Sierra Leone

The government of President Ernest Bai Koroma, elected in 2007, made concerted efforts to address the issues which gave rise to the brutal 11-year armed conflict that ended in 2002—rampant corruption, gross public financial mismanagement, inadequate distribution of the country's natural resources, and weak rule of law. However, resistance to the reform agenda from some influential members of government threatened these efforts. Meanwhile, serious deficiencies in the police and judiciary continue to undermine fundamental human rights.

The discovery in July of a plane loaded with cocaine, and the subsequent arrest of several Latin Americans and Sierra Leonean officials allegedly involved in drug trafficking, focused Sierra Leone's key partners on the urgency of improving the rule of law, addressing extremely high rates of unemployment, and strengthening the security sector. Meanwhile, through the efforts of the UN-mandated Special Court for Sierra Leone, significant progress continues in achieving accountability for war crimes.

In 2007 and 2008 Sierra Leone ranked last in the UN's Human Development Index. At 1,800 deaths per 100,000 live births, the country has the highest maternal mortality rate in the world, largely due to lack of human resources and corruption in the healthcare sector.

Corruption

The government put the struggle against corruption at the top of the national agenda and took several meaningful steps to address a scourge that has for decades posed a major obstacle to human rights and development. In August parliament passed a bill expanding the powers of the existing Anti-Corruption Commission (ACC), granting it independent powers to investigate and prosecute matters on its own, rather than through the president-appointed attorney general. During the year President Koroma

warned government officials to desist from corrupt practices, ordered a temporary ban on logging and exploitation of timber, took steps to address the lack of competitive bidding for contracts, and in September became the first Sierra Leonean head of state to declare his assets to the ACC. During 2008 the ACC indicted a former ombudsman and several low-and mid-level officials from ministries and parastatals. Several other investigations, including those involving a serving minister and two magistrates, were ongoing.

Efforts to Establish the Rule of Law

Deficiencies in the judicial system persist, including extortion and bribe-taking by officials; insufficient numbers of judges, magistrates, and prosecuting attorneys; absenteeism by court personnel; inadequate remuneration for judiciary personnel; and extended periods of pretrial detention. In 2008 some 90 percent of prisoners lacked any legal representation. Hundreds of people—over 40 percent of the country's detainees—were held in prolonged pretrial detention.

The only legal system accessible to some 70 percent of the population is one based on 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, charging high fines for minor offenses, and adjudicating criminal cases beyond their jurisdiction.

Prisons were severely overcrowded, in violation of international standards. Some 20 people reportedly died in detention, a consequence of overcrowding and the lack of adequate food, clothing, medicine, hygiene, and sanitation in Sierra Leone's prisons. The population of the country's largest detention facility—designed for 350 detainees—stands at over 1,100.

A concerted effort by the government, UN, and UK-funded Justice Sector Development Programme (JSDP) to improve the rule of law led to some improvements in the sector, including a decrease in the number of prisoners held in pretrial detention, slight improvements in healthcare and access to water for detainees, and the opening of a separate detention facility for juvenile offenders.

In November, 11 death row prisoners were released after an appellate court overturned a December 2004 conviction for treason in connection with a 2003 coup attempt. At this writing, 12 individuals remain on death row.

Police and Army Conduct

On several occasions police were accused of using excessive force against the media and alleged criminals, or while executing a court order. There were also persistent reports of bribe-taking, extortion at checkpoints, and requiring victims of crimes to pay the police to file reports or conduct investigations. However, the police were notably professional and non-partisan during episodes of ethnic and politically-motivated violence and in their response to serious crimes, including Sierra Leone's largest drug bust. Police leadership is also increasingly more willing to investigate, discipline, and dismiss officers engaging in unprofessional or corrupt practices. In June, 94 police officers were fired after having been found guilty of professional misconduct.

Since 1999 the UK-led International Military Advisory and Training Team (IMATT) has been working to reform and advise the Republic of Sierra Leone Armed Forces (RSLAF). In 2008 there were a few reports of abuses and indiscipline by members of the army, but the RSLAF leadership demonstrated its commitment to penalize and sanction soldiers for offenses committed.

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 been slow to implement the recommendations and openly rejected some of them, including the abolition of the death penalty. However, after a long delay, one of the commission's recommendations—the establishment of a reparations fund for war victims—was established and funded by the UN Peacebuilding Fund.

National Human Rights Commission

Increased financial support in 2008 allowed the National Human Rights Commission to more fully carry out its mandate to investigate and report on human rights abuses and push for the implementation of the TRC recommendations. During the year the commission became fully operational, establishing offices in Bo, Kenema, and Makeni, and launching a five-year strategic plan. By year's end, it had received and investigated over 100 complaints. The commission generally operated without government interference.

Accountability for Past Abuses

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—resumed before the Special Court for Sierra Leone in January 2008. This followed a six-month delay due to an overhaul in Taylor's legal team after he sought to fire his lawyers over concerns that he was receiving inadequate resources to prepare his defense. The prosecution, which as of this writing has presented more than 80 witnesses, is due to complete their case in January 2009. Taylor is the first former African head of state to stand trial in front of any international or hybrid international-national war crimes tribunal. For security reasons his trial is taking place in The Hague instead of Freetown, Sierra Leone's capital.

After issuing verdicts in the cases of its first five defendants in 2007, the court in February 2008 upheld convictions on appeal by three members of the rebel Armed Forces Revolutionary Council (AFRC)—Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu—whom the judges noted were "responsible for some of the most heinous, brutal, and atrocious crimes ever recorded in human history." Convictions on appeal for members of the government-sponsored Civil Defense Forces (CDF)— Moinina Fofana and Allieu Kondewa—were largely upheld, although the appeals chamber rejected the trial chamber's finding that the CDF's purposes in fighting could be a basis for reducing sentences, and instead lengthened the prison terms imposed. The cases of three members of the rebel Revolutionary United Front (RUF) were concluded in June 2008, and judgment is expected in late 2008.

While states, including the UK, the US, the Netherlands, Canada, France, and Germany, continue to make important contributions to the Special Court for Sierra Leone, which relies primarily on voluntary funding, the court continued to suffer from financial shortfalls.

Key International Actors

The UN and UK government continued to take the lead in supporting Sierra Leone's transition to democracy and the rule of law.

To address the ongoing political, economic, security, and rule of law challenges, the UN Security Council in October 2008 established its fourth UN mission in Sierra Leone in 10 years—the 70-strong UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). The mission will have a largely advisory role aimed at promoting human rights and strengthening democratic institutions and the rule of law, including efforts to address organized crime and drug trafficking. UNIPSIL will coordinate closely with the UN Peacebuilding Commission and Fund, which support projects dedicated to improving reform in the justice and security sectors. UNIPSIL follows the 300-strong UN Integrated Office for Sierra Leone (UNIOSL), whose mandate expired in September 2008.

More than one-third of Sierra Leone's national income of US$365 million is provided by donors. The United Kingdom, Sierra Leone's largest donor, gave £50 million in the last fiscal year, primarily through its international aid agency.