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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

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

**Albania*, Australia*, Austria*, Belgium, Canada, Denmark*, Germany, Iceland*,
Ireland*, Italy, Kenya, Latvia, Liechtenstein*, Lithuania*, Luxembourg*,
Netherlands*, New Zealand*, Norway, Portugal, Romania, Sierra Leone*, Spain,
Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland,
United States of America: draft resolution**

2001/... 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, the International Covenants on 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 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 signed the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment,

Taking note of Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, 1313 of 4 August 2000, 1315 of 14 August 2000 and 1346 of 30 March 2001, and recalling Commission resolution 2000/24 of 18 April 2000,

Taking note of the Peace Agreement signed at Lomé on 7 July 1999 and recalling that the Special Representative of the Secretary-General entered a reservation, attached to his signature of the Agreement, that the United Nations holds the understanding that the amnesty provisions of the Agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law,

Expressing deep concern regarding the continuing violations of human rights and international humanitarian law perpetrated in Sierra Leone by the Revolutionary United Front and others, including other armed groups, particularly against civilians, including abducted women and children,

Expressing concern about the continuing fragile security and human rights situation in Sierra Leone and neighbouring States exacerbated by ongoing violence and tensions in border regions,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation for the promotion and protection of human rights,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for 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/55/36), the report of the United Nations High Commissioner for Human Rights to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2001/35) and the fourth, fifth, sixth, seventh, eighth and ninth reports of the Secretary-General on the

United Nations Mission in Sierra Leone (S/2000/455, S/2000/751, S/2000/832 and Add.1, S/2000/1055, S/2000/1199 and S/2001/228), in particular those findings and recommendations related 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) of 22 October 1999 and expanded by Security Council resolution 1299 (2000) 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;

(c) The Agreement signed on 10 November 2000 in Abuja between the Government of Sierra Leone and the Revolutionary United Front, including the responsibilities contained therein, which provides, *inter alia*, for the United Nations Mission in Sierra Leone to monitor the ceasefire declared under the Agreement and to have full liberty to deploy throughout the territory of Sierra Leone, and for the restoration of government authority and the unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(d) The work of the human rights section of the United Nations Mission in Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including its activities with all forces that have been engaged in the conflict;

(e) The initiatives being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to prepare for the early establishment of an effectively functioning Truth and Reconciliation 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,

(f) The steps 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 establishment of an independent statutory National Human Rights Commission, and reiterates the continued need for greater capacity-building to further develop human rights institutions;

(g) The renewed efforts of the United Nations High Commissioner for Human Rights to implement the preparatory phase of the Truth and Reconciliation Commission and, in this regard, notes the recommendations of the National Workshop on the Truth and Reconciliation Commission held in Freetown on 16 and 17 November 2000;

(h) The draft agreement between the Secretary-General 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, and stresses the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission, 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;

(i) The appeal of the Secretary-General for contributions and pledges to the proposed United Nations Trust Fund for the Special Court;

(j) The expert round table facilitated by the United Nations High Commissioner for Human Rights to be held in Freetown to address the relationship between the proposed Special Court and the Truth and Reconciliation Commission;

(k) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that will help end the conflict and bring about the processes of reintegration and reconciliation within Sierra Leonean society;

(l) The continuing implementation of the Sierra Leone Human Rights Manifesto of June 1999 by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, representatives of civil society, the Special Representative of the Secretary-General and the United Nations High Commissioner for Human Rights, recognizing that the Manifesto contains an important basic framework for the promotion of human rights;

(m) 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;

(n) The continued deployment of child protection advisers within the United Nations Mission in Sierra Leone 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 notes with encouragement the recent release of children from detention;

(o) The assistance provided by the United Nations High Commissioner for Human Rights, the United Nations Mission in Sierra Leone and the international community to the Government of Sierra Leone in addressing its human rights obligations;

(p) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those in the field of medical assistance and relief activities focused on assistance to populations affected by the conflict, and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

(q) The visits of the International Committee of the Red Cross, pursuant to an agreement with the Government of Sierra Leone, to detained persons, as well as its efforts in promoting respect for international humanitarian law with all parties involved, and encourages further development of cooperation in these areas;

(r) The signature by the Government of Sierra Leone on 8 September 2000 of the Optional Protocols to the Convention on the Rights of the Child on involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, as well as the commitment by the army of Sierra Leone prohibiting the recruitment and use of child soldiers;

2. *Expresses its grave concern:*

(a) At abuses of human rights and international humanitarian law that have been committed in Sierra Leone, generally with impunity, in particular atrocities against civilians, including women and children, perpetrated by the Revolutionary United Front and others, including other armed groups, 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 continued detention of abductees;

(b) At the targeting and abuse of women and girls that have been committed in Sierra Leone by the Revolutionary United Front and others, including other armed groups, in particular murder, sexual violence, rape, including systematic rape, sexual slavery and forced marriages;

(c) At the continued slow pace of the disarmament, demobilization and reintegration programme, and the continuing trafficking and illegal supply of small arms and related material in contravention of Security Council resolution 1171 (1998), as well as the continued retention by certain ex-combatants of heavy weapons;

(d) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by ongoing violence and tensions in border regions and resulting in very limited humanitarian access to the population, particularly in the most affected areas of the north and east of the country's border regions, as well as in border areas of neighbouring countries, and at impediments to the safe and voluntary return of affected populations to their homes;

(e) At the failure of the Revolutionary United Front to meet its obligations under the Lomé and Abuja Agreements, in particular those that would ensure the free movement of persons and goods throughout Sierra Leone and allow the unimpeded movement of humanitarian agencies;

3. *Deplores* the detention of, and attacks on, United Nations Mission in Sierra Leone and humanitarian personnel by the Revolutionary United Front and other rebel forces, in particular the incidents of May 2000 which resulted in the deaths of United Nations peacekeepers;

4. Expresses concern at the recruitment and continuing victimization and use of child combatants, contrary to international standards, by the Revolutionary United Front and others, including other armed groups, as well as at obstacles to the disarming, demobilization and reintegration of child combatants, and reiterates its call for the cessation of the recruitment and use of children as combatants contrary to international standards;

5. *Deplores* the ongoing atrocities committed by the rebels, including murders, rape, abductions and detentions, calls for an end to all such acts and reiterates its call for the cessation of all attacks on civilians;

6. *Takes note* of recent developments aimed at facilitating the forward movement and subsequent deployment of the United Nations Mission in Sierra Leone, demands that the

Revolutionary United Front fulfil all of its commitments under the Abuja Agreement and calls upon all the parties to the conflict in Sierra Leone to intensify their efforts towards the full and peaceful implementation of the Abuja Agreement and the resumption of the peace process;

7. *Urges* all parties to the conflict in Sierra Leone:

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

(b) To provide full and unconditional cooperation with the United Nations Mission in Sierra Leone, including the human rights section of the Mission and unconditional access for the Mission throughout the country;

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

(d) 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, once established;

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

9. *Calls upon* the Government of Sierra Leone to continue its efforts to meet its obligations to promote and protect human rights, including by:

(a) Continuing 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;

(b) Responding positively to the requests of the Special Rapporteur on violence against women and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Sierra Leone;

(c) Ensuring 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) Giving priority attention 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, in cooperation with the international community;

(e) Working to restore civil authority by providing basic public and social services, including security and the administration of justice, in areas where the United Nations Mission in Sierra Leone is deployed;

(f) Encouraging the cooperation of Sierra Leonean civil society in the establishment and functioning of the Special Court;

10. *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;

11. *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 in the creation of the National Human Rights Commission as soon as possible;

(c) To request the international community to support the Secretary-General's appeal for funds, personnel, equipment and services for the establishment and maintenance of the Special Court so that it 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 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;

(e) 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 human rights 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;
- (f) To request the High Commissioner to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone;
- (g) To consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.
