



Centre for
Human Rights and
Restorative Justice

**REFERENCES TO THE WORDS:
CHILD, CHILDREN and CHILD SOLDIERS**

**Truth and Reconciliation Commission Report
Liberia and Sierra Leone**

**Dr. Melike YILMAZ
Research Coordinator**



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<https://truthcommissions.humanities.mcmaster.ca/>

Note on Word Frequency Query:

Minimum 4 letter words were chosen (rather than 3 letter word length)

4 letter words were preferred so that years (such as 2020, 2021, and so on) can also be found.

Unnecessary words are deleted in the list such as the following: like, made, also, many, given, within, became, another, first.

Note on software:

The word references analysis was done by NVivo software.

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Researcher Notes on the Reports of Liberia and Sierra Leone Details:

This Qualitative Analysis Report is on references to “Child Soldiers” in the Truth and Reconciliation Reports of all African countries. CHRRJ has produced reports on Ghana, Kenya, Liberia, Mauritius, Nigeria (unofficial), Morocco, Rwanda, Sierra Leone, South Africa, Tunisia and Rwanda. Only two reports focus specifically on child soldiers: those of Liberia and Sierra Leone. This report focuses on these two.

The Report on South Africa does not focus on “child soldiers.” However, the term is mentioned in one paragraph under the title of “The impact of apartheid on children and youth”. The following is a direct quote of the only mention of “child soldiers” in the South Africa report:

“Child soldiers and activists who were exposed to or involved in extensive acts of violence may have become desensitised to suffering. Many have been deprived of opportunities for physical, emotional and intellectual development. After the conflict was over, it was difficult to take up life as it was before, especially where there was a lack of education, training, decent living conditions and jobs. Effective social reintegration depends on support from families and communities.” (South Africa TRC Report, Volume 4, Chapter 9, Special Hearing on Children and Youth)

Apart from the Truth Commission reports of Liberia, Sierra Leone and South Africa, others do not make reference to “child soldiers”.

- Liberia Final Report was published in 2009. Pdf has 491 pages, consists of two volumes:

Volume I is pages between 1 and 107.

Volume II is pages between 108 and 491. Volume II is a Consolidated Final Report.

- Sierra Leone Report was published in 2004. Pdf has 1829 pages, consists of three volumes:

Volume One is pages between 1 and 247.

Volume Two is pages between 248 and 750.

Volume Three A is pages between 751 and 1314.

Volume Three B is pages between 1315 and 1829.

- In Sierra Leone Report:

UNICEF (United Nations Children's Fund) has significant role in the report. The Commission accordingly recommends the widest possible dissemination of its Report and its different versions, including the Children's Version (Produced in collaboration with UNICEF), which was written with the assistance of children. More detail on the children's version of the report can be found in the chapter four Children in Volume Three B. The pages is between 1546 and 1652. And chapter five is about "Youth".

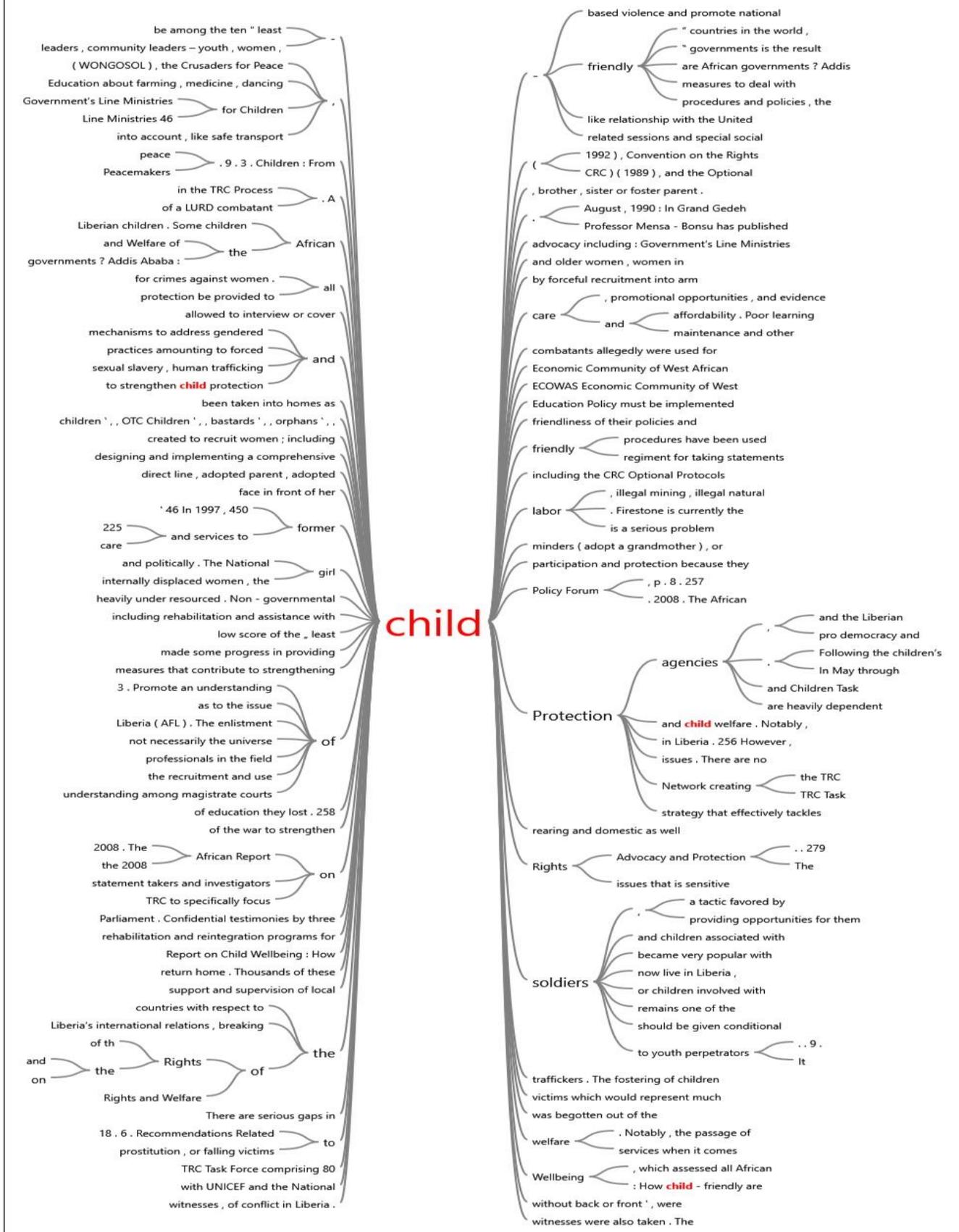
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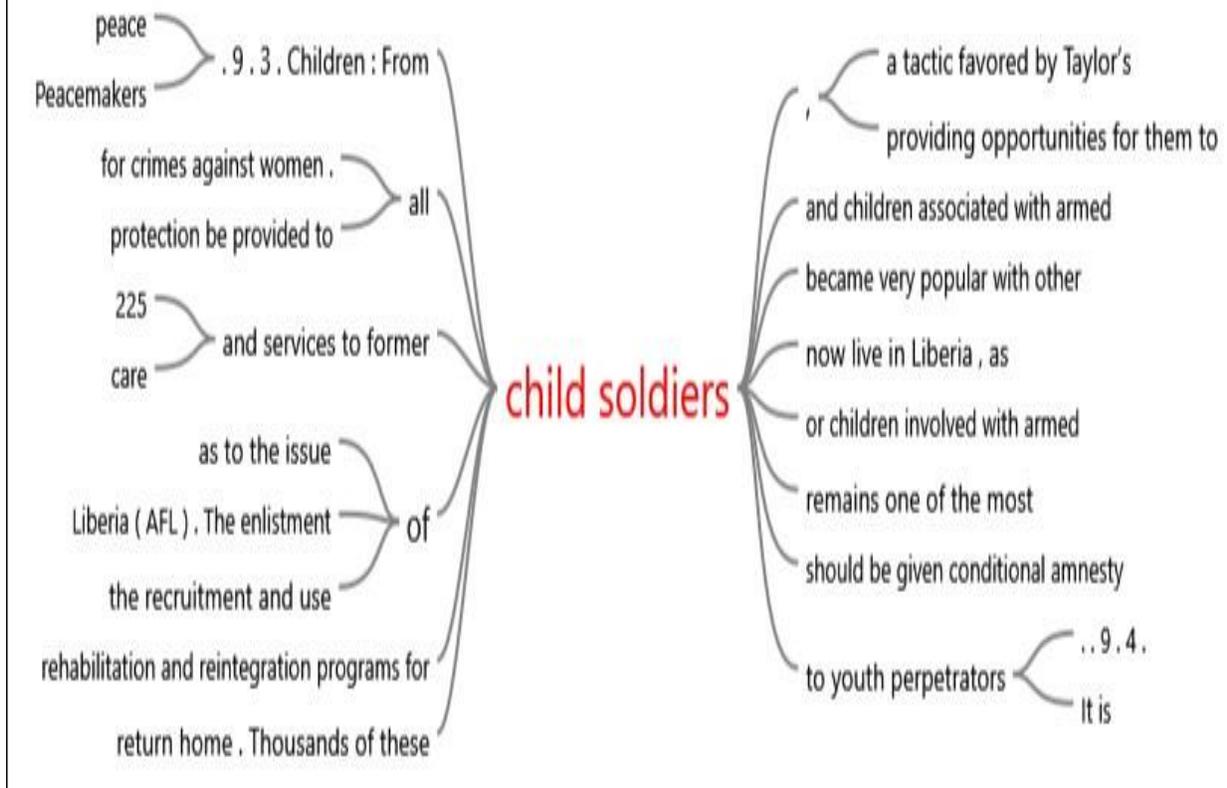
Word Frequency Query

liberia	rights	violations	commission	president	taylor	crimes	court	forces	country	monrovia	communi	media	security	work		
								2003	without	support	establishe	institution	states	justice		
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liberian	international	women			peace	victims	groups		committe	article	domestic	africa	rape	project	forced	
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			people	process		economic	hearings	society	violence	several	social	conduct	african	based	provide	indigen

References to Child in Liberia Report - Results Preview



References to Child Soldier in Liberia Report - Results Preview



Name: References to Child - Children in Liberia Report - Results Preview

<Files\\Liberia.TRC_Report-FULL> - § 185 references coded [5.62% Coverage]

Reference 1 - 0.01% Coverage

and International Outreach and Hearings
iii. Women iv. Children v. Youth

Reference 2 - 0.01% Coverage

Inquiry, Investigation and Witness Protection
Victims a. Women b. Children c. Other vulnerable groups d. Public Hearings

Reference 3 - 0.01% Coverage

Forces of Liberia African Union
Convention on the Rights of the Child

Reference 4 - 0.01% Coverage

promote justice and genuine reconciliation.
9. All factions and other armed groups recruited and used children during periods of armed conflicts.

Reference 5 - 0.02% Coverage

3. The massive wave of gross violations and atrocities which characterized the conflict assumed a systematic pattern of abuse, wanton in their execution, and the product of deliberate planning, organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, and women, the elderly, disarmed or surrendered enemy combatants, etc.

Reference 6 - 0.02% Coverage

5. Reparation is a desirable and appropriate mechanism to redress the gross violations of human rights and shall apply to communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure as well as justice and genuine reconciliation.
6. General amnesty for children is desirable and appropriate. Amnesty for crimes lesser than gross violations is also desirable and in certain circumstances appropriate to foster national healing and reconciliation.

Reference 7 - 0.03% Coverage

against the Government of Liberia.

Commissioner Dede Dolopei, Vice-chair of the TRC, was a Liberian administrator, manager, social worker and peace activist. She holds a BBA in accounting with an emphasis in management from the University of Liberia where a Msc. candidate is also in regional planning. Commissioner Dolopei served as a member of the board of directors for National Women's Commission of Liberia and the Christian Foundation for Children and the Aging. She has been instrumental in the promotion and protection of women's rights in Liberia and is well-known for her efforts and expertise in peace building, conflict resolution and psychosocial counseling.

Reference 8 - 0.10% Coverage

Prof. (Mrs.) Henrietta Joy Abena Mensa Bonsu, was a serving member of ITAC. A national and internationally renowned legal academic, Prof. Joy Abena Nyarko Mensa-Bonsu who was nominated to the International Technical Advisory Committee by Economic Community of West African States (ECOWAS) is a Professor of the Faculty of Law, University of Ghana and once served as Vice-Dean of the Faculty of Law. She holds an LL.B First Class Honours (University of Ghana); LL.M. (Yale University) and was called to the Ghana Bar in 1982. She is the recipient of several academic awards and fellowships including Fulbright Fellowship. She was elected a Fellow of the Ghana Academy of Arts and Sciences in 2003 and currently serves as the Honorary Secretary of the Academy. Prof. Mensa-Bonsu has served her country in several capacities including membership of the Police Council of Ghana as the President's Nominee. She has previous experience of TRC work as a Commissioner of the National Reconciliation Commission of Ghana. She has also undertaken international assignments as a member of the OAU's Committee of Eminent African Jurists on the Lockerbie Case and the AU's Committee of Eminent African Jurists on the Hussein Habre Case. She was also a member of the Advisory Panel of the International Bar Association for the drafting of a Code of Professional Conduct for Defence Counsel appearing before the International Criminal Court and was Ghana's representative on the Intergovernmental Committee of Experts on the Drafting of the African Charter on the Rights and Welfare of the African Child. Professor Mensa-Bonsu has published widely on Criminal Law, Juvenile Justice, Children's rights, Family Law, and authored some basic texts in Criminal Law, including The Annotated Criminal Code of Ghana; The Annotated Criminal Procedure Code of Ghana; and The General Part of Criminal law,- A Ghanaian Casebook, vol. I and II . She is a member of Accra Ebony Lions Club and has held various positions of responsibility including Zone Chairman of Zone 161 of the International Association of Lions Clubs. She is married with three daughters and is currently the

Reference 9 - 0.02% Coverage

e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.

Reference 10 - 0.02% Coverage

the Commission, and its findings.

From this background, the TRC must not only investigate and determine responsibility for violations of international human rights law (IHRL) and international humanitarian law (IHL) as well as their motives and

impact on victims, but also determine the historical antecedents or causes of violent conflict in the country, conduct an audit of Liberian history to offer historical correctives, develop sustainable mechanisms to address gendered and child-based violence and promote national rehabilitation, reconciliation and

Reference 11 - 0.08% Coverage

This process required canvassing over fifty human rights, humanitarian and other-related treaties, ascertaining the precise status of regional and customary international law, norms applicable to Liberia as well as examining the jurisprudence and practice of the various international and ad hoc criminal tribunals and truth and reconciliation commissions, respectively. This endeavor was further complicated by the unique temporal mandate of the TRC (from January 1979 to October 2003), which, for example, begins during the Cold War era and continues through the immediate post-Cold War into the twenty-first century. During this twenty-four year period, regional and international law significantly evolved, requiring nuanced analysis and legalistic filtering. For example, prior to the end of the Cold War, there was no comprehensive international protective regime for children; however, since 1990, the African Charter on the Rights and Welfare of the Child (1992), Convention on the Rights of the Child (CRC) (1989), and the Optional Protocol to the CRC on the involvement of children in armed conflict (2004) have crystallized into hard law along with complementary customary international law. Consequently, in 1979, Liberian children had fewer rights under regional and international law than they did in 1999. Not only did the TRC have to account for the evolution of regional and international law but also the critical distinction between IHRL and IHL. Consequently, the TRC addressed these temporal and substantive dichotomies by employing a sequential analysis for reviewing allegations, for developing broad standards, by only making determinations of responsibility using legal precepts applicable at the time that the alleged crimes occurred, and by drawing a fine line between IHRL- and IHL-based violations.

Reference 12 - 0.05% Coverage

emblems of the Geneva Conventions.

Protocol II states, 'a+ll persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices.' It requires that such persons always be treated humanely, 'without any adverse distinction.' Protocol II strictly prohibits any order that there 'shall be no survivors' as well as the following acts against persons: (1) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (2) Collective punishment; (3) Taking of hostages; (4) Acts of Terrorism; (5) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, sexual slavery, sexual violence and any form of indecent assault; (6) Slavery and the slave trade in all their forms; (7) Pillage; (8) Sentencing or Execution Without Due Process; (9) Using, Conscripting or Enlisting Children in Armed Conflict; and (10) Threats to commit any of the foregoing acts.

Reference 13 - 0.02% Coverage

f. Helping restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and

perpetrators, giving special attention to the issue of sexual and gender based violence and most especially to the experiences of children and women during armed conflicts in Liberia;

Reference 14 - 0.02% Coverage

given to it in confidence;

n. The TRC shall take into account the security and other interests of the victims and witnesses when appearing for hearings, design witness protection mechanisms on a case by case basis as well as special programs for children and women both as perpetrators and victims under burdens of trauma, stigmatization, neglect, shame, ostracization, threats, etc. and others in difficult circumstances who may wish to recount their stories either in privacy or public, subject to the discretion of the TRC.

Reference 15 - 0.04% Coverage

violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators.' It also required that the TRC give special attention to the issue of sexual and gender based violence, particularly with respect to women and children. Consequently, the TRC decided that in order to protect the physical and psychological welfare of victims and alleged perpetrators, victims were informed about the appearances of alleged perpetrators and were free to attend public hearings if they desired to without being in conflict with or required to be in close proximity to them. The TRC decided against providing a venue for the accuser, particularly the most violent ones, to confront the accused, for security reasons, among others. While such exchanges took place, they were limited and did not occur frequently.

Reference 16 - 0.02% Coverage

sensitization and awareness campaign associated with it. Staff associated with the Diaspora Project in the United States of America, Ghana and Nigeria, were similarly trained as coders and community mobilizers to ensure that TRC techniques were mainstreamed among all staff. All training programs focused a gender dimension that included emphasis on women and children's issues.

Reference 17 - 0.05% Coverage

C. Statement-Taking

Between 2005-2006, approximately two hundred individuals were recruited nationwide from local communities as statement-takers and trained to solicit the voluntary narratives of individuals recounting their personal experiences and accounts of the conflict either as victims, witnesses, perpetrators, or as family members and loved ones from their communities. The statement forms were specifically designed to be gender sensitive, victim friendly, while special forms were designed for children statement-givers. This method employed a confidential interview using probing questioning techniques to assist the statement-giver in recounting traumatic events or experiences and to provide factual accounts or evidence of events that took place. Recommendations for how the TRC should proceed with its work and its final report were also solicited from those persons that participated in the process and the public in general. As a result of its careful statement-taking approach the TRC generated goodwill with the public and succeeded in

obtaining over 20,000 statements from Liberians in Liberia and in the Diaspora including the U.S. and West Africa.

Reference 18 - 0.02% Coverage

Liberian refugees confrontations with the authorities of Ghana unsettled the planned hearings in the West African sub-region. The hearings including seven months of victims' and witnesses' testimonies and, to date, four months of actors, thematic and institutional hearings, which provided vital accounts and perspectives under the broader 'contemporary history of the conflict theme'. Special considerations have been made to accommodate women, children, elderly, handicap and other vulnerable groups.

Reference 19 - 0.01% Coverage

Society Participation, Outreach and Hearings

This section discusses the various civil society participation and outreach activities of the TRC inclusive of national and international hearings processes. In this context, it will also highlight the various activities that the TRC designed and implemented for women and children.

Reference 20 - 0.03% Coverage

the destruction of the country's infrastructure. Unfortunately, women bore a disproportionate amount of suffering during the war. Women were often brutally raped and kidnapped, forced to watch their husbands and children tortured and killed or forcibly conscripted into various warring factions. Thousands of children and youth were forced to take drugs as a means to control and teach them to kill, maim and rape without conscious making them virtual killing machines. It is estimated that the conflict in Liberia produced the highest number of female perpetrators in comparison to civil conflicts in other parts of the world.

Reference 21 - 0.05% Coverage

For historical, cultural, social, political, economic and other reasons, women's experiences are often not reported and hence underrepresented in reported violations. Recognizing this reality, the TRC Act provides guidelines for the treatment of women in the TRC process. In addition to the Preamble, nine sections of the Act speak to women's realities and how they should be incorporated in the TRC process. These provisions and references demand the effective participation of women at all levels and in all aspects of the TRC process, including as Commissioners, managers and staff of the TRC, petitioners, victims, perpetrators, victim-perpetrators, and witnesses. Article IV and VI of TRC Act specifically requires the TRC to adopt mechanisms and procedures to address the experience of women, children and vulnerable groups; pay particular attention to genderbased violations; employ specialists in women's rights; protect women's safety; and not endanger women's social reintegration or psychological recovery.

Reference 22 - 0.02% Coverage

iv. Children

The TRC Statute requires the TRC to specifically focus on child participation and protection because they were targeted and victimized in Liberia's successive wars. They were illegally recruited to take part in hostilities-became victims-perpetrators and witnesses, of conflict in Liberia. Child friendly procedures have been used and

Reference 23 - 0.09% Coverage

legal safeguards established to protect the rights of children's participation in the TRC process. In addition, protective measure were taken to conceal the identity of children, no video coverage was permitted, media was not allowed to interview or cover child-related sessions and special social workers were trained and available to assist them to provide counseling to them prior to, during and after the hearings.

From the onset, the TRC sought to ensure that children played a significant role in its activities. Consequently, the TRC invited the United Nation Children's Fund (UNICEF) to be one of its key partners. It negotiated an MOU with UNICEF and the National Child Protection Network creating TRC Task Force comprising 80 child protection agencies. Following the children's protection orientation training for TRC Commissioners and four sets of training for TRC statement takers and investigators on child-friendly procedures and policies, the TRC and its partners established various programs for children to participate in its processes. Such activities included: fortyfive awareness workshops tailored especially for children held in each of the country's fifteen counties (one at each county seat and two in selected districts of each county) to over 5000 children. Nearly 1000 confidential statements were collected from children in the counties with the support and supervision of local child protection agencies.

In May through September 2008, the TRC held several regional hearings for children and held various panel discussions with them in Bong, Gbarnga, Grand Gedeh, Grand Kru, Nimba, River Cess, Grand Bassa, Margibi, Maryland, Montserrado, Sinoe, Zwedru Counties. Over 120 children testified before the Commission and hundreds of children witnessed their testimonies. TRC Commissioners also held interactive sessions with children every evening.

In late September 2008, Thematic Hearings titled, Children and the Liberian Conflict: What Does the Future Hold?, for children were

Reference 24 - 0.05% Coverage

Hold?, for children were

53

convened at the Centennial Pavilion in Monrovia, Montserrado County. Presentations were made by a convergence of professionals in the field of child advocacy including: Government's Line Ministries for Children, Child Protection Agencies, and the Liberian Children's Parliament. Confidential testimonies by three child witnesses were also taken. The hearings revealed a clear picture about the indiscriminate suffering and targeting of children and illegally recruited during the Liberian Civil War, up to the LURD and MODEL insurrections. The hearings also emphasized the courage of children that reunited with their families and communities, returned to school and are rebuilding their lives.

On September 27, 2008, The TRC Children's Art Gallery was officially opened by the Vice President of Liberia, H.E. Joseph N. Boakai. It featured poems, stories, and drawings by children about their experiences during the Liberian Civil War and how they envision the future of Liberia. The art was obtained from all across Liberia.

Approximately 350 children attended the program. E.

Reference 25 - 0.05% Coverage

F. Thematic and Institutional hearings:

The statement taking process was followed by Public and In Camera Hearings in the fifteen sub-divisions of the country and in the United States of America representing the Diaspora. The hearings including seven months of victims and witnesses testimonies and to date, three months of perpetrators, thematic and institutional accounts and perspectives under the broader contemporary history of the conflict theme. Unique categories such as women and children were accommodated under this section. Special considerations were made to accommodate individuals testifying under unique circumstances or categories like women, children, the elderly, youth and the handicap. Two victims who fled the country and lived on the Budubram Liberian Refugee Camp in Buduburam, Ghana, testified in Liberia symbolically representing the sub-regional Diaspora community. The Thematic and Institutional hearings featured specific categories such as; women, children, religious, historical review, media, education, youth, religion, culture and tradition, law enforcement, and security. To date, the TRC has heard more than 800 testimonies from witnesses testifying before it.

Reference 26 - 0.02% Coverage

Liberia's various episodes of state breakdown and conflict, particularly the Liberian Civil War (1989-1997) and the LURD and MODEL insurrections (1999-2003) resulted in the deaths of an estimated over 250,000 persons and forced over 1 million to be internally-displaced and hundreds of thousands to be refugees. The nature and magnitude of atrocities committed, especially against women and children, by the various warring factions including government forces, were in epic proportions.

Reference 27 - 0.07% Coverage

This chapter presents a summary of the impact of conflict on Liberian children and women. The Final Consolidated Report will address these issues in greater detail.

B. Children and Women

At the outbreak of the Liberian Civil War in 1989, children were forcibly recruited in droves by the NPFL as well as the Armed Forces of Liberia (AFL). The enlistment of child soldiers became very popular with other rebel factions such as ULIMO, LPC, MODEL, LURD, as well as paramilitary units like the ATU and the SOD. Children of all ages—from 6 to 18—were recruited.

Children suffered some of the most horrific crimes committed during the Liberian Civil War and LURD and MODEL insurrections. They forced to kill friends and family members including their parents, rape and be raped, serve as sexual slaves and prostitutes, labor, take drugs, engage in cannibalism, torture and pillage communities. Many were force to be 'juju' controllers, ammunition carriers, spies, armed guards, arm bushers and so on.

Perhaps, the most shocking crime committed against children was their cannibalization. Rebel commanders organized cooking feasts and served children's body parts, including their intestines and hearts. The blood of children was collected and cooked into soups in which hearts were served as choice meats for cannibalistic commanders. In other instances, children's body parts were sold in open markets. The names and identities of several rebel commanders who cannibalized and forced children to be cannibals were identified by children and youth during TRC hearings/meetings and other sources.

Reference 28 - 0.06% Coverage

Women Nearly 26,000 or 28% of reported violations were against women. While as a group men comprise a larger victim category than women, Liberia's various armed conflicts excessively affected women in various ways. As previously noted, women disproportionately suffered from sexual violence including gang rape, sexual slavery, outrages upon personal dignity, and torture, among others. Girls and women aged 15-19 comprise the largest category of reported cases of sexual violence. Women as old as eighty-years old were perversely dehumanized through gendered violence by, for example, being forced to have sex with their sons or male relatives and by having taboo objects such spoons, sticks, hot pepper and rifle buds forced into their vaginal and rectal areas. Women were kidnapped and forced into sexual slavery only to be passed around as 'wives' of roaming combatants. They were also forced to engage in hard labor making them both sex and labor relegating them to the status of chattel slaves. Women suffered the indignity of having the children that they bore after being raped and held as sex slaves summarily taken away from them by combatants at the end of armed conflict. Many women that testified before the TRC either through statement taking or the hearings gave thousands of heart breaking narratives about how they were brutalized during armed conflict.

Reference 29 - 0.03% Coverage

incongruous act of constitutional manipulation created precedent that haunted Liberia throughout the twentieth century. Furthermore, Tubman's subsequent responses to the amendment can be regarded as the modern genesis of a culture of political intolerance and witchhunting in Liberia. The challenger and Reformation Party leader, Didho Twe, an indigenous Liberian, was slurred by Tubman and forced into exile. The political contest between Tubman and Twe symbolized the continuation of the age-old divide between settlers and natives to their children and was, in a sense, a defining moment for Liberia. The consequences of this vendetta became one of the hallmark ways in which future politicians' treated political opponents and their families in Liberian politics.

Reference 30 - 0.01% Coverage

1. The Commissioners of the TRC reserve the right to make recommendations of amnesty for children and persons, groups or entities that it has determined not to have committed 'gross' violations of human rights or 'serious' humanitarian law violations.

Reference 31 - 0.01% Coverage

members of a civilian population.

'Enslavement, The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

Reference 32 - 0.01% Coverage

prevent births within the group;

Reference 46 - 0.02% Coverage

3. The massive wave of gross violations and atrocities which, characterized the conflict, assumed a systematic pattern of abuse, wanton in their execution, and the product of deliberate planning; organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, women, the elderly, disarmed or surrendered enemy combatants, etc.

Reference 47 - 0.03% Coverage

forced marriages, forced recruitment, etc.

5. Reparation is a responsibility of the state and development partners as a long term peace investment to redress the gross violations of human rights committed against victim communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure, as well as justice, and genuine reconciliation.

6. Children are entitled to general amnesty for crimes committed during their minority. General amnesty for crimes lesser than gross violations will also contribute to fostering national healing and reconciliation.

Reference 48 - 0.01% Coverage

The wide range of recommendations directed to the Government of Liberia and more specifically, the President of Liberia, include guaranteeing to women, children and other vulnerable populations, the full enjoyment of their social, economic and cultural rights, in addition to civil and political rights.

Reference 49 - 0.03% Coverage

Commissioner Dede Dolopei, Vice-chair of the TRC, was a Liberian administrator, manager, social worker and peace activist. She holds a Bachelor of Business Administration degree in accounting with emphasis in management from the University of Liberia, where she is also a Master of Science candidate in regional planning. Commissioner Dolopei served as a member of the board of directors for the National Women's Commission of Liberia and the Christian Foundation for Children and the Aging. She has been instrumental in the promotion and protection of women's rights in Liberia, and is well-known for her efforts and expertise in peace-building, conflict resolution and psycho-social counseling.

Reference 50 - 0.01% Coverage

In 2007 the Liberian Senate Invited Counselor Bull as a Constitutional Legal Expert to advise that Honorable body, Widow of former Chief Justice of Liberia, Justice James G. Bull, Commissioner Bull has four children and several adopted children under the (ADOPT A STUDENT) Humanitarian Program.

Reference 51 - 0.11% Coverage

Dr. Levitt is an internationally recognized scholar and has authored several books and law review articles. He is the author of the widely acclaimed *The Evolution of Deadly Conflict in Liberia: From 'Paternalitarianism' to State Collapse* (Carolina Academic Press, 2005). Prof. (Mrs.) Henrietta Joy Abena Nyarko Mensa-Bonsu, was a serving member of ITAC. A national and internationally renowned legal academic, Prof. Mensa-Bonsu who was nominated to the International Technical Advisory Committee by Economic Community of West African States (ECOWAS), is a Professor of the Faculty of Law, University of Ghana and once served as Vice-Dean of the Faculty of Law. She holds a LL.B First Class Honors (University of Ghana); LL.M. (Yale University) and was called to the Ghanaian Bar in 1982. She is the recipient of several academic awards and fellowships including a Fulbright Fellowship. She was elected a Fellow of the Ghana Academy of Arts and Sciences in 2003 and currently serves as the Honorary Secretary of the Academy. Prof. Mensa-Bonsu has served her country in several capacities including membership of the Police Council of Ghana, as the President's Nominee. She has previous experience of TRC work as a Commissioner of the National Reconciliation Commission of Ghana. She has also undertaken international assignments as a member of the OAU's Committee of Eminent African Jurists on the Lockerbie Case and the AU's Committee of Eminent African Jurists on the Hussein Habre Case. She was also a member of the Advisory Panel of the International Bar Association for the drafting of a Code of Professional Conduct for Defense Counsel appearing before the International Criminal Court and was Ghana's representative on the Intergovernmental Committee of Experts on the Drafting of the African Charter on the Rights and Welfare of the African Child. Professor Mensa-Bonsu has published widely on Criminal Law, Juvenile Justice, Children's rights, Family Law, and authored some basic texts in Criminal Law, including *The Annotated Criminal Code of Ghana*; *The Annotated Criminal Procedure Code of Ghana*; and *The General Part of Criminal law, - A Ghanaian Casebook*, vol. I and II. She is a member of Accra Ebony Lions Club and has held various positions of responsibility including Zone Chairman of Zone 161 of the International Association of Lions Clubs. She is married with three daughters and is currently the Deputy Special Representative of the Secretary General (DRSG) of the United Nations Mission in Liberia (UNMIL).

Reference 52 - 0.01% Coverage

TRC Chairman, Ex-Officio Member
Gender Committee Children's Committee
Massa A Washington, Commissioner/Chair

Reference 53 - 0.02% Coverage

e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.

Reference 54 - 0.03% Coverage

the Commission, and its findings.

From this background, the TRC must not only investigate and determine those who are responsible for committing EDC, GHRV and SHLV against Liberians, as well as their motives and impact on victims, but also

determine the historical antecedents or causes of violent conflict in the country, conduct an audit of Liberian history to offer historical correctives, develop sustainable mechanisms to address gendered and child-based violence and promote national rehabilitation, reconciliation and healing. The TRC Act has only accorded the TRC two years to effectuate its mandate with the ability to request a one year extension. The Liberian National Legislature granted the TRC a nine month extension in September 2008.

Reference 55 - 0.09% Coverage

As an independent body created under and by Liberian law, the TRC must operate in accordance with international law binding on the Republic of Liberia. Despite the fact that the TRC Act provided broad legal guidelines to steer the TRC's legal mandate to investigate and determine those responsible for the commission of the violations and abuses, it did not offer insight into the multifarious existing rules and standards that bind, regulate and define the scope of the TRC's quasiadjudicatory function. Consequently, the TRC had to conduct a forensic legal audit of Liberia's obligations under Liberian penal law, African Union law, ECOWAS law; UN law; general international law, and customary international law to fashion its own legal architecture and standards. This process required canvassing over fifty human rights, humanitarian and other-related treaties, ascertaining the precise status of regional and customary international law norms applicable to Liberia, as well as examining the jurisprudence and practice of the various international and ad hoc criminal tribunals, and truth and reconciliation commissions, respectively. This endeavor was further complicated by the unique temporal mandate of the TRC (from January 1979 to October 2003), which, for example, begins during the Cold War era and continues through the immediate post-Cold War period into the twenty-first century. During this twenty-four year period, regional and international law significantly evolved, requiring nuanced analysis and legalistic filtering. For example, prior to the end of the Cold War, there was no comprehensive international protective regime for children; however, since 1990, the African Charter on the Rights and Welfare of the Child (1992), Convention on the Rights of the Child (CRC) (1989), and the Optional Protocol to the CRC on the involvement of children in armed conflict (2004) have been crystallized into hard law; along with complementary customary international law. Consequently, in 1979, despite the contested applicability of IHL to internal armed conflict, governments and non-state

Reference 56 - 0.03% Coverage

governments and non-state

actors were not bound to clear standards on the recruitment or enlistment of children in armed conflict and Liberian children had fewer rights under regional and international law than they did in 1999. Not only did the TRC have to account for the evolution of regional and international law but, also the critical distinction between IHRL and IHL. Consequently, the TRC addressed these temporal and substantive dichotomies by employing a sequential analysis for reviewing allegations, for developing broad standards, by only making determinations of responsibility using legal precepts applicable at the time that the alleged crimes occurred, and by drawing a fine line between IHRL- and IHL-based violations.

Reference 57 - 0.05% Coverage

of the Geneva Conventions.

Protocol II states, "a+II persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and

convictions and religious practices.' It requires that such persons always be treated humanely, ,without any adverse distinction.' Protocol II strictly prohibits any order that there ,shall be no survivors' as well as the following acts against persons: (1) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (2) Collective punishment; (3) Taking of hostages; (4) Acts of Terrorism; (5) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, sexual slavery, sexual violence and any form of indecent assault; (6) Slavery and the slave trade in all their forms; (7) Pillage; (8) Sentencing or Execution Without Due Process; (9) Using, Conscripting or Enlisting Children in Armed Conflict; and (10) Threats to commit any of the foregoing acts.

Reference 58 - 0.02% Coverage

f.

Helping restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators, giving special attention to the issue of sexual and gender based violence and most especially to the experiences of children and women during armed conflicts in Liberia;

g.

Reference 59 - 0.02% Coverage

l.

The TRC shall take into account the security and other interests of the victims and witnesses when appearing for hearings, design witness protection mechanisms on a case by case basis as well as special programs for children and women both as perpetrators and victims under burdens of trauma, stigmatization, neglect, shame, ostracization, threats, etc. and others in difficult circumstances who may wish to recount their stories either in privacy or public, subject to the discretion of the TRC.

Reference 60 - 0.03% Coverage

Article VII Section 26 (f) requires the TRC to help ,restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators.' It also requires that the TRC give special attention to the issue of sexual and gender based violence, particularly with respect to women and children. Consequently, the TRC decided that in order to protect the physical and psychological welfare of victims and alleged perpetrators,

Reference 61 - 0.02% Coverage

the sensitization and awareness

campaign associated with it. Staff associated with the Diaspora Project in the United States of America, Ghana and Nigeria, were similarly trained as coders and community mobilizers to ensure that TRC

techniques were mainstreamed among all staff. All training programs focused a gender dimension that included emphasis on women and children's issues.

Reference 62 - 0.02% Coverage

project.

4.4. Statement-Taking

Between 2005-2006, approximately two hundred individuals were recruited nationwide from local communities as statement-takers and trained to solicit the voluntary narratives of individuals recounting their personal experiences and accounts of the conflict; either as victims, witnesses, perpetrators, or as family members and loved ones from their communities. The statement forms were specifically designed to be gender sensitive, victim friendly, while special forms were designed for children statement-givers. This method employed a confidential

Reference 63 - 0.03% Coverage

statements given to the TRC.

The statement-taking process was followed by Public and In-Camera Hearings in Liberia's fifteen counties and in the US. Hearings were initially scheduled for West Africa in the Republic of Ghana. Liberian refugees' confrontations with the authorities of Ghana unsettled the planned hearings in the West African sub-region. The hearings included seven months of victims' and witnesses' testimonies and, to date, four months of actors, thematic and institutional hearings, which provided vital accounts and perspectives under the broader 'contemporary history of the conflict theme'. Special considerations have been made to accommodate women, children, the elderly, handicap and other vulnerable groups.

Reference 64 - 0.01% Coverage

Society Participation, Outreach and Hearings

This section discusses the various civil society participation and outreach activities of the TRC inclusive of national and international hearings processes. In this context, it will also highlight the various activities that the TRC designed and implemented for women and children.

Civil society was a major

Reference 65 - 0.08% Coverage

kidnapped, forced to watch

their husbands and children tortured and killed or forcibly conscripted into various warring factions. Thousands of children and youth were forced to take drugs as a means to control and teach them to kill, maim and rape without conscious; making them virtual killing machines. It is estimated that the conflict in Liberia produced the highest number of female perpetrators in comparison to civil conflicts in other parts of the world.

According to TRC findings, various episodes of the armed conflict affected men and women differently. While men account for nearly 50% or half of all reported violations compared to one third or 33% from women, women were uniquely targeted because of their gender throughout the conflict and its different

phases. Moreover, above 70% of all sexual based violations reported were against women. For historical, cultural, social, political, economic and other reasons, women's experiences are often not reported and hence under-represented in reported violations. Recognizing this reality, the TRC Act provides guidelines for the treatment of women in the TRC process. In addition to the Preamble, nine sections of the Act speak to women's realities and how they should be incorporated in the TRC process. These provisions and references demand the effective participation of women at all levels and in all aspects of the TRC process, including as Commissioners, managers and staff of the TRC, petitioners, victims, perpetrators, victim-perpetrators, and witnesses. Article IV and VI of TRC Act specifically requires the TRC to adopt mechanisms and procedures to address the experience of women, children and vulnerable groups; pay particular attention to gender-based violations; employ specialists in women's rights; protect women's safety; and not endanger women's social reintegration or psychological recovery.

Reference 66 - 0.11% Coverage

4.8. Children

The TRC Statute requires the TRC to specifically focus on child participation and protection because they were targeted and victimized in Liberia's successive wars. They were illegally recruited to take part in hostilities-became victims-perpetrators and witnesses, of conflict in Liberia. Child friendly procedures have been used and legal safeguards established to protect the rights of children to participate in the TRC process. In addition, protective measures were taken to conceal the identity of children, no video coverage was permitted, media was not allowed to interview or cover child-related sessions and special social workers were trained and available to assist in providing counseling to the children prior to, during, and after the hearings.

From the onset, the TRC sought to ensure that children played a significant role in its activities. Consequently, the TRC invited the United Nation Children's Fund (UNICEF) to be one of its key partners. It negotiated an MOU with UNICEF and the National Child Protection Network creating the TRC Task Force comprising 80 child protection agencies. Following the children's protection orientation training for TRC Commissioners and four sets of training for TRC statement takers and investigators on child-friendly procedures and policies, the TRC and its partners established various programs for children to participate in its processes. Such activities included: forty-five awareness workshops tailored especially for children held in each of the country's fifteen counties (one at each county seat and two in selected districts of each county) to over 5000 children. Nearly 1000 confidential statements were collected from children in the counties with the support and supervision of local child protection agencies.

In May through September 2008, the TRC held several regional hearings for children and held various panel discussions with them in Bong, Grand Gedeh, Grand Kru, Nimba, Rivercess, Grand Bassa, Margibi, Maryland, Montserrado, and Sinoe, Counties. Over 120 children testified before the Commission and hundreds of children witnessed their testimonies. TRC Commissioners also held interactive sessions with children every evening.

In late September 2008, Thematic Hearings titled, Children and the Liberian Conflict: What Does the Future Hold?, for children were convened at the Centennial Pavilion in Monrovia, Montserrado County. Presentations were made by a convergence of professionals in the field of child advocacy including: Government's Line Ministries

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for Children, Child Protection

Reference 67 - 0.04% Coverage

for Children, Child Protection Agencies, and the Liberian Children's Parliament. Confidential testimonies by three child witnesses were also taken. The hearings revealed a clear picture about the indiscriminate suffering and targeting of children illegally recruited during the Liberian Civil War, up to the LURD and MODEL insurrections. The hearings also emphasized the courage of children that reunited with their families and communities, returned to school and are rebuilding their lives.

On September 27, 2008, The TRC Children's Art Gallery was officially opened by the Vice President of Liberia, H.E. Joseph N. Boakai. It featured poems, stories, and drawings by children about their experiences during the Liberian Civil War and how they envision the future of Liberia. The art was obtained from all across Liberia. Approximately 350 children attended the program.

Reference 68 - 0.04% Coverage

10. Thematic and Institutional hearings

The statement taking process was followed by Public and In-Camera Hearings in the fifteen sub-divisions of the country and in the United States of America representing the Diaspora. The hearings including seven months of victims and witnesses testimonies and to date, three months of perpetrators, thematic and institutional accounts and perspectives under the broader contemporary history of the conflict theme. Unique categories such as women and children were accommodated under this section. Special considerations were made to accommodate individuals testifying under unique circumstances or categories like women, children, the elderly, youth and the handicap. Two victims who fled the country and lived on the Buduburam Liberian Refugee Camp in Buduburam, Ghana, testified in Liberia symbolically representing the sub-regional Diaspora community. The Thematic and

Reference 69 - 0.01% Coverage

Institutional hearings featured specific categories such as; women, children, religious, historical review, media, education, youth, religion, culture and tradition, law enforcement, and security. To date, the TRC has heard more than 800 testimonies from witnesses testifying before it.

Reference 70 - 0.04% Coverage

Delegates or representatives were drawn from a cross section of stakeholders from each county, representing each district, cutting across the social, economic and political make up of the counties. From the office of the county superintendent to civil, traditional, religious and other societies, women, children, youth, community leaders, ex-combatant communities, etc. were considered as constituencies for representation at the consultations. In all, not less than 13 representatives from each county in the region attended and participated in these consultations. The TRC did not do the selection but rather encouraged local people and the Superintendent's offices to do the selection in a transparent, representative and fair manner to ensure the broadest representation possible. TRC former county coordinators were rehired to serve as mobilizers in each county of their previous assignment.

Reference 71 - 0.05% Coverage

States as resources became available.

The TRC approached The Advocates because it sought an organization that would be perceived as trusted, transparent, and neutral within the Liberian Diaspora community. Moreover, the TRC was seeking an organization with established connections to the Liberian Diaspora. The Advocates was ideally situated to partner with the Liberian TRC to undertake the Diaspora Project for a number of reasons. The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates for Human Rights was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The Advocates is a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in the community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy locally, nationally, and internationally to engage the public, policy-makers and children about human rights and cultural understanding.

Reference 72 - 0.04% Coverage

languages and were community based.

Women had a minimum or no public role to play at all in the governance of these states. They were powerful behind-the-scene leaders who advised the kings and chiefs, and were chiefs themselves in other instances. In matters of family, culture, education and spirituality, women were a driving force in determining how the system functions or operates. On the chief or kings' council a woman representative was almost always present. With the extended family system prevalent in pre Liberia, women's role in domestic, familial affairs was huge. She catered to children, relatives and in-laws, made the farms to sustain the wealth and prestige of the family and her husband. Women were important to every leader, chief or king also because of their spiritual leadership and powers to foretell the future and gifts of discernment.

Reference 73 - 0.04% Coverage

conflicts, which were often deadly.

Another feature of pre-Liberia governance structure and culture was the 'bush schools'; a tradition still in practice today. The Poro society is the school for men and the Sande for women. They were prominent compulsory institutions which traditionally served to initiate young people into the society. The children are taken away for between one to four years to be educated into the laws, customs, traditions and ways of their people; loyalty, respect and care for the elderly, the extended family system, and other values and skills were taught to prepare them for their role and place in society as responsible adults.

More specifically, the women in the Sande were trained for initiation into adulthood, morality and proper sexual compartment; marriage and domestic chores were also subjects. Education about farming, medicine, dancing, child rearing and domestic as well as specialized skills like dying, making cloth, preserving food, etc. were part of the training program.

Reference 74 - 0.07% Coverage

country to the Atlantic Coast.

The Grain Coast was not as involved in the Slave Trade as other areas in the sub region due to its rough and rocky coast; most inhospitable to slave vessels and traders. The major slave trading countries were Portugal, England and Holland. The Portuguese captured three Africans near Cape Verde in the 1400s and many Africans regard this as the beginning of the great trade. In 1551 the English slaver, John Hawkins arrived to the pre Liberian coast for slaves. He paid his second and last visit in 1552. Two resident European slave traders on the Liberian coast were Don Pedro Blanco and Theodore Canot. They were Italians operating on and off in Bassa and Cape Mount. On the plantations, life for the slave was lonely and horrible. While most of the slave women served as domestic servants they were also used unwillingly as concubines to their slave masters and had children (mulattos) many of whom migrated to Africa to form the new states. It is speculated that many of the first presidents of Liberia, including Roberts, originated from this stock. Children were recruited and sold into slavery as early as between 10 -14 years of age and with the family scattered and disparaged by this trade, they were never to see their parents again. Africans in slavery turned to Christianity in their period of sustained grief and despair. Africans turned to God for deliverance from their bondage and many pastors were masterminds of slave rebellions and insurrections in slave America. No wonder ,Christianization` and ,civilization` of the African homeland became a core part of what was later to be the American Colonization Society's (ACS) mission to Liberia.

Reference 75 - 0.02% Coverage

Island), nephew of George Washington.

There were those opposed to black and white mixing or integration, including Thomas Jefferson- author of the American Declaration of Independence who later became president of America and is widely believed to have fathered several children by Sally Hemings, herself a slave, holding the view that mixing will create a new breed of people as inferior as blacks. Hence, ,The American society for

Reference 76 - 0.03% Coverage

a Settlers' Hegemony (1822 – 1847)

The first group of settlers that arrived in Africa under aegis of the ACS, sailed on the Elizabeth in 1817. On board were eighty-six men, women and children from New York, Pennsylvania, Virginia, Maryland and the District of Columbia. These were seen as pioneers who would help build the colony. After a few weeks stay in Freetown, they moved on to Sherbo Island where all the agents namely Samuel A. Crozier, Samuel Bacon and John P Blankson, and about half the population of the colonists were wiped out by malaria. Amidst initial constraints, they were able to resettle some 13,000 African Americans and several thousand recaptured African slaves known as Congos from 1821-1867.

Reference 77 - 0.05% Coverage

Instruments of Coercion and Slavery

To enforce the de jure limits of the state, Liberia in 1908 for the first time, created a national army, the Liberian Frontier Force (LFF). This development, even though consistent with state-making, engendered tremendous political conflicts of its own. The LFF became a tool for the enforcement of the writ of the Liberian government in the hinterland. An elaborate government ,native policy` was instituted with at least two problematic features (or outcomes): One was subversion of the Constitution by endowing the Executive

Branch with legislative and judicial powers within the hinterland, a practice reminiscent of the 1822-1847 colonial periods. The other problematic feature of the native policy was the license it gave to some unscrupulous interior officials and their traditional cronies which led to unspeakable atrocities across Liberia's interior region. Talking about 'roots of conflict,' the memory of these atrocities survives in documents, and there are Liberians who continue to hand down to a younger generation the facts of this ugly past in which respectable chiefs and fatherly heads were publicly humiliated, children and women often abused, forced labor and cruelty in collecting the 'hut tax' impositions were common.

By the first quarter of

Reference 78 - 0.03% Coverage

the 1920s, was subsequently erased.

Indigenous Liberians and their families began to get some of the social and economic benefits that they paid for through the hut tax. Their children attended Liberian public schools; they received health care and other services that were not present on the same scale, or not present at all in the interior. On September 14, 1943, Secretary of State, Cordell Hull, wrote President Roosevelt the following in a letter about United States relations with Liberia: "Our relations with Liberia from a strategic point of view have never been of more importance ... as a result of the war, the Liberian economy has been oriented almost entirely to the United States".

Reference 79 - 0.05% Coverage

the Liberian Government. He said:

"As I reflect upon the conditions under which you were living in 1944 when we took office, I can recall how at my first interior Council, you complained of, and I discovered that, District Commissioners were unrestrained in their imposition of fines upon you and your people; that for the most insignificant act your chiefs, wives, and children were humiliated and imprisoned; that you were compelled to bury your manhood and bow down to them as though they were your masters and lords instead of your public servant...I further recall that you could not exercise or enjoy one of your basic rights as citizens to vote for those whom you wanted to represent you; that you were not even represented in the National Legislature; yet, you were compelled to pay taxes like every citizen. I still further recall that there were few roads, if any, running to or through your respective provinces, districts, towns, and villages; that you, your sons, and even your wives, sisters and daughters were compelled to carry hammocks and loads on their heads and backs; that there were no schools; no hospitals; no medical clinics..."

Reference 80 - 0.02% Coverage

5 percent of the families.

Notwithstanding Tolbert pursued and succeeded at establishing closer relationships with Liberia's neighbors. His African and sub-regional integration programs led to the establishment of the Mano River Union and ECOWAS in 1973 and 1975 respectively. At the same time, he sought to diversify Liberia's international relations, breaking the child-like relationship with the United States of the Tubman era and strengthening Liberia's relations with the Non-Alignment Movement, China and other nations of

Reference 81 - 0.08% Coverage

be rebuilt in three days.

The stalemate deepened to the disadvantage of the civilian population which lived constantly under fear, threatened, brutalized and killed. The fighting forces clearly frustrated exacted their energies on the civil and armless population trapped in their controlled territories. A humanitarian and human rights disaster was in the making. The NPFL militias, mostly ill-trained and trigger happy, were part of a band of a force less inclined to respecting the values of human rights but more inclined to blaming every individual not a member of their fighting forces for their malady. The NPFL deployed not less than 180 'special forces' into its mission and each special forces deployed, had under his command a personal army of not less than 200 men who were unleashed on the civilian population. With limited supplies, they lived off the labor and sweat of civilians in an unequal relationship that saw the population massively victimized, killed and properties looted; entire villages and towns were burnt and other times abduction, and many times forcefully displaced. Massacres, rape, torture, children recruitment into their ranks were pervasive as ethnic cleansing and ethnic profiling was standardized at every one of the hundreds of check points the NPFL operated throughout its vast controlled territories. The NPFL, clearly was operating a massive force of hoodlum, vengeful Nimba citizens, victims who joined out of fear, insecurity and protection of family members; yet, there were those who took arms to 'settle old scores', loot and take advantage of a lawless institution to wield power, authority and acquire wealth. Anachronism of what became the NPFL was a cacophony in vain pursuit of power, with a single hierarchy in Charles G. Taylor who commanded his men to 'pay themselves'.

Reference 82 - 0.05% Coverage

in nature and character, in timber, rubber, gold and diamonds, including diamonds from neighboring Sierra Leone, would prove crucial to sustaining Taylor's war efforts and prolonging the conflict. The Secretary General of Quiwonkpa's NPF, Moses Duopu, was killed on his return from Nigeria to Taylor's territories for claiming the Secretary General title of the new NPFL and disputing or seemingly eyeing the leadership of the NPFL; the AFL massacre 27 Gios and Manos families of the AFL in Monrovia, as 25 AFL soldiers escaped to seek refuge at the Methodist Church in Sinkor which was subsequently attacked. Also, Jackson F. Doe, David Dwayen, Justice Patrick Biddle, Cooper Teah, Gabriel Kpolleh, Photographer B.W. King, along with 80 other very prominent personalities associated with and living in NPFL- held territories were killed at the hands of NPFL 'generals'; 500 ethnic Mandingoes, including an Imam, killed in Bakedu, Lofa County by the NPFL; a retaliatory killing of over 500 supposedly men, women and children from Nimba County were massacred at the St. Peters Lutheran Church by the AFL led by Youbo Tailay then under the command of Jackson E. Doe⁴ was followed by the killing

Reference 83 - 0.02% Coverage

being labeled a 'butcher house'.

By the time of the first peace meeting in Free Town, Sierra Leone, under the auspices of the ECOWAS Peace Plan, an extraction of the Inter-Faith Mediation Committee of Liberia, it became clear to ECOWAS that no one faction could boast of military advantage or victory and unless there was intervention to halt the carnage, Liberia will self-destruct as more and more innocent women and children would continue to suffer and die. Especially so, the OAU, UN and most notably the US, would have no direct involvement with Liberia, ECOWAS decided to intervene.

Reference 84 - 0.05% Coverage

established to resist. Fear,
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dehumanization, rape, looting and employing children into factional ranks became acceptable norms of the war from one faction to another. Apart from the INPFL and MODEL no other faction adopted minimum standards or learned lessons from the deprecating and widely condemned actions of previous factions to militate with and mitigate the widespread and wanton abuses meted against the civilian population. Ethnic cleansing and profiling continued throughout the civil war with very brutal consequences. The Liberia Peace Council (LPC) of George Bolay in the South East, ULIMO in the Western and Southern belts and with Taylor in Central and Northern regions of Liberia, there was no escape or safety for civilians other than havens provided by ECOMOG in territories occupied by it. Overstretched, the NPFL established vigilant militias in its occupied territories to 'watch its backs' and undermined community unity by pitting one community group against another. Some examples like the Lofa (the Mandingoes called it Lorma Defense Force) Defense Force (LDF), Royceville (others called it Congo Defense Force) Defense Force (RDF), Tasso Defense Force, etc.

Reference 85 - 0.05% Coverage

John Teah, NPFL Commanding General.

By 1993 a conflict over allocation of allocated government jobs broke out in ULIMO between the Mandingo and Krahn factions. A bitter struggle ensued in Tubmanburg, Bomi County and the ULIMO faction was effectively split into ULIMO-J of Roosevelt Johnson (Krahn) and ULIMO-K of Alhaji Kromah (Mandingo). An attempt by ECOMOG to compel ULIMO-J to open the roads leading up to Bomi County proved fatal for ECOMOG and the entrapped civilian population. Scores of ECOMOG soldiers died in the battle; as did hundreds of children of starvation and they were buried on the Catholic St. Dominic Campus. As part of the NPFL's terror campaign to render IGNU and ECOMOG territories ungovernable, a June 6, 1993 attack at Harbel, Margibi County saw an infiltrating NPFL special Unit, under cover of dark, crept on innocent displaced civilians who were asleep, killing approximately 600 persons, including women and children. This attack was planned to give the impression that he AFL was responsible since Harbel, Firestone was under AFL control.

Reference 86 - 0.05% Coverage

step down from the presidency.

There was a pattern of callous abuse and abandonment of the rights of civilian population continued. Reprisal killings on all sides, decapitation and disembowelment in the northwestern corridor of Lofa and Bomi Counties were common as the LURD forces and Government militia inflicted untold sufferings and killings on the innocent population. Black Saturday in Lofa and the Mahir bridge massacre in Bomi, were prominent features of this new war. At Mahir Bridge, in Bomi County, hundreds were loaded in pick-up backs for 'transport to Monrovia' but were dumped in the river for being 'supporters of LURD' by Benjamin Yeatin and Roland Duo. Black Saturday in Lofa County saw LURD massively killing residents of Voinjama City at which time the fighters compelled a lady to carry around in a wheel barrow the mutilated remains of her children, sister and husband, as meat on sale and, the local population was compelled to also purchase them. LURD fighters retained the proceeds. The atrocities included shelling of population centers,

especially in Monrovia, with mortar rounds unrelentingly fired by LURD. Liberians jokingly refer to that experience as 'more mortal' mocking the Guinean who operated the equipment

Reference 87 - 0.15% Coverage

mortal' mocking the Guinean

who operated the equipment and the only English he is mocked to have spoken was 'more mortar'. In demonstrating Guinea's support for LURD he is scorned as asking members of his unit, presumably Guineans: 'your mother there? A chorus 'NO'; Your father there? 'NO!' Then 'more mortar'. What became known as 'world war I, II & III', referring to LURD's strike and retreat strategic attacks on Monrovia, revisited the horrors and persecution of the past on the civilian population in no less measure. Except for MODEL, which instructed its militias to only loot and not kill or rape, as a control measure, atrocities were minimized with looting as the hallmark of its engagements in the southeastern and central regions of Liberia. The scale of destruction and brutality, and the humanitarian catastrophe looming overhead, however, compelled a full involvement of the international community- UN, AU, USA, and EU - in coordination with ECOWAS - to stop the war. The International Contact Group on Liberia (ICGL) was created to do just that. President Charles Taylor, beleaguered and embattled without sources of fresh supplies of weapons, and slapped with a war crimes indictment and the unanimity of the international community led by US President Bush, Jr that he must leave, stepped down as President of Liberia and went to Nigeria to commence a new life of uncertainty in exile. In all of these hostilities, the suffering and persecution of the local population was always merciless. Economic hardship, rising unemployment and inflation, family break up or displacement imposed further strains on familial relationships with devastating impact on children, young girls and women. Education opportunities were lost or diminished as school closures meant lost of fees already paid and shortage of essential commodities led to price hikes and a declining living standard.

Throughout the conflict period, the traditional roles of women shifted remarkable to being major bread-winners. Men were the natural targets of advancing, occupying or resisting arm factions and, were therefore in hiding all the time. Women had to step in; performing household chores, selling or trading in consumable items across factional lines, providing food, securing shelter, medical needs and clothing for family members, maintaining the farm, bearing children and cooking for the family in the midst of war, violence and massive atrocities against the unsuspecting general population. This, not only led to, but increased their vulnerability and exposed them to all manners of violence and abuse. They were caught up in an intractable state of victimization that dehumanized them and sought to deprive them of their womanhood; in many cases the perpetrators succeeded. They were abducted and accused of being enemy spies on espionage missions because they dare venture out when no one dare to; they were raped, and compelled to be house or bush wives for the armed men and would be accused of supporting 'rebels' of the opposing faction; they were also accused of being enemies for cooking for and serving the 'enemy' while in captivity as servants, slaves and 'infidels' or 'kaffli'. They were rejected by their own when liberated from captivity and returned home; husbands, children and relatives were condescending and suspicious; lacking in self-

Reference 88 - 0.02% Coverage

suspicious; lacking in self-

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actualization and low morale after years of abuse and a sense of inferiority, begging and prostitution become inconvenient realities; children begotten of these illicit relationships – 'rebel baby', 'ECOMOG

children', 'OTC Children', 'bastards', 'orphans', 'child without back or front', were ostracized victims of stereotyping, stigma and a perfect target for recruitment into a marauding armed gang. A vicious cycle of debasement, violence, crime and human rights violations continued without notice, suspects or acknowledgement and accountability.

Reference 89 - 0.03% Coverage

Commissioners, amongst themselves, elected the leadership of the Commission and President Ellen Johnson-Sirleaf performed the commissioning ceremonies on February 20, 2006, and the activities of the Commission were formally launched on June 22, 2006 simultaneously, throughout the country in the all 15 counties amid massive pledges of support to the work of the commission from government, international development partners, and the people of Liberia far and wide. The Commission completed a two and a half (2½)-year work plan, a US\$14 million budget adopting a comprehensive set of activities, including continued public awareness and engagement, statement-taking, staff recruitment; setting up the secretariat, inquiry and investigations departments, sound gender and children

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mainstreaming, psychosocial support and

Reference 90 - 0.02% Coverage

perpetrators, or as family

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members of loved ones from their communities. The statement forms were specifically designed to be gender friendly, while special forms were designed for children statement-givers. This method employed a confidential interview using probing questioning techniques to assist the statement-giver in recounting traumatic events or experiences and to provide factual accounts or evidence of events that took place.

Reference 91 - 0.03% Coverage

We observe in Table 1 that the TRC collected a significant number of statements from female statement givers. Truth commissions in other countries have often failed to include the participation of women in equal proportion to men in statementtaking. In Liberia, however, nearly fifty percent of statements have been received from female statement-givers, which helped the TRC reflect the experiences of women as well as men during the Liberian conflict. This is also another distinguishing point of the TRC process in Liberia. This data however, does not include children engaged in the TRC Process. A child friendly regiment for taking statements and holding hearings was adopted by the TRC.

Diaspora Statement Taking Experience: In

Reference 92 - 0.08% Coverage

Victims, Thematic, Institutional, County & Diaspora

Public hearings are an essential component of the TRC work. Employed for its catalytic and revealing purposes, it provided an opportunity for individual victims and perpetrators to have their experiences officially heard by the state and recognized as part of the Liberian national experience. The opportunity was

provided individuals to tell stories and expose the underlining causes and trends of the conflict. The hearings also generated state sponsored – national - empathy, and an understanding from the people and Nation, the Commissioners and policymakers of the conflicts and its varied trends. By satisfying these objectives, the hearings stimulated national public debates and pushed issues of the conflict, repairing victims, perpetrators' accountability, impunity, root causes of the conflict, etc. squarely into the public consciousness. Lastly, the public hearings helped to build in society the capacity to distinguish the truth of the past from lies about it, which is essential to building a stable political future. The TRC hearings assumed a dynamic of its own which warranted hearings taking on varying forms, exuding different outcomes. The hearings were – In-camera or Public Hearings; Victims or perpetrators; Contemporary History of the Conflict; Thematic or Institutional Hearings; county or Diaspora Hearings. The hearings included seven months of victims' and witnesses' testimonies and, to date, four months of actors, thematic and institutional hearings, and accounts and perspectives under the broader 'contemporary history of the conflict' theme. Special consideration was made to accommodate women, children, the elderly, people with disabilities and other vulnerable groups. To date, the TRC heard more than 800 testimonies from witnesses testifying before it, under the theme: "Confronting Our difficult Past for a Better Future."

Reference 93 - 0.05% Coverage

hearings specifically looked at how the conflict uniquely effected or was affected by thematic elements of the conflict; such as motivations, inherent root causes, and the role of specific elements of our society. It provided a great opportunity for experts to lend their opinions on the roles that different components of the war played in the conflict. These experts spoke extensively about structural, historic and systemic patterns of violence; its causes and impact, on the state, victims and institutions, and sometimes international relationship. While victim hearings were personalized narratives, the thematic hearings were not about the personal experiences of the presenters, but the society as a whole. This nuanced version of history will seek to incorporate various levels of a national history that blend the stories of a diverse range of victims and perpetrators. Thematic hearings included: historical review, contemporary history of the conflict, women, children, the role of religious and traditional institutions, the media, youth, security, etc. Institutional hearings were, in limited

Reference 94 - 0.05% Coverage

4. Composition of County teams

In each of the 15 counties in Liberia, the TRC had a County Coordinator, field officer or general mobilizer along with other auxiliary staff, including TRC first line of important contact, the statement-takers, to drive through the work of the TRC in the county, making sure it succeeds. The coordinators hailed from their county of assignment and were well known and respected by their people. The TRC tried to ensure also, that all other staff were also citizens or residents of the county, culturally sensitive and communicates well with the people in all respect, including their spoken language. Other personalities and officials affiliated with, and contributing to the work of the commission, are the various county superintendents, city mayors, district and township commissioners, traditional and religious leaders, community leaders – youth, women, - Child Protection agencies, pro democracy and human rights organizations, district representatives, and civic organizations, education institutions and authorities, the county oversight Commissioner of the TRC, the program Department and the TRC Chairman; all constituted county structures.

Reference 95 - 0.01% Coverage

NPFL. An Imam was beheaded.

July 29, 1990: Massacre of over 500 men, women and children mainly of Gio and Mano ethnicity seeking refuge at the St. Peters Lutheran Church in Monrovia as reprisal for the Bakedu Massacre.

August 2, 1990: Massacre of

Reference 96 - 0.01% Coverage

ECOWAS decision to deploy ECOMOG.

1991: The INPFL reportedly held one woman at its camp throughout 1991, having taken her prisoner in November 1990, and to be holding a number of children at an orphanage within the camp as human shield to deter a possible attack by ECOWAS forces.

February, 1991: The INPFL detained

Reference 97 - 0.01% Coverage

by an AFL Death squad.

May, 1990: At least 30 Gio and Mano men, women and children were abducted by government soldiers from a UN compound where hundreds were seeking protection. They were then apparently executed extra judicially by the AFL.

June, 1990: A government soldier

Reference 98 - 0.01% Coverage

that 150 had been released.

July, 1990: Large-scale killings occurred when predominantly Gio and Mano rebel groups entered Monrovia. One rebel leader was said, by eye-witnesses, to have personally shot four people dead in cold blood, including a Red Cross worker and a woman whom he shot in the face in front of her child.

August, 1990: In Grand Gedeh

Reference 99 - 0.02% Coverage

Barnersville apparently by the NPFL.

October 23, 1992: Six NPFL soldiers entered the nuns' convent in the suburb of Gardnersville, killed three other American nuns and a Lebanese businessman, and abducted the businessman's Liberian wife, two other Liberian women with their four children, and four Liberian novices. Those abducted were apparently later released. NPRAG officials denied that NPFL forces were responsible.

Late October, 1992: The NPFL

Reference 100 - 0.02% Coverage

Liberia. Several were reportedly killed.

September, 1993: A UN inquiry found that the AFL had been responsible for the extra judicial executions of nearly 600 unarmed civilians- mostly women, children and elderly people- at displaced people's camps near Harbel in June. This report by the WACCO Commission is disputed by findings of the TRC to the effect that NPFL committed the atrocities.

October, 1993: ULIMO fighters reportedly

Reference 101 - 0.01% Coverage

to have committed the crime.

September, 1994: NPFL fighters tied up at least 20 men, women and children and threw them into the St. John River at Bahla Bridge.

September, 1994: At least two

Reference 102 - 0.01% Coverage

citizens in Grand Kru County.

April, 1995: UNICEF representatives reported a massacre in Yourcee, a village near Buchanan. They stated that at least 62 people, including women and children, had

182

been rounded up and

Reference 103 - 0.02% Coverage

ULIMO-J and the NPFL.

July, 1996: Aid workers reported that ULIMO-K was restricting the movement of civilians in a displaced camp in Suehn and starving the inhabitants to cause food supplies to be diverted to their troops. ULIMO-K released some 60 starving children within a few days but did not permit the evacuation of other inhabitants for a further two weeks.

September, 1996: Dozens of civilians

Reference 104 - 0.01% Coverage

but have not been found.

May 6, 2003: The massacre of Samuel Bokarie, his wife, mother, and two children in Nimba County by Adolphus Sampson, Gola Red, Alphonso Nyanay and Marcus High Grade on the orders of Benjamin Yeaten.

May 26, 2003: The murder

Reference 105 - 0.01% Coverage

subsequently beaten by their commanders.

February, 2003: B.D., aged 18, from Bomi County, was captured by LURD forces in February, 2003 and forced to become the 'wife' of a LURD combatant. A child was begotten out of the illicit relationship.

November, 2003: Persistent reports of

Reference 106 - 0.03% Coverage

Resident of Fassama and Bopolu

During the period from 2001-2003, about 750-1000 civilians, comprising of pregnant women, children, of 12-18 years old, elderly people were taken from their hidden places (bushes) villages, Town and forest by LURD soldiers and forced to carry ammunition on their heads from Fassama to Mascenta and Bopolu. These civilians were not allowed to go further into Guinea, but some brave ones would escape. While many were killed whenever they complained about hunger or tireless while in enrooted. The content of consignment of goods and ammunition which weight about 50-75kg Another women and girls were used as domestic slaves to pound rice and cooked while other were sexual abused

20 July 28, 1996 Massacre

Reference 107 - 0.03% Coverage

Resident of Fassama and Bopolu

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Reference 108 - 0.04% Coverage

commonplace characteristic of the conflict.

The impact of this devastation on women and children in socio-economic and psychological terms is beyond any one's imagination. Apart from family breakups and separations, deprivation and poverty; death and destruction, the family suffered the most as a consequence of the war and at the hands of its barbaric executioners.

From the inception of the conflict up to its very end in 2003, there was widespread lawlessness, and wanton disregard for the rights of civilians by all armed parties to the conflict who saw no reason not to recruit children into their ranks.. Human Rights Watch Report, 1994 confirms TRC findings that civilians suffered gross human rights violations from ,the capricious treatment associated with a military occupation - harassment and detention, torture, arbitrary arrest, physical abuse forced labor and rape, destruction of property and restriction on freedom of movement'.

Combatants used brutal tactics to

Reference 109 - 0.05% Coverage

Liberia is a signatory to key international instruments protecting fundamental human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions, and numerous other instruments that protect the rights of specific groups, such as women and children. During both the Doe and Taylor regimes, the government refused to take responsibility for the actions of its functionaries or rein them for the atrocities they committed. Because

of this, they were perceived generally to be aware or sanctioning these atrocities committed under their watch. Moreover, Doe, Taylor and their close associates were directly implicated by TRC witnesses in personally perpetrating human rights abuses. The fact that human rights abuses could be perpetrated with complete impunity was a defining feature of the TRC mandate period, and numerous statement givers narrated their futile attempts to obtain justice for abuses committed against them.

Reference 110 - 0.01% Coverage

fighters rarely wore identifiable uniforms.

One of the most harmful aspects of the conflict was the recruitment and use of child soldiers, a tactic favored by Taylor's forces, but also used by other factions. Children, sometimes as young as

Reference 111 - 0.04% Coverage

guns, and forced to kill.

Psychological techniques were used to ensure their loyalty and fanaticism, such as forcing them to rape or kill their own family members, which had the additional effect of preventing their return home. Thousands of these child soldiers now live in Liberia, as well as in neighboring countries and the Diaspora. With little or no education, they have few useful skills and are dealing with the trauma of violence and war. Providing appropriate care and services to former child soldiers remains one of the most difficult challenges for Liberia. While men, women and children all experienced the violence and trauma of the war, women and girls were also targets of gender-based violence. Already vulnerable due to a patriarchal culture and discrimination that existed before the conflict, women were subjected to widespread sexual abuse during and after the fighting. Many of these acts were public and particularly brutal.

The peacekeepers in ECOMOG were

Reference 112 - 0.04% Coverage

for this stupid, senseless war'.

Another characteristic of the violations were their indiscriminate nature. Though the violations were sometimes systematic, there were also many random and fatal acts of violence. No group of persons was spared from the violations; men, women, children and the elderly were deliberately targeted by all of the warring faction. They suffered a multiplicity of violations at the hands of their abusers and experienced the conflict as victims and perpetrators. The perpetrators included members of the Government army (the Armed Forces of Liberia (AFL)), and of armed opposition groups including the National Patriotic Front of Liberia (NPFL), the Independent National Patriotic Front of Liberia (INPFL), the United Liberation Movement for Democracy in Liberia (ULIMO -K), ULIMO -J, Liberian Peace Council (LPC), Militia forces (GOL of Charles Taylor) and the Lofa Defense Force (LDF).

Reference 113 - 0.02% Coverage

physical infrastructure but also institutions'.

War induced victimization was wide spread throughout the population affecting a host of victims including women, men, children, youth, the elderly, and other vulnerable sections of our populace. Notwithstanding, analysis of testimonies collected from TRC witnesses point to men being targeted in greater proportion than women. When taking all violations together. See Table 5 below:

Reference 114 - 0.01% Coverage

their representation in the population.

The plight of IDPs is just as serious as refugees but yet they are the least considered for humanitarian assistance and rehabilitation needs. Women and children account for the majority class

Reference 115 - 0.02% Coverage

Women and children account

221

for the majority class of IDPS and they bear the brunt of neglect and abuse. According to TRC witnesses, the camps were used as a place for forceful recruitment of children into armed militias or warring factions. Reports of sexual exploitation by aid workers who demand sex for food and other humanitarian assistance were not infrequent.

9.2. Women: Survivors and

Reference 116 - 0.02% Coverage

assistance from trained health professionals.

During the armed conflict, women and girls were by are far more vulnerable to sexual assault and predation than men. Women exposure was due mainly to their daring to move about away from their homes to venture out for food and succor for their families. The further away from their homes they went, the higher the risk of vulnerability. Many parents hid their young girls (and boys from conscriptions) from the fighters when they entered the town or village and forbid them, the children, from moving about without caution.

More than half of victim's

Reference 117 - 0.03% Coverage

Unfortunately, the data include very few reports of rapes for which the victim's age is known. Still, it is interesting to note that the majority of reported rapes for which the victim's age is known were committed against adolescent women, rather than against socially taboo categories such as older women or very young children. The distribution of all violations by age is roughly similar for males and females. Similarly, analysis of violations documented with the TRC with complete age and sex information suggests that all ages were equally at risk and that the generality of perpetrators' attack was at random, deliberate and systematic in the instigation of violence against the general armless population.

From the statistical data, women

Reference 118 - 0.02% Coverage

targeted in about equal proportions.

Forced displacement which accounts for the largest category of violations took a particularly heavy toll on women, many of whom, faced with the loss of their spouses, assumed leadership roles in their families. Given the difficulties and threats to life (increased mortality) that usually accompany forced migration, it can be assumed, in the absence of reliable statistical information, that elderly women and very young children especially girls, were at great risk and might have suffered disproportionately as compared to males.

Reference 119 - 0.03% Coverage

9.3. Children: From Child Soldiers to Youth Perpetrators

It is commonly acknowledged that children endured a disproportionate amount of sufferings induced by the civil conflict. Of the 23 kinds of violations reported to the TRC, at least 12 were committed against children. They include abduction, assault, forced displacement, killing, looting, torture, forced recruitment, forced labor, sexual violence, rape, sexual slavery and sexual abuse. As the statistics show, children (girls) between the ages of 15-19 were the main targets of sexual violence. Of these violations forced displacement ranks at the top accounting for a total of 6,680 victims

Reference 120 - 0.14% Coverage

of 6,680 victims

or 36% of the total. But the statistics are skewed showing that such violations were more intense in northwest Liberia. Burnt out and abandoned villagers lying along the Gbarnga - Voinjama highway observed during the TRC's pre-hearings assessment in 2006, told the tale in very stark terms. Makeshift structures of sticks and straw openly exposed to the elements of nature served as shelters to thousands of returning refugees and internally displaced people. In town-hall meetings held with local people, the most commonly expressed concern was that of shelter, particularly for the children. They even suggested that the Government of Liberia (GOL) provides each returning refugee and IDP family with a bundle of zinc (roofing sheets) to facilitate resettlement.

The statistics also show that children, both male and female between the ages of 15-19, suffered such violation in equal proportions. As mentioned earlier, these statistics do not necessarily reflect the sufferings children, especially the younger ages, endured - sickness, fatigue, hunger, mental stress, etc, associated with constant movement in search of safety or food. It must be stressed that these statistics only represent what was reported to the TRC and not necessarily the universe of child victims which would represent much higher figures.

Forced recruitment is another violation that heavily impacted children during the conflict. All of the warring groups without exception recruited children, often by force, into the ranks of their fighting forces. Children, (predominantly males) age 15-19 were the main targets, although children as young as 6 years were recruited into the Small Boys Unit, remain in the fighting forces, became youths and continue well into their adult life. Forced recruitment peaked during 1990, dropped sharply between 1991- 1993 and then rising sharply again in 1994, petering out between 1994 and 2001 and then rising sharply and peaking out in 2003. It has been estimated that 70% of all combatants in the Liberian conflict were children. We see in the statistical analysis of the victims and violations reported to the TRC findings and analyses reveal also in statements that young men are significantly overrepresented among victims of forced recruitment. Also not captured in the data

are the feelings of hopelessness, helplessness and abandon parents and families endured when their children and siblings were forcibly taken away.

This was one of the most harmful aspects of the conflict: the recruitment and use of child soldiers, a tactic favored by Taylor's forces, but also used by other factions. Children, sometimes as young as six or seven, were taken from their families, given drugs and guns, and forced to kill. Psychological techniques were used to ensure their loyalty and fanaticism, such as forcing them to rape or kill their own family members, which had the additional effect of preventing their return home. Thousands of these child soldiers now live in Liberia, as well as in neighboring countries and the Diaspora. With little or no education, they have few useful skills and are dealing with the trauma of violence and war. Providing appropriate care

Reference 121 - 0.05% Coverage

war. Providing appropriate care

and services to former child soldiers remains one of the most difficult challenges for Liberia.

Sexual slavery, another violation committed against children, was, from the statistics, suffered mainly by young girls, age 15-19 years and girls age 10-14 to a lesser degree.

Violations against young boys in these age categories were virtually nil showing again that women including girls were the main targets of sexual violence. This situation is further amplified by the statistics showing that girls age 15-19 were heavily targeted and girls age 10-14 to a lesser degree. Even girls age 5- 9 were the victims of rape and other forms of sexual violence. But beyond what the statistics reveal, children were subjected to other forms of abuse that were not captured in the data gathering process. For example, children were often forced to watch while atrocities, including rape, were being committed against their siblings, parents and elders. In other cases they were forced to eat human flesh and to take drugs and other hallucinating substances. Under the influence of such mind altering substances they often committed some of the worst atrocities recorded/witnessed during the conflict.

Reference 122 - 0.10% Coverage

TRC documentation from witnesses reveals that the elderly had their fair share of victimization during the conflict. The elderly was abandoned many times by family members when fleeing armed attacks on civilian or in exchange with opposing forces. Many elderly persons have either lost real income or its value have dropped so dramatically that it can not meet their basic needs. Family members or children have been displaced or are in foreign lands as refugees. Elder folks also lost, many of them, their life time investment in housing destroyed or damaged during the war. Aged and incapable of active work or employment, this is often the source of trauma, depression leading to death. At the end of the conflict, the deaths of many elderly persons were reported because of heart failure. Yet in many isolated instances, they were directly targeted and abused sexually, killed under queer circumstances and rendered invalid, penniless and public charge.

Given the relatively youthful composition of the Liberian population and a national Life Expectancy rate of 55, it can be argued that any Liberian, age 55 would be considered an elderly person. In Liberia as in most African societies respect for the elderly is engrained in cultural norms and practices. Until the advent of the civil war these mores and norms governed traditional societies around the country whether amongst Kwa or Mande speaking peoples. During the war, however all of these norms were violated with reckless abandon as traditional authority, relations, and structures fell to the assault of the various fighting groups. In a number of reported cases elderly people, both male and female alike were killed, assaulted, abused, inhumanely degraded on the slightest pretext by perpetrators, on many occasions, old enough to be their

children. The age-targeting of increasingly older men is for killing and looting. One possible interpretation of this is that perpetrator groups targeted older men, perhaps chiefs and elders of influence in the community for killing. Wealth and property may also have been concentrated among older men, making them targets for looting whereas, the younger population was targeted for force recruitment into the fighting forces.

Reference 123 - 0.02% Coverage

traditional institutions during the conflict.

For several months in 1990, St. Peter's Lutheran Church became the refuge of women, children and men predominately from the Mano, Gio and Kpelle tribes fleeing violence throughout the country. Of significance here is that the Church was seen as a place of sanctuary – sanctified by God as a place of worship and protection; it became an attractive site for protection from harm because it was a sacred place.

Reference 124 - 0.03% Coverage

In addition, Liberians describe their desperation in attempting to learn news of family members and events in Liberia. Many Liberians living in the Diaspora lost touch with their parents, children, spouses, and extended families for years, and many are still seeking to learn what happened to loved ones. As waves of refugees began to be resettled from camps in the West African sub-region, the devastating scale of the atrocities became clear to both Liberians and non-Liberians in the U.S., the U.K., and around the world. TRC statements display disturbingly consistent patterns that reflect a well-known concept among refugee service providers – the triple trauma paradigm:

Reference 125 - 0.02% Coverage

Those Liberians who chose to flee by land describe walking for weeks and sometimes months, often wounded or guiding children and others who were unable to travel alone. Food, water, medical care, and safety were virtually impossible to find. Many died from starvation and common ailments en route. Others were abducted or killed during encounters with fighting factions along the few open escape routes. Those Liberians

Reference 126 - 0.05% Coverage

Many children are not attending school because their caregivers cannot afford to pay the fees. Security also remains a concern, and sexual assault is an acute problem. Despite these problems, Liberians in the camp have been ingenious in meeting their own needs by starting businesses, schools, community-based organizations, and faith-based institutions. However, Liberians who are doing well often are those who receive remittance payments from relatives who have managed to get resettled elsewhere. Although remittance support assists many, the population remains very vulnerable. Education beyond the elementary level and employment opportunities are available only to the very few. Liberian professionals find themselves with little to do because they have not been able to find work in Ghana. Those young Liberians, who are able to get vocational training or a Ghanaian degree, find themselves in a similar situation. Many

make ends meet by engaging in petty trading, braiding hair, or relying on the generosity of friends. Others, especially young women desperate to feed their families, turn to prostitution.

Reference 127 - 0.02% Coverage

Liberians, particularly those in the U.S., described difficulty adapting to different cultural expectations and laws regarding gender roles and raising children. Many Liberians with professional training are not able to work in their chosen profession in the U.S.—credentials from Liberia often are not recognized, and work experience from outside the U.S. is not valued. In addition, Liberians report discrimination because of their accents and describe challenges related to structural inequities as a result of racism.

Reference 128 - 0.02% Coverage

whose operational headquarters are nearby.

Almost a century after the League of Nations inquiry, Firestone is still under scrutiny for unfair labor practices amounting to forced and child labor. Firestone is currently the object of an Alien Tort Claims Act suit in U.S. court. Nevertheless, the U.S. government has continued its support for Firestone. During the conflict period when most industries in Liberia were sanctioned so as to avoid resources fueling the conflict, rubber remained in legal production.

Reference 129 - 0.01% Coverage

violations against the civilian population

Violations by all factions against women
Violations of the rights of the child by forceful recruitment into arm forces

Reference 130 - 0.05% Coverage

women remained on the fringes.

All of the indigenous groups are patrilineal (family relationships are all traced through the male blood line and only such relationships are recognized) and have ideologies of male dominance. The nineteenth-century domestic ideology brought with the resettled Americo-Liberians also was highly patriarchal, with women assigned to roles as homemakers and nurturers of children. However, the sexual division of labor in indigenous agricultural settings afforded women a measure of power, if not formal authority. Women's labor was extremely valuable, as seen in the institution of bride wealth that accompanied marriage. Among "civilized people" of indigenous or Americo-Liberian background, women's domestic role in caring for clothing, household decoration, and the other symbolic means by which the status of the household is communicated had great importance. While it was acceptable for an educated woman to hold a white-collar job outside the home, she could not participate in the most common activities – farming, marketing, and carrying loads of wood and water – without threatening her status.

Reference 131 - 0.08% Coverage

while boys went to schools.

Culturally, it is said that these practices were based on fears that women would dominate their partners if allowed the 'space' to do so. Women were expected to be respectful and to speak when spoken to, especially the „civilized“ women. A man interviewed during the study was recorded to have said, “During the days of our forefathers women were respectful. But these days women are not respectful. When you talk one, they [women] will talk ten“. The Hinterland law allowed men to overtly oppress women and entrench the tendency to treat women unjustly. Even after a woman had borne her husband's children, he could take her back to her relatives, saying that he did not want her any more, and she would have no recourse. This denial of the basic legal and human rights of women, especially the perception of women as the „property“ of her husband or father, rendered women and girls extremely vulnerable to abuse and exploitation, and without access to recourse. This laid the foundation for the extreme violations perpetrated during wartime because men had already been socialized to violate women with impunity.

The Liberian government's pronouncement of free and compulsory education for all children of school age has been in existence since 1912. Yet there were high disparities between the numbers of girls and boys in schools. With women's labor being highly prized as farmers, it was a given that girls would work with their mothers and boys needed to be sent to school. Some girls who did go to school did not experience any discrimination and competed equally with the boys, but for the majority, the perception was that education for girls was unnecessary. Currently, almost 80% of Liberian women are illiterate.

Reference 132 - 0.04% Coverage

10.4 Children The TRC finds that: •

The internationally guaranteed rights of Liberia's children under the age of 18 were grossly and systematically violated and their dignity and welfare disregarded during the period of investigation, in particular during the Liberian wars from 1989 to 1996 and from 1999 to 2003.

• Consisting of members from all armed factions that operated during the Liberian wars, perpetrators specifically targeted children in the commission of gross violations of international law, including gross violations of international human rights law and serious violations of international humanitarian law. These violations included targeted killings and extermination, abduction and forced recruitment, forced labour, rape and other forms of sexual violence including sexual slavery and gang rape, forced marriage, and torture.

Children constituted of approximately 10

Reference 133 - 0.03% Coverage

rape, forced marriage, and torture.

Children constituted of approximately 10 to 20 percent of members of armed groups and were considered central to the armed groups' logistics and combat efforts in that they relied heavily on children to be porters, cleaners, cooks, scouts, domestic and sexual slaves, as well as active combatants.

• Members belonging to each of the armed groups operating during the civil war wilfully exploited children's vulnerability and impressionability. They deliberately physically and psychologically abused and tortured children and employed harmful practices to render children obedient and easy to manipulate.

•

Thus abused, children found themselves

Reference 134 - 0.03% Coverage

Thus abused, children found themselves both victims and perpetrators during the war. Children were routinely coerced and manipulated by commanders to commit brutal acts in violation of international law against the civilian population, including their family members and other children. These acts included abductions, killings, torture, rape and other forms of sexual violence, pillage and the destruction of property. Children were exploited and manipulated through repeated physical and psychological acts and frequently drugged for them to be able to commit

Reference 135 - 0.02% Coverage

Children were also targeted by members of armed groups for belonging to particular ethnic groups in the commission of violations of international law. The ethnic targeting, in particular in the early 1990s, and to a lesser degree between 1999 and 2003, children from the Gio and Mano groups on the one hand, and the Mandingo and Krahn ethnic groups on the other, were specifically targeted in killings by armed groups representing ethnic interests

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Children were displaced and separated

Reference 136 - 0.03% Coverage

armed groups representing ethnic interests

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Children were displaced and separated from their families and communities. War robbed them of their livelihoods and educational opportunities. Joining armed groups became a means of survival and a coping strategy in the context of war, lawlessness and the breakdown of social relations.

- Many children found themselves in vulnerable situations due to the extreme socio-economic, urban-rural, and ethnic inequalities in Liberian society. Educational opportunities and opportunities for social mobility have always been limited largely to urban areas and to children from privileged groups. Having been „disadvantaged“ was a common reason children mentioned as a root cause of the conflict, and for some a motivation to join armed groups.

Reference 137 - 0.03% Coverage

motivation to join armed groups.

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The disarmament, demobilization, reintegration and rehabilitation (DDRR) program for former combatants demobilized 11,870 children, roughly one tenth of the total number of demobilized fighters. While it is considered largely successful for those children who rightfully went through the process, numerous gaps remain. The TRC found that a significant number of children formerly associated with the armed forces who testified before the TRC never went through the DDRR process. Some former children associated with the armed forces who have never gone through the DDRR process have difficulties reintegrating into civilian life and are particularly vulnerable to exploitation and homelessness today.

Liberia as a nation

Reference 138 - 0.02% Coverage

▪

Liberia as a nation has not invested the necessary resources in its children in many decades. Many children feel that they are inferior citizens. They feel abandoned, betrayed, and abused by adults. The TRC found a clear desire among many children who have been victimized by the war to bring those who caused their suffering to justice.

▪

Children also expressed a desire

Reference 139 - 0.02% Coverage

▪

Children also expressed a desire for some form of local reconciliation and processes of forgiveness for the wrongs they know they committed during the war. Many children expressed regret and remorse and would like to have their feelings acknowledged by families and wider communities. They expect that all children be excluded from any form of criminal prosecution and they do not expect to be amnestied, since amnesty would imply that children were guilty of the commission of crimes.

▪

Children expect to receive reparations

Reference 140 - 0.02% Coverage

▪

Children expect to receive reparations as an acknowledgement of their suffering, a means to make up for lost out opportunities and as concrete assistance for their rebuilding of their shattered lives. Establishing clear criteria to determine eligibility for family or individual reparations in the Liberian context where almost all children were victimized by the war would be extremely difficult. Any form of reparations needs to avoid favoring one group of children over another and to create further divisions or inequalities.

▪

Reference 141 - 0.02% Coverage

▪

Reparations should take forms that best remedy all the wrongs that have been inflicted on children during the Liberian wars and as a consequence of the wars. Children have strong expectations that the Government of Liberia step up its effort provide truly equal educational, vocational, and professional opportunities for all children and young people in the country.

▪

Reference 142 - 0.01% Coverage

young people in the country.

▪

The war left deep scars on Liberian children's psyche and further disadvantaged those who already had little before the conflict. Family and community bonds have broken down for many children. Where informal social institutions break down, the state is expected to step in.

Reference 143 - 0.03% Coverage

The Government of Liberia has taken some commendable steps since the end of the war to strengthen child protection and child welfare. Notably, the passage of the Rape Law of 2006, the commitment by the president to provide free primary education across the country, the submission of a new Domestic Relations Law regulating adoptions, the re-invigoration of the Children's Parliament, and the drafting of a comprehensive Children's Law, which is currently awaiting congressional approval, are all welcome measures that contribute to strengthening child protection in Liberia.

Reference 144 - 0.04% Coverage

child protection in Liberia.

- However, many stakeholders, including children themselves, feel that the Liberian Government has not given priority to children's issues and has shown a lack of leadership on designing and implementing a comprehensive child protection strategy that effectively tackles children's war-related problems. This is confirmed by the 2008 African Report on Child Wellbeing, which assessed all African countries with respect to the child friendliness of their policies and actions. The report found Liberia to be among the ten "least-child-friendly" countries in the world, ranked 47th out of 52 African countries. The report concluded that, "the poor performance or low score of the „least child-friendly" governments is the result of the actions taken by their governments – or lack thereof – and the outcomes in terms of the wellbeing of children in their respective countries."¹⁰

Reference 145 - 0.03% Coverage

Capacity among Liberian institutions mandated to look after the wellbeing of children is extremely weak. Government institutions in charge of the wellbeing of children, such as the Ministry of Gender and Development and the Social Welfare Division in the Ministry of Health and Social Welfare are poorly resourced and staffed. Despite recent increases in staff numbers, in particular their branch offices in the counties are heavily under resourced. Non-governmental Child Protection Agencies are heavily dependent on external funding and have few resources or longer-term strategic visions of their own. Monitoring of children's rights violations is weak and few institutions are ready to hold the Government to account.

Reference 146 - 0.04% Coverage

The criminal justice and law enforcement systems, while having made some progress in providing child-friendly measures to deal with delinquents under the age of 18, still lacks the capacity to provide childfriendly procedures and facilities. While the establishment of the Women and Children Protection Section within the Liberian National Police and the establishment of one juvenile court in Monrovia have been extremely positive steps, there is still little expertise to properly deal with children in conflict with the

law. There is only one juvenile judge in the country and there is little understanding among magistrate courts of child protection issues. There are no separate detention facilities for children in the country.

- Many gaps remain in addressing children's needs related to war-time violations and experiences:

Reference 147 - 0.01% Coverage

The Liberian conflict had serious negative and longer-term consequences for the physical and mental health of Liberian children. Some children

African Child Policy Forum. 2008. The African Report on Child Wellbeing: How child-friendly are African governments? Addis Ababa: The African Child Policy Forum, p. 8.

Reference 148 - 0.02% Coverage

reported to the TRC that their war injuries have never been properly treated and still cause them pain today. Years of deprivation, poor or insufficient nutrition, and displacement have led to widespread stunting and problems in children's physical and mental development. Vaccination rates among children have also declined and polio has reemerged in Liberia after it was thought to have been eradicated.

Reference 149 - 0.03% Coverage

- More than a decade of violent conflict has also severely impacted children's educational opportunities. While progress has been made in rebuilding schools and educational facilities providing access to primary education, the low quality of teaching staff and widespread abuses in the schools ranging from multiple hidden school „fees“ to sexual exploitation of girls pose serious obstacles to achieving free primary education. Secondary education is still only accessible to a small minority of students, mainly in urban areas, due to its high cost. This prevents most Liberian children from reaching their full potential.

Reference 150 - 0.02% Coverage

opportunities for girls in Liberia.

- Opportunities for vocational training remain insufficient across the country. Accelerated learning programs and supplementary adult literacy and numeracy classes for children or young adults who missed out on education during the war have had a positive impact and need to be continued and expanded for all children and young adults to be able to catch up on the many years of education they lost.

- Child labor is a

Reference 151 - 0.09% Coverage

of education they lost.

- Child labor is a serious problem in Liberia. During any time of the day or night, children roam the street peddling all varieties of wares, work in markets, shops or garages. The loss of parents and family members or their injury and disability has made children assume the responsibility of breadwinner or heads of

household in many cases. For many poorer families, sending children to make money is a matter of survival. However, it means that children are missing out on educational opportunities, which will make them more vulnerable in the future and will prevent them from advancing in the future. Many jobs children do are also physically arduous and harmful to children's health.

- The increase in the number of children or young adults who live on the streets can be attributed to the longer-term effects of the war and the disruption it brought to family and community ties. Some street children have lost their parents, or have been sent to Monrovia to a negligent or abusive fostering family. Others may be former children associated with the fighting forces who have a hard time readjusting to society or who may have been rejected by their families or communities. Street children are extremely vulnerable to abusive labor practices, criminal activities, becoming dependent on drugs, or prostitution, or falling victims to child traffickers.
- The fostering of children from rural areas and underprivileged families by better off urban relatives or acquaintances has a long tradition in Liberia. However, today, the practice more frequently seems to lead to abuse of the fostered children, which leaves them vulnerable to homelessness and trafficking. A whole small industry of false orphanages and commercial adoptions has developed in Liberia, with hundreds of non-orphaned children being kept in orphanages and being sold against the knowledge of their parents. This practice urgently needs to be curbed.
- There are serious gaps in child welfare services when it comes to care for children with serious trauma and for children who live without family support and are in conflict with the law.

Reference 152 - 0.01% Coverage

and other nationwide activities.

264

Report of the TRC Children's Agenda including hearings and related activities throughout the country
Reports from international human rights

Reference 153 - 0.05% Coverage

of Violations on the Population

The TRC determines that the conflict in Liberia dating back to the founding of the Liberian state and which was exacerbated by neglect, poverty, exclusion, political repression, ethnicity, and those human rights violations including violations of international humanitarian law, international human rights law, war crimes and egregious domestic laws violations of Liberia and economic crimes which characterized the conflict from 1979 to 2003 gravely impacted all segments of the Liberian society including but not limited to Liberians in the Diaspora and at home Women, Children, Youth, The Elderly, Vulnerable Groups, Cultural, Traditional and Religious Institutions, and Public Institutions.

The TRC determines that children are neither culpable nor responsible for acts of violations of human rights laws, humanitarian rights law violations, war crimes or egregious violation of domestic criminal law.

Therefore, the TRC makes no determination otherwise on children and as such they are exempt and protected from prosecution of any kind or form without limitation.

Reference 154 - 0.02% Coverage

for reparation trust fund.

The TRC also recommends that considering the history of land disputes and the well established fact that the colonialists of the ACS and pioneers of the Liberian Government acquired by force from the natives, that the JJ Roberts trust fund established by former president JJ Roberts for the education of the "children of Monrovia" be nationalized and the proceeds therefrom be utilized for the education of the Liberian children.

Reference 155 - 0.03% Coverage

Economic, Social and Cultural Rights

The TRC recommends that the Government gives full and equal recognition to the economic, social and culture rights of the Liberian people especially minority groups to the extent that every citizen will have access to economic opportunity for personal and group advance; that the cultural values and social orientation of Liberians generally including minorities will at all times be respected as fundamental equal rights and that the rights of women to self-actualization and equity will be respected and that children will be accorded their full rights as members of the human family.

Reference 156 - 0.03% Coverage

The TRC recommends that the Government of Liberia should, without delay, establish programmes that would victims of the conflict, especially women, with medical, psychological and social services including rehabilitation and assistance with child care and maintenance and other support structures to promote their safety, physical and psychological wellbeing.

The TRC further recommends that the Government attention to the health needs and rights of women in vulnerable and disadvantage groups such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, rural women, women with mental and physical disabilities.

Reference 157 - 0.08% Coverage

18.6. Recommendations Related to Child Rights Advocacy and Protection

The TRC recommends that because children are neither culpable nor held responsible for their actions during time of war, all children who participated in the armed conflict be protected without limitation from all forms of sanctions including criminal prosecution, civil liability, or public sanctions.

The TRC recommends the abolition of all forms of discrimination and violence against children and minority groups in our society.

The TRC also recommends that the government develops sound and practicable social welfare programs for children, who if left alone, would be deprived of the opportunities which could make them vulnerable and a liability to society.

The TRC further recommends the establishment of rehabilitation and reintegration programs for child soldiers and children associated with armed groups to the extent that it will benefit from free compulsory education up to the secondary level including the opportunities for vocational education.

The TRC also further recommends that government ratify and domesticate all international conventions relating to the protection and the rights of the child including the CRC Optional Protocols and the ILO Minimum Age Convention and make sure that it fulfills all its reporting obligations under the AU and UN conventions relating to children.

The TRC recommends that the Government of Liberia takes all legislative, administrative, social welfare and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect and exploitation or maltreatment including sexual abuse by persons or institutions entrusted with their care.

Reference 158 - 0.03% Coverage

The TRC also recommends that public integrity shall mean and apply to anyone who acquired property during and after a tour of duty in government and for a period of ten (10) years after government service to establish the source of funding for the said acquisition and a failure to do so shall forfeiture or confiscation in favor of the public good and interest to the extent that anyone who condones, conceals, or consent to fraudulent conveyance of said property be they relative, friend, spouse, or children shall be first be subject to investigation and be liable for violation of the public integrity and trust equally as the principal.

Reference 159 - 0.03% Coverage

20.5. Amnesty

The TRC believes and consistent with international standards that amnesty for heinous crimes is unacceptable, immoral and promotes impunity. The TRC therefore refrains from granting amnesty to any individual involved in the commission of such crimes in Liberia. In the case of children in armed conflicts, the TRC says is inapplicable since it raises the presumption of liability or responsibility for the crimes committed.

The TRC has therefore recommended that full protection be provided to all child soldiers or children involved with armed forces to the extend that civil and criminal or public sanctions are barred against them.

Reference 160 - 0.03% Coverage

Virginia, Liberia June 19, 2009

We, the delegates of the National Conference on Reconciliation in Liberia, representing citizens of Liberia from all 15 counties and from all walks of life, background, race, clan and tribe as well as representing perpetrators and victims of crimes of all forms and degrees against our fellow brothers and sisters; having come together to forgive and seek forgiveness through the pursuit of truthful reconciliation among ourselves placing our nation, our dignity and the future of our children and children's children ahead of us all through the Grace and Mercy of Almighty God; and

Reference 161 - 0.02% Coverage

32. That the curriculum for children and youth be updated to include reconciliation, peacebuilding, human rights, and patriotism.

33. That poro and sande periods be coordinated with the national school calendar. 34. That more recreational opportunities be created for children and youth. 35. That more rehabilitation centers for deviant youth be established.

Reference 162 - 0.01% Coverage

who commit violence against women;

3. Promote an understanding of child rights issues that is sensitive to African culture and focuses on both rights and responsibilities;
4. Provide security and protection

Reference 163 - 0.01% Coverage

Ensure that implementation efforts take into account the need to improve social protection of women, children, the disabled, and other vulnerable groups, focusing on their empowerment and participation in all levels of decision-making; and

Be cognizant and sensitive to

Reference 164 - 0.01% Coverage

3. "Enslavement" The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

4. "Torture" The perpetrator intentionally

Reference 165 - 0.01% Coverage

iv. Imposing measures intended to prevent births within the group; v. Forcibly transferring children of the group to another group.

Reference 166 - 0.01% Coverage

„Enslavement“ means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

iv. „Deportation or forcible transfer

Reference 167 - 0.01% Coverage

Similar to Slavery of 1956. It is also understood that the conduct described in this element includes trafficking in persons, in particular women and children.

„Sexual Violence“ The perpetrator

Reference 168 - 0.01% Coverage

in paragraph (a) (c).12

12. "Enslavement" The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

13. "Pillage" The perpetrator appropriated

Reference 169 - 0.03% Coverage

14. 'Using, Conscripting or Enlisting Children in Armed Conflict' The perpetrator conscripted or enlisted one or more persons into the national armed forces or used one or more persons to participate actively in hostilities. Such person or persons were under the age of fifteen years. The perpetrator knew or should have known that such person or persons were under the age of fifteen years. The conduct took place in the context of and was associated with an international armed conflict. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 14 Egregious Domestic Crimes

Reference 170 - 0.02% Coverage

among others, the following activities: fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractices, illegal arms deal, smuggling, sexual slavery, human trafficking and child labor, illegal mining, illegal natural resource extraction, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, and any other activity unlawful under domestic or international law.

Article 15 Individual Criminal Responsibility

Reference 171 - 0.01% Coverage

the crimes committed and the

particular sensitivities of girls, young women and children victims of rape, sexual assault, abduction and slavery of all kinds, special consideration shall be given to the appointment of prosecutors and investigators experienced in gender-related crimes and juvenile justice.

Reference 172 - 0.02% Coverage

3. If a perpetrator or alleged perpetrator fails to, or is not able to, engage a defense counsel on his/her own, defense counsel may also be engaged ex officio or by his/her legal representative, spouse, extramarital partner, blood relative in a direct line, adopted parent, adopted child, brother, sister or foster parent. The Court may also appoint and retain defense counsel for the accused.

4. If a perpetrator or

Reference 173 - 0.01% Coverage

John Guain alias Gen. Norriega

29 Michael Davies alias Sundaygar Dear-boy 30 Peter Giah children father
31 Coco Dennis, Gen. Gonda

Reference 174 - 0.03% Coverage

of generating illicit profit¹⁴
either

individually or collectively or in any organized manner by engaging in, among others, the following activities: fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractices, illegal arms dealing, smuggling, sexual slavery, human trafficking and child labor, illegal mining, illegal natural resource extraction, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, and any other activity unlawful under domestic or international law.¹⁵

Economic Crimes in the Timber

Reference 175 - 0.01% Coverage

to murder and mutilate.⁴⁶

In 1997, 450 former child combatants allegedly were used for gold mining in the ITI logging company's concession. The children were allegedly under the control of Roland Duo, the former NPFL chief of staff for River Cess County.⁴⁷

Economic Crimes in the Petroleum

Reference 176 - 0.04% Coverage

from poor levels of education.

The bias against women receiving formal education must be addressed at all levels, socially, economically and politically. The National Girl Child Education Policy must be implemented to address some of the following issues: Free and compulsory education for girls up to senior secondary level is recommended. Girls who become pregnant while at school must not be expelled. Government should ensure that counseling services are available at all schools as well as adequate sex education and awareness as preventative measures. In the event of girls becoming pregnant, services must be available for the girl to complete her education in a way that takes her health status into account. Teachers impregnating girls must be severely dealt with, through the setting up enforceable codes of conduct for teachers and students.

Accurate data must be collected

Reference 177 - 0.02% Coverage

It is further recommended that the Ministry of Education in conjunction with the Ministry of Gender and Development, UN and Civil society partners establish decentralized adult education programs, including night schools for women in which basic literacy and numeric skills can be taught. This needs to take all the socio-economic concerns of women into account, like safe transport, child care and affordability.

Poor learning environments must be

Reference 178 - 0.01% Coverage

without desks, materials or electricity.

All unqualified teachers must be put on up skills programs for basic teaching qualifications based on the fact that 65% of children in primary schools are taught by unqualified teachers. Forty-five percent of teachers have not completed high school.

Steps must be taken to

Reference 179 - 0.03% Coverage

for women must be continued

* Scholarships must be provided to the children of women whose husbands, partners or breadwinners were killed * Individual reparation to be determined on a case-by case basis must be given to all women who either gave statements to the TRC or who testified at the public or in-camera hearings * GOL must facilitate the reunification of women who were used as sex slaves, bore children for fighters but whose children were taken away from them by fighters at the end of the war, and who want to be reunited with their children the opportunity to be reunited with their children. Must women have said this will facilitate their healing and promote the ends of justice.

Women Associated with the Fighting

Reference 180 - 0.03% Coverage

A large number of elderly women have been rendered destitute and without families, must be reintegrated into society, and government and civil society are called upon to develop innovative programs that will restore these women's dignity and pride. Examples of this can be taken from other countries where the elderly have been taken into homes as child minders (adopt a grandmother), or to offer some assistance to families struggling to recover their family values. Homes for the elderly should be established in the main urban centers, subsidized by government where no family member or family can be found to 'adopt' the person. All the elderly women should be given free medical attention.

War widows

Women rendered widows

Reference 181 - 0.03% Coverage

psychosocial counseling.

Displaced and homeless

Women who lost track of their children and families need a special service to be established that they can access, to reunite them with their missing family, and to be assisted to return to their original homes if that is what they deem appropriate. These women have also lost their properties and homes so a rebuilding plan is essential. Building materials should be subsidized and made available to women who can present a rebuilding plan. In the interest of reconciliation, the perpetrators who destroyed homes should be involved in this plan as part of community reparations to the victims.

Memorialization

The increased recognition of

Reference 182 - 0.03% Coverage

The State needs to further ensure that women-friendly environments are developed within the police and judiciary for the reporting of sexual and GBV. More females must be recruited into the security sector and trained adequately to build their capacity, and more must be promoted into management and decision making positions as well. Adequate sexual harassment policies must be adopted and enforced within these sectors. Attractive incentives must be created to recruit women; including child care, promotional opportunities, and evidence that gender stereotyping is absent.

Reference 183 - 0.03% Coverage

culture of impunity. It is therefore recommended that war-lords and heads of fighting factions be punished for initiating, encouraging, participating in and perpetuating crimes against women during the war and in the post conflict periods. This punishment must be real, and justice must be seen to be done. This should involve jail-time, hard labor, and seizure of property or other ill-gotten gains. Public apologies from the warring factions must be mandated and reparations sought from them personally. Amnesty should only be considered with full disclosure and remorse for crimes against women. All child soldiers should be given conditional amnesty with the condition being mandatory rehabilitation.

Reference 184 - 0.02% Coverage

Inherit for Men and Women)

* All women should be assisted to regain their lost livelihoods and/ or be given the information they need to understand that they have a right to claim these losses. Many women lost businesses during the war, and also their male relatives who were helping them. They are left with small children and no means of income. There should be a scheme to assist these women to go back to their business and to start over. (Right to Work; Right to an adequate standard of living).

* Illiteracy is highest amongst women

Reference 185 - 0.03% Coverage

attend school, when education

up to grade 9 is free. So they need literacy programs, more primary schools in rural communities and knowledge about the system. (Right to education). * Many women are living at the mercy of family and friends having lost their homes in the war. Low cost housing schemes must be provided. (Right to Housing).

* The DDRR did not cater for victims. They need assistance such as skills training, medical care, and scholarships for their children, and trauma counseling. A resettlement fund should be made available, victims identified and given assistance to go back to their homes and start over. * Legal Aid must be provided to women who are being thrown out by their husbands and husbands' relatives.

Reference 6 - 0.02% Coverage

guns, and forced to kill.

Psychological techniques were used to ensure their loyalty and fanaticism, such as forcing them to rape or kill their own family members, which had the additional effect of preventing their return home. Thousands of these child soldiers now live in Liberia, as well as in neighboring countries and the Diaspora. With little or no education, they have few useful skills and are dealing with the trauma of violence and war. Providing appropriate care and services to former child soldiers remains one of the most difficult challenges for Liberia. While men, women and children

Reference 7 - 0.01% Coverage

of their agenda for peace.

9.3. Children: From Child Soldiers to Youth Perpetrators

Reference 8 - 0.03% Coverage

This was one of the most harmful aspects of the conflict: the recruitment and use of child soldiers, a tactic favored by Taylor's forces, but also used by other factions. Children, sometimes as young as six or seven, were taken from their families, given drugs and guns, and forced to kill. Psychological techniques were used to ensure their loyalty and fanaticism, such as forcing them to rape or kill their own family members, which had the additional effect of preventing their from return home. Thousands of these child soldiers now live in Liberia, as well as in neighboring countries and the Diaspora. With little or no education, they have few useful skills and are dealing with the trauma of violence and war. Providing appropriate care

Reference 9 - 0.01% Coverage

war. Providing appropriate care

and services to former child soldiers remains one of the most difficult challenges for Liberia.

Sexual slavery, another violation committed

Reference 10 - 0.01% Coverage

and a liability to society.

The TRC further recommends the establishment of rehabilitation and reintegration programs for child soldiers and children associated with armed groups to the extent that it will benefit from free compulsory education up to the secondary level including the opportunities for vocational education.

The TRC also further recommends

Reference 11 - 0.01% Coverage

responsibility for the crimes committed.

The TRC has therefore recommended that full protection be provided to all child soldiers or children involved with armed forces to the extent that civil and criminal or public sanctions are barred against them.

Reference 12 - 0.03% Coverage

imperative to end the culture of impunity. It is therefore recommended that war-lords and heads of fighting factions be punished for initiating, encouraging, participating in and perpetuating crimes against women during the war and in the post conflict periods. This punishment must be real, and justice must be seen to be done. This should involve jail-time, hard labor, and seizure of property or other ill-gotten gains. Public apologies from the warring factions must be mandated and reparations sought from them personally. Amnesty should only be considered with full disclosure and remorse for crimes against women. All child soldiers should be given conditional amnesty with the condition being mandatory rehabilitation.

SIERRA LEONE

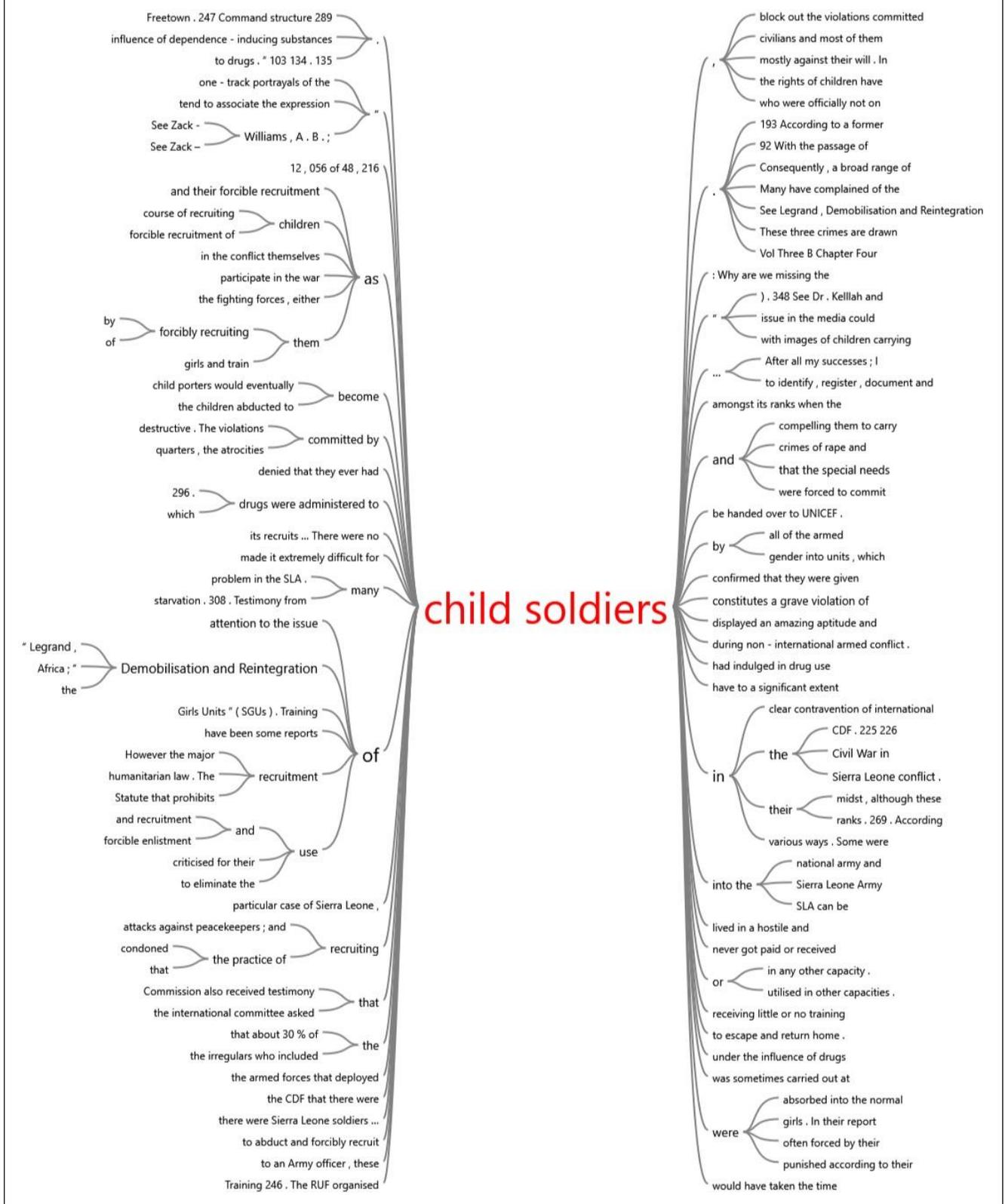


Word Frequency Query

male	sierra	killed	detained	forced	district	1995	people	kailahun	national	1997	interview	human	kenema		
							2000	extorted	reconcilia	kono	armed	koroma	former		
	leone	abducted	assaulted	women	children	sankoh	political	court	internati	public	bombali	state	peace	conduct	
displaced						kamara	statement	today	country	afr	bonthe	security	1992	raped	
	female	destroyed				rights		special	1996	soldier	forces	confid	trainin	hearing	gener
			1998	1999	tortured	pujehun	victims	western	army	moyan	tonkolili	society	numb	histor	comb
commission	property	conflict					1994	report	sexual	violenc	koinadu	civil	kamajo	coun	chief
			1991	2003	labour	violations	military	members	presider	sesay	truth	groups	girls	loko	com



References to Child Soldier in Sierra Leone Report - Results Preview



Name: References to Child - Children in Sierra Leone Report - Results Preview

<Files\\Sierra.Leone_TRC-Report-FULL> - \$ 1000 references coded [4.34% Coverage]

Reference 1 - 0.01% Coverage

on Human and Peoples Rights
African Covenant on the Rights and Welfare of the Child Alluvial Diamond Mining Scheme
Armed Forces of Liberia
Armed

Reference 2 - 0.01% Coverage

forms of Discrimination against Women
Community Education Investment Programme Children's Forum Network
Campaign for Good Governance Ceasefire

Reference 3 - 0.01% Coverage

Monitoring Committee Chief Military Observer
Commission for the Management of Strategic Resources, National Reconstruction and Development
College of Medicine and Allied Health Sciences Child Protection Agency
Convention on the Rights of the Child
Complementary Rapid Education for Primary

Reference 4 - 0.01% Coverage

Primary Schools Civil Society Movement
Child Welfare Committee
Disarmament, Demobilisation and Reintegration Department

Reference 5 - 0.01% Coverage

of Democracy Médecins sans Frontières
Ministry of Social Welfare, Gender and Children's Affairs National Aids Council
National Commission for Social Action

Reference 6 - 0.01% Coverage

National Commission for Social Action
National Commission for War Affected Children National Aids Secretariat
Nigerian Armed Forces Training Group

Reference 7 - 0.01% Coverage

Educational, Scientific and Cultural Organisation
United Nations High Commissioner for Refugees United Nations Children's Fund
United Nations Fund for Women

Reference 8 - 0.01% Coverage

Sierra Leone are indeed bright.

Our ultimate goal of peace and reconciliation will be reached if all living within its borders sincerely respect the human rights of all, without exception. We must reaffirm our resolve to live in a nation where justice reigns, where nobody is above the law, where unity and tolerance is the order of the day, where genuine democracy thrives, and where love and concern for each other and our country is paramount. True reconciliation requires real consideration for the total well being of all our citizens – including children,
Vol One Foreword by Chairperson

Reference 9 - 0.01% Coverage

towards healing our traumatised nation.

These are my hopes for our people in Sierra Leone. As we read the pages of this Report let us do so with an open mind for the voices of thousands of Sierra Leoneans are contained in its volumes. These voices call upon all of us never to permit intolerance and brutality to afflict our Sierra Leone again. We are called upon to live in such a way that we can truly say "never again". The future prosperity of our children and indeed future generations depend on how we conduct ourselves. We must meet this challenge.

I wish to acknowledge and

Reference 10 - 0.01% Coverage

term truth and reconciliation process.

Several organisations, both within and outside Sierra Leone, played significant roles in promoting the work of the Commission. Within Sierra Leone such organisations included the Campaign for Good Governance, the National Forum for Human Rights, the print and broadcast media and the Inter Religious Council. The Truth and Reconciliation Working Group served as a useful liaison between the Commission and the NGO community. UNICEF provided support to the Commission and enabled it to publish the Children's Version of the Report. The Commission wishes to thank Saudamini Siegrist for her dedication in compiling the Children's Version. UNIFEM supplied advice and resources to assist the Commission to address the role of women in the conflict. WITNESS produced a video version of the Report and the Commission wishes to express its gratitude to Gillian Caldwell, Louis Spitzer and Tijanie Bah. The International Centre for Transitional Justice (ICTJ) supplied valuable support and input, and the Commission wishes to thank in particular Marieke Wierda who was always available for advice and counsel. The ICTJ provided consultants to the Commission and also supplied financial support for and the National Vision for Sierra Leone.

Vol One Foreword by Chairperson

Reference 11 - 0.01% Coverage

the production of this report.

As I commend this Report to my fellow Sierra Leoneans, I solicit the cooperation of the national government and the international community to do everything humanly possible to implement the Commission's recommendations. The recommendations represent the hopes of our children and youth as well as the yet unspoken hopes of future generations. We have a real opportunity to unlock the potential and talents of all Sierra Leoneans. We must seize this opportunity. Thus, to all peace loving people, I commend to you this Report of the Commission.

Bishop Joseph Humper (CR) Chairman

Reference 12 - 0.01% Coverage

the chapter entitled "Concepts".⁵

1 Produced in collaboration with UNICEF. The Children's Version was written with the assistance of children. 2

3 4 5

Produced by

Reference 13 - 0.01% Coverage

Women and the Armed Conflict •
Children and the Armed Conflict
• Youths and the Armed Conflict

Reference 14 - 0.01% Coverage

Leonean poet, Mahomed Sekoya, wrote:

"I saw abomination between man and woman, man and man, woman and woman, adults and children. Yes I saw."¹⁶

Sierra Leone saw some of

Reference 15 - 0.01% Coverage

and local government elections. ²¹

Children and the Armed Conflict ²².

The Commission's enabling Act required it to give special attention to the experiences of children in the armed conflict.²² Children were singled out for some of the most brutal violations of human rights recorded in any conflict. The Sierra Leonean conflict was characterised by the pernicious strategy employed by most of the factions in forcing children into combat. The Commission found it most disturbing that children were the main victims in the following violations: drugging²³, forced recruitment, rape, and sexual assault. The Commission found that children between the ages of 10 to 14 were specifically targeted for forced recruitment, rape, and sexual slavery.²⁴ Children were also forced, often under the threat of death, to commit a range of atrocities.

23.

The Commission paid particular

Reference 16 - 0.01% Coverage

a range of atrocities.

23.

The Commission paid particular attention to identifying and exposing individuals and factions responsible for the violation and abuse of the rights of children.²⁵ The story of children in the Sierra Leone conflict is told in the chapter entitled "Children and the Armed Conflict".²⁶

Never again should the children

Reference 17 - 0.01% Coverage

26

Never again should the

children of Sierra Leone be subjected to brutality. Youths and the Armed Conflict

24.

The last twenty years

Reference 18 - 0.01% Coverage

The forced consumption of drugs.

For more detail, see the chapter entitled "Children and the Armed Conflict", Chapter 4 Volume

3B. 25

26

See the

Reference 19 - 0.01% Coverage

4 Volume

3B. 25

26

See the following chapters: Children and the Armed Conflict, Military and Political History of the Conflict, Nature of the Conflict, and Findings.

Chapter 4, Volume 3B. Vol

Reference 20 - 0.01% Coverage

Promotion of Human Rights • Youth •

Children

• Women •

Reference 21 - 0.01% Coverage

different categories of recommendations.

46.

The recommendations cover the following areas and themes: the Protection of Human Rights, Establishing the Rule of Law, the Security Services, Promoting Good Governance, Fighting Corruption, Youth, Women, Children, External Actors, Mineral Resources, The Commission and the Special Court, Reparations, Reconciliation, National Vision for Sierra Leone, Archiving, Dissemination of The Commission's Report, and the Follow-Up Committee.

47.

The Commission's recommendations are

Reference 22 - 0.01% Coverage

be determined by NaCSA.

52.

The Commission recommends that there should be free education until senior secondary level for specific groups affected by the conflict. Those eligible should include children who are amputees, other war wounded, and victims of sexual violence; children who were abducted or conscripted; orphans of the war; and children of amputees, other war wounded who experienced a 50%

37 38

Section 15(2)

Reference 23 - 0.01% Coverage

envisaged for their country.

54.

The Commission was overwhelmed by the effort, time and resources that so many Sierra Leoneans devoted to preparing their contributions. Among the contributors were adults and children of different backgrounds, religions and regions, artists and laymen, amputees, ex-combatants and prisoners. The contributions include written and recorded essays, slogans, plays and poems; paintings, etchings and drawings; sculptures, wood carvings, installations and even a sea-worthy boat. The contributions form part of the national heritage of Sierra Leone.

55. While most contributors worked

Reference 24 - 0.01% Coverage

external factors in the conflict;

(b) to work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims

and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict; and
(c) to do all such

Reference 25 - 0.01% Coverage

recount their stories in public;
implementation of special procedures to address the needs of such particular victims as children or those who have suffered sexual abuses as well as in working with child perpetrators of abuses or violations;
decision-making by consensus, to

Reference 26 - 0.01% Coverage

factors in the conflict' .

31.

Furthermore, it is also among 'the functions' of the Commission, according to subsection 6(2)(b), 'to work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict' .

32.

Section 7 also refers

Reference 27 - 0.01% Coverage

regard to these matters' .

33.

Section 7 also refers to the concept of 'past violations or abuse' and to 'child perpetrators of abuses or violations'. The Report of the Commission, in accordance with section 15, is to include recommendations directed to 'preventing the repetition of the violations or abuses suffered'.

34.

The 'Memorandum of Objects

Reference 28 - 0.01% Coverage

humanitarian law to them.

44.

This would indeed seem to be the implication of the Act, with the reference to 'perpetrators of human rights violations and abuses' in the Memorandum of Objects and Reasons. That individuals and not only states or state-like bodies are contemplated is confirmed by the reference to 'child perpetrators of abuses or violations'. This is also suggested by section 6(2)(a), which asks 'whether those violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual'.

45.

Individual perpetrators may be

Reference 29 - 0.01% Coverage

governance of ones country.

51.

The sources of international human rights law are in treaties, bodies of principles and customary international law. The Government of Sierra Leone is legally bound by many of the most important international human rights law treaties, by virtue of its ratification or accession. This is the case with such instruments as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the African Charter of Human and Peoples' Rights. But Sierra Leone is also subject to various other standardsetting instruments of which the most important is the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948.

52.

Human rights are sometimes

Reference 30 - 0.01% Coverage

the right to peace.

55.

The conclusion that a broad approach to human rights is required, also finds support in the reference in the TRC Act which mandates the Commission to pay 'special attention to the subject of sexual abuses and to the experiences of children within the armed conflict'. Such issues might not be subsumed within a mandate focussed only on the 'core' civil and political rights listed in article XXIV of the Lomé Peace Agreement or the Constitution. To supplement the basic international human rights instruments referred to in the preceding paragraph, the Commission has sought guidance from specialised instruments in the area of the rights of women and children, such as the Convention on the Rights of the Child, the African Convention on the Rights and Welfare of the Child, the Convention on the Elimination of Discrimination Against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and various United Nations and African Union declarations concerning sexual abuse of children and violence against women.

56.

Section 6(1) of

Reference 31 - 0.02% Coverage

against military objectives.²⁰

60.

The mandates of the Commission and the Special Court for Sierra Leone overlap somewhat, as they are both to address issues of 'international humanitarian law'. In the case of the Commission, its attention is directed to 'violations and abuses', whereas the Special Court's jurisdiction is confined to 'serious violations' of 'international humanitarian law'.²¹ The concept of 'serious violations of international humanitarian law' is a technical one whose definition has been developed in judgments and decisions of the International Criminal Tribunal for the former Yugoslavia. It should be pointed out that the Special Court does not have

jurisdiction over all 'serious violations of international humanitarian law', but only those listed in articles 4 and 5 of the Statute. The jurisdiction is limited principally to crimes committed within internal armed conflict. In addition, the Court has jurisdiction over three crimes that may be committed in international armed conflict, namely indiscriminate attacks on civilians, attacks on United Nations personnel and installations, and recruitment and use of child soldiers. Consequently, a broad range of serious violations of international humanitarian law, to the extent these are committed in international armed conflict, do not fall within the jurisdiction of the Special Court. For example, while the Special Court has jurisdiction over the 'serious violation' of 'intentionally directing attacks against the civilian population', it does not have jurisdiction over the 'serious violation' of 'intentionally directing attacks against civilian objects'. Such serious violations of international humanitarian law when committed in international armed conflict are not, in contrast, excluded from the work of the Commission.

20 21

Basic Rules of

Reference 32 - 0.01% Coverage

additional mandate regarding juvenile offenders

The OHCHR initiative in this area focused on the research study on traditional methods of conflict resolution and reconciliation, which was expected to provide the Commission with input on how various groups in Sierra Leone approached juvenile crime. Additionally, UNICEF, in 2001, organised a consultation on the participation of children in the Commission. The report of that consultation was a comprehensive study on how the Commission could partner with UNICEF and the child protection agencies in facilitating the participation of children in the Commission and ensuring that their rights were protected in the process.

7 UN Doc. S/2000

Reference 33 - 0.01% Coverage

the support of contracted parties.

i. Developing policy and preparing briefing materials issues such as the relationship with the Special Court, women's issues, children's issues, traditional methods of reconciliation and witness protection.

25.

The Interim Secretariat was

Reference 34 - 0.01% Coverage

Commission was to be inaugurated.

Values: The values, which were set out as underpinning the work of the Interim Secretariat, included the following: a. Training for all staff b. To be gender and child sensitive c. Encourage life long learning d. To be ambassadors of reconciliation e. Show respect and dignity to and be aware of the 'victims' f. Respect for each other and demonstrate team spirit g. Human Rights knowledge and the basis for such rights h. To be hands-on and pro-active managers i. Be rooted and integrated in the community j. Transparency, honesty and accountability

The strategic action plan also

Reference 35 - 0.01% Coverage

even generations to come.

27.

Social truth. This may come the closest to what the Truth and Reconciliation Commission is expected to establish. It is the truth established after interaction and dialogue that will be accepted by all after the myths and the lies have been discredited and disproven. In order to determine this 'social truth', the Commission endeavoured to provide a forum where the parties to the conflict, and the various components of civil society, including faith communities, political parties, the country's principal institutions, and various constituencies such as women, youth and children, could come together for debate and exchange. Even informally, out of this process a form of consensus has emerged about the nature of the conflict. The dynamics that were established between the participants in this process may provide a basis for future understanding and relationships.

28.

Healing and restorative truth

Reference 36 - 0.01% Coverage

not have telephone services.

49.

Public attendance at the hearings in Freetown was poor. Apart from the opening ceremony and the hearings of high profile persons, attendance was low. It is possible that the live broadcast of the hearings on radio made attendance unnecessary for a majority of the people. The hearings recorded full houses when the Commission conducted public hearings on women and children. The Commission's appreciation goes to the members of its research staff on women and children, and to UNICEF, UNIFEM, the CFN, Voice of Children's Radio, the CPAs and other agencies which came together to make those hearings memorable.

50.

Public attendance at the

Reference 37 - 0.01% Coverage

are discussed below in detail.

Policies Women and Children 2.

Section 6(2) of the TRC Act stipulates that the Commission should give special attention to the subject of sexual abuse and to the experiences of children in the armed conflict. Section 7(4) of the Act enjoins the Commission to implement special procedures to address the needs of victims such as children, those who have suffered sexual abuse and child perpetrators of abuses or violations.

3.

During the conflict, women

Reference 38 - 0.01% Coverage

of abuses or violations.

3.

During the conflict, women and children were the victims of the most brutal violations and abuses. It was necessary that they participated in all the activities of the Commission to ensure that their voices were heard. There was no single body or group representing victims' interests in Sierra Leone. There are instead various institutions and agencies, both local and international, providing services to women and children victims of the war. Many of these agencies existed long before the TRC was established and have been documenting violations and abuses, providing psychosocial support services and carrying out school enrolment and training programmes for women and children. The Commission worked closely with many such organisations. Furthermore, in 2001, UNICEF organised a consultation on the participation of children in the work of the Commission. That consultation supported the participation of children in the work of the Commission and outlined a number of measures to ensure the protection of participating children.

4.

The Commission entered into

Reference 39 - 0.01% Coverage

and Processes Page 141

5.

A second framework agreement was signed between the Commission, UNICEF and some Child Protection Agencies to provide the Commission with technical assistance to during statement taking and hearings in which children were participating.

6.

The framework agreements entered

Reference 40 - 0.01% Coverage

which children were participating.

6.

The framework agreements entered into by the Commission with UNIFEM and UNICEF respectively are discussed in detail in the relevant sections of this report. As a public institution, the Commission felt that it was necessary to develop further policies to underpin its work with women and children, often after consultations with civil society and other stakeholders. Some of these policies are outlined below.

General policy 7.

The Commission

Reference 41 - 0.01% Coverage

outlined below.

General policy 7.

The Commission paid specific attention to the security and well-being of the children who appeared before it. Furthermore the Commission acted in a gender-sensitive manner by ensuring that women were well represented on its staff and by reaching out to women so that they could participate fully in all of its phases and processes.

Policies relating to statement taking

Reference 42 - 0.01% Coverage

statement-taking programme.¹
9.

All the children who appeared in hearings did so in closed or confidential sessions. The Commission organised special public hearings on children and sexual violence to bring the issues around their experiences to the centre of public discourse. The physical and psychological security of children participating in the Commission's activities was paramount.²

Policies relating to report writing

Reference 43 - 0.01% Coverage

section later in this chapter.

Special measures to protect children were implemented in collaboration with UNICEF and the Child Protection Agency Network. More detail on such measures can be found in the sections on statement taking and hearings in this chapter.

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Reference 44 - 0.01% Coverage

and Processes Page 142

11.

The Commission included in its Final Report a special section on children, along with a range of recommendations specifically designed to address the needs of children. The Commission also produced a child-friendly report with the support of UNICEF.³

Statement Taking⁴ 12.

In Sierra

Reference 45 - 0.01% Coverage

the general population.

3 4

More detail on the children's version of the report can be found later in this chapter and in the chapter on Children in Volume Three B of this report.

Throughout this chapter, the term

Reference 46 - 0.01% Coverage

the Commission's recommendations.

Reconciliation 17.

Civil society had been doing much work on reconciliation prior to the start of the Commission. Through the efforts of UNICEF and the Child protection Agencies a number of child combatants were settled back into their communities after the performance of traditional ceremonies. Communities performed traditional cleansing ceremonies and other rituals. The faith community was also very strong in promoting

reconciliation in the communities. The Commission wished to build on these efforts and encourage them. Within the time frame available to the Commission, it would not be able to actively engage in reconciliation activities all over the country.

18.

The Office of the

Reference 47 - 0.01% Coverage

identity of the witness.

25.

The TRC Act also states that: "the Commission may implement special procedures to address the needs of such particular victims as children or those who have suffered sexual abuses, as well as in working with child perpetrators of abuses or violations."⁸ The Commission decided that child statement givers would be granted confidentiality automatically, without having to request it and those children would only appear in closed hearings. Children are vulnerable and the Commission felt it was its duty to extend a special protection to them. Women victims of sexual abuse were also encouraged to appear in closed hearings.

6 7 8

See Section

Reference 48 - 0.01% Coverage

and Processes Page 145

26.

The agreement entered into by the Commission with UNICEF and the Child Protection Agencies was to ensure that children had the full protections at all stages of their participation in the work of the Commission. Child protection agencies oversaw the process of children testifying before the Commission. The participation of these agencies in statement taking offered assurance, comfort and security to the children. Counselling and psychosocial assistance was on hand for children. It was important that the children's emotional and physical well-being was assured at every stage of their participation in the work of the Commission.

Research and Investigations 27.

Section

Reference 49 - 0.01% Coverage

18 January 2002.

Research 31.

Themes of research were designed in accordance with the Commission's mandate, as set out in Section 6 (2) of the TRC Act. The Commission decided on twelve research themes, each of which has contributed one chapter to either Volume Three A or Volume Three B of this Report. The themes address the antecedents and causes of the conflict, the context in which the violations and abuses occurred and the question as to whether those violations and abuses were the result of deliberate planning, policy or authorisation by any government, group or individual. Themes were also devoted to women, children and youth, as well as the role of external actors in the conflict.

Primary and secondary sources 32

Reference 50 - 0.01% Coverage

and Processes Page 155

71.

At a technical meeting on "Children and the Truth and Reconciliation Commission for Sierra Leone" convened in June 2001 by UNICEF, the National Forum for Human Rights and UNAMSIL Human Rights Section, it was resolved that the Commission should publish a simplified version of the Commission's Report for children. During the Commission's thematic hearings on children, the Children's Forum Network (CFN) called on the Commission to produce "a child-friendly version of the Truth and Reconciliation Commission Report, which could be used by teachers and children's organisations, such as the Children's Forum Network, to disseminate the findings and recommendations of the Commission to the children of Sierra Leone."¹³ The Truth and Reconciliation Commission Act 2000 further required the Commission to pay special attention to the needs and experiences of children during the armed conflict. The Commission was accordingly mindful of the need to involve children in all aspects of its work.

72.

Building upon its partnership

Reference 51 - 0.01% Coverage

aspects of its work.

72.

Building upon its partnership with UNICEF and the CPAs, the Commission decided to create a "child-friendly version" of its report. It sought and received technical assistance from UNICEF and the Child Protection Unit of UNAMSIL, which assisted the Commission's staff in the writing of the child-friendly version. The members of the Children's Forum Network also collaborated with the Commission in the writing of the Report. At a Children's Parliament convened in Freetown by the Ministry of Gender, Women and Children's Affairs in Freetown in December 2003, the Commission made a presentation to the representatives who had assembled from all over the country on the key philosophical and conceptual issues around the child-friendly version. The Commission received substantive input from the Children's Parliament on how to make the report attractive to children and the kinds of issues they would wish to see discussed.

73.

The publication of a

Reference 52 - 0.01% Coverage

wish to see discussed.

73.

The publication of a child-friendly report is the first such initiative by a truth commission. The Commission was imbued with a sense of history in undertaking this significant exercise. It was important that the report be accessible to children and that the contents not traumatise them. The Commission is satisfied that its partnership with UNICEF, UNAMSIL and the CPAs in this undertaking has led to the production of an outstanding report that will prove to be an important educational tool for children in Sierra Leone.

13

See Children's Forum Network

Reference 53 - 0.01% Coverage

children in Sierra Leone.

13

See Children's Forum Network; Submission to the Thematic Hearings on Children by the Truth and Reconciliation Commission; YWCA Hall, Freetown; 16 June 2003.

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Reference 54 - 0.01% Coverage

Steering Committee. These projects included:

a. General sensitisation: public awareness and education; b. Targeted sensitisation: specially designed programmes aimed at particular audiences such as combatants and ex-combatants, refugees, women and children; and

c.

Critical stakeholders: in-depth

Reference 55 - 0.01% Coverage

Page 163

Statement Taking 107.

The first component of the operational phase of the Commission was the statement taking exercise. The TRC Act states that the Commission should take individual statements as part of its information gathering exercise.¹⁸ The purpose was to reach out to every part of Sierra Leone to capture the experiences of the population, including specific groups such as women, children and amputees.

108.

The Commission started its

Reference 56 - 0.01% Coverage

and Processes Page 164

114.

Statement givers were entitled to fill more than one section of the form if they considered themselves to belong to more than one category. Indeed, many people in Sierra Leone were victims, perpetrators and witnesses at the same time. An example is the case of a child soldier. If the child was forcibly enlisted, he was a victim. On the other hand, after his forced recruitment, he was likely to have committed human rights violations during his time as a combatant, thus qualifying him as a perpetrator. Furthermore, the child soldier was likely to have been a witness to atrocities committed by others.

The Hiring of Statement Takers

Reference 57 - 0.01% Coverage

on an informed choice; and

e. All statements from children should be declared confidential. 116.

Three Regional Co-ordinators were

Reference 58 - 0.01% Coverage

conducted the training programmes.

118.

The training was divided into three modules. The first module addressed the mandate and functions of the Commission. The second module provided an understanding of human rights issues, interviewing techniques, confidentiality and corroboration issues, and how to use the Commission's statement form. The third module was composed of special interview techniques for specific groups: women and girls, victim of sexual violence, children and excombatants. Specific instruction was given on how to deal with post-traumatic stress experience by interviewees. All the modules included exercises and interactive role-playing. Statement takers were instructed to use the one on one interview technique. Statement takers were provided with a Manual for guidance and reference (see appendix section).

119.

At the end of

Reference 59 - 0.01% Coverage

sessions with the Commission.

126.

The Commission also collaborated with UNICEF and the Child Protection Agencies (CPAs). A Framework for Co-operation was developed which led to social workers of the CPAs identifying children to make statements to the Commission.¹⁹ Following the development of this framework, another training programme was carried out for statement takers in the three regional headquarter towns and in Freetown on how to take statements from children, and to introduce the statement takers to the social workers from the CPAs.

19

More detail on the

Reference 60 - 0.01% Coverage

workers from the CPAs.

19

More detail on the role of CPAs in assisting children who gave testimony to the Commission can be found in the section on Procedures for Hearings later in this chapter.

Vol One Chapter Five Methodology

Reference 61 - 0.01% Coverage

and Processes Page 167

127.

The framework agreement on children yielded mixed results. The level of co-operation between statement takers and social workers varied from district to district. In addition, a variety of practical problems emerged. For instance, children who were not recommended by social workers approached statement takers in order to make statements. In a number of cases, the statement takers decided to take the statements and contacted the social workers afterwards to conduct follow-up assessments on the children. In other cases, lack of time and other resources prevented social workers from referring a sufficient number of children, forcing statement takers to identify children themselves to ensure that the voices of children were adequately represented in the Commission's overall proceedings.

128.

The last group that

Reference 62 - 0.01% Coverage

the Commission's overall proceedings.

128.

The last group that did not initially wish to collaborate with the Commission was the amputees. They insisted that their participation was subject to the fulfilment of certain conditions by the government. These conditions included the provision of housing, a monthly allowance in cash, rice allocations, education for their children, a reintegration allowance, medical treatment and assistance with transport.

129.

The War Affected Amputee

Reference 63 - 0.01% Coverage

and Processes Page 169

138.

Of the total of 7, 706 statements collected, 36% were collected from women and 5% from children. Statements were recorded in 15 different languages, with the major ones being Mende (40%), Krio (39%) and Temne (12%).²²

Data Processing 139.

The TRC

Reference 64 - 0.01% Coverage

named a certain perpetrator; and

- To allow a statistical analysis of the statements in order to identify trends and patterns. Examples of analytical questions included ascertaining the typical age of a forced recruit or identifying the faction that targeted children to the greatest degree.

The Data Processing Pipeline 140

Reference 65 - 0.01% Coverage

abuses were not exaggerated.

22

These figures are derived from queries of the TRC database. Please note that the percentage figure for child statement givers is based on a count of those whose year of birth was after 1985.

Vol One Chapter Five Methodology

Reference 66 - 0.01% Coverage

on the list of perpetrators.

Assault is sufficient to cause bruising, bleeding and internal injury. Also includes dropping a child or pushing / shoving resulting in injury. Excludes incidental injuries such as those caused by a stray bullet.

Counting Rule

150. 1 Continuous

Reference 67 - 0.01% Coverage

to each other, such as:

- Comparing age and sex of victims for each violation suggested that sexual slavery and forced recruitment violations were most frequent for children between the ages of 10 and 14 years old
- Examining the prevalence of each

Reference 68 - 0.01% Coverage

buildings or community centres.

197.

Each set of district hearings included one day of closed hearings. These hearings were designed to allow children and victims of sexual abuse to testify in a private setting. Closed hearings were also arranged for alleged perpetrators or ex-combatants who were reluctant to speak before the public for security or other reasons.

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Reference 69 - 0.01% Coverage

of corruption

- Women and girls²⁶
- Children and youths Militias and armed groups
- The role of external groupings

Reference 70 - 0.01% Coverage

any testimony in public.

210.

Further to the Framework for Co-operation established during statement taking between the Commission and the CPAs, an agreement was reached on the participation of children in hearings. The Commission provided a list of potential child witnesses. The CPAs conducted the necessary vulnerability and safety

assessments and consulted with the children and their families. If approval was obtained, the children were prepared for a hearing. A social worker was always present at a child hearing, sitting next to the child and offering any emotional or other support required. After the hearing, the social worker conducted further visits to the child, to ensure no adverse consequences from his or her participation.

The use of subpoenas

211

Reference 71 - 0.01% Coverage

the conflict in Sierra Leone.

During its statement-taking phase, the Commission has to provide an opportunity to victims to give an account of the human rights violations and abuses they have suffered in order to assist them restore their dignity and to promote reconciliation. It also has to provide an opportunity to perpetrators to relate their experiences and to create a forum within which victims and perpetrators can speak to each other. Statement-takers will therefore collect statements from both victims and perpetrators in the conflict. The Commission will give special attention to the needs of child victims, to those who have suffered sexual abuses and to children who were perpetrators in the conflict.

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Reference 72 - 0.01% Coverage

to more than one category.

Indeed, many people in Sierra Leone are victims, perpetrators and witnesses at the same time. As an example, let's consider the case of a child soldier. If the child was recruited involuntarily, he can be considered as a victim. On the other hand, after his forced enrolment, he is likely to have committed himself human rights violations or abuses or violations of international humanitarian law during his time as a combatant. That makes him a perpetrator as well. Furthermore, this same child soldier is likely to have been a witness to atrocities committed by others; he is therefore also a witness. The statementtakers will then have to fill in three of the statement form sections, one for each role that the statement-giver has played in the conflict.

Vol One Chapter Five Methodology

Reference 73 - 0.01% Coverage

statement taker take their statement.

Children

Very special care must be used when taking a statement from a child. Children have been implicated in the conflict in Sierra Leone in many ways: most child perpetrators are also victims, because most of them have been abducted and enrolled against their will into the warring factions. In that regard, statementtakers must always look compassionate and avoid judging the child. They must be very attentive to the needs of the child and avoid pushing by asking for answers that the child does not want to provide. The child should be allowed to ask for breaks or to stop the statement taking at any time. Breaks should be planned by the statement takers even if the child does not ask for it.

The statement-taker must explain the form very carefully to the child, using simple language to avoid confusion. The statement-taker needs to keep in mind that children may not understand the formulation of

a question that has been designed for adults and that rephrasing questions might be useful. The child should also be allowed to be accompanied by a family member or a friend if he/she feels the need for it.

Perpetrators

When taking a statement

Reference 74 - 0.01% Coverage

birth, disability Right to life

Right to be free from violence Slavery Torture Cruel, inhuman or degrading treatment or punishment. Wrongful arrest or detention Right to a fair trial Right to privacy Protection of home and family Freedom of movement Right to nationality Right to marry and have a family without discrimination Right to property Freedom of religion Freedom of speech Right to receive information Freedom of association Freedom of peaceful assembly (meetings) Right to vote and to democratic government Right to work Right to decent working conditions Right to equal pay for equal work Right to join trade unions Reasonable limitation of working hours and periodic paid holidays Right to food, clothing, housing and medical care Right to education Right to participate in the cultural life of the community Protection against ill-treatment of children and the elderly Right to a healthy environment Right not to be forced to enroll or participate in an armed conflict?

Vol One Chapter Five Methodology

Reference 75 - 0.01% Coverage

speak to each other;

3.

The Commission is to give special attention to the needs of child victims, to those who have suffered sexual abuses and to children who were perpetrators in the conflict.

Making a statement to the

Reference 76 - 0.01% Coverage

are invited.

Special Hearing Procedures

The Commission is cognizant of the fact that many victims and witnesses may not feel secure in making statements or giving their testimony in public. The Commission has the power in terms of the Act to implement special procedures to protect victims and witnesses and in particular women and children. The Commission will also implement special procedures to address the needs of those who have suffered sexual abuse. Special Procedures will also take into account the needs of Child perpetrators.

Telling the truth

Truth telling

Reference 77 - 0.01% Coverage

names: _____ *Alias, combat name, nickname.

Ethnic group: _____ Relationship with you: _____
_____ *For example: spouse, child, neighbour, etc. Address: _____
_____ Telephone / Mobile: _____
_____ Occupation: _____

Please fill in Sections 4

Reference 78 - 0.01% Coverage

A. Marital Status: Single Married

B. Children: Yes No Divorced Widowed If yes, how many: ____

C. Names of children: _____

D. Names of other dependants

Reference 79 - 0.01% Coverage

are more than one victim):

Family name: _____ First name: _____
_____ Relationship to you: _____ * For

example: spouse, child, in-laws, etc.

Date of birth: _____ Age at

Reference 80 - 0.01% Coverage

Processes Page 239

CLOSED HEARINGS

The Commission shall organise closed hearings and adopt such other measures as it deems fit that enable it to respond to the two important aspects of its mandate that require it to "capture the experiences of women and children, and where the interests of the witness so dictate.

Special measures for hearings shall

Reference 81 - 0.01% Coverage

the testimony will be jeopardized.

Where there is a threat level to the security of the witness Where the witness is a child at time of testimony.

Where the testimony may jeopardize

Reference 82 - 0.01% Coverage

for the public hearings.

5.

The Commission shall arrange for special attendants such as counsellors, psychosocial or child welfare workers to sit with the witness during the testimony.

Vol One Chapter Five Methodology

Reference 83 - 0.01% Coverage

Reports emerged of indiscriminate amputations, abductions of women and children, recruitment of children as combatants, rape, sexual slavery, cannibalism, gratuitous killings and wanton destruction of villages and towns. This was a war measured not so much in battles and confrontations between combatants as in attacks upon civilian populations. Its awesome climax was the destruction of much of Freetown in January 1999.

3.

The war finally shuddered

Reference 84 - 0.01% Coverage

the exploitation of mineral resources;

the impact of the conflict on specific groups, particularly on women, children and youths;

the relationship between the TRC

Reference 85 - 0.01% Coverage

Mandingos, Nigerians and Marakas.

33.

Understanding the violations committed during the war requires an understanding of those who perpetrated them. Those affiliated to the Revolutionary United Front (RUF) carried out the majority of violations and abuses over the conflict as a whole. The RUF pioneered the concept of forced recruitment, including the enlistment of child combatants. It also bears overwhelming responsibility for the widespread use of drugs by its members, which precipitated spates of crazed violence and compounded the prevailing general sense of oppression and hopelessness.

34. While most of the

Reference 86 - 0.01% Coverage

their new political elite.

42.

Successive post-colonial governments mismanaged the diamond industry and placed its effective control in the hands of outsiders in a way that has not benefited the Sierra Leone economy. A culture of diamond smuggling and embezzlement has been entrenched among key members of the political elite. Meanwhile, labour conditions in the mines are appalling, with many children still being used as miners.

43.

During the conflict, diamonds

Reference 87 - 0.01% Coverage

the Sierra Leone Army (SLA).

54. While peace has returned to Sierra Leone, many of the wounds of war still remain open. Women and girls bear the scars of their horrible experiences. Many have borne children as a result of rape and sexual slavery. These mothers are shunned and punished by society for giving birth to 'rebel' children.

55.

The Commission believes that

Reference 88 - 0.01% Coverage

Rights of Women in Africa.

Children 56.

Like women, children were violated and abused by all of the armed factions involved in the Sierra Leonean conflict. They suffered abductions, forced recruitment, sexual slavery and rape, amputations, mutilations, displacement, drugging and torture. Children were also forced to become perpetrators and were compelled to violate the rights of others. Thousands of children were killed during the conflict in Sierra Leone. In addition, the Ministry of Social Welfare, Gender and Children Affairs (MSWGCA) estimates that more than 15,000 children suffered separation from their families and communities during the eleven-year war. This resulted in their becoming refugees in countries like Liberia, Guinea, Gambia, Côte d'Ivoire and Nigeria. In addition, many became internally displaced persons. Children were used as fighters and forced labour by the armed groups. Although the RUF was the first to abduct and forcibly enlist children as soldiers and porters, all the armed factions recruited children and deployed them to such ends.

Vol Two Chapter One Executive

Reference 89 - 0.01% Coverage

Executive Summary Page 15

57.

The Lomé Peace Agreement provides that the government of Sierra Leone shall accord particular attention to the issue of child soldiers and that the special needs of children should be addressed in the disarmament, demobilisation and reintegration process. In addition, the Truth and Reconciliation Commission Act directed the Commission to give special attention to the experiences of children in the armed conflict.

58.

The Commission examined the

Reference 90 - 0.01% Coverage

in the armed conflict.

58.

The Commission examined the experiences of children prior to the conflict in the economic, social and political spheres. It dealt with issues of education, health, law, tradition and customs and how they impact on the rights of children. It also examined the impact of the armed conflict on children and their experiences

at the hands of different armed groups. The status of children following the conflict was considered together with measures taken by state and non-state actors in responding to their needs.

59. While the full impact of the conflict has yet to be measured, children have been affected at all levels of their development, in particular their education and health. During the conflict, children in Sierra Leone were denied their childhood. A major area of concern is the child-headed household, a direct result of children having lost parents or guardians in the war. The breakdown in family and community structures and the loss of social values have affected children materially and psycho-socially. These effects are enduring and far-reaching. A number of excombatant children are still bearing the brunt of their forced participation in the war. Their families and communities have in many cases rejected them because of their former affiliations. Girls especially have experienced both derision and rejection because they were forced to become 'bush wives' or sexual slaves.

60.

The Commission has found

Reference 91 - 0.01% Coverage

wives' or sexual slaves.

60.

The Commission has found that the abduction of children and their forcible recruitment as child soldiers constitutes a grave violation of international law for which the leadership of all factions must be held accountable. In addition, the Commission is of the view that the Child Rights Bill needs to be passed into law as a matter of urgency.

Youth 61.

Forty-five percent

Reference 92 - 0.01% Coverage

1991 and 1 March 2002.

In determining the categories of beneficiaries for the reparations programme, the Commission first considered those victims who have become vulnerable as a result of having suffered human rights violations. Subject to practical limitations relating to state resources, the Commission recommends that the following list of victims be considered beneficiaries of the reparations programme: amputees and other war wounded, victims of sexual violence, children and war widows. Each category should be carefully defined to fit specific parameters and conditions. For example, child beneficiaries should include those who, as a result of the conflict, suffered physical injuries or psychological harm, were abducted or forcibly conscripted, lost parents as a consequence of a violation as described in the Report or were born out of sexual violence and whose mother is single. In certain cases, the benefits of particular reparations measures may also confer upon various categories of 'indirect beneficiaries', such as wives and children of the eligible victims.

Vol Two Chapter One Executive

Reference 93 - 0.01% Coverage

roadmap' for Sierra Leone.

90.

The collection of 'visions' began in September 2003 with a call for contributions. During the following two months hundreds of contributions poured in. Among the contributors were men, women and children of all ages, reflecting a wide variety of social and educational backgrounds. They included ex-combatants, artists and artisans, teachers, students and prisoners. The contributions included written and recorded essays, slogans, plays, poems and songs; paintings, etchings and drawings; sculptures, installations and a boat. Common themes included references to the country's violent past, justice, peace, unity and love.

91.

The contributions were displayed

Reference 94 - 0.01% Coverage

Nations and the International Community

f. The Judiciary, the Rule of Law and the Promotion of Human Rights g. Youth h. Children i. Women j. Mineral Resources k. TRC and the Special Court for Sierra Leone

PRIMARY FINDINGS 12.

13. 14

Reference 95 - 0.01% Coverage

Chapter Two Findings Page 27

22. While the majority of victims were adult males, perpetrators singled out women and children for some of the most brutal violations of human rights recorded in any conflict.

23.

Children aged between ten

Reference 96 - 0.01% Coverage

recorded in any conflict.

23.

Children aged between ten and 14 years were especially targeted for forced recruitment. Girls between the ages of ten and 14 were targeted for rape and for abuse as sexual slaves.⁹

24. Women and girls were

Reference 97 - 0.01% Coverage

All factions specifically targeted civilians.

77. While the majority of victims were adult males, perpetrators singled out women and children for some of the most brutal violations of human rights recorded in any conflict. In a few cases, the children victimised were below ten years of age.

78. 79.

Forced displacements, abductions

Reference 98 - 0.01% Coverage

profile of the victims

81.

Most of the violations reported to the Commission were committed against adult males (59.6%, or 6816 violations out of 11,429).¹⁴ Of the victims reported to the Commission for whom age and sex are known, 66.5% (7,603 out of 11,429 victims) are male while 33.5% (3,826 out of 11,429 victims) are female. Female victims reported to the Commission comprised 31.9% of adult victims (3,186 out of 10,002 victims) but made up 44.9% (640 out of 1,427) of the child victims.¹⁵

82.

Most of the violations

Reference 99 - 0.01% Coverage

the child victims.¹⁵

82.

Most of the violations in the Commission's database were committed against adults, but an alarming high proportion was committed against children. Sixtysix percent of the victims in the Commission's database are male. Female victims in the Commission's database comprised 30.9% of adult victims but made up nearly half of all child victims.

Targeting of Civilians 83. 84

Reference 100 - 0.01% Coverage

Appendix to this report.

15

The age category of the victim is known for 33,196 of the 40,242 violations reported to the Commission; 13.6% of the violations (4,513 out of 33,196) were committed against children 17 years of age or younger.

The majority of the 4

Reference 101 - 0.01% Coverage

recruitments were committed against males.

Targeting of Children 89.

The Commission finds that children were specifically targeted during the conflict. In particular, the Commission finds statistical patterns that are consistent with the hypothesis that children between the ages of 10 and 14 were specifically targeted for forced recruitment, rape, and sexual slavery.¹⁷ Twenty-five percent of the victims reported to the Commission across these three violations were young children: 11 years of age or younger in respect of forced recruitment; 13 years or below in respect of those raped; 12 years or younger in respect of those forced into sexual slavery.

17 More detail can be found in the chapter on Children in Volume Three B. Vol Two Chapter Two Findings Page 35

90.

The Commission finds the

Reference 102 - 0.01% Coverage

Two Findings Page 35

90.

The Commission finds the RUF, the AFRC and the SLA (when it operated with the AFRC) to be the primary organisations that committed violations against children. Of the violations known to the Commission with a victim with known age and alleged to have been committed by the RUF, 15.4% (3,090 out of 20,125 violations) were against children.¹⁸ The corresponding statistic for the AFRC (including the SLA when it operated with the AFRC) was 10.7% (603 out of 5,610 violations). The leaderships of these factions are held responsible for permitting the commission of gross human rights violations against children. There are no mitigating factors to justify such inhuman and cruel conduct.

Looting of the Nation 91

Reference 103 - 0.01% Coverage

of empowerment as civil militiamen.

18 More detail can be found in the chapter on Children in Volume Three B. Vol Two Chapter Two Findings Page 36

Other Characteristics of the Conflict

Reference 104 - 0.01% Coverage

people of Sierra Leone.

117.

The RUF's terror tactics included the widespread abduction of children and their forced enlistment into the RUF movement under threat of death; massacres of entire communities and the targeting of traditional figureheads and influential persons; campaigns of amputations; public and brutal executions; and the destruction and looting of property.

118.

The RUF carried out

Reference 105 - 0.01% Coverage

with relatively little persuasion.

142.

The Commission finds that, by including young boys among his vanguard trainees at Camp Namma in the early 1990s, Sankoh set a trend of wanton violation of the rights of children that would recur and perpetuate throughout the following eleven years of conflict in Sierra Leone.

143.

The Commission finds that

Reference 106 - 0.01% Coverage

conflict in Sierra Leone.

143.

The Commission finds that insurgent factions forced thousands of civilians to join them. Sometimes, people's normal lives and levels of tolerance were systematically worn away until they had no choice but to join the RUF. More commonly, though, youths and children were recruited by explicit force that included coercing them at gunpoint, sending them to training bases and turning them into combatants, known as "junior commandos".

144.

The Commission holds the

Reference 107 - 0.01% Coverage

known as "junior commandos".

144.

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

25 26

More detail on

Reference 108 - 0.01% Coverage

in the findings on Amputations.

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

Vol Two Chapter Two Findings

Reference 109 - 0.01% Coverage

abuses with total abandon.

148.

Dennis Mingo (alias "Superman") is also held responsible for a multiplicity of violations and abuses in Phase II. He was one of the foremost perpetrators of abduction-related crimes against children, including forced recruitment and forced drugging.

149.

Among those commanders who

Reference 110 - 0.01% Coverage

recruitment and forced drugging.

149.

Among those commanders who recruited child combatants for the RUF were "vanguard" commanders including Komba Gbondema, Monica Pearson and Rashid Sandi, who undertook training on the RUF base known as "Camp Charlie". These commanders were never disciplined for their wanton mistreatment of children.

Amputations 150.
The Commission finds

Reference 111 - 0.01% Coverage

of preventing people from voting.

151. In the RUF, a significant proportion of those who wielded the “implement of amputation” and actually performed the cutting of the limb in question were children. Many of the testimonies collected by the Commission indicate that the perpetrators themselves were acting under strictly enforced orders or other forms of compulsion. Children were instructed that they would be killed if they did not follow orders from their commanders.

27

The RUF is alleged

Reference 112 - 0.01% Coverage

for which it was created.

FINDINGS IN RESPECT OF CHILDREN Primary Findings³⁶ 464.

The Sierra Leonean conflict, perhaps more than any other conflict, was characterised by the brutal strategy, employed by most of the armed factions, of forcing children into combat. The Commission finds that, during the conflict, all the armed groups pursued a policy of deliberately targeting children.³⁷

465.

The Commission finds that

Reference 113 - 0.01% Coverage

deliberately targeting children.³⁷

465.

The Commission finds that the abduction and forced recruitment of children was in clear contravention of the Convention on the Rights of the Child and its optional protocols. The Commission holds the leadership of the RUF, CDF, AFRC and SLA accountable for gross violations of the human rights of children.

466. 467.

The Commission finds

Reference 114 - 0.01% Coverage

rights of children.

466. 467.

The Commission finds that successive governments in Sierra Leone permitted and condoned the practice of recruiting child soldiers into the national army and the auxiliary forces during the period of the conflict. The rights of children were violated in many ways. Children were abducted, forcibly recruited to fight for the faction that abducted them, compelled to kill or be killed. Children were tortured and maimed. They were forced into slave labour, suffered rape, sexual slavery and other forms of sexual abuse. Girls between the ages of 10 and 14 were particularly targeted for abuse.

468.

The Commission finds that

Reference 115 - 0.01% Coverage

particularly targeted for abuse.

468.

The Commission finds that children were not only victims, but also became perpetrators in the conflict. They were forced to perpetrate the most unspeakable violations, including rape, torture and sexual abuse. In their roles as perpetrators, many children have been "conditioned" into accepting violence as the norm. Perpetrating violence became a means of survival.

36 37

Further findings on

Reference 116 - 0.01% Coverage

means of survival.

36 37

Further findings on the experiences of children can be found in the earlier section entitled 'Findings on the Nature and Characteristics of the Conflict'.

More detail can be found

Reference 117 - 0.01% Coverage

Findings Page 96

469. 470.

The Commission finds that all fighting factions exploited the vulnerability of children and in so doing brutalised them. Children have entered adulthood deeply scarred by their traumatic experiences and their feelings of guilt.

The Commission finds that all

Reference 118 - 0.01% Coverage

authorising such brutal strategies.

471.

The Commission finds that there can be no role in warfare for children. Those responsible for the acts of abduction, forced recruitment, sexual enslavement and the related acts of torture, forced labour and forced drugging to which children were subjected must stand to account.

472.

The Commission finds that

Reference 119 - 0.01% Coverage

must stand to account.

472.

The Commission finds that the Government of Sierra Leone has been tardy in passing the Children's Bill into law.

Main Findings Findings against the RUF in respect of children 473.

The Commission finds that the RUF was the primary violator of the rights of children in contravention of international law and international humanitarian law. The Commission finds the RUF responsible for the deliberate and unfettered abuse of children in its most egregious manifestations during the Sierra Leone conflict.

474.

The Commission finds the

Reference 120 - 0.01% Coverage

the Sierra Leone conflict.

474.

The Commission finds the RUF to have pioneered the practice of abducting children for the express purpose of forcibly recruiting them as child soldiers in the Sierra Leone conflict. The Commission finds that this was a deliberate strategy on the part of the RUF leadership.

475.

The Commission finds that

Reference 121 - 0.01% Coverage

of other sexual violations.

476.

The Commission finds that the RUF was the organisation primarily responsible for violations perpetrated against children such as amputation, mutilation, forced drugging, forced labour, torture, cruel and inhuman punishment and assault.

477.

The Commission finds the

Reference 122 - 0.01% Coverage

inhuman punishment and assault.

477.

The Commission finds the leadership of the RUF responsible for planning, authorising and implementing the strategies that led to the commission of violations against children. The Commission holds the leadership of the RUF accountable for committing brutal and senseless violations against the children of Sierra Leone.

38 The RUF is responsible

Reference 123 - 0.01% Coverage

Findings against the CDF in respect of children 478.

The Commission finds that the Civil Defence Forces (CDF) were responsible for recruiting children for the purpose of compelling them to become soldiers in the conflict. The Commission finds that this practice was in clear contravention of international human rights law and international humanitarian law.

479.

The Commission finds that

Reference 124 - 0.01% Coverage

of the CDF faction.

480.

The Commission finds the CDF responsible for the perpetration of a host of other brutal violations against children. These include forced drugging, forced cannibalism, torture and assault. The Commission finds the leadership of the CDF accountable for these violent and pernicious strategies deployed against children.

481.

The Government of Sierra

Reference 125 - 0.01% Coverage

strategies deployed against children.

481.

The Government of Sierra Leone was advised and made aware of the violations and abuses committed by the CDF against children. The Commission finds that the Government failed to stop and prevent such violations. Moreover the Commission finds that the Government neglected to take action against those in the CDF responsible for the commission of these violations and, in particular, those in the leadership responsible for such strategies.

Findings against the SLA in respect of children 482.

The Commission finds that the practice of recruiting child soldiers into the SLA can be traced back to President Momoh's rule. The Commission finds that the largest number of children recruited into the SLA occurred during the period of the NPRC regime.

483. 484.

Under the NPRC

Reference 126 - 0.01% Coverage

the NPRC regime.

483. 484.

Under the NPRC junta, the SLA pursued the practice of abducting children with the express intention of forcibly recruiting them into the Army. The Commission finds this practice to constitute a clear breach of international law.

The Commission finds that during

Reference 127 - 0.01% Coverage

carried out by soldiers.

485.

The Commission finds that SLA soldiers were responsible for violations on children such as torture, amputations, mutilations and assaults. The Commission finds that the leadership of the SLA failed to take adequate steps to stop and prevent the commission of gross violations of human rights against children.

Vol Two Chapter Two Findings

Reference 128 - 0.01% Coverage

Chapter Two Findings Page 98

Findings against the AFRC in respect of children 486.

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

487.

The Commission finds that

Reference 129 - 0.01% Coverage

sexual violations against them.

488.

The Commission finds that the AFRC was responsible for the amputation, mutilation, forced labour, forced drugging, torture, cruel and inhuman treatment and assault of children during the conflict in Sierra Leone. The Commission finds that the leadership of the AFRC not only permitted those under their command to carry out these violations, but also engaged in the commission of these violations themselves.

Health 489.

The Commission finds

Reference 130 - 0.01% Coverage

these violations themselves.

Health 489.

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

Education 490.

The Commission finds

Reference 131 - 0.01% Coverage

transmitted infections (STIs).

Education 490.

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

Sexual exploitation and trafficking of children 491. 492.

The Commission finds that the conflict in Sierra Leone has promoted and encouraged the sexual exploitation and trafficking of children and youth.

The Commission finds that the

Reference 132 - 0.01% Coverage

to deal with this problem.

Street children 493.

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

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Reference 133 - 0.01% Coverage

Chapter Two Findings Page 99

Institutions dealing with children 494.

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

495.

The Commission finds that

Reference 134 - 0.01% Coverage

Abuse by humanitarian workers 537.

The Commission finds it particularly disturbing that many cases of abuse by humanitarian workers on women and children have occurred in Sierra Leone. Aid workers who were supposed to render humanitarian aid to women abused their power by exploiting the vulnerability of those under their care.

538.

The Commission finds that

Reference 135 - 0.01% Coverage

out of Sierra Leone.

555.

The Commission finds that the RUF, AFRC and CDF were primarily responsible for targeting diamond areas. The Commission finds that the RUF and AFRC employed abduction and forced labour for their mining activities, including the use of child labour.

556.

Successive governments of Sierra

Reference 136 - 0.01% Coverage

and Labour Conditions 570. 571.

The Commission finds that the RUF and the AFRC employed abduction and forced labour for their mining activities, including the use of child labour.

Appalling labour conditions have characterised mining operations in Sierra Leone during and after the conflict. Children are still used as miners. Poverty is rampant amidst the glittering wealth of the diamond fields.

Vol Two Chapter Two Findings

Reference 137 - 0.01% Coverage

the recommendations.

THE RECOMMENDATIONS 31.

The Commission has prioritised the recommendations to address the underlying causes of the conflict. In addition, certain of its recommendations are directed at remedying particular wrongs committed against specific groups, such as women and children. The civil war created several vulnerable groups such as the war-wounded, amputees, the sexually abused and war widows. Specific recommendations are made in relation to these vulnerable groups. The Commission's recommendations on reparations, which follow this chapter, put forward measures to redress violations suffered by these groups.

Findings and Recommendations 32. 33

Reference 138 - 0.01% Coverage

Achieving Equality, The Most Vulnerable

- o CHILDREN Child Rights Bill, School Education, Age of Majority, Adoptions, Fostering and Guardianship, Early Marriages, Sexual Offences against Children, Laws on the Employment of Children

- o EXTERNAL ACTORS

Promotion of

Reference 139 - 0.01% Coverage

Sierra Leone, Post-Conflict Aid

- o MINERAL RESOURCES Accounting for the Spending of Diamond Proceeds, Preventing the Smuggling of Diamonds, The Kimberly Process, Corruption in the Diamond Industry, Child Labour, Labour Conditions, Community Empowerment

- o THE TRC AND THE

Reference 140 - 0.01% Coverage

protected in a public emergency

Protection of Children

- Not to be used directly

Reference 141 - 0.01% Coverage

protected from exploitative labour practices;

- Not to be detained except as a measure of last resort, the child may be detained only for the shortest appropriate period of time, and has the right to be o Kept separately from detained persons over the age of 18 years; and

o Treated in a manner, and kept in conditions, that takes account of the child's age.

Slavery, 19

servitude and forced

Reference 142 - 0.01% Coverage

peoples.

Corporal Punishment 88. 89.

Every person has the right not to be treated or punished in a cruel, inhuman or degrading way. In particular every child has the right to be protected from maltreatment, neglect, abuse or degradation.

Children suffered gross physical abuse at the hands of adults in the Sierra Leonean conflict. Children are still subject to institutional physical abuse through the use of corporal punishment at schools and in homes.

The government school system that arose in the days of colonial rule adopted nineteenth-century British traditions of school discipline, including that of beating children.

26

Part II of the

Reference 143 - 0.01% Coverage

Three

Recommendations Page 133

90.

Corporal punishment is inflicted with the intention of causing physical pain and humiliation. The use of beatings for purposes of correcting behaviour in schools legitimises violence as a means to control behaviour more generally. This message goes out to both children and adults. The message says that hurting others is acceptable behaviour. The consequence of corporal punishment is to encourage physical aggression throughout society.

91.

Many children are left

Reference 144 - 0.01% Coverage

physical aggression throughout society.

91.

Many children are left with physical and psychological scars as a result of corporal punishment. For some children, physical scars and disabilities remain a life-long reminder of the educational system's brutality. Children are entitled to receive education in an environment of freedom and dignity, free from fear.

92.

Children are the future

Reference 145 - 0.01% Coverage

dignity, free from fear.

92.

Children are the future of Sierra Leone. There is no justification for permitting another generation of children to be subjected to brutality, whether this is in the name of education or ideology. The Commission recommends the outlawing of corporal punishment against children, whether this be in schools or the home. This is an imperative recommendation.

93.

The criminal law of

Reference 146 - 0.01% Coverage

is an imperative recommendation.

93.

The criminal law of Sierra Leone should be amended so as to declare that it shall not be a defence to a charge of assault to say force was used against a child for the purposes of discipline. This is an imperative recommendation.

Promoting a Human Rights Culture

Reference 147 - 0.01% Coverage

a Human Rights Culture 94.

Several submissions made to the Commission urged it to recommend that human rights and peace studies should be introduced into the curriculum at schools. The Commission agrees. The teaching of tolerance and understanding should start as early as possible in the education of children.

95.

Sierra Leone, known in

Reference 148 - 0.01% Coverage

fulfilment of these recommendations.

97.

Public education about the law is one of the most effective means of creating a culture of rights. Street Law is a programme involving law students in the participatory teaching of law to the general public at the community level.²⁷ Law students are taught communication skills they will need to teach others, including the running of mock trials.²⁸ Another objective is to provide public education about the law to as wide an audience as possible - including school children and prisoners. Easy to use textbooks can be published on subjects

27 28

It was developed

Reference 149 - 0.01% Coverage

to see customary law changed.

111. The Commission recommends that the government, through the Law Commission, begins a national dialogue on the codification of customary law with special emphasis on the rights of women and children. The ultimate aim must be to bring customary and Islamic law in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

International Human Rights Obligations 112

Reference 150 - 0.01% Coverage

on 11 November 1989

39

The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Elimination of All Forms of Racial Discrimination, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the International Convention on the Protection of All Migrant Workers and Members of Their Families.

40

UN Doc. CERD/C

Reference 151 - 0.01% Coverage

Chapter Three

Recommendations Page 138

and has not yet been produced.⁴¹ Its initial report to the Human Rights Committee was due on 22 November 1997, and has not yet been produced.⁴² Its initial report to the Committee on Economic, Social and Cultural Rights was also due on 22 November 1997, but is overdue.⁴³ Sierra Leone submitted an initial report to the Committee on the Rights of the Child, in June 1996,⁴⁴ which was discussed by the Committee in 2000. A subsequent report was due on 1 September 1997, and has not yet been produced. Its initial report to the Committee Against Torture was due on 24 May 2002, and has not been produced.⁴⁵ In all, Sierra Leone has a total of 24 (twenty-four) reports that are due according to the treaties and that it has not submitted.

115.

An alarming gap in

Reference 152 - 0.01% Coverage

9, paragraphs 16 and 21.

The Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty, the Optional Protocol to CEDAW, the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-SC) on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Establishment of an African Court on Human and Peoples' Rights, the Protocol to the ACHPR on the Rights of Women in Africa, and the Convention for the Prevention and Punishment of the Crime of Genocide.

Vol Two Chapter Three Recommendations

Reference 153 - 0.01% Coverage

all the people.

72 73

By way of example, the maximum provided for child maintenance is a paltry Le 400 per week.

Poem submitted to the National

Reference 154 - 0.01% Coverage

material nature received by them.

The confidential part of the register should include details about the monetary value of the interests and all details about spouses and dependent children. The public section of the records should be easily accessible. Some countries such as the Philippines make all disclosures available for public scrutiny.

Such provisions are common worldwide

Reference 155 - 0.01% Coverage

a project of the TRC.

For the purposes of this report the age category of youths extends from 18 to 35 years. Recommendations on "Children" are dealt with under a separate heading later in this chapter. The 18-35 category adopted by the Commission is in line with the age category employed by the Sierra Leone Ministry of Youth. The Youth Ministry has extended the age limit of youth because it regards the period of the conflict as "lost years" for many youths.

Vol Two Chapter Three Recommendations

Reference 156 - 0.01% Coverage

abuse at all times.

325.

The Commission calls on communities to make special efforts to encourage acceptance of the survivors of rape and sexual violence as they reintegrate into society. The physical and emotional well being of the women victims of rape and their children born as a result of rapes should be protected.¹¹⁵
326.

The Commission notes that

Reference 157 - 0.01% Coverage

a long period of time.

The Commission is disturbed to note that, under customary law, the consent of a minor for sex is not required. Furthermore, crimes of rape and sexual violence are usually settled directly between the violator and the parents or guardians of the girl-child without the victim having any say in the matter. Families usually settle crimes of rape and sexual violence by accepting monetary compensation or by the offender being compelled to enter into marriage with the minor victim.

337.

The Commission recommends that

Reference 158 - 0.01% Coverage

the fulfilment of these recommendations.

CHILDREN

I heard the cry of

Reference 159 - 0.01% Coverage

by Emmanuel Bryma Momoh¹²⁴ 377.

The Commission has found that in the Sierra Leone conflict children¹²⁵ were singled out for some of the most brutal violations of human rights recorded in any conflict. The children targeted were sometimes even below ten years of age.

378.

The Commission found it

Reference 160 - 0.01% Coverage

ten years of age.

378.

The Commission found it most disturbing that children were the main victims in the following violations: drugging;¹²⁶ forced recruitment; rape; and sexual assault. The Commission also notes that children were compelled to participate in the war as child soldiers and were forced to commit a range of atrocities.

379. Never again should the children of Sierra Leone be subjected to brutality.

¹²⁴ ¹²⁵

¹²⁶ Poem submitted

Reference 161 - 0.01% Coverage

a project of the TRC.

For the purposes of this report children are considered to be those persons below the age of 18 (eighteen) years.

"Drugging" refers to the forced

Reference 162 - 0.01% Coverage

Chapter Three

Recommendations Page 176

Child Rights Bill 380. 381. 382.

The Commission notes that the laws and customs relating to children are confusing and require codification to ensure that they are clear and not utilised in an arbitrary manner.

The Commission recommends that the Child Rights Bill, incorporating the provisions of the Convention on the Rights of the Child be passed into legislation as a matter of urgency.¹²⁷

The Commission recommends that the Law Commission commence a review of all legislation with a view to determining whether the rights of children have been taken into account and, in particular, whether such legislation is in accord with the Convention of the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

383.

These are imperative recommendations

Reference 163 - 0.01% Coverage

recommendations. School Education

384. 385.

The Commission recommends that primary school education be compulsory for all children. It should be an offence not to send children to primary school. This is an imperative recommendation.

The Commission notes that primary school education is supposedly made available free of charge to all children. The Commission recommends that no "hidden charges" or "chalk fees" be levied against parents. Free primary school education must mean free in every sense of the word. The Government should work towards the fulfilment of this recommendation.

386.

The Commission recommends that

Reference 164 - 0.01% Coverage

fulfilment of this recommendation.

386.

The Commission recommends that the Government should work towards the creation of incentives to encourage children of school going age to attend secondary school.

Age of Majority 387. 388

Reference 165 - 0.01% Coverage

an imperative recommendation. 127 128

Sierra Leone is a party to the UN Convention on the Rights of the Child and to the African Charter on the Rights and Welfare of the Child.

Article 1 of the Convention on the Rights of the Child defines a child as “every human being below the age of eighteen unless, under the law applicable to the child, majority is attained earlier.” Vol Two Chapter Three

Recommendations Page 177

Adoptions, Fostering

Reference 166 - 0.01% Coverage

Adoptions, Fostering and Guardianship 389.

In Sierra Leone, adoptions are governed by a dual system of laws and custom. The effects of adoption under customary law are different from those under the common law system. In addition, the Adoption Act does not recognise adoptions carried out under customary law. In effect, practices that have existed under customary law for a number of years do not have any effect in law. A further problem is the practice of fostering which involves a child becoming the ward of a person regarded as a guardian. The guardian or foster parent has custody of the child but in the absence of a law specifically providing for this process, the rights of guardians are tenuous.

390. 391.

The Commission recommends

Reference 167 - 0.01% Coverage

common law and in practice.

After the war, thousands of children were orphaned. This led to the establishment of orphanages and foster homes in the country. However, most of these facilities are private enterprises not regulated by law. In order to avoid abuse and trafficking in children, it is important to regulate this new industry and to ensure that the rights and responsibilities of the proprietors are regulated so that the best interests of the child are protected and donor funds are properly accounted for.

392. 393.

The Commission recommends

Reference 168 - 0.01% Coverage

properly accounted for.

392. 393.

The Commission recommends that the Government enact legislation to regulate the establishment of orphanages both private and public in order to ensure that the rights of children are protected.

Government should work towards the

Reference 169 - 0.01% Coverage

at eighteen.¹²⁹

395. 396.

The Commission recommends that the Government enact legislation making it a criminal offence to permit, authorise and assist in the marriage of children under 18 years of age. This is an imperative recommendation.

The enactment of legislation should be accompanied by an education campaign, which highlights the negative aspects of marriages of children, in particular girls under the age of 18. The Government should work towards the implementation of this recommendation.

397.

The Commission calls on

Reference 170 - 0.01% Coverage

Sexual Offences against children¹³⁰ 398.

The Commission recommends that the Government should enact legislation that would make it a criminal offence to have sexual relations with a child under the age of 16. Sex with a child under the age of 16 should constitute the offence of statutory rape. This is an imperative recommendation.

Laws on the employment of children 399.

The Commission recommends that the government review the practice of employing children under the age of 18 on a full-time basis. Children who are employed should work under conditions that are humane and which comply with international human rights standards.¹³¹

400.

The Government should work

Reference 171 - 0.01% Coverage

human rights standards.¹³¹

400.

The Government should work towards the fulfilment of this recommendation. Trafficking of Children

401.

Sierra Leone was one

Reference 172 - 0.01% Coverage

efforts to prevent it.

402.

The Trafficking Report indicated that child trafficking is a particularly challenging problem in Africa because of the practice of "fostering" or "placement" of children. Under this traditional system, children are sent to live with relatives or other trusted individuals, and are given schooling or learn a trade. Yet in many cases, the child is trafficked into a situation of forced domestic servitude, street vending, or sexual exploitation. UNICEF estimates that as many as 200,000 children in West and Central Africa alone are smuggled across national borders every year to provide what amounts to forced labour in neighbouring countries. Countless others are sold or traded within their own countries.

403.

Trafficked children are virtual

Reference 173 - 0.01% Coverage

within their own countries.

403.

Trafficked children are virtual prisoners in their workplace, denied education, health care, or contact with their families and deprived even of adequate food, clothing, and rest. Frequent targets of physical and sexual abuse, trafficked children succumb to injuries, illness, and sexually transmitted diseases. Open border policies established by the Economic Community of Western African States (ECOWAS) to promote free trade have made it easier for international traffickers to ply their trade.133

130

131 132

133

See

Reference 174 - 0.01% Coverage

Violence" under the heading "Women".

See also the recommendations in respect of "Child Labour" under "Mineral Resources".

The US Department of State's

Reference 175 - 0.01% Coverage

Three

Recommendations Page 179

404.

The current laws of Sierra Leone do little to stop the trafficking of children. In addition, the lack of access to adequate health care, education and opportunities for vocational training for children contributes to exacerbating sexual exploitation and the potential for children to be trafficked out of the country. The Commission recommends that the Law Commission draft a law criminalising trafficking and the sexual exploitation of children. This law should accord with the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Such a law should be enacted as soon as possible. The Commission recommends further that the Government of Sierra Leone becomes a signatory to the Optional Protocol. These are imperative recommendations.

405.

The Commission calls upon

Reference 176 - 0.01% Coverage

These are imperative recommendations.

405.

The Commission calls upon the member states of the Economic Community of West African States (ECOWAS) to take concerted action to implement the Political Declaration and Action Plan against

trafficking in human beings, especially women and children. The Action Plan commits the ECOWAS countries to take specific steps, such as launching public awareness campaigns to alert potential victims to methods used by traffickers; creating special police units to combat trafficking; and training police, customs, and immigration officials to catch and prosecute traffickers and to protect the rights of victims.

Recreational Centres 406. 407.

The

Reference 177 - 0.01% Coverage

victims.

Recreational Centres 406. 407.

The armed conflict exposed the children of Sierra Leone to violence of an unprecedented nature. The violence has left them emotionally scarred. It robbed them of the opportunity to enjoy childhood and the art of playing.

Opportunities to play are scarce for children affected by conflict and poverty. This scarcity must be addressed because play occupies and strengthens both mind and body. Play gives children the opportunity to be children. Without that opportunity, children and communities cannot thrive. The Commission commends the work of organisations such as Right To Play for their promotion of sports and physical education in Sierra Leone.

408.

The Commission recommends that

Reference 178 - 0.01% Coverage

education in Sierra Leone.

408.

The Commission recommends that the government and children's agencies seriously consider the establishment of recreation centres throughout the country where children can be exposed to sports and to the art of play.

Children's Forum Network 409.

The children of Sierra Leone have not had a meaningful role and voice in the social, political and economic life of Sierra Leone despite the fact that they were compelled to adopt adult roles during the conflict. The establishment of the Children's Forum Network (CFN), an advocacy group run by children, enabled the Commission to hear and listen to the voices of Sierra Leone's children telling about their experiences in the civil war.

410.

The Commission recommends that

Reference 179 - 0.01% Coverage

in the civil war.

410.

The Commission recommends that the Ministry of Social Welfare, Gender and Children's Affairs work towards providing facilities and resources for the Children's Forum Network to operate at national,

provincial and local levels. The Commission recommends that the Ministry pay particular attention to supporting the CFN in the northern, eastern and southern parts of the country.

Vol Two Chapter Three Recommendations

Reference 180 - 0.02% Coverage

the granting of mining licences.

Child Labour

462. While child labour is widespread and takes different forms in Sierra Leone, the phenomenon of child miners in the diamond mines, in particular in the Kono and Tongo Fields areas, requires special attention and political action.¹⁴⁹ It is estimated that up to 10,000 children between the ages of 6 to 18 are working in the diamond mines of Sierra Leone.¹⁵⁰ There are no clearly defined child labour standards in Sierra Leone with regard to age limits, or a common understanding of what constitutes 'child mining'.¹⁵¹ Sierra Leone is a party to the UN Convention on the Rights of the Child and to the African Charter on the Rights and Welfare of the Child.¹⁵² The Government stated, in 2002, that it had ratified the International Labour Organisation (ILO) Convention 182 on the Prohibition of the Worst Forms of Child Labour of 1999.¹⁵³ However, the

¹⁴⁹ World Vision undertook a study in 2002 on children in mining activities in Kono, based on interviews with child miners, parents and mine supporters. According to their findings, most of the child miners (who are between 6-18, and 90% boys) are in the mines with the consent of their parents/guardians, often even with their encouragement. Among them is a high percentage of returned refugee or internally displaced children. There are also a considerable number of child excombatants working with their former commanders. Many of the children are of school-going age and receive neither formal education nor skills training. More than 80% of interviewed children in the mines are directly involved in mining activities (digging, shovelling of gravel, toting of gravel, washing of gravel). More than 40% said that they only received very limited benefits for their work.

¹⁵⁰ ¹⁵¹

UNAMSIL Child Protection

Reference 181 - 0.01% Coverage

for their work.

¹⁵⁰ ¹⁵¹

UNAMSIL Child Protection Advisor's note for 2004 Government of Sierra Leone Mining Policy and Child Miners meeting, 22 January 2004.

There are reports, which state

Reference 182 - 0.01% Coverage

on Human Rights Practices – 2002,

possibility for children between 12-18 to work in certain non-hazardous occupations with parental consent.¹⁵¹

Sierra Leone). However, existing labour legislation seems to provide lower levels of protection: under the 'Employers and Employed Act' (Chapter 212 of the Laws of Sierra Leone), children under 15 shall not work

in any public or private industrial undertaking; boys under 16 shall not work underground in mines, while girls and women in general shall not be allowed to work in mines below ground.

152 According to Article 32 of the Convention on the Rights of the Child every child, i.e. person below the age of 18, shall be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's education, or to be harmful to the child's health, or development. States shall therefore set minimum age(s) of employment and appropriate regulations. Similarly, Article 15 of the African Charter on the Rights and Welfare of the Child calls on States to protect children (18) from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.

153

Under the ILO Convention

Reference 183 - 0.01% Coverage

moral, or social development.

153

Under the ILO Convention 182 on the Prohibition of the Worst Forms of Child Labour, States have an obligation to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. This includes work of children below 18 'which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety and morals of children' (ILO C182, Article 3). The types of work covered under this prohibition shall be determined by national laws or regulations and periodically reviewed (Article 4).

Vol Two Chapter Three Recommendations

Reference 184 - 0.01% Coverage

These are imperative recommendations.

463.

The Commission notes that different proposals have been made in the ongoing drafting of a comprehensive "Children's Act" for the minimum legal age of child labour, in particular that 15 shall be the minimum age of employment¹⁵⁴. The Commission also supports the inclusion in the draft of a prohibition of any exploitative child labour, i.e. labour, which deprives any child under the age of 18 of his or her health, education or development.¹⁵⁵

464.

The Commission commends the

Reference 185 - 0.01% Coverage

education or development.¹⁵⁵

464.

The Commission commends the recent initiative of the Ministry of Mineral Resources, which requires Mining Licence-Holders to complete a form stating the names and age of labourers and to make a declaration that no labourer engaged in mining is below the age of 18.¹⁵⁶ A violation could lead to suspension and/ or cancellation of the mining license. The Commission also notes that the Attorney General has instructed the Sierra Leone Police to arrest any alluvial diamond miner who employs children in the diamond mines.¹⁵⁷

The Commission recommends that Licence-holders should have their licences permanently revoked if they are found to be employing children.¹⁵⁸ This is an imperative recommendation.

465.

In early 2004, the

Reference 186 - 0.01% Coverage

is an imperative recommendation.

465.

In early 2004, the Government adopted a "Core Mining Policy" in which it undertook to "develop and strictly enforce regulations to prevent the employment of children in mining activities". The Commission recommends that the Government promulgate such regulations as a matter of urgency. Government should also develop the appropriate enforcement mechanisms. These are imperative recommendations.

466.

Effective monitoring, by government

Reference 187 - 0.01% Coverage

These are imperative recommendations.

466.

Effective monitoring, by government authorities and civil society, is required to tackle the scourge of child labour in the diamond mines. The main responsibility for enforcing the child labour standards should remain with the Government and its different organs – the Sierra Leone Police, the Mine Wardens and the Ministry of Social Welfare. Child Protection Agencies should play a supportive role by conducting "spot check" visits to mining sites to ensure that no children are employed. The Ministry of Mineral Resources, the Child Protection Agency network and the Ministry of Social Welfare should work towards the fulfilment of these recommendations.

467.

Sensitisation needs to be

Reference 188 - 0.01% Coverage

fulfilment of these recommendations.

467.

Sensitisation needs to be carried out with families and care-givers to stress the importance of education for the future of their children. Family poverty that brings children to the mines should be tackled by creating alternative sources of income for families currently reliant on the proceeds of child labour. The Government should work towards the fulfilment of these recommendations.

154 155 156

157 158

Reference 189 - 0.01% Coverage

154 155 156

157 158

See the draft "Child Rights Act" of 2002, Section 27. See the draft "Children's Act" of 1998, Section 87.
See Schedule A - Form 19

Reference 190 - 0.01% Coverage

time of writing this report.

"Children" denotes persons under 18 (eighteen) years of age. Vol Two Chapter Three

Recommendations Page 189

468.

The

Reference 191 - 0.01% Coverage

Three

Recommendations Page 189

468.

The Commission commends the efforts of NGOs such as World Vision, UNICEF and the National Commission for War-Affected Children to enrol child miners in school and skills training programmes. More needs to be done. The Commission reiterates its recommendations, made under the "Children" heading, that the government should provide free and compulsory basic education for all children.

Labour conditions 469.

Labour laws

Reference 192 - 0.01% Coverage

Three Recommendations Page 192

REPARATIONS

MY SIERRA LEONE, your children are crying to see you restored The short-sighted think it impossible We have taken the stride to right all the wrongs

Extract from the poem "My

Reference 193 - 0.01% Coverage

of health-related reparations.

486.

In relation to war victims who are amputees, the Commission recommends that they be given free physical healthcare for the rest of their lives. Wives who were married to such persons, at the time the injury occurred, should be eligible for free primary health care.¹⁶⁴ Children of the eligible adult amputees who are under 18 should be eligible for free primary health care.

162 163 164

Poem submitted

Reference 194 - 0.01% Coverage

at the time of the
injury then the husband and children should benefit accordingly. Vol Two Chapter Three
Recommendations Page 193
487.
The

Reference 195 - 0.01% Coverage

free primary health care.166
Children of the eligible adult other war
wounded who are under 18 should be eligible for free primary health care. Such wives and children should
only be eligible if the victim experienced a 50% or more reduction in earning capacity as a result of the
injury. Once the other war wounded victims have fully recovered from their injuries, the benefits
recommended for the wives and children should cease. A grace period may be considered at the discretion
of the health authorities.
489.
Adult and child victims

Reference 196 - 0.01% Coverage

of the health authorities.
489.
Adult and child victims of sexual violence sustained during the conflict should be eligible for free physical
health care including free fistula surgery, where necessary. Adult victims of sexual violence should be eligible
for health care depending on the severity of their injury. Child victims of sexual violence should be eligible
for health care until 18 years of age unless their injury sustained requires care past the age of 18. All
beneficiaries must be assessed by a government or NGO doctor to determine their eligibility. Provision of
free primary health care for dependent children and spouses should cease once the victims of sexual
violence have fully recovered. The Commission recommends free testing (accompanied by counselling) for
HIV/ AIDs and other STIs for all victims of sexual violence and free treatment for those testing positive.
490. 491.
The government should

Reference 197 - 0.01% Coverage

those testing positive.
490. 491.
The government should provide assistance to organisations providing scar removal surgery for branded
children.
The government should expand its

Reference 198 - 0.01% Coverage

a human rights violation. 166

Where the "other war wounded" victim was the wife who was the breadwinner for her family at the time of the injury then the husband and children should benefit accordingly.

Vol Two Chapter Three Recommendations

Reference 199 - 0.01% Coverage

of pension payments.

Education 493.

In addition to its general recommendation that free education should be provided to all children at the basic level, there should be free education until senior secondary level for specific groups affected by the conflict. Those eligible include children who are amputees, other war wounded, and victims of sexual violence; children who were abducted or conscripted; orphans of the war; and children of amputees, other war wounded who experienced a 50% reduction in earning capacity as a result of their injuries, and victims of sexual violence.

494.

Existing programmes such as

Reference 200 - 0.01% Coverage

victims of sexual violence.

494.

Existing programmes such as the Community Education Investment Programme (CEIP) and the Complimentary Rapid Education for Primary Schools (CREPS) programme should be made available for all eligible children. Priority should be given to all permanently disabled children and victims of sexual violence (both adult and children) for scholarships to secondary and tertiary schools. The government should expand on existing education and teacher training programmes, with incentives for qualified teachers in remote areas. The Ministry of Education, Science, and Technology should be entrusted with overseeing all reparations relating to education.

Skills Training and Micro-Credit

Reference 201 - 0.01% Coverage

consultation with all relevant stakeholders.

Victims must be included in the process. In particular, special efforts should be made to include the victims of sexual violence, bush wives, child excombatants, and victims with visible physical disabilities such as amputees and the war wounded.

518.

The Commission recommends certain

Reference 202 - 0.01% Coverage

envisaged for their country.
525.

The Commission was overwhelmed by the effort, time and resources that so many Sierra Leoneans devoted to preparing their contributions. Among the contributors were adults and children of many different backgrounds, religions and regions; artists and laymen; amputees, ex-combatants and prisoners. The contributions included written and recorded essays, slogans, plays and poems; paintings, etchings and drawings; sculptures, wood carvings and installations. The contributions form part of the national heritage of Sierra Leone.

The Vision Going Forward 526

Reference 203 - 0.01% Coverage

Vision contributions, the Commission recommends:

-

Establishing a Permanent Home: The Exhibits should be housed in an appropriate, permanent location that will be an active and interactive site of workshops for different interest groups (women, children, political leaders, etc.) around issues addressed in the contributions.

-

Arranging a National Tour: To

Reference 204 - 0.01% Coverage

on a confidential basis.

534.

The identities of child combatants and victims of rape and sexual violence, supplied to the Commission on a confidential basis, should never be disclosed. No archival materials that reveal the identities of such persons should be released.

535.

The Commission recommends that

Reference 205 - 0.01% Coverage

and illiterate, in local languages.

The Commission encourages the formation of dissemination committees to organise the distribution of the report at national and local level. In particular, the Commission encourages the use of the Report and its different versions to promote dialogue and debate. The Video179 and Children's versions of the Report should be used in workshops around the country in order that people may learn more about the Report of the Commission.

Education, Popular Versions and the

Reference 206 - 0.01% Coverage

Versions and the Internet 545.

The Commission recommends that the contents of its report be incorporated into the education programmes in all schools, from primary to tertiary level. The Children's version¹⁸⁰ of the Report can be used as tool of education at the primary school level.

546.

The Commission encourages the

Reference 207 - 0.01% Coverage

in collaboration with the Commission.

The Children's version of the TRC report was produced with the assistance of UNICEF. Vol Two Chapter Three

Recommendations Page 204

547.

The

Reference 208 - 0.01% Coverage

focussed skills training.

Calls On

Communities to accept rape and sexual violence victims and their children back into society.

Removal of Gender portfolio from

Reference 209 - 0.01% Coverage

medical needs of elderly women.

CHILDREN Imperative

Child's Rights Bill to be enacted into law

Work Towards

Removal of all

Reference 210 - 0.01% Coverage

primary school education.

Serious Consideration

Government and agencies to establish recreation centres throughout the country where children can be exposed to sports and the art of play.

Law Commission to review legislation to ascertain whether laws accord with Convention of the Rights of the Child.

Provide incentives to encourage children to attend the secondary school level.

New law to criminalise not sending a child to primary school. Make 18 the age of majority.

Enact legislation that brings the

Reference 211 - 0.01% Coverage

Consideration Calls On Calls On

Employers who employ children to provide working conditions that are humane.

Member states of ECOWAS to implement the Political Declaration and Action Plan against trafficking in human beings, especially children

Imperative

Law Commission to draft

Reference 212 - 0.01% Coverage

human beings, especially children

Imperative

Law Commission to draft a law criminalising trafficking and the sexual exploitation of children.

Sierra Leone to sign the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Work Towards

Review the practice

Reference 213 - 0.01% Coverage

and Child Pornography.

Work Towards

Review the practice of employing children under the age of 18 on a fulltime basis.

Review the adoption laws to

Reference 214 - 0.01% Coverage

orphanages both private and public.

Ministry of Social Welfare, Gender and Children's Affairs to support the Children's Forum Network to operate at national and local level, especially in the Provinces.

EXTERNAL ACTORS Imperative

Serious Consideration

Reference 215 - 0.01% Coverage

generated from diamonds.

Work Towards

Child Protection Agencies to conduct spot checks on mining sites to ensure that children are not employed.

Bidding process for mineral exploitation

Reference 216 - 0.01% Coverage

should be fair and transparent.

Sensitisation of families to stress importance of education for children. Alternative sources of income for families should be investigated.

Vol Two Chapter Three Serious

Reference 217 - 0.01% Coverage

Sierra Leone to confirm its ratification of ILO Convention 182 and to ratify ILO Convention 138 dealing with child labour. Mining License holders to have their licenses permanently revoked if found to be employing children. Government to promulgate regulations to prevent the employment of children in mining activities
Micro credit projects to be

Reference 218 - 0.01% Coverage

to be supported and expanded.
Support for organisations providing scar removal surgery for branded children.
Serious Consideration
Reparations programme to

Reference 219 - 0.01% Coverage

more reduction in earning capacity.
Free education up to senior secondary level to be supplied to specific children groups affected by the conflict.
Skills training programmes for amputees

Reference 220 - 0.01% Coverage

held by the archives.
Confidential
materials relating to child combatants and sexual violence victims not to be released.
Conditions and procedures for access

Reference 221 - 0.01% Coverage

between victims and perpetrators.
38.
Gibrilla Dumbuya, a victim, testified at a public hearing on 9 June 2003 in Moyamba District. He related his experiences during the time that his village, Magbenka, was controlled by the RUF. He talked about the arbitrary killing of civilians, the burning of houses and, the loss of his child. After his testimony, Mr. Dumbuya was asked whether he had any questions for the Commission. He replied:
Vol Two Chapter Four Reparations

Reference 222 - 0.01% Coverage

conditions necessary for reconciliation.

44.

The testimony of Adama Koroma, at a hearing in Makeni on 26 May 2003, is illustrative of how a reparations programme can assist victims. In 1998, Adama Koroma's village was attacked. She ran into the bush and managed to reach another village. During her attempted escape, she was caught by the rebels along with 26 other people. One of her hands was amputated while the other was permanently damaged. Her husband's hands and ears were also amputated and he later died because of the amputation. Adama was later found by ECOMOG soldiers and brought to Freetown. She has four children. At the end of her testimony, when she was given the opportunity to ask questions the Commission she said:

Adama Koroma:

We the amputees

Reference 223 - 0.01% Coverage

Commission she said:

Adama Koroma:

We the amputees, how are we in this world now? I am not speaking for myself here. The government should not leave our case behind. It is not for us, it is for our children. If my child grows up and asks me who chopped off my hand, I will say these people did it to me. That will bring the war again. If you say peace should come, we the amputees should bring the peace. I can't be struggling and say that I am living in peace. That is why our case should be pushed forward. If our problem is left behind, the war will not end. We the amputees, we all have children.

Bishop Humper.,

What kind of

Reference 224 - 0.01% Coverage

in our report?

Adama Koroma:

This is all I have to say. We have no hands. We should be assisted. If we are assisted we will have a peace of mind. All our children can think for themselves now. They ask us who chopped our hands and feet. We have to make our children reconcile their minds.

Vol Two Chapter Four Reparations

Reference 225 - 0.01% Coverage

want to make?

Tamba Finnoh:

The first thing I want to recommend is that most of us are willing to forgive, but to sustain this forgiveness, you can all see that we have lost our dignity because we used to be fit to fend for ourselves but this is not so anymore. That has caused most of us to become beggars in the streets So I will recommend to the Commission that they should put mechanisms in place, which will ensure that there are provisions for us,

which will be sustainable and not something that we can eat in a single day; something that will be sustainable maybe as long as we are alive and even for our children. This is one of recommendations I will make.

the 46.

In addition to

Reference 226 - 0.01% Coverage

based on pragmatic grounds.

57.

The Commission determined the categories of beneficiaries who should benefit from the reparations programme by considering those victims who were particularly vulnerable to suffering human rights violations. Most Sierra Leoneans agree that amputees, war wounded, women who suffered sexual abuse, children and war widows would constitute special categories of victims who are in dire need of urgent care. The Commission also considered those victims who are in urgent need of a particular type of assistance to address their current needs, even if this only serves to put them on an equal footing with a larger category of victims. The reparations programme aims at contributing to the rehabilitation of those victims, even if complete rehabilitation is not possible.

Vol Two Chapter Four Reparations

Reference 227 - 0.01% Coverage

Four Reparations Page 242

58.

Based on the rationale described above, the Commission recommends the following groups of victims as beneficiaries of the specific measures of the reparations programme: (1) amputees; (2) other war wounded (defined under the section describing the various categories of beneficiaries); (3) children; and (4) victims of sexual violence. Due to their particular vulnerability either before or after the commission of the violation, many of the victims in each of these categories of beneficiaries suffered from multiple human rights violations. For example, a victim of sexual violence may also have been abducted, tortured, and abused or subjected to a variety of other types of inhumane acts.

59.

In including the amputees

Reference 228 - 0.01% Coverage

of more sustainable assistance.

61.

There is a high degree of consensus in the country that amputees, other war wounded, those who suffered sexual violence and children victimized through the war should be prioritised as victims in need of particular care and assistance given the enduring effects of the violations they suffered.

62.

In including children and

Reference 229 - 0.01% Coverage

the violations they suffered.

62.

In including children and victims of sexual violence as beneficiaries of specific measures of this reparations programme, the Commission relies directly on its mandate. Article 6.2 of the TRC Act explicitly states, To work to help to restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.

63. Whereas many of the recommendations of the Commission refer to all the children in Sierra Leone, the Commission is nevertheless convinced that some specific reparations measures need to be taken in respect of those categories of children that suffered during the war or that still suffer from the consequences of the war such as abducted children, forcibly conscripted children, and orphans. The Commission places particular focus on restoring lost educational opportunities for children.

64.

Although the mandate does

Reference 230 - 0.01% Coverage

the condition of trauma.

74.

The Commission was mindful of the programmes and benefits available to excombatants and war-wounded SLA soldiers. Sectors of assistance provided to the ex-combatants under the NCDDR programme included vocational training, formal education, agricultural activities, public works and job placement, monthly allowances for a limited period of time, and a children's programme with provisions for educational opportunities.¹⁸ War-wounded SLA soldiers have received assistance in the form of pensions, a one-lump sum, a training course, and as of November 2003, provisions were being developed for medical support for certain individuals.¹⁹

75.

In making recommendations on

Reference 231 - 0.01% Coverage

a violation committed against them.

Children 97.

Eligible children for this Reparations Programme are subdivided into five categories:

• • • •

Children who suffered from physical

Reference 232 - 0.01% Coverage

are subdivided into five categories:

• • • •

Children who suffered from physical injury, such as amputees, other war-wounded or victims of sexual violence.

Children whose parents were killed as a consequence of any abuse or violation as described in this report.

Children born out of an act of sexual violence and whose mother is single.

Children who suffer from psychological harm.

• War-Wounded children. •

98.

Children are eligible for

Reference 233 - 0.01% Coverage

harm.

• War-Wounded children. •

98.

Children are eligible for reparations if they were 18 years of age or younger by 1 March 2002.

Children are excluded from the reduction in earning capacity test based on the fact that all reparations for children centre around health or educational benefits, for which it is not necessary to determine reduced earning capacity.

War Widows 99.

Women whose

Reference 234 - 0.01% Coverage

to the health sector.

104.

In devising its recommendations on health care, the Commission took into account the current structure of the health care system in Sierra Leone. The Ministry of Health and Sanitation is responsible for setting up a health care policy and ensuring that various health agencies work in accordance with the policy. The health care system operates at three levels. Primary level care is exclusively for minor illnesses administered through Primary Health Units (PHU). There are currently over 750 primary health units in Sierra Leone. Secondary level care is administered through district hospitals. There is at least one hospital in each district. The Ministry of Health and Sanitation recently decentralized its services. Each district hospital was allocated its own budget. At the tertiary level, there are specialized medical facilities such as 1 mental hospital, 1 tuberculosis clinic, and 1 children's hospital.

105.

In making its recommendations

Reference 235 - 0.01% Coverage

their specific needs.

110. 111.

The Commission recommends that the immediate family members of amputees such as wives and children under the age of 18 should also be eligible to receive free physical health care.

The Commission recommends that the

Reference 236 - 0.01% Coverage

those in need.

127. 128.

The Commission recommends that children who fit the category "other war wounded" be provided with free physical health care until 18 years of age except if the injury sustained requires care past the age of 18. The Commission also recommends that the wives and children under 18 years of age of the eligible adult "other war-wounded," if the victim experienced a 50% or more reduction in earning capacity as a result of the violation committed against them, be provided with free physical health care as long as the direct beneficiary of this programme is continuing to benefit from the provision of free health care.

129. 130.

The beneficiary must

Reference 237 - 0.01% Coverage

Free Physical Health Care

134.

Victims of sexual violence suffer from various medical conditions. Such conditions include a prolapsed uterus, scarring, sexually transmitted diseases, amenorrhoea, vaginal destruction, foot drop²⁶, difficulties conceiving or carrying a child full-term, as well as experiencing complications during birth. Therefore, the Commission recommends the provision of free primary, secondary, and tertiary physical health care for adult and child victims of sexual violence, on an as needed basis, depending on the degree of their injury.

135.

The Commission recommends that

Reference 238 - 0.01% Coverage

degree of their injury.

135.

The Commission recommends that child victims of sexual violence be provided with free physical health care until 18 years of age except if the injury sustained requires care past the age of 18.

136.

The Commission also recommends

Reference 239 - 0.01% Coverage

the age of 18.

136.

The Commission also recommends that children of victims of sexual violence who are under 18, and the wives of eligible male victim of sexual violence, be eligible for the provision of free physical health care as long as the direct beneficiary of the programme is continuing to benefit from the provision of free health care.

137. 138.

The beneficiary must

Reference 240 - 0.01% Coverage

retain them in Sierra Leone.

Physical Health Care for Children 155.

The Commission commends the efforts to assist children branded with scars. The International Medical Corps (IMC) in collaboration with UNICEF and USAID developed a special scar removal surgical programme.³² The programme started at Lungi Hospital and by March 2002, 82 of the 93 children recommended for the programme had had their scars surgically removed.³³

156.

In addition to the

Reference 241 - 0.01% Coverage

scars surgically removed.³³

156.

In addition to the recommendations on health care for amputees, other warwounded and victims of sexual violence, which apply to children as well, the Commission recommends that the government assist the organisations and bodies that provide scar removal surgery for those children who still have letters branded by the fighting forces on various parts of their body. Letters such as RUF, AFRC, and EX SLA were engraved on the forehead, chest, arms, or back of many children. These physical scars have affected the children psychologically and in many cases, prevented their successful reintegration with families and communities.

157. 158.

The Commission recommends

Reference 242 - 0.01% Coverage

families and communities.

157. 158.

The Commission recommends that the government strengthen its referral system to those hospitals that provide this kind of surgery in order to ensure that all eligible children are able to receive the service.

The Commission recommends that the

Reference 243 - 0.01% Coverage

each district hospital.

32 33

Child Protection Programme Document published by UNICEF, p. 6.

UNICEF submission to the TRC

Reference 244 - 0.01% Coverage

Violence Programme.

165. 166. 167.

The Commission recommends that the government assist the Child Protection Agencies and the Child Welfare Committees to provide additional trauma counselling to children in all the chiefdoms.

The Commission recommends that the

Reference 245 - 0.01% Coverage

Considered by the Commission

173.

There are numerous governmental policies regarding children and the provision of education. In 2001, the government introduced the universal free primary education policy in all state-owned and assisted schools. In addition, the Ministry of Education has made three important policy decisions, namely to waive schools fees for girls in all national examinations, to eliminate schools fees at the primary school level, and to offer scholarships for girls going into junior secondary school.

174.

In devising its recommendations

Reference 246 - 0.01% Coverage

into junior secondary school.

174.

In devising its recommendations on education, the Commission took into account various factors. According to estimates provided by the World Bank, the number of students enrolling in schools far exceeds the number of spaces available to accommodate them. In addition, the number of schools damaged during the war remains high. According to the World Bank, as much as 35% of classrooms need to be reconstructed, while 52% need to be either repaired or rehabilitated.³⁴ Therefore any recommendation made by the Commission had to consider the spaces available in the schools to accommodate those child victims who can benefit from the educational provisions of this programme. The government has already begun to address this issue. The World Bank Rehabilitation of Basic Education Project aims at rehabilitating 140 primary and 60 secondary schools during 2002-2006.³⁵ The new phase of the EC/SLRRP project aims at rehabilitating more than 400 classrooms over the period 2002-2004.³⁶

175.

Another consideration taken into

Reference 247 - 0.01% Coverage

Four

Reparations Page 260

176.

The Commission also took into consideration the number of educational initiatives that have been implemented to assist children affected by the war. These initiatives include the Complementary Rapid Education Programme for Schools (CREPS) Programme, the Community Education Investment Programme (CEIP), and the Rapid Response Education Programme (RREP) Programme. However, problems exist with some of the programmes. In 2003, the CREPS programme suffered delays. Just 185 of the planned 625 classes were established and only 6,680 children were reached out of a targeted 25,000.⁴⁰

Reference 248 - 0.01% Coverage

Recommendations Regarding Education 177. 178.

Regarding education, the Commission refers to its general recommendation to provide free education at the basic level for all children.

In addition to the general recommendation, the Commission recommends that free education be provided until senior secondary school level to the following eligible children: •

- Children who suffered abduction or forced conscription;
- Orphans; •

Children of amputees, other

Reference 249 - 0.01% Coverage

abduction or forced conscription;

- Orphans; •

Children of amputees, other war wounded if their parents experienced a 50% or more reduction in earning capacity as a result of the violation committed against them, and victims of victims of sexual violence; and

- Those children who have been through the DDR programme and are undergoing schooling or other training from that programme are excluded from this list.

179.

The Commission recommends that

Reference 250 - 0.01% Coverage

excluded from this list.

179.

The Commission recommends that the government assist and expand the existing programmes, such as the Community Education Investment Programme (CEIP) and Complementary Rapid Education for Primary Schools (CREPS), for those above-mentioned categories of children who qualify for these programmes.

180.

The Commission recommends that

Reference 251 - 0.01% Coverage

areas where there are shortages.

The Commission recommends that the government prioritises the education of all permanently disabled victims and all victims of sexual violence, adults as well as children.

The Commission recommends that the

Reference 252 - 0.01% Coverage

Reference 253 - 0.01% Coverage

42

Micro-credit programmes administered

through NGOs include the Association for Rural Development, the American Refugee Committee, GTZ, Christian Children's Fund, and so on.

186.

The Commission recognises the

Reference 254 - 0.01% Coverage

and MicroCredit/Micro-Projects

188.

Skills' training is a means of providing the beneficiaries with an opportunity to become economically independent, one of the stated goals of the reparations programme. The Commission recommends that the government assist organizations and bodies that provide skills training to expand their efforts to all amputees, 'other war wounded', victims of sexual violence, widows, and children.

41

42 43

44

Mayada

Reference 255 - 0.01% Coverage

of Victims

Victim Lists 1.

The Commission has compiled two lists of victims based on the statements it collected. In line with the requirement in its mandate to pay specific attention to the experiences of women and children, the Commission has devoted its first list to victims of sexual violence and forced conscription. In total 1,012 victims of these violations were named in TRC statements. The Commission's second list excludes those in the first, giving the names of the persons who suffered all other violations recorded in the conflict. In total this second list contains 11,991 victims named in TRC statements.

2.

The Commission took great

Reference 256 - 0.01% Coverage

the Conflict Page 8

23.

In respect of primary education, the Colony had 67 schools, which was a disproportionately high number compared to only 104 schools in the Protectorate. Moreover, the colonial government supported 50 out of 67 schools in the Colony and only 24 out of 104 in the Protectorate. This disparity in educational provision manifested itself clearly in the contrasting percentages of children attending primary school in the different regions of the country in 1947:15

Southern Province (Protectorate) Northern Province

Reference 257 - 0.01% Coverage

1.8% 50% N/A

A cursory examination of these statistics against population figures reveals that the Western Area had far more children attending school than the rest of the country combined. There were also notable disparities within the Protectorate itself, given that the number of children attending primary school in the South was twice that of the North.

25.

There was an upsurge

Reference 258 - 0.01% Coverage

that of the North.

25.

There was an upsurge in the number of school-going children between 1946 and 1953, following the establishment of the Colonial Development Welfare Fund and a massive investment in education in the Protectorate.¹⁶ However, the expansion did little to address any of the disparities because the new facilities were totally inadequate.

26.

Further problems could be

Reference 259 - 0.01% Coverage

facilities were totally inadequate.

26.

Further problems could be ascertained by examining the social profile of the children who were given the opportunity to go to school. In Bo, the main town of the Southern Province, for example, a school for boys was set up in 1906. Yet this school catered almost exclusively for the children of the elite and included the nominees and children of Chiefs. The establishment of such a school promoted the notion in the minds of ordinary people that members of the traditional ruling class were forming themselves into an elitist group. Indeed, this 'traditional elite' would provide the country's leadership from the end of colonialism. Meanwhile, there was only one school for girls anywhere in the Protectorate, namely the Hartford School at Moyamba.

27.

With regard to teacher

Reference 260 - 0.01% Coverage

at 50"), at page 11.

The number of primary school-going children in the Protectorate expanded in a three-year period between 1950 and 1953 alone

Reference 261 - 0.01% Coverage

the Conflict Page 29

119.

As part of a sustained campaign in the Pujehun District, the SSD burnt down several whole villages across various Chiefdoms and killed many innocent civilians, including women and children. Hundreds of Demby opponents were arrested, while more than half of those detained died in jail.

120.

The Attorney General and

Reference 262 - 0.01% Coverage

cancellation of the elections.

72.

An especially ominous development was the emergence of 'drugging' as a means of preparing thugs to participate in electoral violence. The anti-democratic actions of drug-using youths, manipulated by politicians, foreshadowed similar practices in the conflict, often involving child combatants or forced recruits.⁵⁶

73.

The narrowing of the

Reference 263 - 0.01% Coverage

censorship as a result.

101.

The Siaka Stevens regime orchestrated violent attacks against the independent press. One of the reasons Dr. Mohamed Sorie Forna gave for his resignation as APC Finance Minister in 1970 was the looting and burning down of the offices of 'Freedom Press', during which a child was killed. In 1972, the opposition newspaper, 'The People' was ransacked; in March 1973, following threats to journalists by the President, the editor of the opposition 'Unity' newspaper was detained without trial. Within five years the press was thoroughly cowed through threats, detentions and violent attacks on their

69 70 71 72

Fyfe

Reference 264 - 0.01% Coverage

Page 77

SERVICE DELIVERY 156.

Governance balances the right to rule with the responsibility to deliver services that enhance, rather than retard, people's basic material requirements. Service delivery is dependent on the available natural and human resources, the willingness of the governing regime to use these resources to enhance economic viability and a distribution mechanism that caters for vulnerable groups like youths, workers, women, children and rural dwellers. The distribution of services should never be decided on political grounds, or be used to deprive any sector of society of its essential supplies.

157.

Sir Milton Margai inherited

Reference 265 - 0.01% Coverage

forces during the conflict.

168.

Education clearly did not rank as a priority for successive regimes prior to the war. A report by the present Government attributes a budgetary allocation of only 5% to education.¹⁰⁹ The APC regime's neglect for the education sector was exemplified in Krio sayings attributed to President Stevens, such as: 'Nar sense mek book, nor to book mek sense.'¹¹⁰ There were several "go-slow" strike actions, during which teachers went to school but refused to teach. As state provision deteriorated in the education sector, private schools grew, but they were unaffordable to most Sierra Leoneans. Dropout rates escalated to alarming rates, while many children never went to school at all. School dropouts and others who never had an education were to provide easy recruits for the various armed factions during the war.

169.

The Stevens regime created

Reference 266 - 0.01% Coverage

CSO, Freetown.

109 110 111

See Sierra Leone Government Report on the Compliance with the Convention on the Right of the Child, Geneva, 10 January 2000.

For commentary on Stevens' popular

Reference 267 - 0.01% Coverage

of the Conflict Page 95

regionalist malice against the citizens of Nimba County. By some accounts over 3,000 civilians of Gio and Mano origin lost their lives in the counterinsurgency, causing massive ill-feeling: "The people could never forgive Doe for massacring the children of Nimba County."¹² Quiwonkpa too was killed and his defeated NPFL troops fled into exile, apparently hankering for a chance to launch a second, vengeful assault on Doe's regime.

34.

By a sequence of

Reference 268 - 0.01% Coverage

going to bear similar consequences.

That night my whole family and I were taken by four armed men to a nearby jail; there we met over 85 other foreign nationals, including women, children and the elderly. The old, the women and the children were released two weeks later and allowed to return to their homes, while a number of us were still held in detention. Executions were carried out for every time the ECOMOG jet bombed their areas, even without killing anyone. I came to understand that multiple executions

20

TRC Confidential Interview with

Reference 269 - 0.01% Coverage

country as retaliation.”²²

47.

The Commission heard similar testimonies from several other Sierra Leoneans who were taken into detention in different parts of Liberia during the same operation by the NPFL. One long-term resident, who was arrested along with a fellow Sierra Leonean teacher at his local college, described how he was locked up with up to a hundred others in “a large container that had been used to transport frozen fish or meat.”²³ He testified that NPFL gunmen would periodically open the hatch at the top of the container and fire rounds of bullets indiscriminately into the crowd below, among whom were many women and children.

48.

The Commission deplores the

Reference 270 - 0.01% Coverage

the Sierra Leonean border.

52.

One of the captured AFL military barracks was a sizeable but inconspicuous base called ‘Camp Namma’, situated approximately 20 miles north of Gbarnga just outside the small town of Namma itself. It was on this base that Sankoh would seek to put into practice his programmes of commando training, drawing upon the techniques of ideological and military instruction he had picked up in Libya. Taylor initially retained sole dominion over the Camp Namma base for the training of his new recruits into the NPFL; accordingly the base provided the training ground for a unique and vicious breed of fighters, many of them child combatants, who passed out under the rigorous supervision of mostly Libyan-trained commanders. Sankoh is thought to have visited Camp Namma regularly in the first few weeks of its use by the NPFL and trained some recruits there himself. It does not appear that he had any firm conception at that stage as to how he would assemble his fighters.

53.

Yet by then there

Reference 271 - 0.01% Coverage

stage in the training.

77.

Finally, in line with the terms of its mandate, the Commission wishes to draw special attention to the plight of a small sub-group among the vanguards, who apparently numbered a maximum of five: they were children recruited by Foday Sankoh and formed the RUF's first contingent of 'small boys'. According to one of the vanguards, these boys were not trained with the adult recruits, but did on occasion carry firearms on the premise that they were 'bodyguards' or 'small soldiers'. They were said to be 'taken care of' by their 'guardians' or relatives on the base; for example, one of them, known as 'Young Pearson', was the younger brother of the aforementioned combatant Monica Pearson. Nevertheless, it was broadly accepted by the vanguards who testified that these boys, despite being estimated to have been between 10 and 14 years, went on to play roles as "fierce fighters" during the Sierra Leone conflict. At least three of them, nicknamed "Base Marine", "Gas" and "Steward", would become commanders and combatants in the RUF's Small Boys' Unit, or SBU.

34

TRC Confidential Interview with

Reference 272 - 0.01% Coverage

for the revolution."³⁶

83.

In the Commission's view, the historical resonance of this period of training goes well beyond the purported preparation of its participants to take their own part in the war. On the one hand, it has become clear to the Commission that the training left the vanguards unprepared to wage revolutionary warfare. On the other hand, the exposure of the vanguards to extreme violence during training seemed to have had an enduring effect on each of them personally, creating a propensity to subject others to acts of personal violation and compulsion. This assertion is borne out by the fact that some of the vanguards went on to exercise their own reigns of terror over conscripts in the Sierra Leone conflict, especially child recruits at the infamous Camp Charlie.

36 TRC Confidential Interview with

Reference 273 - 0.01% Coverage

for the 'revolution'.

206. 207.

The Commission heard of instances in which this phenomenon occurred; but these accounts do not warrant the stigma often attached to the people of Kailahun on the basis that they 'gave their children to the RUF'.

At the time when the

Reference 274 - 0.01% Coverage

perspective in the following terms:

"Members of Parliament in the APC Government regime chiefly exploited and oppressed the poor farmers with their selfish and greedy ideas. They and their children evaded all works of life by eating out of the farmers' farming activities... They would either cheat them of the money that was supposed to be paid for their produce, delay the payments, or pay the farmers by instalments instead of paying them everything at a stretch... They made sure that the farmers could not make any effective use out of their money earned from their plantations to make them become prosperous. We knew it was a deliberate act... so that

everything should work at the advantage of the oppressors and at the disadvantage of the poor farmers.”
88

227.

The Commission heard that

Reference 275 - 0.01% Coverage

it to Liberia.”⁸⁹

229.

The training bases set up by the RUF entailed terrifying exercises that habitually tormented their participants and often led to their deaths. As one child recruit testified to the Commission’s closed hearings, this torture commenced from the moment the ‘training’ started.

“The first day we arrived

Reference 276 - 0.01% Coverage

the Southern Front testified:

90

TRC Confidential Testimony from an early child recruit of the RUF in Kailahun District; testimony before Commission closed hearings held in Kailahun Town, Kailahun District; 14 May 2003.

Vol Three A Chapter Three

Reference 277 - 0.01% Coverage

the hand of the NPRC:

“We had to take on all kinds of people who were offering themselves to the Army. Those who were coming were those who didn’t have jobs... No self-respecting parents were going to send their children to join the military at that time... [So] those guys from the street were the ones who made themselves available to us.”¹³²

128

Captain (Retired) Valentine E

Reference 278 - 0.01% Coverage

stern punishment against him.

442.

The third noteworthy commander among the RUF’s guerrilla warfare cadre was the vanguard Dennis Mingo (alias “Superman”). In testimony given to the Commission, Mingo was blamed for a multiplicity of violations and abuses in Phase II, many of them abduction-related crimes against children, including forced recruitment and forced drugging. It was Mingo who, in conjunction with Mohamed Tarawallie, came closest to attacking the city of Freetown in 1995; he had participated in the battle to open a Western flank of RUF military operations, which included establishing a Western Jungle base and inflicting a host of attacks on the previously unaffected Districts of the North-West of Sierra Leone.

Vol Three A Chapter Three

Reference 279 - 0.01% Coverage

Freetown, 30 July 2003.

181

'Reconnaissance', or 'reccie' as it became known across all the combatant factions, was a facet of the guerrilla phase that implicated large numbers of civilians, including women and children, in the RUF's assault on the state security apparatus. Reconnaissance missions were largely low-key, undercover affairs, carried out either by RUF combatants in disguise, or by civilians pretending to be on innocent searches for food, sex or protection from the soldiers whilst actually gathering

information. 182

The source of

Reference 280 - 0.01% Coverage

passing highways.185

184 185

TRC Closed Hearings with former child combatants who participated in ambush attacks during the guerrilla warfare phase; hearings conducted in Bo and Bombali Districts; May to June 2003. This division of 'combat units' was corroborated by intelligence information amassed by the NPRC during its investigations into

Reference 281 - 0.01% Coverage

of the country.187

468.

Accordingly, in addition to The Zogoda, other vital strategic bases were positioned in the East and assigned to senior members of the High Command. First, in the Kenema District, Sam Bockarie (alias "Mosquito") was responsible for the so-called Cuba Base situated near the mining town of Peyama in the more northerly ridges of the Kambui Hills. Mosquito was not often present on the base in person, but was reported during one of his visits to have brought in 'juju men' and a 'doctor' from Liberia who injected drugs and administered herbal medicines to each of the forced recruits on the basis that it would 'boost their morale'. On one rare occasion when he conducted a training session at Cuba Base, Mosquito was said to have been particularly merciless, executing three child combatants for their failure to run fast enough.188

469.

Second, in the Kailahun

Reference 282 - 0.01% Coverage

to as Camp Charlie.

475.

The Commission heard testimony from a variety of abductees, predominantly children, who were taken to Camp Charlie under the purview of training commanders such as Rashid Sandi and Monica Pearson. Within these accounts the Commission registered a litany of violations carried out by the commanders on this

base, including forced recruitment, torturous training exercises, deployment of children into attacks on civilian areas and systematic forced drugging.

189 190

Sheriff Parker (alias

Reference 283 - 0.01% Coverage

of the Conflict Page 194

476. Among all the RUF training bases where violations against children were perpetrated, the site of Camp Charlie must be highlighted as the scene of particularly abhorrent conduct by its commanders.

Jungle Base in the Western

Reference 284 - 0.01% Coverage

whilst the rebels pitched camp.

As he drifted to sleep in spite of his pains, Kondewah is said to have had a vision of his brother who had been killed the day before. The ropes fell loose and the elder brother invested him with the authority to take to all able-bodied Mende men that the defence of their own lives, homes, wives and children was a sacred duty.

To assist them in that

Reference 285 - 0.01% Coverage

in control of the country.

Johnny Paul Koroma has given a somewhat different account of the events of this date. He claimed that he had requested his liberators to simply release him so that he, his wife and children could leave the country safely, to which they replied:

"No you have to be

Reference 286 - 0.01% Coverage

the initiation as a hoax.

"I went into that society – but it's not even true that you have charms that can make you bullet-proof. He [Hinga Norman] believed that; and that was how they were killing innocent children because of that."

And besides that, if they

Reference 287 - 0.01% Coverage

the white was for peace.

The Black December operation was so nasty that it could turn your stomach. Children were taken in handcuffs, everyone was put under our will."402

839. An anonymous survivor of

Reference 288 - 0.01% Coverage

masqueraded as notions of justice:

"As the search for AFRC men intensified, I left my house. On my way going I came across a group of youths stoning an AFRC man to death at Hope Street field. On reaching Eastern Police, I saw Haja Fatmata halfnaked and Saccomah, a businessman, naked and burnt to death. From that scene I knew it was not a child's play; therefore I hastened speedily to seek refuge at my younger brother's house.

[...] I came from hiding on

Reference 289 - 0.01% Coverage

the testimony of Victor Foh:

"[The conditions were] abysmal, awful, hopeless, useless, degrading, wretched, oppressive, abhorrent and all such vices most inhumane. I and many others were selectively tortured. Pademba Road prisons were designed for about four hundred inmates. The period following the restoration of the Kabba government in 1998 saw an unprecedented large number of children of all ages stuffed into very untidy cells at Pademba Road. Whilst I and many others were charged for treason, the bulk of our unfortunate compatriots were dying by the hour in the cells at Pademba Road prisons. Our human rights were grossly abused."451
933.

Another inmate, Philip Sankoh

Reference 290 - 0.01% Coverage

of the Conflict

Page 311

Conteh, Maj. Kula Samba, Secretary of State for Social Welfare, Children and Gender Affairs; Col. A. C. Nelson Williams, Major Abdul Masekama Koroma, Lt. Cdr. Francis Momoh Duwai, Maj. Augustine Fannah Kamara, Secretary of State, Southern Region; Maj. Tamba Anthony Abu, Maj. Bayoh Conteh, Capt. Albert Johnny Moore, Capt. Abu Bakarr Kamara, Aide-de-Camp Capt. Simbo Sankoh, Capt. Idrissa Keita Khemala, Lt. Jim Kelly Jalloh, Capt. Josiah Boisy Pratt, Flying Offr. Arnold H. Bangura, Capt. R. Beresford Harleston, Lt. Marouf Sesay, WO II Jonathan Dero-Showers, Pte. Gibril Din Sesay, Col. P. F. Foday, Lt. Cdr. L. D. Howard, Lt. A. M. Keita, Lt. Col. Bashiru S. Conteh, Lt. Cdr. Abdul Aziz Dumbuya, and Lt. A. B. S. Bah.

952.

Members of the Court

Reference 291 - 0.01% Coverage

was actually the case.

1007.

Moreover, their numerical strength was bolstered by the addition of thousands of abductees to their ranks as they advanced onto Freetown. The eventual size of the entourage that descended upon the city from the surrounding hills has been estimated at up to 10,000 persons - among them were captive senior citizens, women, children and newborn babies, who in normal circumstances could not conceivably pose any threat to a professional peacekeeping force like the Nigerian ECOMOG deployment, but who in the prevailing

confusion and panic of the moment constituted a deluge of hostile bodies onto the city they were supposed to be protecting.

1008.

Several accounts from both

Reference 292 - 0.01% Coverage

various means of infiltrating Freetown.

[...] Child combatants were used in large numbers to spy ECOMOG positions. It was also reported that arms and ammunition were smuggled through the use of trucks loaded with firewood and even sand, cargo vehicles and PAE vehicles were suspected to [have been] used by the rebels as well. These fears seem to have been ignored.”⁵⁰⁴

1014. The incompetence of the

Reference 293 - 0.01% Coverage

the Spur Road Lodge.⁶²⁶

guards, RUF employees, drivers, cooks and auxiliary staff as well as women, children and other dependants. Many of them lived and slept at the Lodge.

1177.

As described in the

Reference 294 - 0.01% Coverage

a kind of guesthouse.”⁶⁵⁰

1193. The three-storey building was home to as many as 50 RUF members, although the roster of inhabitants was not permanent.⁶⁵¹ A core group of about 20 staff lived and worked there permanently as security guards, drivers and domestic staff. According to the nominal roll of RUF members, there were also between 10 and 20 former child combatants attached there as a remnant of the RUF ‘Small Boys’ Unit’.⁶⁵²

1194. The Josiah Drive property

Reference 295 - 0.01% Coverage

effects of the war.⁶⁵⁴

1195. There were nonetheless persistent rumours that the RUF residence at Josiah Drive was being used for subversive purposes. A former child combatant who resided there briefly would later tell the police that there were “guns under the beds” on one of the floors that was used to house ex-combatants.⁶⁵⁵

1196. The Government, through its

Reference 296 - 0.01% Coverage

CID), Freetown; 29 May 2000.

Ginnah Lansana Brima, former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 23 May 2000. Solomon Berewa, Attorney General; statements to the press, the first of which was made on 13 May 2000; reported on the

Reference 297 - 0.01% Coverage

as willing partners in peace;

"On 25 March 2000, I left Freetown for Kailahun [District] to collect ... thirty-nine (39) of my men who had disarmed to UNAMSIL personnel and they were in the DDR camp. I came to Freetown with the thirty-nine (39) men. I took them to the residence of the Vice President, Dr. Albert Joe Demby. We had a meeting with the Vice President, the then Minister of Agriculture Dr. Harry Will, the SLPP Chairman Maigoh Kallon, late Paramount Chief A. A. Mannie, the Chief Agriculturalist Mr. Tengbeh and the Permanent Secretary to the Vice President, Mr. Henry Gongor. At the meeting, I told the Vice President to accept us as his children and that we are no longer members of the RUF movement. The Vice President agreed and accepted us."668
1209. Sahr Sandy then went

Reference 298 - 0.01% Coverage

incident at his official residence:

"On Saturday 6 May 2000 at about 6.30 pm... I got a call from my wife through my mobile telephone set that a group of armed personnel led by Brigadier Santigie Kanu (alias "Five Five") went to my room at Cape Sierra Hotel and had looted all my properties and also molested my wife and two children, aged three and 14 respectively. She further went on to say that they were desperately looking for me; for what I don't know. I straight away drove to Chairman Foday Sankoh's residence... [Sankoh] advised that I should stay within his premises because he does not know the intention of those looking out for me."695
1237. This attack has come

Reference 299 - 0.01% Coverage

the Spur Road Lodge.

745

Jackson Swarray (alias CO 'Wray') was mentioned in a number of statements received by the Commission as a wanton violator of human rights. His brutish behaviour extended to the rape and abduction of young girls, at least one of whom he forced to be his 'bush wife'; forcing children to carry loads on threats of death; and carving the initials 'RUF' into the chests of abductees. See, inter alia, TRC Confidential statements numbered 5906 and 5985 relating to Wray's activities in the Koinadugu District.

Vol Three A Chapter Three

Reference 300 - 0.01% Coverage

the circumstances to the Commission:

"They attacked me, my wife, children and other dependants in a Ministerial Guest House in New England... They looted all my

Reference 301 - 0.01% Coverage

of the Conflict Page 399

belongings, right down to the carpet. My wife and children were arrested and taken to Pademba Road Prison; I escaped and went to Foday Sankoh's Lodge, where I met all the others who were chased out from their homes. All of us thought Sankoh's residence would be a safe haven, bearing in mind his status as Vice President."749

1296. Following its close surveillance

Reference 302 - 0.01% Coverage

anticipation of the mass demonstration.

1321. In most versions of events, the expectancy was laced with fear, particularly among the sizeable contingent of women and children at the Lodge. Foday Sankoh had a large extended family living with him, including sons, daughters, nephews, nieces and even grandchildren. One young member of Foday Sankoh's family, who was barely a teenager at the time, told the Commission how he had approached Sankoh the previous evening and suggested that the children should find a way out of the Lodge:

"The fear was hot for

Reference 303 - 0.01% Coverage

of the Conflict

Page 408

stockpile.780 In a statement to the police, a 12-year-old child combatant gave his perceived version of events as follows:

"On that day, 8 May

Reference 304 - 0.01% Coverage

CID), Freetown; 29 May 2000.

Ibrahim Conteh (alias "Creole Boy"), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.

782

George Baba Musa, caretaker

Reference 305 - 0.01% Coverage

the following morning's activities.783

1328. Some RUF combatants staying at the No. 12 Josiah Drive residence were also equipped with arms on the morning of 8 May 2000. As recounted above, the residence came under attack on multiple occasions

during the preceding night, when its residents were not armed. Many of its inhabitants fled or were arrested by the 'Peace Task Force' before dawn. A child combatant who was among those left in the house told the police the following information:

"On 8 May 2000 in

Reference 306 - 0.01% Coverage

CID), Freetown; 29 May 2000.

Ginnah Lansana Brima, former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 23 May 2000.

TRC Confidential Interviews with civilian

Reference 307 - 0.01% Coverage

house [at Spur Loop]'.
[...]

While we were talking, I heard the children screaming in the background. He [Foday Sankoh] called out in Krio 'I don't like it, I don't like it'; and then he came back to me and said: 'My sister, let me call you back.' After ten minutes he still had not called me, so I picked up the phone and called his house – the line was dead."807

1353. Madam Sankoh testified that

Reference 308 - 0.01% Coverage

to my NIBATT Headquarters."826

1370. It is clear that most of the Nigerian UNAMSIL troops took flight, rather than participating in the gunfight. Nevertheless there was a host of reports about the unbecoming conduct of UNAMSIL personnel at the scene. It was not suggested that they actually shot at anybody, but their deployment was exposed as having been flawed and their behaviour unrefined. A 15-year-old RUF child combatant who was watching the scene from the upper floor of Sankoh's Lodge described his observations as follows:

"At the point where the

Reference 309 - 0.01% Coverage

Freetown; 12 May 2000.

827

Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

828

TRC Confidential Interview with

Reference 310 - 0.01% Coverage

firing at the crowd.”⁸²⁹

1374. A 12-year-old child combatant in Sankoh’s Lodge recollected that armed RUF men in the compound gunned down an unspecified number of demonstrators:

”One of the bodyguards to

Reference 311 - 0.01% Coverage

the demonstrators falling down.”⁸³⁰

1375. Another child combatant, who claimed that Foday Sankoh was his biological father, made the following revelations as part of a confessional statement to the Sierra Leone police:

”I was holding a pistol

Reference 312 - 0.01% Coverage

Freetown; 12 May 2000.

830

Ibrahim Conteh (alias “Creole Boy”), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.

831 Ibrahim Koroma (alias ‘Junior Daddy’), former RUF child combatant; statement given to the Sierra Leone Police at the

Reference 313 - 0.01% Coverage

This attracted us; we

850

Samuel Joseph Kellie, former RUF child combatant present at Sankoh’s Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

851 TRC Confidential Interview with

Reference 314 - 0.01% Coverage

that it was about

860

Samuel Joseph Kellie, former RUF child combatant present at Sankoh’s Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

861

Victoria Bataba-Ena, Togolese

Reference 315 - 0.01% Coverage

out hunting for him.⁸⁷³

1419. Back at the Spur Road Lodge, the last inhabitants to leave the house were civilians, mostly young children, who had been huddled in the cellar while the gunfight raged above them. They were 'smoked out' shortly after 2.00 p.m., when a canister of tear gas was fired in through one of the windows by the attacking military personnel.⁸⁷⁴ In the panic of their attempt to escape, this group too became divided. While the stronger, older children leapt the back fence to safety in neighbours' houses, some of the younger ones were gunned down in cold blood by Kamajors, West Side Boys and other Government operatives.⁸⁷⁵

1420. The remnants of armed

Reference 316 - 0.01% Coverage

which bore testament to
872

Samuel Joseph Kellie, former RUF child combatant present at Sankoh's Lodge on 8 May 2000; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 11 May 2000.

873

Gibril Massaquoi, former RUF

Reference 317 - 0.01% Coverage

of the Conflict Page 433

the tactics they had earlier deployed to infiltrate the civilian crowd.⁸⁷⁶ One of the last RUF combatants to leave Sankoh's Lodge was a 12-year-old child, who described his escape as follows:

"I came out from my

Reference 318 - 0.01% Coverage

17 October 2003. 877

878

Ibrahim Conteh (alias "Creole Boy"), former RUF child combatant; statement given to Sierra Leone Police at the Headquarters of the Criminal Investigation Department (CID), Freetown; 18 May 2000.

Victoria Bataba-Ena, Togolese national

Reference 319 - 0.01% Coverage

Sankoh

Niece of Foday Sankoh

Nurse and child-minder at the Lodge

Nurse

--- no details known ----- no

Reference 320 - 0.01% Coverage

gave his insights as follows:

"We lost a good number of our Sankoh family members. Most of them were killed as they were trying to escape from the Lodge and they couldn't make it. Some of the small, small children were killed when they could not jump the fence. There were other small children who were caught later in the bush and thrown in prison; like one seven-year-old girl."⁸⁹⁸

1440. Other inhabitants of the Spur Road Lodge later confirmed in their statements to the police that they had indeed been forced to leave some of the younger ones behind. Mayilla Yansaneh was the foster mother of several children with the surname Sankoh. She testified that she had been unable to carry along all of her six adopted children, who were between two-and-a-half (2½) and ten (10) years of age:

"While on the ground [in the compound], tear-gas was fired into the compound, which started burning my eyes. It was at this stage I jumped over the fence with the children. I was unable to jump the second fence with the children. I left the children in the compound and escaped for my dear life."⁸⁹⁹

896

In one list provided

Reference 321 - 0.01% Coverage

by their guardians and relatives.

1442. These children, who were mostly young girls and all of them unarmed, were killed by the attacking pro-Government forces that rained heavy gunfire and RPGs into Sankoh's compound, namely the West Side Boys and the Kamajors. The killings of children attest to deliberate and merciless targeting of civilians by these forces. It exposes their collective moniker of 'Peace Task Force' to be cruelly out of place.

1443. The Commission heard testimony

Reference 322 - 0.01% Coverage

reproduce some of the most

"To the people of Sierra Leone we say sorry for all the wrongs we committed and plead for mercy. We are the children of the SLPP government. When the war started it was against the APC members and their Government at the time. I hailed from Kailahun and the leaders of this country know that my home town is the heart of the SLPP government. That was one of the reasons why some of us supported the war in the first place. Now that there is peace we have no evil intention for the President and the nation. So please we beg that the Government release us and let us work together as one for the future of the country."

[and]

"Yes, we have been

Reference 323 - 0.01% Coverage

of Conflict Page 469

18.

The violations occurring in the context of abduction are dealt with more specifically in the chapters of this report dealing with Women, Children and Youth respectively. Indeed, sexual slavery was perpetrated mostly against women and girls. Forced recruitment was targeted at children and youths by the RUF, the AFRC and the CDF. The targeted age group for forced recruitment violations were those 10-14years.¹

19.

Following from the above

Reference 324 - 0.01% Coverage

violations recorded in its database:

- 1 Amputation
- 2 Forced Cannibalism
- 3 Abduction and subsequent long term Detention and Mistreatment
- 3.1 Forced Recruitment and Sexual Slavery with particular reference to children (including the Drugging violation), Forced Labour
- 3.2 Assault, Torture and Rape of both children and adults that accompany or follow from Abduction
- 4 Mistreatment without Abduction

Reference 325 - 0.01% Coverage

people to death

1 2

See the Children's Chapter of this Report in Volume 3B.

9440 out of the 14

Reference 326 - 0.01% Coverage

on Election Day in 1996:

"I was on my way from Njopewahun with my children to Bo for elections. We fell into rebel ambush at Falaba. They then asked us our reasons for travelling and where were we going to vote. We then told them we were going to Bo. Then I was tied, laid on three "mortar pestles" and they cut off my right arm."⁹

32.

In the RUF, a

Reference 327 - 0.01% Coverage

my right arm."⁹

32.

In the RUF, a significant proportion of those who wielded the "implement of amputation" and actually performed the cutting off of limbs appear to have been children. Many of the testimonies collected by the Commission indicate that the perpetrators themselves were acting under strictly enforced orders or other forms of compulsion. For example, the children were instructed that they would be killed if they did not act as their commanders wished. This applied to all violations, but was more prominent in amputations where the children were given different nommes de guerres such as "Cut Hand".

33.

The amputating implement in

Reference 328 - 0.02% Coverage

for Tejan Kabbah." 15

39.

All the armed factions carried out amputations against the civilian populace. Even children as young as one year old and very old people had their limbs amputated. They were indiscriminate. The first case of amputation recorded by the Commission was against a SLA soldier by the RUF in July 1991 in Kailahun. In October of the same year, an automobile mechanic in Pujehun had his hand amputated by the SLA for rendering service to the RUF. Since then, amputation became a popular tool used by all the armed factions against perceived opponents irrespective of the laws of war. The amputations have become the clearest manifestation of the brutality of the RUF. In many of the cases reported to the Commission, the perpetrators were exacting punishment on the civilian population for policy actions of the Government or the ECOMOG forces. For the 1996 elections, those whose hands were amputated were told to ask the President to give them new hands. Some were told that they would be given letters to the president, only to have their limbs amputated. One of the poster campaigns for the 1996 elections read, "let's put hands together to create a new future". Figuratively, the RUF was collecting thousands of hands to prevent people from voting. The targeting of civilians was clearly in breach of the Geneva conventions. Even the leadership of the army did not seem to have made serious efforts to dissuade the targeting of civilians for amputation or punish those who were responsible. One amputee said the commander of an AFRC troop contingent told him in Kono in 1998 just before they amputated both his hands, "you want Kabbah and not the AFRC. We have been kicked out of power and you are going to pay for that. Those hands that were used to vote for Kabbah, you will not use them again. For those who survive, Kabbah will give you hands." Another commander said, "you don't want us, it is democracy you want. You are going to pay for that."¹⁶

40.

It is difficult to

Reference 329 - 0.01% Coverage

the Conflict Page 477

44.

These acts were also perpetrated on children. The following account was given to the Commission by a girl who was 8 years old at the time of the events:

"On the 6th of January

Reference 330 - 0.01% Coverage

recruitment and sexual slavery: 49.

These violations have been dealt with comprehensively in the chapters of the report on women and children respectively. Forced recruitment is the forced or unwilling recruitment of any individual to an armed group or organisation by threat, or intimidation to self or family members and /or violence, while sexual slavery is where the perpetrator exercised all or any of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons or by imposing on them a similar deprivation of liberty; and where the perpetrator caused such person or persons to engage in one or more acts of a sexual nature.²⁴ The victim often known as a "bush wife" is held by one or more perpetrators.

4. Drugging: 50.

Most of

Reference 331 - 0.01% Coverage

more perpetrators.

4. Drugging: 50.

Most of the young people who testified before the Commission complained of forcible drugging by local commanders within the armed factions. Women, abducted and converted to "bush wives" were injected with the psychotropic substances or forced to consume them. In a drugging violation, the victim takes a substance, which alters, temporarily, or permanently, their mental state. The taking of the substance was also achieved by devious means such as lacing drinks or food with the drugs. The drug may result in permanent physical and/or mental injury. Drugging was used mainly against children forcibly recruited into an armed faction to make them more inclined to fight.

51.

One witness before the

Reference 332 - 0.01% Coverage

the Conflict Page 480

53.

The widespread use of drugs within the armed factions demonstrates that it was condoned and promoted by the leadership of the factions. Many of the children who consumed hard drugs within the factions are now suffering from all kinds of mental health problems presenting an immediate challenge to the health authorities.

5. Mistreatment Violations 5.1

Reference 333 - 0.01% Coverage

of

27 28 29 30

These violations are described extensively in the Women and Children chapters of this Report. Examples of these violations are described in the Mineral Resources chapter. See Mineral Resources chapter for details. TRC statement Number 4299. Vol

Reference 334 - 0.01% Coverage

They released me later."³⁴

"I was stopped by some soldiers who were well armed. I refused to stop and one of them chased me and later gave me a hard hit on the side. My two-month-old child got loose on my back and fell while the soldiers took the bag of rice I was carrying. I was then commanded to go with them. As I wanted to take my child, the soldier told me to go away and leave him there. So I had to leave my child crying."³⁵

63. The RUF also used

Reference 335 - 0.01% Coverage

singled out and severely punished.

"They gathered everybody under the barrie. Our children suffered beatings. This group was headed by CO Manawai who ordered the boys to beat themselves. People started beating each other. We asked them what wrong have we done? They answered that we had allowed our sons to run away and that they had gone to the Kamajors."37

65.

The Commission also received

Reference 336 - 0.01% Coverage

being allied with the "enemy":

"On the 6th of January 1999, I was at home with my children [when] I saw a group of Kamajors and ECOMOG soldiers coming to our area. I ran inside with my children and they opened fire on us. They were shooting directly at our house. We all laid down on the floor to avoid being hit by the bullets. I found out that two of my children had been shot. I heard the ECOMOG soldiers telling the Kamajors to stop shooting. They came to our house and they saw what they had done, but they did not care. The ECOMOG soldiers told us that if we don't like President Kabbah, they will make sure that they kill all of us. We told them that we liked Tejan Kabbah and that we voted for him. They locked us in a house for three days without food. On the fourth day, they released us and I managed to take care of my children."50

80.

Detainees were often beaten

Reference 337 - 0.01% Coverage

and passed away."63

103.

Many of these refugees stayed abroad in refugee camps for years. Some of them are yet to return. One of the most dramatic and painful experiences involved in the events surrounding forced displacement is the separation of family members. The Commission received numerous testimonies of people losing their children, their parents or their siblings while escaping an attack. Many of these family members left behind are dead, and many others are yet to be reunited with their family.

104.

The following statement giver

Reference 338 - 0.01% Coverage

nearly 50

65

66 67

Excerpt from a confidential TRC interview with a female RUF ex-child combatant, conducted on 09 September 2003 in Makeni, Bombali District.

Vandi Momoh, TRC statement number

Reference 339 - 0.01% Coverage

down to ashes.”⁶⁸

112.

Ritual killings were practised on enemy fighters or on civilians, including children:

“The most fearful event I

Reference 340 - 0.01% Coverage

THE CONFLICT ON FAMILIES 127.

As the smallest unit of social organisation, the family felt the most impact of the war in Sierra Leone. Household heads were targeted, brutalised and killed in the presence of their children. Young girls most of them not yet at puberty were raped and taken away to become “bush wives”. Boys, some of them as young as eight years old, were taken away to be trained to fight for the combat groups, some of them never to return. In most cases, their links with their families were deliberately severed through forcing them at the pain of death to commit incest and horrendous atrocities against family members. The following testimonies before the Commission capture the tragedy that befell the average family during the war.

128.

A witness from Magbotoso

Reference 341 - 0.01% Coverage

were beaten and raped.⁷⁸

“During the war in 1999 the rebels captured me. At that time I was pregnant. The rebels stabbed me in the leg with a bayonet. They beat me with a stick on my head until I bled from the nose. The rebels took me back to their base at Burkina in Kailahun district. The rebels raped me on the way to their base. I was with them when I gave birth, but I lost the child because of the serious pain. When I gave birth I was seriously sick because of the way the rebels beat me when I was pregnant.”

77 78

Mohammed Fofanah. Statement

Reference 342 - 0.01% Coverage

atrocities were taking place.⁸⁰

“One morning the rebels met us in the forest. They threatened to shoot anyone who attempted to run. We were asked to line up in groups, children in one line, women in another. They later separated pregnant women from us. My mother’s younger sister, Moinya, was pregnant. She was made to stand in front of all the pregnant women. An argument erupted among the rebels. One rebel argued that Moinya was carrying a baby boy, while the other denied and maintained that the baby was a girl. They bet 10,000 Leones on who was correct. The argument lasted for nearly twenty minutes. A young rebel boy was appointed as a judge, and four other young rebel boys were appointed to split the stomach of Moinya. The rebels split her stomach and removed the baby while my aunt was crying in pain. While they were splitting her stomach they told us to sing and dance. My mother refused to dance. She too was arrested. She was forced to lie on the ground. They beat her with sticks. They also kicked her in the stomach until she started bleeding. We stood around them singing and dancing until both my mother and her sister died. No reasons were given as to why my mother and my aunty were killed.”

132.

The AFRC soldiers who

Reference 343 - 0.01% Coverage

repeatedly raped while in captivity⁸⁶.

"I was two months pregnant. During the time of my stay with the Sobels I was appointed as one of their cooks. I was raped three times per night by different Sobels. Three Sobels were raping me not even thinking I am a pregnant woman. The Sobels forced me to have sex with them and if I failed to do so I would have been killed, leaving behind my four children. The Sobels were not allowing us to watch at their faces, they only came from the Bengurnia barracks at night and they forced us to have sex and later they returned to their barracks."

83 84 85 86

The

Reference 344 - 0.01% Coverage

men in combat dress."⁹⁶

"I ran into the bush together with my wife and children. The following morning I went into the village to check if they had left. Indeed, none of them were around, but my two houses were burnt down to ashes. Also, my two stores with two hundred bushels of rice kept there, containers of palm oil, bags of groundnuts and bags of flour were burnt down. My twenty goats and ten sheep were looted too. Properties worth millions of Leones couldn't be recovered. Everything in my two houses was burnt down. My rice farm that was to be harvested that month was again burnt down. I was left with nothing except the clothes I had on."

96

Statement to the TRC

Reference 345 - 0.01% Coverage

gather at the barrie.¹⁰¹

"There was one lady in the group who was forced to show them the town chief, otherwise they would kill her. So with fear, she pointed at the town chief. Immediately, he was stripped naked in front of his subjects, including his wives and children. He was asked to run from where we were gathered to his store which was about 50 metres away. As an old man, he became exhausted and asked to lie down on the ground. He laid down, they asked him to open his mouth, he did, the commander took a single barrel gun loaded with bullets, put the gun in his mouth and pulled the trigger. His brains scattered all over the street."

100

There are 149 Paramount

Reference 346 - 0.01% Coverage

for more than 27 years.

"The burning of houses belonging to Temnes or Northerners was only done in Bo Town, where 110 houses were burnt. No house belonging to a Mende or a Southerner was burnt in Makeni and all over the North. It [has planted] a bad seed for tomorrow... One of the main objectives of Kamajors or Civil Defence Forces

in Sierra Leone [was] to defend the lives and properties of civilians in general. They should not have seized or looted or destroyed properties from peaceful civilians on a tribal basis that was not practised or done in other areas of the country, especially the North and East, but even the West. The people to whom I have addressed my complaints and cries have not done anything to remedy the situation; to save the Sierra Leone family from created troubles and divisions of minds against each other. We all have children who will become leaders of the nation tomorrow. Revenge is possible in the case the table of leadership turns and falls on the side of those children whose parents' homes and properties [were] destroyed in Bo by order of COs of the CDF in power today, under the SLPP family and under the same Sierra Leone nationality banner."120

120

George S. Tarawally, resident

Reference 347 - 0.01% Coverage

ethnicity is quite small.

219.

There are indeed terrible stories about the experiences of the people during the war that cannot be fully captured in this report. Subsequent research will hopefully enable Sierra Leoneans come to terms with the terrible tragedy that befell them for ten years. The thousands who were maimed, sexually violated and endured other sundry violations may live with the trauma of their experiences for the rest of their lives. Thousands of those who died could not be afforded a decent burial. Many were abandoned in the open fields and may have been devoured by vultures. Others are still missing because their families cannot account for their whereabouts. Thousands of children still roam the streets of Freetown and the regional capitals because they do not remember where they came from or cannot trace any family members. They are denied the love and affection of their biological parents and siblings. Many of those who in the past enjoyed a middle class existence have been impoverished by the war. There is no family in Sierra Leone that has not been affected by the war. In the end it is difficult to talk about the gains of the revolution. It may well be concluded that the years 1991 to 2000 represent the years of the locust in the lives of Sierra Leoneans and for their country.

Vol Three A Chapter Four

Reference 348 - 0.01% Coverage

will never Stop".142

245.

Contrary to many of the declarations of wanting to enthrone an egalitarian society, particularly those made to civilian communities in the early days of the incursion, there does not appear to have existed any such thing as egalitarianism within the RUF. Combatant promotions were awarded on the basis of arbitrary factors like the 'business' a fighter demonstrated, the prowess he displayed in a particular battle, or the relationship he enjoyed with a senior commander. In the case of child combatants or junior commandos, promotions

139

This phrase, which is

Reference 349 - 0.01% Coverage

or junior commandos, promotions

139

This phrase, which is drawn from an interview with an ex-child combatant, should be understood to indicate two central facets in the relationship between commanders and rank-and-file: first, the commanders would have total control over which of the junior commandos in their unit would be given access to firearms; second, most child combatants were disciplined strictly for acting beyond the direct commands issued to them – it seems that in reality, therefore, they could only fire their weapons upon the issuance of an express order to do so.

140

This chant was known

Reference 350 - 0.01% Coverage

was produced in 1996.

141

Among some of the child recruits, this mantra was recited almost mindlessly, since most of them had no idea of the meanings of the words they were using. In asking them what qualities they thought a commando was supposed to possess, many recruits reverted to more simplistic interpretations such as 'tough' or 'fearsome'.

142

Abdulai Barrie, Statement to

Reference 351 - 0.01% Coverage

take our training."148

256.

The early 'mass recruitment' intakes were dominated by children and, more especially, youths. These were vulnerable groups whose innocence or disaffection made them less likely to resist their enlistment into the RUF; some of them in fact would even start to embrace the ethos of the RUF wholeheartedly and later bring others on board under similar duress. They were certainly malleable to the will of the trainers, who would subject them to both rigorous physical exercises and what was known as ideological instruction, but which might more properly be referred to as indoctrination. It was a pattern of forced recruitment that was bringing more and more traumatised but subsequently hardened boys, girls and young men and women into the RUF. Its practice would only intensify as the conflict wore on, with increasingly brutal methods of enlistment and commensurately more adversely affected conscripts.

"The first day we arrived

Reference 352 - 0.01% Coverage

abduction and forced recruitment.

258.

The RUF/SL pioneered the concept of forced recruitment in the conflict. It bore a marked proclivity towards abduction, abuse and training of civilians for the purpose of creating commandos. Particular units, including those units that were expressly formed to comprise child combatants, were almost exclusively comprised

of forced recruits. Unfortunately, the Commission's database does not permit findings to be made as to whether forced recruits in fact constituted the majority of the RUF/SL fighting force as a whole.

148

Gibril Massaquoi, former RUF

Reference 353 - 0.01% Coverage

the Conflict Page 534

259.

The experiences endured by these recruits were replicated in their relationship with the civilian communities with which they came into contact. It is therefore no surprise that the scale of violations increased as the war progressed. According to a child combatant:

"During my five years' jungle

Reference 354 - 0.01% Coverage

offers a military advantage.

342.

Any attack therefore must demonstrate that there was a clear military objective being sought, and that some 'collateral' damage to the military objective was inevitable, and that tactics and weapons were chosen in order to minimise such collateral damage. Where ECOMOG is unable to provide proof that military objectives were targeted, the aerial bombing of Freetown will be considered to be a violation of international humanitarian law. In the Commission's view, the use of bombs in largely urban areas violated the principle of proportionality. In consequence, ECOMOG's bombing campaign in Freetown did on occasion, kill entire families including children.¹⁸⁸

Summary Executions 342.

Of all

Reference 355 - 0.01% Coverage

the act of perpetration.

346.

Specific procedures were methodically used to enlist and create a whole group removed from society. This process was open-ended; in that under-aged children, youths, males and females were no exception. The focus of enlistment is the destruction of specific social and psychological links between the individual and his community resulting in a bid to inculcate the new beliefs and ideas of the group in the individual.

347.

There were diverse reasons

Reference 356 - 0.01% Coverage

dimension. But enlistment involves specific

psychological processes that lead vulnerable individuals, especially young children, to commit atrocities.

"I was living with my

Reference 357 - 0.01% Coverage

the body.

191 192 193

Statement from a child soldier, S. T.Nathan (1994), *L'influence qui guérit*, Paris, Odile Jacob.

L.Houkpatin et T.Nathan

Reference 358 - 0.01% Coverage

torturing you to death."

353.

Then, they are subjected to harsh and humiliating trials in a bid to put them in a position of vulnerability. New rules are introduced some of which can be illogical. Some of the humiliating acts could be carrying food and other support items for the initiators, wives being raped in the presence of their husbands or girl children being used as sex slaves. Some commented that in the training, they also had to walk naked during hours in the bush.

"The second phase is the

Reference 359 - 0.01% Coverage

the Conflict Page 560

362.

The individual is now superhuman; he doesn't belong to the other world and is above all the laws, prohibitions and codes that used to structure the individual's marks. R.U.F. rebels used to say "civilians don't have blood", they are the bad objects, we do not belong to the same race, and we are coming from a superior group. This served to show their perception of humanity that they are above humans. Ex-commando children expressed this as a beautiful and enjoyable moment and state and as a sort of second state.

Downfall and the end 363

Reference 360 - 0.01% Coverage

were bodyguards to my wives.

Most of my missions were always successful. This was due to the fact that I had a map of the country, which helped us. I was feared by most of my colleague commandos because of my bravery and attacking skills. That was why my colleagues called me young Rambo. Soldiers or ECOMOG forces always occupied most of the villages that I captured. These attacks were always bloody and horrible. However after the signing of the peace accord, the international committee asked that child soldiers be handed over to UNICEF."

364.

This brings to an

Reference 361 - 0.01% Coverage

Armed Conflict in Sierra Leone

Chapter 4: Children and the Armed Conflict in Sierra Leone

Chapter 5: Youth Chapter 6

Reference 362 - 0.01% Coverage

Mineral Resources Page 4

TRC

Artisanal miners, including many children, dig for diamonds on the outskirts of Koidu Town in Kono District. Most of this mining is illegal and involves deplorable labour conditions.

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Reference 363 - 0.01% Coverage

male member of the family.

Child miners 199. 200.

Child abductees were forced to mine by the RUF throughout the conflict, as well as latterly by the AFRC and CDF. Most of the children were over 14 years old, since younger children were physically weaker and so less productive.²⁵³

Many children still work in the alluvial diamond mines. They are employed as miners, but also as food providers and cleaners.²⁵⁴ The international NGO, World Vision, conducted a survey in Kono District in August 2002 with 497 child miners, 454 parents or care givers and 495 mine supporters.²⁵⁵ The survey explored the reasons and the nature of the involvement of children in mining activities. The survey was limited to the Kono District. The children interviewed were mainly boys (90%) and the vast majority of them (97%) expressed their desire for alternative employment to mining.²⁵⁶

201.

The reasons indicated by

Reference 364 - 0.01% Coverage

employment to mining.²⁵⁶

201.

The reasons indicated by the children for their involvement in mining activities were to receive money payment (75%) and the absence of an alternative employment (15%).²⁵⁷ Similarly, 66% of the children interviewed declared that they would continue mining until they find something else to do. These children are subjected to hard labour conditions and long working hours. They are usually not attending school or any other form of alternative training.

249 250 251 252 253

Reference 365 - 0.01% Coverage

June 10th

256 257

2003

See World Vision Sierra Leone and African International Mission Services SL, Report on children in mining activities assessment survey, Kono District, published in Freetown, August 2002 (hereinafter "World Vision et al, Mining Assessment Survey") at page 9. See World Vision et al, Mining Assessment Survey, at page 36. See World Vision et al, Mining Assessment Survey, at page 17.

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Reference 366 - 0.01% Coverage

Mineral Resources Page 51

202.

Many children are sent to the mines by their parents or care givers in order to bring incomes to the household. When asked how they felt about their children's involvement in mining activities, 50% of the parents and care givers replied that they "liked it" and 17% declared that they "did not care"²⁵⁸. 80% of the mine supporters interviewed were relatives or parents of the children they employed.²⁵⁹ There is a clear need for a sensitisation campaign to inform families, mine supporters and communities about the consequences of child mining, such as the loss of educational opportunities and the physical damage done to young children's bodies. While organisations such as the Child Protection Agencies' Network have undertaken some sensitisation projects, there is a need for a consolidated approach by all stakeholders.

203.

Many child miners in

Reference 367 - 0.01% Coverage

approach by all stakeholders.

203.

Many child miners in Kono are former child combatants and 18% of the mine supporters interviewed were former commanders employing their former child combatants.²⁶⁰ This continuity means that the patterns of abuse against children during the conflict are still in place. Many child ex-combatants are still displaced from their families and thus have to rely on their former commanders to provide their subsistence.

204.

As part of the

Reference 368 - 0.01% Coverage

to provide their subsistence.

204.

As part of the general strategy to monitor diamond-mining activities, the government introduced a new form (Form 19) that mining licence holders have to fill to declare the age of the miners they employ. The licence holder has to declare that he or she is not employing miners under the age of 18. While this is a valuable step forward in addressing the issue of child mining, the Commission believes that offenders should have their licences revoked.

205. 206.

The issue of

Reference 369 - 0.01% Coverage

their licences revoked.

205. 206.

The issue of remuneration of child miners presents the same problems as with adult miners. The mine supporters usually feed the children they employ and buy diamonds from them, but many children do not receive a salary.

Any strategy to combat child mining that does not address the root causes of why children go to the mines in the first place will not tackle the problem. Alternative opportunities have to be created for children, their families and their communities, such as education, skills training programmes and alternative employment.

258 259 260

See World

Reference 370 - 0.01% Coverage

or NPFL fighters are mentioned:

"... On 23 March 1991, there was a cross border attack on Bomaru town, Upper Bambara Chiefdom... The elders resolved to send a fact-finding mission to ascertain what happened...I led a team of seven men to Bomaru. On our arrival, we were shocked and dismayed about the killings of up to 13 civilians. We went to the point where Major Foday was killed. I met his body hanging through the roof and blood flowing freely on the ground. Among the 13 civilians killed were 7 men, 4 women and 2 children. They had bullet holes all over their bodies. We were informed that the conflict was...between the Sierra Leone Army stationed at Bomaru and rebels of the NPFL of Liberia....

21 22 23

BBC Focus

Reference 371 - 0.01% Coverage

the Conflict Page 62

20.

The speed with which the RUF attacked other towns and villages after the attack on Bomaru on 23 March 1991 was greatly assisted by the involvement of Liberian NPFL fighters and the Burkinabes. The Liberians and Burkinabes were trained in guerrilla warfare and had prior experience in the war in Liberia. The Liberians and Burkinabes fighters devised the crude strategies around enlisting new fighters, including recruiting child combatants. Their intimidatory practices included forcing children to kill their parents in the full view of onlookers from community. The rationale was that those children, forever haunted by their actions, would then stay with the rebels. The Liberians and Burkinabes also committed atrocities ranging from systematic rape to cannibalism.³⁴

21.

The initial response of

Reference 372 - 0.01% Coverage

during the war.¹

8.

While peace has returned to Sierra Leone, many of the wounds still remain open. Women and girls still bear the scars, both physically and psychologically. Many have borne children from their horrific experiences. These children are a daily reminder of their pain and suffering. Many women and girls are shunned and punished by members of a society who refuse to acknowledge that it is their failures that led to this conflict and their failure to protect women and girls that has led to the plight they find themselves in today. Women and girls who were violated throughout the conflict are ostracised from society for giving birth to children of "rebels". It is the price they continue to pay, even today.

9.

The UN Secretary-General

Reference 373 - 0.01% Coverage

in order to survive.

12.

While the National Commission for Disarmament, Demobilisation and Reintegration (NCDDR) recorded that 4,751 girls entered the DDR process, actual estimates of female combatants are said to be much higher. Dyan Mazurana and Kristopher Carlson, for example, estimate that 12,056 of 48,216 child soldiers were girls. In their report they note that 44% of the girls they interviewed claimed to have received basic military and weapons training. The UN Secretary-General has also acknowledged that "women combatants did not adequately benefit from the disarmament, demobilisation and reintegration programme, particularly because the fast-tracking of the cantonment period resulted in a loss of focus on special programmes intended for women". He reported that "no provision was made for female camp followers, most of whom had been abducted by the combatants."³

13. While women played a

Reference 374 - 0.01% Coverage

appearing before the Commission.

29.

An event of great significance for the Commission was the session of Special Thematic Hearings on Women, which took place in Freetown from 22 to 24 May 2003. This session started with a march through some of the main streets in the city centre of Freetown, culminating at the hearings venue. The march was led by the Deputy Minister of the Ministry of Social Welfare, Gender and Children's Affairs, accompanied by staff of the Ministry, women activists, Commission staff, many women's organisations and hundreds of supporters. The Minister of Social Welfare, Gender and Children's Affairs, Dr. Shirley Gbujama, then formally opened the Special Hearings session.

30.

During the TRC Special

Reference 375 - 0.01% Coverage

to support its work.

34.

The Commission is deeply grateful to UNIFEM, the Ministry of Social Welfare, Gender and Children's Affairs and to all the agencies and women's groups for their assistance in realising its mandate as set out in the founding Act.

THE STATUS OF WOMEN BEFORE

Reference 376 - 0.01% Coverage

Sierra Leone Page 92

38.

The Government of Sierra Leone had not "mapped" its schools in the Provinces efficiently or appropriately, which resulted in the location and establishment of many schools far away from the most needy rural communities. The great distance that children had to travel from their homes to get to school discouraged many parents and guardians from sending their children and wards to school. Such reluctance appears to have affected the enrolment and attendance of girls more so than boys, which has contributed to the particularly low level of education of women in the regions.⁶

39.

According to the Analytical

Reference 377 - 0.01% Coverage

preparation for early marriage.

41.

The historical prevalence of early and forced marriages in Sierra Leone has also played a role in the decisions of parents on whether to educate their girl children or withdraw them from school, further compounding the illiteracy level of women. The high levels of illiteracy among women in Sierra Leone before the war have greatly disadvantaged them, particularly in the public arena. Women have been unable to participate fully in many sectors of public life and therefore have never mustered enough power to change the lives or social status of women for themselves.

42.

High levels of illiteracy

Reference 378 - 0.01% Coverage

marriage, divorce and inheritance.

62.

Examples abound of discriminatory laws: for example, the Matrimonial Causes Act 1960, which covers divorce and maintenance for married women; the Administration of Estates Act, which governs inheritance and the distribution of a deceased's estates; or the Citizenship Act 1973, which allows a Sierra Leonean husband to confer Sierra Leonean citizenship on his foreign wife, children and grandchildren but does not permit a Sierra Leonean wife to do likewise. The laws cited here were all originally adopted from English law. The cruel injustice is that they have long since been repealed in England and persist only in the Sierra Leonean legal system, to the great detriment of the country's women.

63.

The absence of progressive

Reference 379 - 0.01% Coverage

ECONOMIC STATUS OF WOMEN 67.

Economic opportunities for women in general were at best limited prior to the war, given that the persistent economic decline from the 1960s affected every Sierra Leonean irrespective of gender. According to a report from the Ministry of Social Welfare, Gender and Children's Affairs in 1996, the country's performance had been one of long-term decline. Between 1965 and 1973 Sierra Leone registered an annual average real growth rate of over 4%, which declined gradually to 1.8% between 1974 and 1984. From 1984 onwards, the growth rate became negative until 1994, when it registered at 2%. Only in 1995 did growth briefly leap up to 10%.²⁹

68.

Contemporary studies indicate that

Reference 380 - 0.01% Coverage

poverty.

29 30 31 32

See Ministry of Gender and Children's Affairs, Country Report on Sierra Leone, submitted to the "World Congress on Commercial Sex Exploitation of Children", 22 August 1996, at page 1.

Partners in Adult Education Women's

Reference 381 - 0.01% Coverage

health care was available.

73.

Due to early and forced marriages in Sierra Leone, early sexual activity was commonplace. Many young girls therefore started child bearing early and were exposed to risks and complications arising out of early pregnancy and childbirth.³⁶ Coupled with high illiteracy levels and a lack of awareness, these women and girls could not access adequate healthcare for themselves in such circumstances.

74.

Traditional practices also impacted

Reference 382 - 0.01% Coverage

themselves in such circumstances.

74.

Traditional practices also impacted on the health of women in the period before the war. Practices such as venerating women because of their child-bearing capacities and encouraging them to increase the number of children they bear have put their health at risk so as to satisfy societal standards. The status of a woman is enhanced by motherhood, which pressurises many women into frequent child bearing, complete with its attendant health problems. Tradition and culture have also prohibited women from enjoying reproductive and sexual rights often through a lack of awareness of these rights. In those instances where they do know of them, they are not able to exercise them. Women do not have the power or the choice to refuse sex. They have no control, in most instances, over their bodies.

75.

Escalating poverty, coupled with

Reference 383 - 0.01% Coverage

instances, over their bodies.

75.

Escalating poverty, coupled with cultural practices such as giving the most nutritious part of the food to the man,³⁷ resulted in poor intake of nutrients for women, jeopardising their health and their ability to bear healthy children.

33

34 35

36

See

Reference 384 - 0.01% Coverage

marriage and sex independently.

85.

The abductions and use of young girls and women as bush wives and sex slaves by armed groups during the war could be attributed to the traditional beliefs that governed this issue prior to the war. Some of the armed groups did not consider it an aberration to rape young women or use them as sex slaves. A testimony to the Commission from a girl child who went fishing with other children and was captured during the conflict illustrates this point:

"I was a small girl

Reference 385 - 0.01% Coverage

Sierra Leone

Page 106

TRC

Dr. Shirley Gbujama, Minister for Social Welfare, Gender and Children's Affairs, leaves the podium after testifying at the TRC public hearings on women in Freetown.

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Reference 386 - 0.01% Coverage

domestic partner abuse."⁶¹

104.

It is clear that women did not enjoy a high status in Sierra Leonean society before the war. Regrettably, the subordination of women has not changed up to the present day. It is a prognosis corroborated by Dr. Shirley Gbujama, the Minister of Social Welfare, Gender and Children Affairs, speaking in Freetown in October 2003: "The low status of women is steeped in deep cultural tradition. In traditional Sierra Leonean society, the wife and children are at the mercy of the family. Women have little control or influence over decision-making.

Certain socio-cultural practices provide the leading cause of gender disparity and the inferior status of women as evidenced by [such factors as]: high fertility rates; high infant and child mortality rates; high adult female illiteracy rates; exclusion of women from receiving certain services and instruments in rural areas such as land, extension services, credit and farm inputs; and the disproportionate amount of the workload in agriculture (estimated at 60-80%) allocated to women.”⁶²

61 Coker A. and Richter

Reference 387 - 0.01% Coverage

1, 1998, at page 65.

62 Gbujama, Honourable S. Y., Minister of Social Welfare, Gender and Children’s Affairs; “Gender Mainstreaming: Sierra Leone Poverty Reduction

Reference 388 - 0.01% Coverage

sexual or reproductive life.

118.

International treaties define the right to plan one’s family as the right to determine freely and responsibly the number and spacing of one’s children and to have the information and means necessary to do so. Governments are obliged to ensure that men and women have access to a full range of contraceptive choices and reproductive health services and that they have adequate information about sexual and reproductive health. These principles are linked to the right to life, liberty and security of the person and the right to privacy.⁷⁶

119.

Maternal mortality is a

Reference 389 - 0.01% Coverage

Of Sierra Leone 1960) 122.

The Second Schedule in the Administration of Estates Act provides for rules of distribution for the property of deceased persons, where customary law or Mohamedan laws do not apply. The Rules provide that, on the death of a wife, the husband is entitled to all of her property.⁸¹ On the death of a husband, the wife is entitled to one-third of the estate and the children are entitled to the remaining two-thirds of the estate.⁸² If the husband has no children, the wife will be entitled to half and the other half shall be divided among the husband’s nearest relatives or next of kin.⁸³ The Act does not provide for unmarried couples living together to benefit from the estate of their respective partners.

77

See King, Jamesina; “Women’s

Reference 390 - 0.01% Coverage

leadership positions in society.

124.

Similarly in Temne customary law, the widow is not entitled to any interest in the house where the married couple lived, although the husband's family may compensate a wife who has contributed towards the building of the house.⁸⁶ Under traditional customary law the husband inherited the deceased wife's entire property whether or not the deceased wife had any children. In modern times, the inheritance practice appears to be evolving to allow the wife to have a share of her husband's estate. Nonetheless, a son receives a larger share than the wife. Daughters also receive a lesser share than sons.⁸⁷

Inheritance under Islamic law 125

Reference 391 - 0.01% Coverage

Sierra Leone

Page 114

127.

The different rules of distribution under each of these legal systems allowing men better inheritance rights than women are a clear discrimination on the basis of sex. The application of these rules sometimes exposes widows to forceful eviction without consideration to their contribution to the assets acquired during marriage. They also contravene a cardinal right of equality in marriage and at its dissolution. They also affect the children of the deceased who may be deprived of care and education as a result of these inheritance rules.

128.

In instances under customary

Reference 392 - 0.01% Coverage

Property Rights, at page 23.

Section 22(1) allows the Court to order a settlement of a wife's separate property for the benefit of the "innocent party", i.e. the husband or children or both, if she is found to have committed any one of the matrimonial offences. No similar provisions apply in favour of a wife when her husband is found to have committed adultery, cruelty or desertion.

See Joko Smart, H. M

Reference 393 - 0.01% Coverage

experiences during the war.

145.

The complex provisions of the general law have been misinterpreted to the detriment of minors who have been raped or sexually assaulted, resulting in perpetrators being charged with unlawful carnal knowledge of a child, for which the sentence is lighter than rape.⁹⁸ Another area of concern is the need for corroborating evidence relating to these offences, which is extremely unlikely considering their nature and the circumstances in which they are typically committed. Until recently there was only one police doctor in Freetown who was competent to provide medical services to victims and furnish the courts with the requisite medical reports. The police and judicial officers remain outwardly reluctant to prosecute sexual offences and the legal system that is supposed to serve women remains unfriendly to them.

97 98

See the Protection

Reference 394 - 0.01% Coverage

offences under customary law 146.

During the conflict, women were targeted by the different perpetrator groups and systematically raped and sexually violated. Rape was used as a weapon of war to dominate and humiliate women to undermine traditional cultural values and community relationships. Women and girls were raped and sexually attacked in front of their families, mothers, fathers, husbands and children, as a means of heightening the crime against them, torturing their loved ones and terrorising the community.⁹⁹

147.

Under traditional customary law

Reference 395 - 0.01% Coverage

should strive to attain.

154.

Sierra Leone became a member of the United Nations in 1961 and ratified most of the major human rights instruments. Sierra Leone is a signatory to the International Covenant on Civil and Political Rights (ICCPR),¹⁰³ the International Covenant on Economic Cultural and Social Rights (ICECSR),¹⁰⁴ the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW),¹⁰⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),¹⁰⁶ the Convention of the Rights of the Child (CRC),¹⁰⁷ the African Charter on Human and People's Rights¹⁰⁸ and the African Charter on the Rights and Welfare of the Child.¹⁰⁹

103

See International Covenant on

Reference 396 - 0.01% Coverage

26 June 1987. 107

108

See the Convention of the Rights of the Child (CRC), adopted 20 November 1989, G.A. Res. 44/25, UN Doc. A/44/49 (1989), entered into force on 2 September 1990.

See the African Charter on

Reference 397 - 0.01% Coverage

on 21 September 1983.

109

See the African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on 29 November 1999. Sierra Leone signed the Charter on 14 April 1992 but has not yet ratified it.

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Reference 398 - 0.01% Coverage

official registry compulsory.125
157.

The ICECSR, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) are also instruments that recognise: the right to life;126 to privacy;127 to be free from sex discrimination;128 to the highest attainable standard of physical health;129 to health care services;130 to decide on the number and spacing of their children and to have access to the information and means to do so;131 to the elimination of discrimination against women in all matters relating to marriage and family relations;132 and to be free from sexual violence, abuse, exploitation, prostitution and trafficking.133

110

111 112 113 114

Reference 399 - 0.01% Coverage

Sierra Leone Page 123
158.

These instruments require Government to commit itself to develop preventive health care, guidance for parents and family planning education and services; prenatal and postnatal and to ensure access to information, counselling and services concerning family planning;134 to appropriate services to ensure safe pregnancy;135 Government undertakes to eliminate traditional practices prejudicial to the health of children.136

The African Charter on Human

Reference 400 - 0.01% Coverage

Human And People's Rights 159.

The African Charter on Human and People's Rights entered into force in October 1986. Article 18 (3) of the charter states that "the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions". By this Article, the African Charter has incorporated all of the international declarations and conventions that relate to women. There is a protocol on the Rights of African Women approved in July 2003 that offers wide protection for the rights of women. Sierra Leone needs to ratify this protocol, which will allow the rights provided in it to be enjoyed in Sierra Leone.

The Convention on the Elimination

Reference 401 - 0.01% Coverage

Court for Sierra Leone.
138

See, inter alia, the following instruments and declarations prohibiting violence and promoting justice for victims of crime: Women and Armed Conflict 1995, Beijing +5 (2000); Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1976); Declaration of Basic Principles of Justice for Victims of crime and Abuse of Power G.A.40/34 (1985); Fourth World Conference on Women: Women and

conflict (1985); Security Council Resolution 1325 (2000); and the Commission on Human Rights, Basic Principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law, published as an Annex to E/CN

Reference 402 - 0.01% Coverage

Rape and sexual violence¹⁴³ 170.

Rape remains the silent war crime in Sierra Leone and in the world: throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality.¹⁴⁴ Reversing this legacy remains the obligation of every transitional justice institution charged with examining or prosecuting crimes committed during conflict. It is critical to ensuring inclusive and non-discriminatory justice as well as to combating the stigma and blame that are at the core of the shame, isolation and abandonment suffered by women in post-conflict situations. Whilst international humanitarian law has long prohibited rape, it was characterised as an offence against honour and dignity¹⁴⁵. The Fourth Geneva Convention continued the practice of characterising rape as an attack on women's honour. The list of grave breaches of Common Article 3 does not refer explicitly to rape. Again in 1977, in Protocol II while offences of sexual violence were explicitly included, they were characterised as offences against dignity and honour or humiliating and degrading treatment as listed as rape, forced prostitution and any other form of indecent assault. As a consequence, women whether combatants or civilians, have been consistently targeted for sexual violence such as rape, sexual mutilation and sexual slavery, while for the most part their attackers go unpunished.

171.
The 1993 World Conference

Reference 403 - 0.01% Coverage

or crimes against humanity.
193.

It must also be underscored that torture may be inflicted against a person through the infliction or threat of infliction of sexual or other violence on a third person. When children or spouses or parents are sexually threatened or assaulted in front of another family member that is recognised as a form of torture. Thus in Sierra Leone, it is torture when daughters, including virgin daughters, are raped in front of their fathers or mothers, or when a breastfeeding woman is raped in front of her son. It has also been judged that forced observance of sexual violence inflicted on a woman engaged with a man caused him severe physical and mental suffering.¹⁷⁸ Torture is also committed when family members are killed while others are forced to observe. The seizing of a child from its mother and killing it in front of her is also a particularly gendered form of torture, targeted as it is at her role as mother.

Enslavement (crime against humanity) 194

Reference 404 - 0.01% Coverage

Enslavement (crime against humanity) 194.

Enslavement is named as a crime against humanity (Art. 7(1)(c) Rome Statute and Art. 2(c) Special Court Statute). It is also prohibited by numerous international human rights and humanitarian law instruments and is one of the original universally condemned crimes under customary international law. Enslavement is

also a jus cogens violation.¹⁷⁹ The sexual form of enslavement is now codified as “sexual slavery”. Beyond that enslavement takes many forms, some of them gendered. Young girls and boys, men and women can be enslaved in one of many ways: in domestic labour, mining, arms factory, demining and medical experiments. It becomes a gender crime when an individual is enslaved because of his or her particular function in the society: women used for domestic labour (cooking, washing, cleaning, and serving, educating children), men for transport or fighting, young girls for spying, girls and women for sex and reproduction.

178 179

See the Furundzija

Reference 405 - 0.01% Coverage

a statement to the Commission:

“During the 1998 attack on Baybema, I was captured together with my grand children and my daughter-in-law... One day, to my surprise as an old woman, my two hands were tied together, my braid on my head was scrapped, pepper rubbed in my eyes and I was gang-raped... If I can recall well, about four men used me forcefully.”¹⁹⁰

207.

Testimonies before the Commission

Reference 406 - 0.01% Coverage

the conflict with the Commission:

“It was in 1991 in Golahun Tunkia, Tunkia Chiefdom, Kenema district... when RUF rebels attacked the town in the morning. The RUF rebels went purposely for me; they came to take me as a commander’s wife, because the boy I was working with had told them I was a beautiful woman for their commando... The inhabitants of that town escaped with me through the bush to a town called Baoma Koya... On hearing about me, my husband hired a vehicle to bring me to Kenema with my three children... On my way to Kenema, there was a checkpoint called Teoma between Kenema and Gofor... I was stripped naked with my husband... Then in 1993, I was posted to Nongowa chiefdom, Kenema district. I was there for a year when combat uniformed men again attacked the village... In 1997 during the junta rule, we were threatened that we were informants. And on 8 February 1998 during “Operation Pay Yourself” the Kamajors entered the house and took our belongings, money and everything and they went away. Three sets of factions wearing combats came to our house the very day. They took off the door from the house and the house was left opened... we lost everything. Kamajors also threatened to kill us. They stole a generator from the Merlin hospital and put it in front of my house. We begged them to return it but they refused, so my husband reported them to the ECOMOG. This made the Kamajors threaten us for several nights. There was no one to be trusted.”¹⁹²

189 190 191

See, for

Reference 407 - 0.02% Coverage

Commission in the following terms:

“In Bongeh, I was repeatedly raped by groups of rebels coming from different localities. I was nursing mother of a two-month-old baby at that time and I was abducted for two months and two weeks. During

my period of abduction I was also beaten on several occasions and whenever I resisted their sexual harassment, I was threatened with their guns. At one time, one of the rebels fired his gun through my legs... I later got forcefully married to "DU-DU Boy" as my "bush husband". I was then assigned to the responsibilities of doing all the laundry, cooking their food, ironing their clothes and many other household duties. Most of their clothes had blood stains on them. Some of the female abductees who refused to have sex with them were killed. That gave me the cause to yield to their sexual demands in order to save my life. My child had died during my abduction."¹⁹⁸

212. Women were abducted in a myriad of places, including their homes in villages or towns, from the bush or while they were walking along the road,¹⁹⁹ or during ambushes. Abductions kept the numbers high in the armed groupings and became a mechanism for armed groups like the RUF to service various needs besides swelling the ranks, as abductees served as porters, advance troops, sexual slaves and forced labour. Abductees were also required to carry items that had been looted.²⁰⁰ As a result of the war, a large number of women were separated from children and spouses and also suffered years of horrendous abuse in the hands of their abductors even as some died in the process and never made it back to their families. Young girls were separated for many years from their families and many did not make it back.

213.

The Commission finds that

Reference 408 - 0.01% Coverage

provide definitive figures and projections.

See Executive Secretariat of National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), Monitoring and Evaluation Unit; "Report on numbers of Children and Women that went through Disarmament, Demobilisation and Reintegration Process"; 9 September, 2003 (hereinafter "NCDDR, Numbers of Women and Children that went through DDR"). See NCDDR, Numbers of Women and Children that went through DDR, at page 3. See NCDDR, Numbers of Women and Children that went through DDR, at page 4. See NCDDR, Numbers of Women and Children that went through DDR, at page 4. TRC confidential statement recorded in Bo District, 9 December 2002.

203 204 205 206

Vol

Reference 409 - 0.01% Coverage

she and others found themselves:

"...They instructed other rebels to escort us to Bumpeh, then they took us there. They packed all of us in a very small house, and held us where we could not even sit down, so we all stood up with all our children..."²¹³

221. A victim detained with

Reference 410 - 0.01% Coverage

CDF told of her ordeal:

"I was captured together with my children, stripped naked, detained unlawfully and beaten. While in captivity one of the CDF by the name of Tamba Johnny killed my son on sight and the man is in town here

while I am talking to you. After killing my son another CDF man went and cut his ears, by then I was still under torture and detention... my mind was not with me"216

211 212 213 214 215

Reference 411 - 0.01% Coverage

in Sierra Leone Page 144

They saw the rebels passing clandestinely and they returned and told us... we were all assembled in the centre of Gbogeima village... the rebels told the crowd that as from that moment nobody will live any longer. They opened fire on the crowd. A lot of people died. I lay on the ground flat with my children who had been shot. The firing on the crowd continued until there was a voice from the bush shouting about the arrival of the soldiers. When they heard that, the rebels ran into the bush. I then took my children with other relatives to Nyeyama."220

228. 229.

One strategy that

Reference 412 - 0.01% Coverage

against women in camps 235.

The Commission found that many Sierra Leonean women had their rights violated in the refugee camps. It is regrettable that those meant to protect the vulnerable were often responsible for further victimising them. In April 2002, the UNHCR and Save the Children-UK issued a report on Sierra Leonean Refugees in Guinea detailing the violations which women and girls amongst others suffered while refugees in Guinea.227 Young girls and women were forced to have sex in return for food and assistance. Many of them were forced to become prostitutes in brothels established in the camps. More than 1,500 people were interviewed and told similar stories. Men complained of how they were not given access to food because they had no wife or daughter to barter for food or supplies.

224 225

226 227

Fodei

Reference 413 - 0.01% Coverage

Volume Two of this report.

See Save the Children – UK and UNHCR, "Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone", April 2002.

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Reference 414 - 0.01% Coverage

was also wounded."237

245.

Beatings were arbitrary with the deliberate intention of inflicting cruelty, humiliating and degrading the person concerned.²³⁸ An abducted girl-child who lived with an RUF combatant couple testified to the Commission:

"The rebel wife I was

Reference 415 - 0.01% Coverage

Leone Page 149

TORTURE 248.

Acts of torture, carried out on a systematic scale, are regarded as both a crime against humanity and a war crime. The requirements though are different. The right not to be tortured is one of the fundamental rights of a non-derogable nature, in other words it a jus cogens norm. Rape and other forms of sexual violence are recognised both under international human rights law and humanitarian law as torture. Women experienced intense mental and physical torture in the hands of the armed forces, particularly the RUF. The intention was to strip them of any sense of identity or self worth. They were treated like animals with the clear purpose of dehumanising them. Cruel and degrading treatment was extensively practiced on women and girls. A girl-child who lived with the RUF described some sordid acts she witnessed:

"...They used to cook a

Reference 416 - 0.01% Coverage

the toilet to eat."²⁴²

250. Women because of their nurturing instincts were singled out for a particular kind of torture. They were forced to watch their children and spouses being violated and ultimately killed. An elderly woman at Bonthe recounted to the Commission how her only son was killed. His head had been cut off and she was then forced to hold his head and breastfeed it.²⁴³ Women were in many instances compelled to exhibit mock high spirits by laughing and clapping at the torture or death of family members. Torture was often accompanied by acts that were intensely degrading and cruel. A female victim testified to the Commission about the attack at Bumpeh Gao:

"...The rebels then started the

Reference 417 - 0.01% Coverage

it among them."²⁵⁶

264.

The Commission recorded only a few incidents of disembowelment,²⁵⁷ but strongly suspects that the figure is not indicative of the actual number of women who suffered the violation or those that witnessed it during the conflict. Specialist consultants to the Commission on gender-based crimes spoke of the tendency of victims and witnesses of such crimes to "suppress" memories of the event, which may explain why more people did not come forward to the TRC to speak about it. Interviews conducted by the Commission also unearthed the story of a woman who nearly suffered disembowelment but was saved because the induced trauma of the fear of disembowelment forced her into immediate labour where she gave birth to the child in the bush where the disembowelment would have taken place.²⁵⁸ Some disembowelments of pregnant women took place in front of family members, leaving behind deep scars in the minds of the living. One

witness described, among other violations, the gruesome manner in which her pregnant sister was killed with her child:

"...My sister Nancy was pregnant

Reference 418 - 0.01% Coverage

or a girl."262

267.

The violation of disembowelment invariably led to a horrific death for both mother and child. According to one testimony to the TRC:

"...They were snatching babies and

Reference 419 - 0.01% Coverage

and went away."270

274.

The vast majority of amputations resulted in the loss of the victim's hands.271 No category of victims was spared this gruesome and inhuman act. Children and pregnant women were also affected. A witness described to the Commission the amputation of a pregnant woman:

"One of the gunmen said

Reference 420 - 0.01% Coverage

about what has happened.

277

See Physicians for Human Rights, War-Related Sexual Violence in Sierra Leone. See also Human Rights Watch, We'll Kill You if you Cry. See also Mansaray, Binta; "The Invisible Human Rights Abuses in Sierra Leone"; Freetown, June 2002. See also Federation of African Media Women; "The Girl Child during the Civil War in Sierra Leone"; Freetown, October, 2002. Theresa Blackie, TRC statement, Bo Kakua, 16 December 2002. See the Statistical Report produced as an Appendix to this report.

See the Statistical Report produced

Reference 421 - 0.01% Coverage

TRC in the following testimonies:

"He grabbed my hand and announced: 'this is my capture'... he asked if I am a suckling mother as he saw my young child...then he told me to leave my child and follow him...then finally they took me to a house where they put me under gunpoint and four of them raped me, one after the other. They went with me to another house where three different rebels raped me on the same day. They continued to move with me until we met a lone rebel, who stopped us and took me out, laid me on the floor in front of the other rebels and raped me... then he took me from among them and put me in a house where three other rebels raped me."286

283 The concept of "invasion

Reference 422 - 0.01% Coverage

the Commission of her plight:

"...We were at Sogboleh when the rebels attacked us. Four of us went into one house... they met us in that house, then they told us that they were going to have sexual intercourse with us. We refused and they wounded me on my right hand with a knife. Eight of them came and stripped me naked and all of them raped me. Immediately, my vagina was swollen up and they said they were going to carry us to their base. We were now with them; then I started getting serious abdominal pain. Then one of their big men asked that if he makes people to treat me [better], would I marry him? ... When I was with him, I became pregnant and gave birth to a child."³⁰⁷

306.

Many women, horrified at

Reference 423 - 0.01% Coverage

Koinadugu District, 11 December 2002.

Various submissions to the Commission listed some of these factors as the consequences of sexual slavery violations that women suffered during the conflict. Among the noteworthy submissions in this regard were from the Ministry of Social Welfare, Gender and Children's Affairs, the Women's Forum and the Forum for African Women Educationalists (FAWE), as well as those received during the TRC Special Thematic Hearings on Women, Freetown, 22 to 24 May 2003.

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Reference 424 - 0.01% Coverage

unable... The baby died.³²⁰

319. Women were forced to watch helplessly as their children and husbands, suffered human rights violations, which in many instances led to their death.³²¹ Many women became victims of violations while trying to protect their children. An example was given by this woman, who became an amputee through trying to protect her child:

"When we reached a forest-like area, I suspected from their action that they wanted to kill me or my child. So I kept my gaze on them. Not long after, one of the rebels forcefully took my child, held her on one of her arms and cut her open on her spinal cord. Before he could do this, I rushed to hold his hand and when he turned around with his cutlass, he also cut me open on my head. He threw my then dead child in one corner whilst I laid in the other...

Despite my condition that time, I stood up to collect my dead child. Again he turned around and saw me, he said to me that I was stubborn; he came back and told me to put my hand on a stump or else he would kill me there and then.

I put out my hand

Reference 425 - 0.01% Coverage

committed unspeakable crimes."³²⁴

323.

The war from inception was a self-destructive conflict that consumed its own. Attacks on unarmed civilians by the RUF and its accomplices started from the very beginning of the war and continued unabated until its conclusion, with violation rates escalating and the nature of violations becoming ever more grotesque. In terms of the violations recorded in the TRC database, the Commission estimates that women make up 34% of victims of all violations throughout the conflict and that the average female victim suffered approximately three violations.³²⁵ This percentage testifies to the startlingly unconventional nature of the war, whereby civilians were the prime targets of all factions. Had the conflict in Sierra Leone assumed a more "conventional" character of battles between armies, then fewer civilians, especially women and children, would have met face-to-face with the various factions and suffered such levels of atrocities.

323 324

Forum for African

Reference 426 - 0.01% Coverage

suffered during the conflict.

327.

The use and abuse of drugs was widespread among the various armed factions. Many perpetrators lost all sense of reason and had no regard for human life, women's included. In a drug-affected state, combatants committed atrocities without feeling and with total impunity. While drug use cannot excuse the conduct of perpetrators or the atrocities they committed, it is a factor to consider, particularly in the case of child and youth perpetrators, as drugs have been proven to alter minds and affect reason.³²⁸

328.

All of the above

Reference 427 - 0.01% Coverage

Leone

Page 175

350. 351.

In terms of the CDF code of practice after 1996, many witnesses claimed that a similar set of rules and taboos applied and that, additionally, all CDF members were obliged to protect civilians, particularly women and children.³⁴⁰

As the conflict escalated, the

Reference 428 - 0.01% Coverage

Leone Page 183

LOOTING 381.

The Commission recorded 931 counts of looting perpetrated against women, amounting to 30,1% of all acts of looting that were reported to the TRC.³⁷⁶ In this category the RUF accounts for most of the violations reported (59,7% for women and girls; 58,4% for men and boys).³⁷⁷ Individual RUF commanders sent combatants on missions to find food. These missions led to looting and pillaging of the targeted communities. RUF members have in their testimonies stated that children were included in these missions as they were very good at foraging out what they could get when they went out on looting sprees.³⁷⁸ The

RUF had a deliberate strategy of targeting the property of civilians. In RUF parlance, looting was known as "jaja". A woman in Pujehun told the Commission of her experiences:

"I was in the town

Reference 429 - 0.01% Coverage

and her family had settled:

"One morning I went to the lorry park to go to Bo on a Sunday in 1995. Then I saw military uniformed men who I could not distinguish at all... There was heavy firing and a loud sound of guns. The whole town was confused, everybody trying to get away. I rushed to my camp, got my children and then fled the town. By the time I could get my children, most of my property had been taken away, but I did not mind at all. Some other things were even drowned in the River Bebeh.

In the distance, I saw

Reference 430 - 0.01% Coverage

about a year ago".

391

See Mansaray, Women Against Weapons, at page 144. Major Kula Samba served as the AFRC's Secretary of State responsible for Social Welfare, Gender and Children Affairs.

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Reference 431 - 0.01% Coverage

on Thursdays and Fridays."396

396. Women perpetrators sometimes held positions of authority in the various factions. The late Major Kula Samba famously became the Secretary of State for Social Welfare, Gender and Children Affairs in the AFRC regime.

397.

Other prominent women included

Reference 432 - 0.01% Coverage

system underpinning their society.

432.

Traditional society in Sierra Leone demands that women be cherished and looked after. In addition, women are customarily forbidden from taking up arms and becoming involved in warfare. Thus, those armed groups who targeted women and children, abducted them and sexually violated them broke all taboos of society. Women who became combatants in the conflict found themselves flouting all the normal rules and negating the cultural value system.

420 421 422

See Rehn

Reference 433 - 0.01% Coverage

and Peace, at page 13.

See Save the Children, The State of the World's Mothers 2003, annual report into the conditions for motherhood and the advancement

Reference 434 - 0.01% Coverage

in Sierra Leone Page 196

The Kamajors did not initially allow its members to harm women, children and unarmed civilians.⁴²³ However as the conflict progressed and less attention was paid to initiating new recruits in an ethical manner, previous undertakings were disregarded and the Kamajors also committed human rights violations against women and children. The conflict has had the effect of eroding the traditional conception of hunters' societies, thus resulting in the denigration of the original Kamajor society. A much-venerated cultural institution has been tarnished by the malicious and manipulative acts of the CDF leadership, especially its initiating cadre, during the course of the conflict.

433.

Sexual violence and the

Reference 435 - 0.01% Coverage

course of the conflict.

433.

Sexual violence and the kind of sexual violations that women suffered are themselves acts regarded as taboo in Sierra Leone. Sexual acts involving children, violations against older women, rape and disembowelment of pregnant women, rape and sexual abuse of pre-pubescent girls and virgins were all widespread in the conflict. These acts were carried out everywhere, defiling places regarded as sacred such as mosques, churches and the secret society "bushes" of the Bondo society. To carry out such heinous acts in highly sacred places is to undermine cultural and religious values yet further. Incest is regarded as a major crime and the forced acts of incest by many of the armed groups broke one of the major taboos not only of Sierra Leone but also in the wider world.⁴²⁴ The Commission finds that the RUF and the AFRC, in particular, deliberately engaged in strategies designed to destroy all the norms and values of traditional Sierra Leonean society.

434.

There is no doubt

Reference 436 - 0.01% Coverage

STIGMATISATION, OSTRACISATION AND ISOLATION 435.

Rape and sexual violence as well as acts of extreme violence carried out on women and girls carry with them a price which women inevitably pay. Perversely women in most traditional societies are regarded as the custodians of the honour of men and society. Raping and violating them have come to symbolically represent the violation of the man and the society he belongs to. The bodies of women become the battleground over which opposing forces fight.⁴²⁵ In Sierra Leone women were raped and sexually violated often in front of their loved ones, humiliating and denigrating them. Women were forced to bear children

belonging to the enemy. They are doubly victimised, they bear the burden of being raped which itself carries with it a stigma 'that of family honour being desecrated'.

423

424 425

See Hassan

Reference 437 - 0.01% Coverage

in Sierra Leone Page 197

436. Women who are identified as having been raped or who disclose that they have been raped are regarded in Sierra Leone as bringing shame to their families. In addition to the pain and anguish of the rape and sexual violence, they mostly carry with them the pain of not being able to disclose their status for fear of being ostracised. In cases where women have made the rape and sexual violence known to families, efforts are frantically made to hush up the "disgrace". The anguish and perceived shame is understandably even worse where the victim has borne the child of her rapist or captor. Many young mothers have been forced to give their children up to adoption.

437.

Despite the pressure to

Reference 438 - 0.01% Coverage

children up to adoption.

437.

Despite the pressure to bury the issue and to lapse into silence, some women in Sierra Leone have been brave enough to disclose their experiences publicly. Again it is the large number of women who experienced sexual violations in Sierra Leone that brought the issue to the fore. Women have complained to the TRC of stigmatisation in their various communities because some people have labelled them "rebel wives".⁴²⁶ Re-integrating into their societies is difficult for those who have been forced into sexual slavery and in reality they are being penalised by society for matters totally out of their control and which occurred as a result of the conflict. Negative reception by family or community tends to accentuate their feelings of dislocation and social exclusion. Many women have expressed to the TRC their extreme sense of "rejection" and their "fear that they may never be able to lead a normal life". Many would like to get married and have children and yet feel that no one will want them.⁴²⁷

438.

In those instances where

Reference 439 - 0.01% Coverage

will want them.⁴²⁷

438.

In those instances where women have borne children from abusive relationships, the children remain a living reminder of a past their mothers would rather forget. Women and girls in this position face severe trauma and psychosocial problems, which has not yet begun to address.⁴²⁸

DISRUPTION TO FAMILY LIFE

439

Reference 440 - 0.01% Coverage

hearings in the Kono District:

"From the stories you have heard, I am sure that you know how much our women and our children have suffered... especially the women: some of the men do not want to have them again as wives or friends..."432
441.

The war has led

Reference 441 - 0.01% Coverage

wives or friends..."432

441.

The war has led to many women being divorced by their husbands. The consequences of divorce do not only impact on the lives of those directly affected but also impact on children and the extended families. Families traditionally bound together experience strained relationships as marriages bind families and not only the immediate the parties in African society. Women experience again a "double victimisation", as they now have to bear the economic and social consequences of divorce.

442.

The war also led

Reference 442 - 0.01% Coverage

Town, Kono District, April 2003.

See Lebbie, S. H.; "Survival Strategies of the Girl-Child and Young Women: Commercial Sexual Exploitation in the streets of Freetown"; Goal Ireland, Freetown, February 2000, at page 7.

See Save the Children – UK and UNHCR, "Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone", April 2002, at page 25.

See Lebbie, S. H.; "Survival Strategies of the Girl-Child and Young Women: Commercial Sexual Exploitation in the streets of Freetown"; Goal Ireland, Freetown, February 2000, at page 37.

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Reference 443 - 0.01% Coverage

440

436

437 438 439

See World's Women, Trends and Statistics 2000, report on issues affecting female development globally.

See also the website: <http://unstats.un.org/unsd/demographic/ww2000/health2000.htm>. See World's Women, Trends and Statistics 2000, including the website in the above footnote. Government of Sierra Leone; Report on the Status of Women and Children; November 2000. See Women's NGO Coalition submission to TRC, at page 4. According to this submission, by

1997 only 70% of all

Reference 444 - 0.01% Coverage

UNPLANNED AND UNWANTED PREGNANCIES 455.

Another consequence of the conflict in Sierra Leone has been the numerous unplanned and unwanted pregnancies that affected the vast majority of women abducted and forced into sexual slavery and who suffered sexual violence. Unwanted children are an aspect of this legacy.⁴⁴⁶

For many women already
affected

Reference 445 - 0.01% Coverage

446

For many women already

affected by the stigma of association with the RUF and the AFRC, the children born from these unions are a further burden on them. The circumstances around the conception of these children turn what should be a desirable human experience into an unbelievable and life-long nightmare. Women and girls who have borne children in this way face not only the humiliation and pain they suffered from rape and sexual violence, but also a living reminder of what happened.

The stigma ensures further social

Reference 446 - 0.01% Coverage

ensures further social dislocation, prohibits

reintegration and causes further trauma. It poses severe economic and psychosocial problems for the mothers, their children and their families.

456.

Many of women who

Reference 447 - 0.01% Coverage

children and their families.

456.

Many of women who testified to the TRC admitted that their feelings towards their children were ambivalent. While they associated the children with the brutality meted out to them by the perpetrator and resent having to look after them, the children are also part of them and need their care and attention. In some instances, the children have been accepted in their mother's families but there are a number of cases where mothers with children born under these circumstances have been forced to leave their family and immediate society altogether as they met with such reluctance to absorb them. The virtue of forgiveness, so deeply rooted in African culture, is at odds with the traditional society's feelings of repugnance towards children born in this way, particularly in Sierra Leone. However in many societies, the culture of silence about children born from acts of sexual violence has also silenced any rumblings over children born from "forced marriages".

457.

In most conflicts, women

Reference 448 - 0.01% Coverage

born from "forced marriages".

457.

In most conflicts, women raped face the possibility of children being born from such acts of violence. While abortion is one mechanism to deal with such unwanted pregnancies, it is not always an option open to every woman. In Sierra Leone abortion is considered illegal. While it is possible to have a "back street" abortion, for most women this course is undesirable as it is expensive and the risks associated with it are enormous.

458.

Another prohibiting factor has

Reference 449 - 0.01% Coverage

babies to full term.

459.

Many of the women who testified to the Commission indicated that their children themselves were unaware of the circumstances of their birth. Society has not dealt with the issue in any honest or transparent fashion. What is clear is that education is needed to help society confront the problem openly and sensitively.

446 See FAWE submission to

Reference 450 - 0.01% Coverage

Sierra Leone population.

466. 467.

Transmission from mother to child and lack of access to proper health care are further major reasons for the increase of HIV/AIDS infection.

Finally but importantly, the abusive

Reference 451 - 0.01% Coverage

such as HIV/AIDS.

471.

The depressed post-war economy has meant that Sierra Leone has not been able to prioritise either the reconstruction of the health system or the management of the HIV/AIDS epidemic. It does not possess the necessary purchasing power to buy anti-retroviral drugs, even where available. The lethal combination of poverty and a non-functional health sector means that the infected women do not have a chance at survival. The statistics speak for themselves. According to the NGO Save the Children, Sierra Leone is no different to other post-conflict countries where the response to dealing with HIV/AIDS in the aftermath of the conflict has been poor.⁴⁵⁵

472.

HIV/AIDS devastates families

Reference 452 - 0.01% Coverage

has been poor.⁴⁵⁵

472.

HIV/AIDS devastates families and makes orphans of children. As mothers and caregivers, the death of women through HIV/AIDS has a devastating impact on the family, particularly on children. Children become adults overnight, engaging in economic activities for survival, thus perpetuating child labour and poverty. Some degenerate into drugging, commercial sex work, stealing and other acts that are inimical to their lives and progress in the short as well as long term.

473.

An emerging problem is

Reference 453 - 0.01% Coverage

well as long term.

473.

An emerging problem is the new dependence on the aged to take care of those living. This is a reversal of a pattern in African societies such as Sierra Leone where children are the usual support structures for the aged. The death of women and children through HIV/AIDS has led to untold hardship for the aged as they have lost the comfort of being taken care of. They have also had to take on the role of providers and caregivers to their children living with HIV/AIDS and on their death to assume same role for their grandchildren. It is important to note that most caregivers or providers are women.

453 454

455

See Joint

Reference 454 - 0.01% Coverage

[org/gender/dossiers/stigma.htm](http://www.savethechildren.org.uk/gender/dossiers/stigma.htm).

See Save the Children, HIV and Conflict: A Double Emergency, report also on the website at:

<http://www.savethechildren.org.uk>

Reference 455 - 0.01% Coverage

the programme to continue.

493.

The Christian Children's Fund Sierra Leone, in collaboration with the Sierra Leone Association of University Women, embarked on a similar initiative, which took the form of a community-based initiative to train health care workers, teachers and community representatives in basic therapeutic skills to deal with victims of sexual violence. More than 600 people were trained. However, funding problems also forced this programme to be ended prematurely.

494.

The Council of Churches

Reference 456 - 0.01% Coverage

to be yet determined.

498.

A National Sexual Violence Committee was established and is currently chaired by the Ministry of Social Welfare, Gender and Children's Affairs. It includes UNICEF and a number of other non-governmental organisations involved in the provision of services dealing with sexual violence.

Effectiveness of interventions in respect

Reference 457 - 0.01% Coverage

Sierra Leone Page 210

501.

Despite these initiatives, according to the IRC, police personnel in the Provinces receive inadequate training to conduct interviews with survivors of sexual violence who are mainly girl-children. They complain that interviewing techniques are harsh and judgemental of the victims. In addition, police investigations are often poorly conducted. This is due to insufficient training and insufficient resources.⁴⁶⁵

An example of this is

Reference 458 - 0.01% Coverage

access to legal aid.

504.

Reflecting on the inadequate judicial response to cases of gender-based violence, the Honourable Minister for Social Welfare, Gender and Children Affairs made the following remarks:

"Prevailing attitudes towards gender-based

Reference 459 - 0.01% Coverage

in such cases."⁴⁶⁸

505.

Current programmes targeting gender-based violence are directed at girls and not women. Women are generally disadvantaged by the complete focus on girls. The United Nations Rapporteur on Violence against Women, during her visit to Sierra Leone, lamented donor apathy towards the cause of women as well as the fact that that most programmes of sexual violence are tilted heavily in favour of children.

According to IRC, it is

Reference 460 - 0.01% Coverage

to TRC, at page 2.

The "P-3" form is a document that victims of rape and sexual violence require to fill out as part of the reporting process. Only registered medical practitioners have the authority to distribute "P-3s". Gbujama, Honourable S. Y., Minister of Social Welfare, Gender and Children's Affairs; "Gender

Reference 461 - 0.01% Coverage

of Sierra Leonean women submitted:

"During the war, people were forcibly evicted from their houses, many houses and public buildings were burned down, looted, vandalised, furniture removed, savings forcibly taken from people and all livestock consumed. The livelihood system of people was severely disrupted, there was loss of source of income, economic activities ceased, thereby increasing the level of poverty. Women and children were hardest hit. They were totally dispossessed of their worldly possessions and meagre savings. Spouses and other male breadwinners were killed, made redundant or separated from their families."⁴⁷¹

513. Madam Koloneh Jusu, leader

Reference 462 - 0.01% Coverage

is now a priority.

518.

As the conflict spread in Sierra Leone, families became displaced, with many women becoming internally displaced persons. Many others fled into exile, particularly those with the resources to do so. According to the UNHCR, there are approximately 50 million refugees in the world, with 75% to 80% of them women and children.⁴⁷⁵ For the most part, they are civilians. In recent decades, civilian refugees have accounted for more than 90% of all refugees. Educated Sierra Leoneans left the country in massive droves as the conflict escalated. This latest exodus has only worsened the massive brain drain from the country. While many took refuge in neighbouring countries, a large number settled in Europe and the USA. Many refuse to come back as their memories of the conflict are bitter. This loss of human power has translated into huge economic loss for Sierra Leone.

473 474 475

See Women's

Reference 463 - 0.01% Coverage

Page 214

SURVIVING POVERTY 519.

Surviving poverty in post-conflict Sierra Leone has forced unpalatable choices on many families. In order to boost meagre family incomes, children, particularly older children, have been forced to join their parents in commercial enterprises belonging to the family at the expense of going to school. Aligned to this trend has been the increase in the cost of education in Sierra Leone. Even in the public education system, where the government bears some of the costs in terms of providing schoolbooks and paying examination fees, it has been difficult for some families to send their children or wards to school due to financial constraints. Where families have had to prioritise which of their children's schooling they pay for, it is usually the girl children who will be kept away from school and put to work elsewhere.

520.

Many girls in post

Reference 464 - 0.01% Coverage

put to work elsewhere.
520.

Many girls in post-conflict Sierra Leone have thus been deprived of the right to acquire education, in effect jeopardising their future prospects even further. Although the access and retention rates have increased for school-going children over the years,⁴⁷⁶ there are still acute weaknesses in the system, such as the poor availability of secondary school education for girls. By way of example, there are some districts in the northern and eastern Provinces of Sierra Leone where the percentage of girls accessing secondary school is as low as 4% and 3% respectively.⁴⁷⁷

LEARNING NEW SKILLS 521.

In

Reference 465 - 0.01% Coverage

local and international NGOs.
522.

The National Commission for Demobilisation, Disarmament and Rehabilitation (NCDDR) provided skills training for some of the demobilised women and girls with the fighting forces. This training was provided to women in the internally displaced persons' camps and it is still ongoing today in some parts of the country for other categories of women. Some of the government bodies involved in providing this assistance were the Ministry of Social Welfare, Gender and Children Affairs (MSWGCA),⁴⁷⁸ the now dissolved National Commission for Demobilisation, Disarmament and Reintegration (NCDDR) and the present day National Commission for Social Action (NaCSA), which was formerly National Commission for Reconstruction, Resettlement and Rehabilitation (NCRRR).

476

See the Ministry of

Reference 466 - 0.01% Coverage

to TRC, at page 7.

See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

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Reference 467 - 0.01% Coverage

480

481 482 483 484

See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

See the Social Action and

Reference 468 - 0.01% Coverage

527.

Besides the government's micro-finance schemes, a number of local and international NGOs have also been involved in the provision of micro-credit for women. These agencies include GTZ, Action Aid, Agrisystems and FAWE. Such schemes are thought to have been generally successful, with few obvious shortcomings. In evaluating the government financed micro-credit program, the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs made the following observations:

"A lot of women groups

Reference 469 - 0.01% Coverage

of the loans.

485 486

See the Permanent Secretary of the Ministry of Social Welfare, Gender and Children Affairs, TRC interview conducted at the Ministry building, Freetown, July 2003.

See, for example, Kadiatu Brima

Reference 470 - 0.01% Coverage

lost their husbands."490

538.

The same is true of property left behind by the dead spouse. Under Sierra Leonean customary law,491 women only own property through their husbands and children. If the husband is killed or dies and the wife does not have an older son who can claim the property, she often must yield to her husband's family who hold her fate in their hands by deciding effectively whether she can keep her own property.

539.

Despite the various interventions

Reference 471 - 0.01% Coverage

the NCDDR said the following:

"...Another very important strategic consideration that was not adequately planned for, namely, reconciliation at community level... there are many cases of ex-combatants encountering difficulties of acceptance. Even for former child-combatants, most child protection agencies have complained about parents refusing to accept their own children back during family tracing and reunion interventions."496

547.

Resettlement in Sierra Leone

Reference 472 - 0.01% Coverage

into its midst.504

557.

A number of NGOs and government agencies, working in conjunction with UN agencies, offer family reunification services for children, with an emphasis on the girl-child. Particular mention should be made in this regard of the work of UNICEF, along with such NGOs as Caritas Makeni, Christian Brothers and World Vision.

558.

Despite these efforts, social

Reference 473 - 0.01% Coverage

justice close to the people.

☒The Law Reform Commission, working together with the Ministry of Social Welfare, Gender and Children's Affairs and other partners, has included women's rights in its reform agenda.

506

The International Rescue Committee

Reference 474 - 0.01% Coverage

in Sierra Leone

Page 225

☒The Ministry of Social Welfare, Gender and Children's Affairs, in conjunction with UNIFEM, is embarking on a series of consultations with the aim of incorporating the Convention on the Elimination of Discrimination Against Women (CEDAW) into national law.

☒Accountability mechanisms for crimes committed

Reference 475 - 0.01% Coverage

perceived manipulation behind their roles:

"Most governments only recognise us market women when it is time for elections, campaigning and using us as instruments to get political power. We will then be assembled like herds of sheep and masqueraded for the public and the international community as cooks and "ashobi dancers". Elaborate promises will be made to us about the education of our children, [or] providing housing and health care for us – promises that have never been kept... Over the years we have become pawns in a game of politics that we do not understand... This behaviour over the years has humiliated and demeaned us as women."515

567. While women do feature

Reference 476 - 0.01% Coverage

THE ADVANCEMENT OF WOMEN

571.

The Ministry of Social Welfare, Gender and Children's Affairs supported by UNICEF provided two policies in 2000, the National Policy on the Advancement of Women and the National Policy on Gender Mainstreaming. The National Policy on the Advancement of Women is an all-encompassing policy seeking to improve the status of women and remove discrimination, as it is perceived to exist in various sectors.

572.

The National Policy on

Reference 477 - 0.01% Coverage

Sierra Leone Page 228

CONCLUSION

574. Women and girls suffered terrible atrocities in the Sierra Leone conflict. Many died and their stories remain untold. And yet, many brave and courageous women and girls survived and were able to come forward to tell the Commission of the brutality they experienced and of how they were stripped of humanity and dignity. Others told of how they were afraid to reveal their stories because of the way in which they will be shamed by their loved ones, families, friends and communities. Many women have borne children and are outcasts because of it. They are doubly punished, because society has let them down and because of vile deeds perpetrated against them in the first place.

575.

The Commission, while not

Reference 478 - 0.01% Coverage

help and assist them.

577.

The Commission believes that an opportunity exists in this transitional period to address the plight of women and girls at the highest levels. For example, giving effect to the provisions of CEDAW and to other international human rights instruments, which provide inspiration and the impetus to improve the quality of life for women and children, would be a tremendously symbolic step.

578.

The Commission has made

Reference 479 - 0.01% Coverage

in Sierra Leone Page 229

CHAPTER FOUR Children and the Armed Conflict in Sierra Leone

TRC

Bush no de fo

Reference 480 - 0.01% Coverage

Rights Law Group

CHAPTER FOUR

Children and the Armed Conflict in Sierra Leone

Introduction 1.

Sierra Leone is

Reference 481 - 0.01% Coverage

the east and southeast.

2.

The abundant potential of Sierra Leone's natural landscape is mirrored in its population of just 4.5 million people. The inhabitants of the Provinces represent a culturally and demographically diverse heritage, with seventeen indigenous ethnic groups spread across 149 chiefdoms. The capital city, Freetown, originally a settlement for emancipated slaves, hosts the oldest university in the region and gained a reputation as the "Athens of West Africa". Most important of all, despite the trials and tribulations of history, Sierra Leoneans are resilient and resourceful, such that each new generation of children of Sierra Leone brings with it fresh hope, fresh direction and fresh human resources for the country.

3.

British colonial rule in

Reference 482 - 0.01% Coverage

and its people torn apart.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 233

6.

At the onset of

Reference 483 - 0.01% Coverage

Sierra Leone Page 233

6.

At the onset of the conflict in 1991, Sierra Leone was quite literally a nation of children. The graph at Figure 1, below, illustrates that approximately half of the estimated 4.5 million population was composed of children, i.e. males and females under 19 years of age. The graph shows a considerable "tapering off" in the size of the adult population between the ages of 29 and 79, which reflects the high adult mortality rate and results in astonishingly low average life expectancy. When war began in Sierra Leone, children formed the largest category of people in the population, while adults constituted a minority.¹

Figure 1: Population of Sierra

Reference 484 - 0.01% Coverage

ipc/www/idbnew.html.

7.

The conflict in Sierra Leone impacted heavily on children, as their rights were systematically violated by all of the armed factions. Children suffered abduction, forced recruitment, sexual slavery and rape, amputation, mutilation, displacement and torture. They were also forced to become perpetrators and carry out aberrations violating the rights of other civilians. In assessing the experiences of children in the conflict in Sierra Leone, the United Nations Children's Fund, UNICEF, submitted as follows:

"Particularly vulnerable to abuse were children, as they were violated in deep and lasting ways, some too awful to be adequately described... In some ways, it is as if a new level of cruelty has been attained in this war, setting the bar lower than ever imagined..."²

Males Females 1

The statistics

Reference 485 - 0.01% Coverage

ipc/www/idbnew.html.

2

See the United Nations Children's Fund (UNICEF), Submission to the Sierra Leone Truth and Reconciliation Commission on the occasion of TRC Thematic Hearings on Children, 17 June 2003 (hereinafter "UNICEF submission to TRC"), at page 2.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 234 Age category

8. Children themselves made the following statement to the Commission:

"... Concerns amongst us children in Sierra Leone are that the war was targeted at us. A brutal conflict which we did nothing to bring about but suffered and lost everything in it."3

9.

There are no accurate

Reference 486 - 0.01% Coverage

everything in it."3

9.

There are no accurate statistics to determine the number of children associated with the fighting forces, either as child soldiers or utilised in other capacities. According to a local NGO, Caritas Makeni, more than 5,000 children under the age of 18, of both sexes and with some as young as five years old, were combatants in the conflict.4 The United Nations Assistance Mission in Sierra Leone (UNAMSIL) puts the number at 10,000 who were associated with the fighting forces in one form or the other.5 The United Nations Children's Fund (UNICEF) estimated that more than 6,000 children were conscripted into the fighting forces over the years.6 The discrepancies in these numbers are probably explained by the different criteria used by these organisations in arriving at their figures.7 The National Committee for Demobilisation, Disarmament and Reintegration (NCDDR) confirmed in its submission to the Commission that more than 6,774 children entered the DDR programme.8

10. While the total number of children associated with the fighting forces will in all probability never be completely accurate, the submissions of the various agencies to the Commission attest to the widespread use of children in this conflict, in total contravention of the rules applicable to conventional warfare.

11.

The parties to the

Reference 487 - 0.01% Coverage

applicable to conventional warfare.

11.

The parties to the peace talks at Lomé in 1999 recognised that the children of Sierra Leone were vulnerable as a result of the armed conflict. Accordingly the Lomé Peace Agreement declared that children are entitled to special care and that their rights to life, survival and development are in need of protection in accordance with the provisions of the Convention on the Rights of the Child.9

12.

The Lomé Peace Agreement

Reference 488 - 0.01% Coverage

of the Child.⁹

12.

The Lomé Peace Agreement laid the foundations for the Act establishing the Truth and Reconciliation Commission ("TRC" or "the Commission"). Article 30 of the Lomé Peace Agreement explicitly provides that the Government of Sierra Leone shall accord particular attention to the issue of child soldiers and that the special needs of children should be addressed in the disarmament, demobilisation and reintegration process. The TRC Act 2000 provided that the Commission would be required to give special attention to the experiences of children within the armed conflict.¹⁰ The Sierra Leone TRC is the first truth commission that has been required explicitly to do so.

3

See Children's Forum Network

Reference 489 - 0.01% Coverage

explicitly to do so.

3

See Children's Forum Network (CFN) Sierra Leone; Submission to the Truth and Reconciliation Commission on the occasion of TRC Thematic Hearings on Children, 16 June 2003 (hereinafter "Children's Forum Network submission to TRC"), at page 1.

See Caritas Makeni; Submission to the Truth and Reconciliation Commission on the occasion of TRC Thematic Hearings on Children, 16 June 2003, at page 3.

See UNICEF; Child Protection Programme Report, February 2003, at page 2. Some of these organisations estimated only on the basis of children who were actual combatants, 4 5

See the United Nations Assistance Mission in Sierra Leone (UNAMSIL), Submission to the Truth and Reconciliation Commission on the occasion of TRC Thematic Hearings on Children, 16 June 2003, at page 5.

6 7

while others added

Reference 490 - 0.01% Coverage

at page 5.

6 7

while others added all the children associated with the fighting forces in various capacities such as cooks, porters, spies, sex slaves, manual labourers and others.

8 9

See the National

Reference 491 - 0.01% Coverage

of 7 July 1999.

10

See the Truth and Reconciliation Commission Act 2000, at Section 6(2)(b). Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Page 235

13.

This chapter

Reference 492 - 0.01% Coverage

Sierra Leone

Page 235

13.

This chapter will examine the traditional place of children in Sierra Leone and explore their status before and since the war in all the major spheres that affect them, such as education and health, as well as economic, legal and socio-cultural issues. A brief overview of the national and international human rights instruments impacting on and protecting children's rights is included. More importantly, the chapter will also attempt to convey the impact of the armed conflict on children, as well as their diverse experiences within the various armed groups, in the terms that children testified about them to the TRC. The status of children since the conflict will also be described, together with interventional measures taken by both state and non-state actors in attempting to respond to their needs. The chapter will also highlight the Commission's main findings and recommendations on children.¹¹

Interpreting the Commission's mandate 14

Reference 493 - 0.01% Coverage

Interpreting the Commission's mandate 14.

In interpreting its mandate the Commission wanted to ensure that the voices of children would be heard and taken into account at every stage of its proceedings, in the various versions of the final report and in the recommendations it made in respect of the future well being of children. The Commission also wanted to ensure that the identity of children who testified would remain confidential. The Commission thus faced a delicate balancing act, which required the development of a number of policies guiding its work.

15.

The Commission was fortunate

Reference 494 - 0.01% Coverage

policies guiding its work.

15.

The Commission was fortunate enough to have recourse to a report prepared by UNICEF, reflecting the outcomes of a consultative process that UNICEF had organised in 2001 to consider the participation of children in the work of the Commission. The report confirmed the support within the children's sector for children's experiences to be fully accounted for in the work of the Commission. It also highlighted challenges and areas of concern and proposed a variety of measures designed to protect children. The Commission took these proposals into account when designing its operational policies.

16.
The Commission resolved that

Reference 495 - 0.01% Coverage

designing its operational policies.

16.

The Commission resolved that it would reach out proactively to children so as to ensure their full participation in all aspects of the Commission's work. This approach would include sensitising children as to the role of the TRC, taking statements from them, having them participate in hearings and involving them in special hearings on children. The Commission's main objective in respect of children was to ensure that their voices should be heard, particularly in the final report and recommendations. The Commission also enacted policies to protect the security and well-being of children.

17.

The Commission decided as

Reference 496 - 0.01% Coverage

well-being of children.

17.

The Commission decided as a matter of policy that all children would be treated equally as witnesses whose experiences needed to be captured by the Commission, irrespective of whether they had perpetrated violations.

11

The Commission's comprehensive findings

Reference 497 - 0.01% Coverage

they had perpetrated violations.

11

The Commission's comprehensive findings and recommendations on children can be found under 'Children' in the chapters on Findings and Recommendations in Volume Two of this report.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 236

Methodology 18.

The Commission then

Reference 498 - 0.01% Coverage

Leone Page 236

Methodology 18.

The Commission then had to devise a methodology to implement the policies it had agreed upon. It trained its statement-taking staff on how to take testimonies from children, with particular guidance on how to deal sensitively with those who had been sexually violated and those who had been combatants in the conflict.

19. 20.

The Commission also

Reference 499 - 0.01% Coverage

in the conflict.

19. 20.

The Commission also decided that it would hold special public hearings that would focus on the experiences of children, as well as in camera hearings for children under the age of 18 and victims of sexual violence.

The Commission then began a series of discussions with UNICEF and the Child Protection Agencies (CPAs), which culminated in an agreement that was signed in 2002. Under the terms of the agreement, UNICEF and the CPAs provided technical assistance to the Commission during statement taking as well as assisting with children during the hearings phase. A fundamental principle underpinning the agreement was that the physical and psychological security of the children should be paramount at all times. In this regard, counsellors from the CPAs assisted the Commission in all its activities.

21.

The Commission decided quite

Reference 500 - 0.01% Coverage

in all its activities.

21.

The Commission decided quite early on that it would keep disaggregated data on children as well as on victims of sexual violence and that it would in its final report have a special section dealing with the experiences of children. The Commission also decided to publish a special "child friendly" report. Both reports would contain recommendations on how to improve the quality of life of children in the country.

22. 23.

In implementing these

Reference 501 - 0.01% Coverage

in the country.

22. 23.

In implementing these decisions, the Commission was assisted by the Special Assistant to the SRSG for Sierra Leone,¹² as well as UNICEF and the Child Protection Agencies in Sierra Leone.

In terms of the agreement between the Commission and the CPAs, the practice of the Commission was to hand over a list of child witnesses to the CPAs before a hearing was held. The CPAs conducted vulnerability and safety assessments and consulted with the children and their families. If approval was obtained from the families and the child was willing to testify, the children were prepared for the hearing. Social workers would also be present at hearings ready to offer emotional support if necessary. Once a hearing had taken place, the social workers would conduct further visits to the children in order to ensure that they had not suffered any adverse effects due to their participation in the Commission's processes.

12

The Commission wishes to

Reference 502 - 0.01% Coverage

in the Commission's processes.

12

The Commission wishes to acknowledge the consistent support and guidance it received from Mr. Bert Theuermann, former Special Assistant to the SRSB for Sierra Leone on children's issues. Mr. Theuermann and his colleagues in the Child Protection Unit at UNAMSIL were instrumental in ensuring that children's issues were treated appropriately by all parties in the TRC process.

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THE STATUS OF CHILDREN BEFORE THE CONFLICT CHILDREN AND EDUCATION

24.

The Commission received numerous

Reference 503 - 0.01% Coverage

commented in his submission that:

"At independence, Sierra Leone inherited a western type of education system aimed largely at the urban middle class. The system was biased... In essence the system was aimed at nurturing civil servants and government administrators in the colonial and independent government. Yet the majority of Sierra Leoneans, unable to afford formal education, were excluded from the education system... Given the exclusive nature of the country's education system, it is not surprising that literacy levels remained as low as 8% at independence, or that in the 1970s fewer than 15% of children aged between 5 and 11 years attended school, or that only 5% of children between 12 and 16 years were in secondary school."¹³

25.

Historically, the colonial government

Reference 504 - 0.01% Coverage

the Gap, at page 2.

See UNESCO Statistical Yearbook 1996, at page 49. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Page 238

14 15

27

Reference 505 - 0.01% Coverage

constituencies.

Building of Schools 28.

In order to encourage the building of schools, the Government provided development grants to private individuals or organisations that built schools. While in essence this was a good practice, it became rife with abuse. Many unscrupulous persons abused the practice and misappropriated the funds that had been allocated to them. The funds were regularly not used for the purposes for which they were intended. Many of those who had been allocated grants built schools in unsuitable locations, without the approval of the Ministry of Education, Science and Technology (MEST), only to foist these schools on government at a later

stage without having regard to areas of need or the financial implications. Such recklessness caused increasing frustration on the part of the children and youths of school-going age. An official in the employ of the Ministry of Education, Science and Technology (MEST) made the following remark to the Commission: "Some schools were built which

Reference 506 - 0.01% Coverage

in the rural districts.

31.

The enrolment of girls in schools was affected by both economic and cultural pressures, which favoured the education of male children to the exclusion of girls. Many families, compelled by economics to choose which of their children they would educate, chose to educate boys, believing that education was wasted on girls as they would eventually get married into another family. In addition, educating boys improved the earning abilities of future breadwinners. This was certainly characteristic of the Northern and Eastern parts of the country where the education of boys over girls was preferred. Sadly this state of affairs in these two regions prevails even today.

16

See TRC interviews with

Reference 507 - 0.01% Coverage

in Freetown, 20 August 2003.

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32. When the conflict broke out, illiteracy in Sierra Leone was at an all-time nadir of 88.75% for girls and 69.3% for males.¹⁷ Less than 45% of all children of school-going age entered primary schools, of which only 9% entered secondary schools and 1% made it through to tertiary institutions.¹⁸

33.

The state of education

Reference 508 - 0.01% Coverage

and 1980s respectively."¹⁹

34.

A major factor that the RUF has cited as a reason for starting the conflict was the inability of the government to provide free education to all children in Sierra Leone. This accusation resonated in the hearts and minds of much of the population and partially accounts for the initial acceptance of the RUF by some communities. The irony, of course, is that it is the very conflict started by the RUF that led to the complete destruction of the education system, as the RUF destroyed schools and educational facilities all over the country.

THE SOCIO-CULTURAL STATUS OF CHILDREN 35.

Socially and culturally Sierra Leone is typical of most African countries where children sit, at best, on the fringes of decision-making. Usually in African societies, hierarchy and authority determine how decisions are reached. In the case of children, adults make decisions for them. In the African context, which in this instance is certainly true of Sierra Leone, an explanation often offered is that it is borne of a desire to protect children and to guide them into adulthood rather than to injure them or take away their rights.

36.

This practice has led

Reference 509 - 0.01% Coverage

take away their rights.

36.

This practice has led to many children having their lives shaped for them by adults, who are well meaning and who honestly believe that they are acting in the best interests of the child. While this may be true in the majority of cases, it is also clear that decisions made on the basis of patriarchy and authoritarianism have affected many children's lives negatively.

37.

One cultural practice in

Reference 510 - 0.01% Coverage

many children's lives negatively.

37.

One cultural practice in Sierra Leone perceived to be particularly abhorrent is the inclination not to educate girl children, a practice that is prevalent in the north and east of the country. Coupled with the practice of early marriages for girls and the practice of female genital mutilation, this denial of educational opportunities to girls has negatively impacted on their future prospects.

17 18 19

See Plan

Reference 511 - 0.01% Coverage

at pages 4 and 5.

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38.

In Sierra Leone children

Reference 512 - 0.01% Coverage

Sierra Leone Page 240

38.

In Sierra Leone children are not allowed to speak for themselves before the elders and chiefs. In the course of its work, the TRC received testimony from many youths who had been sanctioned for contravening this rule. The offenders were not allowed to speak in their own defence and became embittered at the exceedingly onerous punishments often imposed on them by the Chiefs and elders for defying this custom. Punishment often included the levying of exorbitant fines and resulted in many offenders working as slave labour in order to defray the costs. Many discontented youth fled their villages in order to avoid such punishments and when the conflict broke out became easy converts to the cause of the RUF. Their embitterment also manifested itself in acts of revenge against elders and Chiefs during the conflict.

CHILDREN AND HEALTH 39.

The state of health in Sierra Leone has been on a steady decline throughout the post-colonial period. In 1960, the infant mortality rate stood at 220 per 1,000 live births, while by 2000 the under-five mortality rate was 390 per 1,000 children.²⁰ The decline in economic growth in the 1980s affected the health sector negatively. The surge in 1983 of both the infant and under five mortality rates, as well as other negative indicators for the country, led the United Nations to classify Sierra Leone as the least developed country in the Human Development Index of that year²¹. Sierra Leone has had the dubious distinction of holding this title consecutively from 1983 to 2004. According to the World Bank:

"While the recent conflict exacerbated

Reference 513 - 0.01% Coverage

before the conflict began.

41.

A declining health system almost always affects children and women with devastating effect. This was certainly true of Sierra Leone before the conflict.

20

See UNICEF, *The State*

Reference 514 - 0.01% Coverage

Leone before the conflict.

20

See UNICEF, *The State of the World's Children 2000*, annual report into the conditions for the upbringing and advancement of children in selected countries around the world, available at the following website: <http://www.UNICEF.org/sowc/>, at page 86.

See Ministry of Gender and Children's Affairs, *Country Report on Sierra Leone*, submitted to the "World Congress on Commercial Sex Exploitation of Children", 22 August 1996, at page 1.

See World Bank, *Project Appraisal*

Reference 515 - 0.01% Coverage

January 2003, at page 5.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 241 21 22

THE ECONOMIC STATUS OF CHILDREN 42.

Sierra Leone had endured two decades of economic and social decline before the conflict. The net effect of corruption and mismanagement resulted in depleted national institutions with hardly any programmes to address the poverty the population was experiencing. Not surprisingly, women and children were the most vulnerable. In most traditional societies, children are expected to carry out certain domestic tasks such as cooking, shopping, cleaning, laundry duties, fetching water and caring for younger children. Helping out in the fields is also commonplace.²³ The use of children in this way should not be perceived as exploitative, but should rather be seen as doing one's bit to assist family and community, thus contributing to the total functioning of the family. In African societies, enhancing the family's social and economic status has a positive impact on the whole family. The roles and responsibilities of children in African societies help to entrench a sense of family and community rather than individualism. This outcome was certainly true for Sierra Leone as well.

43.

Notwithstanding the above, the

Reference 516 - 0.01% Coverage

Sierra Leone as well.

43.

Notwithstanding the above, the decline in the economy in the 1980's and the resulting poverty that most families found themselves in compelled many children to work out of necessity. The employment of children has had an adverse effect on them both educationally and socially.

44.

The position of children

Reference 517 - 0.01% Coverage

both educationally and socially.

44.

The position of children in Sierra Leone at all levels – education, health and socio-cultural – was already in decline before the outbreak of the conflict. This backward trend gave rise to huge dissatisfaction amongst the youth, many of whom became disenchanted with successive governments and their poor delivery. Sierra Leone had become a place where many had lost hope long before the outbreak of a conflict. Marginalisation and exclusion from society led many youth to take up arms. In many TRC hearings, youth who took up arms testified to the Commission that their dissatisfaction with their social and economic conditions led them to join the RUF.

NATIONAL AND INTERNATIONAL LAW PERTAINING TO CHILDREN IN SIERRA LEONE

45.

The eleven-year conflict

Reference 518 - 0.01% Coverage

CHILDREN IN SIERRA LEONE

45.

The eleven-year conflict in Sierra Leone involved the systematic violation of the rights of children in Sierra Leone. The violations that children suffered included abductions, forced conscription, rape, sexual violence and abuse, forced slavery, torture, slave labour, amputations, mutilations, killings, forced displacement and cruel and inhuman treatment. Having examined the violations committed against children, it is clear to the Commission that most of the armed factions pursued a deliberate policy to target children and violate them. The Commission in this section highlights national and international law that has specific application to children.

23

See Government of Sierra

Reference 519 - 0.01% Coverage

specific application to children.

23

See Government of Sierra Leone; "Survey Report on the Status of Women and Children in Sierra Leone at the end of the Decade – A Household Survey (MICS-2)", November 2000, at page 61.

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46.

Children in Sierra Leone

Reference 520 - 0.01% Coverage

Sierra Leone Page 242

46.

Children in Sierra Leone did not fully enjoy their basic human rights even before the war broke out. The breakdown of democratic institutions, the collapse of the rule of law and the mismanagement of the country's resources impacted on the rights of the children of Sierra Leone. Laws relating to children were outdated, uninformed and grossly inadequate to guarantee the protection and promotion of their rights. Crimes against children including rape and sexual violence generally went unpunished, further contributing to the culture of silence and impunity that prevailed.

47.

Given that the war

Reference 521 - 0.01% Coverage

and impunity that prevailed.

47.

Given that the war has ended and with the systematic manner in which the rights of children were violated, there is an urgent need to review national law with a view to ensuring that the Government of Sierra Leone fulfils its obligations in terms of international law. National law must be brought into line with international law and custom and, in particular, the Convention on the Rights of the Child. There is a great need to ensure the effective implementation of appropriate laws and customs, procedures and policies in respect of children, which are necessary for the restoration of the dignity of children in post-war Sierra Leone.

CHILDREN AND INTERNATIONAL LAW IN SIERRA LEONE A brief overview of the international instruments on children and the level of their incorporation in Sierra Leone national law

48.

The use of regional

Reference 522 - 0.01% Coverage

Sierra Leone national law

48.

The use of regional and international human rights mechanisms in responding to the egregious crimes that occurred in Sierra Leone during the last decade is significant to the development of international human rights law. Sierra Leone became a member of the United Nations in 1961 and is a signatory to most of the major human rights instruments including the International Covenant on Civil and Political Rights (ICCPR),²⁴ the International Covenant on Economic Cultural and Social Rights (ICECSR),²⁵ the Convention on the

Elimination of All forms of Discrimination Against Women (CEDAW),²⁶ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),²⁷ the Convention of the Rights of the Child (CRC),²⁸ the African Charter on Human and People's Rights²⁹ and the African Charter on the Rights and Welfare of the Child.³⁰

24

See International Covenant on

Reference 523 - 0.01% Coverage

entered force 26 June 1987.

See the Convention of the Rights of the Child (CRC), adopted 20 November 1989, G.A. Res. 44/25, UN Doc. A/44/49 (1989), entered into force on 2 September 1990.

See the African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 Page 243 25 26 11 November 1988. 27

28

Reference 524 - 0.01% Coverage

has not yet ratified it.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone 30

49.

The Government of Sierra

Reference 525 - 0.01% Coverage

in Sierra Leone 30

49.

The Government of Sierra Leone has ratified the Convention on the Rights of the Child and the optional protocol. The ICECSR, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) are also instruments that recognise: the right to life;³¹ to privacy;³² to be free from sex discrimination;³³ to the highest attainable standard of physical health;³⁴ to health care services;³⁵ to decide on the number and spacing of their children and to have access to the information and means to do so;³⁶ to the elimination of discrimination against women in all matters relating to marriage and family relations;³⁷ and to be free from sexual violence, abuse, exploitation, prostitution and trafficking.³⁸ These instruments require Government to commit itself to develop preventive health care, guidance for parents and family planning education and services; prenatal and postnatal and to ensure access to information, counselling and services concerning family planning;³⁹ to appropriate services to ensure

Reference 526 - 0.01% Coverage

appropriate services to ensure safe

pregnancy;⁴⁰ Government undertakes to eliminate traditional practices prejudicial to the health of children.⁴¹

Reference 527 - 0.01% Coverage

Human And People's Rights 50.

The African Charter on Human and People's Rights entered into force in October 1986. Article 18 (3) of the charter states that "the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions". By this Article, the African Charter has incorporated all of the international declarations and conventions that relate to women. There is a protocol on the Rights of African Women approved in July 2003 that offers wide protection for the rights of women. Sierra Leone needs to ratify this protocol, which will allow the rights provided in it to be enjoyed in Sierra Leone.

The Convention on the Rights of the Child (CRC) 51.

The Government of Sierra Leone by ratifying the Convention of the Rights of the Child is obliged to ensure that the children of Sierra Leone enjoy the rights in the Convention, which include civil and political, economic, social and cultural rights. Four important principles in the Convention are: non-discrimination; the best interests of the child; the right to life, survival and development; and respect for the views of the child.⁴²

31 32 33 34 35

Reference 528 - 0.01% Coverage

CRC, at Article 24(1).

See CRC, at Articles 2, 3, 6 and 12. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 244

52.

The government

Reference 529 - 0.01% Coverage

by the legislature.⁴⁴

54.

There is presently in existence a draft bill incorporating the provisions of the Convention on the Rights of the Child into national law. The draft was prepared and discussed nationally even before the end of the war. The Government of Sierra Leone should honour its obligations to the children of Sierra Leone by having this bill passed into law immediately.

55.

There are two Optional

Reference 530 - 0.02% Coverage

passed into law immediately.

55.

There are two Optional Protocols to this Convention: the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. There is a Committee on the Rights of the Child that monitors States' compliance with the Convention and considers the periodic report States are obliged to submit to the Committee on measures they have adopted to give effect to the provisions of the Convention and progress made in the enjoyment of these rights.⁴⁵

Children and the transitional justice institutions in Sierra Leone 56.

Children were explicitly referred to in the Lomé Peace Agreement and have been explicitly referred to in the mandates of both transitional justice institutions created afterwards, namely the Truth and Reconciliation Commission and the Special Court for Sierra Leone. An earlier section of this chapter sets out how the Commission has resolved to include children in its work and how it interpreted its mandate.

The role of children in the Special Court for Sierra Leone 57.

The Parliament of Sierra Leone, following an agreement on 16 January 2002 between the Government of Sierra Leone and the United Nations, enacted the Statute of the Special Court.⁴⁶ This court was established to try those that bear "the greatest responsibility" for the atrocities committed in Sierra Leone after 30 November 1996. The court deals with war crimes committed against children, as well as violations of international humanitarian law. The recruitment of child soldiers and crimes of rape and sexual violence will be among the crimes prosecuted. While children also perpetrated crimes against the people of Sierra Leone, the Special Court will not prosecute children under the age of 18. The major role for children in proceedings will be to testify to the atrocities they witnessed and experienced both as victims and perpetrators.

43 44 45 46

See

Reference 531 - 0.01% Coverage

at Articles 43 and 44.

See the Special Court Agreement (Ratification) Act 2002. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Other international instruments

Reference 532 - 0.01% Coverage

in Sierra Leone

Page 245

Other international instruments impacting on children during armed conflict

58.

Both the Convention on

Reference 533 - 0.01% Coverage

children during armed conflict

58.

Both the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child contain provisions that apply to children seeking refugee status or who are considered a refugee or

internally displaced.⁴⁷ Under Article 34 of the Convention on the Rights of the Child, as well as Article 27 of the African Charter on the Rights and Welfare of Child, all states have an obligation to protect children from sexual abuse or exploitation. They also have the right to be free from sexual exploitation and other hazardous forms of labour.

59.

Sierra Leone is a

Reference 534 - 0.01% Coverage

commit any such acts.

60.

There are a number of other international instruments that seek to protect the rights of children, particularly during armed conflicts.⁴⁸ The jurisprudence of the ICTY and ICTR has reinforced the principle that serious violations of these provisions constitute war crimes. The violations committed against women and children in Sierra Leone have been documented by a number of agencies and NGOs. While a few of the major perpetrators are likely to be prosecuted by the Special Court, the vast number of them who committed these violations are likely to go unpunished.

The International Criminal Court (ICC

Reference 535 - 0.01% Coverage

of sexual violence.

47 48

See CRC, at Article 22, and African Charter on the Rights and Welfare of the Child, at Article 23.

International Instruments, and or declarations prohibiting violence and promoting justice for victims of crime include: the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1976); the Declaration of Basic Principles of Justice for Victims of crime and Abuse of Power G.A.40/34 (1985); and the Commission on Human Rights Basic Principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law Annex to E

Reference 536 - 0.01% Coverage

July 1998, UN DOC. No.

A/CONF.183/9,37 I.L.M 999, entered into force on 1 July 2002. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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62.

The Elements

Reference 537 - 0.01% Coverage

of the ad hoc tribunals.

CHILDREN AND NATIONAL LAW IN SIERRA LEONE 63.

The laws of Sierra Leone

Reference 538 - 0.01% Coverage

is considered a child' 64.

The laws and customs relating to children are in urgent need of reform, as in many instances they are archaic and inconsistent. Both law and custom relating to children and are in conflict with international law on the rights of children, particular in their definition and understanding of when one is considered a child.

Age of Majority 65.

The

Reference 539 - 0.01% Coverage

child.

Age of Majority 65.

The age of majority in Sierra Leone is 21 years old, based on the common law, which was adopted from English law under colonial rule and maintained after independence to present day.⁵² Under the 1991 Constitution a citizen who is 18 years old has voting rights.⁵³ Criminal responsibility starts at ten years of age. The Children and Young Persons Act Chapter 44 of the Laws of Sierra Leone, the main legislation on children and juvenile justice, defines a child as a person under the age of 14 years and a young person as a person who is above 14 years and under the age of 17 years.⁵⁴

50

The laws of Sierra

Reference 540 - 0.01% Coverage

at Section 31. Page 247

See the Children and Young Persons Act, Chapter 44 of the Laws of Sierra Leone, at Section 2. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

51 52

53 54

66

Reference 541 - 0.01% Coverage

51 52

53 54

66.

Under customary law⁵⁵ the age of majority is not fixed. It varies depending on the purpose for which it is considered and from one ethnic group to another. A common practice and belief that exists in traditional society is to perform traditional initiation ceremonies on boys who have reached puberty, marking their entry into the male society and into full adulthood.⁵⁶ However a girl child who has reached puberty and has been initiated into the female society does not attain the status of full adulthood, as she is always under the guardianship of the male members of her family while unmarried, or of her husband when married.⁵⁷

Modern customary practice has seen some departure from the views of traditional customary law to a certain extent to adapt with current trends. Such departure of course depends on how progressive a family or community is and is therefore rather arbitrary.

67.

Given the numerous definitions

Reference 542 - 0.01% Coverage

is therefore rather arbitrary.

67.

Given the numerous definitions around what constitutes a "child", a great deal of uncertainty exists in law as to whether a particular law is applicable to children or not. This uncertainty affects the legal capacity of children both at a civil and criminal level as it is not clear whether they are entitled to receive protection as children or be treated as adults.

State policy on the welfare of children 68.

One of the fundamental principles of state policy set out in the 1991 Constitution is that the State should direct its policies towards ensuring that the care and welfare of the young are actively promoted and safeguarded.⁵⁸ The fundamental principles of State policy impose a duty on every citizen to ensure the proper upbringing of his children and wards.⁵⁹ Another fundamental principle is that the Government should strive to eradicate illiteracy and direct its educational policy to ensure that there are equal rights and adequate educational opportunity for all citizens at all levels by, among other things: safeguarding the rights of vulnerable groups such as children; securing educational facilities; and directing its educational policy towards achieving free compulsory basic education at primary and junior secondary school level.⁶⁰ 69. While these provisions in the Constitution provide a basis for the Government to promote and advance the rights and welfare of children through its laws, policies and programmes, they have largely remained unused and ignored.

70.

Since the 1991 Constitution

Reference 543 - 0.01% Coverage

remained unused and ignored.

70.

Since the 1991 Constitution came into effect, successive Governments in Sierra Leone have paid little or no attention to addressing the welfare and the interests of children in Sierra Leone. The Commission heard often that successive governments and political parties pay attention to the plight of children and, more especially, youths only during election periods when they are campaigning.

55

56 57 58 59

Reference 544 - 0.01% Coverage

1991, at Section 13(h).

See the Constitution of Sierra Leone 1991, at Sections 9(1) (a) and (b). Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Reference 545 - 0.01% Coverage

in Sierra Leone
Page 248

Laws relating to the general welfare of children 71.

Violence against children constitutes a crime under the general law which applies to all persons irrespective of age, and includes murder under the common law, assault, wounding and other crimes other the Offences Against the Persons Act 1861. There are also laws specifically prohibiting cruel treatment and violence against children.

Prevention of Cruelty to Children Act (Chapter 31 of The Laws Of Sierra Leone 1960) Cruelty
72.

This Act applies throughout

Reference 546 - 0.01% Coverage

Sierra Leone 1960) Cruelty
72.

This Act applies throughout Sierra Leone⁶¹ and defines a child as a person under the age of 16 years.⁶² The Act makes it a criminal offence to commit acts of cruelty to children, including sexual and other related offences against children. Under this Act it is a crime punishable by imprisonment or a fine if any person over the age of 16 years who has the custody, charge or care of any child, "wilfully assaults, ill-treats, neglects or abandons, or exposes such a child or causes or procures such a child to be assaulted, ill-treated, neglected abandoned or exposed, in a manner likely to cause such child unnecessary suffering or injury to health (including injury to or loss of sight, hearing, or limb or organ of the body and any mental derangement)..."⁶³
73.

A parent or other

Reference 547 - 0.01% Coverage

any mental derangement)..."⁶³
73.

A parent or other person who is legally liable to maintain a child and who neglects the child in a manner likely to cause injury to the child's health can be punished under this statute. A guardian also commits an offence if he or she fails to provide adequate clothing, medical aid and lodging for the child.⁶⁴

Unlawful carnal knowledge and abuse

Reference 548 - 0.01% Coverage

exceeding two years.⁶⁶
75.

Usually in Sierra Leone, perpetrators who rape children are prosecuted under this law. The distinction between the punishment of the offenders of girls under age 13 and the offenders of girls above 13 but under 14 is not clear and is not consistent with the objectives of justice. It has contributed to the trivialisation of sexual crimes committed against girls and is an example of the Government's breach of its obligation to prevent the sexual abuse of children. The two years' penalty for perpetrators found guilty of raping a girl who is above 13 but under 14 is inappropriate and insufficient to deter the commission of such crimes.

61 62 63 64 65

Reference 549 - 0.01% Coverage

62 63 64 65 66

See Prevention of Cruelty to Children (Amendment) Act 1963 (Act No.29 of 1963), at Section 4. See the Prevention of Cruelty to Children Act 1960, at Section 2. See the Prevention of Cruelty to Children Act 1960, at Section 4. See the Prevention of Cruelty to Children Act 1960, at Section 4. See the Prevention of Cruelty to Children Act 1960, at Section 6.

See the Prevention of Cruelty to Children Act 1960, at Section 7. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Allowing children to

Reference 550 - 0.01% Coverage

in Sierra Leone

Page 249

Allowing children to be in brothels 76.

It is a criminal offence punishable by a fine or imprisonment not exceeding six months if anyone allows a child above the age of four to reside in or frequent a brothel.⁶⁷

Indecent assault and attempt to

Reference 551 - 0.01% Coverage

14 years.⁶⁸

Prostitution 78.

It is a criminal offence punishable by imprisonment for a period not exceeding two years if anyone procures or attempts to procure any child, not being a common prostitute, or of known immoral character, to have unlawful carnal knowledge of any girl under 14 years.⁶⁹ The problem with this legal provision is that by exempting "common prostitutes" and "immoral" girls from the protection of the law it implies that those deemed to fall into these categories are not entitled to the protection of the law. Perpetrators have been able to use this loophole in the law to deny guilt, by imputing the character of the complainant.

Abduction of a girl for

Reference 552 - 0.01% Coverage

immoral or carnal purposes.

80.

Further provisions under this Act include an acknowledgment of the right of a parent, teacher or other person under the lawful control of the child to administer punishment to the child⁷⁰ and the arrest and protection of children.⁷¹ Other crimes provided for by the Act are the encouragement of seduction by guardian, procurement of a child for immoral purposes, owning or occupying or acting or assisting in the management or control of premises used for immoral purposes.

81.

Before the war, abduction

Reference 553 - 0.01% Coverage

67 68 69 70 71

See the Prevention of Cruelty to Children Act 1960, at Section 8. See the Prevention of Cruelty to Children Act 1960, at Section 9. See the Prevention of Cruelty to Children Act 1960, at Section 10.

See the Prevention of Cruelty to Children Act 1960, at Sections 3, 9, 11 and 13.

See the Prevention of Cruelty to Children Act 1960, at Part III. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Evidence required to

Reference 554 - 0.01% Coverage

crimes under this Act 83.

The consent by a child under the age of 14 does not constitute a defence to a charge of indecent assault on a child under 14 years. However the Act was amended in 1963 to include the following provision:

"Section (9)(a): Where a

Reference 555 - 0.01% Coverage

for that belief."⁷³

84.

This provision legitimises the rape of a young girl by her husband in law or custom. It also legitimises early marriages involving girls who are under the age of 13 years. This provision is therefore a violation of the right of the girl child to be free from physical and sexual violence and is a clear violation of the provisions of CEDAW and the Convention on the Rights of the Child.

Rape 85.

Rape is an

Reference 556 - 0.01% Coverage

72 73 74 75 76

See the Prevention of Cruelty to Children Act 1960, at Section 14.

See Prevention of Cruelty to Children (Amendment) Act 1963 (Act No.29 of 1963), at Section 4. See Archibald, Pleading Evidence and Practice in Criminal Cases, 35th edition, at page 1146. See Joko Smart, H. M.; Sierra Leone Customary Family Law; Freetown, 1983, at page 182.

See Joko Smart, H. M.; Sierra Leone Customary Family Law; Freetown, 1983, at page 5. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Protection Of Women

Reference 557 - 0.01% Coverage

sexual assaults against girls.

91.

Custom and tradition in Sierra Leone have permitted the practice of female genital mutilation, which is performed on girls from the age of four onwards. This practice constitutes a violation of the rights of girls and young women and could conceivably be interpreted as constituting cruelty against children and prosecuted under the Prevention of Cruelty to Children Act as assault under the general law. If death results it could be prosecuted as murder or manslaughter under the general law.

77

See the Protection of

Reference 558 - 0.01% Coverage

and Girls Amendment Act 1972.

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92.

Girls have a right

Reference 559 - 0.01% Coverage

Sierra Leone Page 252

92.

Girls have a right to be free from all forms of gender discrimination, the right to life and physical integrity and the right to health. Young girls are not able to make choices about gender discriminatory practices and cannot make informed decisions about this practice and that is why it becomes necessary for States to enact legislation to protect them. In terms of international law, signatories to the Convention on the Rights of a Child and the Convention on the Elimination of all Forms of Discrimination against women, oblige governments to enact laws which will protect children from all forms of violence including gender based violence.

93.

Since 1995 several countries

Reference 560 - 0.01% Coverage

this cruel practice.

JUVENILE JUSTICE

Children and Young Persons Act (Chapter 44 of The Laws of Sierra Leone 1960

94.

Here again is an

Reference 561 - 0.01% Coverage

of Sierra Leone 1960

94.

Here again is an area of Sierra Leone law that requires urgent reform, as it is out of date with modern developments in law relating to children and juveniles. A further problem is that the justice system does not adequately cater for the rehabilitation of juvenile offenders in Sierra Leone. There is only one approved school and remand home to service the entire country. It is in a deplorable condition and does not cater for the needs of the juvenile accused or offender. Many of the juveniles accused of crimes have been abandoned by their parents or guardian and even when granted bail, they have nobody to give them the support and assistance they need during trial.

Adoption Law 95.

In Sierra

Reference 562 - 0.01% Coverage

during trial.

Adoption Law 95.

In Sierra Leone adoptions take place under both law and custom. The Adoption Act does not recognise adoptions carried out under customary law. In effect, practices that have existed under customary law for a number of years do not have any effect in law. The effects of adoption under customary law are different to that under the common law system as they confer no rights and no protection to either adoptive parents or the children adopted.

96.

A further problem is

Reference 563 - 0.01% Coverage

or the children adopted.

96.

A further problem is the practice of fostering which involves a child becoming the ward of a person regarded as a guardian. The guardian or foster parent has custody of the child but in the absence of a law specifically providing for this process, their rights are rather tenuous.

97.

After the war thousands

Reference 564 - 0.01% Coverage

rights are rather tenuous.

97.

After the war thousands of children were orphaned, leading to the establishment of many orphanages and foster homes in the country. However most of these facilities are private enterprises not regulated by law. In order to avoid abuse and trafficking in children, it is important to regulate this new industry and to ensure that the rights and responsibilities of the proprietors are set out to protect the best interests of the child account properly for donor funds. Law reform in this area is needed desperately.

78

See the Criminal Code

Reference 565 - 0.01% Coverage

area is needed desperately.

78

See the Criminal Code of Senegal (CRLP –R), as amended in 1999. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Marriage and family

Reference 566 - 0.01% Coverage

be given in marriage.

99.

Studies confirm that early marriages impact negatively young girls by affecting her full development, particularly in terms of education, economic autonomy, and physical and psychological health. Most adolescents who marry young are pressured to begin child bearing prior to psychological maturity, which contributes to the high levels of maternal and infant mortality. Furthermore when a child or adolescent is compelled to marry at a young age and she refuses to consent to sexual relations or is too young to consent, such marriages may result in sexual violence.

100.

In terms of customary

Reference 567 - 0.01% Coverage

of consent in its recommendations.

Economic and social rights of children Child Labour

102.

The Employers and Employed

Reference 568 - 0.01% Coverage

of children Child Labour

102.

The Employers and Employed Act Chapter 212 of the Laws of Sierra Leone 1960 determines a minimum age of employment for children. The Act prohibits the employment of children who appear to be under the age

of 12 years, except where they have been employed by a family member and approved by a competent authority, in agriculture, horticultural or domestic work as a member of the family.⁸²

79 80 81 82

See

Reference 569 - 0.01% Coverage

Sierra Leone, at Cap 96.

See the Employers and Employed Act (Chapter 212 of the Laws of Sierra Leone), at Section 51. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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103.

Even when

Reference 570 - 0.01% Coverage

Sierra Leone

Page 254

103.

Even when children are legally permitted to work, the hours of work are restricted and the work must not be of a nature that will cause injury to the child. Children under 15 years are prohibited from working in any public or private industry or in a vessel unless it is one in which family members are employed. The Act prohibits the employment of a girl or woman or a boy under 16 in a mine.⁸³ The Act prohibits employment of children under 18 for employment at night in any public or private place. These laws are hardly enforced or implemented given the prevalence of children engaged in street trading and mining.

104.

The Military Forces Act

Reference 571 - 0.01% Coverage

street trading and mining.

104.

The Military Forces Act 1961 prohibits the recruitment of a child below the age of seventeen and a half unless the person's parents or guardian or other competent authority gives consent.⁸⁴ In terms of the Geneva Conventions, the conscription of persons who are below 15 is prohibited.

105.

Both the pro government

Reference 572 - 0.01% Coverage

below 15 is prohibited.

105.

Both the pro government forces and the opposition forces forcibly recruited children as combatants in clear contravention of international law. The Commission urges that this practice be reviewed and that those violating international law be held accountable.

106.

The Commission finds that

Reference 573 - 0.01% Coverage

law be held accountable.

106.

The Commission finds that the Government of Sierra Leone before the conflict broke out did not monitor the practice of employing children below the minimum age prescribed by the Act and in so doing has violated the rights of children. A further abuse is the failure to remunerate children appropriately. An exception is in the mining field where the government has taken some measures to regulate the employment of children.

Inheritance law 107.

Under the

Reference 574 - 0.01% Coverage

of children.

Inheritance law 107.

Under the general law children born within marriage are entitled to one third of their father's estate.⁸⁵ They are not entitled to anything from their mother's estate, as the husband is entitled to all of her property. This distribution operates on intestacy where neither parent has made a will. Children whose parents are unmarried are not entitled to property, as they are considered illegitimate. While there have been some challenges to this position, no law reform has taken place in this area. The President did make certain pronouncements about doing away with the concept of illegitimate children but has failed to take the matter further.

108.

Under customary law and

Reference 575 - 0.01% Coverage

take the matter further.

108.

Under customary law and Mohammedan law, male children have more rights of inheritance than their female counterparts and in some customs female children do not have any right of inheritance. The Commission finds that the practice of discriminating against children on the basis of illegitimacy is in clear violation of international law and that urgent law reform in this area is desperately needed to ensure that the rights of children are not violated.

83 84 85

See the

Reference 576 - 0.01% Coverage

Estates Act Chapter 45 of
the Laws of Sierra Leone 1960 Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone
Page 255
Maintenance of children

Reference 577 - 0.01% Coverage

in Sierra Leone
Page 255

Maintenance of children 109.

A father of an illegitimate child does not have a legal obligation to maintain that child without a court order to this effect, unless he has adopted that child. The Bastardy Laws Amendment Act 1872 enables the mother of an illegitimate child to apply to a Magistrate court for an affiliation order against the man alleged to be the father of that child for weekly payment to be made to her to maintain the child. Presently the applications for an affiliation order are under the Bastardy Laws (Increase of Payment) Act 1988. This Act entitles the court to order the father to pay an amount not exceeding Le100.00 a week for the maintenance of that child until he is 16 years.

110.

The Commission finds that

Reference 578 - 0.01% Coverage

he is 16 years.

110.

The Commission finds that the Bastardy laws are discriminatory and in clear violation of the Government's obligations to protect children and treat them with dignity. The Commission recommends that this law be abolished with immediate effect and that laws be enacted which do not discriminate against children on the basis of birth or marriage.

Application of National Law to

Reference 579 - 0.01% Coverage

Violations during the Conflict 111.

Children suffered numerous violations during the war. These include abduction, forced recruitment, detention, forced displacement, forced labour, assault, torture, forced drugging, amputation, forced cannibalism, forced separation, rapes, sexual slavery, sexual abuse, and death. While most of these violations constitute crimes under Sierra Leone's criminal law, it is unlikely that national prosecutions will ever happen given the amnesty provision in the Lomé Peace Agreement and the capacity of the current judicial system to taken on perceived political crimes.

112.

It is unlikely that

Reference 580 - 0.01% Coverage

these crimes even during peacetime.

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CONCLUSION ON THE LEGAL STATUS OF CHILDREN 114.

The Commission finds that the laws in force for the protection of the rights of a child are hardly enforced or implemented. In addition, the laws relating to the definition of child are confusing and contradictory. No uniform age of majority applies throughout the country.

115.

The Commission finds that

Reference 581 - 0.01% Coverage

applies throughout the country.

115.

The Commission finds that while legislation exists to cover adoptions, the practices of adopting under custom and tradition, as well as the practice of fostering, are not regulated by law. Lack of regulation gives rise to abuse and a lack of protection for children and the adoptive parents. During the conflict, these loopholes led to many children being taken out of the country without going through a proper legal process. The government needs to pass legislation to regulate the private institutions that have been established as orphanages and homes for children. Urgent law reform is required in this area.

116. 117.

The laws relating

Reference 582 - 0.01% Coverage

in this area.

116. 117.

The laws relating to the welfare of children do not adequately provide for their needs. Employment practices and law need to be brought in line with the provisions of the Convention on the Rights of the Child.

Regrettably the laws on sexual

Reference 583 - 0.01% Coverage

needs to be satisfied.

118.

The dual legal system existing in Sierra Leone since before the conflict has impacted negatively on the rights of children. In many instances, both law and custom are in clear contravention of international law, particularly the Convention on the Rights of the Child. Traditional customs and practices have also exacerbated the position of children, particularly girl children. The conflict and the cleavages in the society led to the complete debasement of children, the effects of which are being felt in Sierra Leone today. However the aftermath of the conflict presents civil society with an opportunity to lobby government for wholesale reforms, which are necessary at the level of both law and custom.

119.

The Commission is of

Reference 584 - 0.01% Coverage

both law and custom.

119.

The Commission is of the view that the Child Rights Bill needs to be passed into law as a matter of urgency. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 257

ROLES AND EXPERIENCES OF CHILDREN DURING THE CONFLICT IN SIERRA LEONE
VIOLATIONS AND ABUSES AGAINST CHILDREN 120.

Children in Sierra Leone suffered immeasurably during the eleven-year conflict that engulfed the country. The conflict was characterised by wanton destruction, loss of life and massive violations of human rights. The violence was pervasive, with children of all ages throughout the country suffering horrible and unimaginable atrocities. The levels of violations endured throughout the conflict period. A 15-year-old girl testified to the Commission during closed hearings in Freetown of the following acts:

"When the rebels attacked Kingtom

Reference 585 - 0.01% Coverage

do an abortion."86

121.

Submissions to the Commission confirm that the majority of human rights violations committed against children during the conflict took place under circumstances where the perpetrators had absolute control over their victims and had them totally at their mercy.⁸⁷ While these violations were mainly meted out against children by their adult captors, in many instances the violations were carried out by children themselves against friends and family members. The conflict was responsible for producing child perpetrators. One of the horrors of the conflict took place in Pujehun in 1991, when pupils of St. Paul's Secondary School, who had been abducted and drugged, were forced to slaughter their own parents.⁸⁸

122. Describing the experiences of children in Sierra Leone, UNICEF stated:

"Children have been forcibly abducted from their families and held in abominable conditions, mistreated both physically and sexually, and denied basic human needs. They have been forcibly conscripted into military and paramilitary activities and forced to commit heinous acts against others, often drugged, all the while undergoing brutal treatment by their superiors. Girls have been captured as sex slaves to serve as "wives" to combatants who treated them with the utmost cruelty. Children of all ages have been separated from their families, in many cases never to be reunited. Many children have grown up in abominable conditions, both in Sierra Leone and in neighbouring countries."⁸⁹

86 87 88

Confidential testimony

Reference 586 - 0.01% Coverage

RUF", Vol. XXII, 1997. 89

See UNICEF submission to TRC, at page 3. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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123.

During the

Reference 587 - 0.01% Coverage

Sierra Leone

Page 258

123.

During the conflict, all of the armed factions, including the pro-government forces, committed gross human rights violations against children. In its submission, UNICEF noted that:

"The RUF and the AFRC were responsible for the bulk of violations committed against children. Nonetheless, systematic and horrific abuses were committed by the pro-government CDF and their powerful Kamajors, as well as by ECOMOG forces."⁹⁰

124.

In a submission made

Reference 588 - 0.01% Coverage

by ECOMOG forces."⁹⁰

124.

In a submission made by a children's group to the Truth and Reconciliation Commission, children themselves made this poignant statement:

"Every child in this country has got a story to tell: a heartbreaking one. Unfortunately, only a handful of these stories will be told and made known to the world. But the devastating impact lingers and endures all the time. It continues to linger in the minds and hearts of young people."⁹¹

125.

The TRC database recorded

Reference 589 - 0.01% Coverage

of young people."⁹¹

125.

The TRC database recorded violations against children in every one of its violations categories. In certain categories, children suffered disproportionately high levels of violations, leading to the conclusion that children were deliberately targeted. These categories included abduction, forced recruitment, rape and sexual slavery, as illustrated by the graphs in Figure 2, below.

Figure 2: Selected violations categories in which children were targeted (violations reported to TRC, according to age / sex of victims)

⁹⁰ ⁹¹

See UNICEF submission

Reference 590 - 0.01% Coverage

to TRC, at page 6.

See Children's Forum Network submission to TRC, at page 2. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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ABDUCTION AND FORCED

Reference 591 - 0.01% Coverage

ABDUCTION AND FORCED RECRUITMENT 126.

A unique feature of the conflict in Sierra Leone was the forcible enlistment and use of child soldiers by all of the armed factions, including the pro-government forces. Among the chief perpetrator factions were the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), the Sierra Leone Army (SLA) and the Civil Defence Forces (CDF).

127.

The RUF was the

Reference 592 - 0.01% Coverage

Civil Defence Forces (CDF).

127.

The RUF was the first to abduct and forcibly recruit child soldiers.⁹² With the passage of time, the RUF established a separate children's unit known as the Small Boys Unit (SBUs) and Small Girl's Unit (SGUs) under various commanding officers. The government soon followed suit during the NPRC regime of Captain Valentine Strasser (1992-1996), significantly expanding the Army in part by bringing in children as recruits.⁹³ Certain units of the Civil Defence Forces (CDF), the pro-government militia, also made use of children in their prosecution of the war.

128.

Thousands of children were

Reference 593 - 0.01% Coverage

prosecution of the war.

128.

Thousands of children were abducted in villages and towns during raids and attacks carried out by the RUF. In the month of January 1999, it has been estimated that more than 4,000 children were abducted during the AFRC-led incursion into Freetown.⁹⁴ Many children were also conscripted into the CDF on the basis of "patriotism". In the case of the CDF, parents volunteered and paid for the initiation of their children into the Kamajor militia. While in most instances parents volunteered their children, many were also forced into putting them forward out of fear of very powerful initiators.⁹⁵ They were told that initiation would confer upon their children mystical powers, which would make them impervious to bullets and would protect them from the enemy.

129.

Abduction was often the

Reference 594 - 0.01% Coverage

them from the enemy.

129.

Abduction was often the first violation committed against a child and was usually followed by forced recruitment or another form of "adoption" into a faction. Children were abducted and removed from their families or communities to locations under the control of an armed group. A ten-year-old boy told the Commission of his experiences at the time of his abduction:

"During the NPRC period, one

Reference 595 - 0.01% Coverage

92 93 94 95 96

More detail on the emergence of the violation of forced recruitment in the RUF can be found in the chapter on the Military and Political History of the Conflict in Volume Three A of this report. See Zack-Williams, A. B.; "Child Soldiers in the Civil War in Sierra Leone", in Review of African Political Economy, No.87 73 82, 2001, at page 74.

See the UN Special Report on Children in Armed Conflict, with its extensive mention of the Sierra Leone conflict, available at the website: <http://www.un.org/special-rep/children-armed-conflict/>.

More detail on the roles

Reference 596 - 0.01% Coverage

Three A of this report.

TRC confidential statement recorded in Freetown, 12 January 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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TRC

A poster

Reference 597 - 0.01% Coverage

Sierra Leone

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TRC

A poster displayed at TRC Headquarters in Freetown describes the dangers of the trade in small arms and the increasing involvement of children in armed conflict.

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130.

Abduction and forced recruitment

Reference 598 - 0.01% Coverage

Armed Conflict Page 261

130.

Abduction and forced recruitment were also followed by other violations, as illustrated by the testimonies of these child witnesses:

"In 1993, I was abducted

Reference 599 - 0.01% Coverage

carried their ammunitions..."99

131.

Children soon found that gender and age did not matter to their perpetrators as they were used in various roles for the war effort. In addition to being used as fighters, girl-children were also used as sex slaves and domestic labour. A ten-year-old girl told her story of capture at the time of an attack:

"It was sometime in 1997

Reference 600 - 0.01% Coverage

in Freetown, 22 December 2002.

Confidential testimony received during TRC Closed Hearings, Koinadugu District; 14 May 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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On the way

Reference 601 - 0.01% Coverage

my head..."100

132. 133.

Younger children were not initially used to fight and instead were used as load carriers and domestic labour. Later on they graduated to becoming sex slaves and fighters in the case of girls, or fighters in the case of boys.

Some of the children abducted by the RUF, from Yambama (Bo), Ngegbema (Kailahun) and Njagbwema Faima (Kono) respectively, recounted their experiences in the following terms:

"Every morning there will be a roll call to share duties between different groups: one group to find food for them; another group to carry out fishing; others to cook; others were sex workers. Little children were responsible to carry loads, whether heavy or not. After all the day's work, we don't eat their food; we only live on cassava."101

[and]

"When I was sent

Reference 602 - 0.01% Coverage

live on cassava."101

[and]

"When I was sent on missions, I used to capture young boys and girls and train them as child soldiers... After all my successes; I was called Merciful Killer and later transferred to join the RUF high commander Colonel Issa Sesay."102

[and]

"I was captured by

Reference 603 - 0.01% Coverage

to drugs."103

134. 135.

Child soldiers lived in a hostile and extremely violent environment. They became conditioned to violence and committed heinous crimes, often under the influence of dependence-inducing substances.

Child soldiers were often forced by their captors to commit heinous atrocities in order to demonstrate loyalty to them and their cause. Atrocities often included carrying out the killings, amputations and rape of loved ones, community members, relatives and peers. Atrocities against family and community made it extremely difficult for child soldiers to escape and return home. Unsuccessful escapes met with swift and violent reprisals intended to ensure that no child combatant attempted escape in the future. Some of the child witnesses testified to the commission of their experiences:

"In the evening, they gathered

Reference 604 - 0.01% Coverage

Kono District, 15 January 2003.

TRC confidential statement recorded in Freetown, 7 December 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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"I was captured

Reference 605 - 0.01% Coverage

the training base."106

136.

Most of the armed factions used children at checkpoints. They set them up and manned them in conjunction with adults. This trait was one violation the RUF and the CDF had in common. Many civilians who came before the Commission told of their fear of the children at checkpoints.

137.

Another aspect to the

Reference 606 - 0.01% Coverage

the children at checkpoints.

137.

Another aspect to the forced recruitment of children was "re-recruitment" after the disarmament process. During 1998 when the disarmament process commenced, many of the children disarmed were re-recruited back by the same armed groups. This was especially true of children who did not have a safe and secure home environment, even before the war. Children who fell into this category often had no safe place to go following demobilisation, particularly when their allotted times in the Interim Care Centres (ICCs) were

up.107 The failure to take this factor into account impacted negatively on the demobilisation and disarmament process.

138.

Many of the abducted

Reference 607 - 0.01% Coverage

demobilisation and disarmament process.

138.

Many of the abducted children often had siblings and relatives who had also been abducted. All family members learnt very quickly not to expose their relationships to their captors as the possibility existed that they might be held responsible for the actions of the other, especially if the other escaped. In such instances they would be severely punished. A child witness testified as follows:

"The rebels attacked Serabu and

Reference 608 - 0.01% Coverage

my left foot..."108

139.

Statistics in Sierra Leone are problematic to obtain. The exact number of children who were abducted and forcibly recruited is difficult to ascertain. According to the TRC database, 28,3% of the victims who suffered forced recruitment were 12 years or younger at the time of abduction; 52,5% were 15 years or younger; and 63,1% were 18 years or younger.¹⁰⁹ The number of children who made statements to the Commission is not, however, reflective of all the children whose rights were violated during the conflict period.

105 106 107 108 109

Reference 609 - 0.01% Coverage

Kenema District, 28 May 2003.

More detail on violations rates and the levels of different violations experienced by children can be found in the Statistical Report produced as an Appendix to this report.

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140.

The Children's Forum Network

Reference 610 - 0.01% Coverage

Sierra Leone Page 264

140.

The Children's Forum Network in its submission to the Commission expressed children's current plight in the following excerpt:

"Adults, who were disgruntled and acted through the senseless and indiscriminate atrocities, were unable to reach what was supposed to be their real targets and decided to take advantage of our vulnerability to exploit and destroy the future base of this nation, which they claimed to have been fighting for... It goes

without saying that we the children bore the brunt of the conflict and witnessed the worst episode of man's ruthlessness probably ever in man's history."110

FORCED DISPLACEMENT 141.

The fear

Reference 611 - 0.01% Coverage

plenty of rebels..." 112

142.

The people worst affected by sudden and forced displacement were usually in the most vulnerable groups: children, women and the aged. As these testimonies illustrate, families were often broken up as they sought safety: "It happened in the year 1997 when there was a series of factions attacking Koindu. Unfortunately... one afternoon the attack that happened by the group of SLA caused my separation from my family members, that is my father and my mother. It was very much sorrowful at the time I was separated from my mother. It was not easy at all and by then I was just 11 years old, very immature... I finally separated from my family members and went into the jungle..."113

110 111 112 113

See

Reference 612 - 0.01% Coverage

113

110 111 112 113

See Children's Forum Network submission to TRC, at page 1. TRC confidential statement recorded in Freetown, 14 January 2003.

TRC confidential statement recorded in

Reference 613 - 0.01% Coverage

Amputee Camp, 24 March 2003.

TRC confidential statement recorded in a refugee camp in Kissidougou, Guinea, 27 May 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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[and]

"Rebels attacked

Reference 614 - 0.01% Coverage

headed for Guinea..."114

143.

The Ministry of Social Welfare, Gender and Children Affairs (MSWGCA) estimates that more than 15,000 children suffered separation from their families and communities during the eleven-year war.115 Separation resulted in children becoming refugees in countries such as Liberia, Guinea, Gambia, Ivory Coast, Nigeria and other West African states. Many became internally displaced persons within the country.116 The

Women's Commission for Refugee Women and Children estimated that by 1996, there were more than 700,000 internally displaced persons in IDP camps across Sierra Leone:117

"I was staying with my

Reference 615 - 0.01% Coverage

displaced "in the bush".

145.

Many children found themselves alone without kith or kin in both refugee camps and camps for the internally displaced. Their experiences were very harrowing. The lack of a normal family structure amidst the difficult new environment was a bewildering experience for children. Sadly many suffered even further violations in these camps perpetrated by those meant to protect them. Many children did not survive these experiences. The sexual exploitation of Sierra Leone children in refugee camps has been well documented in the UNHCR and Save the Children UK report of February 2002.119 In addition, they also suffered other violations such as economic exploitation and slave labour. Children were forced into adulthood before their time.

114 115

TRC confidential statement

Reference 616 - 0.01% Coverage

Lei Chiefdom, 27 January 2003.

See the Ministry of Social Welfare, Gender and Children's Affairs, Submission to the Truth and Reconciliation Commission on the occasion of TRC Special Thematic Hearings on Children; 16 June 2003 (hereinafter "Ministry of Gender and Children's Affairs submission to TRC"). Ministry of Gender and Children's Affairs submission to TRC Report by Women's Commission for Refugee Women and Children

TRC confidential statement recorded in

Reference 617 - 0.01% Coverage

266

116 117 118 119

See Save the Children – UK and UNHCR, "Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone", April 2002, at page 25.

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FORCED LABOUR 146.

Children were

Reference 618 - 0.01% Coverage

Sierra Leone

FORCED LABOUR 146.

Children were also used as forced labour by the armed groups. They were used as porters in both military and civilian capacities. The role of porters, or "human caravans", included moving the properties of the

armed groups, carrying looted properties away after raids and carrying arms and ammunitions to and from the war front. This practice began with the RUF and, in the jargon of the RUF, these children were part of what was referred to as "manpower":

"...Each time they went to

Reference 619 - 0.01% Coverage

on our heads..."120

147.

Children were often made to carry heavy loads for long distances, making escape difficult, especially for younger children who could not trace their way back home. In many instances, children were abducted and immediately used as forced labour:

"I was in Kono when

Reference 620 - 0.01% Coverage

groundnuts and others."122

148.

Children were forced to carry out domestic chores and would be assigned to "wives" of Commanders and to work for them on a daily basis.

"... While we were at Lunsar

Reference 621 - 0.01% Coverage

Koinadugu District; 17 December 2002.

TRC confidential statement recorded at Check Point, Magbenma, 12 December 2002. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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149.

Many children

Reference 622 - 0.01% Coverage

Sierra Leone

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149.

Many children testified to the Commission of how hard they had to work, often on an empty stomach. They were punished for the slightest infraction and any perceived "misdemeanours". They then suffered further violations. It was mostly girls and very young children who were used in this way. Some of the children testified of their experiences as load carriers and domestic slaves:

"Rebels got to Tarinahun Pesseh

Reference 623 - 0.01% Coverage

was cured..."¹²⁴

150. 151.

Children were later used by many of the armed factions to work in the diamond mines under the most appalling, back-breaking conditions.

Children generally worked in conditions that were extremely violent and where the slightest mistake was severely punished, often resulting in death.

SEXUAL VIOLATIONS AGAINST CHILDREN (RAPE, SEXUAL SLAVERY AND SEXUAL ABUSE)

152.

The Commission has not

Reference 624 - 0.01% Coverage

SLAVERY AND SEXUAL ABUSE)

152.

The Commission has not been able to establish conclusively how many children were raped or suffered sexual violence and sexual slavery due to the difficulties with statistics in Sierra Leone. However the Commission's database and the testimonies recorded during TRC hearings confirm that all of the armed forces perpetrated rape, sexual slavery and sexual violence. The Commission's database points to the systematic nature of sexual violence during the conflict period and how it affected mostly girl children.

153.

From the commission's data

Reference 625 - 0.01% Coverage

affected mostly girl children.

153.

From the commission's data, 25% of rape victims with ages documented were 13 years of age or younger and 25% of sexual slaves with ages documented were children aged 12 or under.¹²⁵

Also, 50% of sexual slaves

Reference 626 - 0.01% Coverage

of sexual slaves with ages

documented were children aged 15 or under at the time they were abducted.¹²⁶ The most targeted age range for this violation comprised girls and women aged between ten and 25 years.¹²⁷

154. While women who have

Reference 627 - 0.01% Coverage

Pujehun Town, 28 February 2003.

More detail on violations rates and the levels of different violations experienced by children can be found in the Statistical Report produced as an Appendix to this report. See the Statistical Report produced as an Appendix to this report.

See the Statistical Report produced as an Appendix to this report. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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155.

Had it

Reference 628 - 0.01% Coverage

most familiar daily routine situations:

"When the RUF rebels captured us, they took us to Kailahun... They beat us and sent us to fetch firewood and food... when we went to fetch fire wood, the rebels that went with us raped me... After the signing of the peace, the rebel Colonel Akim told his men to take all the children they have captured back to their people... on our way the man that captured me raped me again."128

157.

Girls were raped at

Reference 629 - 0.01% Coverage

Gbense Chiefdom, 4 February 2003

TRC confidential statement recorded in Kailahun District, 20 February 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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160.

A victim

Reference 630 - 0.01% Coverage

Point, Magbenma, 12 December 2002.

TRC confidential statement recorded at a secret society house, Peje Bongre, 11 March 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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164.

Girls were

Reference 631 - 0.01% Coverage

vaginal and uterine injuries.

165.

Displaced children in refugee camps and displaced camps were also vulnerable to rape and sexual violence. According to the UNHCR / Save the Children UK report on sexual violations and exploitation, children were most vulnerable and experienced attempted rapes in locations such as the toilet and bathroom areas in the camps. Bathing and toilet areas, while divided on gender lines, were usually communal and were often located in the same vicinity. Adult male predators usually lay in wait for the girls, followed them and raped them. Children hawking goods or running errands such as fetching firewood were also attacked and raped.

Sadly many of the children were attacked and raped by their adult guardians. Humanitarian workers meant to protect the children carried out the most deplorable violations.¹³⁶

166.

A major characteristic of

Reference 632 - 0.01% Coverage

most deplorable violations.¹³⁶

166.

A major characteristic of sexual violence in Sierra Leone, including rape, has been the systematic breaking of all taboos by the perpetrators. They have respected neither age nor custom. Many of the children raped were pre-pubescent and had not begun menstruating. Yet they were still raped and taken as sexual slaves. Acts of rape and sexual violence were often carried out in the presence of helpless family members, who in turn were forced to watch. In other instances, family members were forced to commit such acts against one another.

167.

A victim who attempted

Reference 633 - 0.01% Coverage

was four years old.

136

More detail of the gross violations perpetrated against children in refugee camps, including rape by their adult guardians, can be found in the following report: Save the Children – UK and UNHCR, "Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone", April 2002.

137

TRC confidential statement recorded

Reference 634 - 0.01% Coverage

Sierra Leone", April 2002.

137

TRC confidential statement recorded in Sakiema Dea Chiefdom, 19 December 2002. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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SEXUAL SLAVERY 170

Reference 635 - 0.01% Coverage

in Freetown, 5 December 2002.

TRC confidential statement recorded in Moyamba Town, Kaiyamba Chiefdom, 14 June 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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172.

"Bush wives

Reference 636 - 0.01% Coverage

by another rebel..."143

174.

Many of the girls became pregnant and had children from their captors. Pregnancy did not protect them from suffering violations at the hands of their perpetrators, however. Many girls testified that their ill treatment at the hands of their captors if anything intensified during their pregnancies. A girl who was 12 years old at the time of her capture told the commission of her experiences:

"The second bush husband who

Reference 637 - 0.01% Coverage

food each time there was

confusion between us. I stayed with Morray Kamara until the year 2000. While I was pregnant, he would beat me up and at one time when I tried to run away from him, he chased me, caught me and dragged me up. My left hand wrist got sprained, up till now. I finally escaped from him, leaving the two children behind."144

141 142 143 144

TRC

Reference 638 - 0.01% Coverage

in Freetown, 5 December 2002.

TRC confidential statement recorded in Limba, Bagbo Chiefdom, Bo, 10 February 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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AMPUTATION 175.

Amputation

Reference 639 - 0.01% Coverage

Leone

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AMPUTATION 175.

Amputation is the violation that most of the world associates with the conflict in Sierra Leone. The Revolutionary United Front and the AFRC became notorious for carrying out amputations, which became their gruesome trademark. Neither of these perpetrator groups paid any heed to the age or gender of their victims, as even the hands and limbs of young children and babies were hacked off. The youngest baby amputee recorded on the Commission's database was only four months old.¹⁴⁵ Some were made single amputees, others double amputees of either hands or legs. Children testified to the Commission of their experiences of amputations as follows:

"At about 2.00 a

Reference 640 - 0.01% Coverage

came in the morning..."148

176. As medical care during this period was generally unavailable anywhere in the country, many of the children who suffered amputations, particularly in the provinces, did not survive their injuries.

145

More detail on the

Reference 641 - 0.01% Coverage

Amputee Camp, 19 March 2003.

TRC confidential statement recorded in Aberdeen Amputee Camp, 24 March 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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146 147 148

Reference 642 - 0.01% Coverage

274

146 147 148

177.

Amputation has had a significant impact on its victims, affecting them physically, psychologically and economically. A common sight on the street corners of Freetown is the presence of limbless children begging as a means of obtaining daily sustenance. A boy who was 14 years old at the time of his amputation told the Commission of the effect on him today:

"...When I was discharged [from

Reference 643 - 0.01% Coverage

discrimination from others.

MUTILATION 179.

Mutilation was another form of abuse inflicted by the fighting forces on the children of Sierra Leone. The acronyms of the armed factions, most commonly in forms such as "RUF", "AFRC" and "Ex-SLA", were branded or carved on children's bodies, including on their chests, foreheads, arms and backs. A number of children testified to the Commission of their experiences:

"After we had been captured

Reference 644 - 0.01% Coverage

or sharp sticks"150

[and]

"One Saturday night, I was sleeping when the rebels attacked Bafodia at about 6.30 am in the morning. They surrounded the village and they knocked on our doors... the rebels asked for the children... they forced the door open and captured eight of us... in the morning they took us to another house where they inscribed "RUF" on our bodies."151

180.

The Commission is of

Reference 645 - 0.01% Coverage

on our bodies."151

180.

The Commission is of the view that the main purpose of mutilation in this fashion was to mark children in order to prevent them from escaping from their captors. The branding served as an identification mark, as armed groups used it to identify and recapture children who escaped. Moreover, children with such marks came to know that if they fell into the hands of the opposing forces, they would be identified as enemy combatants and often end up being killed. Many children also died as a result of the act of branding, when their scars became infected and did not heal.

181.

A major problem for

Reference 646 - 0.01% Coverage

and did not heal.

181.

A major problem for many children after the war was the stigma attached to their being marked in this way. Families and communities shunned them as having belonged to the "rebels". They were stigmatised, causing them great long-term shame and fear.152 Even today, many children hide these scars by wearing clothes that cover them.153

149 150 151 152 153

Reference 647 - 0.01% Coverage

Town, Freetown, 13 January 2003.

Confidential testimony received during TRC closed hearings in Koinadugu District, 14 May 2003. See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003.

See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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TORTURE 182.

Children

Reference 648 - 0.01% Coverage

Leone

Children were subjected to both mental and physical torture during the conflict. Severe beatings and punishment were inflicted on them, resulting in physical injuries, bleeding and internal injuries, permanent disability and in some cases death. Mothers suffered the mental anguish of watching their children being tortured and killed. A mother told the Commission of her experiences:

"Rebels attacked us in Teblahun on 19 January 1995... from that point we became their captives... At Baoya, we met heavy fighting. During that fighting, my daughter Soffie's fingers from both hands were cut off. Three fingers from one hand and two from the other; by then she was only twelve years old... After that, they took us to a place called Lekono. On our arrival, we were all told to enter one house, which we did and they set it on fire... two of my children were burnt in it. Both of them were girls, one was three and the other was five years old... At another time, my grandchild, a boy of about seven years old called Mustapha, was stabbed in the stomach and his intestines came out..."¹⁵⁴

183.

Children were tortured when

Reference 649 - 0.01% Coverage

intestines came out..."¹⁵⁴

183.

Children were tortured when caught and detained. In those instances when their parents were detained, they were detained with them. They also suffered torture whilst in detention. A child described his experiences in detention to the Commission:

"...We were all captured, by

Reference 650 - 0.01% Coverage

even more severely..."¹⁵⁵

184.

Children also testified to the Commission of the inhuman and degrading treatment to which they were subjected. They were forced to eat human excrement, drink human blood and participate in forced cannibalism. Some of the victims of these aberrations testified to the Commission:

"I was at Mordavies with

Reference 651 - 0.01% Coverage

Moyamba District, 11 June 2003.

Confidential testimony received during TRC closed hearings in Makeni Town, 28 May 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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185. Children testified

Reference 652 - 0.01% Coverage

in Sierra Leone

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185. Children testified of the horrors of being forced to participate in cannibalism:

"On 6 January 1999, RUF

Reference 653 - 0.01% Coverage

would kill us...159

186.

Many children died while undergoing combat training in the hands of the armed factions. While the acts entailed in training were presumably meant to toughen children up as soldiers, they also doubled as forms of punishment for perceived wrongdoings. Children told the Commission of how they were forced to undergo various ordeals, including lying face up in the mid-day sun, crawling on the ground and having bullets whiz past one's head if it was raised even slightly, being made to go hungry for days on end and enduring sustained beatings and assaults.¹⁶⁰ One former child combatant told the Commission about his experiences with the RUF during training:

"I was captured in Kambia

Reference 654 - 0.01% Coverage

over our bodies..."¹⁶¹

187.

Children also suffered psychological torture from the many atrocities they witnessed and were themselves forced to commit. They witnessed the killing of parents, siblings, peers, relations, community members and also strangers. Driven often into being the perpetrators, many of them have been damaged indelibly and will need long-term therapy to help them heal.

158 159 160 161

TRC

Reference 655 - 0.01% Coverage

Bonthe Town, 9 December 2002.

See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003.

TRC confidential statement recorded at Kambia Check Point, Magbema, 14 December 2002, Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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188.

UNICEF, in

Reference 656 - 0.01% Coverage

Sierra Leone

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188.

UNICEF, in its submission to the TRC, made the following comments about the legacies of torture against children:

"The wounds, both physical and psychological, inflicted upon children will leave permanent marks on them and their families, as well as on the entire Sierra Leonean community and indeed all of humanity. In some ways it is as if a new level of cruelty has been attained in this war, setting the bar lower than ever imagined..."¹⁶²

KILLING 189.

Thousands of children

Reference 657 - 0.01% Coverage

ever imagined..."¹⁶²

KILLING 189.

Thousands of children were killed during the conflict in Sierra Leone. Given their physical weaknesses and their vulnerability, they were often the first to die. While children were deliberately targeted by the armed forces, hunted down and killed, many also died in the crossfire. Others died because of their injuries and the fact that they had no access to any health care. A witness who testified before the Commission said the following:

"It was during the January

Reference 658 - 0.01% Coverage

a few minutes later."¹⁶³

190. According to UNICEF, in its commentary on the killing of children:

"Children were routinely and relentlessly targets of summary killings by rebel forces and pro-government troops throughout the war, in flagrant violation of the international law... Children became victims of both deliberate and arbitrary killings, which often were the final steps in a barrage of other violations they suffered. Abducted children were tortured, sexually abused, forced to commit heinous violations against others, mutilated or amputated and finally killed."¹⁶⁴

191.

UNICEF cited the following

Reference 659 - 0.01% Coverage

and finally killed."¹⁶⁴

191.

UNICEF cited the following examples of mass suffering on the part of children in its submission:

"Between 15 and 24 February 1998 alone, 111 children were killed in the Bo area during rebel RUF / AFRC attacks. 1 April and 20 June 1998, out of 265 war-wounded patients brought to Connaught Hospital in Freetown, one quarter were children."¹⁶⁵

162 163 164 165

See

Reference 660 - 0.01% Coverage

to TRC, at page 7.

See UNICEF submission to TRC, at page 7. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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192.

Many children

Reference 661 - 0.01% Coverage

Sierra Leone

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192.

Many children died as a result of the chaos that ensued when the armed factions launched attacks, either on their villages or on the diamond fields. A family member who testified of her son's death had this to say: "Since the start of the

Reference 662 - 0.01% Coverage

Commission had this to say:

"I was living in a village called Mamusa... On 2 December 1998, we heard that rebels had attacked a village called Kabata... by then my wife was pregnant and at that time she was with her grandmother and our first child... As I was about to sleep, I heard the first gunshot, which was my first time to hear of a rebel attack in that village... Because I was in a panic state, my first intention was to run to my wife in the next village... On the way I met my wife in the bush, I asked her for the baby and she told me that the baby was with her grandmother... At 9 am the following day, I was able to see the grandmother, and I asked her for the child... I went to the house and found out that the house had been burnt down. When I entered the house, I saw chaff and some tiny bones. The child was burnt in the house. The child was exactly 10 months old at that time. He was born on 3 February 1998 and killed on 3 December 1998."167

194.

Many families attempted to

Reference 663 - 0.01% Coverage

3 December 1998."167

194.

Many families attempted to stop the killing of their children upon being attacked, often losing their own lives in the process. Children were also forced to witness the brutal killing of their own family members. A young girl, who was only eight years old at the time, described the brutal killing of her family members:

"One day in late 1991

Reference 664 - 0.01% Coverage

Loko District; 30 April 2003.

Reference 665 - 0.01% Coverage

Most members of the armed factions have admitted that they took a variety of dependence-inducing substances by habit. The Commission also received testimony of how children were forced into taking drugs, particularly before the onset of a battle or an attack. Testimony confirms that almost all of the commanders in most of the armed factions ensured that children were continuously drugged in order to keep control of them:

"...At the age of six

Reference 666 - 0.01% Coverage

alcohol to drink..."169

196.

The dependence-inducing substances prevalent in the conflict included cocaine, heroin, cannabis, hallucinogenic drugs, gunpowder, "brown-brown" and an assortment of others. Children who appeared before the Commission told of how they were introduced to drugs and constantly kept in a drug-affected state. Many of them also testified to the acts they committed while under the influence of drugs:

"One night in 1997 armed SLA

Reference 667 - 0.01% Coverage

raped several times."171

197.

Most of the testimonies made to the Commission confirmed that children carried out the most atrocious violations while under the influence of these drugs. The capacity of children to take responsibility for their acts remains an issue open for debate.

198.

The Commission has deliberately

Reference 668 - 0.01% Coverage

issue open for debate.

198.

The Commission has deliberately chosen to treat children neutrally as witnesses, seeking to understand their experiences as both victims and perpetrators. Both roles are reflected in the following statement:

"In May 1996, I was

Reference 669 - 0.01% Coverage

Mafarki, Port Loko ; February 26

2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 280

199.

It can be argued

Reference 670 - 0.01% Coverage

Sierra Leone Page 280

199.

It can be argued that many child combatants still committed violations without having to be drugged. The heat and tension of the conflict, the group violence already present in the conflict and peer pressure could also act as powerful narcotics. Nonetheless, the issue of diminished capacity remains a key factor to be considered.

200.

In most countries, children

Reference 671 - 0.01% Coverage

factor to be considered.

200.

In most countries, children under the age of 18 are not regarded as having the legal capacity to be responsible for their actions (doli capax). The Rome Statute of the ICC uses 18 as the age of legal capacity and children's rights advocates argue that most national jurisdictions should be adjusted accordingly. It is highly unlikely that children under the age of 18 fully comprehend the consequences of their actions.

201.

There is no doubt

Reference 672 - 0.01% Coverage

consequences of their actions.

201.

There is no doubt that the drugs did have an impact on children who have a lower threshold to withstand the effects than adults. Coupled with the conflict situation, peer pressure and fear of death, drugs are powerful inducements to commit the most heinous crimes.

202.

Describing the violations that

Reference 673 - 0.01% Coverage

the most heinous crimes.

202.

Describing the violations that children generally suffer in conflicts, the United Nations has given the following analysis:

"...More and more of the world is being sucked into a desolate moral vacuum. This is a space devoid of the most basic human values; a space in which children are slaughtered, raped, and maimed; a space in which children are exploited as soldiers; a space in which children are starved and exposed to extreme brutality. Such unregulated terror and violence speak of deliberate victimisation. There are few further depths to which humanity can sink."¹⁷³

203.

In examining the violations

Reference 674 - 0.01% Coverage

humanity can sink."¹⁷³

203.

In examining the violations of which children were the victims during the conflict, there can be little doubt that the children of Sierra Leone suffered the most cruel and inhuman experiences at the hands of the armed factions. They were robbed of their youth, their innocence and their hope for the future. Many of them will never return.

204.

Rape and sexual violence

Reference 675 - 0.01% Coverage

them will never return.

204.

Rape and sexual violence have scarred many of the girls for life. Amputations have ensured that many of them will never be able to lead a normal life. The Commission and the country are faced with serious overarching questions: Why the children of Sierra Leone? What did they do to deserve such fate? Their only crime was being children.

205.

Many of those who

Reference 676 - 0.01% Coverage

crime was being children.

205.

Many of those who have helped the Commission in seeking answers to these questions have advanced as reasons the innate characteristics of children: their vulnerability; their malleability; their capacity to be manipulated through peer pressure; the easy availability of light weapons which they can carry and their extraordinary ability to imitate adult behaviour. Of course a major reason is the fact that their lives were cheap and expendable to the cynical breed of war profiteers who drove the conflict forward.

¹⁷³ See United Nations Special Report; "The Impact of Armed Conflict on Children", available at the following web address: <http://www.un.org/special-rep/children-armed-conflict/>. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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206.

Children, by

Reference 677 - 0.01% Coverage

Sierra Leone

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206.

Children, by virtue of being in a developmental process at their age, are very malleable. The transition from childhood to adulthood is a learning process that happens through teaching and also observation. Humans are conditioned to learn through these processes, which comes with the expectation that one eventually fits into society. Thus children are guided and moulded until they attain this desired state of social conformity.

207.

The malleability and vulnerability

Reference 678 - 0.01% Coverage

state of social conformity.

207.

The malleability and vulnerability of children were exploited by the different fighting forces in the country during the conflict period. Thus armed groups deliberately engineered children into becoming perpetrators, forcing them to commit atrocities or themselves be killed. Once they committed the violations, there was almost no way of turning back. Children were compelled into flouting accepted social behaviour and practices.

208.

Children make obedient soldiers

Reference 679 - 0.01% Coverage

social behaviour and practices.

208.

Children make obedient soldiers who ask fewer questions, generally follow orders and do as they are instructed because they are easily intimidated. Older soldiers are more independent and often hold opinions that are contrary to those of the leadership of the armed groups. They may question superiors, disobey orders or even desert.

209.

Children, however, rarely exercise

Reference 680 - 0.01% Coverage

orders or even desert.

209.

Children, however, rarely exercise such options and under most circumstances seek to please their elders, for a variety of reasons. These include issues of safety, as well as attracting affirmation and attention. Their desire to please has often been exploited by commanders, who force children into committing the most egregious violations. Children have been rewarded by being given the most bizarre names, a sign of the warped nature of many of their commanders. Most of the names given to children glorified their actions and goaded them to into committing even more atrocities. Some of the names of child combatants reported to the Commission included: "Merciful Killer", "Small Pepper", "Burn House", "Cut Hand", "Kill Man No Blood", "Dirty Box" and "Dead Man No Count".

210.

Young children have no

Reference 681 - 0.01% Coverage

Dead Man No Count".

210.

Young children have no real sense of danger. Their immaturity also encourages them to take on additional risks. Their oblivion to the danger in a situation coupled with drug abuse meant that children could easily be exploited by using them in the most hazardous situations during the conflict. Commanders testified that small children were routinely used as scouts and in the front lines. Many lost their lives in this way. Some of these children have testified that when under the influence of drugs they had no fear or inhibition and committed many atrocities.

211.

Children were easier to

Reference 682 - 0.01% Coverage

and committed many atrocities.

211.

Children were easier to manage and maintain, especially in that they made fewer demands of their captors. They were also less likely to escape. Since many children were separated at a young age from their parents and familiar surroundings, the only home for many of them was the base of their particular armed faction. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 282

212.

Many of the abducted

Reference 683 - 0.01% Coverage

Sierra Leone Page 282

212.

Many of the abducted children cannot recall where they come from. The only family they have are the members of their unit or armed group. Their commanders took the place of their parents. Thus between these children and their commanders, as well as the fighting force to which they were affiliated, this nucleus had become their only "family":

"By drawing children into their military organisations, the RUF and the national army deprived them of the protection, sustenance and authority of their families, communities and social institutions... the institution

thus became their surrogate parents... Once within military institutions, the children came under the heavy and despotic hand of older soldiers and combatants... The military institutions took over the role of "disciplining", or more exactly, manipulating these young minds to serve a variety of purposes."174
213.

The proliferation of light

Reference 684 - 0.01% Coverage

variety of purposes."174
213.

The proliferation of light weapons such as the Soviet-made AK-47 or the American M-16 has been advanced as a further reason for why children are used as soldiers. Long gone are the heavy weapons of the past that weighed tonnes and were very cumbersome, needing adults to manipulate and handle them. UNICEF has described the new, lighter weapons in the following terms:

"These weapons are very easy to use. The AK-47 can be stripped and reassembled by a child of ten years old. The rifles have also become much cheaper and more widely available. Since they have fewer moving parts, they are extremely durable and have steadily accumulated in war zones."175

214.

In the particular case

Reference 685 - 0.01% Coverage

in war zones."175
214.

In the particular case of Sierra Leone, child soldiers displayed an amazing aptitude and dexterity in using these light weapons, as evidenced during the demobilisation and disarmament period. In addition, easily available, locally manufactured instruments were used by the different fighting groups in the conflict, such as cutlasses, axes and knives as well as inflammable liquids such as petrol and kerosene. These local instruments and some of the inflammable liquids were quite familiar to many children, as they used them in their daily activities prior to the war. These everyday objects were converted into instruments of terror by the fighting forces. The ability of children to handle these instruments explains why, with very little training, children could become effective combatants during the conflict period.

215.

Adults usually have the

Reference 686 - 0.01% Coverage

during the conflict period.
215.

Adults usually have the maturity to think through survival mechanisms in difficult situations. It is therefore possible for adults to attempt to escape when captured. Escaping is usually considered difficult for certain children and nearly impossible for the younger ones to conceive or carry out. As the war dragged on and the adults witnessed the senseless violations committed by the armed groups, it then became an increasingly attractive option for adults to attempt to escape notwithstanding the repercussions when recaptured.

174 See Abdullah, I and

Reference 687 - 0.01% Coverage

Killers"), at page 243.

175

See UNICEF, *The State of the World's Children 1996*, annual report into the conditions for the upbringing and advancement of children in selected countries around the world, with a special focus on war, available at the following website: www.UNICEF.org/sowc96/2csoldrs.htm (hereinafter "UNICEF, State of the World's C, at page 2.

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216.

The death of adult

Reference 688 - 0.01% Coverage

Sierra Leone Page 283

216.

The death of adult combatants required that the numbers in the armed factions be maintained. Children became a useful alternative source from which to replenish soldiers, so that the prosecution of the conflict could continue. Thus, children became a ready and easily accessible pool of potential soldiers for the different armed groups. Some academics have corroborated this view:

"Why did the RUF and the RSLMF (or the Sierra Leone Army) use children in support and combat roles? What were the reasons they gave to support the recruitment of children? The first reason was the shortage of able-bodied male to fight for the RUF and the RSLMF. The high death toll, the wretched conditions of service, the meagre salary that forced some soldiers to augment their pay through looting or mining, the summary executions, and above all, the senselessness of the war, discouraged responsible adults from enlisting on either side. Unable to tap the labour of the adult population, the two main fighting factions turned to children and the under-aged. As the war progressed, more children and under-age combatants were recruited to serve in various capacities, so that by 1998, close to about 25% of the fighting forces were children and the under-aged."176

217.

Most of the armed

Reference 689 - 0.02% Coverage

the under-aged."176

217.

Most of the armed factions were deeply criticised for their use of child soldiers. Many have complained of the high level of indiscipline exhibited by them and the scant regard they had for international rules regarding the conduct of war and the treatment of civilians in war situations. It is highly unlikely that any of the armed forces that deployed child soldiers would have taken the time to deal with the laws of war and how civilians should be treated:

"The RUF, the National Army (SLA) and the CDF share one thing in common: they were highly undisciplined. They lacked clear ideological focus, esprit de corps or guidelines on the conduct of war. For the RUF, its

membership, long-marginalised and alienated from mainstream society, felt no compulsion to conform to internationally agreed standards of war which protect innocent civilians, especially women and children... as the rate of its attrition among its combatants increased with the prolongation of war, the RUF gradually lowered the age-range of its recruits... There were no child soldiers amongst its ranks when the RUF entered Bomaru in 1991. Yet by 1997 when they occupied Freetown in alliance with the AFRC, half of their combatants were under-aged. The National Army (SLA) which was supposed to be the professional standing army of the country, behaved no better than the RUF... Like the RUF, the SLA also recruited under-aged boys to create an auxiliary army of irregulars... In character and behaviour, these irregulars were no different from the combatants of the RUF. The morale and professionalism of the army declined... The irregulars prosecuted the war with the same brutality and disregard for the civilian population as the RUF combatants. They became "sobels": soldiers by day and rebels by night."177

176 177

See Abdullah and

Reference 690 - 0.01% Coverage

Youngest Killers, at page 242.

See Abdullah and Rashid, Smallest Victims, Youngest Killers, at page 241. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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218.

Many children

Reference 691 - 0.01% Coverage

Sierra Leone

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218.

Many children, particularly those belonging to the pro-government forces, have indicated that they wanted to fight to preserve their communities and their cultural identities. Many of the children, not unlike the adults they modelled themselves on, saw themselves as fighting for social justice, for patriotism as well as their religious beliefs. Many others also fought in order to revenge the deaths of their parents, brothers or sisters.178

219.

Such analysis is particularly

Reference 692 - 0.01% Coverage

brothers or sisters.178

219.

Such analysis is particularly true for the CDF, the pro government forces who also recruited children to fight during the armed conflict. During recruitment by the CDF, quotas were given to various communities to fill, as they were perceived to be carrying out their mission in defence of their communities and the country.

220.

Children were made to

Reference 693 - 0.01% Coverage

communities and the country.

220.

Children were made to feel that they were obliged to assist in the defence of their communities. In some instances, parents volunteered their children to the CDF, not only on "patriotic" grounds but also as a means of ensuring protection for their children.¹⁷⁹ Nonetheless, according to the United Nations:

"It is misleading to consider

Reference 694 - 0.01% Coverage

or political reasons."¹⁸⁰

221.

In long, drawn-out conflicts, joining an armed group is sometimes the only way to survive the conflict. The adage "if you can't beat them, join them" becomes the reality for unprotected children in conflict situations. The irony of this course of action is that armed groups did not provide the expected solace for children, because even as members they continued to suffer violations.

222. 223.

The Commission points

Reference 695 - 0.01% Coverage

to suffer violations.

222. 223.

The Commission points out that the notion of children "volunteering" their services as part of war effort, as some of them did in the case of the CDF and the SLA, cannot be condoned and constitutes a violation of international law.

It is important to reiterate that children, as the most vulnerable group in any conflict situation, are entitled to be protected from war. In particular, they are not meant to participate in the conflict themselves as child soldiers or in any other capacity.

224.

Regrettably, the armed factions

Reference 696 - 0.01% Coverage

in any other capacity.

224.

Regrettably, the armed factions in Sierra Leone violated the rights of children by forcibly recruiting them as child soldiers and compelling them to carry out acts of incredible violence. In addition children's rights were continuously violated in a myriad of ways.¹⁸¹

178 179

See UNICEF, State

Reference 697 - 0.01% Coverage

Officer in the Southern Region,

TRC interview conducted in Freetown, 8 August 2003. Mr. Arthy, who worked as a consultant for the UK Government's development agency in the Southern Province of Sierra Leone, talked about his project to normalise relations between civilians and the CDF in the Southern Province. He stated that some parents had their children, especially male children, initiated into the CDF (Kamajors) because they felt that the magical powers that initiates were said to acquire on initiation, such as the non-penetration of bullets into their bodies, would help secure their children's lives. See UNICEF, State of the World's C, "Impact of Armed Conflict on Children".

180 181

See Abdullah and

Reference 698 - 0.01% Coverage

Conflict on Children".

180 181

See Abdullah and Rashid, Smallest Victims, Youngest Killers, at page 241. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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CHILDREN AS "VICTIM

Reference 699 - 0.01% Coverage

in Sierra Leone

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CHILDREN AS "VICTIM-PERPETRATORS" 225.

The conflict in Sierra Leone forced children into assuming "dual identities" of both victim and perpetrator. While the Commission chose to treat children who had been involved in the conflict as neutral witnesses, the Commission was also determined to explore the fullness of their experiences in order to understand the motivations for what they did and whether they had the capacity to understand all of it. Examining their role as perpetrators is an important step in this direction. The Commission is not seeking to explore guilt; on the contrary, it strives to understand how children came to carry out violations as part of an important learning curve in preventing future conflicts.

226.

In their roles as

Reference 700 - 0.01% Coverage

in preventing future conflicts.

226.

In their roles as perpetrators, children became direct participants in the conflict and were involved in all aspects of modern warfare, ranging from serving as human shields, spies, messengers and porters to wielding guns as soldiers on the front lines and commandos in the jungles of the countryside.

227.

Children witnessed the perpetration

Reference 701 - 0.01% Coverage

jungles of the countryside.

227.

Children witnessed the perpetration of violations during the conflict and in turn perpetrated gross human rights violations against others. Initially, they had to be coerced into committing abuses but soon many of them began to initiate heinous atrocities without having to be compelled to do so. After being absorbed into an armed faction, children often behaved absolutely without inhibition. Living in the violent reality of conflict soon deadened their senses, which were already impaired by continued drug abuse.

NATURE OF VIOLATIONS PERPETRATED BY CHILDREN 228.

Child perpetrators carried out many of the same human rights violations to which they themselves had been subjected. They committed violations including killing, abduction, amputation, mutilation, extortion, looting and destruction, rape and sexual violence, abduction and forced recruitment, forced displacement, forced detention, assault, torture, beating and forced labour.

229.

The commission of these

Reference 702 - 0.01% Coverage

beating and forced labour.

229.

The commission of these violations by children needs to be put in context against the turmoil of the conflict-ridden world they lived in. They were compelled to carry out such violations in order to survive. Refusal to carry out an order was simply not countenanced. Death or other violent reprisal for refusal to carry out the order was almost instantaneous. Thus most children were forced to carry out violations or become the victims of violations. Their physical size and their incredible vulnerability made them succumb quite easily.

230.

One recurring pattern to

Reference 703 - 0.01% Coverage

them succumb quite easily.

230.

One recurring pattern to emerge from testimonies is that children often had to become even more ruthless than their captors in order to survive. Given the violent nature of the members of the armed group, a ruthless streak usually guaranteed safety and "respect". Children learnt very quickly that the more violently they behaved, the more they would be assured of protecting themselves within their group and surviving. This was particularly characteristic of the loosely bound, unconventional armed groups such as the RUF, AFRC and the West Side Boys.

231.

Many of the adults

Reference 704 - 0.01% Coverage

the West Side Boys.

231.

Many of the adults within the armed groups were incredibly depraved and used the children to play out some of their sick fantasies which had the effect of forcing the children into committing these violations watched by the adults, who derived a macabre amusement from it.

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TRC

TRC researcher Gavin Simpson

Reference 705 - 0.01% Coverage

Sierra Leone Page 286

TRC

TRC researcher Gavin Simpson interviews a former RUF child combatant known as "Base Marine" near the town of Magburaka in Tonkolili District. Having participated in the disarmament and demobilisation process in Sierra Leone, "Base Marine" now runs an agricultural project for ex-fighters.

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232.

Peer pressure also played

Reference 706 - 0.01% Coverage

Armed Conflict Page 287

232.

Peer pressure also played a major part in the violations committed by children. The need for group acceptance and affirmation ensured that many of these children committed violations. Conformity gave them a sense of belonging and pride, as their peers and their superiors lauded them for proving that they were not afraid to confront violence.

233.

In any heterogeneous society

Reference 707 - 0.01% Coverage

afraid to confront violence.

233.

In any heterogeneous society, there are always certain groups of persons who are more vulnerable than others. They are characterised as "vulnerable" because they are more likely than others, to suffer negative consequences in the event of severe emotional trauma.¹⁸² Children are usually a class regarded as vulnerable as they are usually subject to greater risks in any conflict irrespective of which side they belong to. There is no doubt that the new characteristics and patterns of contemporary armed conflicts have increased the risks for children. Again this is certainly true of the conflict in Sierra Leone which destroyed the lives of children.

234.

The Commission has found

Reference 708 - 0.01% Coverage

the lives of children.

234.

The Commission has found that the abduction of children by the armed groups and in particular the RUF and the AFRC and their forcible recruitment as child soldiers constitutes a grave violation of international law for which the leadership must be held accountable. The Commission also finds that the notion of children 'volunteering' to join the armed groups such as occurred mainly with the CDF but also in the SLA completely unacceptable as children do not have the ability or the capacity to 'volunteer'. Simply put 'they have no choice'. The Commission finds that the recruitment of children within the armed factions as soldiers constitutes a violation of international law for which the leadership must be held accountable. In the course of recruiting children as child soldiers, the rights of children have been violated.

235.

The Commission condemns in

Reference 709 - 0.01% Coverage

children have been violated.

235.

The Commission condemns in the strongest terms the forcible recruitment of children as combatants. According to the United Nations:

"War violates every right of a child – the right to be with family and community, the right to health, the right to development of the personality and the right to be nurtured and protected. Many of today's conflicts last the length of a "childhood", meaning that from birth to early adulthood, children will experience multiple and accumulative assaults. Disrupting the social networks and primary relationships that support children's physical, emotional, moral, cognitive and social development in this way, and for this duration, can have profound physical and psychological implications."¹⁸³

¹⁸² See World Bank, "Empowering

Reference 710 - 0.01% Coverage

<http://www.worldbank.org/empowerment>.

¹⁸³ See United Nations Special Report; "The Impact of Armed Conflict on Children", available at the following web address: <http://www.un.org/special-rep/children-armed-conflict/>. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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EXPERIENCES OF CHILDREN

Reference 711 - 0.01% Coverage

in Sierra Leone

Figure 3: Annual rates of

Reference 712 - 0.01% Coverage

four main perpetrator factions)

236.

It is widely acknowledged that each of the armed factions, to differing extents, forced their abductees, including children, to become combatants. The graph in Figure 3, above, illustrates that the RUF forcibly recruited the highest number of combatants throughout the ten years for which the TRC recorded statistics. In the latter years of the conflict, the amount of reported incidents of forced recruitment attributed to both the AFRC and the CDF showed small increases.

Figure 4: Numbers of forced

Reference 713 - 0.01% Coverage

59

80 237. 0 80

The most relevant point about forced recruitment is that its victims were predominantly children. This aspect of the violation becomes most vividly clear from the graph in Figure 4, above. Boys between the ages of 10 and 14 years were disproportionately targeted for forced recruitment. The disproportionate rate of victimisation among boys in this age category leads to the conclusion that the armed groups deliberately sought to enlist them as fighters.¹⁸⁴

238. 184

This section aims

Reference 714 - 0.01% Coverage

as fighters.¹⁸⁴

238. 184

This section aims to paint a broad picture of the kind of life that a child combatant endured during the conflict within the main armed groups.

More detail on violations rates and the levels of different violations experienced by children can be found in the Statistical Report produced as an Appendix to this report.

Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 289 Males Females

REVOLUTIONARY UNITED FRONT (RUF) Recruitment

Reference 715 - 0.01% Coverage

UNITED FRONT (RUF) Recruitment

239.

The RUF was the first of the fighting forces to utilise child combatants in the conflict in Sierra Leone. In fact, there were even a few children among the RUF "vanguard" combatants who trained in Liberia in advance

of the insurgency in March 1991.¹⁸⁵ Children had been abducted and enlisted by the NPFL faction to swell its own numbers as it fought the war in Liberia. The RUF copied many of the NPFL's tactics and patterns of behaviour as its fighters were trained to enter Sierra Leone. Thus, from before the first shots were fired in 1991, Sierra Leonean children were drawn directly into the conflict. Having come into the country, the RUF deployed a strategy of "enlisting" civilians, including children, from the areas it entered.¹⁸⁶ However the RUF really stepped up this policy at the end of its ill-fated first phase of conventional warfare, when it transformed into a guerrilla force. From late 1993 until early 1996, the RUF conducted a massive campaign of abductions and the forced training of civilians and children to become armed combatants.

240.

The Commission has encountered

Reference 716 - 0.01% Coverage

to become armed combatants.

240.

The Commission has encountered during its research some children who were so young at the time of their abduction that they could not recall how old they were. According to statements included in the TRC database, some of those abducted were as young as five at the time of their capture.¹⁸⁷

241.

The RUF is responsible

Reference 717 - 0.01% Coverage

of their capture.¹⁸⁷

241.

The RUF is responsible for the highest number of abductions of children reported to the Commission. It is also responsible for the largest number of children who were forcibly recruited into any armed faction.¹⁸⁸ The tally of 3,710 children who belonged to the RUF and who were disarmed and demobilised by the National Committee for Demobilisation, Disarmament and Rehabilitation (NCDDR) seems to validate the Commission's figures. The RUF had the highest number of children amongst all the factions who participated in the programme.¹⁸⁹ Former high-ranking officials of the RUF have also confirmed the RUF's policy of using children as soldiers.¹⁹⁰ M. M. Kosia, the RUF's first senior General Staff Officer, gave the Commission an account of the RUF's training that took place in Koindu and in various other areas of Kailahun District in 1991:

"When these areas were taken under control by these [RUF] people, a lot of civilians were captured or abducted and they were forced to undergo training... men, women – even old people and children".¹⁹¹

185

See TRC Confidential Interviews

Reference 718 - 0.01% Coverage

187 188

189 190 191

See S. Y. B. Rogers, late Secretary-General of the RUF, excerpts of an interview contained in the "Children and War Newsletter" in Africa Confidential, 26 May 2000. See the Statistical Report produced as an Appendix to this report.

More detail on the violations

Reference 719 - 0.01% Coverage

RUF, TRC interview conducted at TRC Headquarters, 30 May 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 290

242.

The primary

Reference 720 - 0.01% Coverage

Sierra Leone

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242.

The primary modus operandi of the RUF in gathering child recruits was to raid the civilian population and separate the children, who would then be taken to the various training bases of the RUF.¹⁹² The RUF also attacked and abducted children from schools, especially in the provinces. Another strategy employed by the RUF, when they attacked and looted towns and villages, was to take children along with them as porters to carry looted goods. These child porters would eventually become child soldiers.¹⁹³ According to a former RUF official:

"Every time a town is

Reference 721 - 0.01% Coverage

to their area."¹⁹⁴

243.

Former RUF members have claimed that, at the initial stages of the conflict, many young boys voluntarily joined the RUF because of their beliefs in the cause of the RUF's "revolution".¹⁹⁵ Another reason advanced by the RUF was that many of the enlisted children were attracted and enticed by the looted goods they saw their peers in the RUF taking and keeping.¹⁹⁶

244. 245.

However most of

Reference 722 - 0.01% Coverage

and keeping.¹⁹⁶

244. 245.

However most of the interviews conducted by the Commission with ex-combatant children in fact confirmed that the majority of them were abducted and forcibly recruited into the RUF.¹⁹⁷

The former Adjutant General of

Reference 723 - 0.01% Coverage

their houses.”¹⁹⁸

Training ²⁴⁶.

The RUF organised child soldiers by gender into units, which they then called “Small Boys Units” (SBUs) and “Small Girls Units” (SGUs). Training of child soldiers was sometimes carried out at officially designated training camps. While some jungle bases like Camp Zogoda lasted for the duration of the RUF’s guerrilla warfare campaign, from 1993 to 1996, many other camps were temporary or transient in nature, set up purely to train a new batch of recruits and then disbanded when the combatants were sent to the front.

^{192 193 194}

^{195 196}

Reference 724 - 0.01% Coverage

Headquarters, Freetown; 23 June 2003.

See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003. Jonathan Kposowa, former Adjutant General of the RUF and present Secretary General of the RUF; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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247.

The RUF

Reference 725 - 0.01% Coverage

Sierra Leone

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247.

The RUF seemed not to possess a standard training course or module. While by all accounts the RUF was said to possess a training manual that included ideological training, little evidence exists of children being trained using this manual or given lessons in the ideology of the RUF, particularly among the recruits of the later years of the conflict. In most instances, former child combatants have stated that they were taught only the RUF’s reasons for starting the conflict, while other children have indicated that they were completely in the dark about the motives for their collective actions.¹⁹⁹ Of all the child ex-combatants interviewed by the Commission, only a handful have mentioned being given “ideology” lessons in between training. Ideological input and direction was always fairly arbitrary within the ranks of the RUF.²⁰⁰

²⁴⁸.

In contrast, all of

Reference 726 - 0.01% Coverage

of the RUF.²⁰⁰

²⁴⁸.

In contrast, all of the former child combatants interviewed have confirmed that they were given some form of military training.²⁰¹ Their courses consistently involved being taught how to dismantle and assemble guns, as well as how to use them. Some of the children described the training they received:

"At Madina in the Tonko

Reference 727 - 0.01% Coverage

in neighbouring Guinea."²⁰³

249.

Mock battle scenes were sometimes simulated for the recruits. Again this element was not as a matter of course but remained fairly arbitrary. A female ex-combatant described some aspects of the training she received as a child:

"After taking us to their

Reference 728 - 0.01% Coverage

she was killed".²⁰⁴

250.

There have been some reports of child soldiers receiving little or no training whatsoever before being forced into battle. Such cruel abuse on the part of the perpetrator groups contributed to the death of many children, as they were thrust into the heat of battle without understanding how to protect themselves.²⁰⁵ This situation was quite rare among the former RUF fighters who testified to the Commission, but occurred in all the factions at certain points, particularly when an urgent need for manpower at the warfront outweighed all other considerations.

199 200 201 202 203

Reference 729 - 0.01% Coverage

201 202 203 204 205

See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003. See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003. See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003. TRC confidential statement recorded in Rokupr, Magbema Chiefdom; 22 January 2002. TRC confidential statement recorded at Kambia Check Point, Magbema, 14 December 2002. TRC confidential statement recorded in Wardu Town, 5 March 2003.

TRC confidential statement recorded in Freetown, 27 February 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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251.

Training seems

Reference 730 - 0.01% Coverage

the front line.²⁰⁷

252.

The lack of organisational structure within the RUF was also evidenced by the arbitrary manner in which some commanders brought children for training. According to a former RUF official, individual commanders who abducted children could bring them singly or in groups for training. At completion of training, the same commanders would come to fetch them.²⁰⁸ One peculiarity of the hierarchy within the RUF was that the larger the number of child combatants a commander had under his control, the greater the prestige the commander enjoyed among his peers.

253.

The RUF made no

Reference 731 - 0.01% Coverage

enjoyed among his peers.

253.

The RUF made no distinction in its training practices as to age or gender, so young boys and girls as well as adults were trained in the same manner. The general conditions that existed during these trainings were fairly spartan and only children who were really tough survived.

According to a former

high

Reference 732 - 0.01% Coverage

survived.

According to a former

high-ranking RUF official, children slept on bare floors, went without bathing for weeks and wore torn and tattered clothes. Also, feeding during this period was reduced to scavenging, since part of the training required the children to demonstrate that they were able to fend for themselves. The RUF training regime restricted food intake even where they had the children locked up:

"Most times, these people are

Reference 733 - 0.01% Coverage

were so thin ...²⁰⁹

254.

The training was harsh and brutal and accounted for the deaths of a large number of children.

Command structure 255.

The two

Reference 734 - 0.01% Coverage

of children.

Command structure 255.

The two children's units were run on a similar basis with very slight variations. In the case of the SBUs, on becoming full-fledged combatants, they were put under the immediate command of a fellow child

commander.²¹⁰ The child commander would in turn report to the Town or Ground Commander,²¹¹ who was the overall supervisor of all the fighters in the area in which the particular SBU existed.

206 207

208 209 210

Reference 735 - 0.01% Coverage

TRC interview, 30 May 2003.

Moigboi Moigande Kosia, former General Staff Officer of the RUF, TRC interview, 30 May 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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256.

The Town

Reference 736 - 0.01% Coverage

the central command.²¹²

257.

By all accounts, elevation within the RUF from the rank of ordinary member to an SBU Commander was based mostly on account of being recognised as a "ruthless fighter", or in the jargon of the RUF "a wild boy or hard boy."²¹³ In reality this recognition signalled the ability to commit human rights violations with complete abandonment. When asked the conditions for appointing a child as an SBU Commander, an erstwhile member of the RUF delicately described it as depending on when the child became:

"... more criminally minded, that is

Reference 737 - 0.01% Coverage

among the girls themselves.²¹⁶

260. According to the testimony of a female former child combatant:

"After the Kamajors attacked us

Reference 738 - 0.01% Coverage

TRC Headquarters, 30 May 2003.

See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003.

Patrick Beinda, former RUF G

Reference 739 - 0.01% Coverage

Headquarters, Freetown; 23 June 2003.

TRC confidential statement recorded in Bo District, 9 December 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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261.
The WACS

Reference 740 - 0.01% Coverage

Sierra Leone
Page 294
261.

The WACS commanders also took orders from the ground or town commanders, who in turn took orders from the central command. Command responsibility for the violations and abuses carried out by child combatants lay with the adult commanders in the High Command of the RUF, given that almost every operation and military order, including those in which SBUs and SGUs participated, was directed by them.

Nature of discipline 262.

"Discipline

Reference 741 - 0.01% Coverage

them.

Nature of discipline 262.

"Discipline" within the RUF did not follow any all-encompassing rules and regulations. Former RUF officials have alluded to attempts to produce a manual for discipline, which failed due to a number of reasons connected to the general sense of indiscipline that pervaded the movement.²¹⁸ Thus, there were no clear-cut directives as to what constituted offences in terms of RUF rules and no evidence to suggest that there were regulations governing the conduct of child combatants, far less adult combatants.

263.

The experience of child

Reference 742 - 0.01% Coverage

far less adult combatants.

263.

The experience of child combatants was that they were punished arbitrarily for perceived transgressions. In their testimonies many children have indicated that punishments were arbitrarily applied in the guise of discipline.²¹⁹ Punishments took the form of beatings, torture, starvation, mutilation or branding and others. Killing was also a form of punishment, but it was supposedly reserved for grave offences such as desertion if apprehended.

264.

The treatment of child

Reference 743 - 0.01% Coverage

as desertion if apprehended.

264.

The treatment of child combatants in the RUF was characterised by extreme cruelty. Living in an environment of total paranoia and oppression, where survival depended on being even more brutal than one's captors, led to the kinds of atrocities that Sierra Leone witnessed on such a terrifying scale. In the process, many children became hardened and immune to the savagery they were inflicting on others. They experienced a deep sense of dislocation and disjuncture from society. The scars that have been left lie deep and need urgent and concerted efforts to help them heal.

CIVIL DEFENCE FORCES (CDF) 265

Reference 744 - 0.01% Coverage

Headquarters, Freetown; 23 June 2003.

See TRC interviews with former child combatants, Family Homes Movement, Lakka and Calaba Town, 7 and 8 August 2003. Most of the child combatants interviewed said that they were punished arbitrarily, perhaps when they did do something wrong but equally also when they did not. Thus an example could be for them to be punished for not carrying out an order (including an order to commit violations) or punished as a sort of vicarious entertainment for older combatants.

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Recruitment 266.

The presence of

Reference 745 - 0.01% Coverage

Leone Page 295

Recruitment 266.

The presence of children as members of the CDF, particularly the Kamajors, has always attracted attention and has been a bone of contention for the Kamajors. The Kamajors have denied that they ever had child soldiers in their midst, although these denials have always been qualified.²²⁰

high-ranking CDF official in the north, the Gbethes and the Tamaboros asserted that they too did not use children in their groups.²²¹

267.

The Kamajors' claim that

Reference 746 - 0.01% Coverage

in their groups.²²¹

267.

The Kamajors' claim that they did not train children as fighters was debunked during the post-conflict demobilisation and disarmament process. The NCDDR, which co-ordinated the registration of disarmed fighters, listed 2,026 children as having belonged to the Civil Defence Forces.²²² The overwhelming majority of this total was made up of child Kamajors. Indeed, the CDF put the second largest number of children of all the factions through the DDR process.²²³

268.

Even before the DDR

Reference 747 - 0.01% Coverage

the DDR process.²²³

268.

Even before the DDR process began, efforts were made at leadership level to stop the CDF from using children as soldiers, further validating the presence of children in the armed group. In a public statement issued by the then Deputy Minister of Defence, Chief Hinga Norman, who was also a member of the National Co-ordinating Committee of the CDF, it was made clear that the initiation of children, which was a precursor to their becoming Kamajors, should cease altogether. Hinga Norman also demanded that children who had already been initiated as soldiers should no longer be used in battle.²²⁴ He further ordered that weapons should be taken away from children and the use of children by the CDF in undertaking security duties should be discontinued.²²⁵ All of these calls for remedial action put to rest the denial by the CDF that there were child soldiers in their ranks.

269.

According to UNICEF, child

Reference 748 - 0.01% Coverage

soldiers in their ranks.

269.

According to UNICEF, child recruitment within the CDF was often instigated at the behest of village elders, who were politically pressured to hand over a certain "quota" of children as soldiers or risk damage to their credibility within the community. The children themselves were often brainwashed into believing that fighting to defend their communities was their "civic duty".²²⁶

According to a 220 See

Reference 749 - 0.01% Coverage

in Freetown, 1 July 2003.

See Executive Secretariat of National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), Total Number of Children Disarmed, 9 September 2003.

There is a high degree

Reference 750 - 0.01% Coverage

reflecting Hinga Norman's public statements

on actions to be taken to eliminate the use of child soldiers in the CDF. ²²⁵

²²⁶

See Simon Arthy, former

Reference 751 - 0.01% Coverage

in Freetown, 8 August 2003.

See UNICEF submission to TRC, at page 20. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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270.

Many male

Reference 752 - 0.01% Coverage

Sierra Leone

Page 296

270.

Many male children were initiated into the Kamajor faction of the CDF at the request of their parents.²²⁷ The Commission noted that parents were often compelled to provide their children to the CDF, as they feared the wrath of the initiators and their Chiefs. Some children have indicated in their testimonies to the TRC that they "willingly" joined so as to protect their villages and towns from attack by opposing forces, but authoritative witnesses have confirmed that in most cases great pressure from their elders was brought to bear on them.²²⁸

271.

In order to join

Reference 753 - 0.01% Coverage

bear on them.²²⁸

271.

In order to join the CDF and its Kamajor Society, both children and adults had to pay the initiation fee. According to a Kamajor member, some of the children paid a sum of four or five thousand Leones (approximately \$2) to undergo the initiation rites. In some cases, the initiation fees were partly paid in kind with items such as palm oil, chickens and rice by the parents. On completion of the initiation rites, the children and others were given amulets, which were believed to bestow magical powers of protection upon their holders.²²⁹

Training

272. While CDF combatants

Reference 754 - 0.01% Coverage

upon their holders.²²⁹

Training

272. While CDF combatants carried out most of their "training" in their respective home communities, the CDF faction also established major training bases such as Base Zero and the Gendema base during the effort to restore the SLPP Government in 1997 and early 1998. A unique feature of the recruitment and training of the Kamajors was the initiation ritual, which all prospective members had to undergo. The components for this Kamajor initiation did not derive from the age-old spiritual and cultural beliefs of the traditional hunting societies, as many Kamajors claimed. On the contrary, the Kamajor society represented a cynical abuse of the good faith of its initiates, using techniques of physical and psychological manipulation for no other purpose than to assemble a fighting force. The leadership of the CDF, especially its initiators,

created hysteria around the need for communities and their people to “protect themselves” by initiating their men folk into the Kamajors. People responded in their droves by putting themselves and their family members forward for initiation, sometimes even multiple initiations. Children in particular were coerced into joining the Kamajors, innocent of the fate that awaited them as combatants at the warfront.

273. While members of the

Reference 755 - 0.01% Coverage

Defence Forces, TRC interview conducted

at TRC Headquarters in Freetown, 1 July 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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Command structure 275

Reference 756 - 0.01% Coverage

Page 297

Command structure 275.

Children in the CDF had no official command responsibilities within their units. They were usually placed under the command and supervision of older combatants who assigned various duties to them. A major complaint from civilians was that children were frequently deployed in general security duties, such as the manning of checkpoints.²³² Their adult supervisors in these roles would goad them into committing arbitrary abuses, particularly beatings, against civilians who tried to pass while going about their daily business.

276.

Most Kamajors were loyal

Reference 757 - 0.01% Coverage

about their daily business.

276.

Most Kamajors were loyal to the powerful initiators who brought them into the society, rather than to the commanders under whom they served. Inevitably a dual leadership structure emerged, which led to rivalries between initiators and commanders and eventually threatened the whole command structure. As the conflict progressed, some of the initiators became so powerful – at least in the eyes of those they initiated – that they began openly to flout the law and disregard the authority of the constituted chieftdom authorities. They became involved in arresting people, holding kangaroo courts and arbitrarily punishing people. They used their Kamajor initiates, including children, as conduits or agents for these acts.²³³ Aside from the erratic orders of initiators, the children lived in an environment devoid of rules and directions. It proved difficult for the Commission to relate the violations and abuses of child Kamajors to any express strategies or policies from a coherent command structure.

277.

Away from their duties

Reference 758 - 0.01% Coverage

a coherent command structure.
277.

Away from their duties in conflict, Kamajor children presented a whole range of challenges to the wider community, largely connected with their warped ideas of authority and their self-perceptions of power. Testimonies to the Commission told of school pupils who were Kamajor members refusing to take orders from their teachers to perform chores such as sweeping the classroom. The children would advance a reason connected to their society membership, for instance that it was taboo for a Kamajor to touch or come in contact with a broom. It is understandably problematic for communities to reintegrate such children into the normal structures and institutions of peacetime.

Nature of discipline 278.

The

Reference 759 - 0.01% Coverage

peacetime.

Nature of discipline 278.

The Kamajors within the CDF had their own belief system, rules and regulations, which governed their conduct and to which they were usually bound by oath. Flouting these rules would incur a consequence or punishment, usually administered by initiators. Kamajors have testified that such punishment would extend to children as well. In serious cases such as killings, the cases were referred to higher quarters.²³⁴ Another Kamajor member stated that in his unit, unlawful killing of civilians led to arrests and jail for every member.²³⁵ Later in the conflict, however, initiates were not sanctioned for acts such as arbitrary killings, rape and looting, providing they paid to undergo a further initiation ceremony to "cleanse" them of their misdeeds. Such a response to abuses made a mockery of Kamajor claims to a disciplinary code.

232 233

234 235

See

Reference 760 - 0.01% Coverage

Pujehun District, 7 August 2003.

TRC confidential interview with a former Kamajor combatant, Bo District, 7 August 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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SIERRA LEONE ARMY

Reference 761 - 0.01% Coverage

LEONE ARMY (SLA) Recruitment

279.

The recruitment of children into the Sierra Leone Army started during the rule of President Joseph Saidu Momoh, who advocated for the use of vigilante groups in the prosecution of the war. President Momoh advised chiefs and other traditional leaders to organise the civilian population into vigilante groups to

defend their localities, based on his prognosis that the Sierra Leone Army was not able to prosecute the war on its own.²³⁶ Communities were supplied with guns and ammunition accordingly. Vigilante fighters, including the so-called Sierra Leone Border Guards (SLBGs), were later integrated into the Army. The Commission heard the view that this method of recruitment was inappropriate and allowed unprofessional, unconventional soldiers to serve the SLA.²³⁷

280.

However the major recruitment

Reference 762 - 0.01% Coverage

serve the SLA.²³⁷

280.

However the major recruitment of child soldiers into the Sierra Leone Army took place during the reign of the NPRC government, whose military leaders felt that the "national emergency" at the warfront warranted it:

"During the NPRC, the strength

Reference 763 - 0.01% Coverage

of 18 years.²³⁹

282.

Proper recruitment procedures were not followed given the urgency of the conflict situation and the need to bolster the numbers of soldiers dealing with the insurgency. The NPRC government responded with a massive recruitment drive, drawing mainly upon youths and children from the urban sprawl of Freetown.²⁴⁰ One of the main reasons for the recruitment of children was the failure of Army headquarters to prescribe a minimum age for recruitment.²⁴¹ The absence of proper screening procedures meant that children found their way into the service of the state, just as many RUF infiltrators and other unscrupulous characters also became soldiers.

283.

Children joined the Army

Reference 764 - 0.01% Coverage

characters also became soldiers.

283.

Children joined the Army for a variety of reasons. For some, it was a means of finding some form of employment in a time of extreme hardship and poverty. Others were swept into service by the surge of youthful "patriotism" that accompanied the NPRC's coming to power. By some estimates, up to 16,000 recruits, including children, joined the Army under the NPRC regime.²⁴²

236 237 238

239 240

Reference 765 - 0.01% Coverage

interview, Freetown, 12 September 2003.

Lieutenant Colonel Simeon Sheriff, SLA officer, TRC interview, Freetown, 12 September 2003. Vol Three B
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284.

During the

Reference 766 - 0.01% Coverage

Sierra Leone

Page 299

284.

During the conflict period, children continued to be recruited into the Army in the most bizarre circumstances. One method of identifying child recruits was through their participation in school sports or other physical exercise.²⁴³ Children would be subjected to activities such as long-distance running. Their ability to finish in an impressive time would see them awarded a place in the Army, as they were considered sufficiently energetic and fit for the job.

285. 286.

There were also

Reference 767 - 0.01% Coverage

for the job.

285. 286.

There were also reports of the Army capturing civilians, including children, and sending them into action against their will. Children were commonly deployed on logistics duty in warring zones.²⁴⁴

According to an Army officer who testified to the TRC, children were also recruited upon the death of existing soldiers and given the official roll numbers of the deceased without going through proper procedures of recruitment.²⁴⁵ Such "back-door" enlistment was one of the prime means through which senior military officials embezzled money during the war: the children were not paid for their illegal roles in the Army, so the salaries and benefits of the "ghost soldiers" whose places they filled were appropriated by the officers and top administrators who recruited them:

"By 1993, the war had become a profitable business for the senior military officials in the NPRC. Millions of dollars were requisitioned and allocated for the Army, which never found its way to its intended recipients. Some of them were "ghost soldiers, many of them irregulars who had never been formally registered as recruits into the Army... Apprenticed to an Army officer, these child soldiers never got paid or received any benefit. And the senior military officials rarely accounted for the allocations set aside for the irregulars who included the child soldiers, who were officially not on the Army pay roll."²⁴⁶

Training 287.

Most children who

Reference 768 - 0.01% Coverage

pay roll."²⁴⁶

Training 287.

Most children who joined the SLA during the conflict period did not receive proper regimental training. The batch that entered under the NPRC received a three-month "crash course" instead of the nine months of training that was the standard minimum in the Army before the outbreak of the conflict.

288.

The training regime was

Reference 769 - 0.01% Coverage

Freetown.247

Command structure 289.

Child soldiers were absorbed into the normal Army hierarchy as private soldiers and as such did not have any responsibility for commanding other soldiers. On the contrary, as low ranking, vulnerable new recruits, many children were made to perform the dirty work of others and, if anything, suffered harsher application of the rules and procedures that applied to other SLA soldiers.

243

244 245 246 247

Reference 770 - 0.01% Coverage

Headquarters, Freetown, 12 September 2003.

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Nature of discipline 290.

There

Reference 771 - 0.01% Coverage

their insurgent enemies.251

292.

Nevertheless military personnel up to the then Commander-in-Chief have claimed that despite all the problems of recruitment they were able to maintain combat discipline throughout the NPRC regime.252 The Commission also received testimony that child soldiers were punished according to their physical size and that the punishments meted out were designed to be "corrective" in nature.253

248 249 250 251 252

Reference 772 - 0.01% Coverage

Headquarters, Freetown, 31 July 2003.

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USE OF DRUGS AND OTHER

Reference 773 - 0.01% Coverage

DRUGS AND OTHER SUBSTANCES 293.

One prominent characteristic of the conflict that is often related to children was the apparent widespread use of drugs by each of the combatant groups. In particular, the Commission learned early in its operations of the wide scale on which drugs were administered to child soldiers, mostly against their will. In many quarters, the atrocities committed by child soldiers have to a significant extent been attributed to the influence of these drugs. The only specialist psychiatrist in the country, who witnessed the war and remained in the country throughout the conflict period, was responsible for treating many of the former combatants affected by drug abuse. He had this to say to the Commission:

"Drug abuse was used by

Reference 774 - 0.01% Coverage

they actually committed."254
294.

Numerous testimonies like these from ex-combatant children provide anecdotal evidence to corroborate the psychiatrist's viewpoint:

"I was abducted in Makeni

Reference 775 - 0.01% Coverage

in the RUF.258
296.

Drugs were administered to child soldiers in various ways. Some were smoked, others added into food without the child's knowledge. Various substances were snorted, interjected and drunk. Cocaine was administered by interfusion, which entails cutting open the skin and placing the drug into the flesh wound. Heroin was smoked and snorted. Other drugs such as pills were forced down children's throats. Even gunpowder was administered to children, by mixing it into their food or through cuts made in their skin.

254

255 256 257

See

Reference 776 - 0.01% Coverage

Conflict"), at page 4.
258

See Jonathan Kposowa, former RUF Adjutant General; TRC interview, Freetown, 23 June 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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AVAILABILITY OF DRUGS

Reference 777 - 0.01% Coverage

in Freetown, 22 August 2003.

See Luseni, Use of Drugs by Combatants in the Sierra Leone Conflict, at page 2. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Reference 778 - 0.01% Coverage

AND EFFECTS OF DRUGS 301.

The Commission documented many instances of the violation of forced drugging, where a captive or child combatant was made to ingest narcotics, alcohol or another substance that altered his or her state of body or mind. According to the Commission's database, 25% of victims of forced drugging whose ages were reported were 10 years or younger at the time of the violation; 50% of victims with age documented aged 13 or younger; and 75% of victims with age documented were 17 years or younger.²⁶⁷

302.

The Commission received a

Reference 779 - 0.01% Coverage

recounted some of his experiences:

"... I admitted many patients. There were ECOMOG soldiers, there were Sierra Leone soldiers... child soldiers, civilians and most of them had drugs problems... During the January invasion and before any operation... that was a special operation... all of the frontline combatants were given drugs, either to eat, drink, smoke... or through injection, so that it will enter the blood stream directly... those that came to Freetown had cuts on their foreheads, which they rubbed with heroine and cocaine..."²⁶⁹

304. While drugs were initially administered to children by force, it is quite likely that the scenario changed later on in the conflict. Many children began taking drugs voluntarily, as a matter of habit or dependency. They were guaranteed easy access and their commanders were likely only to encourage them. The former Adjutant General of the RUF testified that as the conflict continued, so the trend evolved, with commanders forcing children to keep taking drugs after introducing them to the habit.²⁷⁰

305.

In all probability the

Reference 780 - 0.01% Coverage

to the habit.²⁷⁰

305.

In all probability the intention of commanders who administered drugs to children was to keep control of them so as to ensure compliance with orders regarding combat and the commission of violations. Drugs made the children more malleable and, in some instances, more liable to carry out acts of horrendous violence. Of greatest importance appears to have been the altered state of reality in which children found themselves. Having been abducted and removed from familiar surroundings, subjected to brutality and denied the chance to express themselves as children, their experiences were already cruelly intoxicating. Drugs merely enhanced the sense of emotional isolation and oppression that most children felt in the captivity of the armed factions.

^{267 268 269}

²⁷⁰

More

Reference 781 - 0.01% Coverage

factions.

267 268 269

270

More detail can be found in the Statistical Report produced as an Appendix to this report. See TRC interviews with former child combatants, Family Homes Movement, 7 August 2003.

Dr. Edward Nahim, Sierra Leonean

Reference 782 - 0.01% Coverage

present Secretary General of the

RUF; TRC interview conducted at TRC Headquarters, Freetown; 23 June 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Page 304

306.

The doctor

Reference 783 - 0.01% Coverage

for drugs problems..."271

307.

The leadership of the armed factions, particularly the RUF, must take responsibility for the high rate of drug abuse in the country. Refusal to take drugs on the part of a child captive or combatant was often accompanied by brutal beatings and starvation.

308.

Testimony from many child

Reference 784 - 0.01% Coverage

brutal beatings and starvation.

308.

Testimony from many child soldiers confirmed that they were given drugs and then told to commit the most horrendous atrocities. Drugs were administered with contempt for the safety of the users and the civilians around them:

"Gunpowder was cooked and put into their food and drinks were given to them... to make them feel high... Before any operation... most of these frontline fighters were young children... they are either injected with drugs like heroin or cocaine and given gunpowder to drink... and some of them carry drink, which they rub on wounds in their foreheads and so on. So in that state... the drug is affecting their brains and in a state of temporary mental insanity... their concentration is poor, they cannot think or reason properly. They committed atrocities like burning of houses, mutilating people, killing and raping."272

309. While drug abuse in the RUF was the result of compulsion, drug abuse was a more entrenched problem in the SLA. Many child soldiers had indulged in drug use of their own accord in the urban ghettos before joining the conflict and they simply continued upon entering the Army.²⁷³

271 272 273

Dr. Edward

Reference 785 - 0.01% Coverage

Headquarters, Freetown, 12 September 2003.

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310.

The impact of drug

Reference 786 - 0.01% Coverage

Sierra Leone Page 305

310.

The impact of drug abuse has been varied and destructive. The violations committed by child soldiers under the influence of drugs represent the worst of its manifestations. It must be remembered that drugs were administered to children, whose sense of reasoning is not fully developed and who are already fairly susceptible to manipulation, peer pressure and fear. No sanction existed for commanders who pursued the practice of drugging child combatants.

311.

The Commission finds that

Reference 787 - 0.01% Coverage

of drugging child combatants.

311.

The Commission finds that all of the armed factions deliberately pursued a policy of forcibly administering drugs to children in order to loosen their inhibitions, spur them on to commit gross human rights violations and to participate in the conflict without fear. The Commission finds further that many of the children committed the most heinous violations while under the influence of drugs. The Commission finds that none of the armed factions has acknowledged the widespread use of drugs, nor expressed any remorse for the long-term consequences of prolonged drug abuse on individuals and on the future prospects of the country as a whole.

IMPACT OF THE CONFLICT ON CHILDREN 312.

313.

In analysing the diverse

Reference 788 - 0.01% Coverage

CONFLICT ON CHILDREN 312.

313.

In analysing the diverse effects of the conflict, the Commission has found that wanton violence impacted profoundly on the lives of the entire population of Sierra Leone. However its impact was most detrimental on children.

Children were not able to escape the most devastating negative effects of conflict. They found themselves assuming centre stage as both victims and perpetrators. Children have been affected at all levels in the fields of education and health, socio-economic considerations and the political sphere. Children lost the opportunity to enjoy their childhood. At a time they should have been playing and having fun, they were handling guns and were forced to endure the most awful violence. The United Nations has offered this analysis:

"Many of today's conflicts last the length of a "childhood", meaning that from birth to early adulthood, children will experience multiple and accumulative assaults. Disrupting the social networks and primary relationships that support children's physical, motional, moral, cognitive and social development in this way, and for this duration, can have profound physical and psychological implications.²⁷⁴

314.

According to UNICEF, which

Reference 789 - 0.01% Coverage

and psychological implications.²⁷⁴

314.

According to UNICEF, which has worked with children in Sierra Leone for several years:

"The extent of the damage has yet to be assessed. When we speak of children and the impact of such violations upon them, we cannot talk only of statistics or of apparent physical consequences. We talk about attempts at destroying the very humanity that these children have been born with. We talk about not only violating their rights as enshrined in international law, but about denying them the very right to exist as what they are – children. We have an obligation to protect them against future brutality, to protect their basic human rights, and if at all possible, to bring back their hope in a better future."²⁷⁵

274 275

See United Nations

Reference 790 - 0.01% Coverage

better future."²⁷⁵

274 275

See United Nations Special Report; "The Impact of Armed Conflict on Children", available at the following web address: <http://www.un.org/special-rep/children-armed-conflict/>.

See UNICEF submission to TRC, at page 3. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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DISPLACEMENT AND SEPARATION

Reference 791 - 0.01% Coverage

306

DISPLACEMENT AND SEPARATION 315.

One of the first consequences of any conflict is the massive migration of people that occurs as they try to flee from areas of violence to relative safety. In the course of this movement, enormous numbers of the population are uprooted. Those uprooted usually fall into two categories: internally displaced persons and refugees. Internally displaced persons, or IDPs, usually find temporary camps or safe havens within the country, while those who cross borders into neighbouring countries become refugees. Current figures estimate that more than fifty percent of all refugees are children.²⁷⁶

316.

Displacement during conflict situations

Reference 792 - 0.01% Coverage

refugees are children.²⁷⁶

316.

Displacement during conflict situations inevitably erodes and weakens many of the social and political structures designed to protect community members. When families are in flight, they can become separated easily. During the conflict in Sierra Leone, many children were separated from their parents in the chaos that followed attack or the threat of attack. A further cause of separation from family was the deliberate policy of abducting children practiced by all of the armed groups. Sadly many children have not been reunified with their families since the conflict ended. Many of them were taken away at such a young age that they do not remember who their family members are.²⁷⁷

317. UNICEF described the situation that many children found themselves in:

"Particularly despondent were the children who had been recruited as young as seven and demobilised as teenagers. These children often were confused, disoriented, conveyed facts and information wrongly, and were frequently unable to tell the difference between fantasy and reality... one 10-year-old boy claimed he himself was twenty years old. Others gave conflicting and confused information about their places of origin or the last known location of their relatives."²⁷⁸

318.

Sadly many refugees find

Reference 793 - 0.01% Coverage

host communities and governments.

319.

Sierra Leonean refugees have experienced such a backlash in Guinea. In September 2000, President Lansana Conté of Guinea made a public announcement accusing all refugees in Guinea of being rebels and/or harbouring rebels.²⁸⁰ This speech resulted in attacks and violations against Sierra Leone refugees, including children, by Guinean authorities and civilians alike. Refugee camps were attacked and non-camp-based refugees were detained en masse. Many refugee children were raped and many were killed or died in detention due to the abominable conditions in which they were held. Many refugees fled back to Sierra Leone, only to suffer further violations such as abductions and sexual slavery at the hands of the armed factions.²⁸¹

276 277 278 279 280

Reference 794 - 0.01% Coverage

277 278 279 280 281

See UNICEF, State of the World's CUprooted children", at page 1. TRC confidential statement recorded in Kono District, 7 December 2003.

See UNICEF submission to TRC

Reference 795 - 0.01% Coverage

to TRC, at page 18.

See UNICEF, State of the World's CUprooted children", at page 1. See UNICEF submission to TRC, at page 24.

See UNICEF submission to TRC, at page 24. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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320.

Life in

Reference 796 - 0.01% Coverage

of the camp."282

321.

Refugee camps are often squalid and inmates face severe deprivation. In this environment, children are most at risk to disease, hunger and human rights violations. In the camps children often suffer malnutrition and diseases such as scurvy, beriberi and pellagra. All of these factors contribute to high mortality rates.283 While no statistics are available as to how many children died during the conflict as a result of malnutrition, the UN Human Development Index has ranked Sierra Leone consistently in last place over recent years, particularly with regard to its infant and under-five mortality rates.

322. While displaced children are at greater risk than adults during conflict periods, unaccompanied minors face even greater risks. "Unaccompanied minors" are those who have been separated, lost or orphaned in the course of flight. UNICEF estimates that they probably account for more than 5% of the refugee population. While some children were taken in at the end of the war by extended family members, many others have found themselves languishing on the streets of Freetown.

323.

Displacement is a harrowing

Reference 797 - 0.01% Coverage

the streets of Freetown.

323.

Displacement is a harrowing experience for any human being. It is even more traumatic for children. In all cultures, one of the most important factors of societal existence is the cohesion of the family and community, and the degree of nurture and support that children are accorded. When support structures are threatened and subsequently destabilised, the foundation of the lives of children is put in serious jeopardy. According to UNICEF:

"Indeed, one of the most significant war traumas of all, particularly for younger children, is simply separation from parents... often more distressing than the war activities themselves."284

324.

Children in Sierra Leone

Reference 798 - 0.01% Coverage

war activities themselves."284

324.

Children in Sierra Leone not only experienced separation and displacement but also suffered related violations of an intensely harrowing nature, which compounded their trauma. These experiences have left scars both mental and physical. Regrettably many children do not have access to social and economic resources that could possibly assist them to deal with their lives and heal the scars of the past.

282 283 284

See UNICEF

Reference 799 - 0.01% Coverage

the past.

282 283 284

See UNICEF submission to TRC, at page 24. See UNICEF, State of the World's CUprooted children", at page 1.

See UNICEF, State of the World's CUprooted children", at page 1. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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ECONOMIC CONSEQUENCES ON

Reference 800 - 0.01% Coverage

in Sierra Leone

Page 308

ECONOMIC CONSEQUENCES ON CHILDREN 325.

Internal conflicts usually have even

Reference 801 - 0.01% Coverage

poor even more impoverished.

328.

Most vulnerable groups in the face of severe economic pressure, devise "household survival strategies",288 or coping strategies. These strategies often rely on what is known as "job diversification", a shift onto to the labour market of household members who were previously not necessarily needed to work. Such a process causes changes in traditional roles within households. Children of course are always affected, as their parents send them out to contribute to the family income. Almost as a matter of course, children find themselves doing paid labour during and after conflict periods.

329.

Traditionally in Sierra Leone

Reference 802 - 0.01% Coverage

and after conflict periods.

329.

Traditionally in Sierra Leone, children have been involved in domestic work, which includes household chores in towns and agricultural work in rural communities. The conflict has led to the loss of breadwinners through death, disability or sickness, so children have been forced to become economic contributors and in some cases providers for their families. The presence of so many children engaged in trading and other commercial activity on the streets of Freetown and other large towns is a clear indication that children have taken an active role in income generation for themselves and their families.

285

See the War-torn

Reference 803 - 0.01% Coverage

International): www.wsp-international.org/.

See the War-torn Societies Project (WSP-International): www.wsp-international.org/. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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287 288

330

Reference 804 - 0.01% Coverage

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287 288

330.

According to the "multi-indicator cluster survey" conducted in 2000 in Sierra Leone, 48% of children were found to be engaged in unpaid work for someone other than a household member and 10% of these children spent more than four hours a day on such tasks.²⁸⁹ It was also revealed that in the same year, 72% of Sierra Leonean children were working in some capacity: the figure includes those involved in domestic and agricultural work.²⁹⁰ Clearly the war has forced many children into joining the workforce of the nation.

331.

Other survival strategies utilised

Reference 805 - 0.01% Coverage

workforce of the nation.

331.

Other survival strategies utilised by vulnerable groups involve the sale or pledge of their subsistence and production assets, such as land and livestock, or their personal assets, such as jewellery. In a post-conflict period, many families also resorting to pledging their children as labour.²⁹¹

332.

The practice of using

Reference 806 - 0.01% Coverage

children as labour.²⁹¹

332.

The practice of using children for the purposes of labour is not new in Sierra Leone. A custom had developed long before the conflict of poor or illiterate parents sending their children away, to be brought up by relatives or friends whom they perceived as being better off, or better placed to care for the children. It is similar to fostering children to people the parents believe have more to offer than they have, largely for material reasons. Local jargon refers to this practice in Krio as "mehn pikin".

333. This system has been

Reference 807 - 0.01% Coverage

the huge potential for exploitation:

"...Generally [fostered children] do receive more severe beatings than children living with their mothers, and they perform the most physically arduous work. They receive less medical care compared to children with their mothers and their complaints of illness are often dismissed as faking to avoid work. Many receive little animal protein from their caretakers and are given food of poorer quality, such as the crusty, burnt rice at the bottom of the cooking pot. They must share a basin of food with large groups and with older, more competitive eaters... they receive few snacks, whether intentionally or through oversight. Foster children are punished frequently by food deprivation... leading many to forage largely for themselves... picking wild fruits, stealing... rates of malnutrition and deaths are highest among younger ones."²⁹²

334.

This informal practice of

Reference 808 - 0.01% Coverage

among younger ones."²⁹²

334.

This informal practice of fostering in Sierra Leone is not strictly regulated. Its incidence is on the increase because of the conflict. In particular, children from the provinces, which include the most impoverished areas, are fostered to families in Freetown. According to the Government's survey of 2000, 10% of all children do not stay with their parents even though they are alive. This issue needs to be further investigated in order to ensure that the rights of children are not abused in the process of trying to find better care for them.²⁹³

289 290

291 292

See

Reference 809 - 0.01% Coverage

293

289 290

291 292

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 60.

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 61.

See the War-torn Societies

Reference 810 - 0.01% Coverage

International): www.wsp-international.org/.

See Zack-Williams, A. B.; "Child Soldiers in the Civil War in Sierra Leone", paper presented at the conference of the Development Studies Association, University of Bath; September 1999; see also the website: www.devstud.org.uk/publications/papers/conf99/dsaconf99zackwilliams.pdf.

293

See Government of Sierra

Reference 811 - 0.01% Coverage

papers/conf99/dsaconf99zackwilliams.pdf.

293

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 61.

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335. While children were used as labour in the diamond-mining industry even before the war,²⁹⁴ there has been a noticeable growth in the use of children in the mines both during and after the conflict. Having tracked this worrying trend, the NGO World Vision made the following submissions to the Commission:

"The war aggravated the involvement of children in mining activities. In Kono District and elsewhere, many children were captured and conscripted into the RUF and AFRC fighting forces. Those children captured... were forced to engage in mining activities, where they were used to provide slave labour. These child combatants and other abducted children were ultimately seeking fortunes for their commandos. Many of the children and youth who escaped capture by the RUF were later recruited by the CDF, the Kamajors. The children who were with the Kamajors were later to become miners too."²⁹⁵

336.

As at June 2003

Reference 812 - 0.01% Coverage

become miners too."²⁹⁵

336.

As at June 2003, there were more than 1,300 children between the ages of 11 and 18 working in the mines. At least 8% of those registered as working in the mines by World Vision were aged eight or younger. World Vision also found that 91% of mining labourers were males, mostly engaged in the digging and washing of the gravel, while less than 10% of them were girls, who did the cooking and other chores.²⁹⁶

337.

In its comprehensive survey

Reference 813 - 0.01% Coverage

and other chores.²⁹⁶

337.

In its comprehensive survey produced in 2002,²⁹⁷ World Vision reported that 75% of the children stated that their main reason for working in the mining industry was to earn money. In terms of benefits that they had accrued, 43% said they were not realising much benefit from the mining activity, while 45% said they earned enough to meet their "basic needs". When asked the type of problems they encountered at the mines: more than 40% of the children said they do not benefit much from the proceeds of the sale of the diamonds derived from their labour; 13% claimed that they did not get adequate food; 28% said they were overworked; 7% felt they were not being properly cared for; and 9% suffered frequent illnesses. When asked how long they planned to continue mining: 66% said they would continue until they found an alternative; 15% indicated that they would continue until they got enough money; 14% was unsure; whilst 5% wanted to continue until asked by their parents to discontinue. When asked other preferences they would pursue if given the opportunity: 44% were interested in schooling; 40% in skills training; and 8% in farming. Tellingly, only 3% were interested in mining.²⁹⁸

²⁹⁴

See World Vision; Submission

Reference 814 - 0.01% Coverage

interested in mining.²⁹⁸

²⁹⁴

See World Vision; Submission to the Truth and Reconciliation Commission on the occasion of the TRC Special Thematic Hearings on Children, 16 June 2003 (hereinafter "World Vision submission to TRC"), at page 3.

^{295 296 297}

²⁹⁸

See

Reference 815 - 0.01% Coverage

to TRC, at page 5.

See World Vision Sierra Leone and African International Mission Services SL, Report on children in mining activities assessment survey, Kono District, published in Freetown, August 2002

See World Vision submission to TRC, at pages 10, 11 and 12. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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338.

The World

Reference 816 - 0.01% Coverage

Sierra Leone

Page 311

338.

The World Vision survey revealed that children are not benefiting from their continued stay in the mines. Describing the problems associated with the use of children as miners, World Vision has stated that:

"[Children] are clearly not in the mines on their own volition. This is clearly an act of child abuse bordering on exploitation. Many of these children have abandoned all educational pursuits, including acquiring vocational skills. There are children who are being used by their parents, other relatives and greedy crew bosses purely for their own selfish gains. These children have limited access to health care and educational facilities... most of the benefits from their mining activities will only benefit the financiers, who are in places far away from the mine pits. Ultimately, these children will be abandoned at a time when it will be too late to acquire any skills or return to any formal educational institution... thereby making them social burdens putting much demands on society."²⁹⁹

339.

Another direct result of

Reference 817 - 0.01% Coverage

demands on society."²⁹⁹

339.

Another direct result of the dire economic circumstances in which children find themselves is the number of young girls who have been forced into the sex trade as a means of survival. These girls largely account for the marked growth all over the country in the sex trade, which is still rife with abuses.

340.

A major area of

Reference 818 - 0.01% Coverage

still rife with abuses.

340.

A major area of concern is the phenomenon of the child-headed household in Sierra Leone, which results from children having lost parents or guardians in the war. The loss of a breadwinner has meant that many children have had to become involved in economic activities at the expense of their childhoods. The government is so convinced of a high number of orphans in the country that it declared the relatively low figure produced by its own survey in 2000 as unrepresentative.³⁰⁰ Some of the reasons given for the low figure included the many orphans living in care systems or on the street without adult caretakers. Since the survey was a house-hold survey, these children were not counted. There are no accurate statistics on child-headed households in Sierra Leone.

341.

The involvement of children

Reference 819 - 0.01% Coverage

households in Sierra Leone.

341.

The involvement of children in aggressive economic activities such as street trading, mining, domestic servitude and commercial sex work is disconcerting and impacts negatively on their rights to enjoy their childhood and access education. Not being educated will affect them dramatically in the future, as it will determine their future livelihoods. It is important for society as a whole to grasp the many adverse consequences of putting its children to work, as the government noted in the report on its household survey:

"Children who are working are less likely to attend school and more likely to drop out. This pattern can trap children in a cycle of poverty and disadvantage... Working conditions for children are often unregulated with few safeguards against potential abuse. In addition, many types of work are intrinsically hazardous and others present less obvious hazards to children, such as exposure to pesticides in agricultural work, carrying heavy weights and scavenging in garbage dumps."301

299 300

301 See World

Reference 820 - 0.01% Coverage

at pages 3 and 4.

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 62.

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 60.

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SEXUAL EXPLOITATION OF CHILDREN 342.

Another aspect of economic exploitation suffered by girl children in Sierra Leone has been sexual exploitation. Sexual exploitation has included the exchange of sex for food, money and medicine. Sex has also been bartered in order to access humanitarian assistance, to which children are supposed to be legally entitled through the free provision of donor agencies and many of the United Nations organs. Sexual abuse by humanitarian workers has affected both internally displaced persons and those in refugee camps. A second aspect of sexual exploitation identified by the Commission is the wretched position that many girls find themselves in due to the conflict, forced to sell themselves for sex in order to make a living.

343.

The Commission has noted

Reference 821 - 0.01% Coverage

to make a living.

343.

The Commission has noted the contents of the report on sexual exploitation in refugee camps as experienced by Sierra Leone girl-children and women, which was the result of the survey on sexual exploitation carried out by UNHCR and Save the Children UK.³⁰² The report found that sex in exchange for money or gifts appeared to be widespread. The majority of the victims indicated that it was the only option they had in order to access money or receive food and other basic necessities. The majority of the children involved in this racket were girls between the ages of 13 and 18 years. Girls between the ages of four and 12 were also reported as being sexually harassed, either verbally or through the groping of their buttocks, breasts or genitals.

344. In describing the scenario

Reference 822 - 0.01% Coverage

with minor girls.”³⁰³

345.

The survey found that those most vulnerable to sexual exploitation were unaccompanied children, children in child-headed households, orphaned children, children alone or in foster care, children living with extended family members and children living with single parents.³⁰⁴

346. 347.

Items and services

Reference 823 - 0.01% Coverage

exchanged for sex with girls.

The report indicates that it was the relatively prosperous elite, including the UN staff, peacekeepers, aid and NGO workers, whose resources were considerably more than those of the refugees, who frequently exploited the extreme disparity surrounding the refugee population by using the very humanitarian aid and services intended to benefit them as a tool for exploitation.³⁰⁵ These workers used their positions to withhold services that were meant to benefit children and others. Such services were held back and excuses made until sex was proffered, or demanded and given. Another group of persons that sexually exploited girls was, surprisingly, fellow male refugees who were appointed into caretaker or leadership positions among the refugees.

302

303 304

305

See

Reference 824 - 0.01% Coverage

refugees.

302

303 304

305

See Save the Children – UK and UNHCR, “Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone”, Geneva / London, April 2002. See UNICEF submission to TRC, at page 24.

See Save the Children – UK and UNHCR, “Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone”, Geneva / London, April 2002.

Ibid. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 313

348. 349.

Other factors that

Reference 825 - 0.01% Coverage

Leone Page 313

348. 349.

Other factors that contributed to sexual exploitation of refugee children were lack of livelihood options and consequent inability to meet basic survival needs, insufficient food rations and supplies, and pressure from peers and parents.

Outside the refugee camps, the

Reference 826 - 0.01% Coverage

scenario, UNICEF commented as follows:

"Sexual exploitation in Sierra Leone is far more common than documented in the report [by UNHCR and Save the Children UK]... The inherent power differential between a man with access to resources, however minimal, and a young woman or girl with less or none renders any sexual relationship between the two non-consensual sexual exploitation. In particular in the context of the horrors of war, the desperate poverty and hunger, and the consequent enormity of the needs of civilians, men in positions of power, both Sierra Leoneans and expatriates, have systematically taken advantage of this situation for their own sexual gratification. Hiding behind the cloak of words such as "prostitution" and "commercial sex work" lurks the reality of young women who are survivors of a sickeningly widespread pattern of exchange of desperately-needed goods and services for sex."307

351.

Many of the girls

Reference 827 - 0.01% Coverage

well as HIV / AIDS.308

IMPACT ON CHILDREN'S HEALTH 352.

The health sector in the

Reference 828 - 0.01% Coverage

Emergencies_Sierra_Leone_CAP_2001.

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354.

The impact of the

Reference 829 - 0.01% Coverage

Sierra Leone Page 314

354.

The impact of the conflict on the health of children has been even greater than for adults due to children's innate vulnerability. Malnutrition was widespread because people were deprived of access to adequate food, clean water and health and sanitation facilities. Malnutrition continues to be a problem and is said to contribute significantly to the high infant mortality rates in the country.³¹¹ According to a report in 2001,

86% percent of pregnant women were anaemic, which has implications not only for safe motherhood, but also for immunity, growth and development of children. Due to lack of access to some parts of the country during the conflict, routine childhood immunisation almost completely collapsed leaving many children at the mercy of killer diseases.

355.

Another impact of the

Reference 830 - 0.01% Coverage

mercy of killer diseases.

355.

Another impact of the war has been the massive destruction of the health infrastructure in the country, especially in the provinces, which have always been disadvantaged. Added to destruction is the lack of human resources due to the war. Some health providers left the unsafe provincial zones during the war for the relative safety of Freetown and to date have never returned.³¹² Their absence continues to impact on the welfare and survival of children, most of whom now lack access to health infrastructure and personnel.

356.

Given the impact of

Reference 831 - 0.01% Coverage

health infrastructure and personnel.

356.

Given the impact of the conflict on the economy, indigent families are finding it difficult to access basic health care for themselves and their children, even when it is available. The situation is most acute in the rural areas, where the greatest numbers of persons but also the poorest in the country reside. Thus health care has become one of the casualties of the conflict, placing the well-being of the country's children in constant jeopardy as its legacy.

357.

All of these factors

Reference 832 - 0.01% Coverage

jeopardy as its legacy.

357.

All of these factors are responsible for the continuously high infant and under-five mortality rates, placed at 170 and 316 respectively per 1000 live births.³¹³ Furthermore, the country has an underweight, stunting and wasting prevalence of 27%, 34% and 10% respectively in children.³¹⁴ Finally low birth weights of below 2.5kg stand at 52.5% of children born in Sierra Leone.³¹⁵

Physical health 358.

Another consequence

Reference 833 - 0.01% Coverage

Leone.315

Physical health 358.

Another consequence of the war on the health of children has been on their physical and psychosocial health. Physically some children were wounded in the war with guns knives, axes and such like, which resulted in bodily injuries. Of particular importance in this category are those children who suffered amputations and mutilations in the hands of the armed groups. Some of these children presently experience pain and other general discomfort due to these injuries sustained, to the extent that some of them might need help for the rest of their lives. These children are the visible legacies of the impact of the war on the health of children.

311

See World Bank, Project

Reference 834 - 0.01% Coverage

page 6.

313 314 315

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 11.

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 11.

See Government of Sierra Leone; Report on the Status of Women and Children in Sierra Leone at the end of the Decade, November 2000, at page 12.

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Psychosocial welfare 359.

Children were

Reference 835 - 0.01% Coverage

Page 315

Psychosocial welfare 359.

Children were subjected to many acts of violence and also witnessed horrific atrocities in the course of the conflict. Their experiences have impacted negatively on their psyche, leading to severe emotional and psychological suffering. Children's abilities to exhibit appropriate and acceptable social behaviour, rational thought, good memory, learning ability, clear perceptions and understanding will in many cases remain questionable.

360.

According to the results

Reference 836 - 0.01% Coverage

many cases remain questionable.

360.

According to the results of a survey carried out by a donor agency on a sample of children to assess the levels of violence and psychological trauma experienced as a result of the 6 January 1999 invasion of Freetown: 71% of the children saw pictures of their worst experience in their minds; 94% thought about

their worst experience even when they did not want to; 72% were plagued by nightmares and bad dreams; and 76%, unsurprisingly, worried that they might not live to be adults.³¹⁶

361.

According to UNICEF, some

Reference 837 - 0.01% Coverage

to be adults.³¹⁶

361.

According to UNICEF, some children in the Interim Care Centres were said to have exhibited intense fear, intrusive recollections, anxiety, sleep disturbances, nightmares, profuse sweating, hyper vigilance, lack of concentration and withdrawal from other persons because of their experiences. Other children displayed signs of aggression, were abusive, disruptive, troublesome, confrontational and found it difficult to form ties with people. There were also children who cared little for their appearance and personal hygiene.³¹⁷

362.

In present day Sierra

Reference 838 - 0.01% Coverage

and personal hygiene.³¹⁷

362.

In present day Sierra Leone, many children are suffering the social effects of altered relationships due to the death of family members, separation and estrangement from family. The breakdown in family and community structures and the loss of social values have affected children materially. Children have also felt the impact of destitution caused by economic loss and material devastation and the resultant loss of social status.

363.

The psychosocial effects of

Reference 839 - 0.01% Coverage

loss of social status.

363.

The psychosocial effects of the conflict have had a definitive impact on the children of Sierra Leone. The repercussions of their experiences are far reaching and long term and will require careful psychosocial support in order to help heal them. The overall development of the children of Sierra Leone has been affected and will need major intervention if they are to take their rightful place in the world. UNICEF indicated in its submission that:

"The long lasting repercussions on these children of the violations they suffered cannot yet be assessed."³¹⁸

316

See Plan Ireland, Children

Reference 840 - 0.01% Coverage

yet be assessed.”318

316

See Plan Ireland, Children in Disasters programme, “The Importance of Education in Disaster Rehabilitation – The Rapid Education Programme in Sierra Leone”, 2000; available at the following website: www.plan-ireland.org/pdfs/childrenindisasters.

In October 1999, Plan Ireland

Reference 841 - 0.01% Coverage

In October 1999, Plan Ireland

commissioned an assessment of the violence and psychological trauma experienced by 315 wardisplaced children at four IDP camps in or near Freetown. In July 2000, it also carried out a “rapid” assessment of the psychosocial conditions of children in Moyamba District. See UNICEF submission to TRC, at page 19.

See UNICEF submission to TRC, at page 17. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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317 318

IMPACT

Reference 842 - 0.01% Coverage

Leone

Page 316

317 318

IMPACT OF SEXUAL VIOLATIONS ON CHILDREN

364. While many people knew of the war in the Sierra Leone and the amputations that had taken place, very few people knew that most of the affected women and girls had experienced sexual violations. The nature and extent of the sexual violations that women and girls suffered during the conflict remain as yet unknown. Most women and girls in Sierra Leone experienced sexual violations on account of their gender. UNICEF, in describing the impact of sexual violations on children, has stated:

“The precise number of child victims of sexual violence is extremely difficult to establish due to under-reporting and an absence of comprehensive medical statistics. Survivors may fear retaliation, stigmatisation or rejection, may experience guilt feelings, or may be psychologically unable to deal with the consequences of disclosure. What is clear however is that sexual violence during the Sierra Leone war was perpetrated on a horrifically wide scale, and in blatant violation of the precepts of international law.”319

365.

The consequences of the

Reference 843 - 0.01% Coverage

physical and internal

injuries, to

miscarriages. Girls who fell pregnant not only gave birth to children, but also suffered the additional trauma of seeing their new-born babies dying. Many also lost their lives during child birth. A family member recounted the experience of a girl-child:

"On 6 January 1999... during

Reference 844 - 0.01% Coverage

the baby died..."³²⁰

366.

Many of the girls were incredibly young when sexually violated. Many fell pregnant while not quite mature. One of the medical implications of pregnancy by persons whose bodies are not yet fully developed or matured are the injuries that can occur in the course of delivery. Examples of these injuries are Vesico or Recto-Vaginal Fistula (VVF or RVF), which entail a breakdown of the tissues between the bladder and the vagina, resulting in urinary incontinence. Unfortunately, this condition may become permanent if there is no access to surgical assistance. It is one of the greatest indignities that girl-children suffer as a result of the sexual violations in the conflict. Other injuries experienced include abrasions and tearing of internal tissues, which in turn increase the chance of infections.

367.

According to a medical

Reference 845 - 0.01% Coverage

in Freetown; 11 July 2003.

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368. While there is an

Reference 846 - 0.01% Coverage

contracting HIV / AIDS.³²³

369.

It is estimated that altogether more than 16,000 children are living with HIV / AIDS in Sierra Leone.³²⁴ It is also estimated that there were 42,000 HIV / AIDS orphans under the age of 15 at the end of 2001, which is about 5% of the population and indicates a rise of 2% since 1997.³²⁵ The increase is attributed to several aspects of the eleven-year conflict: the migration of people, rape, the influx of peacekeeping forces, poverty, ignorance, aversion to discussing sex in some communities, unsafe sexual practices and the prohibitive costs of AIDS medication.³²⁶

370.

Most girls have experienced

Reference 847 - 0.01% Coverage

of AIDS medication.³²⁶

370.

Most girls have experienced the complete shattering of their lives because of the conflict. In the case of those girls who became mothers, early childbirth has prevented them from developing themselves in any meaningful way. They have been forced to stop schooling on account of their caring duties, which means that they do not acquire an education for themselves. Many girls have also stopped school because of early

“marriage”. Girls have been forced to curtail their own ambitions and aspirations because they have become wives and mothers before their time. Their childhoods have been unceremoniously cut short, as they have assumed adult responsibilities towards their children.

371.

Sexual violations have therefore

Reference 848 - 0.01% Coverage

responsibilities towards their children.

371.

Sexual violations have therefore increased the level of poverty in which many girls live, as they have no training or opportunities to improve their earning skills due to the incapacities described above. They have been forced by circumstances to join the country’s workforce as low-income earners, if at all. It is highly unlikely that their situations will improve, impacting adversely on their own lives and those of their children. The major effect of the conflict has been to plunge the girls into a never-ending cycle of poverty, which will attach from generation to generation.

372.

In addition to all

Reference 849 - 0.01% Coverage

from generation to generation.

372.

In addition to all of the above consequences of sexual violations, most girls also have to face stigmatisation in their own communities. Girls have been rejected by their own families and have experienced their children being called “rebel children”. The sense of rejection and isolation that such reception engenders in the minds of the affected girls has resulted in the re-traumatisation of many of them. Considerable numbers of girls choose to remain with their abductors due to rejection from their families and communities.

322 323 324

325 326

Reference 850 - 0.01% Coverage

Fact Sheet on HIV / AIDS.

See WHO, Fact Sheet on HIV / AIDS. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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373.

UNICEF has

Reference 851 - 0.01% Coverage

Sierra Leone

Page 318

373.

UNICEF has attempted to put the impact of rape and sexual violations on children into context as follows: "Gender-based violence committed against girls was more than an attack against the individual survivors; it was an attack against their families and communities. Indeed, it is an attack against their present and their future, destroying their ties with home, threatening if not destroying their hopes of normal family life and often taking away their possibility of having children. Gender-based violence is an attack against the survivors' dignity, which they may never be able to regain. When committed on such a scale as was the case in Sierra Leone, it is indeed an attack against their very humanity."³²⁷

IMPACT OF DRUG USAGE ON CHILDREN 374.

According to the only psychiatrist in Sierra Leone, drug abuse in the country is out of control to the point that he considers it a medical emergency.³²⁸ Children between the ages of 17 and 18 are worst affected. The prevailing situation has been attributed to the failure of the police to clamp down on the trafficking of drugs in the country, particularly during the conflict period.

375.

Particular mention has been

Reference 852 - 0.01% Coverage

a low fee."³²⁹

376.

The impact of the use of drugs in the conflict is reflected in the psychological, social and physical problems exhibited by those children who have become addicts. According to the doctor, the psychological impact of the drug has led to many children suffering from schizophrenia.

377.

Socially, many of these

Reference 853 - 0.01% Coverage

children suffering from schizophrenia.

377.

Socially, many of these children are having problems getting by at school, resulting in a decline in their performances attributable to their drug habit. Of particular concern are the adolescents in tertiary institutions whose schooling has been affected. Also, some children have become outcast and vagrants who sleep in the street, without money, employment or family care and who are likely to fall foul of the law.

327 328

See UNICEF submission

Reference 854 - 0.01% Coverage

July 2003; at page 17.

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378.

Physically, these drugs have

Reference 855 - 0.01% Coverage

central nervous system.330
379.

In short, drug abuse has affected most children in the country, whether directly or indirectly, in an entirely negative way during and since the conflict.

STIGMATISATION, OSTRACISATION AND ISOLATION
380

Reference 856 - 0.01% Coverage

conflict.

STIGMATISATION, OSTRACISATION AND ISOLATION

380. A number of ex-combatant children are still bearing the brunt of their forced participation in the war. Their families and communities have rejected them because of their former affiliations with some of the armed factions and those violations they had committed while in the group. They are punished by their societies and "re-victimised" for having been forced into becoming soldiers in the conflict. Girls particularly have experienced both derision and rejection because they were forced to become "bush wives" or sexual slaves. In the case of those who came back with babies, both mother and child have been rejected and taunted. Ironically the society that failed to protect them from the violence of the conflict has revictimised them through not fault of their own. Sadly the fear of rejection has resulted in many of these children refusing to go back to their communities in the first place.

381.

Many of the children

Reference 857 - 0.01% Coverage

in the first place.

381.

Many of the children victimised during the conflict have lost hope and faith in their society and have become enmeshed in a self-destructive lifestyle due to their total despondency. Others have ended up living rough and are now mired in the vices that accompany life on the streets. During the conflict, many children's lives became a constant struggle. Now, the war may be over, but for most children the struggle continues. An example lies in the experiences of this ex-child combatant, who was rejected by his father on his attempted return to the family in Freetown:

"When I came to Freetown

Reference 858 - 0.01% Coverage

July 2003; at page 18.

TRC confidential statement recorded in Freetown, 5 February 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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THE IMPACT ON

Reference 859 - 0.01% Coverage

in Sierra Leone

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THE IMPACT ON CHILDREN'S EDUCATION 382.

The conflict fuelled the decline and disarray of what was already a dysfunctional education system. Armed groups attacked and destroyed schools and colleges, decimating the already weak infrastructure of education. In 1997 and for an entire academic year, children stopped schooling altogether due to the levels of tension in the country. By the end of the conflict, a significant number of school-going children had outgrown school age, while others had lost two to three years of schooling.³³² Today, many children ascribe their inability to access education to the protracted conflict:

"... We were with them until

Reference 860 - 0.01% Coverage

they were found.³³⁸

385.

The destruction of the conflict, particularly across the provinces, has therefore resulted in an inability to provide adequate school premises and facilities for children. As a result of their lack of infrastructure, some schools were forced to relocate from the provinces to Freetown and were only able to move back at the end of 2002. Schools were forced to operate on a platoon basis so as to cope with the number of children who had re-started schooling. The resultant chaos meant that most children in the provinces could not begin school on time. The phased return of normality after the war contributed to the late re-opening of schools in the provinces.

Out of these figures, the

Reference 861 - 0.01% Coverage

many as 35% of ³³²

See Plan Ireland, Children in Disasters programme, "The Importance of Education in Disaster Rehabilitation – The Rapid Education Programme in Sierra Leone", 2000; available at the following website: www.plan-ireland.org/pdfs/childrenindisasters.

³³³ ³³⁴ ³³⁵

³³⁶

³³⁷

Reference 862 - 0.01% Coverage

NSSR-SL report of 2001.

See NSSR-SL report of 2001. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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386.

The conflict

Reference 863 - 0.01% Coverage

Sierra Leone

Page 321

386.

The conflict also left in its wake extensive damage to teacher's accommodations, the free provision of which originally formed an incentive for teachers to go and teach in the provinces and the remote rural areas. Once again, children in these areas were short-changed, as it proved very difficult to attract trained and qualified teachers to live and teach in such areas without any accommodation or support structures. The area with the highest level of damage to staff houses was the Eastern district.³³⁹

387.

The massive displacement that

Reference 864 - 0.01% Coverage

due to forced migration.

388.

Another negative feature in the aftermath of the war consists in the problems associated with the financial state of some parents and guardians. Many are unable to afford the cost of education for their children and wards. The devastation of the economy has virtually wiped out the earning and spending power of the average parents. As such children of school age were not able to attend school immediately after the conflict even where such areas were liberated. Currently there are thousands of children who are still unable to attend school for a variety of reasons.

389.

It is impossible to

Reference 865 - 0.01% Coverage

a variety of reasons.

389.

It is impossible to measure the real impact of the conflict on children. In reality the consequences of the war are unimaginably diverse and widespread; they affect every facet of children's lives. While this section has attempted to examine the consequences on children, it is impossible to provide a complete picture of the effect on their lives. Nonetheless, anecdotal testimony and authoritative analysis can convey a sense of their experiences and provide us with an understanding of how best to shape our responses.

390. As expressed by the

Reference 866 - 0.01% Coverage

expressed by the United Nations:

"In countless cases, the impact of armed conflict on children's lives remains invisible. The origin of the problems of many children who have been affected by conflicts is obscured. The children themselves may be removed from the public, living in institutions or as is true of thousands of unaccompanied and orphaned children, exist as street children or become victims of prostitution. Children who have lost parents often

experience humiliation, rejection and discrimination. For years, they suffer in silence as their self-esteem crumbles away. Their insecurity and fear cannot be measured.”³⁴¹

339

See World Bank, Project

Reference 867 - 0.01% Coverage

at page 8.

340 341

See United Nations Special Report; “The Impact of Armed Conflict on Children”, available at the following web address: <http://www.un.org/special-rep/children-armed-conflict/>. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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TRC

School children

Reference 868 - 0.01% Coverage

Sierra Leone

Page 322

TRC

School children make play during a break from classes in Makeni Town, Bombali District. Sierra Leone’s education system was ravaged by the conflict and there are many daunting challenges to overcome if the educational needs of the nation’s children are to be met.

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CONSEQUENCES OF THE CONFLICT FOR CHILDREN AND RELATED INTERVENTIONS 391.

This final section of the chapter examines the responses and interventionary mechanisms devised by various state and non-state actors in addressing children’s needs after the conflict. It includes line ministries and agencies under the umbrella of the Government of Sierra Leone, as well as its national and international partners such as the United Nations and the Child Protection Agencies (CPAs). The present status of children after accessing these interventionary measures will be included in the analysis.

DISARMAMENT, DEMOBILISATION AND REINTEGRATION – THE

Reference 869 - 0.01% Coverage

Interim phase Third phase.³⁴³

In total, 6,774 children were put through the DDR process. Of this number 6,261 were male and 513 were female. Along factional lines, the division was as follows: 3,710 RUF; 2,026 CDF; 471 SLA; 427 AFRC; 84 from other factions; and 60 non-affiliated child combatants.³⁴⁴

342 343 344

See the

Reference 870 - 0.01% Coverage

August 2003, at page 3.

See Executive Secretariat of National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), Total Number of Children Disarmed, 9 September 2003.

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395.

After disarmament and demobilisation

Reference 871 - 0.01% Coverage

Sierra Leone Page 324

395.

After disarmament and demobilisation, the reintegration process started in February 2000. Children were divided into two groups. First, those below the age of 15 were sent to interim care centres in the care of UNICEF and their Child Protection Agency partners. These children were provided with services such as family tracing, psychosocial counselling, basic health care and, where possible, fostering and / or reunification. After reunification with their families or fostering, they were integrated into formal educational projects under the UNICEF-assisted Community Education and Investment Programme (CEIP).

396.

Second, those between the

Reference 872 - 0.01% Coverage

and Investment Programme (CEIP).

396.

Second, those between the ages of 15 and 17 were put in "group homes" or allowed independent living. They were provided skills training under the NCDDR's Training and Employment Programme, which could last for up to nine months. During training they were provided with a basic monthly allowance of Le 15,000.00 and were also given training materials. At the end of their training, start-up kits were distributed to them. Some children were also put to work in agriculture and community-based initiatives. Although the offerings under agriculture were designed to cover crop production (food as well as cash crops), animal husbandry and fisheries, children were said to have opted only for upland farming and animal husbandry.³⁴⁵ In addition, referral and counselling services were provided. According to the NCDDR, children preferred to opt for skills training, primarily because most of them had never been to school or had very little education prior to the war. Some were also influenced by their parents to opt for skills training, whilst for others there was no formal school system in their area of reunification.³⁴⁶

397.

There is no doubt

Reference 873 - 0.01% Coverage

from the DDR process.

398.

It was estimated that about 30% of the child soldiers in the Sierra Leone conflict were girls, but that only 8% of them benefited from the demobilisation and reintegration programmes of the NCDDR.³⁴⁷

399. While many reasons have

Reference 874 - 0.01% Coverage

stigmatisation.³⁴⁸

345 346 347

See the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR); submission to the Sierra Leone Truth and Reconciliation Commission, 4 August 2003, at page 13. See Executive Secretariat of National Committee for Disarmament, Demobilisation and Reintegration (NCDDR); Child Reintegration; 8 January 2004, at page 12.

See Legrand, J-C. Child Protection Senior Regional Advisor for UNICEF, West and Central Africa; "Demobilisation and Reintegration of Child Soldiers: Why are we missing the girls?"; paper presented to a conference on child protection, Bonn, Germany; March 2003 (hereinafter "Legrand, Demobilisation and Reintegration of Child Soldiers").

348

See Dr. Kellah and

Reference 875 - 0.01% Coverage

in Freetown, 8 January 2004.

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400.

Many commanders to whom

Reference 876 - 0.01% Coverage

Sierra Leone Page 325

400.

Many commanders to whom the girls were attached deliberately prevented the girls from accessing the programme.³⁴⁹ It is clear when examining the practical side of DDR that gender was given scant regard by those who planned the programme. Between 1999 and April 2002, only 8% of the total number of released and demobilised children were girls and this number sank to 3% during the last demobilisation phase in November and December 2001.³⁵⁰ Commanders deliberately removed the guns from many of the girls and handed them to others whom they preferred, thus preventing the girls from entering the programme. One part of the requirements for accessing the benefits of the DDR programme was that you had to hand in your weapon first. Once weapons were taken away from the girls, they were sidelined.³⁵¹ Many of the girls therefore remained with their captors, unable to leave because of the lack of alternative sources of support, especially in cases where they had children.

401.

Girls were marginalised from

Reference 877 - 0.01% Coverage

where they had children.

401.

Girls were marginalised from the DDR process, as it did not take into account the gender-specific roles played by many of the girls in the conflict. It was premised on the concept of male combatants and their roles. The girls with the armed factions were not merely “camp followers”, since many of them had been with the armed groups for lengthy periods and had performed multiple roles during that time. If one were to accept the definition of a child soldier in the Cape Town Principles, it would include “any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members.”³⁵² Based on this definition, the majority of girls should have had full access to the DDR programme. While the girls had varying experiences, all of them had contributed in some way to the war. Many young girls started out as porters, later graduating to becoming fighters, as well as simultaneously acting as sex slaves, or “bush wives”, to their captors. Their very existence and the complexity of their situations were not considered in the conception of the DDR process and their needs were subsequently neglected.

402.

Another contributing factor to

Reference 878 - 0.01% Coverage

needs were subsequently neglected.

402.

Another contributing factor to the stereotyping that existed in the DDR process, leading to the exclusion of hundreds of females, was the nature of the images of war created and circulated by the media. It has been said, for example, that because young male children carrying weapons are visible, an immediate message about their plight can be conveyed, whereas young female victims of sexual violence are less immediately discernible and more difficult to relate to an existing image in one’s mind.³⁵³ The media has created a situation where we tend to associate the expression “child soldiers” with images of children carrying weapons and consequently to boys. Such one-track portrayals of the “child soldiers” issue in the media could also account for why girls in Sierra Leone were excluded from the DDR process.

349

350 351

352 353

Reference 879 - 0.01% Coverage

349

350 351

352 353

See Dr. Kellah and Mr. Lansana, former officials of the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), TRC interviews in Freetown, 8 January 2004. UNICEF, Child Protection Report, April 2002

See Dr. Kellah and Mr. Lansana, former officials of the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), TRC interviews in Freetown, 8 January 2004. See Legrand, Demobilisation and Reintegration of Child Soldiers.

See Legrand, Demobilisation and Reintegration of Child Soldiers. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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403.
Logistics and

Reference 880 - 0.01% Coverage

Sierra Leone
Page 326
403.

Logistics and geography also played a major role in the DDR process and contributed to the exclusion of many of the girls. In some parts of the country, children's camps were situated in close proximity to adult camps. One example of such a set-up was in Lungi in Port Loko District.³⁵⁴ Many girls had not been given permission from their commanders to demobilise, so they were understandably fearful of joining up in case their commanders should find out. Many commanders or "bush husbands" – deeply suspicious of the motives behind the NCDDR – declared their readiness to take up physical violence against these girls if they should disobey them and participate in the DDR process.³⁵⁵

404.
Thus, while the DDR

Reference 881 - 0.01% Coverage

of these forgotten girls.
354

See UNICEF, Sierra Leone Country Office, "Child Protection in the Demobilisation and Reintegration of Children Associated with the Fighting Forces in Sierra Leone: Lessons Learned", Freetown, 2003 (hereinafter "UNICEF, Lessons Learned on Child Protection in DDR"), at page 29.

355
356 357
See Dr

Reference 882 - 0.01% Coverage

page 29.
355
356 357

See Dr. Kellah and Mr. Lansana, former officials of the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), TRC interviews in Freetown, 8 January 2004. See UNICEF, Lessons Learned on Child Protection in DDR, at page 30.

See United Nations Security Council

Reference 883 - 0.01% Coverage

RES 1314/2000, August 2000.
Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone Page 327
STREET CHILDREN 408.

Another startling consequence of the war in Sierra Leone is the prevalence of orphaned, abandoned, unaccompanied and separated children, which has resulted in a dramatic rise in the number of street children in the country.³⁵⁸ Considering the widespread nature of violations such as displacement and killing in the conflict, one can only hazard a guess at the number of children whose families were destroyed by these violations. Thousands of children still do not have a home or family to go to and thus have found themselves in the streets. Unfortunately, there is no data on the number of children so affected.

409.

Thousands more children live

Reference 884 - 0.01% Coverage

of children so affected.

409.

Thousands more children live with their families but spend a large portion of their time in the streets. These children are mostly engaged in commercial activities and petty crime. Sometimes children are driven into the streets due to peer or family pressures, the latter often caused by disagreements with parents or guardians.³⁵⁹ A survey on street children and war-affected children found the following reasons for their presence on the street among its selected sample: 38% poverty; 24% displacement by the war; and 21% family pressure or disagreement.³⁶⁰

410.

Two subtly different terms

Reference 885 - 0.01% Coverage

pressure or disagreement.³⁶⁰

410.

Two subtly different terms have emerged to capture the two principal categories of street children: children "in the street" and children "of the street". The numbers of children "in the street" seems to increase steadily, especially in urban areas where children seek menial work, beg for cash and attempt to hawk their wares, ranging from cigarettes and face towels to fruit and drinking water. For children "of the street", uncompleted buildings, markets, churches, mosques and other communal places have become their homes. They often compete with stray dogs for scraps of food. Street children are emerging as one of the major child protection issues in Sierra Leone, as their numbers appear to be remaining stable, if not growing, despite interventionary efforts.

411.

In the survey sample

Reference 886 - 0.01% Coverage

growing, despite interventionary efforts.

411.

In the survey sample of street children and war-affected children quoted above, about 80% of street children interviewed were male and 20% were female.³⁶¹ About 69% of street children and 8% of other war-affected children had at least one parent dead or missing, while 4.8% of the war-affected children were orphans with both parents dead.³⁶²

412.

Life for children on

Reference 887 - 0.01% Coverage

both parents dead.362

412.

Life for children on the streets is unimaginably hard, continuously hazardous and prone to exploitation. The younger ones and the girls suffer from physical, sexual and psychological abuse. Children can be seen begging and hawking in the streets of Freetown and the provincial towns, which, in the case of girls especially, creates a pathway to involvement in other activities such as stealing and the sex trade. A study on commercial sexual exploitation reported that 60% of respondents to its survey of sex workers had been involved in street hawking or trading before they became involved in sex work.363

358

See Statistics Sierra Leone

Reference 888 - 0.01% Coverage

in sex work.363

358

See Statistics Sierra Leone; Rapid Assessment Survey for Street Children and other War-Affected Children; report submitted to National Commission for War-Affected Children (NaCWAC), May 2003 (hereinafter "Rapid Assessment Survey for War-Affected Children"), at page vi. See Rapid Assessment Survey for War-Affected Children, at page 47. See Rapid Assessment Survey for War-Affected Children, at page ix. See Rapid Assessment Survey for War-Affected Children, at page vii. See Rapid Assessment Survey for War-Affected Children, at page vii.

359 360 361 362 363

Reference 889 - 0.01% Coverage

359 360 361 362 363

See Lebbie, S. H.; "Survival Strategies of the Girl-Child and Young Women: Commercial Sexual Exploitation in the streets of Freetown"; Goal Ireland, Freetown, February 2000, at page 32.

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413.

Life on the streets

Reference 890 - 0.01% Coverage

Sierra Leone Page 328

413.

Life on the streets can also lead children to engage in other forms of destructive behaviour, such as drug and substance abuse, criminal activity and confrontation with law enforcement officials. Many street children have been arrested during raids on urban hangouts. In addition, street children become prone to serious

illness because of their exposure to infections in unsanitary living conditions and their limited access health-care facilities. Street life holds a certain irrational allure for some children, who believe that it guarantees independence from their often-troubled families and homes. Yet it is exactly this unbridled independence at such a formative stage of their lives that is the undoing of these children. The provision of guidance services to children and, of course, the concerted elimination of the factors that drive children onto the streets should be priority measures for the government and other stakeholders.

414.

There is also a

Reference 891 - 0.01% Coverage

government and other stakeholders.

414.

There is also a need for local councils, communities and faith-based organisations to be involved in the provision of support to these street children. Culturally, the African society has always been a communal society where children do not only belong to their parents but to the community at large. Such a sense of civic spirit was pre-eminent in Sierra Leone before the conflict. Individual Sierra Leoneans must endeavour to restore the communal ownership of children, so that street children can be nurtured into useful members of the communal instead of the perennial burden they are fast becoming.

415.

The Ministry of Social

Reference 892 - 0.01% Coverage

they are fast becoming.

415.

The Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) told the Commission that it has established a taskforce for street children and a parallel programme on children in conflict with the law, to co-ordinate and monitor activities related to street children. However, there is no noticeable evidence of the impact or effect of these programmes at the time of writing.

416.

A National Commission for

Reference 893 - 0.01% Coverage

the time of writing.

416.

A National Commission for War Affected Children (NaCWAC) has also been established under an Act of Parliament. It should be encouraged as it pursues its responsibility to facilitate the reintegration and rehabilitation of children affected by the war – especially street children – into normal community life.

THE NATIONAL COMMISSION FOR WAR-AFFECTED CHILDREN (NaCWAC)

417.

The National Commission for

Reference 894 - 0.01% Coverage

WAR-AFFECTED CHILDREN (NaCWAC)

417.

The National Commission for War Affected Children (NaCWAC) was an initiative of the SRS on Children, Mr. Olara Otunu, and was created in law in January 2001. It became operational upon the opening of its secretariat in March 2002. The major thrust of NaCWAC's work is centred on Advocacy and the Voice of Children, Policy and Institutional Links and Mechanisms for Children's Empowerment.³⁶⁴

418.

To date NaCWAC has

Reference 895 - 0.01% Coverage

for Children's Empowerment.³⁶⁴

418.

To date NaCWAC has been involved in the provision of skills training and education for war-affected children identified by its implementing partners. It is also building what it has called "trauma healing centres" in different parts of the country. Laudable though these projects are, NaCWAC seems to have lost focus on the essence of its primary duties as enunciated in the Act that established it.

364

See the National Commission

Reference 896 - 0.01% Coverage

Act that established it.

364

See the National Commission for War Affected Children (NaCWAC), Strategic Planning Workshop Report, Freetown, May 2003, at page 2.

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419. NaCWAC has been duplicating the work that child protection agencies have been doing since the cessation of hostilities. The fact that NaCWAC announced only in 2004 that it was starting an advocacy project for street and amputee children is a clear indication that it had been preoccupied with issues unrelated to its primary duties before this time.³⁶⁵ NaCWAC needs to refocus on its primary objectives as they are spelt out in its empowering act and for which it was originally established.

420. An example of where NaCWAC, in collaboration with the MSWGCA and other stakeholders, can redirect its efforts is the issue of the urgent Child Rights Bill. The Bill presents an ideal platform for the streamlining and harmonisation of the nation's laws on children, in line with international standards. Advocacy towards the enactment of the Bill and sensitisation on other laws affecting children's rights in the country is presently lacking. It would be immensely helpful to the children and the country if NaCWAC were to fill the gap.

421.

There is a need

Reference 897 - 0.01% Coverage

to fill the gap.

421.

There is a need for both the MSWGCA and NaCWAC to define their respective roles vis-à-vis one another with a view to ensuring that no overlap exists. The two institutions must avoid any duplication of programmes and related wastage of funds, especially in the vital areas pertaining to war-affected children. CHILDREN'S FORUM NETWORK 422.

The Children's Forum Network (CFN) is an important tool for children's advocacy in Sierra Leone. Its members maintain a strong and influential voice on issues affecting children. The organisation ensures children's participation in national activities as is spelt out in the Convention on the Rights of a Child. Members of CFN were instrumental in producing the child-friendly TRC report.

UN ASSISTANCE MISSION IN SIERRA

Reference 898 - 0.01% Coverage

IN SIERRA LEONE (UNAMSIL) 423.

UNAMSIL is the first UN peacekeeping mission to have had staff deployed specifically in the fields of child protection and child rights issues directly in the office of its Special Representative of the Secretary General (SRSG). They comprise a department with a single, explicit mandate: the protection of children. The department became operational in January 2000 with a team headed by a Child Protection Adviser (CPA), joined later by a Child Protection Officer. The child protection office was placed within the SRSG's office specifically to ensure that children's issues would remain high on the mission's agenda throughout the different phases of peacekeeping and peace consolidation in Sierra Leone. Thus the CPA has direct access not only to the SRSG but also the Deputy SRSGs and senior UNAMSIL leadership.³⁶⁶

424.

The CPA, through the

Reference 899 - 0.01% Coverage

senior UNAMSIL leadership.³⁶⁶

424.

The CPA, through the medium of the SRSG's office, reports to the Department of Peacekeeping Operations (DPKO), UNICEF, and Office of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG/CAAC) at UN Headquarters.

365 366

TRC interviews with

Reference 900 - 0.01% Coverage

at UN Headquarters.

365 366

TRC interviews with Executive Secretary and senior staff of the National Commission for War Affected Children (NaCWAC); interviews conducted in Freetown, 9 January 2004.

Bert Theuermann, Special Assistant to the SRSG and Child Protection Adviser, UNAMSIL; TRC interview conducted in Freetown, September 2003.

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425.

The activities of the

Reference 901 - 0.01% Coverage

Sierra Leone Page 330

425.

The activities of the UNAMSIL child protection office have included the “mainstreaming” of child protection issues throughout UNAMSIL by: identifying key child protection issues; developing advocacy strategies on these issues; advising the SRSG; supporting the monitoring of violations of children’s rights by participating in the development and work of UNAMSIL’s conduct committee; and reviewing disciplinary standards and procedures for responding to allegations of sexual abuse and exploitation of children and others. The office also provides training in child rights and child protection, monitoring and reporting for all UNAMSIL troops. The office participates in the work of UNAMSIL Trust Fund, which includes monitoring existing projects and identifying new projects, as well as advising force contingents on activities and programmes beneficial to children. It is significant to note that the CPA is a member of the overall UNAMSIL Project Approval Committee.

426.

The CPA as a

Reference 902 - 0.01% Coverage

UNAMSIL Project Approval Committee.

426.

The CPA as a focal point and an interlocutor has assisted government agencies, line ministries and child protection agencies in developing close co-operation with UNAMSIL in addressing children’s issues. The office has contributed to the shaping of the national agenda on children, for instance by providing support in strengthening the National Child Protection Network and NaCWAC and by assisting the MSWGCA in increasing its capacity in child protection at all levels. The CPA is a member of the Child Protection Committee and the Core Management Group of major Child Protection Agencies.³⁶⁷ The CPA contributes as a member of the National Steering Committee on Child Protection to training for the Republic of Sierra Leone Armed Forces and Sierra Leone Police, with the main objective of ensuring that child rights and protection are incorporated into the regular training curricula of the RSLAF and the SLP.

427.

UNAMSIL is involved through

Reference 903 - 0.01% Coverage

RSLAF and the SLP.

427.

UNAMSIL is involved through its outreach programmes in advocacy for the enhanced participation of children in the peace-building process. Thus the CPA is an ad-hoc member of the Advisory board for the Voice of Children. In conjunction with other stakeholders, UNAMSIL provides support and encouragement for children’s organisations like the Children’s Forum Network.

428.

Finally, UNAMSIL has been

Reference 904 - 0.01% Coverage

the Children's Forum Network.

428.

Finally, UNAMSIL has been providing technical advice and supporting the development of policies, procedures and activities for children's involvement in the principal transitional justice mechanisms, the Truth and Reconciliation Commission (TRC) and the Special Court. UNAMSIL, with the help of the MSWGCA, UNICEF and other CPAs, was instrumental in providing logistics for children's participation in the TRC Special Thematic Hearings on Children.

UNITED NATIONS CHILDREN'S FUND (UNICEF) 429.

UNICEF has been the lead agency in Sierra Leone working with children in all circumstances and collaborating with other NGOs, CPAs and the Ministry of Gender, Social Welfare and Children Affairs. It has positioned itself as an advocate for the rights of children and as a conduit through which to deliver services for the fulfilment of these rights. UNICEF has always played a major and significant role in children's development and has been supporting the government to plan, implement and monitor programmes relating to children.

367

See UNAMSIL, Office of

Reference 905 - 0.01% Coverage

programmes relating to children.

367

See UNAMSIL, Office of the SRSG, Child Protection Programme Document, Freetown, 2000. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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430. 431.

UNICEF

Reference 906 - 0.01% Coverage

Leone

Page 331

430. 431.

UNICEF runs child protection, education and health programmes for children throughout the country. In the course of the conflict, UNICEF ran various interventionary programmes even in the face of grave danger and difficulties.

UNICEF's child protection interventions during and after the war have included: emergency care and reintegration of separated children; care, protection and reintegration of sexually exploited children; promotion of child rights; and monitoring and advocacy in the area of juvenile justice.³⁶⁸ In the midst of the hostilities, a child protection network partly co-ordinated by UNICEF and chaired by MSWGCA was formed. This network has been the focal point for co-ordination and collaboration in the area of child protection since 1996.³⁶⁹

432. 433.

Thus in 1998

Reference 907 - 0.01% Coverage

since 1996.³⁶⁹

432. 433.

Thus in 1998, UNICEF supported 54 agencies to form the Child Rights Violations Network to monitor, document and advocate against continuing human rights violations against Sierra Leone's children.³⁷⁰

UNICEF has been the key agency providing care for demobilised Sierra Leonean children involved in the conflict. It was also designated to serve as the major agency for children in the Disarmament, Demobilisation and Reintegration (DDR) programme by being a member of the Technical Coordinating Committee of NCDDR. Describing the functions it undertook in the DDR process, UNICEF submitted to the TRC as follows: "UNICEF and its child protection partners established structures for the demobilisation and reintegration of child soldiers... to identify, register, document and reunify unaccompanied children separated by war, poverty and abuse... and provide psychosocial support to children suffering psychologically and emotionally from their

experiences"³⁷¹ 434. tragic

UNICEF

Reference 908 - 0.01% Coverage

their

experiences"³⁷¹ 434. tragic

UNICEF has also been the key agency providing support in terms of funding and logistics for Family Tracing and Reunification of separated children with their families and communities under the office of the Child Welfare Secretariat of the MSWGCA. At the time of writing, the total recorded number of separated children is 7,311, of which 6,281 have been successfully reunified with their parents.³⁷²

As for the remaining children, UNICEF has stated that it continues to provide care and support mechanisms for them. 435.

Nonetheless, there have been times when a child cannot be reunified with his or her family, due either to the failure of the tracing mechanisms, to the ongoing insecurity in the child's region of origin, or to rejection of the child by his or her family. UNICEF and its partners have been doing their utmost to ensure proper and comprehensive long-term care for children in this tragic situation.³⁷³

368 369 370 371 372

Reference 909 - 0.01% Coverage

to TRC, at page 1.

See the Ministry of Social Welfare, Gender and Children's Affairs, Child Welfare Secretariat, Documentation of Children, project document provided to the TRC; 12 January 2004.

See UNICEF submission to TRC, at page 2. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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436.

UNICEF has

Reference 910 - 0.01% Coverage

Sierra Leone

Page 332

436.

UNICEF has also instigated vital interventions in the area of education in response to the desperate state of education in the country after the conflict. In 2000, UNICEF partnered with the government and the Norwegian Refugee Council to establish the Rapid Response Education Programme, composed of special classes on numeracy and literacy skills, with additional teaching in peace building, human rights, religion and moral ethics. The programme was designed to enable children to make the adjustment back into formal classes. It typically focussed on IDP settlements and communities that had just become accessible to human assistance, lasting for an intense period of six months.

437.

Many school-going children

Reference 911 - 0.01% Coverage

period of six months.

437.

Many school-going children experienced years of lost schooling during the conflict. It became clear that some children who had been in primary school before the outbreak of the conflict might not want to access education after the war because of the shame of going to school as relatively older children. Thus UNICEF sponsored the initiative known as Complementary Rapid Education for Primary Schools (CREPS). Allied to it was the Community Education Investment Programme (CEIP). This package of measures was designed to serve as an incentive for schools to take in ex-combatant children. It sought to help in facilitating the reintegration process for these children.

438. 439.

In a similar

Reference 912 - 0.01% Coverage

for these children.

438. 439.

In a similar vein, UNICEF's Non-Formal Primary Education (NPFE) project reached out to children, particularly girls, without access to formal primary education with the simple goal of reducing illiteracy levels.³⁷⁴

In the area of health

Reference 913 - 0.01% Coverage

adolescents and other vulnerable groups.

One of UNICEF's most significant post-war interventions in the health sector was its scar removal project, carried out in conjunction with the International Medical Corps (IMC) and USAID.³⁷⁶ UNICEF's implementing partner in the project was the Italian NGO Cooperazione Internazionale (COOPI). Some of

the armed groups had branded their initials on abducted children. Acronyms like "RUF" and "AFRC" were carved into various parts of children's bodies, including their foreheads, chests, arms and backs. It was an act of mutilation performed essentially for the purpose of preventing the children from escaping. At the close of the conflict, these markings became a source of danger for the scarred children, as opposing groups or members of their communities tended to regard them as dangerous members of the factions that had branded them. These physical scars hampered reintegration efforts and affected the children psychologically, as it seemed that they had been branded for life.

374 375 376

See UNICEF

Reference 914 - 0.01% Coverage

UNICEF.org/countrybriefingkits/sierraleone/programmes.

See UNICEF submission to TRC, at page 22. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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441.

Thus an

Reference 915 - 0.01% Coverage

Sierra Leone

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441.

Thus an initiative to perform plastic surgery to remove or transform these scars was born. UNICEF's scar removal project was implemented over a period of six months, beginning in August 2000.³⁷⁷ All the children involved were counselled by social workers before, during and after their operations. With the help of Child Protection Agencies, over 120 children with scars were identified, while 93 were recommended for the surgery.³⁷⁸ Eventually, 82 children, comprising 37 girls and 45 boys, successfully underwent the surgery and their scars surgically removed or transformed.³⁷⁹

INTERVENTIONS IN EDUCATION AND SKILLS

Reference 916 - 0.01% Coverage

Basic Education, at page 12.

See World Bank, Project Appraisal on Rehabilitation of Basic Education, at page 12. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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446.

The World

Reference 917 - 0.01% Coverage

in rejuvenating the education sector.

To encourage more access to education and to increase literacy levels, the government has initiated a programme of free education for all children at primary level and subsidies towards examination fees.³⁸⁶ The government has also been paying the school fees of all girls in junior secondary Class One who passed exams in the Eastern and Northern regions since September 2003. Finally teaching and learning materials, including furniture and textbooks, are now being provided to all government and government-assisted schools.³⁸⁷

449.

The Complimentary Rapid Education

Reference 918 - 0.01% Coverage

government-assisted schools.³⁸⁷

449.

The Complimentary Rapid Education for Primary Schools (CREPS) project, which started in Lungi in 2000, was meant to cater for displaced children and ex-child combatants who had missed out on formal primary education for different periods on account of the conflict.³⁸⁸

programme, designed to complement a six-year conventional primary school education. CREPS was supposed to enable the target group of 10 to 14 year-old children to advance more quickly towards educational levels consistent with their ages. At the time of conception, an estimated 500,000 children fell within this category, but the objective set at commencement was to enable 25,000 children in this age group to commence or recommence schooling. CREPS also committed to ensuring a gender gap less than 30%.³⁸⁹

450.
Recognising that children might

Reference 919 - 0.01% Coverage

less than 30%.³⁸⁹

450.

Recognising that children might be traumatised due to their experiences during the war and would therefore be ill-prepared for immediate formal schooling, the CREPS programme included in its curriculum such topics as psychosocial and health issues, including trauma healing, peace education, human rights, gender issues and HIV / AIDS.³⁹⁰

451.

By the end of

Reference 920 - 0.01% Coverage

and HIV / AIDS.³⁹⁰

451.

By the end of 2001, 6,733 children, made up of 3,883 boys and 2,850 girls, were enrolled in the CREPS programme in three districts, with another 3,552 children enrolled in the complementary RREP programme.³⁹¹ By 2002, the CREPS programme had spread to seven districts in the North and East and had a total enrolment in that year of 22,778 children. By the end of July 2003, a total of 26,646 children were enrolled in CREPS in these seven districts.³⁹²

It is a compressed three

Reference 921 - 0.01% Coverage

Rapid Education for Primary Schools.

See GoSL / UNICEF, Information on Complementary Rapid Education for Primary Schools. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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452.

Additional support

Reference 922 - 0.01% Coverage

by July 2003.394

453.

The CREPS programme is still ongoing and a recent evaluation showed that demand remains very high. The quality of education is as good and in some cases better than in some of the formal schools.395 Nonetheless, the programme has had problems that have hampered its expansion and thus affected access for the many children who need its services.

454.

These problems include the

Reference 923 - 0.01% Coverage

for the project.397

455.

Apparently at the core of the Ministry's reluctance to show ownership of CREPS is its perceived notion it is a UNICEF programme.398 UNICEF and the MEST need to work out this issue speedily in the interests of all school-going children. Still, it is important to stress that the greatest responsibility for the education of the children of Sierra Leone lies with the Ministry of Education.

456.

The expansion of CREPS

Reference 924 - 0.01% Coverage

the Ministry of Education.

456.

The expansion of CREPS will continue to help children in accessing education.399 The government's full and prompt payment of newly recruited teachers would be of immense help to the sustainability of the programme. Proper payment would in turn enhance the availability of teachers, as teachers are presently reluctant to join the programme due to non-payment of salaries.

457.

Another key part of

Reference 925 - 0.01% Coverage

non-payment of salaries.

457.

Another key part of the reintegration process for children was the Community Education Investment Programme (CEIP). This programme was largely a response to growing demand from the children themselves, who stated that going back to school was their greatest desire.⁴⁰⁰ Initiated by UNICEF and run by some of its implementing partners such as Norwegian Refugee Council (NRC), International Rescue Committee (IRC), Cooperazione Internazionale (COOPI) and Caritas Makeni, the programme was designed to enable mainly ex-combatant children to return to school in a manner beneficial to the entire school. It was intended to facilitate reintegration and minimise stigmatisation for the ex-combatant children by assisting the communities as a whole.⁴⁰¹

393 394 395 396 397

Reference 926 - 0.01% Coverage

397 398 399 400 401

See GoSL / UNICEF, Information on Complementary Rapid Education for Primary Schools. See GoSL / UNICEF, Information on Complementary Rapid Education for Primary Schools. TRC confidential interview with an official working in child protection, Freetown, October 2003. See GoSL / UNICEF, Information on Complementary Rapid Education for Primary Schools. See GoSL / UNICEF, Information on Complementary Rapid Education for Primary Schools. TRC confidential interview with an official working in child protection, Freetown, October 2003. TRC confidential interview with an official working in child protection, Freetown, October 2003. See UNICEF, Lessons Learned on Child Protection in DDR, at page 50.

See Government of Sierra Leone

Reference 927 - 0.01% Coverage

to the TRC, January 2004.

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458.

The CEIP programme provides

Reference 928 - 0.01% Coverage

It gives supply packages rather

than just money to schools that have accepted former child combatants as students. Schools were to choose from one of three options: a kit of recreational supplies for the entire school; a kit of teaching materials for 20 teachers; or a kit of learning materials for 200 students. Although CEIP was originally intended only to serve children who had DDR numbers, a group of the implementing partners wished to expand the programme to include other reintegrating children. As a result, CEIP was altered to provide educational access to about 10% of other children who were not ex-combatants.⁴⁰³

459.

The CEIP programme reached

Reference 929 - 0.01% Coverage

not ex-combatants.⁴⁰³

⁴⁵⁹.

The CEIP programme reached a substantial portion of children who had been demobilised and, although it was started as a pilot programme, it has quickly expanded and now represents a national model. CEIP has operated in all 13 districts and had more than 3,000 ex-combatants and separated children registered in over 500 primary and secondary schools at April 2003.⁴⁰⁴ The fear in some quarters is that communities might become dependent upon the programme, as many imagine that the assistance from CEIP will continue indefinitely.⁴⁰⁵ It should be remembered that CEIP was only intended to help children to recommence schooling. As such, government should be gearing itself up to take over the role that CEIP is presently filling.

⁴⁶⁰.

Education has seen significant

Reference 930 - 0.01% Coverage

in overall school enrolment.

⁴⁶¹.

In spite of the achievements, there are areas that require further improvement in the delivery of qualitative education to children across the country. With regard to enrolment, there still is significant under-representation of girls as compared to boys, a situation that the Ministry intends to address in a "phased and prioritised manner".⁴⁰⁶ The need to attend to this gender imbalance cannot be emphasised enough if the female population is to be part of the growth and development of this country.

⁴⁶².

There are still problems

Reference 931 - 0.01% Coverage

⁴⁰³ ⁴⁰⁴ ⁴⁰⁵ ⁴⁰⁶ ⁴⁰⁷

See UNICEF, Lessons Learned on Child Protection in DDR, at page 50. See UNICEF, Lessons Learned on Child Protection in DDR, at page 51. Community Based Reintegration Programme; Document provided by UNICEF See UNICEF, Lessons Learned on Child Protection in DDR, at page 51. See Ministry of Education, Closing the Gap, at page 2.

See United Nations Assistance Mission

Reference 932 - 0.01% Coverage

at pages 9 and 10.

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⁴⁶³. ⁴⁶⁴.

The government and

Reference 933 - 0.01% Coverage

Leone Page 337

463. 464.

The government and all other stakeholders must ensure that the above-listed problems are addressed so that many more children than at present can benefit from the opportunity to access education in Sierra Leone.

It is imperative that improved literacy levels together with the need for education remain priorities, as these are major factors in rehabilitating societies emerging from conflict. Handing people the opportunity to be human again starts with reeducating their minds. For children, who represent the future, it is important to learn to deal with the horrors of the past in order to prevent a recurrence of the traumas they experienced. Government must educate the children – supporting them, guiding them and teaching them life skills – in order to catalyse the recovery of a society riven by conflict and poverty.

SKILLS TRAINING PROGRAMMES 465.

Children

Reference 934 - 0.01% Coverage

poverty.

SKILLS TRAINING PROGRAMMES 465.

Children over the age of 15 mostly opted for skills training over education when they demobilised under the Training and Employment Programme (TEP) of the NCDDR. The skills training programmes included lessons in carpentry, masonry, welding, blacksmithery, hairdressing, tailoring, auto mechanic work, driving, soap making, weaving, tie dying and other crafts. TEP offered a ninemonth skills training programme supplemented with the payment of an allowance to every participant. Upon completion, each trainee was supplied with a start-up kit.⁴⁰⁸ By the time the TEP programme came to its end in 2003, a total of 2,658 children had benefited from the skills training.⁴⁰⁹

466.

Besides the TEP programme

Reference 935 - 0.01% Coverage

the skills training.⁴⁰⁹

466.

Besides the TEP programme, many donor agencies and NGOs were also involved in the provision of skills training for children, including World Vision, Caritas Makeni, Christian Brothers, COOPI and the IRC. While they ran programmes of their own, many such agencies also served as implementing partners for projects led by NCDDR, UNICEF and others.

467.

Not surprisingly the various

Reference 936 - 0.01% Coverage

such a short time.

468.

Many ex-combatants, including children, were found to have sold their start-up kits issued to them upon completion of their training. While it is not uncommon for ex-combatants to sell what they are given in order to obtain quick funds, the possibility cannot be discounted that the skills training period was inadequate and resulted in many trainees being unable to practice their acquired skills with any degree of confidence or expertise.

408 409

See Dr. Kellah

Reference 937 - 0.01% Coverage

Committee for Disarmament, Demobilisation and Reintegration (NCDDR); Presentation at the State of the Nation Symposium; October 2003. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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469.

A major

Reference 938 - 0.01% Coverage

Sierra Leone

Page 338

469.

A major factor that impacted on trainees was the incapacity of the economy. There is hardly a market for most of their skills because the economy has not yet recovered sufficiently. In planning and undertaking skills training programmes, an issue that is commonly overlooked is market access, which ultimately allows the trainees to utilise their skills. The Commission found that a lack of access to capital also prevented trainees from successfully putting their training into practice. While the DDR skills training initiative was well intentioned, it did not make provisions for either the participants or the country to reap maximum dividends from the trained skills. The gift of a start-up kit was on its own certainly not sufficient to start up a sustainable business. A female former child combatant presented her viewpoint to the Commission:

"I am begging the government to have mercy on us. We the children have suffered in the war. We have learnt the skills but haven't got the capital to start to be self-reliant. We are appealing to the government to sympathise with our situation so that we cannot continue to suffer. We have learnt the skills but if we are not going to practice we will not benefit from it at all."410

470. 471.

Older children given

Reference 939 - 0.01% Coverage

at all."410

470. 471.

Older children given skills training were not properly prepared to begin earning their own living. The programme was short-sighted and did not take into account the economic realities of post-conflict Sierra Leone.411

Skills training initiatives remain absolutely

Reference 940 - 0.01% Coverage

of the nation.

CONCLUSION 472.

Children deserve to be the single greatest priority for Sierra Leone. Notwithstanding the sterling efforts of UNICEF and the local and international agencies that form part of the Child Protection Network, a great deal still remains to be done to alleviate the problems children face and assist in their flourishing in the future. The Commission recommends that the Child Rights Bill be passed as a matter of urgency. This piece of legislation will go a long way to ensuring that a legislative framework exists to enhance and promote the rights of children. Moreover, government needs to give its own special attention to children's issues when it ensures that the recommendations of the Commission are carried out. Implementation of the TRC recommendations in respect of children would represent a formidable commitment to improving the quality of life for Sierra Leone's children, both today and in future generations.

410 411

Confidential testimony received

Reference 941 - 0.01% Coverage

Bombali District; 28 May 2003.

See UNICEF, *Lessons Learned on Child Protection in DDR*, at page 52. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

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CHAPTER FIVE Youth

Reference 942 - 0.01% Coverage

rightful place in society.

3.

Testimonies received by the Commission indicate that the majority of participants in the war were youths. Many of them were children at the time of their recruitment. Others joined voluntarily in protest against the social and political ills of the day, or in the name of defending their communities. They all lost their youth to a career of fighting and violence. Some are now exporting their combat "expertise" to neighbouring countries in conflict. The experiences and prospects of youth in Sierra Leone require careful consideration.

4.

In the course of

Reference 943 - 0.01% Coverage

Educated and Uneducated Youths 19.

The country's deteriorating economic and political situation from the 1970s onwards saw an increase in the number of school dropouts. Education was no longer a right for all, but a privilege for the few. Employment and the grant of government scholarships were dependent on APC party allegiance and what Sierra Leonean youths referred to as "connectocracy", meaning personal connections to a political patron or senior public

servant. Most youths could never fulfil their ambitions because they were not “connected” to the political system. Only the wealthy could provide a reasonable education for their children. The children of politicians and government officials attended private schools, often travelling overseas, while the government schools were totally neglected. The number of school dropouts increased annually as the education system deteriorated, swelling the ranks of the marginalised youths in the potes.

20.

In the provinces, traditional

Reference 944 - 0.01% Coverage

Trye. According to one participant:

“They sent thugs and members of the paramilitary to beat us up. They destroyed the campus, which led to a national uprising led by the students and sparked up by school children. It is what we called the “no college, no school” demonstration. It spread countrywide and became a national uprising, which lasted for several weeks.”²¹

19

See Dr. Dennis Bright

Reference 945 - 0.01% Coverage

base in Koribundo.”³⁶

59.

As tensions flared, many Kamajor members learned to use the war for private gain. Although they were under oaths, taboos and a disciplined code of conduct that forbade them from engaging in certain acts, they nonetheless looted, raped, killed innocent civilians and conscripted children into their ranks.³⁷

60. A farmer from Pujehun

Reference 946 - 0.01% Coverage

effects of the conflict ⁶⁸.

Many youths were brutalised and transformed into killing machines. They have been deprived of the positive aspects of their youth. Some young people were abducted as children and stayed with their captors throughout the eleven-year conflict. Many others lost parents and benefactors. In general youths remain bereft of the stabilising ties of affection, intimacy and emotional support. Denied these ties, they are vulnerable to emotional and psychological insecurity.

Drugs ⁶⁹.

Before the war

Reference 947 - 0.01% Coverage

of “criminal organisations”.²⁴

34.

The question of how to deal with child offenders has generated much debate. The Statute of the Special Court gives it jurisdiction over persons who were at least fifteen years old at the time of the crime.²⁵ The

issue was one of considerable controversy during the drafting of the Statute of the Special Court.²⁶ Subsequently, Special Court Prosecutor David Crane indicated that he would not prosecute child offenders.²⁷ The UN Security Council, the Secretary-General and the SRSG frequently expressed the view that the TRC was a better venue for dealing with child or juvenile offenders. The Statute of the Special Court itself refers to “alternative truth and reconciliation mechanisms” for these purposes.²⁸

35.

The Truth and Reconciliation

Reference 948 - 0.01% Coverage

for these purposes.²⁸

35.

The Truth and Reconciliation Act 2000 refers in several places to “victims and perpetrators”, suggesting that these two groups make up the Commission’s principal constituency. Special attention is focussed on children, including child combatants, as well as victims of sexual abuse.²⁹ The Commission is also given a role in determining responsibilities, in identifying the “causes”³⁰ and the “parties responsible”,³¹ and in assessing the parts played by “any government, group or individual”.³² At the core of the Commission’s mandate is the concept of “violations and abuses of human rights and international humanitarian law”.

22

In the case of

Reference 949 - 0.01% Coverage

Doc. S/2000/1234.

27

See, for example: ‘Sierra Leone: Special Court will not indict children – Prosecutor’, UN Integrated Regional Information Network, Abidjan, 4 November 2002. The categorical undertaking by Prosecutor Crane not to indict persons of less than 18 years of age was based on his assertion that juveniles were not among those who bear the greatest responsibility.

28

See the Statute of

Reference 950 - 0.01% Coverage

bear the greatest responsibility.

28

See the Statute of the Special Court for Sierra Leone, at Article 15(5). On this subject, see also: Amann, D.M.; “Calling Children to Account: The Proposal for a Juvenile Chamber in the Special Court”, 29 Pepp. L. Rev. 167, 2002; and Bald, S.; “Searching for a Lost Childhood: Will the Special Court for Sierra Leone Find Justice for its Children?”, 18 Am. U. Int’l L. Rev. 537, 2002. 29

30 31 32

See the

Reference 951 - 0.01% Coverage

Subject-matter jurisdiction 36.

The reference to "international humanitarian law" is common to both the Truth and Reconciliation Commission Act and the Statute of the Special Court. The Commission is to examine "violations and abuses" of international humanitarian law, while the Special Court is to prosecute "serious violations" of international humanitarian law. The somewhat more limited subject-matter jurisdiction of the Special Court is further restrained by the specific enumeration of the crimes it may prosecute. Borrowing the wording used by the Security Council in Article 3 of the Statute of the International Criminal Tribunal for Rwanda,³³ the Statute of the Special Court contemplates "serious violations" of Common Article 3 to the Geneva Conventions and of Additional Protocol II. Furthermore, the Statute lists three additional "serious violations": intentionally directing attacks against the civilian population; intentionally directing attacks against peacekeepers; and recruiting child soldiers. These three crimes are drawn from Article 8(2)(f) of the Rome Statute of the International Criminal Court.³⁴ Yet a comparison with the Rome Statute indicates clearly that the list of war crimes in the Statute of the Special Court is confined in its scope: it does not permit prosecution of all offences in non-international armed conflict that are punishable elsewhere under international law.

37.

Moreover, it would appear

Reference 952 - 0.01% Coverage

describes as the "doubtful customary nature" of the provision in the Rome Statute that prohibits recruitment of child soldiers during non-international armed conflict. See the "Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone", UN Doc. S/2000/915, at paragraph 18.

The international dimensions to the

Reference 953 - 0.01% Coverage

AND THE SPECIAL COURT 40.

The Secretary-General's report of October 2000³⁹ noted that "relationship and cooperation arrangements would be required between the Prosecutor [of the Special Court] and the National Truth and Reconciliation Commission, including the use of the Commission as an alternative to prosecution, and the prosecution of juveniles, in particular."⁴⁰ Special attention was thereby given to the question of whether or not to prosecute suspects aged between 15 and 18 years of age. The Secretary-General further noted that one of the options was to have "children between 15 and 18 years of age, both victims and perpetrators, recount their stor[ies] before the Truth and Reconciliation Commission or similar mechanisms, none of which is as yet functional."⁴¹

41.

The Security Council welcomed

Reference 954 - 0.01% Coverage

as yet functional."⁴¹

41.

The Security Council welcomed the Secretary-General's report, making a number of suggestions about the specific features of the proposed court. It insisted that the court should focus on those in leadership roles and sought to discourage the prospect of prosecution of offenders aged less than 18 when the crime took place. The Security Council said: "It is the view of the members of the Council that the [Truth and Reconciliation] Commission will have a major role to play in the case of juvenile offenders, and the members of the Security Council encourage the Government of Sierra Leone and the United Nations to develop suitable institutions, including specific provisions related to children, to this end."⁴² The Secretary-General responded to the Council, noting:

"As pointed out by the Security Council, the Truth and Reconciliation Commission will have an important role to play in the case of juvenile offenders and I will endeavour, in co-operation with the Government of Sierra Leone and other relevant actors, to develop suitable institutions including specific provisions related to children to that end.

I am also of the

Reference 955 - 0.01% Coverage

to promote healing and reconciliation."

Section 6 (2) of the TRC Act further states that the TRC must "work to help to restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered". The TRC should equally provide an opportunity "for perpetrators to relate their experiences". In the same vein, it should try to create "a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict".

4.

Section 7 (2) of

Reference 956 - 0.01% Coverage

to make reconciliation sustainable.

21.

Community reconciliation can occur on many levels, including individual-group level, intra-group level and inter-group level. At the individual-group level, individuals need to reconcile with the group they belong to or used to belong to or wish to belong to after the war. Reconciliation at this level can go beyond the immediate community to include family, the home community, the community where the individual has settled down after the conflict, the church community or peer groups. The Commission has actively encouraged this level of reconciliation, more specifically during the reconciliation ceremonies at the end of each of its district hearings. Many of these ceremonies focused on reconciliation between ex-combatants and the communities they currently live in. Others focussed on the reunification of abducted children with their families and communities, or on the reunification of a "bush wife" with her family, or that of a chief with the community that he or she had abandoned during the war. While reconciliation is about relationships between individuals, it must be emphasised that, in most instances, relationships are also defined and influenced by the communities to which individuals belong.

22.

At the intra-group

Reference 957 - 0.01% Coverage

Seven Reconciliation Page 438

29.

All of these levels of reconciliation are equally important and inter-related. Reconciliation at one level can facilitate reconciliation at another level. Conversely, the lack of reconciliation at one level can hamper reconciliation at another. The need for multi-layered reconciliation is a reality in Sierra Leone. In many instances, members of an armed faction do not agree amongst each other about acknowledgment of responsibility for violations and abuses committed by some of them. Such disagreement hampers reconciliation between the perpetrators of these violations and their victims. Many so-called "victim-perpetrators", such as the children abducted to become child soldiers, block out the violations committed by them during the conflict period because they cannot deal with the trauma. Many remain in denial unless assisted by trained practitioners to deal with it. Inability to reconcile with oneself can make reconciliation with victims very difficult and, in some cases, almost impossible.

30.

A huge problem for

Reference 958 - 0.01% Coverage

cannot be condoned or encouraged.

35. Where children are concerned, traditional mechanisms such as national cleansing ceremonies can be applied. Some traditions, however, are applied with less rigour.⁶ An example of how traditional methods could be used on the children was exhibited during the district workshop in Kabala. It was explained that children's bodies were covered with mud and ashes, after which they were taken to the river to be symbolically washed from their past.

36.

Many aspects of traditional

Reference 959 - 0.02% Coverage

its hearings and beyond.

37.

Other violations, such as abductions, amputations, murder and arson, which are rare in the traditional context, are normally referred to the police, through the Paramount Chief or District Office. However, given the amnesty established by the Lomé Agreement, traditional methods can be adjusted and applied to those violations too, as a condition for the reintegration of ex-combatants.⁷ Reunification ceremonies all over the country testify that such methods are already being widely applied. Caritas Makeni used such methods during reunification ceremonies for abducted children, as recounted below:

"When Caritas Makeni reunified child ex-combatants with their families, the latter sought to "change the hearts" of their children through a combination of care, support and ritual action. Usually, the eldest member of the family prayed over a cup of water and rubbed it over the child's body (especially the head, feet, and chest), asking God and the ancestors to give the child a "cool heart," a state of reconciliation and stability in which the child is settled in the home, has a proper relationship with family and community and is not troubled by nightmares and bad memories... Some parents then drank the consecrated water that had washed their child. The consecrated water now becomes the new physical bond between parent and child... some parents also offered kola nuts... Some parents, in addition, followed this up with liquid Quranic

slate water... Others again made a "fol sara" to thank the ancestors and God, either dedicating a chicken and caring for it thereafter, or slaughtering and cooking it with rice as an offering to poor people, or to a Muslim ritual specialist to eat."8

6

See Manifesto '99, Traditional

Reference 960 - 0.01% Coverage

specialist to eat."8

6

See Manifesto '99, Traditional Methods of Conflict Management and Resolution, study report submitted to the Office of the United Nations High Commissioner for Human Rights in support of the preparatory phase of the TRC, July 2002 (hereinafter "Manifesto '99, Traditional Methods of Conflict Management and Resolution"), at page 66. The research quoted here was taken from the following study: Shaw, R.; Remembering to Forget – "Report on local techniques of Healing and Reconciliation for Child Ex-combatants in Northern Sierra Leone", Tufts University, USA, October 2002 (hereinafter "Shaw, Remembering to Forget"), at page 9.

7 8

See Manifesto '99

Reference 961 - 0.01% Coverage

Army and the police.

42.

In many parts of the country, activities were undertaken by the Disarmament, Demobilisation and Reintegration (DDR) developed by NCDDR and NGOs helping communities come together and rebuild. UNICEF also played an instrumental role in reintegrating child combatants.

43.

Many faith groups became

Reference 962 - 0.01% Coverage

during the statement-taking phase:

a. All statement-takers received training on gender-based violence, child development, human rights, trauma and the symptoms of trauma, as well as training on how to take statements from vulnerable groups such as victims of torture, victims of sexual violence and children. Statement-takers were also trained on how to interview ex-combatants and perpetrators without being judgmental.

b. Statement takers were selected

Reference 963 - 0.01% Coverage

e. Children were interviewed according to the Memorandum of Understanding worked out by the TRC with UNICEF and the Child Protection Agencies (CPAs). Measures included a vulnerability assessment of each child by a CPA representative before the interview took place.

f.

Interviews were conducted on

Reference 964 - 0.01% Coverage

immediately after a sensitisation session.

g. Regular review meetings were organised with the statement-takers, during which additional training was given. The statement-takers gave feedback on problems they had while interviewing particular categories of witnesses such as women, children and perpetrators.

Briefing of witnesses before the

Reference 965 - 0.01% Coverage

in the reconciliation ceremonies.

j.

Special attention was paid to the briefing of children and the victims of sexual violence.

Witness support during the hearings

Reference 966 - 0.01% Coverage

few witnesses used this opportunity.

n. All children were heard during closed hearings, according to a Memorandum of Understanding, as mentioned previously, with UNICEF and Child Protection Agencies. On some occasions, children were accompanied by a representative of a CPA, or by a parent.

o. Victims of sexual violence

Reference 967 - 0.01% Coverage

Chapter Seven Reconciliation Page 445

p. All victims testifying during closed hearings were filmed in a way that concealed their identity. Some of these testimonies were used in a compilation of testimonies that was shown during the thematic hearings on women and children.

q. All witnesses were allowed

Reference 968 - 0.01% Coverage

to talk to the TRC."

Following a list of demands that included free housing, a monthly allowance, free education for their children and medical treatment, the statement ended:

"Finally, if these problems are

Reference 969 - 0.01% Coverage

on 14 April 2003.

74.

In the testimony provided by Mr. Finnoh during the public hearing, he described his experiences in the Kono District. He recounted to the Commission how he and others were lined up and had their hands amputated one by one. According to Mr. Finnoh, his right hand was "chopped off" by a child combatant who was between the ages of fourteen and seventeen. He further described the difficulties he had encountered in trying to seek medical help. Mr. Finnoh finally reached an ECOMOG base where he was put on a helicopter flight to Freetown and, upon arrival, he was taken to Connaught Hospital for treatment. Unfortunately nothing could be done to save his right hand. Immediately after his testimony, the Chairman of the Commission, Bishop Humper, engaged in the following exchange with Tamba Finnoh:

Chairman: Tamba Finnoh:

Do you

Reference 970 - 0.01% Coverage

is reproduced below:

Kadiatu Fofanah:

I have now got my house, my toilet, some people are helping my children and that is why I say I am ready to forgive.

At the end of her

Reference 971 - 0.01% Coverage

to this Commission.

Kadiatu Fofanah:

I want to ask a question on behalf of the amputees. What should we do to cater out hospital and medical needs? We would not like you to leave the entire burden to use for taking care of our children. Ibrahim (her youngest son) always said that he will retaliate in the future. We are appealing to the government not to neglect the children of the amputees. We, who are sitting on wheel chairs, must be supplied proper wheel chairs; we have seen wheel chairs in Europe which can take you to a long distance without being pushed. We have requested for a bus but they refused to give us... So you please help us, so that we can forgive with all our hearts.

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Reference 972 - 0.01% Coverage

nothing again.

Principal of School:

I talk as a teacher and a woman. We suffered a lot. Some of you have gang-raped. We gave birth to you but when you did this you did not think of it. The day of reckoning will come and it's here. I am happy that you confess to rape even if you don't know the number... You are a man and have children. I pray that you don't

do it again... This is a noble profession. Because of the war, teachers are not coming to teach in the provinces. I pray that with what has happened, the Sierra Leonean community will know that the war is over. On behalf of the teachers of Moyamba, I accept your apologies and we pray you will join us.

Samuel George:

Paramount Chiefs, Commissioners

Reference 973 - 0.01% Coverage

will join us.

Samuel George:

Paramount Chiefs, Commissioners, Religious Leaders, My People, School-Going Children, I have done wrong against my wish. I have burnt... I have killed. I have done so many wrong things that are against the nation through force, I didn't do it willingly. I did it against my wish. I raped, under duress. So, I am begging you for mercy. Accept me once again in your community as your son.

Representative of Elders: ... When war

Reference 974 - 0.01% Coverage

he had committed:

Ansu Koroma:

Even when I joined, I did not do it out of my own free will... I was abducted. When they came here, they did a lot of destruction here. Even when they took me along, I did not know the amount of destruction they did here in my absence... but I have come to talk to you my father, my mother, brothers and sisters, all of you. I want you to forgive me please. I am a boy... I am just a child. Well, I was only working on instructions and if I had not taken those instructions, I was going to be killed. That was why I was behaving that way but I am begging and asking for forgiveness from all of you today, my fathers, my mothers, my brothers and my sisters and all of you gathered here, to forgive me to have mercy on me. I am pleading, please. I did not do it out of my own free will. It is because of war. When we were here, we never knew the rebels were going to reach here, so please as parents, forgive me. So please Paramount Chief. I thank you all... Please, that's my plea.

Ansu Koroma then knelt down

Reference 975 - 0.01% Coverage

for that?

Ansu Koroma: Yes.

Women's representative: "Ansu Koroma, this evening you have shown that you have confessed all the bad things you did but what you have done now, it will be difficult for somebody to stand publicly and talk about what you did and as you have told us, me as a woman and we women do labour for people, we know the pains in child bearing, I am talking on behalf of the women in the town to say we have forgiven you and that we will remain to stay here as one for the development of Sierra Leone."

These statements were followed by

Reference 976 - 0.01% Coverage

the outcome of your meeting?

He said that I am one of his children. He did that because he wanted the soldiers to safeguard him and if so, let bygones be bygones.

So if you see any

Reference 977 - 0.01% Coverage

Tonkolili District – June 2003 92.

The most striking examples of ambiguous half-hearted confessions were the hearings in the Tonkolili District in June 2003, when several ex-combatants came to testify but tried to minimise the role they played, notwithstanding extensive questioning by the Commission. Many in the community were unhappy with the events that played out during the hearings in the district. A meeting was held on the eve of the last day, before the reconciliation ceremony, in which community leaders announced that they would not participate in the closing ceremony and they would not accept the perpetrators back into the community if they did not apologise. This was of great importance given the fact that many ex-RUF combatants reside in the district, many of them being employed in an agricultural project led by Sheriff Parker, a former child combatant known as "Base Marine". TRC commissioners and staff had to mediate with and counsel the ex-combatants to secure their participation in a reconciliation ceremony. Several witnesses, along with the religious and traditional leaders of the community, made statements at the ceremony.

93.

The local Chief began

Reference 978 - 0.01% Coverage

traditional leaders:

Chief Bai Yossor:

I'm also appealing to the Section Chiefs, traditional rulers, the sound of people and all the people of Tonkolili to forgive these people because they are our children. We should accept them because we have nowhere to take them...

Excerpts from the individual statements

Reference 979 - 0.01% Coverage

forgive me.

Joseph S. Bangura:

We are convinced that what we did in this country was not good for humanity. Some of us didn't do it by any will... There is not a "bad bush to cast away a bad child". We are committed within ourselves that what we did was not good. If we have a reverse of what happened, if we were civilians and you were the combatant, we will never feel good of what you would do to us. However, we are kindly asking that you forgive us and receive us as your children and let's live as we used to live before. All of the evil that we have done in this country, I'm kindly asking that you pardon us. We are your children especially those of us who are natives of this district... Please Chief, please forgive us for all we have done to you, your people and the country as a whole. We will never do it any more.

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Reference 980 - 0.01% Coverage

and appreciated by Mr. Legg.

- The reconciliation process in Kailahun was mainly between the community and the RUF ex-combatants, who also happen to be natives of Kailahun. The counselor contacted some of the excombatants like Mustapha Sam Koroma, Joe Fatorma, Morie Feika, Alex Jusu Allieu, Eric Koi Senesi, Jemba N'gobeh, Saffa Kpulon N'gobeh, and the child ex-combatants. These people have been fully re-integrated into their community, and even take part in various activities to run the affairs of the community. Susan Kulagbanda, who during the hearings complained of being harassed by some perpetrators, said during the follow-up visit that her relationship with them had greatly improved after the intervention of TRC, and that they now live together as one.

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Reference 981 - 0.01% Coverage

appear on one's wish list.

Let me reiterate in aid of emphasis... that we beseech you to forgive the RSLAF. Forgive your fallen and living children. Forgiveness starts with reconciling with God yourself, before reconciling with your fellow human beings. It is only the Prince of Peace who can give us true peace, forgiveness and reconciliation: Jesus Christ our Lord and Saviour who died on the cross for the propitiation of our sins and forgiveness, when he said: "Father forgive them for they know not what they do".

Therefore let us all ask

Reference 982 - 0.01% Coverage

in our country Sierra Leone.

I also wish on behalf of the members of the Sierra Leone Police Force, whom we have accepted inter alia to have been both perpetrators and victims, to express remorse for all the wrongdoings, which we and our personnel did both before and during the war... and to genuinely apologise for all such wrongdoing with a promise that such will never be repeated in the course of our history. As we strive to be a force for good, we do hope that all people within Sierra Leone and beyond who have paid so dearly a price for our past mistakes will continue to help us... so we will forge ahead and be part of the framework to establish a new Sierra Leone, a Sierra Leone which all of us will be proud of, a Sierra Leone which our children will be proud of, a Sierra Leone to which people from all over the world can come and feel safe, can come and work and can come and enjoy themselves..."

C) Representative of the RUF

Reference 983 - 0.01% Coverage

of the RUF – Jonathan Kposowa

"Ladies and gentlemen, with all the destruction and atrocities committed by the RUF and whosoever fought the war... those attitudes were all mankind, man-made ventures... and therefore at this time in the name of the Lord Almighty God, I raise my hands to say to Sierra Leoneans that all of us are the same... whatsoever

might have been injected into us to have caused atrocities, to have formed whatsoever, to have raped, to have done whatsoever chaos activities that the war might have done... I am saying that you should have pardon on us. We are your children! We are sorry! We are sorry that the episode that we have formed was not really from the brains of some us. So at this time, we are all creatively captured and we have come at this stage to say pardon, we are therefore pleading for mercy and reconciliation. May God bless us all, may God bless the continent, may God bless Africa. I thank you.

D) Representative of the SLPP

Reference 984 - 0.01% Coverage

experts in reconciliation.¹⁰

119.

Since the workshop focused on national reconciliation, those invited to attend included national stakeholders such as the President's Office, various line ministries, national bodies such as the Anti-Corruption Commission, the Government Gold and Diamond Office, political parties, representatives of Parliament and the judiciary, members of civil society and the media. Among those present were the Minister of Works, the Deputy Minister of Social Welfare, Gender and Children's Affairs, and representatives from the police, Defence Headquarters, Prisons, NCDDR, NCDHR, APC, PLP and RUFF. Given the low level of participation and the absence of key national stakeholders, developing a roadmap that would lead to national reconciliation seemed impractical. Nevertheless, the contributions by participants at the workshop are reflected in this report.

10

These experts include: Charles

Reference 985 - 0.01% Coverage

coverage of reconciliation projects widens.

There is an urgent need to embark on nationwide sensitisation and public information / education campaigns in order to get more people interested and involved in the reconciliation process. Grassroots consultations should be held with communities and their traditional and religious leaders, various groups and organisations, children, etc. in order to raise awareness. By bringing these stakeholders together, an open forum would be created whereby people can exchange their thoughts on how they want to proceed with the reconciliation process.

Many respondents also indicated the

Reference 986 - 0.01% Coverage

Step 1: Training of Trainers

The Commission selected 14 of its former statement-takers to become district reconciliation officers, while the Inter-Religious Council selected one co-ordinator per district. These 28 representatives received training on several reconciliation issues during a three-day workshop in Freetown from 14 to 16 October 2003. Training was given on the concepts of reconciliation; the role of religion and tradition; the role of women and children; comparative perspectives from other countries; lessons learnt from work with ex-combatants; the trauma of victims and perpetrators; and challenges to the reconciliation process.

Step 2: District Workshops on

Reference 987 - 0.01% Coverage

active role in this process.

c. The reconciliation activities should consider the specific problems of victims and ex-combatants. Accordingly, all activities should be geared to reducing stigma, promoting joint activities, including women and children who have suffered from the greatest of atrocities, etc.

d. Reconciliation activities should be

Reference 988 - 0.01% Coverage

of the country.

CONCLUSION 127.

Reconciliation is unfinished business in Sierra Leone. The Commission has consolidated the foundations laid by the NGOs and community-based groups whose important work facilitated the original return of so many children and ex-combatants to their home communities. The Commission has also created momentum towards reconciliation by creating space for dialogue between divided communities and facilitating encounters between victims and perpetrators. Several important initiatives have been described in this chapter.

128.

Other stakeholders now need

Reference 989 - 0.01% Coverage

translate the vision into reality.

Mohamed Bockarie, a youth in his late 20s, is a stamp-maker by trade. He created this stamp for the National Vision for Sierra Leone, proclaiming the message: "IT'S TRUE THE WAR IS OVER – WELCOME TO NEW SIERRA LEONE". Inside the map of the country is a crowd of men, women and children cheering together. They are following a figure who is striding forwards, bearing the national flag.

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Reference 990 - 0.01% Coverage

THE CALL FOR CONTRIBUTIONS 9.

Over the course of two months, the TRC received over 250 contributions representing the efforts of over 300 individuals. The TRC and its Commissioners were overwhelmed by the effort, time and resources that so many Sierra Leoneans devoted to preparing their contributions. Among the contributors are men and women of all ages, backgrounds, religions and regions, including adults and children; artists and laymen; amputees, excombatants and prisoners. The contributions include written and recorded essays, slogans, plays and poems; paintings, etchings and drawings; sculptures, wood carvings and installations.

Kabie Farama,

a youth injured

Reference 991 - 0.01% Coverage

country's cultural and national heritage.

Crowd: "A child cannot be thrown into a house on fire because he set that house on fire.

They are our brothers and

Reference 992 - 0.01% Coverage

Pikin", which in Krio means

"Sierra Leone's Child", to commemorate the many children affected by the violence in Sierra Leone.

National Vision for Sierra Leone

Reference 993 - 0.01% Coverage

Joseph C. Humper, TRC Chairperson

At every stage of a country's development, people are called upon to set out their dreams for the future of the nation. That time has come for Sierra Leone. There is the popular saying that "A people without vision the nation perish." Now is the moment for all peace-loving citizens to make a contribution towards A NATIONAL VISION FOR SIERRA LEONE. Adults, youth and children have a singular responsibility and privilege to share with the nation and the international community their visions for this country. I seize this opportunity to articulate my VISION FOR A SIERRA LEONEAN RENAISSANCE.

1. I envision that a

Reference 994 - 0.01% Coverage

The nation has spoken" 18.

By the end of January 2004, more than 600 school children had visited the Exhibit and taken part in group discussions on the significance of the National Vision to Sierra Leone's future. The National Vision Team also arranged tours for Members of Parliament, government officials, ex-combatants and amputees. Many UNAMSIL peacekeeping troops also visited the exhibit.

I Saw

By Mohamed Sekoya

Reference 995 - 0.01% Coverage

Sierra Leone Yes I saw

I saw the people running for their lives from cities to towns, towns to villages, villages to the bush Yes I saw I saw rebels, Sierra Leone Army and Kamajors shooting in the streets, killing, attacking and looting Yes I saw I saw children crying for food Yes I saw I saw abomination between man and woman, man and man, woman and woman, adults and children Yes I saw I saw a victim helping a victim Yes I saw I saw the United Nations peacekeeping forces and I was happy Yes I saw I saw the rebels coming home for peace Yes I saw I pray never to see again what I saw in my beloved Sierra Leone.

Mohamed Sekoya, a draftsman in

Reference 996 - 0.01% Coverage

and talent through individual recognition.

- Awareness and acknowledgement of the war: The National Vision is a forum for all voices to be heard, engaged with and preserved. It emphasises that the war occurred because of specific problems in society that must be addressed for change to take place and peace to become permanent. The National Visions has made these important messages uniquely accessible to all, including vulnerable groups such as children, the illiterate and those traumatised by the war.

-

Self-empowerment: By displaying individual

Reference 997 - 0.01% Coverage

Sierra Leone" By Senessie Rogers

A Sierra Leone, I hope and pray
Fervently that one fine day Will grow plump ripe, like a fat Placid unassuming
mother That'll breast-feed children
Of the four comers of the earth

A transparent and tolerant mistress

Reference 998 - 0.01% Coverage

A transparent and tolerant mistress

That'll teach her little children
The old tradition that, any time they sit down

To eat, they must remember

Reference 999 - 0.01% Coverage

following activities should take place:

- Further Freetown Exhibits: In order to access as many groups as possible, the Exhibit should be put on display in diverse locations around the capital. Eventually, the National Vision Exhibit should be housed in an appropriate, permanent location that will be an active and interactive site of workshops for different interest groups (women, children, youth, political leaders, etc.) around issues addressed in the contributions.

- A National Tour: To ensure

Reference 1000 - 0.01% Coverage

Leone Page 516

Wilfred Thomas

painted his contribution in the form of an eye, underlining vision and transparency. The scales of justice again lie at the centre, as does the flag. Images of a healthy society fill the eye, including classrooms full of children, cultivation of the country's resources in the fields and at sea, paved roads and bridges, modern buildings, and different Sierra Leoneans holding hands in a gesture of reconciliation.

31.

The Commission further calls

Name: References to Child Soldier in Sierra Leone Report - Results Preview

<Files\\Sierra.Leone_TRC-Report-FULL> - § 48 references coded [0.24% Coverage]

Reference 1 - 0.02% Coverage

The mandates of the Commission and the Special Court for Sierra Leone overlap somewhat, as they are both to address issues of 'international humanitarian law'. In the case of the Commission, its attention is directed to 'violations and abuses', whereas the Special Court's jurisdiction is confined to 'serious violations' of 'international humanitarian law'.²¹ The concept of 'serious violations of international humanitarian law' is a technical one whose definition has been developed in judgments and decisions of the International Criminal Tribunal for the former Yugoslavia. It should be pointed out that the Special Court does not have jurisdiction over all 'serious violations of international humanitarian law', but only those listed in articles 4 and 5 of the Statute. The jurisdiction is limited principally to crimes committed within internal armed conflict. In addition, the Court has jurisdiction over three crimes that may be committed in international armed conflict, namely indiscriminate attacks on civilians, attacks on United Nations personnel and installations, and recruitment and use of child soldiers. Consequently, a broad range of serious violations of international humanitarian law, to the extent these are committed in international armed conflict, do not fall within the jurisdiction of the Special Court. For example, while the Special Court has jurisdiction over the 'serious violation' of 'intentionally directing attacks against the civilian population', it does not have jurisdiction over the 'serious violation' of 'intentionally directing attacks against civilian objects'. Such serious violations of international humanitarian law when committed in international armed conflict are not, in contrast, excluded from the work of the Commission.

Reference 2 - 0.01% Coverage

The Lomé Peace Agreement provides that the government of Sierra Leone shall accord particular attention to the issue of child soldiers and that the special needs of children should be addressed in the disarmament, demobilisation and reintegration process. In addition, the Truth and Reconciliation Commission Act directed the Commission to give special attention to the experiences of children in the armed conflict.

Reference 3 - 0.01% Coverage

wives' or sexual slaves.

The Commission has found that the abduction of children and their forcible recruitment as child soldiers constitutes a grave violation of international law for which the leadership of all factions must be held accountable. In addition, the Commission is of the view that the Child Rights Bill needs to be passed into law as a matter of urgency.

Reference 4 - 0.01% Coverage

rights of children.

The Commission finds that successive governments in Sierra Leone permitted and condoned the practice of recruiting child soldiers into the national army and the auxiliary forces during the period of the conflict. The rights of children were

Reference 5 - 0.01% Coverage

The Commission finds the RUF to have pioneered the practice of abducting children for the express purpose of forcibly recruiting them as child soldiers in the Sierra Leone conflict. The Commission finds that this was a deliberate strategy on the part of the RUF leadership.

Reference 6 - 0.01% Coverage

The Commission finds that the practice of recruiting child soldiers into the SLA can be traced back to President Momoh's rule. The Commission finds that the largest number of children recruited into the SLA occurred during the period of the NPRC regime.

Reference 7 - 0.01% Coverage

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

Reference 8 - 0.01% Coverage

The Commission found it most disturbing that children were the main victims in the following violations: drugging; 126 forced recruitment; rape; and sexual assault. The Commission also notes that children were compelled to participate in the war as child soldiers and were forced to commit a range of atrocities.

Reference 9 - 0.01% Coverage

were bodyguards to my wives.

Most of my missions were always successful. This was due to the fact that I had a map of the country, which helped us. I was feared by most of my colleague commandos because of my bravery and attacking skills. That was why my colleagues called me young Rambo. Soldiers or ECOMOG forces always occupied most of the villages that I captured. These attacks were always bloody and horrible. However after the signing of the peace accord, the international committee asked that child soldiers be handed over to UNICEF."

Reference 10 - 0.01% Coverage

While the National Commission for Disarmament, Demobilisation and Reintegration (NCDDR) recorded that 4,751 girls entered the DDR process, actual estimates of female combatants are said to be much higher. Dyan Mazurana and Kristopher Carlson, for example, estimate that 12,056 of 48,216 child soldiers were girls. In their report they note that 44% of the girls they interviewed claimed to have received basic military and weapons training. The UN Secretary-General has also acknowledged that "women combatants did not adequately benefit from the disarmament, demobilisation and reintegration programme, particularly because the fast-tracking of the cantonment period resulted in a loss of focus on special programmes

intended for women". He reported that "no provision was made for female camp followers, most of whom had been abducted by the combatants."³

Reference 11 - 0.01% Coverage

There are no accurate statistics to determine the number of children associated with the fighting forces, either as child soldiers or utilised in other capacities. According to a local NGO, Caritas Makeni, more than 5,000 children under the age of 18, of both sexes and with some as young as five years old, were combatants in the conflict.⁴ The United Nations Assistance Mission in Sierra Leone (UNAMSIL) puts the number at 10,000 who were associated with the fighting forces in one form or the other.⁵ The United Nations Children's Fund (UNICEF) estimated that more than 6,000 children were conscripted into the fighting forces over the years.⁶ The discrepancies in these numbers are probably explained by the different criteria used by these organisations in arriving at their figures.⁷ The National Committee for Demobilisation, Disarmament and Reintegration (NCDDR) confirmed in its submission to the Commission that more than 6,774 children entered the DDR programme.⁸

Reference 12 - 0.01% Coverage

The Lomé Peace Agreement laid the foundations for the Act establishing the Truth and Reconciliation Commission ("TRC" or "the Commission"). Article 30 of the Lomé Peace Agreement explicitly provides that the Government of Sierra Leone shall accord particular attention to the issue of child soldiers and that the special needs of children should be addressed in the disarmament, demobilisation and reintegration process. The TRC Act 2000 provided that the Commission would be required to give special attention to the experiences of children within the armed conflict.¹⁰ The Sierra Leone TRC is the first truth commission that has been required explicitly to do so.

See Children's Forum Network

Reference 13 - 0.01% Coverage

The Parliament of Sierra Leone, following an agreement on 16 January 2002 between the Government of Sierra Leone and the United Nations, enacted the Statute of the Special Court.⁴⁶ This court was established to try those that bear "the greatest responsibility" for the atrocities committed in Sierra Leone after 30 November 1996. The court deals with war crimes committed against children, as well as violations of international humanitarian law. The recruitment of child soldiers and crimes of rape and sexual violence will be among the crimes prosecuted. While children also perpetrated crimes against the people of Sierra Leone, the Special Court will not prosecute children under the age of 18. The major role for children in proceedings will be to testify to the atrocities they witnessed and experienced both as victims and perpetrators.

Reference 14 - 0.01% Coverage

ABDUCTION AND FORCED RECRUITMENT 126.

A unique feature of the conflict in Sierra Leone was the forcible enlistment and use of child soldiers by all of the armed factions, including the pro-government forces. Among the chief perpetrator factions were the

Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), the Sierra Leone Army (SLA) and the Civil Defence Forces (CDF).

Reference 15 - 0.01% Coverage

Civil Defence Forces (CDF).

The RUF was the first to abduct and forcibly recruit child soldiers.⁹² With the passage of time, the RUF established a separate children's unit known as the Small Boys Unit (SBUs) and Small Girl's Unit (SGUs) under various commanding officers. The government soon followed suit during the NPRC regime of Captain Valentine Strasser (1992-1996), significantly expanding the Army in part by bringing in children as recruits.⁹³ Certain units of the Civil Defence Forces (CDF), the pro-government militia, also made use of children in their prosecution of the war.

Thousands of children were

Reference 16 - 0.01% Coverage

More detail on the emergence of the violation of forced recruitment in the RUF can be found in the chapter on the Military and Political History of the Conflict in Volume Three A of this report. See Zack-Williams, A. B.; "Child Soldiers in the Civil War in Sierra Leone", in *Review of African Political Economy*, No.87 73 82, 2001, at page 74.

See the UN Special Report

Reference 17 - 0.01% Coverage

"When I was sent on missions, I used to capture young boys and girls and train them as child soldiers... After all my successes; I was called Merciful Killer and later transferred to join the RUF high commander Colonel Issa Sesay."¹⁰²

Reference 18 - 0.01% Coverage

Child soldiers lived in a hostile and extremely violent environment. They became conditioned to violence and committed heinous crimes, often under the influence of dependence-inducing substances.

Child soldiers were often forced by their captors to commit heinous atrocities in order to demonstrate loyalty to them and their cause. Atrocities often included carrying out the killings, amputations and rape of loved ones, community members, relatives and peers. Atrocities against family and community made it extremely difficult for child soldiers to escape and return home. Unsuccessful escapes met with swift and violent reprisals intended to ensure that no child combatant attempted escape in the future. Some of the child witnesses testified to the commission of their experiences:

"In the evening, they gathered

Reference 19 - 0.01% Coverage

in war zones."

In the particular case of Sierra Leone, child soldiers displayed an amazing aptitude and dexterity in using these light weapons, as evidenced during the demobilisation and disarmament period. In addition, easily available, locally manufactured instruments were used by the different fighting groups in the conflict, such as cutlasses, axes and knives as well as inflammable liquids such as petrol and kerosene. These local instruments and some of the inflammable liquids were quite familiar to many children, as they used them in their daily activities prior to the war. These everyday objects were converted into instruments of terror by the fighting forces. The ability of children to handle these instruments explains why, with very little training, children could become effective combatants during the conflict period.

Reference 20 - 0.02% Coverage

Most of the armed factions were deeply criticised for their use of child soldiers. Many have complained of the high level of indiscipline exhibited by them and the scant regard they had for international rules regarding the conduct of war and the treatment of civilians in war situations. It is highly unlikely that any of the armed forces that deployed child soldiers would have taken the time to deal with the laws of war and how civilians should be treated:

"The RUF, the National Army (SLA) and the CDF share one thing in common: they were highly undisciplined. They lacked clear ideological focus, esprit de corps or guidelines on the conduct of war. For the RUF, its membership, long-marginalised and alienated from mainstream society, felt no compulsion to conform to internationally agreed standards of war which protect innocent civilians, especially women and children... as the rate of its attrition among its combatants increased with the prolongation of war, the RUF gradually lowered the age-range of its recruits... There were no child soldiers amongst its ranks when the RUF entered Bomaru in 1991. Yet by 1997 when they occupied Freetown in alliance with the AFRC, half of their combatants were under-aged. The National Army (SLA) which was supposed to be the professional standing army of the country, behaved no better than the RUF... Like the RUF, the SLA also recruited under-aged boys to create an auxiliary army of irregulars... In character and behaviour, these irregulars were no different from the combatants of the RUF. The morale and professionalism of the army declined... The irregulars prosecuted the war with the same brutality and disregard for the civilian population as the RUF combatants. They became "sobels": soldiers by day and rebels by night."¹⁷⁷

Reference 21 - 0.01% Coverage

a violation of international law.

It is important to reiterate that children, as the most vulnerable group in any conflict situation, are entitled to be protected from war. In particular, they are not meant to participate in the conflict themselves as child soldiers or in any other capacity.

Reference 22 - 0.01% Coverage

Regrettably, the armed factions in Sierra Leone violated the rights of children by forcibly recruiting them as child soldiers and compelling them to carry out acts of incredible violence. In addition children's rights were continuously violated in a myriad of ways.

See UNICEF, State

Reference 23 - 0.01% Coverage

the lives of children.

The Commission has found that the abduction of children by the armed groups and in particular the RUF and the AFRC and their forcible recruitment as child soldiers constitutes a grave violation of international law for which the leadership must be held accountable. The Commission also finds that the notion of children 'volunteering' to join the armed groups such as occurred mainly with the CDF but also in the SLA completely unacceptable as children do not have the ability or the capacity to 'volunteer'. Simply put 'they have no choice'. The Commission finds that the recruitment of children within the armed factions as soldiers constitutes a violation of international law for which the leadership must be held accountable. In the course of recruiting children as child soldiers, the rights of children have been violated.

Reference 24 - 0.01% Coverage

The primary modus operandi of the RUF in gathering child recruits was to raid the civilian population and separate the children, who would then be taken to the various training bases of the RUF.¹⁹² The RUF also attacked and abducted children from schools, especially in the provinces. Another strategy employed by the RUF, when they attacked and looted towns and villages, was to take children along with them as porters to carry looted goods. These child porters would eventually become child soldiers.¹⁹³ According to a former RUF official:

"Every time a town is

Reference 25 - 0.01% Coverage

their houses."¹⁹⁸

Training ²⁴⁶.

The RUF organised child soldiers by gender into units, which they then called "Small Boys Units" (SBUs) and "Small Girls Units" (SGUs). Training of child soldiers was sometimes carried out at officially designated training camps. While some jungle bases like Camp Zogoda lasted for the duration of the RUF's guerrilla warfare campaign, from 1993 to 1996, many other camps were temporary or transient in nature, set up purely to train a new batch of recruits and then disbanded when the combatants were sent to the front.

Reference 26 - 0.01% Coverage

There have been some reports of child soldiers receiving little or no training whatsoever before being forced into battle. Such cruel abuse on the part of the perpetrator groups contributed to the death of many children, as they were thrust into the heat of battle without understanding how to protect themselves.²⁰⁵ This situation was quite rare among the former RUF fighters who testified to the Commission, but occurred in all the factions at certain points, particularly when an urgent need for manpower at the warfront outweighed all other considerations.

Reference 27 - 0.01% Coverage

The presence of children as members of the CDF, particularly the Kamajors, has always attracted attention and has been a bone of contention for the Kamajors. The Kamajors have denied that they ever had child soldiers in their midst, although these denials have always been qualified.²²⁰
high-ranking CDF official in

Reference 28 - 0.01% Coverage

Even before the DDR process began, efforts were made at leadership level to stop the CDF from using children as soldiers, further validating the presence of children in the armed group. In a public statement issued by the then Deputy Minister of Defence, Chief Hinga Norman, who was also a member of the National Co-ordinating Committee of the CDF, it was made clear that the initiation of children, which was a precursor to their becoming Kamajors, should cease altogether. Hinga Norman also demanded that children who had already been initiated as soldiers should no longer be used in battle.²²⁴ He further ordered that weapons should be taken away from children and the use of children by the CDF in undertaking security duties should be discontinued.²²⁵ All of these calls for remedial action put to rest the denial by the CDF that there were child soldiers in their ranks.

According to UNICEF, child

Reference 29 - 0.01% Coverage

reflecting Hinga Norman's public statements
on actions to be taken to eliminate the use of child soldiers in the CDF. ²²⁵

Reference 30 - 0.01% Coverage

However the major recruitment of child soldiers into the Sierra Leone Army took place during the reign of the NPRC government, whose military leaders felt that the "national emergency" at the warfront warranted it:

"During the NPRC, the strength

Reference 31 - 0.01% Coverage

top administrators who recruited them:

"By 1993, the war had become a profitable business for the senior military officials in the NPRC. Millions of dollars were requisitioned and allocated for the Army, which never found its way to its intended recipients. Some of them were "ghost soldiers, many of them irregulars who had never been formally registered as recruits into the Army... Apprenticed to an Army officer, these child soldiers never got paid or received any benefit. And the senior military officials rarely accounted for the allocations set aside for the irregulars who included the child soldiers, who were officially not on the Army pay roll."²⁴⁶

Reference 32 - 0.01% Coverage

Command structure 289.

Child soldiers were absorbed into the normal Army hierarchy as private soldiers and as such did not have any responsibility for commanding other soldiers. On the contrary, as low ranking, vulnerable new recruits, many children were made to perform the dirty work of others and, if anything, suffered harsher application of the rules and procedures that applied to other SLA soldiers.

Reference 33 - 0.01% Coverage

Nevertheless military personnel up to the then Commander-in-Chief have claimed that despite all the problems of recruitment they were able to maintain combat discipline throughout the NPRC regime.²⁵² The Commission also received testimony that child soldiers were punished according to their physical size and that the punishments meted out were designed to be "corrective" in nature.²⁵³

Reference 34 - 0.01% Coverage

DRUGS AND OTHER SUBSTANCES 293.

One prominent characteristic of the conflict that is often related to children was the apparent widespread use of drugs by each of the combatant groups. In particular, the Commission learned early in its operations of the wide scale on which drugs were administered to child soldiers, mostly against their will. In many quarters, the atrocities committed by child soldiers have to a significant extent been attributed to the influence of these drugs. The only specialist psychiatrist in the country, who witnessed the war and remained in the country throughout the conflict period, was responsible for treating many of the former combatants affected by drug abuse. He had this to say to the Commission:

"Drug abuse was used by

Reference 35 - 0.01% Coverage

Drugs were administered to child soldiers in various ways. Some were smoked, others added into food without the child's knowledge. Various substances were snorted, interjected and drunk. Cocaine was administered by interfusion, which entails cutting open the skin and placing the drug into the flesh wound. Heroin was smoked and snorted. Other drugs such as pills were forced down children's throats. Even gunpowder was administered to children, by mixing it into their food or through cuts made in their skin.

Reference 36 - 0.01% Coverage

recounted some of his experiences:

"... I admitted many patients. There were ECOMOG soldiers, there were Sierra Leone soldiers... child soldiers, civilians and most of them had drugs problems... During the January invasion and before any operation... that was a special operation... all of the frontline combatants were given drugs, either to eat, drink, smoke... or through injection, so that it will enter the blood stream directly... those that came to Freetown had cuts on their foreheads, which they rubbed with heroine and cocaine..."²⁶⁹

Reference 37 - 0.01% Coverage

brutal beatings and starvation.

Testimony from many child soldiers confirmed that they were given drugs and then told to commit the most horrendous atrocities. Drugs were administered with contempt for the safety of the users and the civilians around them:

"Gunpowder was cooked and put

Reference 38 - 0.01% Coverage

people, killing and raping."²⁷²

309. While drug abuse in the RUF was the result of compulsion, drug abuse was a more entrenched problem in the SLA. Many child soldiers had indulged in drug use of their own accord in the urban ghettos before joining the conflict and they simply continued upon entering the Army.²⁷³

Reference 39 - 0.01% Coverage

The impact of drug abuse has been varied and destructive. The violations committed by child soldiers under the influence of drugs represent the worst of its manifestations. It must be remembered that drugs were administered to children, whose sense of reasoning is not fully developed and who are already fairly susceptible to manipulation, peer pressure and fear. No sanction existed for commanders who pursued the practice of drugging child combatants.

Reference 40 - 0.01% Coverage

International): www.wsp-international.org/.

See Zack-Williams, A. B.; "Child Soldiers in the Civil War in Sierra Leone", paper presented at the conference of the Development Studies Association, University of Bath; September 1999; see also the website: www.devstud.org/publications/papers/conf99/dsaconf99zackwilliams.pdf.

Reference 41 - 0.01% Coverage

It was estimated that about 30% of the child soldiers in the Sierra Leone conflict were girls, but that only 8% of them benefited from the demobilisation and reintegration programmes of the NCDDR.³⁴⁷

399. While many reasons have

Reference 42 - 0.01% Coverage

for UNICEF, West and Central

Africa; "Demobilisation and Reintegration of Child Soldiers: Why are we missing the girls?"; paper presented to a conference on child protection, Bonn, Germany; March 2003 (hereinafter "Legrand, Demobilisation and Reintegration of Child Soldiers").

Reference 43 - 0.01% Coverage

Another contributing factor to the stereotyping that existed in the DDR process, leading to the exclusion of hundreds of females, was the nature of the images of war created and circulated by the media. It has been said, for example, that because young male children carrying weapons are visible, an immediate message about their plight can be conveyed, whereas young female victims of sexual violence are less immediately discernible and more difficult to relate to an existing image in one's mind.³⁵³ The media has created a situation where we tend to associate the expression "child soldiers" with images of children carrying weapons and consequently to boys. Such one-track portrayals of the "child soldiers" issue in the media could also account for why girls in Sierra Leone were excluded from the DDR process.

Reference 44 - 0.01% Coverage

Child Protection Report, April 2002

See Dr. Kellah and Mr. Lansana, former officials of the National Committee for Disarmament, Demobilisation and Reintegration (NCDDR), TRC interviews in Freetown, 8 January 2004. See Legrand, *Demobilisation and Reintegration of Child Soldiers*.

See Legrand, *Demobilisation and Reintegration of Child Soldiers*. Vol Three B Chapter Four Children and the Armed Conflict in Sierra Leone

Reference 45 - 0.01% Coverage

to the TRC as follows:

"UNICEF and its child protection partners established structures for the demobilisation and reintegration of child soldiers... to identify, register, document and reunify unaccompanied children separated by war, poverty and abuse... and provide psychosocial support to children suffering psychologically and emotionally from their

experiences"³⁷¹ 434. tragic

UNICEF

Reference 46 - 0.01% Coverage

Subject-matter jurisdiction 36.

The reference to "international humanitarian law" is common to both the Truth and Reconciliation Commission Act and the Statute of the Special Court. The Commission is to examine "violations and abuses" of international humanitarian law, while the Special Court is to prosecute "serious violations" of international humanitarian law. The somewhat more limited subject-matter jurisdiction of the Special Court is further restrained by the specific enumeration of the crimes it may prosecute. Borrowing the wording used by the Security Council in Article 3 of the Statute of the International Criminal Tribunal for Rwanda,³³ the Statute of the Special Court contemplates "serious violations" of Common Article 3 to the Geneva Conventions and of Additional Protocol II. Furthermore, the Statute lists three additional "serious violations": intentionally directing attacks against the civilian population; intentionally directing attacks against peacekeepers; and recruiting child soldiers. These three crimes are drawn from Article 8(2)(f) of the Rome Statute of the International Criminal Court.³⁴ Yet a comparison with the Rome Statute indicates clearly that the list of war

crimes in the Statute of the Special Court is confined in its scope: it does not permit prosecution of all offences in non-international armed conflict that are punishable elsewhere under international law.

Reference 47 - 0.01% Coverage

describes as the “doubtful customary nature” of the provision in the Rome Statute that prohibits recruitment of child soldiers during non-international armed conflict. See the “Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone”, UN Doc. S/2000/915, at paragraph 18.

Reference 48 - 0.01% Coverage

All of these levels of reconciliation are equally important and inter-related. Reconciliation at one level can facilitate reconciliation at another level. Conversely, the lack of reconciliation at one level can hamper reconciliation at another. The need for multi-layered reconciliation is a reality in Sierra Leone. In many instances, members of an armed faction do not agree amongst each other about acknowledgment of responsibility for violations and abuses committed by some of them. Such disagreement hampers reconciliation between the perpetrators of these violations and their victims. Many so-called “victim-perpetrators”, such as the children abducted to become child soldiers, block out the violations committed by them during the conflict period because they cannot deal with the trauma. Many remain in denial unless assisted by trained practitioners to deal with it. Inability to reconcile with oneself can make reconciliation with victims very difficult and, in some cases, almost impossible.