

# GUINEA

## REFUGEES STILL AT RISK Continuing Refugee Protection Concerns in Guinea

*In February 2001, Guinean soldiers came into our camp at Nongoa. They surrounded us and went everywhere in the camp. We were told to stand outside our houses and they checked all of the houses and opened everything. We were searched for marks [of rebel tattoos]. They made us take all our clothes off, even the women. They even looked at our thighs. The men who searched were in combat uniform with guns and army cards. They spoke in French to each other and someone translated into Kissi for us. They said while they were searching us, “if we find any rebels among you, we will kill all of you here.” All the time, they promised us that.*

*Nongoa wasn’t safe because it is near the border. Rebels from Sierra Leone come to the border and tell us to come back. At the border, they call to us and say if we don’t come back to Sierra Leone they will come over to Guinea and get us. It is very close to the camp, and they can just shout to us from there. I don’t feel safe in Guinea now, and I am not happy here. When I was in Nongoa, the rebels took over and I was left with nothing. Now I have no more courage to stay in Guinea. I want to go to Sierra Leone, but my heart is not happy. There are rebels there. I want to be under U.N. protection, and I hope that they can help me.*

*Forty-one-year-old Sierra Leonean refugee, April 2001*

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## I. SUMMARY

Hundreds of thousands of Sierra Leonean and Liberian refugees along Guinea's border were relocated from the embattled border area in early 2001 to camps in the interior of the country. While the organized movement from the border is a welcome and long overdue step, the long-term safety of the refugees is still under threat.

The refugees are generally faced with the difficult choice of remaining in Guinea, or returning to Sierra Leone or Liberia, where serious threats to their safety persist. Some refugees say they are being asked to choose whether to die in Guinea or at home. If they stay in Guinea, refugees fear a repeat of last year's outbreak of harassment and violence at the hands of Guineans who blame them for the violence at the border. If they return home, they face an uncertain future, since both Sierra Leone and Liberia remain in a fragile balance between war and peace. Either choice raises serious protection concerns for the long-term safety of the refugees.

The likelihood of renewed and escalating violence in Guinea and the sub-region remains high, as does the risk of refugees falling victim yet again to this insecurity: a situation that they are acutely aware of. Many of these refugees have already suffered violence and abuse repeatedly. They originally fled horrific civil war atrocities in their home countries. As refugees in Guinea, they are victim to cross-border attacks by the very forces they sought to flee. They are also subject to anti-refugee violence and harassment at the hands of Guineans.

Over the past few years, cross-border attacks between Guinea, Liberia, and Sierra Leone have escalated. The fighting between varying alliances of government and rebel forces threatens to drag the entire sub-region into a widening circle of war. Heightened security in Guinea is evident, particularly in the border area. A state of emergency is in effect at the border and military checkpoints have increased. The Guinean government, which has generously hosted many of these refugees for over a decade, is becoming increasingly hostile to their presence; in part, due to legitimate concerns about the threats to national security posed by attacks from Sierra Leone and Liberia, but also for reasons of domestic politics.

Attention by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Guinea has largely been focused on a program to relocate the refugees from the border area to new camps in the interior, in operations completed at the end of May 2001. While the relocation process is a major step towards assuring the security and protection of the refugees, there are a number of human rights issues that will continue to remain of concern.

Refugees remain vulnerable to abuses by the Guinean authorities on the road, in towns, and in their camps. Human Rights Watch believes that UNHCR, the Guinean government, and donor governments should focus on a number of human rights issues in following up the recently completed relocation process. These include:

- **Improper Screening of Refugees for the Presence of Rebels:** Unsubstantiated accusations of rebel association by the authorities, with no means of appeal or recourse, remain a major problem for refugees.
- **Harassment, Extortion, and Obstacles to Free Movement:** Refugees are routinely subjected to abuses, particularly at checkpoints, including beatings, strip searches, extortion, sexual assault, arbitrary arrest and detention, and widespread intimidation.
- **Arbitrary Arrests and Poor Prison Conditions:** Refugees have been held in Guinean detention facilities in Forecariah, Guéckédou, and Kissidougou, often without charge or trial, and some have been subjected to torture and summary executions. Refugees who are accused of rebel affiliation and arrested are held in poor conditions, physically mistreated, and denied due process.

of law. Refugees can be held for weeks or even months without being charged, and without any real evidence or specific complaint against them.

- **Inadequate Registration and Identity Documentation:** The abuses that refugees encounter at the hands of the authorities are exacerbated by the absence of a standard form of identity documentation for refugees in Guinea. The Guinean government and UNHCR currently issue no official documents to identify refugees.
- **Insufficient Attention to Refugees Remaining in the Border Area:** UNHCR ended its principal assistance programs to the border area at the end of May 2001 after completing the relocation program. UNHCR has stated its intent to try to continue as much as possible to assure protection to remaining refugees and new arrivals at the border, although the insecurity and militarization in the area will make this difficult. Many refugees are choosing to stay, although violence is likely to erupt in the area again. They are reluctant to leave the area where many have lived for a decade, are well integrated, and have strong cultural ties with the local community. Others believe that the border will give them a possible escape route if they are threatened with renewed Guinean anti-refugee violence. It is difficult to know what will happen to these refugees, particularly since violence is likely to erupt in the area again, but their welfare must continue to be of concern to UNHCR.

The Guinean government has legitimate security concerns. The conflicts in neighboring Liberia and Sierra Leone have, and may again, spill over into Guinea. The Guinean government has the right to ensure that weapons or rebel fighters are not moving into the interior of the country. However, indiscriminate harassment, extortion, arbitrary arrests, and the lack of due process procedures for refugees accused of being rebels remains a serious problem for both Guinean national security and accused refugees alike. While national security issues are clearly a priority for any government, Human Rights Watch believes that long-term security interests are best served through the implementation of mechanisms that uphold the rule of law. Ultimately, indiscriminately criminalizing refugees and violating their human rights does not provide for the most effective or sustainable security policy.

Due in part to the emergency nature of the situation, as well as security, logistic, staffing, and financial constraints, the protection of refugees in Guinea appears to have received less attention than necessary from UNHCR and most of its implementing partners. The number of UNHCR protection officers in Guinea is insufficient, and refugees often have difficulty in accessing and obtaining the help of UNHCR staff. UNHCR protection staff in Guinea appear to have a high turnover, are often on short-term appointments, and some seem unfamiliar with the country and the sub-region. UNHCR has made a commitment to increase the number of its staff in Guinea, including protection staff, although these posts have not yet been filled and deployed. Donor governments have failed to provide the needed funding for assistance and protection of refugees in Guinea. Given the situation, it is critical that refugee protection in Guinea be made an even a stronger priority.

The findings of this report are based on interviews in Guinea conducted by Human Rights Watch in April 2001, as well as interviews conducted in Sierra Leone with refugee returnees from Guinea in February 2001. The interviews were conducted in English or in Krio using an interpreter.

## **II. RECOMMENDATIONS**

### **To the Guinean Government:**

Establish and ensure procedures with due process protections for searching, screening, arresting, and detaining, where appropriate, alleged rebels at checkpoints and elsewhere. The ongoing practice of detaining refugees for days at a time for “verification” does not comply with international due process standards as set out under international law, such as the International Covenant on Civil and Political Rights.

Allow UNHCR and the International Committee of the Red Cross (ICRC) unlimited access to all refugees detained in temporary or unofficial detention facilities as well as official detention centers that constitute a part of the prison systems or the police facilities.

Allow UNHCR unlimited access to monitor any screening procedures established to identify suspected rebels among the refugees, in order to establish a fair and effective process to separate rebels from civilian refugees and ensure the civilian and humanitarian nature of the refugee camps.

Provide appropriate training to law enforcement and civilian defense militia interacting with refugees, particularly at checkpoints. Investigate and take appropriate disciplinary action or institute criminal proceedings against military, police, or militia personnel where there are credible allegations that they have been responsible for abuses.

Cooperate with UNHCR to ensure the registration of refugees in Guinea and provision of standardized identity documents, and train authorities within the country, particularly those at checkpoints, to recognize what is and is not a valid document. Until such documents exist, refugees should not be asked for documents they cannot produce.

Make public statements condemning incitement of hatred and attacks against refugees. In collaboration with UNHCR, conduct ongoing public education and awareness programs on both refugee and community security issues.

#### **To the Office of the High Commissioner for Refugees (UNHCR):**

Increase the number of experienced UNHCR protection officers within Guinea, and provide appropriate training and briefing on the sub-region and the main protection problems faced by refugees prior to their deployment.

As a protection priority, provide ongoing guidance and assistance to the Guinean government to ensure that measures adopted by the government to address security concerns, including rebel screening, comply with international human rights and refugee law. In particular, provide more guidance to the Guinean government regarding the separation of armed elements from civilian refugee populations and the exclusion of individuals not entitled to international refugee protection. Negotiate with the Guinean government to seek unimpeded access to all screening procedures in order to ensure that screening and separation of suspected rebels is carried out in accordance with international human rights and refugee law.

Cooperate with the Guinean Government to register refugees in Guinea and to provide them with valid identity documents.

Continue discussions with the Guinean government to ensure that refugees remaining in the border region or new arrivals continue to receive protection and needed assistance. Continue, where possible, public information efforts to inform refugees remaining in the border who have not relocated of the dangers of remaining in the region, their options, and conditions both in the new camps and in their countries of origin. Address the possible pressure by armed elements inside Guinea or across the border in Sierra Leone and Liberia to limit refugees' freedom of choice to either repatriate or move to the camps in the interior.

#### **To Donor Governments:**

Provide renewed financial support to the Guinean government and UNHCR to meet the extraordinary burden of the refugee crisis.

Provide earmarked funding to UNHCR for more protection staff to be deployed in Guinea.

Provide earmarked funding to UNHCR and the Guinean government to put into place an effective refugee registration system and to provide refugees with identity documents.

Call on UNHCR and the Guinean government to continue to meet, as much as is possible, the protection and assistance needs of refugees remaining in the border region after the relocation.

Actively call on the Guinean government to adopt security policies that do not violate refugee rights, and to hold accountable those law enforcement officials or ordinary citizens responsible for abuses against refugees, particularly at checkpoints and during screening procedures. In particular, call on the Guinean government to immediately cease the practice of arbitrarily arresting and detaining refugees without due process protections.

Provide technical training in practices and procedures to enforce refugee, human rights, and humanitarian law for Guinean law enforcement and judicial personnel. The training should include the standards outlined in the U.N. Code of Conduct for Law Enforcement Officials. The training should target the abusive practices used by Guinean law enforcement officials against refugees, and the absence of due process protections for those accused of being rebels. The program should also assist the government to establish appropriate mechanisms for investigating and holding accountable those Guinean law enforcement officers responsible for abuses.

### III. BACKGROUND

Violence and insecurity in the West African sub-region continues to escalate. In a complex web of alliances, the governments of Guinea, Liberia, and Sierra Leone accuse each other of harboring rebel groups and supporting cross-border incursions. The U.N. estimates that one in every five persons (three million out of a population of approximately fifteen million people) in the Mano River Union countries of Liberia (population 2.7 million), Sierra Leone (5.1 million), and Guinea (7.1 million) are currently displaced and destitute as a result.<sup>1</sup>

Refugees, Guineans, and humanitarian workers at Guinea's border area have been targets and victims of the fighting by all sides. For the past year, a combination of Sierra Leonean Revolutionary United Front (RUF) rebels and armed Liberian forces have repeatedly attacked and burned refugee camps and Guinean villages along the border, killing, injuring, abducting, and forcing their residents to flee. Humanitarian workers have also fallen victim. In September 2000, the head of the UNHCR office in Macenta was brutally murdered by unknown assailants, believed to be a combination of RUF and armed Liberian forces. In separate incidents, two UNHCR staff members were abducted by unknown assailants, one in Macenta and another in Guéckédou; both were later released in Liberia. UNHCR and most aid agencies pulled out of the border area for their own safety in late 2000, leaving refugees trapped in the conflict zone with no international protection or assistance for several months.

The border destabilization has also resulted in rising hostility among Guineans of all walks of life toward the estimated 300,000 Sierra Leonean and 125,000 Liberian refugees, reversing Guinea's long-standing history of welcoming these refugees over the past decade. In September 2000, Guinean President Lansana Conte made an inflammatory speech indiscriminately blaming refugees for the border destabilization, proclaiming that most were rebels and calling on the Guinean population to defend their country against foreign invasions.<sup>2</sup> Thousands of

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<sup>1</sup>U.N. Office for the Coordination of Humanitarian Affairs (OCHA) *United Nations Consolidated Inter-Agency Appeal for West Africa, 2001*, March 23, 2001, section 2, available at <http://www.reliefweb.int/w/rwb.nsf/UNID/FFD7A88BB538F8E0C1256A18005929F4>.

<sup>2</sup>President Lansana Conte came to power in a 1984 military coup, and has continued in office as a civilian president since 1994. In December 1998, Conte won a second five-year term in elections that were marred by violence, civil unrest, and the detention of major opposition candidates. The ruling Party of Unity and Progress dominates all branches of government, and a disproportionate number of government posts, including senior military and cabinet posts, are held by members of the president's minority ethnic group, the Soussou. The government's human rights record is generally poor, and members of the security forces commit abuses with impunity. Major human rights concerns include: extrajudicial executions; "disappearances"; arbitrary arrests and prolonged pretrial detentions; torture, beatings, and rape by police and military personnel; and inhumane prison conditions and abuse of prisoners and detainees.

refugees in the camps and in Conakry were subsequently attacked, beaten, raped, and rounded up by police, soldiers, and armed civilian militias following the speech.<sup>3</sup>

Guinea has come under attack by Liberian government forces and by Sierra Leonean rebels, particularly since September 2000. RUF rebels, supported by the Liberian government and Liberian mercenaries, have launched attacks into Guinea. The Liberian government has also launched cross-border attacks, accusing Guinea of hosting and providing support to a Liberian rebel group, the Liberians United for Reconciliation and Democracy (LURD), reportedly composed of former civil war fighters, mainly ethnic Krahn and Mandingos, from the officially disbanded rebel faction, the United Liberation Movement for Democracy in Liberia (ULIMO-J and K factions).

The Guinean government has responded to cross-border attacks on its territory by trying to set up a buffer zone within Sierra Leone, including by launching indiscriminate helicopter gunship and artillery attacks on Sierra Leone since September 2000.<sup>4</sup> Guinea is also backing anti-RUF Sierra Leonean civil defense forces, including the Kamajors, the largest and most powerful of them, and Donsos, traditional fighters from the Kono region, to push the RUF rebels back from the border and pursue them into Sierra Leone. There have been reports of the Kamajors recruiting within the Guinean refugee camps for fighters against the RUF, assisting the Guinean military at checkpoints within Guinea, and fighting alongside LURD rebels in Liberia. There is also evidence to suggest the Guinean government is supporting armed proxy groups sympathetic to its own political and military objectives operating around the border area; namely some Liberian refugee camps around Macenta where LURD rebels have been allowed to operate, and some of the Sierra Leonean refugee camps, where armed Kamajor and Donso fighters have received Guinean government support.

The escalating violence at the border area ultimately prompted UNHCR and the Guinean government to decide in February 2001 to relocate the refugee camps to the interior of the country as a priority—a move called for by various nongovernmental organizations including Human Rights Watch since June 1998<sup>5</sup>—and to encourage refugees to move. By the end of May 2001 when the relocation process officially ended, UNHCR had relocated some 57,000 refugees of the estimated 90,000 from the border region. At the same time as UNHCR was emptying the border area of refugees, hundreds of new Liberian asylum seekers attempting to enter Guinea were being turned away at the border by the Guinean military, in violation of refugee law.<sup>6</sup>

The relocated refugees have moved to six new camp sites in Guinea's northern prefectures of Albadariah and Dabola, some 200 kilometers from the border, with a total capacity of 100,000 persons. Four of the camps have already received refugees:

Kountaya (with 27,000 refugees has reached its planned capacity);  
Boreah (which can receive 10,000 and hosted 7,000 in May 2001);  
Sembakounya (which can receive 25,000 people and had 3,600 in May 2001); and  
Telikoro (which can receive 15,000 and had 2,600 in May 2001).

Refugees are allocated a plot of communal land and tools to build their homes and cultivate (although Human Rights Watch encountered some refugees in Kountaya camp who had not been provided with tools).

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<sup>3</sup>See also, Human Rights Watch press release, "Refugee Women in Guinea Raped. Government incites attacks on Sierra Leonean and Liberian refugees; UNHCR must act"; and Human Rights Watch, "Testimonies from Sierra Leonean Refugees in Conakry, Guinea documented September 11 and 12, 2000," September 13, 2001, available at <http://www.hrw.org/press/2000/09/guinearefugees.htm> and <http://www.hrw.org/press/2000/09/guineatestimony.htm>.

<sup>4</sup>Human Rights Watch press release, "Guinean Forces Kill, Wound Civilians in Sierra Leone," February 28, 2001, available at <http://www.hrw.org/press/2001/02/guinea0227.htm>.

<sup>5</sup>Human Rights Watch, "Sowing Terror, Atrocities against Civilians in Sierra Leone," *A Human Rights Watch Report*, vol. 10, no. 3 (A), July 1998, available at <http://www.hrw.org/reports98/sierra/index.htm>.

<sup>6</sup>Guinea has previously closed its borders in this manner: In August 2000, some 10,000 refugees were trapped on the Sierra Leonean side of the border, many of them women and children.

Community structures, such as markets and schools are being constructed, and social and cultural activities are being planned.

Not all refugees have been willing to move to the new camps. Continuing insecurity, harassment and abuses against refugees in Guinea have prompted many refugees in the border area to decide not to move further into the interior where they believe they could more easily be targets of Guinean attacks in the future. Also, unlike the border area, the new camps are located away from towns, and the local population in the area is not as welcoming to the refugees.

In other cases, desperation and fear of the uncertain situation in Guinea, and a desire to reunite with family members, has prompted refugees to decide to return home, often at a risk to their lives. One refugee told Human Rights Watch, "In Guinea, I am afraid of three types of people: the government, the citizens, and the rebels. In Sierra Leone, there is just one: the rebels."<sup>7</sup>

Some groups of refugees have crossed back into Sierra Leone on foot through RUF territory. The actual number may well be higher than the approximately 10,000 registered by UNHCR who reached the government-held town of Kenema in the east of the country.<sup>8</sup> Between December 2000 and mid-March 2001, Human Rights Watch found that Sierra Leonean refugees returning by foot from Guinea were being raped, killed, or abducted for fighting or forced labor by RUF rebels as they walked for days, and sometimes weeks, through RUF-territory attempting to reach the government-held towns.<sup>9</sup> UNHCR has repeatedly warned against the dangers of such crossings through rebel-held territories and the movement seemed to have diminished by May 2001.

In order to protect returnees from such abuses, UNHCR has, since September 2000, facilitated the evacuation by boat of some refugees from Guinea who want to return to their country of origin. UNHCR is organizing boat returns from the capital city Conakry to Sierra Leone's capital Freetown and Liberia's capital Monrovia. UNHCR has continued to register refugees for repatriation by boat, particularly to Sierra Leone's capital, Freetown. By mid-May 2001, over 35,000 Sierra Leonean refugees had repatriated by boat on their own or with assistance from UNHCR since this program began in September 2000. A smaller number of Liberian refugees have repatriated. However, conditions in both Liberia and Sierra Leone remain uncertain and insecure.

In Liberia, the situation remains volatile under the government of Charles Taylor, who took power in 1997 after elections that followed a brutal seven-and-a-half-year war in which he was the leader of one of the warring factions. Since taking office, the Taylor government has operated with little or no accountability and a lack of respect for the rule of law, further exacerbating the divisions and resentments fueled by the war. The fragility of the situation in Liberia has been underscored by five serious outbreaks of fighting since the 1997 elections. Barely a year after the war ended, there were two outbreaks of violence in Monrovia in 1998 in which state security forces battled with faction leader Roosevelt Johnson's officially disbanded ULIMO-J and his predominantly ethnic Krahn supporters. In April and August 1999, Liberian rebels operating from Guinea carried out attacks in Lofa County, northern Liberia. Although not confirmed, the rebel attacks were thought to be led by former fighters from the ULIMO-K faction, largely ethnic Mandingos.

Since July 2000, LURD rebels have made incursions from the Guinea border into Liberia, resulting in intense fighting and widespread displacement yet again in Lofa County. Abuses are being committed against civilians by both rebel and government security forces. The state security forces have been particularly responsible for killings and torture, largely directed at members of the Mandingo community whom they accuse of collectively supporting the rebels.<sup>10</sup> As a result, thousands of Liberians have fled into Sierra Leone to escape

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<sup>7</sup>Human Rights Watch interview, Sierra Leonean refugee, Massakoundou camp, April 24, 2001.

<sup>8</sup> Information provided by UNHCR to Human Rights Watch, April 2001.

<sup>9</sup>Human Rights Watch press release, "No Safe Passage Through Rebel-Held Sierra Leone, New Plan Would Not Protect Refugees," April 3, 2001 and refugee returnee testimonies, available at <http://www.hrw.org/press/2001/04/refugee-0403.htm> and <http://www.hrw.org/press/2001/04/s-testimonies.htm>

<sup>10</sup>See Amnesty International, "Liberia: War in Lofa County does not justify killing, torture and abduction," AI-index: AFR 34/003/2001, May 1, 2001, available at <http://www.amnesty.org>.

the Lofa County fighting. Others trying to seek asylum in Guinea in May 2001 were turned away at the border by Guinean authorities.<sup>11</sup>

In addition to the insecurity within Liberia, the Liberian government is accused of contributing to the Sierra Leonean conflict through its arming and support of the RUF rebels, and its facilitation of illegal diamond exports from rebel-controlled areas.<sup>12</sup> In March 2001, the U.N. Security Council voted to apply sanctions against the Taylor government after two months if it did not discontinue its support to the RUF. These sanctions, which include a travel ban on Taylor government officials and their families and a ban on diamond sales from Liberia, took effect in May 2001.<sup>13</sup>

Sierra Leone's decade-long civil war has seen some of the most appalling human rights abuses in the world. Since 1991, tens of thousands of Sierra Leoneans have been killed, thousands maimed, and over one million displaced. While violations of human rights and international humanitarian law have been committed by all sides, rebels from the RUF have been responsible for the vast majority, including summary execution, systematic rape and enslavement of women, the use of civilians as human shields, the abduction and use of children as soldiers, the wanton destruction of property, and the particularly horrific practice of limb amputation. Through rural and urban campaigns of terror, the rebels have made little distinction between civilian and military targets, effectively waging war against the civilian population. The government's civil defense forces, such as the Kamajors, have also committed numerous (though fewer) abuses. Since the signing of the Lomé Peace Accord in July 1999, Sierra Leone has been between war and peace. Control of the country remains divided between the government of President Tejan Kabbah (first elected in 1996, ousted by the rebels in 1997, and then reinstated in 1998 with the assistance of West African peacekeeping forces) and the RUF rebels that largely control the diamond-producing areas of the east. In recent months UN peacekeeping forces have established a presence in most of the larger towns throughout the country.

With the completed relocation of the border refugee camps in Guinea, the immediate threat to the lives of the refugees who have moved from the embattled border may end. However, protection concerns will still remain: for those refugees who opt to stay in the border area; for those refugees who move to the new camps in the interior of Guinea; and for those refugees who return home to Sierra Leone or Liberia. This report identifies human rights concerns for the refugees who will remain in Guinea.

#### IV. PROTECTION CONCERNS FOR REFUGEES WITHIN GUINEA

Indiscriminate harassment, extortion, and arbitrary arrests remain a serious problem for refugees in Guinea, as does the lack of due process procedures for refugees the government accuses of being rebels. Although the safety of refugees in Guinea has much improved since the spate of anti-refugee attacks in September 2000, refugees continue to be routinely harassed by the Guinean army, police, and civilian defense groups

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<sup>11</sup>Under the 1951 Refugee Convention (ratified by Guinea in 1965), Guinea has an obligation not to return any refugee to a country where their life or freedom may be threatened. By closing its border and failing to provide safe asylum to refugees, most of whom are at serious risk of gross human rights violations in Liberia, Guinea is violating the most fundamental obligation of international refugee protection.

<sup>12</sup>The links between Charles Taylor and the RUF date back. At the start of the Liberian civil war in 1989, when Taylor launched his National Patriotic Front of Liberia (NPFL) against the government of Samuel Doe, he was joined by Sierra Leonean fighters. The NPFL and RUF have assisted each other through the years, including since the July 1997 Liberian election that brought Charles Taylor into office. *See also*, Ian Smillie, Lansana Gberie, Ralph Hazleton "The Heart of the Matter: Sierra Leone, Diamonds and Human Security," Partnership Africa Canada, January 2000, available at <http://www.sierra-leone.org/heartmatter.html>; and United Nations, "Report of the Panel of Experts Appointed Pursuant to Security Council Resolution 1306 (2000), paragraph 19, in Relation to Sierra Leone," S/2000/1195, December 20, 2000, available at <http://www.globalpolicy.org/security/issues/sierra/report/001220.htm>.

<sup>13</sup>UN Doc. S/RES/1343 (2001), March 7, 2001. U.N. Security Council Resolution concerning the Situation in Liberia Pursuant to Resolution 1343 (2001), available at <http://www.un.org/Docs/sc/committees/>

[Liberia2/Liberia2ResEng.htm](#) Additionally, U.S. President George W. Bush issued Executive Order 13194 on May 23, 2001 prohibiting the importation of all rough diamonds into the United States from Liberia, in line with the U.N. Security Council sanctions for President Charles Taylor's involvement in diamond and arms smuggling with the RUF.



throughout the country, and particularly at checkpoints. Refugees remaining in the border area also face the danger of cross-border attacks.

Responding to the threats of cross-border attacks and heightened regional tensions, the Guinean government has increased the deployment of military personnel in the border areas and established a large number of checkpoints within the country with the primary purpose of screening refugees to prevent rebel infiltration into Guinea from neighboring countries. There are fewer checkpoints than there were several months ago on main roads in Guinea, but they are still plentiful. There are always checkpoints between any refugee camps and the nearest town. In the Kissidougou region, which refugees enter after leaving the border area, the checkpoints are numerous and often close together. At the end of April 2001, Human Rights Watch counted thirty-four checkpoints on the approximately eight hour drive between Kissidougou and Conakry—a route well traveled by refugees seeking to get to Conakry in order to get the boat to return to their country of origin. Checkpoints are often manned by police or army personnel, but many are either partially or entirely run by civilian defense groups.<sup>14</sup> UNHCR is not involved in training or overseeing the searches of refugees at checkpoints, except in one case at Katkama where it pays a stipend to the military cadets to conduct body and luggage checks for weapons.<sup>15</sup>

Some of the security measures put in place by the government, particularly at the checkpoints, are being implemented in a manner that violates refugee rights. Refugees are most vulnerable to abuse at the hands of the Guinean authorities in the course of security checks. There seem to be very different interpretations by the authorities at the checkpoints of what exactly searches of refugees should entail. Refugees' belongings are routinely searched not only for weapons but also for other, often arbitrary, evidence of rebel activity. Their bodies are often examined for markings such as tattoos or branding that are associated with the rebels.

The Guinean government has legitimate security concerns with regard to those who seek to conduct cross-border military activities in the guise of refugees or to evade prosecution for human rights violations they have committed in their home country. As in many refugee settings, the West African sub-region contains militants who use refugee camps as a source of recruitment, financing, and concealment, and by doing so, undermine the civilian and humanitarian nature of international refugee assistance and the security of the host country.

However, most refugees do not participate in rebel or criminal activities, have themselves fled from rebel atrocities, and are as fearful and concerned about rebel intimidation and violence as are the Guinean authorities. It is important that the authorities do not blame all refugees for the destabilization and violence, and put into place security measures that do not trample on refugees' rights. Blanket accusations only feed the xenophobia that is increasingly evident in Guinea, while generating restrictive or arbitrary policies that disregard the dignity and rights of refugees. The absence of legal safeguards in the government's measures to separate out rebels from the refugees has been a particular source of abuse.

### **Screening of Refugees for the Presence of Rebels**

I left Koundou camp on February 18, 2001. After the war in Guéckédou, the [Guinean] citizens accused us of being rebel collaborators. Inside the camp itself, there were no problems, but when I went outside the camp, I was accused of being a rebel by the vigilantes in combat clothes at a guard post. They detained me for an hour. They made me take all my clothes off, even my trousers, but they didn't find anything. They took me to a secret room and said they still weren't pleased with me, and then they asked me for money. There were two of them in the room with me, and both had large sticks for beating. I paid them 500 Guinean Francs (GF) [U.S.\$0.25] and then was released.

-- Thirty-six-year-old Sierra Leonean male refugee from Kwendu town, April 2001.

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<sup>14</sup>The proliferation of civil defense groups is an outcome of President Conte's call in September 2000 for citizens to protect their country and the subsequent policy of arming civilians.

<sup>15</sup>Human Rights Watch interview, UNHCR protection officer, Conakry, Guinea, April 3, 2001.

Unsubstantiated accusations of association with rebel groups by law enforcement officials remain a major problem for refugees, although such charges have reportedly decreased in number since early 2001.<sup>16</sup> Human Rights Watch interviewed many refugees who had been publicly strip-searched by the authorities to check for incriminating tattoos, scars, or marks that could be held to identify them as rebels. However, these checks appear to be arbitrarily administered and to employ ill-founded and highly arbitrary criteria. Many of the refugees bear traditional markings or other types of ritual scarification related to their ethnic group rather than any rebel affiliation. Others carry scars inflicted on them forcibly by rebel fighters.<sup>17</sup> Guineans also check the trigger finger of refugees for evidence of having fired a weapon. Many refugees are arrested solely because they are strong young men or for other arbitrary reasons such as ethnic ritual scarification. Most who are taken away as suspected rebels are detained for a short time before being released. Those who are able to pay a bribe tend to be released without further questioning.

Guinean army, police, and civil defense force members can accuse and arrest refugees at their discretion. There are no defined criteria for the authorities in decision-making, and no due process protections for refugees who are accused of being rebels. While local authorities insist they can tell the difference between refugees and rebels, each checkpoint has developed its own standard of what bodily marks indicate rebel association. No consistent criteria appear to be applied at roadblocks. While the army has reportedly established its own checklist of suspicious marks, these standards are neither being upheld consistently at all checkpoints, nor have they been made known to UNHCR.

Individuals deemed suspicious are detained, usually for periods from a few minutes to a few days, often in jails or police stations. They are often mistreated in custody and they are almost never charged with criminal offenses. Those who are able to pay a bribe are invariably set free, although not always immediately (see also section below on arbitrary arrest).

One refugee arrested in March 2001 told Human Rights Watch:

Soldiers came into [Massakoundou refugee] camp and raided us. I was one of the victims and was arrested with no reason. After I was arrested they vandalized my house and took most of my property. Three army men took me. One had an RPG [rocket propelled grenade launcher] and two had small rifles. I was held at gunpoint. They asked me to sit down and then they loaded us in the vehicles. I was not tied, but I saw people who were. At the army barracks, they tied most of us. If you are too ugly, you'll be tied. If you are too healthy, you'll be tied. If they saw some tribal marks on you, you'll be tied. I saw people who were beaten. All those who were tied were heavily beaten. If it hadn't been for the interference of one soldier man, some would have died. The soldiers took my shirt from me and gave me two kicks, but I didn't feel the pain because what I saw happened to my friends there was so much worse.<sup>18</sup>

Refugees moving on their own, without UNHCR assistance, are most vulnerable to these abuses. When there is UNHCR oversight, the situation appears to be much better. For example, during the organized relocation program, UNHCR negotiated an agreement with the Guinean government, which took effect on April 26, 2001, to ensure the protection and security of the refugees being moved. As part of that agreement, a 250-person team was assembled by the Guinean authorities to deal with problems that would arise, including screening and exclusion of suspected rebels. The military and police members of this team were provided with separate identification to

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<sup>16</sup>See generally William O'Neill, "Conflict in West Africa: Dealing with Exclusion and Separation," in "Exclusion from Protection," *International Journal of Refugee Law*, vol. 12, special supplementary issue 2000, pp.171-194.

<sup>17</sup>Throughout the war in Sierra Leone, the RUF have often branded civilians whom they forcefully abduct by scraping the letters R-U-F deeply into their skin; usually the chest, with razor blades or knives. They seem to do this in part to exert control over their captives, so they will not flee to government-held territory for fear of being mistaken for an RUF fighter and executed by the Sierra Leonean army.

<sup>18</sup>Human Rights Watch interview, Sierra Leonean male refugee from Kailoun district, Massakoundou camp, Guinea, April 23, 2001.

distinguish them from the regular armed forces, and according to UNHCR, the separation of suspected rebels during the organized relocation was done in an orderly fashion with the knowledge of UNHCR.<sup>19</sup>

A screening procedure that can protect Guineans and refugees alike from rebel infiltration and separate civilian refugees from armed elements needs to be put into place. Combatants should not be permitted to live among civilian refugees in refugee camps. If rebel infiltration of the new camps is to be avoided, then the refugees should be screened and combatants separated from the rest of the population on arrival at the new camps, in order to maintain the civilian and humanitarian nature of the camps. The government of Guinea needs to provide direction to its law enforcement officers on procedures and criteria to separate armed elements from the refugee population and to screen, exclude, and where appropriate, prosecute and detain, those persons found not to be deserving of refugee protection in Guinea.

Under refugee law, persons who have violated the human rights of others or committed other serious crimes—including crimes against peace, war crimes, or crimes against humanity—do not have a right to international refugee protection and should be excluded from such status.<sup>20</sup> Those excluded from refugee protection are, however, still entitled to protection under international human rights law. For example, the 1984 Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment provides protection against refoulement to a country where there are substantial grounds for believing that a person would be subjected to torture.<sup>21</sup>

Additionally, the Guinean government must apply these standards equally to all fighters and not exempt members of armed groups sympathetic to its own political and military objectives that are operating among the refugees in Guinea, namely the Liberian LURD rebels and Sierra Leonean Kamajor and Donso fighters.

The Guinean government should give UNHCR full access to separation and screening procedures, and to places of detention of refugees and asylum seekers. UNHCR should monitor the separation and screening to ensure that it is conducted in accordance with procedural protection provided by international human rights and refugee law, and should assist the government in determining the refugees' status, and provide assistance and protection where appropriate. These concerns underline the need for UNHCR to strengthen its protection presence in Guinea in order to maintain a presence to pre-screen those who may be subject to exclusion and to advise the Guinean government on criteria and procedures for separation and exclusion.

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<sup>19</sup>Email communication to Human Rights Watch from UNHCR staff member, June 12, 2001.

<sup>20</sup>UNHCR and governments are obliged under international refugee law to deny the benefits of refugee status to persons who would otherwise qualify as refugees if they have committed certain human rights violations. These provisions are commonly referred to as "exclusion clauses." Article 1(F) of the 1951 Convention Relating to the Status of Refugees, and by application the 1967 protocol, states that the Convention:

"shall not apply to any person with respect to whom there are serious reasons for considering" that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations. Article 1(5) of the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa contains identical language and excludes from refugee status any person who "has been guilty of acts contrary to the purposes and principles of the Organization of African Unity."

<sup>21</sup>"No party shall expel, return ("refouler") or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights." Article 3, Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984).

## Harassment, Extortion, and Other Abuse of Refugees

Soldiers met us at the checkpoints and said refugees could not pass. Male soldiers searched women for rebel marks. They asked us to take our clothes off in front of everyone, and even to remove our knickers. They looked, touched, and felt us to see if there were marks. The men touched our privates inside as well. At all of the checkpoints, we went through this same exercise. The men are forced to undress, too, and if they don't they are beaten. My husband was beaten because he said he wasn't a rebel and he refused to undress.

-- Nineteen-year-old Sierra Leonean female refugee who spent three days walking from Nyaédou to Katkama, April 2001.

Refugees regularly endure beatings, strip searches, extortion, sexual assault, arbitrary arrest and detention, and intimidation when moving within Guinea, particularly at checkpoints. Several refugee women at the transit camp in Conakry had encountered male soldiers between February and April 2001 who manually searched their vaginas, saying they were checking for "rebel marks."<sup>22</sup>

The refugees moving from the border spoke in April 2001 of the constant fear of being singled out for mistreatment at each encounter with the Guinean authorities. Each time, they said they hoped that they would not be manhandled too severely, raped, or arrested, or that, at best, they would be able to meet the demands of payment to avoid ill treatment. The impunity of officials at checkpoints provides endless opportunities for the harassment and extortion of refugees, but very little real effective screening for rebels moving through the country.

The checkpoints have become a system of informal taxation of the refugees. In particular, the non-military personnel are not paid at all, so they regularly take what they can from the refugees they stop. Refugees are repeatedly asked for documents that have not yet been officially issued by UNHCR or the Guinean authorities, and when they do not produce them are often asked for money. One refugee said: "On the way to Kissidougou, it is difficult to pass because there are military everywhere. You can't pass without an ID card. Even with an ID card, they will ask for money. It can be up to 5,000 or 6,000 GF [U.S.\$2.50 to \$3.00]. They never let you go for nothing. They accuse refugees of being rebels."<sup>23</sup> Every refugee interviewed by Human Rights Watch in April 2001 had been forced to pay money at least once at a checkpoint in the previous months. The wholesale willingness of the authorities to accept bribes as a basis for releasing refugees makes clear that the real purpose of these stops is not to address the problem of rebel infiltration.

The government tends to present any problems at checkpoints as random acts of individuals, and claims they are not responsible for such cases. Human Rights Watch is not aware of any single case in which the government has held perpetrators of abuses at checkpoints accountable. Often, the authorities turn a blind eye. A local authority in Kissidougou denied outright to Human Rights Watch that refugees were being harassed on the

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<sup>22</sup>Human Rights Watch has previously documented rapes of refugee women at checkpoints. For example, nineteen year-old Marie who left Massakoundou camp on December 7, 2000 was singled out from a group of seventeen refugees for having no identity card and accused of passing information to the rebels. She was raped after a long humiliating screening:

He told me to undress. I did so since I had no choice, I was under gunpoint. I stripped completely naked. He looked under my armpits, under my breasts. I then had to bend over while he put his gun down and used both his hands to spread my buttocks and looked at my anus. Then he told me to sit down and open my legs. Everything was so humiliating. He was squatting in front of me. Then he used his hands again to open the lips of my vagina, and he took a close look. All of this took a long time. Then he got up and undressed himself, and said that he wanted to have sex with me. He told me to keep quiet, otherwise he would kill me and tell the others that I was a rebel and therefore had tried to run away.

Human Rights Watch interview, Sierra Leonean refugee returnee from Guinea, Jui internally displaced camp, Freetown, Sierra Leone, February 15, 2001.

<sup>23</sup>Human Rights Watch interview, refugee, Katkama camp, Guinea, April 22, 2001.

grounds that: “refugees have no money, so what could be taken from them?”<sup>24</sup> Yet, when speaking to refugees in Kissidougou, the most frequent complaint was of checkpoint harassment and extortion.

Some UNHCR staff in Guinea say these checkpoint abuses are the exception not the norm, and point out correctly that there are fewer abuses of refugees at checkpoints now than there were months before. One UNHCR staff member told Human Rights Watch that the refugees were “exaggerating,” and that the behavior of the Guinean authorities had been good: “They are well-disciplined. There may be isolated incidents of abuse. They take money, but not all the time.”<sup>25</sup>

In administering measures to ensure security and to stop rebel or weapon movements inside the country, authorities should ensure that security at checkpoints includes safeguards against extortion and abuse. Personnel at checkpoints should receive training in standards and procedures for dealing with refugees and alleged rebels. Personnel responsible for abuse at checkpoints should be held criminally responsible.

### **Arbitrary Arrests, Poor Prison Conditions and Deaths in Detention**

The army men arrested us and put us in prison. Some were tied and some were beaten badly. They took us to the commissariat in Kissidougou and checked us all for marks, but they didn’t see any on anyone. They naked [stripped] me, and touched me all over to see marks. They touched all of us. There were women there too, but I don’t know how many. They took the women away from us. I was in jail for three days. They asked us for 5,000 GF [approximately U.S.\$ 2.50] each, and I paid the money so they released me.

-- Sierra Leonean male refugee, April 2001.

Refugees in Guinea are extremely vulnerable to arbitrary arrest and imprisonment on the road, in towns, and in the camps. Because the border area is currently under a state of emergency, refugees can be held for some time without being charged and without any real evidence or specific complaint against them. Human Rights Watch interviewed numerous refugees in April 2001 from Massakoundou refugee camp who had been arbitrarily arrested and detained, and several others who had been held at checkpoints and in other situations.

Prison conditions in Guinea are very poor, with normally small and overcrowded cells. The problems of arbitrary detention and extremely poor prison conditions exists for Guineans as well as refugees, though the reasons for arrest differ. Refugees, both because of their status as non-nationals and their lack of identity documents, are much more likely to be labeled as rebels or rebel collaborators—a charge based on status which can be difficult to defend.

Human Rights Watch has received several detailed reports from refugees who have been held in Guinean prisons in Forecariah, Guéckédou, and Kissidougou, without due process, and were subjected to torture and, in the case of Forecariah Prison, witnessed the beating to death of other refugees.

#### ***Forecariah Prison***

One of the most notorious of Guinean detention centers is Forecariah prison, where Human Rights Watch received several reports that refugees were beaten to death, died, or “disappeared” while in detention from September 2000 to January 2001.<sup>26</sup> Human Rights Watch spoke with seven Sierra Leonean refugees who were among some seventy-five detained within the prison for periods ranging from several weeks to over two months.

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<sup>24</sup>Human Rights Watch interview, capitaine Amara Bangoura, préfet of Kissidougou, Kissidougou, Guinea, April 20, 2001.

<sup>25</sup>Human Rights Watch interview, UNHCR protection officer, Kissidougou, Guinea, April 21, 2001.

<sup>26</sup>Human Rights Watch received this information in Freetown, Sierra Leone in February 2001 in interviews with eight Sierra Leonean refugees: seven former prisoners and one family member, recently returned from Guinea.

All of those interviewed described being severely beaten and deprived of food and water for up to eight days. Human Rights Watch received information on the deaths of eleven refugees, including an elderly man, a teenaged boy and a mentally disturbed woman, who reportedly were beaten to death. The refugees also described how a number of others allegedly died of illness and/or starvation. One witness said he participated in the burial of eight refugees who had died in custody.<sup>27</sup> Some of the killing was reportedly done by a group of Guinean prisoners who were, according to the witnesses, acting on orders from the Guinean prison officers. The refugees also described how on at least three occasions, refugees were taken out of the prison at night by prison officers and believed to have been executed. At least twenty-one detainees were not seen again. Several witnesses said they had seen fresh, shallow graves within the prison premises.

According to three witnesses held from October 1, 2000 through February 3, 2001, two Guinean prison wardens in commanding positions took part in these abuses, whose names were provided to Human Rights Watch. Two of the refugee witnesses interviewed by Human Rights Watch said they had witnessed one of these wardens overseeing beatings and, on at least one occasion, participating in the killing of a young man. Two other witnesses also testified that the other warden had boasted about killing refugee prisoners after having taken them out the night before. Additionally, a senior administrative official in the Forecariah region was also identified by one witness as having accompanied military officers who had come into the prison in late December 2000, and taken a number of refugee prisoners away.

On November 13, 2000, several refugees being moved from Kalokoh and Kalia camps in trucks by the Catholic Fathers were arrested after being accused of being rebels by a mentally handicapped refugee. Twenty-five-year-old Allieu S. was among those refugees and told Human Rights Watch that he was held for two and a half months in Forecariah prison. He described the dire conditions there:

Military men in combat uniforms took us off the truck, stripped us naked and tied us up. At the entrance of the prison, they tied our ankles and hands together behind our backs, and we were lifted inside like bags. We were registered and over seventy-five of the prisoners were Sierra Leonean refugees from many different camps. Some days after our arrival, people started to die; those who were already there before we came in. We received no food, just water, that's why prisoners were starving. The bodies were first collected in the compound, then taken away for burial. If a person would die, the prisoner who would notice it first would announce it. The other prisoners would then pass on the message to each other, so all of us would get to know it sooner or later. People were also buried inside the prison. You can see them at the entrance, at your right, where they grow sugar cane. Some of them are very shallow, that's why you can smell them.<sup>28</sup>

Allieu S. also described the torture he said he and others endured at the hands of the Guinean prison wardens:

They tied us up again in that same way like bags and dragged us around the compound. We were beaten with strings of rubber, which they call "Talk True." They wanted us to talk about our rebel-war and our comrades. Every time the rubber hits you, it cuts into the skin . . . a man was dragged out of his cell and beaten with the "Talk True" all day long. Others kicked him with their boots. They continued until he did not move anymore. His ribs seemed broken. Even the water they poured into his mouth came out again. The left him lying there for two days, then they took his body out. Up to some ten people have been killed in the same way inside the prison . . . On December 28 [2000], they came by with a list of names, some five or six. They were lined up in the compound, tied up and their feet chained together. They were loaded in a white van and taken away. The next morning, the official who spoke some Krio, [name withheld], told us prisoners to pray and repent. He made no

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<sup>27</sup>According to the witnesses, the names of the eleven refugees killed were: Pa Sima (sixty-five-years old beaten to death); Ismael Sasay (forty-five years old, beaten to death); Three brothers with the last name Kamara from Kambia; Amara, I. Sourey, and Abdullai Alusina (fifteen- to seventeen-year-olds who were beaten to death); Idrisaa Kamara (beaten to death); Alhadji (no last name, died of starvation); Mohamed Sesay (witness saw a lieutenant, who they named, beat him to death); Sarah Boley (beaten to death); Abdul Kamara (beaten to death).

<sup>28</sup>Human Rights Watch interview, Sierra Leonean refugee returnee from Guinea, Freetown, Sierra Leone, February 12, 2001.

secret of it that the others were shot the night before because they were accused of being rebels. They did the same on January 12 [2001] . . . I was released on February 3 [2001] after one of the Catholic Fathers pleaded on our behalf. Only six of us came out of there alive that day.

Mani G., thirty-two, was detained for the last two weeks of September in Foracariah prison. He described how his uncle was severely beaten by several prison guards and then later died while chained to his cell wall.

He was my uncle, named Mohammed J. He was begging for water; we received one liter per day to be shared among five of us. Some of the Guinean prisoners said he was complaining too loudly so the guards pulled him out and started to beat him with a piece of rubber. Each hit left an open wound. He was lying on the ground and they continued for a long time beating him and kicking him hard with their boots. After some time he became quiet. Then they dragged him into one of the cells where they chained him to the wall. I called to him but he didn't reply. The next day when we were let out to wash I passed by his cell quickly and saw him still lying there, barely breathing, with his feet chained to the cell wall. Two days later I was able to sneak into his cell again and saw that his eyes had sunk deep into his head. He was dead.<sup>29</sup>

Hassan L., twenty-five, was in the Foracariah prison from November 13, 2000 to January 4, 2001 and witnessed several refugees being beaten to death, and taken out and allegedly killed. He described two such incidents:

The Guinean prisoners were bad to us as well. The head prisoner who was in charge of the gang had many privileges, they called him Van Damme. There was one elderly Sierra Leonean of about sixty-five years named Pa S. His son was among one of the prisoners taken away a few days before. He was weeping a lot for his missing son. Some Guinean prisoners were annoyed with him. He was the father of a rebel, according to them. They set upon him and beat him to death. One Guinean prisoner hit him on the back of the neck with his elbow, but hard. The Pa fell down and didn't get up again. After lying in the compound for over two days they dragged his body out. That's how it was; the bodies would lie like that in the middle of the compound until they were taken away for burial.

Then on January 12, 2001, the guards started yet another operation. At 2:00 p.m. in the afternoon the guards called the names of four refugees. They lined them up and chained their feet together and told them they were to be killed at 8:00 pm that evening. I was close with one named V. I stayed with him the whole time. He was crying and crying. I told him to pray and that God would decide. He asked me to pass the message on to this uncle in Freetown that they had killed him in Guinea, and to tell his uncle not to forget about V.'s child. At 8:00 p.m. the four were collected. The last thing he said was, "Hassan, I'm going now." One of the guards who spoke Krio later told me they had killed them.<sup>30</sup>

Following the intervention by several international organizations, including the Xavierian Catholic fathers and UNHCR, Human Rights Watch believes the majority of refugees detained in Forecariah prison had, by the end of January 2001, been released. As of mid-June 2001, UNHCR knew of only one refugee being held in Forecariah prison.<sup>31</sup>

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<sup>29</sup> Human Rights Watch interview, Sierra Leonean refugee returnee from Guiana, Freetown, Sierra Leone, February 16, 2001.

<sup>30</sup> Human Rights Watch interview, Sierra Leonean refugee returnee from Guinea, Freetown, Sierra Leone, February 16, 2001.

<sup>31</sup> Ibid, and Human Rights Watch interview, M. Thiam, president, and M. Kaba, BNCR, Kissidougou, Guinea, April 30, 2001. The BNCR is an inter-ministerial commission in existence since 1991, made up of members from the ministries of interior, foreign affairs, and defense. The national coordinator is also an adviser in the ministry of humanitarian affairs. It has an eligibility committee made up of three lawyers who determine individual asylum applications of refugees. The BNCR has coordination offices in Forecariah, Kissidougou, Nzerekore, with others to open soon in Dabola and Kindia.

### *The Massakoundou Arrests*

One of the most recent incidents of arbitrary arrest and detention was that of a group of refugees from Massakoundou refugee camp which starkly illustrates the physical mistreatment, and the absence of fair questioning in a regulated environment to determine actual rebel affiliation. On March 26, 2001, troops of the Guinean army arrested 457 refugees within Massakoundou camp.<sup>32</sup> Acting on information that there was rebel activity in the camp, the army rounded up large numbers of young men from their houses. Several women were among those arrested. Many of those taken away were ill treated. Some had their elbows tied together behind their backs, were forced down into the dirt, and some were beaten. They were taken to a military barracks where they were stripped and very intimately checked for marks. They were told they would be freed if they each paid 5,000 GF (U.S.\$2.50), which some did, though not all of those were released immediately after paying. After three days, UNHCR secured the release of the bulk of the prisoners, leaving four behind. Human Rights Watch interviewed over a dozen of the detainees following their release. One refugee described the experience:

I was taking my father, who is blind, to the toilet when the army arrested me. I didn't even have my shirt on. I was beaten and then taken away. When they were arresting us, they were calling us rebels. I was beaten on my back with a belt, put in a vehicle and taken to Kissidougou. No reason was given for my arrest. I was put in a cell with others. There was no toilet. We had to urinate in the cell. We were not given food or water. I stayed there for three days. No one questioned me. They just beat me. After three days, I was taken out into the open air and they searched for marks on my body. Then I was released without any reason or explanation. I was brought back to the camp by the U.N. I haven't had any problems since my release, but I am afraid. It could happen again because there are military everywhere. I live in fear and I stay in the camp. I take care of my old parents since my brother returned to Freetown. I left Sierra Leone because of the fighting there, but the same fighting is going on here in Guinea.<sup>33</sup>

Human Rights Watch also received testimonies saying that some detainees were taken elsewhere and held longer: one former detainee claimed he was held for eight days for no apparent reason.<sup>34</sup>

The préfet of Kissidougou told Human Rights Watch that the refugees were not "arrested," but were simply "verified" for three days. He said: "No refugees were put into prison here. After verification, they were all let go. We can't verify in one day, so it took two days. Here, there is a war and we have a responsibility to provide security . . . Guinea is living in a precarious situation every day. The country is under attack from Liberia and Sierra Leone. Guinean soldiers have died in the fighting. Relatives of refugees come and attack and kill in Guinea."<sup>35</sup>

### *Police Detention Facilities*

Other refugees have described similar problems in police detention facilities. Forty-eight-year-old Sahr M. was arrested at a checkpoint in Guéckédou on September 30, 2000 for having an initial of his first name tattooed on his left arm and detained in police custody in the capital Conakry:

They saw the 'S' on my left lower arm, it's an old tattoo made with cashew nut oil. Then they asked for my identity card. They said that the identity card was correct, but that the tattoo on my arm was a rebel sign. They took me to one of the gendarmerie stations in Conakry. We were with fifteen men in one cell. Almost all of the prisoners were Sierra Leoneans. They had separated the prisoners according to various physical marks. All of us in the same cell had a tattoo somewhere on the body. They gave us water and a little bit of bread; one loaf for

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<sup>32</sup>Massakoundou camp was closed by UNHCR in May 2001 after the Guinean government expressed concerns of rebel infiltration in the camp.

<sup>33</sup>Human Rights Watch interview, Sierra Leonean male refugee, Massakoundou camp, Guinea, April 23, 2001.

<sup>34</sup>Human Rights Watch interview, Sierra Leonean male refugee, Massakoundou camp, Guinea, April 23, 2001.

<sup>35</sup>Human Rights Watch interview, capitaine Amara Bangoura, préfet of Kissidougou, Kissidougou, Guinea, April 20, 2001.



three persons a day. Then after some five weeks, we did not receive any food at all anymore. This was in November. People started to die of hunger. Those who died were laid down in the compound before taken out. Every time somebody died, soldiers in a blue Landrover would come and collect the body. I counted the bodies. Sometimes there would two bodies a day, sometimes none for a few days. Over a few weeks, I counted sixteen bodies. They were all men. I had a Casio watch, which I sold to one of the guards for 4000 GF [U.S. \$2.00]. With that money I was able to buy some food.<sup>36</sup>

In September 2000, Human Rights Watch documented two gang-rapes of refugee women by police officers in Seratay police station.<sup>37</sup> There is virtual impunity for the authorities who mistreat refugees and no means of redress for refugees who find themselves in custody in Guinea.

The Guinean government should not arbitrarily arrest and confine refugees with no limit on the period they can be held, without providing a fair opportunity to contest their confinement. Due process protections require that if the government suspects members of a group of being involved in criminal or rebel activity, that it should charge those individuals as warranted before a competent, independent and impartial tribunal. Expediency affords no defense for the abrogation of human rights. Alternate means that do not criminalize and mistreat refugees indiscriminately are available.

In principle, UNHCR protection staff has access to detained refugees based on an authorization letter issued in 1999 by the director general of the Guinean prison service (authorization d'accès et de communiquer). UNHCR is however not automatically or spontaneously informed about the detention of persons within its mandate. In particular, when refugees are arrested for a few hours to a few days without charge in police or other temporary holding facilities, their presence is often not recorded at all. As a result, there is often no way for UNHCR to know when a refugee has been arrested or detained, particularly if it is for a short period of time. When notified, UNHCR follows up on reports on detentions of refugees at police stations, gendarme posts, or any other possible place of detention. Staff of the government refugee body, the National Office for Refugee Coordination (Bureau National pour la Coordination des Réfugiés (BNCR)), when informed by UNHCR or other refugees, also intervene on behalf of detained refugees.<sup>38</sup>

UNHCR is most likely to be alerted to the presence of refugee detainees in the prisons. UNHCR personnel visit the prisons on a fairly regular basis, depending on their accessibility, but do not always have access to the detained refugees themselves. Those held for a longer time in prison are provided with assistance by UNHCR, including soap, disinfectant, and plastic sheeting (to protect against the rains). On the basis of the permission letter, UNHCR conducted regular prison visits in N'zerekore, Gueckedou, Macenta, Kissidougou, and Conakry prior to the events of September 2000. In Forecariah access to the prison was more difficult and not always granted. Spontaneous visits to the prison were not possible in Forecariah as permission from a judge was required prior to each visit. In the period from September 2000 until February 2001 (until a permanent UNHCR presence was reestablished in the field), UNHCR only had intermittent access to prisons and other detention facilities due to the insecurity. As of June 2001, regular access by UNHCR to the prisons had resumed in N'zerekore and Kissidougou (including medical visits to Kissidougou prison). Since the relocation program was completed in May 2001, the UNHCR offices in Macenta and Gueckedou are closed, and the office in Forecariah is to be closed shortly.<sup>39</sup>

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<sup>36</sup>Human Rights Watch interview, Sierra Leonean refugee returnee from Guinea, Freetown, Sierra Leone, February 15, 2001.

<sup>37</sup>Human Rights Watch press release, "Refugee Women in Guinea Raped. Government incites attacks on Sierra Leonean and Liberian refugees; UNHCR must act;" and Human Rights Watch, "Testimonies from Sierra Leonean Refugees in Conakry, Guinea documented September 11 and 12, 2000," September 13, 2001, available at <http://www.hrw.org/press/2000/09/guinearefugees.htm> and <http://www.hrw.org/press/2000/09/guineatestimony.htm>

<sup>38</sup>Email communication with UNHCR protection officer, Conakry, Guinea, June 12, 2001.

<sup>39</sup>Ibid, and Human Rights Watch interview, M. Thiam, president, and M. Kaba, BNCR, Kissidougou, Guinea, April 30, 2001. The BNCR is an inter-ministerial commission in existence since 1991, made up of members from the ministries of interior, foreign affairs, and defense. The national coordinator is also an adviser in the ministry of humanitarian affairs. It

## **Inadequate Registration and Identity Documentation**

The abuses that refugees encounter at the hands of the Guinean authorities are exacerbated by lack of a standardized system of identity documentation for refugees. No official refugee document is presently issued by the Guinean government or UNHCR. This leaves refugees more vulnerable to abuse, and becomes a pretext for extortion.

UNHCR printed 270,000 refugee cards, with UNHCR logos and Guinean flags, for distribution as far back as 1997, but no agreement was reached with the Guinean authorities on the modalities of the issuance of the cards. Eventually, it was discovered in May 2000 that several thousand cards were stolen. These stolen cards began appearing in circulation in Guinea, thus preventing the official distribution of the cards.<sup>40</sup> Another form of refugee card is also being illicitly sold to refugees. Like the first set of cards printed by UNHCR, these were originally intended to be official documents with the UNHCR logo and the government refugee agency, the BNCR.<sup>41</sup> However, these too were never officially distributed, although they are now being sold illegally. The blank cards are available to anyone who can pay 7,000 GF [U.S.\$3.50].<sup>42</sup> Some local authorities also sell laissez-passer documents to refugees for varying amounts of money.

Despite the fact that no official UNHCR/BNCR documents exist, refugees are constantly asked at Guinean checkpoints to provide identity cards and proof of their refugee status. UNHCR has asked the local authorities to stop demanding or accepting the illicit refugee cards, however, refugees continue to be asked to show such identification at some checkpoints. As a result, many acquire these unofficial documents, and others improvise with other types of identification, such as worker identity cards for humanitarian organizations that they have obtained elsewhere.

The lack of an effective system of documentation for refugees makes it extremely difficult for them to move within Guinea without harassment. The restriction on freedom of movement was one of the main concerns expressed by refugees interviewed by Human Rights Watch in April 2001. UNHCR has proposed the issuance of refugee cards following registration of the refugees at the new sites, and as of mid-June 2001 was awaiting a response from the Guinean government.

## **Refugees Remaining in the Border Area**

UNHCR's priority since humanitarian access and assistance resumed to the volatile border area in February 2001 has been the relocation of the refugees and the setting up of the new camps. At the end of May, UNHCR announced that it had assisted 54,000 refugees to move inland, and that it was officially ending its relocation program. With the completion of the relocation, UNHCR has terminated its principal assistance programs to the border region. However, there are still many refugees remaining in the border area. Some refugees who are unwilling to leave have slipped into the local communities where they remain undetected by UNHCR. The number and the fate of those refugees who have left the camps, but are choosing to stay in the border area, remain unknown.<sup>43</sup> At the moment, UNHCR's priority is to improve conditions in the new camps

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has an eligibility committee made up of three lawyers who determine individual asylum applications of refugees. The BNCR has coordination offices in Forecariah, Kissidougou, Nzerekore, with others to open soon in Dabola and Kindia.

<sup>40</sup>Human Rights Watch interview, UNHCR protection officer, Conakry, Guinea, April 3, 2001.

<sup>41</sup>Human Rights Watch interview, M. Thiam, president, and M. Kaba, BNCR, Kissidougou, Guinea, April 30, 2001.

<sup>42</sup>Human Rights Watch interviews, refugees, Massakoundou camp, April 23, 2001.

<sup>43</sup>One news story estimated that the number of refugees still at the border area may be as high as 200,000. The article also quoted Fatoumata Kaba, UNHCR spokesperson for Guinea as saying: "First of all it's very important to us to have access to the 192,000 [refugees] with whom we do have contact . . . One refugee is as important to us as 100,000. The reason why we have not said much about those missing is that first we had to go ahead with the relocation of refugees to safer areas, at least 100 km from the border. Now we have successfully done that the second step is to look for the missing

inland. However, it plans to conduct a census in July 2001 of the number of refugees remaining at the border area, which will provide a more informed basis on which to address these refugees' needs.<sup>44</sup>

UNHCR has stated that it will no longer provide food, shelter or medical assistance to refugees in the border area, but those who have chosen to remain will continue to receive legal protection from UNHCR if they are detained or harassed or if their rights are otherwise violated.<sup>45</sup> Despite these assurances, however, UNHCR officials in Guinea are resigned to the reality that they cannot ensure protection to those refugees due to the insecurity in the area. The Guinean government has declared the border a military zone and there is a high likelihood that cross-border attacks will resume, putting UNHCR and other humanitarian workers at great risk of getting caught in the fighting if they continue to operate in the area.

Despite the major security risk and the prospect of no further UNHCR assistance and protection, some refugees remain reluctant to leave the area where they have lived for the past ten years, and where they are well integrated and have strong cultural ties with the local community. Indeed, most of the refugees come from border regions in Sierra Leone and Liberia and share the same languages and customs as the local populations. Others believe that being on the border gives them a possible escape route if they are threatened again with Guinean anti-refugee violence as occurred last year.

Because refugees ultimately make their own decisions about where and when to move to, through, or from Guinea, and because the current situation in Guinea and the refugee producing countries around it is so transient, the need for ongoing and accurate information about conditions is important. A lack of information, inaccurate information, or even select information to advance a certain policy, means that refugees may make decisions that put them at greater risk because the information needed to properly weigh those risks was unavailable. This is particularly the case in respect of those refugees who are choosing to remain at the border area.

To date, refugees in Guinea have been forced to make extremely difficult decisions between deciding to remain in the border area, move to new camps, or return to their countries of origin. Though moving to new camps within Guinea seems to be the best option at this time, none of these choices comes without some potentially serious long-term protection risks to the refugees, particularly since the situation in the region is in flux. In order to make decisions that pose the least danger to their personal safety and that of their families, all refugees should have access to clear, factual information on an ongoing basis about the changing conditions in various parts of Guinea, in their countries of origin, and in the new camps.

Currently, UNHCR provides information to refugees through a mass information campaign. The campaign has two main facets: The first is a series of regular radio broadcasts on Radio Rurale de Guinée in French, English, Krio, and a dozen other local languages, that are aimed at refugees in the border regions and in Kissidougou. The programs include information on humanitarian assistance in the region, answer questions frequently asked by refugees, and appeal for continued support from the local population. The second is information given to refugees in camps directly by UNHCR workers or its implementing partners, who make various announcements through a loudspeaker in the camps. During the move from the border area, information given by UNHCR was largely geared toward informing and convincing refugees to move to the new camps.<sup>46</sup>

UNHCR is planning to continue joint information campaigns with the Guinean authorities in the border area.<sup>47</sup> This continued outreach remains a necessary priority. UNHCR should continue to prioritize the

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refugees, and once we do that we will find out how many are still missing.” British Broadcasting Corporation (BBC), “UNHCR gets Figures Wrong in Guinea,” June 4, 2001.

<sup>44</sup>Human Rights Watch telephone interview, UNHCR staff member, Geneva, June 12, 2001.

<sup>45</sup>“Guinea Completes Refugee Relocation from Parrot's Beak,” Integrated Regional Information Network (IRIN) U.N. Office for the Coordination of Humanitarian Affairs, Abidjan, May 29, 2001, available at <http://www.reliefweb.int/IRIN/wa/countrystories/guinea/20010529.phtml>.

<sup>46</sup>Human Rights Watch interview, UNHCR mass information officer, Kissidougou, Guinea, April 23, 2001.

<sup>47</sup>Email communication to Human Rights Watch from UNHCR staff member, June 12, 2001.

dissemination of information to refugees in Guinea, both in the new camps and in the border area (as much as is possible). Refugees should be provided with ongoing news about their home country, and information about the situation in Guinea and conditions in the new camps.

In April 2001, Human Rights Watch found that UNHCR's information efforts were not reaching all refugees. Even during the relocation process, when UNHCR's information campaign at the border area was at its height, many refugees interviewed by Human Rights Watch in April 2001 stated that they had not received any official or other reliable information to help them decide what to do. While it is clearly difficult to disseminate information among refugees at the hard-to-reach border areas, even more accessible refugees at the transit camps in the Kissidougou region also had received little information on conditions in Guinea, the new camps, or their home countries. Even more problematic was the situation of some refugees in the transit camp in Conakry who were waiting for boats to take them back to Sierra Leone. There, many expressed complete ignorance about the conditions they were returning to in Sierra Leone and what their fate would be when they landed in Freetown. At Katkama, some refugees interviewed by Human Rights Watch, even those who had been in the UNHCR-operated transit camp for over a month, claimed to know nothing about the new camps or what was happening in their country of origin.

Part of the problem is that not all refugees have access to a radio, and those that do tend not to tune into the French-language stations, even though UNHCR's program itself is in English and Krio. Most refugees with radio access obtain their news from English-language stations, particularly the British Broadcasting Corporation (BBC). Additionally, many refugees in the border area are no longer staying at the refugee camps, but are integrated among the local population, lessening the likelihood that they hear UNHCR's broadcast efforts in the camps.

In some cases, the information gap is exacerbated by misinformation and rumors disseminated among the refugees themselves or by rebels at the border area. Refugees receive inaccurate information, by rumor, on other radio programs, or from various rebels in the camps. One Sierra Leonean woman interviewed in transit in Conakry explained to Human Rights Watch that she was going back to Sierra Leone because she wanted to be in a safe place, and had heard from RUF soldiers fighting along the Guinean border that there were no problems in Sierra Leone anymore.<sup>48</sup> Some refugees also had contact with Kamajor soldiers who had given them differing information about the situation in Guinea, Sierra Leone, and Liberia. Other refugees in Conakry said that they had chosen to return to Sierra Leone solely because they had heard rumors that the new camps in Guinea were disease-ridden and posed life-threatening conditions to the refugees.<sup>49</sup>

In other cases, refugees had received information from UNHCR, but had actively decided to disregard it. Some refugees expressed mistrust of information coming from UNHCR, in part because they feel abandoned and betrayed by the agency's inability to protect them when they were under attack in the border area. As a result, information distributed directly by UNHCR is viewed in some quarters with great skepticism. This perception—regardless of whether there is any legitimate basis for it—greatly undermines the effectiveness of UNHCR's information campaign, and needs to be addressed by building trust among this group of refugees.

Without ongoing, independent, and accurate information there can be no true choice for refugees about deciding to move to the new camps, repatriate to their home country, or stay in the volatile border zone. The lack of sufficient information, and the ensuing proliferation of misinformation among the refugees remaining at the border are contributing to their reluctance to move. It is difficult to know how many refugees will refuse to move inland, and what will happen to them if they stay. Violence almost certainly threatens to erupt in the border area again.

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<sup>48</sup>Human Rights Watch interview, St. Mary's Transit Camp, Conakry, April 6, 2001.

<sup>49</sup>These rumors ranged from reports about inadequate housing, sanitation, and health, which were largely factual, to serious exaggeration of these same issues, to more wild rumors about monsters living in the rivers or baboons abducting children.

Despite the extreme danger, UNHCR should not abandon the refugees left in the border area after the relocation. In the ensuing months, UNHCR should continue and expand its information efforts in the border area to underscore to the remaining refugees the security threats and the limits on protection that can be offered to them if they stay. Beyond that, many refugees may still choose to remain at the border, and UNHCR should be prepared to continue to monitor, as much as possible, the situation in the border area, and offer remaining refugees what protection it can without unnecessarily endangering its own workers.

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