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SIERRA LEONE

Towards a future founded on human rights

Introduction

Major political developments in Sierra Leone during 1996 - a return to civilian rule and progress towards a negotiated settlement to the internal armed conflict - have presented unique opportunities for ending human rights abuses. The new government has stated its commitment to protect and respect human rights. A draft peace agreement contains commitments by both parties to the conflict in Sierra Leone to adhere to international human rights standards. This is a decisive moment to act and build on those commitments.

At the end of March 1996 the National Provisional Ruling Council (NPRC), which came to power in a military coup in April 1992, ceded power to a civilian government headed by President Ahmad Tejan Kabbah. Presidential and parliamentary elections were held in February and March 1996. Sierra Leonean civilians, determined to vote, defied a campaign of intimidation and terror by both government soldiers and rebel forces aimed at preventing the elections proceeding. Unarmed civilians were deliberately killed and tortured: some of the worst atrocities of the five-year conflict between government forces and the armed opposition Revolutionary United Front (RUF) occurred in the months and weeks leading up to the elections. During a visit to Sierra Leone in April 1996 representatives of Amnesty International met many of the hundreds of victims of these atrocities.

During the same period, representatives of the NPRC and the RUF met for the first time since the conflict began in 1991. A provisional cease-fire was agreed in March 1996 and subsequently extended. Talks continued with the new civilian government and by the end of May 1996 significant agreement had been reached on a draft peace settlement. However, the two sides failed to reach agreement on the timing of disarmament and the withdrawal of foreign troops from the country. It is essential that a final negotiated settlement includes strong guarantees for the respect and protection of human rights, including independent and effective mechanisms for clarifying human rights abuses during the conflict, monitoring continuing abuses in the transition towards peace and preventing human rights violations in the future.

While negotiations to finalise a peace agreement continue, and despite a cease-fire, defenceless civilians continue to be tortured and killed. Hundreds of thousands of Sierra Leoneans displaced by the conflict are still unable to return to their homes. Both the government and the RUF need to ensure that steps to end human rights abuses by government soldiers and rebel forces are taken immediately. Effective measures for ensuring the protection of human rights should not be stalled pending a final peace agreement.

Clarification about human rights abuses during the internal armed conflict in Sierra Leone and accountability for them are essential components of a process of peace and reconciliation. True reconciliation cannot be achieved if the rights of the many thousands of victims and their relatives to truth, justice and redress are ignored. Redress includes determining and acknowledging responsibility and compensation for victims. This process needs the full cooperation of both parties to the conflict as well as the involvement of all sectors of Sierra Leonean society and the international community.

Amnesty International is making concrete recommendations for moving forward with the commitments to protection of human rights made by both sides during negotiations towards a peace settlement.

Political developments during 1996

Elections and return to civilian rule

In August 1995 a national consultative conference, representing many sectors of Sierra Leonean society, met in the capital, Freetown, to consider how a return to civilian rule, promised by the NPRC, should be implemented. Among those represented were political parties, traditional leaders, trade unions, religious groups, women's and students' groups, displaced people and Sierra Leonean refugees in Guinea and Liberia. The conference recommended that elections, previously scheduled to take place in December 1995, should be postponed to no later than February 1996.

The RUF refused an invitation from the Interim National Electoral Commission (INEC), which was responsible for organizing the elections, to attend the national consultative conference; it also refused to participate in the elections or to recognize their legitimacy.

Six weeks before the elections, scheduled for 26 February 1996, doubt was cast on whether they would in fact go ahead. On 16 January 1996 Captain Valentine Strasser, Chairman of the NPRC, was overthrown by his second-in-command, Brigadier Julius Maada Bio. There was no overt violence or loss of life; Captain Strasser was flown to neighbouring Guinea. The reconstituted NPRC claimed that Captain Strasser's intention to manipulate the elections and retain power prompted the coup. Brigadier Maada Bio promised to adhere to plans for return to civilian rule, although increasingly members of the NPRC argued that elections should be postponed.

The national consultative conference was reconvened on 12 February 1996 to decide whether to proceed with the elections. Two days before the conference the INEC offices and the homes of the chair of INEC, Dr James Jonah, and the leader of the Sierra Leone People's Party (SLPP), Ahmad Tejan Kabbah, were attacked with grenades and gun-fire. It was widely believed that soldiers were responsible. The NPRC's advice to the national consultative conference to delay the elections was rejected overwhelmingly.

The security situation deteriorated soon after with several attacks by armed groups against civilians reported in Northern and Southern Provinces. Nevertheless, the elections took place on 26 February 1996; voting was extended to a second day as a result of the large voter turnout. Sierra Leoneans, determined to vote for a civilian government and end four years of military rule, refused to be deterred by violence on the part of both government soldiers and RUF forces. At least 27 people were reported to have died in violent incidents on polling day, the majority in Bo, Southern Province. Responsibility for these attempts to disrupt the elections was officially attributed to the RUF, which had threatened to prevent them from taking place; however, there was strong evidence that soldiers opposed to the elections were responsible.

None of the presidential candidates received the required 55 per cent of votes to win the presidential election outright. A second round of the election for president between Ahmad Tejan Kabbah of the SLPP and Dr John Karefa-Smart of the United National People's Party (UNPP) was held on 15 March 1996. Less violence marred this round of voting. Ahmad Tejan Kabbah won decisively with almost 60 per cent of votes. In the parliamentary elections, five parties, including the SLPP and the UNPP, gained the required number of votes to be represented in parliament. The election to parliament of 12 traditional leaders, known as paramount chiefs, took place in early March 1996. Observers from the Commonwealth Secretariat described the elections as "on the whole, free and fair". In its final report on the elections, the Commonwealth Secretariat commented "... these elections, under the circumstances, were nothing short of an act of faith on the part of the people of Sierra Leone. They were the first truly democratic elections in nearly 30 years..."

The NPRC subsequently issued a decree providing for power to be handed over to a civilian government within 14 days of the election results being announced. It also passed a decree effectively granting impunity to the NPRC and people acting under its authority, including the military, for any acts committed during or after the April 1992 coup. This decree, NPRC Decree No.6, The Indemnity and Transition Decree, 1996, declared that no action or legal proceeding, whether civil or criminal, could be taken in respect of any act undertaken during the government of the NPRC by the NPRC itself or anyone acting on its behalf. While not defining further to which acts NPRC Decree No.6 would be applicable, such a broad and ill-defined term could be interpreted to include human rights violations.

Ahmad Tejan Kabbah was sworn in as President on 29 March 1996.

When it took power in 1992 the NPRC suspended parts of the Constitution of Sierra Leone of 1991 and ruled by proclamation and decree. Fundamental human rights such as protection from arbitrary arrest and detention and freedom of expression were undermined by legislation passed by the NPRC. In early July 1996 parliament passed into law the Constitutional Reinstatement Provisions Act, 1996 which reinstated those parts of the 1991 Constitution which had been suspended. The 1991 Constitution contains recognition and protection of fundamental human rights and freedoms of the individual, including the right to life, protection from arbitrary arrest or detention, protection from cruel, inhuman and degrading treatment and freedom of expression and association. All NPRC decrees were to be reviewed by the new government and parliament.

Beginning of peace negotiations

Hope of a negotiated settlement to the five-year conflict in Sierra Leone, which had previously appeared intractable, emerged in 1996. Intergovernmental organizations, including the United Nations (UN), the Organization of African Unity (OAU) and the Commonwealth, which had been attempting to facilitate dialogue between the NPRC and the RUF since late 1994 continued to pursue a political settlement to the conflict, together with other governments in West Africa, in particular that of Côte d'Ivoire.

A week after assuming power on 16 January 1996, Brigadier Maada Bio declared his readiness to meet the leader of the RUF, Foday Sankoh. He offered an amnesty and safe conduct to

RUF members to attend peace talks. An RUF spokesman in Côte d'Ivoire, Fayia Musa, responded by agreeing to peace talks. The RUF dropped its previous precondition of withdrawal of foreign troops - Nigerian and Guinean troops as well as soldiers provided by a South African company, Executive Outcomes, deployed in Sierra Leone since May 1995 - before discussions took place. A week-long cease-fire was declared by the RUF. The two parties agreed to meet in Côte d'Ivoire on 28 February 1996, two days after the elections. The RUF continued to call for the elections to be postponed, arguing that peace should first be secured, and said that it would not recognise an elected civilian government.

Representatives of the NPRC and the RUF met in Abidjan from 28 February until 3 March 1996. Meetings were chaired by the Minister of Foreign Affairs of Côte d'Ivoire, who acted as mediator; representatives of the UN, the OAU and the Commonwealth were also present. Both representatives of the NPRC and the RUF agreed that their leaders - Brigadier Maada Bio and Foday Sankoh - should meet.

On 17 March 1996, two days after Ahmad Tejan Kabbah won the presidential election, the RUF announced a two-month cease-fire. The following day RUF spokesman Fayia Musa, speaking on a British Broadcasting Corporation (BBC) World Service broadcast, announced that the RUF was prepared to meet Ahmad Tejan Kabbah as the elected representative of the more than 600,000 Sierra Leoneans who had voted for him, although it would not recognize him as head of state.

Brigadier Maada Bio and Foday Sankoh met in Côte d'Ivoire's capital, Yamoussoukro, from 25 to 27 March 1996, a few days before the formal handover of power to Ahmad Tejan Kabbah. The meeting was opened by the Ivorian president, Henri Konan Bedié, and delegations included the UN, the OAU, and the Commonwealth. In the official communique issued after the two-day meeting, the RUF leader agreed to meet Ahmad Tejan Kabbah to continue the peace talks after he had been sworn into office. President Ahmad Tejan Kabbah and Foday Sankoh met in Yamoussoukro on 22 and 23 April 1996. The cease-fire was extended and discussions continued on a peace agreement, disarmament and encampment of combatants and demobilization and reintegration of combatants.

Twenty-six of 28 provisions of an eventual peace accord, which included references to human rights, in particular a commitment to adhere to international human rights and humanitarian law and the establishment of an independent National Commission on Human Rights, were agreed by the end of May 1996; disagreement remained on the timing of disarmament and the withdrawal of foreign troops, in particular Executive Outcomes, and also the control and monitoring of the national budget and debt. The two parties, together with those intergovernmental organizations and other governments involved in the negotiations, continued deliberations and in the weeks that followed a conclusion to the peace negotiations was anticipated to be within reach. Foday Sankoh said in late July 1996 that RUF forces would continue to observe the cease-fire but would not disarm until all foreign troops left Sierra Leone. In August 1996 the OAU requested Canaan Banana, former President of Zimbabwe, to mediate between the government of Sierra Leone and the RUF in an attempt to move the peace process forward.

Despite the declaration of a two-month cease-fire on 17 March 1996, which was subsequently extended, attacks on civilians continued in Southern, Eastern and Northern Provinces, claiming many civilian lives. Initially the motives of attacks on civilians appeared to be primarily looting, particularly

for food and seed rice; money was demanded at RUF checkpoints on major roads. There were reports of civilians being beaten if they did not hand over goods. However, there was an upsurge in violence from early May 1996 which continued during the following months. Attacks were reported in Bo, Moyamba, Pujehun and Bonthe Districts in Southern Province, Kenema District in Eastern Province and Tonkolili District in Northern Province; civilians were killed, mutilated and abducted. Despite continuing violence, which included confrontations between rebel forces and government soldiers, for example at Yamandu, Boama Chiefdom, Bo District, on 22 July 1996, the cease-fire was officially acknowledged to be still in place.

Serious human rights abuses continue in Sierra Leone while negotiations progress to resolve remaining areas of disagreement. Steps need to be taken immediately to ensure that the commitments by both parties included in the draft peace agreement to respect human rights and to adhere to international human rights standards are immediately put into practice and are not stalled pending a final political settlement to the conflict.

Human rights guarantees in the peace process

Since negotiations began, Amnesty International has stressed in direct communications to both the government of President Ahmad Tejan Kabbah and the leadership of the RUF that any political settlement to the armed conflict in Sierra Leone must include strong guarantees for the respect of human rights, including independent and effective mechanisms for clarifying human rights abuses during the conflict, monitoring continuing abuses in the transition towards peace and preventing human rights violations in the future.

Experience in many other countries shows that to be effective and long-lasting, a settlement must take into account human rights abuses committed during the conflict. Clarification about human rights abuses and accountability for them are essential components of a process of peace and reconciliation. True reconciliation cannot be achieved if the rights of the many thousands of victims and their relatives to truth, justice and redress are ignored. Redress includes determining and acknowledging responsibility and compensation for victims. This process needs the full cooperation of both parties to the conflict as well as the involvement of all sectors of Sierra Leonean society and the international community.

Those settlements which have been most successful in protecting human rights have included independent mechanisms for the verification of abuses during the period of implementation of the full provisions of the peace accord, pending the reform or creation of permanent institutions responsible for the protection of human rights. The mandate and powers of such bodies have included the parties' agreement to cooperate with the monitoring mechanism and not to interfere with its work. Human rights monitors should, at a minimum, be able to receive complaints from any person or group, interview people, including detainees, freely and in private, travel freely and visit any site, including places of detention; protection should be provided to witnesses. It is essential that any mechanism for human rights monitoring be led by people with substantial human rights experience and include staff with field experience in human rights monitoring. Amnesty International has urged both parties, and those intergovernmental organizations and other governments which are involved in seeking a political settlement to the conflict in Sierra Leone, to ensure that the final agreement provides for an

effective and independent mechanism for human rights monitoring during the transition from conflict to peace.

The draft peace agreement envisages a Joint Monitoring Group, composed of representatives of the government, the RUF and members of the international community, to be responsible for monitoring breaches of the cease-fire provided under the peace agreement; the Joint Monitoring Group is to be deployed no later than two weeks after the signing of the agreement and for an initial period of three months.

Since attacks on unarmed civilians and human rights abuses are continuing there is an urgent need for monitoring of the cease-fire to be accompanied immediately by a human rights verification commission to monitor adherence to the human rights standards referred to in the draft peace agreement, including those guaranteeing right to life and the right not to be tortured and ill-treated. As a guarantee of impartiality and independence, the human rights monitoring body should include international human rights observers with the expertise and credibility to effectively verify human rights. The monitoring body should also play a role, together with local human rights organizations, in making recommendations for a permanent framework for the longer-term protection of human rights, including institutional reform. The monitoring and verification of human rights should subsequently be taken over by a permanent mechanism for monitoring human rights, such as the independent National Commission on Human Rights proposed in the draft peace agreement.

The draft peace agreement specifies that the National Commission on Human Rights will have the power to investigate human rights violations and to institute legal proceedings where appropriate. It is envisaged that the National Commission on Human Rights will monitor compliance with the basic rights guaranteed in the peace agreement, as well as promote human rights education throughout Sierra Leonean society, including educational establishments, the media, the police and the military. It is critical that the final peace agreement provides the strongest possible guarantees of the independence and impartiality of any such commission in order that it can have a central role in protecting human rights¹.

The creation of a national human rights commission can be an important mechanism for strengthening human rights protection and initiating institutional reform. It should not, however, replace or detract from the importance of the safeguards provided by an effective legal system enforced by an independent, impartial, adequately resourced and accessible judiciary. The creation of a national human rights commission should go hand in hand with a thorough review of existing legal and other institutions in order to make these 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, ensuring that those who violate human rights cannot do so with impunity.

¹For 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.

The draft peace agreement contains provisions for strengthening the independence of the judiciary, as well as reform of the military and civilian police force, including training in the protection of human rights. It also envisages the encouragement of local human rights groups to help monitor human rights. It is essential that these basic institutional reforms be 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.

The draft peace agreement contains important provisions for the respect and protection of human rights. In order that human rights are seen to be an essential and central part of the final peace agreement, there should be a specific body with responsibility for ensuring that these provisions are effectively coordinated and implemented. The draft peace agreement proposes a national body, the Commission for the Consolidation of Peace, which will be responsible for supervising and monitoring the implementation of and adherence to the provisions of the peace agreement. Amnesty International recommends that a sub-commission, to be responsible to the Commission for the Consolidation of Peace, be established to coordinate and oversee the process of implementation of the various mechanisms for the protection and promotion of human rights contained in the draft peace agreement. It is particularly important that this body draws on the expertise, experience and views of all sectors of Sierra Leonean society.

Recommendations:

- *Together with a cease-fire monitoring group, a human rights verification commission should be established immediately with the support and participation of the international community. It should include international human rights observers with the expertise and credibility necessary to effectively monitor and verify human rights violations during the period of implementation of the peace agreement, pending the creation of the National Commission on Human Rights and other relevant institutions.*
- *The proposed National Commission on Human Rights, once established, 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 should include recommendations for bringing those responsible to justice, as well as 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.*
- *The international community, including the UN, the OAU and the Commonwealth, and other governments, including member states of the Economic Community of West African States (ECOWAS)², should provide practical assistance to ensure that an impartial and independent*

²ECOWAS is an international 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. The aim of ECOWAS is to promote cooperation and development and to improve relations among member states.

mechanism for effective monitoring and verification of human rights is established and able to operate effectively.

- *The international community should also contribute to institutional reform in Sierra Leone, such as strengthening the independence of the judiciary and reform of the military and civilian police force and ensure that adherence to international standards is central to the process of institutional reform.*
- *A separate body should be established within the Commission for the Consolidation of Peace to coordinate and oversee implementation of the various mechanisms for the protection and promotion of human rights contained in the draft peace agreement.*

Investigation and accountability

Amnesty International believes that the phenomenon of impunity is a contributing factor to continuing patterns of human rights abuses. Literally, impunity means exemption from punishment. More broadly, the term conveys a sense of wrongdoers escaping justice or any serious form of accountability for their deeds.

International standards clearly require states to undertake proper investigations into human rights violations and to ensure that those responsible are brought to justice. All complaints and reports of torture and ill-treatment and extrajudicial executions should be investigated promptly, impartially and effectively in accordance with international standards, such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Investigations should be undertaken by a body which is independent of those allegedly responsible and which has the necessary powers and resources to carry out the investigation.

The principle of accountability is vital in human rights protection. It is essential that any political agreement to the conflict in Sierra Leone includes both mechanisms to ensure that human rights abuses are thoroughly investigated and remedied and also basic institutional reforms for the long-term protection of human rights. Victims of the conflict in Sierra Leone who have suffered gross human rights abuses at the hands of both government soldiers and rebel forces have the right to full and public disclosure of the truth, including the determination and public acknowledgement of responsibility. It is only when those responsible are brought to account for their crimes that a clear message is sent that human rights abuses will not be tolerated under any circumstances. Bringing those responsible to justice is a preventive rather than vengeful measure. It is essential in breaking the cycle of violence and impunity and ensuring that such abuses do not recur.

Amnesty laws which prevent prosecutions contribute to impunity. Laws which prevent the emergence of the truth and subsequent accountability before the law should not be acceptable, whether passed by those responsible for the violations or by successor governments.

In some countries, government authorities responsible for human rights violations have been able to pre-empt investigation by means of a self-proclaimed amnesty before the transfer of power. When successor governments uphold these measures or themselves grant an amnesty, they perpetuate the phenomenon of impunity. While these measures are often taken in the name of

national reconciliation, it is Amnesty International's experience that formalized impunity only fuels the cycle of violence and continued human rights abuses. True reconciliation must be founded on truth, justice and redress.

Amnesty International is therefore seriously concerned about the promulgation of NPRC Decree No.6, The Indemnity and Transition Decree, 1996 on 14 March 1996, shortly before power was ceded to the government of President Ahmad Tejan Kabbah. This decree provided general immunity for "any act, matter or thing done" by members of the NPRC and the Armed Forces of the Republic of Sierra Leone, and for people acting under their authority, between 29 April 1992, when the NPRC came to power, and 14 March 1996. "Any act, matter or thing done", without further definition, could be interpreted to include massive and systematic human rights violations committed by government soldiers during the internal armed conflict.

Government soldiers have been heavily implicated in many incidents since 1994 where the killings of civilians were officially blamed on RUF forces.

Among the many cases where there have been conflicting reports about the responsibility for killings of civilians but no official investigation is that of Patrick P.B. Kebbie, a prominent lawyer, who was shot in the head outside his home in the town of Kenema on 25 December 1994. While in Sierra Leone in April 1996 Amnesty International representatives received further convincing accounts that government soldiers were responsible for the death of Patrick P.B. Kebbie. The soldiers who killed him were reported to have been seen later among other government soldiers in Kenema.

There are also conflicting accounts of the circumstances of the death of Dr Alpha Lavalie, a lecturer at the University of Sierra Leone who taught at Njala University College in Moyamba District. He became a prominent member of a civil defence group in Kenema, an area where rebel activity was persistent but also where soldiers were known to be illegally mining diamonds and responsible for some of the attacks on civilians officially attributed to rebel forces. He was killed at Mano Junction, some 20 kilometres north of the town of Kenema, in March 1994. Responsibility for his death was officially attributed to the explosion of a land mine laid by rebels. However, many in Sierra Leone believe that he may have been deliberately killed by government soldiers. A full, independent investigation into the circumstances of his death should be undertaken to establish who was in fact responsible.

Amnesty International has repeatedly requested the NPRC government for an independent inquiry into the death of Patrick P.B. Kebbie and the case has also been raised with the government of President Ahmad Tejan Kabbah. However, no initiatives have been taken to investigate this or other cases where soldiers have been identified or suspected as being responsible for the unlawful killing of civilians. Amnesty International is concerned that this failure to investigate incidents in which soldiers are alleged to have committed human rights violations and to bring those responsible to justice creates an atmosphere of tolerance of abuse and impunity.

In response to international pressure, an official commission of inquiry, headed by a prominent lawyer, since appointed as Attorney General and Minister of Justice in the government of President Ahmad Tejan Kabbah, was established to investigate the killings of an Irish priest and a Dutch family during an attack by rebel forces in Panguma, Kenema District, in March 1994. It

concluded that two soldiers had contributed to the deaths through professional negligence and recommended that both men be charged and tried. There was apparently evidence of collusion with rebel forces. Neither has been prosecuted and both have resumed service in the army.

In meetings with members of the government during their visit to Sierra Leone in April 1996 Amnesty International's representatives raised the organization's concerns about NPRC Decree No.6 and the impunity that it would effectively provide for individuals who had been responsible for grave violations of human rights including extrajudicial executions, torture and ill-treatment. These concerns were repeated in a letter sent to President Ahmad Tejan Kabbah on 24 May 1996 in which Amnesty International urged the government to amend or repeal NPRC Decree No.6 in order to remove legal obstacles both to the investigation of past human rights violations and the prosecution of those responsible. Amnesty International had been encouraged by assurances provided by the Attorney General and Minister of Justice that the government and parliament would review the validity of each NPRC decree in the light of the new government's stated commitment to restore fully the rule of law.

However, on 7 June 1996, during his presidential address at the state opening of parliament, President Ahmad Tejan Kabbah said that his government would present a bill to parliament asking for indemnity from prosecution for former military rulers, apparently endorsing some of the provisions contained in NPRC Decree No. 6. He also promised an amnesty for members of the RUF.

The draft peace agreement includes a guarantee that no official or judicial action would be taken against any member of the RUF in respect of anything done in pursuit of their objectives as members of the RUF up to the time of the signing of the agreement. President Ahmad Tejan Kabbah, while admitting that an amnesty for those responsible for the suffering of Sierra Leoneans during five years of internal armed conflict may be difficult to accept, emphasised the need for reconciliation, rehabilitation and reconstruction.

The provisions of the draft peace agreement allow members of the RUF to function as a political movement with the full exercise of their civil and political rights. Measures taken to secure reconciliation and integration of former combatants into civilian life should not preclude accountability for human rights abuses. Amnesty International believes that, for both durable peace and sustained respect and protection of human rights, accountability for past human rights abuses must be established. This is an essential component of a process of peace and reconciliation after internal armed conflict and large-scale violations of human rights. True reconciliation cannot be achieved if the right of victims and their families to truth, justice and redress are ignored. Pre-conviction general amnesties undermine this goal. The interests of national reconciliation after a period of violence and confusion may be served by pardons after conviction. Amnesty International takes no position on this, but it does insist that the truth is revealed and the judicial process completed.

A National Unity and Reconciliation Commission, headed by an eminent lawyer from Trinidad and Tobago, was inaugurated on 1 July 1996. It was established to address abuses against civilians by the former government, the NPRC, and also previous governments. Among the issues to be examined were grievances of government ministers and officials of the previous All People's

Congress (APC) government of former President Joseph Saidu Momoh who had appeared before commissions of inquiry established by the NPRC to investigate accusations of corruption by former government ministers, civil servants and state corporations. Some had been ordered to pay compensation to the state, had property confiscated and been imprisoned. In June 1995 fifty-seven former government officials were banned from holding public office for a period of ten years. Those found to have been the victims of injustices by the NPRC were expected to be able to apply for compensation.

The National Unity and Reconciliation Commission was also expected to investigate and identify the causes which have alienated civilians from the state and created conflict and division in society in order to prevent future conflicts. The draft peace agreement proposes that the mandate and composition of the National Unity and Reconciliation Commission be expanded, in consultation with the Commission for the Consolidation for Peace, to undertake a sustained and effective campaign of civic education to promote national unity and reconciliation.

Although the mandate of the Commission appeared to be broad, it was not clear that it would specifically include investigation of and compensation for human rights abuses committed either by government soldiers or members of the RUF during the period of internal armed conflict.

The establishment of the National Unity and Reconciliation Commission is a positive development. In order to fully achieve its aims of promoting national reconciliation, Amnesty International believes that its mandate should be expanded and its composition reviewed to enable it to clarify the truth about human rights abuses during the internal armed conflict and to make recommendations for compensation. The international community should provide assistance to the National Unity and Reconciliation Commission to undertake this role effectively.

Recommendations:

- *The mandate of the National Unity and Reconciliation Commission should be expanded and its composition reviewed in order to clarify the truth about human rights abuses during the internal armed conflict, with help from the international community. It should make recommendations for bringing to justice those responsible for human rights abuses and for measures to prevent the recurrence of such abuses in the future.*
- *The government of Sierra Leone should ensure that the provisions of NPRC Decree No.6, The Indemnity and Transition Decree, 1996 and the final peace agreement do not allow for general pre-conviction amnesties providing impunity to those who have committed human rights abuses.*

Human rights abuses continue

Soldiers and rebels continue to commit atrocities

In September 1995 Amnesty International published a report, Sierra Leone: Human rights abuses in a war against civilians³, which documented the widespread human rights abuses against defenceless civilians, committed by both government soldiers and rebel forces, throughout Sierra Leone as the internal armed conflict worsened and affected all parts of the country.

From 1994 the internal armed conflict in Sierra Leone had developed from a conflict between government forces and an armed opposition group, the RUF, into a campaign of violence directed against civilians. In any war or internal armed conflict there may be civilian casualties as a result of hostilities between warring factions. However, in Sierra Leone most civilian deaths have been the result of deliberate and arbitrary killings by both government soldiers and rebel forces.

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.

From 1994 the identity and motives of those carrying out attacks on civilians became increasingly unclear. Many attacks appeared to be carried out for material gain - from looting or illegally mining diamonds. In order to evade identification, both government soldiers and rebels forces have deliberately left confusing tracks in their attacks on unarmed civilians, looting their property and forcing them to abandon their homes in areas of the country rich in mineral wealth. With the approach of presidential and parliamentary elections in February 1996, which were opposed by both many government soldiers and rebel forces, the intimidation and terrorising of civilians increased in an attempt to disrupt the elections.

A large number of soldiers, many of whom were not based in military barracks, appeared not to be operating under the strict chain-of-command control of the military leadership. Soldiers have been joined by young, untrained and unpaid volunteers, known as "irregulars", who are armed with guns and machetes, to provide security around some towns and villages.

³For further information about human rights abuses during 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.

There was evidence of collusion and collaboration between government soldiers and rebel forces. Some civilians who had been captured and abducted by rebel forces and who subsequently escaped or were released spoke of government soldiers and rebels operating together. While some disaffected soldiers joined rebel forces, others appeared to have formed separate armed groups which, posing as RUF forces, attacked civilians and looted property.

Despite eye-witness accounts of atrocities against civilians, the identity of the perpetrators has often remained unclear since there was usually little, if any, distinction in the appearance and behaviour of the armed forces involved. Most of those attacking wore government army uniforms and carried identical arms. The RUF used arms, ammunition and uniforms captured from government forces or supplied by government troops colluding with rebel forces. In some areas, for example around the town of Bo, groups of both government soldiers and rebel forces appeared to be operating. The RUF continued to be active in this area; however, some attacks were the responsibility of government soldiers and others appeared to have been carried out by armed groups composed of disaffected soldiers.

In the months and weeks leading up to the elections human rights abuses against civilians deteriorated still further. In what appeared to be a deliberate strategy - by both government soldiers and RUF forces - to terrorise the civilian population men, women and children had their fingers, hands and arms cut off with machetes; others had their ears and lips cut off. Some had slogans denouncing the elections cut into their backs and chests.

There were attacks on civilians by both government soldiers and rebel forces in both Northern and Southern Provinces. The towns of Kamakwie, Kamalu and Pendembu and more than 200 villages were attacked in Kambia and Bombali Districts in Northern Province. Dozens of civilians were deliberately and arbitrarily killed in these attacks and many others abducted. The pattern of abductions, and testimonies of those abducted who subsequently escaped, confirmed the responsibility of RUF forces. Those abducted were taken to a rebel camp in the Malal Hills where civilians abducted by the RUF in the past had been held. Abandoned temporary rebel encampments were subsequently found in the area.

Two of the many victims of attacks by armed groups on civilians in villages in Southern Province who had their hands deliberately amputated in the months leading up to elections in February 1996.

While attacks in Northern Province were undertaken by the RUF, it was less easy to establish responsibility in Southern Province where both government soldiers and rebel forces wreaked a brutal campaign against civilians in the period preceding the elections. Several victims of attacks on villages in Fakunya Chiefdom, Moyamba District, and Lubu Chiefdom, Bo District, from 19 until 22 February 1996 suffered attempted amputations of their hands. Others had “no elections” cut into their backs or “RUF” cut into their forehead. Fingers, upper lips and ears were also amputated. One victim, a man from the village of Sumbuya, Lubu Chiefdom, which was attacked on 22 February 1996 had “RUF” and “no elections” engraved on his forehead and back; his upper lip and right ear were also cut off. On the same day in the village of Kpatobu, some 10 kilometres from Sumbuya, an armed group in both military uniforms and civilian clothes, armed with sticks, machetes, guns and rocket-propelled grenades, killed two villagers and mutilated at least four others; one man had his upper lip cut off and “no elections” cut into his back.

Civilian who received deep gashes to his head, arm and foot after being attacked by a group of armed men in military uniforms in Bo District, Southern Province.

On the afternoon of 18 February 1996 the village of Moyolo, Fakunya Chiefdom, was approached by a large group, apparently soldiers, dressed in military uniforms and well armed; they claimed that Brigadier Maada Bio had sent them to provide protection for the elections. There was no firing. They asked whether the villagers had seen any rebels. When the villagers replied that they had not, the soldiers identified themselves as RUF rebels. As many as 20 people were killed in Moyolo. They were reported to have been forced into a house and then taken out one by one and killed. They included Michael Bundor, a businessman who was accused of helping the *kamajors*, local hunters who have been active in guarding and protecting towns and villages from rebel attacks and in offensives against rebel forces. He was killed with machetes and sticks. Also killed were Bobo Blango, the town speaker, Tejan Sama, Vandi Ndanema, Alfred Kondor, Emmanuel Morovia, Brima Kamara and Mariama Abdulai. Some 15 people had limbs cut off with machetes, including Philip John Bull, who lost his right hand, and Moses Jangati, who lost his left hand. Two men captured by the attackers were reported to have been subsequently killed.

Seven-year-old boy whose leg was deliberately cut off during an attack by an armed group on the village of Komende, Boama Chiefdom, Bo District, Southern Province, in February 1996.

Women and children have not escaped the atrocities. Women have been raped or suffered other forms of sexual assault. They have had machetes and bayonets inserted into their vaginas; some died as a result. At least four women were reported to have been sexually assaulted, some with a bayonet, during the attack on Moyolo on 18 February 1996. During an attack on the village of Kanga Bomu, Bum Chiefdom, in Bonthe District, on 7 February 1996 a woman was reported to have had sticks inserted into her vagina before being killed. An 18-year-old girl who was repeatedly raped during an attack on the village of Mendema, Bagbe Chiefdom, Bo District, on 25 May 1996 subsequently died from a pelvic infection. On 1 July 1996 a group of about 50 people dressed in military uniforms attacked the village of Monseneh, Mano Sa Krim Chiefdom, in Pujehun District. At least seven people were killed; four were reported to have been decapitated and three women died after having sticks inserted into their vaginas. The entire village was burned and all property looted. Other reports described pregnant women having their abdomen cut open and the foetus removed. There were also reports of babies being dragged from their mothers' backs and hacked to death with machetes.

Among the many women who suffered terrible injuries was a woman in her fifties who had been forced to leave her home in Eastern Province following an attack on Panguma in March 1994 during which her husband, son-in-law and three grandchildren were killed. She had sought refuge in Matru, a village about five kilometres from Bo. In October 1995 she was again the victim of an attack by an armed group, dressed in military uniforms; it was unclear whether they were government soldiers or rebel forces. She was reported to have been stripped and sexually assaulted. Both her

hands were severed with machetes; they were tied with string to her elbows and she was told to take her hands as a message to Bo. Four other people were reported to have had limbs cut off in the same incident.

During an attack on the village of Komende, Boama Chiefdom, in February 1996, a seven-year-old boy had his right leg deliberately cut off. In the same incident, his father, mother, two brothers and two sisters were killed. His mother, who was eight months pregnant, had her throat cut.

Human rights violations by government soldiers

Killing and torture of civilians by soldiers

Information obtained by Amnesty International representatives while in Sierra Leone in April 1996 suggested that government soldiers may have participated in attacks officially attributed to rebel forces between late December 1995 and mid-January 1996 in the area around the towns of Mano, Taiama and Njala in Moyamba District, during which unarmed civilians were deliberately and arbitrarily killed. Property looted from the villages was reported to have been subsequently seen in military barracks. The towns of Njala and Taiama and several villages, including Foya, Njama, Periwahun and Senehun, were attacked in Kori, Kowa and Kamajei Chiefdoms in Moyamba District during this period.

Dozens of civilians died in these attacks; survivors suffered gun-shot wounds, deliberate amputations of limbs, severe lacerations from machetes and stabbing by bayonets. Houses were burned and property looted. In the village of Njama, Kowa Chiefdom, attacked several times between 24 December 1995 and 4 January 1996 by an armed group dressed in military uniforms, many people were killed and houses burned. Men, women and children had limbs cut off and suffered lacerations; among the victims was an elderly woman who had her left hand cut off. At the town of Taiama, attacked on 3 January 1996, a five-year-old boy received extensive burns after men dressed in army uniforms entered his home and plastic placed over him was set alight; his mother was killed. A survivor expressed certainty that government soldiers were responsible.

It is unclear how many civilians were killed and injured in the attack on Periwahun, Kamajei Chiefdom, on 6 January 1996. A large group dressed in military uniforms was reported to have entered the village with guns and machetes, forcing villagers to flee and burning houses. One of the victims was reported to have been captured, stabbed, tied with his arms behind his back and threatened with amputation.

On 26 February 1996, the first day of presidential and parliamentary elections, attacks by armed men which resulted in civilian deaths were reported in the towns of Bo and Kenema. These attacks were attributed by the NPRC to rebel forces intent on disrupting the elections. However, there is strong evidence that they were in fact carried out by soldiers. Substantial elements within the military had not wanted elections for a civilian government to proceed. Witnesses of the attack by armed men in Kenema on 26 February 1996 said that it was staged by government soldiers. Soldiers were recognised among the alleged rebels; one man recognised his cousin. Similarly in Bo, it was government soldiers rather than rebels, as officially claimed, who attempted to disrupt the elections on

26 February 1996. There was shooting and shelling in Bo on both 25 and 26 February 1996. The alleged rebels were reported to have been seen leaving military barracks. About 20 unarmed civilians were killed. Some 10 soldiers were subsequently captured, mutilated and killed in reprisal by civilians.

Government soldiers continued to be implicated in attacks on civilians in the months following the elections. Two military vehicles were seen by a witness close to the village of Yaweyoma, Fakunya Chiefdom, at the time it was attacked by a large group dressed in military uniforms on 23 June 1996. Many people were reported to have been killed and others suffered gun-shot wounds. No one was abducted. Property was looted and houses burned.

Amnesty International has repeatedly called for those in charge of security forces to maintain strict chain-of-command control in order to ensure that those under their command do not commit human rights violations. The government should demonstrate its total opposition to human rights violations by government forces and make clear to all members of the security forces that these violations will not be tolerated under any circumstances. There should be investigations into human rights violations committed by the security forces and those found to be responsible for torture and ill-treatment and extrajudicial executions should be brought to justice.

Torture and ill-treatment of detainees in military custody

Since the beginning of the armed conflict in Sierra Leone hundreds of suspected rebels, or people accused of assisting or collaborating with rebels, have been tortured and ill-treated by soldiers. No independent or impartial investigations of these incidents or effective steps to prevent such incidents are known to have taken place.

During their visit to Sierra Leone in April 1996 Amnesty International representatives visited the Central Prison, Pademba Road, in Freetown. As well as other prisoners, they were able to meet political detainees held without charge or trial under NPRC detention orders. Many of these detainees, apparently held on suspicion of involvement in rebel activities, showed signs of torture and ill-treatment inflicted while in the custody of the military before being transferred to Pademba Road Prison. Many of the detainees interviewed still showed scars from having their arms tied tightly behind their backs for prolonged periods; others also showed signs of beatings and stabbing with bayonets.

Other detainees held in the custody of the military have also been ill-treated. In April 1996 some 30 soldiers accused or charged with criminal or military offences, such as desertion, were being held in what is categorized as "military safe custody" in Pademba Road Prison. Many had been beaten by soldiers at the time of their arrest or had their arms tied tightly behind their backs for prolonged periods.

Amnesty International urges the government to ensure that those in command of the armed forces exert their authority in order to ensure that government forces do not commit human rights violations such as torture and ill-treatment of those in custody. All complaints of torture and ill-treatment should be impartially and independently investigated and those responsible brought to

justice. The government of Sierra Leone, by signing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has indicated its commitment not to engage in any actions which are contrary to that treaty and to take preventive measures to safeguard against torture and cruel, inhuman and degrading treatment. Amnesty International urges the government to ratify the Convention.

Other incidents of torture and ill-treatment of civilians by government soldiers

There have been many incidents where government soldiers have been responsible for torture and ill-treatment in circumstances not always directly related to the internal armed conflict.

Between 26 and 28 October 1995, apparently following a disagreement between a civilian and a driver of Lieutenant-Colonel Karefa Kargbo, a former prominent member of the NPRC, a group of soldiers forcibly entered homes around Sibthorpe Street in Freetown and physically assaulted civilians in their homes and in the street. Both men and women were beaten. There has been no official investigation into this incident and no action taken against the soldiers responsible.

Paul Kamara, editor of *For di People* newspaper and chairman of a human rights non-governmental organization, the National League for Human Rights and Democracy, accepted the post of Secretary of State for Land, Housing and the Environment in the NPRC reconstituted under Brigadier Maada Bio in January 1996. His appointment was greeted with surprise by many: Paul Kamara and *For di People* newspaper had been outspoken in their criticism of the NPRC. Paul Kamara had been detained without charge on several occasions in the past, most recently in August 1995 when he was detained for two days following an article critical of the conduct of the armed conflict. On the evening of 26 February 1996, the first day of the elections, Paul Kamara was seriously injured when uniformed soldiers armed with AK76s shot at him shortly after the imposition of a curfew. He sustained serious injuries to his leg requiring hospital treatment abroad. Although military officials said that there would be an official inquiry into the incident, no such investigation has taken place.

In February 1996, shortly before the elections, a soldier was apparently killed by villagers after he attempted to loot palm oil in a village near Tikonko, Bo District. According to reports, soldiers subsequently entered the village in search of their colleague and rounded up 10 men and two women, all elderly. They were beaten before being taken to Tikonko barracks, from where they were transferred to military headquarters in Bo. They were reported to have again been beaten and two sustained fractures; three others had burns. They were subsequently transferred to police custody, when all but one was released.

The day before the elections on 26 February 1996 sporadic shooting, physical assaults on the civilian population and looting by government soldiers were reported in Bo. Soldiers were reported to have entered displaced people's camps and beaten people. An elderly woman was seriously beaten by soldiers at a checkpoint and sustained a broken arm.

There have been efforts since the government of President Ahmad Tejan Kabbah came to power to improve discipline among government soldiers and to bring those responsible for human

rights violations to justice. For example, two soldiers were dismissed from the army and imprisoned for a month after being convicted by a court-martial on 20 August 1996 following an incident of rape and assault in the village of Petema, Bumpo Chiefdom, Bo District, on 14 August 1996; a third soldier was demoted.

Recommendations:

- *Immediate and effective steps should be taken to end human rights violations by government soldiers, both those associated with the internal armed conflict and others not related to the conflict.*
- *Torture, ill-treatment and extrajudicial executions should be officially condemned and prohibited by law; the government of Sierra Leone should make clear to all members of the security forces that human rights violations will not be tolerated under any circumstances.*
- *Strict chain-of-command control should be asserted over the Sierra Leonean security forces in order to ensure that they do not commit human rights violations such as torture, ill-treatment and extrajudicial executions.*
- *All complaints of torture, ill-treatment and extrajudicial executions should be investigated promptly, impartially and effectively in accordance with international standards and those responsible should be brought to justice.*
- *It should be made clear during the training of all security forces that torture, ill-treatment and extrajudicial executions are criminal acts.*
- *Those countries which provide military training, arms or other military assistance to the government of Sierra Leone have a responsibility to ensure that this assistance includes human rights safeguards.*

Human rights abuses by the Revolutionary United Front

The leadership of the RUF has frequently claimed that attacks on unarmed civilians during which men, women and children have been deliberately and arbitrarily killed, tortured and ill-treated, were not carried out by the RUF but by government soldiers. In March 1996, however, at the time of the talks between the RUF leader, Foday Sankoh, and NPRC Chairman, Brigadier Maada Bio, in Yamoussoukro, Côte d'Ivoire, Foday Sankoh admitted that the RUF was responsible for human rights abuses: he is reported to have said "Yes, we have committed atrocities. One day we shall stand before the people and ask for forgiveness." This acknowledgment of human rights abuses by the RUF needs to be followed by clear orders by the RUF leadership prohibiting abuses and other preventive measures, including the determination of responsibility for past abuses.

Deliberate and arbitrary killing, torture and ill-treatment of civilians

The RUF was responsible for a large number of attacks on civilians in both Northern and Southern Provinces in the months and weeks preceding the elections.

On 22 December 1995 several civilians fell into an ambush by a group of rebel forces near the village of Gbaama, Jaiama Bongor Chiefdom, Bo District. The rebels, numbering between 15 and 20 men, women and boys, were armed with guns, machetes and spears and dressed in both army uniforms and civilian clothes; they threatened to kill the civilians. One, an electrical engineer aged in his forties, was told by the rebels that, rather than be killed, he was going to be given a message for Gondama, some 11 kilometres south of Bo, the site of a large displaced people's camp. Under gun-point he was told to put out his hand which was then cut off with a machete. His hand was put into a bag and he was told to return to Gondama and say that the rebels were in control of the area. About five or six men were abducted during this incident; their fate is unknown.

Attacks by RUF forces in Southern Province continued during the following months. Many villages were attacked in Bo and Moyamba Districts in February 1996 around the time of the elections. There were also attacks in Pujehun District: on 8 March 1996 the village of Pehala, Panga Kaponde Chiefdom, was attacked by a group of more than 50 people dressed in military uniforms. The village was surrounded and part of it burned. Three people were reported to have been shot dead and a fourth killed by machete. Many others, including women and children, received severe injuries from machetes.

The RUF was also responsible for a large number of attacks in Northern Province in February 1996. Some 60 villages were attacked in Tonko Limba, Bramaia, Masungbala and Magbema Chiefdoms in Kambia District between 17 and 29 February 1996, the days surrounding the elections. Dozens of people were deliberately and arbitrarily killed and more than 30 abducted. Hundreds of homes were looted and burned. In mid-February 1996 RUF forces also attacked the towns of Kamakwie, Kamalu and Pendembu and more than 200 villages in Bombali District. Some 60 families were reported to have lost members of their families either through killing or abduction. Property, including medical supplies, was looted and houses burned.

Attacks by rebel forces continued after the cease-fire was announced on 17 March 1996. Although most attacks appeared to involve harassment of civilians and looting, there were also continuing reports of civilians being killed, mutilated, beaten and abducted. RUF forces were particularly active in the areas around Gerihun and Yamandu east of Bo and also to the north of Bo around Yele, Mongeri, Mandu and Dambara where rebel bases were known to exist. During April 1996 there were reports of attacks by RUF forces on several villages in Tonkolili District, in particular in Bonkolenken and Tane Chiefdoms, where civilians were killed and tortured, captured and abducted. Food and property was looted and houses destroyed.

On 24 March 1996 RUF forces were reported to have opened fire on a large group of women from the town of Kenema who had approached them at the village of Boaboabu, some eight kilometres from Kenema. Four days earlier a smaller group of women, captured but subsequently released by the rebel forces, had been asked to return with assurances from the authorities guaranteeing their safety if they gave up their arms. The women were advised by military and civilian authorities in Kenema not to return to meet the rebels. When they did return, however, and failed to convey official assurances, members of the RUF opened fire. It is unclear how many women may

have died in this incident; six, including Baby Cecilia Lahai, Mariama Musa and Aminata Senessie, were seriously injured with gun-shot wounds and subsequently admitted to hospital. Six women reported to have been abducted by the rebels at the time of this incident were subsequently released.

During attacks by RUF forces on villages in Lubu, Gbo and Boama Chiefdoms in Bo District in early May 1996 civilians were beaten, stabbed or cut with machetes. Many civilians were abducted.

On the morning of 1 May 1996 RUF forces, dressed in military uniforms but including many children in civilian clothes, were reported to have entered Sumbuya, Lubu Chiefdom, in Bo District. Several civilians were seriously injured with gun shot wounds. Many civilians, including children, were abducted. One was shot in the arm when he refused to go with the rebels.

The village of Maina, some 10 kilometres from Gerihun, Boama Chiefdom, was attacked on 3 May 1996 by an armed group, some dressed in military uniforms, and including children, who attacked civilians with machetes. Men, women and children were abducted by the rebels.

As many as 100 civilians were reported to have been killed at Bendu, Malen Chiefdom, Pujehun District, on 4 May 1996 following an offensive by local hunters, the *kamajors*, in an attempt to free people abducted by rebel forces. While some civilians were caught in the cross-fire, others were rounded up and forced into a house which was then set alight. Most of the victims were described as aged between 50 and 75, while younger people were captured and abducted.

There was also a confrontation between *kamajors* and a group of rebels near the village of Gondama, Kamajei Chiefdom, on 10 May 1996. When rebels returned to the village, between 60 and 100 civilians were reported to have been killed, some decapitated. Many others were seriously wounded, suffering gun shot wounds and severe lacerations from machetes. Some 15 people were captured and forced to carry looted goods; they were reported to have been subsequently killed.

Raids on villages by rebel forces in order to loot rice and other food continued during June and July 1996. In many cases, villagers who refused to hand over food were beaten or attacked with machetes and bayonets. On 1 June 1996 a large group dressed in both military and civilian clothes and armed with AK47s and rocket-propelled grenades were reported to have entered the village of Negbema, Niawa Lenga Chiefdom, in Bo District. Many of the villagers were beaten and at least seven young boys were abducted.

Inhumane treatment and killing of captured civilians

Large numbers of Sierra Leone civilians - in particular young men and women and children - have been captured and abducted by RUF forces⁴. The RUF has consistently denied that it is holding people against their will and has claimed that civilians have willingly joined its forces. However, in most cases captured civilians were held under duress, threatened with killing or ill-treatment, and had little option but to cooperate, although it also appeared that some chose subsequently to join rebel

⁴For additional information about hostage-taking and other abuses against captured non-combatants, 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.

forces. Tens of thousands of Sierra Leonean civilians were estimated to be living in areas of the country, such as parts of Kailahun District and Pujehun District, which remained strongholds of the RUF.

The fate of most civilians captured by rebel forces has remained unknown until their escape or release. Their families and communities have been left not knowing what has happened to them or whether they are alive and safe.

Abducted civilians have been deliberately and arbitrarily killed if they attempted to hide or escape. Girls and young women have been raped. Children have been forcibly recruited to fight with rebel forces. Some reports suggested that captured civilians had been forced to provide cover for rebels during raids and were therefore vulnerable if there was a counter-offensive. They have been forced to carry looted property and food.

Many captured civilians appeared to be severely malnourished, provided with barely enough food to survive; there were reports of deaths from malnutrition among civilians captured by rebel forces. Others were reported to have died from illness and lack of medical care while held in rebel camps in the bush.

About 250 captured civilians were reported to have been freed at Bendu, Malen Chiefdom, on 22 April 1996. Among them was Ansuma Conteh, a laboratory technician, who was abducted in January 1995 when RUF forces attacked the site of the Sierra Leone Ore and Metal Company (SIEROMCO) in Moyamba District. Others were freed after an offensive against rebel forces at Bendu, Malen Chiefdom, on 4 May 1996. Some of those released had been held for over a year by rebel forces. More than one and a half thousand people, including large numbers of women and children, were reported to have been released in Bo District during August 1996. Many were malnourished and in ill-health.

However, abductions of civilians by rebel forces have continued and many hundreds are believed to be still held. Many civilians were reported to have been abducted during attacks by RUF forces in Northern Province during February 1996. Children were reported to have been abducted by rebel forces during the attack on Sumbuya, Lubu Chiefdom, on 1 May 1996 and large numbers of civilians from villages in Bagbe, Badja and Valunia Chiefdoms in Bo District were reported to have been captured during May and June 1996. A large group of rebels was reported to have attacked the village at Bangema Junction, Valunia Chiefdom, on 10 June 1996 and abducted most of the villagers who were forced to carry looted food to the village of Boamahun. Most of those of abducted, some of whom were beaten and tied, were subsequently released.

In June 1996 Amnesty International wrote to the leader of the RUF, Foday Sankoh, in Côte d'Ivoire reiterating its recommendations to the leadership of the RUF for ending human rights abuses. These included making clear to RUF combatants that it was totally opposed to torture and the killing of non-combatants, prohibiting deliberate and arbitrary killings of non-combatants and the taking of hostages and ordering RUF fighters to treat prisoners humanely, whether civilians or members of the armed forces, and never to kill them. Amnesty International has repeatedly called on the RUF to conform to minimum standards of humane behaviour as set down in international humanitarian law

and contained principally in common Article 3 of the Geneva Conventions applicable to internal armed conflicts.

In a public statement issued by the RUF on 5 March 1996, following initial talks with representatives of the NPRC, the RUF undertook to respect the basic principles of international humanitarian law, in particular common Article 3 of the Geneva Conventions.

Human rights abuses by RUF forces have continued, however, since the cease-fire announced on 17 March 1996. In its letter to Foday Sankoh in June 1996, Amnesty International asked the RUF for clarification of what measures had been taken and continue to be taken by the leadership of the RUF to ensure that this stated commitment to respect the basic principles of international humanitarian law is implemented in practice. In particular, Amnesty International asked whether specific instructions had been given to combatants of the RUF not to commit human rights abuses and whether investigations into alleged abuses had been conducted in order to ensure that individuals suspected of committing human rights abuses are removed from any position of authority or duties which bring them into contact with prisoners or others at risk of abuse.

Recommendations:

- *The RUF leadership should demonstrate its commitment to respect human rights and the basic principles of international humanitarian law. It should make clear to those under its command that it is totally opposed to torture and the killing of non-combatants under any circumstances.*
- *Immediate measures should be taken to ensure that, as long as hostilities continue, RUF forces abide by minimum standards of humane behaviour.*
- *Effective control should be exerted over members of the RUF by those in command in order to prevent torture and killing of non-combatants.*

Internally displaced people and refugees

Fleeing torture and ill-treatment and deliberate and arbitrary killings, hundreds of thousands of Sierra Leoneans have been forced to leave their homes and livelihoods. Some have fled to neighbouring Guinea and Liberia but most have become internally displaced within Sierra Leone. Sheltered by family or friends in Sierra Leone's major towns or in displaced people's camps, they have faced severe hardship. They have lost their homes, possessions and the means to support themselves. They have faced food shortages and disease. Many civilians have been displaced more than once during the conflict, moving from camp to camp as the security situation deteriorated and armed attacks spread throughout the country. Displaced people's camps have not been spared attacks by both government soldiers and rebel forces.

The scale of displacement of the population of Sierra Leone is immense. According to UN estimates in 1996, more than two million people, close to half the country's population, had been forced to leave their homes, the majority remaining in Sierra Leone, the others, some 360,000, seeking refuge in Guinea and Liberia.

c. Jon Spaul

Sierra Leonean refugees in Guéckédou, Guinea, April 1996

By 1996 the population of Freetown had increased from some 730,00 to over a million; only 20,000 displaced people were housed in camps in and near Freetown. An estimated 230,000 displaced people sought refuge in Bo.

The number of displaced people in the town of Bo, already numbering tens of thousands, increased dramatically from October 1995 as civilians fled particularly brutal attacks on towns and villages in the surrounding area. Men, women and children arrived in Bo with fingers, hands and arms deliberately cut off by their attackers; others had been sexually assaulted or suffered severe lacerations by machetes and gun shot wounds as villages throughout Southern Province were attacked by both government soldiers and rebel forces. Almost

14,000 newly displaced people arrived in Bo during December 1995, followed by some 26,500 in January 1996 as dozens of villages were attacked in Moyamba and Bo Districts.

One of several displaced people's camps in Bo, Southern Province, April 1996. By 1996 an estimated 230,000 displaced people had sought refuge in Bo.

Despite the cease-fire which came into force in March 1996, continuing attacks on civilians forced still more to flee their homes and prevented those already displaced from returning to their homes. In early July 1996 more than 16,000 civilians were reported to have fled villages in Tonkolili District following attacks attributed to the RUF. They sought refuge in displaced people's camps in Magburaka and Matotoka where severe shortages of food and medicine were reported.

Thousands of Sierra Leonean refugees returned from Liberia, where fighting intensified between Liberian armed factions from early April 1996, but most found that it was not safe to return to their villages.

In early July 1996 civilians continued to arrive in the town of Bo from villages in Bo, Moyamba and Bonthe Districts in Southern Province and Kenema and Kailahun Districts in Eastern Province as the security of the civilian population remained uncertain. However, the following month thousands of displaced people began to return from Bo to Pujehun District.

A Ministry for National Reconstruction, Resettlement and Rehabilitation has been created to address the devastation wreaked by the internal armed conflict and to assist hundreds of thousands of Sierra Leoneans to return to their homes and rebuild their lives and communities.

Until adequate measures are taken to protect civilians from the human rights abuses which they have fled, there will be no possibility for the thousands of Sierra Leoneans who have become refugees and internally displaced people to return in safety and permanently to their homes.

Recommendations:

- *Every effort should be made to ensure the safety and security of internally displaced people; internally displaced people's camps should be provided adequate protection from human rights abuses.*
- *The international community should assist the government of Sierra Leone in providing safety and security to refugees and internally displaced people in the process of returning to their homes.*

Children at a displaced people's camp in Kenema, Eastern Province, April 1996

Other human rights concerns

Political detention without charge or trial

The government of President Ahmad Tejan Kabbah has stated its commitment to restore and protect the rule of law. When it took power in 1992 the NPRC suspended parts of the 1991 Constitution and ruled by proclamation and decree. Fundamental human rights such as protection from arbitrary arrest and detention and freedom of expression were undermined by legislation passed by the NPRC. Section No.6 of The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation of 4 May 1992 granted the NPRC the power "to make any order against any person directing that he be detained" and provided that any such order "shall not be questioned in any court whatsoever". Since 1992 hundreds of political detainees have been held in indefinite detention

without charge or trial⁵, in violation of international human rights standards including those guaranteeing the presumption of innocence and a fair trial and those protecting against arbitrary arrest and detention.

Those parts of the 1991 Constitution which had been suspended either by proclamation or decree by the NPRC were reinstated in early July 1996 when parliament passed into law the Constitutional Reinstatement Provisions Act, 1996. Section No. 17 of the Constitution guarantees protection from arbitrary arrest and detention; anyone who is arrested and detained must be brought before a court and charged within 72 hours or released.

In early April 1996, within days of being sworn in as head of state, President Ahmad Tejan Kabbah announced the release of 67 people held without charge or trial in Pademba Road Prison for suspected involvement in rebel activities. Three people held without charge or trial and categorized as suspected rebels by the prison authorities - Momoh Saffa, detained since June 1994, Ibrahim Mansaray, detained since 1995, and Ishaka Sesay, detained since October 1994 - remained held in Pademba Road Prison.

President Ahmad Tejan Kabbah also ordered the release of three members of the former government of President Joseph Saidu Momoh who had remained under house arrest: Joseph B. Dauda, Solomon Leonard Fofanah and Dr Bu-Buakei Jabbie. No criminal charges had been brought against them; the NPRC claimed that they had not paid compensation for moneys allegedly misappropriated under the former government⁶.

Although the Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992 was revoked with the coming into force of NPRC Decree No.6, The Indemnity and Transition Decree, 1996 on 14 March 1996, 30 people remained held in Pademba Road Prison under NPRC detention orders in April 1996 at the time of the visit by Amnesty International's representatives. Many of these detainees appeared to have been arrested for suspected involvement in rebel activities. However, they also included Victor Alimamy Kanu, a former Inspector of Schools for Kambia and Port Loko Districts in Northern Province, who was arrested on 25 September 1994, apparently because of his family association with a member of the former APC government, and held without charge or trial.

Others who remained held without charge or trial in Pademba Road Prison for political reasons were seven soldiers who were arrested in early October 1995 following an alleged coup attempt: Lieutenant John Kallon, Lieutenant James Bishop Kamara, Corporal Sallu Kamara, Captain Alie Bakara Koroma, Lieutenant Sahr J. Panda, Lieutenant Augustin Kanja Sandy, Lieutenant Christopher Stevens. Although other soldiers arrested at the same time were released in February 1996, these seven men remained held without formal charges being brought against them.

⁵For further information about political detention without charge or trial in Sierra Leone following the coup in April 1992, refer to [Sierra Leone: Political detainees at the Central Prison, Pademba Road, Freetown](#) (AI Index: AFR 51/04/93), published by Amnesty International on 21 June 1993

⁶For further information, refer to [Sierra Leone: Arrests of former government ministers](#) (AI Index: AFR 51/02/94), published by Amnesty International on 12 May 1994.

Four other political detainees also remained held. Four alleged members of the RUF, three Sierra Leoneans, including a woman, and a Guinean, were arrested in Guinea in November 1995 and transferred to the custody of the Sierra Leonean security forces, apparently under the terms of a defence agreement between the two countries. They were subsequently held in Freetown, first at Cockerill Military Headquarters and subsequently at a house, still in the custody of the military. At the beginning of April 1996 they were transferred from military to police custody and held at the Criminal Investigation Department (CID) headquarters in Freetown. The four - Alhaji Mohamed Ali Barrie, Isatu Kallon Koroma, James Massallay and Braimah Shangari - had not been charged with any offence by the end of August 1996, some nine months after their arrest, and remained held at CID headquarters.

In meetings with government officials during the visit by its representatives in April 1996, and subsequently in a letter to President Ahmad Tejan Kabbah in May 1996, Amnesty International urged a review of all cases of political detention without charge or trial. All those held in indefinite detention without charge or trial should be released unless they are to be charged with a recognizable criminal offence and given a prompt and fair trial, in accordance with international standards for a fair trial.

Thirty-three political detainees were released on 16 August 1996. They included six of the seven soldiers detained since October 1995 and Victor Alimamy Kanu. Amnesty International welcomed these releases.

Concerns about the respect of the rule of law were raised in July 1996 when Edison Yongai, editor of a weekly newspaper, *The Point*, was arrested and detained for five days before being charged. Edison Yongai was arrested on 19 July 96 by the CID after publishing an article alleging that several government ministers were corrupt. He was held at CID headquarters until 22 July 1996 when he was transferred to Pademba Road Prison. The following day, five days after his arrest, he was charged on 10 counts of seditious libel under The Public Order Act, 1965 and released on bail. He was rearrested on 9 August 1996 and held overnight at Pademba Road Prison.

Recommendations:

- *All those detained without charge or trial should be released unless they are to be charged and tried fairly in accordance with international standards.*

The death penalty

Amnesty International considers the death penalty to be a violation of the fundamental right to life and the right not to be subjected to cruel, inhuman or degrading punishment and opposes its use unconditionally. None of the many studies carried out in various countries has produced scientifically conclusive proof that the death penalty has any special deterrent effect compared with other punishments.

The last judicial executions in Sierra Leone were in November 1994 when 12 soldiers, including a 77-year-old warrant officer, were executed after being convicted by military courts in Freetown of charges which included collaborating with rebels, armed robbery and murder. The death sentence imposed on a senior military officer, Lieutenant-Colonel Chernor M. Deen, in January 1995 after being convicted by a military court of aiding and communicating with rebel forces was subsequently commuted to life imprisonment.

Military courts are composed of a panel of senior military officers chaired by a civilian High Court judge who advises the panel on points of law. Defendants are denied the right to appeal against conviction and sentence to a higher court. Sentences have to be confirmed by the head of state.

In April 1996 there were 58 prisoners, including four women, in Pademba Road Prison under sentence of death. At least five of these people were soldiers who had been convicted by courts-martial from which they were denied the possibility of appeal to a higher jurisdiction. In addition, several of those under sentence of death have claimed that they were aged less than 18 years when their crime was committed. The Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty endorsed in 1984 by the UN General Assembly state that the death penalty should not be used against people who were under the age of 18 years at the time of the offence and that anyone sentenced to death should have the right to appeal to a court of higher jurisdiction.

Amnesty International urges the government of Sierra Leone to abolish the death penalty in law, in keeping with the trend in Africa and around the world. Nineteen states in Africa and a majority of states in the world have abolished the death penalty in law or in practice. Pending abolition, Amnesty International urges that all death sentences be commuted and that no further death sentences be imposed.

Recommendation:

- *Amnesty International urges the government of Sierra Leone to abolish the death penalty in law. Pending abolition, all death sentences should be commuted and no further death sentences imposed.*

Ratification of international human rights treaties

Many new civilian governments have ratified international human rights treaties as a demonstration of their intention to respect human rights.

Amnesty International strongly encourages the government of Sierra Leone to ratify the International Covenant on Civil and Political Rights, to which 132 states are party, the International Covenant on Economic, Social and Cultural Rights, as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the government of Sierra Leone has signed but not yet ratified. This would provide Sierra Leone with a framework to implement reforms. It would also provide regular review of the government of Sierra Leone's commitment to these international instruments by the UN Human Rights Committee and the Committee against Torture.

Sierra Leone ratified the African Charter on Human and Peoples Rights' in 1984. Amnesty International urges the government of Sierra Leone to act in conformity with the obligations it has undertaken by ratifying the African Charter.

Recommendation:

- *Amnesty International strongly encourages the government of Sierra Leone to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*