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LIBERIAN REFUGEES IN GUINEA: Refoulement, Militarization of Camps, and Other Protection Concerns

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GUINEA

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I. SUMMARY

From its formation in 2000, the Liberian rebel group Liberians United for Reconciliation and Democracy (LURD) has relied heavily upon Guinea for logistical and sometimes military support. between the LURD and certain segments of the Guinean military is now directly contributing to the violation of the rights of Liberians to seek asylum and be protected from other human rights abuses, both in their own country and in their country of asylum. Since March 2002, hundreds—possibly thousands—of Liberian civilians who had sought protection in Guinea from widespread human rights abuses in the continuing war in Liberia have been prevented from entering Guinea or driven back across the border by the Guinean army, in violation of international refugee law. An investigation by Human Rights Watch in Guinea in August 2002 found that Guinean military officials were often acting in close collaboration with the LURD, who were allowed to operate freely on Guinean territory and frequently transited through Guinean border towns. After being stopped by the Guinean military, the refugees selected for return were then ordered to go back to Liberia and often physically handed over to LURD commanders, in violation of international human rights and refugee law, which prohibits the return, or refoulement, of individuals to situations where their life or freedom would be threatened. According to scores of eyewitness testimonies taken by Human Rights Watch, these refugees, usually men and boys, were then forced by the rebels to porter supplies including rice, salt, car parts, arms, and ammunition back to rebel bases in Liberia. Once back in Liberia, some of these civilians were then forcefully recruited for military service by the LURD. As men found ways to circumvent the Guinean army and LURD checkpoints, an increasing number of women and children, including children as young as ten who had been forcefully separated from their parents, were taken by the LURD. LURD rebels also prevented many Liberian civilians from seeking asylum in Guinea, or forced them to either pay or work for days at a time to "earn" their right to freedom of movement.

According to information gathered in August 2002, Guinean military and civilian authorities usually blocked access by staff of the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations to the border areas in Guinea where refoulement was taking place, on the grounds that the areas were too dangerous for aid agency staff to go. Humanitarian workers from UNHCR and other organizations working within refugee camps and in Guinea noted that an alarmingly small number of men and boys above fourteen were reaching their camps. They feared that many men had been forcefully recruitment by one or the other side, had gone into hiding to avoid forced recruitment and other abuses, or had been killed.

Many of the Liberians attempting to flee into Guinea have over the past year been victims of war crimes and other human rights abuses by both Liberian government forces and LURD rebels (see background, below). In addition, all those interviewed by Human Rights Watch described living in conditions of extreme hardship in Liberia, with little access to food and medicine. Most had had their food and belongings stolen by combatants from both sides; increasingly, many were being compelled to flee because of hunger, as well as fear for their safety. Hundreds of children became separated from their parents as they fled from Liberia and are currently living in Guinean refugee camps. Humanitarian workers observed high rates of malnutrition and disease among newly arrived refugees, scores of whom were referred directly to therapeutic feeding centers and hospitals on arrival in Guinea.

In addition to the pattern of refoulement of refugees by the Guinean military and LURD, Human Rights Watch is gravely concerned about the presence of armed LURD combatants in Guinea's largest refugee camp, Kouankan. The presence of these combatants has not only eroded the civilian nature of the camp, but also poses a serious security threat to tens of thousands of refugees. In Kouankan, often uniformed and sometimes armed LURD rebels moved freely into and out of the camp, where many had family members. Human Rights Watch collected credible reports of LURD rebels in Kouankan camp intimidating and threatening refugees, and sometimes engaging in military recruitment of men and boys from among the refugees. Human Rights Watch also received reports of adolescent girls being forcibly removed from the camps by LURD to be used for sex, and then returned to the camp thereafter. While staff of humanitarian agencies were always stopped and asked to present

¹ Human Rights Watch uses the definition of "child" given in the Convention on the Rights of the Child, that is, a person under eighteen. "Girl" and "boy" are defined accordingly.

their credentials to the military checkpoint at the entrance to Kouankan camp, the LURD combatants passed through unhindered.

At the time of our visit, Guinea's policy on whether or not its borders were open to refugees from Liberia was unclear and open for interpretation by local civilian and military authorities. For example, in meetings with Human Rights Watch, UNHCR stated that since 2001 Guinea's borders had been formally closed, but that in practice, "vulnerables"—women, children and the elderly—are allowed to enter. The chairman of the government refugee body, the National Office for Refugee Coordination (Bureau national pour la coordination des réfugiés, BNCR), insisted that the borders were open and all civilians seeking refuge were free to enter. In practice, the situation varied significantly from area to area: at the border crossing points, the decision seemed to rest with the local military and civilian authorities, sometimes after consultation with LURD rebels. In some areas, namely Ouet-Kama and Tekoulo within the Macenta prefecture, many refugees were systematically returned to Liberia; in other areas, such as Koyama and Fassankoni within the Nzerekore prefecture, they were allowed to enter and indeed protected from LURD rebels and hostile local civilians. In most areas refugees consistently reported having been robbed of their possessions and/or having to pay bribes to Guinean officials. The numbers of those being returned to Liberia (or "refouled") also seemed to depend upon the LURD's requirement for porters to carry goods back to Liberia; thus refugees arriving at a Guinean border crossing point at around the same time as a truck with weapons or food stood a higher chance of being forced to go back.

While the presence of military elements among newly arrived Liberian refugees may pose legitimate security concerns to the Guinean authorities, there seemed to be little effort on the part of these authorities to conduct proper interrogation or security screening of new arrivals. Instead, the screening process utilized by the Guinean forces—stripping the men and looking for tattoos and other tribal marks presumed to be indicative of a past military history—was sorely lacking in due process guarantees and resulted in the arbitrary arrest and detention, as well as beating, of scores of Liberian refugees. After being held without charge in unofficial detention facilities or local jails for days, weeks, and in a few cases months, most detainees were usually able to bribe their way out. In several cases, UNHCR facilitated the release of illegally detained refugees. Most had been arrested and detained on the basis of unsubstantiated accusations that they were sympathetic to or had been fighting with Liberian government forces. Detainees were held in very poor conditions and some were subjected to ill-treatment by Guinean officials.

While UNHCR officials are aware of these serious abuses of refugees' rights and continuing threats to their protection and have raised some of these points with the Guinean government, Human Rights Watch believes, on the basis of its own research in Guinea and discussions with UNHCR there, that the measures taken by UNHCR so far to address these problems have been inadequate and ineffective, and that these serious violations of refugee protection could and should be raised more firmly with the Guinean authorities. Key guiding principles of UNHCR operations—including unrestricted access to refugees, non-refoulement and preserving the civilian nature of refugee camps—are being consistently violated by the Guinean authorities under the eyes of UNHCR and international humanitarian agencies. Human Rights Watch noted many of these same concerns in our July 2001 report, *Refugees Still At Risk: Continuing Refugee Protection Concerns in Guinea*, documenting abuses against Sierra Leonean and Liberian refugees in Guinea in late 2000 and early 2001.

Human Rights Watch calls on the Guinean government to take immediate steps to ensure that all Liberian civilians seeking asylum in Guinea are allowed entrance to the country and that UNHCR representatives are allowed unrestricted access to the border areas. UNHCR should publicly call on the Guinean authorities to adopt security policies that do not violate refugee rights and to hold accountable those law enforcement officials responsible for abuses against refugees.

II. RECOMMENDATIONS

To the Guinean Government

- Uphold the right of non-rejection at the frontier and allow for the entrance of all Liberian civilians seeking asylum in Guinea.
- Issue clear instructions to military authorities at the borders that no refugees should be forced back to Liberia where they are likely to face serious human rights abuses.
- In conjunction with the UNHCR, establish and ensure procedures with due process protections for screening, and, where appropriate and where sufficient evidence exists, arresting, and detaining in humane conditions those suspected of being a security risk.
- Allow UNHCR and other international humanitarian agencies immediate and unlimited access to the border areas, including formal or informal detention facilities, and allow them to monitor any screening procedures established to identify those deemed a security threat, in order to establish a fair and effective process to separate them from civilian refugees.
- In adherence to Guinea's obligations under the 1969 OAU Convention Governing the Specific Aspects of Refugee Protection in Africa, ensure that refugee camps are located a safe distance from the border; and in accordance with international standards, ensure that the civilian nature of all refugee camps is established and preserved. Take immediate action to exclude combatants from Kouankan camp in order to restore its civilian nature.
- Collaborate with UNHCR in the relocation of Kouankan refugee camp following the screening of its population according to international standards to remove combatants.
- Issue clear instructions to civilian, police and military authorities that refugees should not be arbitrarily arrested or detained; investigate reports of arbitrary detention and ill-treatment of refugees and ensure that those responsible are brought to justice.

To the LURD

 Respect international humanitarian, human rights and refugee law, in particular by ending forced recruitment and by permitting all civilians who wish to leave Liberia in order to seek asylum in another country to do so.

To UNHCR

- Actively and publicly call on the Guinean government to adopt security policies that do not violate refugee rights, and to hold accountable those law enforcement and military officials responsible for abuses against refugees.
- Immediately report to the Guinean authorities any instance where refugee protection and security is being threatened, particularly with regard to the presence of combatants in Kouankan refugee camp, and the refoulement of refugees from the Ouet-Kama area.
- Demand that the Guinean authorities institute control procedures at the entry points to refugee camps and transit centers to ensure that no combatants are allowed in. These control procedures should be monitored by UNHCR and/or partner organizations to ensure that the procedures serve to preserve the civilian nature of the refugee camp rather than serving to restrict refugee rights.

- Increase the number of experienced UNHCR protection officers within Guinea, and prior to their deployment provide appropriate training and briefing on the sub-region and the main protection problems faced by refugees.
- Ensure a consistent, comprehensive, and effective UNHCR presence at all border crossings, in particular those where refoulement is known to be occurring.
- 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.

To the U.N. Security Council

- Maintain the arms embargo against the Liberian government, and explicitly extend the embargo to cover all combatant groups in Liberia, including the LURD. In light of the Guinean military cooperation with LURD documented in this report, request the U.N. Panel of Experts to monitor compliance with this embargo by the Guinean government in particular, as well as other illicit weapons flows into the subregion.
- Mandate the placement of international military observers and human rights monitors along the Guinea/Liberia and Sierra Leone/Liberia borders to monitor and investigate cross-border attacks.

To Donor Governments

- Provide necessary funds to ensure that the protection activities of UNHCR and the government of Guinea can be carried out and improved in accordance with the preceding recommendations.
- Ensure that any military assistance provided to the government of Guinea includes training to military personnel on international refugee law, and most fundamentally on the principle of non-refoulement.
- Make funding to the Guinean government contingent on their compliance with international law, namely
 adhering to the principle of non-refoulement, and on their preventing the transfer of weapons across its
 borders.

To the United States

• Publicly and privately express concern to the Guinean government regarding support given by the Guinean security forces to the LURD and their complicity in human rights abuses against Liberian refugees. Monitor the Guinea-Liberia border and investigate reports of Guinean military support to the LURD or other rebel forces in Liberia. Set up mechanisms to monitor respect for human rights by the Guinean battalion trained by the U.S.

III. BACKGROUND: CIVIL WAR IN LIBERIA

From July 2000, Liberian rebel troops based in Guinea launched a series of hit-and-run raids into Liberia's northwestern Lofa county. This sparked the fifth serious outbreak of violence in Liberia since the national elections of 1997 that ended a seven-year civil war. A large proportion of these LURD fighters were previously affiliated to the two factions of the rebel United Liberation Movement for Democracy in Liberia (ULIMO) during the pre-1997 civil war. In February 2001, LURD forces repeatedly attacked Lofa county, and, during months of heavy fighting and numerous government offensives, were able to secure control of a number of key towns, including Kolahun and Voinjama, for extended periods.

In November 2001, LURD forces launched a new offensive, westward into Bong, Grand Cape Mount, and Bomi counties. Rebel attacks closer to the capital, Monrovia, in early 2002, prompted Liberian President Charles Taylor to declare a state of emergency on February 8, which precipitated the arrest of civil society leaders and hundreds of suspected LURD supporters in Monrovia. The arrests and repression worsened following a May 2002 LURD attack on the former Taylor stronghold of Gbarnga. In the first half of 2002, LURD forces also took the strategic Lofa county town of Zorzor, attacked the town of Sawmill, took and held onto the key towns of Tubmanburg and Bopolu, and reportedly attacked the towns of Klay and Suehn, some fifty kilometers from Monrovia. During a government offensive which began in July 2002, LURD lost control of Tubmanburg and parts of Lofa county. The state of emergency was lifted on September 14, 2002.

Since January 2002, some 26,000 civilians, mostly ethnic Gbandis, Kissis, and Lormas from Lofa county, have sought refuge in Guinea. An additional 36,000 refugees from Lofa, Grand Cape Mount, Bong, Gbapolu, and Bomi counties are living in camps in Sierra Leone. Since May 2002, food shortages, fighting, harassment, and abuses by both LURD and government security forces have resulted in a large influx of refugees into both Sierra Leone and Guinea. Others fled to Monrovia; however, due to government forced recruitment and crackdowns on suspected rebel sympathizers, many of them have since also left the country.

In Liberia, the government armed forces and pro-government militias fighting against LURD rebels have committed war crimes² and other serious human rights abuses including summarily killing, torturing and otherwise mistreating civilians, raping women and girls, and abducting civilians for forced labor and fighting in the northwest. Human Rights Watch has documented numerous massacres of groups of civilians, including several where civilians were confined to houses and burned alive. Government troops have systematically looted and burned towns, and in many cases troops manning checkpoints have blocked displaced civilians from moving to safety. Government soldiers systematically extort money and other goods from the displaced, including those seeking refuge outside the country.³

Citing the rebel threat, the Liberian government is remilitarizing society—remobilizing ex-combatants, and permitting the proliferation of militia groups. The government has forcibly recruited hundreds of young men and boys in an arbitrary fashion, without recourse to legal procedures, and deployed them in combat areas with little or no military training. In the course of combat, they are often ordered to commit acts that are violations of international humanitarian law.

LURD combatants have also been responsible for serious human rights abuses and violations of international humanitarian law, though apparently less widespread and systematic than those committed by Liberian government forces. Human Rights Watch has documented numerous cases of rape and several summary executions of suspected government collaborators. Hundreds of boys and young men have also been forcibly recruited into LURD's fighting units and, like the government troops, are routinely sent to the frontlines with little or no training. Civilians are systematically subjected to forced labor, usually the portering of goods between

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² Violations of international humanitarian law (the laws of war) involving direct or indiscriminate attacks on civilians during an internal armed conflict are increasingly recognized internationally as amounting to war crimes.

³ See "Back to the Brink: War Crimes by Liberian Government and Rebels," *A Human Rights Watch Short Report*, May 2002

Liberia and Guinea. In some areas, the leadership of LURD appeared to be making some effort to ensure that their combatants respect the rights of civilians.⁴ However, since early 2002, Human Rights Watch has received more frequent reports of serious abuses by LURD combatants. The apparent deterioration in military discipline is allegedly related to internal divisions and infighting within the LURD leadership.

IV. REASONS FOR FLIGHT: VIOLATIONS WITHIN GOVERNMENT- AND LURD-CONTROLLED AREAS

During August 2002, Human Rights Watch interviewed scores of refugees within Guinean camps and transit centers; we have previously interviewed Liberian refugees in Sierra Leone, and displaced people in Monrovia. Most of those who crossed into Guinea near Ouet-Kama had for months been living in LURD-controlled areas after having been victim of serious war crimes, including massacres and systematic sexual abuse, at the hands of Liberian government forces and militias. Those who crossed into the Nzerekore region had typically fled areas under the control of the Liberian security forces. Before crossing into Guinea, the Liberians had undergone tremendous hardship at the hands of combatants from both sides. In addition, severe shortages of food and medicine led to what was described by the refugees as an alarmingly high level of mortality. Among those refugees interviewed by Human Rights Watch, it was not unusual to hear of refugees who had recently buried two or three close family members.

Human Rights Watch has previously documented very severe abuses by government forces.⁵ Many of the refugees we interviewed in Guinea had left government areas some time earlier and thus had more recent experience of LURD-controlled areas, but they confirmed these accounts of government abuses. A twenty-nine-year-old farmer from Mawolotown, for example, described abuses by government security forces from September through November 2001:⁶

They have a nasty way of killing. Government forces would come into the bush and kill people, including the elderly. They made young people carry their things and killed older people. They put fire in the houses and burnt people inside. Whenever they came, people scattered. On November 12, 2001 government troops carried away my wife, my son [age five],... my brothers,... my sisters, and my four nephews. I was hiding in the bush. I heard them crying. Later, when LURD forces came, they said they would protect us. That we should follow them into the town.

Some refugees had more recent accounts of government abuses. A thirty-six-year-old science teacher from a village near Zorzor described seeing his uncle and another man, accused of being rebel informants, brutally killed by government soldiers.

In May [2002] my uncle was captured by the LURD and brought in Kolahun. A week later he escaped and returned to Kpademai. The government troops asked him where he'd been and he was honest. He told them, "what could I do... they have arms?" They accused him of being a rebel informant. Five soldiers including a fifteen-year-old named Massawulu set upon him. Then Massawulu took out two bullet casings from his gun, removed the powder, reloaded the empty casings and then shot out both my uncle's eyes. Then they led him away and executed him. Three days later they beat another man to death with a hammer for the same thing. We decided to flee shortly after that.

The experiences of those living within LURD-controlled areas followed a similar pattern: after escaping Liberian government troops, or if they were already from those areas, civilians were rounded up by LURD forces and brought back into the towns under their control, including Kolahun and Johnnystown. Throughout 2001 and in the early months of 2002, most civilians living in LURD-controlled areas complained of few abuses and were

⁴ Ibid

⁵ Ibid; *see* also Human Rights Watch Letter to the U.N. Security Council Regarding the Mano River Union, July 17, 2002, and press releases available at http://www.hrw.org/africa/liberia.php.

⁶ Unless otherwise stated, all testimonies taken by Human Rights Watch in refugee camps in Guinea, August 12 to 18, 2002.

largely left to work the land. During this time there were isolated cases of serious violations such as rape and summary execution, although looting was regularly reported as well as some forced recruitment of men and boys. Many of those interviewed by Human Rights Watch reported that LURD forces, including commanders, frequently stole their food and money. As life behind rebel lines became more difficult in early 2002, and increasing numbers of civilians started to flee, the pace of forced recruitment quickened and the manner in which it was done became more intrusive and violent. Often men and boys who had been forced to porter goods were later handed over to rebel commanders for military service. Numerous refugees knew of men and boys who had died after being sent to fight. Those being conscripted were sent to the frontlines after having received little or no training.

By March 2002, as government offensives intensified and food became more scarce, reports of violations became more commonplace and the behavior of the rebels toward the civilian population appeared to deteriorate. A thirty-five-year-old-teacher from Honeyahun explained:

We were with the LURD forces in Kolahun without problems until around April of 2002. It was then they started forcing all the men and boys to be soldiers. They shaved their heads and took them for training. We fled from them into the bushes, but they'd follow our footprints and find out where we were hiding. Once, the area commander from Kematahun named "Sixty Bill" and sixteen other rebels found us. They stole three gallons of palm oil, shoes, bed sheets and clothes. It was all we had. He accused us of not wanting to fight with them and whacked me four times on my right ear until it bled. They even made the women cook for them.

Most of those who entered Guinea around the towns of Koyama and Fassankoni said they had fled their villages in April 2002, during a rebel offensive on Zorzor town. Several refugees said the LURD had burned and looted their villages and, in a few cases, raped girls and women. Most had fled into areas under the control of Liberian army and militias who they said committed numerous serious violations and attempted to stop civilians from seeking asylum. A thirty-seven-year-old farmer from Zulo town, near Zorzor, explained:

I left because ULIMO [i.e. LURD; many people use the names interchangeably] burned the whole town. Everyone fled into the bushes. It started in April 2002. I didn't see killings, but they were burning many houses. I was in the bush with my family. We went from place to place. Children were getting sick. Some were dying. I stayed in the bush from April to June 2002. Government troops were behind us. They came into the bush and took our clothes and materials.

Government forces raped women. In May, they raped my eighteen-year-old daughter. Three soldiers raped her in the bush, near Boi town. She was sick afterwards. The three soldiers admitted it. Their commander said sorry and it wouldn't happen again. He beat the soldiers and said it was wrong. Also in May, a soldier raped a woman near Zelemai. She said she was going to complain, so he shot her in the back. She died on the spot. About two days later, the commander shot the soldier.

There was tension so we decided to cross to Guinea. Before I could get to the border, the commander of Zorzor announced that no one should go to the border. Still I decided to come. I traveled overnight because if you're caught, you'll be dealt with. Some people were killed by government soldiers for trying to leave. I know of two men who were killed in early June: Balah Woyei (a middle-aged instructor) and a second man. They were killed about one mile from the border.

Human Rights Watch has documented widespread and systematic rape of women and girls by Liberian government forces. While this abuse appears less prevalent among LURD troops, Human Rights Watch did document seven cases of rape perpetrated by LURD forces between June and August 2002. In several cases the perpetrator was reprimanded by his commander. The most serious case involved the August 8, 2002 rape of three women by three separate combatants. A twenty-two-year-old refugee described what he saw:

On August 8 [2002], on our way to Guinea, between Kotolahun and Honyahun, three LURD soldiers boys who joined the patrol after returning from the frontline took three girls away with

them. They told the girls to carry their load onto the highway and then raped them on the main road, in the daytime. I saw them carrying the girls away. They were aged about eighteen, twenty and twenty-eight. Afterwards, the girls went home and complained. We learned the soldiers were beaten by their commanders.

The deplorable conditions in Liberia led to scores of deaths, as explained by a thirty-two-year-old man who fled from Borkeza town in June 2002:

Before, 4,846 people had lived in Borkeza town. Most of them were now hiding in the bush. We had nothing to eat. Many died. We buried some. Bodies were decaying and rotting on the ground. Between April and June, I buried sixteen from my village. They died of sickness. Most of them were children. We were on the run. There was no safety area. Which way could we go?

Several civilians who crossed into Guinea in July and August 2002 described rebel units stealing all the rice they had gathered from the previous year's harvest, collected in January and February 2002. With the severe shortages of food and medical care, an act such as this often served as the catalyst for deciding to flee. A twenty-five-year-old student from Kpandeheyewan explained:

In November 2001, we asked the LURD for permission to leave Kolahun and tend to our fields. By December we'd finished the harvest and started beating and packing away the rice in bags—we'd harvested 350 bundles of rice and were happy to finally have something to rely on. But in January 2002, CO Chief Dekko [a LURD commander] took it all away. All. Every bag. We were so discouraged. He left us eating bananas.

Sometimes LURD combatants accompanied such theft with violence, which together with the insecurity, lack of medical care and the loss of the year's harvest, pushed many civilians to flee. A forty-six-year-old-teacher from Mawolotown explained:

On Christmas day in 2001, the government troops attacked LURD in Kolahun. It lasted one week. That was when the government troops took away my two children. In Kolahun, people were dying of malaria and cholera. In January 2002, the LURD came and took our rice and oil. They just took all our food. People were hungry. LURD forces asked for it and if we refused, they beat us with guns and chopped us with knives. In March [2002] they harassed us to send our young boys to fight the war. Boys were hiding in the bush to avoid them. There was nothing for us to eat so we decided to move.

The most widespread form of abuse by the LURD was their use of civilians for forced labor. Mostly men and boys, but sometimes women, were routinely and often at gunpoint forced to carry wounded combatants to the border with Guinea; arms and ammunition from rebel strongholds to frontlines; and coffee, cocoa, and oil to be sold in markets in Guinea and Sierra Leone. After delivering goods to business people who appeared to be working in coordination with LURD rebels, civilians were then obliged to porter back to LURD territory, usually Kolahun, goods such as rice, salt, car parts, arms, ammunition and whatever else was needed to sustain rebel operations in Liberia. Some civilians reported having to carry heavy loads for journeys of up to ten hours in one day. After delivering the goods at one end, they were often forced to turn around and carry other goods back the other direction, often without being allowed to rest, and with no regard for their physical ability or strength to carry on working: many were made to porter goods despite feeling very weak or suffering from sickness. Some described making the long journeys up to twenty times, often several times in succession.

Border towns such as Ouet-Kama (which supplies rebel bases near the Kolahun area), Koyama (which supplies rebels bases near the Zorzor area) and Macenta, clearly have an important economic and logistical role to play in sustaining LURD operations. During the journeys, the civilians said they received no food or compensation for their labor, and were beaten if deemed to be walking too slowly. A twenty-five-year-old student explained:

The rebels used the youth by force. They put loads on our heads. If you refuse they kill you. In April 2002, my brother Kollie [aged eighteen] agreed to carry the load but he was too tired and

told them he was unable to do it. They beat him so badly he died one or two days later. They beat him with their gun butts and kicked him in the stomach with their boots. We had to carry the loads from February [2002] until when I left in August. Once I was among 175 youths. We were all men, aged from fifteen to forty. They made us carry ammunition, coffee, cocoa, zinc, oil, iron, generators, machines. We left it in a warehouse in Ouet-Kama. I had to do this four times, back and forth from Kolahun to Ouet Kama. It is still going on now.

Women, some with babies on their backs, were not spared from this form of forced labor. A thirty-five-year-old farmer from Korbatormai described the five journeys she made:

I carried loads from Solomba, I carried them from Kolahun, I carried them from Voinjama. I carried coffee and oil to Guinea five good times; it takes eight hours each way and I did it with my two-year-old on my back. If you're hungry, they don't care. If you don't walk to their satisfaction, they beat you. There were usually about ten of us civilians each time. Sometimes when we'd reach Ouet-Kama [Guinea] we'd have to hide in the bushes or mix with the refugees to stop them from giving us another load and forcing us to walk straight back.

A twenty-five-year-old teacher described the various journeys he made, and how he was on several occasions forced to take arms and ammunition to several frontlines:

In July [2002] when the fighting was hot, I was grabbed with about twenty other youths by LURD Commander King Henry. He put boxes of ammunition on our heads and told us we were going to Foya, where they were about to attack the government troops. He threatened that if we ran away, he'd kill us, and even left his bodyguards to keep an eye on us. I got so fed up. I did this routine at least fifteen times; from Kolahun to Fassama, from Kolahun to Foya, from Kolahun to Guinea. Arms, ammunition, coffee, rice, the sick relatives of the commanders.... I carried everything.

V. LURD LINKS TO GUINEA

In addition to being forced to carry weapons within Liberia—from LURD bases to active frontlines—civilians were also forced to transport fresh supplies of arms and ammunition from Guinea back into Liberia. After delivering their loads of coffee and oil to Ouet-Kama, at least six civilians described to Human Rights Watch how they were forced to carry boxes of ammunition and brand new weapons, usually still in their plastic bags, back to Liberia. The most recent account was from July 2002. The weapons and ammunition were usually delivered to Kolahun, although on one occasion, they were taken to Bopolu, in Gbapolu county. No one described the weapons being handed over directly from the Guinean military to the LURD. The arms and ammunition were instead retrieved from the back of a waiting non-military vehicle, from a warehouse, or in one case from inside the military outpost in Ouet-Kama. The vehicle was not, according to the witnesses, driven by a man in military uniform. While Human Rights Watch was not able to identify who had purchased and delivered the arms, it was clear that elements within the Guinean military were completely aware of, and had in some cases facilitated arms transfers to the LURD. There was always a LURD commander present in Ouet-Kama to supervise these operations.

Several refugees who had crossed into Guinea near the towns of Fassankoni and Koyama in June and July 2002 described seeing truckloads of arms and ammunition passing through the towns during the same months. The arms were presumably on their way to the LURD-controlled town of Zorzor (ten kilometers from the Guinean border). As Zorzor is accessible by road, the refugees in that area were not enlisted to porter any supplies, including arms and ammunition.

Numerous refugees gave detailed descriptions of the presence of armed LURD combatants in the refugee camp of Kouankan, where often uniformed and sometimes armed LURD rebels moved freely into and out of the camp. Some LURD combatants were in Kouankan visiting family members living in the camp. Others were seen engaging in military recruitment of men and boys from among the refugees. There were credible reports of food supplies meant for the refugees being taken out by the LURD combatants, presumably for use in feeding their

army (see below). All of these actions compromised the civilian nature of the refugee camp, in contravention of international standards.

VI. LURD DENYING CIVILIANS THE RIGHT TO LEAVE THEIR COUNTRY

Since at least May 2002, LURD commanders in charge of key areas in Liberia and at the border with Guinea appeared to be routinely denying desperate civilians the right to leave Liberia in order to seek asylum in Guinea. This seems part of a deliberate policy which is explicitly articulated to civilians who have been either stopped at a rebel checkpoint or caught trying to flee. Refugees described having to sneak away at night, pose as traders taking their goods to either Sierra Leone or Guinea, or bribe commanders or LURD combatants manning the many checkpoints which have been set up in LURD-controlled areas. Civilians are usually stripped of their possessions as a punishment for leaving LURD-controlled areas.

The checkpoint near the small Liberian town called Nyandemolahun—the final one before crossing the Makona River that marks the territorial border with Guinea—was particularly notorious. There, civilians were almost always forced to line up and subjected to interrogation as to their reasons for wanting to leave Liberia; some were beaten by LURD members. Many described being blocked at Nyandemolahun for up to two weeks. Almost all civilians described having to pay a crossing fee of from 50 to 150 Liberian dollars (approximately U.S.\$33-99). Civilians who didn't have the money had to remain in Nyandemolahun until they could pay one way or another, usually through forced labor. Others chose to wait in hope of being reunited with a family member earlier taken away. A thirty-five-year-old woman who escaped from the village of Mawolotown in early July 2002 explained her experience:

We'd had enough. About fifty of us from my village made a plan to leave early one morning. When the LURD asked us where we were going, we told them we were going to Guinea to sell palm oil and then buy rice. I didn't have anything, otherwise they'd get suspicious. Some people had taken bundles. They stopped them and said that if they wanted to go, then they were going to leave empty handed. I was later told that they'd taken everything of value from them. In Nyandemolahun they took my oil but after paying fifty Liberian dollars [U.S.\$33], I was eventually able to cross. We left hundreds of people there waiting. Some were waiting for their sons or husbands to come back—others were not fortunate enough to have any money.

A twelve-year-old girl who had earlier become separated from her mother during the fighting described her experience at Nyandemolahun:

We came to Guinea because of the killings and burnings. Children were getting sick and dying in the bush. We were afraid to go back to the town. We reached Nyandemolahun. I was in a big group. Some soldiers there harassed us and took everything from one woman. There were dressed in black all over and had guns. There were about twenty of them. They said they were ULIMO [i.e. LURD]. I heard them greeting each other. Their commanders were called Komba Blackie and General Dekko.

We were rounded up and called. We left when we were told we could go. They went through our belongings and took our things. They slapped people, beat them and kicked them. They took some young boys away, about ten boys aged thirteen, fourteen, fifteen and older. A boy called Mole was among those taken. They asked for money and slapped and beat those who refused. The boys who were taken away were told they would carry them away as soldiers to Kolahun. General Dekko was giving the orders. I slept there for two nights. After the first night, there were no more beatings. They just asked us: "why are you leaving your land?"

Another woman, who also fled in early July 2002, described the edict of a LURD commander manning Nyandemolahun which forbade civilians from seeking asylum:

When we reached Nyandemolahun on July 11, the LURD commander named Tarko called all of us together. We were in the hundreds and the rebels were about fifty. We were desperate—people were sick and hungry. People had lost their children and husbands in the war. He made us line up

and then started lecturing us. He said, "no civilians will be allowed to become a refugee. Who is going to help us after you go? Who will carry for us? And you can't bring clothes because that means you aren't coming back." I was held there for one week, but after scraping together fifty Liberian dollars [U.S.\$33], managed to cross.

Young men and boys of fighting age described being prevented from leaving the country and forced to join the ranks of the rebel fighters. Witnesses described how men and boys were forcefully taken out of the line at the Nyandemolahun checkpoint and sent off to be trained as fighters or work as porters. Two witnesses, who passed through Nyandemolahun in July, described what they saw:

Commander Tarko was in charge that day. We were all gathered together so he could talk with us. During this time the fighting around Kolahun and Fasawulu was heavy. He told everyone we couldn't go and turned to the men and boys and said, "we want you all to join together with us and fight." He asked them to volunteer themselves. A very few of them did, and the rest he just forced. They gathered at least fifty boys and men—between thirteen and forty-five—and put them on a blue pick-up truck. He said he was taking them to Voinjama to train them.

The day I was in Nyandemolahun I saw Commander Diabate take away ten young men—some were sixteen, others twenty or twenty-five. The LURD ordered them to carry some of the refugee bundles which had been stolen from the other civilians, and then they ordered them to march. What could they do... there were over thirty rebels. The wives and mothers and sisters starting crying and begging for the rebels to leave them, but the commander just said they were carrying them away to make them into soldiers.

As men and boys started circumventing the established checkpoints, LURD forces were increasingly relying on women and children, usually adolescents, for portering activities. A sixteen-year-old girl from Sosomalahun who crossed into Guinea in mid-August 2002 described what happened to her:

I spent three days in Nyandemolahun and had to spend 300 Liberian dollars [U.S.\$198] to cross. There were one hundred or so of us waiting to cross—almost all women and children. Every day the rebels would take people to carry their loads from Nyandemolahun back to Kolahun. There weren't very many boys or men; they don't dare come anymore. They found other ways and other places to cross. Every day the LURD took away two or three youths—some boys but mostly girls. How many they took depended on how much "manpower" they needed. Around August 12 a rebel commander came walking from Guinea with three children who were carrying loads on their heads. I knew two of them, Armadi [thirteen] and Fatu [twelve]. They'd just crossed into Guinea a few days before. They were crying and we begged the rebel to leave them. The rebel was grumbling about a third child who had run away between Guinea and Nyandemolahun so he just went up and took away another girl [about thirteen] who at the time was cooking with her mother. He just gave her something to carry and carried her away with the other three. We haven't seen them up to this time.

Since approximately July 2002, LURD commanders living in Kolahun instituted a "pass" system which heightened their control over civilians living in areas under their control. Obtaining a pass was at the discretion of the LURD commander and usually given after having paid him off, if the civilian was sick, or if she or he had "earned" it though forced labor. After refugees had crossed the border and made it to Ouet-Kama, Guinean commanders routinely asked for and appeared to honor the LURD passes.

VII. REFOULEMENT FROM OUET-KAMA AND TEKOULO

After crossing the Makona River in small canoes, and having to pay for the crossing, the refugees were routinely met by a small unit of Guinean soldiers who then escorted them on foot to the closest military outpost, Ouet-Kama (fifteen kilometers southeast of Gueckedou). The journey on foot takes approximately one and a half hours. From there, refugees attempted to travel to a transit camp administered by the humanitarian agency Médecins sans Frontières (MSF) in Tekoulo, another eleven kilometers away.

After arriving in Ouet-Kama, the refugees were handed over to the Guinean commander of the military unit stationed there. The refugees interviewed by Human Rights Watch said there were approximately fifteen soldiers based there, and that the commander was named "Coulibaly," although they were not certain of his rank. Almost all refugees interviewed described the presence of from three to twenty usually armed LURD combatants in Ouet-Kama, who they said moved freely in and around the area and interacted comfortably with the Guinean military. While the LURD did not seem to have their own base in Ouet-Kama, they often passed the night there. The collusion between the LURD and the Guinean military was blatant, prompting many refugees to describe the situation in the following terms: "Liberia and Guinea are like one country" and "Ouet-Kama is really considered as Liberia."

On arriving in Ouet-Kama, all refugees were told to line up so as to be "registered." During this process, Guinean forces, or a combination of LURD and Guinean forces, would decide who would be returned to Liberia and who would be allowed to proceed to the transit camp at Tekoulo. Some refugees reported having to pay the Guinean officials doing the "registration." During this "registration" many refugees said they were physically handed over to LURD combatants who, according to numerous witnesses, played a direct part in the screening. Some refugees said the local Guinean commander sought and followed the advice of the LURD commander on whether or not to return a given group of refugees. As mentioned, the Guineans often asked for and seemed to honor the LURD-administered passes. According to witnesses, the numbers of those being refouled on a given day varied considerably, from as few as five to as many as fifty. After being screened, the refugees were accompanied back to the border by either Guinean and/or LURD soldiers. A thirty-four-year-old teacher from Kolahun town explained:

On July 13 [2002] I arrived in Ouet-Kama with eighteen other people and found about two hundred Liberians – mostly women and children, already there. They were in the process of getting into a line. Immediately they told us to get in the line too. The Guinean CO, Coulibaly, announced that no young man would be allowed to proceed to Tekoulo [transit camp] and proceeded to pick out twenty-seven of us who he ordered to walk into the soldiers' barracks and stand under a palm tree. We were all men aged from nineteen to forty-five. Chief Larry, the LURD commander from Nyandemolahun who happened to be on the scene, was standing around, close to Coulibaly, watching the whole process. Then Coulibaly and the LURD people, Larry and another called Diabate, came to us, and one of them said we shouldn't be allowed to go because the country is going to be left empty. Then Coulibaly said, "these are your people. Carry them back to Liberia." We spent two hours waiting under that palm tree and then one of the LURD people said, "come on" and led us outside the barracks where we were ordered to pick up bags of rice.

We were escorted back by two LURD rebels, and because of our numbers nine of us managed to drop the bags and run into the bush. Later that night we crept back into Ouet-Kama, and then snuck through the bush until reaching Tekoulo the next day. A few days later in Tekoulo I ran into many of the others who'd been forced back to Liberia. They said they'd convinced the LURD to let them go and had crept through the bush all the way to Tekoulo.

The thirty-five-year-old woman farmer from Korbatormai who between April and July 2002 was forced by the LURD to porter supplies between Liberia and Guinea, (see above, "Reasons for Flight") said refugees from Ouet-Kama were added to her group all five times she did the journey. The numbers of those refouled by the Guineans seemed to depend largely upon the LURD's need for goods to be carried back to Liberia; thus refugees arriving in Ouet-Kama at around the same time as a truck with weapons or food stood a higher chance of being sent back. She explained:

Every time I arrived to Ouet-Kama I met refugees from my area. And every time some of those people would be taken away from their families, piled up with loads of rice or salt or arms and forced to join the group I'd come with. The Guinea soldiers would pick them out and deliver them to the LURD. The LURD used to tell the Guinea soldiers, "we need manpower, don't allow our boys to go." And the Guinea men seemed to be following their orders. The number they took depended on how much stuff they had to take back to Liberia... sometimes it was five, fifteen. In

July, the last time I did this journey, a truckload of arms had just come in, and this time LURD commander Nyuma took over fifty refugees—even some women—back with him.

Sometimes the refugees were sent back to Liberia from Guinea by the LURD even before reaching Ouet-Kama, especially around a small village between the border and Ouet-Kama called Bambu. When they were sent back, often for porterage, some refugees were allowed to come straight back to Ouet-Kama to wait for "registration". A twenty-nine-year-old farmer who crossed over in July 2002 explained:

On our way from the border into Guinea, it was very difficult to walk. Some Guinean soldiers helped us reach Ouet-Kama safely. The LURD were grabbing people. They said: "you are running away from us. You must help us fight." They were beating people. On the road from Bambu village to Ouet-Kama, they were catching people, anywhere along the road. Guinean soldiers felt sorry for us and helped us.

From 13 July we spent two nights in Ouet-Kama. I saw plenty of LURD forces there, every day. They were coming back and forth. They were making men and women carry their things to Nyandemolahun. Only a few came back. That day, they took fifty people to carry rice, about thirty men and about twenty women. About fifteen of the men and about ten of the women returned the next day. If people didn't want to carry, they beat them. Some were forced to stay in Liberia and could not cross the border.

Those chosen to be forced back to Liberia were usually men and boys above fourteen. However, as men and teenaged boys increasingly sought to avoid the LURD and Guinean forced returns, more and more women and children were forced to carry goods back to Liberia. During August 2002, aid workers attending to newly arrived refugees in Tekoulo received numerous reports from parents of children who were taken away by LURD rebels in Ouet-Kama. On August 13, 2002, five children, aged ten to sixteen, were forced by LURD commander "Morris" to carry rice from Ouet-Kama back to Liberia. A thirty-year-old male refugee, who had been allowed passage to Ouet-Kama because of a severe hernia, described what happened:

Around fourteen of us arrived to Ouet-Kama from Nyandemolahun that day. The Guinean military told us to sit and wait inside of a warehouse where all the refugees were lodged. We hoped to get permission to move onto Tekoulo the next day. There were a few LURD milling around, but we didn't think much of it. We all spent the night and the next morning at around 7:30 a.m. a LURD commander named Morris and two other rebels entered the warehouse and announced that he was looking for manpower. One had a gun and the other two had grenades. I told him I was seriously sick and could hardly walk. There were no other men around, so he pointed at five children—the youngest was ten, and the others were around thirteen to sixteen and ordered them to follow. When their mothers and big sisters begged, he promised to bring them back the same day; he said he was only taking them to the border. Then he told the children to pick up bags of rice and salt. About fifteen minutes later he came back in and was furious. He said the sixteen-year-old girl had run away. He yelled at us like we were responsible. Then he took a fourteen-year-old girl as a replacement and said he was taking them all the way into Liberia. As they walked away, I saw that some Guinean soldiers watched as the children were being led away. When I left for Tekoulo the next day, I left the mothers and sisters of the children there. I don't understand; we should be free of such troubles once we cross over to Guinea.

Some chosen for return to Liberia for portering or other duties were able to secure their freedom after paying a bribe to corrupt Guinean military personnel. A twenty-nine-year-old farmer explained:

In Ouet-Kama, the LURD forces wanted to send us back. The LURD forces and the Guinean military were both sending boys back. They made us carry their loads back to Kolahun. I spent just one night there, on March 22 [2002]. I saw them carrying twenty-five people away, boys and girls. They only leave the very old and the very young. Guinean soldiers tried to carry me away. I pleaded with them and gave them 3,000 FG [U.S.\$1.50] and they allowed me to stay. The rebels were saying our people had to go back. In Ouet-Kama, there is a line to register to go to Tekoulo. That is when they try to send you back.

Others were able to secure their freedom by paying LURD rebels, as a twenty-five-year-old male student who crossed in early August 2002 explained:

On Wednesday morning, we waited for the U.N. to register us but they didn't come. On Thursday they came to register us. I took my seven-year-old son who is sick with stomach problems and got in a line for registration. Guinean soldiers took me out of the line. They said: "you have to go back to Liberia." They accused me of just having my son as an excuse to come into the camp. The Guinean commander was called Coulibaly. He took me and my son and put me in jail in the barracks, with about six others. They said they were waiting for rebels to come and make us carry their load. We were held together for five or six hours and guarded by ten or fifteen Guinean soldiers. They were angry but they didn't beat us.

Then a LURD commander came to the barracks and the Guineans said "when you're ready, take them back across." As we waited I saw another rebel commander passing. I called him and asked him to help us. He asked for 15,000 FG [U.S.\$7.50] before agreeing to talk to the Guinean authorities to release me and my son. I said I didn't have that money. He said: "then I can't speak on your behalf." Later I took him 5,000 FG [U.S.\$2.50]. He accepted. He went to the barracks and told the Guineans that if they released me he would ensure that after getting treatment for my son, he would take me back to Liberia. They agreed. After being freed, I ran away. I was afraid to bump into them.

My brother, my son and I hid in the bush. We wanted to go to Tekoulo but didn't know how to get there. We met a Guinean civilian who agreed to take us to Tekoulo but he asked us for 15,000 FG each to get into the camp. I said I didn't have it and gave him oil instead. He said it wasn't enough and I must add 10,000 FG [U.S.\$5]. I gave it—it was all I had. He took us to Tekoulo.

Oddly, and despite legitimate security concerns in the context of ongoing fighting in Liberia, there seemed to be little effort on the part of the Guinean authorities to conduct proper security screening of newly arrived refugees. In fact, refugees were rarely questioned about their past military history or possible connections to the Liberian security forces. Some of those who were detained were accused of being members or sympathizers of the Liberian security forces, but were not questioned individually in any detail. After being sent back to Liberia the first time, some refugees tried repeatedly to return to Guinea. Many were indeed allowed to seek refuge after having done what the LURD determined to be "enough" work—confirming that the final decision as to whether to allow them to remain in Guinea was often determined by the LURD, rather than by the Guinean authorities.

VIII. ACCESS OBSTRUCTED FOR UNHCR AND HUMANITARIAN AGENCIES

At the time Human Rights Watch visited Guinea, UNHCR and other international aid agencies were given very infrequent permission to visit Ouet-Kama, which is classified by the prefect of Gueckedou as a military zone of operation, or "red zone." After some pressure, the prefect of Gueckedou had by July formally granted UNHCR access to Ouet-Kama. However, on a practical level, humanitarian agencies were often blocked by the sub-prefect of Tekoulo and forced to negotiate access on a day-to-day basis. There were no Guinean civilian authorities based in Ouet-Kama, not even the BNCR; the area was effectively under the control of the military. MSF had since the early stages of the influx to Ouet-Kama maintained a daily field presence in Tekoulo, but UNHCR's presence in Tekoulo had been inconsistent. In October, UNHCR informed Human Rights Watch that the agency "still faced some difficulties" regarding transfers from Tekoulo, and was for security reasons unable to maintain a permanent presence in the area.

According to refugees interviewed by Human Rights Watch, the occasional presence of UNHCR in Ouet-Kama sometimes played a crucial role in securing the freedom of refugees being held by the Guinean military, ultimately protecting them from refoulement. A twelve-year-old-girl who arrived in Guinea in late July explained:

⁷ Letter from UNHCR Representative in Guinea to Human Rights Watch, October 25, 2002.

The U.N. came for registration to bring us to Tekoulo. The Guinean soldiers said the boys couldn't go and took five boys out of the group, aged twenty and upwards. They had begged and paid to get out of Liberia. The U.N. intervened and said they had no right to take them back, so the Guineans allowed everyone to stay.

A sixteen-year-old who arrived in Ouet-Kama in the beginning of August [2002] described her experience:

We arrived with about fifty others. We waited for several days for them to grant us permission to go to Tekoulo. Three days later, a LURD commander and three armed rebels arrived to where we were staying and gave an edict that no refugee must be allowed to leave to Guinea. He forgot that we were already in Guinea. The Guinea soldiers stood around and seemed to go along with what the rebels said. The next morning the LURD went to the market and soon thereafter the UNHCR trucks arrived. The Guinean soldiers allowed all of us to go—which was contrary to what they were saying the day before.

IX. DETENTION AND REFOULEMENT OF LIBERIANS FROM TEKOULO

After being registered, those allowed to remain, usually women, children, the sick and the elderly, were then accompanied by Guinean soldiers to the refugee transit center in Tekoulo, approximately two hours' walk away. On at least one occasion, in July 2002, LURD rebels accompanied them. Upon arrival, other Guinean soldiers then reviewed the list, re-registered the refugees and allowed them to enter the MSF transit center. Newly arrived refugees were registered by UNHCR and the BNCR, and received a medical screening by MSF. UNHCR and MSF staff interviewed by Human Rights Watch observed an alarmingly small number of men and adolescent boys, and indeed very few intact family units. They also noted a high rate of malnutrition and disease among newly arrived refugees, scores of whom were referred directly to therapeutic feeding centers and hospitals.

While the vast majority of cases of refoulement occurred in Ouet-Kama, reliable sources in Tekoulo reported that an additional 150 refugees had also been refouled from there since May 2002.

Human Rights Watch also documented the cases of at least eleven refugee men who were arbitrarily detained in Tekoulo. Most were detained shortly after arrival in Tekoulo during the re-registration process. Others were taken, usually at night, directly from the MSF-administered camp. Almost all were held in the local jail, while UNHCR reported that at least three were later transferred to the prison in Gueckedou. Through the intervention of MSF and UNHCR, all of those detained were reported to have been released. A forty-six-year-old teacher, one of eleven refugees arrested in Tekoulo, explained:

At the end of July we left with the U.N. for Tekoulo. We spent two weeks there. On July 22 [2002], the Guinean military in Tekoulo put eleven people in jail, including me. They said we were rebels. They arrested us when we were registering, as soon as we arrived. We were the only men there. They took us to the police station. They kept us for about three hours then released us. They didn't question us. The soldiers came in and saw us and went away again. There were no beatings. The U.N. registrar (a Liberian resident in Guinea) freed us and took us to the camp. There were no more problems in Tekoulo after that. There were more than one thousand of us there. We never had any news of those the LURD carried back. On 2 August, we came to Kountaya with U.N. vehicles.

Every few days, the refugees in Tekoulo, were transferred from the transit center to refugee camps in UNHCR convoys. From January to August 2002, some 8,326 refugees were transferred to Kouankan camp, and from August to October 2002 more than 2,000 were transferred to the Telikoro and Kountaya camps, within the Albadaria region.⁹

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⁸ HRW was told by a humanitarian worker that in July 2002, one of their colleagues saw a column of several hundred refugees being escorted by a LURD child combatant and one Guinean soldier.

⁹ Human Rights Watch telephone interview, UNHCR Conakry, early November 2002.

X. ARBITRARY ARRESTS AND DETENTION IN KOYAMA AND FASSANKONI

In contrast to Ouet-Kama and Tekoulo, refugees who crossed into Guinea around the towns of Yezou, Koyama, and Fassankoni, were almost always allowed to seek asylum and were in most cases protected from attempts by the LURD to recruit or refoule them. The only case of refoulement from this area documented by Human Rights Watch occurred in April 2002, in which an extended family of approximately twelve persons was escorted back to the border by three armed Guinean soldiers and five unarmed Liberian militia acting on behalf of Liberian security forces. Between June and August 2002, some 3,300 refugees had crossed into the three towns, situated across the border from the Liberian town of Zorzor. Shortly after crossing the border, most refugees described being assured by the Guinean officials of their intention to allow them to remain in the country. However, scores of men and boys were detained in police or military custody and held without charge for days, weeks, and in a few cases months.

A thirty-eight-year-old farmer from Borkeza described how the Guinean soldiers stopped the LURD rebels from taking the refugees back to Liberia:

After fleeing Liberia in July 2002 I spent several weeks in Koyama. There were hundreds of us. I saw the LURD people every day. On four different days they came into where we were being held. There were many of them—maybe ten—and they were aggressive. Sometimes they'd knock us with their guns. They'd say, "You people can't run away. You have to go back to Liberia... you're Charles Taylor's people. It's time you go back and fight." But every time the Guinean soldiers argued with them and said, "these people aren't going anywhere. These people are staying. They're refugees not soldier men."

A thirty-two-year-old refugee who was detained in Koyama in June 2002 described how a LURD member entered the cell where he and others were detained, with a view to taking them back to Liberia, but did not succeed in doing so:

One day a LURD fighter knocked on the door. Everyone had to get up. A Guinean soldier opened the door for him. The LURD man was speaking English. He said: "I will free you and you will come back to Liberia, to Zorzor." We said no. He had many grenades hanging on his waist. He wore jeans and a camouflage shirt and boots. He had an AK on his back and his hair was plaited. As we refused, he left. He only came once. The Guinean soldier was there throughout the conversation.

After crossing the border on foot, the refugees were usually met by Guinean soldiers who sometimes robbed them of their clothes, money and other possessions. They were escorted to the towns of Koyama and Fassankoni, approximately one hour away. Most refugees were then grouped together in the town hall where they were held, sometimes for several weeks, until being transported to the Kouankan refugee camp by UNHCR. Men and women were often screened and held in separate facilities, and were usually under guard by the Guinean military, who did not allow them to leave the town hall.

There were at least three cases of gang rape of refugee women being temporarily housed by Guinean military held in the Koyama town hall. The rape cases occurred over a period of some three days in late June 2002, during which several women were taken away at night by armed Guinean soldiers and gang raped by up to four soldiers. The commander in charge reportedly acted swiftly to detain three soldiers identified by the victims. According to UNHCR, as of October 2002, the three soldiers were still awaiting trial; no further similar cases had been reported to the agency.¹⁰

Most refugees interviewed by Human Rights Watch acknowledged the presence of LURD forces in both towns; in fact for many, it was the first time they had had contact with them. Many refugees reported seeing trucks full of rice, ammunition and other supplies passing from Koyama towards Liberia. However, different from

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¹⁰ Letter from UNHCR Representative in Guinea to Human Rights Watch, October 25, 2002.

Ouet-Kama, the Guinean military officials present, in all but one case, protected the refugees from any efforts by the LURD to either recruit, extort or harass the refugees. A forty-two-year-old former Ministry of Finance employee explained:

We were arrested in Koyama and confined in the town hall for twenty-three days. The UN brought us here. I had to pay 2,000 FG [U.S.\$1.00] for my release from the town hall. During my confinement, there were 162 men there. The women and children were kept separately.

I saw people (LURD) leaving from Koyama going towards Liberia. There were ten or fifteen in a Toyota pick-up, green like a military vehicle. They control this country. I saw them with AK rifles and heavier weapons. They sometimes threatened to take us back. In the daytime, they asked the Guinean authorities to hand refugees over to them. Once in the night, in the first week, they parked their truck outside and asked us to come. We refused. The Guinean military commander didn't approve it. That night I never slept. I feared they would give the go ahead and take me back.

In addition to the holding of refugees in the town halls at Koyama and Fassankoni, Human Rights Watch spoke with numerous male refugees who had been arbitrarily detained in police or military detention centers for weeks and in a few cases months by Guinean soldiers and sometimes police. The screening process set up by the Guinean forces—stripping the men and looking for tattoos and other tribal marks thought to be indicative of a past military history—was sorely lacking in due process guarantees and resulted in the arbitrary arrest and beating of scores of Liberian refugees. Most had been arrested and detained on the basis of unsubstantiated accusations that they were sympathetic to or had been fighting with Liberian government forces. Detainees were often held in small rooms in which they were cramped and deprived of food, water and toilet facilities. Some were subjected to beating and brutality by the Guinean soldiers and police. The verification process, as observed by Human Rights Watch, does not protect individuals against arbitrary arrest and prolonged detention and mistreatment, and does not ensure protection of their due process rights. Human Rights Watch documented at least twenty cases of refugees detained in this way, the vast majority of whom were released only after paying bribes to Guinean officials. A thirty-five-year-old man from Borkeza who crossed into Guinea in May 2002 explained:

We crossed the border near Fassankoni. We spent about one month there. A boy called Tawotawo, from Borkeza, had come to Fassankoni. He was arrested by Guinean authorities in Koyama. They accused him of being a fighter. They brought him to Fassankoni in a truck with another man, Korqur. I was also arrested on the spot.... I was carried to Koyama and spent one week in jail, in the prison. We couldn't see the light in there. There were at least six other Liberians detained with me. The authorities asked me if I was a herbalist. I said yes and explained I was a medicine man. Since I was tied up, I still can't use my arms. Ten of us were released at the same time, but others stayed in. Some were in their twenties or thirties. There were no women. Tawotawo was taken from the jail towards Nzerekore or Macenta for investigation. I don't know what happened to him. Someone testified for me and I was released after one week.

A thirty-two-year-old man who crossed into Guinea in June 2002 described his experience:

[In Liberia] in June, we saw smoke in Wakisu town, near Borkeza. LURD had burnt it down completely. At night we went closer to see. There was still fire there. We packed our materials and decided to leave the next day. From my village it was fifteen minutes to the border. From there, the Guinean soldiers took us to Koyama to the military commissioner. We were fifteen that day. On 17 June, they jailed us for seven days, in a place with no daylight. All fifteen of us (all men) were in one room, sitting cramped throughout. We couldn't always go to the toilet. In the morning, they brought a list of "rebels." They asked if any of them were here. We said no. They said the names on the list had been given by earlier refugees. People came to give us food, sometimes the food was taken. They stripped all of us. They were looking for marks. They said we were Taylor fighters, but they found no marks. We were not beaten. There were lice all over the ground and on our skin. Before our release, the Guinean commissioner said we had to pay

15,000 FG [U.S.\$7.50] each. Our parents paid it. After our release, the U.N. came and brought us here with the convoy.

The Guinean soldiers subjected some refugees being held in a jail in Koyama to forced labor, as described by this thirty-five-year-old man:

We crossed on June 23. Guinean soldiers took us to the town of Yezou. We were four men and there were six Guinean soldiers. They took our shirts and trousers and checked us for marks. They said: "if you're fighters, we will know." They took us to Koyama. They put all four of us in jail in Koyama the same day. There were about thirteen Liberians in the jail, only young men. The Guinean soldiers gave us some food. The next day, they sent us to work in the swamp. This continued until June 27. They didn't beat us but just made us work everyday, brushing in the swamp and cleaning. They questioned me and asked me if I was a rebel. I said no. They questioned me throughout the detention. There were maggots in the jail. Everyone was held in the same room. It was very small. We slept on the ground. We had to urinate in there. There was no toilet. You can call to go out to the toilet but they don't always let you. We couldn't wash.

XI. PROTECTION ISSUES WITHIN KOUANKAN REFUGEE CAMP

The frequent presence of LURD combatants and weapons within Guinea's largest refugee camp—Kouankan—is seriously threatening the civilian nature of the camp, contrary to international standards, and indeed potentially endangering the lives of the tens of thousands of refugees who live there. Numerous camp residents and humanitarian workers described to Human Rights Watch the open presence of armed LURD combatants in the camp, many thought to be visiting family members who live there. Kouankan, located only twenty-five to twenty-eight kilometers from the border, has some 34,000 refugees, approximately half of whom are "old caseload" Liberians who have been in Guinea since around 1990. The majority of these are from the Mandingo ethnic group and many of them have family members who form part of the LURD, and who are camp residents as well. Many refugees described LURD combatants walking around the camp with grenades and AK-47 assault rifles, and driving into and out of the camp in trucks—sometimes full of armed combatants and supplies. Other independent sources, including humanitarian workers, confirmed that LURD had had a well-established presence in Kouankan for many months, and that this was a well-known fact to all those living or working in the area. These workers confirmed that LURD are resident in the camp among the refugee population, and that even as late as October 2002, they have a strong presence there, although they are not reportedly displaying weapons as openly as in July and August 2002.

Refugees, particularly those from the Lorma ethnic group who had arrived in recent weeks, described feeling frightened and intimidated by the presence of LURD combatants in the camp, some of whom had threatened them directly. A U.N. registration exercise scheduled to take place on August 17, 2002, was delayed because the refugee committee chairman, reportedly a LURD spokesman in the camp, wanted to delay the registration for as long as possible to enable people he claimed were not present in the camp to return and be registered. Several refugees described being threatened with death had they cooperated with the registration exercise, presumably because an accurate registration would have prevented the LURD from accessing food and other supplies from the camp. A forty-two-year-old civil servant described the insecurity he felt:

Here in Kouankan, it is calm. The authorities here treat us OK. But rebels come here often. We see them in the camp but we don't know if they live here. Sometimes they go around in their vehicle; they come and go without any problem. We want to be separated from them. Yesterday, they said if they see anyone with a bracelet [for U.N. registration], they will kill them. One day about two weeks ago, I saw them, about ten or fifteen of them, standing in their vehicle, going towards the school. They had guns. They had plaited [braided] hair. They were not

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¹¹ Human Rights Watch telephone interviews, humanitarian agencies working in Guinea, October 2002.

wearing uniforms. We want to be in a place where we don't see these people—whether rebels or government troops. When we see them, our minds go back [to Liberia]. We ran away from them, but they keep coming close to us.

A thirty-two-year-old man who arrived in June 2002 reiterated some of the same observations:

Here, we're still in panic. The people we ran away from are still here, threatening us. Anything can happen. I have seen them [LURD] here many times. They don't carry weapons openly, only around the waist. We've been seeing them all the time since we arrived. They are in close contact with the Guinean authorities in the camp and on the road. They have vehicles moving up and down. They have privileges here. They can move wherever they want.

The verification exercise was announced the day before, with posters. Family heads were told they should be ready. LURD were moving around in the street. They said: "if anyone does the verification, we will prove to them who we are." "We will not allow the U.N. to do this." "There will be no verification in Kouankan while we're here." They go and sell the food. They want to continue getting the food as it is contributing to the war in Liberia. The same food the U.N. is bringing here is being used for the war in Liberia.

Witnesses said LURD forces sometimes recruited men and boys from the camp. They also described how recruits who had abandoned the frontlines in Liberia and returned without permission to their families in the camp were sometimes forcefully taken out of the camp.

One humanitarian worker reported that it was common for LURD to abduct young adolescent girls as sex slaves for the weekends from Kouankan camp. This humanitarian worker reported that she had found several such girls as young as twelve and thirteen years of age to be pregnant as a result.¹²

These military activities in the camp are taking place in full view and in full knowledge of the BNCR and UNHCR, as discussed below. There is only one vehicle entrance into Kouankan, which is always manned by Guinean military and police and BNCR. The LURD combatants entering the camp must pass through this entrance, and the authorities therefore are undoubtedly aware of their presence and movements. A refugee who had lived in the camp since 2001 explained:

Kouankan is a base for combatants to recruit people to Liberia to fight. You often see military people there. This has been happening since July 2001. It's an open secret. You can see combatants with guns and grenades. They are shouting "we are ready to go and fight." They do recruitment whenever there are attacks in Liberia, in order to maintain their positions.

I have seen it happen seven or eight times. They have a Toyota Landcruiser pick-up in a camouflage color. It has a long machine gun in it. I have seen it in broad daylight. I have seen them grab people. I have seen it more often this year, especially in recent weeks. They grab mainly young men and boys, aged fourteen to eighteen and in their twenties. Once, last year, I tried to intervene to save a refugee boy from people with guns. I was threatened and told to leave. They beat you if you try to resist. One boy was bleeding from his mouth and nose. His mother was crying. He was taken away (in around January or February 2002). They kicked them, give them blows and hit them with their gun butts

In July 2002 I got a report that some of them had intruded and were taking refugees' food. There has been harassment and fighting over food. One refugee was stabbed with a knife. There is a lot of fraud over food. They don't have tickets, but they stand around during the distribution. Sometimes they tear the food bags with their knives. There are some LURD supporters in the camp. Some people with false tickets are registered. They are "ghost names"—there are many.

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¹² Human Rights Watch telephone interview, October 23, 2002.

They take food out of the camp. You can see where they park it, inside the camp, about two or three hundred meters from the distribution center. Then they put it in their vehicle in bags.

They do this under the eyes of BNCR. Soldiers have their barracks at the entrance to the camp. Everyone can see. When they grab people, the BNCR always stand there. They are present at all entrances. They just watch.

One international worker left little doubt that UNHCR were aware of the problems in Kouankan camp: "HCR have seen them [LURD]. No one challenges them. They are not numerous, but very influential. It is a base for them. Sometimes they act in complicity with local Guineans. LURD come into the camp with trucks [...] They come and go as they please. Trucks full of goods are seen leaving the camp. The security authorities at the entrance don't react."

XII. THE RESPONSE OF THE GUINEAN AUTHORITIES

Human Rights Watch discussed these concerns with the chairman of the BNCR, the inter-ministerial body set up by the Guinean Government to coordinate its response to refugee issues. The chairman of the BNCR seemed to be keenly aware of these problems and of the threats to refugee protection. He stated that he had heard that LURD were stopping refugees from crossing on the Liberia side, but claimed there was no concrete proof to date. Contrary to his claims, UNHCR informed Human Rights Watch that in late July, three weeks prior to Human Rights Watch's mission to Guinea, UNHCR had informed the Guinean authorities of its concern of reports of ongoing refoulement in the region.¹³ The BNCR Chairman said that they would be sending a team, including police, to the border to check if there were cases of refoulement and other abuses.

In practice, the BNCR's ability to influence the behavior of the Guinean military is clearly limited. The actions of the BCNR seem largely dependent upon the directives of the regional civilian administrative authorities (such as the prefects or sub-prefects), who in turn coordinate with the local military commanders. There also seem to be discrepancies between policies formulated at the national level and actions implemented at the local levels. The BNCR claimed to have initiated the instruction to keep the border open to Liberian refugees, but admitted to having little control over the actions of Guinean military deployed at the borders, who effectively determine which refugees are allowed in and which are sent back to Liberia. The BNCR also admitted that there was still no proper screening procedure to separate combatants from civilian refugees and that questions of definition and methods of screening have still not been resolved, despite discussions initiated more than one year earlier, in conjunction with UNHCR.

XII. THE RESPONSE OF UNHCR

Human Rights Watch met representatives of UNHCR in the Guinean capital Conakry, including the deputy representative and the assistant representative (protection). We also met the heads of sub offices and other UNHCR staff in Kissidougou and Nzerekore, as well as staff of international humanitarian agencies working in the refugee camps. In view of the well-documented nature of the threats to refugee protection described above, and the openness with which LURD combatants operate in Guinean territory, UNHCR and humanitarian agencies on the ground cannot but be aware of these issues. UNHCR representatives in Conakry indicated to Human Rights Watch that they were indeed aware of these problems and said that they had been regularly brought up with representatives from BNCR and the Ministry of Interior; they informed us that they had written to the Guinean Minister of Interior in late July 2002 concerning screening activities at the border and refoulement, and seeking authorization to transfer refugees from the border zone, but by the end of October 2002, had not yet received a reply. UNHCR reported that in spite of the absence of a formal response from the Minister, they had been granted access to Ouet-Kama and were regularly transporting newly arriving refugees from there to the camps. ¹⁴

¹³ Letter from UNHCR Representative in Guinea to Human Rights Watch, October 25, 2002.

¹⁴ Ibid.

As indicated above, while Guinean government policy may be formulated in Conakry, in practice, it is interpreted individually and differently by those who seem to wield power in the field—primarily the Guinean military leaders and their LURD collaborators. Yet UNHCR appeared overly cautious of upsetting relations with Guinean authorities. UNHCR reported in late October 2002 that they shared many of Human Rights Watch's concerns about refoulement and militarization of Kouankan camp, and had raised these concerns forcefully with the authorities at national and local level. The Guinean government had, however, not responded positively to these representations. UNHCR also told Human Rights Watch that they were in the process of increasing the troop strength and improving the training of the "Mixed Brigade," a mixed force of police, gendarmes and military who have been especially trained by UNHCR to ensure camp-based refugee security. Human Rights Watch believes that this training, if it is undertaken, while welcome, will have little to no impact on the overall situation due to the limited role of the Mixed Brigade compared to the scale of the problem. The strengthening of the Mixed Brigade seems a meager response to a pervasive problem which stretches well beyond the bounds of the camps themselves, in particular in light of Guinea's close political links with the LURD and its policy of facilitating the LURD's presence and activities in Guinea.

Overall, Human Rights Watch had the distinct impression that UNHCR was reluctant to openly talk about and address with sufficient urgency the pattern of refoulement of Liberian refugees, the collusion between the Guinean military and LURD, and particularly the militarization of Kouankan camp. There are legitimate security issues for UNHCR to take into account on behalf of its staff working in the border areas, but the problems identified by Human Rights Watch in our research demand that the agency find ways to raise them with the Guinean government more forcefully. UNHCR generally plays an intermediary role between international nongovernmental humanitarian agencies and the authorities of the refugee-hosting country; but in Guinea UNHCR appeared unwilling to do so, creating a climate in which aid workers were also unwilling or unable to speak out. UNHCR's failure to press for access to the border region in particular posed a major obstacle to the work of its partner agencies. The nongovernmental agencies themselves were generally more willing to identify the problem than UNHCR to Human Rights Watch, but many seemed unwilling to try to fill the gap left by UNHCR's reluctance to engage with the Guinean government. Some UNHCR representatives told Human Rights Watch that the problems we identified, particularly those in Kouankan, had been going on for some time, giving the impression that they as well as other international organizations had become almost resigned to the presence of LURD in the camps and had ended up turning a blind eye to it. When we presented the findings of our research to UNHCR representatives in Conakry, they indicated that our claim that LURD combatants were using Kouankan as a rear base may be an exaggeration.

However, UNHCR has developed a contingency plan and is hoping to secure the funds to relocate the refugee population of Kouankan to the Kissidougou region's camps, and to separate combatants from noncombatants. UNHCR reported to Human Rights Watch that the agency is advocating for implementation of this plan with the Guinean government at the highest levels, though with some difficulty. Human Rights Watch welcomes UNHCR's effort towards a screening and relocation exercise, but urges UNHCR and the Guinean government to incorporate important lessons regarding the need to screen for military presence among refugees learned during the relocation of Sierra Leonean refugees in Guinea from the Languette camp in 2001. Human Rights Watch is also gravely concerned about the impact of LURD interests on the Guinean government's inaction in this regard, and urges UNHCR to address this aspect of the issue in an open manner.

A small number of individual UNHCR staff members and other humanitarian workers have attempted to raise some of these issues, but were told by BNCR, and occasionally even by some of their own colleagues, not to interfere with issues which did not concern them. Effectively, the Guinean authorities appear to have easily

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ See Human Rights Watch Press release, "Guinea: Refugees Subject to Serious Abuse, Relocation from Border Area is Not Enough," July 5, 2001; "Refugees Still At Risk: Continuing Refugee Protection Concerns in Guinea," *Human Rights Watch Short Report*, July 2001.

silenced all open criticism. While regular inter-agency coordination meetings held in Kissidougou and Nzerekore would be the appropriate place to address these problems, those concerned seemed to censor themselves, largely because of the presence in the meetings of representatives from the BNCR and because of the apparent unwillingness of UNHCR to challenge the Guinean government's abusive practices.

The seemingly passive attitude of the UNHCR is all the more disconcerting because the organization clearly has some leverage to influence the situation: UNHCR funds 100 percent of the BNCR's salaries and activities, so is in a position to demand at least some remedial action on issues where fundamental principles of refugee protection are being undermined. Recent experience has also demonstrated that in individual cases where UNHCR staff have intervened, for example to prevent refoulement or to seek the release of refugees who have been arbitrarily detained, their action has been effective. This would appear to indicate that stronger action on the part of UNHCR could be equally effective, and would be unlikely to have a counter-productive effect on UNHCR's work in the country or on the security or protection of refugees.

XIII. THE UNITED NATIONS SANCTIONS ON LIBERIA

The U.N. Security Council imposed sanctions on the Liberian government in March 2001, following a determination that Liberian government support to the Revolutionary United Front (RUF) in Sierra Leone constituted a threat to international peace and security. The determination was based on a report by the U.N. Expert Panel on Sierra Leone, established in 2000 to monitor violations of an arms embargo imposed on the RUF in 1997 and the links between these arms flows and the diamond trade out of Sierra Leone. The sanctions included a ban on Liberian diamond exports (believed in fact to derive mostly from Sierra Leone), an arms embargo on Liberia, and a ban on foreign travel by President Taylor and senior government officials and their families. The Security Council also demanded "that all States in the region take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation on the borders between Guinea, Liberia and Sierra Leone." 20

In May 2002, the Security Council renewed these sanctions for a further twelve months, on the recommendation of the panel, based on the panel's finding that there was "credible evidence" that there was a continued presence of armed elements of the RUF in Liberia, and that the government continued to violate the arms and diamond embargoes and travel ban. The Liberian government claimed that the only RUF funds it could find in Liberia were an account in the name of RUF leader Foday Sankoh, containing U.S.\$500, which it had frozen. The council ruled that the sanctions could be terminated immediately if it was determined, based on information from the panel of experts, that the government of Liberia had complied with the demands made upon it, including ceasing support for rebel groups in the region and ending imports of diamonds from Sierra Leone. The sanctions will be reviewed after six months, on November 15, 2002.

¹⁸ U.N. Security Council resolution 1343 (2001).

¹⁹ Security Council resolution 1132 (1997) prohibited arms sales to Sierra Leone; Resolution 1171 (1998) renewed the embargo, while stating that it applied only to nongovernmental forces in Sierra Leone.

²⁰ U.N. Security Council resolution 1343 (2001). This resolution replaced the former arms embargo imposed during the civil war on all rebel groups by U. N. Security Council resolution 788 (1992). The arms embargo and the ban on the provision of related technical assistance and training entered into force immediately for a period of fourteen months. The diamond embargo and travel ban entered into force two months later on May 7, 2001, for a period of twelve months.

²¹ Security Council resolution 1408 (2002).

²² First report of the Secretary-General pursuant to Security Council resolution 1408 (2002) regarding Liberia, S/2002/1183, October 22, 2002.

XIV. UNITED STATES MILITARY ASSISTANCE TO GUINEA

The U.S. has an important role to play vis-à-vis Guinea's support for the LURD, because of a recently completed U.S. army training program for the Guinean military. A battalion of 800 soldiers was being trained over a six month period, from May 2002. The training, which had a budget of U.S.\$3 million, included a midterm review, but there were no plans to set up mechanisms to monitor the conduct of the troops or their respect for human rights after their deployment. Surprisingly, the troops will not be deployed at the borders, as had originally been planned, but in a central area of Guinea.²³

U.S. pressure on the Liberian government to address human rights abuses has been strong. The U.S. has also called on "all parties in the region to cease supporting any group that seeks political change through violence and to respect their neighbor's borders."²⁴ But although the U.S. has expressed concern about the human rights situation in Guinea and, occasionally, has privately raised issues of refugee protection with the Guinean government. Human Rights Watch is not aware that the U.S. has made any public statements expressing concern about Guinea's role in supporting the LURD or in colluding with human rights abuses against Liberian refugees.

²³ Human Rights Watch interview, U.S. Embassy, Conakry, August 19, 2002.

²⁴ U.S. Embassy Office of Public Affairs, "Statement Regarding Renewed Fighting in Liberia made by U.S. Ambassador Bismarck Myrick at the American Embassy," March 1, 2002.

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