

## Sierra Leone

Since the end of Sierra Leone's brutal armed conflict in 2002, few improvements have been made in the dynamics that contributed to the emergence of the conflict in 1991—rampant corruption, gross public financial mismanagement, inadequate distribution of the country's natural resources, and weak rule of law. The government's failure to address crushing poverty despite massive international aid, and alarmingly high unemployment rates among youth, render Sierra Leone vulnerable to future instability.

Persistent and serious deficiencies in the functioning of the police and judiciary continue to undermine improvements in implementing the rule of law. 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. Meanwhile, the government made slow progress in implementing key recommendations made by Sierra Leone's Truth and Reconciliation Commission and in instituting the National Human Rights Commission, established by Parliament in 2004. In 2006 Parliament passed several laws aimed at improving the human rights of women, including laws on inheritance and property rights.

Following the complete withdrawal of UN peacekeepers in December 2005 and in recognition of Sierra Leone's continued institutional weaknesses, the UN Security Council in August 2005 approved the establishment of a peacebuilding mission—the UN Integrated Office for Sierra Leone (UNIOSL). The priorities of UNIOSL include fighting corruption, establishing the rule of law, and supporting the planned July 2007 general elections.

During 2006 there were numerous allegations of violations of civil and political rights in anticipation of the 2007 elections. These included the politically motivated arrest of opposition figures and the use of police to prevent opposition meetings. Donors and civil society complained that state institutions and aid money were being used to advance the political aims of the ruling party.

## **Accountability for Past Abuses**

Throughout 2006 the Special Court for Sierra Leone, established in 2002 to bring justice for victims of atrocities committed during the war, continued to make progress. At this writing three trials involving nine individuals were in process. After mounting international pressure, former Liberian President Charles Taylor was surrendered to the Special Court on March 29 from Nigeria, where he had remained since August 2003. Taylor is charged with war crimes and crimes against humanity for his role in supporting the rebel Revolutionary United Front (RUF). Due to security concerns, the Special Court president requested that Taylor's trial be relocated to The Hague, and he was transferred there in June 2006. His trial is expected to begin in 2007.

Despite contributions by governments and a UN grant, the court continues to lack funds to complete its work and carry out "post-completion" activities such as long-term protection for witnesses. The court's financial needs are intensified by new costs associated with Taylor's trial.

## **Truth and Reconciliation Commission**

Civil society and UNIOSIL made considerable efforts to educate rural populations about the findings of the 2005 report of the Truth and Reconciliation Commission. The report noted that decades of corrupt rule by Sierra Leone's political elite had largely created the conditions that led to the armed conflict. The recommendations include abolishing the death penalty, repealing laws that criminalize seditious libel, increasing the transparency of the mining industry, improving good governance, and establishing a reparations fund for war victims. The government has made very little effort to implement most recommendations and has rejected others, including abolition of the death penalty.

## **Efforts to Establish the Rule of Law**

Striking defects within the judicial system that severely undermine the rights of victims and the accused remained evident throughout 2006. These defects include extortion and bribe-taking by court officials; insufficient numbers of judges, magistrates and prosecuting attorneys; very little representation for the accused; absenteeism by court personnel; inadequate remuneration for judiciary personnel;

and extended periods of pre-trial detention. Mismanagement and corruption within Sierra Leone's detention facilities resulted in sub-standard conditions, including overcrowding and lack of proper nutrition and health care, as well as numerous deaths in custody.

In April 2006, some six years after their arrest in connection with a war-related incident, 10 former RUF members were convicted and sentenced for conspiracy to commit murder. The detention and trial of scores of other former RUF combatants arrested in conjunction with the same incident was from 2000-2006 characterized by gross judicial abuses including the procurement of statements under duress, detention without charges, and lack of counsel for up to five years from the date of arrest.

At this writing, 10 men were on death row following a December 2004 conviction for treason in connection with a 2003 coup attempt; their case is under appeal. An additional three men, including former RUF spokesman Omrie Golley, were arrested in January 2006 on treason charges. The grounds for arrest appear to be politically motivated and unsubstantiated, and the trial has been beset with numerous due process violations including the alleged fabrication of evidence and lack of an arrest warrant.

The system of local courts controlled by traditional leaders and applying customary law, which is often discriminatory particularly against women, is the only 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 offenses, as well as by adjudicating criminal cases beyond their jurisdiction.

The presence in each district of a resident magistrate, funded by the United Nations Development Programme (UNDP), helped relieve judicial backlog, as did the ongoing United Kingdom-funded Justice Sector Development Program (JSDP), which aims to update laws and procedures, refurbish court facilities and reduce the number of prisoners on remand.

## **Corruption**

Corruption in the public and private sectors in Sierra Leone remains widespread and continues to rob the population of funds needed to provide vital services such as

education, water, and healthcare. In 2000, the Anti-Corruption Commission (ACC) was established to investigate charges of corruption. However, the power to refer cases for prosecution rests with the president-appointed attorney general and in practice, only cases involving lower level officials are referred for prosecution. As in previous years, 2006 saw few convictions for corruption-related offenses, and there were none involving high-level government officials. The ACC lost further legitimacy when President Ahmed Tejan Kabbah in late 2005 appointed a close relative as ACC commissioner.

### **Police and Army Conduct**

The Sierra Leone police and army have been a longstanding source of considerable instability, corruption, and human rights violations, and have enjoyed near-complete immunity from prosecution. Despite a Commonwealth-run training program from 1998 to 2005 and current efforts by the JSDP and UNIOSIL, throughout 2006 the police exhibited unprofessional and often illegal conduct. This included widespread extortion from civilians (such as the placing of unauthorized checkpoints to obtain money from passing vehicles), rape of female detainees in remand facilities, and requiring victims of crimes to pay the police to file reports or conduct investigations. While numerous police officers were dismissed for purported criminal acts during 2006, there was little effort to hold them accountable for these crimes.

Efforts by the UK-led International Military Advisory and Training Team (IMATT), which since 1999 has worked to reform the Republic of Sierra Leone Armed Forces (RSLAF), have led to considerable improvements in professionalism and accountability within the army. In 2006 there were a few reports of abuses, extortion, and indiscipline by the army, and the RSLAF leadership demonstrated some commitment to penalize and sanction soldiers for offenses committed.

### **Trafficking in Persons**

Trafficking of persons, particularly women and children, remained a problem in 2006. Numerous children are trafficked from the provinces to work in diamond mines, as commercial sex workers, and in street labor, both within Sierra Leone and to neighboring countries. There was also growing recognition of the problem of adoption fraud in which indigent parents are duped into terminating their parental rights.

## **Key International Actors**

In spite of providing billions of dollars in assistance to Sierra Leone since the end of the armed conflict, international donors have been largely reluctant to publicly denounce ongoing problems of corruption and bad governance, which both undermine Sierra Leone's recovery and make it vulnerable to future instability. While key donors have made considerable effort to reform expenditure accounting mechanisms, they have been reluctant to refer cases to the Anti-Corruption Commission and press for that body's proper functioning.

The UK has for the last several years been the top bilateral donor, providing some GBP 40 million (US\$76 million) in 2006 as direct budget support and program assistance aimed at strengthening the justice, security, and governance sectors. The United Nation's concern about a potential relapse into violence is not only illustrated by the presence of UNIOSL, but also by Sierra Leone's inclusion on the agenda of the new UN Peacebuilding Commission, created in December 2005 by UN Resolution 60/180. The commission, which is a UN effort to bridge the gap between peacekeeping and the consolidation of peace, selected Sierra Leone and Burundi as its countries of focus at its inaugural meeting in June 2006.