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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Australia*, Austria, Belgium, Canada, Denmark*, Finland*, France, Germany,
Greece*, Iceland*, Ireland*, Italy, Japan, Latvia*, Liechtenstein*, Lithuania*,
Luxembourg*, Netherlands*, New Zealand*, Niger*, Nigeria, Norway*,
Poland, Portugal, Romania*, Sierra Leone, Spain, Sudan, Sweden,
Switzerland*, United Kingdom of Great Britain and Northern Ireland,
United States of America: draft resolution**

2002/... The situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Rights of the Child and has ratified its optional Protocols, the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights, and that Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, 1296 (2000) of 19 April 2000, Council resolutions 1313 (2000) of 4 August 2000, 1315 (2000) of 14 August 2000, 1343 (2001) of 7 March 2001, 1346 (2001) of 30 March 2001, 1370 (2001) of 18 September 2001, 1389 (2002) of 16 January 2002 and 1400 (2002) of 28 March 2002, and recalling its own resolutions 2000/24 of 18 April 2000 and 2001/20 of 20 April 2001,

Welcoming the significant progress made in the peace process in Sierra Leone, as well as the progress in the regional dialogue, notably the recent summit of the heads of States of the Mano River Union, but concerned that the situation in Sierra Leone and the Mano River subregion continues to constitute a threat to peace and security in the region and could have repercussions for the progress achieved,

Stressing the importance of free, fair, inclusive and credible elections in May 2002 to the long-term stability of Sierra Leone and stressing also the responsibility of all participants to promote the protection, safety and effective security of civilians in the forthcoming elections, in accordance with international standards,

Expressing deep concern regarding all violations and abuses of human rights and international humanitarian law over the past year perpetrated in Sierra Leone and in the Mano River subregion against civilians, including abducted women and children,

Welcoming the voluntary return of Sierra Leonean refugees from Guinea and Liberia and of internally displaced persons to their communities, while reaffirming that many refugees continue to need protection and assistance, and mindful that instability in the Mano River subregion continues to create displacements,

Expressing deep concern regarding reports of sexual exploitation of and sexual violence against refugee minors and women in the Mano River subregion,

Welcoming Security Council resolutions 1306 (2000) of 5 July 2000 and 1343 (2001) of 7 March 2001 on combating the illicit trade in rough diamonds that contributed to fuelling the armed conflict, and on the trafficking and illegal supply of small arms and light weapons that adversely affected human rights abuses in Sierra Leone,

Taking note of the imminent establishment of a Truth and Reconciliation Commission,

Recognizing that the Sierra Leone Human Rights Manifesto of June 1999 contains an important basic framework for the promotion of human rights and encourages its continued implementation as well as the creation of an independent national commission for democracy and human rights,

Recognizing the importance of technical cooperation for the promotion and protection of human rights, which will contribute to achieving stability and security and foster cooperation among States in the region,

1. *Welcomes:*

(a) The report of the United Nations High Commissioner for Human Rights to the General Assembly (A/56/281), the report of the High Commissioner to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2002/37) and the tenth to thirteenth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2001/627, S/2001/857 and Add.1, S/2001/1195, S/2002/267), in particular those findings and recommendations relating to the human rights and humanitarian situation in Sierra Leone, as well as in neighbouring countries;

(b) The activities of the United Nations Mission in Sierra Leone, which was established by Security Council resolution 1270 (1999) and expanded by Council resolution 1299 (2000) of 19 May 2000 and Security Council resolution 1389 (2002) with the mandate, *inter alia*, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone, including the Sierra Leone Police, and to assist in election-related tasks, in particular assisting the National Electoral Commission;

(c) The deployment of the Mission throughout the country and reiterates the importance of the restoration of government authority to facilitate the full and unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(d) The steps taken by the Government of Sierra Leone to extend its authority throughout the country, but notes with concern that it continues to face serious resource constraints in restoring civil administration and public services throughout the country;

(e) The work of the Human Rights Section of the Mission and the assistance by the High Commissioner and the international community to the Government of Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including activities with all forces that had been engaged in the conflict;

(f) The completion of the disarmament and demobilization process and the lifting of the national state of emergency, which has resulted in an improvement of the human rights situation in Sierra Leone and the creation of a more secure environment for the holding of free, fair, inclusive and credible elections;

(g) The special community programme conducted by the Sierra Leone Police for the voluntary collection of illegal arms held by the civilian population;

(h) The release of over 3,000 child soldiers, abductees, and separated children by the Revolutionary United Front and pro-Government civil defence militias as one of the most positive developments of the year, while calling for the release of any persons held against their will;

(i) The initiatives and steps being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, including the continued efforts undertaken for the establishment of an effectively functioning Truth and Reconciliation Commission and Special Court, particularly those related to the sensitization of communities on the objectives of the Special Court and the Commission and reiterates the continued need for further efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(j) The signature of the agreement between the United Nations and the Government of Sierra Leone for the creation of an independent Special Court, pursuant to Security Council resolution 1315 (2000), to bring to justice those persons who bear the greatest responsibility for

the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(*k*) The voluntary contributions already provided and the pledges made to the United Nations Trust Fund for the Special Court and urges States to make available the necessary resources to ensure that there is no shortfall in the budget set out in the Secretary-General's proposal;

(*l*) The report of the Planning Mission on the Establishment of the Special Court for Sierra Leone (S/2002/246, annex);

(*m*) The recent efforts by the heads of State and other high-level officials of the Mano River Union to ease tensions in the subregion and urges them to take collective action to disarm and demobilize all non-State armed groups operating in the Mano River subregion;

(*n*) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that have helped end the conflicts and are continuing to facilitate reintegration and reconciliation within Sierra Leonean society;

(*o*) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(*p*) The report of the assessment mission jointly initiated by the Office of the United Nations High Commissioner for Refugees and Save the Children-UK into alleged sexual violence and exploitation of refugee children in the countries of the Mano River subregion, notes with grave concern the allegations contained therein and welcomes the commitment of the Secretary-General to zero tolerance and his intention to have the allegations in the report expeditiously and transparently investigated, demands that appropriate remedial measures be taken, including disciplinary measures against those who may prove to be implicated, and requests the Secretary-General to report the findings of the investigation led by the Office for Internal Oversight Services to the General Assembly at its fifty-seventh session;

(*q*) The visit by the Special Rapporteur on violence against women, its causes and consequences to Sierra Leone and her report (E/CN.4/2002/83/Add.2) and takes note with appreciation of the recommendations contained therein;

(r) The continued deployment of child protection advisers within the Mission to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children, and stresses the need to improve protection in camps and settlements for refugees and internally displaced persons;

(s) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those related to promoting respect for international humanitarian law, in the field of medical assistance, relief activities, visits to detained persons and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

2. *Expresses its deep concern:*

(a) At abuses of human rights and violations of international humanitarian law committed in Sierra Leone and in this regard welcomes the efforts to bring to justice the perpetrators of crimes and atrocities against civilians, including women and children, committed by warring factions, including summary and extrajudicial executions, mutilations, abductions, arbitrary detention, hostage-taking, forced recruitment, forced labour, forced displacement, harassment, looting, destruction of property, attacks on and killings of journalists, and the detention of abductees;

(b) At recent revelations and evidence of abuses of human rights and serious breaches of international humanitarian law committed in certain areas of Sierra Leone until recently occupied by rebel forces, in particular atrocities against civilians, including women and children, including summary and extrajudicial executions, mutilations and torture, and stresses the need to preserve the evidence until forensic analysis is undertaken;

(c) At the targeting and abuse of women and girls that have been committed in Sierra Leone, including rape, gang rape, sexual servitude and other sexual abuse, and notes with concern the low percentage of girls released so far and urges that the necessary conditions be provided for those women and girls who had been forced into matrimonial or other relationships and any other girls held in captivity by ex-combatants to be released immediately if they so wish, and calls for measures that take into account the special needs and particular vulnerabilities of girls affected by armed conflict in the implementation of reintegration programmes;

(d) At reports of abducted children working in the diamond mines and the denial of their expressed wish to be reunited with their families;

(e) At the continued slow pace of the reintegration phase of the disarmament, demobilization and reintegration programme because of serious shortfalls in funding;

(f) At the continuing reports of trafficking and illegal supply of small arms and related material, especially across international borders, in contravention of Security Council resolution 1171 (1998) of 5 June 1998;

(g) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by recent and ongoing violence and tensions in border regions, and at impediments to the safe and voluntary return of affected populations to their homes;

3. *Calls upon* parties that were involved in the conflict in Sierra Leone:

(a) To respect human rights and international humanitarian law, including the human rights of women and the rights of the child;

(b) To continue to provide full cooperation with the Mission, including its Human Rights Section, and continued unconditional access for the Mission throughout the country;

(c) To continue to work together to ensure full and early reintegration of ex-combatants in all areas, and to give special attention to former child combatants in the reintegration process;

(d) To continue to ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;

(e) To cooperate with the Special Court for Sierra Leone and the Truth and Reconciliation Commission, once established;

4. *Urges* all States in the Mano River subregion to assist and cooperate with the Special Court for Sierra Leone, to work constructively for the restoration of peace and security in the region and to make early progress in confidence-building measures as agreed at the Rabat Summit;

5. *Urges* all relevant parties in the region to ensure full respect for human rights and fundamental freedoms in, and the civilian character of, camps for refugees and internally displaced persons and to work towards the establishment of conditions which would permit the safe and voluntary return of affected populations to their homes;

6. *Stresses* the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission through recognition of their complementary roles, and respect for the independent nature of both institutions and the setting of their priorities, including with respect to the involvement of juvenile offenders and child witnesses in their processes, and to ensure that a gender perspective is integrated into the work of the Truth and Reconciliation Commission and the Special Court;

7. *Urges* the Government of Sierra Leone:

(a) To continue to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights, including by extending a standing invitation to its special mechanisms;

(b) To sign a memorandum of understanding with the Office of the High Commissioner for Human Rights with regard to the Truth and Reconciliation Commission;

(c) To facilitate the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the conflict in Sierra Leone in 1991;

(d) To give priority attention, in cooperation with the international community, to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict;

(e) To continue to work for the restoration of civil authority to provide basic public and social services, including security and the administration of justice, throughout Sierra Leone;

(f) To encourage the cooperation of Sierra Leonean civil society in the functioning of the Special Court and the Truth and Reconciliation Commission;

8. *Reiterates its call* upon the Government of Sierra Leone to investigate reports of human rights violations and abuses and to end impunity, and its requests that the Secretary-General and the High Commissioner respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses;

9. *Decides:*

- (a) To reiterate its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;
- (b) To request the international community to participate in the strengthening of the courts and judicial system, in particular the juvenile justice system, of Sierra Leone, as well as the national human rights commission as soon as possible;
- (c) To urge the international community to make available the necessary funds to ensure that the budget set out in the Secretary-General's appeal for funds, personnel, equipment and services for the functioning and maintenance of the Special Court is fully covered so that the Court may bring to justice those who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone since 30 November 1996;
- (d) To encourage the international community to respond to the appeal made by the Office of the High Commissioner for Human Rights and make available the necessary funds to ensure the establishment and functioning of the Truth and Reconciliation Commission;
- (e) To request the Secretary-General to take all necessary measures to facilitate the activities of the Special Court, including those undertaken by the Management Committee;
- (f) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court, in particular to judicial, prosecutorial and protection personnel, and requests the Office of the High Commissioner for Human Rights to dispatch a forensic team without delay to investigate mass graves and other evidence of atrocities in Sierra Leone that will be important for the work of the Truth and Reconciliation Commission and the Special Court;
- (g) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including ensuring that the Section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian

law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

- (i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;
- (ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;
- (h) To request the High Commissioner to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the Mission;
- (i) To consider this question at its fifty-ninth session under the same agenda item, as a matter of high priority.

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