



Republic of Sierra Leone

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Statement on the 9<sup>th</sup> International Meeting of Ministers of Justice  
“A World Without Death Penalty - No Justice Without Life”  
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JOSEPH FITZGERALD KAMARA, ESQ  
*ATTORNEY GENERAL AND MINISTER OF JUSTICE*

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Mr President, distinguished delegates, participants and observers, thank you for the opportunity to address this august body. It would interest you to note that having been appointed only seven weeks ago as Attorney General and Minister of Justice, I am sure you would agree with me that it is with humility that the opportunity is taken to showcase the strides our country, Sierra Leone, has made on the path towards the abolition of the death penalty in particular, and the promotion and protection of human rights in general.

Having been formerly a Deputy Prosecutor for the Special Court for Sierra Leone, and my most recent job as head of the Anti-Corruption Commission in Sierra Leone, I feel belonged to a natural territory for the defence of human rights.

I bring you greetings and good wishes from His Excellency Dr Ernest Bai Koroma, the Government and people of Sierra Leone for your dedication and commitment to the course of human rights the world over. Let me also thank, the Government and people of Italy, for the generosity in hosting this Conference. Additionally, I wish to express my appreciation for the unique and excellent Italian hospitality that we have received since our arrival in this beautiful and historic city of Rome.

Mr President, distinguished delegates, I am happy to report that Sierra Leone, successfully completed its Universal Periodic Review submission before the Human Rights Council, in Geneva, Switzerland, three weeks ago, and recommendations made thereto, taken on advisement.

Additionally, as a fully-fledged member of the African Commission on Human and People’s Right, Sierra Leone also undertook its review under the African Charter on Human and Peoples Right in November 2015 in Banjul, The Gambia. We have also complied with our reporting obligations under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention against Torture (CAT).

Mr President, by way of context, permit me to draw attention to the more than difficult and troubled recent past of Sierra Leone. The country endured an eleven years civil war, during which the most egregious violations of human rights and international humanitarian law occurred. The war ended in 2002 and with the collaboration of the international community, two transitional justice bodies were created; the Special Court for Sierra Leone and the Truth and Reconciliation Commission (TRC). The former aimed at punishing persons who bore “greatest responsibility” for the violations of human rights and international humanitarian law, whilst the latter was tasked with collating a historical record of the conflict and to make recommendations with a view to avoiding recurrence. Both institutions demonstrated Sierra Leone’s resolve to ending impunity at any and at all levels.

In 2004, a report by the Sierra Leone Truth and Reconciliation Commission made the abolition of the death penalty one of its key recommendations. It called for the repeal of laws authorizing the death penalty, a moratorium on all executions, and the commutation of all pending death sentences.

As a country, we are pleased to report that in almost 20 years, there has been no execution in Sierra Leone, and since 2012, there are no prisoners on death row. A man was sentenced to death in 2013 (the first death sentence since 2011) and was the only person under sentence of death until recently. In May 2014, the death sentences of the country's last death row prisoner had been commuted to life imprisonment.

Crimes punishable by death in Sierra Leone include Murder, Robbery with Aggravation and Treason. On the issue of offenders excluded from the death penalty; Sierra Leone Criminal Procedure stipulates that those who had not attained the age of 18 at the time of the crime may not be sentenced to death.

It is also worthy to note, that Sierra Leone is party to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child, which prohibit executions of juvenile offenders.

The Criminal Procedure further provides that "if there be reasonable cause for believing" that a woman convicted of a death-eligible crime is pregnant, she shall receive life imprisonment instead of the death penalty.

In the case of the mentally ill, the law provides that proceedings on the case shall be postponed if the accused or the defendant is of "unsound mind" and "incapable of making his defence." However, if the accused is of "sound mind" during the preliminary investigation, the court shall proceed with the case, notwithstanding that it is alleged that the accused was incapable of knowing the nature of the offense due to the "unsoundness of mind."

Our Government continues to implement the recommendations of the TRC including reparations. Furthermore, Sierra Leone has since the end of the war conducted some five democratic local and national government elections and democracy continues to take firm root in governance.

His Excellency, Dr. Ernest Bai Koroma, since coming to office in 2007 initiated two inclusive and rights-based development programmes: the Agenda for Change and the Agenda for Prosperity. Both programmes are informed and fully embrace the political, economic, social and cultural rights guaranteed under the Universal Declaration of Human Rights.

Implementation was moving apace until the Ebola Virus Disease (EVD) disastrously struck the country in the early part of 2014. Double GDP growth and improvement in governance for instance the Corruption Perception Index from ranking of 175 out of 177 countries in 2010 to that of 119 out of 177 countries in 2015, portending opportunities for the improvements of lives and dignity of the people of Sierra Leone.

The unexpected calamity of the Ebola Virus Disease that occurred in the three affected countries of the Mano River Union (MRU), wreaked total havoc on the lives of our people and our economy. National life was brought to a standstill as fear and uncertainty became the norm. There was indeed a clear threat to the national cohesion and security of our nation.

As a consequence, the President, in early July, 2014, as empowered by the Constitution declared a national *State of Emergency*. This step entailed the curtailment of certain rights and civil liberties, particularly the right to free movement, assembly and the enjoyment of social and cultural rights and practices.

However, as to the extent of enforcement, the *State of Emergency* was at all times limited to what was strictly necessary for the achievement of an early end to EVD. The derogation was subsequently brought to the attention of the UN Human Rights Council during the mid-term UPR engagement with Sierra Leone. I am to also inform this august body that the emergency regulations were progressively relaxed proportionately to the waning of the EVD and now completely removed.

Nevertheless, Sierra Leone continues to enjoy high level of political stability, increased space for political participation, expanded opportunities for civil and political rights, empowerment of women and high levels of political and religious tolerance.

Mr President, distinguished delegates, Sierra Leone is undertaking a review of its constitution. The Constitutional Review Committee enjoys the full support of Government of Sierra Leone. Government and its partners continue to provide the necessary resources to allow the CRC to complete its work. However, the constitutional review process stalled during the period that the EVD struck Sierra Leone in 2014.

Fortunately, the Review Committee resumed work last year and is scheduled to submit its report in March 2016 with a referendum to be held subsequently this year. The review will provide significant opportunities for the advancement of human rights and to bring Sierra Leone's basic law in line with international human rights standard. That is why the Constitutional Review Committee is presently considering among others issues the abolition of the death penalty, citizenship, libel laws, press freedom, gender discrimination, and equal opportunities.

Sierra Leone continues to give the highest consideration to international human rights standards. In this regard, Sierra Leone has signed all nine major international treaties and ratified five.

In 2014, I am pleased to report that Sierra Leone domesticated the International Humanitarian Law into the Geneva Conventions Act, 2014. Our Government maintains a robust access to justice, legal reform and human rights promotion agenda. During the period under review, Sierra Leone has undertaken a number of policy initiatives aimed at improving access to justice and human rights. Foremost amongst these are:

- Increased support and autonomy of the Human Rights Commission that enjoys a 'class A' status accreditation according to the Paris Principles;
- We continue to strengthen the Office of Ombudsman;
- We established the Justice Sector Coordination Office with a mandate to improve strategic coordination for enhanced justice delivery to our citizens;
- We have established the Legal Aid Board and within six months of coming into operations has delivered legal aid services to over 500 citizens with over 100 discharged from remand;
- To improve accountability and civilian oversight, Sierra Leone established the Independent Police Complaints Board;
- To improve police capacity in handling domestic and Sexual and Gender Based Violence related matters, Sierra Leone, established Family Support Units in all Police Stations in the country;
- The establishment of a Children's Commission to enhance the implementation of the Child Rights Act 2007 which domesticates the Convention on the Rights of the Child;
- To set the stage for improving our detention facilities, Sierra Leone promulgated the Correctional Services Act, 2013 with a strategic aim of transforming our prison system from punitive to rehabilitation;
- To improve Judicial independence, I am pleased to also note that Sierra Leone has not only increased funding to our Judiciary and Law Officers Department, but has in the last two weeks approved a new improved salary scheme as part of wider measures to further improve the conditions of service of our Judicial and Law Officers. We believe this is the first step in improving responsiveness, accountability, transparency but most importantly in dealing with the perennial problems of backlog that have historically contributed to eroding public confidence in our justice delivery system.
- We are also reviewing our Criminal Procedure to inject a dose speed, efficiency, transparency and accountability in our criminal justice system with opportunities to transform also our sentencing regime; introduce alternative forms of sentencing that could contribute to decongesting our detention facilities. The Criminal Procedure Bill, which was submitted to Parliament in late 2015, is now scheduled in the current legislative calendar of Parliament for due consideration and passage, with the death penalty as a key feature.

Mr President, Sierra Leone takes its human rights obligations seriously and is determined to expand the boundaries of freedom, justice and human rights in an orderly and constitutional fashion with the aim of strengthening its fledgling democracy.

It is in this regard that Sierra Leone enacted the Right to Access Information, 2013 and subsequently established the Right to Access Information Commission. This is germane and consistent with Sierra Leone's continued commitment to uphold and enhance freedom of expression by allowing increased autonomy of the Independent Media Commission to regulate the media.

Mr President, distinguished delegates, Sierra Leone continues to work harder in improving the status and rights of women and children others in our society. In this regard, Sierra Leone enacted the Sexual Violence Act 2012 and together with promulgation and implementation of the three Gender Acts (the Registration of Customary Marriage and Divorce Act, the Devolution of Estates Act and the Domestic Violence Act) has significantly helped in the protection of women's rights.

Cases of domestic violence and rape are vigorously prosecuted albeit with attendant challenges. My Ministry in particular is aware of some of these challenges especially in the area of witness and evidence management, and cultural impediments. We will continue to work with key development partners to improve the quality of investigations and prosecutions.

Mr. President, in addition, Sierra Leone takes seriously its obligation to protect the child, an area that some member states have also requested further clarification. Sierra Leone is currently pursuing a robust child protection regime with the establishment of a Children's Commission, which is vigorously pursuing the elimination of child abuse, corporal punishment and child trafficking among others, under the Government's Child Welfare Policy. To complement and ensure similar standards in rural areas for children, Child Protection Departments have been established in all Local Councils. A Child Justice Strategy is currently being implemented with steps taken to separate juveniles from adults in detention centers.

Finally, Mr President, and distinguished delegates, let me reiterate the full commitment of Sierra Leone to the Universal Periodic Review mechanism and to assure the Council that Sierra Leone will at all times endeavour to uphold its obligations under the Charter.

I thank you for your kind attention.