TABLE OF CONTENTS

PART IV : RECOMMENDATIONS

Guinea and Sierra Leone
No place of refuge

Introduction

In late May 2001 United Nations (UN) Secretary-General Kofi Annan described the situation in the Mano River Union countries of West Africa -- Guinea, Liberia and Sierra Leone - as "one of the most serious humanitarian and political crises facing the international community today".[1] After more than a decade of armed conflict and human rights abuses there are more than one million refugees, internally displaced people and other war-affected victims in the region. Thousands of civilians, including large numbers of refugees and internally displaced people, have suffered serious human rights abuses, particularly since September 2000 when there was a total breakdown of security along the borders of the three countries.

In Guinea, Sierra Leonean refugees and Guinean civilians have been killed, beaten, raped and abducted by armed political groups, including the Sierra Leonean Revolutionary United Front (RUF), in cross-border attacks from Sierra Leone. It is difficult to identify with certainty all the armed political groups involved. Liberian and Sierra Leonean refugees, accused of being responsible for the armed incursions or harbouring rebels, have been killed, tortured, ill-treated, arbitrarily arrested and intimidated – with impunity – by Guinean security forces and harassed by Guinean civilians. The inaction and slow response of the international community left thousands of refugees and civilians vulnerable to abuses and although the relocation of Sierra Leonean refugees to safe areas in Guinea are now essentially completed, continuing serious concerns remain about the safety of Liberian refugees in the border area between Guinea and Liberia.

Thousands of Sierra Leonean refugees, an unknown number of Guinean civilians and several thousand Liberian civilians have fled from Guinea and Liberia into RUF-held areas of Sierra Leone. There they have faced further abuses, including rape and abduction, by RUF forces and many have been prevented from moving to safer areas within Sierra Leone. Since early 2001, peacekeeping troops of the UN Mission in Sierra Leone (UNAMSIL) have made progress deploying to RUF-held areas, but thousands of refugees and Sierra Leonean civilians remain in RUF-held areas, in critical need of humanitarian assistance.

Until May 2001, Guinean security forces undertook indiscriminate and disproportionate military attacks on RUF-held territory in northern Sierra Leone. These resulted in large numbers of civilian casualties, massive destruction of civilian property and the displacement of some tens of thousands of civilians from these areas, further exacerbating the problems caused by the influx of returning Sierra Leoneans and the many internally displaced persons in the country due to the civil war.

---

[1] S/2001/513, *Report of the Secretary-General on the issue of refugees and internally displaced persons pursuant to resolution 1346 (2001)*, 23 May 2001.

Background

Throughout the 1990s Guinea absorbed one of the largest per capita refugee influxes in the world. At its peak, over 700,000 refugees from neighbouring Sierra Leone and Liberia found shelter in Guinea – about ten per cent of Guinea's own population of seven million. Refugees fled from Sierra Leone and Liberia, from wars marked by widespread crimes under international law against the civilian populations, such as killings and rape. At the height of the Liberian war, approximately two-thirds of Liberia's population of 2.2 million were internally displaced or fled the country. About half of Sierra Leone's population of 4.8 million has also been internally displaced or forced to leave the country due to the insecurity from the war.

By mid-2000 an estimated 500,000 refugees remained in Guinea, 350,000 from Sierra Leone and 150,000 from Liberia. Although Guinea is one of the world's least developed countries, the Guinean government agreed to host the refugees. Many have now been living in Guinea for ten years. While there had been some violence and tension over the previous decade, until September 2000, Guinea was a relatively safe and accommodating country of refuge.

There have been longstanding tensions between Guinea and Liberia. Liberia, which has provided political and military support to the RUF, has accused Guinea of sheltering Liberian armed political groups which have made incursions from Guinea into Liberia. In response, attacks by Liberian government forces into Guinea appear to have been aimed at destroying Liberian armed opposition bases in the country. There were also reports of both the RUF and Liberian armed political groups recruiting from refugee camps near the border in Guinea.

AI visits to the region

Between February and April 2001, Amnesty International delegations visited Guinea, Liberia and Sierra Leone to interview refugees and internally displaced people and assess the human rights situation. They gathered detailed information which demonstrates the horrifying extent to which refugees and internally displaced people have been subjected to serious human rights abuses.

In Guinea, delegates travelled to the capital, Conakry, as well as Forecariah and a number of places in the Forest Region, including Kissidougou, the Parrot's Beak Region (a small strip of territory jutting into Sierra Leone near the conflux of the borders of Guinea, Sierra Leone and Liberia), Guékédou, Mongo and camps at Katkama, Kolomba, Kountaya and Massakoundou. For security reasons, the delegation to Guinea did not travel to the area around Macenta and Nzérékoré where thousands of Liberian refugees have settled.

In Liberia, the delegation carried out investigations in Monrovia, the capital, and Gbarnga, Bong County. Delegates documented widespread human rights abuses carried out against the civilian population both by Liberian government forces and by Liberian armed political groups based in Guinea. These abuses occurred in the context of fighting in Lofa County, the northern region of Liberia bordering Guinea and Sierra Leone, which renewed in July 2000 and has intensified since February 2001.[2]

In Sierra Leone, Amnesty International's delegates met a number of Sierra Leoneans, who had been refugees in Guinea, who had left to escape the fighting there. The delegation interviewed refugees who had arrived in Freetown, by boat from Conakry as well as those that had arrived on foot in eastern Sierra Leone, travelling through areas controlled by RUF forces.

This report is based on the findings of the three visits. It details widespread human rights abuses that have taken place throughout southern Guinea since September 2000, as well as recent concerns in Sierra Leone. It highlights the concern that many refugees have decided to return to Sierra Leone, where conditions are not yet conducive for return and where returning refugees have again become victims of the human rights abuses from which they fled in the first place – simply because Guinea has become just as dangerous.

Amnesty International is making an urgent call for immediate action to restore protection to refugees and displaced Guineans, insisting that the Guinean government and armed political groups responsible for abuses respect basic human rights and recognize international standards. Amnesty International is calling for a strengthened international protective presence in the region, which would include monitors of the human rights situation of refugees, returning refugees and internally displaced people in particular. This report also contains detailed recommendations to the governments of Liberia and Sierra Leone, the Office of the UN High Commissioner for Refugees (UNHCR) and the international community.[3]

PART I: GUINEA

1. Death, despair and displacement spread to Guinea

[2] See Amnesty International, *Liberia: War in Lofa County does not justify killing, torture and abduction*, 1 May 2001 (AI Index: AFR 34/003/2001) and *Liberia: Killings, torture and rape continue in Lofa County*, 1 August 2001 (AI Index: AFR 34/009/2001)

[3] See other Amnesty International documents, including: *Guinea: Refugees must not be forced to choose between death in Sierra Leone or death in Guinea*, 5 April 2001 (AI Index: AFR 29/003/2001); *Guinea and Sierra Leone border: fighting continues to endanger civilian lives*, 4 May 2001 (AI Index: AFR 51/004/2001).

The majority of refugees in Guinea settled in the isolated Forest Region, in the southeastern part of the country, and in the villages close to Forecariah, 100 kilometres south of Conakry. Almost all settled in camps or towns and villages within 50 kilometres of Guinea's borders with Sierra Leone and Liberia, or in the capital city. Despite concerns raised by human rights and humanitarian organizations over the years, neither the refugees themselves nor the Guinean government took the initiative to establish camps further inside Guinea. Refugees preferred to remain close to the border, making it easier to return to Sierra Leone and Liberia when possible, and also the Guinean government was reportedly concerned that allowing camps further inland would make them more permanent in nature.

However, the proximity of the refugee camps to the borders with Sierra Leone and Liberia have led to security problems mostly associated with militarization of the camps over the years. The Guinean government has supported the Sierra Leonean government of President Ahmad Tejan Kabbah and is seen as a staunch and important ally in its war against the RUF. Over the past few years, the RUF have launched occasional cross-border raids on the camps and Guinean villages. For example, in September 1998, UNHCR reported a RUF attack on Tomandou Camp in which ten people were killed. UNHCR subsequently moved thousands of refugees from Tomandou to camps further inside Guinea.

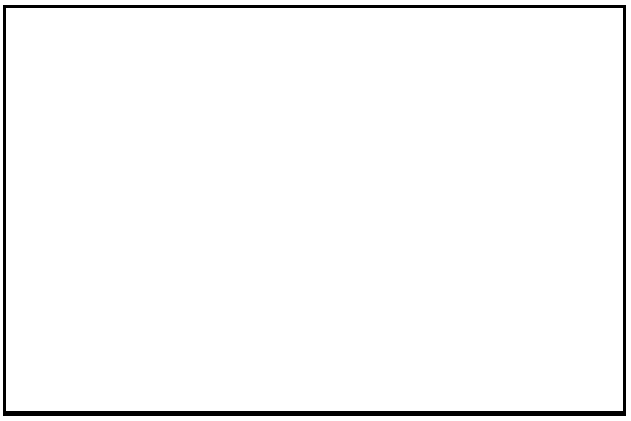
In September 2000 and the months that followed a number of attacks were mounted against refugee camps and Guinean villages by unidentified armed political groups. The Guinean government attributed the attacks to the RUF and Liberian government forces.

On 2 September 2000 at least 40 people, including women and children, were reportedly killed during an attack by an armed political group at the village of Massadou, bordering Guinea and Liberia. Two days later, on 4 September, the town of Madina Woula, situated near the border with Sierra Leone, was attacked by an armed political group causing the deaths of at least 40 people.

On 6 September 2000 the RUF reportedly attacked the village of Pamelap, on the Guinean side of the Guinea/Sierra Leone border, in the western part of the country, south of Forecariah. The attack was significant in that it marked the first attack in the border regions near Conakry. Following the attack, on 9 September 2000, Guinea's President Lansana Conté, in a speech broadcast by radio, called on Guineans to defend the country and repel the invaders. He accused the refugees of assisting and supporting the attacks and said that refugees should be confined to camps and should return home.

The president's speech is widely seen as a decisive turning point in national policy but also as implicit permission to the military, and the Guinean public, to go on the offensive against refugees in Guinea. In the aftermath, refugees were rounded-up and detained, attacked and repeatedly harassed by the Guinean population and security forces. However, some refugees

also informed Amnesty International that the Governor of the Forest region appealed to the Guinean population not to harass refugees. Others in the Forecariah area were rescued by members of the army and by the *Bureau de coordination nationale des réfugiés (BNCR), chargé de la protection des réfugies au ministère de l'administration du territoire, de la décentralisation et de la sécurité*, the national office responsible for the protection of refugees in the Guinean government.



1. Buildings in Katkama Camp destroyed in December 2001 fighting © AI

Since September 2000 the situation in Guinea has changed dramatically. There have been ongoing and sporadic clashes, attacks and cross-border raids throughout southern Guinea and fighting in northern Liberia has intensified since February 2001. It is difficult to identify with certainty all of the parties embroiled in the current fighting, and it is often impossible to attribute responsibility for particular attacks or incidents. Those involved include: combatants of the RUF from Sierra Leone; Guinean-based Liberian armed opposition groups; the Guinean Army; Guinean civil defence groups also known as *"communards"* which now view their former refugee neighbours as a threat; Civil Defence Forces (CDF) from Sierra Leone, who support the government of President Kabbah and who are composed of traditional hunters such as the *kamajors*; a rumoured armed Guinean opposition group called the *Rassemblement des Forces Democratiques de Guinée*; and bands of villagers who have begun to turn on their refugee neighbours.

On 17 September 2000, the town of Macenta, in Guinea's southeast Forest Region was attacked by armed political groups. At the end of September, at least 70 people, mostly civilians, were killed as a result of two further attacks by armed political groups in the regions of Macenta and Forecariah.

On 30 November, RUF forces came close to taking the important regional town of Kissidougou in Guinea. Many towns, including Yendé, and villages south and west of Kissidougou were overrun by armed political groups and held for up to one week before being retaken by Guinean troops. At the same time, fighting took place in and around refugee camps south of Kissidougou. Katkama Camp, where the RUF reported attempted to recruit refugees to fight, was one of the camps particularly hard hit.

On 6 December 2000, the thriving market town of Guékédou was attacked, reportedly by the RUF. The UNHCR office was destroyed in the fighting. From December 2000 onwards there was steady fighting in and around Guékédou town. The majority of the fighting was reportedly between the Guinean military and Liberian armed political groups, the RUF but also the local population who tried to defend their town. Virtually the entire population of more than 100,000 in and around the town fled as a result. When Amnesty International visited Guékédou and its suburbs at the end of March 2001, virtually no one had yet returned. Some had returned during daylight hours to survey the extensive damage and recover their belongings.

On 9 March 2001, armed political groups attacked the Nongoa area, about 30 kilometres west of Guékédou, near the top of the Parrot's Beak area. As a result local villagers and refugees fled their homes. Most of the refugees headed south and west, further down into Parrot's Beak; others moved north and east on foot and through heavy bush in an effort to reach safer areas. After several days, during which time many experienced further attacks and harassment, most of those individuals reached Kolomba, Mongo and the Katkama Transit Camp from which they were transferred to new refugee camps established north of Kissidougou at Albadaria (Kountaya and Boreah camps).

Guinea has gone from being a place of refuge to being a place of violence, death and fear. Refugee camps throughout the country have been attacked by the RUF and possibly other armed elements. Countless refugees from Sierra Leone and Liberia have been killed, beaten, raped and abducted by armed political groups as they have fled from one camp to another, trying to stay ahead of the violence. Thousands have been arrested, tortured or killed by the Guinean security forces.

The consequences of the current crisis are not confined to Guinea's refugee population. Guineans have also been killed, beaten, raped and abducted during the recent attacks. As many as 300,000 Guineans have been displaced within Guinea as a result of the violence.

2. Abuses against refugees in Guinea

Though it is difficult to know the exact number of victims, hundreds of Sierra Leonean refugees have been killed, beaten, raped and abducted in attacks on refugee camps and in rural areas, cities and towns throughout Guinea since September 2000. The Guinean authorities have accused Liberian forces, the RUF and Guinean dissidents of killing more than a thousand people in attacks on border towns in the Macenta and Guékédou region, southern Guinea. Some have been killed during attacks, others have been killed after fleeing from the camps.

The identity of the perpetrators has been difficult to establish. Those interviewed by Amnesty International who accused the 'rebels' of being responsible for attacks referred most

frequently to the RUF; however, Guinean and Liberian armed political groups are also reported to have been active in southern Guinea. Amnesty International believes other forces responsible for the wide range or abuses include Guinean soldiers, the local Guinean civilian population and the *communards*. Amnesty International interviewed a large number of refugees, mostly Sierra Leoneans, who had fled after the attacks on Pamelap, Macenta, Katkhama, Guékédou and Nongoa and who described abuses committed by both the armed political groups and the Guinean security forces.

2.1 Killings by armed political groups

"*After the attack in September on Pamelap, there was a general panic in the camps and most of the refugees started to pull out. A few were shot dead by the rebels while trying to leave the camp.* ***Maimuna Jalloh,*** *a nursing mother of 30, was shot. Her baby was later found sitting by her dead body.*"
(A refugee witness to the killings talking to Amnesty International.)

During the Macenta attack in September 2000, dozens of people were killed, including **Brima Conteh**, a mechanic. His adopted son, whose father was killed by RUF in Sierra Leone in 1992, told Amnesty International that Brima Conteh was shot while trying to run away.

Refugees killed during the attack in December 2000 in the area of Yendé and after intense fighting at the beginning of the year 2001 in Guékédou, include **Fatamata Kamara**, a trader, **Naiche Bangura**, **Abu Conteh**, a carpenter, and **Lahai Abu**, a radio mechanic.

Nabie Sillah, 28, along with his wife and eight-month-old baby, fled from Nongoa camp when it was attacked by RUF forces in March 2001. They were captured by RUF soldiers and Nabie Sillah was made to lie down on his back in an open area and was then shot in the chest and neck. His wife and baby survived because their assailants fled, apparently because they heard a group of *kamajor* fighters approaching.

Abu Sesay, a 25-year-old tailor who fled Sierra Leone in 1991, lived in Nongoa town with his mother and four younger siblings. On the night of 9 March 2001, members of an armed political group came to the family-owned tailoring shop. They asked Abu Sesay about the presence of military in the region. When he refused to provide them with information, he was shot in the stomach, knifed in the neck and shoulder, and left for dead. His 46-year-old mother was stripped naked, his 12-year-old sister was pulled from a hiding place and all of the family's belongings were stolen, including the clothes they wore. The family then fled, first to Koundou, then to Katkama Camp, from where they were transferred to Kountaya Camp.

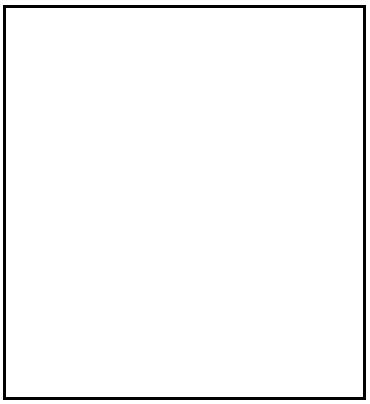
AM[4], 75, a farmer living in Nongoa, left Sierra Leone afer his son was killed by the rebels in 1991. He described to the Amnesty International delegation the circumstances of his wife's death in March 2001: "I was sleeping at the time of the attack on Nongoa, my wife was shot. One of our sons was carried away, I saw five dead bodies." The delegation recorded similar testimonies from other refugees.

Also in Nongoa town, witnesses described the killing of **Nancy Fina** by members of armed political groups. She was in town visiting when she was accosted and her throat was cut. Another witness reported the killings of **John Lusani**, 20, **Abu Amara**, 15, **Tamba Sakila**, 35, **Makasuba**, 26, and **Sakila**, 35.

[4] Some victims who spoke to Amnesty International are not identified for fear of reprisals.

2.2 Killings and "disappearances" by Guinean forces

*"I was there when **Tamba Bolor**, a mason of 36, was captured by the army. There were 15 soldiers in two cars. Tamba was talking with his children in front of his house. They came and arrested him. The refugees appealed for his release. Tamba was tied and taken in a car. His body was later found on the street."*
(A refugee who fled after the Nongoa attack talking to Amnesty International.)



2. Fayia Johnson's father, Nyuma Bundor, March 2001 © AI

On 11 March 2001, in the aftermath of the attack on Nongoa camp (see above), **Fayia Johnson**, a 40-year-old medical practitioner, had a disagreement with a man from the nearby village of Kaladou about property that Fayia Johnson claimed was his. When a group of Guinean soldiers approached, the villager accused Fayia Johnson of being a member of the RUF. He was arrested and taken to Nongoa prison. His niece attempted to visit him there, but was told that no one was left alive in the prison. The following day his family received a message that they should send someone to Nongoa to retrieve his body. A witness described going to Nongoa, where he and others found Fayia Johnson's corpse in the open. His throat had been cut and his stomach sliced open.

Alfred Kaloko, a 35-year-old farmer, and his two-and-a-half-year-old son, **Abass Kaloko**, were killed while fleeing from a heavy artillery attack carried out by the Guinean military at Katkama Camp in early December 2000. They were reportedly shot in the back after being pursued by soldiers while they were fleeing into the bush. Alfred Kaloko was carrying his son on his back at the time.

During the visit, Amnesty International gathered information about at least ten persons "disappeared" by the Guinean authorities, including **Ahmed Zachir** and **Sheku Yillah**. Fearing reprisals, some members of the families of the "disappeared" did not contact the Guinean authorities.

Shortly after the Pamelap attack in September, two pregnant women who were arrested and held in the Forecariah prison were taken out after midnight and have not reappeared since. "After the black-out, people were taken out and they did not reappear. This happened around two in the morning," a witness stated.

In late 2000, **Fayia Sesay**, a farmer around the age of 60 who had been living in Dokorma since 1991, was accused by local villagers of being a member of an armed political

group, after a dispute with a local man about fishing. They said that they had been told by members of armed political groups on the "other side of the river" (that forms the Sierra Leone and Guinea border in that area) to greet him. He was taken away to Nongoa by the *communards* and has not been seen since. Some of his family members were told by residents of Nongoa that he may have been shot and left to die, but they were unable to confirm that or recover the body.

2.3 Abductions by armed political groups

There has been a pattern of abductions by the RUF, particularly of young people. Abductions of civilians by the RUF has been a feature of the ten-year internal armed conflict in Sierra Leone. Girls and women have been forced into sexual slavery and children have been forced to fight with RUF forces.

NB, 75, described to Amnesty International the abduction by the RUF of five of his children and grandchildren, **Sia Mamie**, 40, **Sia Mamie II**, 10, **Falla Bundor**, 25, **Fayia Bundor**, 30, and **Falla Nynma**, 18. They were all taken from the home of a relative whom they were visiting at the time of the Nongoa attack.

Almamy Kampo and three children were abducted by members of an unidentified armed political group during the Nongoa attack; as were **Mamie Ngegba** and her three children, all under the age of 15. Witnesses described several other reported abductions from Nongoa.

Mabinte Bangura, 48, fled from Koundo Lengo Bengo Camp with nine children, following the Nongoa attack. Near Koundou they were stopped by an armed political group who severely beat her 17-year-old son, **Sorie Bangura**, and abducted her 15-year-old daughter **Salaymatu Bangura**.

3. Mabinte Bangura and her son, Sorie Bangura, March 2001 © AI

Akwesi Nuamah was abducted by members of an armed political group during the Nongoa attack. He reports that he was held by an 11-year-old RUF fighter. He was released after half a day, apparently because of his age (he was in his 50s).

Komba Moiwo was abducted from Koundou camp in January 2001, but was able to escape from the armed political group after being held for about one month.

In many instances it has been impossible for families to get information about what has happened to relatives. **Finda Peter's** son **Falla Peter** was residing in Guékédou at the time of the fighting there on 6 December 2000. He has not been seen since, despite the efforts of his father to trace him at refugee camps throughout the area. It is feared that he was abducted or killed.

2.4 Arrests by Guinean government security forces

Since the deterioration of the situation in Guinea, refugees throughout the country have been subjected to frequent and often wide sweeping campaigns of arbitrary arrests. The arrests by the security forces and the *communards* have been carried out in the name of security, in an apparent effort to locate members of armed political groups, in particular the RUF, and rebel-supporters who may be hiding within refugee communities. The basis for the arrests is often completely arbitrary: because an accusation has been made, because an individual carries a traditional tattoo of some sort, because of a person's age, or sometimes simply because an individual speaks Sierra Leonean or Liberian languages. Those particularly vulnerable to arrest are individuals who do not possess a refugee identity card, documents that are no longer provided to refugees and which many lost in the confusion and chaos of the past months.

There were widespread arrests in various locations following the attacks by armed political groups in September 2000. Amnesty International interviewed individuals who were arrested and detained in Conakry at that time. **TM**, a 28-year-old Liberian refugee said that she was arrested, along with her sister and two brothers, when a large group of private citizens came to their home and beat them. In detention she was separated from her siblings and has had no news of them since. She was beaten in custody the first day. She was held for about three weeks and released only as a result of intensive lobbying by a group of friends.

LT, a 29-year-old Liberian refugee, was also arrested at that time, along with her three-year-old daughter and two-week-old twins. They were held for three days and had no food or water during that time.

Large numbers of refugees were arrested in the Forecariah region, south of Conakry. **MU**, a 28-year-old refugee from Sierra Leone, was arrested and held in Mokebui prison in Forecariah for one month. She was beaten regularly and was forced to wear only her underwear while in detention.

Amnesty International delegates visited Massakoundou Camp, just outside Kissidougou, on 27 March, the day after local military authorities carried out a raid of the camp in which more than 450 refugees were arrested. Witnesses described the sudden arrival of several truckloads of soldiers who surrounded the camp and then began searching the camp, raiding homes and arresting refugees seemingly at random. Doors were forced open by soldiers, often resulting in significant damage. Refugees were pulled from their homes, often in the presence of young children. Many refugees reported that money or property was taken by the soldiers during the raid. The vast majority of those arrested were men, but at least four women are also reported to have been taken into custody that day.

A group of some 200 wives and relatives of those arrested tried to go into Kissidougou the morning of 27 March to visit the arrested refugees. They were stopped at a military checkpoint just outside the camp. A few refugees were released that afternoon and the vast majority the next day. Two remained in detention one week after the arrests.

Amnesty International interviewed several of the released individuals, who said that they were not questioned while in detention or told what charges had led to their arrest. They were forced to strip so that their bodies could be examined for scarring and other marks as an indication of whether they were combatants (see below). Those released on 27 March were apparently freed after family members paid up to 15,000 Guinean francs (about US$8) on their behalf.

Following this incident Guinean authorities made it clear to UNHCR that they expected Massakoundou Camp to be closed. UNHCR began transferring refugees to new camps and Massakoundou Camp was closed in mid May.

Many refugees were arrested in early- to mid-December, at a time of increased RUF incursions into Guinea. **KO** fled Katkama Camp in early December when the camp came under attack by armed political groups. She was arrested on the outskirts of Kissidougou. She was kept in detention for three days. She and others arrested with her were released following the reported intervention of the French Ambassador.

AK, a 39-year-old Liberian refugee, his wife **KS** and their five-year-old daughter, **SVG**, fled from Guékédou when fighting erupted there in December 2000. They fled first north to Kissidougou and then when rebels advanced in that area, southeast to Nzérékoré, where AK was arrested because he had come from Guékédou and was thus considered to be suspicious. He was imprisoned for two days and was beaten. He was given no food and the only water he had he received from friends. He was released when an aid organization intervened on his behalf.

JL, 49, from Sierra Leone, was present in Nongoa at the time of the attack in March 2001. He fled to Mongo camp following the attack but returned to town later to collect his belongings and was arrested on suspicion of being a rebel. He was held in detention in Nongoa for four days, during which time he was not provided any food or drink. He was repeatedly told that he would be killed and at one point his cell was set on fire in an effort to force him to reveal where he was hiding a gun he was alleged to possess. He was released when friends paid a bribe of 21,000 Guinean francs.

FS, **FY**, **TJ**, **PJ**, **PA**, all students, and nine other refugees were arrested by *communards* following the Nongoa attack. They were held for six days. In detention they were beaten, threatened, interrogated and FS was threatened with a knife.

In most of the places of detention used to hold refugees, prison conditions were abysmal and refugees slept amidst urine and human faeces. One refugee detained in Nongoa described the conditions in which he was held: "I met 15 men, with me making 16. The room was so tiny, dirty with human waste products and urine. There was no window except a small hole on the door that we used to stand at for a period of 10 minutes per person."

Refugees interviewed after the Massakoundou arrests indicated that conditions of detention were appalling. Detainees were held in two overcrowded rooms, with no bathing facilities. They were given no food or water during the first 24 hours.

2.4.i) Arrest on the basis of scarring and other marks

At checkpoints, in refugee camps and in detention, refugees have frequently been forced to strip by authorities, who say they are looking for marks on their bodies that might indicate that they had been combatants or involved in fighting. However, ethnic groups in the area, on both sides of the border, frequently make use of traditional or protective marks meant to ward off snakebites and other injuries. Reports have also been received that those with scarring from accidents, such as burns or cuts, have also been assumed to have sustained these injuries during combat and that they are therefore rebels.

Amnesty International heard numerous testimonies from individuals who were arrested because of such traditional marks or scarring. The fear that scarring and other marks would lead to arrest has led some refugees to try to remove the marks by scraping their skin. **SJ** was arrested in March and held in Kissidougou because his effort to remove a tattoo for this reason was considered to be suspicious.

Amnesty International also heard reports of individuals who had had the letters "RUF" cut into their flesh after being abducted by the RUF. **FK** was abducted by the RUF and held by them for about two years. During that time she reportedly had the letters RUF carved into her

chest. Many refugees expressed concern that people who have been abducted and mutilated in this way by the RUF may be at risk of arrest by Guinean authorities who accuse them of supporting the RUF.

A refugee arrested after the March attack in Nongoa and released a few days later told the Amnesty International delegation: "After the attack, the civil defence force grouped the refugees, they searched for the marks on our bodies and those who had marks like me were accused of being rebels. They tied my arms at the back. They put me in jail with a group of 14 refugees."

Many refugees told Amnesty International that they were forced to strip in the open by Guinean soldiers, often in front of many others, both men and women. For over one month, the military reportedly required all refugees who were being transferred from the Katkama Camp to the new Kountaya Camp to strip in front of soldiers, UNHCR staff and other refugees. This was a degrading experience for those with traditional or protective marks to reveal them to others. Such searches now reportedly take place in private, but the practice still constitutes inhuman or degrading treatment.

It is an obligation of international refugee law to separate out combatants from the civilians population in order to ensure the civilian and humanitarian nature of refugee protection, it should be done in a satisfactory procedure, preferably at the point of entry to the country or at least in an organized procedure which should be monitored by international observers such as UNHCR.

2.4.ii) Bribery and release from detention

In the vast majority of cases of arrest and detention described to Amnesty International, individuals were eventually able to bribe the Guinean security forces or *communards* to avoid arrest or secure their release.

Such was the case with the small number of refugees released the day following the mass arrests at Massakoundou Camp in March 2001. Relatives of those arrested had tried to go to visit the detainees that day and had initially been turned back at a military checkpoint not far from the camp. Later in the day some family members were allowed past that checkpoint when they paid bribes to soldiers guarding the checkpoints. Some were then able to secure the release of their relatives by paying sums of 5,000 or 15,000 Guinean francs. Amnesty International raised concerns about the arrests and detention with Kissidougou's préfet, who stated that the refugees had not been arrested or detained, but were simply being subjected to a process of "verification".

Commonly refugees who are stopped and arrested at checkpoints erected by the military, *communards* or even local villagers are also forced to pay bribes to gain their freedom. On 22 February 2001, 18 women from Katkama Camp were reportedly detained at a military checkpoint in the nearby market town of Yendé. They were released after several hours when others from the camp paid a sum of 2,000 Guinean francs for each woman.

Many refugees who fled the aftermath of the attack on Nongoa told Amnesty International that they were stopped and detained at numerous checkpoints in the area and were forced to pay bribes of several thousand Guinean francs or turn over rice, cooking oil or other belongings before being allowed to pass.

Four refugee women and their 18 children stopped at a Civil Defence Force checkpoint *en route* to Katkama Camp were told that they had to turn over their belongings "because they had brought war into this country".

KJ, 12, was arrested at a checkpoint while trying to reach Katkama Camp because she did not have a refugee identity card. Soldiers told her mother to leave her, but she refused and so was arrested as well. They were held for a day until friends were able to raise sufficient money to secure their release.

ATL, a 40-year-old teacher from Sierra Leone fled Owetdjiba Camp, near Nongoa, following the 9 March attack. He was with his wife and seven children, in a group of about 30 refugees. At a military checkpoint at Koundou Lengo Bengo he was singled out from the group at gunpoint, accused of being a member of an armed political group and told that he would be killed. Soldiers beat him with gun butts for close to an hour. All of his belongings were searched and his body was examined for marks. He was then allowed to continue with the group. During the group's five-day journey to reach Katkama Camp on foot, they had to pass through many more checkpoints at which they had to pay money and turn over rice, cooking oil, tarpaulins and cooking utensils.

ABSM, a former school principal in Sierra Leone, was stopped and tied up by Civil Defence Force members at a checkpoint. A witness told Amnesty International that ABSM was then asked to decide whether he wanted to keep his typewriter or his six-year-old son. He obviously chose his son. He was forced to pay a further 3,000 Guinean francs before being allowed to continue his journey.

2.5 Rape by Guinean forces, local villagers and armed political groups

The Amnesty International delegation documented cases of rape of refugee women by Guinean soldiers, local villagers and rebels. None of the cases that Amnesty International documented

are known to have been effectively investigated and Amnesty International knows of no perpetrators who have been brought to justice. A climate of fear and of impunity, combined with a total absence of effective mechanisms for reporting and investigating rape, mean that the vast majority of victims were unable to report rapes.

MH, a 15-year-old Sierra Leonean refugee, was arrested by Guinean authorities in December 1999 and held in prison in Forecariah for some six months before being released. While in detention she was reportedly raped by three prison guards, who promised her freedom in exchange.

Numerous refugee women describe being raped by Guinean soldiers in September 2000, during the first wave of mass arrests of refugees which followed the outbreak of serious fighting and President Conté's radio speech on 9 September. A number of women refugees were reportedly raped in Conakry and in prison in Forecariah.

MK, a 38-year-old refugee from Liberia was raped by two soldiers, in her home in Conakry on 18 September. They also cut her on the wrist and armpit with knives. Her 18-year-old daughter was able to escape from the house. Another Liberian woman, **AO**, was reportedly raped in a Conakry police station, hospitalized due to serious bleeding, and died as a result. **FF**, a 20-year-old Liberian refugee, was raped in prison in Conakry on or about 10 September. She and two other women were taken from their cells, raped outside the prison by two soldiers, and then returned to their cells. She was released after three days.

In mid-December 2000 a woman from Massakoundou Camp was raped just outside the camp early one morning. Returning to the camp after buying some rice, she stopped in a field to gather firewood. She was accosted by a Guinean soldier, who hit her with his gun and then raped her. She was able to escape when two boys approached. She later reported the rape to other soldiers at a nearby military checkpoint and believes that the soldier was "taken away" at that time. However, she was never informed of any investigation or of any judicial proceedings against the soldier. Three months later she saw him take part in the mass arrests carried out at Massakoundou Camp on 26 March.

Some women refugees were raped while trying to escape both members of unidentified armed political groups and Guinean forces. **CQ**, a 35-year-old woman who fled Liberia to Sierra Leone in 1990 and from Sierra Leone to Guinea in 1997, was among a group of 17 people who fled from Farmoréya Camp near Forecariah when it was attacked by both rebels and the Guinean military on or about 13 September. The group, including CQ's 65-year-old mother, her six children and three stepchildren, was caught by rebel forces. All of the refugees were forced to strip, and searched for money and weapons. The women, including CQ and her mother, were abusively searched in their vaginas then raped.

There are no major international aid programs in place in Guinea aimed at addressing the needs of displaced women and children who have been subjected to rape or sexual abuse. It is not clear whether UNHCR or any other agency have attempted to document the extent of these problems or made attempts to ensure that the thousands of victimized women and children receive adequate care and counselling in Guinea.

3. Abuses against Guinean civilians

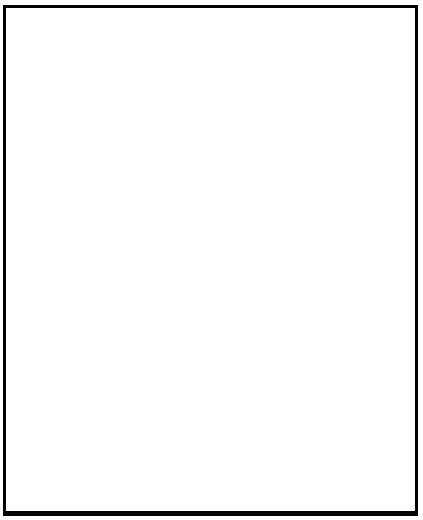
In the chaos and spreading violence in southern Guinea, refugees have not been the only victims. Villages and towns in southern Guinea have been attacked, occupied by armed political groups and on some occasions been the sites of protracted fighting between various forces. Countless Guineans have been killed, raped, beaten, and abducted. Perhaps as many as 300,000 have at one point been displaced from their homes and many Guineans are still displaced. Some have returned to homes which have been destroyed or badly damaged and have begun rebuilding their lives. The local populations now live in ongoing fear of further attacks.

Along with the killings, abductions, rape and beatings, Guinean villagers in the area have lost almost all of their belongings and property, which have either been looted or destroyed. The extent of damage in the villages is extreme. In some, there is virtually no *case* (a small dwelling with a thatched roof) that has not been badly damaged. In most instances the buildings were set on fire by the members of armed political groups as they retreated, destroying the roof and almost all of the buildings' contents, and badly damaging the walls. With no resources to rebuild, most of the villages remain largely uninhabitable. In visits to seven of those villages – Kamian, Dandaladou, Dengamadou, Koumassadou, Waltö Gbaran, Waltö Village, and Mankö – as well as the towns of Yendé and Kissidougou, Amnesty International saw evidence of the destruction of homes and property, and gathered first-hand evidence from individuals who were victims of or witnessed attacks on people and properties. When Amnesty International visited the area, many people said that they returned during the daytime only, to tend to crops and try to rebuild, going back to other villages or the town of Kissidougou in the evening.

Amnesty International also visited the once thriving town of Guékédou, which was virtually destroyed and deserted. It appeared that very few buildings had escaped devastating damage, as a result either of the intense fighting that raged in the town between the Guinean military and various armed groups; or the frenzied looting and ransacking that followed. Amnesty International toured the hospital and the church of the *Congrégation des Sœurs de Notre Dame de Guinée* (the Congregation of the Sisters of Our Lady of Guinea). Both were severely damaged, looted and had been abandoned as a result.

3.1 Killings

In and around the seven villages and two towns they visited, Amnesty International documented scores of cases of individuals reportedly killed by the RUF at the beginning of December. The actual number of Guineans civilians killed at that time is certainly much higher, given that attacks took place in many other parts of the country as well.



4. (left to right) Farah Mankar and Raphael Milimounou © AI

Reportedly, many of those killed were captured when, having fled in advance of the RUF attack, they returned to their village, mistakenly thinking it was safe, or out of concern for family from whom they had become separated. While many of those killed were local villagers, some were unknown to the local population and had probably fled north from Guékédou, in an effort to escape fighting there, and sought refuge in the villages. Some of the bodies could not be identified by villagers. Such was the case, for example, in Dengamandou, where villagers discovered the bodies of two young men, which had been reportedly partially buried by the RUF before they retreated from the village.

Witnesses said that the RUF generally divided the individuals they captured into three groups: women, young men and older men. Many of the women were raped and beaten before being let go. The majority of those killed appear to have been older men, while many of the young men were taken away.

The pattern of killings of older men emerged in interviews Amnesty International conducted with families of four men from Waltö Village who were killed at the time – **Falenda Leno**, 55, **Latyounkia Kamano**, also 55, **Nyetoyore Ouendeno**, 68, and **Farömei Ouendeno**, said to have been almost 100. The men were all reportedly captured and killed while attempting to get food or necessities for their families.

Tyowa Kamano, thought to be in his 70s, was killed in the village of Dengamandou on 9 December. His body was buried by members of armed political groups but a foot was left protruding and it was discovered by villagers who returned on 16 December.

Raphael Milimounou, from Waltö Village, fled to the village of Beldou with his family on 11 December. The next day he returned to Waltö Village to get some foodstuffs and was captured by the RUF. He was tied up along with 23 other men, including **Farah Mankar**, also from Waltö Village. They were held by the RUF for six days before they were able to escape.

Before the RUF began their retreat from the area, half of the men held along with Raphael Milimounou and Farah Mankar were killed – the oldest and most frail among them. Those killed included **Bouama Yombouno**, **Tambayiyo Melimounou** and **Poutan Melimounou**, who were beaten to death with *pilons* (large sticks of wood used to grind maize) and gun butts. The remaining twelve men were told that they were being kept alive to assist the RUF in fighting. Later, the armed men demanded to know who among the captured men spoke French and what they knew about the location of Guinean forces in the area. When no one immediately responded, **Fassa Milimounou** was shot and killed. The armed men then began firing into the air and at the feet of the other men in an effort to intimidate them. A bullet went through a door and killed **Vieux Milimonou**, who was still being held inside a dwelling in the village.

Sia Milimounou, 35, was killed in Waltö Gbaran. She had fled the village along with her husband **Tamba Lenon** and their son when the RUF attacked. In the ensuing chaos they became separated. She reportedly became confused and circled back towards the village. Witnesses later told her husband that as she approached she saw oxen amongst the family's crops eating the plants. She made noise to frighten them away and it was at that point that she was captured by the RUF. This was on 12 December. Her body was found four days later, burned virtually beyond recognition and only identifiable because of a deformed finger.

Fassa O Saa Milimounou, a 30-year-old widowed farmer and father of three, fled into the bush outside the village of Manköu when the RUF attacked. He was captured and taken as far as the town of Yendé, where he was reportedly killed.

In Yendé, **Mabalou Savanne**, 35, a mother of six children, was shot dead, together with her youngest child, whom she was carrying on her back. Her other son, **Boubacar Savanne**, 16, and one of his friends, **Boh Camara,** were also killed. They were shut in a *case* which the members of the armed political group set on fire.

One man who had been captured in Waltö Gbaran by the RUF on 13 December, but was able to escape after 24 hours, passed through Yendé after his escape and reported seeing many bodies at the time.

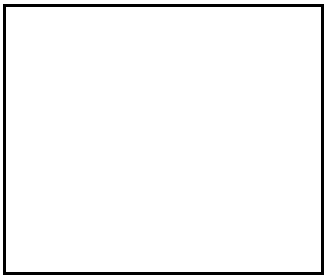
3.2 Abductions and rape

"After the rebels attacked Nongoa in March, they entered my house and asked for money. Some of my family ran away, but they abducted my younger brother, ***Aly****, a primary school boy of 12. The same day, 16 other people including* ***Antoine Milimounou*** *and* ***Fayia Bobo***

Milimounou *were abducted from another compound."* a witness talking to Amnesty International.

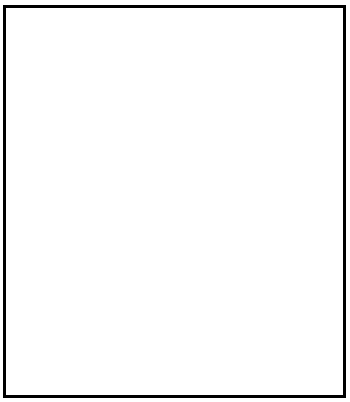
While many of the Guinean civilians rounded up by the RUF following an attack were killed, others, especially young men, were abducted and forced to accompany the rebels as they retreated. Many women who were abducted were raped.

At least 12 people were abducted in the small village of Koumassadou on 11 December. A group of close to 20 rebels passed through the village that day in the course of their retreat. **Sekou Yombounou** described the abduction of his eldest son, **Etienne Yombounou**, a 15-year-old schoolboy. Etienne was fleeing with other villagers when he heard his nine-year-old brother, who had tripped and fallen, calling for help. Etienne turned back to assist his brother and was captured by the RUF at that moment. His younger brother was able to escape. Etienne was last seen alive on 18 December, part of the group of prisoners with whom Raphael Milimounou and Farah Mankar, above, had been held.



6. Joseph Faya Kamano © AI

Among those taken from Koumassadou were four women, one young girl and a baby, including **SW**, 18. She was held for one week, during which time she was raped. She said that other women were raped as well, including one who was pregnant. SW reported that individuals who were abducted were severely beaten by the rebels, particularly while they were walking between villages. Beatings were particularly severe whenever someone failed quickly to comply with an order. When they stopped in villages, they were kept confined inside small dwellings.



5. Sekou Yombounou, father of Etienne Yombounou © AI

SFO was abducted in Waltö Village on 11 December, along with his wife who had just given birth. Their baby was with a relative at the time they were abducted. In an uncharacteristic gesture of mercy, SFO and his wife were let go after three days, when one of the rebels learned about their newborn baby.

Amnesty International documented many cases of individuals abducted from these villages, who have not been heard from since. **Tamba Perio Tangino**, a 55-year-old mechanic, was abducted in the village of Dandaladou on 13 December. **Yombe Milimounou**, **Bombe Kamano**, **Joseph Faya Kamano**, **Joachim Milimounou** and **Lamin Leno** were all abducted

as well, and were in the group of prisoners along with Etienne Yombouno, above, last seen heading toward the Sierra Leone border on 18 December.

In Yendé, scores of people, including young girls and women, were abducted, among them two sisters, **HS**, 25 and **NK**, 15. At the time of the visit by Amnesty International in April 2001, the abducted people had not yet reappeared. Witnesses told Amnesty International that at least 350 people, including women and young children, were held by the members of unidentified armed political groups in a mosque in Yendé. Every evening, around 7pm, they came and chose women and young girls to be raped. Those who refused were threatened with being killed.

Individuals who were held prisoner in Waltö Village report that the armed men used a small building in the village to rape women. At least six women were raped in the building. One young girl of five or six was taken into the building, seemingly with the intention of raping her as well. She was brought back out again almost immediately.

4. The response of the international community to the deteriorating situation in Guinea

Despite that the outbreak of hostilities in the border areas between Guinea, Liberia and Sierra Leone had long been predicted, it took several months from September 2000 for the international community to respond. Very little action was taken to protect civilians from widespread human rights abuses and several thousand refugees and internally displaced Guineans were left without any assistance. Some humanitarian agencies responded during 2000 and 2001, but as a whole the international community was slow to react. In particular, UNHCR in Guinea was not provided with the financial or political support necessary to implement its protection mandate effectively. UNHCR's fulfilment of this mandate was further compromised by an over-optimistic view of the political developments in the region and its plan to promote mass repatriation to Liberia and Sierra Leone during 2000.[5]

Two major security incidents in early September forced UNHCR to withdraw from some areas in Guinea largely impacting their ability to carry out their protection mandate on behalf of refugees. During the attack on Macenta on 17 September, **Mensah Kpognon**, a Togolese citizen and head of UNHCR's Macenta office was killed and **Sapeu Laurence**

[5] See UNHCR's *Global Appeal 2000: Strategies and Programmes* which presented UNHCR's estimates that more than 107,000 Sierra Leoneans and 37,000 Liberians would be repatriated during 2000. The human rights crises in Sierra Leone in May 2000 and Guinea in September 2000 thwarted the plans.

Djeya, a UNHCR employee and national of Côte d'Ivoire, was abducted. Sapeu Laurence Djeya was released 11 days later in Liberia. In the following months, UN personnel were restricted in their movement and could only operate from Conakry and/or Kissidougou from which they had differing authorization at different times from UN officials and Guinean officials as to how far they could go on day trips to provide assistance and monitor the situation.

For several months, Guékédou, Macenta and the Parrot's Beak area were almost entirely cut off from any form of international assistance due to the security situation. A number of aid agencies worked hard to maintain access to the area, to deliver medical supplies and services and to provide food. Once UNHCR resumed operations in the area in March 2001, it was only able to do so with a Guinean military escort.

Beginning in March 2001, UNHCR and other agencies struggled to arrange the transfer of refugees from volatile border areas such as the Parrot's Beak, the Forecariah regions and other camps such as Massakoundou near Kissidougou, to new camps at Albadaria and elsewhere. By early June 2001 UNHCR completed the voluntary relocation of around 57,000 refugees from the Parrot's Beak area away from the border and some camps, such as Massakoundou, had been closed.

Relocation of Sierra Leonean refugees in Guinea from camps at the border to safer areas within the country is now essentially completed. However serious concerns remain about the situation of Liberian refugees in southern Guinea. UNHCR has stated that it is caring for over 80,000 Liberian refugees in Guinea, mostly around Nzérékoré in the southeast, near the Liberian border. By June 2001 UNHCR reportedly expected to have relocated at least 25,000 of them away from the border areas to safer areas of the country. However, relocation of refugees living along the Guinea-Liberia border in south east Guinea only started in August 2001. Waiting for relocation, these refugees have neither planted nor stored food and are exposed to fighting spilling over from northern Liberia.

Since the killing of the UNHCR officer in September 2000, there has been little or no international presence in Macenta area. Little information is available about Liberian refugees in the area but there have been reports of an unknown number of refugees in need of assistance and protection including from recruitment by Liberian armed political groups. On 9 May 2001 a non-governmental organization Refugees International, following a visit to southern Guinea, described the conditions for Liberian refugees as "unacceptable", warning that they were in urgent need of shelter materials, food rations and protection from the fighting spilling over from northern Liberia.

Furthermore, there have been reports that hundreds of Liberian refugees fleeing human rights abuses and ongoing fighting in northern Liberia are being prevented from crossing into Guinea by Guinean security forces at the border. It appears that only those who have the means

to bribe border guards have been able to enter the country. UNHCR has raised concerns about this, both publicly and with the Guinean authorities, but the border is reported to remain closed.

The report of a UN inter-agency mission of representatives from 13 UN departments and agencies, including UNHCR and the World Food Programme (WFP) to West Africa in March 2001 noted insecurity, instability and a potential for further deterioration of the situation in the Mano River Union countries.[6] The report emphasized the importance of approaching conflict prevention and resolution from a regional rather than a national perspective.

The report expressed concern about the rising tension between Liberia and Guinea, the unpredictable alliance between Guinea and armed Liberian political groups, indiscriminate bombing raids in northern Sierra Leone by Guinean forces, renewed fighting in Liberia's Lofa County, and the uncertainty about the fate of Sierra Leonean and Liberian refugees. The report suggested expanding the mandate of UNAMSIL to cover Guinea and Liberia as well as monitoring the border areas among the three Mano River Union countries. The mission report emphasized that human rights protection must be a priority in all initiatives for peace, security or development.

PART II: SIERRA LEONE

5. Refugees flee back to danger in Sierra Leone

Tens of thousands of Sierra Leonean refugees, fearful of attacks in Guinea and the increasing harassment by Guinean forces and civilians, and feeling there is nowhere else to turn, have decided to return to Sierra Leone, even though they realize that conditions there are still dangerous.

Crossing into Sierra Leone from the Forest Region has been particularly dangerous as that area of Sierra Leone has been in RUF hands. The only "safe" route is by sea between Conakry and the Sierra Leonean capital, Freetown. However, some refugees reported being stopped by Guinean forces from travelling to Conakry to make the journey, and UNHCR estimates that only ten per cent of the Sierra Leonean refugees in Guinea originate from the Freetown area. A large number of the refugees come from areas which remain under RUF control and which therefore cannot be considered safe for return yet. Return to Freetown means going to an area where they lack family or connections to assist with orientation and settlement.

[6] S/2001/434, *Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council, including the report of the Inter-Agency Mission to West Africa, "Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa".*

By the end of May 2001, more than 55,000 Sierra Leonean refugees had returned from Guinea to Sierra Leone and many others had expressed a willingness to return. Some 35,000 had returned by boat from Conakry since December 2000, with the assistance of UNHCR and the International Organization for Migration (IOM). The remainder returned spontaneously on foot through Kambia, Kono, Kailahun and Koinadugu Districts. A significant number have returned to areas which remain under RUF control.

5.1 Harassment and intimidation of refugees in Guinea, amounting to *refoulement*

At the best of times refugees are among the most vulnerable members of any society. With few legal rights and tenuous status in many countries, refugees are easy targets for extortion, intimidation and violence. That vulnerability is extreme when conditions deteriorate, as they have in Guinea since September 2000. Sadly, Amnesty International heard countless first-hand reports of the degree to which a fairly satisfactory co-existence between refugees, the local population and Guinean authorities changed to distrust and harassment of refugees, amounting to refoulement.

As there are no standard refugee identification cards in Guinea, the major movements of refugees since September 2000 have been restricted by the lack of proper identity documents, which makes people vulnerable to abuse. Refugees have therefore been deprived of the assistance and protection they would be entitled to from UNHCR and other international agencies in Guinea. Moreover, refugees who have returned to Sierra Leone without the assistance of UNHCR have great problems in accessing the assistance provided to other returnees and in March 2001 there was no clear way for these people to access UNHCR assistance. The reason for the lack of refugee identity documents is that there has never been a comprehensive accurate registration of the number of refugees in Guinea by UNHCR or the Guinean government[7].

Everywhere they go in Guinea, refugees have faced military or civilian checkpoints and roadblocks, where they have been mocked, threatened and forced to pay bribes or turn over food and other possessions. Refugees fleeing on foot from one camp to another have had to pass so many checkpoints that they literally have no money or possessions left.

It appears that the Guinean security forces have deliberately attempted to terrorize and intimidate refugees and force them to flee from the camps where they had been based for many years. In at least one incident, helicopter gun-ships flew low over a refugee camp and launched

[7] See *Guinea. Refugees still at risk. Continuing Refugee Protection Concerns in Guinea*, Human Rights Watch, in July 2001.

artillery close to the camp. These attacks, which appeared to be an attempt to frighten the refugees into leaving, resulted in civilian deaths and injuries.

In early October 2000, a helicopter gun-ship flew very low over the camp in Kalia in Forecariah region. Eyewitnesses whom Amnesty International met at transit camps outside Freetown in March 2001, who had decided to leave Guinea and travel to Freetown by boat, described the attack:

> "*In October 2000, helicopter gun-ships flew very low over Kalia camp, to frighten us. They were launching artillery but not firing at people. Three pregnant women aborted and one of the women and a child died. One boy broke his leg and several people were injured. So we decided to say that we wanted to go home. We had run away from war and in a place of refuge there was war also*."

Another common form of intimidation was the burning of refugee camps after they had been attacked and abandoned. In some instances local villagers may have been responsible for the burnings. In others, the Guinean authorities were involved or at least failed to intervene. This was evidently a strong message and threat to refugees that they should not return.

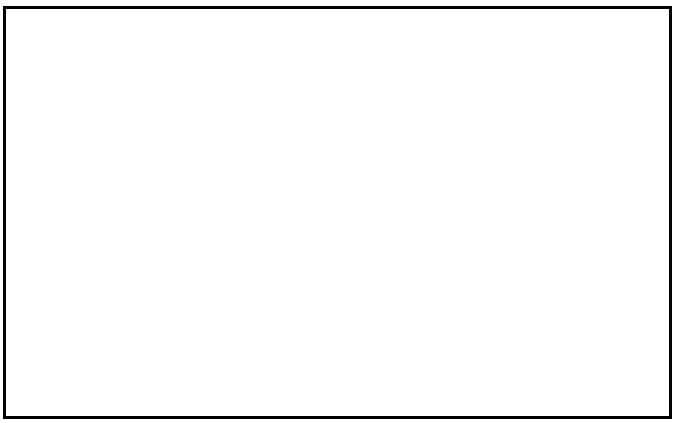
5.2 The return of refugees into RUF-occupied territory

Those deciding that they had no option but to risk returning to Sierra Leone across the borders into Kono and Kailahun Districts experienced severe hardship. They had to walk for several weeks, with very little to eat except bush yams and bananas, and slept in the bush. The treatment of returning refugees by the RUF varied. While some returning refugees stated that they were allowed to pass unhindered and were even provided with assistance by the RUF combatants whom they had encountered, others reported detention, ill-treatment, rape, abduction and forced recruitment and labour by the RUF. Those travelling through Kailahun District appeared to have been less subject to abuses by the RUF than those travelling through Kono District, the site of important diamond fields. Almost all those interviewed by Amnesty International reported that they were intercepted by the RUF and had their property stolen.

By the end of March 2001, more than 3,500 refugees returning by foot had arrived in the town of Kenema and another 3,000 in the town of Daru. The majority of those arriving in Daru and Kenema were women and children. This was explained partly by the fact that men had been forced to remain with the RUF and partly by the fact that men had chosen to remain in Guinea in order to avoid forced recruitment to fight or forced labour for mining diamonds by the RUF if they returned to Sierra Leone. There were several reports of men and boys being separated from other returning refugees by the RUF.

One refugee, **GNS**, who had returned to Sierra Leone from Guinea in December 2000 after being forced by Guinean soldiers to leave a refugee camp, recounted his experience to Amnesty International delegates in early April 2001. He was one of a large group of Sierra Leonean refugees from four different camps in Guinea who had crossed the border into Kono District in Sierra Leone. They were apparently first welcomed by RUF combatants, who said that they should not be afraid of them because "we are the same brothers; this is our country".

The returning refugees were "screened" by the RUF. The RUF were apparently looking for *kamajors*. Over 30 were apparently identified and then forced to carry loads and undertake other work for the RUF. The remaining refugees were told to move on to Jagbwema in Kono District. In Jagbwema there were also a large number of Guinean civilians from Kissidougou who were being held by RUF forces. While some had fled to Sierra Leone to escape attacks by armed groups in Guinea, others may have been among those abducted by the RUF during these attacks. The majority were girls and young women who were repeatedly raped and used as sexual slaves by the RUF forces.



7. Returning refugees arrive in Kenema, having travelled overland from Guinea through RUF-held areas, March 2001 © AI

They were all divided into groups in Jagbwema: women, children and old men were allowed to proceed but younger men, reportedly numbering approximately 500, were forced to remain behind. They were told: "As from today you are going nowhere, so now you are staying

with us. You betrayed us, you ran away, you allowed ECOMOG[8] to kill us. We will train you to be rebels." GNS said that it was clear that they would be used to fight in Guinea. After three days he managed to escape.

When he reached Koidu, his home town, which was under the control of the RUF, he found that the RUF was forcing young men to mine diamonds. Those who refused were beaten. Anyone caught mining diamonds without permission was beaten. One woman accused of mining was reported to have been subsequently beaten to death by RUF combatants. It was also reported that a man was beaten to death and then RUF combatants slit open his stomach to look for the diamonds he was suspected of having swallowed.

In Koidu, several girls and women had been forced to become the sexual partner or "wife" of a single RUF combatant. Rape, sexual slavery and other forms of sexual violence against girls and women by RUF forces have been systematic and widespread throughout the ten-year internal armed conflict in Sierra Leone.

Often, the fact that Guinean security forces had prevented refugees from travelling inland towards Conakry to reach safety forced the refugees to cross the border into Sierra Leone and into the hands of rebel forces. A woman aged 32 who had decided to return to Sierra Leone after attacks by rebel forces on Yendé described her ordeal. After walking for four days in an attempt to reach Conakry, she arrived at a checkpoint in a group of about 80 people, where they were prevented by Guinean soldiers from going any further. Although they tried to remain there for a while in order to rest, their cooking utensils and other possessions were looted by the Guinean soldiers and she was raped by a soldier.

When the group eventually managed to cross the border into Sierra Leone, they were intercepted by RUF forces. The women refugees were assigned to particular combatants and raped. She was held for two days before being released. She eventually reached Kabala in Koinadugu District.

Another woman, aged 35, who had been in Massakoundou camp, left on 7 December 2000 to travel to Conakry and returned from there to Freetown. She was prevented from continuing at a checkpoint manned by Guinean soldiers and so forced to cross the border into Sierra Leone on foot. She was severely beaten on her head with a gun butt by a RUF combatant, sustaining serious injuries to her ear.

[8] ECOMOG is the Economic Community of West African States (ECOWAS) Cease-fire Monitoring Group. ECOMOG was deployed under the authority of ECOWAS in neighbouring Liberia in 1990. Immediately after the military coup in Sierra Leone in May 1997, Nigerian forces already present in Sierra Leone under the provisions of a defence agreement between Sierra Leone and Nigeria were significantly reinforced by ECOMOG forces, which were predominantly Nigerian.

Among other Sierra Leonean refugees who had arrived in Kabala was a 16-year-old girl who had fled an attack on Kissidougou. She had four months previously undergone surgery for appendicitis and an acute ulcer. She was raped by rebel forces in both Guinea and Sierra Leone. In Guinea, she was threatened with death if she refused to submit to rape. In Sierra Leone, as well as being raped, all her possessions were taken by rebel forces. By the time she reached Kabala, she was suffering from severe abdominal pains.

Several of those interviewed reported that the RUF had attempted to persuade the refugees to remain in Kailahun and Kono Districts. This was an apparent attempt to encourage humanitarian agencies, for whom access has for several years been impossible, to provide assistance to civilians – and, by extension, to RUF combatants – in areas under RUF control.

5.3 The dangerous flight of Guinean and Liberian refugees into Sierra Leone

As well as returning Sierra Leonean refugees, thousands of Guinean and Liberian refugees also fled conflict areas into RUF-held areas of Sierra Leone, where they encountered abuses by the RUF. Guinean civilians have also been abducted by the RUF in Guinea and taken to Sierra Leone. More than 20 Guinean civilians, including women and children, who had been abducted by the RUF in Guinea during attacks on various locations during January and February 2001 in and around Guékédou, returned to Guinea on 12 May 2001, with the assistance of UNHCR, after negotiations between the RUF and UNAMSIL. They gave accounts of women being raped, including gang-rape, and harsh conditions, including forced labour and severe shortages of food. They claimed that many more Guineans were being held by the RUF in Sierra Leone.

With progressive deployment by UNAMSIL peacekeeping troops towards eastern Sierra Leone and RUF-held areas following agreements between the Sierra Leone government and the RUF in May 2001, efforts to assist these refugees have met with some success. In June 2001, UNHCR was able to travel for the first time to Kailahun District, in the south-east of Sierra Leone, to provide assistance to Liberian and Guinean refugees. The refugees were taken to government-controlled areas and provided with emergency assistance. They included more than 100 vulnerable and ill Liberian refugees and their families and 24 Guineans who had been in Sierra Leone since attacks on Guékédou in January 2001.

When UNHCR undertook its first visit to Kailahun District in June 2001, it found that many thousands of returning Sierra Leonean refugees and Liberian refugees had settled in the town of Kailahun, Buedu and Koindu during the previous few months as a result of continuing insecurity in both Guinea and Liberia. While local communities had hosted recent arrivals, the humanitarian situation in these areas was critical with almost complete lack of medical, educational and sanitation facilities, as well as food shortages. UNHCR anticipated further visits

to these areas to assess the situation of returning Sierra Leonean refugees, Liberian refugees and Guinean civilians in RUF-held areas.

5.4 Indiscriminate attacks by Guinean forces in Sierra Leone

"The already fragile human rights situation in Sierra Leone has been exacerbated by cross-border rebel attacks into Guinea and, in turn, by retaliatory shelling and cross-border attacks by the Guinean army. The internally displaced people who fled the attacks reported human rights violations committed by RUF as well as by Guinean military personnel, who allegedly looted and burned villages and abducted men they considered to be RUF members or sympathizers."
(The UN Secretary-General in his ninth report on UNAMSIL, 14 March 2001)[9]

The situation for returning Sierra Leonean refugees, as well as for internally displaced people and other civilians, has been further endangered in some areas of Sierra Leone bordering Guinea by aerial attacks and incursions by Guinean forces.

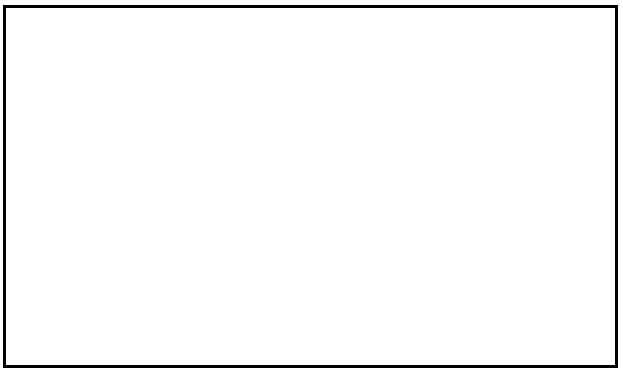
In response to the increased tensions within the region and cross-border incursions by armed groups, including the RUF, into Guinea, Guinean security forces mounted aerial military operations into Sierra Leonean territory, in particular into Kambia District in Northern Province but also in other areas of Northern Province such as Bombali and Koinadugu Districts. These aerials attacks, undertaken by helicopter gun-ships, resulted in large numbers of civilian casualties, massive displacement of civilians and destruction of property. Guinean ground forces also crossed the border into Kambia District.

Although RUF forces were present in areas attacked by Guinean security forces, artillery and helicopter gun-ship appeared to have carried out attacks without regard for civilian lives. Guinean forces did not appear to have targeted RUF military bases with any degree of care or accuracy. Witnesses of some attacks confirmed that, while civilians suffered greatly, there were few RUF casualties or damage to its bases or equipment.

An attack by helicopter gun-ships on 30 November 2000 on the town of Rokupr, Kambia District, left at least 13 civilians dead and 11 injured. On 20 January 2001 Guinean helicopter gun-ships were reported to have attacked Yelibuya in Kambia District resulting in at least 20 civilian casualties, both wounded and dead. Those who had been injured and subsequently admitted to hospital confirmed that at least 300 homes in a village in Yelibuya were destroyed.

[9] S/2001/228, *Ninth report of the Secretary-General on the United Nations Mission in Sierra Leone*, 14 March 2001

Kamakwie, Bombali District, was attacked on 26 January 2001 and at least 12 civilians were killed. Although a significant number of RUF combatants were present in Kamakwie, their base was untouched and they escaped casualties.



8. Internally displaced people from Kambia district building a shelter in Barlo Wharf village, March 2001 © AI

Shelling by Guinean forces into Kambia District continued during the following months. A man from the town of Kambia described shelling by Guinean security forces around 26 March 2000 during which a civilian woman and her three children, all aged under 12, were killed in their home.

During the last two weeks of April 2001 military activity by Guinean security forces in Kambia District affected the towns of Kassiri and Rokupr and the villages of Kychom, Rokon and Sino. Civilian victims of the attack on Rokupr on 20 April were reportedly seen in Port Loko hospital, included a seven-year-old boy with severe shrapnel wounds, which medical staff feared would lead to amputation of his leg. Civilians in these areas were also at risk from the RUF which carried out deliberate killings and abductions and destroyed homes.

Large number of civilians from towns and villages in Kambia District fled the area to escape both aerial bombardments and fighting on the ground between Guinean security forces and the RUF. They became internally displaced in the Lungi peninsular, southwest of Kambia District and to the north of Freetown. During the visit to Sierra Leone in March and April 2001, Amnesty International delegates met a number of people who had fled Kambia District to escape violence from both sides, many of them in the villages of Barbara, Barlo Wharf and Konakridee.

While in Sierra Leone, the Amnesty International delegation raised its concerns about the safety of civilians in areas close to the border with Guinea, particularly in Kambia District, with the Sierra Leone government, the Guinean Ambassador to Sierra Leone and officials of UNAMSIL. They urged that immediate and effective measures be taken to protect civilian lives and property and that the rights of internally displaced people be respected.

As part of an agreement reached between the government of Sierra Leone and the RUF in Abuja, Nigeria, on 2 May 2001, which reinforced a cease-fire previously agreed on 10 November 2000, the RUF agreed to withdraw from Kambia District and disarm and demobilize.

This initiative was further reinforced by another meeting between the government and representatives of the RUF on 15 May 2001.

An attack by Guinean helicopter gun-ships on Rokupr on 18 May 2001 threatened to disrupt the disarmament and demobilization of RUF combatants, although no casualties were reported. The following day President Ahmad Tejan Kabbah paid a brief visit to Guinea, together with the Special Representative of the UN Secretary-General in Sierra Leone, to discuss this incident with the Guinean authorities. The Guinean authorities were reported to have given assurances that no further cross-border shelling would take place.

Forces of the Sierra Leone Army subsequently deployed in Kambia District, including along the borders with Guinea to maintain security. Aerial bombardments and incursions by Guinean security forces across the border have since ceased. If the improvement in the security situation in Kambia District proves to be enduring, some 30,000 internally displaced people in the Lungi peninsular may be able to return to their homes in Kambia District as long as their safety can be guaranteed. This region may also provide a relatively safe option for refugees returning by foot from Guinea to Sierra Leone.

6. International response to the needs of returning refugees and internally displaced people in Sierra Leone

"For the time being, I believe that the conditions for the immediate return of all refugees to Sierra Leone do not exist. A large part of Sierra Leone remains under the control of RUF and largely beyond the reach of humanitarian assistance and government services. The Governments in the region, UNHCR and other United Nations agencies must therefore continue their efforts to ensure the protection, safety and well-being of refugees and internally displaced persons on their territory."
The UN Secretary-General in his report of 23 May 2001 on refugees and internally displaced people in Sierra Leone[10]

UNHCR is reported to have been increasing efforts to make refugees in Guinea aware of the risks involved in spontaneous return to Sierra Leone through RUF-held territory and to inform them of other options which are available. UNHCR has a responsibility to ensure that refugees have the best possible information about the situation throughout their country of origin and about other options available to them, such as relocation or resettlement. Amnesty International welcomes the fact that UNHCR is increasing its efforts in this regard and urges UNHCR and the international community to ensure that refugees are able to make a free and informed choice on whether to return and are not put under undue pressure in this regard.

Nevertheless UNHCR has had to respond to the desire of large numbers of refugees to return to Sierra Leone. It adopted a policy of facilitating that return. The policy included trying to ensure that repatriation was voluntary and that refugees could make an informed decision based on the current situation in Sierra Leone. It established a safe departure procedure from Conakry to Sierra Leone; opened up offices closer to the returnees; ensured an adequate reception capacity on arrival, and worked towards at least temporary integration of returning refugees in areas of the country under government control.

The return of some tens of thousands Sierra Leonean refugees over a period of several months has clearly presented major challenges to UNHCR and the Sierra Leone government. As a result of the security situation in Sierra Leone, the majority of refugees who have chosen to return to Sierra Leone have been unable to re-establish themselves safely in their home areas, and instead they joined the massive existing population of internally displaced people in the country, estimated to be up to a million. UNHCR's protection challenges in Sierra Leone include ensuring that returning refugees are assisted by community-based programs.

[10] S/2001/513

Since January 2001 the government, assisted by the UN Office for the Coordination of Humanitarian Affairs (OCHA), the International Organization for Migration (IOM) and international non-governmental organizations, has begun to organize the relocation of internally displaced people to designated "safe areas".[11] The aim is to reintegrate the internally displaced population into local communities and reduce dependency on humanitarian assistance. In May 2001 OCHA reported that 40,500 people had been relocated from camps to their own communities or other "safe areas".

Refugees returning by boat from Conakry to Freetown have been registered by UNHCR and transferred to transit camps outside Freetown – in Jui, Waterloo and Lumpa – to await further transfer to more permanent locations. Those from safe areas in the south of Sierra Leone are assisted to return to their former homes. Those from unsafe areas in the north are transferred to temporary settlements within host communities in Loko Masama Chiefdom, in the Lungi peninsula, and those from unsafe areas in the east either to camps for returning refugees in Jembe and Gerihun or to temporary settlements within host communities in Bari Chiefdom, in Southern Province.

9. Lumpa transit camp for returning refugees, near Freetown, March 2001 © AI

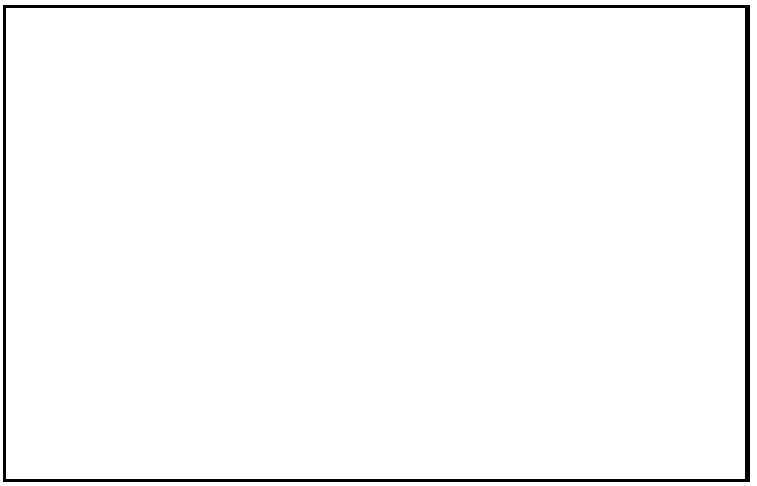
In December 2000, in his eighth report on UNAMSIL, the UN Secretary-General referred to the deteriorating humanitarian situation as a result of Sierra Leonean refugees returning home, compounding the difficulties of assisting a rapidly expanding internally displaced population: "Despite new construction and/or expansion of camps for internally displaced persons and refugee transit centres in several locations, nearly all of them are dramatically overcrowded. Some, such as the

[11] According to the Resettlement Strategy of the governmental National Commission for Reconstruction, Resettlement and Rehabilitation of December 2000, the criteria to be taken into consideration when designating a safe area are: absence of hostilities, ongoing disarmament, law and order maintenance by the police, security maintenance by UNAMSIL, unhindered access for humanitarian agencies and government staff, sizeable spontaneous returns of displaced persons to the area and presence of local and district administration.

Waterloo transit centre for refugees, hold as many as three times their capacity, resulting in unacceptable conditions.[12]

Although transit camps were designed to hold returning refugees for only five days, problems arose when refugees, in particularly from Kono District, objected to being transferred to other camps where they would have to once again construct homes and establish themselves, preferring to stay in transit camps until security in eastern areas allowed them to return to their homes. Because transit camps were designed for only a minimum stay, conditions for returning refugees who have remained in the camps have become progressively more difficult.

By March 2001 transit camps outside Freetown reached full capacity and returning refugees were transferred directly either to camps in Jembe and Gerihun or to resettlement areas within host communities. Refugees returning by foot and arriving in Daru and Kenema were transferred directly either to camps in Jembe and Gerihun or to Bari Chiefdom.



10. Trucks used to transfer returning refugees from Kenema to Bari Chiefdom, March 2001 © AI

Even as deployment of the UNAMSIL peace-keeping force to RUF-held areas makes progress, large numbers of returning refugees from Guinea as well as tens of thousands of Liberian refugees who recently fled northern Liberia, remain exposed to killings, rape and other abuses. Amnesty International believes that the UNAMSIL peace-keeping force, which has a mandate to protect civilians under imminent threat of physical violence, should make every effort to prevent abuses and defend civilians, including women and children, within its capabilities and areas of deployment. UN peace-keepers should be encouraged and provided with all necessary training and logistical support to have a more active and determined approach to protect civilians, including girls and women at risk of abduction, rape and other forms of sexual violence.

[12] S/2000/1199, *Eighth report of the Secretary-General on the United Nations Mission in Sierra Leone*, 15 December 2000.

Cases of abuses such as killings and rape should continue to be monitored and recorded by the UNAMSIL human rights section with a view to the investigation and prosecution of those alleged to be responsible.

PART III: INTERNATIONAL STANDARDS AND THE SITUATION IN GUINEA AND SIERRA LEONE

7. Failures on all sides to comply with applicable international standards

The crisis in the Mano River Union countries is complex, chaotic and changes frequently. An uncertain number of armies and armed groups have been involved in the fighting, some larger and more organized than others. Victims have included refugees from Sierra Leone and Liberia, as well as the local Guinean population. The conflict in Guinea itself is between military and armed groups from either Sierra Leone or Liberia.

However, the fighting over the past decade in each of those countries, which lies very much at the root of the current conflict in Guinea, has been primarily internal conflict or civil war. Abuses have been wide-ranging, including killings, torture, including rape, abductions and disappearances, arbitrary arrest and imprisonment.

The UN Inter-agency Mission to West Africa underlined "the importance of ensuring human rights protection at all times, including during periods of political transition and conflict situations...In this regard, the situation at the border between Sierra Leone, Guinea and Liberia, including the lack of access to the population and large numbers of refugees and internally displaced persons, is a matter of grave concern". [13]

In this context three crucial areas of international law are applicable: international human rights law, humanitarian law and refugee law. All have been regularly violated. Until respect for the applicable standards is fully restored, the crisis in Guinea will continue and will likely further deteriorate.

[13] S/2001/434

7.1 International Human Rights and Humanitarian Law Standards

Basic human rights under international law such as the right to life, to be free from torture, including rape, and not to be subject to arbitrary detention have clearly not been respected. These rights are enshrined in international treaties, African regional treaties, and the Guinean Constitution itself. These standards apply equally to Guinean citizens and refugees in the country and have been systematically violated by all parties to the present conflict.

For example, Articles 11 and 16 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment together place an obligation on Guinea to "keep under systematic review...arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment... with a view to preventing any cases of... other forms of cruel, inhuman, or degrading treatment or punishment". The Guinean authorities should also make sure that security forces abide by the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

International humanitarian law establishes minimum standards for the protection of civilians in internal conflict and conflict between states. Recent fighting in this part of West Africa has been both internal and international in nature. Numerous humanitarian law norms make it clear that civilians who are not taking an active part in the fighting shall be protected and not targeted in any way by combatants involved in the conflict[14]. Again protection would apply to Guineans and refugees alike.

For instance, indiscriminate attacks by Guinean forces on RUF-held territory in Sierra Leone appeared to be in clear breach of international humanitarian law, in particular the Geneva Conventions, and Additional Protocol I, to which Guinea is a party. Article 48 of Additional Protocol I states, "In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian objects and military objectives and accordingly shall direct their operations only against military objectives".

[14] Common Article 3 to the Four Geneva Conventions of 12 August 1949, Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International Armed Conflicts, Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of Non-International Armed Conflicts.

7.2 International Refugee Protection and Internal Displacement Standards

7.2.i) Return of Sierra Leonean refugees

"*If I must die, at least let me die at home.*"
Sentiment expressed time and time again in interviews with refugees in Guinea

The fundamental principle that lies at the heart of the international refugee protection system is that of *non-refoulement.* No one should be sent back to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.[15]

That is precisely what is at stake for Sierra Leonean and Liberian refugees who have sought protection in Guinea over the past decade. While the situation in Guinea has become volatile, dangerous and has cost countless refugees their lives, the situation in Sierra Leone remains dangerous and unsafe for return. In that context, many of the refugees interviewed by Amnesty International expressed a strong desire to return to Sierra Leone. They felt that Guinea had become as dangerous as the country from which they had fled. Allowing refugees to make a supposed "voluntary" choice in those circumstances is tantamount to refoulement.

Perhaps most importantly, it is here that the role of UNHCR as the international agency responsible for the protection of refugees is paramount. UNHCR must act to ensure that protection is not sacrificed, lost or diluted; and it must take action when circumstances force refugees into the "choice" so many expressed to Amnesty International in Guinea – remaining in dangerous conditions in Guinea, or returning to dangerous conditions at home in Sierra Leone

Amnesty International welcomes the fact that UNHCR has stated that it does not *promote* voluntary repatriation to Sierra Leone, it only facilitates such repatriation. In fact, as noted earlier in this report, UN Secretary-General Kofi Annan has highlighted that at the present time conditions for the immediate return of all refugees to Sierra Leone do not exist.[16] All voluntary repatriation schemes must therefore be assessed on the basis of whether the refugees would be at risk of persecution or human rights violations during or after return. Amnesty

[15] UN Convention relating to the Status of Refugees, 1951, article 33(1). Article 2(3) of the Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, provides that "No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2."

[16] S/2001/513

International believes that refugees should not be expected or pressured to repatriate voluntarily unless there is clear evidence that the change in the situation from which they fled is of such a profound and enduring nature that the refugees no longer require international protection. Even when such conditions exist in general, individual refugees may still need international protection because of their particular circumstances and fears, and should therefore always be offered the opportunity for an individual assessment of their continued need for protection before being repatriated.

However, given that many Sierra Leonean refugees have, due to insecurity in Guinea, decided to return, UNHCR is acting to *facilitate* the repatriation of those individuals who decide to go back. Amnesty International is concerned that this distinction is misunderstood in some contexts and that UNHCR has conveyed to some refugees a message that it may be safe to return. More troubling, some statements made by UNHCR have suggested a possible willingness to promote return in certain circumstances.

In February 2001, the UN High Commissioner for Refugees, Ruud Lubbers, travelled to Sierra Leone, Guinea and Liberia. At that time he publicly suggested routes of "safe passage" for refugees in Guinea. One such route was to be out of the troubled Parrot's Beak area to new camps further inside Guinea. Another route, depending on the cooperation of the governments of Guinea, Liberia and Sierra Leone, as well as the RUF, was to set up a "humanitarian corridor" from Guinea's Forecariah region through RUF-held territory in Sierra Leone to government-held areas in Sierra Leone. These suggestions were immediately disputed by the international community. UNHCR continued the organized returns to Sierra Leone by sea between Conakry and Freetown. Between December 2000 and the end of May 2001 approximately 35,000 refugees returned to Freetown by sea.

In the early part of 200, Amnesty International was not of the view that Sierra Leoneans should in any way be encouraged to return to Sierra Leone, particularly through areas under the control of the RUF.

The situation for Liberian refugees in Guinea is also very tenuous. The renewed fighting in Lofa County indicates that it is far too dangerous for Liberians to return to Liberia, especially those from Lofa County. Even before the renewed fighting in Lofa County in July 2000, Amnesty International heard reports of some Liberian refugees who repatriated from Guinea were arrested and tortured by Liberian security forces. On 14 June 2000 at least seven Liberian refugees, all Mandingos repatriated from Guinea by UNHCR, were arrested by Liberian security forces at Ganta border post, Nimba County. They were detained and tortured in Liberia for two weeks; at least one is reported to have died in custody.

Despite this, the assistance and support provided to Liberian refugees in Guinea and other countries by UNHCR has been significantly reduced in the past several years, as it has

been thought that conditions in Liberia were conducive to return. Reduced assistance and the deteriorating security situation in Guinea may well lead refugees to return to Liberia. The UN Inter-Agency Mission on West Africa recommended in April 2001 that "the criteria which have caused the reduction in assistance to... Liberian refugees.... should be reviewed". The mission further recommended that assistance should be provided immediately in those cases where conditions for safe and voluntary return were not met.

One clear indication that safe return is not possible is that many Liberians have tried to flee to Guinea but have not been able to do so due to the closure of the country's border with Liberia and the refusal by Guinean authorities to allow Liberian refugees into the country. In May 2001 UNHCR reported that "scores" of Liberian refugees had been turned back at the border by Guinean military and that hundreds had gathered on the Liberian side of the border, waiting to be let through.[17] Border closings in such a context are a contravention of principle of non-refoulement.

7.2.ii) Location of Refugee Camps

The UN Inter-Agency Task Force on West Africa has noted that in Guinea, as in many other countries in the past, refugee camps in border areas pose a threat to national security and also give rise to a risk of refugees being infiltrated or attacked by armed political groups. Insecurity and violence are frequently a problem when refugee camps are located in border areas. Such camps attract cross-border raids and may become convenient bases for armed elements, or be perceived as such. As a result, international standards urge states to strive to keep camps away from border areas. Notably, the Organization of African Unity's Refugee Convention, to which Guinea became a party in 1972, includes the following legal obligation: "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin."[18]

The Executive Committee of the UNHCR reiterated this concern in Conclusion No. 48, adopted in 1987, which calls on states of asylum to "do all within their capacity to ensure that the civilian and humanitarian character" of refugee camps is maintained. Highlighted as an important measure in that respect is that camps, "whenever possible," be located "at a reasonable distance from the frontier of the country of origin."[19]

[17] UNHCR press release, 17 May 2001.

[18] *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1969, article adopted 1969, in force 1974 Guinea party since 1972.

[19] UNHCR Executive Committee Conclusion No. 48, 1987, *Military or Armed Attacks on Refugee Camps and Settlements*

Concerns were raised by UNHCR and a number of groups and individuals over the years that the location of the refugee camps in Guinea was leading to security problems. However, refugees in the camps generally did not want to be relocated further inside the country; and the Guinean government was reportedly opposed to the idea of setting up camps away from the border areas. Some efforts were made in 1999 to begin to relocate refugees away from border areas; however, it was only when crisis hit in September 2000 that dire necessity led to new camps being established well within Guinea.

Now the relocation process from the Parrot's Beak in Guinea is essentially completed, and most of the refugees have been transferred to new camps. While clearly wanting to move out of the violence-plagued areas in the Parrot's Beak and other border areas, refugees also expressed reticence about being forced to these new areas, which are generally at some distance from sizable towns or villages and which they believe will leave them necessarily fully dependent upon aid and relief, and unable to become self-supporting. Some chose not to be transferred for those very reasons.

Amnesty International recognizes that relocating camps is not a simple task when refugee communities themselves may be opposed to the idea. However, the experience in Guinea now stands as yet another stark and tragic reminder of the consequences of failing to abide by standards such as the OAU Convention and Conclusion No. 48. With recent flows of refugees from northern Liberia into both Guinea and Sierra Leone, it is imperative that camps be established at a reasonable distance from the border area. The UN Inter-Agency Task Force on West Africa highlights that in that context effective measures must also be taken to ensure that militia groups or armed elements do not infiltrate the ranks of refugees being transferred to safer areas and that refugees are not enlisted by militias
within camps.[20] The identification and separation of armed elements is vital in ensuring the civilian and humanitarian nature of refugee camps and should be conducted by the Guinean authorities in a fair procedure which should be monitored by UNHCR.

7.2.iii) Responsibility sharing

As highlighted earlier in this document, Guinea's willingness to provide haven to what was, at its peak, a refugee population of some 700,000 has been shown, even though Guinea itself is one of Africa's most impoverished nations.

Refugee protection and assistance is also a matter of international concern. It should not fall only to a host state, particularly in cases of mass influx, to shoulder the burden of protection alone. The UN Refugee Convention, in its preamble, notes that since the "grant of asylum may place unduly heavy burdens on certain countries... a satisfactory solution ... cannot therefore be

[20] S/2001/434

achieved without international cooperation." The vital importance of international solidarity has been reiterated in numerous UNHCR Executive Committee Conclusions.[21]

Some international assistance is being provided to the protection and assistance efforts in Guinea. International agencies such as UNHCR, the World Food Program and others are financed through international contributions. However, Amnesty International is concerned that the international response has been inadequate and that more assistance is required. In late 2000 UNHCR put forward a budget of US$31.5 million to cover operations in Guinea during the year 2001. At the end of the first quarter of 2001, however, UNHCR indicated that it had funds available to cover only 25% of the year's budgeted needs for operations in West Africa.[22] The UN, through the Office for the Coordination of Humanitarian Affairs, made its first consolidated Inter-Agency Appeal for West Africa, seeking approximately US$60.7 million for aid and development efforts in Guinea, Liberia, Sierra Leone and Côte d'Ivoire. As of 23 May 2001 only eight per cent of the needed contributions had been received. A consolidated inter-agency appeal for US$82 million for Sierra Leone had only received 25 per cent of needed contributions at that same date.[23]

Beyond financial assistance is the question of refugee resettlement. Amnesty International interviewed refugees who indicated a desire to return to Sierra Leone because they felt that was the preferable "choice" between two terrible options: remaining in dangerous conditions in Guinea, or returning to dangerous conditions at home in Sierra Leone. No other option has been explored, such as temporary or permanent resettlement in another country for refugees who are particularly at risk.

While Amnesty International urges that as a matter of first concern, immediate action should be taken nationally and internationally to restore safety and protection to both Guinea and Sierra Leone, the organization is also of the view that the international community should increase the capacity for resettlement in a third country to those individuals who continue to be at risk in both countries and to whose plight there is no durable solution available in either Guinea or Sierra Leone. At present, UNHCR lacks sufficient resources to properly identify and process resettlement cases.

7.2.iv) Internal Displacement

[21] UNHCR Executive Committee Conclusion No. 52, 1988, International Solidarity and Refugee Protection, and No. 77, 1995, General Conclusion on International Protection, paragraph (o).

[22] UNHCR Global Appeal 2001; UNHCR Financial Overview 2001, 28 March 2001.

[23] S/2001/513

As noted earlier, some 300,000 Guineans have been displaced as a result of the recent violence in the country. In Sierra Leone, refugees returning from Guinea have added to the already large number of internally displaced in Sierra Leone not to mention the large numbers displaced by aerial attacks in Sierra Leonean territory in Kambia district. Most have not been able to return to their homes and remain displaced. The homes, businesses and livelihoods of many have been destroyed.

Guiding Principles on Internal Displacement adopted by the UN Commission on Human Rights in 1998 set out a framework of international standards which should be applied to ensure the protection of anyone who is displaced in their own country.[24] The guidelines reaffirm the rights that are applicable in a non-discriminatory manner, such as an adequate standard of living, which includes essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation, and the rights of internally displaced people to seek safety in another part of the country, leave their country, seek asylum in another country and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.[25]

Notably the Guiding Principles confirm that while primary responsibility for protecting and assisting internally displaced persons rests with national authorities, international humanitarian organizations also "have the right to offer their services in support of the internally displaced". International organizations are urged to pay particular attention to the protection needs and human rights of internally displaced persons when providing assistance.

Organizations such as the International Committee of the Red Cross (ICRC) and the World Food Programme have been providing emergency assistance to displaced Guineans, to the extent that the volatile security situation in the region has allowed over the past several months. The ICRC also has begun to assist with longer-term rebuilding efforts in the town of Guékédou.[26] There is clearly a pressing need for significant international assistance in many towns and villages throughout southern Guinea, to ensure protection and assist in recovering from the devastation of attacks and fighting.

PART IV: RECOMMENDATIONS

[24] *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 11 February 1998.

[25] *Guiding Principles* 15 and 18.

[26] ICRC Press Release, March 30, 2001, *Republic of Guinea: Clean-up begins in devastated town*.

The crisis in the Mano River Union countries is clearly regional in scope and therefore requires regional solutions. Significantly the crisis in Guinea has arisen due to the failure effectively to deal with massive human rights violations in Sierra Leone and Liberia over the past decade, and continuing violations at present in both of those countries. Amnesty International has made numerous recommendations to governments in the region, armed political groups and the international community as to steps that must be taken in order to ensure basic human rights are respected. Recommendations made here complement and build upon those earlier recommendations and are directed at the specific nature of the current crisis.

Recommendations to the government of Guinea:

- give clear instructions from the highest levels of government to all government forces that human rights violations such as killings and rape will not be tolerated and those responsible will be brought to justice, and that international human rights standards and humanitarian and refugee law must be scrupulously observed;

- investigate all reports of human rights violations promptly, effectively, thoroughly, impartially and independently, and bring to justice those responsible in trials which comply with international standards of fairness, which exclude the use of the death penalty and award victims reparation;

- monitor to ensure that refugees are not deliberately targeted on suspicion of backing the parties to the cross-border fighting, including providing comprehensive training for all security forces in international and regional refugee law and human rights and humanitarian law standards on the treatment of refugees, as well as by registering and providing regular identity documents to all refugees;

- ensure that refugees and internally displaced people are protected from human rights abuses and are allowed to move to safer areas within the country or to leave the country without harassment or intimidation by the security forces;

- ensure that any detainees, including women and children, who are not to be charged with a recognizably criminal offence are released immediately;

- ensure unhindered and safe access for humanitarian agencies to all areas, including camps for refugees and internally displaced people;

- observe scrupulously the principle of non-refoulement; allow those in need of international protection to cross the borders into Guinea; and neither encourage nor force the return of refugees currently in Guinea to Liberia or Sierra Leone unless and until all conditions for safe repatriation are met;

- maintain the civilian character and humanitarian nature of refugee camps in a manner which respects the rights of refugees; ensure that all camps are located in suitable and safe sites at a reasonable distance from borders; and identify and separate the armed elements from the refugee population in a fair procedure;

- implement fully international standards relating to refugees and internally displaced people, in particular the UN Convention relating to the Status of Refugees, the Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa and the UN Guiding Principles on Internal Displacement;

- implement fully international human rights instruments ratified by Guinea, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- end any military support to armed political groups where this contributes to human rights abuses, including by ending the trade in diamonds from RUF-held areas of Sierra Leone.

Recommendations to the government of Liberia:

- give clear instructions from the highest levels of government to all government forces that human rights violations will not be tolerated and those responsible will be brought to justice, and that international human rights standards and humanitarian and refugee law must be scrupulously observed;

- investigate all reports of human rights abuses promptly, effectively, thoroughly and impartially, and bring to justice those responsible in trials which comply with international standards of fairness;

- provide comprehensive training for all security forces in international and regional human rights, humanitarian and refugee law standards on the treatment of refugees;

- ensure that refugees and internally displaced people are protected from human rights abuses and are allowed to move to safer areas within the country or to leave the country without harassment or intimidation by the security forces;

- ensure unhindered and safe access for humanitarian agencies to all areas, including camps for refugees and internally displaced people;

- observe scrupulously the principle of non-refoulement; allow those in need of international protection to cross the borders into Liberia; and neither encourage nor force the return of refugees currently in Liberia to Sierra Leone unless and until all conditions for safe repatriation are met;

- implement fully international standards relating to refugees and internally displaced people, in particular the UN Convention relating to the Status of Refugees, the Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa and UN Guiding Principles on Internal Displacement;

- end any military support to armed political groups where this support contributes to human rights abuses, including by ending the trade in diamonds from rebel-held areas of Sierra Leone.

Recommendations to the government of Sierra Leone:

- observe scrupulously the principle of non-refoulement, allow those in need of international protection to cross the borders into Sierra Leone and neither encourage nor force the return of refugees currently in Guinea and Liberia to Sierra Leone unless and until all conditions for safe repatriation are met;

- ensure that the protection and humanitarian needs of refugees and internally displaced people in Sierra Leone and those returning home continue to be monitored and are fully met, including by fully implementing international standards relating to refugees and internally displaced people, in particular the UN Convention relating to the Status of Refugees, the Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa and UN Guiding Principles on Internal Displacement;

- ensure that the relocation of internally displaced people within Sierra Leone takes place in safety and dignity;

- ensure that any relocation of internally displaced people by the authorities is only carried out after a thorough and impartial assessment of the human rights situation throughout the designated area shows that it will remain stable over the long term; and ensure that the best possible information about the situation is made available to internally displaced persons;

- provide comprehensive training for all security forces in international and regional human rights and refugee law standards on the treatment of refugees;

- investigate all reports of human rights abuses promptly, effectively, thoroughly and impartially, and bring to justice those responsible in trials which comply with international standards of fairness and which exclude the use of the death penalty.

Recommendations to the leaders of armed political groups operating in Guinea and Sierra Leone

- publicly commit themselves to safeguarding human rights and ensure that their combatants do not carry out human rights abuses such as killings and rape;

- give immediate and clear instructions from the highest levels of leadership and command to all combatants that human rights abuses against civilians will not be tolerated and condemn publicly breaches of international humanitarian law;

- remove any combatant suspected of human rights abuses against civilians from situations where abuses might recur;

- end immediately the abduction of civilians, release all civilians currently held as captives, including women and children, and release all children who have been used as combatants or in any way associated with fighting forces and ensure that no other such abduction will occur again;

- ensure unhindered and safe access for humanitarian agencies to all areas, including camps for refugees and internally displaced people.

Recommendations to UNHCR:

- ensure that the protection and humanitarian needs of refugees in the region are fully met and that any spontaneous returns take place in safety and dignity;

- continue to work to ensure that all refugee camps are located at a reasonable distance from borders, including by urgently relocating Liberian refugees in areas around Macenta and Nzérékoré in Guinea to safer areas away from borders;

- maintain the civilian character and humanitarian nature of all refugee camps; monitor the identification and separation of armed elements from the refugee population; ensure that the new camps are established in suitable and safe sites and in such a manner that all refugees are adequately protected and registered and that the protection needs of women, children and vulnerable groups are fully met, including by consulting refugees, in particular women, on their protection and assistance needs;

- seek to ensure that all refugees and those returning to Sierra Leone are adequately registered so that they can access protection in Guinea and Sierra Leone, including by assisting in the registering of all refugees as well as returnees;

- ensure that all refugees have the best possible information about the situation in their country of origin and about other options available to them, such as relocation or resettlement;

- increase UNHCR capacity to identify individuals at risk in their country of refuge and to refer such cases for resettlement;

- continue to just facilitate and not promote the voluntary repatriation of refugees until there is an independent and impartial assessment that shows that there has been a fundamental and lasting change of the human rights situation in Liberia and Sierra Leone; ensure that the governments of Guinea, Liberia and Sierra Leone adhere to the principle of non-refoulement;

- use all available influence to bring pressure to bear on all parties involved, particularly those governments or armed political groups with whom UNHCR has contact, to end human rights abuses against refugees and violations of international refugee protection principles;

- in a coherent manner document human rights violations against refugees and displaced persons, in particular rape and other forms of sexual violence, so as to facilitate the provision of sustained and adequate assistance, including psycho-social care in Guinea and Sierra Leone.

Recommendations to the international community:

- ensure that the responsibility for protecting and assisting refugees is fully shared and is not left to rest solely with the host governments of the region, particularly Guinea;

- provide adequate financial and political support for UNHCR to implement its protection mandate effectively throughout the region;

- ensure that refugees and internally displaced people who have been victims of human rights abuses, in particular rape and other forms of sexual violence, are provided with sustained and adequate assistance, access to psycho-social care, treatment, and legal advice;

- assist the governments of the region in providing comprehensive training for all security forces in international human rights and refugee law standards on the treatment of refugees;

- ensure that refugees are able to make free and informed choices on whether to return to their country and are able to do so in safety and dignity, and that the principle of non-refoulement is strictly adhered to by all relevant governments;

- ensure that internally displaced people are not coerced or forced to return to areas where they might be at risk of serious human rights violations and that the UN Guiding Principles on Internal Displacement are fully respected;

- ensure that UNAMSIL peace-keeping troops have the necessary authority, training and logistical support to fulfil vigorously their mandate to protect civilians from human rights abuses in Sierra Leone;

- increase capacity for resettlement of individuals identified to be at risk by UNHCR and other agencies and human rights organizations;

- use all available influence to bring pressure to bear on all parties to end human rights abuses;

- act promptly to end impunity for human rights abuses in Guinea, Liberia and Sierra Leone, particularly through supporting and developing domestic criminal justice systems and the Special Court for Sierra Leone so that those responsible for crimes involving human rights abuses can be brought to justice in trials which comply with international fair trial standards without recourse to the death penalty;

- establish an independent and impartial human rights monitoring presence in the region, with clear authority to monitor respect for the human rights of the civilian populations, including refugees, internally displaced people, and returning refugees, and to report regularly and publicly;

- take effective measures to prevent arms transfers and other military assistance to the region where this could contribute to serious human rights abuses, including by ending the trade in diamonds from rebel-held areas of Sierra Leone.