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**ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS**

Situation of human rights in Sierra Leone

Report of the High Commissioner for Human Rights*

* This document is submitted late so as to include the most up-to-date information possible.

Summary

The reporting period witnessed continuing progress in the area of human rights. On 30 July 2004, the Parliament approved an act establishing the National Human Rights Commission (NHRC). The Government, in collaboration with United Nations agencies and civil society groups, launched nationwide consultations aimed at formulating domestic legislation to implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). UNICEF and the United Nations Mission in Sierra Leone (UNAMSIL) supported the Government in undertaking a revision of the juvenile justice system.

The Special Court for Sierra Leone commenced trials of those accused of bearing the greatest responsibility for, inter alia, war crimes and crimes against humanity during the Sierra Leone conflict. The Truth and Reconciliation Commission (TRC) concluded its work and submitted its report to the President. The Government has established an interministerial committee to review the recommendations of TRC with a view to preparing a white paper. At the request of the Government, OHCHR designed and is implementing a technical cooperation project to disseminate the report of TRC and encourage the timely implementation of its recommendations.

Pursuant to the UNAMSIL exit strategy, and in accordance with Security Council resolution 1562 (2004), the UNAMSIL Human Rights Section has stepped up collaboration with the United Nations country team and local civil society groups to strengthen the national protection systems. In this regard, support measures are being developed to improve the administration of justice and address the lack of progress in economic, social and cultural rights. The high level of youth unemployment, limited opportunities for economic development and slow progress in improving the standards of living of the people continue to pose challenges for the consolidation of peace in Sierra Leone.

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Introduction

1. The Commission on Human Rights, in its resolution 2004/86, requested the High Commissioner to report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session on assistance to Sierra Leone in the field of human rights, including with reference to the work of the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL).

I. THE HUMAN RIGHTS SITUATION IN SIERRA LEONE

A. Reports of the Secretary-General and the High Commissioner for Human Rights

2. Since the High Commissioner submitted a report to the General Assembly at its fifty-ninth session (A/59/340) and to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/106), the Secretary-General has submitted the following two reports on UNAMSIL to the Security Council:¹ the twenty-third report (S/2004/724) of 9 September 2004, and the twenty-fourth (S/2004/965) of 10 December 2004.

3. In his twenty-third report on UNAMSIL, the Secretary-General provided information on improvements in the capacity of the security sector in Sierra Leone, progress in the operations of the Special Court and in strengthening cooperation among United Nations missions in the subregion. The report also included information on and assessment of the security situation, on the state of planning for the transition of UNAMSIL to its residual presence and progress made in the Mission's drawdown. In the report, the Secretary-General noted that, while the overall security situation remained relatively stable, the situation along the borders with Guinea and Liberia remains of serious concern, as do the high levels of youth unemployment and very slow progress in improving the standard of living of the majority of the population. With regard to the Special Court, the Secretary-General observed that, while there are no immediate significant security threats, there is a concern that as the trials continue, there could be increased risk of threats against its staff and facilities by those hostile to its operations. The Secretary-General's report also indicated that improvements in the human rights situation is undermined by problems in the justice sector relating to a lack of human and material resources and a huge backlog of cases.

4. In his twenty-fourth report, the Secretary-General reported on the successful transfer in September of primary responsibility for security in the country to the Government of Sierra Leone. The Secretary-General in his report also noted that while the general security environment is stable, the socio-economic situation in the country remains a serious challenge to the prospects of national recovery.

¹ The twenty-first (S/2004/228) of 19 March 2004 and the twenty-second (S/2004/536) of 6 July 2004 were submitted after the High Commissioner's report to the sixtieth session of the Commission on Human Rights but were covered in the High Commissioner's report to the General Assembly (A/59/340).

5. By its resolution 1562 (2004), the Security Council extended the mandate of the United Nations Mission in Sierra Leone (UNAMSIL) until 30 June 2005.

B. The right to life and security of the person

6. The death penalty remains in the statute books. Sierra Leone is not party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Although the death penalty has not been implemented since the execution in October 1998 of those convicted of treason, courts still impose it. On 20 December 2004, the High Court of Sierra Leone sentenced 10 men to death by hanging for their roles in an alleged attempted overthrow of the Government.

7. In its report published in October 2004, the Truth and Reconciliation Commission (TRC) recommended the abolition of the death penalty and repeal of laws authorizing its use. As an interim measure, TRC also recommended a moratorium on and commutation of all death sentences. The recommendations of TRC on the death penalty are classified as imperative and as such the Government is statute-bound to implement them. Section 17 of the TRC Act (2000) requires the Government to “faithfully and timeously” implement the recommendations of the Commission.

8. Recent months have witnessed a spate of unresolved killings in Freetown and in the regions, especially of women. In September 2004, a well-known lesbian activist, Fanny Ann Eddy, was murdered in Freetown allegedly for her sexual orientation and outspokenness in support of gay and lesbian rights. Prior to her death, she made a submission to the Sub-Commission for the Protection and Promotion of Human Rights in Geneva, advocating lesbian and gay rights in Sierra Leone.

9. Another major cause of concern is the widespread practice of undue prolonged pre-trial detention in police stations as well as in prisons, mainly of suspects charged with felonies. In several districts, there are reports of detainees being kept beyond the legal time limit of 10 days for alleged homicide. In Bo Town, for example, four nurses who allegedly carried out a failed surgical intervention on a patient in the absence of an authorized doctor have been detained at the police station since September 2003. The trial of 97 ex-combatants of the former Revolutionary United Front (RUF) and “West-side Boys” arrested in 2000 for allegedly taking as hostages British military personnel has not started. Prolonged pre-trial detention is more acute in cases of murder, where only a High Court judge has jurisdiction. There are districts where judges sit once or twice in a year.

C. Amputees and the war-wounded

10. The plight of amputees and the war-wounded continues to highlight the human rights challenges in Sierra Leone. With the completion of several pilot projects initiated for the benefit of amputees and the war-wounded, and in the absence of real support from the Government, many have now left their settlements for cities to beg. Recently, it took the intervention of UNAMSIL, United Nations agencies and civil society groups to delay a government measure to relocate 50 amputees and their more than 300 dependants from Aberdeen and Grafton camps in Freetown to the interior of the country. The relocation was considered as hasty since the Government did not take the necessary steps to address the social, cultural and economic needs

of the amputees, especially regarding the provision of adequate housing, and access to education for their children. The Government has since agreed to postpone the relocation until the necessary contingency planning measures are completed.

11. In paragraph 2 (b) of its resolution 2004/86, the Commission on Human Rights urges the Government of Sierra Leone to continue to give priority attention to the special needs of all mutilated victims. Recognizing the special situation of the war-wounded, TRC in its report recommended among other things a monthly pension - the amount of which should be determined by the National Commission for Social Action (NaCSA) - for all adult amputees and other war-wounded who experienced a 50 per cent or more reduction in their earning capacity as a result of their injury. Since the publication of the report, the president of the Amputees and War Wounded Association has appealed for a speedy calculation and payment of the pension to alleviate the sufferings of the war-wounded.

D. Children's rights

12. The conflict had devastating consequences on children. A hallmark of the Sierra Leone conflict was the widespread abduction and use of children as soldiers, especially by the rebel group. Children were killed, maimed, subjected to forced labour or forced into sexual slavery. Many of them took part in hostilities, having been forcibly conscripted. They were compelled to commit egregious human rights abuses, often under the influence of drugs.

13. The scars of the war are evident on the traumatic conditions of some teenagers and young adults in Sierra Leone. This is further compounded by the difficult economic circumstances and disturbing trend towards exploitation of children. The high incidence of child labour and the increasing reports of child trafficking are but indications of the continuing hardship faced by children in post-conflict Sierra Leone.

14. Trafficking involving children has internal and external dimensions. In the former case, children are trafficked within the country from their destitute parents usually in rural communities to relatives or other private individuals, mainly in the commercial centres. External trafficking involves moving the children outside of Sierra Leone. There have been several reported cases of external trafficking involving orphanages in Sierra Leone. In August 2004 the Human Rights Committee based in Makeni, in collaboration with the Ministry of Gender and Children's Affairs, UNAMSIL and UNICEF, conducted an investigation into allegations of trafficking in at least four orphanages in and around Makeni (Bombali District). The traffickers reportedly requested parents of the children to pay 50,000 Leones (US\$ 23), with the promise that their children would be sent abroad to study.

15. Trafficking is often associated with extensive child labour and sexual exploitation. This includes, but is not restricted to, agricultural work and often toiling in diamond mines in conditions akin to slavery. My previous reports to the General Assembly and to the Commission on Human Rights called attention to the widespread practice of using children, especially boys, some as young as 10, in the diamond mines of Kono, Tongo Field and Kamakwie. Nonetheless, this practice has unfortunately continued and the Government has so far not taken any decisive measures to respond to the situation.

16. There are no available statistics on the extent of trafficking or the number of victims but anecdotal information points to a widespread pattern involving several persons and thousands of child victims. In my report to the General Assembly, I referred to the arrest and charging of three persons in August 2004 with smuggling 29 Sierra Leonean children to the United States for adoption. The accused were linked with local aid agencies running orphanages and had persuaded parents to give up their children who were then smuggled to a neighbouring country and flown to the United States. While the Government of Sierra Leone has the primary responsibility to address this issue, a panacea is impossible without international collaboration and assistance. I therefore urge the international community to support the Government of Sierra Leone in seeking durable solutions to this scourge. One way could be through government ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and to pass legislation criminalizing human trafficking. This will provide a much needed legal framework to respond to the practice.

17. Other human rights abuses affecting children include early and/or forced marriages. Reports have been received of children as young as 12 being given away in marriage in a society where the age of consent is set at 14 years. This practice is widespread and grounded on outdated traditional norms. Early and/or forced marriages subject girls to systematic rape. It also prevents them from continuing further education and leads to several health hazards, which contribute to the high maternal mortality rate in the country.

18. Another matter of concern is the inadequate facilities for responding to and/or addressing juvenile justice. There is only one remand home and one approved school for children in conflict with the law, and both are located in Freetown. Although a remand home is under construction in Bo, co-sponsored by UNICEF and UNAMSIL, it is imperative to upgrade the facilities in the existing home in Freetown and in the approved school, which are below the required international minimum standards. There is also a need to build more facilities in other parts of the country.

19. The death of a juvenile suspect at the remand home in early 2004, as a result of assault by a caretaker, sparked a national outcry that led to the Government requesting an independent investigation and a review of the juvenile justice system by UNAMSIL and UNICEF. The review has been completed and submitted to the Government. It is imperative that the Government responds in a timely manner to this review with a view to implementing the recommendations.

20. Another major handicap is the absence of a children's court in the 12 districts of Sierra Leone. This translates to an absence of expertise in the judiciary to deal with children. The only juvenile court in Freetown is overwhelmed with cases. As a result, children who come into conflict with the law suffer prolonged detention without trial or lengthy trials due to adjournments. Another problem that has emerged is the absence of proper documentation to ascertain the age of juveniles since most births are not registered. There are also problems associated with absence of proper diversion mechanisms, and continuous practice or imposition of corporal punishment both in magistrate courts and in schools.

E. Gender-based violence and women's rights

21. The battle to eradicate all forms of violence against women in Sierra Leone is beginning to yield results. More and more communities continue to be sensitized by the Human Rights Section and its partners on the negative effects of gender-based violence (GBV) through community meetings, workshops for the police and NGOs, as well as through radio programmes. Both men and women, especially in Freetown, are beginning to talk openly about issues related to gender violence. Advocacy by UNAMSIL and its partners during the past four years has reversed the culture of silence leading to a new era of openness, with people prepared to talk freely and report gender and domestic violence. A major boost has been the effectiveness of the Family Support Unit (FSU) within the Police Service, which was created to deal with these issues. So far, the conviction record for gender violence has grown from zero at the beginning of the campaign to 19. To assist the victims of gender violence and also support prosecution of cases, the International Rescue Committee has established sexual assault referral centres in Freetown and Kenema in the East, which provide free medical assistance to sexual assault victims. This needs to be replicated in other parts of the country.

22. With respect to the legal framework for the protection of women, the Law Reform Commission has produced a draft bill on sexual offences, which has been presented to the Government. The Commission is also in the process of finalizing a bill on inheritance rights and succession, which will be in conformity with existing international standards on equality and non-discrimination. Already, the Human Rights Committee in Parliament working with civil society organizations and the Government is spearheading consultations in both Freetown and the provinces on the domestication of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Issues of women's rights are taking centre stage as the Ministry of Social Welfare, Gender and Children's Affairs has launched a report-writing project to produce Sierra Leone's initial report on measures it has taken to implement CEDAW. Sierra Leone signed and ratified CEDAW in November 1988.

23. Despite the modest achievements, a major challenge remains in ensuring the widest possible constituency for the promotion of women's rights in a society steeped in negative traditional and cultural practices which are discriminatory against women. Poverty creates the permissive condition for sexual exploitation, especially since it affects women disproportionately.

24. With the increase in the number of sexual offence cases being reported, the age of the victims is becoming a matter of serious concern. Recently it was reported that a 6-month-old baby was sexually assaulted in Tonkolili. In another case, a 12-year-old girl was raped in Kambia District. She died as a result. According to the International Rescue Committee, the most common type of sexual offence in Sierra Leone is rape and it is committed by those known to the victim and on girls aged between 5 and 15 years. Although there have been some shortcomings in the Government's response to these serious situations, remedial action was taken in some cases. For instance, in Mogbere (Bo District), a police officer was suspended for allegedly raping a 12-year-old under his care. The Armed Forces of Sierra Leone has publicly announced that it would suspend, pending full joint investigation with the police, a military officer who allegedly harboured a girl-child in Tonkolili district for sex for a period of nine months.

25. Domestic violence against women is still prevalent. Although wife-beating and other forms of matrimonial violence are rife in the community, very few such cases ever reach the Police/FSU. Fewer such cases reach the courts, with the majority settled out of court. FSU is powerless to pursue cases where victims, mostly wives, are unwilling to have their husbands prosecuted. For example, in one case in Makeni a man beat up his wife and left her for dead in a farmhouse. After the intervention of the Human Rights Section the husband was arrested but the wife later pleaded for his release. Out-of-court settlements including locally arranged financial compensation to victims or relatives also limits judicial redress and encourages impunity within the community.

26. Despite efforts to sensitize the communities on human rights issues such as forced and early marriages, teenage pregnancies and harmful traditional practices such as female genital mutilation (FGM), these practices continue to occur. A culture of silence, particularly on FGM, still hampers advocacy efforts.

27. In my report to the General Assembly, I made reference to the case of a 19-year-old woman allegedly assaulted and killed in Lungi town by UNAMSIL Ukrainian peacekeepers in April 2004. Since then, the police have completed their investigation and UNAMSIL has established a Board of Inquiry (BOI) to look into the allegations. The findings of the BOI are still pending.

F. Refugees, internees and internally displaced persons

28. Almost all war-related internally displaced persons (IDPs) have been relocated and resettled in their communities of origin. With the stabilization of the situation in Sierra Leone, refugees began to return and several have been resettled. According to UNHCR-Kambia, from 2001 to November 2004, a total number of 271,749 returned safely to Sierra Leone. Of those 190,500 were from Guinea, 79,915 from Liberia and 1,334 from other neighbouring countries. UNHCR closed its offices in Kambia District in December 2004, signalling the conclusion of the resettlement programme for registered refugees willing to return to Sierra Leone from Guinea.

29. The assisted voluntary repatriation programme involved collaborative work between various partners, including UNHCR and other United Nations agencies such as the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), as well as international NGOs, among them International Medical Corps (IMC), Deutsche Technische Zusammenarbeit (GTZ), government institutions such as the National Commission for Social Action (NaCSA), and locally based NGOs, among them International Islamic Youth League (IIYL), Caritas and ABC Development.

30. The last major organized repatriation took place on 22 July 2004. Subsequent repatriations were ad hoc, targeting mainly unaccompanied children who were repatriated by the International Rescue Committee (IRC) and the International Committee of the Red Cross (ICRC). Most of these children have been relocated to their different homes and families with resettlement packages. However, a handful of them are still under the care of Caritas pending completion of the tracing of their family members.

31. While Sierra Leone refugees were returning from Guinea and elsewhere in the region, the intensification of conflict in Liberia during 2003 led to a reverse influx of Liberian refugees coming into Sierra Leone. Today the Districts of Bo and Pujehun host approximately 25,000 refugees in five camps at Jembe, Gerihun, Jimmy Bagbo, Gondama and Bandajuma villages. UNAMSIL and local human rights NGOs pay regular monitoring visits to the camps. There are police posts in each of the camps established with the support of UNHCR to maintain law and order, as well as educational, health and water facilities designed to benefit both refugees and host communities alike. With the establishment of the United Nations peacekeeping mission in Liberia and stabilization of the situation, voluntary repatriation to areas declared safe in Liberia has already commenced from all these camps.

32. The Government of Sierra Leone currently hosts 330 former Liberian fighters at Mapeh Camp, among them three women. Since the opening of the camp, seven internees have died of sicknesses, suspected to have been related to poor living conditions. Today, thanks to funding from the European Union, through NaCSA, some remarkable improvements have been recorded in the last three months especially in the area of health service delivery to the internees. So far, a total number of 16 successful surgical operations for hernia have been carried out and 32 cases of dental care attended in government hospitals in Lungi and Freetown. European Union funding also supports skills training, such as carpentry and tailoring, for the internees. Food rations to the internees are provided by the World Food Programme.

G. Economic, social and cultural rights

33. Progress in the area of human rights in Sierra Leone has been lopsided in favour of civil and political rights. Since the end of the war, little improvement has been registered in the area of economic, social and cultural rights. From all indications Sierra Leone is unlikely to meet the Millennium Development Goals in any of the areas.

34. The realization of the right to education continues to be a matter of great concern. Although some measures have been taken by the Government with the support of some international agencies, the problem remains acute. The rate of annual enrolment in primary and secondary education is very low and not commensurate with the actual population of children, who constitute over half of the population of Sierra Leone. Enrolment is also lopsided in favour of boys. A study conducted in Port Loko district by UNAMSIL Human Rights Section showed that during the 2003/04 academic year 47,108 boys and 32,719 girls enrolled in primary education. During the same period 4,315 boys and 2,027 girls enrolled in secondary education. The remarkable difference between the number of children enrolled in primary education and those in secondary education - indicative of a very high dropout rate - is extremely alarming, as is the lopsidedness in favour of boys. The same trend is replicated in Kambia District, in the North where 30,287 boys and 20,975 girls enrolled in primary education during 2003/04 but only 3,117 boys and 640 girls in secondary education. Government efforts to increase female enrolment in the North by providing free schooling and school materials to girls in secondary education has had little impact on enrolment of girls.

35. The information generated from the above studies in Port Loko and Kambia which, relatively speaking, is representative of the situation nationwide, indicates that an estimated 85 per cent of children, mostly girls, who enrolled in primary education are likely to

drop out before they reach secondary education. This phenomenon, if not addressed, would impact negatively on the economic, social, cultural and political future of the country. It also has the potential to jeopardize any chances for lasting peace in Sierra Leone.

36. Any effort to address low enrolment, especially of girls, must respond to the root causes of the phenomenon, namely: poverty coupled with traditional beliefs. This sustains the thinking that it is more profitable to educate boys than girls. The latter are either involved in household chores or small-scale economic or agricultural activities to support the family or either given away in early marriages.

37. The health and sanitation sector is also in dire straits. This is exemplified by an outbreak of cholera that claimed more than 26 lives in the Lungi, Port Loko and Freetown areas in July-August 2004. The concerted efforts of World Health Organization ensured that the situation was contained.

38. A recent study conducted by UNAMSIL Human Rights Section in Port Loko district revealed that malaria remains the prime killer-disease, followed by acute respiratory infection - pneumonia - diarrhoea, malnutrition, internal diseases such as hernias, and tuberculosis. While these diseases can be associated with levels of poverty and limited health services, it is worth underlining that most of the victims are children and women. To date there are no comprehensive official figures on HIV/AIDS infections, but anecdotal information points to a high incidence of the pandemic.

39. Hospitals and health centres throughout the country are ill-resourced and underfunded. Additionally, low salaries of health-care personnel, including doctors, has contributed to most of the medical officers leaving or planning to leave the country for better-paid jobs abroad.

40. Child health, prenatal and post-natal care, remain serious problems because of the absence of qualified medical personnel. Port Loko district, for instance has no paediatrician or gynaecologist. The high child and maternal mortality rates, mainly in remote areas, is directly related to the absence of qualified staff. In this situation, most patients turn to traditional birth attendants who serve as midwives. Although these traditional practitioners gained experience over the years and are trusted by the communities, they are not alternatives to qualified medical personnel. However, as a temporary measure to fully address the problem of lack of medical personnel, the Government is providing basic training and equipment to some of them.

41. The shortage of doctors and qualified medical staff in Sierra Leone has led to the prevalence of the quack doctors known as “pepper doctors”. These are mainly untrained and constitute hazards to unsuspecting citizens. Often their interventions lead to further health complication or death. In Makeni, in June 2004, a 33-year-old woman died as a result of a quinine overdose by a “pepper doctor” who is still on the run. The prevalence of quack doctors and an increase in street non-registered and unlicensed pharmacies as well as sales of expired or fake drugs remain major challenges for the health sector.

42. Despite the decade-long war, Sierra Leone did not experience mass starvation, because of the long rainy season and the very fertile land. While small-holder farms could provide the full requirements for subsistence, this needs to be supplemented by extensive programmes to provide the nutritional needs of the country.

43. Since the end of the war, the World Food Programme has undertaken several nutritional and food supply programmes in parts of the country, including Bombali, Kambia, Port Loko, Kenema and Pujahun districts. Therapeutic and supplementary feeding rations are provided to children under the age of 5 who are moderately malnourished and/or who are at risk of being malnourished. As at June 2004, WFP provided food rations to 111,987 school children in 420 primary schools in Kambia, Port Loko and Bombali districts. These programmes have been extended to providing food to those engaged in community works such as road repairs, skill training, patients in hospitals and caregivers, farmers as well as refugees, internees and returnees. To complement the effort and encourage self-sufficiency, FAO provides a variety of seeds to the Government for distribution to rural farmers.

44. The main obstacle to the implementation of the right to food remains affordability. Prices of food, even staple foods, have shot up beyond the reach of average citizens. The price of palm oil, which is produced locally and used in daily meals throughout the country, increased from 500 leones to between 700 and 1,500 leones in a year. The same trend applies to other widely consumed local basic food products, such as garri.

45. Concerns about the right to adequate food, to an adequate standard of health and access to education are coupled with obstacles to the enjoyment of the rights to development, such as poor housing conditions, limited supply of electricity, deteriorating road conditions, limited access to potable running water, growing unemployment (mainly among youth and women), low salaries and deplorable working conditions in active economic sectors, such as in diamond mining.

46. To address some of these concerns, the National Forum for Human Rights (NFHR), an umbrella group of human rights organizations, released recently a report on the impact of diamond-mining operations in the Koidu area, Kono district. The report urges the Government of Sierra Leone to ensure that diamond-business enterprises operate in a humane manner and plough back into host communities a reasonable portion of their profits. It also recommended the involvement of host communities and enforcement of decent working conditions comprising equal work for equal pay.

II. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE

A. UNAMSIL and the Human Rights Section

47. The mandate of UNAMSIL Human Rights Section includes monitoring and reporting, technical cooperation and capacity-building, training and advocacy. Security Council resolution 1562 (2004) requires all sections of UNAMSIL, including the Human Rights Section, in line with UNAMSIL exit strategy, to work closely with the United Nations country team (UNCT) to strengthen technical cooperation with the Government of Sierra Leone and civil society groups. Accordingly, UNAMSIL Disarmament, Demobilization and Reintegration (DDR), UNAMSIL Civil Affairs Sections and United Nations Volunteers (UNV) continuously sponsor human rights-oriented programmes and projects throughout the country. To facilitate collaboration of United Nations actors in the area of human rights, the UNCT established a Human Rights Working Group chaired by the Human Rights Section. This group plays an advisory role to United Nations agencies in supporting the integration of human rights in their

operations. At the district level, human rights field offices are actively taking part in the United Nations district team meetings, which are led by the UNDP Transitional Support Team (TST).

B. Activities in the districts

48. UNAMSIL Human Rights Section has intensified its activities in all 12 districts of Sierra Leone with the deployment of national staff in 10 field offices, including in Freetown. The national personnel assumed responsibilities for field operations ahead of the effective drawdown of the Human Rights Section on 31 December 2004. In addition to the national human rights officers, four United Nations Volunteers (UNVs) will be recruited to complement the remaining five international human rights officers covering the four regional offices nationwide.

49. The human rights offices in the districts submit daily reports on their activities and monitor the conditions of detention at police holding cells and in prisons. They also monitor all aspects of human rights as well as thematically reviewing progress on the implementation of economic, social and cultural rights. Human rights officers also continuously attend the various inter-agency coordination meetings and work closely in partnership with international and local NGOs, United Nations agencies and government institutions on the ground.

50. The training and capacity-building programme is aimed at upgrading the human rights knowledge of government institutions, NGOs and community-based organizations. These include, besides the seminars and workshops, organizing commemorative activities, such as the commemoration of the Rwanda genocide and human rights day.

51. The establishment of human rights reference libraries will go down as one of the lasting legacies of the Human Rights Section. These centres serve as repositories of information for research and knowledge on human rights. Recently the fourth and fifth reference libraries were opened in Lungi town and Port Loko state prison. The latter to enable citizens and prisoners alike to become aware of basic human rights, laws and procedures pertaining to general human rights, administration of justice and minimum standards for the treatment of prisoners. Similar libraries have been opened in Kambia, Masiaka, and Lunsar. The Koidu field office contributed human rights materials to the Koidu government library. The documentation centre in Port Loko was opened in December 2004, to mark the end of the United Nations Decade for Human Rights Education; it stocks about 8,000 volumes. Most of the books for the libraries are provided by OHCHR.

C. Monitoring of the police stations, courts and prisons

52. The reporting period witnessed continuous improvements in police behaviour towards members of the public. Apart from a few isolated incidents, the overall human rights context was free from gross and persistent human rights violations in the area of the rights to life, security of the person, freedom from torture, inhuman and degrading treatment. These improvements are related to, among others, the sustained training and capacity-building programmes for officers as well as the regular monitoring of detention centres.

53. Of particular significance is the work of the Family Support Unit (FSU), responsible for countering gender-based violence and in particular abuses against women and children. In the Freetown area and beyond, several new convictions were obtained during the reporting period and often with prison sentences for sexual abuses, assault with intent to ravish, carnal knowledge, etc. Also during this period, FSU investigated and charged an international staff member from Australia assigned to the Special Court with unlawful carnal knowledge, indecent assault, and procuring a girl under the age of 14 years. These cases demonstrate the commitment of FSU, and the justice system to deter gender-based violence by bringing to justice all those charged with such crimes, regardless of status, and to punish them according to the applicable laws, where found guilty.

54. The police force is, however, generally understaffed and lacks logistic support as well as expertise to handle complex cases. While some police stations have been rebuilt or rehabilitated, several still do not have enough cells to guarantee separation of categories of detainees, for instance, juveniles and adults or males and females. Crime officers throughout the country refer cases to the Director of Public Prosecution (DPP) for expert advice. This usually takes three to six months because of the case overload. This is another contributory factor to prolonged pre-trial detention.

55. Additionally, cases that require advanced or complex scientific evidence such as DNA testing can easily be dropped due to resource constraints and absence of facilities. In respect of the pending case of a 19-year-old girl allegedly assaulted and killed in Lungi town by Ukrainian peacekeepers earlier this year, UNAMSIL organized for DNA samples to be collected and sent to South Africa for testing as part of its own internal investigation.

56. The recruitment and deployment of Justices of the Peace (JPs) over a year ago has had minimal impact on the enormous backlog of cases. Itinerant magistrates and judges still run circuit courts throughout the country. In some districts the magistrate court sits for three days each month while high court trials take place every six to eight months. This trend contributes to adjournments and high backlog of cases. Sometimes delays are due to the absence of complainants or witnesses. The overall outcome is delayed trials, prolonged detention and an increasing loss of faith in the system.

57. The shortage of court personnel is exacerbated by poor remuneration and benefits for law officers coupled with inadequate training, mainly of JPs. Another problem is the inconsistency between the national laws and the international human rights instruments to which Sierra Leone is party. For instance, there are no statutory prohibitions of marital rape, female circumcision (FGM) and corporal punishment. The latter is still being administered in magistrate's courts.

58. With the support of the UNAMSIL Civil Affairs Section, UNDP and UNOPS, several prisons have been rehabilitated or built throughout the districts. The prison in Kambia town and the rehabilitated building at Port Loko prison are awaiting official handover for opening, while that of Makeni and others are currently in full use. The increase in new and rehabilitated prisons has the potential to improve detention conditions in the country and reduce overcrowding. However the frequent occurrence of prolonged pre-trial detention prevents such improvement. In all of the prisons there are more detainees on remand than convicts.

59. Overcrowding remains a major challenge at the Pademba Road maximum-security prison in Freetown, where recently there was a jailbreak involving 45 detainees. There is also a need to improve the general conditions of detention nationwide, especially in relation to health, sanitation, adequate food, and clean drinking water.

60. While prison officers no longer accept to keep in their custody certified juveniles, many juveniles, mainly in the districts, are not registered at birth and do not have official identification documents. Subsequently some juveniles who come in conflict with the law are still being treated as adults.

D. Training and capacity-building

61. Consistent with its exit strategy, during the reporting period, the Human Rights Section placed great priority on training and capacity-building. Several training and capacity-building seminars were conducted throughout the country for members of local human rights NGOs, youth groups, women's groups, traditional leaders, and community-based organizations. During the reporting period the human rights sections provided training to 3,587 members of the above civil society groups. The targeted end-result is to provide to these groups with grounded knowledge of human rights principles as part of a gradual handover of the responsibility to monitor, promote, and report on the human rights situation in Sierra Leone. In UNAMSIL, the Human Rights Section provides induction training to staff members, both military and civilian police (CIVPOL), who join the mission.

62. In the districts, as part of a "Structure-Resource-Trained" (S.R.T) strategy, civil societies are being structured into registered human rights coalitions and NGOs, resourced with human rights reference libraries and provided with a series of comprehensive training sessions covering all aspects of human rights. To provide practical experience, human rights officers throughout the training programmes conduct joint practical monitoring, reporting and promotion activities with the trainees. At the end of each series of training sessions, an assessment is conducted to evaluate the competencies of trainees. These efforts have started to bear fruit as some of the NGOs currently conduct their own activities, in collaboration with other international NGOs and donor agencies.

63. Training and capacity-building activities have also been implemented for the benefit of State institutions, including 874 police officers and over 100 military officers. Accordingly, the training session referred particularly to the Code of Conduct for Law Enforcement Officials, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and to the treatment and protection of civilians during armed conflict. Human rights training targeted to the work of prison officers, court officials as well as civil servants from various ministries, such as welfare and probation officers of the Ministry of Social Welfare (MSW), were also designed and implemented.

64. In addition to training and capacity-building, awareness-raising and sensitization activities were organized for targeted communities and for students of elementary and secondary schools in several parts of the country. The activities focused on issues of concern in the area of human rights. In some areas, the sensitization of students was done through human rights clubs which have now been established in several schools throughout the country. These sensitization activities included the mass celebrations of international events such as 16 Days of Activism

against Gender Violence, the International Day of Prisoners, the Day of the African Child, and the anniversary of the Universal Declaration of Human Rights. These efforts are complemented by electronic media sensitization through radio and television discussions on human rights.

E. Technical cooperation and advocacy

65. UNAMSIL Human Rights Section has been supporting the implementation of technical cooperation projects designed and funded by OHCHR to establish more human rights resource centres and provide further in-depth training for various governmental and non-governmental bodies. Already five such resource centres have been established, in Port Loko, Lungi, Kambia, Masiaka and Lunsar. Additionally, the section provides technical expertise to the UNCT and various government departments in the area of human rights. The section also uses the avenue provided through its regular consultations with government ministers, the Chief Justice, the Director of Public Prosecutions and other relevant authorities to advocate human rights policies and issues. These advocacy and advisory roles are extended to international NGOs and development agencies on the ground, to the Human Rights Committee in Parliament, and to parliamentarians.

66. UNAMSIL and the UNCT have jointly drawn a comprehensive transitional plan with a holistic approach to technical cooperation, setting benchmarks and indicators for assessment. In the area of human rights, the minimum benchmark for 2005 includes the establishment of an effective National Human Rights Commission, a legal aid scheme for detainees who cannot afford to hire a defence lawyer and the strengthening of the capacities of local NGOs.

67. The Human Rights Section monitored the final stages of the implementation of the Assisting Communities Together project (ACT), sponsored by OHCHR. The project funded a number of projects implemented by several local human rights NGOs. For instance, human rights education at university level and the death penalty implemented jointly by Peace and Conflict Studies, the University of Sierra Leone, and the Special Court Working Group. Other NGO beneficiaries and projects included Women's Forum and Campaign Against Violent Events (CAVE) on domestic violence; Kuimayei on female genital mutilation; Youth Movement for Peace and Non-Violence and Centre for Democracy and Human Rights (CDHR) on youth and ex-combatants; and United for Protection of Human Rights Port Loko on the human rights awareness programme in Port Loko and Kambia. UNAMSIL Human Rights Section also monitored and supervised the implementation of community-based projects in the area of peace-building and conflict transformation.

F. National Human Rights Commission

68. On 30 July 2004, Parliament adopted an act for the creation of an independent National Human Rights Commission. According to the act, the Commission will among other things, perform advocacy, research and legal functions as well as investigate and monitor the human rights situation. The act was jointly drafted by the Human Rights Section and civil society in Sierra Leone with expert assistance from OHCHR.

III. TRANSITIONAL JUSTICE

A. The Truth and Reconciliation Commission

69. Following the conclusion of its operations, the Sierra Leone Truth and Reconciliation Commission submitted its report to President Kabbah on 5 October 2004. The report represented the outcome of 26 months of intensive work from the inauguration of the Commission in July 2002. During the presentation ceremony, at which I was represented, it was underlined that my Office will continue to extend support to the Government and people of Sierra Leone, to assist in the dissemination of the report of the TRC and to respond to the human rights needs of the most vulnerable.

70. Following an exchange of letters with the Government of Sierra Leone, OHCHR has designed and is already implementing a technical cooperation project aimed at providing support for the dissemination and implementation of the recommendations of the Truth and Reconciliation Commission. The implementation of the project involves joint collaborative work between OHCHR, UNAMSIL, several local NGOs, including the Truth and Reconciliation Working Group and the Centre for Media Education and Technology. At the request of OHCHR, UNAMSIL assigned a Human Rights Officer to support the Government in the preparation of a white paper on the report of TRC.

71. Following the conclusion of TRC, OHCHR sought the assistance of UNDP, UNAMSIL and the local donor community in disposing of the assets of the Commission, as provided for in article IV (3) of the Memorandum of Understanding (MOU) of March 2003 between the Government, the TRC, OHCHR, UNDP-Sierra Leone and UNAMSIL on assistance to the TRC. This has now been implemented, with some of the fixed assets reserved for the national Human Rights Commission and others distributed to local NGOs.

B. Special Court for Sierra Leone

72. The Special Court was established in 2002 by agreement between the Government of Sierra Leone and the United Nations to prosecute persons who bear “the greatest responsibility” for grave breaches of international humanitarian law, specifically war crimes, crimes against humanity, and serious violations of the laws of Sierra Leone perpetrated since 30 November 1996.

73. During the reporting period, the Special Court commenced the trials of the nine indictees in its custody. To expedite the process, the court decided to hold at first three joint trials, joining the indicted according to their wartime allegiances. Subsequently, on 3 June 2004, the first trial chamber started to hear the case of the Civil Defence Forces (CDF) group (Samuel Hinga Norman, Moinina Fafonah and Allieu Kondewa), followed in July by that of former leaders of the Revolutionary United Front (RUF) (Issah Sessay, Morris Kallon and Augustine Gbao). In an early ruling, the court rejected a legal challenge of its jurisdiction by Hinga Norman and Augustine Gbao.

74. The initial indictments included murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force, abduction, and attacks on United Nations peacekeepers and humanitarian workers, among others. In May, prior

to the hearings an additional charge of “forced marriage” was included in the indictments of some of the defendants. This constitutes the first prosecution of such an act as a crime against humanity.

75. Prior to its recess in December 2004, the Court heard the testimonies of 18 witnesses against RUF and 31 witnesses against CDF. It is expected that a second trial chamber will be constituted to undertake the trial of the three members of the Armed Forces Revolutionary Council (AFRC) in March 2005. To protect witnesses, the court allows them to testify in camera, or use pseudonyms. As a rule, protected witnesses testify in camera.

76. In line with the applicable Rules of Procedure and Evidence of the Special Court, all accused persons have a right to legal assistance, including the right to counsel of their own choice. The principal accused in the Civil Defence Forces (CDF) case, Sam Hinga Norman refused, at the start of the trial, to avail himself of the right to legal representation. In the course of the trials, Mr. Norman accepted the appointment of defence counsels by the Court to assist him.

77. The Court has so far indicted 13 individuals, 9 of whom are already in its custody. Indictments against two other suspects, namely Foday Sankoh and Sam Bockarie, were withdrawn in December 2003 due to their death, while the whereabouts of Johny Paul Koromah remains unknown. Charles Taylor, the former President of Liberia, in Nigeria since August 2004 as part of the deal to end the conflict in Liberia, has not yet been brought to Sierra Leone to stand trial.

IV. CONCLUSION

78. **The reporting period witnessed a continuing consolidation of progress in the field of human rights in Sierra Leone. The Truth and Reconciliation Commission submitted its final report including recommendations, some of which by statute are binding on the Government. The Special Court trials are in progress. There is an increased practice of law enforcement officers complying with the rule of law and improvements in the conditions of detention. This progress, albeit limited to civil and political rights, remains at risk due to shortcomings in the area of economic, social and cultural rights. The high level of youth unemployment, limited possibility for education, skills training, poor health facilities and reportedly high levels of corruption and continued discrimination against women constitute potent threats to the hard won peace. These issues must be addressed to ensure the long-term sustainability of progress already made. Greater efforts should be made in ensuring that the Millennium Development Goals are reached. The international community needs to rededicate itself to assisting the long-suffering people of Sierra Leone.**

79. **Subject to the generosity of Member States, my Office will continue to support the Government of Sierra Leone in the area of human rights, specifically in implementing the dissemination of the report and implementing the recommendations of the TRC.**
