UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2004/106
19 February 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 19 of the provisional agenda

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Sierra Leone

Report of the High Commissioner for Human Rights*

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

GE.04-11020 (E) 250204

Summary

The last months have seen further progress in the implementation of the peace process, stabilization of the human rights situation and consolidation of State authority in Sierra Leone. The administration of justice has benefited from increased staffing of courts with magistrates and Justices of the Peace, as well as from the rehabilitation of court buildings, especially in the provinces. Similarly, police and prison administration have seen their capacity increase, both in terms of recruitment of officers and strengthening of physical infrastructure.

The transition to peace has been aided by the work of the Truth and Reconciliation Commission (TRC) and the Special Court. While the TRC is already preparing its final report, which is scheduled for submission to the President during the first quarter of 2004, the Special Court conducted pre-trial hearings for nine individuals and is poised to start hearings in early 2004.

Nonetheless, the root causes of the conflict persist, creating a perception that too many impediments remain for the attainment of economic and social rights in Sierra Leone.

With the expected conclusion of the United Nations Mission in Sierra Leone (UNAMSIL) in December 2004, support by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to the Mission, and to Sierra Leone, will be guided by the need to transfer responsibility for human rights monitoring and training, capacity-building and advocacy to local partners, including the yet to be established National Human Rights Commission. Another main objective during 2004 will be to ensure appropriate follow-up to the TRC by supporting the Government in the implementation of its recommendations. It is imperative that the post-UNAMSIL residual United Nations presence in Sierra Leone should include a substantial human rights component with the capacity and personnel to monitor and report on the human rights situation and to help build national capacity through training and human rights advocacy.

CONTENTS

		Paragraphs	*Page*
Introduction		1	4
I.	THE HUMAN RIGHTS SITUATION IN SIERRA LEONE	2 - 32	4
A.	Reports of the Secretary-General and the High Commissioner for Human Rights	2 - 4	4
B.	The right to life and security of the person	5 - 11	4
C.	Amputees	12	5
D.	Children's rights	13 - 22	6
E.	Gender-based violence and women's rights	23 - 28	8
F.	Refugees, internees and internally displaced persons	29 - 31	9
G.	Economic, social and cultural rights	32	9
II.	HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE	33 - 48	10
A.	UNAMSIL and the Human Rights Section	33 - 34	10
B.	Activities in the districts	35	10
C.	Monitoring of the courts, police stations and prisons	36 - 41	11
D.	Training	42	12
E.	Capacity-building, technical cooperation and advocacy	43 - 45	12
F.	A national human rights commission and the Office of the Ombudsman	46 - 48	13
III.	TRANSITIONAL JUSTICE	49 - 62	13
A.	Truth and Reconciliation Commission	49 - 59	13
B.	Special Court	60 - 62	15
IV.	CONCLUSIONS AND RECOMMENDATIONS	63 - 64	16

Introduction

1. The Commission on Human Rights, in its resolution 2003/80, requested the High Commissioner to report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL).

I. THE HUMAN RIGHTS SITUATION IN SIERRA LEONE

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

2. Since the High Commissioner submitted his reports to the General Assembly at its fifty-eighth session (A/58/379) and to the Commission on Human Rights at its fifty-ninth session (E/CN.4/2003/35), the Secretary-General has submitted two reports to the Security Council: the nineteenth (S/2003/863 and Add.1) and the twentieth (S/2003/1201).

3. As reported in the twentieth report, by 15 December 2003, the troop strength of UNAMSIL stood at 11,528, with a further reduction of 1,000 troops planned by June 2004 and another 5,500 by November 2004. The remaining 5,000 troops would be repatriated by the end of December 2004. This planning is in accordance with a security assessment that presupposes a continuing favourable security environment for Sierra Leone. The overall security situation in the subregion benefited considerably from the initial establishment of the United Nations Mission in Liberia (UNMIL) on 19 September 2003, and the continuing deployment of UNMIL troops is expected to have a further stabilizing effect on the subregion.

4. In connection with the downsizing of UNAMSIL, both the Sierra Leone Police and the Republic of Sierra Leone Armed Forces have been strengthened to facilitate the transfer of responsibility for public security to the State.

B. The right to life and security of the person

5. The consolidation of the human rights situation in the area of civil and political rights has continued to be a source of encouragement. It will be recalled that at its fifty-ninth session the Commission on Human Rights transferred the consideration of the situation in Sierra Leone to item 19 (“Advisory services and technical cooperation”) from item 9 (“Question of the violation of human rights and fundamental freedoms in any part of the world”).

6. As suggested by this reclassification of the human rights situation, Sierra Leone is not at present affected by serious violations of the right to life and security comparable to the situation in the past few years. However, there remain some problems, such as the 14 death sentences which were passed in 2003 and the continuing illegal detention of some 90 members of the Revolutionary United Front (RUF) and the West Side Boys, who were arrested in May 2000. Their trials have not yet begun, which constitutes a disconcerting violation of international standards.

7. Remarkable progress in the implementation of the peace process has been accompanied by parallel accomplishments in the area of transitional justice. The issuance of indictments by the Special Court and the completion by the Truth and Reconciliation Commission (TRC) of its hearings and statement-taking processes have contributed to a climate of increasing respect for human rights, including the rights to life and security of the person.

8. Attacks against civilians by any of the former parties to the conflict have ceased to be an issue altogether. Since the deployment of UNMIL in Liberia there have been no incursions by Liberian fighting forces into Sierra Leonean territory. As a result, there have been no allegations of grave breaches of international humanitarian law by Liberian actors on Sierra Leonean territory.

9. At the Mape Internment Camp set up to confine Liberian combatants, which at present holds 340 ex-combatants, internment conditions have improved with regard to hygiene standards and respect for children's rights. Access to health care remains an issue that has not yet been resolved satisfactorily.

10. The Prison Administration has similarly made strides in improving its performance in accordance with international norms, including in a number of crisis situations such as the attempted escape from the Port Loko jail in November 2003. Where conditions are unsatisfactory, this is normally the result of a lack of resources and not a lack of commitment to or an understanding of international standards.

11. Over the reporting period the Human Rights Section of UNAMSIL has continued to work on its databases of war-related violations. Its databases include violations categorized by violation type, location and date. Principal violation types are massacres, killings, torture including rape and mutilation, abductions and forced labour. In this context, the Human Rights Section carried out preliminary investigations of newly discovered mass graves in Bo and Pujehun districts in July 2003. These included graves at Sahn and Bendu Mahlen, which may hold more than 300 bodies. It is noteworthy that with the continuing normalization of public life throughout the country there has been a further increase in support from concerned Sierra Leoneans in efforts by the human rights community to document previously unreported sites.

C. Amputees

12. In following up on its amputee report based on interviews with 239 amputees and war wounded, which was completed in March 2003, the Human Rights and Civil Affairs Sections of UNAMSIL jointly developed activities to address the economic and social rights of amputees. Cognizant of demands by amputee associations in Freetown and Kenema addressed to the Government of Sierra Leone and the Truth and Reconciliation Commission, which include the provision of free education for the children of amputees and free medical care and pensions for the amputees themselves, the concerned UNAMSIL sections began implementing an amputee subsistence farming and income generation project under the technical guidance of the Food and Agriculture Organization of the United Nations (FAO) in January 2004. The project, which is funded by UNAMSIL's Trust Fund, is designed as a stopgap measure until such time as the Government will be able to address the amputees' concerns through the implementation of related recommendations in the final report of the TRC. The conceptualization of the project

was instrumental in persuading amputees to cooperate with the TRC in its statement-taking and hearings processes, which the amputees had initially intended to boycott in view of their unfulfilled economic and social rights. In this context, it should be recalled that in resolution 2003/80, the Commission urged the Government of Sierra Leone to give priority attention, in cooperation with the international community, to the special needs of mutilated victims (para. 4 (e)).

D. Children's rights

13. The UNAMSIL Human Rights Section, in line with the Mission's transition from peacekeeping to peace-building, has adopted a more holistic approach to understanding the plight of children in Sierra Leone. While efforts at rehabilitating and reintegrating child ex-combatants into the fabric of the society deserve sustained support while other salient harmful societal practices affecting children, such as child detention, child labour and child abuse, compete for immediate attention. The paucity of health and educational facilities, particularly in the provinces, has compounded the dilemma of children in poorer communities.

14. Owing to concerted efforts by the Government of Sierra Leone, the United Kingdom Department for International Development (DFID), the United Nations Development Programme (UNDP) and UNAMSIL, rehabilitation of police stations has commenced in earnest throughout Sierra Leone. Concurrently, the Human Rights Section has mounted a series of sustained human rights training sessions for police officers designed specifically to highlight the unique status of children as a vulnerable group. These efforts have noticeably improved the way juveniles in conflict with the law are perceived and treated. Efforts are under way in all police stations to separate children from adults in police cells.

15. As the number of sitting magistrates remains inadequate, prolonged detention is still common. As cited above, in some parts of the country, magistrates cover more than two districts and service as many as five courts. The redeployment of the Justices of the Peace has partially alleviated the burden, but there is still a dire need for more magistrates to be appointed. The Human Rights Section frequently advises the police not to resort to pre-trial detention except as a last resort and recommends instead that children be granted bail. The Section also encourages police personnel, welfare officers and specialized agencies to interact regularly, in the spirit of community policing, with local communities and families with a view to promoting the interests of children. Recently, the Director of Prisons instructed all prison officers in the districts to refrain from interning children, citing as a reason the inadequacy of available detention facilities.

16. Owing to the high illiteracy rate in Sierra Leone, coupled with lack of access to health care, many children born to poor rural parents are not registered at birth. This creates problems when they come in conflict with the law as there are no statutory documents to establish their age. In the absence of a birth certificate, children usually lose the legal protection normally accorded them by reason of their status. It is common to find children who look like adults locked up with recidivists and other adult criminal suspects.

17. The dearth of approved schools and remand homes constitutes a major impediment in responding to the needs of children in conflict with the law. There is only one approved school and one remand home in Sierra Leone and both are located in Freetown. Even they do not meet the required international standards and are in need of urgent improvement. Because of a lack of

remand homes and approved schools, children continue to be detained in police stations and prisons. This is a major cause of concern and undermines the establishment of a credible juvenile justice system. As part of efforts to build and strengthen the capacity of the Government, UNAMSIL and UNDP have offered to help open two remand homes, in Kenema and Bo.

18. Access to education is a prerequisite for the implementation of the rights of the child. The northern and eastern provinces of Sierra Leone are severely disadvantaged in that only a small percentage of children have access to education. Additionally, there is noticeable favouritism of boys in those areas where children do have access to primary and secondary education. In 2002/03, 90,578 children enrolled in primary schools in Port Loko District. Of this number, 53,377 were boys while only 37,201 were girls. In response to this situation, the Government of Sierra Leone has initiated a policy aimed at creating equal opportunities through seeking to ensure free education and school materials for girls attending secondary schools in the north and east.

19. The Human Rights Section, in concert with the National Commission for Social Action (NaCSA), Plan International, the World Food Programme, the International Red Cross, and War Child, recently pioneered a Girl Child and Education Project aimed at improving access to education for girls in the northern province. The project aims to retain at least 700 girls in primary and secondary schools in Sanda Magbolontor, Maforki and Koya chiefdoms by April 2004. Within the same period, the programme proposes to facilitate the absorption of 300 more girls in the same chiefdoms. At present, the majority of girls who do not have access to education are engaged in street peddling, while boys of the same age spend their childhood labouring in diamond mines.

20. The use of child labour in the diamond mines is a matter of serious concern, especially in Kono district and Tongo fields village. The 10-year civil war impoverished the population such that families are compelled to send their children to work in the diamond mines in order to eke out a living. This reality is an important factor in any consideration of long-term investment in child education in Kono and Tongo fields. Children between the ages of 6 and 18, mostly boys, are engaged in mining activities in conditions akin to slavery. Recently, licence holders have been instructed to provide the names and ages of labourers on their payrolls, making sure no labourer is below 18 years of age. Unfortunately, this measure is difficult to enforce owing to the problem of lack of birth certificates referred to earlier. The UNAMSIL Child Protection Office and the Human Rights Section continue to campaign for formal or vocational education for these children.

21. Child abuse remains one of the most widespread violations of human rights in Sierra Leone. Such abuse may be physical or psychological. Many children are regularly subjected to domestic violence, sexual exploitation and/or gross neglect. In most of the country, especially in the north, girls are forced into early marriages. The practice of female genital mutilation (FGM) is also widespread.

22. Children constitute the majority of the population of Sierra Leone and are also the most exposed to health hazards; they also have little or no access to proper health care. Hospitals and medical clinics throughout the country are ill-equipped and lacking in qualified medical personnel, a situation which encourages illegal medical practitioners, popularly known as

"pepper doctors", particularly in remote towns and villages. Although pepper doctors frequently prescribe harmful medicines for children, they continue to be recognized by many as the primary health-care providers for most poor families who cannot reach or afford conventional medical treatment for their children. The Government's efforts to crack down on these illegal and untrained practitioners and the use of illegal pharmaceutical products have so far come to naught. In addition, HIV/AIDS education remains inaccessible to many families and their children.

E. Gender-based violence and women's rights

23. Closely analogous to the status of children is the position of women in Sierra Leonean society. Domestic violence remains a major problem and affected women often lack access to information on any possible assistance or advice. The Human Rights Section has increased its public awareness programmes on the issue of domestic violence and continues to develop its working relations with the Family Support Unit of the Sierra Leone Police Force in Freetown and in the districts. The Section offers specialized training to police personnel on how to handle cases of domestic violence. Victims of domestic violence are often reluctant to file complaints against perpetrators in an open court for fear of stigmatization and other forms of psychological pressure, and prosecutors are therefore often unable to press charges. The latest surveys, however, reveal a sharp increase in the number of cases reported by women, in contrast to previous years.

24. One of the major obstacles in addressing the problem of sexual violence against girls and women is the slow pace of the administration of justice. The situation of women is further exacerbated by poverty, which forces many to succumb to sexual exploitation. The Human Rights Section is currently investigating allegations of trafficking in girls and young women. While cases of sexual violence against women often go unreported, few of the reported cases are processed because of the inability of the victims to pay the required fees for medical and other reports necessary for the police to pursue further the allegations.

25. As mentioned above, female genital mutilation is still being widely practised in Sierra Leone. So far, the Government has shown little interest in putting an end to this harmful practice. Secret societies in rural areas still encourage FGM, touting the practice as a cultural legacy worth preserving. They fail to recognize the true nature of female circumcision as genital mutilation with far-reaching harmful effects on the health of women. The cultural aura that surrounds FGM, along with the absence of laws expressly prohibiting the practice, have stalled efforts at sensitizing the population against it. Following her visit to Sierra Leone, the Special Rapporteur on violence against women urged the Government to pass legislation banning FGM and to conduct immediate sensitization and public awareness campaigns against such harmful practices (E/CN.4/2003/75/Add.1, paras. 507-521).

26. On 8 September 2000, Sierra Leone signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified on 11 November 1988. However it has yet to submit a report to the Committee on the Elimination of Discrimination against Women (CEDAW) outlining the legislative, judicial and administrative measures it has adopted to implement the Convention. To assist the Government in meeting its treaty body obligations, OHCHR technical cooperation programmes for Sierra Leone in 2004 envisage training for government officials and representatives of civil society in reporting to human rights treaty bodies.

27. UNAMSIL has continued to pay priority attention to mainstreaming women's rights in all its activities. The Mission closely monitors and reports on all gender-based violence, whether physical, psychological, and abuses of women's social and economic rights, for example through wilful denial of the right to inherit. Depriving women of their inheritance rights perpetuates a culture of dependency and encourages patriarchy and male domination. Victims of such discrimination normally experience various forms of psychological humiliation and loss of self-worth. While the common law system provides little satisfaction for women, women's rights suffer even more at the level of customary law where cultural practices favour communal over individual rights.

28. The International Human Rights Law Group recently organized a series of seminars in Freetown, Kenema, Koidu, Port Loko and Bo to sensitize communities on the concept of equality between men and women. As a result of this exercise, civil society groups and the UNAMSIL Human Rights Section have commenced consultations aimed at recommending a government-sponsored bill that would guarantee women their full inheritance rights.

F. Refugees, internees and internally displaced persons

29. Since the repatriation operations for Sierra Leonean refugees run jointly by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) began in September 2000, a total of 245,732 Sierra Leoneans have returned to Sierra Leone and resettled in the 12 districts and the Western Area. Of these returnees, 153,252 were assisted in their repatriation by UNHCR/IOM. In 2003, a total of 33,170 Sierra Leoneans returned, the majority of whom were assisted by UNHCR/IOM.

30. Because of elections in Guinea in December 2003, repatriations from Guinea were suspended until early 2004. With the evolving situation in Liberia since the departure of President Taylor and the establishment of UNMIL, reports are being received of the clandestine return of Sierra Leoneans affiliated with former President Taylor's forces. There is concern that if the borders are not closely monitored this influx of ex-combatants may create problems in the near future, in particular after UNAMSIL ends.

31. Approximately 63,908 Liberian refugees reside in camps in the eastern and southern provinces. The Human Rights Section has continued to monitor the human rights situation in the refugee camps, including Mape camp near Lungi (northern province). In the eastern and southern provinces, the Section conducted training on the rights of refugees, women and children and on the Sierra Leonean Constitution for refugees' executive committees, camp managers, UNHCR implementing partners, the Sierra Leone Police, and NaCSA, as well as for the refugees themselves.

G. Economic, social and cultural rights

32. While Sierra Leone has made much progress in terms of civil and political rights, the record remains bleak in the area of economic, social and cultural rights. This imbalance needs to be addressed as a matter of urgency if the progress made in the implementation of the peace process is to be consolidated. The poverty reduction strategy paper (PRSP), which was recently prepared by the Ministry of Development and Economic Planning, underlined this point by drawing attention to low per capita income and great inequalities in income distribution, coupled

with other unfavourable indicators. The PRSP states that these were some of the root causes of the conflict in Sierra Leone. Against the backdrop of governmental commitments and commitments by the international community to the realization of the rights to food, health and education, it is important to realize that 25 per cent of children under the age of 5 remain malnourished; maternal mortality is still at 1,800 per 100,000 live births; illiteracy rates stand at nearly 80 per cent, with female illiteracy at 89 per cent; and 81.6 per cent of Sierra Leoneans live below the poverty line of US$ 1 per day.

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

A. UNAMSIL and the Human Rights Section

33. With the guidance and the substantive support of OHCHR, the UNAMSIL Human Rights Section continued to implement its mandate through monitoring and reporting on the situation in police stations and prisons, the functioning of the judicial system and the state of national human rights institutions; documenting war-related violations; and organizing training and capacity-building activities for members of the judiciary, law enforcement officials, local human rights non-governmental organizations (NGOs) and civil society organizations.

34. The Section also strengthened its cooperation with the Civil Affairs and Demobilization, Disarmament and Reintegration (DDR) Sections within UNAMSIL. It has been taking an active part in the design and approval process of Quick Impact Projects, which serve to foster community development and fill gaps in international project support. The Section has assisted DDR in identifying and funding suitable microprojects to the benefit of young Sierra Leoneans under the transition to peace-building theme. Microprojects funded from the DDR-managed Trust Fund have included a number of human rights training projects in the provinces. Human rights officers have also participated in the sensitization campaign on HIV/AIDS, both in Freetown and in the provinces. The Human Rights Section was also active in the United Nations Development Assistance Framework for 2004-2007 and has continued to provide substantial inputs on human rights and the rule of law to the National Recovery Strategy for Sierra Leone through the Office of the Deputy Special Representative of the Secretary-General for Governance and Stabilization.

B. Activities in the districts

35. The UNAMSIL Human Rights Section has undertaken human rights monitoring, advocacy, training and capacity-building activities with an increasing focus on the country's provinces. The Section, already present in Kenema, Koidu, Port Loko and Magburaka/Makeni, was able to extend its regional coverage by opening new offices in Moyamba, Kailahun, Bo/Pujehun and Koinadugu, bringing to eight the number of UNAMSIL human rights offices at the district level. This adjustment in the deployment of human rights officers and related resources corresponds to an ongoing human rights needs assessment which has revealed strong demand for the development of human rights infrastructure in the districts. The redeployments within the Human Rights Section are designed to reinforce local capacity where it is most needed with the impending withdrawal of UNAMSIL.

C. Monitoring of the courts, police stations and prisons

36. During the reporting period, the UNAMSIL Human Rights Section stepped up its prison monitoring activities, extending them to all provincial penitentiary facilities. Eight human rights officers, assisted by a number of national staff, have been deployed in 8 districts where they monitor and report on the developments in conditions of detention throughout the 12 districts of Sierra Leone.

37. Reports from the field offices, particularly in the first half of the year, contain recurrent themes with regard to detention facilities, prisons and police outposts throughout Sierra Leone. These include: overcrowding, prolonged detention without trial, escapes, deplorable detention conditions and understaffing. Lactating mothers are often detained with their babies under living conditions that may threaten the health of both mother and baby. A constant feature in all detention centres is the persistent practice of locking up juveniles with convicted adult criminals or adults accused of serious criminal offences.

38. UNAMSIL, UNDP, DFID and other agencies are working assiduously to help the Government of Sierra Leone introduce the necessary changes in the penitentiary system. Most prison and detention facilities have either been reconstructed or are scheduled for reconstruction. These measures, along with close monitoring and reporting by human rights officers, have forced some, if limited, structural improvement in prisons and detention centres throughout the country.

39. Despite a persistent shortage of judges and magistrates, judicial authority is steadily being reinstated in the districts. Following an absence of nearly a decade, a High Court now sits regularly in the southern and eastern provinces of the country. Four itinerant magistrates, each covering at least three districts and assisted by newly sworn-in Justices of the Peace, have been assigned. While these measures have significantly alleviated the acute backlog in the number of cases pending before the courts, prolonged pre-trial detention remains a major cause of concern. The UNAMSIL Human Rights Section has informed the Chief Justice of frequent and arguably unwarranted adjournments, in one case 53.

40. While the revival of the High Court in the provinces is a welcome development aimed at consolidating the return to the rule of law, worryingly, UNAMSIL has reported a marked increase in the issuance of death sentences. Reports from Bo and Kenema speak of a High Court Judge sentencing 14 persons to death for their alleged complicity in a murder case. Most of the accused were either represented by poorly remunerated or disinterested counsel or not represented by qualified counsel at all. This was the first time in four years that a death sentence had been handed down by a High Court. While the national courts retain and apply capital punishment, the Special Court for Sierra Leone, established to judge those who bear the greatest responsibility for crimes committed during the 10-year civil war, is prevented from doing so.

41. The drawn-out saga of the RUF and West Side Boys members detained since May 2000 has continued. The status of the two cases has remained unchanged since they were charged in court in March 2002. Since then, the accused have been brought to court only to be remanded without trial or hearing. Owing to a lack of funds, none of the accused has retained the services of a qualified attorney and there is no indication the impasse will soon be overcome. Since their detention, the detainees have been denied all legal rights normally available to persons under detention, such as the right to family visits and the right to consult with attorneys of their choice.

The Government has recently taken an encouraging step by allowing the accused supervised family visits. This is the first time since their arrest and detention in 2000 that they have had contact with the outside world. This positive development aside, prolonged detention before and during trial remains a constant feature of the justice system in Sierra Leone.

D. Training

42. The Human Rights Section has further stepped up its training activities, cognizant of the need to leave behind well-trained State actors as well as a well-trained human rights NGO community upon the departure of UNAMSIL from Sierra Leone. During the third quarter of 2003 the Human Rights Section trained 227 members of UNAMSIL national contingents, 314 members of the Sierra Leone Police and 260 members of NGOs/civil society on human rights standards, principles and norms as provided in international, regional and national human rights instruments. All training sessions have also included gender and the rights of women and children. Numbers for the fourth quarter of 2003 were considerably higher given the programmes leading up to and following Human Rights Day, when thousands of Sierra Leoneans participated in human rights symposiums and other sensitization and training activities. UNAMSIL has also developed important training materials on human rights for the Sierra Leone Police and Sierra Leone Armed Forces. The set of manuals developed for senior military command and staff officers include: a human rights training manual for senior military officers, a compendium of relevant human rights instruments, a compilation of relevant humanitarian law instruments, a compendium of command and staff exercises for senior military officers and a code of conduct for military personnel and units deployed for law enforcement duties.

E. Capacity-building, technical cooperation and advocacy

43. The Human Rights Section played an active role in monitoring the implementation of several programmes of advocacy and technical assistance designed by OHCHR, including a pro bono legal service. The Lawyers Center for Legal Assistance, which provides legal assistance to indigent persons, has been working closely with the Human Rights Section in identifying cases deserving legal assistance.

44. Assistance to six grass-roots organizations has been made available through the Assisting Communities Together (ACT) Programme, designed by OHCHR to address the main emerging human rights issues in the post-conflict phase. ACT projects have covered several areas including domestic violence, the death penalty and FGM. ACT projects have provided NGOs, which are often used to operating in isolation or competition, with opportunities for collaboration.

45. OHCHR, in conjunction with the UNAMSIL Human Rights Section, designed technical assistance activities to be carried out in 2004, including a series of seminars on human rights treaty reporting. The programme is specifically tailored for officials from the Ministries of Foreign Affairs and Justice, as well as civil society groups. The OHCHR programme for 2004 also foresees the establishment of human rights resource and documentation centres with Internet workstations in Kailahun, Koidu, Kenema, Makeni, Magburaka, Bo, Pujehun and Port Loko. These centres will act as a reference library for law officers and human rights activists and support training activities for law enforcement officers and civil society groups. The

implementation of these activities, to be funded from extrabudgetary contributions, will depend on donor support to the OHCHR Annual Appeal and activities included in the 2004 Consolidated Inter-Agency Appeal.

F. A national human rights commission and the Office of the Ombudsman

46. OHCHR, in collaboration with UNAMSIL, is providing technical support to the Government as it prepares to establish a national human rights commission. The commission, unlike the Truth and Reconciliation Commission, will become a permanent institution with the mandate of monitoring the implementation of the international human rights obligations of the Government. The Human Rights Section, with the support of OHCHR and in consultation with local stakeholders, earlier submitted to the Government of Sierra Leone for its consideration and adoption draft legislation which covers the terms of reference of the commission and its standard operating procedures. In an encouraging development, in December 2003 the Cabinet endorsed the establishment of a national human rights commission. It is expected that the draft legislation will soon be submitted to the Parliament.

47. The main challenge remains the extent to which the commission will maintain its independence from government control and political manoeuvring. The full participation of civil society at all levels of the commission is imperative in order to safeguard its independence and to encourage transparency and objectivity. A working group has been established comprising representatives of the non-governmental human rights community and other stakeholders to advocate for and lead the way towards the establishment of an effective and independent national human rights commission. It is expected that additional assistance in terms of training and resources may be made available to the commission upon its establishment.

48. While the Act establishing the Office of the Ombudsman was passed in 1997, the Office only became operational in 2000 when the President of Sierra Leone appointed the Ombudsman. Recent cases handled by the Ombudsman's Office include unlawful dismissals, age discrimination and denial of property rights. According to the Ombudsman's records for 2003, the Office had a caseload of 800 complaints, only 250 cases of which were within its mandate. Sixty-three of these cases were resolved successfully. In view of the considerable public interest in its services, the Office of the Ombudsman plans to set up four offices in the provinces. In this context, the Ombudsman has expressed an interest in collaborating with the eight human rights reference centres to be established in the districts. In addition to its work with government agencies on behalf of complainants, the Ombudsman's activities for 2004 will include sensitization programmes at universities, schools, mosques and community centres.

III. TRANSITIONAL JUSTICE

A. Truth and Reconciliation Commission

49. Since my last report to the Commission on Human Rights (E/CN.4/2003/35) and to the General Assembly (A/59/379), the TRC has continued to make progress in the implementation of its mandate. On 6 August 2003, the Commission marked the conclusion of its public hearings phase by holding a national reconciliation ceremony in Freetown. This commenced with a procession, in which political associations and representatives of the Government, NGOs, the army, the police, local and international organizations and faith group organizations marched

from Victoria Park to the National Stadium. At the stadium a number of speeches were made, including apologies by the army, the police and the Revolutionary United Front Party. After the celebration the procession moved to the Congo Cross Bridge - the symbolic site at which the forces of the Economic Community of West African States Monitoring Group had halted the rebel RUF march on Freetown in January 1999. The bridge was renamed and dedicated as the Peace Bridge.

50. With the conclusion of its public hearings, the TRC embarked on the final reporting stages of its work. Owing to the amount of outstanding work still to be done on its report, the mandate of the Commission, scheduled to terminate in October, was extended until 31 December 2003. On that day, the TRC administratively ended its mandate, but a small report-writing group, under the supervision of the commissioners, will continue to finalize the report as well as oversee its editing and printing before its presentation to the President, scheduled for April 2004.

51. During the last quarter of 2003, the TRC, in collaboration with the Inter-Religious Council, carried out several reconciliation activities, including district reconciliation workshops in the districts and in Freetown. These activities, funded by UNDP, were aimed at reinforcing reconciliation at the community level and led to the establishment of district support committees, under the leadership of the Council. These committees are designed to continue local reconciliation activities during 2004. The follow-up project to the TRC, which OHCHR will implement in 2004, foresees assistance to these committees, among other activities.

52. To assist the TRC in developing its recommendations on reparation, the International Center for Transitional Justice (ICTJ) facilitated consultations among civil society groups to develop general recommendations for the consideration of the TRC. These recommendations were presented to the TRC in late October after which the ICTJ seconded a consultant to assist the Commission in developing its recommendations on reparation.

53. In September 2003, the TRC issued a call for contributions for a “National Vision” for Sierra Leone. Sierra Leoneans were requested to set out their hopes for a post-conflict Sierra Leone and to describe a new Sierra Leone of peace, unity and pride. In two months, the TRC received over 250 contributions, representing the efforts of over 300 individuals, including adults, children, war victims, prisoners and ex-combatants. The contributions included written and recorded essays, slogans, plays and poems, paintings, etchings and drawings, sculptures and wood carvings. On 10 December 2003, Human Rights Day, the National Vision Exhibition was launched at the National Stadium in Freetown. Over 400 individuals, many of them contributors, attended the event, during which prizes were awarded to selected contributors. The exhibition was subsequently moved to the National Museum on 15 December and has attracted numerous visitors, including President Kabbah. Arrangements are being made to conduct similar exhibitions in the districts.

54. In collaboration with the TRC, the New York-based NGO WITNESS has produced a 50-minute video documentary on the findings of the Truth and Reconciliation Commission. Once the TRC report is made public, the UNAMSIL Human Rights Section and others are planning to show the documentary in the districts, as part of a broader TRC dissemination strategy.

55. During the reporting period, the TRC made unsuccessful efforts to secure the public appearance before it of Chief Sam Hinga Norman, former Minister of Internal Affairs and leader of the Civil Defence Forces (CDF) militia, and Augustine Gbao, a former RUF commander. In September, the Registrar of the Special Court issued a Practice Direction, which placed stringent conditions on access to detainees by the TRC. An application by the TRC for the public appearance before it of the detainees was rejected by the Special Court which, in a ruling on 30 October, held that Chief Hinga Norman should not appear before the TRC as this would be irreconcilable with his right to a fair trial. An appeal by the TRC against this finding was turned down by the President of the Special Court on 28 November 2003. The Court, however, ruled that the TRC could receive written testimonies from the indicted. This action, in the view of the TRC, dealt a serious blow to its work and constituted a serious injustice to the detainees and people of Sierra Leone. It denied the TRC an opportunity to hear from a major figure in the conflict, not least since all the other main actors, including the President, and even detainees in the local Pademba Road prison, had given testimonies. The decision closed the door to participation in the TRC for all those detained, at the request of the Prosecutor of the Special Court.

56. The differences between the TRC and the Special Court on this matter generated media and public attention, with most of the public supporting the former, arguing that the comprehensiveness of the historical record to be produced by the TRC would benefit from public testimonies by those under the custody of the Special Court.

57. By virtue of their contemporaneous existence, the TRC and the Special Court offered a unique framework for moving from conflict to peace. The inability of the TRC and the Special Court to resolve their differences concerning the appearance of those indicted by the Special Court arguably is a missed opportunity for the effective parallel operation of truth and justice mechanisms.

58. With the impending conclusion of the TRC and the need to ensure proper management of resources and securing of the fixed assets of the Commission, OHCHR intensified its monitoring of the implementation of its project to support the TRC. During the last quarter of 2003, four monitoring missions were deployed to the Commission to, among other activities, report on the implementation of OHCHR technical assistance and use of resources. An interim financial and systems audit of the TRC was conducted by an external auditor who has been engaged to verify the fixed assets of the Commission in preparation for the final auditing, as provided in the TRC Act (2000).

59. As part of its established practice of keeping donors informed of progress in the operations of the TRC, OHCHR organized several briefings during 2003 to apprise donors of progress in the operations of the TRC as its mandate draws to a close.

B. Special Court

60. On 10 March 2003 the Sierra Leone Special Court issued its first set of indictments against seven persons accused of war crimes, crimes against humanity and other violations of international humanitarian law. The Court's action targeted members of the RUF, the Armed Forces Revolutionary Council (AFRC) and the CDF who are perceived as bearing the greatest responsibility for crimes committed during the war. Among the persons first indicted were two

former RUF leaders, Foday Saybana Sankoh and Issa Sessay, as well as Alex Tamba Brima (AFRC), Morris Kallon (RUF) and Sam Hinga Norman (CDF). Johnny Paul Koroma and Sam "Maskita" Bockarie were also indicted in absentia. Augustine Gbao, Brima "Bazzy" Kamara, Moinina Fofana, Allieu Kondewa, Charles Taylor and Santigie Kano were indicted thereafter.

61. At a preliminary hearing subsequently held at the remote Bonthe Island, all the indicted pleaded not guilty. Foday Sankoh, then bedridden and terminally ill, could not enter any plea; he died on 30 July 2003 in Choithram Hospital in Freetown. Three months after his indictment, in May 2003, Sam Bockarie reportedly died of multiple gunshot wounds in Liberia. On 5 December 2003, the Prosecutor of the Special Court withdrew his indictments against the two men.

62. All the indicted persons are under the custody of the Special Court except for Johnny Paul Koroma, whose whereabouts are unknown, and Charles Taylor, ex-President of Liberia, in exile in Nigeria. The Appellate Chambers of the Special Court has heard and approved the Prosecution's application requesting that the nine accused persons be tried jointly under two indictments: RUF/AFRC, on the one hand, and CDF, on the other. The Special Court has cleared all the jurisdictional issues raised by the defence team and is poised to start trials in the first quarter of 2004.

IV. CONCLUSIONS AND RECOMMENDATIONS

63. **Considerable progress has been made in the field of human rights in Sierra Leone since my last report to the Commission on Human Rights. Sustained progress in the transition from relief to recovery and from peacekeeping to peace-building has led to the gradual withdrawal of UNAMSIL, which is scheduled to be completed by December 2004. It is imperative that the planned completion of UNAMSIL, which has been the catalyst for positive change in Sierra Leone, including in the establishment of a nascent national human rights protection infrastructure, not leave a void that national institutions will be unable to fill.**

64. **To further consolidate progress in the area of human rights and avoid any reversals, it is imperative that the post-UNAMSIL residual United Nations presence in Sierra Leone retain a substantial human rights component with the capacity and personnel to deploy nationwide in order to monitor human rights and provide technical cooperation and advisory services.**
