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*Report of the Promotional Mission to the Republic of Sierra Leone*

*23<sup>d</sup> – 29<sup>th</sup> February 2004*

*Commissioner E.V.O. Dankwa*

*September 2004*

## **INTRODUCTION**

### **Dates of the Visit and Composition of the Delegation**

Commissioner E.V.O. Dankwa, the Commissioner responsible for promotional activities in the Republic of Sierra Leone undertook a Promotional Mission to the Republic from 23<sup>rd</sup> – 27<sup>th</sup> February 2004.

The objective of the visit was to hold dialogues with various stake-holders in the country drawn from the Government, NGOs, Community Based Organisations, International Organisations, and the media on the situation of human rights in the country. The visit also aimed to publicise the African Commission and its work in the promotion and protection of human and peoples' rights. Based on the various dialogues it held, the Mission made several recommendations as included at the end of this report.

During the Mission, Commissioner Dankwa was accompanied and assisted by Mr. Nega Girmachew Lulessa, a Legal Officer with the Secretariat of the African Commission.

## **GENERAL INFORMATION ABOUT SIERRA LEONE**

### **History**

European contacts with Sierra Leone were among the first in West Africa. In 1652, the first slaves in North America were brought from Sierra Leone to the Sea Islands off the coast of the southern United States. During the 1700s there was a thriving trade bringing slaves from Sierra Leone to the plantations of South Carolina and Georgia where their rice farming skills made them particularly valuable.

In 1787, the British helped 400 freed slaves from the United States, Nova Scotia and Great Britain to return to Sierra Leone to settle in what they called the "Province of Freedom". Disease and hostility from the indigenous people nearly eliminated the first group of returnees. This settlement was subsequently joined by other groups of freed slaves or Krio, as they came to be called, and soon became known as Freetown. In 1792, Freetown became one of Britain's first colonies in West Africa.

In the early 19<sup>th</sup> Century, Freetown served as the residence of the British governor who also ruled the Gold Coast (now Ghana) and The Gambia settlements. Sierra Leone also served as the educational centre for British West Africa. Fourah Bay College, established in 1827, rapidly became a magnet for English speaking Africans on the West Coast. For more than a century, it was the only European-style University in western Sub-Saharan Africa.

Although the colonial history of Sierra Leone was not peaceful, most of its 20<sup>th</sup> Century history was peaceful and independence was achieved without violence. The 1951 Constitution provided a framework for decolonization. Local ministerial responsibility was introduced in 1953 when Sir Milton Margai was appointed Chief Minister. He became Prime Minister after successful completion of constitutional talks in London in 1960. Independence came in 27 April 1961 and Sierra Leone opted for a parliamentary system within the British Commonwealth.

## **Post Independent Sierra Leone**

Sir Milton's Sierra Leone Peoples Party (SLPP) led the country to independence and the first general election under universal adult franchise in May 1962. Upon Sir Milton's death in 1964, his half-brother Sir Albert Margai, succeeded him as Prime Minister.

In closely contested elections in March 1967, the All Peoples Congress (APC) won a plurality of the parliamentary seats. Accordingly, the Governor General (representing the British Monarch) declared Siaka Stevens—APC leader and Mayor of Freetown—as the new Prime Minister. Within a few hours, Stevens and Margai were placed under house arrest by Brigadier David Lansana, the Commander of the Republic of Sierra Leone Military Forces (RSLMF) on the grounds that the determination of office should await the election of the tribal representatives to the house. Another group of officers soon staged another coup, only to be later ousted in a third coup, the 'sergeants' revolt' and Stevens at last, in April 1968, assumed the office of Prime Minister under the restored Constitution. He remained as head of state until 1985 and under his rule, in 1978, the Constitution was amended and all political parties, other than the ruling APC were banned.

In August 1985, the APC named military commander Maj. Gen. Joseph Saidu Momoh, Steven's own choice, as the party candidate to succeed Stevens. Momoh was elected President in a one-party referendum on October 1, 1985. In October 1991, Momoh had the Constitution amended once again, re-establishing a multi-party system. Under Momoh, APC rule was increasingly marked by abuses of power.

## **The Civil War (1991-2002)**

In March 1991, a small band of men who called themselves the Revolutionary United Front (RUF) under the leadership of a former-corporal, Foday Sankoh, began to attack villages in eastern Sierra Leone on the Liberian border. And on April 29, 1992, a group of young military officers, led by Capt. Valentine Strasser, launched a military coup, which sent Momoh into exile in Guinea and established the National Provisional Ruling Council (NPRC) as the ruling authority in Sierra Leone. The NPRC failed to repel the RUF who, by 1995, held much of the countryside and were on the doorsteps of Freetown. To retrieve the situation, the NPRC hired several hundred mercenaries from the private firm Executive Outcomes. Within a month they had driven RUF fighters back to enclaves along Sierra Leone's borders.

As a result of popular demand and mounting international pressure, the NPRC agreed to hand over power to a civilian government via presidential and parliamentary elections, which were held in April 1996. Ahmad Tejan Kabbah, a diplomat who had worked at the UN for over 20 years, won the presidential election. However, the Armed Forces Revolutionary Council (AFRC), led by Maj. Johnny Paul Koroma, overthrew President Kabbah on May 25, 1997, and invited the RUF to join the government. After 10 months in office, the junta was ousted by the Nigerian-led ECOMOG forces, and the democratically elected government of President Kabbah was reinstated in March 1998. On January 6, 1999, the RUF launched another attempt to overthrow the government. Fighting reached parts of Freetown, leaving thousands dead and wounded. ECOMOG forces drove back the RUF attack several weeks later.

With the assistance of the international community, President Kabbah and RUF leader Sankoh negotiated the Lome Peace Agreement, which was signed on July 7, 1999. The accord made Sankoh Vice President and gave other RUF members positions in the government. Lome called for an international

peacekeeping force run initially by both ECOMOG and the United Nations. The UN Security Council established the United Nations Assistance Mission in Sierra Leone (UNAMSIL) in 1999, with an initial force of 6,000. ECOMOG forces departed in April 2000. Almost immediately, however, the RUF began to violate the agreement, most notably by holding hundreds of UNAMSIL personnel hostage and capturing their arms and ammunition in the first half of 2000. On May 8, 2000, members of the RUF shot and killed as many as 20 people demonstrating against the RUF violations outside Sankoh's house in Freetown. As a result, Sankoh and other senior members of the RUF were arrested and the group was stripped of its positions in government.

A new agreement was signed in Abuja in November 2000. However, fighting continued. In late 2000, Guinean forces entered Sierra Leone to attack RUF bases from which attacks had been launched against Liberian dissidents in Guinea. A second Abuja Agreement, in May 2001, set the stage for a significant reduction in hostilities. Disarmament progressed and the government began to reassert its authority in formerly rebel-held areas. By early 2002, some 72,000 ex-combatants have been disarmed and demobilized, although many still awaited re-integration assistance. On January 18, 2002 President Kabbah declared the civil war officially over with the State of Emergency having been lifted the year before.

In May 2002 President Kabbah and his party, the SLPP, won landslide victories in the presidential and legislative elections. Kabbah was re-elected for a five-year term. The RUF political wing, the RUF-P, failed to win a single seat in parliament. The elections were marked by irregularities and allegations of fraud, but not to a degree to significantly affect the outcome.

The Lome Accord called for the establishment of a Truth and Reconciliation Commission to provide a forum for both victims and perpetrators of human rights violations during the conflict to recount their stories and facilitate genuine reconciliation. Subsequently, the Sierra Leonean government asked the UN for help to establish a Special Court for Sierra Leone, which would try those who "bear the greatest responsibility for the commission of crimes against humanity, war crimes and serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law within the territory of Sierra Leone since November 30, 1996." Both the Truth and Reconciliation Commission and the Special Court began operating in the summer of 2002.

In November 2002, UNAMSIL began a gradual reduction from a peak level of 17,500 personnel. Under pressure from the British, the withdrawal slowed, so that by October 2003 the UNAMSIL contingent still stood at 12,000 men. The withdrawal plan, however, calls for a full withdrawal, contingent on the security environment, by the end of 2004.

On January 13, 2003 a small group of armed men tried unsuccessfully to break into an armoury in Freetown. Former AFRC-junta leader Johnny Paul Koroma went into hiding, after being linked to the raid. In March the Special Court for Sierra Leone issued its first indictments for war crimes during the civil war. Foday Sankoh, already in custody, was indicted; along with notorious RUF field commander Sam "Mosquito" Bockarie, Johnny Paul Koroma, the Minister of Interior and former head of the Civil Defense Force, Hinga Norman, and several others. Norman was arrested when the indictments were announced, while Bockarie and Koroma remained at large. On May 5<sup>th</sup> Bockarie was killed in Liberia. Several weeks later, reports from Liberia stated that Johnny Paul Koroma had been killed as well. In June the Special Court announced Taylor's indictment, and he has since been granted refuge by the Nigerian government. Sankoh who had been ailing for some time, died in prison in Freetown on July 29<sup>th</sup> from a heart attack.

## **Economy**

Rich in minerals, Sierra Leone has relied on the mining sector and in particular diamonds for its economic base. In the 1970s and early 1980s, economic growth rate slowed because of a decline in the mining sector and increasing corruption among government officials. By the 1990s economic activity was declining and economic infrastructure had become seriously degraded. Over the following decade, Sierra Leone's economy was ravaged by the civil war. Since the cessation of hostilities in January 2002, massive infusions of outside assistance have helped Sierra Leone begin to recover. Between 60 and 70% of government expenditure is financed by donor support. There is little manufacturing and few exports and years of fighting and decades of corruption and mismanagement have resulted in a devastated infrastructure. About two-thirds of the population engages in subsistence agriculture. Despite the fact that most Sierra Leoneans derive their livelihood from it, agriculture accounts for only 42% of national income. The government is trying to increase food and cash crop production and upgrade small farmer skills. The government also works with several foreign donors to operate integrated rural development and agricultural projects.

## **The Land and People**

Sierra Leone is situated on the west coast of Africa and shares border with Guinea (to the north and east) and Liberia (to the southeast) Its 400 km coastline overlooks the North Atlantic Ocean. The country can broadly be divided into three areas: mangrove swamps and beaches along the coast; a belt of low-lying wooded land in the immediate interior; and a mountain plateau rising to 2,000 metres further inland. The climate is tropical, with a hot, humid rainy season from May to December and a winter dry season from December to April

The population is estimated at 5,732,681 (2003) with a 2.94% growth rate. 52% of the population is 15-64 years old. There are eighteen ethnic groups that comprise the indigenous population. The Temne in the north who account for 30% and the Mende in the south who account for 29% of the population are the largest groups. Fifteen other ethnic groups account for 39% and about 2% are Creoles (Krio). Other groups represented in the population include refugees from Liberia's civil war, a small number of Europeans, Lebanese, Pakistanis and Indians. 60% of the population identify themselves as Muslim, 30% hold indigenous beliefs and 10% identify themselves as Christian.

## **Current Political Structure**

Sierra Leone is a Constitutional Democratic Republic with a legal system based on English Law and Customary Law indigenous to local tribes. It is divided into three administrative divisions (Eastern, Northern and Southern), one area (western) and the capital is Freetown. The president, whose tenure of office is limited to two five-year terms, is directly elected and serves as both the chief of state and the head of government. The legislative branch is a unicameral parliament of 124 seats. 112 seats are elected by popular vote and paramount chiefs, who are elected separately, fill the other 12. Both are elected for five-year terms. Presently, the Sierra Leone Peoples Party (SLPP) has 70% of the seats in parliament. The Cabinet comprises Ministers of State who are appointed by the president with the approval of the House of Representatives.

There were 13 political parties that contested the 1996 elections and the next elections are scheduled to be held in May 2007. There are about 22 registered political parties and the major ones include: Sierra Leone Peoples Party (SLPP), All Peoples Congress (APC), Democratic Center Party (DCP), National Unity

Party (NUP), Peoples Democratic Party (PDP) and the United National People's Party (UNPP). The basic unit of local government is generally, the chiefdom, headed by a paramount chief and council of elders. There is also an elected council and mayor in Freetown, Bo, Kenema and Makeni.

### **Structure of the Judicial System**

The judicial system continues to function for civil cases but is severely handicapped by shortages of resources and qualified personnel. It is comprised of a Supreme Court, Court of Appeal and a High Court with judges appointed by the President on the advice of the Judicial and Legal Service Commission with the approval of Parliament. There are also magistrate and local courts and from these, appeals lie to the superior courts of judicature. The 1991 Constitution created an ombudsman responsible for investigating complaints of abuses on the part of public officials. In 2000, the government of Sierra Leone promulgated the Anti-Corruption Act to combat endemic corruption. As of October 2003, the Government of Sierra Leone had prosecuted only two high-level cases.

### **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. Efforts by the British-led International Military Advisory and Training Team (IMATT), which since 1999 has endeavoured to reform, restructure and rehabilitate the army, have led to considerable improvement in the professionalism of the force. A January 2003 coup attempt by several former and currently serving soldiers failed to ignite support from the rank and file and resulted in the arrest and trial on treason charges of some 15 suspects. While there have been improvements in the behaviour of the police, reports of extortion, bribe-taking and unprofessional conducts remain common.

## **THE VISITS**

### **Ministry of Foreign Affairs, 23<sup>rd</sup> February 2004**

The delegation was received by Mr. Abdul Rahman Wurise, Director General the Political Affairs Division of the Ministry. Also in attendance were: Mr. Alex Fakondo, Director of the Political Affairs Division, Mr. Donald Ngegba, Director of Economic and Technical Division, and Mrs. Khadijatu Bassir, Deputy Director of Political Affairs Division. Because of prior engagements, the Minister of Foreign could not meet the delegation.

Commissioner Dankwa introduced the African Commission as an intergovernmental body with membership of all Member States of the African Union except Morocco. He stated that the Commission has 11 elected part-time Commissioners meeting twice a year to consider the human rights situation in Africa, engage with NGOs and other civil society members. The Commission also deliberates upon specific allegations of human rights violations against Member States in closed session. As part of its mandate, the Commission also receives and considers reports from Member States, but Sierra Leone has never submitted any report to it. He disclosed that during his first visit to the Republic about three years ago, officials of the latter had promised to send the country's report. He further urged the Ministry to ensure that work towards fulfilling this obligation commences soon. He similarly urged the authorities to ensure that the Republic ratifies the Protocol Establishing the African Court on Human and Peoples' Rights and the Protocol on the Rights of Women in Africa.



In explaining further the promotional mandates of the Commission, Commissioner Dankwa stated that for promotional purposes, Member States were divided among the 11 Commissioners who are also assigned particular thematic issues for closer follow-up as the rights of women, prisons and conditions of detention, extra-judicial executions, and the situation of human rights defenders.

The Director General, on his part, thanked the Commissioner for the brief introduction of the Mission and the African Commission. He mentioned that he believed the Republic has already signed the Protocol on the Rights of Women in Africa and noted the need to ratify the Protocol on the African Court. He concluded by assuring the Commissioner that his office would follow up on the submission of reports by the Republic to the African Commission.

### **The Office of the Vice-President, 23<sup>rd</sup> February 2004**

In meeting with the Vice-President, His Excellency Solomon Berewa, Commissioner Dankwa expressed his gratitude for the audience granted to the Commission's delegation.

After briefly introducing the African Commission, Commissioner Dankwa drew His Excellency's attention to three issues. One, that to date, Sierra Leone has never submitted any report to the African Commission, lagging behind its obligation under the African Charter; Two, that the Republic start taking an active interest in the work of the African Commission, particularly by taking part in its biannual sessions; Three, that His Excellency brings his influence to bear to ensure that the Republic ratifies the Protocol Establishing the African Court soon.

His Excellency Mr. Berewa, on his part, admitted that the difficulty to submit reports to the African Commission was the failure to identify a focal person to ensure the same. Nonetheless, he stated that the Republic's excuses for not having submitted reports could not hold indefinitely as it continued to submit reports before other international organs. He wished to assure the Commissioner that Sierra Leone would be sending its reports as per its obligations. With respect to the Republic's failure to take part in the Commission's sessions, Mr. Berewa stated that he could not understand where the problem originated given the Republic's continued attendance of meetings at as far away places as Mongolia, and given the fact that Banjul, which is the seat of the African Commission, was not that far from Sierra Leone.

As to the issue of ratification of the Court Protocol, Mr. Berewa stated that there is a confusion of focal persons between the Ministry of Foreign Affairs and that of the Ministry of Justice, which problem affects the speed the matter was followed up to its reasonable conclusion. He promised to call the attention of the Ministry of Foreign Affairs to identify a focal person to link up with the African Commission on this matter.

### **Interview with SCBSTV, 23<sup>rd</sup> February 2004**

At the end of his meeting with His Excellency the Vice-President, Commissioner Dankwa held a brief interview with a journalist attached to the Vice-Presidents Office from the Sierra Leone Broadcasting Services.

### **Ministry of Justice, 23<sup>rd</sup> February 2004**

The delegation was received by His Excellency Mr. Eke Halloway, Minister of Justice and Attorney General. Also in attendance were Mr. Lahai Farmer, Senior State Counsel, Mr. Eku Roberts, Consultant,

Mr. Tunde E. Cole, Solicitor General, and the Director of Public Prosecutions.

Commissioner Dankwa presented the delegation and briefly introduced the African Commission. He wondered if the Minister was aware of the difficulties and problems faced by the Republic in failing to submit any reports to the African Commission, to attend the Commission's sessions, to ratify the Protocol Establishing the African Court on Human and Peoples' Rights, and to ensure the smooth administration of justice in the country.

In collaboration with His staff, the Minister addressed the Commissioner's concerns. He stated that sending reports has to be interdepartmental with the initiation of the Ministry of Foreign Affairs. With respect to the African Commission, the Ministry of Justice will try to raise the matter with the Ministry of Foreign Affairs. The problem, however, could also be the many personnel changes the Ministries undergo thereby denying them the benefit of constant personnel to follow-up matters, and lack of resources when it comes to physically attending the Commission's sessions. Sometimes, there is lack of information sharing between the Ministry of Foreign Affairs and that of Justice, which, for instance, affects the ability of the latter to advise on which instruments the Republic should ratify. The African Commission could thus, when sending such relevant information or communications to the Ministry of Foreign Affairs, copy the same to that of Justice.

With respect to administration of justice, the Minister said that the Republic faced a serious lack of human capacity and/or resources thereby being unable to recruit sufficient judges and magistrates. At present, the system opted for recycling, which refers to the retaining of the services of retired judges or magistrates on yearly contracts to carry on court functions. With the assistance of the international community, the Ministry has been able to put together courthouses. There is judicial presence in the provinces and to address the shortage of judges/magistrates, justices of the court have been put in place, and trainings for clerks and bailiffs have been initiated.

The Minister noted that there is now access to justice in the country, although there may be a few lapses at some places. He added that civil society played a role in alleviating the burden of the courts by engaging, for instance by some NGOs, in peace monitoring in which disputes are settled outside courts. Within the magistracy, there are also police trained to prosecute less serious offences. With respect to anticorruption cases, the commonwealth and the British Department for International Development (DFAI) three international judges were acquired (one from Britain, one from Ireland, and one from Christmas Island) thereby enabling the smooth running of high level cases.

#### **Lawyer's Centre for Legal Assistance (LAWCLA), 24<sup>th</sup> February 2004**

This meeting was attended by Mr. Alimamy Baba-Sillah, Administrative Officer, Mr. Abdul Samad Kamara, Information Officer, Mr. Mada Soyee, Finance Officer, and Mr. Maigore J. Bengheh, Senior Para-Legal.

Commissioner Dankwa presented the delegation and briefly introduced the African Commission. He in particular emphasised the exemplary formalized working relationship the latter has with African and international NGOs. He said that NGOs are very instrumental in informing the African Commission about various human and peoples' rights violation on the Continent. After briefly explaining mechanism of Observer Status granted to NGOs before the African Commission, Commissioner Dankwa encouraged LAWCLA to apply for the same.

On their part, the members of LAWCLA briefed the delegation on the works of their organisation. Set up



in 2001 by a group of lawyers who thought legal assistance should be available to those who cannot afford to hire lawyers, the LAWCLA is an independent institution with pro bono legal assistance and public interest litigation as its core of activities. As Sierra Leone is coming out of a long civil war, addressing human rights violations represent a primary focus to consolidate peace. The judiciary is faced with a growing demand for justice and hence the role of NGOs like LAWCLA cannot be overemphasised. LAWCLA has a general litigation unit, transitional justice unit, gender research and advocacy unit and juvenile justice and advocacy unit through which it provides free legal representation/assistance to indigent members of the public, undertakes research in human rights issues and facilitates the training of law enforcement and other public officials in human rights. LAWCLA endeavours to make the law and justice more accessible to indigent members of the public through legal advice, and impact litigation research, with the ultimate aim of protecting and promoting human rights through law in Sierra Leone.

Dependent upon donations and grants, LAWCLA has its main office in Freetown and regional offices in Makeni (Northern Province), Bo (Southern Province) and Kenema (Eastern Province).

Responding to questions from members of LAWCLA, Commissioner Dankwa stated that the African Commission depended on its partners, individuals and NGOs alike to bring to its attention cases of alleged human and peoples' rights violations in order for it to take the necessary action. In addition to entertaining cases, the African Commission employed various mechanisms to promote and protect human and peoples' rights on the continent, including promotional and/or fact-finding missions, and special rapporteurs on various thematic issues. He stressed that the African Commission operated on a different level than is normally the case in domestic systems wherein the accused's compliance would be ensured through various sanctions including incarceration. He emphasised, however, that despite the lack of a sheriff/police system to ensure compliance with its decisions, the African Commission enjoyed relative success in its overall work to promote and protect human and peoples' rights in Africa.

#### **Ministry of Internal Affairs, 24<sup>th</sup> February 2004**

The delegation was received by His Excellency Hon George Banda Thomas, the acting Minister of Internal Affairs. Also present were Mrs. Khadjatou Bassir, Deputy Director, and Mr. Momodou A. Wurrie from both from the Ministry of Foreign Affairs.

Commissioner Dankwa presented the delegation and briefly introduced the African Commission and the purpose of the mission. He stated that such missions enabled the African Commission find out what is being done in terms of the promotion and protection of human and peoples' rights in the particular country, encourage government authorities, NGOs and civil society alike to strive for better protection of human and peoples' rights, and see for itself, with a view to put forward workable recommendations, the various difficulties the authorities may be faced with in this respect. With respect to Sierra Leone, Commissioner Dankwa reminded the honourable Minister that the Republic lagged far behind its reporting obligations under the African Charter. He also informed the Honourable Minister the dates of the 35<sup>th</sup> Ordinary Session to be held in May 2004 in Banjul, The Gambia and urged him to see if the Republic would be represented then. In presenting some of the African Commission's documentations, Commissioner Dankwa wondered if the Honourable Minister could brief the delegation on the work of the Ministry, the challenges it was faced with, and the way forward in carrying out its Ministerial task.

On his part, the Minister thanked the delegation for brief expose on the work of the African Commission and the documents handed over to the Ministry, which he said, would be referred to in trying to map-out the Republic's national strategy for the advancement and protection of human rights. He stressed that his

Ministry believed in the indivisibility and interdependency of human rights and that the various human rights instruments including the African Charter provided the Republic a basis for advancing and promoting human rights. As a Ministry responsible for the Internal Affairs of the Republic taking responsibility for the Police, Prisons, Immigration and other Departments, it regarded human rights at the heart of its activities.

With respect to the Police, the Minister stated that the Ministry, in collaboration with its partners, has tried and relatively succeeded in remoulding the Police into a professional force through various trainings. He stated that one of the fundamentals insisted upon in their trainings was the observance of the human rights of all, be them suspects, detainees, or convicts. The Police also have partnership boards through which they work hand-in-hand with local communities, thereby emboldening the concept of community policing. Departments within the Police have also been established to deal with complaints against the Police.

With respect to Prisons, the Minister informed the delegation that the government has tried to impress upon prison officers, through various trainings, seminars and/or in-service courses on the need to observe and respect the human rights of detainees.

The Republic also deals with foreigners entering the country to the extent that they enjoy similar privileges when they come in contact with law enforcement authorities. On a special case, the country has two internment camps where Liberian ex-combatants entering the Republic's territory are disarmed, demobilized and, per the dictates of international humanitarian law, interned. They are provided with food, shelter, and medical care.

The Minister asserted that as at the present, the Government of the Republic of Sierra Leone could not be faulted in so far as the advancement and promotion of human rights were concerned. He noted that the Republic was proud to be a Member of the AU and would always observe its rules and conventions in so far as they related to human rights. The Republic believed in human dignity, which should be protected at all times from possible abuses.

As a response to Commissioner Dankwa's queries as to whether there were any members of the Police prosecuted for misconduct, and if the Ministry is faced with increased challenges due to the crowded metropolis by people driven in by the war and the youth not gainfully employed, the Minister further explanations. With respect to complaints against the Police, the minister stated that they could be dealt with in two different ways depending on the type of complaint: they can either be summarily dealt with through administrative action or other pertinent internal medium, or they can be taken to court. He added that at present is pending before the court against officers for assaulting newspaper personnel. Internally, the Police Complaints Department is established last year and that in the vast majority of cases, police officers found wanting in their interaction with the various groups of people are appropriately dealt with administratively.

With respect of the problem of the metropolis being flooded with unemployed youth and the numerous IDPs who fled the war, the Minister admitted that it is indeed a serious challenge and remains a concern to the Government. He added that this problem, however, is not specific to Freetown but also evident in Bo, Kenema, Makene, and other major towns. The Republic is now past the post conflict phase. Initially, during the immediate post-conflict era, the Government tried to extend its authority to all areas, provincial and/or border areas to prevent recurrent problems. After that the Government proceeded to try to convince the IDPs and others stranded in the towns to return to their respective places. A good number of them have returned while some continue to refuse. Among those who refuse to return are ex-

combatants. Under various programmes, they were provided with skills and tools (for instance, tailoring equipment). Even some who had undergone through these programmes and have been returned have now come back to the cities after having disposed of their tools. The other groups exacerbating the situation are schools dropouts, and returnees from Guinea and Liberia. However grim the picture may look, the Government has not lost hope and has intensified its efforts to ensure conducive environment to attract them through food security, agricultural assistance etc. Some of them may also be absorbed once the economy of the Republic picks up including through foreign investment and the public works.

#### **Ministry of Social Welfare, Gender and Children's Affairs, 24<sup>th</sup> February 2004**

Her Excellency Mrs. Shirley Gbujama, Minister of Social Welfare, Gender and Children's Affairs, received the delegation. Also present were Ms. Sarah Lewis, Permanent Secretary, Mr. Alhaji Bangoura, Senior Assistant Secretary, and Mr. Frank Kalone, Social Development Officer, all from the Ministry of Social Welfare, Gender and Children's Affairs. Mrs. Khadjetou Bassir, Deputy Director, and Mr. Momodou A. Wurrie, both from the Ministry of Foreign Affairs, accompanied the delegation.

Having briefly introduced the African Commission and the purpose of the Mission, Commissioner Dankwa kindly invited the Honourable Minister to enlighten his delegation on the work of her Ministry and the various challenges it is faced with and progresses it has made.

On her part, the Minister informed the delegation that her Ministry was very much concerned in and involved with human rights promotion and protection. She revealed that the Ministry is currently devising a policy along the lines of the African Charter on the Rights and Welfare of the Child and the UN Convention on the Rights of the Child. She stated that the Ministry was dealing with the various problems of violence against women and children during the war, and continued to deal with the same but on a smaller scale involving mainly domestic violence. The Ministry has linked up with the Police and, with the cooperation of the Commonwealth and the Department of Foreign Affairs and International Development (UK-DFAID), they are being trained to better handle these matters. The latter also assisted in the establishment of the "Rainbow Centre," which is a place to run to.

Regarding problems faced, the Minister indicated that the Ministry still faced shortage of human resources, as there has been no recruitment for sometime then. There is no remand home for children awaiting action on their delinquency, either being released or sent to school. The Ministry also lacked properly trained staff to handle cases of violence against children. She indicated, however, that child beating at home has become a criminal offence and that there is rehabilitation school for children, which also served as the centre for displaced persons. The Ministry has a network of child-protection partners with whom it has a good working relationship.

#### **Amnesty International (AI) National Secretariat, 25<sup>th</sup> February 2004**

At the National Secretariat of the Amnesty International Offices, Mr. Momoh A. Jimmy, the Acting National Director and Substantive Campaign and Development Officer, received the delegation.

After briefly introducing the delegation and the purpose of the Mission, Commissioner Dankwa invited Mr. Jimmy to brief the delegation on the work of the National Secretariat. Accordingly, Mr. Jimmy related that their office and the African Commission had similarities in terms of objectives. He said that the National Secretariat's primary approach was protection and promotion of human rights. He stated that the situation of human rights in Sierra Leone was deplorable and that international human rights standards were totally rejected by the fighting forces even in their relations with civilians who were made

victims of amputation, maiming, and rape. During the war, the Police and the Army lacked human rights training as, for instance, there was a rampant practice of torture among the former. Some human rights training continue to be provided to both after the war. Governmental commitment at the international level was not enough and remained half hearted. He related the case of the ICC (the Rome Statute) establishing the International Criminal Court. While the Government's signature of the same was encouraging, its deviance in latter entering into an agreement with the United States of America with a view to exempt from the ICC's jurisdiction American soldiers/citizens operating in Sierra Leone was not acceptable. Despite strong local and regional lobby against this exemption, however, the Government nonetheless has proceeded to pass a Bill to that effect. Human rights standards should be sacrosanct and must not be compromised because of war and poverty. In terms of international commitments under the various human rights instruments, he said that the Government's declarations do not go as far since there remain several treaties that are signed to but needed to be ratified. He added that efforts needed to be exerted to improve the capacity of NGOs so that they become effective development partners and lobby the Government on various human rights issues. They needed to be trained so that they would also be able to engage in sensitisation and public awareness activities.

In response to Commissioner Dankwa's query on the attitude of general public to embrace forgiveness and move forward, which the Commissioner witnessed during his first visit to the Republic in February 2000, and the application of death penalty in the Republic, Mr. Jimmy related that Sierra Leoneans were indeed unbelievably tolerant who believed in forgiveness. That was why the Truth and Reconciliation Commission (TRC) set up before the Special Court (SC). The latter's limited reach in terms of bringing the alleged perpetrators to justice might not be appreciated by the layman on the street and hence it needed to go a long way. Yet, AI believed that the SC was addressing issues of impunity as well. Mr. Jimmy also wondered what would happen after the legacy of the SC. He mentioned that with regard to death penalty whose application was not allowed by the UN, AI has been advocating for a national moratorium. The Government needed to give a chance to moratorium as the country has seen, in its recent history of war, enough killings. Much of the present predicaments the country finds itself faced with trace their origin in the manner past governments behaved. The rampant extra-judicial killings, disappearances, trumped-up charges all flouted basic human rights thereby breeding intolerance.

#### **Speaker of Parliament and Parliamentary Committee on Human Rights (PCHR), 25<sup>th</sup> February 2004**

Honourable Justice, Mr. Edmond Cowan, Speaker of Parliament, received the delegation. Also present Hon. Hardy Sheriff, Hon. Ansu Kaikai, Hon. Gombu Smart, and Hon. Mathew G. Alpha, all members of the Parliamentary Committee on Human Rights.

After thanking Mr. Cowan for the warm welcome extended to the delegation, Commissioner Dankwa briefly introduced the delegation and explained the purpose of the Mission. The present Mission being his 2<sup>nd</sup> to the Republic, Commissioner Dankwa wondered if there were any pertinent human rights matters the Honourable Speaker of Parliament and the members of the PCHR wished to discuss with him, and any problems and developments they might wish to update him with.

The Honourable Speaker of Parliament, on his part, stated that the Commissioner would rather discuss with the private press (newspapers) on the need to respect the rights of others so that they would understand Government and its institutions enjoyed rights too. Newspapers should note that they were able to print freely as a result of the protection of the rights of others guaranteed under the Constitution. He insisted that they be made to understand that libel and other related laws regulating newspapers and related press emanated from the need to protect the rights of other people. He lamented that the press,

human rights organisations, and international inspectors were all concerned with what might happen to a small section of the society. He reiterated that all needed to operate within the boundaries of the Rule of Law and no one should cry foul when addressed by the law that governed his/her behaviour.

In response Commissioner Dankwa's query regarding the various newspaper cases the Honourable Speaker of Parliament was referring to, the latter stressed that all the newspapers and their editors alike being prosecuted claim that their human rights were violated when in fact, he added, the majority of them publish news with no basis whatsoever. He further noted that human rights involved a two-way street. He urged the African Commission and others who monitor human rights situations to be concerned with the human rights of all and not just a section of the society, at which point Commissioner Dankwa assured him that the African Commission was all-embracing in its approach to promote and protect human and peoples' rights on the continent. The Honourable Speaker of Parliament disclosed that a bill is before the Parliament for the establishment of a National Human Rights Commission.

The members of the PCHR, on their part, expressed their delight by the visit although they were given a short notice of the same by the relevant authorities. They mentioned that the PCHR was a very young committee formed with a cross-party basis in Feb 2003. It has 15 members, 5 of whom are women. It aims at encouraging debate about human rights at the level of the constituency, from which it gathers information on various human rights violations to be brought to the attention of the parliament. It also visits prisons and checks the condition of detentions at various centers. It also intervenes in some cases handled by the Police, where there has been lax on the part of the latter to bring in results, or investigate allegations. It PCHR attempts to particularly look into cases that would normally be ignored by the news. The members, however, revealed that as the PCHR was not under any Ministry, it continued to be faced with the challenging task of sourcing to fund its various activities. It has, however, enjoyed assistance from the UNDP and others to undertake seminars and cover some of its activities in the provinces.

Addressing some of the questions by the members of the PCHR, Commissioner Dankwa emphasized that the State has the primary responsibility to educate its citizens about their rights. The African Commission does not go out into communities to teach about human rights, which should be included in schools curricula. He added that in addition to the State concerned, the African Commission encouraged NGOs and CSOs who engage in those activities, with whom it has a strong and formalized relationship. He, however, lamented that some State continued to disregard human rights under the guise of national/state interest.

### **The Ombudsman, 25<sup>th</sup> February 2004**

At the Office of the Ombudsman, Mr. Francis A. Gabbidon, the Ombudsman, received the delegation.

Following Commissioner Dankwa's brief introduction of the delegation and the purpose of the Mission, Mr. Gabbidon related that the Office of the Ombudsman was created by the 1991 Constitution, which was followed, in 1997, by an enabling legislation. The present (and first) Ombudsman was appointed in 2000. With a view to ensure the protection of the individual against bureaucratic injustice, the Ombudsman, among others, investigates complaints against Government departments, agencies and authorities, provides information to the public, educates the public of their rights and duties in the context of the bureaucracy, and promotes citizen-responsive and efficient public service. Mr Gabbidon added that his office intends to establish branch offices in various provinces to ensure access. As regards human rights, he mentioned that there was a Bill currently tabled before the Parliament to establish a human rights commission with which his office will be working closely. At the moment, the Ombudsman has no mandate to entertain human rights complaints. Instead, the Office forwards such to



the LAWCLA.

With respect to the relationship between the Republic and the African Commission, Mr. Gabbidon noted that his country has not taken any active part in the work of the latter. Although the Government has taken human rights seriously given its violent recent past, he stated that his Office wishes to push for the participation of the Government in the work of the African Commission. He noted the need to engage with the regional organization and hoped that this might better be realized once the National Human Rights Commission is set up. He appreciated the need to bring the African Commission close to the people by raising awareness about its work and engaging in sensitisation projects.

By way of conclusion, Mr. Gabbidon also touched upon the Lome Peace Accord in which he was personally involved. Although the initial public reaction to it was negative, after engaging the public and helping them see the potentials of the Accord, people have now accepted it. The Accord stipulated two main conditions: the establishment of a TRC and a National HRC. The Government has fulfilled the first and the process for the realization of the second is underway.

#### **The Human Rights Section of the UN Mission in Sierra Leone (UNAMSIL), 25<sup>th</sup> February 2004**

After receiving the delegation, Dr. Ahowanou A. Agbessi, Human Rights Officer, stated that the human rights section of UNAMSIL involved in such activities as human rights monitoring, reporting, training and capacity building, and support and transitional justice institutions.

With respect to monitoring, Dr. Agbessi said that UNAMSIL involved in visiting police prisons, cells and detention centres to see if they meet standards/conditions. He stated that over the years, UNAMSIL has noticed various deviations from the international standards addressing prisons including overcrowding, minimum or no ventilation, the incarceration of male and female convicts without separation, etc. In this regard, the authorities were aware of the problem and were trying to do their best with UNAMSIL's support. With respect to the administration of justice by the judiciary, the country also faced shortage of magistrates, which exacerbated the overcrowding in prisons or police stations due to huge workload on the limited judiciary. There are not enough court lawyers, clerks, and judges. Nor are there enough office supplies. To alleviate this, the Justices of Peace (JP) programme was introduced in which trained JPs would be sitting in magistrate courts to deal with minor offences with a view to address the backlog of cases. Still, many cases keep on being adjourned. At one Magistrate court in Kabala, out of 25 cases, 19 were adjourned sending all back to prison. There are wide reports of death in prisons and attempts of jailbreaks.

With respect to the system of "Roving Magistrates," Dr. Agbessi noted that the practice has been problematic as magistrates, under whom 2 or 3 districts are allocated, were not able to cover them all within a reasonable period of time so as to ensure the right to a speedy trial. At times, the movement between districts takes magistrates months thereby committing detainees to unsanctioned prison terms. This is also worsened as the courts prefer to adjourn cases several times when the complainant/victim fails to appeal than close the matter.

With respect to transitional justice institutions, Dr. Agbessi related that the TRC worked very well and is currently preparing its final report, which will include findings and recommendations that the Government should implement. The human rights officers of UNAMSIL have participated in sensitising the public about the role of the TRC through various workshops towards eventual reconciliation.

The other transitional justice institution the UNAMSIL is involved in is the Special Court. In addition to



attending the hearings, UNAMSIL human rights section monitors the condition of detention of accused, the legal service available to them, food and etc. There is a committee set up by the SC comprising representatives of UNAMSIL human right section and the general public to find out the SC is perceived/received by the people. At the moment a suggestion has been made for the SC to reserve a seat for a Sierra-Leonean judge to observe the proceedings and exchange experiences.

With respect to national human rights institution, UNAMSIL played a role in the drafting process of a bill tabled at the moment before the Parliament, which falls under the general framework of empowering the people with a view for them to take over once UNAMSIL leaves.

Addressing Commissioner Dankwa's query on the assistance being extended to amputees, Dr. Agbessi alluded to a draft report prepared by UNAMSIL on Amputees in Sierra Leone and submitted to the TRC. He stated that UNAMSIL maintained a database on amputees and out of the many amputees interviewed in Freetown, about 150 of them were victims of deliberate amputation. The study tried to find out the perpetrators, the victims, the circumstances of the incidents, the present fate of the amputees, and their situation vis-à-vis their families. Assistance to amputees was not always forthcoming. The draft report stated that some amputees organised themselves into associations and were able to benefit from some humanitarian assistance, for instance those mainly staying at the Amputee Camp in Freetown. Others, however, remained in remote rural areas and received nothing.

#### **The National Commission for War Affected Children (NaCWAC), 25<sup>th</sup> February 2004**

Mrs. Bintu J. Magona, Executive Secretary, received the delegation. Also present were Mr. M. S. Kanneh, Deputy Executive Director, Mr. Pat Lewis, Advocacy and Communications Officer, and Ms. Augustin Conteh, Programme Assistant/Officer, all from NaCWAC.

Following Commissioner Dankwa's brief introduction of the delegation and the purpose of the Mission, Mrs. Magona stated that she understood the importance of the Mission. Following the recommendation by the Special Representative of the Secretary General (SRSG) for Children and Armed Conflict in 1999, the NaCWAC was established as a statutory body by an Act of Parliament in January 2001. It was mainly entrusted with the protection of the rights of War-Affected Children in Sierra Leone with a view to ensure that their needs are taken into consideration at all levels of national planning. It was necessitated by the fact that the ten years civil war mainly affected children, both as victims and perpetrators. Both the rebels and the army abducted and forced most children to take up arms and abuse drugs while others were separated from their parents, sexually abused, and deprived of education, access to medical facilities and other basic amenities.

The other staff members of NaCWAC also related that since its inception, NaCWAC has manage to undertake several projects, including the provision of psycho-social counselling, skills training, school financing for children between 6-12 yrs, and provision of foster homes for children whose parents could not be traced. Under these schemes, it has so far empowered 298 foster parents and provided educational support to 903 children in primary, secondary, and tertiary education. It also undertook sensitisation programmes in various languages to the general public on the need to care for War-Affected Children.

#### **The Special Court (SC) of Sierra Leone, 26<sup>th</sup> February 2004**

Mr. Paul Packham, Chief Administrative Support Services, and Ms. Kaoru Okuizumi, Legal Advisor to the Registrar received the delegation.

Responding to questions by the delegation, Mr. Packham stated that SC for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations with a mandate to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996. As an impartial body, the SC does not have civil affairs or human rights departments but solely concentrated on its mandate of bringing to justice those responsible.

With respect to the work of the SC, Ms. Okuizumi explained that the SC has four organs: Prosecution, defence, the trial chambers, and the registry. Half of its 250 staff are Sierra Leoneans. The Judges come from all over the world, including Africa. It filed its initial indictment in March last year. Out of its 13 indictments so far, two were withdrawn (filed against Foday Sankoh and Sam Bokari, who are now both deceased), and while 9 of the accused are in custody, and 2 remain at large; i.e. Charles Taylor and Johnny Paul Koroma. The trials are proceeding against four groups of indictees: the alleged leaders of the former Civil Defence Forces (CDF), the alleged leaders of the former Revolutionary united Front (RUF), the alleged leaders of the former Armed Forces Revolutionary Council (AFRC), and others who are still at large.

With respect to the execution of the sentences, Ms. Okuizumi stated that such can be executed in Sierra Leone or in another country, similar to the practice of the ICTY and the ICTR. The SC is in the process of concluding agreements with countries for the execution of sentences.

#### **Ministry of Information and Broadcasting, 26<sup>th</sup> February 2004**

The Minister of Information and Broadcastin, H.E. Mr. Septimus M. Kaikai received the delegation. Also present was Mr. PaBell from the Ministry.

After introducing the delegation, the work of the African Commission and the context of the Mission, Commissioner Dankwa reminded the Minister that Sierra Leone failed to submit any reports to the African Commission. He implored the Minister to add his weight to the Mission's reminder being issued to the relevant authorities regarding this rectifiable lag in submission of State Reports by the Republic. He also hoped to see a representative from the Government of Sierra Leone at the Commission's next Ordinary Session. He wondered how newspapers were regulated in the Republic.

The Honourable Minister, on his part, reiterated the importance of human rights to Sierra Leone, irrespective of the fact that the Republic submitted any reports to the African Commission. He recalled the role played by the war in the wide spread violation of human rights for over 10 years.

With respect the regulation of newspapers in the Republic, the Minister related that there were 56 newspapers in print and their number kept growing. The Independent Media Commission (IMC) plays a mainly supervisory role over both print and electronic media. The members of the IMC are independent. In addition to that, there are sedition laws that may vindicate persons victimized by the media.

In conclusion, he recalled the serious human rights violations committed during the war, and stressed that such were perpetrated not by Sierra Leoneans but foreigners.

#### **Visit of the Amputee Camp in Freetown, 26<sup>th</sup> February 2004**

In addition to meeting up with various relevant Government officials, the delegation also visited the Amputee Camp in Freetown. It held discussions with some of the camp resident including Mr. Sahr M.

Tarawalie, the Secretary General of the Amputees Association. From the discussions, the delegation learned the following.

Located on Aberdeen Road, Freetown, the Amputee Camp houses about 230 amputees, whose arms, hands, legs or feet were hacked off by the various groups now on trial before the Special Court. It is also home to more than a 1000 family members. The Camp has been maintained by national and international assistance through donations, and NGOs and inter-religious contributions. At the time of the visit, the Camp appeared downtrodden and largely vacated. The Camp had all the terrible hallmarks of the past that the society wished to forget.

Regarding the various services that amputees needed, they claimed that the major medical service availed to them has long been stopped in 2000 when Médecin Sans Frontière (MSF) pulled out. Presently, the Camp gets a twice-monthly visit from UNAMSIL medical team. They related that lack of proper medical attention resulted in the death of some of the amputees. With the assistance of the Government and the Norwegian Refugee Council (NRC), some of them have been returned to their respective villages. Yet, there were no follow-up medical provisions made for those who agreed to leave the Camp. Food is scarce and schooling/education for the children remain a major concern. Little or no attention seems to be paid to them in contrast to the ex-combatants who are availed various provisions to re-integrate them back into the society.

#### **The Bar Association, 26<sup>th</sup> February 2004**

In the presence of the Vice-president of the Bar Association, Mr. Fio Edwards, the Secretary General, Mr. Reginald Fynn, and the treasurer, Mrs. Oceanna George, Commissioner Dankwa briefly addressed students of the law school on the purposes of the Mission and the work of the African Commission. As the students and other staff needed to go back to their busy schedules, the delegation could not hold lengthy discussions with the concerned from the Association.

#### **The Women's Forum, 26<sup>th</sup> February 2004**

The delegation was received by Mrs. Mana Pratt, the Project Coordinator, Mrs. Maud Peacock, Mrs. Rosaline Mareathy, and Mrs. Gladys Hastings, members of the Women's Forum Task Force, and Mrs. Mabel Rolings, Administrative Assistant at the Forum.

Commissioner Dankwa introduced the delegation, the work of the African Commission and the purpose of the Mission. He particularly emphasised on the Commission's work in the promotion and protection of the rights of women in Africa. Attaching high importance to the rights of women on the continent, he said that the African Commission has been at the centre of the deliberative process leading up to the eventual adoption of the Protocol on the Rights of Women in Africa. He added that aware of the vulnerable situation of women in Africa, the African Commission had designated a Special Rapporteur on the Rights of Women in Africa with specific mandate to oversee the promotion and protection of the rights of women. He mentioned that the present Special Rapporteur at the African Commission on this particular theme is the Mozambican member of the African Commission, Dr. Angela Melo with whom he encouraged them to liaise.

Mrs. Pratt, on her part, said that Women's Forum was established in 1994 as a network of several women's organisations in Sierra Leone with an initial mission to galvanize women's collective effort to prepare for Beijing 1995 and assist the Government prepare country report for the same. It based its work along CEDAW that the Republic signed in 1998 and to which an initial report was being prepared.

The Forum also worked on the African Protocol on the Rights of Women, which the Republic has later signed.

Regarding its activities, Mrs. Pratt explained that the Forum engaged in a number of activities in the areas of sensitisation and raising awareness. Among others, it focused on gender-based violence, participation of women in elections, and the reform of laws inimical to women. The Forum assisted the TRC by formulating questionnaires responsive to women, and it played a role in the conclusion of the Lome Accord. She concluded by emphasising that the Forum envisioned a Sierra Leone wherein women's rights are protected and they worked in a non-violent environment.

### **Press Conference, Ministry of Foreign Affairs, 27<sup>th</sup> February 2004**

Organised by the Ministry of Foreign Affairs, the delegation held a press conference during which Commissioner Dankwa addressed several questions posed by the members of the Government and private media present. Below is the summary of Commissioner Dankwa's responses to the same.

Comparing the situation during his two visits to the country, Commissioner Dankwa related that the 1<sup>st</sup> Promotional Mission to the Republic of Sierra Leone was held in February 2000 under tense conditions, amidst signs of widespread destruction and heavy military presence. During this 2<sup>nd</sup> Mission, the delegation noted that the general atmosphere is relatively relaxed and clear signs of rebuilding the nation abound, although there are still seen burnt out buildings bearing the scar of war. Newspapers are numerous and several radio stations are on the air benefiting from decreased Government stronghold on media operations. The number of NGOs and Community Based Organisations has also increased benefiting from the right to associate and thereby contribute, in unison, to the development of the Republic through reconciliation. He noted, however, that the road ahead was very long and could prove arduous.

With respect to the work and the effectiveness of the African Commission, Commissioner Dankwa stated that since its inception in 1987, the African Commission handled over 250 communications brought to it by individuals, NGOs, IGOs, and Member States. Although it has passed many decisions finding Member States in violation of the provisions of the African Charter, the African Commission does not have a Police Force of its own to enforce its decisions. It relies on diplomatic avenues and the Summit of Heads of State and Government of the African Union to ensure eventual compliance. It also publishes its decisions and reports, which increases the pressure on the concerned Member States to comply thereof. He mentioned cases from Rwanda, Nigeria and others against whom cases were and the matters eventually settled in favour of the victims after a successful intervention by the African Commission. Commissioner Dankwa, however, warned that the task of the African Commission wasn't that easy and compliance was not always forthcoming. He stressed that, in fact, the African Commission was effective only to the extent Member States wanted it to be.

Regarding the African Charter provisions, Commissioner Dankwa stated that all rights were equal, interdependent and enforceable. In Africa, morality played an important role influencing the African Charter to make a strong allusion to the same. The Charter also emphasised on peoples' rights drawing from the basic structure of the African society.

With respect to press rights, he advised that the press indeed enjoyed rights and but also had duties towards others. Rights come with duties. The press needed to operate in a professional manner as the public depended on it for information and it should desist from maligning anyone. It should seize the moment to contribute to the development efforts in the country as peace is now in the air.

## Recommendations

While being grateful to the Government of the Republic of Sierra Leone and all the concerned parties who facilitated and contributed to the success of the Mission, and also, being aware of the significant social, economic, and political challenges facing the Government and the people of Sierra Leone, the Mission would like to make the following recommendations to the Government of the Republic of Sierra Leone, the Government and Private Media, NGOs, CBOs and IGOs, and the African Commission on Human and Peoples' Rights.

### To the Government:

1. *The State Report of the Republic of Sierra Leone owed to the African Commission per Article 62 of the African Charter is long overdue. As promised by the authorities, including, His Excellency, the Vice-President, Mr. Solomon Berewa, the Government of the Republic of Sierra Leone shall speedy up its internal processes to draft and submit the Republic's Initial State Report, preferably combining the 8 overdue State Reports since October 1988;*
2. *The Government of the Republic of Sierra Leone shall, in as much as possible, ensure the participation of the various Governmental departments, opposition parties, NGOs, CBOs, the private media, and the public at large in the drafting of the Republic's Reports to be submitted to the African Commission so as to guarantee transparency and benefit from the inputs of all parties concerned; in this respect, the Government of the Republic of Sierra Leone is also encouraged to link up with the Secretariat of the African Commission for technical advice;*
3. *Demonstrating further its commitment to the promotion and protection of human and peoples' rights in Sierra Leone, and pursuant to the positive responses given to the Mission, the Government of the Republic of Sierra Leone shall accede to/ratify the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa;*
4. *As a Member State to the African Charter on Human and Peoples' Rights and a signatory to various regional human rights instruments whose implementation the African Commission on Human and Peoples' Rights supervises, the Government of the Republic of Sierra Leone shall take more interest in the work of the African Commission and endeavour to take part in the latter's bi-annual Ordinary Sessions;*
5. *The Government of the Republic of Sierra Leone shall endeavour to speedy up the domestic process to set up the National Human Rights Commission ensuring compliance with the Paris Principles relating to the status and functioning of national institutions for the protection and promotion of human rights and other relevant international/regional human rights instruments;*
6. *The Government of the Republic of Sierra Leone shall strive to ensure that the Ombudsman has at his disposal adequate human, material, and financial resources including visible*



*Headquarters and branch offices to enable him fulfil his mandate; It also needs to raise awareness about the Ombudsman's mandate and his important role to nurture good governance with a view to increase access to his services by aggrieved Sierra Leoneans and foreigners alike;*

- 7. Faced with the immense task of rebuilding the country, the Government of the Republic of Sierra Leone shall increase its cooperation with NGOs, CBOs, international and national institutions in all areas with special emphasis to human and peoples' rights;*
- 8. While encouraging the establishment of and assisting in nurturing of a professional and vibrant private media, the Government of the Republic of Sierra Leone shall adopt a clear and positive attitude towards the former recognising its potential to contribute to development and the promotion of human and peoples' rights;*
- 9. In this regard, the Government of the Republic of Sierra Leone shall outline clear guidelines on access to governmental Ministries, Departments, and institutions adopting an open-door and friendly policy towards the private media;*
- 10. The Government of the Republic of Sierra Leone shall also ensure the independence of the Independent Media Commission (IMC) set up to regulate independent media outlets;*
- 11. It shall also engage both Governmental and Private Media with a view to familiarize them with the African Commission's Declaration of Principles on Freedom of Expression in Africa;*
- 12. The Government of the Republic of Sierra Leone shall intensify its efforts to alleviate the serious shortage of manpower in the judiciary which continues to affect the rights of Sierra Leoneans access to justice and speedy trial; it shall also look into ways to provide free legal aid to indigents;*
- 13. The Government of the Republic of Sierra Leone shall also strive to build a democratic Police Force free of corruption and malpractices with a view to strengthen the democratic process taking root in the country;*
- 14. The Government of the Republic of Sierra Leone shall also strive to ensure that those involved in law enforcement are human rights responsive; particular attention shall be paid to the training of law enforcement personnel in the police, prisons administration, and immigration procedures; in this regard, it is recommended that the Government invites the African Commission's Special Rapporteur on Prisons and Conditions of detention in African for a dialogue with all the concerned parties;*
- 15. The Government of the Republic of Sierra Leone shall take measures towards strengthening its capacity in all areas to establish effective control over the whole country vis-à-vis the anticipated eventual withdrawal of the UNAMSIL; It shall, in particular, make sure that lapses that could have contributed to the deterioration of situations leading up to the now ended protracted*



*civil war are avoided by making sure that its army is representative and sensitive to human rights issues;*

- 16. The Government of the Republic of Sierra Leone shall intensify its efforts to create more jobs so as to absorb the vast majority of unemployed youth the delegation witnessed in some areas of Freetown;*
- 17. The Government of the Republic of Sierra Leone shall strive to speedy up the trial of juvenile offenders and set aside remand homes for them so as to spare them from the ordeals of prison life which might leave indelible marks on their physical and mental development;*
- 18. The Government of the Republic of Sierra Leone, in collaboration with its development partners, NGOs, IGOs, and CBOs, shall strive to ameliorate the living conditions of amputees, and war-affected children, particularly those in the Amputee Camp on Aberdeen Road in Freetown, with a view to empower them to sustain themselves and eventually effectively reintegrate them into society; it shall, in particular, ensure that all Government policies take into consideration the needs of these and other vulnerable groups/ minorities who could be easily marginalized due to their socio-economic status;*
- 19. The Government of the Republic of Sierra Leone shall act upon its de facto moratorium on the application of death penalty by legally abolishing the punishment;*
- 20. The Government of the Republic of Sierra Leone shall strive the inclusion of civic and human rights education in at all levels of school curricula with a view to nurture a human right sensitive and tolerant society; in this regard, it is recommended that measures be taken to translate the African Charter on Human and Peoples' Rights into the main local languages spoken in the Republic;*
- 21. The Government of the Republic of Sierra Leone shall strengthen the Anti-Corruption Commission and ensure its independence to enable it root out corruption in all sectors of society;*
- 22. The Government of the Republic of Sierra Leone shall intensify its effort to raise public awareness about the scourge of HIV/AIDS; in particular, Governmental campaign shall target such vulnerable groups as the youth, women and the girl child; In this respect, it is recommended that the Government invites the African commission's Special Rapporteur on the Rights of Women in Africa for a dialogue with all the concerned parties on various issues affecting women in Sierra Leone;*

*To the Government and Private Media:*

- 23. Both the Government and Private media shall perform its duties with the utmost professionalism called for in the practice, noting at all times that it has comparable duties as it enjoys rights;*
- 24. Both the Government and Private media shall encourage the dissemination of accurate*

*information and educate the public about human and peoples' rights;*

- 25. Recognising the important role it plays in the society, both the Government and Private media shall not let itself be used for harmful propaganda maligning any individual, governmental department and/or any sector of the society;*
- 26. Both the Government and Private media are requested to educate the public about the African Commission on Human and Peoples' Rights and widely disseminate the African Charter on Human and Peoples' Rights;*
- 27. They are also requested to sensitise the public and Government authorities about the need to ratify the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa;*
- 28. It is recommended that they familiarize themselves with the African Commission's Declaration of Principles on Freedom of Expression in Africa;*

*To NGOs, CBOs, IGOs, and the International Community:*

- 29. Recognising that Sierra Leone is at a very important juncture, NGOs, CBOs, IGOs, and the international community at large is requested to lend a hand to the peace-building and reconciliation process by availing the Government of the Republic of Sierra Leone and the traumatised Sierra Leonean society with much needed human, material, and financial resources;*
- 30. In this regard, NGOs, CBOs, IGOs, and the international community are encouraged to work with the Government of the Republic of Sierra Leone sharing in the huge task rebuilding the country faced by the latter; they are, in particular, requested to ensure that development and nation rebuilding policies/activities take into consideration such vulnerable groups as women, children, war-affected children, amputees, and ex-combatants;*
- 31. Local NGOs and CBOs are encouraged to strongly advocate and educate the public for a democratic Sierra Leone wherein human rights are respected and the ballot and not the bullet is answers to any grievances;*
- 32. Given the impending departure of UNAMSIL from Sierra Leone, the former is requested to ensure that is replaced by a well trained, well equipped, representative and human rights sensitive Sierra Leonean army which can establish a reassuring effective control over the whole country and capable of warding off any threats/tendencies both from within and without that may disrupt the hard won peace and the hitherto development activities;*

*To the African Commission on Human and Peoples' Rights:*

- 33. The Secretariat of the African Commission shall avail, should the Government of the Republic*

*of Sierra Leone so requests, its good offices with a view to provide technical assistance in the drafting of the latter's Initial State Report;*

*34. The Secretariat of the African Commission shall follow up on the ratification, by the Republic of Sierra Leone, of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa*

*35. The Secretariat of the African Commission shall closely follow-up on the process of setting up of a National Human Rights Commission by the Republic of Sierra Leone;*

*36. The Secretariat of the African Commission shall liaise with the relevant authorities of the Republic of Sierra Leone to facilitate a visit to the Republic by the Commission's Special Rapporteur on the Rights of Women in Africa and its Special Rapporteur on Prisons and Conditions of Detention in Africa;*

*37. The Secretariat of the African Commission shall avail the Government and Private Media in the Republic of Sierra Leone with copies of the African Commission's Declaration of Principles on Freedom of Expression in Africa;*

*Commissioner E.V.O. Dankwa,*

*Commissioner responsible for promotional activities in the Republic of Sierra Leone*

## **ANNEX**

### **Officials and personalities met by the delegation**

#### **1. The Office of the Vice-President**

- H.E. Mr. Solomon Berewa, Vice-President

#### **2. Ministry of Foreign Affairs**

- Mr. Abdul Rahman Wurise, Director General, Political Affairs Division
- Mr. Alex Fakondo, Director, Political Affairs Division
- Mrs. Khadijatu Bassir, Deputy Director, Political Affairs Division
- Mr. Donald Ngegba, Director, Economic and Technical Division
- Mr. Momodou A. Wurrie

#### **3. Ministry of Justice**

- H.E. Mr. Eke Halloway, Minister of Justice and Attorney General
- Mr. Lahai Farmer, Senior State Counsel
- Mr. Eku Roberts, Consultant
- Mr. Tunde E. Cole, Solicitor General
- The Director of Public Prosecutions

#### **4. Ministry of Internal Affairs**

- H.E. Hon George Banda Thomas, Acting Minister of Internal Affairs

#### **5. Ministry of Social Welfare, Gender and Children's Affairs**

- H.E. Mrs. Shirley Gbujama, Minister of Social Welfare, Gender and Children's Affairs
- Ms. Sarah Lewis, Permanent Secretary
- Mr. Alhaji Bangoura, Senior Assistant Secretary
- Mr. Frank Kalone, Social Development Officer

#### **6. Ministry of Information and Broadcasting**

- H.E. Mr. Septimus M. Kaikai, Minister of Information and Broadcasting
- Mr. PaBell, staff of the Ministry

**7. Speaker of Parliament and Parliamentary Committee on Human Rights (PCHR)**

- Hon. Justice Edmond Cowan, Speaker of Parliament
- Hon. Hardy Sheriff, Member, PCHR
- Hon. Ansu Kaikai, Member, PCHR
- Hon. Gombu Smart, Member, PCHR
- Hon. Mathew G. Alpha, Member, PCHR

**8. Lawyer's Centre for Legal Assistance (LAWCLA)**

- Mr. Alimamy Baba-Sillah, Administrative Officer
- Mr. Abdul Samad Kamara, Information Officer
- Mr. Mada Soyee, Finance Officer
- Mr. Maigore J. Bengheh, Senior Para-Legal

**9. Amnesty International (AI) National Secretariat**

- Mr. Momoh A. Jimmy, Acting National Director, Substantive Campaign and Development Officer

**10. The Office of the Ombudsman**

- Mr. Francis A. Gabbidon, Ombudsman

**11. The Human Rights Section of the UN Mission in Sierra Leone (UNAMSIL)**

- Dr. Ahowanou A. Agbessi, Human Rights Officer

**12. The National Commission for War Affected Children (NaCWAC)**

- Mrs. Bintu J. Magona, Executive Secretary
- Mr. M. S. Kanneh, Deputy Executive Director
- Mr. Pat Lewis, Advocacy and Communications Officer
- Ms. Augustin Conteh, Programme Assistant/Officer

**13. The Special Court (SC) of Sierra Leone**

- Mr. Paul Packham, Chief Administrative Support Services
- Ms. Kaoru Okuizumi, Legal Advisor to the Registrar

**14. The Amputee Camp at Aberdeen, Freetown**

- Mr. Sahr M. Tarawalie, Secretary General, Amputees Association

### **15. The Bar Association**

- Mr. Fio Edwards, Vice-President
- Mr. Reginald Fynn, Secretary General
- Mrs. Oceanna George, Treasurer

### **16. The Women's Forum**

- Mrs. Mana Pratt, Project Coordinator
- Mrs. Maud Peacock, Member, Women's Forum Task Force
- Mrs. Gladys Hastings, Member, Women's Forum Task Force
- Mrs. Rosaline Mareathy, Member, Women's Forum Task Force
- Mrs Mabel Rolings, Administrative Assistant

### **17. Press Conference at the Ministry of Foreign Affairs Hall**

- Mr. Theophilus S. Gisenda, Standard Times
- Mr. Amadou Daramy, The New Citizen Press
- Mr. Joseph Komeh, The New Storm Newspaper
- Mr. Tamba Borbor, Awoko Newspaper
- Ms. Jemilatu Nababa, Concord Times Communication
- Mr. Francis-Clarkson Momoh, Intern, Milton Margai College of Education and Technology (MMCET)
- Mr. Patel A. Sesay, Intern, MMCET
- Mr. Abubakar Mansaray, Intern, MMCET
- Mr. Alex Kandeh, Intern, MMCET
- Mr. Sheriff A. Sesay, Intern, MMCET
- Ms. Chrispin Brima Komeh, Intern, MMCET
- Mr. Abubakar Sidique Bagwe, Intern, MMCET
- Mr. Abdulai R. Kamara, Intern, MMCET
- Mr. Sheku Kamara, Intern, MMCET
- Mr. Ahmed Barrie, Intern, MMCET
- Ms. Elizabeth F. Alpha, Intern, MMCET
- Mr. Fredson J. Keika, Intern, MMCET