

1 8 DEC. 1998 LSC

Antal bilag Aktnr. 7

Public

45

amnesty international

SIERRA LEONE (44)**SIERRA LEONE**

1998 - a year of atrocities against civilians

November 1998

SUMMARY

AI INDEX: AFR 51/22/98
DISTR: SC/CO/GR/PO

During 1998 the scale of atrocities against civilians in Sierra Leone has reached unprecedented levels. Several thousand unarmed civilians, including many women and children, have been deliberately and arbitrarily killed and mutilated by forces of the Armed Forces Revolutionary Council (AFRC) and the armed opposition Revolutionary Front (RUF) since February 1998. These atrocities are continuing.

The AFRC, which seized power in a military coup in May 1997 and which was joined by the RUF, was deposed in February 1998 by West African forces deployed in Sierra Leone. The government of President Ahmad Tejan Kabbah, which had been elected in 1996, returned to Freetown in March 1998. Although security has since returned to the capital, Freetown, and much of the south of the country, the scale of human rights abuses committed by AFRC and RUF forces in the north and east of the country has escalated and taken on grotesque forms. From April 1998 reports emerged of civilians suffering mutilations such as crude amputations of their feet, hands, arms, lips or ears. Women and girls have been systematically raped. Hundreds of civilians, in particular children and young men and women, have been abducted by rebel forces. The violence has resulted in hundreds of thousands of Sierra Leoneans fleeing to neighbouring Guinea and Liberia or becoming internally displaced within Sierra Leone. AFRC and RUF forces must respect international humanitarian law and immediately end the gross human rights abuses which they are perpetrating against unarmed civilians.

The international community, including the United Nations, the Organization of African Unity, the Economic Community of West African States, the Commonwealth and the European Union, has devoted considerable attention and effort to resolving the political crisis in Sierra Leone and to restoring the government of President Kabbah. It has since repeatedly condemned the atrocities being committed by AFRC and RUF forces. The international community has committed itself to bringing peace and security to Sierra

Leone and also to assisting in its reconstruction and rehabilitation. This commitment must include initiatives to help end the gross human rights abuses being perpetrated by AFRC and RUF forces, to prevent further abuses and also to lay solid foundations for the respect and protection of human rights in the future.

The challenges facing Sierra Leone in confronting the widespread and gross human rights abuses which have continued and worsened since May 1997 are difficult and complex. Sierra Leone's political, economic, social and cultural systems need to be rebuilt. Its institutions, such as the legal and judicial systems and the army and police, need to be restructured and reinforced in order to ensure protection of human rights. Civil society, including the human rights community, has a crucial role to play. The government of Sierra Leone has to respond to these challenges in a way that ensures that the fundamental human rights of all those in Sierra Leone are protected.

West African forces and a civilian militia who are fighting rebel forces must also respect international humanitarian and human rights law. Forces of the civilian militia have been responsible for extrajudicial executions, torture and ill-treatment, although on a far lesser scale than rebel forces. West African forces have in some cases illegally detained civilians and tortured and ill-treated captured combatants. Concerns have also been expressed about the protection of non-combatants during military operations.

Accountability for the gross human rights abuses which have occurred in Sierra Leone must be established. National reconciliation within Sierra Leone will not be possible if there is impunity for those who have perpetrated human rights abuses. All those charged in connection with the military coup in May 1997 and the period of AFRC rule must be granted trials which conform to international standards of fairness. Recourse to the death penalty will not contribute to the process of reconciliation.

The international community should continue to assist Sierra Leone to respond effectively to the challenges which it faces in ensuring the long-term protection and respect of human rights in Sierra Leone.

KEYWORDS: ARMED CONFLICT / INDISCRIMINATE KILLINGS / CHILDREN / WOMEN / DISPLACED PEOPLE / REFUGEES / NON-GOVERNMENTAL ENTITIES / UN AGENCIES / OAU / AMPUTATION / ARBITRARY ARREST / DEATH PENALTY / DISAPPEARANCES / EXTRAJUDICIAL EXECUTION / MILITARY TRIBUNALS / PRISON CONDITIONS / RECRUITMENT OF CHILD SOLDIERS / SEXUAL ASSAULT / TORTURE/ILL-TREATMENT / TRIALS / PHOTOGRAPHS

This report summarizes a 65-page document (25,957 words), *Sierra Leone: 1998 - a year of atrocities against civilians* (AI Index: AFR 51/22/98), issued by Amnesty International in November 1998. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

Public

amnesty international

SIERRA LEONE

1998 - a year of atrocities against civilians



November 1998

AI Index: AFR 51/22/98

Distr: SC/CO/GR/PO

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

SIERRA LEONE

Map showing the country of Sierra Leone, its international boundaries, and major cities. The map includes the Atlantic Ocean to the west and neighboring countries Guinea to the north and Liberia to the south and east. Key cities labeled include Freetown, Bo, Koidu, and others. The map also shows major rivers like the Sierra Leone River and the Sherbro River. An inset map shows the location of Sierra Leone within West Africa. A legend in the bottom left corner defines symbols for international boundaries, roads, railways, airfields, ports, and swamps, along with a scale in miles and kilometers.

Legend:

- INTERNATIONAL BOUNDARY..
- ROAD
- RAILWAY
- AIRFIELD
- PORT
- SWAMP

Scale:

0 10 20 30 40 50 Miles

0 10 20 30 40 50 Kilometres

Geographical Labels:

- SIERRA LEONE
- GUINEA
- LIBERIA
- ATLANTIC OCEAN
- Freetown
- Bo
- Koidu
- Sierra Leone River
- Sherbro River
- Sierra Leone Strait

Inset Map:

Map of West Africa showing the location of Sierra Leone. Labels include REPUBLIC OF SIERRA LEONE, REPUBLIC OF GUINEA, REPUBLIC OF LIBERIA, and WESTERN AFRICA.

LIBERIA

Table of Contents

Introduction	1
The political context	2
The West Africa sub-region	5
International response to the human rights crisis	8
United Nations	8
The UN Observer Mission in Sierra Leone	9
The UN special conference on Sierra Leone	11
OAU and ECOWAS	13
Human rights violations during the period of AFRC rule	16
Arbitrary arrest and detention	17
Torture and extrajudicial executions	18
The use of the death penalty by the AFRC	21
Human rights abuses by AFRC and RUF forces since February 1998	22
<i>"Operation no living thing"</i>	24
Human rights abuses by rebel forces since July 1998	29
Children at the centre of the violence	32
Abduction of children	34
The abuse of children by rebel forces	34
Victims and perpetrators of human rights abuses	35
Recruitment of children by Civil Defence Forces	35
Efforts by the international community to meet the needs of children	36
Human rights violations by ECOMOG forces	38
Human rights violations by Civil Defence Forces	41
Refugees and internally displaced people - still at risk	44
Refugees in Guinea and Liberia	44
Internally displaced people	47
Accountability for human rights abuses	48

Detentions and trials after February 1998	49
The committee of investigation	51
Trials before the High Court	52
Trials before court martial	55
The death penalty - a violation of human rights	57
Harsh prison conditions	59
Long-term measures for the protection and respect of human rights	61
Reform of the legal and judicial system	62
Restructuring the armed forces	62
Human rights training for the police force	63
The National Commission for Human Rights and Democracy	64

SIERRA LEONE

1998 - a year of atrocities against civilians

Introduction

During 1998 the scale of atrocities against civilians in Sierra Leone has reached unprecedented levels. Several thousand unarmed civilians, including many women and children, have been deliberately and arbitrarily killed and mutilated by forces of the Armed Forces Revolutionary Council (AFRC) and the armed opposition Revolutionary Front (RUF) since February 1998. These atrocities are continuing.

The AFRC, which seized power in a military coup in May 1997 and which was joined by the RUF, was deposed in February 1998 by West African forces deployed in Sierra Leone. The government of President Ahmad Tejan Kabbah, which had been elected in 1996, returned to Freetown in March 1998. Although security has since returned to the capital, Freetown, and much of the south of the country, the scale of human rights abuses committed by AFRC and RUF forces in the north and east of the country has escalated and taken on grotesque forms. From April 1998 reports emerged of civilians suffering mutilations such as crude amputations of their feet, hands, arms, lips or ears. Women and girls have been systematically raped. Hundreds of civilians, in particular children and young men and women, have been abducted by rebel forces. The violence has resulted in hundreds of thousands of Sierra Leoneans fleeing to neighbouring Guinea and Liberia or becoming internally displaced within Sierra Leone. AFRC and RUF forces must respect international humanitarian law and immediately end the gross human rights abuses which they are perpetrating against unarmed civilians.

The international community, including the United Nations (UN), the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Commonwealth and the European Union (EU), has devoted considerable attention and effort to resolving the political crisis in Sierra Leone and to restoring the government of President Kabbah. It has since repeatedly condemned the atrocities being committed by AFRC and RUF forces. The international community has committed itself to bringing peace and security to Sierra Leone and also to assisting in its reconstruction and rehabilitation. This commitment must include initiatives to help end the gross human rights abuses being perpetrated by AFRC and RUF forces, to prevent further abuses and also to lay solid foundations for the respect and protection of human rights in the future.

The challenges facing Sierra Leone in confronting the widespread and gross human rights abuses which have continued and worsened since May 1997 are difficult and daunting. Sierra Leone's social and economic infrastructure needs to be rebuilt. Its institutions, such as the legal and judicial systems and the army and police, need to be restructured and reinforced in order to ensure protection of human rights. Civil society,

including the human rights community, has a crucial role to play. The government of Sierra Leone has to respond to these challenges in a way that ensures that the fundamental human rights of all those in Sierra Leone are protected.

West African forces and a civilian militia who are fighting rebel forces must also respect international humanitarian and human rights law. Forces of the civilian militia have been responsible for extrajudicial executions, torture and ill-treatment, although on a far lesser scale than rebel forces. West African forces have in some cases illegally detained civilians and tortured and ill-treated captured combatants. Concerns have also been expressed about the protection of non-combatants during military operations.

Accountability for the gross human rights abuses which have occurred in Sierra Leone must be established. National reconciliation within Sierra Leone will not be possible if there is impunity for those who have perpetrated human rights abuses. All those charged in connection with the military coup in May 1997 and the period of AFRC rule must be granted trials which conform to international standards of fairness. Recourse to the death penalty will not contribute to the process of reconciliation.

The international community should continue to assist Sierra Leone to respond effectively to the challenges which it faces in ensuring the long-term protection and respect of human rights in Sierra Leone.

The political context

On 25 May, 1997 the government of President Kabbah was overthrown in a military coup and the military formed the AFRC, headed by Major Johnny Paul Koroma. President Kabbah had come to power in March 1996 following parliamentary and presidential elections, ending four years of military rule. The AFRC claimed that they had overthrown the government because it had failed to consolidate peace in Sierra Leone following a peace agreement concluded in Abidjan, Côte d'Ivoire, in November 1996 between the government and the RUF to end the internal armed conflict which began in 1991. It also claimed that the government was undemocratic and that it had promoted tribalism by appointing people mainly from the Mende ethnic group from the south and the east to prominent government positions. A major grievance was the perceived lack of resources accorded by the government to the Sierra Leone armed forces and a favouring of a civilian militia composed of traditional hunters of the Mende ethnic group, known as *kamajors*, which supported the government in the conflict against the RUF. These accusations were strongly denied by President Kabbah, members of his government and their supporters. The AFRC also called for the release and return of the RUF's leader, Foday Sankoh, in detention in Nigeria.

Foday Sankoh remained held, effectively under house arrest, in Abuja, Nigeria. He had been detained by Nigerian authorities on arrival in Nigeria in March 1997, apparently for possession of arms and ammunition. From Nigeria, Foday Sankoh announced his support for the military coup. The AFRC was subsequently joined by RUF forces who arrived in large numbers in Freetown. Foday Sankoh was named as Vice-Chairman of the AFRC and prominent members of the RUF were appointed to the AFRC's ruling council.

The overthrow of President Kabbah was condemned by the international community which demanded the return of constitutional order to Sierra Leone. Negotiations by the international community with the AFRC faltered, a global economic embargo was imposed and military intervention to restore the government of President Kabbah was seriously considered by countries in the region if dialogue and sanctions failed. Following the military coup the OAU gave a mandate to ECOWAS to take necessary action to restore legality and constitutionality to Sierra Leone and subsequently provided strong support for ECOWAS's initiatives to bring peace, security and stability to Sierra Leone. The UN Security Council also expressed its full support for the efforts of ECOWAS to resolve the political crisis in Sierra Leone.

On 23 October 1997 the AFRC signed an agreement in Conakry, in neighbouring Guinea, with representatives of five other West African governments to return power to President Kabbah by 22 April 1998. Implementation of this agreement, however, which included cessation of hostilities, disarmament and demobilization, encountered serious setbacks. Fighting between AFRC and RUF forces on the one hand and the *kamajors* on the other intensified.

In early February 1998, following attacks on its bases outside Freetown, West African forces deployed in Sierra Leone, the ECOWAS Cease-fire Monitoring Group (ECOMOG)¹, launched an offensive on Freetown. Chaos and violence ensued the following week during which there were many civilian casualties. Civilians were killed by AFRC and RUF forces who also looted and destroyed their homes. Reports described soldiers and RUF forces, also joined by Liberian fighters, going from house to house of those they suspected of opposing them and deliberately and arbitrarily killing them. Others

¹ECOMOG had been deployed under the authority of ECOWAS in neighbouring Liberia since 1990. Immediately after the military coup in May 1997, Nigerian forces already present in Sierra Leone under the provisions of a defence agreement between Sierra Leone and Nigeria were significantly reinforced by ECOMOG forces, who were predominantly Nigerian. ECOWAS is an intergovernmental organization of 16 states (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo) with its headquarters in Nigeria. Established in 1975, the aim of ECOWAS is to promote cooperation and development and to improve relations among member states.

died as a result of shelling both by ECOMOG and also AFRC and RUF forces. While fighting continued in Freetown, civilians in Southern and Eastern Provinces were facing an equally desperate situation as they were caught in fighting between the *kamajors* and AFRC and RUF forces. Thousands of people, including women and children, fled into neighbouring Liberia to escape. The humanitarian situation in Sierra Leone, already critical, deteriorated still further with the increase in hostilities.

Although after the ECOMOG intervention and the return of President Kabbah's government comparative calm and the rule of law returned to Freetown and Southern Province, armed confrontation has continued throughout the following months in Northern and Eastern Provinces as ECOMOG forces have fought to defeat remaining rebel forces. Appalling atrocities have been committed against civilians as conflict has continued. Major Johnny Paul Koroma and other prominent members of the AFRC and the RUF, including Sam Bockarie, known as Mosquito, remained with rebel forces in the north and east of the country.

The government of Sierra Leone has adopted a comprehensive program for disarmament, demobilization and reintegration of former combatants which contains clearly defined roles for ECOMOG and the UN Observer Mission in Sierra Leone (UNOMSIL), which was established by the UN Security Council in July 1998. The program is aimed at some 33,000 former combatants of the disbanded national army, the RUF and the civilian militia, known as the Civil Defence Forces (CDF). The government has expressed a particular commitment to demobilizing some 2,500 child soldiers who have fought in the internal armed conflict. Funding was expected from international financial institutions, several UN agencies and important donor nations such as the United States and the United Kingdom. As violence has escalated and offensives by ECOMOG and CDF against rebel forces have continued, however, effective implementation of this program has been prevented.

On 25 July 1998 Foday Sankoh was released by the Nigerian government into the custody of the Sierra Leonean authorities. He appeared in a television interview calling on his fighters to end atrocities against civilians and to surrender to either ECOMOG or UNOMSIL. The government subsequently reiterated a deadline of 8 August 1998 for an amnesty for rebel forces but there was no significant response. Members of the RUF were subsequently reported as claiming that Foday Sankoh had made these statements under duress and continued to demand his release. The RUF threatened to continue their campaign of violence against civilians if he remained in detention. The government announced its intention to prosecute Foday Sankoh for crimes, including gross human rights abuses, committed during Sierra Leone's internal armed conflict. He was brought to trial on 24 September 1998 and convicted and sentenced to death the following month. This prompted further attacks by rebel forces against unarmed civilians in retaliation.

Also in September 1998 rebel forces called on the government to begin negotiations for peace through the UN, the OAU and the Commonwealth Secretariat, the moral guarantors of the peace agreement signed in Abidjan. The Commonwealth Ministerial Action Group on the Harare Declaration (CMAAG)² on 9 October 1998 called on rebel forces to make an immediate statement accepting the following terms: the recognition of the legitimacy and authority of the government; an unconditional and indefinite cessation of all hostilities; and a willingness to enter into talks to bring about an immediate end to the conflict. At the same time CMAAG expressed its grave concern about the humanitarian situation in Sierra Leone, in particular the continuing atrocities by rebel forces, which it condemned unreservedly. The government also responded to the call by rebel forces for negotiations by saying that they should lay down their arms and surrender to UNOMIL military observers.

President Kabbah repeated calls for rebel forces to surrender on 19 October 1998 and renewed an offer of amnesty for those surrendering. It appeared that the amnesty implied that those surrendering who had not been responsible for crimes would be included in the disarmament, demobilization and reintegration process whereas those who were accused of criminal offences would be prosecuted with due process of the law. There was, however, no significant increase in the number of those surrendering.

The West Africa sub-region

Liberia was widely reported to be providing combatants, arms and ammunition to AFRC and RUF forces in Sierra Leone. Liberian fighters were present in Freetown at the time of the ECOMOG intervention and survivors of the gross human rights abuses which followed stated that the armed groups which had attacked them had included Liberians.

In the Vahun and Kolahun areas of Lofa County in northwestern Liberia, where tens of thousands of Sierra Leonean refugees had fled escalating fighting in eastern Sierra Leone, cooperation between rebel forces and the Liberian military was reported to be witnessed regularly. The RUF, second-in-command, Sam Bockarie, was reported to have been in direct contact with Liberian military forces and to have regularly crossed the border into Liberia.

On 12 May 1998 a statement by the United States Department of State referred to "*distressing rumours that RUF and AFRC forces were being assisted in their campaign of terror by other governments. Although we cannot confirm these rumours, it should be*

²CMAAG is composed of Barbados, Botswana, Canada, Ghana, Malaysia, New Zealand, the United Kingdom and Zimbabwe.

clear that any government or other party which is found to be helping the rebels to prolong the tragedy in Sierra Leone will face the strongest condemnation of the United States and the international community."

On 20 May 1998 the President of the UN Security Council condemned as gross violations of international humanitarian law the atrocities carried out against the civilian population, particularly women and children, by the deposed AFRC and RUF, including widespread rape, mutilation and killings, and called for an immediate end to continuing violence against civilians. The Security Council also expressed grave concern about reports of military support being provided to the AFRC and RUF by other countries and called on all states to observe strictly the provisions of Security Council Resolution 1132 (1997) of 8 October 1997, which had imposed an arms embargo on Sierra Leone, and to avoid any action which might further destabilize the situation in Sierra Leone. Security Council Resolution 1171 (1998) of 5 June 1998 lifted the arms embargo on the government of Sierra Leone. The same resolution prohibited the sale and supply of arms and related *matériel* to non-governmental forces in Sierra Leone. The Security Council subsequently praised the efforts of the UN Secretary-General to stop the flow of arms across the border from Liberia to rebels forces in Kallahun District, Eastern Province. All states were urged to comply strictly with the terms of the UN embargo on sales of arms to rebel forces still fighting in the interior of the country.

In his Fifth Report on the Situation in Sierra Leone to the UN Security Council of 9 June 1998, the UN Secretary-General stated that the deployment of ECOMOG troops at the border with Liberia could help dispel allegations of the influx of arms or the provision of armed assistance to the AFRC and RUF by foreign forces. While welcoming a commitment by the government of Liberia not to allow its territory to be used to destabilize any neighbouring country, the Secretary-General expressed the view that verification of this would improve the security climate throughout the sub-region and improve mutual confidence among countries in the sub-region.

On 22 and 23 June 1998 a Liberian delegation visited Freetown to deliver a message from President Charles Taylor to President Kabbah on ways to promote peace between Guinea, Liberia and Sierra Leone, the three Mano River Union countries. The delegation denied allegations that the Liberian government was supporting AFRC and RUF forces. President Kabbah and President Taylor met in Abuja on 1 July 1998 at a meeting convened by the UN Secretary-General. Agreement was reached on a number of confidence-building measures. A further meeting between President Kabbah and President Taylor took place in Monrovia, Liberia, on 20 July 1998. In a communiqué signed at the conclusion of the meeting both leaders condemned atrocities and human rights abuses committed by combatants in Sierra Leone against civilians, as well as continued rebel activities in Sierra Leone. They reaffirmed their commitment to non-aggression against the territorial integrity

of each other's country and pledged to continue cooperation towards peace and security in the sub-region. Both leaders renewed a call to the UN and ECOWAS to deploy observer units on the border between Liberia and Sierra Leone and agreed to coordinate border security activities.

At a UN special conference on Sierra Leone in New York in July 1998 the meetings between President Kabbah and President Taylor were welcomed and the two leaders were urged to continue to work towards improving relations between their two countries and regional security. The importance of stopping entry of illegal supplies of weapons into Sierra Leone and ending the direct or indirect support of neighbouring countries to rebel forces was stressed.

Relations between the two countries appeared to deteriorate, however, in October 1998 when the government of Sierra Leone was reported to have complained to the international community, including the UN Secretary-General, about the presence of Liberian combatants among rebel forces in Sierra Leone and about preparations for an incursion of Liberian fighters into Sierra Leone. These allegations were vigorously denied by President Taylor. UNOMSIL military observers at that time detected no evidence of an armed incursion from Liberia.

The UN Secretary-General in his Second Progress Report on UNOMSIL on 16 October 1998 expressed deep concern about developments in the situation between Sierra Leone and Liberia and urged both governments to exercise maximum restraint, pursue dialogue and implement the confidence-building measures agreed in July 1998. He also proposed that, should both countries agree, the deployment of ECOMOG forces at the border, subsequently accompanied by UNOMSIL military observers, could help stabilize the situation and restore mutual confidence.

During a visit by Reverend Jesse Jackson, special envoy of United States President Bill Clinton, to West Africa in November 1998 he held meetings in Conakry with President Kabbah, President Taylor and President Lansana Conté of Guinea. The three heads of state on 12 November 1998 stated their commitment to non-aggression and cooperation on security issues within the Mano River Union and also to promoting peace in Sierra Leone and maintaining stability within the sub-region.

In view of the appalling level of violence against civilians which has characterized the conflict in Sierra Leone, including the widespread and gross human rights abuses being perpetrated by AFRC and RUF and their stated intention to attack unarmed civilians, Amnesty International believes that military transfers, including arms, ammunition and combatants, to rebel forces will contribute to abuses of international human rights and humanitarian principles governing the conduct of war.

Recommendations

- all governments should take all possible measures to end immediately military transfers, including arms, ammunition and combatants, to AFRC and RUF forces;
- in addition, the governments of Liberia and Guinea, which border Sierra Leone, should take all possible measures to prevent military supplies, whether they originate in their country or not, destined for AFRC and RUF forces from entering Sierra Leone across their borders;
- effective monitoring of the border between Sierra Leone and Liberia by ECOMOG forces and UNOMIL military observers could assist in preventing military transfers to AFRC and RUF forces;
- governments in the sub-region should use whatever influence they may have on AFRC and RUF forces to bring about an end to the atrocities they continue to perpetrate against civilians.

International response to the human rights crisis

Following the military coup in May 1997 the international community made strenuous efforts to resolve the political crisis in Sierra Leone. Since the reinstatement of President Kabbah's government in March 1998, serious attention continues to be paid to consolidating the government's position, ending the conflict in the north and east of the country, which is still claiming hundreds of civilian victims, and to assisting rehabilitation and reconstruction of the country. The continuing gross human rights abuses committed by AFRC and RUF forces have been universally condemned, including by the UN, the OAU, the EU and the Commonwealth.

United Nations

On 17 April 1998 the UN Security Council authorized the deployment of a UN liaison unit in Sierra Leone. Resolution 1162 (1998) provided for up to 10 UN military liaison and security advisory personnel in Freetown with a mandate for up to three months. The group was to coordinate closely with ECOMOG to report on the military situation in Sierra Leone and to assist in disarming former combatants. The resolution also welcomed efforts of President Kabbah and his government to restore peaceful and secure conditions, to re-establish an effective administration and democratic process and to embark on reconstruction. The resolution noted the need to promote national reconciliation and

encouraged all parties to work towards that objective. All countries and international organizations were urged to provide urgent humanitarian assistance in Sierra Leone and were encouraged to help with its reconstruction and economic and social recovery. A human rights officer was also appointed to assist the UN Secretary-General's Special Envoy to Sierra Leone, Francis Okelo (who was subsequently appointed as Special Representative).

In the UN Secretary-General's Fifth Report on Sierra Leone, the deteriorating human rights situation was emphasized, and it was recommended that the number of UN human rights officers in Freetown be increased.

The UN Observer Mission in Sierra Leone

On 13 July 1998 the UN Security Council established a new peace-keeping operation, UNOMSIL, which expanded the office of the Secretary General's Special Envoy, to monitor the military and security situation in Sierra Leone, as security conditions permitted, for an initial six-month period until 13 January 1999. UNOMSIL would consist of 70 military observers and would be accompanied by a small medical unit and civilian support staff. The civilian staff would advise the government and local police, report on violations of international humanitarian and human rights law in Sierra Leone, and assist the government in its efforts to address the country's human rights needs. UNOMSIL was to be led by the Special Representative of the UN Secretary-General in Sierra Leone. Initially, 40 military observers were to be deployed from July 1998 in Freetown, Hastings and Lungi. Depending on the security situation, a second phase of deployment would take place.

In approving Resolution 1181 (1998), which established UNOMSIL, the Security Council also condemned the continued resistance by remnants of the AFRC and RUF to the legitimate government and demanded that they lay down their arms immediately. It expressed its grave concern "at the loss of life and immense suffering undergone by the people of Sierra Leone, including refugees and displaced persons, as a result of continuing rebel attacks".

Resolution 1181 (1998), in addition to establishing a military and civilian police peace-keeping mission, also mandated the monitoring of human rights and the provision of assistance to the government of Sierra Leone in addressing its human rights obligations.¹

¹For further information on implementing human rights in international peace-keeping operations, refer to *Peace-keeping and human rights* (AI Index: IOR 40/01 94), published by Amnesty International in January 1994.

The resolution also gave UNOMSIL military observers a mandate to monitor respect of international humanitarian law during the demobilization process.

By October 1998 the human rights component of UNOMSIL had been increased to seven staff: four international human rights officers, one national human rights officer and two support staff. Subsequent progress reports by the UN Secretary-General on UNOMSIL to the Security Council referred extensively and in detail to continuing human rights abuses in Sierra Leone. The prominence given to the human rights crisis in Sierra Leone in these reports is welcomed and should continue.

In his First Progress Report on 12 August 1998, the Secretary-General reported that "there is strong evidence of the systematic and widespread perpetration of multiple forms of human rights abuse against the civilian population, including rape. In recent weeks, elements of the former junta have continued to shell population centres such as Koidu and Daru and have used civilians as human shields in their military operations. There have been numerous instances of arbitrary execution, including of women and children, followed in some cases by mutilation of the bodies."

In his Second Progress Report on 16 October 1998, the Secretary-General stated that "the continuing conflict in Sierra Leone imposes immense suffering on the people of that country. I strongly condemn the summary executions, torture, mutilation, rapes, looting and other acts of barbarism carried out by former junta elements and call on them to lay down their arms and surrender. I am particularly outraged by the senseless acts of terror perpetrated against children, such as the amputation of limbs of boys and girls as young as six years of age, and support the efforts to bring to justice the authors of these especially abhorrent crimes."

The UN Secretary-General concluded his Second Progress Report by stating that he would "examine with great care any realistic proposal to end the armed conflict with minimal loss of life to combatants and to innocent civilians, and to promote lasting peace and national reconciliation in Sierra Leone".

Major initiatives have been undertaken by UNOMSIL human rights officers. Continued monitoring and reporting of human rights abuses have been reflected in the UN Secretary-General's reports to the Security Council. A preliminary human rights needs assessment has been developed. Human rights officers have also closely observed trials before the High Court and court martial in Freetown of those charged with treason in connection with the military coup in May 1997 and have intervened with the government in relation to these trials when appropriate. Guidance on human rights reporting to UNOMSIL military observers has been provided and human rights training programs for police officers, prison officials, the legal profession and the media have been developed and

implemented. A human rights monitoring network including local non-governmental human rights organizations throughout the country and international non-governmental organizations has also been developed. Training for the network in human rights monitoring and reporting has been planned by UNOMSIL human rights officers, in cooperation with the National Commission for Democracy and Human Rights and a coalition of local groups, the National Forum for Human Rights. Increased cooperation between local human rights groups has been encouraged and it is anticipated that the human rights training program will involve relevant sectors of civil society from all parts of the country.

The role of UNOMSIL human rights officers in human rights monitoring and reporting should be continued for as long as necessary, including until it is clear that the government is implementing international human rights guarantees effectively. In September 1998 UNOMSIL human rights officers also began to provide human rights technical assistance to the government, including assistance in meeting its reporting requirements under international human rights treaties to which it is a party, such as the UN Convention on the Rights of the Child.⁴

The human rights component plays a dominant role within UNOMSIL and is an essential part of the military mandate of the peace-keeping operation. Sierra Leone continues to face a human rights emergency and monitoring and reporting of human rights abuses therefore remain essential. Strategies to develop continued and enhanced support for the UNOMSIL human rights component should be developed by the UN Office of the High Commissioner for Human Rights.

The UN special conference on Sierra Leone

The UN Secretary-General, Kofi Annan, convened a special conference in New York on 30 July 1998 to galvanize the international community's response to the political, humanitarian and human rights situation in Sierra Leone. The purpose of the meeting was to focus international attention on the situation in Sierra Leone and the government's initiatives aimed at resolving the conflict, restoring secure conditions and effective administration throughout the country. The conference brought together representatives of the government of Sierra Leone, intergovernmental organizations, including the UN, the OAU, ECOWAS, the EU and the Commonwealth. The special conference on Sierra Leone specifically sought assistance from the international community for UNOMSIL and for the disarmament, demobilization and reintegration of former combatants, including child soldiers.

⁴Sierra Leone ratified the Convention on the Rights of the Child in 1990.

At the time of the UN special conference Amnesty International recommended that the international community's commitment to bring peace and security to Sierra Leone and to assist in its reconstruction and rehabilitation include initiatives which would help to stop the gross human rights abuses being perpetrated by AFRC and RUF forces, prevent further abuses and also lay solid foundations for the respect and protection of human rights in the future.¹

The UN special conference strongly condemned the continued resistance of AFRC and RUF forces, and in particular their perpetration of appalling atrocities, and they were called on to lay down their arms and surrender. The Special Representative of the UN Secretary-General in Sierra Leone urged the international community to match their pledges of support to Sierra Leone with concrete action to consolidate its democratic gains. The conference agreed to establish an international contact group to mobilize and coordinate further support for Sierra Leone. The contact group was convened by the government of the United Kingdom in London on 5 November 1998.² Those participating included representatives of the government of Sierra Leone, the Special Representative of the UN Secretary-General in Sierra Leone and Lansana Kouyaté, Executive Secretary of ECOWAS. In his opening address to the meeting, Tony Lloyd, United Kingdom Minister of State, Foreign and Commonwealth Office, said that: "*Atrocities are still being carried out by remaining rebel forces. Sierra Leone needs peace, reconciliation and lasting restoration of democracy and human rights ... we hope to boost the efforts of the international community to meet these needs.*"

Recommendations

- the human rights component of UNOMSL should continue to be supported and strengthened; adequate resources, including additional staff, should be provided to effectively monitor and report on human rights abuses throughout the country, implement technical assistance programs with the Sierra Leone government and provide support and training to Sierra Leonean human rights groups;

¹For further information about Amnesty International's recommendations to the UN special conference on Sierra Leone, refer to *Sierra Leone: The United Nations special conference on Sierra Leone: the protection of human rights must be a priority for the international community* (AI Index: AFR 51/14/98), published by Amnesty International on 24 July 1998.

²The contact group included representatives from China, Egypt, France, Germany, Japan, the Netherlands, Nigeria, Norway, New Zealand, Sweden, the United States and the EU.

- the UN Office of the High Commissioner for Human Rights should play a major role in reinforcing and providing support to the human rights component of UNOMSIL;
- the human rights component of UNOMSIL should include experts in the area of violence against women, including rape and sexual abuse;
- UNOMSIL human rights officers should continue to submit reports of violations of international humanitarian and human rights law to the UN Secretary-General and to the UN High Commissioner for Human Rights; comprehensive reports on the human right situation in Sierra Leone should be made public and submitted to the UN Security Council;
- the human rights component of UNOMSIL should have sufficient resources to effectively contribute towards long-term measures for human rights protection and its human rights monitoring and reporting roles should be continued for as long as necessary;
- visits to Sierra Leone by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture should take place in order to investigate and report on the gross human rights abuses which continue to be perpetrated;
- the international contact group on Sierra Leone should place human rights at the centre of its efforts to coordinate the international community's response to the situation in Sierra Leone and ensure that adequate resources are provided to initiatives aimed at the protection and respect of human rights.

OAU and ECOWAS

Immediately after the military coup in May 1997, the OAU Secretary General, Dr Salim Ahmed Salim, condemned it as "*unacceptable to the continent*". The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution unequivocally condemned the military coup and called for the immediate restoration of constitutional

order.⁷ It appealed to the leaders of ECOWAS states to pursue efforts aimed at assisting the people of Sierra Leone in the restoration of constitutional order and to the international community to support those efforts.

The 33rd OAU Assembly of Heads of State and Government meeting in Harare, Zimbabwe, in early June 1997 gave a mandate to ECOWAS to take necessary action to restore legality and constitutionality to Sierra Leone. The specific measures to be taken were to be decided by ECOWAS. The OAU Secretary General reiterated the OAU's strong support for ECOWAS's initiatives to bring peace, security and stability to Sierra Leone at the ECOWAS summit in Abuja at the end of August 1997.

It was under this mandate from the OAU that ECOWAS forces were deployed in Sierra Leone to monitor a cease-fire, to enforce the sanctions and embargo imposed by the UN Security Council and to secure peace in Sierra Leone. Military intervention by ECOMOG remained an option if dialogue between the AFRC and representatives of other ECOWAS countries and sanctions failed.

ECOWAS and ECOMOG have played a dominant role in political developments in Sierra Leone since the military coup, culminating in the removal of the AFRC and the reinstatement of President Kabbah's government in February 1998. ECOMOG forces in Sierra Leone have been widely praised by the international community. At the ECOWAS summit in Abuja in late October 1998 ECOWAS heads of state and government endorsed the extension of ECOMOG's mandate in Sierra Leone and agreed that it should be strengthened, adding that efforts to achieve a lasting solution to the conflict should continue.

Between 10,000 and 12,000 ECOMOG forces were reported to have been deployed in Sierra Leone by October 1998. ECOMOG, which is composed largely of Nigerian forces, also comprises Guinean and Ghanaian troops and further contingents from Côte d'Ivoire, Gambia, Guinea, Mali and Niger were envisaged. ECOMOG headquarters were to be transferred from Monrovia to Freetown. In April 1998 President Kabbah appointed the ECOMOG commander in Sierra Leone, Brigadier-General Maxwell Khobe, as head of internal security in Sierra Leone. He was subsequently appointed in July 1998 as Chief of

⁷Countries which are part of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution are also part of the Bureau of the Assembly of the Heads of State and Government. The Bureau consists of 16 ambassadors and is elected annually. It plays a crucial role in decision-making and planning at the OAU. For further information about the OAU and the African Commission on Human and Peoples' Rights, refer to *Organization of African Unity: Making Human Rights a Reality for Africans* (AI Index: IOR 63/01/98), published by Amnesty International in August 1998.

Defence Staff of the Republic of Sierra Leone Military Force (RSLMF). The national Sierra Leone army had effectively ceased to exist but was to be re-established.

The ECOMOG force in Sierra Leone is generally considered by the international community and within Sierra Leone to be disciplined and its intervention in February 1998 was welcomed by the majority of Sierra Leoneans. During the following months, as atrocities in the north and east of the country escalated, ECOMOG forces evacuated to safety and medical facilities some of the hundreds of victims of amputations and other injuries, saving many lives.

In the following months, however, reports began to be received of human rights violations committed by ECOMOG forces, including illegal detention of civilians, and torture and ill-treatment of civilian detainees and captured combatants. Concerns have also been expressed that the safety of the civilian population might be endangered during ECOMOG operations, especially air strikes, against rebel forces, particularly in Kailahun District, a rebel stronghold. Measures to minimise the risk to civilians during combat must be undertaken during all military operations by ECOMOG forces. The OAU and ECOWAS have a responsibility to ensure that ECOMOG forces in Sierra Leone conform to international humanitarian and human rights law at all times.

As atrocities against unarmed civilians by rebel forces have continued, the need for concerted action by the international community remains. The OAU Central Organ should continue to play a role both in attempts to resolve the conflict in Sierra Leone and also to respond to post-conflict needs, in particular assistance for creating and reinforcing institutions aimed at long-term protection of human rights in Sierra Leone.

The African Commission on Human and Peoples' Rights (African Commission), meeting in Banjul, Gambia, on 22 October 1998 agreed to send its Special Rapporteur on extrajudicial, arbitrary or summary executions, Dr Mohamed Hatem Ben-Salem, to Sierra Leone in November 1998.

Recommendations

- in view of the continuing gross human rights abuses in Sierra Leone, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution should consider requesting that the UN Security Council increase the resources of the human rights component of UNOMSIL in order to investigate and document these abuses;
- in addition to its Special Rapporteur on extrajudicial, arbitrary or summary executions, the African Commission should also consider a visit to Sierra

Leone by its Special Rapporteur on women in order to investigate and report the gross human rights abuses which continue to be committed in Sierra Leone, including against girls and women;

- the OAU Central Organ should send a delegation to Sierra Leone to assess the country's post-conflict needs including the establishment of effective structures for the future protection and respect of human rights;
- ECOWAS should ensure full compliance of its forces in Sierra Leone to international humanitarian and human rights law; there should be a mechanism to monitor human rights violations and take measures to prevent further violations.

Human rights violations during the period of AFRC rule

The period from 25 May 1997 until 12 February 1998 was marked by a total disregard for the rule of law and demands from the international community to respect international humanitarian and human rights law. The rule of law completely collapsed and violence engulfed the country.

Hundreds of people who were associated with the government of President Kabbah or his political party, the Sierra Leone People's Party (SLPP), or who were perceived to be opposed to the AFRC were detained without charge or trial, torture and ill-treatment were systematic, and many of those perceived to be political opponents of the AFRC were extrajudicially executed.

On 20 October 1997 Amnesty International published a report which documented the human rights violations systematically committed by the AFRC and the RUF after the military coup.⁴ The victims included those associated with the government of President Kabbah, journalists, students and human rights activists. Between October 1997 and February 1998 arrests, torture and killings continued relentlessly. The full toll of those detained, tortured, ill-treated and killed while the AFRC and RUF held power only emerged after they were forced from power.

During the period of AFRC rule, while it was possible to obtain limited information about human rights violations in Freetown, few details of what was happening in the

⁴For further information, refer to *Sierra Leone: A disastrous set-back for human rights* (AI Index: AFR 51/05/97), published by Amnesty International on 20 October 1997.

Provinces were accessible. When an Amnesty International delegation travelled to Sierra Leone in May 1998, the extent of the suffering of civilians became evident. Killings, rape and looting were systematic in all parts of the country. Hundreds of people had been deliberately and arbitrarily killed, thousands lost their possessions, homes and livelihoods. Rape of girls and women was systematic throughout the country.

Amnesty International repeatedly called on the AFRC to end the systematic human rights violations which occurred after May 1997 and to adhere to its obligations under international human rights law, in particular the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter)⁹. It called for urgent measures to end arbitrary arrest and detention of those perceived to be opposed to the AFRC and to end torture, ill-treatment and extrajudicial executions.

It is important that there continue to be full and independent investigations into the human rights violations committed during the period of AFRC rule and that the truth of what occurred during those months is established and documented in order to bring those responsible to justice. There should be no impunity for the grave human rights violations committed throughout the period of AFRC rule. Investigation and accountability for these human rights violations will also contribute towards the process of national reconciliation within Sierra Leone.

Arbitrary arrest and detention

Hundreds of political detainees were held incommunicado without charge or trial. It was difficult to assess with any accuracy the number of those detained because of continuous arrests and releases, the failure of the authorities to provide information about detainees and lack of access to places of detention. Detainees were held at the Central Prison, Pademba Road, the police Criminal Investigation Department (CID) headquarters and Cockerill military headquarters in Freetown as well as other military camps, such as that known as the SS camp at the village of Regent in the hills above Freetown.

Throughout the period of AFRC rule journalists were particular targets of arrest, detention and torture. During October and November 1997 the crack-down on the press intensified; at least 20 journalists were detained and many were tortured and ill-treated. They included Jon Z. Foray, editor of the *New Storm* newspaper, who was arrested by soldiers on 11 October 1997. He was taken first to Cockerill military headquarters where

⁹Sierra Leone ratified the International Covenant on Civil and Political Rights in 1996 and the African Charter on Human and Peoples' Rights in 1984.

he was handed over to the military police and then held in a freight container. Also held in the container was Prince Akpu, a Nigerian journalist who had established a newspaper called *Alpha Jet*, and who was arrested around the same time and accused of subversive activities. (Nigerian ECOMOG forces had used military aircraft called Alpha jets in their operations.) Two days later the two journalists were collected by a senior AFRC member, apparently to be taken to CID headquarters. They were, however, blindfolded and taken to the SS camp. Jon Z. Foray was beaten and stabbed with bayonets by soldiers and sustained a serious injury to his spine. He and Prince Akpu were released on 22 October 1997. With the help of friends, Jon Z. Foray managed to leave Sierra Leone for Ghana where he was admitted to hospital and received two months of medical treatment.

Arrests of journalists continued into November 1997: Dorothy Awonor Gordon, acting editor of the *Concord Times*, Ibrahim Karim-Sei, editor of the *Standard Times*, and Pius Foray, editor of *The Democrat*, were among those detained and subsequently released without charge.

Sylvanus Kanyako, a journalist working for the *Herald Guardian*, and David Kamara, the newspaper's proprietor, were arrested on 10 January 1998, the day after an article suggested that a prominent member of the AFRC, Sergeant Abu "Zagalo" Sankoh, should be arrested in connection with the looting of the Iranian Embassy in Freetown on 31 December 1997. Sylvanus Kanyako was arrested by soldiers after being identified by an AFRC supporter. He and David Kamara were detained for three weeks. Both men were tortured. Sylvanus Kanyako was tied tightly with his arms behind his back, beaten all over his body and burned with a cigarette. At one point he lost consciousness. He sustained serious injuries to his arms and hands. He was then taken to CID cells where he remained, without any medical treatment, until he managed to escape on 30 January 1998.

On 30 January 1998 Michael Lawson, a university student at Fourah Bay College in Freetown, was arrested. He was apparently accused of passing information to a radio station broadcasting in support of the government of President Kabbah. The radio station, 98.1 FM, had been broadcasting clandestinely since July 1997. Many people suspected of providing information to the radio station, or knowing from where broadcasts were transmitted, had previously been arrested and detained. He was reported to be held at CID headquarters until his release in February 1998 after the intervention by ECOMOG.

Torture and extrajudicial executions

Ill-treatment, torture and extrajudicial executions were systematic throughout the period of AFRC rule. Soldiers and RUF members operated with impunity and created a climate of fear both in Freetown and throughout the country.

On 14 January 1998 a trader, Sama Turay, was shot dead by soldiers on Wilkinson Road in Freetown after an argument. Local residents were forced to hand the body over to soldiers. Residents of the area staged a demonstration along Wilkinson Road the following day in protest against the killing. This demonstration coincided with a visit to Freetown of a delegation headed by the UN Secretary-General's Special Envoy to Sierra Leone, at that time based in Conakry, for discussions with the AFRC on the implementation of the peace agreement signed in Conakry in October 1997.

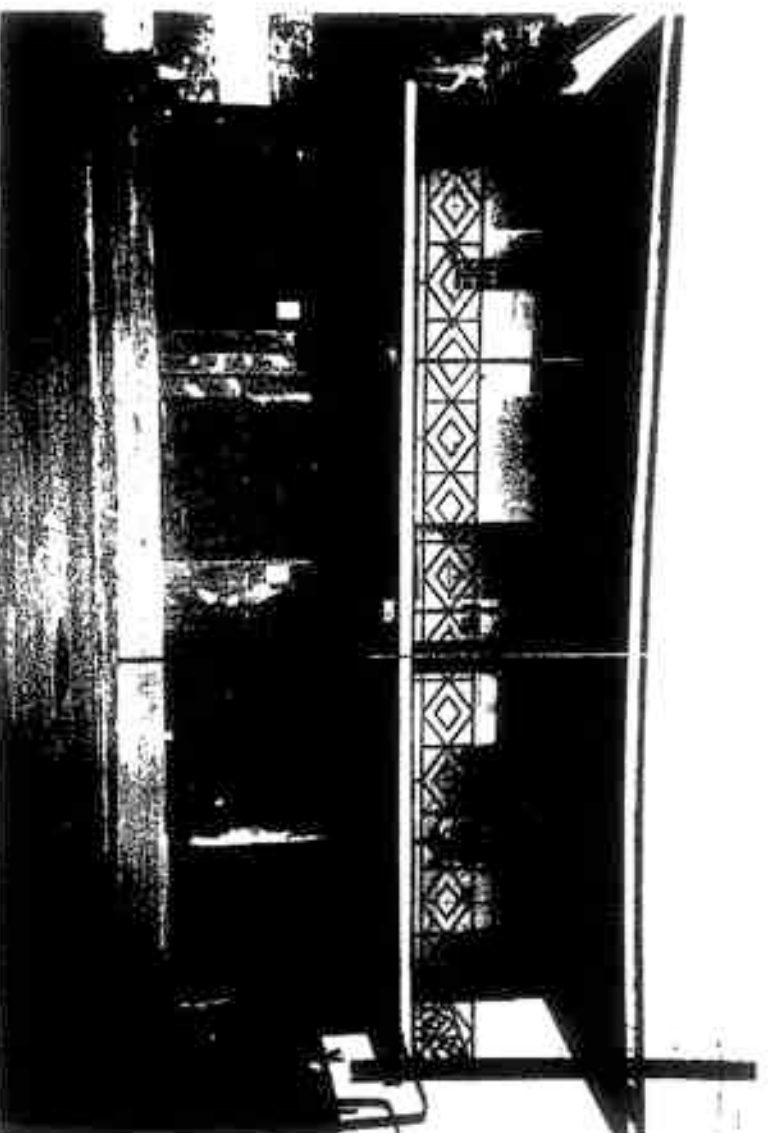


May, 1998: a family in Freetown where, as in other parts of the country, civilians endured violence and brutality throughout the months of AFRC rule.

The demonstration on 15 January, 1998 was brutally suppressed: soldiers indiscriminately beat civilians and raided homes in the area around Wilkinson Road. They went from house to house accusing civilians of deliberately discrediting the AFRC during the visit of the delegation. One of the victims was a 25-year-old trader. When soldiers arrived at his stall he was hit in the face with butt of an AK 47 gun and was also badly beaten on his back. He recognized the soldiers who beat him and described them as relatives of Major Johnny Paul Koroma.

Another of the victims was an 18-year-old girl, also living in the Wilkinson Road area, who had joined the demonstration. Three days later six soldiers came to her home. She was raped by all six soldiers who then cut her hair and shaved her head with a broken bottle.

In Kenema, Eastern Province, terror reigned throughout the period of AFRC rule. The town was effectively under the control of the RUF and, in particular, Sam Bockarie. As in Freetown and other parts of the country, rape of girls and women was systematic and at least a hundred civilians were reported to have been deliberately and arbitrarily killed in Kenema. Every house in the town was looted. The homes of those perceived to have been supporters of the SLPP were destroyed.



The former AFRC Secretariat in Kenema, Eastern Province, where detainees were held and tortured during the period of AFRC rule.

On 13 and 14 January 1998 several prominent members of the community in Kenema were arrested by members of the RUF under the supervision of Sam Bockarie. They included B.S. Massaquoi, the chairman of the town council, Dr P.B. Momoh, a medical doctor, Paramount Chief Moimama Karmor, a traditional leader, and Ibrahim

Kpaka, a businessman. They were arrested at a time of fierce fighting between the *kamajors* and AFRC and RUF forces around Kenema and were accused of supporting the *kamajors*. They were held at the AFRC Secretariat building in Kenema, which had been the local SLPP headquarters, and some were later moved to the police station and army brigade headquarters. They were stripped and repeatedly beaten with sticks, electric cable and strips of tyres and were threatened with death. Their arms were tied tightly behind them. One of those detained sustained a serious head wound and injury to his eye after being beaten on his head with a gun. At least one of these detained died as a result of beatings.

Some of those arrested were released on 26 January 1998 and escaped to safety. B.S. Massaquoi, however, was among those who remained held at army brigade headquarters. He was killed by members of the RUF on 8 February 1998 as news arrived of ECOMOG's offensive on Freetown and as *kamajors* entered Kenema. Dozens of other people were also reported to have been killed. The mutilated body of B.S. Massaquoi and 35 other people were reported to have been found in mass grave near Kenema on 23 March 1998.

The use of the death penalty by the AFRC

The AFRC resorted to the use of the death penalty in an apparent attempt to be seen to be taking action to impose law and order but in doing so violated international human rights standards. On 25 October 1997 10 soldiers were executed after being convicted of murder and sentenced to death by a military court. A further 17 people were reported to have been executed on 2 November 1997, apparently after conviction by a military court although some reports suggested that summary executions took place without any form of legal proceedings. Another eight people were publicly executed in Koidu on 2 December 1997. According to reports, they had been convicted of armed robbery by a military court, from which there was no right of appeal.

On 28 November 1997 a new decree was promulgated which was retroactive to the time of the military coup and which extended the scope of the death penalty by making death sentences statutory for the offences of looting and commandeering vehicles.

International standards prohibit the retroactive use of the death penalty. The ICCPR states that the death sentence may be imposed only "in accordance with the law in force at the time of the commission of the crime" and also that a heavier penalty shall not be imposed than the one that was applicable at the time when the criminal offence was committed. The Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty state that: "Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission..."

In addition, the ICCPR states that: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes...". The Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council (ECOSOC) in 1994, also state that "... capital punishment may be imposed only for the most serious crimes ... with lethal or other extremely grave circumstances." The UN Human Rights Committee, a body of 18 experts established under the ICCPR, stated in 1996 that: "Extension of the scope of the application of the death penalty raises questions as to the compatibility with Article 6 of the Covenant", which guarantees the right to life. The UN Commission on Human Rights, in a resolution adopted in April 1997, called on all states which have not yet abolished the death penalty "progressively to restrict the number of offences for which the death penalty may be imposed".

Amnesty International urged the AFRC to repeal this legislation and to ensure that all death sentences were commuted and that no further executions took place.

Recommendations

- investigations into the human rights violations committed during the period of AFRC rule should continue to be undertaken in order to bring those responsible to justice and to provide compensation to the victims of human rights violations;
- assistance for documenting the human rights violations which occurred during this period should be provided by the international community.

Human rights abuses by AFRC and RUF forces since February 1998

Since their removal from power the AFRC and RUF have wreaked a campaign of terror against unarmed civilians and human rights abuses have reached unprecedented levels. Several thousand civilians have been brutally killed or mutilated. Hundreds of others have been abducted from their villages and forced to join their attackers. Members of the AFRC and the RUF again inflicted on unarmed civilians the atrocities which they had endured

throughout Sierra Leone's internal armed conflict but now on a much greater scale.¹⁰

The abuses perpetrated by rebel forces of the AFRC and RUF constitute the most egregious violations of international humanitarian law. The Geneva Conventions of 1949 which apply to international conflicts - wars between nations - also contain provisions which apply to internal armed conflicts. Article 3, common to all four Conventions, extends to "armed conflict not of an international character" fundamental rules for the protection of non-combatants which each party to the conflict is "bound to apply, as a minimum". Under the terms of common Article 3, people who take no active part or who have ceased to take an active part in hostilities must be treated humanely in all circumstances. Common Article 3 specifically prohibits: violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; the taking of hostages; and outrages upon personal dignity, in particular humiliating and degrading treatment. This prohibition applies not only to government forces but to all parties to internal armed conflicts including armed political groups.

Article 4 of the Additional Protocol II of the Geneva Conventions of 1949 relating to the protection of victims of internal armed conflicts prohibits violence to life, health and physical well-being, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment, of all those not taking a direct part in hostilities or who have ceased to take part in hostilities.¹¹

In the days immediately after their removal from power by ECOMOG, AFRC and RUF forces indiscriminately killed unarmed civilians, looted and burned houses, both in Freetown and other towns. As the rebel forces were pursued eastwards by ECOMOG forces through towns such as Bo in Southern Province, Kenema and Koidu in Eastern Province and Makeni in Northern Province during February, March and April 1998, they were responsible for widespread killings, torture and ill-treatment, including rape and other forms of sexual assault, and abduction. Villages and towns were burnt to the ground, destroying thousands of homes. Koidu, a major town in the diamond-rich Kono District, was almost

¹⁰For further information about human rights abuses committed in the internal armed conflict in Sierra Leone, refer to *Sierra Leone: Human rights abuses in a war against civilians* (AI Index: AFR 51/05/95), published by Amnesty International on 13 September 1995, and also *Sierra Leone: Towards a future founded on human rights* (AI Index: AFR 51/05/96), published by Amnesty International on 25 September 1996.

¹¹Sierra Leone acceded to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II) in 1986.

totally destroyed by AFRC and RUF forces and villages between Njaiama-Sewafe and Koidu were repeatedly attacked.

Several foreign nationals were captured by RUF forces in mid-February 1998. They included Spanish, Italian and Austrian religious brothers working at St Joseph's Hospital in Lunsar, Port Loko District, Northern Province, who were abducted on 14 February 1998. Eldred Collins, a prominent RUF member, was reported to have demanded the release of Foday Sankoh, at that time still detained in Nigeria, in exchange for the release of the hostages. They were, however, released on 27 February 1998. Two staff of the humanitarian organization *Médecins Sans Frontières* (MSF), a Canadian and a French national, were also abducted around 14 February 1998 at Rogberi while driving between Port Loko and Lunsar. They were also released after two weeks.

Those perceived to be opposed to the AFRC and the RUF were particularly targeted by rebel forces. They included Catholic priests. As almost all other sectors of Sierra Leonean society, the Catholic Church in Sierra Leone had condemned the military coup. Catholic priests were specifically sought by AFRC and RUF forces after February 1998 and some narrowly escaped death. Their homes were looted and destroyed. Traditional leaders, known as Paramount Chiefs, were also singled out; 44 Paramount Chiefs were reported to have been killed in the months following February 1998.

"Operation no living thing"

An even more grotesque pattern of killing, rape and mutilation became evident in April 1998 and the number of victims increased dramatically. Rebel forces called their campaign of terror against civilians "*Operation no living thing*". As fighting continued between ECOMOG and rebel forces around Koidu attacks on civilians in villages in the area persisted and then spread west and north. Later in April and into May 1998 Alkalia, Yifin and other villages in Koinadugu District, Northern Province, were attacked. Unarmed civilians who were taking no active part in the conflict were killed, their homes burned and their villages destroyed.

Although the exact number of those killed is unknown, it is likely to be several thousand. Most survivors of attacks described hundreds of bodies lying in the bush where they had fled and of several members of their families and communities being killed. More than 200 people were killed during an attack on one village, Yifin, in Koinadugu District, in late April 1998. More than 650 bodies, many of them women and children, were reported to have been buried following fighting in the area around Koidu in mid-June 1998.

With these attacks came reports of mutilations. The arms, hands, legs, ears and lips of victims were deliberately cut off. By early May 1998 some 120 victims of severe

mutations had been admitted to Connaught Hospital in the centre of Freetown; about 60 were admitted on one day alone, 26 April 1998. Four had both arms cut off, another 23 had one arm cut off, and others had deep lacerations on their lower arms, severed tendons or broken bones in their arms after being attacked with machetes. Some had a complete hand, several fingers or ears missing. They were all civilians: farmers, housewives, traders, miners, school students. These numbers swelled in the weeks and months which followed as more victims arrived at Connaught Hospital and other hospitals in the north of the country, including in Makeni and Magburaka. Some of these hospitals lacked the equipment needed to perform war surgery. Connaught Hospital in the centre of Freetown, which had the necessary facilities, struggled to cope with the influx of patients. Between 6 April 1998 and 27 July 1998 an MSF surgical team treated almost 300 patients with amputations, severe mutilations or gunshot wounds at the hospital. The majority of the cases treated were lacerations to the head or neck or amputations of arms, hands, fingers, ears or lips. About a fifth of these victims were children, one aged 18 months. This number represented, however, only a fraction of the number of such victims, many of whom never reached medical help. Between 25 May 1998 and 12 June 1998 International Committee of the Red Cross (ICRC) delegates evacuated 23 people from the north of the country with gunshot wounds, deep lacerations and amputated limbs requiring urgent reconstructive surgery. A helicopter was used to reach areas inaccessible by road because of insecurity and fear of attack by armed groups. Evacuation of wounded civilians continued throughout the following months. According to humanitarian agencies in Freetown, only about one in four victims of mutilations by rebel forces survived their injuries. In June 1998 the ICRC rehabilitated Netland Hospital in Freetown for the surgical treatment of victims of amputations. By the end of September 1998, some 400 victims of amputations were reported to have undergone surgery at Netland Hospital. By October 1998 estimates of the number of victims of mutilations since February 1998 were put as high as 4,000.

Among the thousands of refugees arriving from Eastern and Northern Provinces into Guinea to escape attacks were civilians with similar mutilations. Between April and June 1998 some one hundred refugees were reported to have arrived in Guinea with serious injuries; half of them had suffered deliberate mutilation. By September 1998 a regional representative of the UN High Commissioner for Refugees (UNHCR) reported that more than 400 refugees in a camp at Kissidougou in Guinea had hands, limbs or ears cut off or were suffering other injuries.

Many of the survivors provided accounts of the violence inflicted upon them. Groups of armed men arrived in their villages, claiming to be ECOMOG, that they had come to liberate the villagers and that they were safe. Forced out of their homes, they realised that they were not ECOMOG troops. Civilians were rounded up, in groups or in lines, and then taken individually to a pounding block in the village where their hands, arms or legs were cut with a machete. In some villages, after the civilians were rounded up, they

were stripped naked. Men were then ordered to rape members of their own family. If they refused, their arms were cut off and the women were raped by rebel forces, often in front of their husbands. As well as rape, women and girls also suffered other forms of sexual assault such as having foreign objects inserted into their vaginas. Victims of these atrocities also reported women and children being rounded up, locked into houses which were then set alight.



May 1998: a victim of "Operation no living thing" being treated in hospital in Freetown for severe lacerations to his head.

The UN Under-Secretary-General for Humanitarian Affairs, Sergio Vieira de Mello, following a visit to Sierra Leone, said on 15 June 1998 that the brutal treatment of civilians by AFRC and RUF forces was unlike anything he had seen in 29 years of humanitarian work. Describing the pattern of amputations, lacerations and maiming of civilians, including of children, he said that "*hands are cut off and ears and noses are amputated ... there are no words to condemn this sort of practice ...*".

Villagers from Kondeya, Kono District, fled into the bush when they heard that rebel forces were approaching their village in early April 1998. On 9 April 1998 a group of about 50 rebel forces found them and captured about 120. One of the men was strangled. A baby who was crying

was pulled from its mother's back and thrown into a river. They were forced to return to the village where all the houses were burned. Twenty-seven of the captured villagers were then attacked with machetes; some were decapitated, others had their throats cut or their eyes gouged out.

Survivors were often taunted by rebel forces to go to ECOMOG and tell them that the AFRC and RUF were there or to go to President Kabbah to ask for a new limb. One was given a letter and told to deliver it to President Kabbah. Victims who had one or both ears cut off were told that without their ears they could no longer listen to the government or ECOMOG.

In some cases it took victims days or weeks to reach medical assistance. One man who had both arms cut off in April 1998 walked for several weeks from village to village until he was able to find a vehicle to take him to Freetown. Many more, unable to reach a medical centre in time, died as a result of their injuries. Some spent weeks in the bush either attempting to walk to safety or waiting until it was safe to return to their homes. The fate of several thousand people who fled into the bush during attacks on villages remains unknown. Many of those wounded have died in the bush.

An Amnesty International delegation which visited Sierra Leone in May 1998 met some of the victims of these atrocities at Connaught Hospital. One, a farmer aged 40 from the village of Badala, in Koinadugu District, had both hands cut off when the village was attacked on 3 May 1998. Hearing reports of advancing attacks, including those on Yifin and Alikalia, he had previously sent his family to safety in Kabala. At the time of the attack he was preparing food in his compound. Up to 400 men, armed with machetes, AK 47 guns and rocket propelled grenades entered the village. They caught him and asked him where ECOMOG was. When he said that he did not know, he was hit on the head with an AK 47. He was then forced to lie down and both arms were cut off. He was also beaten on his legs. He begged to be killed. The men who attacked him wrote three letters and put them in the pockets of his trousers. He was then told to go to tell President Kabbah that they were coming to Freetown, adding "*No AFRC, no peace*". He lay injured for three days in Badala and arrived at Connaught Hospital four days later. He had no news of his wife and three children. Other villagers, of all ages, from Badala were also mutilated and killed; they included a woman who was raped and then cut with machetes.

Another of the victims, a 15-year-old schoolboy from Koidu who had arrived at Connaught Hospital on 10 May 1998, had suffered severe lacerations to his right ankle in an attempted amputation. He and his family - his parents and six brothers and sisters - had been hiding in the bush for more than two months after being driven from Koidu after it was attacked by rebel forces. They had no food throughout that time other than bananas. On 1 May 1998 the family had heard reports that ECOMOG had arrived in Koidu and they

went to enter the eastern part of the town. They and those with them were attacked by rebel forces who accused them of supporting President Kabbah. Almost 50 people were killed. The young boy stayed for four days in a house without food or treatment for his severely injured leg. He was taken first to Makeni by ECOMOG forces and then brought to Connaught Hospital. He did not know what had happened to his family.



May 1998: a victim of "Operation no lying thing" being treated in hospital in Freetown for injuries to his head.

Three young women survived an attack on the village of Boima in Bombali District, Northern Province, on 7 May 1998; one had a deep cut to her arm, the other two had been beaten all over their bodies. One of the women had witnessed the killing of several members of her family, including her children. Twelve people, including three of her children, died when their house was set alight. Another child, a girl aged three, was pulled from her back and cut with machetes.

There were many atrocities in villages around Karina, between Makeni and Fadugu, in Northern Province, which were attacked on 7 May 1998. All those who were unable to run away were killed; others had limbs amputated.

In an incident which occurred on 7 May 1998 in Northern Province, a woman survivor recounted that one of her sisters had

been killed by having her throat cut and two others were covered in kerosene and burned. Other victims, including children, were wrapped in a foam mattress which was then set alight.

The village of Tumbodu, north of Koidu, was attacked repeatedly during April and May 1998. During one of these attacks, on 11 May 1998, a woman aged in her twenties who was hiding in the bush outside the town was caught and asked for rice, which she did not have. She was forced to carry a heavy load; when she faltered she was beaten. When she reached Tumbodu she was forced to place her legs on a stone which were then cut in an attempted amputation. She suffered deep laceration to both legs and also to her arms. She arrived in Connaught Hospital on 15 May 1998. Her 10-year-old son was abducted by the rebels.

Massenbendu, a village close to Tumbodu, was also attacked on 11 May 1998. One of the victims, a farmer, was in his house when the door was broken down by rebel forces who demanded money; he said that he had none. Rebel forces told him that they were going to kill him because he supported President Kabbah. He sustained deep lacerations to his neck, head and arms. He was taken first to an ECOMOG base at Masingbi and was then transferred to Freetown. Three members of his family - two men and a small boy - were abducted.

Human rights abuses by rebel forces since July 1998

Atrocities declined significantly during July and August 1998 as the rainy season advanced. Despite this decreased level of atrocities concerns remained that rebel forces could mount future attacks against unarmed civilians. In his First Progress Report on UNOMSIL, the UN Secretary-General said that he remained "deeply concerned about the plight of innocent civilians in the country, who may still be suffering the depredations of the rebel forces or at risk from future attacks."

Incidents of killing and mutilations continued to be reported. On 27 July 1998 rebel forces, after feigning surrender, attacked Kabala was held by ECOMOG. Rebel forces threatened to use civilians as human shields. No mutilations were reported but a large number of civilians, including children and young people, were reported to have been abducted. Rebel forces held Kabala for about four days before it was retaken by ECOMOG. Some 200 houses had been destroyed, property was looted and money extorted from civilians. All relief goods, medical supplies and logistics for humanitarian efforts had been looted or destroyed. At about the same time, rebel forces attacked a bus carrying civilians about 10 kilometres south of Kabala, killing seven people. Three young boys were also reported to have been abducted.

During attacks on villages in the area of Gbinu, Port Loko District, in early August 1998 victims of killings and mutilations included three women and a two-year-old child who were subsequently admitted to hospital with gunshot wounds, either to the backs of their bodies or their head. Three men were also admitted to hospital with deep lacerations apparently inflicted in attempted amputations.

In late August and during September 1998 an escalation of attacks was reported in Northern Province. Reports began to be received of victims having the initials "AFRC" carved into their foreheads and backs. Around 24 August 1998 there were attacks on villages, including Thawuya and Masunhu, in Kambia District. Several civilians were subsequently admitted to the Government Hospital in the town of Kambia with amputated limbs or severe lacerations. Three had both hands and ears amputated; others had deep wounds to their arms, shoulders and faces. One of the victims was a three-month-old baby with lacerations to the nape of its neck. On 6 September 1998 the town of Kamalu, near Kamakwie, in Bombali District, was attacked by rebel forces. At least 40 civilians, including children, were reported to have been killed in the attack; others were seriously injured with machete wounds. Some of those killed had been first been subjected to torture and sexual abuse; others had been burned alive. A Paramount Chief, Samura Bangura, was reported to have been abducted from Kamalu, together with some 50 others. On 11 September 1998 Fadugu, Koinadugu District, was attacked. According to reports, during that attack eight civilians, including a Paramount Chief, Alimamy Fama Thoronka II, were burned alive.

Three villages in Kambia District, Yebaya, Kathatinah and Kakula, were reported to have been attacked by around one hundred rebel forces on 12 September 1998, resulting in the deaths of at least 16 civilians. According to witnesses of the attack on Yebaya, at least nine people were killed either by being shot or attacked with machetes. In late September 1998 and early October 1998 more than 50 people were reported to have been killed in attacks in Kambia District, near the border with Guinea, including on the village of Kukuna, and at least 25 civilians were reported to have been mutilated, including by amputations, by rebel forces.

On 8 October 1998 the town of Mange in Port Loko District, some 150 kilometres from Freetown and on the main road to Guinea, was attacked by more than 200 rebel forces in an attempt to gain control of a strategic bridge. Some 25 civilians were reported to have been killed in the attack but the toll was expected to be higher since rebel forces were reported to have set fire to more than 40 homes, in some cases with civilians inside. Most of the town's 15,000 inhabitants fled and many of the wounded arrived at the hospital in the town of Port Loko for treatment. ECOMOG forces maintained control of the bridge after three days of fighting.

There were further attacks by rebel forces on villages in Bombali District during September 1998. Among the victims were two men, Pa Bai Munu and Mortai Munu, from the village of Mabunduka, between Pendembu and Mateboi, some 40 kilometres from Makeni. Pa Bai Munu, a farmer aged over 70, had fled his village for Makeni following an earlier attack during which two other members of his family, including Sorie Kabbie Munu, were abducted by rebel forces. The village was burned. Other members of the same family, Pa Amadu Munu and Pa Santigie Munu, had been killed by having their throats cut during an attack on Mateboi in May 1998. Pa Bai Munu later returned to a village, Four Road Loko, close to his home at Mabunduka. He, Mortai Munu and about 20 other people were killed when Four Road Loko was attacked on 16 September 1998. According to reports, Pa Bai Munu was tied by the neck and dragged for about 10 kilometres before he was hacked to death and his body mutilated. At least six members of the family had been killed or abducted.

Attacks on villages around Kabala, including Benikoro and Badala, resumed and intensified during September 1998. The town of Kabala itself, earlier attacked and held briefly by rebel forces in late July 1998, was again attacked on 18 September 1998. Some 20 civilians were reported to have been killed and houses burned. Among the victims who were evacuated to Freetown by the ICRC were three children, two of whom were suffering from extensive burns. One of them had hidden with his family in a hut which was set alight by rebel forces; he was the only survivor.

On 24 October 1998, apparently in retaliation at the death sentence imposed on Foday Sankoh the previous day, the village of Alkalia was attacked by some 300 rebel forces. Reports of the attack referred to civilians, including women and children, being shot, decapitated or having their arms amputated. Civilian survivors of the attack on Alkalia were admitted to Connaught Hospital with gunshot wounds and multiple lacerations.

Attacks by rebel forces also escalated in Kenema District from August 1998. Among the villages affected were Mendেকেlema, Neama and Sandaru, which was completely destroyed, less than 30 kilometres from the town of Kenema. One of the victims of the attack on Mendেকেlema in late August 1998 had both hands amputated. Survivors of attacks consistently described mutilation, rape, torture, killing and the burning of houses. Entire local communities were displaced from the area, many fleeing to the towns of Kenema, Segbwema and Daru.

Recommendations

- the international community must continue to condemn in the strongest possible terms the grave breaches of international humanitarian law committed by forces of the AFRC and RUF;
- leaders of AFRC and RUF forces must take immediate measures to end human rights abuses committed by their combatants, including deliberate and arbitrary killing of non-combatants, torture, mutilation and rape, and must publicly state their commitment to respecting international humanitarian law;
- those in command of AFRC and RUF forces should exert effective control over those under their command in order to prevent torture and killing of non-combatants; those suspected of committing human rights abuses should be removed from any position of authority or duties which bring them into contact with prisoners or others at risk of abuse;
- AFRC and RUF forces must respect human rights and the basic principles of international humanitarian law and abide by minimum standards of humane behaviour at all times.

Children at the centre of the violence

Children have not escaped the violence and brutality of the conflict in Sierra Leone; they have often been the principal victims of gross human rights abuses, including the atrocities in Eastern and Northern Provinces which occurred in the months following the removal of the AFRC and RUF from power in February 1998. They have been deliberately and arbitrarily killed, mutilated and maimed, abducted and forcibly recruited by rebel forces. Among the thousands of Sierra Leonean refugees in neighbouring countries or internally displaced within Sierra Leone after February 1998 were hundreds of unaccompanied children, separated from their families as a result of the violence.

Several thousand children, including babies and very young children, have been separated from their families as a result of seven years of internal armed conflict. Most of those abducted in the earlier years of the war were from Southern and Eastern Provinces. The most common reason for the separation of children from their families was abduction by rebel forces. Others became separated from their parents as a result of attacks on their towns and villages when their parents were killed, abducted or became missing.

Many families have rejected children who had been forcibly recruited into rebel forces and have refused to take them back into their homes. Even in cases where parents are willing to take back their children, the level of resentment and bitterness within their communities sometimes prevents them from doing so.

Significant and coordinated efforts are being undertaken by the UN Children's Fund (UNICEF) together with a coalition of non-governmental organizations to reunite these children with their families and to help their reintegration into their families and communities, often in the most difficult of circumstances.

The work of UN agencies and non-governmental organizations in providing help and protection to children traumatized by the conflict, including former child combatants, should be supported and reinforced by the international community.



May 1998: a young boy who was separated from his family and who suffered severe injuries to his leg during an attack by rebel forces.

Abduction of children

Large numbers of civilians, in particular children and young men and women, have been abducted by the RUF throughout the years of the internal armed conflict. They have been forcibly recruited to fight or forced to undertake other tasks such as carrying loads, including looted property and food, and cooking. Women and girls have been forced to become the sexual partners of rebel forces. While in the early years of the conflict representatives of the RUF claimed publicly that some of those abducted had joined rebel forces willingly, in most cases captured civilians have been held under duress, threatened with killing or ill-treatment, and have had little option but to cooperate.

Capture and abduction of civilians, including many children, has continued throughout the months since the AFRC and RUF were deposed and has occurred increasingly in Northern Province. In those areas of the country which remained under the control of rebel forces thousands of civilians, including women and children, effectively remained captive, many of them in Kailahun District, a stronghold of the RUF since the beginning of the internal armed conflict. Some estimates put this number as high as 10,000. They were used to carry goods, as human shields or for sexual slavery.

Testimonies of victims of the attacks by rebel forces which occurred in Northern Province from April 1998 invariably referred to the abduction of large numbers of people, including children. When the town of Kabala was attacked by a large group of rebel forces in July 1998, a large number of children were abducted. Njalia Nimikoro, a village some 10 kilometres southwest of Koidu, was reported to have been attacked around 18 August 1998. Nine civilians, including a 10-year-old child were admitted to hospital with gunshot wounds, and a woman and her five children were reported to have been abducted by rebel forces. A few days earlier, on 15 August 1998, rebels in the area around Koidu were reported to have released around 250 captured civilians. Dozens of civilians were reported to have been abducted, however, when three villages in Kambia District were attacked in September 1998.

The abuse of children by rebel forces

Many of those abducted have been trained and forced to fight. When RUF forces joined the AFRC in Freetown following the military coup in May 1997 many of its fighters, some as young as 11 or 12 years and many in their teens, who had previously been abducted arrived in Freetown. Many had spent several years in RUF camps in the bush and had fought in the conflict. In some cases their names had been changed by the RUF. Fear played a significant role in forcing these children to remain with the RUF. Those who attempted to escape were beaten or killed. Former RUF child combatants have recounted summary killing, torture and ill-treatment. These children also relied on the RUF for their

means of survival, including food and shelter. As well as being forced to fight, they were used as porters to carry goods and looted property. The use of drugs such as amphetamines was reported to be widespread. Sex was used in a systematic way by the RUF to enslave girls, often very young, and young women. While some later expressed a wish to remain with their partners, most remained under duress. Many had become pregnant and had children, making eventual reintegration into their own communities even more difficult.

The histories of many of the children abducted by the RUF since 1991 emerged when they arrived in Freetown. An 11-year-old boy caught and abducted during an ambush by the RUF near Bo several years earlier had been forced to take drugs and fight. Another boy had been captured in Kailahun District in 1992 when he was six years old and separated from his mother, sister and brother. Six years later he did not know where his family were or whether they were still alive. Another boy had been abducted during an attack in Kenema District in 1992, in which both his parents had been killed, when he was 10 or 11 years old. He had been with the RUF for six years and had been trained to use a gun and fight. A girl, aged 14 at the time of her abduction in 1995, was forced to become the sexual partner of a member of the RUF. She was forced to cook and taught how to use a gun.

Victims and perpetrators of human rights abuses

When the AFRC and RUF were forced by ECOMOG from Freetown in mid-February 1998 many of these children, some of whom had been responsible for killings and torture, were identified as members of the RUF and risked revenge attacks by civilians, placing their safety and lives in jeopardy. Almost 3,000 children associated with the RUF, fearing reprisals from civilians, were reported to have fled from Freetown in a matter of days. There were reports of such children being beaten by civilians before being handed over to ECOMOG troops and one child who had been living on the streets of Freetown was reported to have been burned alive in an apparent revenge attack. ECOMOG troops were also reported to have ill-treated some of these children when they were handed over into their custody.

Recruitment of children by Civil Defence Forces

Large numbers of children have also been recruited into the ranks of the CDF which support President Kabbah and are fighting with ECOMOG against rebel forces. Although the CDF has made a commitment to end initiation of children into the traditional hunters' societies which form the CDF, there were reports that new members, including children between the ages of 15 and 17, were recruited near Magburaka in Tonkolili District, Northern Province, in July 1998. Initiation of children into the CDF was also reported to be continuing in Southern and Eastern Provinces, for example at Daru and Segbwema, during the following months and children, some as young as seven years, were still seen carrying arms and

guarding CDF checkpoints. In early October 1998 Chief Samuel Hinga Norman, Deputy Minister of Defence, during a visit to Sierra Leone by the Executive Director of UNICEF, Carol Bellamy, was reported as stating his commitment to disarming and demobilizing children recruited by the *kamajors*, adding, however, that the conflict in Sierra Leone was not yet over.

Efforts by the international community to meet the needs of children

The Special Representative of the UN Secretary-General for Children and Armed Conflict, Olara Otunnu, visited Sierra Leone in both March and May 1998. During his visit in May 1998, when he travelled to the east of the country, it became clear that one of the most pressing challenges facing Sierra Leone was the "*crisis of the young*"; the plight of children affected directly or indirectly by the conflict. He identified five areas requiring urgent action by the international community: demobilization and reintegration of child combatants; resettlement of internally displaced people; tracing the families of unaccompanied children; rehabilitation and support of victims without limbs; and provision and rehabilitation of medical and educational services.

At a meeting with the UN Special Representative during his visit in May 1998, the government agreed not to recruit children under the age of 18 years into a reconstituted national army. The CDF also agreed to stop initiation and recruitment of children under the age of 18 and to begin the process of demobilization of child combatants within their ranks.¹² Both ECOMOG and the CDF agreed to provide special protection to AFRC and RUF child combatants in their custody as a result of surrender, capture or escape. On 5 November 1998 Olara Otunnu again appealed to both the CDF and rebel forces to end the recruitment of child soldiers.

Olara Otunnu called on the international community to respond in a more vigorous and concerted way to the needs of children affected by the conflict in Sierra Leone and urged it to make the rehabilitation of children in Sierra Leone a pilot project for post-conflict reconstruction. Meeting the specific needs of children, young people and women affected by the conflict in Sierra Leone were particularly important in plans for rehabilitation and reconstruction.

In a press conference following his address to the UN General Assembly in October 1998, Olara Otunnu made specific references to the plight of children in Sierra Leone and

¹²For further information on the involvement of children in armed conflicts, refer to "*Old enough to kill but too young to vow*" (AI Index: IOR 51/01/98), published by Amnesty International in January 1998.

called for the international community to provide both political commitment and resources. He recommended to the key actors responsible for post-conflict reconstruction programs, such as the World Bank and the United Nations Development Programme (UNDP), that the needs of women and children who had been victims of conflict should be at the centre of such programs.

On 29 June 1998 the UN Security Council strongly condemned the targeting of children in war, in particular their abduction, sexual abuse and recruitment as soldiers, and said that it would pay serious attention to the situation of children affected by armed conflicts.

In his address to the UN special conference, the UN Secretary-General acknowledged the terrible suffering of children in Sierra Leone: "*To an appalling degree, it was children who were, and still are, the victims of war, either as conscripted fighters or as casualties of indiscriminate attacks.*" The Secretary-General welcomed the government of Sierra Leone's decision to offer an amnesty for child soldiers from all combatant groups and efforts to develop a national program to meet the needs of children who had been particularly adversely affected by seven years of conflict.

At the UN special conference the Executive Director of UNICEF referred to the importance of demobilizing and reintegrating into society an estimated 4,000 children still attached to fighting forces which would require an intensive and long-term commitment of resources from the international community. Some 2,500 of these children were being forced to fight with rebel forces; the others had been recruited by the CDF. The safety of all children who had been captured needed to be ensured and ways found to release them and include them in the disarmament, demobilization and reintegration program.

During her visit to Sierra Leone in early October 1998, the Executive Director of UNICEF again urged that all child combatants be disarmed and demobilized: "*the fact that the conflict is (still going) on should not justify recruitment of children*". During discussions with government officials, she sought assurances that the government would abide by its commitments to demobilize child combatants, not to recruit new child combatants and to provide an amnesty for those children who had been fighting with rebel forces. She urged that the process be speeded up. She also called for the release of all child prisoners of war, the number of which is unknown.

The demobilization of soldiers and their reintegration into society - socially, psychologically, politically and economically - is critical to post-conflict reconstruction and rehabilitation. Support for such programs, particularly those for children, is vital. UNICEF and UNOMIL, with the National Commission for Human Rights and Democracy and ECOMOG, are undertaking a program of registration and interviewing of former RUF child

combatants in order to include them into the disarmament, demobilization and reintegration process. The children, once registered, are released from ECOMOG custody into the care of UNICEF. In October 1998 some 60 children, aged from eight to 18, were reported to have been registered in Makeni and another 120 in Bo; registration in Port Loko was due to commence in November 1998.

Recommendations

- AFRC and RUF forces must end the gross human rights abuses being perpetrated against children, including killing, mutilation, rape and other forms of sexual abuse, abduction and forcible recruitment as combatants;
- AFRC and RUF forces should release all children currently held as captives or child soldiers;
- immediate measures to end the recruitment of children under the age of 18 by the CDF should be taken and the government should be assisted and supported in the registration of child combatants among the CDF in order to ascertain their exact number and location and to incorporate them into the disarmament, demobilization and reintegration program;
- the Sierra Leone government and the international community should fully support and assist relevant UN agencies and non-governmental organizations to identify and address the social, psychological and material needs of children, particularly former child combatants, affected by the conflict in Sierra Leone;
- the international community should fully support the proposal of the Special Representative of the UN Secretary-General for Children and Armed Conflict for Sierra Leone to be made a pilot project for a more effective response in the context of post-conflict peace building; this pilot project should coordinate, reinforce, and provide adequate resources for initiatives aimed at the protection of children in Sierra Leone.

Human rights violations by ECOMOG forces

At the time of its offensive on Freetown which began on 5 February 1998, shelling by ECOMOG forces was reported to have caused a high number of civilian casualties. Shelling continued in densely populated areas of Freetown throughout the week of the offensive, including in areas where medical facilities, such as Connaught Hospital, were situated. More than 600 people with war-related injuries were reported to have been

admitted to hospital during that period. The high number of civilian casualties suggested that ECOMOG may have taken inadequate measures to protect civilians during the offensive on Freetown.

Shelling by AFRC and RUF forces was, however, also intensive during that period and some civilians claimed that residential areas in Freetown were being deliberately shelled by AFRC and RUF forces, particularly by those positioned at Fourah Bay College on a hill overlooking Freetown.

Thousands of civilians in rebel-controlled areas, in particular Kailahun District, remain at risk of being caught in hostilities between ECOMOG, fighting with the CDF, and rebel forces. There are fears that the safety of the civilian population might be endangered, especially during air strikes which are reported to be taking place. Measures to minimise the risk to civilians during combat, in conformity with international humanitarian law, must be undertaken during military operations, including aerial bombardments of rebel forces' bases located near or within areas where there are high concentrations of civilians.

In his Second Progress Report on UNOMSIL the UN Secretary-General referred to reports which suggested that "*certain ECOMOG personnel do not consistently ensure full respect for provisions of international humanitarian law, such as those regarding the protection of non-combatants in combat situations and the proper treatment of combatants during surrender or capture. UNOMSIL is encouraging the ECOMOG leadership to raise awareness among all troops to ensure full respect for all relevant aspects of international humanitarian law*".

In the days after it took control of Freetown, several thousand soldiers surrendered to or were captured by ECOMOG forces. In subsequent weeks and months, ECOMOG supervised thousands of military detainees, in particular at Benguema, a military training camp some 25 kilometres from Freetown, but also at military bases at Lungi, Bo, Kenema and Makeni. According to the Attorney-General and Minister of Justice, Solomon Berewa, all military detainees held by ECOMOG remained under the authority of the Sierra Leone government; the role of ECOMOG was to screen those detained, assess whether they were a security risk and whether they could be deployed as part of the ECOMOG force or the eventual reconstituted national army.

It was claimed that AFRC and RUF combatants captured by the CDF were handed over to the police or ECOMOG forces after February 1998. It appeared, however, that CDF forces summarily killed some captured combatants and reports also suggested that ECOMOG forces handed over captured AFRC and RUF forces to the CDF who subsequently killed them.

A significant number of civilians are being detained by ECOMOG forces under the category of "safe custody" in prisons and other places of detention throughout the country. An unspecified number of people are held under ECOMOG "safe custody" at Pademba Road prison. At the Central Prison in Kenema more than 30 people, some apparently accused of collaboration with rebel forces, were reported to be held under ECOMOG "safe custody" in October 1998 without any referral of their cases to the civilian authorities. There is apparently no legal basis for their detention; it is unclear whether they are held under the provisions of the Public Emergency Regulations which came into effect in March 1998. In October 1998 there were reports that a suspected member of rebel forces had been taken into custody by ECOMOG in Makeni despite substantial evidence that he was innocent.

There have also been reports that those taken into custody by ECOMOG forces have been ill-treated by being beaten and tied tightly. Among the victims in Freetown were children who had been among RUF forces and who were detained shortly after the ECOMOG intervention. During September 1998 there were reports, although few in number, of torture and ill-treatment of both civilian detainees and captured combatants. A number of former RUF child combatants who were registered as part of the disarmament, demobilization and reintegration program claimed that they had been ill-treated while in the custody of ECOMOG.

There have also been reports of acts of violence and intimidation by ECOMOG forces against civilians in Freetown and other parts of the country. On 5 October 1998 at a checkpoint at Magbenteh, about three kilometres from Makeni, a driver was reported to have been beaten and stabbed with a bayonet by a member of ECOMOG during an argument about a search of his vehicle and request for his documents. Sexual assault of women at ECOMOG checkpoints has also been reported in the area around Makeni.

There were several reports of harassment of humanitarian convoys by both ECOMOG and CDF forces in the area of Masingbi and Njaiama-Sewaie during October 1998. For example, the driver of vehicle belonging to a non-governmental organization was reported to have been physically assaulted by ECOMOG forces near Masingbi who also stole property from the vehicle. UNOMIL military observers have frequently been requested to intervene with ECOMOG and the CDF on behalf of UN agencies and non-governmental organizations.

ECOMOG commanders have expressed a determination to address problems of ill-discipline and were reported to have established a complaints procedure to investigate any allegations of harassment of civilians by ECOMOG forces.

Recommendations

- all military personnel participating in the ECOMOG force in Sierra Leone must adhere to international humanitarian and human rights law at all times;
- all troops participating in ECOMOG should be fully trained in these standards and understand their obligation to adhere to them;
- in accordance with international humanitarian law, civilians should not be targeted during military operations by ECOMOG forces; ECOMOG forces must at all times distinguish between the civilian population and combatants and take all necessary measures to protect civilians from the dangers arising from military operations;
- the cases of civilian detainees reported to be held "in safe custody" by ECOMOG forces should be reviewed by a civilian judicial authority in order to establish the legal basis for their detention and to determine whether they should be charged or released;
- specific mechanisms for monitoring, investigating and reporting any violations of international humanitarian and human rights law by ECOMOG forces should be established;
- UNOMISIL military observers should be provided with adequate resources to monitor the respect by ECOMOG forces of international humanitarian and human rights law during both military operations and during disarmament, demobilization and reintegration programs for former combatants;
- any allegations of human rights violations by ECOMOG forces, such as extrajudicial execution, torture and ill-treatment, should be promptly and independently investigated and those responsible brought to justice, in accordance with international standards.

Human rights violations by Civil Defence Forces

The CDF have also failed to respect international human rights and humanitarian law and have been responsible for torture, ill-treatment and extrajudicial executions, although not on the scale of abuses committed by AFRC and RUF forces.

The CDF are composed of traditional hunters and include *kamajors* from the south and east of the country, and *kapras*, *donsox*, *tamaboros* from the north. The National Coordinator of the CDF is the Deputy Minister of Defence. Although attempts have been made to register all members of the CDF throughout the country, this has been made difficult because of the lack of a formal structure and control over some of the CDF, continuing recruitment and fighting.

The CDF have killed, tortured and ill-treated both captured AFRC and RUF combatants and also civilians suspected of supporting or collaborating with the AFRC and RUF. In September 1997 four people, including a woman, who were suspected of being soldiers or AFRC supporters were reported to have been summarily executed by being decapitated when the vehicle in which they were travelling from Bo to Makeni was stopped by *kamajors*. In January 1998 *kamajors* were reported to have summarily killed civilians suspected of supporting the AFRC and RUF in two villages near the town of Rotifunk, Southern Province, some 90 kilometres from Freetown.

In February 1998, in the days following the removal of the AFRC and RUF, there were many cases of torture, ill-treatment and extrajudicial executions by the *kamajors*, including in the towns of Bo, Kenema and Koidu. They were often mutilated and many were killed by being burned alive; some had tyres placed around their heads which were then set alight. At least 50 people accused of having supported the AFRC and RUF were extrajudicially executed in Kenema. Black marks on the dirt roads where people had been burned alive were still visible months later. When *kamajors* entered Koidu on 11 and 12 February 1998 they captured and killed AFRC soldiers. Some were decapitated, others were doused with petrol or had tyres placed around them and were burned alive. Such killings also took place in Freetown in the days immediately following the removal of the AFRC and RUF. At least six people were killed by civilians in revenge attacks. They included Mohamed Bangura, also known as Saccoma, who was burned alive, Sheik Mustapha, who was beaten to death, and Musa Kabia.

Several independent sources referred to isolated incidents of extrajudicial execution together with ritual cannibalism by members of the CDF. Ritual cannibalism is not, however, accepted behaviour or policy among the CDF and is rejected as abhorrent by most CDF. It appears to be carried out only by a small number of *kamajors*, in particular in the region around Kenema, who subscribe to animist beliefs. One such incident was reported to have occurred on 27 March 1998 when a boy aged 17 from Kenema was detained by *kamajors* and accused of collaborating with the AFRC and RUF. He was taken to the market place and forced to buy vegetables and other ingredients. He was then reported to have been killed in a cannibalistic ritual. His partially burned body, with the heart removed, was later seen by witnesses. Other incidents of ritual cannibalism were reported to have taken place during April and May 1998 at Panguma, north of Kenema. These incidents

must be investigated by the authorities and those responsible brought to justice. Longer-term measures, including increasing awareness and understanding of the cultural basis for this practice, are also needed in order to eradicate ritual cannibalism.

On 28 April 1998 President Kabbah announced that the CDF had been placed under the command of ECOMOG. The following day a *kamajors* leader in Bo was reported to have criticized the growing lawlessness of the *kamajors* and called for the registration of all CDF, who were apparently roaming the streets of Bo. Although nominally under the command and control of ECOMOG, the behaviour of the CDF continued to be undisciplined in the following months, particularly in areas other than their own villages, towns and districts. Reports of extrajudicial executions and torture of prisoners decreased significantly, however, from June 1998, apparently as a result of intervention by the government and ECOMOG, and the discipline of many CDF units improved significantly.

Some incidents of extrajudicial execution, torture and ill-treatment, however, continue to be reported. On 26 October 1998 four captured rebels were reported to have been extrajudicially executed in the village of Romeni, north of Port Loko. At least another 10 were reported to have been killed after being captured during the attack on Alkalia in October 1998.

In late August 1998 a young woman from the area around Kenema who had previously handled goods looted from the World Food Programme (WFP) by rebel forces was reported to have been interrogated by a group of about 20 CDF in the town of Kenema. When she made remarks considered offensive by the CDF, she was stripped and beaten. She was then taken to an unknown destination. Reports were also received in September 1998 of illegal arrest and detention of civilians by the CDF although it is unclear whether this practice is continuing.

Criminal acts, such as looting, confiscation of vehicles and civil disturbance, by the CDF have continued. Civilians have been harassed and money and goods extorted in exchange for permission to pass through checkpoints along major roads. The CDF have imposed their authority through fear and intimidation with the result that many people are afraid to make formal complaints to the authorities about their conduct. During September 1998 there were persistent reports of interference with the delivery of humanitarian supplies.

Little or no action is known to have been taken by the authorities against members of the CDF who have been responsible for illegal arrest and detention, torture and ill-treatment and extrajudicial executions of those suspected of having collaborated with the AFRC which have occurred since February 1998. The CDF appear to act with impunity.

There is an urgent need to investigate human rights violations committed by the CDF and bring those responsible to justice.

Recommendations

- strict chain of command must be enforced over members of the CDF in order to prevent extrajudicial executions, torture and ill-treatment, illegal arrest and detention;
- all reports of extrajudicial executions, torture and ill-treatment, illegal arrest and detention by the CDF should be promptly and independently investigated in order to bring those responsible to justice.

Refugees and internally displaced people - still at risk

In July 1998 at the UN special conference on Sierra Leone, the UN High Commissioner for Refugees, Sadako Ogata, stated that the refugee crisis in Sierra Leone had been the worst in Africa so far during 1998. On 10 November 1998 she again referred to the plight of Sierra Leonean refugees and internally displaced people when she called on the UN Security Council to respond more effectively to refugee crises in Africa.

As fighting has intensified in the east and north of the country since the intervention by ECOMOG in February 1998, at least 550,000 Sierra Leoneans are estimated to have fled areas affected by conflict. They include hundreds of unaccompanied children. According to UNHCR, since the beginning of 1998, some 210,000 Sierra Leoneans have sought refuge in Guinea and another 57,000 in Liberia. It is also estimated that more than 300,000 have become internally displaced within Sierra Leone during 1998.

The continuing violence perpetrated by rebel forces has not only prevented the return of refugees and internally displaced people to their homes but has also caused a serious humanitarian situation which threatens lives. Both refugees and internally displaced people remain vulnerable to attacks by rebel forces and face acute hardship, disease and malnutrition. The violence and insecurity in areas affected by the conflict has often prevented adequate assistance reaching them.

Refugees in Guinea and Liberia

When fighting between ECOMOG and rebel forces intensified in Kailahun District in April 1998, some 1,000 civilians were reported to be fleeing to Liberia daily. Thousands of

refugees also fled into Guinea; 6,000 new refugees arrived during the first week of June 1998. Many, including children, died as a result of malnutrition, diarrhoea and malaria.

The majority of Sierra Leonean refugees were in areas where access was extremely difficult. In both Guinea and Liberia, poor road conditions and the onset of the rainy season, combined with concerns about security by both the Liberian and Guinean authorities, aggravated still further problems of access by humanitarian agencies to refugees in camps near the border, threatening food deliveries and basic medical care, including vaccinations.

Between 15 June 1998 and 10 July 1998 humanitarian agencies were denied access by the Guinean authorities to camps close to the border in the Guéckédou region where more than 150,00 refugees had recently arrived. The Guinean authorities cited insecurity and difficulties in guaranteeing the safety of humanitarian agencies in the area. UNHCR and its partners did not have access to these refugees for more than three weeks. Many of the refugees in this area were already in poor physical condition when they had arrived. In early September 1998 heavy rains disrupted the delivery of relief assistance to some 180,000 Sierra Leonean refugees in camps in the Guéckédou region of Guinea.

In Guinea most camps were near the border with Sierra Leone, leaving refugees close to areas of the fighting and vulnerable to attacks. On 3 July 1998 the refugee camp at Forokonia in Guinea was attacked during an incursion by rebel forces from Sierra Leone. Six refugees were killed and the camp was looted and almost entirely burned.

In early September 1998 UNHCR reported that rebel forces were continuing to brutalize Sierra Leonean refugees in Guinea. Rebel forces had attacked a refugee camp at Tomandu inside Guinea on 1 September 1998, killing at least 10 people - seven women refugees and several Guineans - as they forced other refugees to carry stolen goods back across the border into Sierra Leone. UNHCR sent representatives to the village which had been attacked. They found Sierra Leonean refugees who had previously been abducted by rebel forces, including a girl who said that she had been repeatedly raped and a boy who had the letters RUF carved into his chest and forehead. Witnesses said that rebel forces had raided local food stores killing everyone nearby. Three women refugees were reported to have been shot and seriously wounded when they refused to continue across a bridge into Sierra Leone. UNHCR subsequently moved thousands of refugees from Tomandu to camps further inside Guinea.

Conclusion 22 of the UNHCR Executive Committee states that: "The location of asylum-seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum-seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin". In addition,

Conclusion 48: "Condemns all violations of the rights and safety of refugees and asylum-seekers and in particular military or armed attacks on refugee camps and settlements".

On 8 September 1998 the WFP appealed for assistance for more than 200,000 Sierra Leonean refugees in the Guékédou region, most of whom had fled continuing rebel attacks in Kono and Kailahun Districts. According to the WFP, some 80 per cent of civilians from these areas were either dead or unaccounted for. Several thousand others were believed to be held captive by rebel forces. Refugees were arriving destitute, suffering from exhaustion, malnutrition and disease.

There was a further large influx of Sierra Leonean refugees into the Forécariah region of Guinea in late September 1998. According to UNHCR, more than 3,000 people crossed the border on 29 September 1998 after rebel forces had killed civilians and burned homes in Kukuna. Concern was expressed that refugee camps in the Forécariah region, close to the border, were vulnerable to incursions by rebel forces from Sierra Leone. Another 2,000 were reported to have also fled their homes and become internally displaced.

Most Sierra Leonean refugees in Liberia, the majority unaccompanied women and children, were based at camps at Vahun and Kolahun in Lofa County in northwestern Liberia. An unknown number of others were scattered along the border without access to humanitarian assistance. Bad roads and rains hampered access by humanitarian organizations to refugee camps.

The large concentrations of Sierra Leonean refugees in Liberia, in particular at camps in Vahun and Kolahun, contained significant numbers of both active and former combatants. They included rebel forces who regularly crossed the border between Sierra Leone and Liberia. Others were former Sierra Leonean soldiers who feared returning to Sierra Leone because of possible reprisals by the CDF. Also among Sierra Leonean refugees in Liberia were former combatants of the RUF who had voluntarily ceased combat. Conclusion 77 of the UNHCR Executive Committee "calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained".

In addition to the severe physical hardship encountered by refugees and internally displaced people, there was also concern that refugees returning to Sierra Leone who might be considered to be associated with rebel forces could be at risk of revenge attacks on their return and might become victims of arbitrary detention, torture and ill-treatment or extrajudicial execution.

Internally displaced people

Some 20,000 internally displaced people sought safety from the increasing attacks in Northern and Eastern Provinces from April 1998 at Masingbi, between Koidu and Makeni, swelling the town's normal population of 7,000. During June and early July 1998 up to 300 people arrived daily at Masingbi, decreasing to between 50 and 100 a day during August 1998. The humanitarian situation of internally displaced people at Masingbi remained critical during the following months and there was a high mortality rate as a result of disease and malnutrition. Children under five years were the worst affected. Fears for the safety of displaced people at Masingbi heightened after ECOMOG forces repelled an attack by rebel forces on Masingbi in late October 1998.

With the onset of the rainy season from May, when endemic diseases such as cholera resurface, many civilians caught in areas under the control of rebel forces, forced from their homes and seeking refuge in the bush and with no access to medical assistance were reported to be suffering from vomiting and diarrhoea.

As attacks by rebel forces in both Northern and Eastern Provinces resumed during September and October 1998 entire local communities in Kambia, Koinadugu, Bombali and Kenema Districts were displaced. Attacks by rebel forces on villages in Kenema District in late September 1998 were reported to have resulted in as many as 10,000 people fleeing their homes, half of whom sought refuge in the town of Kenema.

Recommendations

- all violations of the rights and safety of refugees and, in particular, military or armed attacks on refugee camps and settlements should be condemned; all efforts should be made to protect the safety of refugees in camps and settlements, including location to secure areas and, whenever possible, at a reasonable distance from the border with Sierra Leone;
- effective measures should be taken to preserve the civilian and humanitarian nature of refugee camps and settlements;
- every effort should be made to ensure the safety of internally displaced people; internally displaced people's camps should be provided adequate protection from human rights abuses;
- all efforts should be made to ensure that there is adequate access to refugees and internally displaced people in order to monitor their safety and provide humanitarian assistance;

- refugee repatriation programs should include effective monitoring and protection for as long as necessary; international refugee law and protection standards must be adhered to at all times, including the principles of *non-refoulement*, the right to seek asylum and repatriation only on a voluntary basis with international supervision.

Accountability for human rights abuses

The government of President Kabbah, since it was reinstated in March 1998, has taken measures to establish accountability for human rights abuses and to bring those responsible to justice. This is essential for achieving justice and moving towards national reconciliation. Such a process, however, must be undertaken in accordance with international standards and must not itself violate human rights. Trials of those accused of human rights abuses must conform to international standards for a fair trial and there should be no recourse to the death penalty.

Impunity contributes to continuing human rights abuses. It is only when those responsible for human rights abuses are brought to justice for their crimes that a clear message is sent that these abuses will not be tolerated or allowed to go unpunished.

The scale of the atrocities committed by the AFRC and the RUF, both before and after they held power, demand that those responsible be brought to justice. This is not incompatible with peace and reconciliation. Peace and security will not be achieved in Sierra Leone until there is an end to impunity. True reconciliation cannot be achieved if the right of victims and their families to truth, justice and redress are ignored.

On 17 June 1998, shortly after a conference on the creation of an international criminal court opened in Rome, Italy, a joint statement by the heads of five UN agencies said that the atrocities being committed in Sierra Leone were a brutal reminder of the urgent need for an international criminal court to try those responsible for war crimes and crimes against humanity. The statement by UNICEF, UNHCR, the Special Representative of the UN Secretary-General for Children and Armed Conflict, the UN High Commissioner for Human Rights and the UN Under-Secretary-General for Humanitarian Affairs urged those participating at the conference in Rome to study carefully the situation in Sierra Leone and to ensure that the statute they adopted would be able to combat impunity, provide justice and contribute to a lasting peace in the country.

The statement added that, despite the willingness of the Sierra Leone government, it was unlikely that the judicial system would have sufficient resources to bring those

responsible for human rights abuses to justice, which would raise *"the prospect of yet another round of mindless violence going unpunished"*.

The delegation of Sierra Leone to the conference in Rome repeatedly cited its country as evidence of the need for the establishment of a permanent international criminal court. Amnesty International believes that the international community must assist in establishing accountability for the atrocities in Sierra Leone. This assistance should include both political commitment and practical assistance towards the re-establishment of a functioning and effective justice system and the investigation and documentation of past human rights abuses.

At the UN special conference on Sierra Leone, the UN Secretary-General also stressed the need for national reconciliation and for Sierra Leoneans to put the past behind them and put the future first. The process of reconciliation did not, however, preclude accountability for human rights abuses: *"Those responsible for the atrocities and other gross violations of human rights will in time be brought to justice"*. The need to pursue policies promoting national reconciliation had to be combined with ensuring that those responsible for crimes and atrocities against civilians were brought to justice. All those accused had to be given fair trials with full respect for due process of the law.

Recommendations

- those responsible for the gross human rights abuses which have occurred in Sierra Leone since May 1997 must be held accountable for their crimes, in accordance with international standards;
- the international community should assist Sierra Leone in establishing accountability for the atrocities in Sierra Leone and bringing those responsible to justice, in accordance with international standards.

Detentions and trials after February 1998

After ECOMOG forced the AFRC from power in February 1998, some 2,000 people were arrested and detained. A significant number were former combatants who were considered to be prisoners of war. Others were associated or perceived to be associated with the AFRC and RUF. Many of those detained were suspected of criminal offences which included gross human rights abuses such as torture and deliberate and arbitrary killing of civilians. Some of those detained had given themselves up to police and ECOMOG forces as a means

of protection from civilians who attacked, and in some cases killed, those closely associated with the AFRC and RUF.

On 10 March 1998, President Kabbah proclaimed a state of emergency, under Section 29 of the Constitution of 1991, which includes provisions for indefinite detention without charge or trial. The Proclamation of Emergency was ratified by parliament on 26 March 1998. The Public Emergency Regulations, 1998, state that:

"2. The President may, if in his opinion it is necessary, for the purpose of maintaining and securing peace, order and good government in Sierra Leone, make an Order-

(a) directing that any person be detained or continues to be detained and so long as such an Order is in force in respect of any person, that person shall be liable to be detained in such place and under such circumstances as the President may from time to time determine and shall, while so detained, be deemed to be in legal custody".

Although Article 4 of the ICCPR allows the Sierra Leone government to derogate from its obligations under the treaty, it requires that derogation has to be to the "extent strictly required by the exigencies of the situation". Certain rights, including the right to life in Article 6 and the prohibition of torture, cruel, inhuman or degrading treatment or punishment in Article 7, cannot be derogated from. The UN Human Rights Committee which monitors compliance with the ICCPR has stated that "measures taken under Article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened and that, in times of emergency, the protection of human rights becomes all the more important, particularly those rights from which no derogations can be made".

Hundreds of people alleged to have collaborated with the AFRC and RUF have been held without charge under the Public Emergency Regulations. The scope of these regulations raises concern that people could be held indefinitely without charge or trial, in violation of international human rights standards, in particular the ICCPR.

Throughout the months following the return of the government of President Kabbah arrests of those suspected of collaborating with the AFRC have continued, although the scale of arrests has gradually decreased and some of the detainees have been released without charge. It has been difficult to determine at any one time exactly how many detainees are held without charge. At the end of September 1998, however, several hundred people, including some 130 children, were believed to be held without charge in detention in Pademba Road prison and other places of detention in and around Freetown. In some

cases detentions appeared to be entirely arbitrary, for example, in cases where people were denounced as collaborators for reasons of personal revenge or settling of scores. In September 1998, 18 women were reported to have been arrested in Freetown after being denounced for having fraternized with members of the AFRC.

Significant numbers of civilians are also being held illegally by ECOMOG forces in "safe custody" without any process of review of their detention by a civilian judicial authority.

Among those released without charge from Pademba Road prison after several months in detention were more than 20 senior police officers, who were reported to have been released on 20 August 1998. More than 270 Sierra Leonean soldiers who had been part of the ECOMOG contingent in Liberia at the time of the ECOMOG intervention in Freetown, repatriated in March 1998 and detained in Pademba Road prison were also released from custody for retraining on 31 August 1998.

Fifty-nine civilians were charged with treason and other offences in April 1998 and were brought to trial before the High Court early the following month. Trials before a court martial of 37 soldiers began in July 1998. Today Sankoh was brought before a magistrates' court on 4 September 1998 and charged with treason and other related offences; his trial before the High Court began later that month. It was also expected that further trials of both civilians and soldiers would begin in November 1998. The Court of Appeal ruled in 1975 that the death penalty for the offence of treason was discretionary.

The cases of some of the hundreds of other detainees who remained held without charge of trial were to be reviewed by an independent committee of investigation.

The committee of investigation

In late May 1998 the government established an independent committee of investigation to review the cases of the several hundred people arrested for alleged collaboration with the AFRC who remained detained without charge. The purpose of the committee is to review the cases of those detained in order to expedite release or prosecution. The terms of reference of the committee was to advise the government on action to be taken in the cases of: those alleged to have collaborated with the AFRC; civil servants who had resumed work under the AFRC at their own request or on the invitation of the AFRC; and managers and employees of public sector services who allowed the use of funds by the AFRC or others who facilitated payment of public funds.

The committee of investigation is headed by Nasiru Tejan-Cole, a former Director of Public Prosecution, and includes seven other prominent members of the community. It

began its work on 17 July 1998 but its hearings were not held in public. Human rights officers from UNOMSIL were, however, allowed to attend. Detainees appeared before the committee in person and were not represented by lawyers. They were invited to comment on statements that they had made to the police after their arrest and were also able to call witnesses. The committee then made recommendations to the government on whether to prosecute or release them.

Amnesty International welcomed the establishment of the committee of investigation by the government as a positive initiative. While its progress in reviewing cases has been slower than anticipated, the committee is reported to have conducted its work professionally and competently.

By late September 1998 the cases of some 120 detainees had been considered by the committee. More than 70 had been released unconditionally and another 17 were released either on bail or pending further investigations. In other cases the committee concluded that there was evidence of criminal offences. The committee of investigation is continuing its work and has repeated its calls for witnesses of suspected collaboration to provide evidence and cooperate with the committee.

Recommendations

- the cases of those who remain detained without charge or trial should be reviewed by the committee of investigation with a minimum of delay with a view to either charging or releasing them.

Trials before the High Court

Among the 59 civilians charged in April 1998 with treason and some also with other offences, including murder and arson, were those who had participated in the AFRC by accepting government posts. The defendants also included a number of former politicians including former President Joseph Saidu Momoh. One of the defendants, Abdul B. Sankoh, died as a result of ill-health on 21 June 1998. Trials in three groups began in early May 1998 before the High Court in Freetown.

The government stated its commitment to ensuring fair trials for those charged, whereas the public mood was one of anger and a desire for swift justice. The trials were open to the media and public and were monitored by UNOMSIL human rights officers, assisted from July until October 1998 by representatives of the International Bar Association. Independent observers concluded that there had been a genuine attempt by the government to conduct fair and transparent trials before the High Court and that the trials appeared to comply to international procedural standards.

On 25 August 1998, 16 defendants in one of the trials were convicted and sentenced to death; the two remaining defendants were acquitted. Among those sentenced to death were Victor Foh, a member of parliament of the All People's Congress (APC) party, Allieu Badara Kamara, AFRC Under-Secretary of State for Information, Christian Kargbo, former Governor of the Central Bank, Hilton Fyle, a journalist and broadcaster, who had formerly worked for the British Broadcasting Corporation (BBC) World Service, Ibrahim Ben Kargbo, a journalist and editor of the *New Citizen* newspaper, Gipu Felix-George, Director General of the Sierra Leone Broadcasting Service (SLBS), and two other SLBS broadcasters, Dennis Ayodele Smith and Olivia Mensah. Olivia Mensah, who was pregnant at the time of her arrest and who gave birth in July 1998, was also convicted of murder.

A second trial concluded on 19 October 1998: 16 defendants were convicted and three acquitted. On 21 October 1998, 11 of those convicted were sentenced to death and the five others were sentenced to 10 years' imprisonment. Those sentenced to death included Claude Victor Campbell, a former Attorney General and Minister of Justice, Ahmed Charrid Dumbuya, former head of the National Power Authority, Brigadier (rtd.) Leslie Modibo Lymon, AFRC Secretary of State for the Interior, and Nancy Steele, a former APC politician.

The third trial concluded on 4 November 1998. Fifteen of the defendants were convicted of treason and were sentenced to death the following day. They included several people who had held ministerial positions during the period of AFRC rule, including Victor Brandon, Secretary of State for Development, Dr Bailah Leigh, Secretary of State for Health, Dr Matilda King, Under-Secretary of State for Health, and Ajibola Manley-Spaine, Attorney General and Minister of Justice. Former President Momoh was found not guilty of treason but was convicted of two counts of conspiracy and sentenced to two five-year terms of imprisonment to be served concurrently. Five other defendants were acquitted.

All those convicted by the High Court have the right to appeal to the Court of Appeal and, if unsuccessful, to the Supreme Court. If conviction and sentence are confirmed on appeal, those sentenced to death may seek the exercise of the prerogative of mercy, under Section 63 of the Constitution of 1991. The prerogative of mercy is exercised by a special committee chaired by the President. All those convicted and sentenced to death have appealed against their conviction and sentence; a date for hearings before the Court of Appeal had not been set by early November 1998.

Following interventions by the international community calling for commutation of the death sentences passed in August 1998, the government responded that the judicial process was continuing, that those sentenced had the right to appeal to the Court of Appeal and the Supreme Court, that it remained committed to due process of the law and that the

President would consider exercising clemency in any cases where a death sentence was confirmed at the completion of the judicial appeal procedure.

The trial of Foday Sankoh began on 24 September 1998 and he appeared before the High Court on several occasions during October 1998, pleading not guilty to charges of treason and other offences related to the military coup of May 1997. Sierra Leonean lawyers feared reprisals if they agreed to represent Foday Sankoh and genuine efforts by the government to provide legal representation for him proved unsuccessful. He therefore conducted his own defence.

Under Article 14(3)(d) of the ICCPR, a defendant should be allowed to defend himself through a legal representative of his own choosing and that, if he does not have legal assistance, such assistance should be assigned to him. Article 7 of the African Charter, as interpreted by the African Commission, also includes the right to be defended by a lawyer of the defendant's choice. Safeguard 5 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, states that: "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure fair trial, at least to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." The UN Special Rapporteur on extrajudicial, summary or arbitrary executions reiterated in December 1996, that: "All defendants facing the imposition of capital punishment must benefit from the services of a competent defence counsel at every stage of the proceedings."

On 23 October 1998 Foday Sankoh was convicted on seven of the nine counts against him and sentenced to death. He appealed against his conviction and sentence and requested representation by a defence lawyer for the appeal procedure. The government sought assistance in providing a lawyer for Foday Sankoh from the United Kingdom and other Commonwealth countries.

Recommendations

- all trials should continue to be open to international observers and to conform to international standards for a fair trial;
- all those tried for offences which carry a mandatory or discretionary death sentence should be ensured all appropriate safeguards as guaranteed by international standards, including adequate legal assistance at all stages of the proceedings and the right to appeal against conviction and sentence to a higher jurisdiction.

Trials before court martial

The trial of 37 soldiers charged with mutiny, failure to suppress a mutiny, treason and conspiracy began on 23 July 1998. The defendants included senior members of the AFRC such as Colonel Abdul Karim Sesay, AFRC Secretary General, Sergeant Abu "Zagalo" Sankoh and Corporal Tamba Gborie who had announced the military coup on 25 May 1997 on state radio. The judicial panel comprised Sierra Leonean army officers and was presided by a Judge Advocate who was a Nigerian ECOMOG officer.

As with the trials before the High Court, the court martial was open to independent observers. In addition to monitors from UNOMISIL and the International Bar Association, an Amnesty International representative observed the early proceedings of the trial before the court martial in late July and early August 1998.

Trials before court martial in Sierra Leone allow no right of appeal against conviction and sentence to a higher jurisdiction. The right of appeal from a decision of a court martial was abolished by statute in 1971. This lack of judicial appeal violates international standards for a fair trial. Amnesty International repeatedly urged the government to allow a judicial appeal from the court martial.

Article 14(5) of the ICCPR states that: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law." Under the Optional Protocol to the ICCPR, ratified by Sierra Leone in 1996, where rights guaranteed by the ICCPR, including the right to fair trial, have been violated, recourse may be sought from the UN Human Rights Committee.

The Human Rights Committee has concluded that imposition of a death sentence after a trial which violates the provisions of the ICCPR, including Article 14, constitutes a violation of the right to life which is guaranteed by Article 6 of the treaty.

In addition, Safeguard 6 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty states that: "Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory."¹³

¹³For further information on international standards relating to the use of the death penalty, refer to *International standards on the death penalty* (AI Index: ACT 30/06/97), published by Amnesty International in August 1997.

The African Charter also guarantees, under Article 7, the right to fair trial. The African Commission has made several decisions which interpret Article 7 of the African Charter to include a right of appeal to a higher jurisdiction. In April 1998 the African Commission, before the execution of 23 people in Rwanda, issued a statement saying that the executions of people who had been denied a fair trial violated Article 4 of the African Charter which prohibits the arbitrary deprivation of the right to life.

As with those sentenced to death by a civilian court, the presidential committee for the prerogative of mercy may meet after judgment has been made to confirm or reduce sentences by the court martial.

In the final stages of the trial, the judicial panel of the court martial refused to accept legal arguments, which had previously been accepted by the prosecution in the case of civilians being tried for treason before the High Court, that the death penalty was discretionary, rather than mandatory, for the offence of treason. It therefore refused to accept evidence in mitigation.

On 12 October 1998 34 of the defendants before the court martial were convicted of treason, murder and collaborating with the enemy and sentenced to death. They included Colonel Abdul Karim Secsy, Sergeant Abu "Zagalo" Sankoh, Corporal Tamba Gborie, Brigadier Hassan Karim Conteh, a former Chief of Defence Staff, Colonel Samuel Francis Koroma, also former Chief of Defence Staff, Squadron Leader Victor L. King, and a woman, Major Kula Samba, who had been AFRC Secretary of State for Social Welfare, Children and Gender Affairs. The three other defendants were acquitted.

Complaints of violations of the ICCPR were submitted to the UN Human Rights Committee on behalf of 18 of those sentenced to death by the court martial. Despite these submissions and appeals for stays of execution and clemency by the international community, including the UN Secretary-General and UN High Commissioner for Human Rights, 24 of those sentenced to death, including those named above, were executed on 19 October 1998. The other 10 had their sentences commuted to life imprisonment by the committee for the prerogative of mercy.

The executions were carried out by a firing squad using automatic weapons and took place in public on the outskirts of Freetown. The executions were reported to have been observed by a large number of people, although not specifically invited, who included the news media. Photographs of the executions were subsequently published. Amnesty International considers that the death penalty in all circumstances is a cruel, inhuman and degrading punishment. The manner in which these executions were carried out, however, was particularly cruel, inhuman and degrading. The graphic publicity subsequently

appearing in the news media in Sierra Leone both emphasized and aggravated the brutalizing effect that the executions have on society within Sierra Leone.

These executions violated Sierra Leone's commitments under international human rights law and were condemned by the international community, including the UN and the EU, as well as Amnesty International and other human rights organizations. The UN Secretary-General said on 22 October 1998 that he regretted that the executions had taken place despite his appeal to the government to consider, at the very least, a stay of execution pending review of the proceedings before relevant international monitoring bodies. He added that he hoped that the government would ensure due process of the law in subsequent trials. The UN Human Rights Committee requested the government to explain why it had disregarded the Committee's request for a stay of execution and carried out the executions.

It was reported in late October 1998 that a further 16 soldiers would be tried on treason charges before the court martial; if convicted, they too faced death sentences without the right to appeal to a higher jurisdiction.

Recommendations

- trials before court martial must conform to international standards for a fair trial, including the right of appeal against conviction and sentence to a higher jurisdiction;
- in addition, those tried before court martial for offences which carry a mandatory or discretionary death sentence should be ensured all appropriate safeguards.

The death penalty - a violation of human rights

All those convicted of treason and other offences relating to the military coup of May 1997 face a possible death sentence. By early November 1998, 42 civilians and Foday Sankoh had been sentenced to death and 24 of 34 soldiers sentenced to death by court martial had been executed.

The anger and bitterness of the people of Sierra Leone against those tried for crimes committed during the period of AFRC rule and the desire for retribution and swift justice was demonstrated by the series of revenge killings which took place in Freetown and other parts of the country after the removal of the AFRC and RUF. Public opinion in Sierra Leone demands that strong action is taken by the government against those responsible for

crimes committed during that period, which included gross human rights abuses such as killings and torture. The atmosphere surrounding the trials has been highly charged and support for the death penalty in Sierra Leone is inevitably widespread.

Amnesty International acknowledges the government's responsibility to bring to justice those responsible for such crimes, in accordance with international standards. Amnesty International is opposed to impunity and always encourages governments to investigate human rights abuses and to bring the perpetrators to justice. It is precisely because Amnesty International is concerned that those guilty of human rights abuses should not escape justice that it urges the government to ensure that all trials are conducted fairly.

Amnesty International is, however, unconditionally opposed to the death penalty on the grounds that it is a violation of the fundamental right to life and the right not to be subjected to cruel, inhuman or degrading punishment as set out in the Universal Declaration of Human Rights and the ICCPR. There is particular concern when those sentenced to death and executed do not receive fair trials.

The scale of human rights abuses committed in Sierra Leone has been horrendous. An argument used in favour of the death penalty is that it is justified retribution for particularly atrocious crimes. The use of the death penalty, however, perpetuates a cycle of violence, bitterness and revenge, instead of bringing reconciliation and respect for human rights. The death penalty is an official form of violence which has a brutalizing effect on society. Violent retribution is not justice but vengeance disguised as justice. A government and people committed to end human rights abuses must rise above vengeance and promote and protect human rights, in particular the right to life.

A difficult and daunting task faces Sierra Leone in achieving reconciliation within its society after the atrocities committed by the AFRC and RUF. Amnesty International, however, does not believe that the use of the death penalty will contribute in any way to the process of reconciliation. On the contrary, it considers that the public executions of 24 soldiers in October 1998 after an unfair trial are incompatible with initiatives aimed at reconciliation within Sierra Leone.

There has been significant progress towards ending the use of the death penalty both in Africa and throughout the world: 19 states in Africa and a majority of states worldwide have abolished the death penalty in law or in practice. The government of Sierra Leone should move in the direction of this trend, rather than against it.

Recommendations

- the government of Sierra Leone should take steps towards the abolition of the death penalty in law
- pending abolition, all death sentences should be commuted and no executions should take place;
- the government and non-governmental organizations should initiate and promote open debate on the death penalty among the Sierra Leonean population in order to raise awareness of the human rights issues involved.

Harsh prison conditions

Conditions in prisons, police stations and other places of detention in Freetown and throughout the country fall far short of international standards for the treatment of prisoners and in some cases amount to cruel, inhuman and degrading treatment. The severity of conditions in Sierra Leone's prisons appears to be attributable to material shortages in a country which faces acute economic problems. Conditions have been further exacerbated by the destruction and damage of prison facilities at the time of the military coup in May 1997.

All places of detention hold numbers of detainees well beyond the capacity for which they were designed. Following the detention of some 2,000 people in the weeks following the removal of the AFRC and RUF from power, conditions in Pademba Road prison and police cells in Freetown became severely overcrowded. In October 1998 some 1,200 detainees were reported to be held at Pademba Road prison, more than three times the capacity for which it was constructed. Most of these detainees were held under the Public Emergency Regulations. Detainees were also held in military camps, including ECONIOG bases at Wilberforce and Lungi barracks.

In August 1998 a local human rights organization, Prison Watch Sierra Leone, reviewed conditions both at Pademba Road prison and the Kingdom Remand Home for children in Freetown. It concluded that generally the diet of prisoners was deficient. With the exception of separate facilities provided for women prisoners, sanitation was poor at Pademba Road prison. Prisoners depended on family and relatives for the provision of clothing. Prison Watch Sierra Leone drew particular attention to the neglect of 24 children held at that time at the Kingdom Remand Home, the youngest of whom was 11 years old.

Few received visits from members of their families and most appeared to be children who had lost contact with their families as a result of the conflict.

Conditions are particularly harsh at CID headquarters and also at the Central Police Station in the centre of Freetown. Large number of detainees, accused of criminal offences or of crimes committed during the period of AFRC rule, are reported to have been held for lengthy periods at CID headquarters in small, dark cells with inadequate ventilation and sanitary facilities. Cells at the Central Police Station, which is situated next to the sea, are reported to be extremely damp and subject to flooding. Often detainees have no bedding and have to sleep on the floor. Food and medical care are inadequate. Detainees held in police stations rely on food being provided by relatives and friends.

Conditions in prisons outside the capital are also extremely poor. Food and sanitary provisions are particularly deficient. There is no effective system for providing food to prisoners and those without support from relatives are at particular risk of deprivation. Often there is no space for exercise within the prison. In prisons outside Freetown, for example in Kenema, female prisoners are not segregated from males and minors are held with adult prisoners.

As a result of severe overcrowding, inadequate hygiene and medical care diseases, including malaria, diarrhoea and skin complaints, are rife in Pademba Road prison and other places of detention. Some prisoners and detainees were reported to have died as a result of ill-health. While Pademba Road prison has medical facilities within the prison and a prison doctor, most prisons outside Freetown have no such provision.

Following the detention of hundreds of people alleged to have collaborated with the AFRC and RUF visits were severely restricted and denied altogether on several occasions. The authorities justified these restrictions on security grounds.

Shortly after the removal of the AFRC and RUF a delegation of the ICRC, accompanied by a doctor and a nurse, were authorized to visit all places of detention in areas under the control of ECONMOG, including Pademba Road prison, and visits have since continued.

The government is reported to be reviewing the prison system in Sierra Leone in order to undertake major reforms. Financial assistance from the international community will, however, be necessary to implement improvements to conditions in prisons and other places of detention. Following visits to several places of detention in late October 1998 UNOMISIL human rights officers prepared an analysis of the problems faced by the prison system in order to provide a more coordinated response to the needs of prisons and other places of detention.

Recommendations

- urgent and effective measures should be taken to ensure that all places of detention in Sierra Leone conform to international standards for the treatment of prisoners, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- the health of all detainees and prisoners should be ensured while in custody; adequate medical facilities and treatment, food, washing and sanitary facilities should be provided, and prisoners should have daily exercise in the fresh air;
- the international community should assist the Sierra Leone government in ensuring acceptable conditions of detention.

Long-term measures for the protection and respect of human rights

Establishing accountability for human rights abuses is essential to prevent human rights violations in the future. Also needed are strong and effective institutions within Sierra Leone to ensure that fundamental human rights are respected and protected. This includes the legal and judicial systems, the army and the police, as well as an independent national human rights commission. Civil society, including human rights groups, are also integral to promoting human rights and creating an environment in which human rights are respected.

Despite the exceptionally difficult circumstances that all sectors of civil society, including the human rights community, in Sierra Leone have recently endured, human rights groups have emerged as a committed and active force. Their potential should be acknowledged and their activities supported. A National Forum for Human Rights, which is a coalition of 18 organizations working in diverse areas, has been established.

It is essential that basic institutional reforms are guided by strict adherence to international standards relating to the independence of the judiciary, human rights in the administration of justice and codes of conduct for law enforcement officials. All sectors of Sierra Leonean society, including the human rights community, should be involved in these reforms and should receive education and training on human rights standards and complaints procedures.

The international community, including the UN and international financial institutions such as the World Bank and the International Monetary Fund, should work closely together to promote post-conflict reconstruction and rehabilitation in Sierra Leone which is based on good governance and respect for human rights. International financial institutions should use their influence - official and unofficial - to ensure that the restoration of good and effective governance includes the re-establishment of mechanisms and systems to promote the rule of law and the protection of human rights. This should include assistance towards the establishment of permanent, independent and effective national institutions for the long-term protection of human rights and the rule of law, including an independent judiciary and fair criminal justice system.

Reform of the legal and judicial system

The long-term protection of human rights in Sierra Leone depends fundamentally on an effective legal system which is enforced by an independent, impartial and accessible judiciary with adequate resources. The Sierra Leone government, following its return to power, admitted that the judicial system was entirely inadequate. Courts outside Freetown are not functioning, other than magistrates courts in Bo, Kenema and Makeni, and the traditional court system has collapsed.

There should be a thorough review of existing legal institutions in order to make them more effective in the protection of human rights. These initiatives should be accompanied by a determined government policy to hold those responsible for human rights violations fully accountable.

UNOMSIL, UNDP, other UN agencies and international financial institutions should contribute towards the reconstruction of an effective judiciary and legal system in Sierra Leone. Some initiatives have already been undertaken. UNOMSIL has provided law books to the legal profession and has distributed legal technical documents to lawyers representing defendants in the treason trials. It has also conducted seminars for lawyers to discuss aspects of trial practice and procedure.

Restructuring the armed forces

The Sierra Leone national army, the RSLMF, was effectively disbanded following its participation in the military coup and the period of rule by the AFRC. Programs for disarmament, demobilization and reintegration have commenced but at a slower pace than anticipated.

In May 1998 the government announced plans for the establishment of a new national army. Recruitment and training was entrusted to ECONMOG. During a meeting

with the Special Representative of the UN Secretary-General for Children and Armed Conflict in May 1998, the government agreed not to recruit children under the age of 18 years. The government and ECOMOG have also agreed to receive assistance from UN agencies in providing training materials on humanitarian and human rights standards concerning the protection of civilians, particularly women and children.

In early September 1998 President Kabbah announced the government's strategy for the re-establishment of a professional and disciplined Sierra Leonean national army which would comprise 5,000 soldiers, including some of those who had remained loyal to President Kabbah's government after the military coup and who had surrendered to ECOMOG forces after February 1998. Some of these soldiers have already been deployed alongside ECOMOG and CDF forces in those parts of the country still affected by conflict. The international community, including the United Kingdom and the Commonwealth, are providing assistance in training and equipping the new national army. Restructuring, training and equipping the national army should include provisions for the protection of human rights contained in international humanitarian and human rights law.

Human rights training for the police force

Restructuring and training of the police force should also include training in human rights. In August 1998 the government announced its intention to create a police force which would be able to assist Sierra Leone in returning to peace and prosperity and which would eventually remove the need for the deployment of military and paramilitary forces, including the CDF, in towns and villages.

UNOMSL civilian police advisers should continue to monitor, supervise and train national police and security forces and verify their adherence to international human rights and criminal justice standards. A UN civilian police adviser was deployed in Sierra Leone in accordance with UN Security Council resolution 1162 (1998) in July 1998. Resolution 1181 (1998) provided for the deployment of a further four police advisers. Their role is to assist in restoring the confidence of the government and the people of Sierra Leone in the police force and to advise the government on training and re-equipment needs. UNOMSL civilian police advisers are working closely with a team of police advisers from Commonwealth countries, the Commonwealth Police Development Task Force, deployed at the request of the government, as well as with UNOMSL human rights officers.

In his Second Progress Report on UNOMSL, the UN Secretary-General acknowledged that reform of the police force in Sierra Leone poses great challenges. Parts of the country are without a police presence, since many police officers have been killed or have abandoned their posts as a result of the conflict. Little or no training has been available for several years and the police suffer from inadequate logistical support, lack of

equipment and poor conditions of service. Respect for human rights has been emphasized and police training initiatives have begun.

UNOMSIL human rights officers have conducted a series of human rights training workshops for police officers, including at the Sierra Leone police training college and in Bo and Kenema, as part of continuing efforts by UNOMSIL and the Commonwealth to restructure and train the Sierra Leonean police force.

The National Commission for Human Rights and Democracy

Long-term respect for human rights requires national human rights institutions to redress human rights violations. Rarely do they receive the necessary funding. If empowered with political support and resources national human rights institutions are the most sustainable mechanisms for the protection human rights. National institutions, which include government bodies as well as those of civil society such as human rights groups, the media, trade unions and professional organizations, are an important element of post-conflict reconstruction.

A National Commission for Human Rights and Democracy has been established in Sierra Leone and with the return President Kabbah's government has begun to resume its activities. The National Commission has a crucial role to play within Sierra Leone in building a culture based on the universality, interdependence and indivisibility of all human rights for all people. It should be supported and strengthened and its independence and impartiality guaranteed.¹⁴

An effective national human rights commission, with the power to investigate human rights violations and to institute legal proceedings where appropriate, can play a central role in protecting human rights. It is crucial, however, that the National Commission is supported by the government in bringing those responsible for human rights violations to justice.

An effective national human rights commission is an important mechanism for strengthening human rights protection and bringing about institutional reform. It should not, however, replace or detract from the importance of safeguards provided by an effective legal system.

¹⁴For further guidelines on the mandate, composition and functioning of national institutions for the promotion and protection of human rights, refer to *Proposed Standards for National Human Rights Commissions* (AI Index: IOR 40/01/93), published by Amnesty International in January 1993, and the handbook on *National Human Rights Institutions*, published in 1995 by the UN Centre for Human Rights (now the Office of the High Commissioner for Human Rights).

On 18 September 1998 the National Commission established four committees, composed of prominent civilians, to monitor and report on areas of concern for the protection and respect of human rights. These included the conduct of the police, prison conditions and the situation of women and children. On 10 October 1998 UNOMSIIL human rights officers conducted a human rights training session for the committee monitoring women and children which was also attended by members of the National Commission.

The National Commission should continue to work closely with local human rights groups in order to develop a strong and effective human rights movement in Sierra Leone which includes all sectors of civil society.

Recommendations

- the international community, including international financial institutions, should continue to contribute to institutional reform in Sierra Leone, including strengthening the independence of the judiciary and reforming the military and civilian police force;
- the National Commission for Human Rights and Democracy should have the necessary powers, resources, professional competence and guarantees of independence and impartiality to carry out prompt and effective investigations into human rights violations; its findings should be made public and it should include recommendations for bringing those responsible for human rights violations to justice and for providing compensation to the victims;
- the National Commission for Human Rights and Democracy should also make recommendations for institutional reform and other preventive measures, such as human rights education aimed at all sectors of society, including military, police and judicial officials.

