

## **Democracy by Force?**

**(A study of international military intervention in the civil war  
in Sierra Leone from 1991-2000)**

by

**Abass Bundu LL.B (ANU), LL.M, Ph.D (Cantab.)**  
Member of the Australian Bar; former Executive Secretary of the  
Economic Community of West African States (ECOWAS); former  
Foreign Minister of Sierra Leone; Consultant on Conflict  
Prevention, Management and Resolution.

# CONTENTS

	<u>Page</u>
Dedication	iii
Contents	v
Glossary of Acronyms	ix
Foreword	x
Preface	xii

## INTRODUCTION

The Sierra Leone Crisis in Perspective	19
--	----

## CHAPTER 1

### Democracy and the Politics of Violence in Sierra Leone

Democracy prior to 1967:	32
(a) The colonial legacy	33
(b) Post-colonial politics	35
(c) Split within the SLPP	37
Democracy after 1967:	
(a) The first <i>coup d'etat</i> 1967	41
(i) The first counter- <i>coup</i> 1967	43
(ii) The second counter- <i>coup</i> 1968	45
(b) The second <i>coup d'etat</i> 1992	46
(c) The RUF rebellion	49
(d) The Abidjan peace accord 1996 & collapse	54
(e) The third <i>coup d'etat</i> 1997	57
(f) The counter- <i>coup</i> 1998	58
(g) The SLPP and the Army	58
(h) Attempted overthrow of Kabbah in 1999	60
(i) Ceasefire that never was	62
The question of democratic legitimacy	64

## CHAPTER 2

### Intervention by Invitation

Introduction	71
Foreign troops in Sierra Leone prior to 25 May 1997	71
The invitation to intervene	74
Characterisation of the intervention force	77
The mandate of the sub-regional forces	80
The <i>kamajor</i> affair	82
Nigeria's unilateral embargo on Sierra Leone	84

## CHAPTER 3

### The Role of Ecowas

OAU mandate to Ecowas	89
Execution of mandate:	91
(1) The Ecowas Foreign Ministers	91
(a) The Conakry Meeting of June 26	91
(b) The Abidjan Meetings of July 1997	96
(c) The Conakry Meeting of October 22-23	99
(d) Further Meetings of Ecowas Committee of 5	101
(2) The Ecowas Authority	107
Renewed mediation by Ecowas	108
Kabbah slams and reopens the door of diplomacy	112
The cease-fire agreement	119
The Liberian fly in the ointment	120

## CHAPTER 4

### The Role of the United Nations

UN attitude to unauthorised use of force	123
Embargo on Sierra Leone	126
Travel restrictions	129
(a) Dr Phillip Sesay's Case	129
(c) Dr Abass Bundu's Case	132
Interpreting the embargo	134
Enforcing the embargo	136
Exceeding the UN mandate	140
Embargo on commercial and humanitarian goods	143
(a) Commercial imports	143

(b) International humanitarian assistance	144
(c) Complaints by humanitarian agencies	148
Enforcement action under chapter VII of the UN Charter	149

## CHAPTER 5

### The Role of Civil Society and the Effect of Non-Recognition

Non-co-operation of civil society	154
Non-recognition of the military junta	157
(a) By sovereign states (other than the UK)	157
(b) United Kingdom practice	158
The Sierra Leone crisis before English courts	166

## CHAPTER 6

### Force in Defence of Democracy and Human Rights

Force in defence of democracy	177
State practice during the Cold War	178
(a) Dominican Republic 1963	178
(b) Grenada 1979	179
(c) Panama 1989	179
State practice after the Cold War	180
(a) Haiti 1994	180
(b) Sierra Leone 1997	181
(c) Congo (Brazzaville) 1997	183
(d) East Timor 1999	184
Force in defence of human rights	188
The Commonwealth Practice	194

## CHAPTER 7

### Observance of International Humanitarian Law

Violations of international humanitarian law	198
Special Criminal Court for Sierra Leone	204
Individual liability for international crimes:	208
(a) Before international tribunals	208
(b) Before national courts	210
<i>Status mixtus</i> of the armed conflict	215
The UN arms embargo and its breach	217
(a) British Government's investigations	219

(b) The findings of the Legg inquiry	223
Looking for political scapegoats	225
Mercenaries in the conflict	227
The menace of private military companies	228
Hostage taking	235
Child soldiers	235
Restructuring the Sierra Leone defence forces	237

## CHAPTER 8

### The Domestic Fallout of the Rebellion

Government's human rights profile	240
The politics of revenge	241
Treason trials:	
(a) Changes to the trial rules	247
(i) Legality of new trial rules	248
(ii) Compatibility of new trial rules with international standards	250
(b) Number of accused persons	251
(c) The offence of treason	252
(c) The prosecution's case	254
(d) Was Kabbah's government overthrown?	256
(f) When was the overthrow completed?	259
Repatriation by deportation	260
International reaction to the treason verdicts	262
Effect of acts of the military junta	265
Questionable executions	267
The role of national reconciliation	271
The Lome peace agreement 1999	274
The next general elections	278

## CHAPTER 9

The Way Forward	280
Endnotes	291