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SCSL-2004-16-T

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(8970 - 9008)

**SPECIAL COURT FOR SIERRA LEONE**

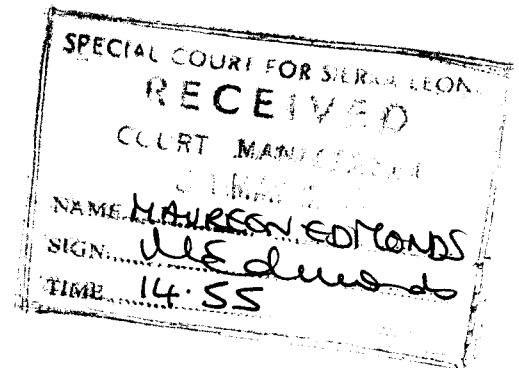
OFFICE OF THE PROSECUTOR

Freetown – Sierra Leone

Before: Justice Teresa Doherty, Presiding Judge  
Justice Julia Sebutinde  
Justice Richard Lussick

Registrar: Mr. Robin Vincent

Date filed: 31 May 2005



**THE PROSECUTOR**

- v. -

**ALEX TAMBA BRIMA  
BRIMA BAZZY KAMARA  
SANTIGIE BORBOR KANU**

Case No. SCSL – 2004 – 16 – T

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**PROSECUTION RESPONSE TO JOINT DEFENCE MOTION PERTAINING TO  
OBJECTIONS TO THE NATURE OF THE TESTIMONY IN CHIEF OF  
WITNESS TF1-150**

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Special Court for Sierra Leone  
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**Introduction**

1. The Defence apply to exclude “certain portions”<sup>1</sup> of the evidence of upcoming witness TF1-150, Michael O’Flaherty,<sup>2</sup> and to exclude “specific documents”<sup>3</sup> identified by the witness in a report prepared by him for the Prosecution in this and other proceedings, and which the Prosecution may seek to tender in evidence in the course of this witness’ oral testimony.
2. The Defence objections (as summarised by the Prosecution) encompass the following.

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<sup>1</sup> Joint Defence Motion Pertaining to Objections to the Nature of the Testimony in Chief of Witness TF1-150, 27 May 2005 (the “Joint Defence Motion”), at para. 4.

<sup>2</sup> Mr. O’Flaherty was resident in Sierra Leone from May 1998 to December 1999 during which time he was the human rights advisor to the UN Special Envoy subsequently re-titled the Special Representative of the UN Secretary General as well as the Chief of the human rights section of United Nations Observer Mission (UNOMSIL). For further information concerning Mr. O’Flaherty’s background please see his report at para. 1-4.

<sup>3</sup> Joint Defence Motion at para. 32.

- a) An objection to the admissibility of evidence given the witness' reliance on primary and secondary sources (where the primary sources objected to are the witness' own experiences or those of his fellow human rights monitors in the field observing, meeting with, and speaking to amputees, child soldiers, and victims of gross violations of human rights at the hands of the AFRC, RUF and CDF<sup>4</sup>) because of:
    - i. A lack of foundation;
    - ii. That a lay witness cannot give opinion evidence; and
    - iii. That some evidence will not be relevant because it is too general.<sup>5</sup>
  - b) An objection concerning the witness' inability to assess the relevance of his own testimony<sup>6</sup>.
  - c) An objection that the documents lack foundation, relevance and lack specificity as to the guarantee of the truth of the facts stated in them.<sup>7</sup>
3. The Prosecution submits that the proposed evidence of Mr O'Flaherty is relevant, factual evidence. It does not stray into opinion evidence. The Prosecution further submits that the documentary evidence it is proposed to tender through Mr O'Flaherty is relevant and susceptible of confirmation. Accordingly, the Prosecution submits that the Defence motion be dismissed in its entirety.

## **Argument**

### **General Propositions**

- 4. The Prosecution reiterates that this witness is not called as an expert and the Prosecution does not intend to solicit opinion evidence from this witness. Further, the Prosecution will not seek to admit the report prepared by the witness for the purposes of this and other proceedings (annexed to a witness statement dated 18 April 2005). The Prosecution will lead, in oral evidence, some of the matters to which the witness refers

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<sup>4</sup> Statement of Witness, Michael O'Flaherty, at para.10.

<sup>5</sup> Joint Defence Motion at para .9

<sup>6</sup> Joint Defence Motion at para. 16.

<sup>7</sup> Joint Defence Motion at para. 31.

in his report, and will further seek to tender in evidence some documents either drafted by the witness himself or to which the witness is able to speak. In particular, the Prosecution will seek to admit all those documents which are annexed to the witness's statement dated 18 April 2005, together with a selection of UN Security Council Resolutions (those referred to in the witness' report, and any others to which he is able to speak) and part only (the human rights sections) of a series of Reports on Sierra Leone which were presented by the UN Secretary-General to the UN Security Council, some in the period in which the witness held office in Sierra Leone, the primary drafts of which were written by the witness (see paragraph 13 of his report).

5. This witness will give evidence about the monitoring and reporting of human rights abuses in Sierra Leone from May 1998 until December 1999. The evidence is highly relevant in that it shows, the Prosecution will say, that crimes were perpetrated in Sierra Leone as part of a widespread and systematic attack on the civilian population.
6. The Prosecution makes the following broad submission: All the matters complained of by the Defence go to the issue of weight, and not to the admissibility of the evidence of Mr. O'Flaherty, or to the documents referred to by him in his report.
7. It is well settled in the practice of international tribunals that hearsay evidence is admissible. This Chamber has, by Rule 89 (C) of the Rules of Procedure and Evidence, a wide discretion to admit relevant hearsay evidence.
8. This Trial Chamber has approved and adopted the interpretation given to Rule 89(C) by the Appeal Chamber of this Court in the *Fofana Bail Decision*, where it was stated:

“Rule 89(C) ensures that the administration of justice will not be brought into disrepute by artificial or technical rules, often devised for jury trial, which prevent judges from having access to information which is relevant. Judges sitting alone can be trusted to give second hand evidence appropriate weight, in the context of the evidence as whole and according to well-understood forensic

standards. The Rule is designed to avoid sterile legal debate over admissibility so the court can concentrate on the pragmatic issue [...].”<sup>8</sup>

9. This Trial Chamber has observed:

“Rule 89 (C), under which evidence need only be relevant to be admissible, is in broader terms than the equivalent provisions of the ICTY and ICTR Rules, which require that evidence be both relevant and probative”.<sup>9</sup>

And further:

“The probative value of hearsay evidence is something to be considered by the Trial Chamber at the end of the trial when weighing and evaluating the evidence as a whole, in light of the context and nature of the evidence itself, including the credibility and reliability of the relevant witness”.<sup>10</sup>

10. In the recent *Fofana Judicial Notice Decision*, Justice Robertson, in his separate concurring opinion observed, in the context of Rule 92bis:

“... our proceedings are not constrained by the hearsay rule: recent and reliable factual statements in documents are admissible under Rule 92bis. It is illuminating, nonetheless, to note the recognition (at a time when a rule against hearsay was rigid in national courts) that prosecution of war crimes would require a much broader evidential canvas and that the introduction of relevant background information should not be constrained by artificial rules developed in context of trial by jury.”<sup>11</sup>

His Honour further said:

“Our Rule 92bis is different to the equivalent Rule in the ICTY and ICTR and deliberately so. The judges of this Court, at one of their first plenary meetings, recognised a need to amend ICTR Rule 92bis in order to

<sup>8</sup> *Prosecutor v. Norman* and others, Case No. SCSL-04-14-AR65, “Fofana – Appeal against Decision Refusing Bail”, 11 March 2005, para. 24; cited with approval in *Prosecutor v. Brima* and others, Case No. SCSL-04-16-T, “Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005”, para. 14.

<sup>9</sup> *Prosecutor v. Brima* and others, Case No. SCSL-04-16-T, Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95, 24 May 2005, para. 13.

<sup>10</sup> *Ibid*, para. 15; further citing *Prosecutor v. Norman* and others, Case No. SCSL-04-14-AR65, “Fofana – Appeal against Decision Refusing Bail, 11 March 2005”, para. 24. See further John R.W.D. Jones & Steven Powles, *International Criminal Practice* (Third Edition), Oxford University Press 2003, para. 8.5.654.

<sup>11</sup> *Prosecutor v. Norman* and others, Case No. SCSL-2004-14-AR73, “Fofana – Decision on Appeal Against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence””, 16 May 2005, para. 6.

simplify this provision for a court operating in what was hoped would be a short time-span in the country where the crimes had been committed and where a Truth and Reconciliation Commission and other authoritative bodies were generating testimony and other information about the recently concluded hostilities. The effect of our Rule is to permit the reception of “information” – assertions of fact (but not opinion) made in documents or electronic communications – if such facts are relevant and their reliability is “susceptible of confirmation”. **This phraseology was chosen to make clear that proof of reliability is not a condition of admission: all that is required is that the information should be *capable of corroboration in due course*.** It is for the trial chamber to decide whether the information comes in a form, or is of a kind, that is “susceptible to confirmation”: propaganda claims or political attacks in partisan newspapers might be excluded, for example, but information set out in UN or NGO or Truth Commission reports, or in books by serious historians, should be admitted. So might certain newspaper reports, if they carry a reporter’s by-line and purport to be based on eye-witness reports or interviews or have other indicia of reliability. It follows, of course, from the fact that their reliability is “susceptible of confirmation” that it is also susceptible of being disproved, or so seriously called into question that the court will place not reliance upon it.”<sup>12</sup> (emphasis added)

#### Foundation and Reliability

11. The Defence relies upon the *Kordic* Decision and others in seeking to exclude certain portions of the evidence of this witness.
12. However, the Defence does not explain that the Trial Chamber in the *Kordic* proceedings had expressed concerns to the parties that the proceedings should be expedited without compromising the right of the accused to a fair trial.<sup>13</sup> The Decision itself concerned, *inter alia*, a report prepared by an investigator employed by the OTP/ICTY which purported to summarise the evidence contained in a series of statements of witnesses whom it was not proposed to call in that trial in an experimental effort at expediting the proceedings.<sup>14</sup> The investigator was not reporting “... as a contemporary witness of fact, [in that] he has **only recently** collated

<sup>12</sup> Ibid. para. 13.

<sup>13</sup> *Prosecutor v. Kordic and Cerkez*, Case No. IT-95-14/2, “Decision on the Prosecution Application to Admit the Tulica Report and Dossier into Evidence”, 29 July 1999, para.10.

<sup>14</sup> Ibid.

statements and other materials **for the purpose of this Application**”<sup>15</sup>

(emphasis added). That witness could, in reality, only give evidence that the material was or was not in the dossier. His evidence was therefore of little or no probative value and was not admitted for that reason only.<sup>16</sup>

13. That is entirely different from the situation in this case. Michael O’Flaherty worked in Sierra Leone running the human rights section for UNOMSIL, and later UNAMSIL. He himself monitored alleged human rights abuses in the period in which he worked in Sierra Leone. He compiled all of the specific reports to be discussed contemporaneous with the actual human rights violations and violations of international law. The reports he compiled were part and parcel of his professional duties while in Sierra Leone and were not prepared “only recently” nor were they prepared “for the purpose of this Application”. The reports to be discussed are the results of his own monitoring, and based on the reports he received from his team and other organizations whose reporters and methodology the witness had familiarity with and confidence in. He sets out his methodology at paragraphs 10 and 11 of his report, and that methodology is attached hereto at Annex A. He identifies his sources at paragraph 13 (also annexed at Annex A).
14. The *Kordic* Decision may also be distinguished in that the proposed evidence of Mr O’Flaherty is not limited as evidence probative of only one crime base. The evidence is tendered for a different purpose. It goes to the widespread and systematic nature of the crimes perpetrated during the conflict. It is corroborative of other direct evidence by witnesses as to the commission of crimes in each district in respect of which crimes are charged.
15. The Defence argues that it is unclear what foundation Mr O’Flaherty determined the reliability of certain sources. That is a matter upon which the Defence may, if it chooses, cross examine this witness. Such concerns

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<sup>15</sup> Ibid, para. 20.

<sup>16</sup> Ibid.

cannot affect the admissibility of the proposed evidence, because the proposed evidence is clearly relevant. Any issue as to reliability must be considered as a matter of weight, once all evidence in the Prosecution case has been given.

#### Relevance and Opinion

16. The Defence argues that Mr O’Flaherty cannot determine the relevance of his own evidence as only an expert witness can select information relevant to an indictment. The Prosecution submits that it is perfectly permissible and logical that a witness of fact may give a witness statement concerning material detailing allegations of behaviour by the AFRC and RUF, but not by other groups or persons. In doing so, that person is not usurping the function of the Court in determining what evidence is relevant, nor is that person purporting to be an expert on material relevant to an indictment. That witness is simply providing information connected with some players in a given scenario and omitting information connected with others.
17. Similarly, the fact that some of that information is obtained from secondary sources, specifically the humanitarian community and the national human rights community, does not mean that the evidence of that witness is given “on behalf of” those sources. Nor does that fact transmogrify the data collected by those sources into opinion.

#### Documentary Evidence

18. The Prosecution submits that the analogy drawn in the Joint Defence Motion from the *Fofana Judicial Notice Decision* between the content of documents that are not the proper subject of judicial notice and documents that it is proposed to tender through Mr O’Flaherty is mistaken. As outlined in paragraph 10 above, Justice Robertson clearly stated that reliability is not a condition of admissibility of information pursuant to Rule 92bis. His Honour went on to state:



“Rule 92*bis* permits facts that are not beyond dispute to be presented to the court in a written or visual form that will require evaluation in due course. A party who fails in an application to have a fact judicially noticed under 94A will nonetheless be able to introduce into evidence under Rule 92*bis* many of the sources upon which it has relied at the end of the trial the court may well conclude that the fact has been proved beyond reasonable doubt. The weight and reliability of such “information” admitted via Rule 92*bis* will have to be assessed in light of all the evidence in the case. This is a familiar judicial exercise and experienced Trial Chamber judges know how they should conduct it, alter as always to the dangers of malice and media “demonisation” of defendants and the risks of fabrication or exaggeration in reports from unidentified sources.”<sup>17</sup>

19. The Prosecution submits that to admit the documents through Mr O’Flaherty, the Prosecution need not, as a precondition, establish independently the truth of the information in those documents. Further, the reports are not from unidentified sources. Mr O’Flaherty identifies all sources from where such information was obtained by him. By seeking the tender of these materials through this witness, the Prosecution is providing the Defence with an opportunity for testing the knowledge of the witness as to the reliability of those sources.

### **Conclusion**

20. The Prosecution adopts the language used by this Chamber on a recent application by the Defence to exclude evidence from witness TF1-277: The proposed evidence of Mr O’Flaherty is “so clearly relevant that the judicial process would be brought into disrepute by excluding it”.<sup>18</sup>

Specifically the Prosecution submits:

- a) The proposed viva voce evidence of Mr O’Flaherty is relevant. It attests to facts from which from which it may be inferred that at the relevant time crimes were perpetrated in Sierra Leone as part of a widespread and

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<sup>17</sup> *Prosecutor v. Norman and others*, Case No. SCSL-2004-14-AR73, “Fofana – Decision on Appeal Against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence””, 16 May 2005, para. 14.

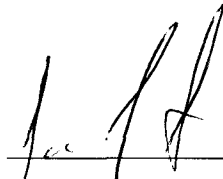
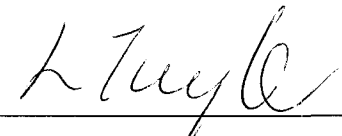
<sup>18</sup> *Prosecutor v. Brima and others*, Case No. SCSL-04-16-T, “Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95”, 24 May 2005, para. 24.

systematic attack on the civilian population. It is therefore admissible pursuant to Rule 89(C);

- b) The documents it is proposed to tender through Mr O'Flaherty are similarly relevant and also susceptible of confirmation. The information in these documents is therefore admissible pursuant to Rule 92*bis*;
- c) The proposed evidence, both viva voce and documentary, is evidence of fact and not evidence of opinion; and
- d) The hearsay nature of portions of the proposed evidence is not a bar to its admissibility. Consideration of the hearsay question can only be relevant to the question of the weight of the evidence.

Dated this 31<sup>st</sup> day of May 2005.

In Freetown.

  
\_\_\_\_\_  
Luc Côte  
Chief of Prosecutions  
\_\_\_\_\_  
Lesley Taylor  
Senior Trial Counsel

## PROSECUTION INDEX OF AUTHORITIES

*Prosecutor v. Brima* and others, Case No. SCSL-04-16-T, “Decision on Joint Defence Motion to Exclude all Evidence from Witness TF1-277 pursuant to Rule 89(C) and/or Rule 95”, 24 May 2005.

*Prosecutor v Norman* and others, Case No. SCSL-2004-14-AR73, “Fofana – Decision on Appeal Against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence””, 16 May 2005.

*Prosecutor v. Norman* and others, Case No. SCSL-04-14-AR65, “Fofana – Appeal against Decision Refusing Bail”, 11 March 2005.

*Prosecutor v. Kordic and Cerkez*, Case No. IT-95-14/2, “Decision on the Prosecution Application to Admit the Tulica Report and Dossier into Evidence”, 29 July 1999.  
<http://www.un.org/icty/kordic/trialc/decision-e/90729EV58864.htm>

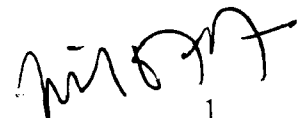
ANNEX A

**HUMAN RIGHTS IN SIERRA LEONE 1998-2000, CERTAIN ASPECTS  
RELEVANT TO THE RUF –AFRC INDICTMENTS AT THE SIERRA  
LEONE SPECIAL COURT**

**Michael O’Flaherty**

**INTRODUCTORY NOTE ABOUT THE AUTHOR**

1. I am an Irish national and was appointed as the first human rights advisor to the senior UN political official in Sierra Leone, the UN Special Envoy, in May 1998. In July of the same year I established the human rights section of the new United Nations Observer Mission (UNOMSIL) and became its Chief while continuing to hold the position of human rights advisor to the Special Envoy – by now re-titled as the Special Representative of the UN Secretary-General. I left Sierra Leone in January 2000 on appointment to a post at the Office of the UN High Commissioner for Human Rights in Geneva (OHCHR). During the following year I continued to have a management responsibility for OHCHR activities in support of the establishment of the Sierra Leone Truth and Reconciliation Commission.
2. I hold degrees from the National University of Ireland, the University of Amsterdam and the Gregorian University, Rome, in law, philosophy, international relations and theology and am a Solicitor of the Irish Courts. I established the UN human rights field presence in Bosnia and Herzegovina in 1993 and set up its first field office in that country in Sarajevo during the period when that city was under siege. I returned to Bosnia in 1996 as the first UN advisor for implementation of the Paris/Dayton Peace Agreement. Other positions held prior to my arrival in Sierra Leone included the post of secretary of the UN Committee on the Elimination of Racial Discrimination and establishment and facilitation of the Victim Rights Working Group of the NGO Coalition for the International Criminal Court.
3. After my departure from Sierra Leone I became the Coordinator for Asia and the Pacific at the Office of the UN High Commissioner for Human Rights (OHCHR). In this capacity I participated in design of the UN human rights monitoring, reporting and capacity building programmes for East Timor, Afghanistan and other conflict-affected countries. I also served as chair of the UN Reference Group on Human Rights and Humanitarian Action. I am currently at the University of Nottingham in the UK where I hold the position of Reader in Human Rights and Co-director of the University of Nottingham Centre for Human Rights Law. In 2004 I was elected to a four year-term of membership of the United Nations Human Rights Committee (the quasi-judicial body which supervises implementation by States Parties of the International Covenant on Civil and Political Rights). I am also member of the advisory boards of a number of human rights organisations and teach and train on the subject internationally.



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4. My publications include, *Post-conflict Promotion and Protection of Human Rights*, in N. White and D. Klassen Eds., *THE UNITED NATIONS AND HUMAN RIGHTS: PROTECTION AND POST-CONFLICT SITUATIONS*, Manchester University Press, 2005; *Human Rights Field Operations: Challenges for the UN*, Disarmament Forum, Summer 2004; *Sierra Leone's Peace Process: The Role of the Human Rights Community*, Human Rights Quarterly 26 (2004); *Future Protection of Human Rights in Post-conflict Societies: the Role of the United Nations*, Human Rights Law Review, May 2003; *THE UN AND HUMAN RIGHTS, PRACTICE BEFORE THE TREATY BODIES*, (Second edition, Kluwer, 2002); *POST-WAR PROTECTION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA*, (Ed. with G. Gisvold, Kluwer, 1998); *Treaty Bodies Responding to States of Emergency*, Alston and Crawford Ed., *THE FUTURE OF HUMAN RIGHTS TREATY MONITORING*, (Cambridge University Press, 2000); *The International Convention on the Elimination of All Forms of Racial Discrimination, The Substantive Provisions*, in S. Pritchard, Ed., *INDIGENOUS PEOPLES AND THE UNITED NATIONS*, (Sydney, 1998); *The Individual Complaints Procedures under the Convention Against Torture and the International Convention on the Elimination of all Forms of Racial Discrimination*, in idem; *The Reporting Procedure of the International Convention on the Elimination of all Forms of Racial Discrimination*, in idem; *The Committee on the Elimination of Racial Discrimination as and Implementation Agency*, in M. Mc Ewen, Ed., *ANTI-DISCRIMINATION LAW ENFORCEMENT: A COMPARATIVE PERSPECTIVE*, (Aldershot, 1997).

#### NOTE ON THE UN HUMAN RIGHTS PROGRAMME IN SIERRA LEONE

5. The programme commenced with my deployment in May 1998. The mandate for the human rights programme was subsequently set out in Security Council resolution 1181 (1998) of 13 July 1998 which stated that:

*(UNOMSIL is mandated to) report on violations of international law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs*

This mandate was carried over with the establishment in 1999 of the United Nations Assistance Mission, UNAMSIL.

6. To implement the mandate the UNOMSIL/UNAMSIL human rights team concentrated on three areas: monitoring the human rights situation, reporting thereon - both internally and publicly with associated advocacy initiatives, and providing technical cooperation to civil society and the government. It was also involved in the Lome peace negotiations and the efforts for implementation of the agreement.
7. The UN human rights team initially comprised just me. With the establishment of UNOMSIL in July 1998 the new human rights section was assigned four further human rights officers. For most of the period until the end of 1998 they were augmented by trial observers provided by the International Bar Association. In January 1999, following the rebel incursion

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to Freetown, UNOMSIL was temporarily evacuated to Conakry, Guinea. The entire UN mission was downsized and the human rights team was reduced to me and one colleague. During the period in Conakry, we facilitated the establishment and activities of the Sierra Leone Human Rights Committee (see below), undertook short investigation trips to Sierra Leone, developed relations with the refugee community and continued to provide detailed situation reports. UNOMSIL relocated to Freetown on 30 March 1999 and, by July 1999, its Human Rights Section had been restored to its former full complement. Following the Lome Peace Agreement, the Security Council, by resolution 1260 (1999), increased to 14 the number of international human rights officers. By 2001 that figure was fully attained.

8. The UNOMSIL/UNAMSIL human rights programme, directly inserted in the peacekeeping mission, was an operation of the UN's Department of Peacekeeping Operations. However it was substantively supported by OHCHR. OHCHR was also directly engaged in Sierra Leone. During 1998 its activities were mainly of a technical cooperation nature, through the funding of the program of the World Conference for Religion and Peace and facilitation of the activities of the International Bar Association, described below. During that year, and subsequently, it also facilitated a number of advocacy interventions of the High Commissioner for Human Rights, Rapporteurs of the Commission on Human Rights and the Human Rights Committee. OHCHR engagement intensified following the visit to Freetown of the High Commissioner in June 1999, the signing of the Human Rights Manifesto and the adoption of the Lome Agreement.
9. The capacity of the UN to undertake human rights protection and capacity building activities was enhanced by the protection programs of the United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR), as well as by the activities of a UN humanitarian coordination unit and of a delegation of the International Committee of the Red Cross (ICRC). The UN Special Representative on Children and Armed Conflict (SRSGCAC) also intervened in Sierra Leone on a number of occasions.

**NOTE ON THE INFORMATION GATHERING METHODOLOGY EMPLOYED BY THE  
UNOMSIL/UNAMSIL HUMAN RIGHTS TEAM**

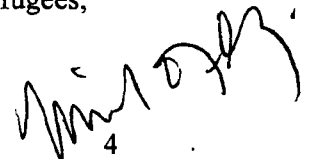
10. The making of findings of fact lay at the heart of the monitoring process. Such findings were based on primary and secondary information sources. "Primary information" refers to the actual witnessing or experiencing of a human rights abuse on the part of the human rights monitor or the gaining of access to physical evidence of the matter under investigation. "Secondary information" refers to data gathered by monitors. This secondary information was subjected to a process of verification. Thus, corroborative sources were sought. Close attention was also paid to the reliability of the information source. Reliability was assessed on the basis of a history of relationship with the information source and general evidence of the probity of that source.

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11. UNOMSIL/UNAMSIL human rights monitoring reports always sought to indicate the quality of the reported information whereby the reader would be aware of the weight which the drafting team was willing to invest in the material. On occasions data was omitted from reports on the basis that the report drafters lacked confidence in its quality.

The following are among the principal sources made use of:

- Direct investigative missions conducted by the team. These were undertaken to the extent possible throughout the period under review. They were conducted both in Sierra Leone and at refugee gathering points in Guinea. Until the Lome Agreement it was only possible to conduct such visits in Government controlled areas. Subsequently access was gained to a number of locations under rebel control. Investigation missions typically involved meetings with local government officials, military, police, traditional leaders, social workers, religious workers, local professionals, staff of UN agencies and the ICRC, staff of humanitarian non-governmental organisations and victims and witnesses to alleged human rights violations.
- Participation of UN human rights officers in other types of missions to localities in Sierra Leone would often also generate useful human rights monitoring information. Such missions included those of the Special Representative of the Secretary-General, of visiting VIP groups such as committees of the Security Council, the UN Secretary-General and other high-level UN officials and missions undertaken by foreign donors and other governments.
- Data gathered by other parts of the UN mission. Much information of interest to the human rights team was gathered by UN military observers and UN civilian police as well as by UN political affairs officers. This information was made available to the human rights team by means of an internal UNOMSIL/UNAMSIL information sharing system. Also, I had unhindered access to all of the reports from these sources which were prepared for submission to UN headquarters and I participated in the daily UN senior management briefing meetings. The human rights team was able to enhance the quality of the monitoring undertaken by the UN military observers and the UN civilian police by means of a training programme on human rights monitoring and reporting skills.
- The humanitarian community. The humanitarian community was a critically important source of human rights related data. Sierra Leone has a large community of humanitarian organisations comprising UN agencies, national governmental agencies, religious bodies, local non-governmental organisations and international non-governmental organisations. They operate national programmes dealing with such issues as provision of food and promotion of agriculture, maintaining the health sector, providing shelter, addressing water and sanitation needs and promoting development. Specific population groups which receive focused attention are refugees, internally displaced persons and children.



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- The UN worked closely with the national human rights community in terms both of human rights data gathering and for the enhancement of monitoring and reporting skills. The NGOs varied greatly in size and skill and they had limited operating capacity outside the western province (and next to none in rebel controlled areas). A loose coalition of the NGOs, the National Forum for Human Rights, was established in 1996. By 1998 it had 18 member organizations. It operated effectively as a clearinghouse for information and as an umbrella body. In 2000 it established a permanent secretariat. A number of NGOs and church related groups which would not describe themselves as human rights organizations also played an important role in the sector. Occasionally, also, the Sierra Leone Bar association took positions on issues of human rights. Throughout the period there existed a government-established human rights body, the National Commission for Democracy and Human Rights (NCDHR). The NCDHR engaged in human rights awareness raising and, in 1998, it established a number of human rights monitoring committees.

- The UN also maintained close contact with international human rights NGOs. These included *Amnesty International*, which has a long record of reporting on and advocating regarding the situation in Sierra Leone and *Human Rights Watch* which, in 1999, located a staff member on a permanent basis in Sierra Leone. The support provided to UNOMSIL by the *International Bar Association* has already been mentioned. In late 1999, the *International Human Rights Law Group* began a program of support for the Truth and Reconciliation Commission. It subsequently established its own activities in Sierra Leone.

- The various information exchange partnerships were facilitated by, inter-alia, the establishment by the UN, in January 1999, of a National Human Rights Committee, which brought together the various sectors in a horizontal structure focused on information exchange. The Committee also developed into a context in which to develop common advocacy positions (such as on the issue of combating impunity) and it was a channel for the national human rights community to engage with all aspects of the UN program in Sierra Leone. The Committee took on specific monitoring and reporting functions after Lome.

- Finally, it may be noted that the UN was in occasional receipt of information from governmental sources and from diplomatic missions, as well as from individuals.

#### NOTE ON THE NATURE OF THE PRESENT REPORT

12. This report seeks to record findings of the armed-conflict related monitoring activities of me and the UN human rights team during the period under review. This report does not purport to be comprehensive – instead it concentrates on situations which have relevance with regard to the current RUF-AFRC related Special Court indictments.

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## 13. The sources of the report comprise:

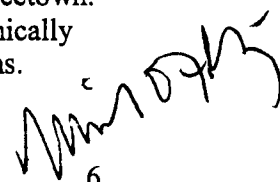
- The human rights sections of the twelve reports on Sierra Leone which were presented by the UN Secretary-General to the UN Security Council during the period under review – the primary drafts of which were written by me.
- The internal weekly and monthly reports which the UN human rights team submitted to the Special Representative of the Secretary-General during the period under review – a majority of which were written by me - most of which were subsequently transmitted to UN headquarters and many of which were distributed to Freetown-based heads of UN agencies, diplomatic missions and the government.
- Internal reports of specific investigation and other missions conducted or participated in by UN human rights officers – some of which were written by me.
- My personal notes of meetings, as recorded contemporaneously in my note books – all of which I still possess.
- My other personal notes compiled throughout the period under review – as recorded in the note books referred to above.

## 14. This report adopts a chronological approach and is divided into sections as follows:

- May 1998 to January 1999: my arrival in Sierra Leone to the date of the rebel incursion to Freetown
- January 1999 to July 1999: repulsion of the rebels from Freetown to the Lome Agreement
- July 1999 to January 2000: Adoption of the Lome Agreement to the date of my departure from Sierra Leone.

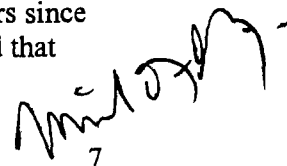
**REBEL ACTIONS FROM MAY 1998 TO JANUARY 1999**

15. From the moment of my arrival in Sierra Leone in May 1998 I received multiple reports of attacks by rebel elements on civilians and was also able to trace patterns of attacks during the preceding months. A reliable humanitarian NGO source reported that reports of the perpetration of mutilations on civilians emerged principally from the Koidu area during early April and that attackers seemed to move northwards towards Kabala later that month. By 7 May reports emerged from Karina which is further to the Southwest, through incidents continued to be reported from previous locations. By late May there were reports of attacks between Gbinti, Mateboi and Pendembo and, on 27 May a person was mutilated at Rogberi Junction, just 25 miles from Freetown. Reliable informants suggested that during May probably four geographically distinct rebel groups were perpetrating the attacks in the various regions.

  
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16. Regarding this period, medical sources reported the following incomplete data: from 6 April to 21 May, 225 war-wounded people were admitted to Connaught Hospital in Freetown, of whom 25% were amputees and 51% had deep lacerations. Just one of the patients admitted to be a combatant – a Kamajor. In the same period admission figures in some other hospitals were: Magburaka, 198; Makeni, 200. I do not have the admission rates from other medical facilities. In any case, it was generally accepted by medical and other personnel that most victims never managed to find medical care. Based on interviews with those victims who did reach hospital it was considered that a multiple of four or five could be applied in order to determine the actual number of targeted people, i.e. for every one who reached care some four or five died.
17. Most of the wounded were men, ranging in age from 8 to 60, though the youngest amputee was a six-year-old girl. A typical methodology reported by victims was that they were taken to the village pounding block, asked which is their working arm, had the designated arm either amputated or mutilated and were then told to “go tell ECOMOG”. One victim from Karina told of how a baby was torn from its mother, put on a mattress, doused in petrol and set on fire. An elderly female victim from Gbinti survived a failed attempt at decapitation, though she suffered lacerations through to the spine.
18. Victims commonly described attackers as wearing some kind of uniform, often green in colour. Some attackers wore ECOMOG uniforms or looked like Kamajors – however the victims of the above attacks perceived the attackers as rebels – hostile to the Government and ECOMOG.
19. On 3 June I interviewed newly arriving patients at Connaught Hospital. I spoke with a 20 year old man admitted the day before. The man’s lips, ears and right hand had been amputated. The attack occurred at his village, Tomboidu, six weeks previously. The man said he was picked out because he worked as a palm oil tapper for ECOMOG. The attackers told him to go tell ECOMOG. The man stated that in the same attack three people were killed. Another man, aged 45, a farmer, was attacked at his home near Rogberi Junction. It happened at 8 in the evening, after prayers, while he was at the toilet. He was accused of being a Kamajor and denied it. The attackers tied him up and “started chopping me on the head with a cutlass”. He stated that that 3 other people were attacked, one of whom was similarly mutilated about the head. The man was later found by Kamajors and taken to Freetown. A teenage boy described an attack close to Koidu, in early May by “junta”. He had gone there with his family because they thought that ECOMOG had arrived. They were wrong and instead encountered rebels. The boy reported that he was the only survivor in a group of 50. He had a deep laceration to the foot which doctors said was a clear case of a failed amputation. The boy was taken to hospital in Makeni by ECOMOG.
20. In late May I had the opportunity to visit Kenema as well as the towns of Daru and Segbwema which had not received a visit of international observers since 1997. In Kenema reliable sources in the religious community reported that

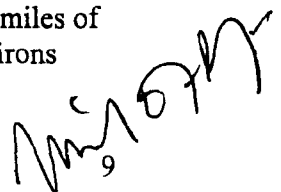
  
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rebel forces destroyed or stole most of the food and seed stores during the previous January/February, causing humanitarian crisis. In Segbwema reports of widespread destruction of the housing stock were born out by visible evidence of destruction – for instance the majority of the housing “booths” at one IDP camp, Manina, had been destroyed by fire and another camp, Majihun, had been rendered unusable. The doctor at the local hospital, Nixon Memorial Hospital, described how rebels attacked the hospital on 13 February at 3.30am. There were 300 patients admitted at the time. Staff and most patients were driven away. The rebels were dislodged by Kamajors on 16 February and just 61 patients were still there. The doctor observed that some of the young male patients in the surgical ward had been beaten. He also stated that the attackers had comprehensively looted the hospital and destroyed its equipment (much destroyed equipment was observed by the author).

21. On 17 June the UN issued a statement on behalf of Carol Bellamy, Executive Director of UNICEF, Sadako Ogata, High Commissioner for Refugees, Mary Robinson, High Commissioner for Human Rights and Sergio Viera de Mello, the UN Emergency Relief Coordinator. The statement described rebel practices as “outrageous violations of the human rights of the victims and families”. The statement was reported across Sierra Leone by the BBC and was otherwise disseminated and commented on in the country. Subsequent weeks saw a marked, albeit short-lived, drop in reports of mutilations and amputations. The statement is attached to this report.
22. During late June/July, notwithstanding the quantitative drop in the number of reports of mutilations of civilians, rebel attacks on civilians were reported from as close to Freetown as Wellington, where a young girl’s hand was severed. A number of civilians were severely wounded in attacks close to Mile 91. There was a drop in reports from Kabala and a well-placed observer whom I found to be consistently accurate stated the view that the rebel forces there had been recalled to some sort of gathering in Kailahun. A rebel attack on Koidu in the second week of June was reported and a reliable source stated that the motivation was the recent arrival there of humanitarian assistance. The same informant said that the rebel group was very well orchestrated and that it employed motorised weaponry. He also informed that at least one ECOMOG soldier captured in that attack had had his eyes gouged out. However it is reported that other victims were executed by gunshot - women and children were shot on their doorsteps but no amputations or mutilations were perpetrated. In another incident at Bendugu, east of Kabala, on 16 June, civilians were forced to participate in an attack on an ECOMOG unit and it was reported that the group of rebels were holding some 300 men as captives to serve as porters. Amputee patients (who lost lips and ears) admitted to hospital reported attacks in the Mateboi, Makeni and Koidu areas. I received a report that near Yifin, on 29 June, a named adult male died after being forced to ingest a fishhook lodged in a banana and attached to a fishing line which was then slowly withdrawn. The victim’s family was reportedly told to say to ECOMOG that the rebels were “fishing for Kabbah”.
23. In June I also interviewed a reliable source with excellent ongoing information sources in rebel-controlled areas regarding attacks since late April in one area

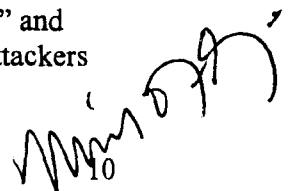
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- of the north between Kabala and Makeni. A minimum of 350 civilian deaths and 422 house destructions were recorded by a reputable group. It was also reported that many injured and mutilated civilians were still hiding or moving through the bush. For instance, following an attack on Kondembaia on 21 May, in which a number of villagers were killed and others mutilated, people fled to the bush in the direction of Kabala.
24. In June I began to receive reports of the extent to which the fighting was resulting in the displacement of civilians. For instance, there was an influx of 10,000 people to Makeni and 9,000 to Masingbi during June. It was also clear that the rebels were clearing areas, apparently for the purpose of establishing camps. During June areas were cleared near Magburaka and Worombaia and the village of Lero was destroyed.
25. On 19 July, I prepared an analytical human rights report concerning the human rights situation. That report was distributed at a "Special Conference on Sierra Leone" held in New York on 30 July 1998 and is in the public domain. I noted that the rebels were responsible for systematic and widespread perpetration of multiple forms of human right abuse against the civilian population. In preceding weeks they had repeatedly shelled population centres such as Koidu and Daru; they used captive civilians as "human shields"; there had been numerous instances of arbitrary execution, including of women and children - executions had been carried out by gunshot and various other means - there were, for instance, reliable reports of killings in recent months by disembowelment (of a young girl), burning (for instance, of babies tied down on lighted mattresses) and beheading - it had been reported that, on a number of occasions, the bodies of victims had been subsequently dismembered and otherwise violated.
26. I observed that mortality rates as a result of military attack, targeted executions or death resulting from mutilations were not known. There were, however, certain indicators which assist in formulating approximations. For instance:
- (a) Civilians who survived attacks and sought medical care indicated that for every person who survived and reached safety, at least four others were either killed or unaccounted for - over 600 people were reported to have sought medical care since March 1998 either in Sierra Leone or neighbouring countries.
  - (b) A survey of just nine Chiefdoms in the Northern Province (Sierra Leone has 150 Chiefdoms) indicated 700 civilian war-related deaths since February (including 200 in one village, Yifin, in late April).
  - (c) A local source stated that 663 bodies were buried in the Koidu area following the fighting in the area in mid-June. A significant proportion of the bodies were of women and children.
27. I noted that the number of people subjected to mutilation could be estimated from the figures given at (a) above. These had occurred across an arc spanning from Koidu in the East, beyond Kabala in the North and to within 20 miles of Freetown in the West (with one isolated incident in the Freetown environs



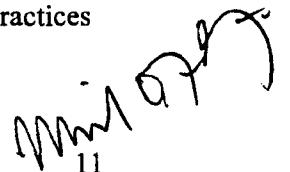
during June). The mutilations took the form of amputations of body parts, such as arms, ears, lips and legs, as well as the infliction of deep lacerations. They had generally been carried out in a systematic manner, often at the village chopping block and usually in the forced presence of family members of the victims. Some victims had been forced to express thanks to the perpetrators after the incidents. It was reported that female victims were frequently subjected to multiple rape. During July the rate of mutilations had dropped considerably, though incidents continued to occur and victims of old attacks still trickled into medical centres.

28. I reported that the rebels held large numbers of civilian captives. These were used as porters, "human shields" and for forced sexual activity. They included men, women and children. It was difficult to estimate figures, though some suggested that there were some 10,000 captives (most of whom were probably located in the Kailahun region). Though an unknown number of captives were released in the North East during June, reports continued to be received of abductions in various locations in the Northern District. It appeared that a proportion of RUF/AFRC fighters were originally abducted, usually as children. For instance, in one Chiefdom in the Northeast, it was reported that all the rebel child combatants had been abducted (eight of them as recently as June).
29. My report observed that the rebel forces tended to destroy the property in villages which they attack. Though no definite figures were available, indications were of massive damage to the housing stock. For instance, the survey of nine Chiefdoms, referred to above, reported the destruction of 1619 homes. Six hundred houses were counted in a survey of three other Chiefdoms. Sixty houses in one village near Masingbi were destroyed on 12 July. The rebel campaign of terror and military activities had resulted in the displacement of at least 350,000 people since February. Some 250,000 of these were now in Guinea and Liberia. The remainder were internally displaced in Sierra Leone. The continuation of the fighting not only prevented return but also caused grave humanitarian problems for a significant element of the displaced population. This was the case, for instance, in Masingbi, which I visited in early July, where lack of food, medicine and shelter materials, led to emergency level rates of mortality, malnutrition and illness (mainly measles). Refugees located just over the Guinea and Liberia borders were similarly affected by war-related blockage of access. There were also allegations from the refugee camps in Guinea of actions by the authorities in contravention of the Refugee Convention, as well as the presence of armed rebels.
30. The period from late July through September saw an increase in the reports of rebel attacks on civilians, mostly in the north and east, most frequently near locations such as Kambia, Kabala, north of Pendembo and near Kenema. From September reports increased from the Port Loko area.
31. During August, reliable sources reported that a bus was attacked near Kabala and three boys were branded on the forehead with the initials "AFRC" and then taken away. A few days later, at Kamakwie, north of Makeni, attackers



cut off the ear of one man and carved "AFRC" across the back of another. On 15 August rebels in Koidu released some 250 civilian captives, reportedly as a gesture of goodwill by SAJ Musa. Musa reportedly said that rejection of this goodwill gesture would result in merciless killing. On 17 August RUF commander Eldred Collins stated on BBC that if Foday Sankoh were not released within one week the rebels would launch "Operation Spare No Soul" and that this campaign would be primarily targeted at foreigners.

32. Illustrative of the intensification of reports, particularly from September, in just one week 20 villages were attacked and destroyed in just four small chiefdoms in the northwest. Those attacks were preceded by the destruction of the town of Kamalu on 6 September. Forty people died in that attack, including children. Photographic evidence seen by the author suggests that a number of the dead had first been subjected to forms of extreme torture and sexual abuse; others appear to have been burned alive. It is reported that at least 50 people were abducted. It was reported that in a rebel attack on Fadugu, on 11 September, eight civilians were burned alive including the Paramount Chief of Kasongo Chiefdom. In a rebel attack on Koinadugu, in late September, some 48 civilians were forced into a building which was then destroyed by explosives.
33. September's rising incidence of mutilations and amputations is illustrated by the admission to hospital of 14 amputees following just one attack on Kokuna on 27 September. Kenema hospital admitted one double amputee who was interviewed by UNAMSIL. The victim reported that he was forced to go to ECOMOG with his severed hands tied around his neck. Another victim of the same attack, who was blind, suffered a failed decapitation attempt. In general UNOMSIL interviews with victims tended to confirm persistent reports during the period that attacks typically involved mutilation, rape, torture, summary executions, house burnings, looting, abduction and the displacement of entire local populations.
34. September and October saw UNOMSIL received its first strong evidence of rebel practices in areas under their long-term control. Interviews with former captives and escapees provided information regarding the multiple rapes of women, summary executions and slave labour. For example, on 9 October UNOMSIL interviewed two rebel captives of ECOMOG. They described how they had been abducted, one of them at the age of 10 in 1991, and then initiated. They confirmed that the rebels were holding a large but unspecified number of captives and that these were used as farm workers, porters and for sexual purposes. During 1998 child protection agencies in Sierra Leone estimated that there were some 10,000 abductees held by the rebels, of whom 3,000 were used as combatants by the RUF and 500 or 600 by the AFRC. They reported that the RUF operated a system of abducting one child for every adult abducted. They were also of the view that female abductees were subject to persistent sexual abuse and were concerned that a practice reported in the 1990s – of combatants (both RUF and Kamajor) roaming at night masquerading as "spirits" and raping at will – was again underway. UNAMSIL learned a considerable amount about the rebel abduction practices

  
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in 1999 when it gained substantial access to rebel camps, as reported at the relevant section below.

35. Reports of rebel attacks on civilians at points along the Kailahun to Port Loko crescent, and elsewhere, continued unabated in October and November. It was commonly suggested by observers and witnesses that many attacks were motivated by the need to obtain provisions in advance of the dry season and also that revenge was being exacted for the execution of junta military leaders on 19 October and the sentencing to death of Sankoh on 23 October. Many of the attacks were characterised by the abduction of civilians and the use of abducted persons as "human shields". In a typical incident in the last week of November a raid by rebels on Yifin resulted in the abduction of 50 people. There were also attacks on the humanitarian community in this period. A Catholic priest, Fr. Mario Guerre was abducted on 15 November north of Makeni, apparently on orders of SAJ Musa, and, on 13 October, an ICRC lorry was attacked near Kenema with the death of four people.
36. By December there was an intensification of reports of attacks on civilians in the northwest around the Port Loko and Lunsar areas, as well as in the North and east. For instance, the villages of Mamusa, Konta, Lol, Mange, Melikura, Mabafa, Magberi, Mamara and Matinki, all in the northwest, were affected, as well as villages near Kabala in the north. The attacks resulted in by now typical reports of violence to civilians and abductions. In the town of Mamusa, for instance, in the first week of December, it is reported that 8 were killed and seventeen houses burned. The attackers reportedly drowned children in the latrine pits. An attack on Lunsar resulted in destruction of 42 houses, at least 30 dead and 80 abducted. Heavy fighting was reported in the Occra Hills by mid-December and Masiaka was attacked on 14-15 December. There were numerous civilian casualties, houses were burned and an unknown number of people abducted.
37. The heightened rebel activity, the encroachment on previously stable western areas and deliberate blocking of roads soon impacted on freedom of movement and on delivery of humanitarian assistance. A 6 December rebel attack on Magberi, near Lunsar, forced the closure of the Freetown-Makeni road, with severe consequences for movement of humanitarian goods. Other roads closed deliberately by rebels, with similar consequences, included the Makeni-Kabala road at Binkolo, the Magburaka-Bumbuna road at Mobante, the Masingbi-Gierma-Joru road and the Masiaka-Bo road blocked at Masiaka. Medical teams in Port Loko withdrew in early December (as did a Makeni team) and the humanitarian community pulled out of Lunsar in the same period. There was also a major increase in figures for displacement. In the first week of December many thousands of people were fleeing towards Freetown from the Port Loko area and some 40,000 IDPs had gathered in Makeni just before it fell to the rebels. There were similar large-scale movements of people in the east towards Kenema. Later that month, rebel encroachment on Freetown caused displacement of the at least 12,000 people who have been encamped at Waterloo. From 18 December onwards a succession of major towns fell to the rebels, UN monitors and humanitarian

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personnel withdrew to Freetown and many of these were subsequently evacuated from the country.

**REBEL ACTIONS: JANUARY 1999 TO JULY 1999**

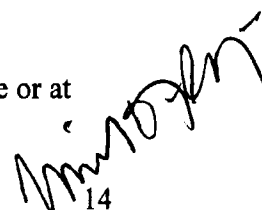
38. In January and February 1999 I led investigative visits to Freetown. The findings of these missions are comprehensively stated in a mission report which I wrote, "UNOMSIL - Human Rights Assessment Mission to Freetown, 25 January and 1 to 4 February 1999 – Findings and Recommendations". This report entered the public domain in February 1999 when the Special Representative of the Secretary-General authorised its distribution at the Sierra Leone information meetings which took place in that period in Conakry, Guinea. The mission report addresses the actions of rebel groups, CDF and other militias and ECOMOG. The report is attached as an annex hereto. Paragraphs 39 to 59 below detail the key findings regarding actions of rebel elements (findings regarding CDF, ECOMOG and other are contained in the full report).
39. The mission methodology was as follows: Prior to the conducting of the mission, and during the period intervening between the two visits to Freetown, I interviewed some 35 persons, including religious and civil society leaders, who had left Freetown since January 6. These included former captives of the rebels, as well as witnesses to abusive activities of various armed forces. I also, to the extent possible, maintained contact with persons remaining in Freetown. Information was also provided on a regular basis by persons returning from brief visits to the city – including UNOMSIL personnel, UN agency staff and representatives of the NGO community. The mission, comprising me and one other human rights officer, travelled throughout the city, visiting locations from Laka, in the Southwest, to Calaba Town in the East. Sites of incidents were visited and an overview of property damage was undertaken. I also myself witnessed the perpetration of grave violations of human rights, including the right to life. I held meetings with some 100 persons, including victims and witnesses of abusive behaviour, government and ECOMOG officials, civil society and religious leaders, representatives of the human rights and humanitarian NGO communities, national staff of UNOMSIL and UN agencies, journalists and medical personnel. Information and views were also provided by CDF and Civil Defence Unit (CDU) personnel, medical patients, police officers and business people. The local print and broadcast media was surveyed on a daily basis. The mission benefited from information and support provided by UNOMSIL military personnel and a UN Security Assessment Team, which were also present in Freetown during the mission dates. Following our return to Guinea, I continued to interview persons arriving in Conakry from Freetown. Findings based on these interviews are taken account of in the mission report.
40. The actual number of civilian casualties will never be known. One mortuary worker in Freetown told me that on 25 January over 2,000 bodies of men, women and children had already been disposed of. Observers were also of the view that a large number of bodies remain in ruined or burned buildings in the centre and east of the city. Many others had been hastily buried on waste

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ground or in residential compounds. Multiple reports were also received of bodies floating in the sea and its inlets within the city, as well as on the beaches. I observed some body parts remaining on beaches and other locations. Most estimates put the total casualty figure conservatively at between 3,000 and 5,000, including up to 1,000 rebel fighters and an unknown number of ECOMOG and CDF combatants. It was difficult to assess the extent of damage done to civilian properties. In the city centre up to 20 per cent of the property stock may be seriously damaged. In the east the figure rose to up to 90 per cent at locations such as Calaba Town. The rebel campaign, including its terrorisation elements, causes the displacement of at least 150,000 people into the city, before, during and since the battle of Freetown. The displacement was responsible for an exacerbation of the humanitarian emergency and the exposure of still greater numbers of civilians to conflict-related risk.

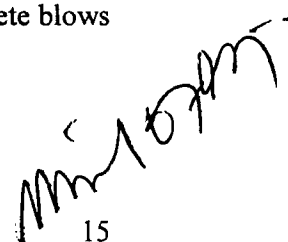
41. Rebel forces advancing into and through the city on 6 and 7 January frequently forced civilians into the streets for use as human shields. People who refused to comply were either killed or had their properties destroyed. Many reports were received of the killing of persons who refused to obey instructions to dance and make music on the streets. A number of interviewees described the execution of the entire populations of residential compounds for such misdemeanours. There were reports of compounds housing up to 50 people being targeted in this manner. Similar reports indicated that then and later people were executed because of their efforts to deter looting and to protect family members from assault or rape (see below). Persons caught attempting to escape from rebel custody were frequently killed. One witness saw six children killed at Wellington in mid-January in one such incident.
42. Much of the killing also seems to have been entirely arbitrary. Witnesses reported such killings of men, women and children by rebel fighters, including instances in which the perpetrator is stated to have been about 10 years old, and another implicating an eight-year-old boy. It was frequently stated that perpetrators of such acts were under the influence of cocaine and other drugs, including alcohol. Killing occasionally occurred in the context of games in which people were lined up and the executioners teasingly chose who to kill and who to spare. In one such incident at Fourah Bay Road, around 21 January, three children were executed and their three sisters had limbs amputated or mutilated. One man described how he was ordered to choose between the execution of his entire family and the surrender of his daughter to a rebel fighter.
43. Some of those who were burned to death in their homes had been locked in or first been displayed by gunshot. A number of elderly people and infants also died in this manner. Others died while attempting to escape. One five-year-old girl survived being thrown into a fire at Blackhall Road on 28 January. A six-year-old girl was executed, together with her mother, on 23 January, at Wellington.
44. Rebel forces targeted many individuals and categories of persons for execution. It is reported that police officers were killed, either at home or at

  
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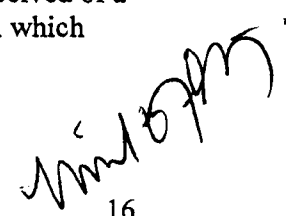
their barracks in such locations as CID headquarters, Kingtom and Kissy. The means of execution included knives, machete and gunshot. One incident, on 6 January, at the city-centre Cotton Tree, involved the killing by stabbing of 11 policemen. A number of prison officials appear to have been killed during and after the assault on Pademba Road Prison on 6 January.

45. An escapee from Pademba Road was reported to have allegedly led an attack on the Solicitor General, who was killed and decapitated. Two senior government officials, the Resident Minister for the North and an Advisor to the President, were captured and killed. At least two journalists were sought out and killed (while other journalists, including foreign nationals, though not specifically targeted, were killed, injured or abducted).
46. A senior member of the human rights monitoring committee of the National Commission for Democracy and Human Rights (NCDHR) was killed together with her husband. They had been apprehended after a servant of theirs was tortured into revealing their whereabouts. Prior to her killing, the female victim, a diabetic, was denied access to her insulin medication. Commissioners of the NCDHR and leaders of human rights NGOs report that they successfully evaded attempts by rebels to locate and most likely kill them. A group of senior human rights NGO officers subsequently escaped execution when a shell blast frightened away their would-be killers. Executed senior officers of the Council of Churches and the NCDHR may have been targeted on the basis of their positions. A senior judge was shot but survived. Nigerian nationals also appear to have been targeted. One witness, on 8 January, observed two Nigerian traders whose throats were cut apparently on the basis of their nationality.
47. In the first days of the fighting there were few reports of amputations or mutilations. Some incidents did occur of amputations of limbs and degradation of the bodies of ECOMOG soldiers, such as at Ferry Junction, sometime between 6 and 8 January. By 10 January, civilians were being targeted. Exact figures for the rate of amputations and mutilations are unavailable. However, by 25 January, medical sources were indicating that many hundreds of such cases had been admitted for treatment. By that date, some 70 had been treated at just one medical facility, Connaught Hospital. Doctors emphasised that many victims either failed to seek medical attention or died following the attacks.
48. Amputation/mutilation victims included men, women and children. One of the youngest recorded victims is a six-year-old girl whose left arm was severed by an axe at Ashobi Corner, Blackhall Road, on 21 January. Most amputations were of one or both arms. Some victims also lost a leg. One nine-year-old boy had his right leg amputated and was shot in the other leg in an incident at Circular Road on 14 January. Mutilations were commonly of the arms and often appeared to be failed attempts at amputation of the hands. Some victims lost fingers – one nine-year-old girl had four fingers severed by machete blows in an incident at Personage Street on 15 January.



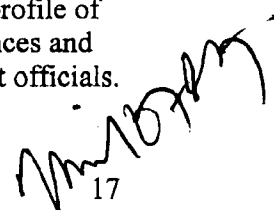
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49. I witnessed a woman being admitted to Connaught Hospital, on 3 February, who reported that she had been injured in an otherwise unreported mutilation variant – the pouring over her body of boiling water.
50. Rape of females, including children, appeared to have been a standard practice of the rebel combatants. Many people reported that they witnessed acts of violent group rape, including in public places, including Kroo Town Road and Kissy. Persistent reports were received from victims and witnesses indicating that young women and girls were rounded up in neighbourhoods of the city and obliged to report nightly to be sexually abused by rebel fighters.
51. The mission interviewed some of the victims of one well-documented incident of repeated rape which occurred in the Cline Town area, commencing on 8 January. The local rebel commander ordered that all virgin girls report for a physical examination. A female companion of the commander then checked the girls in order to verify their status as virgins. Those who passed the test, mostly aged between 12 and 15, were ordered to report each night for sexual abuse by the commander and his men. Some of the girls were subsequently abducted and taken away by the retreating rebels. A high incidence of rape of children was also reported from the Clay Factory Displaced Persons Centre from 15 to 25 January. Other reports were received from the Pademba Road area, the city centre and Kingtom. One policeman in Kingtom reportedly saw his three daughters raped before they were abducted.
52. Former abductees of the rebels indicated that women captives were raped as a matter of course. One witness reported that female captives were told to submit or be killed. He saw three girls raped in these circumstances on 8 January. Many women and girls admitted to hospital with war-related injuries also reported that they were raped. A reliable report was received that one pregnant woman lost her child after being raped and was paid “compensation money” by the perpetrator. Another informant reported the death of another pregnant woman after she had been raped.
53. A number of witnesses and victims reported that a significant number of the rebel combatants were children. One military official puts the figure at some 10 per cent of the rebel force. A patient at one hospital reported that his gunshot wound was inflicted by a boy aged no more than eight years old. Another witness states that he saw a boy of about 11 years in command of a small group of fighters active in the city centre on 7 January. There were widespread reports that the rebels used children as snipers – one child fighter in ECOMOG custody confirmed that he had been a sniper. Former captives of the rebels stated that a significant number of children of former SLA soldiers were active.
54. Many informants, including former abductees of the rebels, reported that rebel child combatants were frequently under the influence of drugs and that their commanders encouraged this practice. A number of reports were received of a high usage of cocaine, self-administered in open wounds on the arm which were then covered with adhesive tape.



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55. The rebels abducted a large but unverifiable number of people. These included staff of UN agencies and NGOs, students and people from all social backgrounds. One indication of the scale of the abductions was that childcare agencies had, by 4 February, received 1192 reports of children who had gone missing since 6 January. Three hundred of these had been physically taken from their parents by rebels. Another indication was the report of a reliable informant who escaped from the rebels that some 500 people were held together with him in just one camp in the hills to the east of Freetown. He stated that 75 per cent of the captives were women aged 12 to 20. The youngest abductee reported to the mission was a nine-year-old girl, taken from the Clay Factory Displaced Persons Centre on 23 January. A number of abductees either escaped or were released. A number of them provided to the mission comprehensive information on their captivity. Escapees reported that young boy abductees tended to be used as porters or were selected for training as fighters. Older men were retained solely for portage. Women and children were retained to cook and for sexual purposes. One former abductee displayed to the mission the "brand" which rebels had applied to his arm with burning plastic.
56. A small number of prominent Sierra Leone personalities and foreigners were abducted and kept under close guard. The Sierra Leoneans included the Roman Catholic Archbishop of Freetown. Former President Momoh was also detained by the rebels following his removal from Pademba Road Prison. Foreign detainees, at one time or another, included 13 Indian workers, six Indian and one Kenyan Roman Catholic sisters, five Italian and one Spanish Roman Catholic priests (including Fr. Mario Guerra who had been abducted during 1998), one Spanish and one French journalist. At least eight of the abductees were killed and two others seriously injured. At least two others of the abductees were subjected to ill treatment. Most of the remainder, including the Archbishop, either escaped or were released.
57. Rebel forces were responsible for the deliberate widespread destruction of civilian property utilities. Rates of destruction of the property stock were noted above as some 20 per cent in the city centre and rising to some 90 per cent in the most easterly of the hinterland population centres. In the city centre, however, some streets, such as Pademba Road, near the prison, Canton Street, parts of Kissy Road and West Street were comprehensively destroyed. Destruction extended to the simple dwellings of indigent people, as well as churches, mosques, schools, orphanages, medical facilities, community centres, police stations, the City Hall, Pademba Road Prison, New England Prison, SLBS and other non-military service facilities.
58. Many of the destruction sites appeared to have been arbitrarily chosen. Others were reportedly picked out because of the refusal of the residents to hand over sufficient cash or goods to looting rebels or because the occupants failed to obey instructions to come out on the streets, serve as "human shields" or hand over girls for sexual purposes. Some other homes, business and public utilities appear to have been targeted because of their function or the public profile of the occupants. These included public utility buildings and the residences and offices of human rights activists, lawyers, journalists and government officials.

  
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The UNOMSIL headquarters was largely destroyed by fire. A number of diplomatic facilities were attacked, including the Nigerian High Commission, which was entirely destroyed.

59. In the first days of the rebel offensive witnesses reported that some rebel commanders executed fighters who engaged in looting. However, during that period and subsequently, rebel forces did engage in widespread theft of money and looting of residences and business properties. Witnesses reported that rebels came to steal or loot from residential compounds in wave after wave over a period of days. An unverifiable number of people were killed due to their failure to satisfy the looters. There were also widespread reports of people being abducted to transport looted property to rebel camps. The looting and destruction of commercial properties and food stores exacerbated the humanitarian situation in Freetown and rendered more problematic the restoration of the essential commercial infrastructure.

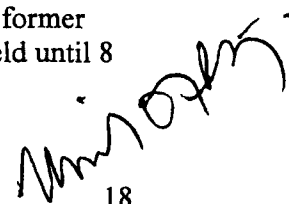
60. During February details continued to emerge regarding the period of the rebel incursion to Freetown.

- It became clear that a number of journalists and entertainers had been specifically targeted for killing. These included well-known radio performers and members of the national theatre group, the Freetown Players (whose premises was destroyed). One journalist was subjected to extreme torture, including blinding before being killed. Further information also became clear regarding the targeting of the legal community. The mother of one lawyer was killed when she refused to disclose his whereabouts to rebels. Another lawyer was threatened with execution for refusing to disclose the address of the former Director of Public Prosecutions and head of the Committee on Investigations, N.D. Tejan Cole. A number of senior judges were fortunate to escape from rebels who ransacked their residences in search of them.

- Thirty people were killed in the Masjid Tawid Mosque in Kissy. It was also learned that a small private hospital in the east of the city, The Good Shepard Hospital, was destroyed and some five patients and staff were killed.

- The youngest surviving amputation victim was identified as a two-year-old girl who was attacked with a blunt cutlass. The youngest recorded perpetrator was a 9-year-old boy who amputated the hands of a four year old child. This perpetrator was known as "the captain". Medical sources reported that a large number of mutilation victims would require surgical amputation of limbs due to the nature of the injuries and the long delays before medical assistance could be provided.

- By 16 February, UNICEF had received some 1,890 tracing requests for children who were separated from their carers during the rebel incursion and this figure rose to 3,188 by 10 April. We now know that most of these children had been abducted by the rebels. Escapees reported that abducted boys and girls were taken for sexual purposes or to cook food. One former abductee child described how she was abducted on 8 January and held until 8



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March. She described how 8 men raped her on one day alone. She also informed that she had seen a girl of 13 raped by 6 men.

61. In January information also emerged from escapees regarding the situation in Makeni, which had been taken by the rebels in late December 1998 and was reportedly under the control of Brigadier Issa Sesay, supported by Lt. Jalloh and other RUF. At the time of the attack, on 23 December, it appears that a large proportion of the population had already fled and was hiding nearby in the countryside. However, there were civilian casualties and people were not permitted to clear corpses from the streets. On subsequent days the rebels went to the bush and ordered people to return to town. Those who did not cooperate were reported to have been killed. At no time, however, were there any reports of amputations or mutilations. Large numbers of young men and women and children were abducted or recruited as fighters. One woman reported that she was one of the 35 women who were abducted on 25 December for training as infiltrators. The group was lodged at St. Joseph's School with other women captives. It is reported that many of the women were sexually abused. An informant stated that up to 1,000 youths and children were voluntarily recruited for training as fighters. Rebels imposed strict discipline in Makeni, summarily executing those caught stealing or raping. One rebel was reported to have been killed after he had raped a well-known local elderly woman. An informant saw the bodies of 10 people who were summarily executed. At least two Catholic religious workers, one of them a foreigner, were abducted. Rebels broke open the World Food Programme food stores in Makeni and organised a distribution to residents. A number of separate reports were received to the effect that there were white skinned mercenaries in Makeni – one informant said that they were Ukrainian. However other informants said that they had seen no such foreign combatants in Makeni.
62. In mid-February, rebels attacked Lunsar and Kamakwie. In Lunsar the rebels reportedly destroyed 56 houses and killed an unascertainable number of civilians. One victim was a 16-year-old boy who failed to disclose the parking place of a vehicle at the Catholic Mission. A number of rapes were perpetrated, including on a 10-year-old girl. It was reported that one rebel fighter, who appeared to be no more than 11 years old, raped a 15-year-old girl in a residence at the Catholic Mission. Accounts of the attacks on Kamakwie and surrounding villages include details of killings, mutilation, looting and house destruction. A mutilation victim from that location reported that he and four companions were attacked and that he was the sole survivor.
63. Following rebel attacks on Kenema in the first weeks of February a number of civilian war wounded people were admitted to hospital in Bo, one of them having suffered an amputation. On 9 February, the rebels entered a therapeutic feeding centre near Kenema, killing the guard, six mothers and one infant. Care workers who returned the following day rescued at least one abandoned infant.
64. The rebels, reportedly principally ex-SLA, attacked Kambia on 11 February. The casualty rate was reportedly low, as many townspeople and IDPs had

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already fled. Also, rebels made clear that they did not intend to target civilians for killings. However, a number of summary executions were reportedly perpetrated. One policeman, well respected locally, was killed. Witnesses report that one man's throat was cut because he refused to hand over food to the rebels. This incident reportedly occurred outside Kambia police station. Many reports have been received of the destruction of homes, looting and abduction. Catholic mission personnel were abducted. UNOMSIL also interviewed the families of other civilians who had been taken by the rebels. An unverifiable number of adults and children drowned as they fled across the river in Kambia. UNOMSIL interviewed relatives of five drowning victims four of which had been infant children.

65. Interviews with people displaced following the Kambia attack graphically illustrated the manner in which rebel attacks caused perpetual displacement and related suffering. Some interviewees, originating in Kono, had been moving across the north of Sierra Leone without respite since the previous December. Many of them were subject to rebel attack on at least five occasions since then. A high proportion of the displaced comprise the elderly, women and children. IDPs in the east also faced grave difficulties. The attacks on Kenema temporarily displaced some 200,000 people.
66. From 19 to 21 February in Abidjan, the Special Representative of the Secretary-General met with a delegation of the RUF comprising Omrie Golley ("legal representative") and Ibrahima Bah ("Senior Military Advisor"). The RUF delegation said that the RUF and AFRC constituted a single unified structure. Regarding issues of human rights the public communiqué of the meeting states the following, "The Special Representative stressed the importance of the observance of human rights in accordance with international standards, as called for by the Security Council and the UN Secretary-General, and urged all parties to the conflict to publicly make this commitment. The RUF Delegation agreed to make this commitment publicly and stated that the RUF will take punitive measures against any of its members who would violate human rights. In this context, the RUF Delegation stated that it condemned and will continue to condemn all human rights violations and atrocities including amputations, mutilations, maiming, rape, etc perpetrated against the civilian population" (paragraph 12).
67. The Abidjan commitments seemed to count for nothing with ongoing reports of attacks on civilians. For instance, a reliable informant reported the killing of civilians during March in the village of Bendukoro, 26 Km from Kabala, perpetrated by ex-SLA. At that date the same group also controlled Gberefe to the south east of Kabala. The informant described how they had imposed a severe regime and imposed a harsh food tax which many people could not meet.
68. Escapees from Makeni whom I interviewed continued to provide considerable detail on the situation there for civilians. During April they observed a marked deterioration in civil stability which they said was closely linked to the feud between Brigadier Issa and Denis Mingo. Mingo was reported to have taken over in the town, operating closely with Gabriel Many. Their fighters

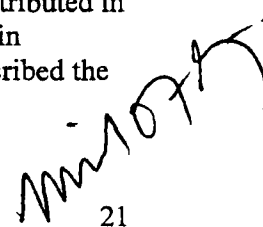
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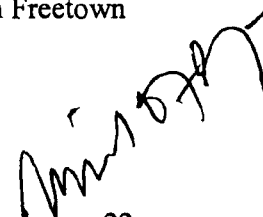
described themselves as "SLA". The informants said that fighting between the two factions resulted in the destruction of prominent buildings, including the central police station, the Government Quarters and the Town Council building. Escapees also reported that rape had again been outlawed in Makeni following persistent complaints to the rebels, though it was said that the practice continued in outlying villages. They informed that previous injunctions against looting had lost their force and that fighters were persistently stealing food and livestock. The informants also stated that a Krio woman whom they described as a notorious perpetrator of amputations in the past, known as Adama Cut Hand, was now resident in Makeni, staying at the house of the Paramount Chief.

69. The RUF leadership, chaired by Foday Sankoh, met for internal talks in Lome from 26 April to 10 May. During the talks they were presented by UNOMSIL with a document entitled, "Aide Memoire – Respect for Human Rights and International Humanitarian Law", which set out the manner in which reported abusive practices were inconsistent with international human rights and international humanitarian law. The document was accepted by the RUF delegation. The document was also handed over to rebel leaders in subsequent months on any opportunity when UNOMSIL human rights officers met with them. The document is attached to this report. UNOMSIL also took advantage of its access to the rebel leadership at Lome to immediately convey to them reports which UNOMSIL had received regarding abusive practices by their followers. Foday Sankoh repeatedly assured the UN Special Representative of his abhorrence of such abuses and committed to establish an internal inquiry (assurances such as these were repeated to me by Foday Sankoh during my own meetings with him upon his eventual return to Freetown).
70. Notwithstanding the commitments entered into and the delivery of the Aide Memoire, the period to June continued to be marked by perpetration of attacks on civilians, most of them reported from the provincial towns of Masiaka and Port Loko. Based on eyewitness accounts, the human rights abuses by rebels included significant numbers of summary executions, mutilations, limb amputations, abductions and sexual abuse, as well as large-scale destruction of property. Civilians in the affected areas also suffered significant humanitarian deprivation.
71. On or about 29 April 8 people, including women, were reportedly beheaded in the Occra Hills. The heads were reportedly displayed beside the bodies and at least one of the corpses of the female victims showed signs of sexual abuse. The informant said that rebels were responsible. The informant also said that retreating rebels were destroying or contaminating fresh water sources at locations such as Songo and Masiaka. During a rebel attack on Port Loko on 7 May, over 20 civilians are believed to have been summarily executed by a group of RUF/AFRC at nearby Mangarma village. Survivors also reported summary executions in other areas around Port Loko, which were attributed in at least two villages to a well-orchestrated strategy. In one incident in Masumana village between Masiaka and Mile 38, eyewitnesses described the murder of several infants by rebels.



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72. During April, childcare agencies working with escaped or otherwise released child abductees informed reported high levels of rape of the girls. For instance, of one group of 8 girls aged over 15, 7 had been raped. The eighth was spared apparently because her captors liked her. The childcare workers also expressed concern that raped children tended not to seek help or to return to clinics for care and support because they feared stigmatisation. Childcare workers also negotiated the release of some 50 children. They observed though that some children opted to stay with the rebels either out of fear or because they thought the rebels were winning the war.
73. Rebels also continued their practice of limb amputation and at least a dozen victims were recorded at medical facilities during the month of May. In Mangarma village, they reportedly amputated the arms of two of their civilian captives and then instructed them to walk to Port Loko and report to ECOMOG. One victim, a male teacher, was hospitalised in Freetown after the rebels cut off both his arms, as well as his ears and lips. Abduction also persisted with people forced to join the rebel retreat. In Matteh village near Masiaka, the traditional leader estimated the number of abductees in the area to be in the thousands. Most people interviewed in the Port Loko and Masiaka areas attested to having had family members abducted. One man told UNOMSIL that 15 members of his family had been abducted.
74. A UNOMSIL team that visited Masiaka after the town's recapture by ECOMOG and CDF received testimonies of ill treatment of civilians, some of whom were killed or mutilated after being accused of sympathising with pro-government forces. A large number of male children were seen to have the letters "RUF" carved across their chests.
75. The signing of the 18 May ceasefire agreement and the commencement of peace talks on 25 May coincided with a sharp drop in reports of rebel attacks on civilians. However, isolated incidents did occur. On 5 July it was reliably reported that rebels in the Port Loko area gang-raped a 12-year-old girl and a 25-year-old woman. The 12 year old girl had apparently been abducted on 25 June and the rape was perpetrated by nine men belonging to the RUF. A reliable source also reported that rebels in the area surrounding the village of Melikeru rounded up 17 men and women and stripped them naked. Later they were shot by a rebel who identified himself as the commander. A number of attacks during the period seemed to be for purposes of finding food, such as one, in late July, at Tomaju, south-east of Pujehun, reported by both ECOMOG and CDF.
76. On 20 July, rebels (former SLA soldiers) detained three NGO (MSF Holland) staff at Rokupr (south of Kambia), assaulting one of them and seizing personal possessions. The rebels stated that the detainees would only be released on receipt of confirmation that Denis Mingo was not being held in detention in Freetown. On receipt of confirmation that Mingo was voluntarily in Freetown the detainees were released.



77. During a visit to Makeni at the end of July, UNOMSIL human rights officers observed many children bearing arms, some of them likely to be under ten years of age. In one instance, children wearing the uniform of military police and carrying rifles and a machine gun were seen in the cab of a pick-up truck. Several other children in their early to mid-teens patrolled the streets bearing guns. During the Makeni visit, and indeed in all visits by UN human rights officers to rebel locations in the months following the Lome Agreement, the Aide Memoire referred to above was given to local rebel commanders.

**REBEL ACTIONS: AUGUST 1999 TO DECEMBER 1999**

78. On August 4, a rebel group comprising former soldiers, stationed at Occra Hills, about 60 kilometres north of Freetown, abducted a team of over 30 people, including UN civilian and military observers, journalists, a bishop and ECOMOG personnel. The team had gone to Occra Hills following reports that the rebels were about to release 200 abducted children. When the observers arrived at Magbeni village, off the Freetown-Masiaka highway, the heavily armed rebels surrounded them and stripped them of personal belongings before marching them to a nearby camp. Some of the hostages, including the bishop and a UNOMSIL human rights officer, were released shortly afterwards with messages explaining the abductors' demands. The former soldiers demanded to be either reinstated in the army or retired with full benefits. They also demanded the release of their leader, Johnny Paul Koroma, whom they believed was being held prisoner by the RUF. They complained that they had been excluded from the negotiations leading up to the Lome Peace Agreement and expressed the hope that their concerns and demands would be favourably considered. Senior rebel leaders, including Sankoh, Johnny Paul Koroma, Denis Mingo, Sam Bockarie, Mike Lamin and Idrissa Kamara, made intervention with a view to the release of the abductees. Charles Taylor also got involved – he facilitated the return to Sierra Leone of Johnny Paul Koroma and Denis Mingo and he offered a safe haven to the commanders of the group which perpetrated the abduction. Eventually all of the abductees were released unharmed.
79. A number of other incidents were reported from Occra Hills during August, all of them said to be perpetrated by former SLA soldiers, and generally attributed to the rebels' need for food supplies. In the first week of the month, four humanitarian trucks were attacked near Masiaka town and humanitarian supplies were taken. On 23 August the villages of Landomah, Bonkoleke and Roists were looted. The next day it was the turn of the villages of Tenkabereh and Wonfinfer. Such attacks led to the displacement of civilians to areas under control of ECOMOG. On 30 August, ex-SLA soldiers stopped a UNOMSIL patrol near Masiaka which was escorting senior RUF commanders and their families. The latter were stripped naked and some of them were reported by UN military observers to have had the initials "SLA" marked on their skin with razor blades. Most of the detainees were quickly released, with two of the RUF commanders held for one week.
80. Elsewhere, in Makeni, on 6 August, a helicopter transporting medical supplies was looted on arrival. The same day MSF personnel in Makeni were assaulted

Mingo

and robbed. As a result of these incidents MSF withdrew its personnel from the area. In so doing that organisation stated that the attacks on humanitarian personnel were exacerbating the humanitarian crisis - it noted that 8 children per day were dying of malnutrition in the Makeni area alone.

81. At Lome the rebels had undertaken to release all their civilian captives, of whom it was generally considered there were some 20,000, many of them children. Despite repeated urgings from the UN, it was not until the end of July that Sankoh instructed field commanders to release captives. By September it was becoming clear that the incidence of release was very low. By that month a total of less than 500 captives had been formally released either to ECOMOG or the UN. As of that month there remained 2,871 children registered by UNICEF as missing from the Western area alone. Numerous reports were received, especially from Northern areas, of persons having to be purchased out of captivity by their families. One father was forced to pay half a million Leones to gain the release of his daughter. Some women were granted only temporary release and injuncted under threat of persecution to return to their captors after short visits to their families. Release efforts generally suggested that the most difficulty was faced in seeking the release of young women and girls. Those women who did gain freedom reported a very high level of sexual abuse while in captivity and many were either pregnant when released or suffering from STDs.
82. During the last quarter of the year I visited a number of rebel-held locations with a view to negotiating the release of abductees. My first visit was to Lunsar on 4 October – a town held jointly by RUF and ex-SLA elements. The “Brigade Commander”, Colonel Kallon, told me that Sankoh had ordered the release of all abductees and they would obey. He promised that a large contingent of children would be released a few days later. He also handed over to me some 20 of the younger children whom I brought with me to Freetown. When I asked him the status of adult detainees he said that his only instructions concerned children. On reflection he said that there are no such abductees – people were free to come and go as they wished. Other unidentified speakers at the meeting however conceded that adults were being held against their will.
83. From September onwards there was a marked rise in the incidence of attacks on civilians by former SLA soldiers, particularly along the Lungi-Port Loko axis. As well as thefts of food there were multiple reports of sexual abuse. In just one incident, UN personnel, on 17 September, reported five rapes. On 24 September, following interventions by UNOMSIL, Johnny Paul Koroma broadcast to former SLA members calling on them to desist from illegality in the interests of the peace process. This call seemed to have little impact as October saw a further escalation. Between 12 and 31 of that month, along the Lungi-Port Loko road several villages such as Makepita, Moronka, Mbundali, Sungblemen and Gbinti were attacked by former SLA soldiers who looted and harassed the civilians. There were also incidents of abduction. On 6 October a passenger bus plying between Freetown and Bo was ambushed along the Freetown-Masiaka axis near Masiaka town and all 57 passengers were stripped of their personal belongings before being detained. The men were

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used as porters to carry the stolen property to a rebel camp. At least 12 of the women reportedly were raped. All the abductees were released within a few days of the incident. On 26 October, 4 boys were reported to have been abducted near Lungi. There was another reported rape incident in Bundulai village near Port Loko on 29 October when former soldiers stopped a truck and offloaded its passengers. UNAMSIL also received reports of summary executions by former SLA soldiers. Reportedly, on October 18 they killed 3 men and 6 women in Batkam village near Port Loko.

84. The RUF were also responsible for serious assaults on civilians in this period. In October, at Makeni, they detained a number of people including the local Catholic bishop, Bishop Biguzzi. The detentions took place amidst a generalised state of violence following a clash between RUF and former SLA rebel elements. The bishop reported that a number of civilians had been detained in the context of this fighting, a large amount of property had been burned or looted and a local humanitarian worker had received a cutlass wound. All the detainees were robbed of their personal possessions. The bishop and several other detainees eventually escaped. Fighting between former soldiers and RUF also led to reports of executions during October, such as in Lunsar where it was alleged that looters were being summarily killed. The intra-rebel fighting in Lunsar, as well as in Makeni, caused major disruption of humanitarian assistance. In Makeni all humanitarian food stores were attacked and items destined for humanitarian delivery looted. The fighting also precipitated a significant IDP flow southwards towards Freetown.
85. Conditions continued to deteriorate through November. There were multiple attacks on roads and villages in a number of locations in the Northern Province, especially in areas around Port Loko, Kambia and Masiaka, involving rape, abduction, looting of property, burning of homes and forced displacement. Most of the attacks were carried out in the context of food raids and were attributed mainly to ex-SLA elements. There were isolated reports of summary executions. On 2 November a report was received of the killing of an abductee who was being used as a porter near Rogberi. He was reportedly abducted by former soldiers and held longer than others taken in the same attack since he refused to comply with orders. He was ultimately killed and his body left behind as his attackers fled. Of the numerous other reported attacks by former soldiers on civilians the following can be taken as illustrative: on 11 November, an attack on the village of Makontol near Port Loko resulted in the abduction of 10 people, two of them women; considerable property was looted. A man who escaped suffered severe mutilations of his wrist. He was able to identify some of his attackers as being former soldiers as he knew them personally. A child in the same village reported that his mother had disappeared during the attack. On 12 November, three people drowned after their boat capsized while they were being pursued by former soldiers; UNAMSIL obtained the names of the deceased. Those who could not flee were held as abductees. On 17 November, a vehicle belonging to the humanitarian NGO Children's Aid Direct (CAD) was attacked 5 kilometres away from Port Loko along the Lungi-Port Loko road, reportedly by RUF elements. The vehicle was carrying a number of the agency's staff as well as some nursing mothers and malnourished children who were being transported

to a health post at Lungi. All the passengers were ordered to disembark, robbed on the spot and forced to walk into the bush accompanying the rebels. They were all detained overnight at a rebel hideout about six hours walk from the main road. Two of the female detainees, including one of the nursing mothers, were raped.

86. A UNAMSIL human rights assessment mission visited Port Loko on November 29 and received reports on three separate incidents of human rights abuse which took place on 27 November. One of these incidents occurred at Limpkakuru village along the Port Loko – Lungi road. A passenger vehicle was stopped by a group of 15 former soldiers and all the passengers abducted. One of the abductees was himself a former soldier who had subsequently joined the DDR programme and who was able to positively identify the attackers as former colleagues of his. The attackers assaulted the passengers and forced them to undress. They then separated the old women from the young and raped three girls. The men and the old women were released but at the time of the UNAMSIL visit to Post Loko the whereabouts of the girls remained unknown.
87. During November, I visited Kabala in the North and learned of numerous human rights abuses directed against the civilian population in the preceding weeks: including looting, abduction, rape and sexual abuse, destruction of homes and killing of livestock. There were also reliable reports of mutilation, including of at least three cases of attempted amputation. I came to the view, based on widespread consistent testimony of witnesses, that the bulk of the abuses were the responsibility of former SLA elements and that they occurred within the context of food raids. I observed that the situation in Bafodia village near Kabala town was particularly grave. The village is the headquarters of former SLA commander Colonel Savage, who had relocated there in the preceding days. With the arrival of the former SLA fighters there was reportedly widespread raping of women and comprehensive looting. The residents had been expelled to make room for the combatants. The rice crop was being harvested and appropriated by them. In Bafodia I met with a crowd of some hundreds of the ex-SLA combatants. They were extremely angry, felt abandoned by the political process and expressed the urgent need of food. A number of them were clearly under the age of 15. One boy I spoke with introduced himself as a soldier, admitted to being ten years old and said he had been enlisted two years before.
88. While in Kabala I received numerous accounts of abuses perpetrated by RUF in nearby areas under their control. One boy who had escaped from Fadugu displayed the “RUF” brand that was burned into his arm. Medical personnel told me that they had dealt with three such cases in recent weeks, all from the same area. Displaced people from Firawa, 31 miles north of Kabala, reported that the RUF operated a reign of terror there and had appropriated all the houses and food, as well as perpetrating repeated acts of sexual abuse against the women of the village. The informants also described the types of punishment inflicted by the RUF for “bad behaviour” as including flogging and burial up to the head for extended periods while exposed to the sun. The

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informants also drew attention to the perpetration of abuses by RUF in the village of Sunkunia, some 26 miles north of Kabala.

89. The high incidence of attacks in the North during November resulted in the disruption of the delivery of humanitarian aid to civilians in desperate need. As well as such outright attacks as that on a CAD vehicle described above, threats were also made against humanitarian personnel. On 15 November, MSF was obliged to withdraw its entire staff from Makeni as a result of threats directed against its staff by local RUF commanders. The threats followed an order of Sankoh that MSF must leave if it did not facilitate the participation of an RUF self-styled humanitarian group in its workshop activities. However, following persistent protest by the humanitarian community, Sankoh and Johnny Paul Koroma issued broadcast warnings to their followers to desist from harassing humanitarian workers and allow unhindered movement of humanitarian assistance.
90. Right up to the end of the year reliable reports were received of serious attacks on civilians in the Port Loko area. Attacks usually involved theft, sexual abuse including rape and abduction. For instance, on 8 December police reported that a bus moving from Freetown to Makeni was stopped near Lunsar by former SLA soldiers. All the passengers were stripped of their belongings and ten people were abducted. Reports were also received from elsewhere – for instance, in early December, Sam Bockarie's RUF forces abducted two international humanitarian workers in Kailahun. The abduction, which was openly acknowledged by Bockarie, caused the cessation of all humanitarian activity in the area. The abductees were eventually released unharmed.
91. The latter part of 1999 did not see any noteworthy releases of abductees. Instead the newly established RUF Party (RUFPP) persisted in denying that there were any abductees at all. Rebel commanders in provincial locations were much more forthcoming on the matter, freely acknowledging the practice of abduction and the considerable number of people still being held. On a number of occasions I visited rebel camps and entered into discussion with commanders on exactly this issue. I also had the opportunity on many occasions to observe and even to speak with abductees. In late December, the Committee established under the chairmanship of UNAMSIL to facilitate release of abductees issued a strongly worded press release which drew attention to the lack of progress and called for acts of good will by the perpetrators of the abductions. The RUFPP reacted angrily to the release – there were no reactions from other rebel groups.

