



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2003/35  
26 February 2003

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Item 9 of the provisional agenda

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

**Report of the High Commissioner for Human Rights pursuant  
to Commission on Human Rights resolution 2002/20\***

**SITUATION OF HUMAN RIGHTS IN SIERRA LEONE**

---

\* In accordance with General Assembly resolution 53/208B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

### **Executive summary**

The last months have witnessed further consolidation of progress in the implementation of the peace process in Sierra Leone. In January 2002, the disarmament process was formally completed and the war was declared ended. In May, national elections were successfully conducted and Sierra Leone appears to be on the path of recovery. Internally displaced persons and refugees continued to return. Progress in the implementation of the peace process has led to an improved security situation and operative environment for the implementation of human rights standards. As evidence of the overall progress in the implementation of the peace process, there have been no reports of any recent incidents of extrajudicial, summary or arbitrary executions. The Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the United Nations Mission in Sierra Leone (UNAMSIL), continued to support initiatives aimed at establishing a culture of respect for human rights through, inter alia, advocacy and training of law enforcement officials and civil society groups. Consistent with its policy of developing national capacity through closer collaboration with civil society groups, OHCHR, in cooperation with UNAMSIL and the National Forum for Human Rights, has designed and is implementing technical cooperation projects to assist the development and consolidation of national institutional structures and capacities to implement international human rights standards.

Two important institutions for addressing accountability issues relating to the armed conflict, the Truth and Reconciliation Commission (TRC) and the Special Court, were formally inaugurated and have commenced operations. Continued international engagement and national commitment are crucial to consolidating the progress that has been made in Sierra Leone and grasping the peace that is already within reach.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION .....	1 - 2	4
II. THE HUMAN RIGHTS SITUATION .....	3 - 33	4
A. Reports of the Secretary-General to the Security Council and of the High Commissioner to the General Assembly and the Commission on Human Rights .....	3 - 5	4
B. Extrajudicial, summary or arbitrary executions and grave sites .....	6 - 10	5
C. Amputees .....	11 - 13	5
D. Children and armed conflict .....	14 - 16	6
E. Women's rights .....	17 - 20	7
F. Sexual exploitation and abuse .....	21 - 25	8
G. Refugees, internally displaced persons and returnees .....	26 - 30	9
H. Internees .....	31	10
I. Lifting of the state of emergency and trials of detainees .....	32 - 33	11
III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE .....	34 - 62	11
A. UNAMSIL and the Human Rights Section .....	34 - 35	11
B. Activities in the districts .....	36 - 37	12
C. Monitoring of the courts, police stations and prisons .....	38 - 43	12
D. Training .....	44 - 46	13
E. Capacity-building, technical cooperation and advocacy .....	47 - 51	14
F. Publications and broadcasting .....	52	15
G. The Truth and Reconciliation Commission .....	53 - 59	15
H. The Special Court for Sierra Leone .....	60 - 62	17
IV. CONCLUSION .....	63	18

## I. INTRODUCTION

1. In its resolution 2002/20 of 22 April 2002, the Commission on Human Rights requested the High Commissioner for Human Rights 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.

2. The Security Council, in its resolution 1436 (2002) of 24 September 2002, extended the mandate of the United Nations Mission in Sierra Leone (UNAMSIL) for a period of six months from 30 September 2002, noted, *inter alia*, the improvements in the security situation in Sierra Leone, and urged international collaboration with the Government of Sierra Leone towards the consolidation of civil authority and public services throughout the country and the strengthening of the operational effectiveness of the security sector. It also welcomed progress in establishing the Truth and Reconciliation Commission (TRC) and commencement of operations of the Special Court for Sierra Leone.

## II. THE HUMAN RIGHTS SITUATION

### A. Reports of the Secretary-General to the Security Council and of the High Commissioner to the General Assembly and the Commission on Human Rights

3. Since the High Commissioner's latest report of February 2002 to the Commission on Human Rights (E/CN.4/2002/37), the human rights situation in Sierra Leone has continued to improve. The improvement, originated in the Abuja Ceasefire Agreement of 10 November 2000 (S/2000/1091, annex), crystallized during 2001 with the conclusion of disarmament, nationwide deployment of UNAMSIL and the establishment of the Government's authority. This progress has been further consolidated during 2002 with the formal declaration of the termination of war and the successful holding of national elections.

4. The High Commissioner's most recent report to the General Assembly (A/57/284) of 7 August 2002 highlighted the progress that had been made and its positive impact on the implementation of the human rights mandate of UNAMSIL.

5. Since the High Commissioner's report to the General Assembly, the Secretary-General has submitted the following reports on UNAMSIL to the Security Council: S/2002/1417 of 24 December 2002 and S/2002/987 of 5 September 2002. In his reports, the Secretary-General also outlined plans to draw down the Mission in accordance with the plan approved by the Security Council in resolution 1436 (2002). The Secretary-General also indicated that, while the security situation remained calm, several security challenges remained that should be addressed. Among those are the large numbers of ex-combatants (24,000) who are still awaiting reintegration opportunities, some of whom are allegedly being recruited by the various camps in the ongoing war in Liberia.

## **B. Extrajudicial, summary or arbitrary executions and grave sites**

6. As evidence of the overall improvement in the human rights situation, associated with the consolidation of peace in the country, there have been no reports of any recent incidents of extrajudicial, summary or arbitrary executions.

7. On 18 July, during violent disturbances in Freetown, two individuals were shot dead and two more were injured by gunshot allegedly, according to several non-governmental organizations (NGOs) and some reports in the media, by UNAMSIL troops. Following the events, a fact-finding committee, established by UNAMSIL in August, concluded that at no time was firing directed at the crowd and that there was no conclusive evidence as to how those individuals were killed or injured on that day. This conclusion was challenged by local NGOs as a result of which, on 23 August, the Deputy Special Representative of the Secretary-General for Operations and Management stated in a press briefing that UNAMSIL would consider further investigations into the incident.

8. Investigations by human rights officers of war-related massacres and executions have been substantially supplemented by other independently commissioned research, for instance the mapping project conducted by a consultant recruited by OHCHR who worked in collaboration with a local NGO, Campaign for Good Governance (CGG).

9. In its resolution 2002/20 of 22 April 2002, the Commission on Human Rights requested the High Commissioner to dispatch a forensic team to investigate mass graves and other evidence of atrocities in Sierra Leone that will be important for the work of TRC and the Special Court. In response to this request, from 16 June until 12 July 2002, OHCHR deployed a team of three forensic experts from the *Equipo Argentino de Antropología Forense* (EAAF), to Sierra Leone to, inter alia, conduct a preliminary assessment of mass graves and execution sites and undertake training programmes in basic principles of anthropology and forensic science/techniques for local personnel. During its visit, the expert team conducted presentations for a variety of audiences, including the TRC commissioners.

10. The forensic team conducted visits to 52 sites in the districts of Bombali (10), Koinadugu (4), Kailahun (3), Kenema (23) and Port Loko (12) to assess allegations of mass graves and burial sites. The sites had been previously identified by UNAMSIL Human Rights Section and CGG under the auspices of the OHCHR-funded mapping project. EAAF gathered pre-mortem data and information on the location of individual or mass graves and took video and photographic evidence. No archaeological exhumations were carried out. However, the team made several recommendations on the preservation of the sites for future investigations. The detailed report of the forensic team, including its recommendations, has been transmitted by courtesy of OHCHR to TRC and the Special Court for Sierra Leone. Additional information on mass graves and burial sites, including leads for investigations of war-related killings, have also been transmitted to the Prosecutor of the Special Court by UNAMSIL.

## **C. Amputees**

11. The armed conflict in Sierra Leone was characterized by a high degree of brutality, including deliberate mutilations and amputations. There is no generally accepted estimate of the

number of those affected. However, Handicap International, supported by *médecins sans frontières*-France, estimated that some 4,000 individuals were deliberately amputated during the conflict, and that 3 out of 4 victims died as a consequence. Approximately 200 amputees live in the Freetown Amputee Camp. The Human Rights Section of UNAMSIL has been collecting testimonies from victims of war-related amputations. To date, 240 individuals have been interviewed, of whom almost two thirds (or 155) were victims of deliberate mutilation or amputation, while the rest were surgically amputated as a result of war-related injuries. Their testimonies include eyewitness accounts of the amputation of more than 500 other individuals, many of whom subsequently perished.

12. A preliminary analysis of data on amputations indicates three main clusters of amputations, involving 60 per cent of the victims interviewed. These occurred in Bo District in 1996 (pre-elections period), in Kono District in 1998 (Operation No Living Thing) and in the Freetown area in early 1999 at the time elements of the Armed Forces Revolutionary Council and the Revolutionary United Front (RUF) were under assault from the Economic Community of West African States Monitoring Group (ECOMOG) forces. Mass media reports at the time accused RUF of masterminding the atrocities. However, a striking element in the preliminary analysis of the available data suggests that the most commonly reported perpetrator was affiliated to the former Sierra Leone Army. The literate victims and witnesses were usually able to identify the affiliation of the perpetrator, whereas many villagers from remote rural areas often grouped all the “rebels” together and referred to them as RUF. For a variety of reasons, it was often difficult to distinguish between the different groups. It appears that amputation was an act of political revenge.

13. Although the President has appointed a focal point for issues relating to support for amputees, there is a need for the Government to develop a plan of action for assistance to amputees, taking into consideration the assistance provided by various agencies.

#### **D. Children and armed conflict**

14. Children were gravely affected by the conflict in Sierra Leone, suffering egregious human rights violations ranging from abductions, separation, displacement, forced conscription and use as combatants to physical, psychological and sexual abuse. By the formal completion of the disarmament process in January 2002, a total number of 6,845 children, including 529 girls, had been released by the different fighting forces. Of this figure, 5,037 received support for rehabilitation and reintegration through the United Nations Children’s Fund (UNICEF) and child protection agencies. In addition, another 2,097 separated children were registered by child protection agencies involved in family tracing and reunification programmes.

15. Challenges that must now be tackled include the problem of street children, sexual and domestic violence against children, juvenile justice, substance abuse, child labour and children with disabilities. The issue of ensuring the sustainability and inclusiveness of the reintegration process for children also represents a major challenge. UNICEF and child protection agencies have developed community-based strategies with a long-term approach to face the challenges of the reintegration of child ex-combatants and other separated children. More than 4,000 have been given access to education, skills training or apprenticeships. Nevertheless, child protection agencies have expressed concerns that the disarmament and demobilization process may have

bypassed many child ex-combatants. The Child Protection Committee, comprising representatives of the Ministry of Social Welfare, Gender and Children's Affairs, UNICEF and child protection agencies, decided in October to establish a task force to look into the particular needs of those "bypassed by the disarmament, demobilization and reintegration process", develop strategies to address these needs and identify potential funding sources. It has been assessed that particular attention should be given to girls because, despite the large number of reported abductions of girls during the conflict, the number of girls registered in the disarmament process constitutes less than 8 per cent of the total number of disarmed children. This appears to suggest that the majority of the girls remained with their abductors or avoided the disarmament process.

16. Pursuant to resolution 2002/20 of the Commission on Human Rights, the report of the UNICEF-coordinated expert meeting on children and TRC, held in Freetown in June 2001, which included a set of recommendations, has been transmitted to TRC and the Special Court. Consistent with the main principles of child protection, the Prosecutor of the Special Court has averred that children will not be prosecuted. He has, however, stated publicly his intention to work closely with child protection agencies to bring to justice those responsible for crimes against children. For its part, TRC has finalized a Framework of Cooperation with child protection agencies, taking into consideration the recommendations of the expert meeting.

#### **E. Women's rights**

17. The elections in May 2002 saw Sierra Leone's first female presidential candidate and the election of 18 female parliamentarians as opposed to 6 in the preceding parliament. The number of female ministers has also risen from two to three (out of a total of 24 ministers). However, women continue to suffer the economic and social effects of the conflict. They constitute the majority of the rural labour force and play a substantial role in the sustenance of the family, but continue to lag far behind men with regard to literacy, school enrolment and economic activity. Female literacy is 19.1 per cent against a male rate of 38.7 per cent. Widespread destruction of educational facilities, displacement of families, abduction, rape, forced marriages, enforced pregnancy and rape-related early motherhood resulting from the conflict have only served to aggravate the situation of women and girls. Women and girls continue to suffer psychological and physical harm relating to war-related rape including unwanted babies, sexually transmitted infections, including HIV/AIDS, and social ostracism. Girls who were abducted and forced to live with their abductors have, in some cases, been rejected by their families, while others continue to live with these ex-combatants against their will.

18. Other forms of violations include domestic violence and traditional harmful practices such as female genital mutilation (FGM). In July, the UNAMSIL Human Rights Section investigated the case of a 14-year-old girl who bled to death after undergoing FGM, allegedly by members of the Bondo secret society. The matter had been referred by the police to the Director of Public Prosecutions for further action. The practice of FGM is believed to be widespread in Sierra Leone and has been taken up by some women's NGOs, including one NGO that is undertaking a baseline study of the practice in Sierra Leone with funding provided by OHCHR under the Assisting Communities Together (ACT) project.

19. According to the statistics of the Family Support Unit of the Sierra Leone Police, offences against women, children and vulnerable groups constitute 85 per cent of all crimes reported to the police. Civil society organizations also report that gender-based violence is on the increase, although such cases are believed to be underreported for fear of stigmatization, and because of the low perception women often have of themselves. Even when such incidents are reported, charges are often withdrawn and the case is settled out of court.

20. UNAMSIL Human Rights Section is conducting training for police and civil society organizations and creating awareness through radio programmes and women's and children's forums held at district level. A survey on FGM and a campaign against domestic violence are also being undertaken by women's rights organizations.

#### **F. Sexual exploitation and abuse**

21. Following the publication in February 2002 of a report by the Office of the United Nations High Commissioner for Refugees (UNHCR) and Save the Children (UK) revealing allegations of sexual abuse and exploitation of refugee women and children by some humanitarian workers and peacekeepers in Guinea, Liberia and Sierra Leone, the Office of Internal Oversight Services (OIOS) conducted an investigation into these serious allegations. The results of this investigation are contained in the report of the Secretary-General on the activities of the OIOS (A/57/465).

22. An inter-agency coordination committee, Coordination Committee on Sexual Exploitation and Abuse (CCSEA), was also formed under the chair of the Office for the Coordination of Humanitarian Affairs (OCHA) to coordinate the actions required to respond to the initial allegations and to establish sustainable systems to eventually stop further cases of sexual exploitation by humanitarian workers. In May, the "Standards of Accountability" for humanitarian workers, drafted by CCSEA, were published in an effort to ensure a degree of synergy among agencies in their approaches to this issue.

23. For its part, UNAMSIL has set up a Personnel Conduct Committee to receive complaints from persons outside the Mission of misconduct and impropriety by members of UNAMSIL. Reports can be made to the Committee, either in writing or by telephone to lines established for this purpose. A public awareness programme targeting both civilians and the military on the Code of Conduct for United Nations Personnel, with particular emphasis on the protection of vulnerable groups including women and children, has also been developed. Following allegations that a 14-year-old boy had been sexually abused by a peacekeeper in Hastings (Western Area) in June 2002, investigations were conducted by the UNAMSIL Military Police, which led to the repatriation of the alleged perpetrator. Efforts are being made to prosecute the perpetrator in his home country.

24. UNAMSIL Human Rights Section, in collaboration with child protection agencies, also conducted investigations into allegations of sexual abuse and exploitation of women and children involving peacekeepers. Investigations conducted in February and March 2002 in Lungi (Port Loko District) revealed an increase in commercial sex activities in areas where



peacekeepers are deployed. Although the majority of commercial sex workers are adults, testimonies collected by human rights officers indicated that at least four under-age girls had been involved in prostitution with peacekeepers. The Human Rights Section also received information suggesting that, in November 2001, in Kabala (Koinadugu District), a peacekeeper had attempted to rape a 16-year-old girl in her home.

25. Between April and June, human rights officers investigated 12 cases of alleged sexual exploitation and abuse of girls under the age of 18 - some as young as 14 at the time of the incident - and 2 alleged cases of rape of women by UNAMSIL peacekeepers in Makeni, Bombali District. All 14 complainants were allegedly impregnated by peacekeepers who then left the Mission in February 2002. In May and August, the Human Rights Section brought the findings of its investigation to the attention of the Special Representative of the Secretary-General, with a view to requesting the authorities abroad to open an investigation into the allegations. In October, written authorizations were obtained from 11 complainants to transmit details of their cases, including their identities, to the Special Representative of the Secretary-General, so that relevant information could be made available to the authorities abroad and a thorough inquiry could be conducted into their cases.

#### **G. Refugees, internally displaced persons and returnees**

26. The influx of Liberian refugees into Sierra Leone, where the infrastructure is already under strain from its own returnees and internally displaced persons (IDPs), has remained a source of concern. As at mid-November, UNHCR had registered 63,500 Liberian refugees in Sierra Leone, of whom 43,000 were living in camps and temporary shelters, 8,500 in urban areas and 12,000 in border regions. The Government's policy propelled by security considerations to accommodate Liberian refugees only in official refugee camps funded by UNHCR, rather than in border communities, places extra pressure on refugee camps. There are currently seven camps, with an eighth under construction.

27. Conditions in camps were often poor and there were delays in implementing some projects in host communities, largely as a result of the recent shortfall in global UNHCR funding. A new donor appeal for Liberian refugees in the subregion, launched in mid-November, should help to alleviate this situation. Some movements of refugees back to border areas from camps have also taken place, including some who are believed to have prematurely returned to Liberia, partly because of poor living conditions in camps.

28. In the fifth and final phase of its resettlement programme, the Government of Sierra Leone, assisted by humanitarian agencies, completed the resettlement of the remaining 17,000 IDPs, mainly to the north and east of the country, by December 2002. This brought the total number of IDPs resettled since the programme began in April 2001 to 220,000. The National Commission for Social Action (NaCSA), responsible for the resettlement of IDPs, worked in close collaboration with OCHA and UNAMSIL, the latter providing transportation.

29. According to the Government's Resettlement Strategy, each IDP family would be provided with transportation to their chosen area of resettlement, a two-month food ration for

their family and a non-food item package. Once in areas of return, support would be provided through community-based programmes mainly comprising shelter projects, distribution of seeds and tools and food-for-work initiatives provided by a range of agencies. There are, however, concerns that the resettled IDPs are returning from around the country to the camps, especially in the western area due partly to the lack of income-generating opportunities and medical and other services in their area of origin. Approximately 13,000 people residing in camps in the Freetown area are reportedly “homeless”, either because their homes have been destroyed or because they choose not to return to their home communities. NaCSA plans to relocate these people to more “permanent” communities on the outskirts of the city, the aim being to create communities, rather than camps, and to try to provide proper facilities to these areas. However, the lack of funding available for those plans is a cause for concern.

30. Since the beginning of the current repatriation operation in September 2000, over 197,000 Sierra Leonean refugees have returned to Sierra Leone. Approximately 123,000 Sierra Leonean refugees remain in subregional asylum countries. The facilitated voluntary repatriation of Sierra Leonean refugees from Guinea and Liberia was suspended on a few occasions in 2002, due to lack of funds or insufficient number of potential returnees. Priority is being given to facilitating repatriation from war-affected asylum countries - in particular Côte d’Ivoire, as well as Liberia. There is also an increase in requests for repatriation from countries outside the immediate subregion. During 2002, approximately 53,000 displaced returnees were assisted to resettle from transit centres, temporary settlements and host communities to their areas of origin within chiefdoms declared safe for return.

#### **H. Internees**

31. The intensification of the armed conflict in north-eastern Liberia has led to the displacement of many Liberians and to cross-border demographic movement of civilians and combatants into Sierra Leone. An estimated 150 members of the Armed Forces of Liberia (AFL) and members of the opposition Liberians United for Reconciliation and Democracy (LURD) have also crossed into the territory of Sierra Leone for a variety of motives, including desertion, search for food, etc. To respond to this situation and ensure the separation of combatants from civilian refugee influxes, the Government, through the National Security Council, set up a Task Force, with the participation of UNAMSIL, UNHCR and the International Committee of the Red Cross, to advise it on policies towards the combatants and develop a strategy to address the issue. Following the recommendations of this Task Force, the Government on 18 October 2002 commissioned the setting up of the Mape Internment Camp, near Lungi, with a capacity to accommodate 200 internees. The camp is run by the Ministry of Internal Affairs and, as at January 2003, held 62 individuals including members of both AFL and LURD. Each internee received essential bedding and personal items. However, the camp has no medical facilities or health workers and no refrigeration for food. Efforts are being made to identify a health NGO for the camp. The food pipeline agencies have also been receptive to considering providing food rations for the internees. Minimal recreation facilities have been established. Eight minors, aged 14-16, who were originally sent to the internment facility have been transferred by UNHCR to refugee camps where they will be provided with special care.

### **I. Lifting of the state of emergency and trials of detainees**

32. The lifting of the state of emergency by the President on 1 March was followed on 4 March by the arraignment before a Magistrate of former RUF leader Foday Sankoh and 61 RUF co-defendants and, in a separate case, 34 West Side Boys. The indicted were part of a group of approximately 120 individuals who had been held as “safe custody” detainees since May 2000, purportedly under the Public Emergency Act. After several adjournments, and in the absence of defence counsel for any of the accused, on 29 May 2002 the two cases were referred to the High Court. However, since then both cases have been repeatedly adjourned, primarily due to the lack of legal representation for the accused. Since July 2002, Mr. Sankoh has not appeared in court, reportedly due to failing health. UNAMSIL has assisted the Government in providing medical personnel to carry out assessments of Mr. Sankoh’s health and facilitated three family visits to him in the prison, in June, November and December. To date, other RUF and West Side Boys detainees have not been granted the same family visits.

33. Despite the lifting of the state of emergency, at least 18 persons arrested since 2000 were still being held without charge in Freetown Central Prison as “safe custody” detainees. Most of these individuals were arrested by military police following the events of May 2000 and no charges have been pressed despite repeated reminders by UNAMSIL of this apparently prolonged and illegal detention.

### **III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE**

#### **A. UNAMSIL and the Human Rights Section**

34. The human rights mandate of UNAMSIL includes monitoring, training, capacity-building, technical cooperation and advocacy. In order to implement this mandate effectively, OHCHR assisted UNAMSIL Human Rights Section in creating specialist positions in the following areas: national institutions, training, child rights, gender and rule of law. During the period leading up to the general and presidential elections in May 2002 the Section focused on monitoring activities, as well as sensitization and public awareness programmes on basic human rights principles and TRC. Following the conclusion of the elections, the Section has increased its activities in the areas of institutional reinforcement, training and capacity-building with both State and non-governmental entities, whilst continuing its monitoring activities and investigations into past human rights abuses.

35. The Human Rights Section was active in the integrated reporting process within UNAMSIL, both in Freetown and in the provinces, and contributed inputs on human rights and the rule of law to the National Recovery Strategy for Sierra Leone through the Office of the Deputy Special Representative of the Secretary-General for Governance and Stabilization. The Section contributes information on human rights issues to the monthly reports of OCHA and regularly informs the United Nations Country Team on pertinent human rights matters through the weekly heads of agencies meetings.

## **B. Activities in the districts**

36. The Human Rights Section opened two additional regional offices during 2002, in Port Loko (February), also covering Kambia District, in the north, and Koidu (May) for the eastern area. Human rights officers carried out regular monitoring activities of the police, courts and prisons, with particular attention to the progress made towards, and the problems hindering, the extension of judicial and police authority, particularly in the provinces. They have also undertaken investigative research into past human rights violations, including sexual violence, killings, massacres and amputations, and have trained law enforcement agents, the military, both UNAMSIL and Republic of Sierra Leone Armed Forces (RSLAF), and civil society organizations.

37. In April, prior to the May 2002 elections, the Human Rights Section conducted a training session on human rights and elections for 79 police trainers who then trained other officers. On election day human rights officers monitored 50 polling stations pre-designated as potential “hot spots” in the capital as well as in 11 provincial towns. Although there were no incidents of violence on election day, some days prior to the elections, on 11 May, clashes between supporters of the Sierra Leone People’s Party and the Revolutionary United Front Party (RUF) culminated in the ransacking of RUF premises. Several arrests of RUF supporters then ensued.

## **C. Monitoring of the courts, police stations and prisons**

38. Opportunities for monitoring have increased with the gradual extension of the Government’s authority and the resumption of operations by the Sierra Leone Police, Magistrate’s Courts and prisons in several districts. The number of Magistrate’s Courts rose significantly in 2002 from only 5 in October 2001 to 11 in November 2002. Resident magistrates cover Freetown urban and rural areas as well as Kenema, Bombali, Port Loko, Kambia, Tonkolili, Bo and Moyamba Districts. Rotating magistrates covered most of the remaining districts throughout the country. Notwithstanding this improvement, judicial coverage remained inadequate, due in part to a lack of trained personnel and logistics. During consultations in September 2002, the Chief Justice indicated his plans to address these issues and improve the administration of justice in the provinces through, among other measures, the deployment of over 200 Justices of the Peace to work under the direct supervision of the magistrates assigned to the respective jurisdictions. With respect to pre-trial detention, especially the 71 detainees held for almost three years in Freetown Central Prison without trial, the Chief Justice gave assurances that steps will be taken to address the situation. As a first step the secretariat of the judiciary has looked into the cases of at least 40 prisoners and has sent the files of the said prisoners to the Law Officers Department for further action.

39. In the context of its trial monitoring activities in Freetown and in the provinces, UNAMSIL human rights officers noted some irregularities, including an absence of legal representation for defendants. In September, the Human Rights Section directly intervened to urge restraint on the part of two groups in Kono District, Kono ex-Combatants’ Development Organization, and Movement of Concerned Kono Youth, a local umbrella organization for youth

groups, which allegedly had not only assumed the duties of law enforcement but was also holding local “courts” to settle disputes among the population. The groups were urged not to interfere in the work of the police and to let due process of law prevail.

40. In September 2002, Sierra Leone Police reached a personnel level of 7,036, approximately 75 per cent of the pre-war strength of 9,500. The number of police posts and stations rose from 107 in October 2001 to 154 (11 short of the pre-war figure of 165) in September 2002. In a positive development, in January 2002, Sierra Leone Police began deploying Family Support Units (FSUs) in the provinces to deal with cases of offences against women, children and vulnerable groups. In November 2002, 17 FSUs were operational in Freetown and the provinces (in Port Loko, Kambia, Kono, Bombali, Tonkolili, Bo, Kenema, Moyamba) with more units expected to be opened by the end of the year in Kailahun and Pujehun Districts. The activities of FSUs have been hampered by limited logistics and transportation.

41. Human rights officers conducted over 50 routine visits to police stations and posts throughout the country during the period under review. One recurring problem is prolonged and illegal police detention of suspects. While detention conditions for suspects held in custody were found to be adequate in many police stations, certain recurring problems were noted, including inadequate records and lack of separate cells for holding juveniles. Some police stations and posts, notably in the east, were found to have inadequate holding facilities, as was the case in some police facilities in Kono District, or no holding facilities at all, as in the case of Pendembu (Kailahun), resulting in violations of the basic rights of suspects.

42. Human rights officers made more than 20 visits to prisons in Freetown and in Kenema, Bo, Moyamba, Kono, Koinadugu, Pujehun, Bonthe and Port Loko Districts. The main recurring problems included prolonged pre-trial detention and violations of the right to a speedy trial. Despite some irregularities, detention conditions were assessed to be adequate in Freetown Central Prison. In the provinces, problems included lack of facilities for separating prisoners by category, lack of adequate access to medical care and shortcomings in the record keeping system.

43. In October, two cases of death in custody were reported. The Koidu-based office investigated a case of death in police custody, in which a suspect being held in a police cell reportedly committed suicide. In a similar case, a woman who had been detained illegally in “safe custody” for more than two months reportedly killed herself in Port Loko Prison.

#### **D. Training**

44. The overall improvement in the security situation and the gradual restoration of the Government’s authority throughout the country, coupled with the further deployment of UNAMSIL human rights officers in the provinces, have permitted the organization of training activities for all sectors of society, thus reaching a progressively wider audience. Since February 2002, more than 20 training sessions covering basic human rights and international humanitarian law have been organized. Training of police trainers, designed to equip officers with the human rights expertise to allow them to train other officers, is also ongoing.

45. Several sessions on various aspects of human rights, more specifically tailored for the military, have also been given to members of RSLAF, including, in particular, “training of trainers” courses and sessions targeting senior officers. These programmes have been implemented both in Freetown and in the provinces.

46. During the period under review, UNAMSIL Human Rights Section carried out over 35 cross-sector and community training and sensitization sessions on basic human rights, TRC and the Special Court for Sierra Leone. Beneficiaries of the programme which covered seven thematic forums on, inter alia, women’s and children’s rights and economic, social and cultural rights included NGOs, women’s groups, ex-combatants, local leaders and other members of the community. In addition, several sensitization sessions were carried out in schools, which led to the establishment of human rights clubs in several educational institutions.

### **E. Capacity-building, technical cooperation and advocacy**

47. OHCHR designed several programmes of advocacy and technical assistance, including the comprehensive programme of technical assistance to Sierra Leone in the field of human rights through which grants and expertise are provided to the Office of the Ombudsman, for the establishment of a locally driven pro-bono legal service, and for the establishment of a human rights documentation and information centre. Additional and complementary assistance is also provided through the Assisting Communities Together (ACT) project and the Voluntary Fund for Victims of Torture (VFVT).

48. In Sierra Leone, the ACT project focuses on the priority human rights challenges facing the country in the post-conflict era. It funded six projects to develop mass sensitization programmes on domestic violence and the death penalty and a study on FGM. The ACT project also funded sensitization programmes led by youth groups targeting ex-combatants within their own age group, principally in Moyamba and Kono Districts, and a special programme is being conducted by the Peace and Conflict Studies Programme of the University of Sierra Leone. In order to reach communities outside urban areas, the ACT project has also funded human rights awareness activities in Kenema in the east, Bo in the south and in Kambia and Port Loko Districts in the north. This represents the highest number of projects ever supported under the ACT project in Sierra Leone. A total number of 18 grass-roots organizations assume the lead roles in implementing the above projects in various parts of the country, while a further 50 organizations support the projects indirectly through the Sierra Leone Human Rights Committee (SLHRC). SLHRC was founded and coordinated by UNAMSIL as a forum for the exchange of information on human rights issues among all stakeholders. It meets twice a month.

49. Additional assistance is also provided by OHCHR through VFVT in the form of funding to support the work of the Grass-roots Movement for Empowerment, a local NGO. The Movement provides trauma healing, counselling and skills training to victims of torture from the Bombali District. Based in Makeni, the project cares for 30 torture victims selected jointly by three institutions known for their previous work on trauma healing and education in the area.

50. OHCHR designed a programme of technical assistance to support the Office of the Ombudsman, the establishment of a centre for human rights documentation, information and training and the provision of pro-bono legal assistance. However, due to logistical difficulties

the implementation of the activities was postponed until 2003, with the exception of the pro-bono legal services which commenced with the provision of an initial grant of US\$ 40,000 to the Lawyers Centre for Legal Assistance (LAWCLA). The programme envisages an additional grant of US\$ 40,000 to similar activities during the subsequent fiscal year.

51. Since the project began, the Human Rights Section has collaborated with LAWCLA in identifying cases deserving legal assistance. The Section submitted to LAWCLA details of 101 cases of prolonged detention of individuals in, inter alia, Freetown Central Prison and Port Loko Prison. UNAMSIL, along with several Sierra Leonean actors, continue to forward deserving cases from Freetown and the provinces to LAWCLA as they arise. On 9 November 2002, LAWCLA opened its first Regional Advice Office in Makeni to serve the northern region. In spite of these positive developments, there remains a great deal of scope for the development of a comprehensive legal aid system in Sierra Leone.

#### **F. Publications and broadcasting**

52. In April UNAMSIL published jointly with the Sierra Leone Police a booklet entitled *Elections and Human Rights*, outlining key human rights principles essential to law enforcement, with particular emphasis on elections. A leaflet given to all police officers detailing their responsibilities during elections accompanied this publication. Copies of the booklet were distributed to senior officers in police stations and posts throughout the country, while the leaflet was given to every officer. In September 2002, UNAMSIL published "Plea for Justice: Voices from Sierra Leone", a compilation of papers delivered at the National Consultative Conference on the Rule of Law. The Human Rights Section also holds a regular weekly slot on Radio UNAMSIL, during which human rights themes and issues are discussed.

#### **G. The Truth and Reconciliation Commission**

53. On 5 July 2002, President Kabbah formally inaugurated the Truth and Reconciliation Commission (TRC) in a well-attended ceremony held in State House Freetown. Participants in the occasion included members of the diplomatic community, the Special Representative of the Secretary-General and a representative of the United Nations High Commissioner for Human Rights. The inauguration of the Commission marked an important milestone in OHCHR assistance to the establishment of TRC, which commenced with the Sierra Leone Human Rights Manifesto of June 1999 and the subsequent Lomé Peace Agreement of July 1999. During 2002, OHCHR supported an interim secretariat to assist in the implementation of preparatory activities in the period immediately leading up to the inauguration of the Commission. Established in March, the interim secretariat technically concluded its operations in July with the inauguration of the Commission. As part of its assistance to the preparation of TRC, the interim secretariat conducted an inventory of research on the conflict, completed a review of the research on traditional methods of conflict resolution by a local NGO, Manifesto 99, facilitated the revitalization of public information campaigns on TRC and commenced negotiations with the Government on its support to the Commission.

54. Following its inauguration, TRC commenced its statutory three-month preparatory period specified under Section 5 (2) of the TRC Act (2000). During that period, the Commission was required by statute to undertake all acts necessary for it to function effectively during its

operational period. These include, inter alia, recruiting of staff, identifying premises, preparing a budget, prioritizing its work, undertaking preliminary background research and collecting supporting materials for its investigations. As required, the Commission adopted a budget for its operational period and reached decisions on several methodological and operational issues. However, an assessment of the operations of TRC following the conclusion of the statutory preparatory period in October indicated some deficiencies in the management of the Commission. The secretariat encountered difficulties in providing the necessary administrative and operational support required for the smooth functioning of TRC. In the light of these OHCHR, in consultation with its United Nations partners, took a number of interim measures from November to reinvigorate TRC. These included a change of the interim executive secretary and the redeployment of international personnel and experts to provide administrative and operational support to TRC and ensure the continuation of its mandate. To provide policy support and guidance during this period, a caretaker committee was established by TRC to oversee the implementation of its activities during this phase, including the recruitment of personnel.

55. Following these remedial measures, TRC recommenced the process of identifying its core professional staff, which is now completed. On 4 December 2002, the Commission started off its operational period by successfully launching the deployment phase in Bomaru, the area where the conflict began in March 1991. So far, 70 statement takers have been deployed nationwide to collect information on human rights violations and abuses. Requests have gone out to Governments, individuals and national and international organizations to provide information that they consider useful for the work of TRC. Already, TRC has established regional offices and relocated to its permanent headquarters in Brookfields Hotel, Freetown. The statement-taking period, which constitutes part of the deployment phase, will be followed by an investigation phase and a reporting phase. There are also plans for the identification of window cases, public hearings and interviews with victims. OHCHR will continue to monitor the operations of the Commission to ensure that it delivers on its important mandate promptly and effectively.

56. During the year, OHCHR also facilitated a number of preparatory activities in support of the operations of TRC. Among these were public awareness campaigns and activities by OHCHR grantees, the National Forum for Human Rights and the National Commission for Democracy and Human Rights, including the translation into four local languages of informational materials by the latter. OHCHR also funded a mapping exercise to collect preliminary indicative information on serious human rights violations and abuses relating to the conflict and financed a preliminary assessment of mass graves and burial sites by a team of forensic experts from EAAF. Other OHCHR-funded TRC-related activities that were achieved during the year included the public awareness campaign by the International Human Rights Law Group, and research on traditional methods of conflict resolution by Manifesto 99.

57. In the area of public information, members of TRC and officials of the Special Court for Sierra Leone jointly addressed questions on the relationship between the two bodies, expressing their independence and complementary roles. In October, the Chief Prosecutor of the Special Court paid a courtesy visit to the United Nations High Commissioner for Human Rights in Geneva. During a meeting, the Chief Prosecutor expressed strong support and willingness to work with TRC as a complementary accountability mechanism to address violations and abuses



of human rights and humanitarian law in Sierra Leone. Upon the Chief Prosecutor's expression of interest in the reports of some preliminary investigations conducted on behalf of TRC by OHCHR, in particular the mapping and forensic reports, the High Commissioner agreed to facilitate the sharing of these documents with both TRC and the Special Court.

58. Of the current total estimated budget of US\$ 6.5 million for TRC, OHCHR has by 31 December 2002 received pledges of only about half that amount. OHCHR has continually sought funding through bilateral means, and has held several informal briefings to update donors on the operations of TRC and seek their support for its activities. To assist the fund-raising drive for TRC an operational requirement of US\$ 4.1 million has been included in the OHCHR *Annual Appeal 2003* to support its activities during the year. OHCHR relies on the generosity of donors, most notably donor Governments, to meet these requirements.

59. As requested by the Commission in resolution 2002/20, OHCHR has agreed terms of a Memorandum of Understanding (MOU) regarding TRC with UNDP, UNAMSIL, the Commission and the Government of Sierra Leone. The MOU sets out the modalities for implementing United Nations-related assistance to the Commission, management of its resources, disposition of its property upon dissolution and the roles of the United Nations and other partners. It also stipulates the responsibilities of the Government as well as the rights and privileges of TRC and its personnel.

#### **H. The Special Court for Sierra Leone**

60. On 19 March the Sierra Leone parliament approved the Special Court Agreement (Ratification) Act, 2002, and on 19 April the United Nations Secretary-General appointed the Prosecutor and Registrar of the Court. This was followed, on 25 July, by the announcement of the names of the eight judges to serve on the Court. With the arrival of the Prosecutor's advance party on 6 August, both the Prosecution and the Registry became operational, working in temporary premises in Freetown, the permanent premises of the Court being under construction. On 2 December, the judges of the Court were sworn in at ceremony attended by the President, senior government officials, members of the diplomatic community and the Acting Special Representative of the Secretary-General representing the Secretary-General. Justice Geoffrey Robertson (United Kingdom) was elected presiding judge of the Appeals Chamber and President of the Special Court, while Judge Bankole Thompson (Sierra Leone) was elected presiding judge of the Trial Chamber.

61. Pursuant to Security Council resolution 1436 (2002), the Special Court and UNAMSIL have signed a Memorandum of Understanding covering areas of general assistance, including security, support for the Special Court's outreach programme from UNAMSIL human rights and public information sections, as well as technical and administrative assistance. Since August, several meetings have taken place between staff of UNAMSIL Human Rights Section and officials of the Court to work out issues relating to sharing information and supporting the Court's outreach activities.

62. Substantive areas of cooperation have also been developing, particularly with regard to the use of UNAMSIL radio and press facilities, as well as logistical support. In December 2002, a Special Court Contact Group, established to promote a culture of justice in Sierra Leone, met

with the judges following their swearing-in. The Contact Group is composed of UNAMSIL and local and international agencies as well as NGOs. Significant progress has been made in the completion of the permanent site of the Special Court. The Registry and Office of the Prosecutor will be relocating to the new site according to schedule. The Court is expected to increase its staff to a total of more than 200 in the coming months.

#### IV. CONCLUSION

63. **Since the last report of the High Commissioner, tremendous progress has been made in the implementation of the peace process in Sierra Leone. The war has formally ended, disarmament has concluded and national elections have been held. Sierra Leone is certainly on the way to recovery. These developments have expanded the scope of human rights work, especially in addressing past abuses and violations, monitoring, advocacy, capacity-building, education and institution-building. The human rights priorities in the country continue to focus on addressing past abuses and tackling present-day violations while developing national capacities to promote and protect human rights.**

-----