



January 2008

country summary

## Sierra Leone

Sierra Leone is making some political progress as the country begins to put behind it the legacy of the 11-year civil war that ended in 2002, but still faces fundamental challenges to ensuring the consolidation of respect for human rights. Despite hundreds of millions of dollars of development aid, rampant corruption and gross public financial mismanagement persist, along with major deficiencies in the justice system.

### Democratic Processes

The presidential and parliamentary elections held on August 11, 2007 were a crucial and largely successful recent test of stability. The ruling Sierra Leone People's Party (SLPP) lost the presidency and its majority in parliament, and new president, Ernest Bai Koroma of the All People's Congress (APC), assumed power on September 17. The ousting of the ruling party was widely viewed as a success for democracy and as a referendum on the government's failure to deliver on post-war reconstruction.

Pre- and post-election violence between rival parties—including house burnings and street clashes—left at least one person dead and dozens injured. However, both domestic and international observers agreed that the polls themselves were generally free, fair, genuinely contested, and well organized. The National Electoral Commission was deemed competent, neutral, and independent. The police and army—once seen as organs of the ruling party—acted professionally to quell violence generated by all sides.

### Legal Protection

The government has taken various steps to improve legal protection. During 2007, for example, four important bills were passed by parliament aimed at ensuring greater legal protection for women and children. The National Child Rights Bill, passed in June, prohibits early marriage, military conscription of children, and child

trafficking. Three other bills—the Registration of Customary Marriages and Divorce Act, the Domestic Violence Act, and the Devolution of Estates Act—create a legal framework criminalizing domestic violence, ensuring women’s property rights, setting the minimum age for customary marriage at 18, requiring such marriages have the consent of both parties, and recognizing rights to inheritance without interference from extended family.

## **Corruption**

Public and private corruption remains a major obstacle to development. The Anti-Corruption Commission (ACC) established in 2000 largely at the behest of donors, refers cases for prosecution to the president-appointed attorney general. So far it has referred only low-level cases for prosecution. As in previous years, 2007 saw few convictions, and none involving high level government officials. A UK assessment of the ACC found that it had “little or no impact” on corruption, and as a result withdrew its financial support for it.

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

Defects in the judicial system persist, including extortion and bribe-taking by court officials; insufficient numbers of judges, magistrates, and prosecuting attorneys; little representation for the accused; absenteeism by court personnel; inadequate remuneration for judiciary personnel; and extended periods of pre-trial detention. In 2007 some 90 percent of prisoners lacked any legal representation during their trials.

On November 1, three men arrested in January 2006 on treason charges, including former Revolutionary United Front (RUF) Spokesman Omrie Golley, were released from prison for lack of evidence after 22 months in custody. The move followed a commitment by newly elected President Koroma to conduct a review of all detainees held on politically motivated charges. The trial of the three men was marked by a failure to respect basic legal norms, including the alleged fabrication of evidence and the lack of an arrest warrant.

At this writing, 20 individuals, including one woman, remain on death row, 10 of whom following a December 2004 conviction for treason in connection with a 2003 coup attempt; their case is under appeal.

The only legal system accessible to some 70 percent of the population is a network of “customary” courts controlled by traditional leaders and applying customary law, which is often discriminatory, particularly against women. 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.

## **Police and Army Conduct**

The Sierra Leone police continue to engage in unprofessional and often illegal conduct, despite a Commonwealth-run training program from 1998 to 2005, and current efforts by the British government and the United Nations. This has included widespread extortion from civilians, requiring victims of crimes to pay the police to file reports or conduct investigations, and, in a few cases, sexual abuse of female detainees.

Since 1999, the UK-led International Military Advisory and Training Team (IMATT) has been working to reform the Republic of Sierra Leone Armed Forces (RSLAF). In 2007, there were a few reports of abuses and indiscipline by members of the army, but the RSLAF leadership demonstrated their commitment to penalize and sanction soldiers for offenses committed.

## **Detention Conditions**

Numerous prisoners, including several children, are held in extended pre-trial detention. At least 16 people died in detention in 2007, a consequence of the overcrowding and lack of adequate food, clothing, medicine, hygiene, and sanitation in Sierra Leone’s prisons. In August, then-President Kabbah ordered the release of 50 prisoners convicted on minor offences in an effort to relieve overcrowding, but the population of the country’s largest detention facility, designed for 350 detainees, still stands at over 1,000.

## **Truth and Reconciliation Commission**

The 2005 report of Sierra Leone’s Truth and Reconciliation Commission (TRC)

attributed the civil war largely to decades of corrupt rule by the political elite and recommended 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 either ignored or been slow to implement the recommendations, and openly rejected some of them, including the abolition of the death penalty.

## **National Human Rights Commission**

In October 2006 parliament approved five commissioners to lead a National Human Rights Commission (NHRC), charged with investigating and reporting on human rights abuses and pushing for the implementation of the TRC recommendations. However, lack of government funding has undermined the ability of the NHRC to fully carry out its mandate.

## **Accountability for Past Abuses**

The United Nations-mandated Special Court for Sierra Leone has made progress on achieving accountability for war crimes. The Special Court for Sierra Leone, established after the war to bring justice to victims of atrocities, handed down its first five judgments in 2007. In June, three members of the rebel Armed Forces Revolutionary Council (AFRC) were convicted for, among other things, the recruitment and use of child soldiers, the first such conviction by an international tribunal. The judge noted that the three—Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu—were “responsible for some of the most heinous, brutal, and atrocious crimes ever recorded in human history.” In August, two members of the Sierra Leonean Civil Defense Forces (CDF) were convicted of war crimes including murder and pillage. A third CDF indictee, former interior minister Sam Hinga Norman, died in custody in February.

The trial of former Liberian president Charles Taylor—charged with 11 counts of war crimes and crimes against humanity for supporting Sierra Leonean rebel groups—started in June 2007, but was postponed after Taylor boycotted the trial and dismissed his lawyers. Taylor was appointed new counsel and the trial is expected to resume in January 2008. For security reasons it will take place at The Hague.

While several states, including the UK, US, the Netherlands, and Canada, made additional contributions to the Special Court for Sierra Leone, which relies primarily on voluntary funding, the court continued to suffer from serious financial shortfalls.

### **Key International Actors**

Sierra Leone's key international partners, in particular the UK, have been playing an important role in supporting the transition to democracy and the rule of law, but have seldom publicly denounced government corruption and other problems. In September, the Executive Representative of the UN Secretary General, the UK and Nigerian High Commissioners, and the US Ambassador pressured the then-ruling SLPP to concede after it sought an injunction to restrain the National Electoral Commission from releasing the results of the second round of voting in the presidential election.

Since 2002, international donors have provided millions of dollars in assistance to Sierra Leone. In 2006, the government agreed to benchmarks for reducing corruption, but still refuses to publish audited accounts of government spending.

Following the complete withdrawal of UN peacekeepers in December 2005, the UN Security Council approved a peacebuilding mission—the UN Integrated Office for Sierra Leone (UNIOSL)—to address weak governance and rule of law. Sierra Leone is on the agenda of the UN Peacebuilding Commission, created in December 2005 to bridge the gap between peacekeeping and the consolidation of peace.