

1. History

On 25 May 1997 Johnny Paul Koroma, the leader of the abortive coup of September 1996, was freed from Freetown prison by dissident members of the Republic of Sierra Leone Military Forces, one day before he and eight others were to stand trial for their involvement in the coup. During that action all prisoners, including some dangerous criminals, were freed and handed weapons to fight the troops loyal to the Government. The State radio announced on the same day that President Ahmad Tejan Kabbah had fled the country. Paul Koroma was appointed Chairman of the newly formed Armed Forces Revolutionary Council (AFRC). On the same day (25 May 1997) he appointed himself Sierra Leone's Head of State. The AFRC suspended the Constitution, banned all political parties and announced that all legislation would be enacted by military decree.

Koroma invited the existing Revolutionary United Front (RUF) to help run the country. The RUF soon took over power in the junta, but Koroma continued to chair the AFRC. Large-scale looting broke out in Freetown after the coup. The situation deteriorated when RUF forces arrived in Freetown in large numbers. They were not being paid regularly and abused their power flagrantly. Large-scale human rights violations went unpunished. Hundreds of people were arbitrarily arrested and imprisoned. Many were tortured. Extrajudicial executions also took place. At the request of the exiled President Kabbah, heavily armed ECOMOG ⁽¹⁾ troops consisting mainly of Nigerians arrived in Freetown and seized Lungi Airport. On 3 June 1997 US troops, using helicopters, evacuated about 1250 foreigners. On the same day the Nigerian ECOMOG troops withdrew to the airport after encountering heavy opposition.

Johnny Paul Koroma was sworn in as Head of State by Sierra Leone's Supreme Judge on 17 June 1997. He announced that all ethnic groups would be represented in the new government.

An ECOWAS summit meeting in Conakry (Guinea) on 26 and 27 June 1997 decided to take action against Koroma's government. A blockade of sea and air routes to Sierra Leone came into force in mid-July. In July 1997 peace talks took place in Abidjan (Ivory Coast) between ECOWAS Ministers and a delegation from Koroma's government. A provisional ceasefire was agreed on 18 July, but the talks were broken off on 30 July following statements by the Sierra Leonean junta that it wished to remain in power until the year 2001. A new Constitution would be drawn up in the intervening period.

The above developments brought military intervention nearer. In neighbouring Liberia ECOMOG troops had been standing by since Paul Koroma's take-over in order to invade Sierra Leone and restore order. Some 4000 ECOMOG Nigerian troops were still stationed in and around Freetown, controlling the harbour and the airport and maintaining the sea and air blockade. Partly as a result of this, food stocks fell sharply, health care collapsed and electricity ran out. Many mining companies ceased operating, thereby depriving the junta of a major source of income.

⁽¹⁾ ECOWAS = Economic Community of West African States; ECOMOG = ECOWAS Monitoring Group. ECOWAS is an intergovernmental organisation comprising 16 West African States with its headquarters in Nigeria. Its aim is to promote economic development and regional cooperation.

On 30 August 1997 ECOWAS decided to impose sanctions on the Sierra Leonean junta. With the backing of a UN mandate, ECOMOG was instructed to enforce an economic boycott. Some of the troops were sent to Sierra Leone in order to enforce the arms embargo.

Fighting regularly broke out between ECOMOG troops and junta troops, with ECOMOG fighter aircraft bombing the military headquarters in Freetown and a radio station and the artillery shelling the harbour. Many inhabitants died during a mass exodus from Freetown.

On 23 October 1997 the ECOWAS Committee of Ministers and the Sierra Leonean junta signed the Conakry Communiqué enshrining a peace plan which provided for the return of President Kabbah's government after six months and the immediate cessation of hostilities. It also provided for the disarming and demobilisation of the junta militias. The junta leaders would not be prosecuted and Foday Sankoh, the leader of the RUF, who had been placed under house arrest in Nigeria, would actively participate in the peace process; 22 April 1998 was set as the target date for President Kabbah's return. However, in mid-December the junta objected to the peace plan's provisions concerning President Kabbah's return and the disarming of the militias by ECOMOG. A demand was also made for Sankoh's release.

About February 1998, fighting broke out around Freetown between Nigerian ECOMOG units and the AFRC/RUF. On 15 February 1998, after a fierce battle claiming many civilian casualties, ECOMOG troops had Freetown firmly under control and the junta leaders had either been taken prisoner or routed. According to UN estimates 250 000 inhabitants had fled Freetown. On 23 February 1998 ECOMOG troops seized the third largest town in the country, Bo. Retreating to the interior, the heavily armed supporters of the junta looted everything on their path, raiding even hospitals and leper colonies.

Freetown's airport, Lungi, was reopened to civil aircraft on 25 February, two days after the embargo had been lifted and the port of Freetown reopened to shipping. President Kabbah returned to Freetown from exile on 10 March.

2. Security situation

Assessments of the security situation in Sierra Leone vary widely. The Government in Freetown and ECOMOG regard the attacks and terrorist activities by RUF and AFRC forces as the final convulsions of splinter groups. According to some aid organisations, however, there is reliable evidence of organisation and strategy which may increasingly destabilise the entire country.

The RUF rebels, who had previously been concentrated primarily in the eastern area around Kailahun, have now penetrated towards the north and are increasingly making the entire area unsafe by local attacks. Attacks on villages are accompanied by unimaginable cruelty. Villagers are raped, murdered or maimed by hacking off ears, hands and/or feet and children are kidnapped in order to conscript them into the rebel forces. Villages are being burnt down and possessions and harvests destroyed. All this causes the remaining villagers to flee the area.

Sierra Leone no longer has an official government army of its own, because at the time its army joined the rebels, who were subsequently driven out of Freetown by ECOMOG. The latter, numbering some 12 000 men, most of them Nigerians and Guineans, is responsible for security throughout the country. Owing to the rebels' guerilla tactics, ECOMOG succeeds only partly in maintaining security. Once in a while it is successful. Recently the town of Kabala in the north was retaken from the rebels after heavy fighting.

Besides ECOMOG a Civil Defence Force (CDF) is operational in Sierra Leone; it is estimated to number some 50 000 to 60 000 men, and consists of locally organised indigenous civil defence units. In the south these are the *Kamajors*. The latter, who are increasingly coming under ECOMOG's control, fight the rebels in their own (cruel) fashion. For this they also make use of child soldiers, although their leader, Chief Norman, has declared to the UNSG special Representative for children in conflict, Olara Otunnu, that this practice will stop.

A CDF-assisted ECOMOG offensive to drive out the rebels out of the Kailahun area is in preparation, but is being held up by a shortage of troops. According to ECOMOG the southern area up to the Liberian border is fairly safe, although a rebel attack recently took place only 30 km from Kenema. In Kenema there is a camp for displaced persons sheltering 7 000 people, including 2 000 new arrivals since April. None of them can return to their villages because of the security situation; most villages are completely destroyed anyway.

The UNHCR estimates that, following the February ECOMOG operation and subsequent RUF terrorist actions, some 200 000 Sierra Leoneans have fled to the area near the Guinea border. It puts the total number of displaced Sierra Leoneans at about 600 000, including 400 000 in Guinea, 184 000 in Liberia and 10 000 in other countries.

3. Latest developments

On 13 July 1998 the United Nations Security Council adopted Resolution 1181 establishing the United Nations Observer Mission in Sierra Leone (UNOMSIL). UNOMSIL, currently stationed in Freetown, consists of 70 military observers and a small medical unit. Its mandate is to monitor the military and security situation in the country as a whole and, in the first instance, to advise the Special Representative of the Secretary-General when conditions are sufficiently secure to allow the deployment of some 40 military observers in areas made secure by ECOMOG. UNOMSIL is also charged with reporting on human rights violations.

UNOMSIL's first report is expected around mid-August. A "Special Conference on Sierra Leone" took place in New York on 30 July 1998 under UN auspices. That meeting expressed its horror at the acts of violence committed by the AFRC and the RUF and called upon the rebels to end those practices and to demobilise and disarm. Support was expressed for President Kabbah's government and policy intentions, and appreciation for the work done by ECOWAS/ECOMOG.

4. EU Member States' return policies

The Belgian authorities consider Freetown relatively safe in view of ECOMOG's presence. This does not yet apply to the rest of the country. 297 Sierra Leoneans applied for asylum in Belgium in 1997, and some 170 in 1998. Asylum applications by Sierra Leoneans (including junta sympathisers) are considered favourably. Rejections may occur, but no Sierra Leoneans are sent back, partly owing to the almost insuperable problems in obtaining travel documents. Neither in 1997 nor in 1998 was a single person expelled from Belgium to Sierra Leone.

The Swiss authorities forcibly repatriated 7 asylum-seekers in 1997.

Austria is not currently sending any rejected asylum-seekers back to Sierra Leone.

Italy has so few Sierra Leonean asylum-seekers that it has not yet formulated a return policy.

The United Kingdom, which plays a leading role in Sierra Leone, considers the situation there sufficiently safe to send asylum-seekers who have exhausted all remedies back to Freetown. This year the UK has received 340 asylum applications by persons from Sierra Leone, of which 5 have so far been rejected. Two persons in that group have since been sent back to Sierra Leone.

Denmark has no record of Sierra Leonean asylum-seekers.

Germany sent two persons back to Sierra Leone in the first half of 1998. It is not known if these were asylum-seekers who had exhausted all remedies.

France has sent 5 Sierra Leonean nationals back to Freetown this year. It is not known if these were asylum-seekers who had exhausted all remedies.

5. Return

The presence of ECOMOG troops has improved the security situation in Freetown in particular but also, albeit to a lesser extent, in the south of the country. The airport of Freetown was reopened on 25 February. When asked about the matter, UNHCR Geneva declared that Sierra Leonean asylum-seekers who have exhausted all remedies can return to Freetown and those areas pacified by ECOMOG. Worthy of note here is that displaced Sierra Leoneans are tentatively returning to Freetown from the area near the Guinean border. The UNHCR strongly advises against returning to areas where the RUF and the AFRC are in control and are carrying out attacks, i.e. the north, the east and the north-east. Those areas contain, *inter alia*, the districts of Koidu, Koindu and Kailahun in the east and the area around the town of Kabala in the north. The UNHCR's Protection Division is willing to give advice in cases of doubt.

6. Conclusion

I do not consider it *a priori* irresponsible to send rejected Sierra Leonean asylum-seekers back to Freetown. I share the UNHCR's view that it is irresponsible to return persons to areas where RUF and AFRC combatants are active. At this stage no unequivocal opinion can be given on other areas in Sierra Leone. If need be, I suggest that you seek the advice of the UNHCR's Protection Division.

For the Minister for Foreign Affairs,

The Director for Movements of Persons, Migration and Consular Affairs

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