

FINDINGS

INTRODUCTION

1. The Truth and Reconciliation Commission Act 2000 (“the Act”) enjoined the Truth and Reconciliation Commission (“the TRC” or “the Commission”) to make findings in relation to the causes, nature and extent of violations and abuses during the armed conflict in Sierra Leone.¹ In particular, the Commission was mandated to deliberate on the question of whether such violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual. The Act required investigation into the roles of internal and external factions in the conflict.²
2. This chapter summarises the main findings of the Commission.³ The detailed findings of the Commission are to be found in the different chapters of the report. The main findings are preceded by primary findings. The primary findings are the central or most important findings made by the Commission.
3. In the course of its proceedings, the Commission amassed a large amount of evidence and information from public and closed hearings, interviews, investigations and research. Based upon the totality of this information, the Commission has made findings concerning the roles played in the conflict by governments, groups, factions and individuals.
4. At the end of each section addressing the role played by a particular government, faction or group, the names and positions of persons found to have been its key office-holders are listed. In circumstances where a finding related to the actions of the government, faction or group in question, those office-holders were by implication held responsible.
5. In certain circumstances, findings were also made in respect of individuals. These circumstances included:
 - o Where the individual in question had sufficient opportunity during a hearing or interview to respond to an allegation; or where the individual was supplied with written questions and could have responded in writing, and
 - o The Commission was satisfied that the information or evidence at its disposal pointed overwhelmingly to a certain conclusion.
6. The Commission made findings in respect of groups and individuals after careful deliberation. Following months of research and investigation, staff members placed their research conclusions before the Commissioners in a series of workshops. These conclusions were interrogated and debated by the Commissioners.
7. The standard of proof employed was not that used by criminal courts of law, namely proof beyond a reasonable doubt. The Commission did not make findings on questions

¹ Section 6(1) read with Section 6(2)(a).

² Section 6(2)(a)(1)

³ As required by Section 15(2)

of innocence or guilt. It made factual findings in relation to responsibility and accountability. The standard of proof utilized by the Commission was therefore more akin to the preponderance or balance of probabilities.

8. The Commission, by necessity, devoted its energies to building the totality of the story of the conflict. Although specific cases were investigated, these were events that either served to illustrate the greater story or incidents that, in themselves, defined the nature and course of the conflict.
9. The Findings chapter is perhaps more properly described as a summation of the main conclusions⁴ that emerged from the process of establishing the “factual or forensic” truth⁵ of the conflict. At times this summation accords with some of the “personal or narrative truths”, namely the truth as understood or related by individual participants, victims and witnesses.⁶ The findings also, at times, accord with the “social truth” or that truth that is generally accepted by large segments of the population.⁷
10. At other times, the conclusions to be found in the Findings chapter depart fundamentally from the different narrative truths and formerly accepted social or popular truths. In so doing, the findings of the Commission have debunked certain popular “truths” and may contribute to the creation of a new social truth of the Sierra Leone conflict.
11. The Findings chapter commences with the Primary Findings of the Commission. The chapter then sets out the conclusions and findings of the Commission in relation to the following topics and themes:
 - a. Causes of the Conflict
 - b. Nature and Characteristics of the Conflict
 - c. Perpetrator Responsibility
 - d. Military and Political History of the Conflict
 - i. Revolutionary United Front (RUF)
 - ii. Sierra Leone Army (SLA)
 - iii. National Provisional Ruling Council (NPRC)
 - iv. Armed Forces Revolutionary Council (AFRC)
 - v. Sierra Leone People’s Party Government (SLPP)
 - vi. Civil Defence Forces (CDF)
 - e. External Actors
 - i. Libya
 - ii. Charles Taylor and the National Patriotic Front of Liberia (NPFL)
 - iii. United Liberation Movement for Democracy (ULIMO)
 - iv. Economic Community of West African States (ECOWAS) and Ecomog Ceasefire Monitoring Group (ECOMOG)
 - v. United Kingdom
 - vi. Executive Outcomes
 - vii. United Nations and the International Community
 - f. The Judiciary, the Rule of Law and the Promotion of Human Rights
 - g. Youth
 - h. Children
 - i. Women

⁴ The terms “findings” and “conclusions” are used interchangeably in this chapter.

⁵ Conclusions based on an empirical fact-finding approach. See the Volume One Chapter Three for a comprehensive definition of the factual truth and the Methodology chapter for details on the fact-finding approach adopted.

⁶ See Chapter Three of Volume One for a detailed discussion on personal or narrative truth.

⁷ See Chapter Three of Volume One for a detailed discussion on social truth.

- j. Mineral Resources
- k. TRC and the Special Court for Sierra Leone

PRIMARY FINDINGS

12. The Commission finds that the conflict and the post-independence period preceding it represent the most shameful years of Sierra Leone's history. These periods reflect an extraordinary failure of leadership on the part of all those involved in government, public life and civil society.
13. The Commission finds that the central cause of the war was endemic greed, corruption and nepotism that deprived the nation of its dignity and reduced most people to a state of poverty.
14. Successive political elites⁸ plundered the nation's assets, including its mineral riches, at the expense of the national good.
15. Government accountability was non-existent. Institutions meant to uphold human rights, such as the courts and civil society, were thoroughly co-opted by the executive.
16. This context provided ripe breeding grounds for opportunists who unleashed a wave of violence and mayhem that was to sweep through the country.
17. Many Sierra Leoneans, particularly the youth, lost all sense of hope in the future. Youths became easy prey for unscrupulous forces who exploited their disenchantment to wreak vengeance against the ruling elite.
18. The Commission holds the political elite of successive regimes in the post-independence period responsible for creating the conditions for conflict.
19. The Commission finds that the seeds of discontent of the late 1980s and early 1990s can be traced to the colonial strategies of divide and rule and the subversion of traditional systems by the colonial power and successive governments.
20. War in Sierra Leone was waged largely by Sierra Leoneans against Sierra Leoneans. All factions specifically targeted civilians.
21. The Sierra Leone civil war was characterised by indiscriminate violence. It broke long-standing rules, defiled cherished traditions, sullied human respect and tore apart the very fabric of society.
22. While the majority of victims were adult males, perpetrators singled out women and children for some of the most brutal violations of human rights recorded in any conflict.
23. Children aged 10-14 were especially targeted for forced recruitment. Girls between the ages of 10-14 were targeted for rape and for abuse as sexual slaves.⁹

⁸ The term 'political elite' is used to describe the elite across the spectrum including the business elite and those occupying positions of power and influence in the public and private sectors.

⁹ In violations reported to the Commission, the exact age of the victim at the onset of the violation is recorded for 54.8% (22041 out of 40242 victims) of them. Of these, 4.5% (985 out of 22041) have the age of the victim recorded as under 10, and 9.5% (2104 out of 22041) have the age of the victim recorded as under 13.

24. Women and girls were raped, forced into sexual slavery, tortured and suffered cruel and inhumane acts.
25. Forced displacements, abductions, arbitrary detentions and killings were the most common violations.¹⁰
26. The Commission holds all the armed groups involved in the conflict responsible for systematically plundering and looting Sierra Leone.
27. The Commission finds the leadership of the RUF, the AFRC, the SLA and the CDF to be responsible for either authorising or instigating human rights violations against civilians; alternatively for failing to stop such practices or to speak out against them; and for failing to acknowledge the atrocities committed by their followers or members.
28. The Commission holds the National Patriotic Front of Liberia (NPFL) and the RUF responsible for planning and executing military operations against the state of Sierra Leone. In particular, the Commission finds that the leaders of these organisations, Charles Taylor and Foday Sankoh, played pivotal roles in bringing bloody conflict to Sierra Leone.
29. The Commission found the RUF to have been responsible for the largest number of human rights violations in the conflict.
30. The AFRC committed the second highest rate of violations.
31. The SLA and the CDF were attributed, respectively, with the third and fourth highest institutional counts of violations.
32. The Commission finds that the governments in power at the time of the outbreak of violence in 1991 and during the conflict period neglected to take adequate steps to protect the nation from the aggressive actions of foreign and rebel forces.
33. The Commission finds that the SLPP Government must bear responsibility for the excesses committed by the CDF. The Government failed to stop and address the Commission of human rights violations against civilians and initiates even when knowledge of such violations was brought to its attention.
34. The Commission finds that successive governments abused the death penalty to eliminate political opponents. The Commission finds the continued existence of the death penalty on the statute books of Sierra Leone to be an affront to a civilised society based on respect for human life.
35. The Commission finds that successive regimes in Sierra Leone misused emergency powers to suppress political dissent. The persistent use of so-called "Safe Custody" detention is unlawful and represents gross contempt for the rule of law by the present Government of Sierra Leone.
36. The Commission finds that contrary to popular belief, the exploitation of diamonds did not cause the conflict in Sierra Leone. Nevertheless, different fighting factions did target

¹⁰ This statement is based on the testimonies submitted to the Commission; see Chapter One in Volume 4 of this report for an explanation of how the Commission's database represents the abuses experienced during the war in Sierra Leone.

diamondiferous areas for the purposes of gathering mineral wealth to support their war efforts.

37. The Commission finds that many of the causes of the conflict that prompted thousands of young people to join the war have still not been adequately addressed. High among these factors are elitist politics, rampant corruption, nepotism, and bad governance in general. They are potential causes of conflict, if they remain unaddressed.¹¹
38. The Commission holds that the right to the truth is inalienable. This right should be upheld in terms of national and international law. It is the reaching of the wider truth through broad-based participation that permits a nation to examine itself honestly and to take effective measures to prevent a repetition of the past.

FINDINGS ON THE CAUSES OF THE CONFLICT

39. The causes of the Sierra Leone conflict were many and diverse. Some historical antecedents to the conflict can be traced back to the colonial period,¹² while others are found by examining the post-independence years, in particular, the years preceding the outbreak of violence in 1991.
40. Key themes highlighted by the Commission were the pervasive corruption and the dire failings in governance that characterised all regimes of the pre-conflict years.¹³ These factors produced the conditions that made Sierra Leone ripe for violent conflict.
41. This section also sets out findings in relation to those developments that constituted the immediate antecedents to the start of conflict.

Primary findings

42. Prior to 1991, successive regimes became increasingly impervious to the wishes and needs of the majority. Instead of implementing positive and progressive policies, each regime perpetuated the ills and self-serving machinations left behind by its predecessor.
43. A number of internal factors accumulated, which made armed rebellion an increasingly attractive option for many disaffected Sierra Leoneans. These factors included unrestrained greed, corruption and bad governance.
44. Institutional collapse reduced the vast majority of people to a state of deprivation. Government accountability was non-existent. Political expression and dissent had been crushed. Democracy and the rule of law were dead.
45. By 1991, Sierra Leone was a deeply divided society and full of the potential for violence. It required only the slightest spark for this violence to be ignited.

¹¹ A study has revealed that around half of civil wars occur in countries which have had another internal conflict during the previous ten years. Reported in *The Economist*, April 24th 2004 at page 84. See www.economist.com/copenhagenconsensus

¹² See the chapter: "Historical Antecedents to the Conflict".

¹³ See the chapter: "Governance".

Main findings

The Colonial Period

46. The Commission finds that the Colonial power in Sierra Leone deliberately created two nations in the same land, one in the colony and the other in the protectorate. The impact of the separate development policies had far-reaching consequences, particularly in the fields of education, access to resources and in the social and political development of the two regions. The policies of the Colonial government led to the preferential development of the Colony at the expense of the Protectorate.
47. The Commission finds that the Colonial government manipulated the Chieftaincy system and, in so doing, undermined its legitimacy. The Chiefs became mere surrogates of the colonial government. They owed their loyalty to their colonial masters rather than to the people they were meant to serve.
48. The Commission finds that the policies of the Colonial government created a dual legal system that affected the colony and the protectorate differently. This impacted negatively on those in the protectorate who had to contend with the arbitrary and capricious application of customary law by the Chiefs. This created much resentment amongst the residents of the protectorate.

The Post-Independence Period

49. The Commission finds that, by the early 1990s, greed, corruption and bad governance had led to institutional collapse, through the weakening of the Army, the police, the judiciary and the civil service. The entire economy was undermined by grave mismanagement.
50. Selfish leadership bred resentment, poverty and a deplorable lack of access to key services. Notwithstanding the riches endowed to Sierra Leone in the form of diamonds and other mineral resources, the bulk of the population remained impoverished. Indeed, many of the poor were becoming poorer.
51. These social ills began with a collective failure to subscribe to notions of the common good. In many instances, the rich perceived the poor to be worthless, while the poor perceived the rich to be unworthy.
52. A culture of grabbing and intolerance for the rights of others became entrenched in Sierra Leone. People were systematically deprived of their dignity.
53. The political elite in successive regimes excluded society-at-large from meaningful participation in decision-making. Key stakeholders in society, including students, youths, and the populace of the Provinces, were marginalised by the political elite. Ultimately, these marginalised groups played a central role in initiating and fuelling the armed conflict.
54. The Commission finds in particular that the term of government under the All People's Congress (APC), particularly during the reign of President Siaka Stevens (1969 – 1985), was one that suppressed any semblance of opposition. The creation of a one-party state effectively neutralised all checks and balances on the exercise of executive power. The one-party state systematically closed down avenues for open debate and democratic activity.

55. By the time of the conflict, successive regimes had rendered the country devoid of governmental accountability. Institutions such as the judiciary and civil society had become mere pawns in the hands of the executive. Parliament proved itself to be a servile agent of the executive, lacking courage and determination to resist tyranny.
56. The Commission finds that all institutions of oversight must accept responsibility for the effective entrenchment of dictatorship and bad governance that laid the grounds for war.
57. There were no significant acts of resistance to the excesses of the system. Civil society was largely co-opted into the very same system. Organs or agents of the APC Government quickly crushed the few who did stand up to totalitarianism. In short, there were no real restraints on the executive. The rule of law was well and truly dead. Those in power became a law unto themselves.
58. The signs of the impending human catastrophe were plain to see. The Provinces had been almost totally sidelined through the centralization of political and economic power in Freetown. Local government was in demise across the country. Chiefs and traditional structures did little more than the bidding of the powerbase in Freetown. Regions and ethnic groups were polarised by the contrasting treatments they were afforded.
59. It had become commonplace for elections to be rigged. Elections were associated with campaigns of intimidation and violence often carried out by thugs who were employed by party bosses and given drugs to fuel their waywardness.
60. Historically, the conduct of the political elite, while in power was largely the same, regardless of which political party was in power. Corruption in the judiciary and public sector was rife. The people had lost all faith in the ruling class to act with integrity and to deliver basic services to the nation.
61. Successive political regimes abused their authority over the security forces and unleashed them against their political opponents in the name of national security. Soldiers and police officers were reduced to playing roles as agents of destabilisation. The Commission finds that the military overthrow of the APC government in 1967 sowed the seeds for future military coups of successive governments.
62. By the time of the outbreak of war, the army had become dangerously under resourced after years of neglect, when government devoted its resources to internal security for purposes of extinguishing political opposition.
63. The Commission finds that divisions along ethnic and regional lines characterised the post-colonial period. Successive regimes favoured certain ethnic groups over others with regard to appointments in cabinet, the civil service and army.
64. Sierra Leoneans owed loyalty to their respective ethnic group rather than to the nation. They became captive to different systems of patronage. The basis for political, social and economic mobility was dependent on allegiance to a "pa" (benefactor) rather than effort based on merit.
65. By the end of the 1980s, Sierra Leone had become a deeply fragmented country, marked by an almost total lack of national identity. Notions of citizenship and patriotism had become meaningless concepts.

66. The Commission finds that the innumerable failings in governance caused Sierra Leonean activists to seek alternative outlets for expression of their dissent and dissatisfaction. The exclusionist actions of the APC led to a complete loss of faith in the political system and ultimately gave rise to a general belief that only a revolutionary movement could bring about change.
67. The Commission finds that those in leadership in government, public life and civil society failed the people of Sierra Leone. The period between independence and the start of the conflict represents a colossal failure of leadership at all levels of public life. No enlightened and visionary leaders emerged to steer the country away from the slide into chaos and bloody civil war.
68. The Commission holds the political elite of successive regimes in the post-independence period responsible for creating the conditions for conflict in Sierra Leone. The governments headed by Sir Milton Margai, Sir Albert Margai, Colonel A. T. Juxon-Smith, Siaka Probyn Stevens and General Joseph Saidu Momoh all bear a share of this responsibility. These leaders together with the entire political elite collectively placed their personal and political interests above those of the nation.

The immediate antecedents to the armed conflict in Sierra Leone

69. Outbreak of armed conflict was made inevitable by events unfolding in Liberia. A series of events took place on Liberian territory in 1990 and 1991 that culminated in the formulation of a joint agenda on the part of Charles Taylor and Foday Sankoh. The Commission finds that they planned to instigate a war in Sierra Leone.
70. The launch of a renewed insurgency by Charles Taylor's National Patriotic Front of Liberia (NPFL) against the Government of Liberia in December 1989 was an integral antecedent to the conflict in Sierra Leone.
71. The Commission finds that Charles Taylor played an influential role in bringing war to Sierra Leone. Taylor provided the organisational oversight of both the NPFL and the RUF factions during the period preceding the conflict.
72. Foday Sankoh assembled and trained a force comprising 385 commandos at Camp Namma in Liberia. The Commission finds that Sankoh's training programme was geared to no other purpose but the launching of an armed insurgency in Sierra Leone with this force.
73. The High Command of the Sierra Leone Army failed to put in place sufficiently robust measures to deter, prevent or contain attacks in the border area with Liberia.
74. The Commission finds that there were concrete plans for joint military operations by the RUF and NPFL in existence before 23 March 1991. These plans sparked a conflict that was unprecedented in its intensity, its nature and its characteristics.

FINDINGS ON THE NATURE AND CHARACTERISTICS OF THE CONFLICT

Primary Findings

75. The war was waged largely by Sierra Leoneans against Sierra Leoneans.
76. All factions specifically targeted civilians.
77. While the majority of victims were adult males, perpetrators singled out women and children for some of the most brutal violations of human rights recorded in any conflict. In a few cases, the children victimised were below ten years of age.
78. Forced displacements, abductions, arbitrary detentions, and killings were the most common violations.
79. Sierra Leone was systematically plundered and looted by all factions in the conflict. The war has left Sierra Leone in a state of infrastructural disrepair.

Main Findings

Self-destructive character of the conflict

80. Notwithstanding the participation of thousands of fighters from other countries in the war, the overwhelming majority of atrocities were committed by Sierra Leoneans against Sierra Leoneans. The conflict was essentially self-destructive in character.

Age and gender profile of the victims

81. Most of the violations reported to the Commission were committed against adult males (59.6%, 6816 violations out of 11429).¹⁴ Of the victims reported to the Commission for whom age and sex are known, 66.5% (7603 out of 11429 victims) are male while 33.5% (3826 out of 11429 victims) are female. Female victims reported to the Commission comprised 31.9% of adult victims (3186 out of 10002 victims) but made up 44.9% (640 out of 1427) of the child victims.¹⁵
82. Most of the violations in the Commission's database were committed against adults, but an alarming high proportion was committed against children. Sixty-six percent of the victims in the Commission's database are male. Female victims in the Commission's database comprised 30.9% of adult victims but made up nearly half of all child victims.

Targeting of Civilians

83. Civilians accounted for a large number of deaths at the hands of each of the fighting factions.¹⁶

¹⁴ There were 14995 victims reported to the Commission, but the age category and sex are known for only 11429 of them. More detail is provided in Chapter One, Volume 4.

¹⁵ The age category of the victim is known for 33196 of the 40242 violations reported to the Commission; 13.6% of the violations (4513 out of 33196) were committed against children 17 years of age or younger.

¹⁶ The majority of the 4514 deaths reported to the Commission were civilians.

84. The Commission finds that civilians, as individuals and in groups, were often the direct targets of participant militias and armed groups rather than merely the unfortunate victims of 'collateral damage'. Combatant groups executed brutal campaigns of terror against civilians in order to enforce their military and political agendas. Civilians became the 'objects' of political or factional allegiance. They were victimised indiscriminately to send a message to 'the enemy'.
85. The Commission finds that all participant militias and armed groups, not only disrespected the international laws and conventions of war, but, intentionally flouted the laws and customs that traditionally have lent structure to Sierra Leonean communities, culture and society.

Nature of Violations

86. *Forced displacement* accounted for 19.8% (7983 out of 40242) of the violations reported to the Commission. More forced displacements were reported than any other violation. The Commission found that a typical, recurring pattern of experience was for victims to flee from their homes in fear of their lives, leaving attackers in their wake. These attackers would often systematically loot and destroy whatever property had been left behind.
87. *Abductions* were the second most common violation reported to the Commission followed by *arbitrary detention*. The total reported violations and percentages are shown in the table below.

Violation Type	Count	Percentage
Forced Displacement	7983	19.8
Abduction	5968	14.8
Arbitrary Detention	4835	12.0
Killing	4514	11.2
Destruction of Property	3404	8.5
Assault / Beating	3246	8.1
Looting of Goods	3044	7.6
Physical Torture	2051	5.1
Forced Labour	1834	4.6
Extortion	1273	3.2
Rape	626	1.6
Sexual Abuse	486	1.2
Amputation	378	0.9
Forced Recruitment	331	0.8
Sexual Slavery	191	0.5
Drugging	59	0.2
Forced Cannibalism	19	0.1
Total	40242	100.2

88. Within the context of the violations reported in statements to the Commission, *rape* and *sexual slavery* were committed exclusively against *females*, while 89.1% (293 out of 331) of *forced recruitments* were committed against *males*.

Targeting of Children

89. The Commission finds that children were specifically targeted during the conflict. In particular, the Commission finds statistical patterns that are consistent with the hypothesis that children between the ages of 10 and 14 were specifically targeted for *forced*

*recruitment, rape, and sexual slavery.*¹⁷ Twenty-five percent of the victims reported to the Commission across these three violations were young children: 11 years of age or younger in respect of forced recruitment; 13 years or below of those raped; 12 years or younger of those forced into sexual slavery.

90. The Commission finds the RUF, the AFRC and the SLA (when it operated with the AFRC) to be the primary organizations that committed violations against children. Of the violations known to the Commission with a victim with known age and alleged to have been committed by the RUF, 15.4% (3090 out of 20125 violations) were against children.¹⁸ The corresponding statistic for the AFRC, (including the SLA when it operated with the AFRC), was 10.7% (603/5610). The leaderships of these organisations are held responsible for permitting the commission of gross human rights violations against children. There are no mitigating factors to justify such inhuman and cruel conduct.

Looting of the Nation

91. Sierra Leone was systematically plundered during the conflict period. Looting violations were rife and constant throughout the period of fighting. Property owners and those with assets, such as motor cars and large numbers of livestock, were deliberately targeted by each of the fighting factions, as they sought to accumulate wealth for themselves.
92. The Commission finds that the targeting by the RUF of the affluent and the attacking of commercial operations crippled the economy.
93. Combatants from each of the factions enriched themselves through tactics universally known as "*pay yourself*". They would force captives to act as "*human caravans*" to carry away their loot.
94. Combatants from all the factions in the Sierra Leone civil war are held responsible for looting and pillaging the country. The Commission holds the leadership elements of all factions responsible for either authorising or failing to stop the dispossession of the people.

Characterisation of the Fighting Forces

95. The majority of the fighting forces were composed of the young, the disgruntled, the unemployed and the poor.
96. The Commission has identified an astonishing "*factional fluidity*" among the different militias and armed groups that prosecuted the war. Both overtly and covertly, gradually and suddenly, fighters switched sides or established new "*units*". These "*chameleonic tendencies*" spanned across all factions without exception.
97. The factional fluidity that defined this conflict was drawn into its sharpest focus in the latter stages of the conflict. Many of the early members of the RUF on its Southern Front in the Pujehun District reappeared as Kamajors under the banner of the CDF after 1997. There was not so much a switching of sides as the identification of a new vehicle on which to purvey their notions of empowerment as civil militiamen.

¹⁷ For more detail, see the chapter on children.

¹⁸ See the chapter on children.

Other Characteristics of the Conflict

98. Chiefs, Speakers, elders and other social, cultural and religious figureheads were singled out for humiliation and brutal maltreatment by combatants of the NPFL and the RUF.
99. The conflict was often used as a vehicle for carrying out pre-existing grudges, grievances and vendettas.
100. Acts of summary justice were often directed or encouraged by other civilians. These were mostly isolated incidents motivated by unresolved personal feuds and other localised dynamics in the particular deployment areas where they took place. Residents pointed fingers at other members of their communities with whom they had a history of civil strife. ECOMOG or SLA soldiers, RUF fighters or CDF militiamen then executed the alleged wrongdoer without substantiating the accusation.
101. Persons in positions of leadership or responsibility at times made malicious statements regarding other ethnic groups in order to promote their strategic objectives. This heightened ethnic tensions.

The Nature of Particular Violations

102. There was widespread voluntary and recreational use of drugs by members of the militias and armed groups. However, there were also many violations of forced ingestion of drugs and alcohol, particularly by members of the RUF against those they had abducted or forcibly enlisted.
103. The Commission finds that amputations were not a constant or underpinning feature to the prosecution of the war, but rather came in the form of campaigns. Amputations were carried out by members of the RUF, the CDF, the AFRC and the SLA in its earlier incarnations.
104. The Commission recorded violations committed by all combatant factions in which captives or villagers were forced to eat the flesh and body parts of human corpses. This violation also manifested itself in the forced drinking of (one's own or another's) blood, and the forced eating of one's own body parts. It served to dehumanise the victim and to create grave psychological damage.
105. The Kamajors, who constituted the CDF of the Southern and Eastern Regions, demonstrated a tendency towards the subjection of their victims to forced cannibalism.

FINDINGS IN RESPECT OF PERPETRATOR RESPONSIBILITY

Primary Findings

106. The RUF was the primary violator of human rights in the conflict. The AFRC was responsible for the second largest number of violations.¹⁹ The Sierra Leone Army (SLA)²⁰ was the third biggest violator, followed by the Civil Defence Forces (CDF).²¹

Main Findings

107. The Commission finds that the RUF was responsible for more violations than any other faction during the period 1991 to 2000: 60.5% (24353 out of 40242) of all violations were attributed to the RUF. Furthermore, the RUF committed more violations than any other group during every individual year between 1991 and 2000.²²
108. The AFRC was responsible for the second largest number of violations during the period 1991 to 2000. Some 9.8% (3950 out of 40242 violations) of all allegations made in statements to the Commission were attributed to the AFRC.
109. The Sierra Leone Army (SLA) was responsible for the third largest number of violations during the same period. Some 6.8% (2724 out of 40242) of the allegations made in the statements were levelled at the SLA.
110. 6% (2419 out of 40242) of violations alleged by the statement-makers are attributed to the CDF, and 1.5% (of violations alleged by the statement-makers are attributed jointly to the SLA and AFRC during the second quarter of 1997.
111. Other groups such as ECOMOG, the Special Security Division (SSD) of the Sierra Leone Police and the Guinean Armed Forces (GAF) account for less than 1% each of the recorded violations. 5.0% of the recorded violations are considered to have unknown perpetrators.
112. The total reported violations by year and alleged perpetrator are set out in the table below.²³

<i>Year</i>	<i>RUF</i>	<i>SLA</i>	<i>AFRC</i>	<i>CDF</i>
1991	4055	597	0	29
1992	1241	222	0	24
1993	758	197	0	9
1994	2550	368	0	93
1995	3822	469	0	191

¹⁹ Note that there was significant "luring" between these two organisations particularly in the latter stages of the war. The AFRC only came into being in 1997.

²⁰ There was some confusion in the identification of SLA and AFRC perpetrators from 1997 onwards. See Volume 4, Chapter One.

²¹ These conclusions are based on the testimonies and statements submitted to the Commission.

²² A further 9.7% of violations were attributed to "rebels". For a discussion of this category, see Chapter One, Volume 4

²³ A number of violations which were reported to the Commission but which could not be dated have not been included in this table.

<i>Year</i>	<i>RUF</i>	<i>SLA</i>	<i>AFRC</i>	<i>CDF</i>
1996	1231	172	0	180
1997	926	51	325	602
1998	2686	0	1943	473
1999	2639	0	1312	352
2000	831	110	0	78

MILITARY AND POLITICAL HISTORY OF THE CONFLICT

113. This section covers the findings made in respect of the military and political history of the conflict. These findings are organised per faction. Findings of responsibility are made relation to the role played by each faction and, in certain circumstances, with respect to individual leaders, commanders, combatants and other role-players.
114. The factions included in this study include the Revolutionary United Front (RUF), the Sierra Leone Army (SLA), the National Provisional Ruling Council (NPRC), the Armed Forces Revolutionary Council (AFRC), the government of the Sierra Leone People's Party (SLPP Government) and the Civil Defence Forces (CDF).

THE REVOLUTIONARY UNITED FRONT FOR SIERRA LEONE (RUF)

Primary Findings

115. The RUF and its supporters were responsible for the greatest number of human rights violations during the conflict period.
116. Although the RUF may have reflected prevailing discontent and revolutionary fervour existing in Sierra Leone at the start of the conflict, it soon lost its claim to be a peoples' movement. From the beginning, the RUF's war was a war of terror. While its political objectives evolved over time, the RUF never ceased or lessened its attack on the lives and properties of the people of Sierra Leone.
117. The RUF's terror tactics included the widespread abduction of children and their forced enlistment into the RUF movement under threat of death; massacres of entire communities and the targeting of traditional figureheads and influential persons; campaigns of amputations; public and brutal executions; and the destruction and looting of property.
118. The RUF carried out widespread rapes and acts of sexual violence against women and girls.

Main Findings

Characteristics of the RUF faction as it evolved over the course of the conflict

119. The Commission finds that the RUF comprised a highly unconventional fighting force. Their members were recruited in troubled circumstances, many of them under false pretences, duress, or threats to their lives.
120. The Commission finds that large parts of the RUF fighting force that evolved in Pujehun District in the early years bore the character of a civil militia movement. This anomaly was attributable to the enlistment into the RUF ranks of a pre-existing civil militia called the “Joso” Group, who were the remnants of the force that had led the 1982 Ndorgboryosoi rebellion against the APC.
121. The strained relationship between the RUF and the NPFL, from the outset, speaks of an insurgent force that was deeply divided. The Commission finds that many members of the RUF held completely distinct and partly conflicting agendas from their counterparts in the NPFL. In both Kailahun and Pujehun Districts, RUF members engaged in hostile actions against the NPFL. Divergence and confrontation between the two insurgent factions resulted in several targeted killings of each other’s leadership cadre.
122. The Commission finds that the majority of killings of key RUF commanders between 1991 and 1993 were attributable not to battlefield casualties, but to lethal manifestations of acrimony, rivalry and personal vendettas.
123. The RUF became a totally amorphous movement after the arrest of its leader Foday Sankoh in Nigeria in March 1997. Its command structure was decapitated and it opened the way for opportunists to assert their claims to leadership in his place. The result was calamitous for the prospects of engaging the RUF movement in further peace initiatives.
124. When the movement became the Revolutionary United Front Party (RUF), it split into two, the political and combatant wings. The tension and stresses between both groups made it impossible for the RUF to genuinely engage in consolidating the peace.

RUF Strategies and Tactics of War

o Conventional “Target” Warfare (“Phase I”, 1991 -1993)

125. The RUF was responsible for the launch of an armed insurgency in Sierra Leone. The mode of insurgency was the culmination of detailed advance planning undertaken jointly by Foday Sankoh and Charles Taylor. The RUF mounted a full-scale incursion from Liberia into both the Kailahun and Pujehun Districts, almost simultaneously.
126. The Commission finds that, for the duration of Phase I of the conflict,²⁴ from 1991 to 1993, the combatant factions used strategies of conventional “target” warfare. Until the end of 1993, the conflict retained the character of a war on two fronts.
127. The Commission finds that the RUF deliberately included civilian settlements within the scope of offensive operations and holds the orchestrators, planners and commanders of

²⁴ The reference to “Phase I” is a reflection of terminology employed by the Commission for the purposes of analysing the conflict. For explanation and elaboration on the Phases of the Conflict, please refer to Chapter Three of Volume 3B on the Military and Political History of the Conflict.

these operations responsible for grave and systematic breaches of international humanitarian law. In particular, Charles Taylor, the leader of the NPFL, and Foday Sankoh, the leader of the RUF, are found to have ordered such operations as part of their joint strategy of conventional "target" warfare.

128. The Commission holds the leadership of the NPFL and the RUF responsible for precipitating systematic forced displacement through their attacks on "targets". The category of forced displacement accounted for more violations than any other act carried out by the warring factions in Phase I of the conflict.
129. The RUF and its NPFL partner vigorously pursued opportunities for self-enrichment in the towns they entered. The insurgents thereby intensified the rate of violations they committed against the populations of the Kailahun and Pujehun Districts.
130. The RUF was responsible for the first sustained assault on Koidu Town, Kono District, from October 1992 until February 1993. This assault resulted in a spate of violations against local residents including the killing of chiefs, government officials, business persons and members of the Lebanese community.
131. The Commission finds that the RUF's attack on Koidu Town represented the first of many occasions on which RUF missions targeted at areas rich in strategic resources, resulted in the substantial loss of human life and destruction of property.
 - o *"Guerrilla" Warfare ("Phase II", 1993 - 1997)*
132. The Commission finds that, the RUF overhauled its tactical approach to the war at the end of 1993, and launched a fresh strategy based on "guerrilla" warfare. The RUF was responsible for a far higher rate of violations and abuses in Phase II than in either the earlier or the later years of the conflict.
133. In particular, the Commission finds that the RUF perpetrated a systematic campaign of abductions on an unprecedented level. The prime targets of RUF abduction were boys and young men who were forcibly recruited in to the combatant cadre, as well as young girls who were raped and sexually enslaved by existing fighters. Almost every abductee was also forced into carrying loads for the RUF, often over long distances. The RUF carried out widespread rapes and acts of sexual violence in every community it entered.
134. The two tactical pillars on which the RUF guerrilla campaign was built were ambushes and *"hit and run attacks"*. In advance of ambushes, RUF commanders would whip up tension and aggression in their combatants. This manifested itself in intense brutality when they were released into action. Hence RUF ambush teams committed horrendous acts of civilian killings, sexual violence, mutilation and destruction of property.
135. Violations and abuses followed two principal sub-patterns within hit and run operations. "Hits" became gradually less discriminate in their targeting and transpired to inflict gross human rights violations on numerous civilian communities. Violations typically included killings on sight, detentions of civilians (often *en masse* in cramped conditions), beatings of captives and incidents of rape and gang rape.
136. In the "run", or flight from a target, the RUF systematically accrued "resources" for its sustenance as a guerrilla fighting force. Hence the RUF habitually captured civilians and took them unwillingly from their communities, often torturing them and forcing them into

carrying pillaged properties. These captures were the bedrocks upon which the violations of forced recruitment and sexual slavery increased substantially.

137. The RUF was able to expand the scope and coverage of its operations so broadly that it had carved out a presence in every one of Sierra Leone's twelve Provincial Districts by 1995. The Commission finds that the RUF was responsible for the majority of violations and abuses carried out in every single one of these Districts. Among the atrocities attributable to the RUF during this period are several massacres of entire resident populations of townships in each of the Provinces of the country.
138. The Commission finds that the RUF carried out a host of attacks in the Central and Southern territories of Sierra Leone dressed in full SLA military uniforms, in many cases successfully deceiving the local population that the Army was responsible for the attack. Whilst widely and diversely practised, the Commission finds that such a mode of attacks became a particular trademark of the troops commanded by the RUF erstwhile Battle Group Commander Mohamed Tarawallie (popularly known as "Zino").
139. The Commission holds the RUF responsible for the majority of the violence against civilians that accompanied the General and Presidential Elections of 1996. In particular, the RUF launched "Operation Stop Elections"²⁵ against the civilian population as a deliberate ploy to undermine the expression of democratic will by the people of Sierra Leone who participated.

o *RUF Tactics of Enlistment: Abductions and Forced Recruitment*

140. The Commission finds that the RUF pioneered the policy of forced recruitment in the conflict. The RUF bore a marked proclivity towards abduction, abuse and training of civilians for the purpose of creating commandos. It was the first armed group to practise forced recruitment and was responsible for the vast majority of the forced recruitment violations recorded by the Commission.
141. In addition, the Commission finds that many young men joined the RUF voluntarily because they were disaffected. This trend demonstrates the centrality of bad governance, corruption, all forms of discrimination and the marginalisation of certain sectors of society among the causes of conflict in Sierra Leone. Historical ills and injustices had prepared the ground for someone of Foday Sankoh's manipulative ability to canvass among the people and find scores of would-be RUF commandos who could be brought on board with relatively little persuasion.
142. The Commission finds that, by including young boys among his vanguard trainees at Camp Namma in the early 1990s, Sankoh set a trend of wanton violation of the rights of children that would recur and perpetuate throughout the following eleven years of conflict in Sierra Leone.
143. The Commission finds that insurgent factions forced thousands of civilians to join them. Sometimes, people's normal lives and levels of tolerance were systematically worn away until they had no choice but to join the RUF. More commonly, though, youths and children were recruited by explicit force that included coercing them at gunpoint, sending them to training bases and turning them into combatants, known as "junior commandos".

²⁵ See findings below on "Amputations".

144. The Commission holds the RUF responsible for the majority of violations of forced recruitment of children.²⁶ The forcible recruitment of children less than 18 years old is a gross violation of international law.

Particular Responsibilities among RUF Ground Commanders

145. The Commission finds that the RUF Battlefield Commander from 1994 to 1996, Mohamed Tarawallie (alias “Zino” or “CO Mohamed”) bears a larger share of responsibility than any other single combatant for the spread of RUF attacks into the Northern Province of Sierra Leone from 1994 onwards. Tarawallie carved a niche for himself as the commander in charge of ‘*expanding*’ the RUF’s areas of operations and leading attacks on Government installations of perceived strategic importance.
146. The Commission furthermore regards Tarawallie as responsible for the policy of false flag operations. This sowed considerable mayhem and bitter distrust against the SLA. He was the main and most frequent perpetrator of attacks in which the whole troop under his command wore full SLA uniforms.
147. Sam Bockarie (alias “Mosquito”) rose to prominence as both a Battlefield Commander of lethal prowess and a deviant of unknown quantity in Phase II of the war. He frequently disobeyed orders and committed human rights abuses with total abandon.
148. Dennis Mingo (alias “Superman”) is also held responsible for a multiplicity of violations and abuses in Phase II. He was one of the foremost perpetrators of abduction-related crimes against children, including forced recruitment and forced drugging.
149. Among those commanders who recruited child combatants for the RUF were “vanguard” commanders including Komba Gbondema, Monica Pearson and Rashid Sandi, who undertook training on the RUF base known as “Camp Charlie”. These commanders were never disciplined for their wanton mistreatment of children.

Amputations

150. The Commission finds that the RUF was responsible for the majority of the amputations carried out during the conflict in Sierra Leone.²⁷ During 1996, the RUF’s “*Operation Stop Elections*” entailed the chopping off of hands and arms as a symbol of preventing people from voting.
151. In the RUF, a significant proportion of those who wielded the ‘*implement of amputation*’ and actually performed the cutting of the limb in question were children. Many of the testimonies collected by the Commission indicate that the perpetrators themselves were acting under strictly enforced orders or other forms of compulsion. Children were instructed that they would be killed if they did not follow orders from their commanders.

Other Characteristics

152. Indiscipline was rife among the fighting forces of the RUF and was a cause of some of the worst violations and abuses committed by cadres of the movement.

²⁶ Of the 168 forced recruitment violations against children recorded in the Commission’s database, the RUF is alleged to have committed 128, or 76.2%, of them.

²⁷ The RUF is alleged to have committed 154 of the 387 amputations (39.8%) recorded in the Commission’s database. The perpetrator group alleged to have committed the next-highest number of amputations recorded in the Commission’s database is the AFRC, with 108 of the 387 amputations (27.1%).

153. The Commission finds that the RUF bears a considerable degree of responsibility for the destruction of the symbols and institutions of authority in Sierra Leone. The RUF replaced traditional role players, including Chiefs and elders, with totally inappropriate authority figures, such as “Town Commanders”.
154. The Commission finds that the RUF carried out a purposive ploy to attract the attention of the international community by abducting civilian foreign nationals and holding them hostage in violation of international humanitarian law.

Internal Acrimony and Power Struggles within the RUF

155. The Commission holds Foday Sankoh and Sam Bockarie (alias “Mosquito”) responsible for the torture and summary executions of up to 40 RUF members in the Kailahun District in 1993. This set of executions eliminated some of Sankoh’s most envied personal rivals within the movement, including the erstwhile second-in-command Rashid Mansaray.
156. The Commission holds Gibril Massaquoi responsible for the torture and summary executions of up to 25 RUF members in the Pujehun District in 1993. This set of executions eliminated some of the most popular and credible commanders in the RUF’s First Battalion, including the erstwhile Battalion Commander Patrick Lamin. It was the aim of Massaquoi and a core of his Mende henchmen to localise and reshape the leadership of the movement on the Southern Front. It was targeted particularly against vanguards, many of whom were of Northern descent.
157. Following the arrest and detention of Foday Sankoh in Nigeria, the leadership of the movement was seized by Sam Bockarie (alias “Mosquito”). The Commission finds that the notion of authority in the RUF thereafter was connected inexorably with brutality. A process of competition for control and management of the movement and its resources ensued. The levels of violations against civilians increased in almost direct proportion.

Breach of the Abidjan Ceasefire

158. The ceasefire declared to provide a stable backdrop to the Peace Talks in Abidjan was flouted by both the RUF and the Government of Sierra Leone.

RUF Involvement in the Political and Military Implementation of the Lomé Peace Accord

159. The Commission finds that, by the time of the negotiations at Lomé and beyond, Foday Sankoh no longer enjoyed sole and unfettered authority over all arms of the RUF movement. To a great extent, the RUF had become divided into two distinct entities with two distinct agenda. The political wing was largely loyal to Sankoh, but its members did not command constituencies of sufficient size or significance to dictate the direction of the whole faction. The RUF combatant cadre was far more volatile and threatening.
160. The Commission finds that the RUF combatant cadres perceived that the dividends of the Peace Accord were concentrated in the hands of their “political” leadership, while the concessions associated with disarmament and demobilisation were all “military” sacrifices that had to be made by the combatant cadres. A major shortcoming on the part of the RUF faction leaders was that they failed to engender confidence and faith among the RUF combatant cadre that Lomé was a fair and impartial process.

161. The RUF's participation in the implementation of the Lomé Accord drove a wedge between members of its political wing and the RUF combatant cadres. RUF monitors in the Joint Monitoring Commission and the Ceasefire Monitoring Committee were often subjected to harassment and physical abuse by members of their own faction.
162. The Commission finds that the RUF combatant cadre did not comply with the terms of the disarmament programme. Its commanders encouraged and engaged in persistent breaches of the peace. They displayed a particular disregard for the status of the peacekeepers. Commanders such as Komba Gbondema, Morris Kallon, Issa Sesay and Augustine Bao displayed utter contempt for the ethos of the peace process in their areas of control. Foday Sankoh was outwardly fiercely protective of "his boys" in the field and shares the responsibility with them for numerous attacks between October 1999 and April 2000.

RUF Violation of the Lomé Peace Accord in Taking Peacekeepers Hostage

163. The hostage-taking of about 500 UNAMSIL military personnel in the early days of May 2000 was the gravest violation carried out by RUF cadres during the disarmament phase. These widespread and unprovoked abductions constituted a grave breach of the conditions of the Lomé ceasefire. There can be no justification for the use of armed force against observers and support staff whose neutrality and safety were imperative to the successful implementation of the Lomé Peace Accord.
164. The Commission finds that the hostilities against UNAMSIL peacekeepers, which culminated in their abductions, were initiated and commanded at the instance of Morris Kallon and Augustine Bao of the RUF.
165. Foday Sankoh never ordered the responsible parties to release the peacekeepers. Nor did he issue a decisive public statement condemning the hostage-taking. Sankoh deceived his fellow signatories to the Peace Accord by purporting to resolve the hostage-taking crisis. In the process, he further endangered the lives of the peacekeepers. He squandered any semblance of trustworthiness he previously had as a partner in peace due to his lack of rectitude. Cumulatively, Foday Sankoh served to aggravate the deteriorating security situation in Sierra Leone. He effectively invited enforcement action against the RUF.
166. Sankoh's "Special Assistant", Gibril Massaquoi, personally fuelled the tensions surrounding the UNAMSIL hostage-taking crisis. He was a central part of the chain of command of the RUF. He was duplicitous in his presentation of the RUF position to the outside world. Massaquoi bears an individual share of the responsibility for the deterioration in the security situation in Sierra Leone.
167. The RUF as an organisation inflicted irreparable discredit upon itself during the hostage-taking episode. The public, the Parliament, the President and the RUF's other partners in the peace process held a common viewpoint that the RUF had exhausted all its chances.

Violent Action of RUF Commandos Acting as Security on 8 May, 2000

168. The Commission finds that twenty-four members of Foday Sankoh's personal security detail were arrested and detained arbitrarily at the behest of Johnny Paul Koroma, former Head of State during the AFRC regime on 7 May, 2000. These arrests severely depleted Sankoh's protective unit.

169. The Commission finds that, on 8 May, 2000 and during the demonstration at Foday Sankoh's Spur Road Lodge compound, RUF combatants returned fire in response to shots fired by the West Side Boys and CDF elements within the crowd. In so doing, they fired several rounds of automatic weapon and, at least, one RPG in the direction of the crowd of demonstrators. The RUF killed at least ten civilians among the crowd and injured several others.

NAMES OF RUF LEADERSHIP

170. Ranks and areas of deployment were malleable and ever changing in the RUF movement. The insurgent group calling itself the RUF that entered the country in 1991 was largely comprised of NPFL commandos (as described in the chapter on Military and Political History) and would change in character on numerous occasions. Moreover, many of the RUF's original office-holders were killed in the early years of the conflict. It is therefore unrealistic to speak of a permanent hierarchy in the RUF.
171. While certain individuals held effective command responsibility at certain times over certain combatants, the Commission found it difficult to discern any consistent and centralised vertical structure of leadership. The leadership of the movement was further complicated after the RUF formed its alliance with the AFRC, when the latter seized power in a coup on 25 May 1997.
172. The names listed below as RUF office-holders are divided, as far as possible, into coherent categories. The order in which office-holders are listed reflects seniority at the time when they held the positions in question. Promotions, demotions and re-alignments within the RUF were found to be too numerous to list in their entirety. It has also proved too onerous in some cases to enumerate every nominal position held by a particular individual, or, to reflect properly the role or roles played by that individual. The naming of an individual hereunder should nevertheless signify that individual's high-level involvement in the operations of the RUF.

The RUF High Command

The High Command was predominantly comprised of battlefield combatants and other frontline operatives.

Leader and Commander-in-Chief

Foday Saybana Sankoh

Original RUF Battle Group Commanders

John Kargbo / Rashid Mansaray

Original RUF First Battalion Commander

Patrick Lamin

Battlefront Commander and Battle Group Commander (after 1992)

Mohamed Tarawallie (alias "Zino")

Member of the RUF elite "Special Forces" and Influential Ground Commander

Abu Kanu

Member of the RUF elite "Special Forces" and Influential Ground Commander
Mike Lamin

Battlefield Commander (1992 to 1997) / Battle Group Commander and RUF / "People's Army" Chief of Defence Staff (post-May 1997)
Sam Bockarie (alias "Mosquito")

Influential Ground Commander and "Special Assistant" to the RUF Leader and Commander-in-Chief
Gibril Massaquoi

Battlefield Commander (1997 to 2001) and Interim Leader of the RUF (after Foday Sankoh's imprisonment in May 2000)
Issa Hassan Sesay

Senior RUF Battalion Commanders and Influential Ground Commanders

Dennis Mingo (alias "Superman")
Peter Borbor Vandy
Morris Kallon (alias "Birlai Karim")
Komba Gbondema (alias "Monamie")
Boston Flomoh (alias "Rambo")
Momoh Rogers
Isaac Mongor
Abubakarr Jalloh (alias "Bai Bureh")
Monica Pearson
Sheriff Parker (alias "Base Marine")

Commander of RUF Internal Defence Unit (IDU)
Augustine Ato Bao

The RUF Administrative Cadre

Classification and commandship under "G-numbers" was used in the RUF to denote different responsibilities within the main administrative cadre of the movement; the original Sierra Leonean incumbents of these administrative positions were found by the Commission to have remained influential figures of leadership in the RUF throughout the conflict.

G-1 / GSO-1 / Training and "Recruitment"
Moigboi Moigande Kosia

G-2 / Internal Defence Unit
Patrick Beinda

G-3 / Adjutant General
Jonathan Kposowa

G-4 / Arms and Ammunition
Joseph Brown

G-5 / Civilian Liaison
Prince Taylor

Chairman of the RUF War Council

Solomon Y. B. Rogers

*RUF Spokespersons and Miscellaneous Figures of Seniority and / or Influence
(at various points in the evolution of the RUF movement)*

Eldred Collins

Omrie Golley

Philip Palmer

Ibrahim H. Deen-Jalloh

Alimamy Sankoh

THE SIERRA LEONE ARMY (SLA)

Primary Findings

173. The Commission finds that, during the period in question, the SLA failed the people of Sierra Leone. The SLA was unable to defend Sierra Leone and its people from the armed insurrection and the program of terror launched by the RUF and other factions.
174. The Commission finds that the SLA was unprofessional and ill-disciplined. The leadership of the SLA undermined the war effort through many corrupt practices which caused dissatisfaction and rebellion to swell among the junior ranks.
175. On many occasions, the SLA acted against the Sierra Leonean people, the very people it was meant to defend. Extensive human rights violations were perpetrated against the civilian population by soldiers. A large number of soldiers collaborated with the RUF and later the AFRC. At times, troops masqueraded as rebel fighters while attacking convoys and villages in order to loot and steal.
176. Army officers and soldiers twice seized power from the people and, in so doing, unleashed violence and chaos on the nation.

Main findings

The APC Legacy of Deficiencies in the SLA

177. The Commission finds that the APC demonstrated a grave abandonment of the basic needs of the Republic of Sierra Leone Military Forces (RSLMF), to the extent that the country was devoid of an operational Army when it needed one most in 1991. There was such an extreme paucity of numbers in the Army that its existence was nothing more than perfunctory.
178. The Commission finds that the APC had a preoccupation with internal security and chose to strengthen the paramilitary wing of the police, the Special Security Division (SSD), in almost inverse proportion to the Army. The preference for the SSD had a naturally debilitating effect on the RSLMF and, in particular, on its readiness for an attack from outside the country.

Failing to Defend against the Threat and the Outbreak of War

179. In view of the fact that neighbouring Liberia was engulfed in conflict, the Government and the SLA were astoundingly remiss in failing seriously to address the incapacitated state of the sparse deployments in the East and South of the country. This omission ultimately left the porous border with Liberia susceptible to an armed incursion.
180. The Commission finds that the APC Government and SLA failed to act upon intelligence information in their possession pertaining to the training of a potential incursion force by Foday Sankoh in Liberia. The Commission finds that neither the Government nor the SLA took the initial incursions into Sierra Leonean territory seriously enough. This neglect contributed in large measure to the escalation of a conflict that would ultimately devastate the entire country.
181. The Commission finds that the APC administration proved itself to be inept in the prosecution of the war in its first year. The failure properly to supply the front line with rations and reinforcements was a tremendous source of disgruntlement among SLA troops as they endeavoured to repel the insurgency.

Corruption by Senior Officers

182. The Commission finds that senior officers of the SLA diverted much logistical support intended for the war effort for their own personal gain. In so doing, they not only severely undermined the defence of the country but their corruption precipitated a great deal of dissatisfaction on the part of junior soldiers and those at the war front. This dissatisfaction would ultimately germinate into rebellion on the part of the junior ranks who gave vent to their frustrations by seizing power on two occasions.

Retaliatory Actions against Civilians

183. Soldiers of the SLA undertook retaliatory actions, including summary killings, against members of the civilian population, whom they suspected of having assisted or supported the insurgents. On occasions they did so with undue abandon or inappropriate feelings of vengeance against persons they perceived to be 'rebels' or 'collaborators'. Many soldiers were driven to such acts by an urge to avenge the deaths of fallen comrades at the hands of the insurgents.
184. Rice allocations which have historical significance for the families of military personnel were subverted and abused by senior officers. This contributed to the distrust by the junior officers for their seniors and strengthened their resolve to seize power.

Violations in Response to RUF Guerrilla Tactics

185. The Commission finds that the SLA committed numerous violations of human rights in its withering efforts to repel the RUF's campaign of guerilla warfare.
186. The Commission finds that many soldiers failed to respond in a measured fashion to the exigencies they faced at the warfront. Many of the acts carried out by the SLA fit into a particular pattern of abuse, whereby soldiers detained, tortured or killed people they suspected to be "rebels" or "collaborators". Their acts of summary justice were also partly representative of a wider trend, whereby armed combatants of all factions acted hastily and violently to eliminate an "enemy" whom they did not know for certain was an enemy.

Distrust between the SLA and the Civilian Population

187. The Commission finds that trust between the SLA and the civilian population completely broke down in the years between 1994 and 1996.
188. A small but significant number of Army officers and private soldiers engaged in connivance with the RUF to plunder resources out of ambushes and raids on civilian convoys and settlements during the phase of guerrilla warfare. They did so for entirely unscrupulous reasons. They pursued their own self-enrichment and betrayed the state they were enlisted to serve.
189. Captain Tom Nyuma who held various positions of political and military status during his service in the SLA was foremost among the officers who put his personal interests ahead of his constitutional duties.
190. Two factors combined to undermine the reputation of the Army in the eyes of civilians: the opportunistic and vindictive acts of a minority of soldiers who flouted their constitutional duties; and the devastating effectiveness of the RUF's tactic of carrying out attacks on civilians in the guise of SLA soldiers. As a result, the Army as an institution was distrusted and, in many instances, maligned. The unforeseen outcome of this tarring with a broad brush was to turn many of the soldiers who had served their country assiduously into potential threats to the security of the country.

The Election Process in 1996

191. In addition to their collective failure to provide security against RUF attacks, some SLA soldiers engaged in acts of violence during the election process in 1996. These soldiers brought tremendous discredit to the Army as an institution and further entrenched the suspicion and animosity towards the SLA that existed in many sections of the civilian population.

Characteristics of the SLA as it Evolved over the Course of the Conflict

192. On two occasions, in 1992 and 1997, elements within the SLA acted unconstitutionally by seizing power from civilian governments, thereby fuelling the conflict and committing widespread human rights violations.
193. Through its recruitment drive that began in 1992, the NPRC burdened itself with an unmanageably large and unorthodox Army. Entry standards were in practice abandoned and the new soldiers were of a far lower calibre.
194. Poor regulation opened the way for persons of malicious intent to enter the Armed Forces, including members of the RUF.
195. The recruitment intake and its accompanying disregard for the quality of human resources served to exacerbate the overall lack of common understanding and common purpose in the SLA.
196. While acting in concert at times with the RUF, many members of the SLA engaged in some of the worst atrocities against the people of Sierra Leone. At other times, soldiers masqueraded as rebel fighters, while attacking convoys and villages in order to loot and steal.

197. The Commission finds that Sierra Leonean soldiers' loyalties were transient and they were malleable to the political agenda of those in power.
198. The coup leaders of 25 May 1997 carried a sizeable proportion of the SLA with them, leading to a large-scale shift in allegiance away from the state and towards a "new" fighting force known as the AFRC. This factional identity was obscured by the alliance with the RUF, but nevertheless remained distinct for most of its members.
199. Erstwhile soldiers of the SLA carried out the most egregious acts of atrocity during the third phase under the factional guise of the AFRC. They acted largely in their individual capacities in doing so and were motivated by an alarming degree of power-hungriness.
200. When the AFRC junta was ousted forcibly from political office by the intervention of ECOMOG, the institution was wiped out but the factional identity persisted for its soldiers. Sierra Leonean soldiers were also stripped of their constitutional status as a national Army on account of their actions. The Commission finds that the disbandment of the Army precipitated resentment and frustration on the part of AFRC soldiers, which in turn led to the commission of grave violations against civilians.
201. In the wake of the devastating events in Freetown in January 1999, soldiers coalesced afresh around commanders with whom they had become allied or associated during the fighting. The most notable new sub-faction to emerge out of this trend was the splinter group known as the West Side Boys.
202. The Commission finds the West Side Boys to have been one of the more ruthless offshoots of the SLA. They committed some of the most serious violations of human rights and displayed no respect for human life. They had no principled political allegiance. They acted both against and for the Government. The West Side Boys played a leading role in the invasion of Freetown on 6 January 1999, which visited mayhem and devastation on the city and its occupants. They were also deployed by Johnny Paul Koroma to murder and apprehend RUF members on and around 8 May 2000.

NAMES OF SLA LEADERSHIP

203. The Sierra Leone Army, or SLA, underwent a series of reincarnations during the eleven-year period of conflict. As the findings above indicate, the composition, character and conduct of the SLA were liable to unpredictable and dramatic shifts. Such was the extent of this continuous institutional upheaval that not only the personnel, but also the numbers of senior office-holders and the titles of their positions were changed multiple times.
204. It would thus be unrealistic to trace responsibility to a particular military *office* or *rank* in the expectation that such a position would be filled by a succession of individuals who could be held accountable for the acts of the SLA under successive governing regimes. Instead, it should be broadly understood that two people holding very different titles years apart might actually have fulfilled the same *de facto* roles.
205. The Commission does not attempt here to capture the ever-changing relationship between senior military office-holders and their political masters. The level to which the former group exercised genuine control over the affairs of the SLA was naturally dependent on the administration holding political power at the time. In this regard, however, the numerous fluctuations in hierarchy, loyalty and efficacy in the relationship are properly explained in the chapter on the Military and Political History of the Conflict.

206. For the sake of simplicity, the list of SLA leadership has been divided into five chronological segments, corresponding with the changes in government during the conflict. Each segment is denoted by the name of the relevant ruling administration and the dates for which that administration was in power. Where two or more individuals held a particular position consecutively during the reign of a single administration, those individuals are listed in chronological order.

SLA Leadership under the All People's Congress (APC)

March 1991 to April 1992

Head of State, Minister of Defence and Commander-in-Chief

General J. S. Momoh

SLA Force Commander

Brigadier M. L. Tarawallie

SLA Deputy Force Commander

Colonel Thoronka

SLA Leadership under the Sierra Leone People's Party (SLPP)

March 1996 to May 1997

President of the Republic / Minister of Defence / Commander-in-Chief

Alhaji Dr. Ahmad Tejan Kabbah

Deputy Minister of Defence

Chief Samuel Hinga Norman JP

Chief of Defence Staff

Brigadier Hassan K. Conteh

Chief of Army Staff

Colonel James Max-Kanga

'SLA' Leadership under the restored Sierra Leone People's Party (SLPP)

March 1998 to May 2002 (transition and re-training after ECOMOG intervention)

President of the Republic / Minister of Defence / Commander-in-Chief

Alhaji Dr. Ahmad Tejan Kabbah

Deputy Minister of Defence

Chief Samuel Hinga Norman JP

Chief of Defence Staff (original, 1998 to 2000)

General Maxwell M. Khobe

Deputy CDS (original, instituted to replace Chief of Army Staff, 1998 to 2000)

Chief of Defence Staff (replacement, 2000 to 2002 and beyond)

Colonel (later Major-General) Tom S. Carew

THE NATIONAL PROVISIONAL RULING COUNCIL (NPRC)

Primary Finding

207. The NPRC junta was responsible for the extra-judicial executions of many innocent civilians throughout the country on the grounds that they were suspected of being rebels. In December 1992, the Junta executed 26 persons without due process of law and in flagrant violation of international standards. The NPRC was also responsible for carrying out acts of torture on many detainees.
208. The unilateral declaration of a ceasefire by the NPRC in December 1993 was a terrible blunder and permitted the RUF to regain ascendancy. The decision probably had the effect of prolonging the war.

Main Findings

209. The Commission finds that the APC Government's mishandling of the war and, in particular, its mismanagement of the Army, demonstrated by its failure to pay salaries and issue food rations, was a direct cause of the 1992 coup d'état.
210. The overthrow of the APC Government on 29 April 1992 was a pre-conceived coup, in which the modalities were planned but the implementation was improvised. The Commission finds that the coup-makers lent sufficient forethought to the operation for it to be described as a deliberate attempt to unseat the incumbent President. The NPRC came to power through a relatively bloodless coup.
211. The Commission finds that the military coup that created the NPRC and elevated Captain Valentine E. M. Strasser to Head of State was nevertheless an unconstitutional seizure of power by several junior-ranking officers of the SLA. It ultimately contributed to a pattern of lawlessness and impunity in Sierra Leone in the period following 29 April 1992.

Management of the War Effort

212. The Commission holds the leadership of the NPRC responsible for the rash and reactionary overall management of the war effort between 1992 and early 1996.
213. The NPRC had mixed success in its efforts at structural engineering in the SLA. Its procurement of logistics and heavy expenditure spoke of irresponsible largesse. While its enlistment of a foreign private security firm, namely Executive Outcomes, was helpful to the war effort in the short term, in the long run, it had a negative impact on the economy of the country as the government is still paying the sponsors of the mercenary outfit.
214. The NPRC's recruitment drive that began in 1992 attracted predominantly young men from the margins of society. On the whole, the recruits joined the Army for the wrong reasons: mostly because of idleness, disaffection with their previous surroundings and misplaced bravado. None of these characteristics boded well for the future direction of the conflict.
215. The NPRC never managed to unify its Army under a single, coherent command structure. The recruits of 1992 formed another distinct faction in an already divided force.
216. The NPRC High command demonstrated a reactionary attitude towards complaints made against its commanders in the field. If a commander was found to be engaging in some kind of unlawful or unscrupulous activity, he would merely be switched and replaced. This

was a weak measure that shirked the NPRC's responsibilities to curb human rights violations.

217. There was very little continuity in command. Civilians had no particular conception of who was in charge in their area at any given time. The NPRC's strategy disrupted the effectiveness of the command structure and led to a far higher degree of indiscipline.

Extra-judicial Killings, Torture and Intimidation

218. The Commission finds that forces deployed by the NPRC junta were responsible for the extra-judicial executions of many innocent civilians on the grounds that they were suspected of being rebels or rebel collaborators.
219. In particular, the Commission finds that the SLA, supported by civil militia men and women from the Koinadugu District known as Tamaboros, committed numerous excesses as it attempted to dislodge the RUF from Kono District in late 1992 and early 1993. Among the officers who carried out torture practices on captured rebel suspects was Colonel K. I. S. Kamara.
220. The Commission finds that the NPRC regime was responsible in December 1992 for the execution of 26 persons, including a former Inspector-General of Police and a former Brigade Commander for the Eastern Province, without due process of law and in flagrant violation of international standards. The NPRC's attempt to justify these executions retrospectively by decree, on the basis that the 26 were alleged coup plotters, was an unlawful abuse of executive power.
221. In particular, the Commission finds that the Deputy Chairman of the NPRC, Captain Solomon A. J. Musa, was personally responsible for acts of torture of detainees, and those who were subsequently put to death among them.
222. The Commission finds further that the NPRC Government authorised a campaign of intimidation and human rights violations against certain individuals in public office who were related to or associated with those who were executed. One of them was Major Lucy Kanu, who was unlawfully dismissed from the army in 1993. She was targeted because her husband was one of the alleged plotters of the coup of December 1992.

Eventual Demise of the NPRC amidst Internal Power Struggles

223. Towards the end of its period in Government, the NPRC administration became mired in internal power struggles. The Commission finds that the "Palace Coup" that replaced Valentine Strasser with Julius Maada Bio was a calculated effort on Bio's part to wrest power from a Head of State he thought did not have the best interests of the country at heart. Bio became the greatest individual influence in securing the transition from NPRC military rule into democratic elections.

NAMES OF NPRC LEADERSHIP

224. The NPRC was formed in the wake of the coup that overthrew the APC Government on 29 April 1992. Although the coup-makers were relatively junior officers of the Sierra Leone Army, they formed a regime that was moderate and mixed by the standards of a military junta.

225. The NPRC is best characterised as a hybrid administration, since it depended on the symbiosis between civilian and military office-holders from its outset. The NPRC underwent several shifts and reshuffles in the composition of its collective leadership between 1992 and 1996, as well as a 'Palace Coup' in January 1996, which saw the Chairman of the NPRC removed and replaced by rivals from within the faction.
226. Each of the shifts and reshuffles changed the balance of leadership of the NPRC between military and civilian office-holders, sometimes subtly, sometimes dramatically. In terms of command over the troops of the SLA on the ground, there is little doubt that *de facto* leadership lay in the hands of the military officers who had seized power in the first place.
227. Nevertheless, by the end of the NPRC's four-year tenure, the civilian component of its leadership had strengthened itself politically to a degree sufficient to ease the soldiers out of office. The civilian politicians within the ranks of the NPRC saw themselves as the natural successors to the NPRC's military rulers and were instrumental in paving the way for multi-party elections, in which many of them subsequently participated.
228. The list below reflects the balance between military and civilian office-holders in the leadership of the NPRC. It names those individuals who were found to have played prominent leadership roles at various points during the NPRC's period in power, both militarily and politically.

The NPRC High Command / Supreme Council of State

The High Command was largely comprised of the coup makers of 29 April 1992 and those civilians who joined them to form successive administrations; designations given above each name indicate the office(s) occupied by the particular individual in the NPRC Supreme Council of State whilst the NPRC was in power. Ranks assigned to the soldiers in question are the official SLA ranks they had attained up to the point of the coup.

*Chairman of the NPRC Supreme Council of State / Head of State /
Commander-in-Chief and Secretary of State for Defence (1992 to 1996)*

Captain Valentine E. M. Strasser

*Chairman of the NPRC Supreme Council of State / Head of State /
Commander-in-Chief and Secretary of State for Defence (January to March 1996)
(previously Vice Chairman and erstwhile Chief of Army Staff)*

Lieutenant Julius Maada Bio

Vice Chairman of the NPRC Supreme Council / Deputy Head of State (until 1995)

Lieutenant Solomon A. J. Musa

*Member of the NPRC Supreme Council of State /
Secretary of State for the Eastern Province /
later General Staff Officer (GSO) of the Sierra Leone Army*

Lieutenant Tom Nyuma

*Member of the NPRC Supreme Council of State
later Chief of Military Intelligence Branch (MIB)*

Lieutenant Charlie Mbayoh

*Member of the NPRC Supreme Council of State
later Director of Defence Information*
Lieutenant Karefa Kargbo

*Member of the NPRC Supreme Council of State /
Under-Secretary of State for Defence*
Lieutenant Komba Mondeh

Chief Security Officer to the NPRC Chairman
Captain Amara Kwegor

*Member of the NPRC Supreme Council of State /
Secretary of State for the Southern Province /
later Chief of Internal Security in the Sierra Leone Army*
Lieutenant Idriss H. Kamara

Chief of Army Staff
Brigadier Kellie H. Conteh

*Secretary-General of the NPRC /
previously NPRC Chief Secretary of State*
John Benjamin

Secretary of State for Finance
John A. Karimu

*Secretary of State for Information, Broadcasting and Culture /
previously Attorney-General under the NPRC*
Arnold Bishop Gooding

Secretary of State for Development and Economic Planning
Victor O. Brandon

Secretary of State for Transport and Communications
Hindolo Trye

The NPRC National Advisory Council

The Council comprised political functionaries and civilian administrators from various sectors of society. Their names are only included here insofar as the persons in question played a key leadership role in directing the path of the transition from the NPRC's military junta back to civilian rule, and beyond.

Chairman of the NPRC National Advisory Council
Alhaji Dr. Ahmad Tejan Kabbah

Secretary of the NPRC National Advisory Council
Solomon Berewa

*Representative to the NPRC National Advisory Council
from the Sierra Leone Bar Association*
George Banda Thomas

THE ARMED FORCES REVOLUTIONARY COUNCIL (AFRC)

Primary Findings

229. The SLA officers and soldiers who made up the AFRC betrayed the trust of the people. Instead of serving and protecting them, the soldiers of the AFRC unconstitutionally seized power and unleashed a reign of lawlessness and violence on the people.
230. When these rogue troops were forced out of Freetown in 1998, they viciously attacked defenceless civilians and destroyed everything in their path. They were responsible for a similar rampage through the Northern Provinces.
231. The Commission finds the AFRC to be primarily responsible for the large-scale loss of life, amputations and destruction of property that swept through Freetown in January 1999.
232. The Commission finds that the leadership and membership of the AFRC displayed a particularly ruthless disregard for human life and limb.

Main Findings

Military Coup

233. The military coup that elevated Major Johnny Paul Koroma to Head of State was an unconstitutional seizure of power by several junior-ranking soldiers of the SLA. It precipitated a reign of lawlessness and violent suppression of opposition in Sierra Leone in the period from 25 May 1997 until 12 February 1998.
234. The central difference between the actions of the AFRC coup-makers of 25 May 1997 and those of their predecessors in the NPRC was that the AFRC was more concerned with the pursuit of personal gain, while the action of the NPRC was largely viewed as an advancement of the national interest. The recklessness of the AFRC was rightly condemned by the people of Sierra Leone.

Faltering Alliance

235. The AFRC's alliance with the RUF proved to be unworkable. The alliance strengthened people's perceptions that the army had been in collusion with the RUF.
236. The Commission finds that as the two factions split and began to independently engage the government of Sierra Leone in armed conflict, they unleashed unprecedented levels of abuse on the people of Sierra Leone.

People's Army

237. The flaws in the High Command of the "People's Army" meant that there was no effective regulatory structure to restrain or discipline the ground commanders of the AFRC and the RUF.
238. The Commission finds that the officers who held state functions under the military rule of the AFRC acted with utter impunity. They looted civilians' properties throughout Freetown and in towns in the Provinces. They beat up and summarily killed both soldiers and civilians.

Abuses of Individual and Collective Power by Members of the AFRC

239. In certain instances, the soldiers of the AFRC were deployed as agents of someone else's agenda, precisely because they were known to be malleable and unscrupulous by those who directed them. The Commission finds that Johnny Paul Koroma was the man most responsible for the violations and abuses carried out by the AFRC soldiers: first as the Head of State under the AFRC junta government; later in his capacity as the Chairman of the ill-fated Commission for the Consolidation of Peace.
240. The AFRC was a brutal and systematic violator of human rights whilst in office. The AFRC used the arms of the state to suppress freedom of expression and association, notably during its clampdown on the student demonstrations of 18 August 1997. Members of the AFRC engaged in the mass rape of student nurses at the College of Nursing in Freetown.
241. The AFRC plundered the resources of the state. Its management of Sierra Leone's mineral resources was irresponsible and motivated by personal profit.

Callous Disregard for Human Life and Limb after the AFRC was ousted from Power

242. The Commission finds that the AFRC soldiers viewed civilians with contempt because they regarded civilian life as the hallmark of what their enemies stood for. By deliberately disrupting and destroying civilian life, the soldiers were striking at the foundations of civilian Government. These perceptions were the cause of unprecedented levels of all categories of violations in the year immediately after the AFRC was unseated from power. They harboured a vengeful and callous disregard for human life and limb.
243. The AFRC and RUF factions, both separately and in tandem with one another, visited a sustained and unprecedented level of human rights abuse on the populace of the North and North-East in 1998. The two organisations were not in fact acting in concert at the level of their respective High Commands. Rather, AFRC soldiers launched and led the assault through the North of the country and were joined only later by certain combatants from the RUF on a separate flank.
244. The Commission finds that Solomon A. J. Musa, popularly known as SAJ Musa, was the undisputed leader of and directional influence on the faction of approximately 2,000 combatants who perpetrated a sustained campaign of abuses against civilians throughout the Northern Province of Sierra Leone. The combatants under Musa's command were largely drawn from the former AFRC but included a contingent of RUF among their ranks.
245. In particular, the Commission finds that the Musa group conducted targeted attacks on townships or villages from which they had originally been dislodged or chased out by ECOMOG, to avenge their earlier defeats. The group engaged in widespread looting and destruction of houses.
246. The Commission finds that the AFRC embarked on a programme of amputations from 1998 to 1999. The Commission finds that 44.7% (85 out of 190) of the amputations recorded during this period were the responsibility of the AFRC. Abductions reached levels of unparalleled intensity in the months that immediately preceded the invasion of Freetown.
247. AFRC thugs practiced a deliberate policy of using abductees to muster numerical bulk when conducting attacks. Abductees were subjected to a wretched existence of degrading physical and psychological abuse coupled with incessant compulsion to march onwards to

the targets of their captors. The abduction policy created an impression in the minds of battlefield adversaries that the AFRC-led forces were larger in number than was actually the case.

Invasion of Freetown

248. The objective of SAJ Musa's group – itself a reflection of Musa's apparent personal ambition until his death on 23 December 1998 – was to invade the capital city of Freetown, to overthrow the constitutional Government of Sierra Leone and to reinstate a form of military junta to power.
249. Additional motivations for the men who led the attacks were recognition and revenge. The AFRC soldiers wrought extreme violence because of their barely containable fury that they had been stripped of their military status and their access to the trappings of power. They were on a mission to avenge the perceived unjust executions of 24 of their colleagues and to rescue the many detained soldiers from prison.
250. The Commission finds that the invasion of Freetown on 6 January 1999 was the culmination of this destructive rampage through much of the Northern Province by this combatant group led by and comprised predominantly of former AFRC soldiers.
251. The main troop that attacked Freetown on 6 January 1999 was inordinately well-equipped by the standards of the Sierra Leone conflict. It possessed artillery pieces and other heavy weaponry that had been imported illegally and stealthily for the purposes of launching a new attack on the seat of Government.
252. A pernicious and cowardly tactic used by the invaders of Freetown was to dissolve themselves into an indistinguishable mass comprised mostly of abducted civilians. It constituted a flagrant violation of international humanitarian law, known as the illegal use of "human shields".²⁸ The combatants were "protected" from counter-attack as they entered Freetown by the cover of the non-combatants around them.
253. Upon arrival in Freetown, the AFRC group carried the primary responsibility for the unprecedented scale and intensity of violations and abuses committed against civilians during the assault on the city. The Commission finds that they also destroyed significant numbers of properties in the city and stormed the Pademba Road Prison, releasing several thousand inmates, among them persons who themselves went on to participate in the further urban warfare in the city.

Marginalisation of the AFRC in the Peace Process

254. The AFRC faction was deliberately left out from participating in the Lomé Peace Talks at the insistence of the RUF. Accordingly, its terms and conditions for peace were not addressed in the resultant Lomé Accord. The AFRC High Command had advocated strongly for Johnny Paul Koroma's participation in the Lomé Peace Talks. The AFRC therefore did not have a stake in the implementation of the Accord. The marginalisation of the AFRC at Lomé endangered the prospects of successfully implementing the Lomé Accord.

²⁸ In Prosecutor V Aleksovski (Case No: IT-95-14/1-T) Judgment 25 June 1999 para 229, the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia found the use of "human shields" to be a violation of human dignity prohibited by common article 3 of the four Geneva Conventions

255. As the implementation of Lomé unfolded, the majority of AFRC commanders declared their loyalty to Johnny Paul Koroma and set out to oppose the RUF. They acted obstructively against parties who sought to advance the implementation of the Accord, including taking hostages from the RUF sensitisation team. They demonstrated no commitment to peace.

NAMES OF AFRC LEADERSHIP

256. The Armed Forces Revolutionary Council (AFRC) was formed in the wake of the coup that overthrew the SLPP Government on 25 May 1997. The formation of the AFRC gave rise to a new and distinct factional identity for the coup-makers and their supporters. This identity encompassed many serving soldiers of the SLA, as well as their key civilian accomplices.
257. The *de facto* leadership of the AFRC was drawn largely from the coup-making group, which originally comprised seventeen men – fourteen junior non-commissioned Army officers, a former officer of the SSD paramilitary police unit and two civilians. This leadership was chaired by a slightly more senior military officer who was freed from prison on the day of the coup, and bolstered in vital areas by the presence of established Army figureheads, some of whom had also been office-holders during the reign of the NPRC.
258. The Commission has recognised that the AFRC factional identity persisted considerably beyond the month of February 1998, when the Ruling Council itself was ousted from power. After February 1998, the AFRC leadership underwent a shift in style from political office holding to military commandership.
259. The commanders of the AFRC went on to form the core of the group that rampaged through the North of Sierra Leone in late 1998 and attacked Freetown in January 1999.
260. It should be noted further that the renegade faction known as the West Side Boys was essentially a reincarnation of the surviving AFRC leadership, comprising influential ground commanders who stayed in the bush.
261. The list below names those individuals who were found to have played prominent leadership roles throughout the evolution of the AFRC.

The AFRC High Command / Supreme Council

The High Command was largely comprised of the Instigators of the Coup of 25 May 1997 and those with whom they found common purpose to lead them; designations given above each name indicate the office(s) occupied by the particular individual in the AFRC Supreme Council whilst the AFRC was in power. Ranks assigned to the soldiers in question are the official SLA ranks they had attained up to the point of the coup.

*Chairman of the AFRC, Head of State and
Commander-in-Chief of the People's Army*
Major Johnny Paul Koroma

*AFRC Chief Secretary of State and Secretary of State for Mineral Resources
Influential Ground Commander of the AFRC (post-February 1998)*
Captain Solomon A. J. Musa

Secretary-General of the AFRC
Colonel A. K. Sesay

AFRC Chief of Defence Staff
Colonel S. F. Y. Koroma

AFRC Public Liaison Officer 1 (PLO 1) assigned to cover the Ministerial briefs of Mineral Resources, Transport and Communications, Lands, Housing and Country Planning and Environment
Staff Sergeant Abu Sankoh (alias "Zagallo")

AFRC Public Liaison Officer 2 (PLO 2) assigned to cover the Ministerial briefs of Works and Labour, Telecommunications (Sierratel), Customs and Excise and Postal Services
Staff Sergeant Alex Tamba Brima (alias "Gullit")

AFRC Public Liaison Officer (PLO 3) assigned to cover the Ministerial briefs of Agriculture, Forestry and Fisheries, Energy and Power, Lotto and Income Tax
Staff Sergeant Ibrahim Kamara (alias "Bazzy")

Chief Security Officer attached to the AFRC Chairman
Staff Sergeant Moses Kabia (alias "Rambo")

Secretary of State attached to the Office of the AFRC Chairman
Major Victor L. King

Under Secretary of State for Mineral Resources
Captain Paul Thomas

Member of the AFRC Supreme Council
Lance Corporal Tamba Gborie

Member of the AFRC Supreme Council
Lance Corporal Santigie Borbor Kanu (alias "Five Five")

Member of the AFRC Supreme Council
Lance Corporal Foday Kallay

Member of the AFRC Supreme Council
Staff Sergeant Brima Kamara

Member of the AFRC Supreme Council
Staff Sergeant Sulaiman Turay

Member of the AFRC Supreme Council
Lance Corporal Momoh Bangura

Member of the AFRC Supreme Council
Lance Corporal Papa Bangura (alias "Batuta")

Member of the AFRC Supreme Council
Lance Corporal George Adams

Member of the AFRC Supreme Council
Warrant Officer II Franklyn Conteh

Member of the AFRC Supreme Council
Warrant Officer II Sammy Kargbo

(Civilian) Member of the AFRC Supreme Council
Mr. Ibrahim Bioh Sesay (alias "Bioh")

(Civilian) Member of the AFRC Supreme Council
Mr. Abdul M. Sesay

(Civilian) Member of the AFRC Supreme Council
Mr. Hector Bob-Lahai

Other Prominent Leaders within the AFRC Faction

Comprising those who did not form part of the original contingent that overthrew the SLPP Government on 25 May 1997, nor who occupied positions of seniority on the AFRC Supreme Council, but who nevertheless had powers of directional influence or commandship in the faction at one time or another)

AFRC Secretary of State for Foreign Affairs
Alimamy Pallo Bangura

*AFRC Public Relations Officer (PRO) / Spokesman /
later Under-Secretary of State for Information*
Allieu B. Kamara

Influential Ground Commander of AFRC / West Side Boys
Hassan Bangura (alias "Bomblast" or "Papa")

Operations Officer (Army)
Lieutenant Akim Turay

Operations Officer (Military Police)
Captain Emil Dumbuya

Miscellaneous AFRC "Special Envoys"
Omrie Golley
Steve Bio
Ibrahim Bah

THE SIERRA LEONE PEOPLE'S PARTY GOVERNMENT (SLPP GOVERNMENT)

Primary Findings

262. The SLPP Government of the conflict era was a government under siege. It came to power amidst a bloody civil war and was consumed with defending the people from attack and finding ways to end the war.
263. Its actions were meant to bring the war to an end. However, some of the actions were ill-conceived and, thereby, led to violations and abuses of the rights of Sierra Leoneans.
264. The Commission finds that the leadership of Government had knowledge of CDF violations and abuses and, to the extent that such leaders were in the chain of command, they are held responsible.
265. The Commission finds the SLPP Government responsible for carrying out the arbitrary arrest and detention of a large number of citizens in violation of their constitutional rights from 1998 onwards. Many of the arrests, detentions, the prosecutions and trials of this period were politically motivated, representing a denial of their basic rights. The Commission finds that the Court-Martial of 37 soldiers of the SLA, during 1998 and which resulted in the execution of 24, was conducted in contravention of international human rights standards.
266. The Commission finds that the current incarceration of sixteen persons in "protective custody" detention since June 2000 to be unlawful and a flagrant denial of their basic human rights.

Main Findings

Complacency upon Taking up the Reins of Government

267. The newly-instated SLPP Government did not rise to the challenge required for the management of the war effort in 1996. It failed to heed the lessons of its predecessors or to address the emergent threats to state security that existed within the SLA. In several respects, the Government served to entrench the endemic disaffection of the conventional security forces.

Responsibility in the Breakdown of the Abidjan Peace Accord

268. The Government miscalculated in its negotiation strategy at the Abidjan Peace Talks of 1996. It displayed a diplomatic naivety in making several key military concessions to the RUF whilst demonstrating an over-reliance on the goodwill of the international community for implementation of the spirit of the consequent Peace Accord.
269. The ceasefire declared to provide a stable backdrop to the Peace Talks in Abidjan was flouted by both the Government of Sierra Leone and the RUF.
270. The Government authorised a prolonged and systematic campaign of attacks on the RUF's jungle bases. The attacks were carried out by Kamajors and infantry troops of the SLA, supported by Guinean Armed Forces and helicopter gunships controlled by Executive Outcomes.

Mismanagement of the State Security Apparatus in the SLPP's First Year in Office

271. The SLPP Government was remiss in allowing such a high degree of ambiguity to develop around the dual role of Chief Sam Hinga Norman as Deputy Minister of Defence and National Co-ordinator of the Civil Defence Forces. Most soldiers perceived Hinga Norman's role as being highly partisan in favour of the CDF. The failure on the part of the executive to address these negative perceptions in the military contributed significantly to the military coup of 25 May 1997.
272. The down-sizing of the Army and the commensurate reduction in rice rations by the Government was badly handled. At a time when transparency and trust should be at a premium, the Government practised neither. Failure to accurately diagnose the symptoms of discontent among the soldiers of its national Army was a recurring blight on the authority of the Government. It was a costly failure for the security of the nation as a whole.
273. The Commission finds that President Kabbah misjudged the seriousness of at least two warnings of alleged coup plots from those in his military High Command. The implicated persons in these alleged plots subsequently proved themselves to be genuine threats. The President's failure to address the concerns of his Deputy Minister of Defence, Chief Sam Hinga Norman, on 16 May 1997 resulted in the coup that ultimately unseated the President and caused untold suffering for the citizens of the country.

Fuelling the Conflict

274. The Commission finds that certain public statements made by high-ranking members of the Government among them Vice President Dr. Albert Joe Demby and Deputy Defence Minister Chief Sam Hinga Norman indicating that the defence of certain towns and villages would not be entrusted to the military but rather to militia units of Kamajors, created a sense of alienation and prejudice among members of Army deployments in the South and East of the country.
275. The statements lent themselves to misinterpretation by the Kamajors, who in many instances used them as a justification to mount attacks on military positions in the Southern Province, as well as at selected strategic points in the Northern and Eastern Provinces, many of which caused violations against civilians by one or both sides in the process.

Management of the State Security Apparatus during Exile and Beyond

276. The disagreements and mutual distrust between President Kabbah and Chief Sam Hinga Norman on the management of the war effort impacted negatively on the Movement to Restore Democracy.
277. The War Council in Exile established by President Kabbah struggled to assert its mandate. Indeed, the War Council's efficacy depended largely on the extent to which its directions converged with Hinga Norman's own views.
278. Nonetheless, the Commission finds that the War Council and the President were fully and timeously apprised of events that were taking place on the ground in Sierra Leone during their period in exile. They did not act to stop the violations being carried out by CDF

elements nor did they speak out against them. As such, they are held responsible for the acts of their agents on the ground.

279. The failure of the pro-Government forces to halt the AFRC advance on Freetown in January 1999 represents a blunder on the part of the Government of Sierra Leone and ECOMOG. Both parties had multiple prior warnings of the impending disaster. Their joint neglect and poor analysis of the situation culminated in the wanton destruction of Freetown by bands of thugs and hooligans.

Propaganda by Radio Democracy 98.1

280. The Sierra Leone Government in exile with support from the British Government set up a radio station 98.1 at Lungi to counteract propaganda from the AFRC controlled SLBS radio station. The radio station did much to lift the morale of the public and generate resistance against the military junta.
281. The Commission finds that at times broadcasts by Radio Democracy were inflammatory and created the context for mob justice, in which human rights violations and abuses were carried out against civilians who were alleged, often wrongly, to have collaborated with the AFRC.
282. The Commission finds that messages contained in broadcasts by Radio Democracy served to enrage and exacerbate the brutal backlash carried out by the group led by the AFRC warlord, SAJ Musa. AFRC commanders ordered their men to commit heinous violations and abuses against civilians, including amputations, to avenge the propaganda directed against them.

Knowledge of CDF Atrocities

283. The Commission finds that the Government was aware of human rights violations and abuses carried out by the CDF, through the role of its Deputy Defence Minister, Chief Samuel Hinga Norman who served as CDF National Co-ordinator and members of the War Council at Base Zero. The Government was further kept informed through its Security Committee briefings and through reports received from ECOMOG, but failed to take steps to stop them. The Commission, accordingly, holds the Government responsible for the violations and abuses of human rights committed by the CDF.

Arbitrary Detentions and Prosecutions

284. The Commission finds that the rounding up and detention of over three thousand citizens in the wake of the ECOMOG intervention of February 1998 constituted a mass violation of human rights.
285. The Government of Sierra Leone deployed a "catch-all" strategy to round up all persons associated with the AFRC regime, however loosely, and to imprison them arbitrarily without charge. Many civilians were detained for no other reason than the fact that they retained their jobs as civil servants under the AFRC regime.
286. Mrs. Sylvia Blyden, a civil servant who had served the nation for some thirty years was detained in February 1998 for nine months without charge. She was held on the strength of untested allegations against her. The Commission finds that the Government's policy of detention inflicted terrible suffering on the citizens of Sierra Leone and their families, and contravened their human rights.

287. An “AFRC collaborator” was generally understood to be someone who supported or sustained the junta in power. Accusations of “collaboration” often became a premise upon which human rights abuses were carried out.
288. The then Attorney General and Minister of Justice, Solomon Berewa, set out the policy of the Government towards collaborators in a letter entitled *‘Present Position relating to the Collaborators of the AFRC Junta’*. The use of language in this letter was dangerously ambiguous. It was open to wide interpretation and consequently led to abuses and violations on the ground. Mr. Berewa criminalized acts of collaboration with the AFRC and sought to have all persons falling into that category detained in the custody of the state. This new category was not codified in law but it led to the detention of thousands of Sierra Leoneans.
289. The Commission finds that the arrests, detentions, prosecutions and trials that followed the establishment of this policy were politically motivated and culminated in numerous human rights violations and abuses. The Commission finds that the departure from recognised legal and constitutional standards was the result of deliberate planning and authorisation by the Government of Sierra Leone. While the Government’s objective of reasserting its political ascendancy and sending out a strong message that coup plotters would not be tolerated was just, the means used were not. The Commission finds that the means employed were unconstitutional and resulted in human rights violations and abuses.
290. A pattern of summary executions, torture, floggings, beatings and arbitrary detentions was recorded by the Commission. It encompasses acts that were carried out by both private actors and agents of the state.

Mob Justice

291. The Commission finds that the mob justice prevalent during the transitional period between the ECOMOG intervention of 12 February, 1998 and the restoration of President Kabbah on 10 March, 1998 was not sufficiently quelled or controlled. Many civilians were executed arbitrarily on allegations of so-called “collaboration” while many others were beaten up, harassed or molested on similar grounds. A clear message or other assertion of control by the Government or ECOMOG may have prevented such violations.

Prison Conditions and Torture

292. The Commission finds that conditions of detention at Pademba Road Prison in the period between February 1998 and 6 January 1999 were deplorable and in breach of multiple provisions of both the Sierra Leone Constitution and applicable human rights instruments, including the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights. These conditions, at the time of writing the report have not changed and need the urgent attention of the Government.
293. The Commission received testimony of substantial allegations of torture being practised against inmates in flagrant breach of the Constitution, even under a regime of Emergency Powers. These testimonies from multiple witnesses whose periods in detention were distinct and for separate reasons lead the Commission to find that the Government of Sierra Leone has systematically violated the Sierra Leone Constitution *and* human rights instruments including the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights.

294. At the very least, the Government has failed repeatedly to discharge its legal obligation to conduct rigorous investigations into all allegations of torture against agents of the State to ascertain the veracity of such allegations.

Role of the Attorney-General and the Minister of Justice

295. The Commission finds that the then Attorney-General and Minister of Justice, Solomon Berewa, played a particularly conspicuous role in the conduct of both the civilian and the military trials. The Attorney General, Mr. Berewa, exercised his discretionary power of prosecution in an arbitrary fashion. Furthermore, Mr. Berewa sat on the Mercy Committee whose role it was to advise the President on the issuance of pardons for the 34 condemned soldiers. The Commission finds that Mr. Berewa held an inappropriate amount of power in deciding the fate of the persons he had himself selected for trial.

Court Martial of 37 Soldiers

296. The Court Martial of 37 soldiers of the SLA, which concluded with 34 guilty verdicts and three acquittals on Monday 12 October 1998, did not allow for the right of the accused to appeal, the right to an effective defence, and the right to be fully informed of the charges. The Commission finds that the trial was conducted in contravention of the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

The SLPP Government's Role in the Peace Process and the Failures of Power Sharing

297. The appointment of the former head of the AFRC, Johnny Paul Koroma, as chairman of the Commission for the Consolidation of Peace (CCP) by the President was meant to bring the AFRC into the peace process. The Commission finds the appointment to have been a strategic miscalculation. It jeopardised the success of the CCP, alienated the RUF and served to reward a soldier who had committed treason and plunged the country into a ruinous nine months of military rule by the AFRC.
298. The Government did not fulfil several undertakings made in the Lomé Peace Accord. The positions foreseen for the RUF in parastatals, diplomacy and other public bodies did not materialise. The promises to bestow equal status upon RUF office holders were not honoured. The Commission finds that the spirit of power sharing intended by the Lomé Peace Accord was not promoted by the Government.

Further Mismanagement of the State Security Apparatus in the Post-Lomé Period

299. The Government of Sierra Leone and the moral guarantors of the Lomé Peace Accord were negligent in that they failed to prevent the high proliferation of weapons to occur around the key players in the peace process. The failure to impose appropriate conditions on the retention of arms supplies at the Lodges of Johnny Paul Koroma and Foday Sankoh, at Juba Hill and Spur Road respectively, was a fatal blunder in the transition to peace. These residences became inevitable flashpoints for the eruption of armed violence.
300. Johnny Paul Koroma's credentials as Chairman of the CCP, an important peace-building institution, were seriously undermined by his assembly of a unit of armed West Side Boys around him at his Juba Hill Lodge in Freetown.
301. The Commission finds that the West Side Boys presented an immediate and ever present danger to the successful transition to peace. They precipitated fear and suspicion among the residents of Freetown. Johnny Paul Koroma acted as the *de facto* ground commander

of this private army of hardened fighters known for their propensity for excess and brutality.

Abuse of the State Security Apparatus to Attack the RUF

302. The "Peace Rally" organised by Johnny Paul Koroma at the National Stadium on Sunday 7 May 2000 was not a gathering geared towards peaceful ends. Those present included members of the West Side Boys, the SLA, the CDF and the SSD of the Sierra Leone Police. The Commission finds that Koroma mobilised these factions on the premise of defending the nation but with the real purpose of attacking the RUF.
303. Johnny Paul Koroma assembled a conglomerate armed group comprising West Side Boys, SLA soldiers, Kamajors and SSD policemen to carry out military operations against the RUF. The Commission finds that the name assigned to this group, "Peace Task Force", was a misnomer. It was rather a force of armed vigilantes tasked to raid, arrest and detain members of the RUF.

State Security Action between 6 May and 8 May 2000

304. The Commission finds that, while the Government was consumed by desperation for peace, it seriously erred in the incorporation of brutal warlords into its state security apparatus during May 2000.
305. The Commission finds the decision by Government to accommodate the West Side Boys as state security agents to be extremely negligent. The effective creation of a new unit of paramilitary police under Johnny Paul Koroma was a wanton subversion of the rule of law. It effectively allowed a band of brutal warlords to take the law into their own hands and take over the responsibility for maintaining the peace for civilians they had wantonly attacked, during the January 6 1999 invasion of Freetown.
306. The West Side Boys acted upon the instructions of Johnny Paul Koroma in their engagement as part of the "Peace Task Force" between 6 and 8 May 2000. They carried out Koroma's instructions as to the targets and mode of their operations.
307. The Commission finds that the West Side Boys, acting in their capacity as government agents, conducted a series of targeted armed raids on residences inhabited by RUF members and their families in Freetown between 6 and 8 May 2000. The victims of these raids included Ministers and Deputy Ministers appointed by the RUF to the power-sharing Government. The West Side Boys committed a host of violations and abuses in these raids. They systematically looted and vandalised the properties they attacked, and they arrested and detained a number of captives arbitrarily.
308. Many of those arrested and detained by the West Side Boys were subsequently kept in prison in the custody of the state under the "Protective Custody" category created by the Public Emergency Regulations of 1998. The President alone may authorise the detention of any person under this category.
309. The Commission holds the West Side Boys and Johnny Paul Koroma responsible for the violent sexual abuse and murder of the RUF Deputy Minister for Transport and Communications, Susan Lahai. The Government's failure to account for the sudden disappearance of one of its key office-holders was a shameful act of neglect. The Commission finds that the Government must accept a measure of responsibility for the brutal murder of Ms Lahai.

Arrests on 7 May 2000 and the Denial of Justice

310. Johnny Paul Koroma unilaterally ordered the arrests and detentions of at least 25 members of the RUF on 7 May 2000. The Commission finds that Johnny Paul Koroma did not have the legal authority to order these arrests and detentions. From the point of their arrests, these men were held in detention facilities administered by the state. No justification for the arrests was given to any one of the men. The Commission holds these arrests and detentions at Koroma's behest to be unlawful.
311. The 25 men arrested on 7 May 2000 stand as living examples of the abuse of the justice system that persists in Sierra Leone. Their continued detention without trial despite the private and public assurances of the President that they would be released has undermined the cause of reconciliation in Sierra Leone.
312. The Commission finds that there has been no transparency whatsoever in the disposal of "justice" against these men. Some of them have been repeatedly subjected to torture. At least nine of them remain in detention at the time of writing the Report.

The Events of 8 May 2000

313. The Commission finds that while the demonstration organised by parliamentarians and the Civil Society Movement on 8 May 2000 was well intentioned, it was infiltrated by subversive elements led by Johnny Paul Koroma. There were advance warnings given to the Government about the likelihood of unrest. However, nothing was done to prevent the occasion from descending into a violent tumult.
314. The events of 8 May 2000 at the Spur Road Lodge of Foday Sankoh testify to a failure to communicate and co-ordinate effectively between arms of the state security apparatus and the internationally-mandated UNAMSIL security force. The disparate armed groups that converged on Sankoh's residence endangered the lives of the UNAMSIL peacekeepers by attacking the Lodge.
315. Armed soldiers and West Side Boys co-mingled with the crowd of demonstrators who advanced on Foday Sankoh's Spur Road Lodge on 8 May 2000. The soldiers fired on Sankoh's compound from within the crowd of demonstrators. They exposed the civilians around them to grave danger by failing to allow distinction between military and civilian targets.
316. Approximately forty (40) persons were killed in the inter-factional violence that ensued around Foday Sankoh's Spur Road Lodge on 8 May, 2000. Almost all of them were killed by gunshots or rocket-propelled grenades fired between the RUF, the West Side Boys, the Kamajors and other security forces. The Commission finds that the information made available publicly by state authorities in relation to the deaths and injuries that resulted from this incident was substantially incomplete.
317. West Side Boys and soldiers of the SLA unleashed automatic weapons fire and, at least, one rocket propelled grenade at Foday Sankoh's Spur Road Lodge on 8 May, 2000. The West Side Boys killed many civilians in and around the compound of the Lodge.
318. The Commission finds that the inclusion of the West Side Boys as part of the state security forces during this period was highly irresponsible.

Arrests and Detentions in the Custody of the State as a Consequence of the Security Operations of May 2000

319. In the month of May 2000, mostly from 7 May to 17 May 2000, the Government of Sierra Leone authorised the arrests and detentions of at least 180 persons who were suspected to be members of the RUF. Beyond a minority of cases in which suspected membership of the RUF was put forward as a justification, no further explanation of the reasons for arrest was given to any one of the detainees. No legal basis for the arrests has been presented to the Commission.
320. The Commission finds that the state security forces which included the West Side Boys and the CDF deployed a 'catch all' strategy to round up all persons associated with the RUF, however loosely, and to imprison them arbitrarily without charge. Many civilians were detained for no other reason than the fact that they resided with a member of the RUF or that they had performed domestic chores for a member of the RUF.
321. The majority of those arrested in May 2000 remain in the custody of the state. None of them has yet been put on trial. The continued and unlawful detention of these persons represents contempt for the rule of law and is in violation of international law.
322. The Commission regards all those persons whose detention is devoid of legal basis as political prisoners. The Commission finds that the Government of Sierra Leone currently holds over 150 political prisoners in Freetown Central Prison.
323. The Commission finds that these persons have been subjected to torture and inhuman and degrading treatment, while in state custody. At least 21 RUF prisoners have died in state custody. The Commission holds the Government responsible for the gross neglect of these prisoners.
324. Detainees have been denied their human rights with regard to their conditions of detention. Protracted periods of solitary confinement and transfers to alternative detention facilities in undisclosed locations have been imposed on many of them. The Commission finds the Government to be accountable for this litany of human rights violations against detainees in its custody.

Retention of "Safe Custody" Detention and Problems with the Justice System

325. There are currently at least 17 persons detained in the custody of the state under the category of "safe custody". The 17 individuals whose names were given to the Commission in this regard are all rank-holding members of the SLA or the Sierra Leone Border Guards. Their detention is unlawful. The retention of "safe custody" as a category of detention is a stain on the rule of law in Sierra Leone.
326. The Commission finds that various institutions in the Government of Sierra Leone proved to be uncooperative and unhelpful to the Commission in its efforts to establish the full extent of human rights abuses that persist in the justice system to the present day. Some requests by the Commission to the Prisons Department were met with petty obstructionism.

NAMES OF SLPP GOVERNMENT LEADERSHIP

327. The Government formed by the Sierra Leone People's Party (SLPP) was recognised as the constitutional government of the Republic of Sierra Leone from March 1996 until the end of the conflict and beyond. The Commission regards the SLPP Government as having comprised the ultimate leadership of the various factions that fought in the name of its restoration or preservation at any given time. In line with the general fluidity of allegiance that characterised the conflict, factions that at one time may have been distinct from, or even opposed to, the SLPP Government, came under its leadership at other times.
328. Under international human rights law, the Government is strictly responsible for violations resulting from the acts of its organs or agents and, those of any persons acting under its control. The Government is also responsible for its own failure to prevent or take appropriate action in response to such violations.
329. The list of office-holders given hereunder is intended to reflect the positions held by the named individuals for most or all of the duration of successive Cabinets of the SLPP Government between 1996 and 2002, including the instrumental Cabinet-in-Exile, from 25 May 1997 to 10 March 1998.
330. The list is not intended to be a comprehensive or complete breakdown of all the office-holders in those successive Cabinets; rather, it names only those individuals who were found to have played a significant part in leading the acts and making the decisions attributed to the SLPP Government in this report.

The Senior Cabinet Members of the SLPP Government

Predominantly persons who served all or at least most of the five Cabinets formed between 1996 and 2002.

President of the Republic and Minister of Defence

Alhaji Dr. Ahmad Tejan Kabbah

Vice President

Dr. Albert Joe Demby

Deputy Minister of Defence

Chief Samuel Hinga Norman JP

Attorney-General and Minister of Justice

Solomon Berewa

Minister of Foreign Affairs

(previously Tourism and Culture / later Social Welfare, etc.)

Shirley Gbujama

Minister of Presidential Affairs and the Public Service

(later Foreign Affairs)

Momodu Koroma

Permanent Representative to the United Nations and Adviser to the President

(later Finance, Development and Economic Planning)

Dr. James O. C. Jonah

Minister for Mineral Resources (later Transport and Communications)
Dr. Prince A. Harding

Minister of Transport and Communications
(previously Deputy of Finance)

Momoh Pujeh

Minister of Agriculture, Forestry and the Environment (National Resources)
Dr. Harry Will

Minister of Information, Communications, Tourism and Culture
Dr. Julius Spencer

Minister of Internal Affairs and Local Government
(Minister of Safety and Security)
Charles Margai

Leader of the House of Parliament
S. B. Marrah

Minister of Foreign Affairs and International Co-operation
Dr. Sama Banya

Deputy Minister of Trade (previously Deputy Minister of Finance)
Mohamed B. Daramy

Deputy Minister of Health, etc. (later Resident Minister South)
Foday M. D. Sesay

THE CIVIL DEFENCE FORCES (CDF)

Primary Findings

331. The Commission finds that civilians and successive governing administrations felt that they could no longer rely upon the SLA for their effective defence in the face of relentless attacks by the RUF. The Commission finds further that the distrust and suspicion harboured by the civilian population towards the military was a central factor in the emergence and institutionalisation of the CDF as an alternative protective mechanism.
332. The Commission concludes that the CDF played a vital role in defending the nation from the predatory actions of rebel forces and renegade troops. However, the Commission finds that the CDF was itself responsible for considerable violations and abuses of human rights. Many of these violations and abuses were carried out with the full knowledge of the leadership of the CDF, which failed or omitted to intervene to stop the violations.
333. Lack of oversight saw CDF fighters mete out arbitrary and summary justice to suspected RUF collaborators. Most CDF fighters were poorly trained and ill-disciplined which resulted in the commission of human rights violations and abuses.
334. The Commission finds that the initiation rituals of the CDF were perverted and subverted by unscrupulous initiators. This resulted in acts of human sacrifice and cannibalism which constitute grave violations of human rights.
335. The CDF was successful in keeping out the RUF from large parts of the Southern and Eastern Regions. In the course of doing that, it committed gross violations and abuses on the peoples of both regions.

Main Findings

Enmity between the Arms of the State Security Apparatus under the SLPP

336. The CDF of the Southern and Eastern Provinces pitted themselves against the SLA under the newly-instated SLPP Government. Particularly in Kenema District, Kamajors engaged in systematic and targeted attacks on soldiers in an attempt to take over the Army's role as the protector of civilian lives and property. Kamajors carried out multiple acts of torture and killings against soldiers. In many cases, corpses of soldiers were dismembered and parts of them eaten. Kamajors also committed similar violations and abuses against civilians whom they perceived to be affiliated to the Army.
337. High-ranking members of the Government failed to quell clashes between the SLA and the CDF, both of which were arms of the state security apparatus, and were responsible for inciting enmity between the two factions.
338. The Government followed an inadvisable policy of incarcerating several hundred soldiers without trial for their perceived involvement in the clashes with the Kamajors. The Kamajors, meanwhile, were not held to account. This inconsistency of treatment between the two parties was an example of the defective management of the state security apparatus.
339. The clashes between soldiers and Kamajors in the Kenema District represented the first significant and overt manifestations of an ethnic dimension to the Sierra Leone conflict. The Kamajors, who were exclusively Mende indigenes of the District, singled out soldiers

and civilians of Northern descent for particularly malicious treatment. High profile members of non-Mende tribes, including Chiefs, were killed in this period of violence.

The Initiators of the Kamajor Society

340. The Commission finds that personal greed and ambition as well as avarice dictated the initiation policy of the Kamajor High Priest, Allieu Kondewah. He and the other initiators made a considerable amount of money by charging their new recruits a fee to enter the Kamajor Society. Collectively, under the direction and following the example of their High Priest, the Initiators extorted and exploited the membership of the Kamajor movement in a seemingly insatiable pursuit of their own self-enrichment.
341. Kondewah's introduction of new "phases" of initiation was a particularly shameless ploy to accrue further financial gain.
342. The benefits bestowed upon Kamajors by their participation in initiation ceremonies were fictional. Initiation did not protect the subject from harm nor endow him with superhuman ability.
343. The Commission finds that initiation gave rise to ever-more irresponsible conduct on the part of those who underwent it. It artificially enhanced notions of the Kamajors' human limits and as such was a cynical and dangerous form of psychological manipulation. As a direct result of their participation in initiation, many Kamajors did not think they could be killed by bullets. A proportion of warfront casualties incurred by the Kamajors was attributable to the misplaced gusto with which their combatants went into battle.
344. The Commission finds that the Initiators of the CDF and their apprentices brought the whole concept of civil defence into disrepute. They deliberately targeted the social and cultural fabric of the nation. They subverted the sacred and long-standing traditions of initiation and rites of passage that exist peacefully in Sierra Leone. They engaged in destruction and exploitation under the false pretences of a "secret" society.
345. The Initiators of the CDF forced men who joined the Kamajors to eat human body parts during the initiation ceremony. Organs, tissue, blood and flesh from the bodies of dead persons were used in Kamajor ceremonies of initiation. Civilians from communities surrounding the initiation site and even would-be recruits were in many instances killed for the express purposes of "sacrificing them to the cause".
346. The Initiators of the CDF also carried out or ordered varying degrees of violence and intimidation against those they enlisted. They tortured and killed initiates. They attempted to exonerate themselves from due culpability by referring to illusory whims from higher beings, through dreams and "divine" messages.
347. For every violation or abuse that took place during an initiation ceremony into the Kamajor Society, the Initiators bear the responsibility.

Lack of Control and Oversight

348. The Commission finds that ambiguity in the institutional character of the CDF precipitated a persistent lack of coherence, cohesion and co-ordination in its operations, which led to the commission of many human rights violations and abuses in the enforcement of what the massed ranks saw as the "law".

349. The lack of effective oversight over the National Co-ordinator, the High Priest and the ground commanders of the CDF ultimately led to grave human rights violations being committed.
350. In particular, the mandate that was given to Kamajors to monitor the movements of the populace at strategic gateways and checkpoints was poorly-defined and effectively licensed those charged with security to dispense summary justice against perceived miscreants, "strangers" and "collaborators".
351. While power and leadership was highly centralised in the CDF, effective control of the fighting forces was vested in the commanding officers at the lower level.

The Responsibility of the War Council at Base Zero

352. The War Council at Base Zero was composed of Chiefs and elders of high moral standing in the communities from which they were drawn. It was formed in an effort to instil some restraint and moderation into the Kamajor movement. It was a colossal failure.
353. Despite direct exposure to the deplorable acts that occurred at Base Zero, the members of the War Council at Base Zero shirked their moral responsibilities to intervene. They did nothing to prevent the mayhem that unfolded around them. In fact, by staying in a movement that had become a systematic violator of human rights, the members of the War Council lent legitimacy and their implicit endorsement to the atrocities committed by the Kamajors.
354. The Commission finds that the members of the War Council bear moral responsibility for the escalating excesses of the Kamajors, which culminated in human rights violations and abuses.

The Kamajors' Operation "Black December"

355. The Kamajors carried out "Operation Black December" in late 1997 and early 1998. It was purposely designed to debilitate the strongholds of the AFRC junta in the Southern and Eastern Provinces. In the process, it caused immense suffering to the civilian populations of many communities in these Provinces. It also led to massive and systematic human rights abuses including summary killings, torture and looting at checkpoints established by the Kamajors.
356. Operation Black December was endorsed by the Government in Exile as an integral part of its interventionary initiatives to disrupt and then dislodge the AFRC junta. Chief Hinga Norman acted with the full and express support of the President and the War Council in Exile in ordering the operation to take place. The Commission finds that the Government must take responsibility for the systematic violations and abuses of human rights carried out in its name by the Kamajors during this operation.

Regionalism and Ethnic Prejudice in the CDF

357. The Districts of the South and South-East were unambiguously classifiable as heartlands of the Kamajor movement. The Kamajors targeted inhabitants of these areas along ethnic lines. Persons of Northern origin were singled out disproportionately for violations and abuses after 1998.

358. The Kamajors were intensely protective of their territories and their movement against perceived infiltration by Northerners. They held the prejudice that Northerners might be inclined to display allegiance to the leadership of the AFRC junta, largely because Johnny Paul Koroma was a Limba. The CDF High Command mirrored the suspicions of its Kamajor fighters on the ground. There was deep distrust based on regionalism and ethnicity at the heart of the CDF.
359. Chief Hinga Norman repeatedly rejected the petitions of the CDF's Northern Commander MS Dumbuya for logistics supplies. Hinga Norman maintained a blanket refusal to release arms and ammunitions to the North. Consequently, the CDF units in the North were unable to reinforce strategic towns like Makeni, Lunsar and Masiaka. These towns consequently fell to AFRC-led troops without stout resistance from the CDF. The atrocities committed during this onslaught are a stain on the conscience of the CDF.
360. The Commission finds that the invasion of Freetown could have been forestalled, if the Government had mobilised and equipped a strong Northern CDF. However, there was a resolute refusal to do this for fear that once it was equipped, a large section of the Northern CDF would "desert" and join the enemy. Unfounded suspicions based on regionalism and ethnic prejudice were thus put ahead of the security of the city of Freetown.

Involvement of the CDF in the Events of 8 May 2000

361. The President authorised Chief Samuel Hinga Norman to undertake a large-scale mobilisation of members of the Civil Defence Forces in Freetown on 8 May 2000. Kamajors were thus deployed as a supplement to existing arms of the state security apparatus. Kamajors carried out multiple violations during their deployment on 8 May 2000, including killing civilians, plundering vehicles and properties and torturing captives. Kamajors carried out arrests of persons subsequently detained in state facilities as "Protective Custody" prisoners. The Kamajors, together with other militant elements, initiated the attack on Foday Sankoh's residence on 8 May, 2000 and used the occasion for large-scale attack and abuse of perceived RUF sympathisers.

NAMES OF CDF LEADERSHIP

362. In the Civil Defence Forces, there was something of a disparate structure of leadership and command. The Commission found that units of militiamen were generally commanded in the vicinity of their communities by local 'strongmen' or warlords who held a high degree of responsibility for the acts of those under them.
363. The four categories of leadership below therefore represent the positions found by the Commission to possess the greatest authority within the national CDF organisation as a whole. They are all applicable to the period after May, 1997, when the SLPP Government was overthrown. In response to the seizure of power by the AFRC at that time, the CDF realigned its structures, expanded its membership and significantly enhanced its military operations. The overwhelming majority of the names listed were members of the Kamajor Society, although such membership was not a prerequisite to hold a command position within the CDF.

The CDF High Command

The High Command was partly comprised of the CDF National Co-ordinating Committee.

Commander-in-Chief of Pro-Government Forces, including the CDF
Alhaji Dr. Ahmad Tejan Kabbah, President and Minister of Defence

National Co-ordinator of the CDF
Chief Samuel Hinga Norman JP, Deputy Minister of Defence

Chairman of the CDF National Co-ordinating Committee
Honourable Richard E. S. Lagawo

CDF National Public Relations Officer (PRO)
Charles Moiwo

CDF National Director of War
Moinina Fofanah

Deputy National Director of War
Mohamed O. Musa

CDF National Director of Operations
Joseph Ansumana Sam Koroma

Deputy National Director of Operations
Albert Jusu Nallo

Commander of the Northern CDF
Michael S. Dumbuya

CDF National Director of Logistics
Francis Mustapha Lumeh

CDF National Director of Personnel
Andrew Harding

Regional Co-ordinator of the CDF (Southern Province)
Alhaji Daramy Rogers

Regional Co-ordinator of the CDF (Eastern Province)
George Jambawai

Commander of the CDF in the Pujehun District
Eddie Massallay

Commander of the CDF in the Kenema District
Arthur Koroma

Senior CDF Battalion Commanders and Ground Commanders
Alhaji Sheriff
Rufus M. Collier
Sidia Mansaray
Joe Temide
Morray Jusu
Lahai George
Alhaji Hassan Feika

Al-Hassan W. Jalloh
Joe Nunie

The Initiating Cadre of the CDF

Members of the Initiating Cadre were directly aligned with the CDF High Command and responsible for orchestrating and commanding military operations as well as preparing the members of the Kamajor Society for battle by conducting 'initiations'.

The High Priest / Chief Initiator of the Kamajor Society
King Dr. Allieu Kondewah

Other Senior Initiators within the Kamajor Movement
Kamoh Dr. Lahai Bangura
Kamoh Brima Bangura
Mama Munde
Kamoh Alie Sesay
Kamoh Dr. Mohamed Mansaray

The CDF National War Council-in-Exile

The War Council was directly aligned with the CDF High Command; where relevant, the designation given in brackets is the office-holder's post in the SLPP Government's Cabinet in Exile, which had been retained from President Kabbah's reshuffle of 21 November 1996).

Chairman R. E. S. Lagawo (Chief Adviser to the President)
Dr. Prince Harding (Minister of Mineral Resources)
Shirley Gbujama (Minister of Foreign Affairs)
Momoh Pujeh (Deputy Minister of Finance)
Dr. Harry Will (Minister of Agriculture, Forestry and the Environment)
Momodu Koroma (Minister of Presidential Affairs and the Public Service)
S. B. Marrah (Leader of the House)
T. K. Vandi (SLPP party stalwart)
Charles Margai (SLPP party stalwart)
Foday M. D. Sesay (Deputy Minister of Health and Sanitation)
Mohamed B. Daramy (Deputy Minister of Finance)

The CDF War Council at Base Zero

This Council was created at the behest of certain members of the CDF High Command, but not directly aligned to all of its members; the designation given above each name is the office-holder's position within the CDF War Council itself.

Chairman of the War Council
Paramount Chief J. W. Quee

Vice Chairman / Representative for Bonthe District
Paramount Chief C. W. Tucker

National Co-ordinator of the CDF
Chief Samuel Hinga Norman JP, Deputy Minister of Defence

Resident Paramount Chief at Base Zero (Yawbeko Chiefdom)
Paramount Chief J. D. Muana

Member / Representative for Kenema District
Chief Vandi Soka

Member / Representative for Moyamba District
Robert F. Kombe-Kajue

Member / Representative for Bo District
Ibrahim F.M. Kanneh

Member / Representative for the Northern Province
M. S. Dumbuya

Executive Officer / Member / Representative for Pujehun District
Francis Mustapha Lumeh

Executive Officer / Member
Alhaji Daramy Rogers

Executive Officer / Member
Mohammed O. Musa

Executive Officer / Member
George Jambawai

Logistics Officer/ Representative for Bonthe District
Francis Gormoh

Executive Officer / Member
Joseph A.S. Koroma

Executive Officer / Member
Rufus M. Collier

Store Keeper at Base Zero
Jajah Kamara

FINDINGS IN RESPECT OF EXTERNAL ACTORS

Primary Findings

364. Libya provided guerrilla warfare training to a small number of Sierra Leonean dissidents. The Government of Libya also provided some financial support to the RUF. The Commission finds that Libya contributed in a small but significant way to the conflict that engulfed Sierra Leone.
365. The Commission finds that Charles Taylor deployed about 2000 fighters from his NPFL into Sierra Leone in 1991. The Commission finds further that Taylor was primarily responsible for initiating the conflict in the manner in which it began.
366. The Commission finds the NPFL to have been a particularly brutal and pernicious organisation. The organisation was responsible for most of the early human rights atrocities committed against civilians.
367. In the early years of the conflict, Sierra Leone was largely abandoned by the international community. ECOWAS was the only international body that was willing to intervene in the Sierra Leonean conflict. However, it did not have the resources to properly support its peace-keeping mission in Sierra Leone.
368. The Commission finds that the inability of ECOMOG to sustain its intervention beyond Freetown in 1998 contributed to the prolonging of the conflict. The AFRC invasion of Freetown in January 1999 was poorly handled by ECOMOG. Some ECOMOG soldiers engaged in human rights violations during its defence of Freetown. These included the summary executions of suspected AFRC and RUF fighters and collaborators.
369. The Commission finds that Sierra Leoneans are justified in their view that they were abandoned by the United Kingdom in their hour of need. When British troops did intervene towards the end of the 11-year conflict, they effectively dispatched resistance encountered from rebel forces. The Commission finds it regrettable that the United Kingdom waited some 10 years before she intervened.
370. The Commission finds that ULIMO was more interested in waging war against the NPFL in Liberia than resisting the RUF in Sierra Leone. Arms, ammunitions and other logistical support supplied to ULIMO by the government of Sierra Leone were mostly used in the conflict in Liberia.
371. While the use of mercenaries in conflicts should not be encouraged under any circumstances, the Commission finds that the South African private security firm, Executive Outcomes (EO), was efficient in combating the RUF during the conflict. The hiring of mercenaries led to the Government of the day mortgaging the nation's assets.
372. The Commission finds that the United Nations (UN) and the international community abandoned Sierra Leone in its greatest hour of need during the early 1990s. Lack of foresight by the UN and the international community resulted in the hastily prepared and ill-conceived Abidjan Peace Accord in 1996.
373. The United Nations Observer Mission in Sierra Leone was never able to fulfil its mission. United Nations Peacekeepers who were deployed to Sierra Leone in 1999 and 2000 were

ineffectual and disorganised. The kidnap of the UN peacekeepers led to a huge loss of faith in the UN on the part of the population.

374. The Commission finds that the United Nations subsequently demonstrated its commitment to peace in Sierra Leone through the deployment of UNAMSIL. The providing of a large and well resourced peace keeping force together with supplying a range of technical and developmental support has ensured stability in post-conflict Sierra Leone.

Main Findings

LIBYA

375. The Government of Libya instituted a programme of revolutionary training for a small number of Sierra Leonean dissidents as part of its wider international initiative to equip potential insurgents with the means to launch "liberation" movements in their own countries. Crucially, the training included a guerrilla warfare component; it also introduced Sierra Leonean participants, among them Foday Sankoh, to other revolutionaries from the West African sub-region and beyond, among them Charles Taylor.
376. Furthermore, the Commission finds that the RUF benefited from financial support from Libya through its People's Revolutionary Council.
377. The Commission finds that Libya contributed in a limited but significant manner to the chaos and mayhem that engulfed Sierra Leone.

CHARLES TAYLOR AND THE NATIONAL PATRIOTIC FRONT OF LIBERIA (NPFL)

378. The NPFL war in Liberia impacted profoundly on Sierra Leoneans living in Liberia. Sierra Leoneans were deliberately targeted and maltreated by NPFL fighters. After ECOMOG's intervention into the Liberian conflict, Charles Taylor issued an arbitrary order to his NPFL troops to arrest and to detain all nationals of ECOWAS states on the territories under his control. In the process, Taylor was responsible for the arbitrary incarceration of hundreds of Sierra Leonean nationals.
379. The Commission finds that Charles Taylor deployed about 2,000 fighters from his NPFL into Sierra Leone in March and April of 1991. This NPFL contingent, which led the original armed incursion acted upon the orders of Charles Taylor.
380. Nearly all of the NPFL "Special Forces" fighters in Sierra Leone were of Liberian nationality, with possibly a maximum of one hundred (100) nationals from third countries among their number. There were commanders as well as fighters from Burkina Faso (commonly called "Burkinabes") and the Ivory Coast, in addition to individual or small groups of combatants from The Gambia, Nigeria, Guinea and Togo.
381. Command responsibility for the military operations of the NPFL – and thus for the bulk of the operations carried out by the combined incursion force between March 1991 and September 1992 – were vested in the hands of key 'Special Forces' commanders including James Karnwhine (alias "Pa Jim"), Samuel Tuah (alias "Samtuah"), Benjamin Yaeten, Charles Timba, Dupoe Mekazohn ("General Dupoe"), James Wolonfa, John Wuseh, "Action" Jackson, CO "Bosco" and Anthony Meku-Nagbe (alias "CO Dry Pepper"). These

men were loyal and answerable to Charles Taylor and received instructions from him through their own conduits.

382. The majority of violations attributed to the RUF in the period between March 1991 and September 1992 were in fact the acts of commandos fighting on behalf of the NPFL. In the Commission's view the NPFL faction, under the indisputable overall command of Charles Taylor, was chiefly responsible for the bulk of the abuse inflicted on the civilian populations of Pujehun and Kailahun Districts, in particular, during this period. The Commission finds further that the NPFL component of the initial incursion force that subsequently entered Sierra Leone outnumbered the RUF 'vanguards' by at least four to one. The Commission finds that the NPFL forces were primarily responsible for the initial peak in brutality against civilians and, especially, against traditional and state authorities that were the hallmark of the first year of the conflict.
383. The Commission holds the NPFL faction responsible for concerted campaigns of indiscriminate violence against the civilian population of the Kailahun District, between February and August 1992. Scores of RUF personnel, both among the vanguards and the junior commandos, were singled out for violations and abuses of their human rights, including torture and summary killings, at the hands of their NPFL compatriots.
384. The Commission finds that the role of the NPFL extended beyond that of direct responsibility for systematic violations and abuses. The NPFL continued to provide support to the RUF in diverse ways for the rest of the conflict period.
385. Between 1991 and 1997 Liberia was incapable of policing its borders with Sierra Leone. The porous border situation promoted the free flow of arms and logistical support for the insurgents from Liberia into Sierra Leone and the flow of looted items and illicit diamonds from Sierra Leone into Liberia. When Charles Taylor became President in 1997, Liberia permitted herself to be used as a conduit for the transfer of arms and ammunitions to the RUF in Sierra Leone.
386. The Commission finds that cannibalism was practised on the territory of Sierra Leone by NPFL fighters. The extent of the brutality of NPFL forces, and some of its extreme practices such as cannibalism, even alienated its fighting partner, the RUF.

THE UNITED LIBERATION MOVEMENT FOR DEMOCRACY (ULIMO)

387. The Commission finds that ULIMO was more interested in waging war against the NPFL in Liberia than resisting the RUF in Sierra Leone. Arms, ammunitions and other logistical support supplied to ULIMO by the government of Sierra Leone were mostly used in the conflict in Liberia. By the end of 1992 most ULIMO fighters had crossed over into Liberia in order to carry out their fight against Charles Taylor and the NPFL.

THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) AND THE ECOWAS CEASEFIRE MONITORING GROUP (ECOMOG)

388. In the early years of the conflict, Sierra Leone was largely abandoned by the international community. ECOWAS was the only international body that was willing to intervene in the Sierra Leonean conflict.

389. The Commission finds that the global geopolitics prevailing at the time of the conflict affected the response of the international community. The fact that the leader of one of the prominent intervening parties in ECOWAS, namely the Nigerian Head of State, General Sani Abacha, was a military dictator deterred the international community from intervening in the Sierra Leone conflict. The Commission finds it regrettable that the international community chose not to respond to the plight of Sierra Leone because it disagreed with the role played by the leader of one of the intervening parties in his own home country.
390. Due to the poor economic status of its member countries, ECOWAS did not have sufficient resources, soldiers and funds for its peace-keeping missions in the sub-region. Nigeria, during the reign of General Sani Abacha, was the only country in the sub-region that was willing to commit large numbers of troops and resources to the peace keeping missions of ECOWAS in the region.

The Legacies of the ECOMOG Intervention to Oust the AFRC

391. The Commission finds that ECOMOG permitted the unimpeded flight of the ousted AFRC and RUF (“the People’s Army”) out of Freetown into the North of the country. The reason the junta was able to secure ‘free passage’ was because ECOMOG intentionally left open a ‘corridor’ of escape around the Freetown Peninsula. While this decision was taken to prevent further heavy casualties in the Freetown area, it freed the combined forces of the People’s Army from direct military confrontation with ECOMOG. It also allowed the AFRC and the RUF to regroup in the expansive and rugged territories of the North and North-East, which precipitated a renewed series of bloody confrontations in Sierra Leone.
392. While the mandate of the Nigerian-led force was specifically confined to that of a ceasefire monitoring group, ECOMOG increasingly came to play the role of the government’s defence force. It took instructions and directions from the executive of the Sierra Leone Government and some of its military officers issued orders and commands on behalf of the Government. The Commission finds that in all but name, ECOMOG was the surrogate national army from the point of its arrival in February 1998. ECOMOG was therefore not able to play the role of neutral arbiter in the conflict.
393. ECOMOG faced an enemy that was unpredictable and unrestrained by the conventional parameters of warfare between armies. ECOMOG soldiers were further disadvantaged by their lack of topographical knowledge. ECOMOG dispersed itself too thinly on the ground after liberating areas of the North of the country following its intervention in February, 1998.
394. Between 1998 and 1999, ECOMOG suffered command and control problems. The Commission finds that all these factors weakened their defence of strategic areas of the country in the face of advances by the AFRC and RUF.
395. The AFRC invasion of Freetown in January 1999 was poorly handled by ECOMOG. Co-ordination of the defence of the city was severely lacking. The approaches to the city were feebly defended making it easy for the AFRC to force the battle to the streets of Freetown.
396. ECOMOG was constrained to avoid firing on civilians “embedded” as human shields within enemy ranks and in many cases had to retreat, to avoid civilian casualties.
397. Some ECOMOG soldiers engaged in human rights violations during the defence of the city. The Commission finds that ECOMOG committed summary executions of civilians, mostly in

Freetown, while repelling the invasion of January, 1999. These executions were directed largely at persons accused of being 'collaborators'. With mounting losses, many of the ECOMOG soldiers lashed out to avenge the deaths of personal friends and colleagues. Many of those killed by ECOMOG were pointed out by Sierra Leonean civilians as collaborators.

398. The Commission finds that it was ECOMOG that ultimately prevented the RUF from occupying the entire country. Sierra Leone owes a debt of gratitude to those that comprised the ECOMOG peace keeping forces, in particular, the Nigerian troops who comprised the majority of the force.

THE UNITED KINGDOM

399. The United Kingdom and Sierra Leone have a long-standing historical relationship. Sierra Leone was a colony of Britain. Sierra Leoneans expected Britain to promptly intervene in the Sierra Leonean conflict in order to bring peace. Such intervention only materialised towards the end of the 11 year long conflict. The Commission finds that Sierra Leoneans are justified in their view that they were abandoned by the United Kingdom in their hour of need.
400. The Conakry peace talks were supported by the British High Commissioner to Sierra Leone. The Commission finds that Great Britain could have ensured the compliance of the AFRC junta, if it had backed the agreements with the potential threat of force. Instead of direct intervention, elements in the British government encouraged Sandline International, a non-state entity, to supply arms and ammunitions to the loyal forces of the exiled government of President Kabbah.
401. Since 2000, Britain has provided sustained military and other strategic assistance towards ending the conflict and maintaining the peace. British forces were successful in neutralising the menace posed by the rogue soldiers who comprised the West Side Boys in 2000. The presence of British troops has contributed to deterring further hostility by the RUF and its allies.

EXECUTIVE OUTCOMES

402. The Commission finds that the South African private security firm, Executive Outcomes, was efficient in combating the RUF during the conflict. Although numbering only 250 the force was able to push back the rebel incursions in less than a year.
403. Executive Outcomes engaged the RUF on several occasions; however the Commission's data base has not recorded a single allegation of any human rights violation against the mercenaries. The Commission however notes that a large number of civilians were killed when Executive Outcome helicopter gunships attacked RUF jungle bases between 1995 and 1996.
404. While the use of mercenaries in conflicts should be condemned the Commission notes that when the Sierra Leonean Government contracted with Executive Outcomes it was in a desperate state of affairs.
405. The Commission finds that the Government, under considerable pressure from the international community, made strategic concessions in the Abidjan Peace Agreement without the requiring same of the RUF. This included the early termination of the contract with Executive Outcomes. This premature termination opened the door for the RUF forces

who soon gained ascendancy. The cancelling of the contract also saddled the country with substantial financial obligations.²⁹

THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY

406. The Commission finds that the United Nations (UN) and the international community abandoned Sierra Leone in its greatest hour of need during the early 1990s. The United Nations only took real notice of the situation in 1994 when it sent an exploratory mission to the country.
407. Prior to the conflict members of the international community feted and celebrated successive oppressive governments and turned a blind eye to Sierra Leone's internal situation which was sowing the seeds of civil war. The Organisation of African Unity even invited President Siaka Stevens to chair the body in 1980.
408. Lack of foresight by the UN and the international community resulted in the hastily prepared and ill-conceived Abidjan Peace Accord in 1996. This Accord did not make any meaningful contribution to the peace process.
409. The UN misread the prevailing situation in Sierra Leone in 1997. Only seven hundred and twenty United Nations observers were provided to monitor the cease fire agreement. UNOMSIL, the United Nations Mission in Sierra Leone, was never able to fulfil its mission. Its presence in Sierra Leone did nothing to prevent the military coup in May 1997.
410. United Nations Peacekeepers who were deployed to Sierra Leone in 1999 and 2000 had a poor understanding of the situation and could not respond timeously to the challenges with which they were faced. RUF fighters had little problem in kidnapping more than 500 UN peacekeepers. The kidnap of the UN peacekeepers led to a huge loss of faith in the UN and its capacity to sustain the peace.
411. The Commission finds that the mandate given to the United Nations peacekeepers at the initial stage of their intervention was insufficient to address the crisis effectively. UNAMSIL peacekeepers who were deployed in Sierra Leone in 1999 operated under a Chapter Six mandate of the United Nations Charter. Under this chapter, the use of force is not authorised. The RUF was quick to exploit this gaping vulnerability when it took peacekeepers hostage in May 2000.
412. However, to the UN's credit the peacekeepers did not vacate the country. The resolve of the UN to stay on ensured the maintenance of peace. The United Nations Security Council changed the mandate of the peacekeepers from Chapter Six to Chapter Seven which made provision for self defence. The UN illustrated its commitment to peace in Sierra Leone by providing a large and well resourced peace keeping force and supplying a range of technical and developmental support. The Commission finds that the policies implemented by the UN in Sierra Leone were progressive and have set the standard for peacekeeping missions in other conflict driven countries.
413. The Commission finds that the international community responded positively to the devastation in post conflict Sierra Leone with significant governmental and non-governmental support.

²⁹ EO invoked penalty clauses in its contract with the Government of Sierra Leone.

FINDINGS IN RESPECT OF THE JUDICIARY, THE RULE OF LAW AND THE PROMOTION OF HUMAN RIGHTS

Primary Findings

414. Lawyers and jurists in Sierra Leone failed to stand up to the systematic violation of the rights of the people.
415. Successive governments have used the death penalty to eliminate political opponents.
416. Successive governments used the death penalty to eliminate political opponents. The Commission believes that there is no place for the death penalty in a civilised society based on respect for human life.
417. Successive regimes used emergency powers to suppress political dissent.
418. The use of so-called safe custody detention is illegal and represents gross contempt for the rule of law.
419. Corruption is rife at all levels of the judiciary. There is little or no meaningful access to the courts for the majority of Sierra Leoneans.
420. The Office of the Attorney-General has not been and is not free of political interference from the executive arm of government.

Main Findings

The Role of Lawyers and Judges

421. The Commission finds that lawyers and judges in Sierra Leone failed to stand up to state tyranny. They failed to give any meaningful content to the Rule of Law.
422. Lawyers should be the first line of defence whenever the human rights of the people are transgressed. This did not happen in Sierra Leone. Indeed lawyers – through their collective inaction – contributed substantially to the massive abuse of human rights before, during and after the war.
423. The conspicuous failure, on the part of lawyers and judges, to speak up on behalf of Sierra Leoneans held in illegal detention for close to four years in Pademba Road Prison is a terrible indictment.

The Death Penalty

424. The death penalty is provided for in the laws of Sierra Leone for various offences including treason and mutiny. Successive governments have used the death penalty to eliminate political opponents.³⁰ The right of appeal against the decisions of court-martials was

³⁰ Examples include Mohamed Sorie Fornah, Ibrahim Bash-Taqi during the days of President Siaka Stevens; Francis Minah, G. M. T. KaiKai during the era of President J. S. Momoh; Bambay Kamara and others in December 1992 during the reign of the National Provincial Ruling Council.

removed in 1971.³¹ Several soldiers were tried and executed under this provision between 1971 and November 1998.³²

425. President Tejan Kabbah and his government proceeded with the executions of twenty soldiers in 1998, ignoring an appeal from the United Nations Human Rights Committee not to proceed with the executions. The executions were subsequently declared to have violated both the International Covenant on Civil and Political Rights³³ and the African Charter of Human and Peoples' Rights.³⁴ The Commission endorses these findings against the Sierra Leonean Government by the African Commission on Human and Peoples' Rights.
426. The death penalty once implemented is irrevocable. Miscarriages of justice are commonplace in Sierra Leone. No subsequent act of pardon or compensation can remedy a wrongful execution.

Abuse of Emergency Powers

427. The Commission finds that state of emergency powers have proven to be a mighty weapon in the hands of successive governments and have been used to silence opposition, suppress activism and clamp down on political dissent.
428. President Siaka Stevens used emergency powers to silence widespread opposition in 1971 by banning the vocal and burgeoning National Democratic Party (NDP) of Dr. John Karefa-Smart. Stevens also abused emergency powers to suppress student protest and to stop nation-wide strikes by the labour movement.
429. President Momoh took matters to the bizarre by declaring a so called "State of Economic Emergency" in 1987, which licensed his officials to abuse the property rights of the people.
430. While the declaration of a state of emergency in 1998 by President Kabbah may have been justified to deal with the lawlessness of the time, it also provided the pretext for the arbitrary rounding up and detention of hundreds of Sierra Leoneans accused of "collaboration" with the AFRC junta.

Safe Custody Detention

431. The Commission finds that "safe custody" detention has been used to detain political opponents of the government and to quell political dissent.
432. No law authorises the continued detention of persons in safe or protective custody detention. The Public Emergency Regulations of 1998 under which the President was authorised to order the detention of persons into protective custody was lifted in 2002. The continued detention of several persons in safe custody detention is unlawful and in contravention of the Sierra Leone Constitution. Their detention is in clear violation of the rule of law.

³¹ By section 129 Act No.5 of 1971 which read: "The decisions of a court-martial shall not be questioned in any court of law." This provision was repealed in 2000 by The Armed Forces of the Republic of Sierra Leone (Amendment) Act 2000

³² Colonel Max Kanga and nineteen others were tried and executed in 1998.

³³ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. The Government of the Republic of Sierra Leone ratified the ICCPR on 23rd November 1996.

³⁴ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986

433. The Commission finds that the continued practice of safe custody detention brings the Government of Sierra Leone into disrepute. There is no place for “safe custody detention” in a just and democratic society. The Commission regrets that civil society and the many representatives of the international community in Sierra Leone have failed to protest the use of safe custody detention and have failed to utilise the writ of *habeas corpus* in respect of those held.

The Judiciary

434. The Commission finds that the judiciary is understaffed and underpaid. Poor remuneration causes many of the best legal minds to decline appointments to the bench.
435. Powerful members of society are able at times to select judges to hear cases. This has brought the judicial process into disrepute.
436. The judicial appointment process has been abused by successive governments. Several politically motivated appointments have been made by all post-independence governments. This has severely compromised the independence of the judiciary.
437. The lack of civil society representation on the Judicial and Legal Service Commission undermines the independence of that important body.
438. The lack of security of tenure of judges during the rule of the APC regime permitted the then government to interfere at will with the judiciary. The independence of the judiciary was systematically destroyed. The current practice of employing retired judges on a contract basis also compromises their independence.
439. The removal of all measures of financial autonomy from the judiciary by the APC regime in the 1970s served to impoverish the administration of justice. This remains the state of affairs in the judiciary. Without budgetary independence, the judiciary has been unable to determine its priorities and to plan for an efficient justice delivery system.
440. The majority of people do not have meaningful access to the courts. This renders the rights enshrined by the Constitution largely empty. The outbreak of war caused almost all judges, magistrates, law officers and private practitioners to flee the provinces. For several years during the war, there were only two places in the provinces, Bo and Port Loko, which had magistrates’ courts operating. Many people resorted to extra-judicial methods to solve their problems.
441. Access to affordable legal representation in Sierra Leone is a serious problem. Most Sierra Leoneans are unable to pay for the services of solicitors. As a result many people are forced to languish in prison cells and police lock-ups for inordinately long periods.
442. Corruption is a perennial problem in the judiciary. It pervades all levels of the judiciary.

Office of the Attorney -General

443. The Office of the Attorney-General lost its independence and the perception of impartiality when it was fused with the office of the Minister of Justice by virtue of the 1978 Constitution. The Commission finds it regrettable that this state of affairs was confirmed by the 1991 Constitution and indeed persists today. Under this legal regime, the discretion of the Attorney-General cannot be free from political influence.

Citizenship

444. The Commission finds that the laws in relation to citizenship, which restrict the ability of persons who are not of Negro African descent to become citizens, are racially discriminatory and inappropriate for a developing and democratic society.³⁵ The Commission finds further that such laws promote disunity and capital flight.

FINDINGS IN RESPECT OF YOUTH

Primary Findings

445. The Commission finds that the youth in Sierra Leone have been excluded from any meaningful participation in the political process.
446. The political exclusion of the youth prompted some of them to assert themselves forcefully into the political process.
447. The Commission finds that marginal and disaffected youth, both rural and urban, made up the vast majority of the fighting forces in the RUF, CDF and the expanded SLA.
448. The Commission finds that many youths became both victims and perpetrators in the war. Many were abducted and forced to engage in horrific atrocities under threat of death, often after being compelled to consume a concoction of drugs. They will carry the psychological scars of their experiences for the rest of their lives.
449. The Commission holds the entire leadership of the different factions, and in particular the leadership of the RUF, responsible for masterminding these pernicious and brutal strategies, or alternatively for failing to stop such practices.
450. The Commission finds that some of the causes of the conflict that prompted many young people to go to war, namely elitist politics, rampant corruption and nepotism, and bad governance are not being adequately addressed.
451. The Commission finds that the proliferation of NGOs in post-conflict Sierra Leone has not resulted in the creation of meaningful capacity amongst the youth.

Main Findings

Political and Economic Exclusion

452. The Commission finds that the youth were excluded from any meaningful participation in the political process from the late 1960s through to the outbreak of war in 1991. The exclusion of the youth from the political process occurred through the stifling of dissent and the freedom of expression, the creation of a one-party state and the total domination of the political scene by the APC.

³⁵ Part III of The Sierra Leone Citizenship (Amendment) Act, 1976.

- 453. The APC made use of marginalized youth to engage in political violence against its opponents and such youth became increasingly captive to handouts from their political masters.
- 454. The gradual decline of the economy and the drop in the standard of living contributed immensely to an increase in the number of school dropouts and the high rate of unemployment among the youth. Unemployment led many youths to the 'pote' (local slang for the "ghetto") and they became active participants in the drug culture.
- 455. The political exclusion of the youth prompted some of them to assert themselves forcefully into the political process. College students emerged as the only real opposition to the one-party dominance. Students engaged with marginal youths to debate "revolution", which eventually led to the recruitment and training of some young revolutionaries in Libya between 1987 and 1989.

Involvement of Youth in the War

- 456. The Commission finds that marginalised and disaffected youth, both rural and urban, made up the vast majority of the fighting forces in the RUF, CDF and the expanded SLA. Many unemployed youth who previously had no means of survival saw the war as a welcome opportunity with which to amass wealth and transform their status.
- 457. The Commission finds that the vast majority of those who were recruited into the expanded SLA were marginalised youths from the urban areas; most of those abducted or forcibly recruited into the RUF were from the rural areas and the bulk of youth recruited into the CDF were also from the rural areas.
- 458. The Commission finds that many youths became both victims and perpetrators in the war. Those who were abducted and forced to engage in violence, under threat of death, were victims. They then became perpetrators, when carrying out human rights violations against civilians. This was often done after being compelled to consume a concoction of drugs. While perpetrating the most horrific atrocities under the influence of drugs, it can be said that these youths were victims at the same time. They will carry the psychological scars of their experiences for the rest of their lives. The Commission holds the entire leadership of the RUF responsible for masterminding these pernicious and brutal strategies, or alternatively for failing to stop such practices.
- 459. In the end, the war not only affected marginalised youth, but, it also affected mainstream youth. This was largely due to the breakdown of the family, the collapse of educational institutions, the lack of jobs and the fact that the fighting occurred in almost every part of the country.

Youth and Post-Conflict Sierra Leone

- 460. Despite the important strides made by the government since the conclusion of the war, the condition of the youth continues to be problematic. A significant number of young people have expressed frustration and concern that the circumstances that resulted in the war have not been meaningfully addressed. A failure to address these shortcomings will have serious repercussions for Sierra Leone.
- 461. The Commission finds that many youths who missed out on schooling during the war are no longer in a position to continue with their education. This is due to the high cost of

education and because many of them consider themselves to be too old to return to school. The 1990s constituted a wasted decade for these youth.

462. The Commission finds that the economy was destroyed during the decade long civil conflict and while the government is trying to rebuild the infrastructure and set the economy back on track, most young people cannot find employment. Many young people lack the skills that would make them employable in the job market. However, even graduates have difficulty in finding work in Sierra Leone.
463. The Commission finds that during the war many youths graduated from using marijuana to using harder forms of narcotics, such as cocaine and heroine. Many young people are now addicted to these harder, more damaging drugs. Youths who might otherwise have become college graduates and professionals now occupy a twilight world where they spend idle days and resort to thievery and drug dealing to eke out a living.
464. The Commission finds that lack of funds and personnel are hampering the programme of the Ministry of Youth and Sports. It therefore cannot meet the responsibilities for which it was created.

FINDINGS IN RESPECT OF CHILDREN

Primary Findings³⁶

465. The Sierra Leonean conflict, perhaps more than any other conflict, was characterised by the brutal strategy, employed by most of the armed factions, of forcing children into combat. The Commission finds that, during the conflict, all the armed groups pursued a policy of deliberately targeting children.³⁷
466. The Commission finds that the abduction and forced recruitment of children was in clear contravention of the Convention on the Rights of the Child and its optional protocols. The Commission holds the leadership of the RUF, CDF, AFRC and SLA accountable for such gross violations of the human rights of children.
467. The Commission finds that successive governments in Sierra Leone permitted and condoned the practice of recruiting child soldiers into the national army and the auxiliary forces during the period of the conflict.
468. The rights of children were violated in many ways. They were abducted, forcibly recruited to fight for the faction that abducted them, compelled to kill or be killed, and were tortured and maimed. They were forced into slave labour, suffered rape, sexual slavery and other forms of sexual abuse. Girls between the ages of 10 and 14 were particularly targeted for abuse.
469. The Commission finds that children were not only victims but became perpetrators in the conflict too. They were forced to perpetrate the most unspeakable violations including, rape, torture and sexual abuse. In their role as perpetrators, children have been socialized into accepting violence as the norm. Perpetrating violence became a means of survival.

³⁶ See 'Findings in respect of the Nature of the Conflict' for further findings on children.

³⁷ See Appendix 1 in Volume 4 of this report for more detail.

470. The Commission finds that all fighting factions exploited the vulnerability of children and, in so doing brutalized them. Children have entered adulthood deeply scarred by their traumatic experiences and their feelings of guilt.
471. The Commission finds that all the armed groups, pursued a policy of deliberately abducting girls with the intention of raping and sexual violating them, forcing them into sexual and domestic slavery, torturing them, forcibly impregnating them and mutilating them. The Commission holds the leadership of all fighting factions responsible for planning and authorizing such brutal strategies.
472. The Commission finds that there can be no role in warfare for children and that those responsible for acts of abduction, forced recruitment, sexual enslavement and the related acts of torture, forced labour and forced drugging, to which children were subjected, must stand to account.
473. The Commission finds that the Government of Sierra Leone has been tardy in passing the Children's Bill into law.

Main Findings

Findings against the Revolutionary United Front (RUF)

474. The Commission finds that the RUF was the primary violator of the rights of children in contravention of international law and international humanitarian law. The Commission finds the RUF responsible for the deliberate and unfettered abuse of children in its most egregious manifestations during the Sierra Leone conflict.
475. The Commission finds the RUF to have pioneered the practice of the abduction of children for the express purpose of forcibly recruiting them as child soldiers in the Sierra Leone conflict. The Commission finds that this was a deliberate strategy on the part of the RUF leadership.
476. The Commission finds that RUF was primarily responsible for the abduction of girls.³⁸ RUF combatants, with the blessing and authorisation of the leadership, raped abducted girls and forced them into sexual slavery. Abducted girls were also subjected to a host of other sexual violations.
477. The Commission finds that the RUF was the organisation primarily responsible for violations perpetrated against children such as amputations, mutilations, forced drugging, slave labour, torture, assault, cruel and inhuman punishment.
478. The Commission finds the leadership of the RUF responsible for planning, authorising and implementing the strategies which led to the commission of violations against children. The Commission holds the leadership of the RUF accountable for committing brutal and senseless violations against the children of Sierra Leone.

³⁸ The RUF is responsible for 73.7% (289 out of 392) of the abduction violations against girls younger than 18 years old (where age is known) reported to the Commission.

Findings against the Civil Defence Forces (CDF)

479. The Commission finds that the Civil Defence Forces who responsible for recruiting children for the purpose of compelling them to become soldiers in the conflict. The Commission finds this was in clear contravention of international human rights law and international humanitarian law.
480. The Commission finds that during the conflict in Sierra Leone, the CDF carried out a deliberate strategy of perpetrating rape, sexual slavery and other sexual violations on girls. The Commission finds in particular that girls and women identified as relatives or associates of the opposing forces were specifically targeted for such violations. The Commission finds such acts to be in clear contravention of international law and holds the leadership of the CDF responsible for the sexual violations carried out by members and combatants of the organisation.
481. The Commission finds the CDF responsible for the perpetration of a host of other brutal violations against children. These include forced drugging, enforced cannibalism, assault, and torture. The Commission finds the leadership of the CDF accountable for these violent and pernicious strategies deployed against children.
482. The Government of Sierra Leone was advised and made aware of the violations and abuses committed by the CDF against children. The Commission finds that the Government failed to stop and prevent such violations. Moreover the Commission finds that the Government neglected to take action against those in the CDF responsible for the commission of these violations, and, in particular, the leadership responsible for such strategies.

Findings against the Sierra Leone Army (SLA)

483. The Commission finds that the practice of recruiting child soldiers into the SLA can be traced back to President Momoh's rule. The Commission finds that the largest number of children recruited into the SLA occurred during the period of the NPRC regime.
484. Under the NPRC junta, the SLA pursued the practice of abducting children with the express intention of forcibly recruiting them into the army. The Commission finds this to be a clear breach of international law.
485. The Commission finds that during the period of the conflict significant elements within the SLA pursued a tactic of raping and sexually violating girls in contravention of international law. The Commission finds that the leadership of the SLA condoned the sexual violations carried out by soldiers.
486. The Commission finds that the SLA soldiers were responsible for violations on children such as torture, amputations, mutilations and assaults. The Commission finds that the leadership of the SLA failed to take adequate steps to stop and prevent the committal of gross violations of human rights against children.

Findings against the Armed Forces Revolutionary Council

487. The Commission finds the AFRC to have been responsible for the abduction and forcible recruitment of children as child soldiers in clear contravention of international law. The commission finds the leadership of the AFRC to be responsible for the strategy which led to these violations.

488. The Commission finds that the AFRC pursued a deliberate strategy of abducting girls during the January 6 invasion of Freetown in order to rape them, hold them in sexual slavery and to perpetrate sexual violations against them.
489. The Commission finds that the AFRC was responsible for the amputations, mutilations, slave labour, forced drugging, torture, assault, cruel and inhumane treatment of children during the conflict in Sierra Leone. The Commission finds that the leadership of the AFRC not only permitted those under their command to carry out these violations, but engaged in the commission of these violations themselves.

Health

490. The Commission finds that the conflict in Sierra Leone impacted negatively on the physical and mental health of children. In particular, the health of girls has been impacted by the high incidence of rape and sexual violence which has compromised their reproductive systems. Sexual abuse of girls during the conflict has left some of them not only HIV positive but also suffering from other STIs.

Education

491. The Commission finds that children and youth in Sierra Leone have been severely impacted by the lack of access to free education at primary level and affordable secondary education. The Commission finds that the lack of access has the potential to exclude the majority of children and youth in Sierra Leone from reaching their full potential and enabling them to take their rightful place in society.

Sexual exploitation and trafficking of children

492. The Commission finds that the conflict in Sierra Leone has promoted and encouraged the sexual exploitation and trafficking of children and youth.
493. The Commission finds that the presence of the Peacekeepers in Sierra Leone has contributed substantially to the problem. The Commission recognizes that the UN Mission in Sierra Leone has probably enacted the most progressive measures in UN peacekeeping history, in order to deal with this problem.

Street children

494. The Commission finds that the conflict in Sierra Leone has created a new phenomenon, that of children living on the streets. Many of these children were abducted, suffered forced recruitment and sexual slavery. They have not been able to return home. These children and youth live in abject poverty and are compelled to beg or to sell themselves for sex in order to survive.

Institutions dealing with children

495. The Commission finds that, while there are a number of governmental and non-governmental institutions concerned with children in Sierra Leone, these institutions lack a clear strategic plan with clearly identified goals and indicators. The Commission also finds that there is an over reliance on donor agencies to plan and implement what should be government-led programs.

496. The Commission finds that the lack of strategy on the part of these institutions has resulted in a lack of focus, an uncoordinated approach and a plethora of non-governmental organisations carrying out similar programmes. The Commission has found that no leadership exists at governmental level to coordinate these much needed programmes.

FINDINGS IN RESPECT OF WOMEN

Primary findings

497. The Commission finds that, during the conflict in Sierra Leone, all armed groups perpetrated human rights violations against women and girls. Women and girls were targeted for rape and sexual slavery.
498. Violations committed against women included killings, rape, sexual violence, sexual slavery, slave labour, abductions, assaults, amputations, forced pregnancy, detention, torture, enforced sterilisation, trafficking, mutilations, enforced cannibalism, displacement and economic violations such as looting, extortion, theft and the destruction of property.
499. The Commission finds further that many humanitarian workers who were meant to protect and assist women exploited their extreme vulnerability and violated their rights by compelling them to barter their bodies in order to access aid and survive.
500. Retarding the recovery of women is the fact that they lack adequate access to productive assets including land, credit, training and technology.
501. The Commission finds that the Government of Sierra Leone failed in its duty to protect women and girls from abuse during and after the conflict.
502. Before, during and after the conflict, women have been largely excluded from meaningful decision making in the political arena.

Main Findings

Findings against the RUF

503. The Commission finds that the RUF was the primary perpetrator of human rights violations against women and girls. The RUF was responsible for targeting women and girls, abducting them with the express intention of exploiting their vulnerability.
504. The RUF pursued a deliberate strategy of violating women by raping them and perpetrating acts of sexual violence against them. RUF combatants used women and girls (particularly those between the ages of 10 and 14) as sexual and domestic slaves and tortured them in a myriad of different ways. Women and girls were assaulted, killed and suffered cruel and inhumane acts by RUF fighters.

Findings against the AFRC

505. The Commission finds that the AFRC pursued a deliberate strategy of targeting girls and women with the specific intention of violating them by abducting them, raping them and perpetrating acts of sexual violence against them.

506. The AFRC pursued a strategy of violating women and girls by using them as sexual and domestic slaves and tortured them in a variety of ways. Women and girls were assaulted, killed and suffered other cruel and inhumane acts at the hands of AFRC fighters.
507. The Commission finds that the AFRC planned, authorized and executed a strategy to target women and girls during the January 6, 1999 invasion of Freetown with the express intention of abducting them, raping and sexually violating them and pursuing a range of other human rights violations against them.
508. The Commission finds that the leadership of the AFRC failed to express remorse or regret or to acknowledge responsibility for the violations carried out by members under their command.

Findings against the Civil Defence Forces (CDF)

509. The Commission finds that the CDF, particularly in the latter period of the conflict, abducted civilian women and girls whom they believed to be associated to or collaborated with the RUF and the AFRC.
510. The Commission finds that the CDF detained them and kept them under the most cruel and inhumane conditions with the intention of violating them by raping them and exploiting them as sexual slaves.
511. The Commission finds their conduct particularly reprehensible given that the CDF was established to protect the civilian population. The Commission finds that the leadership of the CDF failed to express remorse or acknowledge responsibility for the violations carried out by members under their command.

Findings against the Sierra Leone Army (SLA)

512. The Commission finds that the SLA, which was responsible for protecting the civilian population, abducted women and girls, particularly those believed to belong to the RUF or who had collaborated with the RUF/ AFRC. Women and girls were detained under conditions of extreme cruelty with the deliberate intention of raping them and perpetrating other acts of sexual violence upon them.

Findings against the West Side Boys

513. The Commission finds the West Side Boys responsible for abducting women and girls, holding them against their will, forcing them into marriage, raping them, using them as sexual slaves and perpetrating a range of brutal and inhumane acts upon them.

Violations perpetrated against women and girls

Abduction and Forced Recruitment

514. The Commission finds that all of the armed groups pursued a deliberate strategy of targeting young girls between the ages of 10 and 14. Women and girls were abducted for the purposes of keeping them under their control, exercising rights of ownership over them, exploiting their vulnerability, coercing them into becoming combatants and using them as sexual slaves and as forced labour.

515. The RUF was the organisation primarily responsible for the abduction of women and girls.³⁹

Rape

516. The Commission finds that the RUF and the AFRC deliberately embarked on a strategy to systematically abduct and rape women and girls between the ages of 10 and 14.

517. The Commission finds that the systematic raping of women was intended to humiliate, defile and violate women, their families and communities. The practice of systematic rape sowed terror among the local population and debased societal norms and customs.

Sexual slavery

518. The Commission finds that the RUF and the AFRC were the major perpetrators of sexual slavery and forced marriages of women and young girls.⁴⁰

Enforced sterilisation

519. The Commission finds the RUF and the AFRC primarily responsible for perpetrating the violation of 'enforced sterilisation'⁴¹ for no reason other than to torture and inflict cruel and inhumane treatment on them.

Mutilation

520. The Commission finds that the RUF and the AFRC were responsible for the extensive mutilation of women and young girls. These groups are held responsible for the carving of the initials of their faction on the chests with the deliberate intention of permanently disfiguring them and to discourage them from escaping.

Forced detention

521. The Commission finds that all the armed groups pursued a strategy of detaining women and girls whom they believed to be relatives and supporters of the opposing forces with the intention of violating them and punishing them for their perceived association with enemy forces.

Forced displacement

522. The Commission finds that all the armed perpetrator groupings and in particular the RUF violated the rights of women and girls, by forcing them to flee from their homes and to abandon all their possessions. This caused women not only economic loss but also the loss of security and enormous trauma.⁴²

523. The Commission finds that women made up approximately 36.8% (2941 out of 7983) of the displaced population in the conflict. Many women and girls who were forced to migrate

³⁹ Of the 2058 abductions of women and girls reported to the Commission, 1362 (66.2%) are attributed to the RUF.

⁴⁰ Of the 189 allegations of sexual slavery of women and girls reported to the Commission, 137 (72.5%) are attributed to the RUF, and 22 (11.6%) are attributed to the AFRC.

⁴¹ The practice of disembowelling pregnant women with the intention of removing the foetus constitutes 'enforced sterilisation' in terms of international human rights law

⁴² Of the 2941 forced displacement violations against women and girls where the perpetrator is known, 1860 (63.2%) are attributed to the RUF.

and those that became internally displaced, have still not been reintegrated back into their communities.

524. Most internally displaced persons, including refugee women, live in extremely tenuous economic circumstances, while at the same time attempting to provide for their families.

Forced labour

525. The Commission finds that all the armed perpetrator groups coerced women and girls under their control into doing forced labour.
526. International law recognises the crime against humanity of 'enslavement', which includes the exercise of the power of ownership over one or more persons, such as purchasing, selling, lending or bartering such a person or persons, or by imposing on them a deprivation of liberty. The armed perpetrator group committed this crime against humanity to the extent that it was conducted as part of a widespread or systematic attack.

Assault and Torture

527. The Commission finds that women and girls were subjected to cruel and inhumane treatment by all the armed perpetrator groups with the deliberate intention of inflicting serious mental and physical suffering or injury.
528. The Commission finds that all the armed perpetrator groups pursued a deliberate strategy of perpetrating torture on women and girls perceived to be associated with the enemy: by inflicting or threatening to inflict sexual violence, other acts of violence and cruel and inhumane acts upon them or on persons close to them.

Forced Drugging

529. The Commission finds the armed forces, particularly the RUF, responsible for the forced ingestion of drugs and alcohol in women and girls. This was done with the deliberate intention of causing them to lose control, both mentally and physically, with the intention of exploiting their vulnerability.
530. Many women and girl abductees and former combatants remain addicted to drugs today. This has impacted negatively on the rehabilitation and reintegration of these ex-combatants into society.

Other Atrocities

531. In addition to atrocities associated with the exploitation of women's sexuality and vulnerability, women and girls were not exempted from the full range of atrocities suffered by men.
532. Thousands of women and girls were killed and had their limbs amputated. Women and girls were subjected to forced cannibalism. Women had their property and possessions looted by members of all armed groups, thereby depriving them and their families of food, clothing, money and assets.⁴³

⁴³ Women comprised one-quarter to one-third of victims of all these particular violations which were reported to the Commission.

Women as combatants and perpetrators

533. The Commission finds that while most women and girls were compelled to become combatants and collaborators in order to survive, a number of women voluntarily chose to take up these roles. Some women joined the war because they believed in the cause of the armed revolution or the defence of the country.
534. The Commission finds collaboration with an armed faction is often a mechanism that women employ to survive and to improve the situation for themselves and their families. Ethnic allegiances, personal and private loyalties also explained why women took sides.
535. The Commission finds that Sierra Leone society has stigmatised women and girls who were combatants in the conflict. Stigmatisation has resulted in women and girls concealing their experiences. These women are unwilling to acknowledge that they need help to deal with the consequences of their roles in the conflict.
536. The Commission finds that many women suffer a double victimization in that they were compelled against their will to join the armed forces and today they are victimized by society for having played a combative role in the conflict. They are treated with hostility and suspicion for 'breaching' both gender and sex roles. Non-disclosure is a survival mechanism that may prevent ostracism. Many women ex-combatants live in perpetual fear of being recognized and isolated because of their role in the conflict.

Disarmament and Reintegration

537. The Commission finds that men and boys were favoured over women and girls in the disarmament and reintegration processes. Little effort was made to recognize the experiences of women in the war. Most former female combatants and those who played a supportive role in the war were not able to access the necessary assistance to reintegrate into their communities.

Abuse by humanitarian workers

538. The Commission finds it particularly disturbing that many cases of abuse by humanitarian workers on women and children have been reported in Sierra Leone. Aid workers who were supposed to render humanitarian aid to women abused their power by exploiting the vulnerability of those under their care.
539. The Commission finds that women and girls were forced to barter their bodies to humanitarian workers in exchange for aid.

Political and Economic Exclusion

540. A culture of exclusion and marginalisation in the management of economic and political affairs in Sierra Leone existed before and during the civil conflict. It persists today. Women have been excluded in practice, and, in fact, from decision-making.
541. Women are largely absent from the structures of government and traditional fora that are critical in formulating policies. They are excluded in the processes involving security sector reform and other post conflict and peace building measures undertaken by the State.

542. The exclusion resonates across the various divides - cultural, religious, economic and domestic. The political exclusion of women leaves Sierra Leone out of step with much of the world.

Effects of the Conflict on the Health of Women

543. Women and girls suffered adverse effects to their health as a result of the conflict. The health concerns of women were exacerbated by the destruction of health facilities. Many women still do not have access to basic health services. The absence of qualified health professionals including doctors, surgeons, psychologists and psychiatrists compounds the problem.
544. Sexual violence experienced by women, during the conflict, had lasting and negative effects on their reproductive health. Rape and sexual violence was rife, which caused a massive rise in the incidence of HIV/ AIDS and sexually transmitted infections (STIs). This is of immediate concern to the survivors.

Lack of Access to Resources

545. Retarding their recovery is the fact that women lack adequate access to productive assets including land, credit, training and technology. Women, with limited access to formal sector employment, resort mainly to food production and petty trading with very low earning.
546. Women face discrimination in education, employment, in the social & economic setting and in the family. The law, (customary and statutory) discriminates against women and girls in application of personal law. In addition, the law does not adequately protect women against violence.
547. Compounding the situation is the high rate of illiteracy among women, which stands at 89% for rural women.⁴⁴ Most women are unskilled and cannot obtain formal sector employment.

Widowed Women

548. Many women were widowed as result of the war. Consequently, they have encountered numerous problems in relation to ownership of property, inheritance and access to land.
549. They also face discrimination due to their status as widows. The practice of Widow Inheritance⁴⁵ is rife among some communities in the country.

Elderly Women

550. The war has undermined the social status of elderly women. The breakdown of social and cultural values that would have ensured protection for these women places them in a precarious position. They are largely destitute and unemployable.

⁴⁴ Analytical Report on the 1985 Census by the Central Statistics Office.

⁴⁵ The practice of a male relative of the deceased who assumes the estate and manages the affairs of the widow.

Discrimination

551. Women and girls in Sierra Leone before, during and after the conflict were subjected to structural discrimination by practice, custom and law. These discriminatory practices remain unchanged today.
552. Within the context of the conflict, not only were women and girls exposed to higher levels of gender-based violence but they were discriminated against with regard to provision of services. This situation has not improved even much after the cessation of conflict and women survivors continue to suffer the same marginalisation.
553. Women comprise the largest category of persons without formal education. Illiteracy rates stand at 89% for the rural female population.⁴⁶ Structural and cultural discrimination against women, early marriage and other harmful traditional practices impede access to education and economic upliftment.

FINDINGS IN RESPECT OF MINERAL RESOURCES

Primary Findings

502. The Commission finds that the exploitation of diamonds did not cause the conflict in Sierra Leone, but different fighting factions did target diamond areas for purposes of supporting their war efforts.
503. The Commission finds that countries in the Mano River Union permitted their territories to be used as conduits for the smuggling of diamonds extracted from Sierra Leone. The political elites of these countries benefited enormously from the diamond resources smuggled out of Sierra Leone.
504. The Commission finds the RUF, AFRC and CDF were primarily responsible for targeting diamond areas. The Commission finds that the RUF and AFRC employed abduction and forced labour for their mining activities, including the use of child labour.
505. Successive governments of Sierra Leone have never had effective control over the diamond industry. While the present government of Sierra Leone has made significant progress in regulating the industry, much still needs to be done.
506. During the conflict period, the global diamond industry deliberately chose not to determine the origin of diamonds, thereby promoting the trade in conflict diamonds, which, in turn, prolonged local wars.

⁴⁶ Analytical Report on the 1985 Census by the Central Statistics Office.

Main Findings

Exploitation of Diamonds prior to the Conflict

507. The Commission finds that countries in the Mano River Union permitted their territories to be used as a conduit for the smuggling of diamonds extracted from Sierra Leone. The political elites of these countries benefited enormously from the diamond resources smuggled out of Sierra Leone.
508. The Commission finds that the political elite and those in power appropriated the bulk of the mineral resources of Sierra Leone for their private accumulation, thereby denying the people the much needed resources for development.

A Fuelling Factor

509. The Commission finds that the exploitation of diamonds was not the cause of the conflict in Sierra Leone, but rather fuelled the conflict as diamonds were used by most of the armed forces to finance and support their war efforts.
510. The RUF was mining diamonds and using them for the procurement of supplies, arms and ammunition throughout the war, but mainly between 1998 and 2001. During this latter period, the RUF's diamond mining activities were actively supported by Charles Taylor and other individuals in Liberia, including government officials.
511. In particular, the sale of 'conflict diamonds' contributed to the procurement of small arms and the proliferation of these arms in Sierra Leone and the region.

Targeting of Diamondiferous Areas

538. Those areas of the country rich in diamonds and other mineral resources were systematically targeted by the warring groups, especially the RUF, AFRC and CDF. This led to the committal of extensive human rights violations on civilians and the displacement of large numbers of people. Community life in these areas was significantly disrupted.
539. Individuals such as miners, diamond dealers and Lebanese businesspersons were targeted for their perceived wealth. They were often killed and their properties looted and destroyed. The theft of diamonds from such individuals was often accompanied by torture and beatings.

Mismanagement of the Diamond Industry

541. The Commission finds that successive post-colonial governments of Sierra Leone mismanaged the diamond industry and placed effective control of it in the hands of a few elite individuals and groups in a way which did not benefit the economy of Sierra Leone.
542. The Commission finds the APC government responsible for abdicating its responsibility by handing effective control of the diamond industry to companies that siphoned the income from these resources to other countries. This significantly reduced state revenues from diamond mining. The people of Sierra Leone were thus denied the benefits of the country's rich mineral resources.

543. The Commission finds that the NPRC government was extremely irresponsible in handing concessions to mine diamonds and gold to mercenary groups such as Executive Outcomes and the Gurkhas.
544. The Commission finds that the state has never had effective control of the diamond industry prior to and during the conflict period. Although the current government has put in place the mechanisms of control for the diamond and mineral industry, implementation and management are lacking.
545. Corruption of public officials is still rife with many holding mining licenses under other people's names. The Commission finds that the potential for abuse in the mining industry remains, while government and public officials retain mining licences.

Forced Labour and Labour Conditions

546. The Commission finds that the RUF and the AFRC employed abduction and forced labour for their mining activities, including the use of child labour.
547. Appalling labour conditions characterised mining operations in Sierra Leone during and after the conflict. Children are still used as miners. Poverty is rampant amidst the glittering wealth.

Role of the Global Diamond Industry

548. The Commission finds that, during the conflict period, the global diamond industry had little or no control over the origin of diamonds that were sold worldwide.
549. The international diamond industry was largely indifferent to the origin of 'conflict diamonds' even at a time when reports of atrocities relating to the conflict in Sierra Leone were widely disseminated in the global media. These lapses significantly promoted the trade in illicit conflict diamonds and thereby encouraged the prolonging of local wars, including the conflict in Sierra Leone.
550. Although the government has made significant progress at tackling diamond smuggling, largely due to the introduction of the certification process, smuggling is far from being eradicated.
551. The Commission finds that a major weakness in the certification process, in the trade of diamonds, is the fact that the country of actual origin of the diamonds cannot always be identified. This shortcoming promotes the illegal trade of conflict diamonds and allows such diamonds to be sold freely in the diamond markets of the world.
552. The Commission finds that while the Kimberly Process has gone a long way to address this problem, the Sierra Leone Government has failed to implement effective controls and checks at the local level.

FINDINGS IN RESPECT OF THE TRC AND THE SPECIAL COURT FOR SIERRA LEONE

Primary Findings

553. The Commission finds that the amnesty clause in the Lomé Peace Agreement was well intentioned and meant to secure peace. The Commission finds that in repudiating the amnesty clause in the Lomé Peace Agreement, both the United Nations and the Government of Sierra Leone have sent an unfortunate message to combatants in future wars that they cannot trust peace agreements that contain amnesty clauses.
554. The Commission finds that insufficient consideration was given to the laying down of guidelines for the simultaneous conduct of the Commission and the Special Court. In particular, the Commission finds that the United Nations and the Government of Sierra Leone should have enshrined the right of detainees and prisoners in the custody of the Special Court to participate in the truth and reconciliation process.
555. The failure to establish policy which would set out clearly the nature of the relationship between the two bodies led to a great deal of confusion in the minds of the public. As a result, many Sierra Leoneans stayed away from the Commission for fear that their information may be turned over to the Special Court.
556. The Commission finds that the "Practice Direction" formulated by the Registry of the Special Court to regulate contact between the Commission itself and the detainees did not adequately consider the spirit and purpose of the Commission's mandate.
557. The Commission finds that the decision by the Special Court for Sierra Leone to deny its detainees the right to appear before the Commission and the nation, in an open and transparent manner, denied the right of Sierra Leoneans to see the process of truth and reconciliation done in relation to the detainees.
558. The Commission holds that the right to the truth is inalienable. This right should be upheld in terms of national and international law. It is the reaching of the wider truth through broad-based participation that permits a nation to examine itself honestly and to take effective measures to prevent a repetition of the past.

Main Findings

Amnesty

559. The Lomé Peace Agreement granted an amnesty in order to end the hostilities in Sierra Leone and to secure the commitment of all parties to the peace process. Given the reality of the conflict that plagued Sierra Leone in July of 1999, the Commission views the amnesty granted as necessary in the circumstances that prevailed at the time.
560. Article IX of the Lomé Agreement clearly applies to *'all combatants and collaborators'*, not just those of the RUF. The Commission finds that it is unwise and legally unsound to suggest that one party to an agreement could, by its subsequent actions, deprive individuals belonging to other groups, of the benefit of amnesty.
561. The Commission finds that the handwritten disclaimer made by the United Nations to the Lomé Peace Agreement stating that the amnesty provisions shall not apply to certain

international crimes may have sent a message to combatants and leaders of armed factions that the amnesty provided by the Lomé Peace Agreement was not a secure amnesty.

562. The Commission finds that both the Government of Sierra Leone and the RUF committed breaches of the Lomé Peace Agreement which culminated in its collapse in May 2000. The Commission finds that in repudiating the amnesty clause in the Lomé Peace Agreement, both the United Nations and the Government of Sierra Leone may have sent an unfortunate message to combatants in future wars that they cannot trust peace agreements that contain amnesty clauses. The Commission subscribes to the general proposition that there will be circumstances where a trade of peace for amnesty represents the least bad of the available alternatives.

Unique Framework of Transitional Justice

563. Sierra Leone, with its two institutions of transitional justice in operation at the same time, that is the Commission and the Special Court had the opportunity to offer the world a unique framework in moving from conflict to peace. Sadly, this opportunity was not seized. The two bodies had little contact and when they intersected at the operational level, the relationship was a troubled one.

A Failure to Define the Relationship

564. The Commission finds that the United Nations and the Government of Sierra Leone, who were responsible for the Special Court initiative and the authors of its founding instruments, might have given more consideration to the laying down of guidelines for the simultaneous operation of the two organisations.
565. In particular, the Commission finds that the United Nations and the Government of Sierra Leone should have enshrined the right of detainees and prisoners in the custody of the Special Court to participate in the truth and reconciliation process.
566. The Commission finds that the two institutions themselves, might have given more consideration to an arrangement or a memorandum of understanding to regulate their relationship.

Confusion in the Minds of the Public

567. The failure to clearly demarcate the roles and functions of the two bodies, together with the highly uncertain nature of the relationship between them, led to a great deal of confusion in the minds of the public.
568. The Commission finds that many Sierra Leoneans who might have wished to participate in the truth telling process stayed away for fear that their information may be turned over to the Special Court. This was particularly the case with regard to perpetrators. The Commission's ability to create a forum of exchange between victims and perpetrators was retarded by the presence of the Special Court.

Access to Detainees in the Custody of the Special Court

569. The Commission finds that the "Practice Direction"⁴⁷ formulated by the Registry of the Special Court to regulate contact between the Commission and the detainees did not adequately consider the spirit and purpose behind the Commission's mandate. The Direction purported to authorise a Special Court judge to approve whether the Commission may interview a detainee in pursuance of its mandate.
570. In addition, the Practice Direction purported to authorise a judge to decide whether a detainee could exercise his right to appear before the Commission. By removing the decision from the detainees, their rights under the Commission's Act were effectively proscribed.
571. The Practice Direction had no regard for the right of the Commission to hear testimony in confidence,⁴⁸ to conduct interviews in private,⁴⁹ and to hold records of such interviews on a confidential basis.⁵⁰ The stipulation in the Direction that interviews be monitored within earshot and that recordings of confidential interviews be made and lodged with the Registry violated the right of an accused not to incriminate himself⁵¹.

Insufficient Appreciation of Urgency

572. The Commission finds that the Special Court failed to treat the applications from the Commission and the detainees with any urgency despite the fact that the applications were, pleaded before the Special Court time and again, with 'special urgency'.

The Detainees and the People of Sierra Leone

573. The Commission was effectively blocked by the Special Court from holding any public hearings or confidential interviews with the detainees. The decision to deny Chief Hinga Norman and the other detainees their right to appear before the Commission represents an impairment, not only to the detainees but also to the people of Sierra Leone. In practice, the decision of the President of the Special Court:
- a. rejected the right of the detainees to testify in an open and transparent manner before the Commission;
 - b. denied the detainees their freedom of expression and their right to appear publicly before the Commission;
 - c. denied the right of the Sierra Leonean people to see the detainees participate in the truth and reconciliation process.

A Right to Know the Truth

574. The Commission finds that the established practice of the Truth and Reconciliation Commission for Sierra Leone has led to the recognition in national law of a *de facto* right to testify before the TRC.

⁴⁷ Issued on 9 September 2003 and amended 4 October 2003. The latter revised the earlier Practice Direction.

⁴⁸ Provided for by section 3 of the Truth and Reconciliation Act, 2000.

⁴⁹ Section 8(1)(c) of the TRC Act.

⁵⁰ Section 7(3) of the TRC Act.

⁵¹ Paragraphs 4(b), 4(c) and 7 of the Practice Direction dated 4 October 2003. Any party to the proceedings could apply to the Trial Judge for disclosure of the transcript of the taped interview or hearing.

575. In the light of developments in post-conflict societies in the late 20th and early 21st centuries relating to past human rights violations, there exists on the part of victims a right to know the truth. Truth Commissions have been established in several countries around the world to meet that recognised obligation. The Commission finds that there is considerable weight to the argument that establishing the “truth” is an essential component of the universally recognised “right to an effective remedy.”

Courts Do Not Reach the Wider Truth

576. Criminal prosecutions deliver justice on specifically framed charges by attempting to meet the burden of proof on each element of the charge. Courts are arenas for deciding whether the burden of proof has been met on the specific elements of the charge.
577. Accordingly, courts are limited in their ability to reach the broader truth. Indeed, where violations of human rights have become endemic, individual prosecutions of just a handful of alleged perpetrators are unlikely to reveal the full knowledge of the cruelty and extent of the violations.⁵² Truth Commissions, by contrast, are designed and set up specifically for that purpose.

Reaching the Truth and Addressing Impunity

578. Truth and Reconciliation Commissions represent one of the most viable means of securing a sustainable peace. Such commissions can strengthen the peace through the establishment of an impartial historical record of the conflict and the creation of a public understanding of the past that draws upon broad based participation.
579. It is only when the full truth (or as close to the full truth as possible) is placed squarely before the public that society can examine itself honestly and robustly. It is this cathartic exercise on the part of the nation that permits it to take genuine measures to prevent the repetition of the horrors of the past.

⁵² See the Report of the Inter-American Commission on Human Rights in the case of *Monsenor Oscar Arnulfo Romero and Galdamez v. El Salvador*, Report No. 37/00 of 13 April 2000.