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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER  
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE  
HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

**Assistance to Sierra Leone in the field of human rights**

**Report of the United Nations High Commissioner for Human Rights\***

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\* The present report is submitted late in order to include the most up-to-date information.

## Summary

The present report is submitted pursuant to Human Rights Council decision 2/102, in which the Council requested the United Nations High Commissioner for Human Rights to continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. The present report accordingly addresses developments regarding assistance to Sierra Leone in the field of human rights over the past year and is an update to the report submitted to the Council in 2007.

Political, legislative, and administrative developments in Sierra Leone over the course of 2007 have had a positive impact on the human rights situation in the country. The National Human Rights Commission was established and is now being operationalized. The Constitutional Review Commission to review the 1991 Constitution was established and work is now in progress. Parliament has passed a number of legislative enactments in furtherance of the protection of human rights, in particular women's and children's rights. The devolution of powers from the central Government to local district councils continued to enhance increased political participation in governance and the promotion of human rights in local districts and at the community level.

United Nations support for Sierra Leone under the Peacebuilding Fund is beginning to facilitate the consolidation of peace by addressing the root causes of the conflict. Projects to build the capacity of the Human Rights Commission of Sierra Leone, strengthen justice sector institutions and address some critical issues, including youth employment and empowerment, are now being implemented. A major development in 2007 was the successful holding of the presidential and parliamentary elections, which resulted in a change in Government and the emergence of a political leadership that appears, on the basis of public pronouncements made to date, to be committed to the respect for human rights and the rule of law.

Notwithstanding these developments, a number of challenges to the full realization of human rights still remain. Rights holders continue to face perennial delays in the hearing of cases, prolonged pretrial detention, poor prison conditions and increasing incidents of gender-based violence, including rape, domestic violence and female genital mutilation. No significant progress was noted in the area of social and economic rights, as Sierra Leone dropped towards the bottom of the human development index of the United Nations Development Programme for 2007.

Other issues that require close attention include corruption, which is widespread; increasing lawlessness among students; environmental degradation; and the abuse of human rights by mining companies operating in the country. The law reform and the constitutional review process needs greater attention to ensure that the reforms proposed by the Truth and Reconciliation Commission are implemented.

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## **I. INTRODUCTION**

1. By its resolution 1734 (2006), the Security Council extended the mandate of the United Nations Integrated Office in Sierra Leone (UNIOSIL) for 12 months until 31 December 2007 to facilitate the consolidation of peace. With regard to human rights, the mandate of UNIOSIL is to assist the Government to establish a human rights commission, develop a national action plan for human rights, expedite the implementation of the recommendations of the Truth and Reconciliation Commission, strengthen the rule of law, promote the independence of the judiciary and enhance the capacity of the police and correction systems.

## **II. HUMAN RIGHTS SITUATION**

### **A. Right to life and security of the person**

2. The death penalty remains part of the statutory laws of Sierra Leone. There are currently 20 people on death row, all of whom are adults, including 3 women. In 2007, one person was sentenced to death. The Constitutional Review Commission, established in January 2007 to review the 1991 Constitution, issued a preliminary report on 15 April 2007, in which it recommended that the death penalty be retained, but that it should be abolished in all cases of treason or other crimes of a political nature which did not directly cause the death of another. The Commission recommended that Parliament should review the death penalty every five years with a view to its abolition. UNIOSIL-Human Rights is not aware of and did not receive any reports on arbitrary and extrajudicial executions.

3. Growing insecurity among women and children was noted, owing to the increasing reports of rape, domestic violence and physical abuse of children, including female genital mutilation, which is considered a traditional practice and not prohibited by law.

### **B. Political rights**

4. Since the reintroduction of multiparty democracy in Sierra Leone, especially since 2002, when the first post-conflict elections were held, the country has witnessed an exponential growth in political socialization and pluralism, as well as a steady expansion of political space leading to greater freedom of choice and association and a significantly freer exercise of political rights and engagement among the citizenry. Despite its comparatively small, albeit fast growing, population of 5 million, Sierra Leone had 28 registered political parties just before the 2007 presidential and parliamentary elections. These were reduced to 9 officially recognized political parties following a fair and transparent re-registration exercise by the Political Parties Registration Commission.

5. Before the 2007 national elections, the main impediment to the free exercise of political rights was increasing political intolerance by some paramount chiefs within the country's highly influential traditional chieftaincy system. In the eastern and southern parts of the country, which remain largely the political stronghold of the former ruling party, the Sierra Leone People's Party (SLPP), supporters, sympathizers and polling agents of opposition parties found it extremely hard to operate or conduct political activities due to the obstructionist tendencies of paramount chiefs. During the pre-election period, for example, opposition leaders were subjected to frequent

harassment and refused permission to address political rallies in these areas, allegedly at the behest of the then-ruling party. As expected, this created a dangerous dynamic of retaliatory actions and vengeance in the immediate aftermath of the presidential elections.

6. Despite a smooth transition from one civilian leader to another, for the first time in the 46-year political history of the country, tensions remain as a result of scathing criticism from SLPP, which lost power, over the alleged collusion between the National Electoral Commission and the international community to influence the election results in favour of the new ruling party, the All People's Congress (APC). Predictably, this state of affairs has heightened inter-party tensions and resulted in a significant reduction in the enjoyment of political rights by some members of SLPP, now the main opposition party. By implication, the lack of cooperation and dialogue between the new ruling party and the new main opposition party, which have dominated the political landscape since before independence, has curtailed the space, at least for now, for any meaningful broad-based national consensus vital to creating a dynamic for national political reconciliation, social cohesion and unity.

7. In the course of the year, a number of politically-motivated cases against opposition figures were heard before the law courts, including that of the leader of the opposition party People's Movement for Democratic Change (PMDC), Charles Margai. In November 2006, Mr. Margai was arrested in the southern regional headquarters town of Bo, following accusations of endangering the life of the then-Vice President, Solomon Berewa. The case was dismissed by the new Government when it came to office. Another case was that of Michael Omrie Golley, former spokesman of the erstwhile Revolutionary United Front (RUF), who was arrested on 12 January 2006, in Freetown, allegedly for plotting to assassinate Mr. Berewa. His trial was adjourned more than 50 times during the year while, at the same time, he complained that he was routinely denied the right to proper medical attention and regular access to family visits or bail. Following the elections and the swearing-in of the President, the Ministry of Justice filed a *nolle prosequi* in the case, thereby dropping all charges against Mr. Golley, who has since left the country for Great Britain.

8. A comprehensive audit of government assets and programmes conducted by a presidential transitional team, commissioned in September 2007, uncovered widespread abuse and mismanagement of public resources throughout the public service attributed to a number of senior officials of the former Government. President Koroma has decided to refer these findings to the Anti-Corruption Commission for thorough investigation and possible prosecution. Such action by the Government, although justifiable in the context of accountability and critical to zero-tolerance of corruption, risks accentuating the existing political tensions between the ruling party and SLPP.

9. A major challenge of potentially significant implications for peace and stability is the much-reviled 1965 Public Order Act and the emergence of student violence during inter-school sporting activities. Past Governments have unremittingly employed the Act to muzzle dissent, especially by critical journalists, and minimize the growing voice of civil society, human rights advocacy groups and some influential elements in the political opposition. Also of concern is the frequent student violence, especially during inter-school sporting activities. Over the past two months, students from one of the country's major secondary schools ran violent pitch battles with the police, during which six policemen were seriously injured. Moreover, a number of demonstrations and industrial strikes degenerated into violence and posed an enormous challenge

to the ability of security agencies to assure meaningful public order management. Frequent unrest over land use and ownership because of poor title registration, which often resulted in one property being claimed by several persons, was also reported. The consequences of these incidents are ominous for peace and security for a country still faced by a tense political situation and fragile peace.

### **C. Children's rights**

10. Some steps have been taken on the legislative front to promote and protect children's rights. UNIOSIL provided technical support and facilitated advocacy in collaboration with the Ministry of Social Welfare, Gender and Children's Affairs and child rights organizations, for the enactment of the Child Rights Act (2007), which harmonizes all existing national legislation on children and brings it into compliance with the Convention on the Rights of the Child. However, the Act does not address the widespread practice of female genital mutilation and the specific needs and rights of children with disabilities. A crucial provision aimed at setting a minimum age limit on initiation ceremonies for female genital mutilation was deleted from the Act on the grounds that it had political and cultural implications. Parliament is encouraged to enact a law banning female genital mutilation, and incorporate the needs of children with disabilities in the draft bill on the rights of persons with disabilities.

11. Notwithstanding the passage of the Child Rights Act, there are still a number of challenges before the full realization of children's rights. Initiation of young girls into secret societies and female genital mutilation continued unabated. In February, reports received by UNIOSIL indicated that over 600 girls between 2 and 15 years of age were reportedly initiated into the Bondo Society, a female secret society, and subjected to female genital mutilation in Bo District, Southern Province. In Bo District appreciable progress was noted in the area of early and forced marriages, although children as young as 12 continue to be forced into marriages without their consent. Child labour remains a major issue, especially in the mining sector. Enforcement of existing legislation prohibiting child labour coupled with concerted awareness-raising are still necessary. Efforts have to be made to suspend the mining licences of companies that employ children in mining.

12. Some improvement in the enrolment of children in schools, especially the girl child, was noted. The Government's initiative of providing books, uniforms and school fees for girls up to senior secondary level in some selected districts has contributed to this progress. Nonetheless, many girls continue to drop out of school for various reasons, including pregnancies and early or forced marriages.

13. Trafficking of children remains a major issue. Many people in Sierra Leone still regard child trafficking only as the illegal movement of children across borders. Therefore, children continue to be taken from their families and forced into house help and street vending, among other roles, with impunity. The Government is encouraged to prosecute offenders as a deterrent and to provide protection to victims and witnesses.

14. Progress in the area of juvenile justice is slow. Children routinely appear in Court without legal representation or the presence of probation officers from the Ministry of Social Welfare. The ages of children were altered in a number of cases by the police during investigation so as to have them tried as adults. There are still no remand homes in northern and eastern provinces. As

a result, juvenile defenders who are arrested in these provinces are held in police stations or detained in prisons until they are transferred to Bo or Freetown. There is, therefore, an urgent need for reform of the juvenile justice system not only to address these problems, but also to explore alternatives to the detention of juveniles. UNIOSIL is working with the Government and relevant institutions, including the Justice Sector Development Programme, to address this problem.

#### **D. Women's rights**

15. Important steps were taken to promote and protect women's rights. Sierra Leone submitted its initial, second to fifth reports on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women, highlighting measures taken to fulfil obligations under the Convention since it was ratified in 1988. A shadow report by a coalition of women's Groups, human rights organizations and faith-based organizations and coordinated by the Sierra Leone Association of non-governmental organizations was also submitted. The coalition generally supported the claims of the Government, except in the area of female genital mutilation, for which the report criticized the Government's ambivalence in addressing the matter and for the budgetary support given to the Ministry of Gender, which it described as insignificant to adequately address women's issues.

16. Through consistent advocacy, technical support and intervention by the United Nations, international partners and civil society organizations, in 2007, Parliament passed the Domestic Violence Act, the Devolution of Estates Act and the Registration of Customary Marriages and Divorce Act, (referred to as the "gender bills") in furtherance of the implementation of the Convention on the Elimination of all Forms of Discrimination against Women. The enactment of the gender bills will hopefully lay a firm foundation to address discriminatory practices and violence against women, enabling them to play a meaningful role in the process of democratization and economic development. However, for the gender bills to have any meaningful impact, there is need for Parliament to enact the Sexual Offences Act and the Matrimonial Act, and to make adequate budgetary allocations to the Ministry of Social Welfare for their effective implementation.

17. Despite the progress on the legislative front, challenges to the full realization of women's rights still abound. Gender equity and women's empowerment remain a challenge to the full realization of women's rights in Sierra Leone. UNIOSIL collaborated with the 50/50 Group Sierra Leone and a number of other women's organizations to carry out sensitization activities for aspirant women candidates at the 2007 general elections as well as on women's rights to participate in the political process. However, women's representation in Parliament has dropped from 18 to 16 and only 2 women have been appointed as Ministers to the new Government, thus indicating the deeply entrenched discriminatory attitude towards women as political leader.

18. The increasing incidence of sexual and domestic violence also remains a barrier to the realization of women's rights in the country. Up to 67 per cent of women regularly suffer from domestic violence, including beatings, assault, destruction of properties and deprivation. Although the rate of reporting has increased because of the greater awareness among women of their rights, prosecution of cases is continuously hampered by the inadequate capacity of the family support units of the Sierra Leone Police, pressure by family members of the victims to drop charges, obstruction of justice by people in high places, including traditional leaders and

politicians, and by the unusually long delays in court trials. The Ministry of Social Welfare, Gender and Children's Affairs, the national entity responsible for taking the lead on such matters, lacks capacity and is hamstrung by the Government's inadequate budgetary allocation for women's empowerment programmes. The Peacebuilding Fund is providing support for capacity-building of family support units and the Ministry.

### **E. Refugees**

19. As at 15 October 2007, there were 9,947 refugees, all of whom except for 57 were Liberians. Refugees are hosted in eight camps located in the south-western part of the country in Bo and Kenema Districts and Freetown. It is expected that, by the end of 2007, 200 refugees will be resettled in third countries, mainly Canada, Australia and the United States of America. Education and health care for refugees are now mainstreamed in the Government system. Refugees are granted the same right to education as the Sierra Leoneans. One-time support was provided by the United Nations High Commissioner for Refugees (UNHCR) in the form of payment of tuition fee for students in colleges up to June 2006. The direct health support provided by UNHCR was phased out in September 2007.

20. The main challenge for Sierra Leone, as a host country, is posed by refugees who neither want to stay in Sierra Leone nor have opted for voluntary repatriation and who only want to be resettled in a western country. The underlying reason is the level of poverty in Sierra Leone and the obstacles in receiving work permits. However, tolerated by the Government, many refugees are working in the private sector.

### **F. Economic, social and cultural rights**

21. In its Human Development Report for 2007-2008, the United Nations Development Programme (UNDP) ranked Sierra Leone last of 177 countries based on life expectancy, adult literacy, combined gross enrolment ratio for primary, secondary and tertiary education and gross domestic product per capita. In 1976, Sierra Leone was ranked among the last countries (176 of 177), a clear indication that the chances of Sierra Leone achieving the Millennium Development Goals are getting slimmer.

22. The Sierra Leone Human Development Report 2007 focused on empowering local government for sustainable human development and poverty reduction. The report highlighted the challenges faced by Sierra Leone, including limited social services, environmental problems, gender inequity, lack of empowerment of the population, population growth, rising unemployment and increasing poverty. The year 2007 saw an ongoing lack of basic social services, such as safe drinking water, health-care services and educational facilities.

23. Violations of human rights associated with mining activities persisted in Kono District. Implementation of a housing project by Koidu Holding Limited to provide alternative housing facilities for property owners affected by company mining operations is slow, in spite of the increasing advocacy by civil society organizations. A peaceful demonstration by affected property owners on 23 November against Koidu Holding Limited owing to the delay in the implementation of the housing project and the persistent human rights violations ended in a riot, during which two people were killed. The Government has since halted the operations of the company and launched an investigation.

### **G. Justice sector**

24. Some progress was noted in the justice sector. A capacity-building project approved in July for support under the Peacebuilding Fund provides for a number of programmes and activities, including the recruitment of additional judges and magistrates, the establishment of backlog courts, the recruitment and training of additional State prosecutors, the construction of additional courts and the training of local court chairmen in an effort to bring their practice into compliance with the Constitution and human rights standards. The project also provides for the training of law graduates to provide legal support to justice sector institutions. Although considerable progress has been noted in the implementation of these activities, it is early to determine the impact on the justice sector as a whole.

25. Delays in trials, excessive adjournments and remand of cases and prolonged pretrial detentions continued throughout the year. No reform measures have been taken in respect of bail and sentencing guidelines. Many of the courts remained poorly constituted and in violation of the Constitution of Sierra Leone. The Constitution provides, for instance, that the Supreme Court should have no fewer than five permanent justices, the Court of Appeals no fewer than seven, and the High Court no fewer than nine, whereas the Supreme Court has only two permanent justices, the Court of Appeals only three and the High Court only seven. Instead of constituting the Courts as required by the Constitution, a practice of hiring judges on contract with higher compensation packages has evolved, resulting in disparity in the salary structure of judges, and low morale and productivity within the judiciary. There is, therefore, an urgent need to bring the administration of courts into compliance with the Constitution, to do away with the practice of hiring contract judges and to remove the statutory prohibition that currently prevents lawyers and judges not trained in Sierra Leone from practicing law in the country or being appointed to judicial positions. This might induce experienced lawyers and judges from the diaspora to return home and accept judicial appointments.

26. Capacity constraints on the Ministry of Justice also contributed to delays in the dispensation of justice. There are only seven prosecutors nationwide, four of whom are in Freetown and three in the provinces. Police prosecutors, authorized to prosecute offences on behalf of the State, are neither lawyers nor have they had comprehensive training in prosecution. As a result, a number of human rights standards are not adhered to in the prosecutorial process. The Government is encouraged to review the conditions of service of State prosecutors with a view to attracting qualified lawyers.

27. The traditional court system, which provides easy access to justice at the community level, was noted to be oppressive and discriminatory against women. Judicial review of the decisions of these courts is rare. There is, therefore, a need for a review of customary laws to bring them into line with the Constitution and international human rights standards, and for the passage of the pending local court bill, which is aimed at bringing local courts under the administrative supervision of the judiciary.

28. Corruption remains one of the main challenges facing the judiciary. At a recent conference of the Bar Association, participants concluded that corruption was widespread within the judiciary and that it involved not only judges and magistrates but also bailiffs and support staff. This situation continues to undermine public trust and confidence in the judiciary. Poor conditions of service, including low salaries and irregular disbursement, were identified as

causes of corruption in the judiciary. There is a need for the Government to undertake a comprehensive review of the remuneration packages of judicial staff so as to enhance effective delivery of justice.

29. In November, in an effort to respond to the above-mentioned challenges, the President of the Republic appointed a task force to look into the judiciary and to make recommendations. The terms of reference of the task force included, among others, examining and making appropriate recommendations on the adequacy of existing laws; the level of fines imposed on persons convicted of offences; ascertaining the reasons for delays in the conduct of cases generally; examining the possibility of establishing fast-track courts to handle commercial and land cases; and examining the possibility of establishing a sentencing policy, including alternative forms of sentencing.

## **H. Constitutional Review Commission**

30. On 15 April, the Constitutional Review Commission established by the Government in January 2007 with a view to recommending amendments that might bring the 1991 Constitution up to date with the economic, social and political developments that have taken place nationally and internationally, issued a preliminary report containing the main amendments it intended to recommend to the Government. A new chapter removing race as a criterion for citizenship is proposed, and introduces the criteria of birth, descent, marriage, adoption and naturalization. The Commission also proposes that the list of protected human rights under chapter 3 on fundamental rights be expanded to include the right to a passport, the right to protection of the environment, the right to education, the right to human dignity and the right to collective bargaining.

31. A number of other substantive changes were proposed for the 1991 Constitution, including the repeal of section 27 (4) of chapter 3, which sanctions discrimination against women, and the granting of status to persons or institutions who campaign for human rights to institute court proceedings on behalf of victims of human rights violations.

32. With regard to the legislature, two significant proposals were advanced: (a) to remove the President from the composition of Parliament on the grounds that it confused the concept of the separation of powers; and (b) to establish a 44-member second chamber of Parliament to be referred to as the Senate, composed of paramount chiefs and others, not elected by popular vote but whose knowledge and experience would contribute to the process of governance. The Commission also endorses the transfer of the local courts from the Ministry of Local Government to the judiciary.

33. Many of the proposed amendments are warranted under the circumstances, especially in the light of the country's immediate past and the need to consolidate peace, protect human rights and enhance good governance. For instance, the removal of race as a criterion for citizenship would address the growing insecurity of a large segment of the population who were born in Sierra Leone, who know of no other country than Sierra Leone, but are denied participation in political life on the grounds of race. The United Nations is currently providing technical support to ensure that the constitutional review process (a) takes into consideration all the recommendations made by the Truth and Reconciliation Commission addressing constitutional reform; (b) takes a modern, development-oriented approach to the organization of State

administration at all levels; (c) protects human rights and fundamental freedoms; and (d) establishes effective legal mechanisms for addressing violations of those rights.

### **III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS**

#### **A. The Human Rights and Rule of Law Section of the United Nations Integrated Office in Sierra Leone**

34. The mandate of UNIOSIL in the area of human rights and rule of law is: to assist the Government in (a) establishing the Human Rights Commission of Sierra Leone; (b) developing a national plan of action for human rights; and (c) strengthening the rule of law, including by promoting the independence of the judiciary and enhancing the capacity of the police and penal systems. The UNIOSIL Human Rights and Rule of Law Section is composed of 25 staff members, including 6 international, 5 United Nations Volunteers, and 14 national staff. In addition, OHCHR provided 12 national staff posts so as to facilitate national coverage of Section activities.

35. OHCHR, in its biannual budget for 2006-2007 also allocated \$410,000 to facilitate the implementation of Section activities. This support, combined with that from the Department of Peacekeeping Operations, enabled the Section to carry out the human rights mandate of UNIOSIL and implement technical assistance programmes of OHCHR in Sierra Leone.

36. The Section worked in close collaboration with the United Nations country team, the Government, civil society and international partners using existing national frameworks, including the Poverty Reduction Strategy and the United Nations Development Assistance Framework and the Peace Consolidation Strategy developed jointly by the United Nations, the Government and civil society. The Section also worked closely with other sections of UNIOSIL, including Peace and Governance, United Nations police, Public Information and the Military. Additionally, the Section implemented a number of OHCHR and UNDP-funded projects, including the construction of human rights and law reference libraries; the dissemination of the final report of the Truth and Reconciliation Commission and awareness-raising activities on its findings and recommendations; the Action 2 programme for building the capacity of the United Nations country team on a rights-based approach; and the Assisting Communities Together projects.

#### **B. Monitoring of the 2007 parliamentary and presidential elections**

37. During the 2007 parliamentary and presidential elections, the Section monitored the extent to which human rights and fundamental freedoms were respected and the rule of law upheld. It was noted that the overall process, including demarcation of constituencies, voter registration, campaign and voting, were consistent with the Constitution and laws of Sierra Leone and with minimum international human rights standards.

38. Voting was conducted throughout the country generally in a peaceful atmosphere without violence, except for some minor and isolated cases in which the Sierra Leone Police quickly intervened and restored calm without violence. The Section noted, however, that while freedom of assembly, association and expression was generally respected during the campaign period, there were a number of isolated cases of intimidation, harassment, destruction of property and

threats to life by members of some political parties against individuals associated with other political parties. These incidents did not, however, obstruct the free, fair and generally peaceful nature of the elections.

39. A number of mechanisms were put in place to protect human rights and to provide a remedy in the event of violations. Electoral courts were instituted to hear complaints arising from the electoral process, including cases of alleged electoral fraud. Through the Political Party Registration Commission, political parties adopted a code of conduct. The media also adopted a code of conduct to give content and guidance to the exercise of freedom of the press. Civil society groups also played a significant role through voter education, campaigns for non-violent elections and for the full participation of women.

## **C. Monitoring of courts, police stations and prisons**

### **1. Courts**

40. In all districts, courts functioned well during the year, albeit with difficulties, including delays in trials, excessive remand and adjournment of cases and prolonged pretrial detentions. There were a number of instances when judges and magistrates were absent from their jurisdictions for long periods or when court sittings were irregular, which resulted in delays of trials. Excessive adjournment of cases owing to the lack of prosecutors and defence counsels and the non-availability of vehicles to transport defendants were also noted in a number of cases. Instances of miscarriage of justice were also noted in a number of cases. For example, on 30 October, the backlog court in Bo sentenced a woman to death after a trial that lasted only one day. She appeared in the court only twice with no legal representation, and no witnesses were examined. A lawyer was assigned to her case but was given only a day to organize her defence. It was later discovered that the reason why the case was so hastily tried was that the judge's contract was about to expire and he wanted the case concluded before leaving.

41. Prolonged non-scheduling of cases owing to shortage of staff and lack of equipment contributed to delays in trial. In Bo, Southern Province, for instance, a woman spent over a year in the prison without appearing in court because no typists were available to prepare her deposition and there was no State Counsel to indict her. In Kenema, Eastern Province, all the files for indictments to be issued were sent to Freetown on 22 January because no clerk typists were available. As a result, of the 52 cases under trial at Kenema prison, only 5 have been served with their indictments by the end of 2007. In Makeni prison, some inmates have been awaiting indictment for over a year. Difficulty in obtaining bail or securing sureties, the non-appearance of witnesses and the lack of regular attendance of court officials also contributed to the huge backlog of cases.

### **2. Police stations**

42. There was a general improvement in the respect for human rights. As part of the preparations for the 2007 elections, the capacity of the police was increased in a number of areas, including professional standards, crowd control and investigation, which has had a visible impact on the respect for human rights by the police, which, however, is confronted with a number of challenges. UNIOSIL monitoring reports revealed a number of cases of police misconduct and

criminal acts, some of which were not swiftly investigated and pursued. Most detention facilities remain overcrowded and conditions, including sleeping arrangements, health and food supply, were poor.

43. Violations of due process by the police were also observed in many cases, such as the detention of accused persons beyond the statutory period and the failure to give the reason for arrest and detention. There were also reports of the police using blank warrant papers signed by the magistrate in advance, which they routinely used to imprison accused persons directly without further reference to the courts. One shocking example of the denial of due process was the detention for years of 13 prisoners at the Pademba Road prison on whom no records of trial and sentencing existed. On 10 August, the 13 prisoners were released from the prison by the Supreme Court. Some of them had been in prison for more than eight years.

### **3. prisons**

44. The UNIOSIL Human Rights Section conducted an assessment of the conditions of prisons and issued a comprehensive report, which was formally presented to the Government in June 2007. Since then, the conditions of some of the prisons have improved. For example, in Kenema prison, a wall has been constructed to separate male and female prisoners, and a tap for drinking water was installed. Vocational skills training for young people serving prison sentences was launched in Porto Loko Town, implemented by Prison Watch, a non-governmental organization, with the support of the World Bank. Also, after a series of extensive training programmes by the Section following the release of the report, progress has also been noted in the adherence of prison officers to international human rights standards. There are no reports of corporal punishment in prisons and prison officers are now refusing to accept juveniles for detention.

45. Despite these positive developments, overcrowding remains a challenge in prisons, especially in Freetown, Bo, Kenema and Makeni, which were overcrowded throughout the year. Living conditions have deteriorated in these prisons. In 2007, the prison population of Pademba prison, with a capacity of 314, varied between 900 and 1,176, 50 per cent of whom were trial prisoners. Backlog courts established to fast-track the trial of chronic cases have not had any significant impact on reducing the number of people on remand or being tried.

46. In 2007, irregular and inadequate supplies of food and medicine were a chronic problem for prisons. In the overcrowded Pademba Road prison, more than 20 prisoners died owing in part to poor living conditions and medical facilities. When the supply of food, drugs and other necessary items was suspended between May and August because of the non-payment of arrears to vendors by the Government, UNIOSIL and UNDP provided emergency food, water and medicine to the prison, where the problem was acute.

47. Living conditions in remand homes remained poor in 2007. In August, 25 juveniles escaped from the Kingdom remand home in Freetown because of the poor living conditions and lack of appropriate security. The juvenile court in Freetown routinely committed juveniles to Pademba prison, where a check revealed that juveniles were being sexually abused by adult male inmates. On 12 December, a 16-year-old juvenile inmate died as a result of complications arising from acts of sodomy committed while in Pademba.

48. On 9 August, the President of Sierra Leone released 50 prisoners who had been serving jail sentences in the various prisons around the country as a farewell gesture of goodwill. The release did not include any of the 20 prisoners on death row.

#### **D. Capacity-building**

49. Under the Action 2 programme, significant progress was made in building the capacity of United Nations agencies and key government institutions to apply rights-based approaches in all their programmes. The Section conducted eight training programmes for the United Nations country team, the Government and civil society organizations. A total of 218 people, including heads of United Nations agencies, programme officers and senior government officials, took part.

50. Following the release of the report on the national assessment of prisons by the Section, a manual on national and international prison standards and training modules was developed and training programmes conducted for a total of 200 senior prison officers. These activities are undoubtedly contributing to the protection of the rights of prisoners and the promotion of their well-being, albeit at a very slow pace. Building the capacity of prisons and justice sector institutions has also improved adherence to human rights standards in the administration of justice.

51. The Section is working with the Bar Association to build capacity for the protection of human rights, the promotion of democracy and the rule of law. A consultative conference on the status of the justice system was held on 4 December, in which over 120 representatives from the bench, the bar, the Government and civil society participated and made a number of recommendations. UNIOSIL is also working with the Law Reform Commission and the Constitutional Review Commission to bring national laws into line with international standards and to reflect the changing conditions in the country since the Constitution was adopted in 1991. The Section is also serving as technical adviser on the institutional framework and implementation modalities for the establishment of a reparation programme to the task force appointed by the Government.

52. Following the adoption of the three gender bills and the Child Rights Act, the Section conducted two national awareness-raising initiatives on the bills in collaboration with national and international partners. The first was conducted in July for 380 paramount chiefs and traditional leaders; the second, conducted in November and December, was attended by 338 paramount chiefs, traditional leaders, local court officials and civil society organizations.

53. A vibrant, robust civil society is necessary to build a culture of respect for human rights, democracy and the rule of law. In addition to joint activities and sustained collaborative action on a number of activities, the UNIOSIL Human Rights Section conducted six training programmes to build the capacity of human rights organizations in the various districts of Sierra Leone for a total of 280 human rights monitors and advocates, while 48 weekly one-hour radio programmes on human rights were broadcast. The level of commitment of civil society organizations that have been trained has improved and many are now engaged in programmes of monitoring and reporting, as well as sensitization and advocacy, all of which continue to contribute to the consolidation of peace.

### **E. National Human Rights Commission**

54. Significant progress was noted in operationalizing the Human Rights Commission since its establishment in December 2006. As a new institution, however, the Commission has faced a number of teething problems, including weak capacity and start-up challenges. Building the capacity of the Commission is crucial to ensuring the seamless transfer of responsibility for the promotion and protection of human rights from the United Nations to a national institution. With the support of OHCHR, the Section conducted a two-week comprehensive training programme for the Commission in May, following which an international study tour of human rights commissions in Ghana, South Africa and Uganda was organized for the Commissioners. Through further technical support from OHCHR, the institutional and operational modalities, as well as the rules of procedure of the Commission, have been established. Formulation of a strategic plan of action for the Commission was still in progress at the end of 2007.

55. In June 2007, the Peacebuilding Fund approved a grant of \$1.5 million to build the capacity of the Commission. The Section is providing technical assistance in the implementation of this project. The Commission also received support from UNDP for start-up activities, including the establishment of a documentation centre and the control and management of the Truth and Reconciliation Commission archives from Fourah Bay College of the University of Sierra Leone.

56. Despite the demonstrated goodwill of the international community, Government support for the Commission has been lukewarm at best. Salaries of the Commissioners are paid irregularly, while no budgetary allocations for the daily operation of the Commission have been approved. It is hoped that the new Government will give priority consideration to the Commission and support its activities.

### **F. Peacebuilding Commission**

57. In 2006, Sierra Leone was identified for support by the Peacebuilding Commission to assist it in the consolidation of peace by addressing the root causes of the conflict in the country. Initially, four priority areas were identified for support under the \$35 million allocated to Sierra Leone by the Commission: (a) youth employment; (b) strengthening governance; (c) justice and security sector reform, including the Human Rights Commission; and (d) capacity-building and public service delivery. Funds have been approved for the Human Rights Commission, youth employment and justice sector institutions. By the end of 2007, there were some additional projects in the pipeline for approval, including one aimed at supporting prisons and another to support the implementation of the reparations programme of the Truth and Reconciliation Commission.

58. In order to provide a political framework to guide the work of the Peacebuilding Commission in Sierra Leone, the United Nations and the Government jointly adopted the Sierra Leone Peacebuilding cooperation framework. The framework identifies three key principles of cooperation: national ownership, mutual accountability and sustained engagement. It reiterates the need for continuous support for justice and security sector reform, energy, the implementation of Truth and Reconciliation Commission recommendations, support for the newly established National Human Rights Commission and for the continued work of the Special Court.

## **IV. TRANSITIONAL JUSTICE**

### **A. Truth and Reconciliation Commission**

59. The Truth and Reconciliation Commission, established in 2002, completed its task and submitted a final report to the Government in October 2005 with a number of recommendations to address the root causes of the conflict and to consolidate peace. The implementation of these recommendations is crucial to the consolidation of peace and national reconciliation in Sierra Leone. While many recommendations have been implemented, such as the passage of the gender bills and the Child Rights Act, the pace of implementation has been slow, and a number of key recommendations remain unimplemented, in particular the reparations programme. The programme is intended to address the human rights needs of five categories of victims of the conflict (amputees, the wounded, widows, children and victims of sexual abuse) through assistance in medical care, housing, education, pensions and microcredit. However, the lack of political will and resources have frustrated the actual implementation of the programme.

60. In 2007, awareness-raising programmes on the Truth and Reconciliation Commission report were reinforced. In collaboration with a number of Sierra Leonean artists, the Section produced a music CD on the findings and recommendations of the report, the launching of which in June 2007 attracted over 7,000 people at the national stadium. With OHCHR support, 5,000 copies of the CD and 2,500 cassettes were produced and are now being distributed free across the country. By the end of the year, UNIOSIL had produced a matrix on the status of implementation of the recommendations and organized, in collaboration with the Human Rights Commission, a two-day national consultative conference to review the status of implementation.

61. Following the designation of the National Commission for Social Action as the lead agency for the implementation of the reparations programme, a task force was constituted by the Government to advise on the institutional framework and implementation modalities for the programme. In July, the Government approved the report of the task force, which, inter alia, called for the amendment of the National Commission for Social Action Act to give it legal authority to implement the programme and the establishment of a victim's trust fund by statute to enhance sustainability of the programme through continuous government support.

### **B. Special court for Sierra Leone**

62. The Special Court for Sierra Leone is now in its sixth year of operation. Of the four cases pending in the Court, the trial chamber has concluded two: one concerning the Armed Forces Revolutionary Council, the other the Civil Defence Force. On 20 June, the Court handed down a judgement in the case of the Armed Forces Revolutionary Council, finding three people guilty of crimes against humanity and breach of humanitarian laws; on 19 July, the Court sentenced them to prison terms ranging from 45 to 50 years. On 2 August, in the case of the Civil Defence Force, the Court also found two people guilty of war crimes and crimes against humanity and sentenced them to prison terms ranging from 6 to 8 years. Hinga Norman, the former leader of the Civil Defence force, died before the conclusion of his trial and all charges against him were dropped. The trial of the Revolutionary United Front is still before the trial chamber of the Special Court.

63. The trial of Charles Taylor, former President of Liberia, resumed on 7 January 2008.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

64. Increased awareness of human rights is being noted, and more people today in Sierra Leone are asserting and demanding protection of their rights. The Human Rights Commission has been established, a number of recommendations of the Truth and Reconciliation Commission have been implemented, some critical legislation passed in furtherance of human rights, and civil society organizations are becoming more active in the promotion of human rights. However, a number of significant challenges still remain.

65. While the support of the Peacebuilding Fund for the National Human Rights Commission and the justice sector should strengthen the capacity of these institutions and promote human rights, the political will of the Government and ownership of interventions in these sectors remain critical to achieving a comprehensive, holistic and integrated impact on human rights and the justice system in Sierra Leone.

66. Accordingly, the High Commissioner:

- Strongly urges the Government of Sierra Leone to implement the recommendations of the Truth and Reconciliation Commission, in particular the reparations programme. In this regard, the Government is encouraged to amend the National Commission for Social Action Act to legally empower it to implement the programme, establish a trust fund for war victims, and set up a mechanism for sustained support to the programme by the Government
- Encourages the Constitutional Review Commission to incorporate all the recommendations of the Truth and Reconciliation Commission concerning constitutional reform, and the Law Reform Commission to prioritize those recommendations in its activities
- Calls upon the Government to take ownership of the Human Rights Commission of Sierra Leone by providing adequate budgetary allocations in the national budget and making timely disbursement of those allocations to allow the Commission to work effectively
- Urges the Government to strengthen the capacity of the courts and the Ministry of Justice, and to establish a national legal aid programme in order to address the problems of delay in trials, prolonged pretrial detentions and excessive remand and adjournment of cases
- Recommends a comprehensive review of all customary laws in Sierra Leone, with a view to identifying and harmonizing practices and procedures that are inconsistent with the Constitution and international human rights standards

- **Encourages the Government to incorporate the Convention on the Elimination of All Forms of Discrimination against Women into national law, develop an implementation strategy for the three gender bills passed by Parliament in 2007, strengthen the capacity of family support units, reform the rape laws and embark upon national awareness-raising of women's rights and gender-based violence in order to address the growing insecurity of women in the country comprehensively**
- **Encourages the Government to ratify outstanding international and regional human rights treaties and to incorporate them into national law, in particular the Optional Protocol to the African Charter on the Rights of Women, and to make concerted efforts to comply with reporting obligations of various international treaty bodies**
- **Recommends the establishment of a ministry to directly work with the National Human Rights Commission and to coordinate human rights activities within the Government.**

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