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# SIERRA LEONE

## A disastrous set-back for human rights

### Introduction

Since a military coup on 25 May 1997, in which the government of President Ahmad Tejan Kabbah was overthrown, the rule of law in Sierra Leone has completely collapsed. Hopes and aspirations for the protection and respect of human rights in Sierra Leone, following a return to civilian rule after elections in February 1996 and the conclusion of a peace agreement by the government and the armed opposition Revolutionary United Front (RUF) in November 1996, have been dealt a devastating blow.

The military formed the Armed Forces Revolutionary Council (AFRC), headed by Major Johnny Paul Koroma. Since the military coup soldiers, together with members of the RUF who have joined forces with them, have committed serious human rights violations. While Major Johnny Paul Koroma has called on soldiers to refrain from illegal activity, lack of effective control over both soldiers and members of the RUF has resulted in human rights violations being committed with impunity. Hundreds of people have been arbitrarily arrested and detained; many have been tortured and ill-treated. Physical assault, amounting to ill-treatment, of civilians by soldiers and members of the RUF is routine. There have also been reports of extrajudicial executions of some of those suspected of opposing the AFRC.

Violence and insecurity followed the military coup, both in the capital, Freetown, and in other parts of the country. On the day of the coup and during the following days as many as one hundred people died in Freetown in the ensuing violence. Many others were injured. There were many incidents of rape and widespread looting. President Ahmad Tejan Kabbah fled to neighbouring Guinea on the day of the coup and was joined by other members of his government.

In the months which have followed, maintenance of law and order has collapsed. Many judges, lawyers and senior police officers have been among the thousands of people fleeing Sierra Leone and seeking refuge in other countries in the region. There is a large number of cases pending before the criminal courts which have all but ceased to function. The AFRC announced that People's Revolutionary Courts would be established, composed of people without legal training. Murder, robbery and rape are reported to continue at unprecedented levels in Freetown; soldiers and RUF forces have frequently been implicated in these crimes.

Almost all sectors of Sierra Leonean society, including trade unions, religious groups, lawyers, women's groups, teachers, students and journalists, have opposed the military coup. Large numbers of civil servants, teachers and other public sector workers have refused to work in protest against the military coup, despite threats of dismissal by the AFRC.

The overthrow of President Ahmad Tejan Kabbah has been condemned by the international community which has demanded the return of constitutional order to Sierra Leone. Negotiations with the AFRC have faltered, a global economic embargo has been imposed and

further military intervention to restore the elected government of Sierra Leone has been seriously considered by countries in the region if dialogue and sanctions fail.

Attempts by West African troops, predominantly Nigerian, based in Freetown, to confront the AFRC shortly after the coup and subsequent clashes between soldiers, together with RUF forces, and West African troops in and around Freetown have resulted in deaths of civilians. Civilian casualties were also reported following efforts by West African forces to implement the embargo by preventing ships entering the port of Freetown. Outside Freetown confrontations between soldiers, together with RUF forces, and a civilian militia composed of local hunters of the Mende ethnic group known as *kamajors* intensified and resulted in many deaths, including of civilians caught up in the fighting. Fighting has been particularly fierce around Kenema in Eastern Province and Bo, Moyamba and Zimmi in Southern Province. The *kamajors*, who had fought against the RUF during Sierra Leone's internal armed conflict, remain loyal to President Ahmad Tejan Kabbah. In the north of the country, in Tonkolili District, there have been confrontations between the *kapras*, a civilian militia of the Temne ethnic group, and RUF forces.

The serious human rights abuses, including torture, ill-treatment and deliberate and arbitrary killings of unarmed civilians, which had characterized the internal armed conflict from 1991 until 1996, are once again occurring as violence and insecurity have spread throughout Sierra Leone<sup>1</sup>.

The major political developments in 1996 - the return of a civilian government after parliamentary and presidential elections and the peace agreement to end the internal armed conflict - offered unique opportunities for ending human rights abuses. The new government of President Ahmad Tejan Kabbah stated its commitment to protect and respect human rights and the peace agreement contained commitments by both parties to the conflict to adhere to international human rights standards. It was a decisive moment to act and build on those commitments<sup>2</sup>. In August 1996 the government acceded to the International Covenant on Civil and Political Rights (ICCPR) and to the International Covenant on Economic, Social and Cultural Rights. The military coup on 25 May 1997 has been a major set-back. There has been a return to the brutality which characterized the years of internal armed conflict and the foundations laid during 1996 for the protection and respect of human rights have been seriously undermined.

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<sup>1</sup>For 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.

<sup>2</sup>For further information, refer to *Sierra Leone: Towards a future founded on human rights* (AI Index: 51/05/96), published by Amnesty International on 25 September 1996.

Amnesty International is urging the AFRC to take measures immediately to end human rights violations. It should adhere strictly to Sierra Leone's obligations under international human rights law, including the ICCPR, the African Charter on Human and Peoples' Rights (African Charter)<sup>3</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>4</sup>. The AFRC is bound by the standards which Sierra Leone is obliged to respect. These obligations include to guarantee: the right to life; the right not to be subjected to cruel, inhuman or degrading treatment or punishment; the right not to be arbitrarily detained; the right to a fair trial and public hearing by a competent, independent and impartial tribunal established by law and, if convicted, to have the conviction and sentence reviewed by a higher tribunal; and the right to freedom of expression and association.

The international community, including the United Nations (UN), the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS)<sup>5</sup>, the Commonwealth and the European Union (EU), has devoted considerable attention and effort to resolving the political crisis in Sierra Leone and restoring the elected government. Amnesty International is urging that the protection of human rights is a priority in the efforts by the international community to end this crisis and that any decisions and actions which it takes ensure that fundamental human rights in Sierra Leone are respected.

## **The military coup on 25 May 1997**

On 25 May 1997 the government of President Ahmad Tejan Kabbah was overthrown by a group of low-ranking army officers. President Ahmad Tejan Kabbah had come to power in March 1996 after parliamentary and presidential elections, ending four years of military rule by the National Provisional Ruling Council which had itself come to power after a military coup in April 1992.

The AFRC is headed by Major Johnny Paul Koroma, who was released on the day of the coup after soldiers broke into the Central Prison, Pademba Road, in Freetown. He had been among nine soldiers charged but not yet tried with conspiring to overthrow President Ahmad Tejan Kabbah's government in September 1996. The Constitution was suspended, political parties were banned and all demonstrations were prohibited. The AFRC gave itself far-reaching powers of detention; anyone could be arrested "in the interest of public safety" with no safeguards against arbitrary arrest or indefinite detention without charge or trial. Former members of the government of President Ahmad Tejan Kabbah or his political party, the Sierra Leone People's Party (SLPP), or those closely associated with the government were reported to have been arrested and detained. The AFRC announced that the *kamajors* were to be disbanded.

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<sup>3</sup>Sierra Leone ratified the African Charter on Human and Peoples' Rights in 1984.

<sup>4</sup>Sierra Leone signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1985 but has not yet ratified it. By signing the Convention the government of Sierra Leone has made a commitment to abide by the principles of the Convention.

<sup>5</sup>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. The aim of ECOWAS is to promote cooperation and development and to improve relations among member states.

The AFRC claimed that they had overthrown the government because it had failed to consolidate peace in Sierra Leone following the peace agreement of November 1996. It also claimed that the government was undemocratic and that it had promoted tribalism by appointing people mainly from 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 the *kamajors* by the government. These accusations were strongly denied by President Ahmad Tejan 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. It stated shortly after the coup that it intended to remain in power for 18 months. Major Johnny Paul Koroma was sworn in as head of state on 17 June 1997; he said that he was committed to peace and that he would establish a broad-based government to include all ethnic groups.

Foday Sankoh remained held, effectively under house arrest, in Abuja, Nigeria. He had been detained by the Nigerian authorities on his arrival in Nigeria on 2 March 1997, apparently for possession of arms and ammunition. From Nigeria, Foday Sankoh announced his support for the military coup. The armed forces of Sierra Leone were joined by forces of the RUF, to form the People's Army. Large numbers of RUF forces arrived 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.

Negotiations between the Sierra Leone Government and the RUF to end the five-year internal armed conflict in Sierra Leone culminated in the signing of the peace agreement in Abidjan, Côte d'Ivoire, in November 1996. The peace agreement provided for an immediate cessation of hostilities and a schedule for disarmament, demobilization and reconstruction. A Neutral Monitoring Group from the international community was to be responsible for monitoring the implementation of the peace agreement. There were major setbacks and delays, however, in implementing the peace agreement which, in the weeks before the military coup, appeared to have collapsed as hostilities resumed, particularly in the north of Sierra Leone. With the break-down of the cease-fire and the resumption of hostilities came renewed reports of serious human rights abuses. Since the military coup further progress towards implementing the peace agreement reached in Abidjan in November 1996 has been impossible.

Violence, including murders and rape, and extensive looting, including from UN and humanitarian agencies, broke out in Freetown following the coup. Hundreds of prisoners were freed from Pademba Road prison; many were given arms and army uniforms. The situation was further exacerbated by the arrival of large numbers of RUF forces in Freetown who were not paid a regular salary and flagrantly abused their power.

Food stocks and medical supplies of humanitarian agencies were stolen. The political upheaval and subsequent widespread civil unrest have aggravated an already precarious food situation. Agricultural activity has been seriously disrupted. There are severe shortages of food and the price of rice and other staple foods has soared. A severe humanitarian emergency has been predicted by aid and relief agencies. Many public sector employees continue to refuse to

work in protest against the military coup and some banks remain closed. Electricity power cuts are frequent in Freetown as fuel has become scarce. Both in Freetown and in other parts of the country, civilians are facing acute hardship and insecurity.

Immediately after the coup, Nigerian forces already present in Sierra Leone under the provisions of a defence agreement between Sierra Leone and Nigeria were significantly reinforced, including by forces from the ECOWAS Cease-fire Monitoring Group, known as ECOMOG, which had been deployed under the authority of ECOWAS in neighbouring Liberia since 1990. Forces from other West African states, including Guinea and Ghana, also joined them. On 2 June 1997 Nigerian vessels bombarded military targets in Freetown and fighting ensued between Nigerian soldiers and Sierra Leonean soldiers together with RUF forces. Efforts in September and October 1997 to enforce an economic embargo imposed by ECOWAS resulted in further bombardments in Freetown.

Although hostilities between soldiers and RUF forces appeared to have ceased in the weeks immediately after the military coup, there have since been violent confrontations between the *kamajors*, loyal to President Ahmad Tejan Kabbah, and soldiers together with RUF forces, particularly in Southern and Eastern Provinces. Soldiers and ECOWAS troops have also clashed, particularly at the international airport at Lungi and also around Hastings airport and Jui, east of Freetown.

Civilians have been caught up in the fighting and bombing. As many as one hundred people were reported to have died and many others were injured on 2 June 1997 in Freetown during the bombardment from Nigerian vessels and subsequent fighting.

Efforts by the international community to resolve the political crisis in Sierra Leone have centred on condemnation of the military coup, international isolation of the AFRC and calls for the reinstatement of President Ahmad Tejan Kabbah's government. While continuing to pursue a strategy of dialogue and sanctions, recourse to military intervention to remove the AFRC remains a possibility if these measures fail.

## **International reaction to the crisis in Sierra Leone**

The military coup in Sierra Leone on 25 May 1997 was immediately condemned by the international community, including the UN, the OAU, ECOWAS, the Commonwealth and the EU.

No government has recognized the AFRC. There was also condemnation of the violence and loss of life which resulted from the coup. In the weeks which followed there was intense diplomatic activity to try to find a peaceful solution to the political crisis and to avert the threat of military intervention.

The possibility of military intervention has been seriously considered as a response to the political crisis in Sierra Leone. In June 1997 ECOWAS, earlier mandated by the OAU to take appropriate measures to restore constitutional order to Sierra Leone, decided to resolve the crisis through dialogue, sanctions and, if necessary, the use of force. The use of force has not been endorsed by the UN Security Council.

Amnesty International does not favour or oppose military intervention. However, it is concerned that, if any intervention is authorized by the international community, the military forces involved must adhere strictly to international humanitarian and human rights standards at

all times. Any countries sending military troops as part of an eventual intervention have an obligation to ensure that deliberate or indiscriminate killings or other human rights abuses prohibited by international humanitarian and human rights standards do not occur.

### **Organization of African Unity (OAU)**

Immediately after the coup, the OAU Secretary General, Dr Salim Ahmed Salim, condemned it as "unacceptable to the continent". On 26 May 1997 the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution unequivocally condemned the coup and called for the immediate restoration of constitutional order. 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 1996 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 20th ECOWAS summit in Abuja at the end of August 1997.

### **Economic Community of West African States (ECOWAS)**

On 26 June 1997 the foreign ministers of 14 ECOWAS states met in the Guinean capital, Conakry. They agreed to pursue the early reinstatement of President Ahmad Tejan Kabbah, the return of peace and security and the resolution of issues relating to refugees and internally displaced people. They also reaffirmed the support of ECOWAS for the peace agreement signed in Abidjan in November 1996. They decided that efforts should be made towards the reinstatement of the elected government through a combination of dialogue, imposition of sanctions, enforcement of an embargo and, if necessary, the use of force. The ECOWAS foreign ministers also established a committee made up of Côte d'Ivoire, Ghana, Guinea and Nigeria, and including a representative of the OAU, to monitor developments in Sierra Leone and to implement the measures adopted.

Two rounds of talks were held between the committee of four foreign ministers and representatives of the AFRC in Abidjan. The first, held on 17 and 18 July 1997, was adjourned after agreeing that a cease-fire should be immediately established throughout Sierra Leone. The second round of negotiations, on 29 and 30 July 1997, collapsed. The AFRC delegation failed to respect the agreement of the previous meeting to present its proposals on modalities for the early restoration of constitutional order to Sierra Leone, including the reinstatement of the government of President Ahmad Tejan Kabbah. Instead, the AFRC delegation rejected the return of President Ahmad Tejan Kabbah, demanded the withdrawal of West African forces from Sierra Leone and insisted that the leader of RUF, Foday Sankoh, be released in order to participate in the talks. On 30 July 1997 Major Johnny Paul Koroma announced that the Constitution would remain suspended and that the AFRC would remain in power for a further four years, until 2001. This

statement was greeted with outrage by the international community. Major Johnny Paul Koroma subsequently said that the AFRC remained willing to negotiate a solution to the political crisis.

At the 20th ECOWAS summit held in Abuja on 29 and 30 August 1997, ECOWAS heads of state and government called for a continuing and intensified embargo against Sierra Leone and agreed to seek assistance from the UN Security Council to make the sanctions global and mandatory, in accordance with the UN Charter. It expressed its determination to deploy all efforts towards a peaceful solution to the crisis in Sierra Leone. The meeting expanded the mandate of ECOMOG forces to monitor the cease-fire, enforce the sanctions and embargo and secure peace in Sierra Leone.

In early September 1997 there was an escalation of military attacks by ECOWAS forces in attempts to enforce a land, sea and air embargo. On the night of 3 to 4 September 1997 a ship off the coast of Freetown was shelled by ECOWAS forces based at Lungi. The AFRC claimed that more than 50 civilians in Freetown had died as residential areas were hit. Many others were injured. Both the commander of ECOMOG in Liberia, Major-General Victor Malu, and President Ahmad Tejan Kabbah denied that these deaths had resulted from the ECOWAS operation and said that there had been heavy gun-fire from AFRC forces positioned at Fourah Bay College on a hill overlooking Freetown. Eye-witnesses were also reported as having seen firing from AFRC positions at Fourah Bay College. Other reports also suggested that the deaths had been caused by artillery fire and rocket propelled grenades from AFRC positions. It was not possible to establish the number of those killed or the exact circumstances of their deaths.

On 8 October 1997 Nigerian jets bombed Cockerill military headquarters in Freetown. ECOMOG forces said that the raid had been undertaken to destroy a helicopter gunship used to attack its forces. Six people, including two civilians, were reported to have been killed and up to 40 injured. Nigerian jets attacked an external communications centre in Freetown on 15 October 1997. The following day the area around the state radio transmitter to the west of Freetown, close to a military barracks, as well as other parts of Freetown were bombed. Thirteen civilians were reported to have been killed and about 20 others injured in the shelling.

### ***UN Security Council***

In a statement issued on 11 July 1997, after meeting the four ECOWAS foreign ministers, the UN Security Council reiterated its view that the overthrow of the government of President Ahmed Tejan Kabbah was unacceptable and called for the immediate and unconditional restoration of constitutional order in Sierra Leone. The UN Security Council expressed its concern about the serious humanitarian consequences of the continuing crisis in Sierra Leone as well as the threat to regional stability. It also expressed its full support for the efforts of ECOWAS. On 31 July 1997 the Security Council expressed serious concern after talks between representatives of ECOWAS and the AFRC collapsed.

On 6 August the UN Security Council repeated its condemnation of the overthrow of the democratically elected government of President Ahmad Tejan Kabbah and called on the AFRC to take immediate steps towards its unconditional restoration. The Security Council declared that, in the absence of a satisfactory response, it would be ready to take appropriate measures aimed at restoring the government. It also called on the AFRC to resume negotiations with the committee of four ECOWAS foreign ministers. The Security Council condemned the continuing violence

and threats of violence by the AFRC towards the civilian population, foreign nationals and personnel of the ECOWAS monitoring group.

In early September 1997, the UN Secretary-General appointed Francis Okelo, former deputy head of the UN Special Mission to Afghanistan, as his special envoy to Sierra Leone.

Following the ECOWAS summit in Abuja at the end of August 1997, the Security Council decided that further action relating to the embargo enforced by ECOWAS should be postponed until the Security Council had had the opportunity to discuss the issue in further detail with the ECOWAS group of five foreign ministers - of Côte d'Ivoire, Ghana, Guinea, Nigeria, subsequently joined by Liberia. The Security Council decided on 8 October 1997 to impose a global oil, arms and travel embargo against Sierra Leone in order to support the efforts of ECOWAS and increase pressure on the AFRC to relinquish power. International sanctions are to remain in force until the government of President Ahmad Tejan Kabbah and constitutional order are restored. The resolution provides for exceptions to the oil embargo for humanitarian purposes.

The Security Council also called on international financial institutions and UN member states to provide assistance to countries in the region to cope with the influx of refugees from Sierra Leone. The resolution gave international authorization to ECOWAS to enforce the embargo on oil and arms and prevent vessels from reaching Sierra Leone.

### **Commonwealth**

On 11 July 1997, the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), composed of the foreign ministers of Canada, Ghana, Jamaica, Malaysia, New Zealand, South Africa, the United Kingdom and Zimbabwe, condemned the military coup in Sierra Leone and called for the immediate and unconditional reinstatement of the democratically elected government of Sierra Leone under President Ahmad Tejan Kabbah. It urged the international community to continue to deny recognition to the AFRC and decided that, pending the restoration of the elected government of President Ahmad Tejan Kabbah, the participation of Sierra Leone in meetings of the Commonwealth would be suspended. The Group welcomed the efforts of ECOWAS, noting that these efforts were being taken in accordance with the decision taken by the OAU and that they were being carried out in coordination with the UN.

On 31 July 1997 the Commonwealth Secretary General, Chief Emeka Anyaoku, announced that "any delay in the immediate transfer of power from the junta and back to civilian rule - let alone a postponement until 2001 - would represent a major setback not only for Sierra Leone and the West Africa region, but for the continent of Africa as a whole".

The CMAG, meeting in September 1997, was reported to have decided to recommend to the Commonwealth Heads of Government Meeting to be held in Edinburgh, United Kingdom, in October 1997 that Sierra Leone be suspended from the Commonwealth.

In a statement issued on 12 September 1997 the CMAG welcomed the decision by the ECOWAS heads of state and government to take further measures against the AFRC in accordance with the decision taken by the OAU and in coordination with the UN. The Group supported the efforts of the committee of five foreign ministers towards a peaceful solution to the crisis in Sierra Leone.

The Group urged the international community to support the objectives of these efforts and called on the AFRC to cooperate with ECOWAS.

### ***European Union (EU)***

In declarations on 28 May and 20 June 1997 the EU condemned the military coup in Sierra Leone and on 10 July 1997 the Presidency of the EU issued a statement welcoming ECOWAS efforts to resolve the crisis in Sierra Leone. It also stated that, pending the return of the elected government to Sierra Leone, development aid could not be continued.

## **Human rights violations since the military coup on 25 May 1997**

The military coup on 25 May 1997 has led to a breakdown in the rule of law which has resulted in serious human rights violations by both soldiers and members of the RUF. Despite calls from Major Johnny Paul Koroma to soldiers to refrain from illegal activity, abuses have continued. The AFRC has failed to exercise effective control or chain of command over soldiers, joined by RUF forces in the People's Army.

### ***Arrest and detention of political opponents***

Since the military coup on 25 May 1997 many of those associated with the government of President Ahmad Tejan Kabbah or suspected of opposition to the AFRC have been arbitrarily arrested and detained. Those targeted have included members of President Ahmad Tejan Kabbah's government, those closely associated with it or the Sierra Leone People's Party (SLPP), journalists, students and human rights activists. However, with the complete collapse of the rule of law, all Sierra Leonean civilians are at risk of arbitrary arrest and detention.

While many of those arrested have been imprisoned at Pademba Road prison, others have been held at Cockerill military headquarters, at headquarters of the Criminal Investigation Department (CID) and at police stations in Freetown. It is unclear exactly how many people have been arrested and detained since 25 May 1997. While some of those arrested have been released after a short time, others remained held without charge or trial for days, weeks or months. It has been difficult to assess with any accuracy the number of those detained because of continuous arrests and releases and lack of access to places of detention. Those detained at Pademba Road prison have been allowed visits by members of their families and also by representatives of a local non-governmental organization, Prison Watch. Further visits by Prison Watch were reported, however, to have been refused by the prison authorities in October 1997. The number of those arbitrarily arrested and detained is likely to be several hundred.

Most of those held at Pademba Road prison since 25 May 1997 have been held in administrative detention without charge or trial. They are categorized as being held in "military safe custody". There appears to be no legal basis for the detention of those in this category; they are in effect being arbitrarily detained on the apparent orders of the military. No substantive investigations into the grounds for detention have taken place and there is no opportunity for a review of these cases by a court. While at the end of July 1997 more than 70 detainees were held in administrative detention at Pademba Road prison, this number had doubled by the end of September 1997. Arbitrary arrests were reported to occur daily and to be continuing.

### People associated with President Ahmad Tejan Kabbah's government

In the days immediately following the coup, several members of President Ahmad Tejan Kabbah's government and senior military officers were reported to have been detained briefly at Cockerill military headquarters. All prominent politicians and military officers were ordered to report to military headquarters. No reasons were given for the arrests of former politicians and it appeared that they were held only because of their membership of the government.

Others closely associated with the government or the SLPP remained at risk of arbitrary arrest and detention. At least 15 people - eight senior military officers and seven civilians, including prominent SLPP members - were arrested on 16 June 1977, accused of conspiring to overthrow the AFRC. Others were reported to have been arrested in the following days. They included **Dr Sama S. Banya**, a prominent political figure, medical doctor and environmentalist, **Colonel K.E.S. Boyah**, **Dauda Bundeh**, **Colonel Tom Carew**, **Major Francis Gottor**, **Lieutenant-Colonel John Ade Oluwole Jah-Tucker**, **Dr B.M. Kobba**, a medical doctor, **Abu Aiah Koroma**, former Minister for Parliamentary and Political Affairs, **Colonel R.Y. Koroma**, **Ansu Morseray**, a student at Njala University College, **Captain John Massaquoi**, **Vandy Morseray**, a student at the Institute of Public Administration and Management, **Captain Daniel Musa**, **Abdullahi Mustapha**, **Brima Senesie** and **Major Vandi Turay**.

Those arrested were first held at military headquarters before being transferred to Pademba Road prison. Although initially denied visits from families, doctors and lawyers, they were later permitted visits and their families were allowed to provide basic necessities such as mattresses and blankets. There was concern about the health of several of those detained.

The AFRC said that they would be brought to trial before a military court. Although accused of conspiring against the government, it appeared that most, if not all, of those arrested had been detained only because of their opposition to the military coup which brought the AFRC to power and their lack of cooperation with the AFRC. None of those detained was charged with any offence. Most of those arrested were released during the following weeks; several military officers were reported to have been released on 6 July 1997 and the two students were released after five weeks. However, Dr Sama S. Banya, Dauda Bundeh, Dr Abdul Jalloh, Dr B.M. Kobba, Abdullahi Mustapha and Brima Senesie were not released until 29 July 1997. They remained under house arrest, however, until 7 October 1997.

Many other people were subsequently arbitrarily arrested because of their perceived support for the government of President Ahmad Tejan Kabbah and opposition to the AFRC. They included **Raymond Dorwie**, a chief security officer at the Port Authority in Freetown. He was arrested around 10 July 1997 and imprisoned at Pademba Road prison until early October 1997. **Juliet Hagan**, a teacher, **Christopher Sawyer**, a student, **Momodou Bah**, a trader, and two other people were arrested on 6 August 1997. **Joan Tucker**, a teacher at the YWCA in Freetown, was reported to have been arrested on 11 August 1997. They were all held without charge at Pademba Road prison until 16 August 1997.

A radio station began broadcasting in July 1997, transmitting messages from President Ahmad Tejan Kabbah and providing information about the activities of his government in Conakry, Guinea. Soldiers and members of the RUF subsequently carried out arrests, accusing people of either knowing from where the broadcasts were being transmitted or of passing information to the radio station. The AFRC believed that the broadcasts were being transmitted from the international airport at Lungi, under the control of Nigerian troops since the military coup on 25 May 1997. Many people, including those travelling from Lungi to Freetown, who were suspected of involvement with the radio station were physically assaulted and arrested by soldiers and members of the RUF.

In early September 1997, Mr **Goba**, described as a personal assistant to President Ahmad Tejan Kabbah, was arrested and taken to Cockerill military headquarters. According to reports, he was not held in any building but in a freight container within the confines of the military headquarters. His physical condition was seriously deteriorating as a result of his conditions of detention. He was still held by mid-October 1997. Others were also reported to be held with him in the freight container.

On 3 October 1997 a lecturer from Fourah Bay College was reported to have been arrested, apparently because he was believed to have been associated with President Ahmad Tejan Kabbah. He was badly beaten and was subsequently admitted to hospital. **Mohamed B. Sesay**, Deputy Minister for Marine Resources in the government of President Ahmad Tejan Kabbah, was reported to have been arrested around 8 October 1997, apparently accused of involvement in subversive activities. He was held at CID headquarters in Freetown. Among others arrested in early October 1997 on similar accusations were a Temne traditional leader and members of his family.

In addition to those suspected of direct association with the government of President Ahmad Tejan Kabbah, others perceived as supporting the *kamajors*, loyal to President Ahmad Tejan Kabbah, have also been arrested. On 16 September 1997 soldiers and RUF forces were reported to have attacked the town of Bonthe, on Sherbro Island, in Southern Province. The AFRC had accused the *kamajors* of establishing bases and military training centres at Bonthe. Many civilians fled Bonthe, where property was destroyed and looted, for Freetown. More than 60 others were arrested and taken to the town on Moyamba for questioning, apparently suspected of sympathizing with the *kamajors*. It was not clear how long they remained in detention or whether some might have been subsequently transferred to Freetown.

## **Journalists**

Shortly after the military coup on 25 May 1997, the AFRC expressed its intention to ensure that press freedom was unrestricted. It criticized legislation passed earlier in May 1997 which required the registration of newspapers and newspaper editors to have academic qualifications and lengthy previous professional experience. However, this commitment was short-lived.

As with other critics of the military coup and the AFRC, journalists soon became the targets for threats, ill-treatment, arrest and detention. On 3 July 1997 the Sierra Leone Association of Journalists (SLAJ) issued a statement saying that it was committed to the restoration of democratic and constitutional rule and the speedy restoration of the elected government of Sierra Leone. The same month SLAJ condemned the AFRC for its unprecedented harassment and intimidation of journalists. In September 1997 the AFRC announced that

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newspapers were required to obtain permission before publishing. It also ordered all newspapers to register officially within six days or cease publication, citing the Newspapers Act of 1980. It subsequently allowed those newspapers which had legally registered before 25 May 1997 to continue to publish until the end of the year.

During the week of 9 June 1997, some two weeks after the military coup, **Ojukutu Macaulay**, editor of *The Quill* newspaper and also the host of a live radio broadcast, "Good morning, Freetown", was reported to have gone into hiding after being confronted by a group of soldiers. According to reports, a few hours earlier he had had a conversation with another journalist during which he apparently stated that he did not and would not support the military coup. As he returned home, a group of soldiers confronted him and threatened to kill him if he continued to denounce the military coup. Also in early June 1997 journalists working for *For di People* newspaper were threatened following articles critical of the AFRC. A correspondent for the British Broadcasting Corporation (BBC), **Sylvester Rogers**, based in Makeni, Northern Province, was also reported to have gone into hiding in June 1997 after soldiers sought to locate him after he filed reports critical of the AFRC. Several months later, in early October 1997, he was reported to have been arrested and severely beaten and his passport seized.

In the weeks which followed, an increasing number of journalists were arrested and detained, apparently only because of undertaking their professional activities and legitimately exercising their right to freedom of expression. Four newspapers critical of the AFRC closed down after receiving threats.

On 8 July 1997 four members of staff of *The Democrat* newspaper and three other people who were at *The Democrat's* premises were arrested by soldiers searching for the clandestine radio transmitter broadcasting on behalf of the government of President Ahmed Tejan Kabbah. They were taken to Cockerill military headquarters. Although four were released after four days, **Jeff Bowley Williams**, **Salomon Conteh** and **Fatmata Kamara** were subsequently transferred to Pademba Road prison and held without charge until 19 July 1997. Other journalists reported to have been arrested and detained briefly without charge in July 1997 because of their reporting of events included **Hilton Fyle**, an independent radio broadcaster, **Bundu Hayes**, editor of *The Point* newspaper, and **Martins I. Martins**, a journalist working for *Business News* newspaper.

Four members of staff of the newspaper *Unity Now* were arrested on 26 July 1997 by soldiers following an article critical of the AFRC. According to reports, **Dominic Lamine**, deputy editor, **Sahr Mbayoh**, news editor, and two women employees were arrested on 26 July 1997. They were held at Cockerill military headquarters where they were denied all visits. The two women and Sahr Mbayoh were released on 30 July 1997 and Dominic Lamine three days later. The newspaper's editor, **Frank Kposowa**, also president of SLAJ, went into hiding for a brief period.

Two days later, on 28 July 1997, **Suliman Janger**, production manager of the newspaper *The New Tablet*, was reported to have been arrested and held briefly, again following an article critical of the AFRC. Five newspaper vendors selling *The New Tablet* were also reported to have been arrested on 28 July 1997; two were held in Pademba Road prison.

Two journalists and their driver who were on their way to report a demonstration by students protesting against the AFRC on 18 August 1997 were arrested and taken to Cockerill military headquarters. **Kelvin Lewis**, described as a correspondent for both *Radio France Internationale* and Voice of America, and **Ojukutu Macaulay**, previously arrested in June 1997, were reported to have been severely beaten with the blunt ends of machetes and butts of guns by soldiers, who also were reported to have threatened to kill them. Ojukutu Macaulay sustained injuries to his head which required stitches. Both journalists and their driver were released the following day.

On 10 October a freelance journalist, **Abdul Salam Timbo**, was reported to have been arrested on accusations of involvement in subversive activities. **David Tam Baryoh**, editor of *Punch* newspaper, was arrested the same day and held at CID headquarters for 72 hours. He was accused of providing information to President Ahmed Tejan Kabbah and Sierra Leone's ambassadors to the UN and the United States. The following day, **John Foray**, acting editor of *The Democrat* newspaper, and **Abdul Kposowa**, a freelance journalist, were arrested by soldiers and taken to Pademba Road prison. They were beaten at the time of their arrest.

## Students

Many students, who have been vocal in their opposition to the AFRC, have been arbitrarily arrested and detained.

In the days immediately following the coup, a student at Milton Margai College of Education, **Abdulai Musa**, was arrested after being heard to say that the AFRC would be in power only for a matter of days. He was taken to Pademba Road prison where he remained for almost a month. According to reports, he had recently undergone an operation and was denied access to a doctor while in detention.

In early June 1997 **Ansu Bockarie**, a member of the executive committee of the National Union of Sierra Leone Students, was reported to have been severely ill-treated by a prominent member of the AFRC when he was found to be in possession of his student union card (see below).

More than 120 people, mostly students, were arrested on 18 and 19 August 1997 following attempts by students to stage a demonstration - a march for democracy - protesting against the AFRC. The demonstration had been prohibited by the authorities; however, students and others, including trade unionists and market women, defied the ban. Those attempting to demonstrate were forced to disperse by the security forces who fired shots and tear-gas. At least six students were killed and many others seriously injured as a result of ill-treatment (see below).

Among those reported to have been arrested on 18 August 1997 were **Brima Ali**, **Miranda Hanciles**, a student at Milton Margai College of Education, **Sahr Kortequee**, a medical student, **Mohamed Mansaray**, a student at Fourah Bay College, **Albert Massaquoi**, a student at Njala University College, **Imran Mohamed Silla**, a student, **James Tucker**, a student at Fourah Bay College, **Lewis Tucker**, a student at Njala University College, and **Sheik Turay**, a teacher.

Eighty-six students, including nine women, were taken to Pademba Road prison, another 35 to Cockerill military headquarters and an unknown number to the CID headquarters in

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Freetown. Those held at Pademba Road prison were held for 12 days before being released. Some students were reported to be still held by October 1997 at other places of detention, including Cockerill military headquarters. The exact numbers of those held was impossible to determine; reports referred to at least 37. Many students were reported to remain missing, their families frightened to make inquiries to the authorities about their whereabouts; they include a woman, **Juliet Jones**.

Since the events of 18 August 1997 students, and their families, have continued to be intimidated and threatened. They have been warned against approaching the media or non-governmental human rights organizations.

### **Human rights activists**

Those who have spoken out against human rights violations committed by the AFRC have been arbitrarily arrested and detained, tortured and ill-treated. Some members of non-governmental human rights organizations have had to leave Sierra Leone; those who remain are severely restricted in their activities because of the serious threats posed to their physical safety.

In early July 1997 a non-governmental human rights organization, the Civil Liberties Congress (CLC), condemned the increase in human rights violations since the military coup, including summary executions by soldiers together with members of the RUF of those caught or suspected of looting (see below). On 13 August 1997 the President of the CLC, **Soulaiman Banja Tejan-Sie**, issued a statement calling on Sierra Leoneans to demonstrate in protest against the AFRC. He subsequently wrote a letter to the Inspector General of Police to say that he intended to stage a one-man demonstration. He received threatening telephone calls and on 17 August 1997, the day before the demonstration was scheduled to take place, soldiers seeking Soulaiman Banja Tejan-Sie arrested three people closely associated with him, including **Mohamed Bash Kamara** and **Abu Rahman**. The three men were beaten. Soulaiman Banja Tejan-Sie was arrested on 18 August 1997 and taken first to Cockerill military headquarters where he was tortured (see below). He was forced at gun point to appear on national television to call on students not to proceed with planned demonstrations that day. He was then taken to Pademba Road prison where he was held without charge until 28 August 1997. He subsequently remained under surveillance until he fled the country in early October 1997.

### **Nigerian nationals**

Nigerian nationals appeared to have been deliberately targeted for harassment, ill-treatment, arrest and detention because of the dominant role played by Nigeria in attempts by West African states to force the AFRC to relinquish power.

Following the attempts in early September 1997 by the Nigerian contingent of ECOWAS forces in Sierra Leone to tighten the implementation of the embargo imposed by the ECOWAS summit in late August 1997, hostility by soldiers, RUF forces and some civilians towards Nigerian nationals resident in Sierra Leone, already fomented in early June 1997 when further military intervention by Nigerian troops appeared to be imminent, increased. The AFRC claimed that

more than 50 civilians resident in the port area of Freetown had been killed during the bombardment by Nigerian jets of a vessel attempting to enter the port of Freetown during the night of 3 and 4 September 1997. However, with some reports suggesting that the AFRC was implicated in the deaths, it remained unclear how many people had died and also who was responsible for the deaths (see above).

Following these events, the situation of Nigerian nationals in Sierra Leone became increasingly precarious. On 4 September 1997 a member of the AFRC called on demonstrators not to retaliate against Nigerian nationals since they were not personally involved in the actions of Nigerian forces in Sierra Leone. At least 20 Nigerian nationals were reported to have been arrested shortly after 4 September 1997 and held at Cockerill military headquarters. Around 18 September 1997 another six Nigerian nationals were reported to have been arrested while travelling from Freetown to the interior of the country. Their whereabouts was unknown; they were not known to be held at either Pademba Road prison or Cockerill military headquarters. Whereas some of those arrested previously had been accused of spying, the exact circumstances and reasons for these arrests remained unclear.

On 9 September 1997 two Nigerian nationals were reported to have been killed by armed men - soldiers or members of the RUF - in Freetown (see below).

### ***Detention of members of the Revolutionary United Front (RUF)***

On 29 March 1997 members of the RUF abducted at least five of their own members, a Sierra Leonean diplomat and also members of the Guinean security forces in Kailahun District, Eastern Province. The abductions followed the announcement two weeks earlier by prominent members of the RUF that its leader, Foday Sankoh, had been removed as leader because he was deliberately obstructing the peace process in Sierra Leone. Foday Sankoh had been detained by the Nigerian authorities on his arrival in Lagos on 2 March 1997, apparently for possession of arms and ammunition; subsequently transferred to Abuja, he remains effectively under house arrest. When members of the newly emerged RUF leadership travelled to Kailahun District, near the border with Guinea, to meet RUF forces, they were abducted together with **Lieutenant-Colonel Mohamed Diaby**, the Sierra Leonean ambassador to Guinea. Initially, the RUF members called for Foday Sankoh's release in Nigeria as a condition for the release of those captured.

Two of those abducted, **Fayia Musa** and **Ibrahim Deen-Jalloh**, had been appointed as RUF representatives on the Commission for the Consolidation of Peace which was established by the peace agreement signed by the Government of Sierra Leone and the RUF in November 1996. The Commission was to be responsible for supervising and monitoring the implementation of the peace agreement.

Lieutenant-Colonel Mohamed Diaby was released shortly after the military coup when the RUF joined forces with the AFRC. However, both Fayia Musa and Ibrahim Deen-Jalloh, together with another former RUF leader, **Philip Palmer**, and possibly others were still held by RUF members in Kailahun District by October 1997. The RUF said that the captured RUF members are being held for having conspired against the legitimate leader of the RUF.

Since members of the RUF have now been incorporated into the Sierra Leonean armed forces to form the People's Army and are represented on the ruling council of the AFRC, including Foday Sankoh as Vice-Chairman, the AFRC cannot evade its responsibility for the

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continuing detention of Fayia Musa, Ibrahim Deen-Jalloh, Philip Palmer and any others also still held.

### ***Torture and ill-treatment***

Since the military coup on 25 May 1997 there has been widespread torture and ill-treatment by both soldiers and RUF forces in the People's Army, violating Article 7 of the ICCPR and Article 5 of the African Charter. By signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sierra Leone has also undertaken a commitment to adhere to the principles of the Convention. Soldiers and RUF members have operated with impunity and have created a climate of fear and intimidation in Freetown.

Many of those apprehended or sought by soldiers in the days following the military coup were reported to have been ill-treated. Several government ministers were reported to have been physically assaulted by soldiers either at their homes or after their arrest. **Emmanuel Grant**, former Minister of Works and Technical Maintenance, was reported to have sustained injuries after being beaten when arrested and **David Quee**, former Minister for Internal Affairs, Local Government and Community Development, was physically assaulted by soldiers who came to his house.

At least two of the 15 people arrested on 16 June 1997 accused of conspiring to overthrow the AFRC were reported to have been physically assaulted by soldiers at the time of their arrest.

On 4 June 1997 **Philip Neville**, managing editor of the *Standard Times* newspaper, was reported to have been attacked by two armed men in military combat uniforms who broke into his home in the early hours of the morning. They accused him of hiding a government minister in his house and demanded to know where he was. When he denied that he was hiding anyone, the armed men demanded money. When he refused, he was beaten around the head with the butt of a gun. He was subsequently admitted to hospital for treatment for his injuries. Philip Neville was reported to have received several anonymous calls threatening that those working for the *Standard Times* would be killed if the newspaper continued to publish articles critical of the AFRC. Philip Neville was reported to have gone into hiding after copies of the *Standard Times* were confiscated by soldiers at the newspaper's offices on 30 July 1997. Journalists at the offices of the *Standard Times* were reported to have been beaten by soldiers on 21 September 1997.

When student leader **Ansu Bockarie** was found to be in possession of his student union card in early June 1997 he was beaten and cut with a razor blade by a prominent member of the AFRC. Many of the students arrested while attempting to hold demonstrations on 18 August 1997 were ill-treated and tortured by soldiers at the time of their arrest. Some were wounded by being cut with machetes or stabbed with bayonets; others were badly beaten. Many required hospital treatment for serious injuries including multiple fractures.

Some of the women students who were arrested were reported to have been taken directly to the residences of members of the AFRC, particularly in the Hill Station area of Freetown, where

they were sexually assaulted. Some were believed to remain at these residences in October 1997, apparently under duress.

When **Soulaiman Banja Tejan-Sie**, the President of the Civil Liberties Congress, was arrested on 18 August 1997 he was beaten with military helmets and butts of guns. His arms were tied tightly with nylon rope and he was put into the boot of the car of a member of the AFRC. He suffered injuries to his arms as a result. After several hours in the boot of the car, he was taken to Cockerill military headquarters where he was interrogated and again beaten. He was subsequently transferred to Pademba Road prison where for about five days he was held in the section of the prison reserved for prisoners under sentence of death; he was denied washing and other facilities. He received no food during the first three of his 11 days in detention.

On the morning of 20 September 1997 people gathered at the Mende Central Mosque in Freetown were reported to have been beaten by security forces who demanded information about the radio station broadcasting in support of President Ahmad Tejan Kabbah.

On 2 October 1997 a man accused by soldiers of theft was tortured. Three soldiers and one member of the RUF were reported to have gone to the house of **Olu Jones** at Lumley in Freetown. He was tied, beaten and stabbed with a bayonet in both ears. He was beaten throughout the night and then taken away, bleeding profusely from both ears, to Cockerill military headquarters.

During the detention of David Tam Baryoh, editor of *Punch* newspaper, at CID headquarters for three days from 10 October 1997, armed men arrived at the home of his sister-in-law where they believed property belonging to David Tam Baryoh had been taken by his wife. When his sister-in-law denied having the property, both she and her daughter were reported to have been raped.

On 11 October 1997 another journalist, **Umaru Fofanah**, working freelance for *The Vision* newspaper and also a correspondent for the BBC, was reported to have been shot in the leg and tortured by soldiers who suspected him of providing information to the clandestine radio station broadcasting in support of President Ahmad Tejan Kabbah. He received treatment in a military hospital before being released.

There were also reports of torture and ill-treatment of civilians in areas of the country, in particular around Zimmi and Kenema, where soldiers and RUF forces were fighting *kamajors*. Soldiers and members of the RUF were reported to have entered villages accusing villagers of supporting the *kamajors*. People fleeing to Liberia from the area around Gofa near Zimmi during fierce fighting in mid-August 1997 reported serious ill-treatment. Civilians were beaten and their arms tied tightly behind their backs, causing serious injuries. Women and girls were raped and forced into sexual slavery.

### ***Extrajudicial executions***

With the breakdown of the rule of law in Sierra Leone since the military coup, the Sierra Leone armed forces, together with members of the RUF, have also been responsible for extrajudicial executions. While many civilians have died as a result of the general situation of violence and insecurity, particularly in the period immediately following the coup, other civilians have been deliberately killed for political reasons by soldiers and RUF members. Such killings violate

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Sierra Leone's obligations under international law, including Article 6 of the ICCPR and Article 4 of the African Charter which guarantee the right to life and prohibit the arbitrary deprivation of this right.

On 26 June 1997 **Albert Sandy Demby**, a traditional leader known as a Paramount Chief, and father of Dr Albert J.E. Demby, Vice-President until the military coup on 25 May 1997, was shot dead by soldiers at his home in Gerihun, Bo District, Southern Province. The soldiers were apparently looking for *kamajors*. Albert Sandy Demby's family fled into the bush; when they returned they found him dead. Soldiers searching the area around Bo for *kamajors* were also reported to have killed some 25 people in the villages of Telu Bongor and Sembehun, south of Bo.

Fighting between soldiers together with members of the RUF against the *kamajors* has continued. It became particularly fierce around Zimmi in mid-August 1997. Unarmed civilians, accused of supporting the *kamajors*, were killed as soldiers and RUF members entered villages. They fired indiscriminately and also entered homes, shooting civilians and looting their property. At least five civilians were deliberately and arbitrarily killed in the village of Gofu, near Zimmi, in mid-August 1997. Similar killings were reported in other villages around Zimmi. In fighting between soldiers and *kamajors* around the towns of Panguma and Dodo in Kenema District around 23 September 1997, *kamajors* who were captured by soldiers were reported to have been summarily executed.

On 27 June 1997 the town of Moyamba, in Southern Province, was attacked by a group of armed men, believed to be members of the RUF. More than 10 people, including women and children, were reported to have been deliberately and arbitrarily killed. One of them, **Sheku Kabbah**, a student of accountancy at the Institute of Public Administration and Management, prominent in the student movement, was reported to have been tortured in public before being killed; his eyes were gouged out and his ears cut off before his throat was cut.

In late August 1997 six people who were suspected of involvement with the radio station broadcasting in support of the government of President Ahmad Tejan Kabbah were reported to have been extrajudicially executed. According to reports, some seven men were arrested when they arrived by boat from Lungi at a wharf in Freetown. They were taken to Cockerill military headquarters. One was subsequently released; according to reports, the six others were shot.

At least six students were killed on 18 August 1997 as security forces pursued students attempting to demonstrate in protest against the AFRC. **Morie Momoh**, a student at the School of Nursing, was shot when soldiers entered his room at the nursing school hostel in Lightfoot Boston Street in the centre of Freetown. Another student, **Vassie Konneh**, a student at Njala University College, was shot in the grounds of the School of Nursing. At least four other students, including **Edward Gbapie**, were reported to have been killed in the Kissy Road area of Freetown. Many students remain missing since the events of 18 August 1997; the number of those killed may be considerably higher.

On 9 September 1997 two Nigerians, named as **Ifeanyi** and **Okechukwu**, were reported to have been killed by armed men - soldiers or members of the RUF - in the Ross Road area of

Freetown, a week after Nigerian forces bombarded a vessel approaching the port of Freetown. The AFRC subsequently publicly denied that these killings had taken place. However, an AFRC spokesman was later reported to have conceded that two Nigerians had died but that their deaths had been the result of an accident and that soldiers were not responsible. The exact circumstances of the deaths remained unclear.

Following the military coup on 25 May 1997 a number of people were reported to have been shot and killed by soldiers in operations to prevent and deter looting in Freetown. These killings contravened international treaty obligations undertaken by Sierra Leone under the ICCPR and the African Charter as well as internationally recognized standards on the use of force and firearms by law enforcement personnel. They followed an instruction given by the AFRC shortly after the coup and repeated publicly in the following days and weeks that suspected looters should be shot on sight.

While governments have an obligation to prevent and punish crime, if the measures employed are themselves unlawful, they promote human rights abuses and further undermine the rule of law.

According to international standards and, in particular, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials should, as far as possible, apply non-violent means before resorting to the use of force and firearms. Law enforcement officials should not use firearms against people except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme measures are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

The AFRC has instructed its forces to blatantly disregard these standards and Sierra Leone's obligations under international law.

In early June 1997 four soldiers were reported to have been shot and killed after being caught attempting to loot the premises of an aid agency in Freetown. Five people were reported to have been summarily executed in Kissy, in Freetown, on 8 and 9 June 1997. There were reports of further killings on 13 June 1997, when three people were killed, and again on 16 June 1997, when two people were killed. Reports in June 1997 referred to 15 people in Freetown, at least five in Kenema and two in Bo who had been summarily executed for looting and robbery. Similar killings were believed to be continuing.

The President of the Civil Liberties Congress, Soulayman Banja Tejan-Sie, condemned the killings and the brutal manner in which they were carried out, including dismembering the bodies.

### ***Refugees and displaced people***

Extensive programs for the resettlement and rehabilitation within Sierra Leone of hundreds of thousands of returning refugees and internally displaced people - nearly half the population of Sierra Leone - were put into place following the peace agreement signed by President Ahmad Tejan Kabbah and the RUF in November 1996. Since the beginning of 1997 large numbers of Sierra Leoneans had returned to their homes. However, the resumption of attacks by RUF forces

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before the military coup and the violence and insecurity since have forced thousands of Sierra Leoneans to once again flee their homes. Resettlement and rehabilitation projects have been suspended.

Hundreds of people fled Freetown to escape the violence and insecurity, also fearing military intervention by West African forces. Several hundred residents of the area around the port in Freetown were also reported to have left their homes in mid-September 1997 after ECOWAS forces intensified efforts to impose an economic blockade by shelling ships approaching the port of Freetown. At least a thousand people, however, sought refuge in Freetown as fighting between soldiers and ECOWAS forces intensified from 9 October 1997 around the military base held by ECOWAS forces at Jui outside Freetown. Liberian refugees who had fled the internal armed conflict in their own country and were in a camp at Jui had to be moved because of earlier fighting between Nigerian troops and soldiers and RUF forces in June 1997.

People in Northern, Southern and Eastern Provinces also fled the insecurity and fighting which followed the military coup.

Refugees fled mainly to Guinea and Liberia but also to other countries in the region, including Gambia, Ghana and Nigeria. In the weeks immediately following the coup, between 500 and 800 people were reported to be crossing into Guinea at Pamélap every day. By July 1997 an estimated 30,000 people had crossed the border into Guinea, another 7,000 were registered at Bo-Waterside in Liberia and almost 50,000 were internally displaced. Thousands of displaced people arrived in the towns of Bo in the south, Kenema in the east and Makeni and Kambia in the north. By September 1997 more than 92,000 people were estimated to have become displaced within Sierra Leone as a result of the increasing violence and insecurity. In early September 1997 hundreds of Sierra Leoneans were reported to have been attempting to flee into Liberia.

The Guinean authorities became increasingly concerned about the large influx of people from Sierra Leone. On 8 June 1997 120 people from West African countries, about half of them from Sierra Leone, had to remain on board the vessel which brought them as they were refused permission to disembark. The Guinean authorities threatened to deny entry to more boats from Freetown carrying refugees for reasons of internal security. Sierra Leonean refugees arriving at Forécariah in Guinea were reported to be stopped at checkpoints on the road between Forécariah and Conakry and to have been prevented from entering Conakry. In mid-June 1997 some 3,000 Sierra Leonean refugees trying to cross the border into Guinea at Guékédou were refused entry by the Guinean authorities.

The majority, numbering several hundred, of Sierra Leoneans who fled Sierra Leone for Gambia were allowed to disembark and claim asylum. In June 1997, however, 29 Sierra Leoneans, reported to be young men aged from 15, were refused permission by the Gambian authorities to disembark in the capital, Banjul. They were not allowed to enter Gambia for several days and remained at sea on the boat in which they had arrived from Freetown. Conditions on the boat were hazardous, with a lack of fresh water and food and inadequate sanitary facilities, creating a risk of disease.

All countries should respect their commitments under international refugee law, including the UN Convention relating to the Status of Refugees and the OAU Convention governing the specific aspects of refugee problems in Africa, to allow all asylum-seekers to their territory, to provide adequate protection and to respect the principle of *non-refoulement*. The OAU Convention states in Article II, paragraph 3, that "No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to ... a territory where his life, physical integrity or liberty would be threatened...". Gambia, Guinea and Liberia are parties to both the UN and OAU Conventions.

Conclusion No.22 of the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) establishes an international principle that: "In situations of large-scale influx, asylum-seekers should be admitted to the State in which they first seek refuge and if the State is unable to admit them on a durable basis, it should always admit them on at least a temporary basis... They should be admitted without any discrimination as to race, political opinion, nationality, country of origin or physical incapacity."

## **Recommendations**

### ***To the Armed Forces Revolutionary Council***

Amnesty International is calling on the Armed Forces Revolutionary Council to take immediate measures to act in accordance with Sierra Leone's obligations under international human rights treaties including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, and to end human rights violations in Sierra Leone. In particular:

- clear instructions should be issued to all officials that arbitrary arrest and detention of those perceived to be opposed to the AFRC should cease immediately;
- all prisoners of conscience should be immediately and unconditionally released;
- all those detained without charge or trial should be released unless they are to be charged and tried fairly in accordance with international standards;
- torture, ill-treatment and extrajudicial executions should be officially condemned by the AFRC; it should make clear to all members of the security forces and members of the Revolutionary United Front that human rights violations will not be tolerated under any circumstances;
- strict chain of command control should be asserted over the security forces and members of the Revolutionary United Front in order to ensure that they do not commit human rights violations such as torture, ill-treatment and extrajudicial executions;
- law enforcement officials should only use force when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable to protect life;

- all complaints of torture, ill-treatment and extrajudicial executions should be investigated promptly, impartially and effectively, in accordance with international standards, and those responsible brought to justice in a process which accords with international fair trial standards;
- the judicial system should be allowed to function independently, impartially and effectively, in accordance with the UN Basic Principles on the Independence of the Judiciary;
- effective measures should be taken to ensure that humanitarian agencies are able to operate without threats to their safety.

### ***To the international community***

Amnesty International welcomes the serious attention given by the international community, including the United Nations, the Organization of African Unity, the Economic Community of West African States and the Commonwealth, to the political and humanitarian crisis in Sierra Leone and calls on it also to use its influence in order to bring an end to human rights violations in Sierra Leone. In particular:

#### **UN, OAU and ECOWAS**

- the protection and respect of human rights in Sierra Leone must feature prominently in any decisions and actions taken in efforts by the international community to find a solution to the current political crisis in Sierra Leone;
- the international community should maintain pressure on the Armed Forces Revolutionary Council to end human rights violations by official security forces and those acting under their authority;

#### **ECOWAS**

- ECOWAS should ensure that, if armed intervention in Sierra Leone is authorized, all military forces acting with its authorization adhere to the highest international humanitarian and human rights standards at all times;
- in the event of armed intervention, the ECOWAS force should include a human rights component to ensure compliance of its forces to international humanitarian law and international human rights standards. There should also be a mechanism to monitor human rights violations, to assess the human rights situation and to lay foundations for human rights protection and the prevention of abuses<sup>6</sup> ;

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<sup>6</sup>For further information, refer to *Peace-keeping and human rights* (AI Index: IOR 40/01/94), published by Amnesty International in January 1994.

## **Commonwealth**

- the Commonwealth Ministerial Action Group on the Harare Declaration should consider sending a delegation to Sierra Leone to investigate human rights violations;

## **United Nations High Commissioner for Refugees (UNHCR) and West African governments**

- all measures should be taken to ensure the protection of refugees. Return to Sierra Leone should not be promoted or encouraged without an independent and impartial assessment that they will not be at risk of human rights violations in Sierra Leone. There should also be effective monitoring of their safety.