

Sierra Leone

While the end of Sierra Leone's brutal armed conflict in 2002 brought an end to the gross violations of human rights that characterized the eleven-year armed conflict, there is growing recognition by the international community and Sierra Leonean civil society that the government has done little to address the issues that gave rise to the conflict—endemic corruption, weak rule of law, and the inequitable distribution of the country's vast natural resources. The government's refusal to do more to address crushing poverty in the face of high unemployment among young adults and continuing insecurity within the sub-region renders Sierra Leone vulnerable to future instability. 2005 also saw a rise in attacks against the Sierra Leonean press.

Persistent inadequacies in the police and judiciary continue to undermine improvements in implementing the rule of law in Sierra Leone. However, through the efforts of the United Nations-mandated Special Court for Sierra Leone, significant progress continues to be made in achieving accountability for war crimes committed during the war. Meanwhile, the government was resistant to implementing key recommendations made by Sierra Leone's Truth and Reconciliation Commission and has yet to appoint commissioners to the National Human Rights Commission, established by parliament in 2004.

In anticipation of the complete withdrawal of U.N. peacekeepers set for December 2005, and in recognition of Sierra Leone's continued institutional weaknesses within the security, judicial and governance sectors, the U.N. Security Council in August 2005 approved the establishment of a peace-building mission to be called the U.N. Integrated Office for Sierra Leone (UNIOSL). The mission's mandate will begin in January 2006 following the complete withdrawal of the once-17,000-strong peacekeeping mission. The priorities of UNIOSL will focus on fighting corruption, improving transparency, establishing the rule of law and assisting in preparations for the 2007 general elections.

Accountability for Past Abuses

Throughout 2005, the Special Court for Sierra Leone (SCSL), established in 2002 to bring justice for victims of atrocities committed during the war, continued to make progress. The appointment of judges in January 2005 to the second trial chamber enhanced the court's overall efficiency, and at year's end, three trials of nine accused from all three warring factions were proceeding simultaneously. The court also uses innovative practices to promote fair trial rights to protect witnesses who testify and to make the court accessible to Sierra Leoneans. Some concerns remain about the court's performance, including instances of disclosure of identifying information about protected witnesses, delays in rendering decisions on motions, and few initiatives designed to have impact with the national judicial system.

Human Rights Watch

350 Fifth Avenue, 34th floor

New York, New York 10118-3299

Tel. +1 212 216 1200 Fax +1 212 736 1300

www.hrw.org

Despite mounting international pressure from African countries, the United Nations, the European Union and the United States, Nigeria continues to resist surrendering Charles Taylor to the Special Court, which in 2003 indicted him on seventeen counts of war crimes. Initially dependent on voluntary financial contributions, the Special Court has also struggled to operate effectively in an uncertain funding environment. Despite voluntary contributions by government and a subvention grant provided by the UN General Assembly, the Special Court does not have adequate funds to complete its work nor carry out critical activities such as ensuring longer-term protection for witnesses. The court is currently seeking \$25 million to cover operations for 2006. International donors have so far pledged only approximately \$10 million.

The Truth and Reconciliation Commission

In mid-2005, the report of the Truth and Reconciliation Commission (TRC) was finally released to the public. The report contains several significant findings and recommendations. It notedsthat decades of corrupt rule by Sierra Leone's political elite largely created the conditions which led to the civil war. The recommendations include judicial reforms, measures to increase the transparency of the mining industry, steps to improve good governance and accountability, and the abolition of the death penalty.

In June 2005, months after promising to respond to the TRC report, the government of Sierra Leone published its proposals for the implementation of the report's recommendations. However, the Government's "white paper" was widely criticized by civil society groups as being vague and noncommittal. Concretely, they said it failed to establish a timeline for implementing measures like reparations for war victims, was largely devoid of concrete steps to improve governance or address corruption, and in some cases rejected recommendations, such as the abolition of the death penalty.

Attacks against Journalists and Members of Civil Society

In 2005, several attacks were reported against Sierra Leonean journalists. In May 2005 Harry Yansaneh, acting editor of the independent daily *For Di People*, was severely beaten by individuals allegedly acting on the orders of ruling party parliamentarian Fatmata Hassan Komeh. Yansaneh died two months later as a result of his injuries. After widespread condemnation by Sierra Leonean civil society and the international community, an inquest was launched and several people, including Komeh and two others were arrested and charged with manslaughter. In May 2005, two journalists from the private weekly *The Trumpet* were detained and charged with "seditious libel," and, in September 2005, the Deputy Editor of the *Awareness Times* was attacked by members of an opposition political party.

Corruption

Corruption within both the public and private sectors in Sierra Leone remains widespread and continues to rob the public of funds needed to provide vital services such as education, water, and healthcare. As in previous years, 2005 saw few convictions for corruption-related offenses. In 2000, largely under pressure from international donors, the Anti-Corruption Commission (ACC) was established to investigate charges of corruption. However, since the power to refer cases for prosecution rests with the attorney

general who is appointed by the president, the ACC has been subject to political manipulation: in practice, only cases involving lower level officials are referred for prosecution. Efforts to correct this weakness were boosted in 2005 when the power to recommend prosecution was expanded to include two foreign prosecutors. It is hoped that this, together with the three judges from Commonwealth countries who have since 2003 been attached to the Sierra Leone High Court to hear corruption related cases, will contribute to the independence of the ACC.

Efforts to Establish the Rule of Law

Despite considerable international donor aid intended to improve the judiciary, striking deficiencies remained evident throughout 2005. These included extortion and bribe taking by court officials; insufficient numbers of judges, magistrates and prosecuting attorneys; inadequate remuneration for judiciary personnel; and extended periods of pre-trial detention and sub-standard conditions within detention centers. The system of local courts presided over by traditional leaders or their officials and applying customary law, which is often discriminatory particularly against women, is the only form of legal system accessible to an estimated 70 percent of the population. Local court officials frequently abuse their powers by illegally detaining persons and charging high fines for minor offences, as well as by adjudicating criminal cases beyond their jurisdiction. At years end, there were ten men on death row following a December 2004 conviction for treason in connection with a 2003 coup attempt; however, no executions were carried out.

Sierra Leone Army and Police

The Sierra Leone Army and police have over the years been the source of considerable instability, corruption, and human rights violations and have enjoyed near-complete immunity from prosecution. During 2005, the police continued to exhibit unprofessional and at times illegal behaviour. This included widespread extortion from civilians, including the mounting of checkpoints to obtain money from passing vehicles and the arbitrary arrest and detention of suspects. The police were widely criticized for initially failing to take action in response to the beating of the journalist Yansaneh. The Commonwealth Police Development Task Force (CPDTF) has, since 1998, been responsible for restructuring and retraining the police and maintains that low salaries and inadequate resources remain key challenges.

Efforts by the British-led International Military Advisory and Training Team (IMATT), which since 1999 has worked to reform, restructure, and rehabilitate the Republic of Sierra Leone Armed Forces (RSLAF), have led to considerable improvements in the professionalism and accountability within the force. However, shortages of equipment, fuel, and communications equipment continue to undermine their operations. In 2005, there were a few reports of abuses, extortion, and indiscipline by the army, and the RSLAF leadership demonstrated some commitment to discipline and sanction soldiers for offenses committed.

Human Rights Watch

350 Fifth Avenue, 34th floor

New York, New York 10118-3299

Tel. +1 212 216 1200 Fax +1 212 736 1300

www.hrw.org

Trafficking in Persons

The trafficking of persons, particularly women and children, was a growing problem in 2005. In response, the Parliament passed legislation criminalizing the practice, and the government conducted some investigations into and closure of suspected venues employing trafficked individuals. Numerous children are trafficked from the provinces to work in diamond mines, as commercial sex workers, and in street labor, in both Sierra Leone and neighboring countries.

Key International Actors

In spite of providing billions of dollars in assistance to Sierra Leone since the end of the armed conflict in 2002, international donors have been largely reluctant to criticize the ongoing problems of corruption and bad governance, which both undermine Sierra Leone's recovery and make it vulnerable to future instability. They have also been unwilling to leverage Sierra Leone's dependency on aid to pressure the government to address corruption and governance issues.

The United Kingdom has for the last several years spent some U.S. \$60 million per year on rebuilding and restructuring the army, police, and judiciary. The United States in 2005 spent some U.S.\$9 million on reconstruction, military education, training and other types of development aid, including on improving the control and management of the diamond sector.

Human Rights Watch

350 Fifth Avenue, 34th floor

New York, New York 10118-3299

Tel. +1 212 216 1200 Fax +1 212 736 1300

www.hrw.org