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Recommendations to the international contact group on Sierra Leone, New York, 19 April 1999

On 19 April 1999 the international contact group on Sierra Leone meets for a second time, in New York, to consider the international community's response to the political, security and humanitarian situation in Sierra Leone. The international community's commitment to bring peace and security to Sierra Leone and to assist in its reconstruction and rehabilitation must include initiatives to help stop the gross human rights abuses perpetrated by rebel forces, prevent further abuses and also lay solid foundations for the respect and protection of human rights in the future. A concerted and coherent response, both political and financial, by the international community is needed.

The contact group, whose purpose is to mobilize and coordinate further support for Sierra Leone, includes representatives from the governments of Belgium, Canada, China, Egypt, France, Germany, Italy, Japan, the Netherlands, New Zealand, Nigeria, Norway, Sierra Leone, Sweden, United Kingdom, United States, the Commonwealth Secretariat, Economic Community of West African States (ECOWAS), European Commission, United Nations (UN) and World Bank. The contact group was first convened by the United Kingdom in London on 5 November 1998. In his opening address to the meeting, Tony Lloyd, United Kingdom Minister of State, Foreign and Commonwealth Office, said that: "Atrocities are still being carried out by remaining rebel forces. Sierra Leone needs peace, reconciliation and lasting restoration of democracy and human rights... we hope to boost the efforts of the international community to meet these needs."

In this report Amnesty International makes specific recommendations to the contact group to ensure that human rights are at the centre of efforts to end the conflict, secure lasting peace and rebuild the country.

Continuing rebel atrocities

In November 1998 Amnesty International published a report which documented in detail the human rights abuses, including deliberate and arbitrary killings, mutilation, rape and abduction, perpetrated by rebel forces against civilians during 1998.¹ The rebel incursion into Freetown on 6 January 1999 brought to the capital the atrocities which had been committed in the north and east of the country after rebel forces of the Armed

¹*Sierra Leone: 1998 - a year of atrocities against civilians* (AI Index: AFR 51/22/98), published by Amnesty International in November 1998.

Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) were forced from power by troops of the ECOWAS Cease-fire Monitoring Group (ECOMOG) in February 1998.

Although it has been impossible to ascertain the exact number of civilian deaths during the rebel incursion into Freetown, the UN Observer Mission in Sierra Leone (UNOMSIL) estimated that up to 5,000 people, at least 2,000 of them civilians, were killed. Medical authorities in Freetown subsequently put the figure of those killed at over 6,000.

Several hundred civilians, including children, were admitted to hospitals in Freetown suffering from amputation of their limbs or other forms of mutilation. In February 1999 medical staff at hospitals in Freetown were reported to be treating some 500 victims of amputation and mutilation who required surgery. There were likely to be many other victims who did not reach medical help and who died from their injuries.

Rape and others forms of sexual abuse against women and girls by rebel forces were systematic and widespread during the rebel incursion into Freetown. Women and girls were rounded up and gang-raped by rebel forces. According to a witness who had been abducted by rebel forces, women and girls held captive by rebel forces were told to submit to rape or otherwise be killed.

Rebel forces abducted large numbers of civilians, including children, from Freetown. Some were selected for training as fighters, others used as porters to carry looted goods from Freetown to other parts of the country. Women and girls were used for sexual purposes. By mid-February 1999 some 1,750 children were reported missing by their families; most were believed to have been abducted.

Up to 200,000 people became homeless in and around Freetown and thousands of others fled Sierra Leone for neighbouring Guinea or other countries in the region. There was extensive destruction of property, particularly in the east of Freetown where about 90 per cent of buildings were destroyed.

Although rebel forces were subsequently forced from Freetown, fighting continues in other parts of the country, including in Kambia District in Northern Province and Kenema District in Eastern Province. Some towns, such as Makeni in Northern Province, remain under the control of rebel forces although ECOMOG forces are reported to have retaken control of key towns such as Koidu and Segbwema in Eastern Province.

The atrocities by rebel forces, including against women and children, have been universally condemned. Diplomatic activity within West Africa aimed at encouraging

dialogue with rebel forces has resulted in contact with and between RUF leaders, notably Foday Sankoh, Sam Bockarie and Omrie Golley. There should continue to be vocal condemnation by the international community of human rights abuses and pressure should be maintained on RUF leaders to instruct their combatants not to kill, mutilate, rape and abduct civilians and to adhere to international humanitarian law.

Continuing assistance to rebel forces

Rebel forces in Sierra Leone have been receiving significant military assistance, including arms, ammunition and combatants. Following a visit to Sierra Leone and Liberia in December 1998 the chairman of the Security Council sanctions committee on Sierra Leone said that arms and ammunition were crossing into Sierra Leone from neighbouring countries, including Liberia, in violation of UN Security Council Resolution 1171 (1998) of 5 June 1998 which prohibited the sale and supply of arms and related *matériel* to non-governmental forces in Sierra Leone. All states were reminded that they were obliged to ensure that their territories were not used to violate sanctions imposed by the Security Council. Following the rebel incursion into Freetown, the governments of both the United Kingdom and the United States unambiguously accused the government of Liberia of supporting rebel forces.

In view of the appalling level of violence against civilians perpetrated by rebel forces, it can be assumed that military assistance to rebel forces will contribute to continuing violations of international human rights and humanitarian law. All governments should take all possible measures to end immediately military transfers, including arms, ammunition and combatants, to rebel forces in Sierra Leone. In addition, the governments of Liberia and Guinea, which border Sierra Leone, should take all possible measures to prevent military supplies destined for rebel forces, whether they originate in their country or not, from entering Sierra Leone across their borders.

ECOMOG and the Civil Defence Forces (CDF)

ECOMOG forces, together with the civilian militia which supports President Ahmad Tejan Kabbah, the Civil Defence Forces (CDF), have also committed human rights violations, including war crimes, although on a significantly smaller scale than rebel forces.

After the rebel incursion into Freetown there were reports of large numbers of extrajudicial executions by ECOMOG forces and the CDF of captured rebels or those suspected of being rebels, often after the most cursory interrogation and without any real

attempt to establish whether the captive was guilty or innocent. In mid-January 1999 at least 10 Sierra Leonean staff of humanitarian aid organizations and the International Committee of the Red Cross (ICRC) were arrested and detained by ECOMOG forces. They were accused of cooperating with rebel forces although there was no evidence to substantiate these allegations. Most were reported to have been beaten. Aid organizations' communications equipment was also confiscated. Ill-treatment, including by being beaten, whipped, tied extremely tightly and subjected to various forms of public humiliation, has been common at ECOMOG and CDF checkpoints in Freetown.

Given the continuing critical role of ECOMOG forces in Sierra Leone, they have a particular obligation to ensure strict compliance with international human rights and humanitarian law. Strict chain of command must be enforced over members of the CDF in order to prevent extrajudicial executions, torture and ill-treatment. Any allegations of human rights violations by ECOMOG forces and the CDF should be promptly and independently investigated and those responsible brought to justice, in accordance with international standards.

The peace process and human rights

The rebel incursion into Freetown added urgency to moves to find a political solution to the internal armed conflict in Sierra Leone. Intensive diplomatic activity within West Africa has ensued and the Special Representative of the UN Secretary-General in Sierra Leone has been involved in a series of diplomatic efforts aimed at providing further support and resources to ECOMOG while at the same time encouraging dialogue with rebel forces.

The Abidjan peace accord, signed by the Sierra Leone government and the RUF in November 1996, has been suggested as a basis for renewed peace negotiations. Concerns have been expressed, however, by Sierra Leonean human rights groups and others, including the Sierra Leone Bar Association, that this agreement specified that no official or legal action would be taken against any member of the RUF in respect of anything done in pursuit of their activities as members of the RUF. This agreement would therefore prevent prosecutions of people who had committed crimes under international law, including crimes against humanity and war crimes.

On 19 February 1999 a coalition of Sierra Leonean and international human rights and humanitarian organizations recommended that the peace process include a process which would establish the truth about human rights abuses. The Bar Association has expressed grave reservations about granting a blanket amnesty without those

suspected of having been responsible for human rights abuses first being referred to a body such as a truth, justice and reconciliation commission.

The appalling scale and nature of human rights abuses in Sierra Leone demand that the imperative to end the fighting is not at the expense of establishing accountability for human rights abuses and bringing those responsible for crimes against humanity and war crimes to justice. Peace and security in Sierra Leone will not be achieved unless there is some process which addresses the gross human rights abuses which have occurred, reveals the truth and establishes criminal responsibility. Reconciliation cannot be achieved if the right of victims and their families to truth, justice and redress is ignored. Sweeping amnesties for perpetrators of gross human rights abuses will not bring about reconciliation, lasting peace and an end to human rights abuses. Provisions for the investigation of gross human rights abuses should be introduced into the implementation of the peace agreement.

In Resolution 1231 (1999) of 11 March 1999 the UN Security Council, while deploring all violations of international human rights and humanitarian law which occurred during the escalation of violence following the rebel incursion into Freetown, urged the appropriate authorities to investigate all allegations of such violations with a view to bringing the perpetrators to justice.

During the implementation of a peace agreement there should be effective and independent human rights verification. This would help prevent human rights abuses and also contribute towards building confidence between the parties to the agreement. Human rights monitoring could be undertaken by UNOMSIL human rights officers jointly with Sierra Leonean human rights groups. UNOMSIL human rights officers should remain in Sierra Leone until it is clear that national human rights groups are able to carry out their work effectively, objectively and without fear of harassment. Human rights monitors should have adequate powers to investigate reports of human rights abuses, to bring these to the attention of the relevant authorities and to make recommendations for increased human rights protection. Regular reports on human rights should be made public.

Hundreds of thousands of people have become refugees and internally displaced as a result of the conflict in Sierra Leone. The peace agreement should specify that refugee repatriation be carried out in accordance with international refugee law and under international supervision. The principle of *non-refoulement* should be strictly implemented and those who voluntarily return, as well as internally displaced people, should be provided with assistance and protection to ensure safe reintegration into their communities.

Post-conflict rehabilitation and peace-building

Participants in the contact group should work closely together to develop a coherent strategy to promote post-conflict reconstruction and rehabilitation which is based on good governance and respect for human rights. The national army and police need to be restructured and trained; the legal and judicial systems need to be reformed and strengthened. The UN has a key role to play in coordinating the activities of UN agencies, international financial institutions and donor countries in providing technical and material support to strengthen the institutions of good governance and civil society.

There should be an assessment of national law enforcement and judicial institutions, including of the physical damage caused by the conflict, so that the necessary assistance may be provided to enable these institutions to ensure long-term protection of human rights and restoration of the rule of law.

Those countries which are already providing assistance towards the training and equipment of the new national army should ensure that it includes effective training in international human rights and humanitarian law.

Children have been both victims and perpetrators of human rights abuses in Sierra Leone. They have been deliberately and arbitrarily killed, mutilated, abducted and forcibly recruited by rebel forces. They have also, as RUF combatants, been responsible for killings and torture. In May 1998 the Special Representative of the UN Secretary-General for Children and Armed Conflict said that one of the most pressing challenges facing Sierra Leone was the plight of children affected directly or indirectly by the conflict. Any eventual peace agreement must include specific provisions for addressing the needs of children. The international community should support, both politically and financially, specific programs planned by the office of the Special Representative for Children and Armed Conflict, including those for the demobilization and reintegration into society of child combatants and for addressing the social, psychological and material needs of children affected by the conflict.

A continuing international human rights presence

Accurate and impartial monitoring and reporting of human rights abuses remain essential as Sierra Leone continues to face a human rights emergency. Continued monitoring and reporting of human rights abuses by UNOMSIL human rights officers have been reflected in the reports of the UN Secretary-General to the Security Council on UNOMSIL. The Fifth Report of the Secretary-General on UNOMSIL of 4 March 1999 gave particular prominence to the atrocities committed against civilians during the rebel

incursion into Freetown, describing the deliberate and arbitrary killings, mutilation, rape and abductions perpetrated by rebel forces.

The scale and nature of human rights abuses in Sierra Leone make it essential that comprehensive reports compiled by the UNOMSIL human rights section are brought regularly to the attention of both the UN Security Council and the UN High Commissioner for Human Rights. The UN Commission on Human Rights on 6 April 1999 passed a resolution calling on parties to the conflict in Sierra Leone to respect human rights and to adhere to international humanitarian law. The resolution also requested the High Commissioner for Human Rights to inform the Commission at its next session of reports by the UN Secretary-General on human rights abuses in Sierra Leone.

Shortly after the rebel incursion into Freetown and at a time of unprecedented human rights abuses in the capital, there were moves to reduce significantly the number of UNOMSIL human rights officers, at that time relocated to Guinea. Despite the difficulties posed by the security situation in Freetown, there was still much that UNOMSIL human rights officers could do. Security Council Resolution 1231 (1999) extended UNOMSIL's mandate for a further three months until 13 June 1999 and increased the number of human rights officers, now maintained at three.

The human rights section of UNOMSIL must have political support and adequate resources to continue its reporting of human rights abuses, technical assistance programs, and training and support for Sierra Leonean human rights groups. It is also important that UNOMSIL human rights officers are able to advise on human rights issues which should be taken into account from the beginning of the peace process, including accountability for human rights abuses and establishing effective institutions for the protection of human rights in the future.