

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	135
Land:	Sierra Leone
Kilde:	United Nations.
Titel:	General Assembly. Report of the United Nations High Commissioner for Human Rights.
Udgivet:	4. marts 2009
Optaget på baggrundsmaterialet:	12. juni 2009



General Assembly

Distr.
GENERAL

A/HRC/10/52
4 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 2

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

Assistance to Sierra Leone in the field of human rights

Report of the United Nations High Commissioner for Human Rights*

* Late submission.

Summary

Sierra Leone registered a positive trend in 2008 towards respect for civil and political rights although serious concerns remain in a number of areas. The people of Sierra Leone went to the polls on 5 July 2008 to elect their local representatives. Most election observers agreed that the election had been conducted in a fair and transparent manner and that the results were credible. Isolated incidents of harassment were reported however. Significant improvement was noted in the representation of women, with female candidates increasing their representation by 40 per cent. Political, legal and security institutions in the country continue to make progress towards securing respect for the right to life and security of the person for citizens. The moratorium imposed on the execution of the death penalty remained in full force and effect, notwithstanding the change in Government.

With the support of international partners, some progress has been made in promoting and protecting the rights of women and children. A change of attitude by some traditional leaders regarding female genital mutilation (FGM) was noted in the Northern Province where traditional leaders in the Kambia district have committed not to subject girls below the age of 18 to FGM. Gradual progress has also been achieved in securing legal protection of women's rights. The Ministry of Social Welfare, Gender and Children's Affairs developed a roll-out plan for the gender justice acts which saw a significant degree of sensitization developed around women's rights throughout the course of the year. These acts afford greater protection in cases of domestic violence and in relation to inheritance rights.

In 2008 there was significant progress in the justice sector. The Government launched a three-year Justice Sector Reform Strategy and Investment Plan 2008-2010 on the basis of the recommendations of a task force constituted by the President to examine the reasons for the delay in the administration of justice and other related matters. Significant progress was also made in the implementation of a number of projects under the United Nations Peacebuilding Fund, which has helped to address some of the threats to peace consolidation, e.g. through building capacity within the justice sector, operationalizing the national human rights institution, and establishing a reparations programme. One of the greatest threats to peace consolidation still remains the low level of enjoyment of economic and social rights characterized by the lack of adequate basic social services including safe drinking water, health-care services, and education and housing facilities.

Significant progress was achieved in operationalizing the national Human Rights Commission and building its capacity to discharge its statutory functions. However, the catalytic funding provided under the Peacebuilding Fund was scheduled to end in January 2009, and unless additional support is forthcoming from the Government and international partners, there are concerns that the operations of the Commission may be adversely affected. The Anti-Corruption Commission was strengthened by new legislation passed by Parliament in August 2008, and it now has prosecutorial powers and no longer depends on the Ministry of Justice to initiate proceedings. On 10 January 2008, the Constitutional Review Commission established by the Government submitted its report to the President. Thus far, the Government has made no pronouncements as to how it intends to deal with this report.

However, a number of serious human rights concerns persist. Police have not been held accountable in many cases of arbitrary arrest and detention. Although legal remedies are provided for under the Constitution and in the laws of Sierra Leone, weak access to justice and legal representation often renders these ineffective. Two strategies, which are aimed at addressing the critical issue of justice sector reform, have been developed and are to be implemented by 2012. The recommendations of the Truth and Reconciliation Commission are yet to be fully implemented although progress has been made, with the assistance of the Peacebuilding Fund, in the development and funding of a reparations programme. In the health sector, although the deployment of a contingent of Cuban doctors has been a positive development, many hospitals remain poorly staffed and lacking basic drugs thus rendering them unable to respond to emergencies. Sierra Leone still has one of the highest infant and under-five mortality rates, as well as one of the highest maternal mortality rates in the world.

In the light of this, the report concludes with a series of recommendations to the Government of Sierra Leone, which include providing support to the Human Rights Commission, completing the constitutional reform process, repealing the Public Order Act (1965) so as to enhance press freedom, enacting the draft sexual offences and matrimonial bills, and addressing the economic and social situation of the people of Sierra Leone.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	5
I. THE HUMAN RIGHTS SITUATION	2 - 32	5
A. Civil and political rights	2 - 15	5
B. Children's rights	16 - 19	8
C. Women's rights	20 - 23	8
D. Refugees	24 - 25	9
E. Economic, social and cultural rights	26 - 28	10
F. Human Rights Commission of Sierra Leone	29 - 30	10
G. Constitutional Review Commission	31	11
H. United Nations Peacebuilding Fund	32	11
II. RULE OF LAW AND ADMINISTRATION OF JUSTICE INCLUDING TRANSITIONAL JUSTICE	33 - 41	11
A. Rule of law and administration of justice	33 - 37	11
B. Transitional justice - national reconciliation and implementation of the Truth and Reconciliation Commission report	38	12
C. The Special Court for Sierra Leone	39 - 41	13
III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS	42 - 67	14
A. The Human Rights and Rule of Law Section of the United Nations Integrated Office in Sierra Leone	42 - 43	14
B. Activities of the Human Rights and Rule of Law Section	44 - 59	14
C. Monitoring local government elections	60	17
D. Monitoring of the courts, prisons and police	61 - 67	18
IV. CONCLUSIONS AND RECOMMENDATIONS	68 - 70	19

Introduction

1. In its resolution 1793 (2007), the Security Council extended the mandate of the United Nations Integrated Office in Sierra Leone (UNIOSIL) for nine months, ending 30 September 2008, to assist the Government in furthering the consolidation of peace. Following the termination of this mandate, the Security Council, in resolution 1829 (2008), established the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) for 12 months, effective as of 1 October 2008. The human rights mandate of the mission remains the same: (a) to provide assistance to national commissions and institutions for the promotion of good governance and human rights, including the development of a national plan of action for human rights; (b) to monitor and promote human rights, democratic institutions and the rule of law; and (c) to support decentralization, the review of the 1991 Constitution and the enactment of relevant legislation. Most activities conducted by UNIOSIL Human Rights and Rule of Law Section in fulfilling the above mandate fell under the core areas of the Plan of Action of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and were implemented with funding support from OHCHR. Thus, in addition to providing advisory and technical services, several projects were conducted by the Section with OHCHR funding. This report covers the human rights situation in Sierra Leone in 2008 and the activities of UNIOSIL and, subsequently UNIPSIL which was established during this period.

I. THE HUMAN RIGHTS SITUATION

A. Civil and political rights

2. Sierra Leone has continued to register a positive trend towards respect for civil and political rights. Presidential and parliamentary elections were conducted in 2007 and on 5 July 2008, the people of Sierra Leone went to the polls to elect representatives in local district councils across the country. There was a general consensus among local and international observers including the National Democratic Institute (NDI) based in the United States of America and National Elections Watch (NEW), a coalition of local civil society organizations, that the elections were free, fair and credible. Notwithstanding, there were instances of political intolerance, intimidation and harassment, especially of opposition and independent candidates, which impacted on the exercise of their political rights. Significant improvement was noted in the representation of women: out of 225 female candidates, 86 were successful, winning close to 18 per cent of the 475 seats that were contested, and 26 more than in 2004.

3. There were a number of reported cases of intimidation and harassment against opposition politicians during the electoral period and these actions were sometimes ordered or endorsed by highly placed Government officials including Members of Parliament. One notable incident was the attack on the convoy of the former Vice-President, and Sierra Leone People's Party (SLPP) presidential candidate, in Koidu Town by alleged All Peoples' Congress (APC) supporters during his visit to launch the SLPP campaign for the local council elections in Kono District on 15 June.

4. The country is still divided along political and ethnic lines. The level of distrust between the two major political parties - the ruling APC and the SLPP which lost the elections - has prevented effective dialogue and meaningful political discussions on key national issues. This distrust has been exacerbated in part by a number of incidents starting with the annulment of the

votes from 477 polling stations in the 2007 presidential elections, through the allocation of cabinet posts, the removal from office of certain public officials who had served in the previous SLPP Government, the temporary closure of the SLPP radio, and the attacks on the offices of the SLPP in Bo and Freetown.

5. The level of mistrust has been further heightened by the establishment by the Government in 2008 of a commission of inquiry to investigate the misuse of Government or donor funds under the SLPP administration. This commission was established in response to the recommendations of a comprehensive audit of Government assets and programmes conducted by a presidential transitional team in 2007 which uncovered widespread abuse and mismanagement of public resources across the public sector.

6. The President has made significant overtures to address some of these concerns with a view to promoting political reconciliation. In August 2008, he ordered the reopening of the SLPP radio station, which had been shut down by the Ministry of Information, and pledged to maintain open lines of communications with the opposition. UNIOSIL worked with the Political Parties Registration Commission (PPRC) to enhance interparty dialogue and facilitate conflict resolution. UNIPSIL is maintaining this engagement.

7. The “task forces”, which were initially established by the political parties to assist in the electoral campaigns and provide crowd control at their rallies in the 2007 and 2008 electoral processes, are still in place and could undermine peace and security in the country. With elections over, these task forces which are comprised of youths, many of whom are former fighters, are reportedly engaged in extortion and acts of violence especially along the borders.

8. Prolonged detention of criminal suspects in police stations beyond the stipulated statutory time limit continued to violate the right to liberty and security of the person. The Constitution stipulates that once arrested, a suspect must be brought to court within 72 hours or 10 days in cases of grave offences. It was noted that many suspects were consistently arbitrarily detained in remand as a result of delays in concluding investigations occasioned by poor investigative capacity and inefficient coordination with other actors and agencies of the justice system. The Constitution and laws of Sierra Leone envisage both the writ of habeas corpus, to challenge the lawfulness of arrest and detention before judicial authorities, and the right to compensation for wrongful arrest and detention. However, given the challenges in accessing justice and legal representation, these remedies are ineffective and the police remained unaccountable for many cases of arbitrary arrest and prolonged detention during the year.

9. Freedom of association, assembly and movement were generally respected throughout the country. However, there were a number of isolated reports of restrictions on these rights, coupled with cases of intimidation and harassment, primarily during the local government elections.

10. Freedom of speech and press freedom were also generally respected. However the existence of the Public Order Act (1965), which criminalizes libel, continued to violate press freedom in Sierra Leone. The Sierra Leone Association of Journalists (SLAJ) and the Society for Democratic Initiative (SDI-SL) filed a petition in the Supreme Court, challenging the constitutionality of certain sections of the Act. At the end of 2008 a decision was still pending. In addition, isolated cases of intimidation and suppression of freedom of expression were noted: the police arrested and questioned a newspaper journalist on allegations of defamatory libel in

connection with a caricature of the President that appeared in a local newspaper and the Ministry of Information closed the opposition SLPP radio station on the grounds that the procedures for establishing a radio station were not followed. However this apparently illegal act, which was done without respect for due process and by an institution without the legal authority to close radio stations, sparked an angry wave of reactions from party supporters who threatened to demonstrate against the APC Government for stifling press freedom. On 13 May 2008, at a meeting with officials of the SLPP, the President granted permission for the SLPP Unity Radio to resume transmission.

11. While the right to own property is protected under the Constitution and laws of Sierra Leone, conflicting claims of ownership, especially in relation to land, have a negative impact on the consolidation of peace. A number of land disputes were noted in diverse parts of the country, some of which resulted in intercommunal violence, deaths and serious injuries. In Freetown and its environs, police records indicate an increase in reports of violence emanating from land disputes in 2008. In addition to an effective land registration system, a conflict mediation and an alternate dispute resolution mechanism must be put in place, as the current legal system may not be able to effectively address these concerns.

12. The Constitution provides that no one shall be deprived of property without due process of law. However, a number of incidents were noted in which property owners were evicted by police officers without due process being respected. On 8 October 2008, the police upon instruction from the Sierra Leone Tourist Board and the Freetown City Council demolished nine entertainment complexes along Lumley beach. The UNIPSIL human rights component monitored the demolitions and evictions which were carried out with use of force and intimidation. Numerous other evictions and demolitions of private properties were carried out by the police throughout the country without due process of the law, on lands purportedly owned by the Government.

13. While there was no report of torture inflicted upon any suspects while in custody or in the course of investigation, there were reports of excessive use of force and firearms by police, some of which resulted in death. The report of the Jenkins Johnston Commission, which was established by the Government on 18 December 2007 to investigate killings on 13 December 2007 when police intervened in a demonstration by property owners against the Koidu Holdings Company in Kono, was released in March 2008. The Commission found that excessive force had been used by the law enforcement agents and recommended prosecution of those involved. This has not yet taken place however as the police are proceeding with their own internal investigations into the matter.

14. The persistence of female genital mutilation (FGM) continued to pose a threat to the security of women and girls, with a number of deaths reported as a result of the practice. Many girls are forcibly subjected to FGM at a very young age by secret societies. However, some progress has been noted. In Kambia District, in the Northern Province, traditional leaders, following an innovative approach pioneered by Advocacy Movement Network (AMNET), a local non-governmental organization (NGO), with technical support from UNIPSIL, have pledged not to subject any girl below the age of 18 to FGM. UNIPSIL remains committed to supporting this initiative to eradicate FGM. It should be noted that there is no law specifically

criminalizing FGM but section 33 (1) of the Child Rights Act provides that “No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of a child.”

15. The moratorium imposed on the execution of the death penalty remained in full force and effect even with the change of Government. At the end of 2008, there were 11 prisoners on death row, with three appeal judgements pending.

B. Children’s rights

16. While the Government, with the support of international partners, made some progress in the promotion and protection of children’s rights, serious challenges remain. Sierra Leone has one of the highest infant and under-five mortality rates, as well as one of the highest maternal mortality rates in the world. Despite efforts to achieve the Millennium Development Goals (MDGs), it is evident that these goals will not be met by 2015. Early and forced marriages (27 per cent of children marry before their fifteenth birthday and 62 per cent of girls marry before age 18), teenage pregnancy, high incidence of sexual exploitation and abuse, and cultural and religious bias towards girls’ education are all critical challenges.

17. Thousands of orphaned and vulnerable children remain victims of exploitation including domestic work, hazardous labour, especially in the mining sector, commercial sex, and trafficking across borders. Even though Parliament passed the Anti-Human Trafficking Act in 2005, containing stringent new provisions regulating adoptions, trafficking out of the country remains a major challenge. The Act was a positive development but effective implementation requires greater Government support.

18. Continued progress was noted in school enrolment thanks to the construction and rehabilitation of schools and polytechnics, and the assistance given to girl child education. Nevertheless, delays in the payment of teachers’ salaries, poor conditions of service, and expensive school charges remain major challenges to the fulfilment of the right to education.

19. Some progress was noted in the area of juvenile justice. A juvenile court, the first and only one in Sierra Leone, was established in Bo, Southern Province. In Freetown, specific days have been set aside for hearing of juvenile cases in the magistrate courts, and improvement was noted in transporting juveniles from remand homes for court sittings. Notwithstanding, legal representation for juveniles still remains a challenge, as many juveniles continue to appear in court without lawyers due in part to the lack of an effective legal aid system.

C. Women’s rights

20. Gradual progress was made in the promotion and protection of women’s right in Sierra Leone. The Ministry of Social Welfare, Gender and Children’s Affairs, in collaboration with national and international partners, developed a roll-out plan for the three so-called gender justice acts which saw significant sensitization and educational programmes developed around women’s rights throughout the course of the year. These three acts, all passed at the same time in 2007, are the Domestic Violence Act, the Registration of Customary Marriage and Divorce Act and the Devolution of Estates Act. As a result, domestic violence is now a crime and victims of

violence may now seek a protection order. Furthermore the inheritance rights of women are now afforded greater protection. However the gender justice acts must be supplemented by the enactment of the long-awaited draft sexual offences bill and the draft matrimonial bill if legal protection for women is to be properly strengthened.

21. The Ministry of Social Welfare, Gender and Children's Affairs, with the support of the United Nations Population Fund (UNFPA) and the United Nations Development Fund for Women (UNIFEM), undertook a national survey on sexual and gender-based violence and the report was released in December 2008 on the eve of the commencement of 16 days of activism against gender violence. The Ministry, in collaboration with the United Nations and national NGOs, has launched an advocacy programme for the enactment of the sexual offences bill and the matrimonial bill.

22. Through the support of national and international NGOs and United Nations agencies, the Ministry has established a National Committee on Gender-based Violence (NaC-GBV) to coordinate all initiatives aimed at curbing sexual and gender-based violence. A few centres that cater specifically for women victims of domestic and sexual violence have been established in the country. The Peacebuilding Fund has also approved funding for the construction of two homes in Freetown and Makeni to provide temporary housing for women victims of sexual and domestic violence.

23. Although women's participation in the 2008 local government elections increased, they constitute only 18 per cent of the local councils and 12 per cent of the Cabinet. Another major concern is the growing insecurity of women due to rape, domestic violence and FGM. Due to the culture of silence, the gravity of the impact of traditional practices on women's rights is still underestimated. The role of the United Nations and international partners in this regard remains crucial.

D. Refugees

24. There was a decline in the refugee population in the country in 2008. As of October 2008 there were 8,366 refugees, compared to 9,947 for the same month in 2007, and of these 4,077 refugees were located in rural areas, and 4,289 in Freetown, Bo and Kenema. In the course of 2008, 1,040 refugees were assisted to voluntarily repatriate and 106 were resettled to third countries.

25. The Office of the United Nations High Commissioner for Refugees (UNHCR) has provided shelter support for 150 families in the former refugee communities and a further 100 family shelters are in progress. Microcredit and starter kits support has been delivered to 282 individual refugees. The draft refugee legislation was enacted which, inter alia, provides for a national refugee authority responsible for formulation of refugee policy. This authority will strive to ensure the rights of refugees are respected, granting refugee status *prima facie* in the case of large influxes and ensuring adequate facilities for reception and care of refugees. Furthermore, a refugee secretariat has been established in the Ministry of Foreign Affairs.

E. Economic, social and cultural rights

26. The level of enjoyment of economic and social rights remained low, owing to the continued lack of adequate basic social services including safe drinking water, health-care services, and education and housing facilities. Some progress was made in the energy sector, which resulted in an increase in the availability of electricity to Freetown.

27. For most of 2008, the country experienced the effects of the global food crisis with skyrocketing costs and in some cases scarcity of essential commodities such as food, medicines and petroleum products. The rate of unemployment remained high especially among youths. The period also saw numerous strike actions by employees of both the Government and the private sector over poor conditions of service, delayed and non-payment of salaries, poor working conditions, and illegal dismissals and redundancies. The Truth and Reconciliation Commission has identified the lack of availability of basic social services and the high level of poverty as one of the underlying causes of the ten-year civil conflict. However while significant progress has been made in addressing civil and political rights since the end of the conflict, very little progress has been made in addressing the social and economic concerns of people. Continuous low levels of enjoyment of economic and social rights have the propensity to unravel any gains that have been made.

28. One key area of concern is the health sector. While a number of hospitals and health centres have been refurbished and a contingent of foreign-trained doctors deployed in Government hospitals, many hospitals remain poorly staffed, lack basic drugs and medical supplies, and are virtually incapable of effectively responding to emergencies. There have also been instances of people dying in the hands of quack medical practitioners who prey on innocent victims, especially in communities where hospitals and medical facilities do not exist or are not affordable. In 2008, a review of the first full Poverty Reduction Strategy Paper (PRSP I) (2005-2007) was completed and achievements and lessons learned informed the preparation of PRSP II (2008-2012). The final draft of PRSP II recognizes and incorporates human rights, rule of law, and peace and security as essential prerequisites for sustainable growth and development.

F. Human Rights Commission of Sierra Leone

29. With US\$ 1.5 million catalytic support under the Peacebuilding Fund, significant progress has been made in operationalizing the Human Rights Commission of Sierra Leone and building its capacity to discharge its statutory mandate. Offices have been secured, equipped and furnished, core staff recruited, institutional and operational modalities established, and a number of activities implemented, including the release of the first “State of human rights” report of the Commission to Parliament. Statutory instruments for filing complaints on human rights violations and procedures for conducting investigations, inquiries and hearings of such complaints have also been passed by Parliament and published. The operationalization of the Commission is a major milestone in strengthening the national capacity to promote and protect human rights in Sierra Leone.

30. However, the catalytic funding provided to the Commission under the United Nations Peacebuilding Fund will run out in January 2009, and unless additional support is forthcoming from the Government and international partners, there are concerns that the operations of the Commission may be adversely affected. In its 2009 national budget, the Government allocated

only 231 million leones (US\$ 77,000) for the Commission, which cannot cover the work of this institution. To avoid a funding gap and enhance the sustainability of the Commission, a three-year Strategic Action Plan has been developed by the Commission and work is now in progress with the technical support of UNIPSIL, backstopped by OHCHR, to develop the plan into a project proposal for the establishment of a basket fund for multi-donor support. Irish Aid has already made available the sum of €300,000 to UNDP for this basket fund.

G. Constitutional Review Commission

31. On 10 January 2008, the Constitutional Review Commission, established by the Government on 24 October 2006, submitted its report to the President. Thus far, the Government has made no pronouncements as to how it intends to deal with this report. The Commission proposed 136 amendments to the 1991 Constitution, 15 of which are entrenched provisions and require a national referendum for approval. A number of the proposed amendments relate to human rights and fundamental freedoms, including recommendations to (a) amend the provisions under section 27 (4) (d) (e) allowing discrimination against women, (b) render the national Human Rights Commission a constitutional body, and (c) introduce a list of non-derogable rights which cannot be restricted during periods of declared emergencies. However, the proposed amendments, taken together, fall short of addressing the recommendations of the Truth and Reconciliation Commission, and laying a foundation for peace, good governance and economic development. A number of key issues that warrant constitutional attention, such as separation of powers, checks and balances, decentralization, and the role of district councils and paramount chiefs were not adequately addressed.

H. United Nations Peacebuilding Fund

32. In 2008, implementation of a number of projects approved under the United Nations Peacebuilding Fund started, particularly in the area of human rights and the rule of law. These include among others, the US\$ 3.4 million justice sector project to build the capacity of the judiciary and justice sector institutions; the US\$ 1.5 million Human Rights Commission project to operationalize the Commission and assist in building its capacity; the US\$ 1.5 million prison project to address the overcrowding and poor conditions in prisons; and the US\$ 3.4 million reparations project to address the plight of the victims of the civil conflict and to restore their human dignity.

II. RULE OF LAW AND ADMINISTRATION OF JUSTICE INCLUDING TRANSITIONAL JUSTICE

A. Rule of law and administration of justice

33. Significant progress was made in the justice sector in 2008. A task force constituted by the President on 30 November 2007 to examine the reasons for the delay in the administration of justice and other related matters submitted its report with recommendations on 25 January 2008, to which the Government positively responded. It undertook to implement the recommendations within the framework of a three-year justice sector reform strategy and on 19 February 2008, the Government launched the Justice Sector Reform Strategy and Investment Plan 2008-2010. To coordinate and facilitate the implementation of the Strategy, a justice sector coordination office was established in the Ministry of Justice in 2008. UNDP, jointly with the Government, also

launched an US\$ 11 million project, “Improving Access to Justice in Sierra Leone 2009-2011” to address gaps and challenges in the justice sector not covered by the Reform Strategy. Implementation of this project is in progress.

34. Significant progress was made in the implementation of the US\$ 3.4 million justice sector capacity-building project and the US\$ 1.5 million prison project under the Peacebuilding Fund. Most of the substantive activities under the justice sector project, including the training of legal executives, police prosecutors and local court officials have been completed. The project also provided computers, Internet facilities and vehicles to enhance the work of the judiciary. However, implementation of some of the activities, including the refurbishment of the law library and the purchase of law books, the construction of courthouses, and residences for prosecutors, has been rather slow. Under the prison project, improvement was noted in the living conditions in some of the prisons. Beds and mattresses were procured and efforts at decongesting Pademba Road Prison commenced.

35. In January, there was a change in the leadership of the judiciary after His Honour Ade Renner, then Chief Justice, was asked by the President to go on extended leave. Justice Umu Jalloh, the most senior justice on the Bench, was accordingly sworn in as Acting Chief Justice on 28 January 2008. There were concerns that the orders of the President to the Chief Justice violated the Constitution but no petitions were filed to challenge the constitutionality of the action. In November 2008, the former Chief Justice tendered a letter of resignation. Justice Umu Jalloh was then appointed in December 2008 (the first female Chief Justice of Sierra Leone).

36. Very little progress was noted in building the prosecutorial capacity of the Ministry of Justice. The justice sector capacity-building project provided for the recruitment of 17 State Counsels. However, as of the end of 2008, only two had been recruited. Prosecution of criminal cases at the magistrate courts remained in the hands of police prosecutors who are not lawyers. To address their capacity needs, UNIPSIL and UNDP trained 100 police prosecutors in prosecutorial process and basic human rights under the capacity-building project.

37. Some progress was made in the area of law reform. A new Anti-Corruption Act was passed by Parliament in August 2008 which expanded the powers of the Anti-Corruption Commission to arrest, charge and prosecute corruption cases without prior approval of the Ministry of Justice. The National Drug Control Act was passed in 2008 to replace the Dangerous Drugs Act and established the National Drug Law Enforcement Agency to implement the provisions of the Act and ensure conformity with international drug control conventions to which Sierra Leone is a signatory. A bill for the protection of persons with disabilities was also drafted and is now pending in Parliament.

B. Transitional justice - national reconciliation and implementation of the Truth and Reconciliation Commission report

38. The Human Rights and Rule of Law Section of UNIPSIL continued its advocacy, technical and advisory services to the Government in furtherance of the implementation of the recommendations made in the 2005 report of the Truth and Reconciliation Commission. Some progress towards its implementation was made in 2008, including in particular the receipt of a US\$ 3.4 million grant under the Peacebuilding Fund for the implementation of the reparations

programme for the victims of the civil conflict. In addition to providing technical support and advisory services, such as ensuring a human rights-based approach to all programme planning and implementation, members of staff of the Section also serve on the steering committee of the programme which provides overall guidance and control of the project. In collaboration with the Human Rights Commission, the Section also organized a stakeholders' consultative conference on the status of implementation of the Truth and Reconciliation Commission recommendations in Freetown, which formulated strategies to facilitate the implementation of the outstanding recommendations. Of the 56 recommendations made only 20 have been fully or partially implemented. Many challenges remain in the implementation of the recommendations due in part to resource constraints and lack of a comprehensive Government policy. The Human Rights and Rule of Law Section is involved in advocacy activities in this connection and also serves on the National Steering Committee on Reparations where it provides guidance on the implementation of the recommendations as outlined in the Truth and Reconciliation Commission report.

C. The Special Court for Sierra Leone

39. The Special Court completed the appeal in the case of the Civil Defence Forces (CDF) members who were convicted and sentenced to six years and eight years respectively for war crimes, crimes against humanity and violations of article 3 common to the Geneva Conventions. The Appeal Chamber increased the sentences to 15 and 20 years respectively. The trial of the leading members of the Armed Forces Revolutionary Council (AFRC) was completed. The ground-breaking judgement in this trial, which was completed on 22 February 2008, resulted in the first conviction under international criminal law for the recruitment and use of child soldiers. Furthermore, the ruling that forced marriage is a crime against humanity was a welcome development in international jurisprudence. Final arguments of the Revolutionary United Front (RUF) trial involving Issa Hassan Sesay, Moses Kallon and Augustine Gbao were concluded on 24 June 2008 and a judgement was expected in December 2008.

40. The Special Court for Sierra Leone is being slowly downsized as it has completed all but two cases. In addition to its remaining caseload, the Court is actively engaged in transfer of knowledge to local partners and archiving of jurisprudence for various purposes. A legacy working group consisting of the representatives of Government, civil society, United Nations agencies and international NGOs has been established to identify the areas of transfer of knowledge and implement capacity-building activities. In this context it is envisaged that the courts, prisons, prosecution service and civil society organizations will benefit from the experience of the Special Court.

41. The trial of Charles Taylor, former President of Liberia, is in progress at The Hague and Trial Chamber II of the Special Court for Sierra Leone has completed the hearing of more than 80 prosecution witnesses. Charles Taylor was indicted in 2003 on 17 counts for crimes against humanity, violations of article 3 common to the Geneva Conventions and other serious violations of international humanitarian law.

III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS

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

42. The mandate of the Human Rights and Rule of Law Section of UNIOSIL and its successor mission, UNIPSIL, is the following: (a) providing assistance to national commissions and institutions for the promotion of good governance and human rights, including the development of a national plan of action for human rights; (b) monitoring and promoting human rights, democratic institutions and the rule of law; and (c) supporting the review of the 1991 Constitution and the enactment of relevant legislation.

43. At the beginning of 2008, the UNIOSIL Human Rights and Rule of Law Section was composed of 25 staff, including 6 international, 5 United Nations volunteers, and 14 national staff. In addition, OHCHR provided 10 national staff posts to facilitate national coverage of Section activities. Staff strength was reduced by 20 per cent in March 2008 consistent with Security Council resolution 1829 (2008). Further reductions in staffing took place upon the termination of the UNIOSIL mandate in September 2008. By the end of 2008, the Human Rights and Rule of Law Section had 3 international and 12 national staff, 10 of whom were supported under the OHCHR budget. OHCHR allocated US\$ 326,000 in its biannual budget (2007-2008) to facilitate the implementation of Section activities.

B. Activities of the Human Rights and Rule of Law Section

1. Capacity building

44. In the area of greater country engagement, the Section focused on building national capacity for the promotion and protection of human rights and for the realization of rights. Significant achievements in this regard included the operationalization of the Human Rights Commission of Sierra Leone, and building its capacity for the effective implementation of its statutory mandate. The Section conducted a broad range of activities including capacity-building, policy advice, joint programming and the provision of material support. Technical support and advisory services were provided for the implementation of the US\$ 1.5 million capacity-building of the Commission under the Peacebuilding Fund, and towards the formulation of the Commission's five-year strategic action plan.

45. The Section conducted capacity-building programmes in the area of human rights, democracy and the rule of law for civil society organizations, traditional leaders, religious organizations, and the Government and its institutions, including local district councils. It organized training programmes on human rights monitoring, investigation and reporting for the district Human Rights Committees, an umbrella grouping of local NGOs, benefiting over 750 human rights activists. Joint monitoring of the human rights situation in the regions and joint training and sensitization programmes on human rights were also conducted with the Committees as a way of building their capacity. In 2008, in collaboration with the Committees in Kenema and Kailahun, the Section organized 16 training programmes benefitting over 800 pupils in 16 secondary schools.

46. Significant work was done in the area of human rights education for secondary schools. In August 2008, the Section, jointly with the Ministry of Education, organized a national consultative forum on the integration of human rights in the curriculum of secondary schools. The forum concluded that human rights education should not only be incorporated into the existing curriculum of junior and secondary schools, but should also be made mandatory for all schools. The forum also identified the subjects in which human rights should be integrated. The United Nations remains engaged in this process.
47. As part of the year-long advocacy on the Universal Declaration of Human Rights, launched by the Secretary-General, the United Nations conducted several activities including radio programmes, nationwide sensitization workshops in communities and in schools, erection of billboards depicting the various articles of the Declaration, distribution of promotional materials (calendars, folders, stickers, etc.). Sensitization on the Declaration was also conducted in 12 prisons.
48. In the justice sector, in addition to regularly monitoring the activities of the police, prisons and the courts, the Human Rights and Rule of Law Section collaborated with key partners to build the capacity of the justice sector institutions, improve justice delivery, and enhance judicial independence. UNIOSIL completed a draft handbook on human rights and the independence of the judiciary, to serve as a guide to human rights in the administration of justice for judges and magistrates. UNIOSIL provided technical support and advisory services in furtherance of the implementation of the justice sector capacity-building project, which received a US\$ 3 million grant under the Peacebuilding Fund, and staff members served on the steering committee of the project. For prisons, the United Nations provided technical and advisory services in developing the capacity-building project for the prisons which received US\$ 1.5 million support under the Peacebuilding Fund. UNIOSIL also computerized the data collection and documentation system at the Pademba Road Prison.
49. The Human Rights and Rule of Law Section, in collaboration with UNDP, trained 100 police prosecutors and investigators on human rights in the administration of justice and on various aspects of the prosecutorial process. A manual on relevant national and international standards on human rights in the administration of justice was compiled and distributed. In collaboration with the Office of the Director of Public Prosecutions in the Ministry of Justice, the Section also produced a manual for police prosecutors aimed at providing practical guidance in their day-to-day work. In collaboration with the Ministry of Social Welfare, Gender and Children's Affairs, the Justice Sector Development Programme, the Sierra Leone Police, the International Rescue Committee, Action Aid and Defence for Children International, a contribution was provided to the development of a training manual for the Family Support Unit (FSU) of the police for training FSU staff nationwide. In addition the Section trained 65 police officers selected for deployment in United Nations missions on various aspects of human rights, including women's rights and gender in peacekeeping.
50. The Section provided advisory services to the Constitutional Review Commission, and made a written submission in which it drew the attention of the Commission to the recommendations of the Truth and Reconciliation Commission on constitutional reform and also suggested recommendations on a number of provisions that require amendment to ensure conformity with international norms and standards.

2. Mainstreaming human rights

51. The Section succeeded in bringing together various stakeholders to consult on human rights issues. Through the efforts of the Section, the United Nations country team formally established a “human rights theme group” in a bid to foster the joint United Nations effort to strengthen protection and promotion of human rights in Sierra Leone.

52. The Section worked to develop a subregional approach to addressing the human rights challenges in the subregion consistent with the recommendations of the Secretary-General on inter-mission cooperation and cross-border activities (S/2005/135). Trafficking in human beings, the establishment of a database for human rights violations in each country, and increased information sharing have been identified as critical issues.

53. In collaboration with the Human Rights Commission of Sierra Leone, the Section commenced work on the formulation of a national plan of action for human rights which is ongoing. The Section also brought together various stakeholders and interlocutors to celebrate major United Nations days, including the 16 Days of Action against Domestic Violence, Child Rights Day and International Human Rights Day, as a way of facilitating recognition and respect for human rights. In addition, the Section continued to participate in the Justice Sector Coordination Group with a view to maximizing synergy through enhanced coordination among development partners in the justice sector.

3. Closer partnership: civil society and United Nations agencies

54. A number of initiatives were taken to strengthen the partnership with civil society organizations. Human rights organizations in the country were organized into human rights committees at the district level and trained on human rights principles. Four human rights committees in Bo, Kenema, Kailahun and Bonthe were assisted with resource centres and human rights publications. The Section also donated six motorcycles to the district human rights committees in Kailahun, Kono, Port Loko, Moyamba, Bonthe and Pujehun to facilitate their mobility in furtherance of human rights activities, including in particular monitoring and reporting in their respective districts. Two regional human rights and law reference libraries were also established in Bo and Kenema.

55. The Section implemented, together with UNDP, the fifth phase of the Assisting Communities Together (ACT) Project in Sierra Leone. The ACT Project provides financial support - through grants - to human rights activities carried out by local NGOs and other human rights actors in civil society. Eleven NGOs received support to carry out human rights activities in the area of human rights education.

56. Through the Action 2 programme, the Section strengthened the capacity of the United Nations agencies along with Government ministries, the Human Rights Commission of Sierra Leone and key civil society organizations through training on a human rights-based approach to enhance integration and mainstreaming of human rights in their operations.

4. Enhancing the cooperation of Sierra Leone with United Nations human rights treaty bodies

57. In order to encourage engagement by the national authorities with the work of the United Nations human rights treaty bodies, the Section worked closely with the Government to facilitate the ratification and domestication of international human rights instruments, and compliance with the country's reporting obligations under international treaties. A national strategy on treaty bodies reporting was adopted by the Cabinet, which is now being implemented by the Ministry of Foreign Affairs, with the Section providing advisory services and technical support. The Section secured the designation of 55 technical staff from the various ministries and agencies of the Government as "focal persons" on treaty bodies reporting and trained them on all substantive issues involved in the reporting process and report drafting. The Section also provided technical assistance to the drafting of the common core document for the treaty monitoring bodies. A secretariat is now being established in the Ministry of Foreign Affairs to support and coordinate the treaty body reporting process. It may be recalled that Sierra Leone is in default of its reporting obligations under at least four international treaties, in some cases as far back as 1973.

5. Human rights monitoring and reporting

58. In furtherance of its monitoring mandate and to ensure comprehensive coverage of the country, the Section, in addition to its headquarters office in Freetown, maintained four field offices: Bo field office to cover the Southern Province; Kenema field office to cover the Eastern Province; Makeni field office to cover the Northern Province; and Freetown field office to cover the Western Area and its environs. In addition to their valuable monitoring activities, these field presences engaged in capacity-building and advocacy, which included training of Government officials, civil society and traditional leaders on various human rights issues.

59. In 2008, the Section issued 250 daily reports, 50 weekly reports, and 11 monthly reports. These reports informed the United Nations system as to the human rights situation throughout the country and aimed to encourage and facilitate the taking of appropriate actions to address issues identified through interventions with key stakeholders. The Section also produced thematic reports on specific human rights issues including a monitoring report on sexual and gender-based violence (January-March 2008) and contributed to the regular periodic reports required under the UNIOSIL mandate.

C. Monitoring local government elections

60. The Section monitored the human rights aspects of the local government elections on 5 July 2008. Human rights and fundamental freedoms relevant to elections, including freedom of association, movement, expression, assembly, the right to vote, equality and non-discrimination were generally respected. Notwithstanding, as mentioned earlier there were reports of isolated incidents of interference in the exercise of these rights.

D. Monitoring of the courts, prisons and police

Courts

61. Regular monitoring revealed that the courts, established under the statutory laws, functioned normally in all districts, even though some sat infrequently due to the absence of magistrates. The local courts however, which function under the customary laws, could not function for nine months throughout the country pending the appointment of new chairmen which took place only in October 2008. Delays in trials were noted in most of the courts. On 11 June 2008, the High Court judge in Makeni publicly expressed in court his dissatisfaction with the slow processing of indictments. Lack of adequate prosecutors, overburdening of magistrates especially in Freetown where an average of 40-50 cases are handled every day, and legal practitioners taking more cases than they can conveniently handle, all account for the delays. Poor record-keeping systems in magistrate courts and the High Court also resulted in court files being misplaced or lost. In the absence of files, the cases are adjourned and trial prisoners suffer undue delay. A number of projects, funded by the Peacebuilding Fund, are under way to address these shortcomings.

Prisons

62. Based on monitoring of prisons the Section found that some progress was achieved. The supply of food items was more regular in most of the prisons compared to 2007. The problem of water supply was also resolved in most prisons through the construction of wells and connection with a pipe-borne water supply. Under the support of the Justice Sector Development Programme, a new prison was constructed in Kenema for female prisoners. In some of the prisons, such as in Port Loko and Bo, an income generation scheme was reactivated. The prisoners were engaged in soapmaking, weaving, and production of other small items.

63. On the other hand, medical facilities, including drugs and supplies, remained poor. In most centres, prisoners suffered from various skin diseases and no proper arrangements are in place for nursing mothers and their children. Sanitation remained poor in all prisons except for the newly built female prison in Kenema. There was either no supply or an inadequate supply of toiletries including soap, toothbrushes and sanitary items for women. Overcrowding remained a challenge in many of the prisons, with the Pademba Road Prison in Freetown the most overcrowded in the country. With a construction capacity of 314 prisoners it held about 1,100 prisoners at the end of 2008.

Remand homes

64. Conditions in the Freetown remand home have improved. Food supplies were standard and regular, and facilities to transport offenders to court have improved. Security concerns in the remand home have also been addressed, with the deployment of two additional police officers who also escort offenders to courts. However, the situation of the remand home in Bo has deteriorated. Food supply was inadequate and living conditions at the home remained poor at year end. In those provinces where there are no remand homes or approved schools for juvenile offenders, prison officers are obliged to accept juveniles in the prisons.

Police

65. It was noted that the police used force unnecessarily in a number of incidents, including the use of tear gas at Edwards Secondary School in Kingtom, Freetown, which left 15 students seriously injured, and at an incident at the State House when police severely brutalized 6 journalists and damaged their equipment. Although an investigation was conducted, no charges were made against the officers. The Government provided US\$ 6,200 compensation to the six journalists to close the matter.

66. According to the police Complaint, Discipline and Internal Investigation Department (CDIID), 56 police officers were dismissed for misuse of power and for committing serious crimes such as rape, larceny, and others, and files have been sent to the Ministry of Justice for possible prosecution.

67. Police detention facilities generally remained poor all over the country with inadequate supply of food, and poor living conditions including sanitation. In some of the detention facilities, juveniles were found together with adult suspects.

IV. CONCLUSIONS AND RECOMMENDATIONS

68. **Some progress was made in 2008 in the promotion and protection of human rights. Efforts to strengthen national capacity for the promotion and protection of human rights have been undertaken through the establishment and operationalization of the Human Rights Commission. Several projects undertaken with the support of the United Nations Peacebuilding Fund led to capacity development in the area of human rights, and particularly in the justice sector and youth empowerment. Notwithstanding these positive developments, there are still a number of challenges in the area of human rights and the rule of law which must be addressed in furtherance of the consolidation of peace. Critical among these are sexual and gender-based violence, legal and constitutional reform, and capacity-building of justice sector institutions and the Human Rights Commission.**

69. Accordingly, the High Commissioner strongly urges the Government of Sierra Leone to:

(a) **Complete the constitutional reform process in time as per the recommendations of the Lome Peace Agreement and the Truth and Reconciliation Commission recommendations;**

(b) **Develop a comprehensive strategy for the implementation of the outstanding Truth and Reconciliation Commission recommendations, and support the implementation of the reparations programme through the establishment of a trust fund for victims of the conflict;**

(c) **Provide adequate budgetary support for the Human Rights Commission and make timely disbursement of those allocations to enable the Commission to discharge its statutory function;**

(d) **Ratify and domesticate outstanding international human rights treaties and increase efforts to comply with the reporting obligations under these treaties;**

- (e) Repeal the Public Order Act (1965) so as to enhance press freedom;**
 - (f) Enact the draft sexual offences bill and the draft matrimonial bill to further protect women's rights and effectively address the increasing wave of gender-based violence;**
 - (g) Establish remand homes in each province so as to prevent juvenile offenders from being kept in prisons with adults;**
 - (h) Take effective measures to ensure that "task forces" established by political parties to assist with their electoral campaigns, are declared illegal and disbanded;**
 - (i) Develop a clear policy on land reform, to include the enactment of land reform legislation, and establishment of effective legal mechanisms for resolution of land disputes.**
- 70. The High Commissioner also urges all international partners to support the Government of Sierra Leone in addressing the human rights challenges that continue to pose threats to the consolidation of peace in the country.**
