

SIERRA LEONE

At the request of the United Nations Office of the High Commissioner for Human Rights (OHCHR), three EAAF members conducted a preliminary forensic examination of alleged killing and burial sites in Sierra Leone from June 16 to July 12, 2002. The sites are thought to contain the remains of human rights victims of the ongoing conflict in the Sierra Leone. The Human Rights division of the United Nations Mission in Sierra Leone (UNAMSIL) provided substantive and logistical support to EAAF.

HISTORICAL BACKGROUND

Sierra Leone is located in West Africa and borders the north Atlantic Ocean with Liberia on the south and Guinea on the North. It has a population of close to five and a half million comprising sixteen ethnic groups.ⁱ The country gained its independence from the United Kingdom in 1961. For most of the next three decades, Sierra Leone was governed by the All People's Congress (APC), a political party reportedly fraught with corruption, and fiscal mismanagement. In March 1991, the Revolutionary United Front (RUF), formed in 1984 under the claim of salvaging the country and overthrowing the APC, sparked a civil war by invading from Liberia. At its inception, states a Human Rights Watch report, the RUF consisted of a mixture of middle class students with a populist platform, unemployed and alienated youths, and Liberian fighters from former President of Liberia Charles Taylor's National Patriotic Front of Liberia (NPFL). The RUF was led by Foday Sankoh. Its ideology of salvation quickly degenerated into a campaign of violence whose principal aim was to gain access to the country's diamond and other mineral wealth. From the beginning, the RUF's campaign of terror reportedly included sexual violence and sexual slavery, committed on a widespread and systematic basis.ⁱⁱ

At the outset of the conflict, then President Joseph Saidu Momoh recruited twelve thousand youths to fight in exchange for monetary or other compensation in an

attempt to weaken RUF forces. Despite the inflated ranks of his army, Momoh was unable to maintain power. Valentine Strasser, a twenty-six year old army captain, overthrew Momoh in a military coup, which began a series of coups in Sierra Leone in the 1990's. Although Strasser vowed to end corruption through his National Provisional Ruling Council (NPRC), he was focused on reclaiming the diamond mining areas which at that point had almost all been under RUF control. According to Human Rights Watch, Strasser employed a South African private security company called Executive Outcomes (EO), to fight the RUF and guard the mining areas.ⁱⁱⁱ The EO reclaimed a number of key diamond areas and began to collaborate with the pro-government militia called the Civil Defense Forces (CDF).^{iv}

In 1996, Strasser was overthrown by his deputy, Brigadier Julius Maada Bio. Bio initiated largely unsuccessful peace negotiations with the RUF, but his promises to return to civilian rule were fulfilled. In early 1996, after the conclusion of elections, he handed power over to Ahmad Tejan Kabbah, of the Sierra Leone People's party. Kabbah vowed to end the war and six months later he signed the Abidjan Peace Accord, which provided for a ceasefire, disarmament, demobilization, and amnesty to the RUF





Marking a gravesite. June/July 2002. EAAF Photo.

and withdrawal of all foreign forces. The ceasefire lasted for only two short months until fighting broke out in southern Moyamba district. In May 1997, President Kabbah was overthrown in a coup led by Major Johnny Koroma, who formed a new government called the Armed Forces Revolutionary Council (AFRC). While in power, the AFRC announced rule by military decree, suspended the constitution, and banned all political parties. The junta soon invited the RUF to participate in a new government.

While in exile, President Kabbah called for the condemnation of the coup organizers by the international community. In response, the Economic Community of West African States Monitoring Group (ECOWAS) imposed a stringent economic embargo against Sierra Leone and sent in forces led by Nigeria. The United Nations followed suit and in October 1997 adopted mandatory sanctions on Sierra Leone, including an embargo on arms and oil imports. By February 1998, the military monitoring group of ECOWAS, ECOMOG,



EAAF members collecting preliminary data. EAAF Photo.

forces together with Kamajor militia, the largest and most powerful pro-government militia and part of the Civil Defense Forces (CDF), drove RUF/AFRC out of Freetown and reinstated Kabbah as President. In January 1999, RUF/AFRC retaliated with a major offensive on Freetown. The battle for Freetown was the most intensive period of human rights abuses committed during the war. Human Rights Watch reports approximately five thousand civilians were killed and one hundred had limbs amputated, most reportedly at the hands of RUF/AFRC forces. RUF/AFRC troops allegedly abducted thousands of civilians to be used as soldiers, laborers or sexual slaves.^v The villages around the towns of Masiaka, Lunsar, and Port Loko were severely victimized by these troops as they withdrew.

International efforts for peace were stepped up after the Freetown battle, pressuring the RUF rebels to sign a ceasefire agreement in May 1999. A month later, Peace Agreements were signed in Lomé, Togo. They granted a general amnesty for all crimes committed by all parties during the civil war until the signing of the agreement and called for the establishment of a Truth Commission. The Lomé agreement also promised RUF/AFRC representation in the new government. In addition, the United Nations Mission in Sierra Leone (UNAMSIL),

originally established in October 1999 to maintain peace and monitor the cease-fire, was transformed into a much larger peacekeeping mission by February 2000. However, the cease-fire was violated on various occasions not long after its establishment. According to Human Rights Watch, the West Side Boys, a splinter group of the RUF/AFRC, refused to comply with several commitments, and abducted hundreds of civilians, including girls and women, whom they raped and kept as sex slaves. In August 1999, they took forty-two members of a UN delegation

hostage for one week in Occra Hills.^{vi}

In retaliation, there was a surge of abuses by pro-government forces. According to Human Rights Watch, helicopter gunship attacks by government forces were responsible for several civilian deaths and the displacement of thousands. In April and May 2000, RUF forces captured a total of 500 UN peacekeepers, nine of whom were eventually killed, prompting extensive intervention by the United Nations and the international community.^{vii} According to Human Rights Watch, several hundred British soldiers were rapidly deployed to Sierra Leone to evacuate foreign nationals who wished to leave, but also to secure the airport, allow reinforcement of the UN contingent, and assist in the reorganization of the pro-government forces as an effective fighting force.^{viii}

The resumption of hostilities and the arrest and detention of leading members of the RUF, including Sankoh, forced a reconsideration of the peace agreement and the amnesty it provided. In November 2000, the government and the RUF agreed to restart the disarmament process, to re-establish government authority, and to release child combatants and abductees as part of the Abuja accords. To oversee the disarmament process, the UN Security Council expanded UNAMSIL troops to 17,500 military

personnel by March 2001, making it the largest UN military mission in the world. According to Human Rights Watch, 16,700 of the UN peacekeepers were deployed into RUF controlled areas, including the diamond-rich Kono District, and over 29,300 RUF soldiers were disarmed in 2001.^{ix} Two months later, the UN Security Council imposed a ban on the export of rough diamonds from Liberia and in conjunction with the Sierra Leone government implemented a diamond export certification system in October 2000.^x

Nevertheless, serious human rights abuses continued to be committed, although to a lesser degree. RUF forces, at times with Liberian government troops, reportedly committed scores of abuses including rape, murder, abduction, and subjection to forced labor against people returning from refugee camps and in cross-border raids in Guinea and on Guinean civilians.

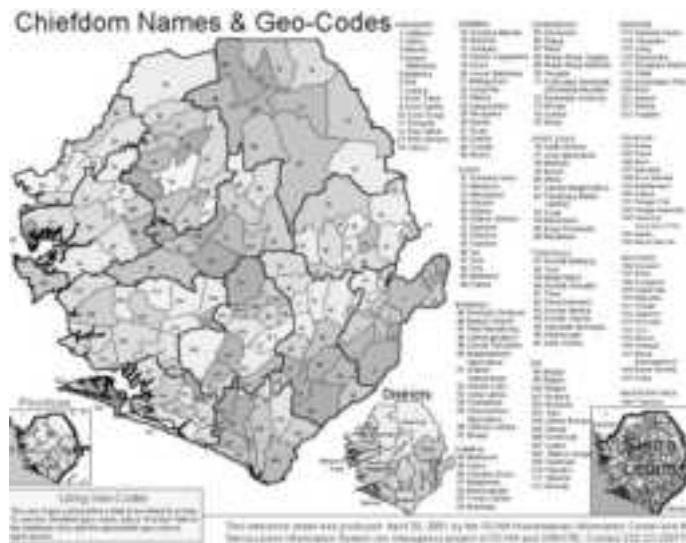
Fighting between the RUF and the CDF from June through August 2001 left many civilians dead. From the period of September 2000 to April 2001, RUF rebels and Liberian government forces together attacked refugee camps and villages in Guinea, home to Sierra Leonean and Liberian refugees. In response, Guinean security forces and the local populations retaliated against the refugees. Guinean forces responded to RUF raids into Guinea with indiscriminate helicopter and artillery attacks against rebel-held areas of Sierra Leone in northern Kambia, Bombali, and Koinadugu districts, killing several civilians in the cross-fire.^{xi}

Intensive international intervention by the United Nations managed to improve the human rights situation significantly by 2002. On January 18, 2002, President Kabbah declared that the decade-long civil war was over.

After a six-month postponement, elections were held in May 2002 in which eleven parties contended for the presidency and 124 parliamentary seats. President Kabbah and his Sierra Leone People's Party were re-elected for another five-year term. To ensure stability and secure the elections, in 2002 UNAMSIL continued to disarm and demobilize 48,000 RUF soldiers, of whom ninety-two percent were boys.^{xii}

The civil war in Sierra Leone has caused the displacement of some 330,000 civilians and severe poverty throughout the country. The intensification of civil war in neighboring Liberia has worsened the refugee situation. According to United Nations Development Programme (UNDP) figures, fifty-seven percent of Sierra Leone's population lives on only a dollar a day.^{xiii} Unemployment is rampant and the

economy is in dismal shape. Subsequently, hundreds of former RUF, West Side Boys, and CDF combatants crossed over to Liberia to fight as mercenaries with either the Liberian government or the Liberians United for Reconciliation and Democracy (LURD).



Reliefweb.int map.

THE SPECIAL COURT AND THE TRUTH COMMISSION

The civil war devastated the judicial and legal systems of Sierra Leone to the point of virtual collapse. Institutions for the administration of justice, both civil and criminal, were barely functional, according to Amnesty International.^{xiv} Subsequently, the Sierra Leonean government requested assistance from the United Nations in the establishment of



the Special Court. In response to the serious concerns about the judicial system's ability to guarantee independence and impartiality, as well as the impending threats posed by continuing insecurity and hostilities, the UN Security Council passed Resolution 1315 mandating the creation of the Special Court in August 2000. The Special Court was established to prosecute "those persons who bear the greatest responsibility for the commission of violations of international humanitarian law," including its planners and the instigators of massive human rights violations.^{xv} The approach taken in the Lomé Peace Agreement in 1999 was one of full amnesty in combination with a truth commission, without the possibility of prosecutions or civil suits. Therefore, the creation of the Special Court represented a dramatic shift in approach.^{xvi}

Following over one year of negotiations, on January 16, 2002, the government and the UN signed an agreement establishing the Special Court for Sierra Leone (SCSL) and its legal framework to include both international and Sierra Leonean law, judges and prosecutors. David Crane from the US Department of Defense was selected by Kofi Annan to serve as Chief Prosecutor of the Special Court. Desmond de Silva, head of a large criminal chamber in London, was appointed Deputy Prosecutor by the Government of Sierra Leone.^{xvii} The Special Court for Sierra Leone announced its first seven indictments for war crimes, crimes against humanity and other serious violations of international humanitarian law on March 10, 2003.^{xviii}

The Truth and Reconciliation Commission (TRC) originally agreed to in the Lomé Peace Accord was established in February 2000 under Sierra Leonean law. On July 5, 2002 President Kabbah formally swore in the seven Truth and Reconciliation commissioners, four from Sierra Leone, one from South Africa, one from Gambia and another from Ireland.^{xix}

The Court and the TRC are designed to fulfill different but compatible roles in ensuring accountability. The Special Court is intended to punish individual perpetrators, namely those who bear the "greatest responsibility." The SCSL will have jurisdiction over violations of international humanitarian law since 30 November 1996. The Truth

Commission will cover events from the beginning of the civil war in 1991 until the conclusion of the Lomé Peace Accord on 7 July 1999.^{xx} The Court will examine general patterns of crimes (an element of proving crimes against humanity). Also, the Court will only be able to try an estimated twenty people or less.

The TRC is mandated to create "an impartial, historical record of the conflict," "address impunity; respond to the needs of victims; promote healing and reconciliation; and prevent a repetition of the violations and abuses suffered." The TRC has no power to grant amnesty.^{xxi} It will be the main forum for victims and others to describe their experiences, thereby compiling a wider analysis of the patterns of violence and a more complete record of the conflict.^{xxii} It will also give recommendations on reparations to the Special Court, which has the power to return property, proceeds, or assets acquired unlawfully or by criminal conduct, to their rightful owner or to the State of Sierra Leone.^{xxiii} The first hearing for the TRC began on April 14, 2003.

The Special Court's Statute and implementing legislation specifically permits the arrest or prosecution of government officials at any level. Among those indicted for "bearing the most responsibility" for war crimes, crimes against humanity and other serious violations of international humanitarian law by the Special Court was Liberian President Charles Taylor. On June 4, 2003, the Special Court charged Taylor with providing training and financial support to the RUF. This was the first time the SCSL issued an indictment against a sitting head of state, and the first to be issued internationally since the International Criminal Tribunal for the former Yugoslavia (ICTY) indicted Milosevic.^{xxiv} On August 3, 2003, former president Joseph Momoh died. On August 10, 2003, President Charles Taylor of Liberia resigned.



EAAF member P. Bernardi and UN personnel interviewing villagers and relatives of victims. June/July 2002. EAAF Photo.

EAAF WORK IN SIERRA LEONE

At the request of the UN Office of the High Commissioner for Human Rights, from June 16 to July 12, 2002, anthropologists and EAAF members, Patricia Bernardi, Anahi Ginarte and Claudia Bisso conducted an assessment mission in Sierra Leone.

The Human Rights Section of UNAMSIL and EAAF prepared an agenda of activities to accomplish two basic objectives of the work: 1) to provide an overview of the application of forensic sciences, particularly forensic anthropology and archaeology, into human rights investigations to members of various local and international institutions, judiciary officials, human

rights organizations and any other relevant body; 2) to conduct a preliminary assessment of cases investigated by the Human Rights Section of UNAMSIL that require forensic work. Sites that EAAF visited during this assessment mission were chosen based on results of an evaluation by the Human Rights Section of UNAMSIL and EAAF, taking into account available information about each reported burial and execution site, logistical access to the sites, and security conditions.

Interviews and Lectures

In order to explain the purposes of this assessment mission and to introduce the application of forensic



EAAF members P. Bernardi and C. Bisso and U.N. personnel interviewing witnesses and relatives of victims.

anthropology and archaeology to human rights investigations, EAAF members conducted interviews and gave slide presentations with several institutions, organizations and individuals investigating past abuses. Accompanied and introduced by Dr. Rodolfo Mattarollo, director of the Human Rights Division of UNAMSIL, EAAF members held meetings in Freetown with the following institutions:

July 8th: Briefing to the Police (Criminal Investigation Division [CID] and Police Prosecutors) on forensic anthropology at the office of Assistant Commissioner, Mr. Tamba Gbeckie, Director of CID. Fifteen to twenty officers attended.

July 6th: Briefing on forensic anthropology to the academic community, held at the Mary Kingsley Auditorium at Fourah Bay College and organized by the Peace and Conflict Studies Department (Contact: Prof. Osman Gbla). Fifty students and others attended.

July 10th: Meeting with the Interim Secretariat for the Truth and Reconciliation Commission to report on the mission, and to advise on the issue of mass graves and data researchers should collect and discuss in future missions.

June 18th: Briefing for the TRC Interim Secretariat, introduction to forensic anthropology by EAAF.

June 19th: Briefing for UNAMSIL personnel, including CIVPOL (UN civil police) and the human rights division

June 19th: Briefing to Mr. Tamba Pujeh Gbekie, Assistant Commissioner, director of the Criminal Investigation Division (CID)

June 20th: Briefing by members of the HR Committee, including Jasmin Yuso Sheriff, Secretary of the Truth Commission, addressing local views regarding exhumations, cultural and religious funerary practices and expectations that should be taken into account.

EAAF members also had two additional interviews with members of the Truth and Reconciliation Commission, TRC. One meeting focussed on possible forensic work in Sierra Leone. The final meeting on July 10th, that took place once the forensic team returned to Freetown after two weeks of visiting killing and burial sites with Human Rights officers of UNAMSIL, was a discussion of the main forensic findings, observations and recommendations.



WORKSHOP WITH LOCAL HUMAN RIGHTS NGOS

EAAF conducted a five-hour workshop in forensic anthropology with local human rights NGOs in the press briefing room of the United Nations building in Freetown. Approximately twenty people attended representing ten NGOs, many of whom work in the field and are in contact with relatives of victims and injured parties. The primary objective of the workshop was to analyze and adapt two of the forms used by EAAF: the Pre-Mortem Form (used to

collect physical information of the victims when they were alive, such as age at the time of death, sex, height, dental information, old fractures, diseases that could have left a trace in bones, etc.), and the Questionnaire for Burial Sites (used to locate burial sites, used to collect information about location of burial and killing sites, number of people buried, types of graves, access to the site, etc.). These are standard forms that must be adapted to local circumstances and contexts where EAAF works.

Methodology

Over the last year, officers from the Human Rights Section of UNAMSIL collected depositions and received files from local non-governmental organizations about cases of individual and/or mass graves, skeletal remains, and possible execution sites located in different parts of the country. As a result, the OHCHR requested the assistance of EAAF to conduct a preliminary forensic investigation.

The schedule of activities for EAAF and existing data on sites to be visited was analysed in a meeting between members of EAAF and personnel from the UN Human Rights Section. Based on information available in each case, and access to witnesses, relatives of the victims and to the actual sites — a range of sites located in five districts in the east and the center of the country — were chosen: Port Loko, Koinadugu, Bombali, Kailahun and Kenema

Districts. EAAF inspected a total of fifty-five sites.

EAAF members visited villages in each district accompanied by UN human rights officers that introduced the team first to local authorities, and then to village chiefs to whom we explained the purpose of the mission and requested their authorization to visit reported killing and burial sites. Once permission was granted, EAAF followed the same methodology at each burial site:

- 1) Interviews: the team conducted interviews with witnesses of the events to collect information about the characteristics of the burial site (size, shape, depth, etc.) and killing places; the numbers of victims in each grave, the circumstances of their death, etc. The team also interviewed relatives of the victims, to fill out the pre-mortem data form on the victims so that this information will be available for future identification work.
- 2) Inspection of the site: description of major visible features of the site and its surroundings.
- 3) Markings of possible boundaries of the gravesites based on witness testimony and/or visible disturbances on the surface. The limits were indicated with colored flags, and the gravesite was then measured and mapped.
- 4) Photographic and video documentation of each site.
- 5) Location of sites by geographic coordinates using GPS (Global Position System) technology.
- 6) Entering and standardizing the new information into EAAF's "Sites" database, adapted to the Sierra Leone situation.

Preliminary Report: Site Information and Recommendations

Before the members of EAAF departed Sierra Leone, they gave the TRC, the Human Rights Section and the OHCHR a preliminary report that contained basic information on the study sites and a series of

recommendations for future forensic work as well as for the preservation of the sites.

EAAF members produced a burial site database containing information collected in the field, including geographical location, type of site, dimensions of the site, date of murder, date of burial, the number of victims buried per site, the alleged cause of death, and the alleged perpetrators.

The amount of information collected at each site varies from case to case. Occasionally, we were able to gather a precise number of victims, their full names, approximate ages at death, and detailed physical data. In other cases, we were only able to gather a minimum number of individuals buried at a particular site.

The team visited different kinds of sites. Remains were generally found either on the surface or buried in individual or mass graves. EAAF's recommendations — regarding the protection of remains until forensic archaeological recovery can be carried out — vary accordingly. Surface sites and shallow graves require more protection. Several strategies on protecting sites were discussed with local chiefs, local officials and members of the TRC. In the final report, we included general and case-by-case recommendations regarding this issue.

RECOMMENDATIONS

General Recommendations for Future Forensic Work

Prior investigation of burial and killing sites by well-trained personnel should take place before any remains are exhumed. This will enable reliable hypotheses about locations of graves, the relationship of the remains to the case under investigation, possible identity of the victims, possible cause of death of the victims, the possible perpetrators, etc. In order to gather necessary data, EAAF recommends the use of the “Questionnaire for Burial Sites Form” and the “Pre mortem Form” that were adapted to the Sierra Leonean context during the workshop with the

human right organizations mentioned above.^{xxxv}

Once the data is established to be reliable and the case is deemed of interest to the Truth Commission and/or for further judicial investigation, the archaeological exhumation of the grave(s) must be arranged. For this purpose, EAAF recommends a team of forensic archaeologists to plan, direct, and execute exhumations in conjunction with local authorities.

Exhumations should be carefully documented with diagrams, plans, photographs, and video footage. It is vital that an official representative of the Truth Commission or local authority is present at these procedures. This person should have a similar role to that of a justice of the peace or judge or special commissioner with a mandate to investigate human rights abuses. This individual will oversee exhumations, keeping a record of people working at and around the site, a list of the main steps and tasks to be carried out, and investigation's principal findings. In addition, he/she will begin and maintain the chain of custody of evidence collected at the site. These procedures safeguard evidence for eventual court cases.

In cases where remains are skeletonized, the presence of a forensic anthropologist should be required, as the expert most qualified to perform a complete analysis of the remains.

EAAF recommends the application of international scientific standards described in the United Nations Manual for the Efficient Investigation of Arbitrary, Summary and Extralegal Executions.

Throughout the investigation process, (preliminary investigation, archaeological exhumation and laboratory analysis) we strongly recommend that the human rights investigator (or the investigator who first approaches the community) explain to the population (family members of the victims, witnesses and the community in general) the basis of the forensic work that will be conducted (why, how, when and who will do the work). At the same time, the investigator should gather information about the different rituals, beliefs or cultural practices of the local community related to death. He or she should also



Swearing in judges for the Special Court of Sierra Leone. December 2, 2002.

inquire about the population's thoughts and expectations regarding exhumations of their relatives and unknown victims buried in their villages. All these issues should be taken into account before proceeding with exhumations.

The records prepared by the persons in charge of the investigations and those elaborated by the technical team ideally should be standardized, so that all parties involved will follow the same minimal and basic steps and tasks. In this way, it will be possible to compare and/or incorporate the data into a standardized database.

FOOTNOTES

- i. Human Rights Watch, "We'll Kill You if You Cry," January 2003.
- ii. Ibid.
- iii. Ibid.
- iv. The CDF movement began with the establishment of the Eastern Region Defense Committee in 1993-4 and was greatly expanded when Kabbah's government began providing the CDF with training, weapons and food. Ibid
- v. Human Rights Watch, "We'll Kill You if You Cry," January 2003.
- vi. Ibid.
- vii. "Sierra Leone: Diamonds and the Struggle for Democracy," John Hirsh, and International

Peace Academy Occasional Paper Series, 2001.

- viii. Ibid.
- ix. Human Rights Watch "Sierra Leone" World Report 2002.
- x. Amnesty International "Sierra Leone" Report 2002.
- xi. Human Rights Watch "Sierra Leone" World Report 2002.
- xii. Human Rights Watch "Sierra Leone" World Report 2003.
- xiii. UNDP Human Development Report, 2003.
- xiv. Amnesty International, "Sierra Leone: United Nations Security Council must ensure the protection of civilians," 18 May 2000.
- xv. "Exploring the Relationship Between the Special Court and the Truth and Reconciliation Commission of Sierra Leone," The International Center for Transitional Justice, 24 June 2002.
- xvi. Ibid.
- xvii. Special Court for Sierra Leone brochure, March 2003.
- xviii. Amnesty International, "First Indictments by the Special Court for Sierra Leone," June 2003.
- xix. See <http://www.sierra-leone.org/trc-biographies.html>.
- xx. TRC Act 200, section 6 (1).
- xxi. Africa Briefing, December 20, 2002.
- xxii. Ibid.
- xxiii. "Exploring the Relationship Between the Special Court and the Truth and Reconciliation Commission of Sierra Leone," The International Center for Transitional Justice, 24 June 2002.
- xxiv. UN Wire, June 4, 2003.
- xxv. A good historical investigation is extremely important to extract as much as possible for the forensic work. Otherwise, what can be said about a site is frequently quite limited: such as, for example, human remains were found in an unusual place. While this alone is valuable, it is more important to try to link the site to a specific event, victims, and perpetrators. In addition, historical investigations often continue after the forensic work is done. In certain urgent circumstances, forensic work must be performed concurrent to gathering data related to a site. However, this should be done only as a last resort.