

# OPERATIONAL GUIDANCE

## SIERRA LEONE

### I. Introduction

The document summarises the general political and human rights situation in the country and provides information on the nature of claims frequently received from nationals of that country and relevant country conditions. It provides guidance on policy where required but does not, in itself, constitute a statement of Home Office policy. The document must be read in conjunction with the country assessment if one has been produced and other country information distributed on the country of origin.

Applications for asylum in the United Kingdom are considered in accordance with the UK's obligations under the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol. All applications for asylum should be considered individually on their merits and, unless the applicants may reasonably be expected to seek asylum in a third country or the Dublin Convention applies, asylum should be granted where the applicant fulfils the criteria in the 1951 UN Convention. Detailed guidance on assessing an asylum claim and criteria for granting exceptional leave to remain is contained in the Asylum Policy Instructions (APIs), chapters 1 section 2. Caseworkers must familiarise themselves with the Home Office Country Assessment and its accompanying source material. If a claim for asylum falls to be refused, thought must be given as to whether a grant of exceptional leave is appropriate. As part of this process, Human Rights issues must also be considered. Further information on the European Convention on Human Rights and Fundamental Freedoms is contained in chapter 5 section 4 of the APIs. Information about the wider criteria for granting and refusing exceptional leave is contained in API chapter 5 section 1.

### II. Country assessment

#### **Political System**

- Sierra Leone is a parliamentary democracy based on a multi-party political system.
- Elections took place on 26 and 27 February 1996 when the Sierra Leone People's Party (SLPP) leader, Ahmed Tejan Kabbah, was elected president and later in March seats in the new 80 member parliament were allocated on the basis of proportional representation. The SLPP secured the majority of seats and the

12 provincial districts were represented by paramount chiefs. The elections ended nearly 4 years of military rule during which time all political activity was suspended. Election scheduled for March 2001 were postponed in January 2001, because of the state of emergency. This was agreed by parliament, and is a response to the situation in Sierra Leone, and is constitutional. There is nothing to indicate that the government is not committed to the democratic process.

- The Lomé Peace Accord was signed on 7 July 1999 by the government of Sierra Leone and the Revolutionary United Front rebels (RUF). It was intended that this agreement would form the basis for ending 8 years of hostilities. On 20 October 1999 President Kabbah announced the composition of the Government of National Unity, which included four ministers belonging to the RUF, some of whom originated from the Armed Forces Revolutionary Council (AFRC). The appointments were ratified by Parliament and the new government was sworn in on 2 November 1999.

## **Human Rights Situation**

### **Human rights abuses**

- Rebels invaded the centre and east of Freetown in January 1999. Between 5,000 and 6,000 people are believed to have been killed during the invasion and many others were abducted. A large number of civilians were mutilated and about half of the city's buildings were destroyed or damaged in the fighting. Several thousand internally displaced people were living in the city. ECOMOG, the Nigerian peace keeping force, restored calm to Freetown and the surrounding area before the signing of the Lomé Accord.
- The present government has made some effort to investigate the past incidents of human rights abuses by the police and punish those involved.

### **UN activities**

- The disarmament, demobilisation and re-integration of ex-combatants (DDR) programme was officially launched on 20 October 1999 by President Kabbah.
- The UN peacekeepers in the country (UNAMSIL) are working closely with consultants provided by the UNHCR to facilitate the establishment of the Truth and Reconciliation Commission (TRC) and the Human Rights Commission, both of which are to be set up pursuant to the provisions of the Lomé Accord. The TRC will provide a forum for both the victims and the perpetrators of human rights violations to tell their story. It will also recommend measures to be taken for the rehabilitation of victims of human rights violations.

- In November 1999 the UN began deploying peacekeepers as part of a 6,000 strong peacekeeping force to help oversee the implementation of the Lomé Accord. In May 2000 the Revolutionary United Front (RUF) took 500 UN peacekeepers hostage, and appeared to be threatening Freetown. Most of these peacekeepers were later released, but some were injured or killed. The situation has become less tense, but still remains volatile. In March 2001 the UN Security Council agreed to a UN peacekeeping force of 17,500.
- On 5 July 2000, the UN Security Council passed Resolution 1306 (2000) imposing a ban on the import of rough diamonds from Sierra Leone, it also requested that a system of certification be set up by the Sierra Leone government. This certification would confirm the provenance of diamonds exports that were approved by the Sierra Leone government. This resolution also called for monitoring of any reports of violations of this prohibition.
- Liberia has been accused of supporting RUF by providing supplies, and involvement in RUF's illicit diamond exports, a charge that has been denied. In October 2000, the Sierra Leone government lifted its ban on the export of diamonds, after taking delivery of specially printed certificates. These certificates should guarantee that gems have been sold through officially approved channels.
- In August 2000 the Security Council adopted Resolution 1315 (2000), which recommended that the Sierra Leone government assist in the creation of an independent special court with jurisdiction over cases relating to "crimes against humanity, war crimes and other serious violations of humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone". The court would also have jurisdiction over individuals accused of bearing the greatest responsibility for the crimes listed above

### **Judicial system**

- Although the Constitution and law provide for a speedy trial, in practice the lack of judicial officers and facilities often produced long delays in the judicial process. Due to the civil conflict the judicial system had not functioned in some parts of the country. However, the judiciary demonstrated substantial independence in practice when it did function.
- Although President Kabbah's government has worked to improve prison conditions these, at times, remained life threatening.
- During 1998 many rebel leaders and collaborators were arrested. Some were later released after their cases had been evaluated by a Commission of Investigation. At least 103 people were tried in 4 civilian trials and 1 court martial proceeding. In October 1998, 24 people were executed following court martial. These were open to the public and were extensively monitored by UN

personnel, foreign diplomats and human rights observers from both within and without the country. Observers generally agreed that these high profile proceedings were conducted in an open and fair manner and that the defendants had adequate opportunities both for counsel and to make their cases. The verdicts ranged from acquittals on all charges to guilty. The sentences ranged from 5 years imprisonment to execution.

- The Sierra Leone Government has co-operated with the United Nations and other international bodies regarding matters relating to its justice system.

### **III. Common types of claim and relevant country information**

Most asylum claims are based on the following grounds:-

#### **Abuses by ECOMOG**

During the fighting in Freetown in January and February 1999 members of ECOMOG were accused of the summary execution of civilians suspected of collaborating with rebel forces. ECOMOG generals acknowledged the excesses and ordered the arrest and interrogation of more than 100 of their soldiers. In April 1999 the ECOMOG force commander initiated the formation of a Civil/Military Relations Committee, which will investigate allegations of human rights violations against individual members of ECOMOG and the Civilian Defence Force (CDF) and recommend appropriate action to the higher authorities. Membership of the Committee includes representatives of the National Commission for Democracy and Human Rights, the Bar Association, the police, the media, civil society and the government with UN Observers (UNOMSIL), participating in an observer capacity.

In May 2000 ECOMOG withdrew the majority of its troops, and forces under UN command replaced them. It is unlikely that the majority of such applicants will be able to establish a claim to persecution within the terms of the 1951 UN Convention, however, the threshold may be passed in individual cases.

#### **Forced conscription of children**

The recruitment for military service by the Civilian Defence Force (CDF) and the kidnapping and forced conscription of children into rebel forces continues to be a serious problem. An estimated 5,000-child soldier served alongside adults between 1991 and 1999. While the CDF forces accepted children as volunteers, most children who joined the insurgent ranks did so under duress. For years rebels have abducted young boys and girls to serve them and augment their forces, and the social consequences of this are still being addressed. Despite efforts to curtail the recruitment of children for military purposes, this practise is still

continuing among the RUF and some militia groups allied to the government.

The Sierra Leone government in a statement issued on 24 May 2000, deplored such conscription, and reiterated the conditions attached to recruitment into the Sierra Leonean armed forces. The statement also warned that it would take action against any of its officer who permitted children to bear arms. However, this practise still continued. Some of these children on release have faced hostility from society at large because of their activities while in rebel hands.

Caseworkers should take great care when considering such applications, as these applicants may have suffered traumatic experiences while in captivity. It is unlikely that the majority of such applicants will be able to establish a claim to persecution within the terms of the 1951 UN Convention, however, the threshold may be passed in individual cases.

### **The general country situation**

The present situation, following the outbreak of violence in May 2000, remains unsettled. The UN's ability to promote peace and disarmament has met with some success, but has also been questioned. As well as kidnapped UN peacekeepers, RUF has on a number of occasions impeded UN peacekeepers, stolen weapons and supplies, and besieged UN personnel in their camps. A number of RUF's leaders, including Foday Sankoh, have been detained, and a decision has yet to be taken on any charges that they may face.

Following the arrest of Foday Sankoh in August 2000, Gen. Issa Sesay was appointed interim leader. On 10 November 2000, RUF and the Sierra Leonean government signed a peace agreement in Abuja, at present there is a de-facto cease-fire on the ground. The Lomé Peace Accord remains the basis for long-term peace, and the Abuja peace agreement recognises this. The Sierra Leonean authorities with the assistance of the UN have entered previously rebel held areas, and re-open transport links within the country. RUF still holds areas of Sierra Leone, retains the means to wage a protracted campaign of violence within the country, and has been involved in clashes with Guinean forces in the North and East of the country.

Tension between the Sierra Leone authorities and RUF remains high, and there have been a number of recent clashes between RUF and government militias, but it is not clear if RUF leadership order these, or if they were a break down in discipline. Generally the cease-fire is holding, and in government held areas, the situation remains calm. Applicants may claim a fear of return because of recent events, and uncertainty regarding the prospects of long term peace. However, it is unlikely that the majority of applicants will be able to establish a claim to persecution within the terms of the 1951 UN Convention, but the threshold may be passed in individual cases.

## **The General Humanitarian Situation**

Conditions for the ordinary Sierra Leone citizens remain poor, and the country is still highly dependent on international aid. There have been returns of refugees from neighbouring countries. These countries have been host to large numbers of Sierra Leoneans, and generally have been generous in their efforts to assist; although there have been incidents where this influx has caused some friction. The UNHCR and NGOs have expressed concern about Sierra Leone's ability to deal with returnees in all parts of the country, due to the lack of facilities following ten years of violence. There are reception camps for returning refugees, but these are crowded, over-stretched and the conditions are not ideal, and many of those returned have had to make their own provisions. There are also a large numbers of internally displaced refugees, which is adding to the burden in the main towns.

The government has recently gained control over a number of major towns, e.g. Lunsar, Makeni, through a process of negotiation. There have been attempts to extend the rule of law and allow people to re-settle, but RUF remains influential in these areas. Roads have been re-opened and the infrastructure has been improved, but this has been with the agreement of RUF. There is a disarmament, demobilisation and reintegration process, and both RUF and government controlled militias are co-operating with this. However, the situation remains changeable, as this assertion of government authority is an ongoing process, and dependent on RUF's continued good offices.

Freetown and the surrounding area are under government control. RUF retains control of areas mostly in the North and East of the country. Those living in RUF controlled areas are free to relocate to other areas within the country and in most cases it is not unreasonable or unduly harsh for them to do so. Caseworkers should note that RUF is able to infiltrate all parts of the country, but at present appears to be complying with the terms of the cease-fire. While isolated incidents of violence can occur, there does not appear to be any attempts, by any party or groups, to target specific individuals, or a concerted campaign of violence. Applicants may claim a fear of return because of uncertainty regarding the prospects of long-term peace, or a fear that they will not be safe in government held areas. However, it is unlikely that that applicants who base their claim on these reasons will be able to establish a claim to persecution within the terms of the 1951 UN Convention.

## **Suspected rebels**

Following the signing of the Lomé Peace Agreement the RUF took steps to register as a political party and several of its members were appointed to government positions. The agreement also granted a pardon to Foday Sankoh and an amnesty for crimes committed prior to its signing, although the UN did not extend this to cover crime against humanity.

In light of the events of May 2000, and the passing of Security Council Resolution 1315 (2000) this amnesty is now subject to review. Caseworkers may encounter applications from members of RUF, or other opposition groups, or from members of their families. These claims should be treated with caution as some of these individuals may have been involved in serious human rights abuse. Should such claims come to light, Caseworkers may wish to seek the advice of Senior Caseworkers. Casework should also consult bulletin 4/2000, which contains a list of Sierra Leone citizens who are subject to a travel ban imposed by the UN. It is unlikely that the majority of such applicants will be able to establish a claim to persecution within the terms of the 1951 UN Convention, however, the threshold may be passed in individual cases.

### **All People's Congress (APC)**

This party is among the 13 political parties that were registered, and took part in the February 1996 elections. They received 5.7% of the vote and hold 5 seats in the new parliament. Following the overthrow of the AFRC/RUF junta in February 1998 2 APC MPs were also arrested and another left the country. One of these was subsequently convicted of treason and sentenced to death in August 1998. The other was released in October 1998 because of lack of evidence. Former president and ex APC leader Joseph Saidu Momoh was convicted of conspiracy in November 1998 and sentenced to two terms of imprisonment. This action against APC members was not because of their party affiliations, but because of their involvement with the AFRC junta. All received due process and independent trial observers said that the trials were conducted in an open and fair manner and the defendants had adequate opportunities for counsel and to make their cases. On 23 July 1999 the government pardoned 98 former ministers and officials who had been jailed the previous year for their collaboration with the military junta. 36 of the prisoners had been sentenced to death. Those pardoned included Joseph Saidu Momoh.

The Lomé Accord has since provided immunity from prosecution for combatants and those associated with the rebels for acts carried out prior to the Accord. A number of those still being held after being convicted during 1998 have since been released by the government. It is unlikely that the majority of such applicants claiming links with this party will be able to establish a claim to persecution within the terms of the 1951 UN Convention, however, the threshold may be passed in individual cases.

