

HUMAN RIGHTS COMMISSION OF SIERRA LEONE



REPORT ON FACTS-FINDING MISSION ON YENGA



HRCSL TEAM AT THE SIERRA LEONE – GUINEA BORDER OF YENGA

JANUARY, 2021

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ACRONYMS

NO	CODE	DEFINITION
1.	ACHPR	African Charter on Human and Peoples Rights
2.	AYV	African Youth Voices
3.	CHISEC	Community Security Coordinator
4.	COVID - 19	Corona Virus Disease - 2019
5.	CSOs	Civil Society Organisation
6.	DHRC	District Human Rights Committee
7.	DECT	Directorate of Education, Communication and Training
8.	DMIA	Deputy Minister of Internal Affairs
9.	DISCOORD	District Security Coordinator
10.	DISEC	District Security Committee
11.	GoSL	Government of Sierra Leone
12.	ICCPR	International Covenant on Civil and Political Rights
13.	ICESCR	International Covenant on Economic, Social and Cultural Rights
14.	HRCSL	Human Rights Commission of Sierra Leone
15.	KaiDHRC	Kailahun District Human Rights Committee
16.	MP	Member of Parliament
17.	MRU	Mano River Union
18.	ONS	Office of National Security
19.	PoE	Point of Entry
20.	RoW	Right of Way
21.	RSLAF	Republic of Sierra Leone Armed Forces
22.	RUF	Revolutionary United Front
23.	SDGs	Sustainable Development Goals
24.	SLBC	Sierra Leone Broadcasting Corporation
25.	SLP	Sierra Leone Police
26.	UDHR	Universal Declaration of Human Rights

THE FACT-FINDING TEAM

HRCSL:

- i. Commissioner Victor Idrissa Lansana – Vice Chairperson and Team-Lead
- ii. Commissioner Hassan Samba Yarjah - Oversight Commissioner for Regional Services
- iii. Sylvestre Sidie Kallon. - Deputy Director and Head of Region – East
- iv. Francis Ndanema. - Volunteer, Communication Unit, DECT
- v. Samuel B Mansaray. - HRCSL Driver
- vi. Sulaiman Amara. - HRCSL Driver

PARTNER: Kailahun District Human Rights Committee (KaiDHRC),

- i. Brima K. Muana - Public Relation Officer, KaiDHRC

MEDIA:

- i. Momoh Foray. - Sierra Leone Broadcasting Corporation (SLBC) Media, Kailahun
- ii. Jayah Kamara - African Young Voices (AYV) Television, Kenema

EXECUTIVE SUMMARY

This report presents an account of the HRCSL's observations of the human rights situation during its fact-finding mission to Yenga and its neighbouring communities in the Kissi Teng Chiefdom, Kailahun District, Eastern Sierra Leone.

The recent escalation in tension between the two countries came about following an alleged Guinean military incursion into the disputed territory. This allegation was circulated in all prominent social media and other public information dissemination outlets in the country and therefore became a security concern for the government of Sierra Leone. The Commission on its part has a mandate to protect and promote the enjoyment of human rights of all in Sierra Leone.

On 28th January 2021, the HRCSL dispatched a nine-person team, headed by the Vice Chairperson of the Commission, to visit Yenga to ascertain allegations of human rights violations and conduct a series of engagements with key stakeholders in Sierra Leone and Guinea with a view to advising government on concrete actions to be taken to resolve the dispute.

The mission, during its engagements with stakeholders, groups, institutions and individuals was informed that the recent dispute in Yenga involving Guinean forces and the inhabitants of Yenga emanated from the erection of a concrete pillar by the Guinean forces to replace a beacon that was destroyed during the rehabilitation of the road from Koindu to the crossing point that passes through Yenga. The mission was further informed that the Guinean security forces had earlier expressed concern for not being consulted about the road work on the Sierra Leonean side of the crossing point which in their view is part of the buffer zone between the two countries. According to the ONS Chiefdom Security Coordinator, when the Guinean forces noticed that the beacon that delimits the territorial extent on the Sierra Leonean side of the border was destroyed during the road work, a team of Guinean soldiers led by their Company Commander, Colonel Fakemo Oulare on 13th January 2021 came across the river and had a meeting with community stakeholders of Yenga on his decision to replace the destroyed beacon.

On 16th January 2021, the Colonel inspected the site where the beacon was destroyed and ordered that it be replaced. The ONS Chiefdom Security Coordinator informed the mission that there should have been a third meeting but it never materialised because the Colonel had already informed his Grand Command in Conakry on his plan of action.

In one of the engagements, the mission was informed that the Guinean forces engaged the community authorities to demand the erection of another beacon, but in an adjacent position few meters into the Right of Way (RoW). According to information, this demand was accepted by the community authorities of Yenga but it was never carried out.

The situation was reported to have escalated when on 24th January 2021 Guinean Security forces crossed the Makona River from their base in Nongoa, Guinea into Yenga and commenced work on the erection of a pillar as replacement for the destroyed beacon.

Tension was reported to have mounted when the Guineans realised that the site in which the pillar is being erected was desecrated with human faeces. This conduct angered the Guinean Security forces, pointed finger at the indigenes and determined to erect the pillar at all cost. The young indigenes of Yenga and neighbouring communities on the other hand vowed to put up stiff resistance adding that they will defend their land against what they referred to as an aggression meted against them by the Guinean Security forces.

According to stakeholders, it was the rise in tension in the border province which attracted public attention, raising concerns through social media and other information dissemination outlets as early warning signs and a recipe for conflict between the two neighbours.

The mission also learnt of the two-week ultimatum given to GoSL by an indigene of Yenga through an audio message circulated on the social media for its intervention into the crisis or else take the law in their own hands to defend their land.

In view of the above findings, the HRCSL recommended that GoSL should employ with utmost urgency diplomatic channels to resolve the Yenga border conflict once and for all; increase security presence in the border areas to match its Guinean counterpart and through progressive realisation supply the human rights/socio-economic needs of the residents of Yenga and its environs. HRCSL should call on the youth of Yenga to refrain from any violent means to claim their rights over the Yenga territory.

INTRODUCTION

The Human Rights Commission of Sierra Leone (HRCSL) was established by an Act of Parliament (Act No. 9) 2004 with the primary mandate to protect and promote human rights of all in Sierra Leone.

Section 7 (2) of the Act further outlines the functions of the Commission which include but not limited to:

- *Investigate or inquire into on its own or on complaint by any person any allegations of human rights violations and to report thereon in writing;*
- *Monitor and document violations of human rights in Sierra Leone;*
- *Review existing legislations and advise government concerning compliance and obligations under international treaties or agreement.*

In conformity with these provisions, the Commission on 29th and 30th January 2021 conducted a fact-finding mission to Yenga and its environs. Yenga is a small town close to the border area between Sierra Leone and Guinea in the Kissi Teng Chiefdom, Kailahun District, Eastern Sierra Leone.

The aim of the mission was to assess the human rights situation of the people in Yenga and neighbouring communities; get first-hand information about an alleged incursion of Guinean security personnel into Yenga and to assess the impact of the prolonged closure of the border between Guinea and Sierra Leone along the Makona/Moa River.

OBJECTIVES

The objectives of the facts-finding mission were to:

- i. Monitor and assess the human rights situation of the township of Yenga and its environs;
- ii. Assess the impact of the prolonged closure of the Guinea border;
- iii. Gather first-hand information from stakeholders on both sides over the disputed territory;
- iv. Enhance visibility and profiling of the Commission's work;

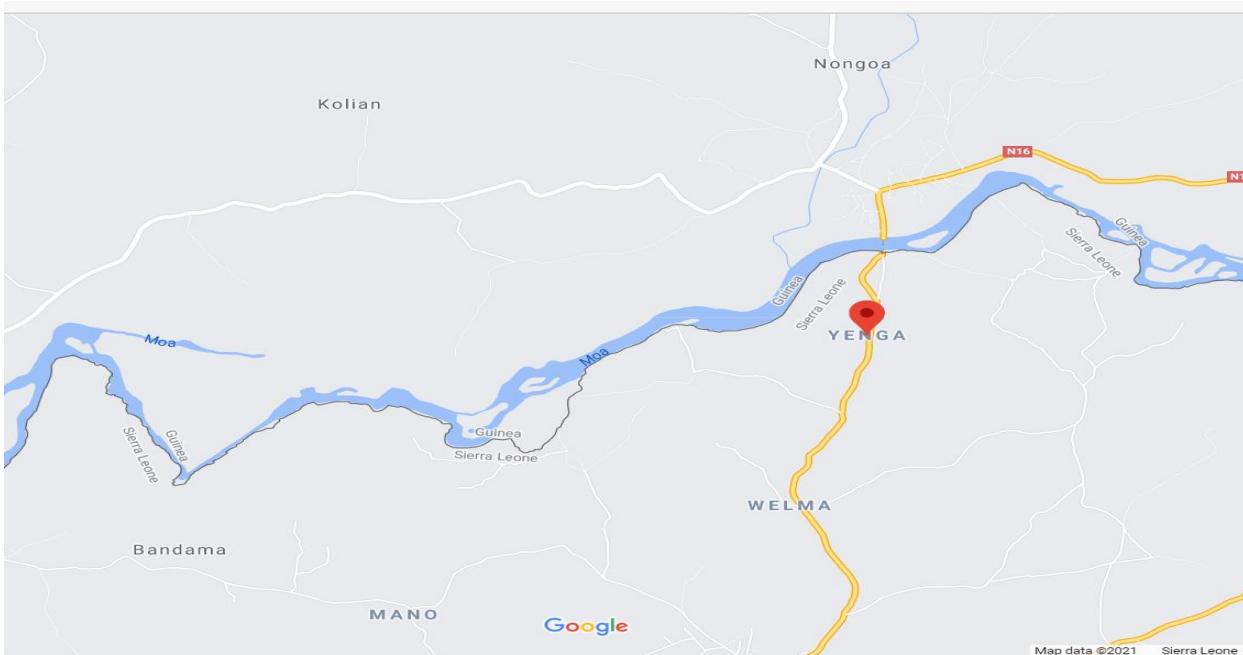
- v. Advise government accordingly following the findings from the engagements with the relevant stakeholders;
- vi. Report to the public the outcome of the mission with respect to the Commission's findings and recommendations.

METHODOLOGY

The HRCSL team monitored and documented information collected on the ground from a variety of sources including but not limited to the following:

- i. Stakeholders' engagements
- ii. Community meetings
- iii. Key informant interviews
- iv. Focus Group Discussions
- v. Courtesy calls
- vi. General observations

BACKGROUND



Map of Yenga & environs

According to a treaty interpretation originated from the 1912 Protocol, which was confirmed by both Britain and France, Yenga is situated in Kissi Teng Chiefdom in the Kailahun District of Eastern Sierra Leone (*Source - Wikipedia*).

The Territory is located on a hill above the south side of the confluence of the Mafissia River and the Makona River (Moa River); situated between Pengu-Bengu from the Koindu axis and the Makona River on the Guinean axis. The village is about two miles away from the international border between Sierra Leone and Guinea on the shores of the Makona River. The large majority of the inhabitants of Yenga are members of the Kissi ethnic group also found in Guinea and Liberia. Yenga is a small community with a population between 100 and 140 residents.

Yenga lies almost equal distance (about 300 kilometres) between the Makona River (Sierra Leone point of entry from Guinea) and Pengu-Bengu where the Sierra Leone border checkpoint is located. The inhabitants are predominantly small-scale farmers from the Kissi ethnic group a tribe spoken within the enclave of Liberia, Guinea and Sierra Leone.

The residents of Yenga informed the Commission that Guinean security personnel were never in occupation of Yenga until the outbreak of hostilities during the Sierra Leone civil war. According to reports, Guinean troops moved into the village to support Sierra Leone government forces in their civil war efforts against the Revolutionary United Front (RUF) rebel movement and since then had maintained military presence in the territory.

At the official end of the civil war in January, 2002, the occupation by the Guinean forces and control over Yenga became a serious concern for the Sierra Leonean indigenes of Kailahun District. Efforts by the government of Sierra Leone to take control of Yenga from the Guinean forces have since then proved ineffective.

Sierra Leone and Guinea have made several diplomatic attempts in trying to arrive at a consensual and peaceful resolution of this border dispute. In a joint communique signed by the President of Sierra Leone, Ahmad Tejan Kabbah and that of Guinea, President Lansana Conte in September, 2004, both Heads of State agreed that the village of Yenga belongs to Sierra Leone, citing a 1912 treaty between Britain and France, the former colonial powers of the two countries respectively, demarcating the border between the two countries.

In 2005, President Kabbah declared the issue resolved, only for it to resurface again in 2009 under the leadership of Former President Ernest Bai Koroma. Following diplomatic efforts, Guinean troops withdrew with their military hardware from the town and returned to the Guinean side of the border. In July 2012 Sierra Leone and Guinea declared the demilitarization of the Yenga area. (<https://reliefweb.int/report/guinea/guinea-sierra-leone-guinea-hands-back-disputed-border-village>).

The long-standing dispute between Sierra and Guinea for ownership of Yenga continues to undermine the indigenes' human rights and fundamental freedoms including the right to self-determination. The recent developments for which HRCSL carried out a fact-finding mission to Yenga emanated from an audio publication circulated on various social and mainstream media outlets from one resident of Yenga who gave the GoSL a two-week ultimatum to resolve the Yenga issue or else resort to violent means to reclaim their land.

During the engagements with key stakeholders, the Commission was informed that the recent dispute in Yenga between the Guinean forces and the inhabitants of Yenga emanated from the erection of a concrete pillar by the Guinean forces in replacement of a beacon that was destroyed during the rehabilitation of the road from Koindu to the crossing point that passes through Yenga.

The Commission was further informed that the Guinean soldiers had earlier expressed concern over the road work on the Sierra Leone side which they claimed passes through the buffer zone as far as the crossing point without them being consulted. Report on the destruction of a mileage beacon during the road work prompted a Guinean response led by the Company Commander, Colonel Fakemo Oulare who and his team crossed over the river to visit the site of the destroyed beacon and ordered its immediate replacement.

HRCSL team was also informed that the Guinean forces engaged the community authorities to demand the erection of another beacon as a replacement, but in an adjacent position few meters into the Right of Way (RoW). According to the information, this demand was accepted by the community authorities of Yenga but it was never carried out.

HRCSL further learnt that on 24th January 2021, the Guinean forces crossed the Makona river from their base in Nongoa, Guinea and commenced work on the erection of the beacon but the people of Yenga noted that the Guinean forces were erecting a pillar much higher instead of the beacon that had been there which was destroyed during the road work.

HRCSL was informed that the following day, while the Guinean authorities came to continue the work, they discovered that the work was desecrated. The information further revealed that the Guinean forces accused the people of Yenga for the destruction and vow to erect the pillar at all cost. The young indigenes of Yenga and neighbouring communities in return vowed to put up stiff resistance adding that they will defend their land against what they referred to as aggression from the Guinean forces.

STAKEHOLDERS' ENGAGEMENTS

As part of the facts-finding mission, the team engaged several stakeholders which include the following:

1. COURTESY CALL ON THE PARAMOUNT CHIEF AND CHIEFDOM COUNCIL

As tradition demands and with HRCSL's respect for culture, the fact-finding team stopped over in Kangama to pay courtesy call on the Paramount Chief and Chiefdom authorities of Kissi Teng chiefdom where Yenga is situated.



HRC SL Commissioners pay courtesy call on Paramount Chief Emmanuel Ganawa III of Kissi Teng Chiefdom

Paramount Chief Emmanuel Ganawa III in his response introduced the cross section of his chiefdom authorities. The P.C. warmly welcomed and acknowledged the Commission's presence in his Chiefdom. He expressed appreciation for the move taken by the Commission to conduct a fact-finding mission on the situation in Yenga. He appealed to the team to increase the Commission's presence in his chiefdom in order to help address the many human right challenges and increase rights realization. The chief promised to inform the Chiefdom Security Coordinator (CHISEC) and other stakeholders of the Commission's visit to the Chiefdom.

The Deputy Director and Head of Region, Sylvestre Sidie Kallon introduced the HRCSL team to the Paramount Chief and the chiefdom authorities that were present during the visit. The team-lead, Commissioner Victor Idrissa Lansana Esq. explained the purpose of HRCSL's visit to the Chiefdom adding that the Commission was established with a mandate to protect and promote the human rights of all in Sierra Leone without discrimination. Commissioner, Yarjah in his contribution reiterated that HRCSL value tradition and culture and therefore always work in partnership with local authorities and traditional leaders in the protection and promotion of human rights.

2. ENGAGEMENTS ON THE GUINEAN SIDE OF THE BORDER

On the Guinean side of the river, HRCSL team was met by the Mano River Union delegation from Conakry alongside were members of the Makona River Development Association whose President served as an interpreter between the Sierra Leone delegation and the Guinean team. Colonel Fakemo Oulare, the Guinean Military Commander who heads the security leadership at the Guinean crossing base led the engagement from their own side. The Military commander welcomed the HRCSL team and set out to discuss a wide range of issues on border security and bilateral relationships between the two countries.



HRCSL team in company of Guinean security personnel on the Guinea side of the border



HRCSL mission engaging the Guinean authorities in Nongoa, Guinea

The engagement with the Guinean counterpart started with a plea from the team-lead, Commissioner Victor Idrissa Lansana for the Guineans to permit HRCSL media team to take photos including video shots. The purpose of the video was to provide evidence-based report and documentary for public consumption. This was however turned down by the Guinean military commander who only permitted group photo. The engagement comprised the HRCSL team, Guinean Security personnel manning the border, representatives from Mano River Union (from Guinea) and representatives from the Makona River Women's Association.

Following introductions by both parties, HRCSL Vice Chairperson, Commissioner Victor Idrissa Lansana who doubled as team-lead thanked the Guinean military for accepting HRCSL's visit. He briefly explained the establishment and functions of the Human Rights Commission of Sierra Leone followed by the purpose of the visit. The team-lead briefed the Guinean authorities about the numerous social media information pointing to an alleged military incursion into Sierra Leonean territory by the Guinean military at the border crossing and into Yenga which has become a national security concern and therefore has the tendency to undermine the enjoyment of human rights of people in both countries especially the disputed area.

The team-lead emphasized that HRCSL was much more concerned over these development which in his view would affect the enjoyment of socio-economic rights relating to trade across the borders, free movement of goods and people and other related rights.

The team-lead reminded the Guinean forces of international treaties, conventions and agreements to which both countries are signatories. He therefore appealed to the military leadership to uphold State obligations to those agreements in order to protect and respect human rights.

In his response, the Guinean military commander, Colonel Fakemo Oulare categorically stated that there is no dispute between the Guinean forces and the people of Yenga and by extension the people of Sierra Leone. He narrated the recent disturbances which he said, emanated from the destruction of a beacon indicating the demarcation of the buffer zone between Guinea and Sierra Leone. The Colonel laid claim to ownership of Yenga by Guinea since 1885. He avowed that Yenga was declared as a buffer zone during the incursion of the Revolutionary United Front (RUF) rebels. He pointed out that, they are aware that Sierra Leone and Guinea have been good friends and that they are prepared to maintain that relationship, but emphasized that they want Sierra Leoneans to abide by the protocols and allow Yenga to remain a buffer zone.

On the issue of free movement of people across the border, the military commander informed HRCSL team that this was restricted due to COVID 19 preventive measures set out by the Guinean government. He however confirmed that there were free movements of goods across the Yenga/Nongoa border crossing points. The Commander also informed the HRCSL team that the Guinean government is strongly discussing the re-opening of the border for free movement of people within the next two weeks. The military commander expressed appreciation to the HRCSL team for their efforts in finding a lasting solution to the perennial border disagreement.

In his contribution, Commissioner, Hassan Samba Yarjah avowed that HRCSL visit is to look at the human rights aspect of the people within the border region while the security aspect is being addressed by the two States through diplomatic means. He reiterated that no border dispute can be resolved militarily adding that the consequences of military action are always fatal and often restrict the enjoyment of human rights. Commissioner, Yarjah admonished the Guinean forces to maintain the good relationship both countries have enjoyed over time. He cited inter-marriages, religious worship and ethnicity, as some of the commonalities practiced and enjoyed by the people on either sides of the border.

The Guinean military commander assured HRCSL team of their commitment to the maintenance of good relationship with Sierra Leoneans. The MRU delegation joined the military and other Guinean border personnel to bid farewell to the visiting team.



GROUP PHOTO - HRCSL team with the Guinean authorities and MRU delegation moments before departure to Sierra Leone

3. YOUTH AND TRADERS AT SIERRA LEONE CROSSING POINT

HRCSL team noted that Sierra Leonean youth and traders converged at the crossing point on daily basis to find livelihood. Even where economic activities are currently at a snail pace at the border, young people mainly with commercial motor bike riders still visit the crossing point to convey passengers; while others eked for livelihood opportunities elsewhere. Some traders also hang out at the river side to receive or send goods to and from Guinea.

HRCSL team engaged a cross section of commercial motor bike riders and traders at the border crossing point on return from the Guinea engagement. The traders and Bike Riders revealed to HRCSL team that business was currently slow and that their daily incomes have reduced drastically because of the border closure from the Guinea end. According to Abubakar Jalloh, a trader who was interviewed by HRCSL team stated that since they are no longer allowed to carry along their goods to Guinea, Guinean middle men or third parties now determined prices for their commodities, often duping them. Abubakar Jalloh also informed HRCSL that their businesses are now at serious risk and hence they hardly realise profit. They also appealed to HRCSL to inform government of their current predicament and increase efforts to finding a lasting solution to the crisis.



HRCSL mission met with traders and young people at the Sierra Leone crossing point

4. MEETING WITH THE YENGA COMMUNITY

The long-standing border crisis and recent disturbances that was circulated over the social media centered on the ownership of Yenga. Residents of this small community are the most affected in all conflict situations that have arisen over the control and ownership of Yenga.



HRCSL team engaging the Town Chief and some residents of Yenga

In an engagement with the Yenga community, the Town Chief, Tamba Nyuma accused the Guinean soldiers of depriving them of development coming into their community. He cited few instances to substantiate his claims among which include:

1. Preventing the installation of solar street lights at the river crossing point; these lights according to the chief were provided by the government of Sierra Leone and partners;
2. The demolition of the only primary school in the community;

The restriction of farming and other agricultural activities on their own land by the Guinean soldiers.

Chief Tamba Nyuma also stated that out of a population of nearly 140 people in Yenga, just 50 are eligible tax payers who always pay their local taxes to the Kissi Teng Chiefdom Administration. The Town Chief stated that the Guinean Soldiers came to settle at Yenga during the RUF insurgency in 1998. He furthered that after the civil war ended in 2002, the Guinea Military remained on the Sierra Leonean side of the Makona River and continue to lay claims to Yenga and further more subjected the people to perpetual fear and insecurity. The Chief also alleged that the movements of his people are always monitored and sometimes intercepted by the Guinean soldiers especially around the Makona River.

One of the indigenes of Yenga, Oren Tamba James, Acting Principal of the Free Pentecostal School in Koindu Kissi Teng Chiefdom, expressed that as a community, their right to self-determination is stifled by external aggression from the Guinean soldiers and if the government of Sierra Leone does not take concrete action to resolved the crisis, they as a community are determined to take the law into their hands.

Chief Tamba Nyuma explained that during the road rehabilitation, a beacon 100 meters away from Yenga towards Pengu-Bengu was destroyed and the Guinean soldiers demanded that the beacon be erected on the right of way. The Chief informed HRCSL team, that their demand was accomplished. The Chief further stated that the beacon was a mileage plaque indicating 52 miles from Pendembu that was positioned by the colonial masters (Britain).

The Chief also stated that instead of erecting similar beacon, the Guinean soldiers decided to erect a high concrete pillar. This created suspicion and resentfulness among the indigenes. In his concluding statement, the Chief said that this incident was the cause of the recent disturbances that has attracted media attention.

5. SECURITY PERSONNEL AT THE SIERRA LEONE SIDE OF THE BORDER

HRCSL team met with security personnel on the Sierra Leone side of the border at Penguin-Bengu Police Post. This border police post is a point of entry located about 2 kilometres from Koindu and five (5) miles away from the actual border (the Makona/Moa River) between Sierra Leone and Guinea. It was mounted to permanently provide security checks and to control the legal entry and exit point for persons in and out of Sierra Leone. The checkpoint is manned by joint forces from the Sierra Leone Police (SLP) and the Republic of Sierra Leone Armed Forces (RSLAF). HRCSL team also noted that personnel from other border related institutions such as Customs, Immigration and Health to name a few are stationed at the Penguin-Bengu border post.



HRCSL team engaging the border security personnel at Penguin-Bengu

Jonathan Tamba Gborie a Customs Officer informed HRCSL team that there has been relative peace in the area after the demilitarization of Yenga in 2012. He corroborated the reason for the recent disturbances at the border region as a result of the ongoing road construction to Yenga which saw the destruction of a beacon that the Guineans claimed to have been located in a buffer zone.

The security personnel at the border post stated that the Guinean forces exert control over Yenga and the river crossing point. The security officers informed HRCSL team that in recent times, the Deputy Minister of Internal Affairs (DMIA) brought three (3) giant signposts to be erected at the river crossing point but the Guinean Soldiers did not allow. The signposts were shown to HRCSL from where they were parked. Inspector Ansumana furthered that similar situation applied to the installation of solar lights at the river crossing point which was also aborted by the Guinean soldiers.

OTHER LOCATIONS VISITED RELEVANT TO THE

1. THE MAKONA RIVER CROSSING POINT

The team travelled from Koindu through Pengu-Bengu where the Sierra Leone border checkpoint is located and through Yenga to the Makona River where the Sierra Leone “*Point of Entry*” was established. Yenga village is about 300 metres from this crossing point.

At the river side, HRCSL team observed that there was no semblance of economic activities taken place during the time of visit. All the boats and the ferry services were apparently on hold and were seen across the river on the Guinean side. This was a clear manifestation that control over the river transportation at the crossing point is being dictated and controlled by the Guineans authorities.



Photos: showing a halt on economic activities at the Sierra Leone Crossing point of the Makona River 300 metres away from Yenga

The HRCSL team also noted a large consignment of empty rubber containers and plastic jerry cans believed to be containers used in palm oil and fuel trade. HRCSL team took a tour around the sand beach and interacted with few young men who were hanging out at the crossing point waiting for unexpected opportunities for livelihood.

Mindful of the situation that was unfolding before them prompted the need for the HRCSL team to cross over to the Guinean side for an engagement with the Guinean authorities at the crossing point in a bid to have a credible and objective view of the situation.

The team-lead, Commissioner Victor Idrissa Lansana Esq. bravely beckoned to the Guineans to assist the HRCSL team to cross over. A dug-out canoe was despatched to collect the team. This was however a coincidence of luck and mistaken identity. A high-power delegation of the Mano River Union (MRU), Guinea chapter was at the river awaiting to receive their Sierra Leonean counterpart and the HRCSL team was mistaken for the MRU delegation from Freetown who were yet to arrive. The situation provided a perfect opportunity for the HRCSL team to sail over to the Guinean side amidst fears expressed by local inhabitants that the team may be arrested and detained by the Guinean security personnel.

2. Site of the destroyed mileage beacon



HRCSL team at the disputed site

HRCSL FINDINGS AND OBSERVATIONS

Without prejudice from the several engagements during the fact-finding, HRCSL team made the following observations and noted the findings:

- i. Large quantities of empty containers and plastic jerry cans were seen on both sides of the river bank. HRCSL team observed that trade across the two borders was not active at time of visit.

- ii. Dug-out canoes and a local ferry used for river transportation of goods and people were all anchored on the Guinean side of the river. This is a clear indication that the Guineans determined the movement of people across the river on either sides.
- iii. There were no canoes or Ferry on the Sierra Leone side of the river as at time of visit.
- iv. HRCSL did not see arms or officers carrying weapons at both border security posts (Nongoa in Guinea and Pengu-Bengu in Sierra Leone)
- v. There was no military build-up at both crossing points at time of HRCSL visit.
- vi. HRCSL observed that there were controversies over claim of ownership of Yenga:
The Guinean soldiers claimed that the disputed beacon was planted by their colonial masters in 1885 to demarcate the boundary between Sierra Leone and Guinea; On the contrary, the People of Yenga argued that the disputed beacon was constructed by their colonial masters as a mileage plaque indicating that from Pendembu to the position where the said beacon was erected is 52 miles as inscribed on the beacon. HRCSL was also informed that similar beacon could be seen close to the Makona River on the Sierra Leone side.
- vii. HRCSL noted that the security strength at Pengu-Bengu border security post was Low considering the strategic nature of the point of entry.
- viii. 20 Solar poles and 3 sign posts meant for the Sierra Leone crossing were seen on display at Pengu-Bendu border post.
- ix. The people of Yenga confirmed to HRCSL team that the Guinean soldier never crossed with armoured tanks as a show of force
- x. There are neither schools nor is there a health center for the Yenga community and hence undermine the fundamental rights to education and health of the people.
- xi. Estimated population of the residents of Yenga is between 100 and 140 people. 70 percent of this population are women and girls which clearly expressed the need for an affirmative gender dimension to the protection and promotion of the rights of women and girls.

OTHER HUMAN RIGHTS CONCERNS

During every crisis, there is bound to be an abuse or violations of human rights. Having engaged several institutions, groups and individuals, HRCSL learnt that rights were affected collectively or individually. Below are some of the rights that HRCSL noted that were affected:

i. **Right to Self Determination:** The Yenga community strongly expressed that their right to self-determination was affected and their freedom to choose and identify which territory they would like to belong was oftentimes stifled by the Guinean soldiers. According to the chief (Tamba Nyuma), they are not allowed to make choice or decision on their own thus undermining their right to self-determination;

HRCSL is of the opinion that the use of force to prevent a people from exercising their right of self-determination is regarded as illegal and has been consistently condemned by the international community.

“Peoples’ right of self-determination.” is entrenched in the International Covenants of Human Rights: *Article 1, common to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), reaffirms the right of all peoples to self-determination, and lays upon state parties the obligation to promote and to respect it.*

Right of Self Determination is reflected in **Article 20** of ACHPR: *All peoples shall have the unquestionable and inalienable right to self-determination. and shall freely determine and pursue their economic and social development according to the policy they have freely chosen.*

ii. **Right to Liberty and Security of Persons**

In some of the engagements it was alleged that the Guinean soldiers oftentimes crossed over to the Sierra Leone soil and intimidate people and forcefully collect dues from people who intend to cross from either points of entry.

The right to security requires the country to provide reasonable and appropriate measures, within the scope of those available to public authorities, to protect a person's physical security, as provided for in Article 6 of the ACHPR: “*Every individual shall have the*

right to liberty and to the security of his person...." Right to Liberty and Security is guaranteed in Section 15(a) of the 1991 Constitution of Sierra Leone;

iii. Right to Property

HRCSL noted that the people of Yenga and by extension Sierra Leoneans in that part of the country are deprived by the Guineans of the full enjoyment of their right to property. The Yenga community confirmed that the Guinean soldiers do not allow them to enjoy the resources of the Makona River. People from Sierra Leone are not allowed to carryout any social activity on the beach nor to fish in the river. HRCSL noted also that residents of Yenga are deprived access to farming on their own land especially in bushes along the Makona River.

Right to **property** is recognised in Article 17 of the Universal Declaration of Human Rights (UDHR), Article 14 of the African Charter on Human and Peoples Rights (ACHPR) and Section 21 of the 1991 Constitution of Sierra Leone.

iv. Right to Fundamental Freedoms

- a. Most of the groups and individuals that HRCSL team engaged, revealed that there has been perpetual fear over free movements especially around the Makona River crossing point and the nearby bushes. The chief of Yenga informed HRCSL team that his subjects are often chased out of their plantations by Guinean soldiers on the pretext that it was part of the buffer zone that they are under obligation to protect.
- b. Right to fundamental freedoms is guaranteed in Chapter III of the 1991 Constitution of Sierra Leone;

v. Right to Education

HRCSL team was informed that the Guinean soldiers allegedly demolished a community primary school in Yenga depriving children's access to quality primary education.

The right to education is reflected in article 26 of the UDHR, articles 13 and 14 of the ICESCR, Section 17 of the ACHPR, Section 3(2) of the Sierra Leone

Education Act, 2004 while Goal 4 of the Sustainable Development Goals provides for inclusion and equitable quality education.

Above all, Section 9 of the 1991 Constitution of Sierra Leone also directs government to provide equal rights and adequate educational opportunities for all citizens at all levels.

vi. Social and Economic Rights

Small scale border trades can play a fundamental role in contributing to poverty reduction and food security. The closure of the Guinean border does not only exert economic burden on families but it also deprived many business people in that part of the country of sustained livelihoods.

Chapter 8 of the Abuja Treaty commits members of the African Economic Community to rural and regional markets primarily for the benefit of African agricultural products.

RECOMMENDATIONS

- i. The HRCSL applauds the leadership of the Sierra Leone government for the current diplomatic move to find a lasting and peaceful solution to the Yenga crisis. In this vein, the Human Rights Commission of Sierra Leone therefore calls on government to expedite the diplomatic process.
- ii. Both Guinea and Sierra Leone are State parties to many international and regional human rights Conventions, Treaties and Agreements. HRCSL remind both parties of their obligation to protect, respect and fulfil all human rights agreements to which they are signatories.
- iii. The Sierra Leone Border post located at Pengu-Bengu is a strategic security point and therefore require the requisite man power. HRCSL urges the Office of National Security (ONS) to increase security personnel at this border post.
- iv. The government should strengthen the rights of small traders and facilitate their cross-border transaction.

- v. A joint Border Community structure to be set up to address minor disagreements in a bid to maintain the long-standing relationship between Guinea and Sierra Leone.
- vi. The government should consider to increase its presence at the Makona River by constructing structures and erecting solar lights for the economic benefit of the government of Sierra Leone.



HRC SL Vice Chairperson tours the Sierra Leone crossing point

ANNEX: HRCSL Press Statement on the Fact-finding Mission to Yenga.



HUMAN RIGHTS COMMISSION OF SIERRA LEONE
PRESS STATEMENT ON THE YENGA BORDER CONFLICT AND THE
CLOSURE OF THE GUINEAN BORDER
2nd February, 2021

The Human Rights Commission of Sierra Leone (HRCSL) came into being following recommendations from the Lomé Peace Accord and Report from the Truth and Reconciliation Commission. In 2004, Government by an Act of Parliament accordingly enacted the Human Rights Commission of Sierra Leone Act which gives HRCSL the primary responsibility to protect and promote human rights of all in the country devoid of region, ethnicity, sex, religion, association etc. In this vein HRCSL also serves as a peace building infrastructure which identifies early warning signs of conflict, documents them and make appropriate recommendations to government and its partners for prevention of any potential conflict.

About two weeks ago while monitoring the media, HRCSL noted that some people who said are residents of Yenga, a small village in the Kissi Teng Chiefdom in Kailahun District alleged through a voice message sent on WHATSAPP that Guinean soldiers had crossed over to their town laying claims to it. They therefore gave government through the same voice message an ultimatum to act fast and stop the Guineans otherwise they would take the law into their hands. This reopened fresh discussions in the media over the Yenga Border conflict which many Sierra Leoneans had thought it had long been resolved.

HRCSL viewed such threats as an early warning sign for conflict and therefore on the 28th of January 2021 dispatched a team to undertake a fact-finding mission led by the Vice Chairperson Victor I. Lansana Esq. and Commissioner Hassan Samba Yarjah to Yenga and also had to cross over to Nongowa the border axis of Guinea by means of a canoe. With the Guinea Border remaining closed, the Team also investigated the impact of this continuous closure. Accordingly, HRCSL engaged stakeholders separately on both sides of the border and did a conducted tour of the border area, the Yenga Community and the Penguin Bengu check point. These engagements and conducted tour were aimed at identifying the human rights issues prevailing in that part of the country in a bid to advise government appropriately. From these engagements and conducted tour, HRCSL has documented the following findings:

1. Security

- There is no security presence at the Sierra Leone border along the Makona / Moa River as opposed to the Guinean counterpart who have a huge military presence at the foot of the border (Moa River).
- Security presence on the Sierra Leone part is only found at the Penguin-Bengu Check Point, which is about 5 miles away from the actual border crossing point.
- Even at the Penguin-Bengu Check Point, security presence is very low.
- Residents of Yenga community complained of intimidation and harassment from Guinean security personnel.

- There is no Guinean military occupation of Yenga, the Guineans only crossed the border to come and erect a beacon that was destroyed as a result of the road construction
- The Guinean personnel consider the area where the beacon is erected as a buffer zone and are determined to prevent anyone from meddling in that area.

2. Economic and Social Rights

- There is no presence of any school, health and market facilities in the Yenga border axis;
- Residents complained that sometimes they are prevented by the Guinean security personnel from using their land for farming and other agricultural purposes;
- Residents complained that they are normally asked to pay dues by the Guinean authorities to enable them undertake cross-border trade;
- Residents complained of extortion by the Guinean security personnel during this period of restriction of movement of people across the border
- Residents complained that the Guinean security personnel demolished the only primary school serving the Yenga Village.

3. Development Rights

- GoSL has commenced road construction from Kailahun town to the Yenga border axis
- Residents complained that Guinean security personnel did not allow the erection of street Solar poles, which had been brought by GoSL and Partners to provide light to the community and its environs

Recommendations

HRCSL notes that these infringements contradict both national and international laws, for instance, Section 1 of the Constitution of Sierra Leone 1991, provides that “Sierra Leone is a **Sovereign Republic** ...”, which means that any encroachment or interference into its territory is an act of aggression and it negates the enjoyment of fundamental human rights and freedoms.

Also, Part two of the Constitution and other relevant statutes and policies guarantee the enjoyments of Economic, Social and Cultural Rights.

Additionally, Article 1(1) & (2) of the ICESCR provides that:

1. *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
2. *All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-*

operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.

In light of the above HRCSL makes the following specific recommendations:

That GoSL should:

1. Employ with utmost urgency diplomatic channels to resolve the Yenga border conflict once and for all.
2. Increase security personnel at the Pengu-Bengu Check point.
3. Deploy security personnel at the mouth of the Makona/Moa river, which is the colonial boundary between Sierra Leone and Guinea from that end
4. In the long term erect permanent structures around the border axis in a bid to make it an economic hub
5. As matter of urgency, provide social amenities including school, health centre, market and a community centre in Yenga.
6. HRCSL calls on the Yenga community especially the youth to desist from using any violent means to claim their rights over the Yenga territory.

Human Rights Commission of Sierra Leone remains committed to the protection and promotion of human rights of all throughout the Sierra Leone.

Signed By

Mrs. Patricia Narsu Ndanema

Chairperson