Rights Watch/Africa, they consisted of looting, destroying and killing anything in the path of combatants: "The AFRC/RUF often summarily execute civilians, accusing them of being Kabbah or Kamajor supporters...soldiers further terrorise their victims by forcing them to participate in their own mutilation, asking them to make choices about which finger, hand or arm, for example, to have amputated (Human Rights Watch, July 1998, 1,2 [Internet]; Jeune Afrique, 3-9 novembre 1998, 38).

The future of the RUF is uncertain as their original leader Foday Sankoh has been in detention since March 1997 for illegal arm trade, first in Nigeria and presently in Sierra Leone. However, RUF forces have allegedly grown in number, are better armed, and their attitude has been interpreted as to have nothing to lose by fighting on indefinitely (EIU Country Profile 1998-99, 1998, 22, 26). The movement has reorganised into three main groups in the north, east and centre of the country (Ibid., 23). One group attacks mainly on the main roads between Freetown and the provinces (Ibid., 26). A second group, mainly comprising ex-army irregulars and commanded by the former vice-chairman of the NPRC, Solomon "SAJ" Musa, is deployed in the north-east of the country. A third group, led by Samuel Bockarie, a RUF hard-liner, has re-established itself in the eastern region. The two latter groups continue to constitute a threat to the rich diamond-mining areas (Ibid., 26).

The Kamajors

The *Kamajors*, who operate mainly in the south-east diamond-rich area of the country, are one of several pro-Kabbah hunting 'brotherhoods' in Sierra Leone. Other existing brotherhoods include the *Kapras* (mainly Temne, whereas the *Kamajors* are mainly Mende), the *Tamaboros* and the *Duntors* (Muana, P. K., 1997, pp. 81; United Nations Security Council, 9 June 1998[Internet], 3, Electronic Mail & Guardian, 3 April 1998 [Internet]). The *Kamajors* are said to have around 17,000 members (EIU Country Report, 2nd quarter 1998, 22). Most of these 'brotherhoods' were formed as local self-defence militias in the early 1990's, as the civilian population lost faith in the national army's ability to counter the threat posed by the RUF (Muana, P. K., 1997, 78). Unlike the RUF, the *Kamajor* militia relies heavily on Mende traditional mysticism, reflected in their colourful and elaborate dress which is supposed to make them invulnerable (Carver, R., 1998, 10). Moreover, the *Kamajors* are said to maintain close relations with local chiefs, and as such enjoy considerable popular support (Muana, P. K., 1997, 87).

Since 1994, the *Kamajors* have been the greatest opponents to the RUF (Carver, R., 1998, 10; Pitsch, A., 1997, 2) and as such have gained steadily in importance, especially in the later stages of the RUF insurgency (Carver, R., 1998, 10). During ECOMOG's assault to the AFRC/RUF government in February 1998, *Kamajors* fought alongside ECOMOG troops, effectively seizing control of towns such as Bo and Pahun (Ibid.). However, according to several sources, the *Kamajors* contributed to the general chaos through looting, rape, arson, reprisal killings and terrorisation of

civilians (EIU Country Report, 2nd quarter 1998, 25; Amnesty International, 11 February 1998 [Internet]; International Crisis Group, March 1998, 2 [Internet]).

The *Kamajors*' close alliance to the government of President Kabbah is reflected by the fact that Samuel Hinga Norman, the Kamajor Movement National Coordinator, holds the place of deputy defence minister within the Kabbah government (Muana, P. K., 1997, p.89; Electronic Mail and Guardian, 3 April 1998, 4 [Internet]; EIU Country Report, 3rd quarter 1998, 27). Although the *Kamajor* forces have been recently united with the former national army under a single command to form the civil defence forces, in reality the two parts continue to function as two separate entities (Carver, R., 1998, 10). The *Kamajors* neither receive food rations nor wages, which raises the question as to how they can subsist at the same time as enforcing their security role (Ibid.).

1.6 PROFILES OF POLITICAL PARTIES

The political development in Sierra Leone, characterised by an extended period of one party rule (1978-91) and several military regimes (1967-68; 1992-1996; 1997-98) has constrained the development of political parties. Politics have been dominated by the two main parties APC and SLPP (Political Parties of Africa and the Middle East, 1993; Europa World Year Book, 1998).

All People's Congress (APC)

The party was founded in 1960 by Siaka Stevens as a left-wing party (Political Parties of Africa and the Middle East, 1993, 246). APC is traditionally supported by the Temne tribe in the North (Pitsch, A., 1997, 2; EIU Country Profile 1998-99, 1998, 41), wage-earners and part of the lower middle class (Political Parties of the World, 1998, 478). It was the main opposition party after independence and won the majority of seats in the 1967 elections but was prevented from taking power by a military takeover (Political and Economic Encyclopaedia of Africa, 1993, 245). However, a counter *coup d'état* in 1968 installed the party in power which was retained for the next 24 years. The APC has held a monopoly of political power in Sierra Leone from 1968 to 1992 of which it was the sole legal party for the last 14 years (Political Parties of Africa and the Middle East, 1993, 245). It was the party which in 1971 re-created Sierra Leone as a republic, when a republican constitution was adopted (Political Parties of the World, 1988, 478).

In the 1996 elections, the APC gained a mere 5.7 per cent of the votes, equivalent to five seats in the parliament (Dertsen, W., 25 October 1998 [Internet]). Senior politicians from the party including the former president, Joseph Momoh, are currently in jail on treason charges, ostensibly for providing the AFRC with strategic advice (EIU Country Profile, 1998-99, 1998, 42).

Sierra Leone People's Party (SLPP)

This party, the oldest in the country, was formed in 1951 by Sir Milton Margai who became Prime minister in 1958 (*Political and Economic Encyclopaedia of Africa*, 1993, 245; *ECU Country Profile 1998-99*, 1998, 40). The party, described as conservative (*Political and Economic Encyclopaedia of Africa*, 1993, 245), was the dominant party at independence and led the government until 1967 (*Political Parties of Africa and the Middle East*, 1993, 246). It was banned, along with all other parties, in 1978, when the APC government adopted a new constitution based on one-party rule (*Ibid.*). It resurfaced in 1991 in connection with the adoption of a new constitution which provided for the creation of new parties. The SLPP gained 27 seats in the elections for parliament in 1996, making it the leading party in the government (*Dertsen, W.*, 25 October 1998 [Internet]). The party's leader Ahmed Tejan Kabbah was elected president with 59.5% of the vote (*Ibid.*). In February/March 1998, after one year of military rule, the former elected president and government were reinstated by ECOMOG forces (*ECU Country Profile 1998-99*, 1998, 41). The SLPP has traditionally been dominated by the southern Mende tribe (*Pitsch, A.*, 1997, 2; *ECU Country Profile 1998-99*, 1998, 41). However, the SLPP president has a Mandingo background and strong northern connections (*ECU Country Report*, 2nd quarter, 1996, 23).

It is said that rivalry currently prevails within SLPP, in particular between the president Ahmed Kabbah, the vice-president Albert Joe Demby and the deputy defence minister and Kamajor chief, Sam Hinga Norman (*ECU Country Profile 1998-99*, 1998, 41).

United National People's Party (UNPP)

The party is headed by Dr John Karefa-Smart who helped the country in achieving independence (*ECU Country Profile. 1997-98*, 1997, 41). He was a presidential candidate in the 1996 elections in which he obtained 40.5% of the vote, following the current president Ahmed Kabbah who achieved a vote of 59.5%. (*Dertsen, W.*, 25 October 1998 [Internet]). At present, the party is in a weak position due to the alleged association with the AFRC, the military junta, which UNPP should have provided with advice. Some senior politicians are imprisoned on treason charges (*ECU Country Profile 1998-99*, 1998, 42).

2. THE HUMAN RIGHTS SITUATION

2.1 THE INTERNATIONAL LEGAL FRAMEWORK

Sierra Leone has ratified or acceded to a number of international conventions. The status of accession by Sierra Leone as a state party to the international conventions is as follows:

Convention	Date of Accession
International Covenant on Economic, Social and Cultural Rights (1966)	23 August 1996
International Covenant on Civil and Political Rights (1966)	23 August 1996
Optional Protocol to the International Covenant on Civil and Political Rights (1966)	13 August 1996
Convention relating to the Status of Refugees (1951)	22 May 1981
Protocol to the 1951 Convention relating to the Status of Refugees (1967)	22 May 1981
Convention on the Political Rights of Women (1952)	25 May 1962
Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)	14 March 1988
African Charter on Human and People's Rights (1981)	24 January 1984

Source: UNHCR Refworld, Legal Databases, January 1998

Sierra Leone has ratified:

Convention	Date of Ratification
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	2 August 1967
Convention on the Elimination of All Forms of Discrimination against Women (1979)	11 November 1988
Convention on the Rights of the Child (1990)	18 June 1990
Charter of the Organization of African Unity (1963)	11 September 1963

Source: UNHCR Refworld, Legal Databases, January 1998

Sierra Leone has signed:

Convention	Date of Signature
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	18 March 1985
African Charter on the Rights and Welfare of the Child (1990)	14 April 1992

Source: UNHCR Refworld, Legal Databases, January 1998

Sierra Leone is not a state party to:

- the 1948 Convention on the Prevention and Punishment of the Crime of Genocide
- the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid
- the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity
- the 1954 Convention relating to the Status of Stateless Persons

- the 1961 Convention on the Reduction of Statelessness (UNHCR, REFworld, Legal databases, January 1998).

2.2 THE NATIONAL LEGISLATIVE CONTEXT

The legal system in Sierra Leone is based on English common law. However, the legal system has suffered under the repeated military regimes. Since independence in 1961, Sierra Leone has been governed under different constitutions which all provided for distinct political power structures including a republican system, one-party regime and multi-party system. The most recent constitution was adopted in 1991. However, it has barely been functional as it was suspended during the military regimes over the period 1992-1996 and again 1997-1998.

The constitution of 1991 provided for the recognition and protection of fundamental human rights as well as the establishment of a multi-party system enumerating practical procedures including, *inter alia*, the registration of voters, electoral commissions and secret ballots (The Constitution of Sierra Leone, Chapter III, IV, section 31, 32, 36). The parties that secure a minimum of 5% of votes in the legislative elections will be allocated seats on a system of proportional representation (Europa World Year Book 1998, 1998, 2982).

The legislative power under the 1991 constitution is vested in an unicameral 80-member parliament with 68 members elected by universal adult suffrage for a five-year-term and 12 chiefs representing provincial districts (Ibid.). The chiefs are governing at the local level together with a Council of Elders known as the Tribal Authorities to ensure the maintenance of law and order in villages (The Stateman's Yearbook 1998-99, 1235). While the executive power is vested in the President, who is elected for a maximum of two five-year terms (Europa World Year Book 1998, 1998, 2982), the judicial branch is composed of the Supreme Court, the Court of Appeal, the High Court, Magistrates' Courts and Local Courts (Ibid.). Moreover, the Supreme Court is entrusted to guarantee the stated protections and fundamental human rights of the constitution (Constitution of Sierra Leone, chapter III, section 28; Thompson, 1998, 3 [Internet]). The constitution also provides for the establishment of the Office of the Ombudsman and the Court of Appeal (Ibid., section 120, 128-130, 146).

Former President Ahmed Kabbah reinstated constitutional rule and the national legislature again upon his return to Sierra Leone in March 1998. However, he proclaimed a state of emergency immediately which gave him far-reaching powers of arrest and detention (EIU, 2nd quarter, 1998, 28). The constitution provides for the president to proclaim a state of public emergency, under certain circumstances, such as "when Sierra Leone is at war" or "when there is a clear and present danger of an actual breakdown of public order and public safety" (chapter III, section 29, subsections 2a+2d).

2.3 GENERAL RESPECT FOR HUMAN RIGHTS

The constitution of Sierra Leone provides for the protection of citizens and non-citizens within the territory of the state. The supreme court is entrusted to guarantee fundamental human rights, most importantly the Protection of the Right to Life (Section 16), Protection from Arbitrary Arrest or Detention (Section 17), Protection from Inhuman Treatment (Section 20), Protection from Slavery and Forced Labour (Section 19) and Protection of Freedom of Expression of the Press (Section 27).

Although Sierra Leone is party to a number of international treaties concerning the protection of human rights, 'there is strong evidence of the systematic and widespread perpetration of multiple forms of human rights abuse against the civilian population, including rape' (UN Security Council, 9 June 1998, 7 [Internet]). According to the U.S. Department of State Report on Human Rights Practices for 1997, government forces committed human rights abuses even before the RUF/AFRC *coup d'état*, for example lengthy delays in trials, prolonged pretrial detention, violations of due process and harassment of the press. Discrimination against ethnic minorities and violence against children and women, including female genital mutilation and rape, continued to be widespread in 1997 (United States Department of State Country Report for 1997, 2 [Internet]).

The majority of human rights abuses, however, are reported to have been committed by RUF/AFRC forces both in government and in the rebel war (Amnesty International, Annual Report 1997, 8 [Internet]). During their period in power, RUF and AFRC human rights violations included deliberate extrajudicial killings of civilians, torture, mutilation, rape, beatings, arbitrary arrest and detention and ill-treatment of human rights activists, students and journalists (US DOS Country Report for 1997, 2 [Internet], Amnesty International 1997, p.10ff [Internet]). Since RUF/AFRC forces were overthrown by ECOMOG forces in February 1998, they 'have been engaging in a war of terror against civilians in Sierra Leone' in which thousands of civilians are believed to have died (Human Rights Watch, July 1998, 4). The most widely reported human rights violations are: extrajudicial executions, mutilation, rape, arbitrary arrest and detention, abduction, house burnings, looting and forced labour, including sexual slavery (Amnesty International, Annual Report 1998, 5 [Internet]; UN Security Council, S/1998/750, 12 August 1998, p.4[Internet]; UN Security Council, S/1998/1960, 16 October 1998, 7 [Internet], Human Rights Watch, July 1998, 4)

Kamajors are said to be responsible for 'violation of the human rights and rights under humanitarian law of both combatants and non-combatants (UN Security Council, S/1998/486, 9 June 1998, 7 [Internet]), in particular with regard to the *Kamajors*' recruitment of child soldiers (HRW 1998, 25). Extrajudicial executions and torture of civilians by kamajor forces have also been reported (Amnesty International, Annual Report 1998, 4 [Internet]; Human Rights Watch, July 1998, 23f). According to Human Rights Watch, *Kamajors* repeatedly executed AFRC/RUF forces by beheading or burning them alive (Human Rights Watch, July 1998, 24; Amnesty International, Annual Report 1998, 4 [Internet]), and allegedly there have also been cases in which *Kamajors*, after having killed AFRC/RUF soldiers, consumed their vital organs (Human Rights Watch, July 1998, 24).

About 450,000 Sierra Leonean refugees are currently in exile of which 155,000 fled after the renewed fighting in February 1998. The majority of the refugees are in Guinea (350,000) and the remainder in Liberia (90,000) and other West African countries (10,000) (UNHCR Country Updates - Liberia & Sierra Leone, 22/04/98 [Internet]; Situation Reports from UNHCR/Freetown). The number of internally displaced people was in 1995 estimated to one million (Norwegian Refugee Council, IDP - A Global Survey, 1998, 4 [Internet]). During 1996 and 1997, it decreased to 160,000 people but after the renewed fighting in February 1998, this number increased again to more than 200,000 people (Ibid.). An estimated 15,000 civilians have been killed and more than 40% of the total population displaced during the first five years of the war between 1991 and 1996 (Richards, P., 1996, xix).

Extrajudicial executions

Numerous extrajudicial killings have been reported following the May 1997 coup which brought the RUF/AFRC alliance to power (U.S. DOS Country Report for 1997, 3 [Internet]). During the period of RUF/AFRC rule, hundreds of civilians have reportedly been killed either in random violence or political killings (Ibid.). RUF/AFRC forces are said to have routinely executed captured *Kamajors*, as well as killing and torturing civilians while searching for *Kamajors* (Ibid.). Supporters of President Kabbah and human rights activists, many of which were students, have also been tortured and executed in public during that period (Ibid.).

Since the RUF was forced to retreat from power in February 1998, it has been waging a guerrilla-style war throughout the country, especially in the Northern and Eastern parts (EIU Country Report, 3rd quarter 1998, 3). Between February and April 1998, more than 700 civilian war-related deaths have been reported (UN Security Council, S/1998/750, 12 August 1998, 7 [Internet]), including 200 in the city of Yifin in the Northern province (Amnesty International, Annual Report 1998, 5 [Internet]; UN Security Council, S/1998/750, 12 August 1998, 7 [Internet]). The high number of civilian casualties involved (Human Rights Watch, July 1998, 11, 14), along with the extreme cruelty of RUF activities, has caused a severe deterioration of the human rights situation in Sierra Leone (U.S. DOS Country Report for 1997, 2 [Internet]).

According to Amnesty International, a deliberate and systematic campaign of killing, rape and mutilation - called by the AFRC and RUF 'Operation no living thing' has emerged since April 1998 (Amnesty International, 28 July 1998). Reportedly, 663 bodies were buried following the fighting in the area of Koidu in mid-June (UN Security Council, S/1998/750, 12 August 1998, 7 [Internet]). During the month of September 1998, an escalating number of summary executions have been confirmed (Ibid.). For instance, on 6 September, the RUF the town of Kamahu in the North-West, killing 40 people. Photographic evidence of this incidence reportedly shows the victims subjected to forms of extreme torture and sexual abuse (UN Security Council, S/1998/1960, 16 October 1998, 4 [Internet]). In the same week, 20 villages were attacked and destroyed in the same area (Ibid.). In the first week of October 1998, more than hundred people, mostly civilians, were killed during RUF attacks in Kukana (near the border with Guinea), Kassah Burah (Port Loko) and in Kambia district (Sierra Leone News, 2, 3, 8 October 1998 [Internet]).

After RUF leader Foday Sankoh was sentenced to death by the government of Sierra Leone in Freetown on 23 October 1998, RUF violence escalated further, with captured RUF rebels that reporting they had been 'on a genocide mission to slaughter civilians' (Sierra Leone News, 26 October 1998 [Internet]). During an attack on the town of Alkalia in northern Sierra Leone on 24 October 1998, 48 civilians were locked up in a building which then was blown-up by the RUF. Observers note that this reflects a change of strategy by the RUF from mutilations to carrying out mass executions of civilians (Sierra Leone News, 30 October 1998 [Internet]). Although there is little information about exact number of such executions, it is estimated that several thousands of victims have been killed in the past few months (EIU Country Report, 3rd quarter 1998, 25; Amnesty International, 24 October 1998 [Internet]).

Torture

Numerous reports of torture by government forces and RUF elements have been made public, with practices ranging from beating to electric shocks (Amnesty International, October 1997, 14 [Internet]; U.S. DOS Country Report for 1997, 5 [Internet]). Students were frequently the victims of these attacks: on 18 August 1997, a large number of students detained for publicly taking part in a pro-democracy march were attacked with machetes and bayonets. Four students had their arms cut off, and approximately 20 female students were sexually assaulted by RUF/AFRC members (U.S. DOS Country Report for 1997, 5 [Internet]; Amnesty International, October 1997, 14 [Internet]). A number of journalists suspected of supporting the democratically elected government of Tejan Kabbah were reportedly arbitrarily detained by security forces and tortured (Amnesty International, Annual Report 1997, 15 [Internet]).

Since the restoration of the Kabbah government by ECOMOG forces in February 1998, the incidents of human rights violations committed by the retreating RUF/AFRC has increased dramatically, as has the number of civilians tortured and subjected to ill-treatment (UN Security Council, 9 June 1998, 6 [Internet]). According to multiple sources, hundreds of victims who sought treatment in hospitals have been mutilated, most notably by having their limbs cut off, while thousands of victims are believed to have been killed or abducted (EIU Country Report, 3rd quarter 1998, 25; UN Security Council, 9 June 1998, 6 [Internet]). The mutilation of civilians by rebels is one of the 'most chilling features' of this conflict: the RUF systematically maims large numbers of people, which then are sent to government-controlled areas with messages of defiance pinned to them (Refugees International, 29 July 1998).

Between 6 April and 21 May 1998, 225 people with war-related injuries arrived at Connaught Hospital in Freetown (plus 500 in other hospitals in the country). Of these, all but one were reported to be civilians, and a quarter of them had been maimed (UN Security Council, 9 June 1998, 6 [Internet]). Although most of the victims were male, ranging in age between 8 and 60 years, females and children also have suffered from RUF violence (Ibid.). Following a relatively quiet period between July and August, violence flared up again from mid-August onwards, after Foday Sankoh had been transferred from Nigeria to Sierra Leonean custody to await his trial. On 17 August 1998, the RUF announced a terror campaign against civilians, the Civil Defence Forces

and ECOMOG if the government failed to release Sankoh within seven days (UN Security Council, S/1998/1960, 16 October 1998, 1 [Internet]). During September 1998, an increasing number of human rights abuses, including mutilation and sexual abuse, were reported. Other atrocities include the carving of slogans into the flesh of victims and the burning of houses into which elderly people had been herded (ibid). In an incident in Kambia District, at least 25 people had their limbs cut off on 3 October (Sierra Leone News, 3 October 1998 [Internet]). The RUF has also been accused of beating civilians and disemboweling pregnant women (Ibid., 29 October 1998 [Internet]).

Several possible reasons have been given to explain the unprecedented cruelty of the RUF, one of them being that maiming people saves bullets (EIU Country Report, 3rd quarter 1998, 25). Some sources hold that the violence can be related to the *Kamajors'* use of traditional magic in battle (ibid). It has also been suggested that maiming serves strategic purposes: in a spate of incidents between Bo and Moyamba between September and October 1995, the RUF repeatedly maimed village women by cutting off their hands, ostensibly to deter women from venturing out into the fields, which in turn served to undermine the harvest which might have drawn RUF captives and conscripts back to their villages (Richards, P., 1996, XX). Another source reports that civilians caught by the RUF have to pick up one of several pieces of paper, each of which describes the amputation of a limb. The civilians get maimed according to what is written on the paper they select (Rod Mac-Johnson, Gemini [Internet]).

Arbitrary Arrest and Detention

Following the *coup d'état* of 25 May 1997, the RUF arbitrarily detained or arrested opponents. Targeted in particular were those associated with the government of President Kabbah or opposed to AFRC activities, as well as journalists. It has been stressed, however, that 'with the complete collapse of the rule of the law, all Sierra Leonean citizens [were] at risk of arbitrary arrest or detention' (Amnesty International, Annual Report 1997, 8 [Internet]). Many of the people detained were held in Pademba Road Prison in Freetown, and while a few have been released after a short time, many were held in administrative detention without charge or trial and apparently without any legal basis for their detention (Ibid.). Moreover, the conditions of the prison are said to be life threatening (U.S. DOS Country Report for 1997, 2 [Internet]).

Many supporters of President Kabbah were accused of conspiring against the government. However, observers note that 'most of those arrested had been detained only because of their opposition to the *coup d'état* which brought the AFRC to power and their lack of cooperation with the AFRC (Amnesty International, October 1997, 9 [Internet]). Several journalists have also been arrested on unclear charges (ibid, p.11, Amnesty International, Annual Report 1998, 3 [Internet]), while the press has been continuously harassed. Following a march for democracy on 18 August 1997, more than 120 people, mainly students, were arrested (Ibid., 12; U.S. DOS Country Report for 1997, 6 [Internet]). Human rights activists were arbitrarily detained. The president of a Sierra Leonean Human Rights Organization, Sulaiman Banja Tejan-Sie, was arrested in August 1997. He was beaten, ill-treated and forced at gunpoint to

appear on television calling on students not to proceed with their demonstrations (Amnesty International, Annual Report 1998, 2 [Internet], U.S. DOS Country Report for 1997, 5 [Internet]). No information about arbitrary arrest and detention since the restoration of President Kabbah's government is currently available.

The Death Penalty

Sierra Leone is one of the countries which retains the death penalty for ordinary crimes, *inter alia*, for property (Ibid., 77). According to Amnesty International, Sierra Leone resumed executions in 1992 after a moratorium of over ten years, when alleged plotters of a *coup d'état* were summarily executed (Amnesty International, Annual Report 1993, 254-57). However, another source states that death sentences were still carried out in 1987 (Revolutionary and Dissident Movements of the World, 1991, 289).

Immediately after his return to power in March 1998, President Kabbah declared a state of emergency which gave him far-reaching constitutional powers of arrest and detention (EU Country Report, 2nd quarter 1998, 28). At present, almost 2000 people accused of supporting or collaborating with the junta, including RUF leader Foday Sankoh, are awaiting trial. Public opinion has been generally supportive of the Kabbah government, demanding swift and strong action to be taken against those who have committed atrocities during RUF/APRC rule (Amnesty International, 14 October 1998 [Internet]). Although President Kabbah's government has reportedly asked the UK to provide judges in order to ensure a fair and proper trial (EU Country Report, 2nd quarter 1998, 28), doubts have been raised as to the lawfulness of the request. Trials before courts martial in Sierra Leone differ from international standards insofar as the defendants have no right to appeal against the conviction and sentence to a higher jurisdiction (Amnesty International, 14 October 1998 [Internet]). They may, however, seek clemency from a special committee chaired by the president.

On 12 October 1998, 34 soldiers were sentenced to death on charges of 'treason, murder, and collaborating with the enemy' (Sierra Leone News, 12 October 1998 [Internet]). Despite appeals by human rights organizations (including the UN, Human Rights Watch and Amnesty International) and several governments (Ibid.), 24 of the soldiers were publicly executed by firing squad at Goderich Beach in Freetown on 19 October 1998, the remaining ten sentences were commuted to life imprisonment (Sierra Leone News, 19 October 1998 [Internet]). Various organisations have condemned these executions, including the EU, stating that 'the executions which have been carried out will not be conducive in fostering the peace and reconciliation process which the international community is aiming to encourage' (Agence Europe, 28 October 1998). On 21 October 1998, death sentences were imposed on 11 of 16 civilians convicted of treason (Ibid., 21 October 1998), whereas RUF leader Foday Sankoh was sentenced to death on 23 October 1998. Foday Sankoh is currently seeking a lawyer in order to appeal to the president. The offer of a London-based law firm to defend Sankoh was turned down by the Sierra Leonean government as too expensive (Ibid., 3 November 1998 [Internet]). A further 16 people, including the

former President Joseph Saidu Momoh, were charged with verdicts of treason on 5 November. The former President was sentenced to ten years of prison and the 15 others received the death sentence (*Ibid.*, 5 November 1998 [Internet]).

Freedom of Expression

Sierra Leone has a history of repressive press legislation, and journalists and editors have often been intimidated or imprisoned (EIU Country Profile 1998-99, 48). During the 1980s, the independent press was totally banned in periods, while in other periods censorship by the government was pervasive (Regional Surveys of the World 1998, 1997, 904). Often, newspapers were prevented from renewing their licences (*Ibid.*, 906).

Although the constitution of 1991 provides for freedom of speech and the press, the government of President Kabbah arrested several journalists prior to the May 1997 *coup d'état*, frequently on libel and sedition charges (U.S. DOS Country Report for 1997, 10 [Internet]). On 14 May 1997, the government passed the Media Practitioner Act, which aimed at curtailing the numbers of journalists and newspapers by requiring all journalists to have an academic degree - a demand which about 80 per cent of Sierra Leone's journalists could not meet (*Ibid.*).

After the AFRC took power in May 1997, dozens of journalists fled the country for fear of persecution. In September, the AFRC announced that newspapers were required to obtain permission before publishing. As a result, the number of newspapers was reduced to six, all of which operated under the discretion of the Ministry of Information. When in July 1997 a radio station transmitting messages from the ousted government began to operate, numerous people suspected of connection to the station were arrested (Amnesty International, Annual Report 1998, 2 [Internet]). Journalists were detained on a variety of charges - including drug possession - in this period, and newspaper offices were looted by military personnel (U.S. DOS Country Report for 1997, 11 [Internet]). Amnesty International, Annual Report 1998, 3 [Internet]). Many journalists and their families have been harassed, and some have been subjected to torture in prison. For instance, Punch newspaper editor David Tambayoh was arrested by AFRC military personnel on 10 October 1997 and held three days in prison, while armed men searching through his property looted his sister-in-law's home, raping her and her daughter twice (U.S. DOS Country Reports for 1997, 12 [Internet]). Amnesty International, October 1997, 11 [Internet]). Another example is journalist Vandi Kallon, who on 16 December 1997 was detained and brutally beaten by AFRC officials (*Ibid.*).

After President Kabbah was reinstated, the taxation imposed on the press was increased by 383% in June 1998 (IFEX, 12 June 1998 [Internet]) which makes it near impossible for independent newspapers to continue publishing. On 24 August 1998, 16 civilians accused of collaboration with the junta were sentenced to death. Five of them, namely Hilton Fyle, Gipu Felix George, Dennis Smith, Olivia Mensah and Imbrahim Ben Kergbo, were journalists. This has led some humanitarian organizations to believe that 'in the absence of sufficient transparency...[the journalists' conviction] may have

been connected to their activities as journalists' (IFEX, 25 August 1998 [Internet]). Also, it has been suspected that ECOMOG may be exercising some censorship over the press (EIU Country Report, 3rd quarter 1998, 27)

2.4 THE SITUATION OF SPECIFIC GROUPS

Children

The recruitment of children as soldiers is a particular problem in Sierra Leone, and several human rights organizations, and UNICEF, have called on the government to demobilise the approximately 4,000 child soldiers in Sierra Leone (Sierra Leone News, 1 October 1998 [Internet]). Child soldiers have been recruited both by the RUF and the *Kamajors*, often by abduction.

According to Human Rights Watch, the AFRC/RUF is using and forcibly recruiting children and young men to engage in armed attacks against Sierra Leonean civilians, the Civil Defence Forces, and ECOMOG Soldiers (Human Rights Watch, July 1998, 21). Children are targeted because they are considered less afraid to fight and not likely to be bound by family ties - even more so if they have lost or were separated from their parents in the fighting. As they have little possibility of making a living on their own, the provision of food and shelter by the RUF often provides a big incentive (Ibid., 22). In any case, children, being more vulnerable than adults, are more readily manipulated. It has also been suggested that the RUF forces children to commit atrocities, sometimes against their own community or relatives, to deliberately destroy emotional ties and enforce the identification with the rebel movement (Ibid.).

The conscription of children and young people where RUF advanced was an essential element in the warfare strategy of the movement since the beginning of the conflict. Fear was a major weapon in the capture as well as in avoiding the young recruits to escape. Brutal executions of village leaders and other atrocities were effectuated to this end (Abraham, A., 1997, 108). The armed forces contributed to this situation by encouraging the conscripted to stay in the RUF due to the execution of youngsters suspected of association with the movement (Richards, P., 1996, 28). Another important aspect of the conscription of young men was the fact that they saw a possibility of acquiring knowledge and training by joining the two warring parties (whether it be the RUF or the armed forces). They saw the rebellion as a possibility of resuming their education : "The arts of war are better than no arts at all" (Richards, P., 1996, 24, 29).

The *Kamajors* have recently admitted to forcibly recruit child soldiers - in Kailahun District alone, there are said to be as many as 3,000 of them (IPS World News, 29 June 1998 [Internet]). According to an *Kamajor* field commander, children are used because 'they are unadulterated and keep the laws governing the conduct of the militia like abstinence from sex, drugs and looting when in combat' (Ibid.). Despite assurances by the government that the children would soon be demobilised and no new children would be recruited, there has been no demobilisation of child *Kamajors* until now (Sierra Leone News, 3 October 1998 [Internet]). On the one hand, this is due to

the ongoing fighting, but on the other hand many child soldiers themselves are psychologically not prepared to give up their existence as soldiers. On 8 July 1998, however, the Government of Sierra Leone has offered an amnesty to all child soldiers (Reuters, 9 July 1998).

Women

The constitution provides for equal rights to women, but in practice women are severely disadvantaged: they do not have equal access to education, economic opportunities, health facilities, or social freedoms (U.S. DOS Country Report for 1997, 15 [Internet]). Only six per cent of women in Sierra Leone are literate, and their education is markedly below their male counterparts. Violence against women ranges from wife beating to rape and female genital mutilation (FGM).

FGM is widely practiced on young women and girls, especially in traditional ethnic groups and among the less-educated. In an ritual ceremony in January 1997, the secret Bondo society, one of the main societies in favour of FGM, circumcised between 600 and 700 girls in a displaced persons camp near Freetown. As a result, some 100 of the young women had to be admitted to hospital (Electronic Mail and Guardian, 22 January 1997 [Internet]). It is estimated that the percentage of women who have undergone this procedure may be as high as 90 per cent (U.S. DOS Country Report for 1997, 16 [Internet]).

Rape and sexual violence is widespread and used by RUF forces as a means of control and punishment (Human Rights Watch, July 1998, 17, 18). Women and girls, including pregnant women, have been gang-raped by RUF members, sometimes in front of family members (Ibid.). Often, the rape is followed by murder or mutilation. Women and girls are also reported to have been abducted individually or collectively by RUF/AFRC soldiers and kept for reasons of sexual slavery and to perform domestic tasks (Human Rights Watch, July 1998, 17, 18, 20; Amnesty International, October 1997 [Internet], 15; Amnesty International, Annual Report 1998, 3 [Internet]).

3. TRENDS IN ASYLUM APPLICATIONS AND ADJUDICATION

Asylum Applications

In 1997, the number of Sierra Leonean nationals applying for asylum in the 19 European countries considered here (3,200) more than doubled as compared to 1996 (1,300). During 1992-1995, between 2,500 and 2,800 Sierra Leonean nationals applied for asylum in Europe (page 1, first table).

In 1997, three out of every four Sierra Leonean asylum-seekers applied for asylum in Germany, the United Kingdom (26 per cent, cases only) and the Netherlands (12 per cent) (page 1, second table).

During 1997, the distribution of Sierra Leonean asylum-seekers within Europe has become more even than in the years before. Thus, whereas Germany received 47 per cent of all Sierra Leonean applications during 1990-1997, this proportion had fallen to 36 per cent in 1997. Similarly, the share of the main receiving countries (Germany, the United Kingdom and the Netherlands) fell to 74 per cent in 1997 as compared to 85 per cent for the entire period (page 1, second table).

Sierra Leonean asylum-seekers constituted 1 per cent of the total number of asylum-seekers in Europe in 1997. During the period 1990-1997, this was around 0.5 per cent (see page 7, first table).

Recognition

During 1990-1997, some 124 Sierra Leonean asylum-seekers were recognised under the 1951 United Nations Convention Relating to the Status of Refugees in the 19 European countries under consideration. The largest numbers were granted asylum in Germany (66 persons), followed by France (17 persons), the United Kingdom (15 persons) and the Netherlands (14 persons) (see page 2).

Rejections

Some 10,700 asylum requests of Sierra Leonean nationals were rejected during 1990-1997 (page 3).

Humanitarian Status

During 1990-1997, some 500 Sierra Leonean nationals were allowed to remain on humanitarian grounds, 90 per cent of whom were allowed to stay in the Netherlands (260 persons), Germany (128 persons) and the United Kingdom (60 persons) (page 4).

Recognition Rates

During 1990-1997, one per cent of all Sierra Leonean asylum-seekers were granted refugee status under the 1951 United Nations Convention Relating to the Status of Refugees. When the granting of humanitarian status is included, the recognition rate for Sierra Leonean asylum-seekers in Europe amounts to six per cent (page 5).

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