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## World Report 2010 - Sierra Leone

### *Events of 2009*

Throughout 2009 the government of President Ernest Bai Koroma made notable progress in addressing endemic corruption and weak rule of law, thus distancing Sierra Leone further from the issues that gave rise to its 11-year armed conflict that ended in 2002. However persistent weaknesses within the police and judiciary, and several risk factors – notably the global economic crisis, high unemployment, and growing insecurity in neighboring Guinea – illuminated the fragility of these gains.

An outbreak of politically motivated violence between supporters of the ruling All People's Congress and the Sierra Leone People's Party in early 2009 showed the weakness of the Sierra Leone police and judiciary, which failed to adequately investigate and hold accountable those responsible. However, swift reconciliation efforts by the President avoided a deepening of the crisis.

Through the efforts of the United Nations-mandated Special Court for Sierra Leone, there was significant progress in achieving accountability for war crimes committed during the country's civil war. However, there was little improvement in access to key economic rights including healthcare and primary education. Sierra Leoneans suffer the highest maternal mortality rates in the world.

### **Corruption**

President Koroma and the Anti-Corruption Commission (ACC) continued to take meaningful steps to address the scourge of corruption that has for decades posed a major obstacle to development. During 2009 the ACC used its independent powers to investigate, prosecute, and secure 11 convictions, including that of a former ombudsman; at this writing dozens of other cases are in court. By October the equivalent of more than US\$375,000 in stolen state assets had been recovered by the ACC. In November the ACC indicted the health minister for illegally awarding contracts; he was at the same time removed from his post by the president. Following Koroma's lead in 2008, nearly all senior government officials and parliamentarians had declared their assets, and in an unprecedented move, employees of the notoriously corrupt ministries of health, education, and lands were suspended and referred for investigation for corrupt practices. Concern remained, however, that the ACC had failed to take adequate action against at least one minister exposed for awarding illegal contracts.

## Rule of Law

Serious deficiencies in the judicial system persist, including extortion and bribe-taking by officials; insufficient numbers of judges, magistrates, and prosecuting attorneys; absenteeism by court personnel; and inadequate remuneration for judiciary personnel. In 2009 some 90 percent of prisoners lacked any legal representation. Hundreds of people – over 40 percent of the country's detainees – were held in prolonged pretrial detention.

Local court officials frequently abuse their powers by illegally detaining persons, charging high fines for minor offenses, and adjudicating criminal cases beyond their jurisdiction. The only legal system accessible to some 70 percent of the population is one based on customary courts controlled by traditional leaders and applying customary law, which is often discriminatory, particularly against women.

A prison reform project somewhat reduced the chronic overcrowding in Sierra Leone's prisons. However, inadequate food, clothing, medicine, hygiene, and sanitation remained of serious concern. The population of the country's largest detention facility – designed for 350 detainees – stands at over 1,100. In October the government announced the reconstruction of a prison at Mafanta, planned to house several hundred inmates and help relieve the problem of overcrowding.

The completion in April of a high-profile drug trafficking case in which 15 Sierra Leoneans and Latin Americans were convicted of drug-related offences demonstrated some improvement in the capacity of the rule of law sectors.

A concerted effort by the government, UN, and United Kingdom-funded Justice Sector Development Programme (JSDP) to improve the rule of law continued to make incremental improvements in the sector, including slight improvements in healthcare and access to water for detainees, record-keeping, and pilot programs to increase the numbers of magistrates available to adjudicate cases.

## Police and Army Conduct

In September police used live ammunition to break up a demonstration about crime levels and police involvement in a spate of armed robberies, leaving three demonstrators dead and some 10 injured. Other deficiencies in police professionalism included persistent allegations of crime victims being required to pay for reports to be filed or investigations conducted, and alleged police involvement in extortion and other criminal acts. However, senior police leadership demonstrated an increased willingness to investigate, discipline, and dismiss officers engaging in unprofessional or corrupt practices.

The UK-led International Military Advisory and Training Team (IMATT) has been working since 1999 to reform and advise the Republic of Sierra Leone Armed Forces (RSLAF). The restoration in 2009 of a court martial board within the RSLAF was an important step in ensuring discipline within the army. In 2009 IMATT continued to assist in downsizing the force, with the joint goal of 8,500 troops expected to be met by early 2010.

## Accountability for Past Abuses

The last case to be tried at the Special Court for Sierra Leone's (SCSL) location in Freetown concluded in October after the appeals chamber decision upheld the trial chamber's February conviction of three former leaders of the rebel Revolutionary United Front, Issa Hassan Sesay, Morris Kallon, and Augustine Gbao. The three were sentenced in April to a range of between 25 and 52 years each on charges of war crimes and crimes against humanity that included (for the first time in an international court) forced marriage and attacks against UN peacekeepers, as well as rape, murder, mutilation, enslavement, and recruitment of child soldiers. To date, eight individuals associated with the three main warring factions have been tried and convicted by the SCSL. All

eight were transferred in late October to Rwanda to serve out their sentences in a section of a prison that meets international standards.

The SCSL trial of former Liberian president Charles Taylor – charged with 11 counts of war crimes and crimes against humanity for his role in supporting Sierra Leonean rebel groups during the conflict – made notable progress in 2009. In February the prosecution finished its presentation of 91 witnesses. In July Taylor took the stand as the first witness in the defense's case, and testified for many weeks. Taylor is the first sitting African head of state to be indicted and face trial before an international or hybrid war crimes tribunal. For security reasons his trial is taking place in The Hague, Netherlands, instead of Freetown.

A long-awaited reparations program to war victims, as recommended by the Truth and Reconciliation Commission, registered some 28,000 war victims and initiated programs to provide medical and financial assistance to victims. The program was funded by the UN Peacebuilding Fund.

### **National Human Rights Commission**

The National Human Rights Commission struggled to carry out its mandate to investigate and report on human rights abuses due to a persistent lack of funds. During 2009 the government ensured that basic functions were covered, while funding from the UN and other partners lapsed, leaving the commission unable to fully implement its strategic plans and make fully operational its regional offices in Bo, Kenema, and Makeni. The commission generally operated without government interference.

### **Key International Actors**

The UN and the UK government continued to take the lead in reforming and supporting Sierra Leone's rule of law sectors. The UK remained Sierra Leone's largest donor, providing some £62 million in the last fiscal year, including support for the Anti-Corruption Commission and justice and security sector reform. The UN Peacebuilding Fund has since 2007 approved more than US\$34 million for projects in Sierra Leone, which support reconciliation efforts and improving the communications, justice, and security sectors.

In September 2009 the UN Security Council extended until September 2010 the mandate of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), the fourth and leanest UN mission in Sierra Leone in 10 years. With some 70 staff, the mission maintains a largely advisory role aimed at promoting human rights and strengthening democratic institutions and the rule of law, including efforts to address organized crime, drug trafficking, and youth unemployment.

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

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