

Sierra Leone

The human rights situation has vastly improved since Sierra Leone's devastating civil war was officially declared over in January 2002. However, implementation of the rule of law remains weak and questions remain about the government's willingness to guarantee economic, social, and cultural rights. The mismanagement and corruption of public funds, coupled with high unemployment among young adults, a drastic increase in basic commodity prices, and continued insecurity within the sub-region, render Sierra Leone vulnerable to future instability.

Sierra Leone's civil war was characterized by egregious human rights abuses on all sides but especially by rebel forces. A confluence of factors helped end the war, including the deployment of a 17,000-member United Nations (U.N.) peacekeeping force known as UNAMSIL, a U.N. arms embargo against neighboring Liberia, and the commitment of British troops to stop a rebel advance against the capital, Freetown, in 2000. Despite the disarmament of some 47,000 combatants, and the successful completion of presidential and parliamentary elections in 2002 and local elections in 2004, the deep rooted issues that gave rise to the conflict—endemic corruption, weak rule of law, crushing poverty, and the inequitable distribution of the country's vast natural resources—remain largely unaddressed by the government.

Significant progress has been made, however, in achieving accountability for war crimes committed during the decade-long war and some hopeful developments that may build respect for human rights. During 2004 the Special Court for Sierra Leone commenced its first trials, the Truth and Reconciliation Commission submitted its report to the government, and the Parliament passed an act establishing the National Human Rights Commission of Sierra Leone.

Nevertheless, the draw-down and eventual complete withdrawal of UNAMSIL peacekeepers set for June 2005 and continuing insecurity in neighboring Liberia, Guinea, and Cote d'Ivoire give cause for concern. During 2004, the military strength of UNAMSIL was reduced from 11,500 to fewer than 5,000 troops. Given continuing concerns about the extent to which the Sierra Leone police and army can ensure the security of the country and will uphold the rule of law, a residual force of some 3,250 UNAMSIL military personnel will remain in Sierra Leone until at least June 2005.

Accountability for Past Abuses

The U.N.-mandated Special Court for Sierra Leone (SCSL), established to bring to justice persons "who bear the greatest responsibility" for atrocities during the war, has so far indicted thirteen individuals, including former Liberian president Charles Taylor and former Sierra Leone government minister Hinga

Norman. The first trials commenced in June 2004. The first of two chambers is currently holding two trials – of the Civil Defense Forces (CDF) and Revolutionary United Front (RUF) – on a rotating basis. A delay in the establishment of the planned second trial chamber threatens to seriously undermine the court's capacity to complete operations efficiently.

Since starting operations in 2002, the SCSL has made significant progress, including indicting suspects from all warring factions; charging all indictees with child soldier recruitment and most indictees with gender based crimes; establishing a defense unit to ensure protection of the rights of the accused; issuing precedent-setting decisions on international jurisprudence; conducting outreach to the local population; and employing Sierra Leoneans to work in every organ of the Special Court.

However, several concerns remain about the SCSL operations. These include insufficient resources for the witness protection unit, outreach section, chambers and defense office; that the existing indictments reflect an inappropriately narrow interpretation of the court's mandate, such that several particularly brutal regional or mid-level commanders have not been indicted; and that Nigeria has so far failed to surrender Charles Taylor to the SCSL. Taylor, indicted by the SCSL on seventeen counts of crimes against humanity and other serious violations of international humanitarian law, was in August 2004 offered a safe haven by the Nigerian government when rebels threatened to take the Liberian capital Monrovia. The international community, most notably the United Nations Security Council, has failed to exert sufficient pressure to ensure that Taylor is surrendered to the court.

In October 2004, the Truth and Reconciliation Commission (TRC), created in 2002 in accordance with the terms of the 1999 Lomé peace accord, released its final report. The TRC was tasked with establishing an impartial historical record of the conflict, promoting reconciliation, and making recommendations to prevent a repetition of the violence. The operation of the TRC was plagued with management and funding problems, however, the public hearings were well attended and the final report contains some significant findings and recommendations. The TRC faulted years of bad governance, endemic corruption, and the denial of basic human rights as having created the conditions that made conflict inevitable, and noted that many of the causes of conflict have yet to be adequately addressed. The recommendations were aimed at promoting good governance and providing for the wars' most vulnerable victims. They included the strengthening of the judiciary, abolition of the death penalty, that senior public officials disclose their financial interests, and that special funds be set up to care for children, amputees, and women victims. The TRC also called on Liberia and Libya, which supported the RUF and AFRC, to make symbolic and financial contributions to a war victims' fund.

Corruption

Corruption and mismanagement within both the public and private sectors in Sierra Leone remain endemic. The government Anti-Corruption Commission (ACC), created in 2000 largely due to pressure from international donors, has been subject to political interference, with few convictions for corruption-related offenses. The ACC has the power to investigate allegations of corruption within the

public and private sectors. Once investigations are complete, the Attorney General, who has, in the past, been subject to political pressure, determines whether there are grounds for prosecution. Since October 2003, three judges from Commonwealth countries have been attached to the Sierra Leone High court to hear cases referred by the ACC. However, the planned appointment of a Commonwealth-provided prosecutor has yet to materialize and is undermining the independence and success of the ACC.

Dysfunctional Judicial System

Efforts to refurbish numerous court buildings destroyed during the war have helped improve court infrastructure, and by the end of 2004 magistrates' courts were functioning in all of Sierra Leone's fourteen provinces. However, insufficient numbers of judges, magistrates, public defenders, and prosecutors continue to result in huge back-logs, and those charged with criminal offenses spend months and in some cases years in pretrial detention. Low salaries paid to magistrates and judges make them susceptible to corruption. At years end, there were over 80 former rebel combatants held since their arrest in 2000 under a now-repealed Emergency Powers Act, without regard for due process rights. At least 15 individuals, including two women, were on death row following convictions for felonies, however, no executions were carried out.

The system of local courts presided over by traditional leaders or their officials and applying customary law is the only form of legal system accessible to an estimated 70 percent of the population. Customary law applied by the local courts is often discriminatory, particularly against women, and the local courts frequently abuse their powers by illegally detaining persons and charging excessively high fines for minor offences, as well as adjudicating criminal cases which should by law be tried in the higher courts.

Sierra Leone Army and Police

The Sierra Leone Army and Sierra Leone 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 endeavored to reform, restructure, and rehabilitate the army, have led to considerable improvement in the professionalism of the force. However, shortages in equipment, vehicles, and communications equipment undermine their operations, particularly along the volatile and isolated borders with Liberia and Guinea. In 2004, few reports were made of abuses, extortion, or indiscipline by the army.

While there have been improvements in the conduct of the police, and at year's end the government had successfully re-established a police presence in all provincial and major towns in Sierra Leone, reports of extortion, bribe-taking, and unprofessional conduct remain common. The Commonwealth Police Development Task Force (CPDTF) has since 1998 been responsible for restructuring and retraining the police. Low salaries, lack of training capacity, and inadequate resources remain key challenges.

Key International Actors

The international and donor community has since 1999 spent billions of dollars to bring about peace and stability in and facilitate the post-war reconstruction of Sierra Leone. Although this level of commitment is welcome, it has not always been accompanied by willingness to use the leverage such a high dependency on aid gives to put pressure on the Sierra Leone government to address the conditions giving rise to continued human rights abuses.

The United Kingdom and United States have taken the lead in rebuilding Sierra Leone's infrastructure and institutions. The U.K. has for the last several years spent some U.S.\$60 million per year on rebuilding and restructuring the army, police and judiciary. The U.S. spent some U.S. \$45 million on reconstruction, the reintegration of former combatants, and improving the control and management of the diamond sector.