



# THE STATE OF HUMAN RIGHTS IN SIERRA LEONE 2012



## ANNUAL REPORT OF THE HUMAN RIGHTS COMMISSION OF SIERRA LEONE



## The State of Human Rights in Sierra Leone - 2012



The State of Human Rights in Sierra Leone 2012  
6th Annual Report of the Human Rights Commission of Sierra Leone  
Presented to The President and Parliament of  
The Republic of Sierra Leone  
Pursuant to Section 24 (1) of  
The Human Rights Commission of Sierra Leone Act (Act No. 9) 2004





INTERNATIONAL  
COORDINATING  
COMMITTEE

COMITÉ  
INTERNACIONAL  
COORDINACIÓN

COMITÉ  
INTERNATIONAL  
COORDINATION

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التنسيق  
الدولية

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Human Rights  
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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a obtenu l'accréditation de statut 'A' de 2011 à 2016 conformément aux Principes de Paris.

تم منحه / منحها بموجب مبادئ باريس اعتماد الفئة 'أ' من ٢٠١١ إلى ٢٠١٦.

ROSSLYN NOONAN

Chair  
International Coordinating Committee of National Institutions  
for the Promotion and Protection of Human Rights

VLADLEN STEFANOV

Chief  
National Institutions and Regional Mechanisms Section  
Office of the High Commissioner for Human Rights



31<sup>st</sup> March, 2013

H.E. Dr. Ernest Bai Koroma  
President of the Republic of Sierra Leone  
State House  
Tower Hill  
Freetown.

Your Excellency,

I have the pleasure in submitting to you, as required under Section 24(1) of the Human Rights Commission of Sierra Leone Act (Act No. 9), 2004, the sixth annual report of the Human Rights Commission of Sierra Leone (HRCSL).

“The State of Human Rights in Sierra Leone” is a report of activities of the HRCSL covering the period 1<sup>st</sup> January to 31<sup>st</sup> December, 2012. As required by the Act, the report includes the ways in which the fundamental rights and freedoms in the 1991 Constitution and International and Regional Agreements to which Sierra Leone is a party, have been observed or violated. It also includes steps taken by HRCSL to promote and protect human rights: the results of individual complaints investigated, and the interventions and recommendations made by HRCSL in respect of matters brought before it.

HRCSL respectfully calls on the Executive, the Legislature, the Judiciary and all other state bodies to take necessary actions toward implementation of the recommendations in this report and all outstanding recommendations in its previous reports.

The HRCSL strongly believes that the protection and promotion of human rights, good governance and the consolidation of peace are prerequisites for sustained democracy and development in Sierra Leone.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read 'Moses Khanu', is written over a series of dotted lines.

Rev Moses Khanu  
Chairperson



## The State of Human Rights in Sierra Leone - 2012

*31<sup>st</sup> March, 2013*

Honourable Speaker  
Parliament Building  
Tower Hill  
Freetown

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Yours Faithfully,

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Rev Moses Khanu  
Chairperson



### List of Abbreviations

ACHPR	Africa Charter on Human and Peoples Rights
AML	African Minerals Ltd
APPYA	All Political Parties Youth Association
APRM	African Peer Review Mechanism
CBO	Community-Based Organisation
CCYA	Centre for the Coordination of Youth Activities
CDIID	Complaints, Discipline and Internal Investigation Department
COJA	Coalition of Justice and Reconciliation
CSOs	Civil Society Organisations
DHRCs	District Human Rights Committees
ECOWAS	Economic Community of West African States
EMBs	Elections Management Bodies
FBC	Fourah Bay College
FGC	Female Genital Cutting
FSU	Family Support Unit
GIZ	Gesellschaft für Internationale Zusammenarbeit
GoSL	Government of Sierra Leone
HRCSL	Human Rights Commission of Sierra Leone
HRDs	Human Rights Defenders
ICC	International Coordinating Committee
ICCPR	International Covenant on Civil and Political Rights
ICTJ	International Centre for Transitional Justice
ILO	International Labour Organisation
IMC	Independent Media Commission
JSCO	Justice Sector Coordinating Office
MAC-P	Military Aid to Civil Power
MCC	Millennium Challenge Corporation
MDAs	Ministries Departments and Agencies
MDGs	Millennium Development Goals
MFAIC	Ministry of Foreign Affairs and International Cooperation
MoD	Ministry of Defence
MLSS	Ministry of Labour and Social Security
MRU	Mano River Union
MSWGCA	Ministry of Social Welfare Gender and Children's Affairs



NaCSA	National Commission for Social Action
NCPDs	National Commission for Persons with Disabilities
NDI	National Democratic Institute
NEC	National Electoral Commission
NETHIPs	Network of HIV and AIDS Positives
NEW	National Elections Watch
NGOs	Non Governmental Organisations
OHCHR	Office of the High Commissioner for Human Rights
OSD	Operational Security Division
OSIWA	Open Society Initiative for West Africa
OSI / IWP	Open Society Initiative/International Women's Programme
PBF	Peace Building Fund
PCMH	Princess Christian Maternity Hospital
PPRC	Political Parties Registration Commission
PWDs	Persons with Disabilities
RSLAF	Republic of Sierra Leone Armed Forces
SOCFIN	Societe Financiere Des Caoutchoucs
SALWACO	Sierra Leone Water Company
SCSL	Special Court for Sierra Leone
SGBV	Sexual and Gender Based Violence
SLAJ	Sierra Leone Association of Journalists
SLBC	Sierra Leone Broadcasting Corporation
SLP	Sierra Leone Police
SLPP	Sierra Leone Peoples' Party
SOHR	State of Human Rights
SP	Strategic Plan
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNIFEM	United Nations Fund for Women
UNFPA	United Nations Population Fund
UNIPSIL	United Nations Integrated Peace-Building Office in Sierra Leone
UPR	Universal Periodic Review





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## Executive Summary

In compliance with Sections 24(1) and 7(g) of the Human Rights Commission Act No. 9 of 2004, which mandates HRCSL to publish an annual report on State of Human Rights in Sierra Leone, the Commission publishes its sixth annual 'State of Human Rights in Sierra Leone' (SOHR) Report.

The SOHR Report for the year 2012 is subdivided into four parts. Part 1 contains the historical background of Sierra Leone, including the 10 years civil war and the events that led to the establishment of HRCSL, its Mandate, Vision, Mission and Core Values.

Part 2 outlines the activities undertaken by the Commission some of which include the Induction Training for Commissioners and other capacity enhancement trainings received by Commissioners and staff during the year. It also includes information on staff promotions and transfers, the Development of the Strategic Plan for 2012-2014, the Dissemination of the 2011 'State of Human Rights in Sierra Leone' Report, and HRCSL's interactions with key strategic partners. The Commission's activities in relation to the 2012 polls which included training, dialogue and monitoring are mentioned therein.

The role of the Commission's Library and Documentation Centres in deepening the knowledge of Commissioners, staff and interested members of the public in human rights; the interactions with the media (both print and electronic), as well as the social media; the support role the Commission continues to play to ensure the TRC recommendations get fully implemented (even though its role as the TRC follow-up committee is yet to be formalized) are also mentioned.

This section also gives details of the complaints processed by the Commission, of which statistics reveal a huge difference between the number of complaints lodged in the Western Area and the aggregated complaints lodged in the regions. The holding of the First Public Inquiry (Bumbuna Inquiry) and the follow-up Round Table Meeting, the implementation by government of the recommendations of the Public Hearing in the Blamo Jesse Jackson and 235 ex-service men complaints were key achievements of the Commission in the year under review.

The leadership role played by the Commission in ensuring that the African Human Rights Day and the International Human Rights Day (IHRD) were commemorated concludes this section.



Part 3 catalogues the general 'State of Human Rights in Sierra Leone': stating how aspects of the Civil and Political and Economic Social and Cultural Rights were observed, respected fulfilled or violated by the government, through its Ministries, Departments and Agencies.

Human rights in the administration and dispensation of justice, conditions in prisons and other places of detention, the incidents of the loss of the lives of citizens in Bumbuna, Freetown and Kono during interventions by the Sierra Leone Police, are duly reported.

Key human rights challenges in the extractive industry which include the challenges in complying with the “Protect, Respect and Remedy” Framework provided in the UN Guiding Principles on Business and Human Rights are highlighted. The problems of accessing clean and safe drinking water in communities, the challenges in the introduction of the 6-3-4-4 system of education and some of the obstacles to the effective implementation of the Free Health Care Policy are explained. It also brings to the fore issues affecting Women and Children's Rights, citing enabling legislation and policies to address them. The issues facing Persons with Disabilities (PWDs) and individuals in other marginalized groups are discussed in detail. Events, activities in the furtherance of human rights such as Sierra Leone's membership on the United Nations Human Rights Council, the submission by government of two treaty body reports, the implementation of the recommendations of the African Peer Review Mechanism (APRM) and Truth and Reconciliation Commission (TRC), and the situation of Human Rights Defenders are reported.

### **Key Challenges and Recommendations**

Accessing justice for majority of Sierra Leoneans remains a challenge. Whilst this is the case generally, it becomes acute when individuals in marginalized groups come in conflict with the law. The over-detention of persons on remand, delayed trials and series of adjournments, which result in the overcrowding of detention facilities, continue to be a cause for concern to the Commission.

The Commission is also concerned about the Local Courts which continue to levy heavy fines and deny women their right to a fair hearing. Equally of concern is the fact that there are no remand homes in many districts and juveniles continue to be detained with adults in police cells, in contravention of international conventions and protocols to which Sierra Leone is a signatory.

The excessive use of force by personnel of the Sierra Leone Police (SLP) in the execution of their duties which resulted in loss of lives in Bumbuna, Freetown and Kono amongst others is particularly worrisome and of utmost concern to the Commission. These are serious



violations of the right to life and the Commission therefore implores the SLP to adhere to human rights based policing principles in the dispensation of their duty. HRCSL urges the SLP to invoke stricter disciplinary measures and calls for the speedy establishment of the Independent Police Complaints Board.

HRCSL acknowledges the increased political will to move the Freedom of Information and Gender Equality Bills forward and urges government and the legislature to do more as Freedom of Information and increased space for women to participate in political and decision making processes are basic democratic and human rights tenets. Similarly, the Commission appreciates the establishment of a National Commission for Persons with Disabilities, and encourages government to ensure its full operations.

The Commission further acknowledges government's efforts in trying to implement the TRC, UPR and APRM recommendations, and calls on the government to speed up the Constitutional Review process that will culminate in the review of the 1991 Constitution.

At the institutional level, accessing adequate resources to effectively carry out its broad mandate and maintain its “A” status accreditation continues to be a serious challenge for the Commission. The Commission acknowledges GoSL's support and draws its attention to the fact that it has an obligation under the Paris Principles to adequately resource and fully support its NHRI.

The Commission is poised to increase its service delivery at the regional and community levels and wishes to expand its overall programming to marginalized communities, for which appreciable levels of human and capital resources are required.

Staying true to its commitment to support government in fulfilling its Treaty Body Reporting obligations, the Commission, first acknowledges government for submitting its reports to the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) and urges it to redouble its efforts in submitting all outstanding reports including the finalized report on African Charter on Human and Peoples' Rights to the African Commission on Human and Peoples Rights.

HRCSL congratulates GoSL on the election of Sierra Leone to the Human Rights Council and urges it to continue to do more as the duty bearer, in the promotion and protection of Human Rights.

Finally, HRCSL strongly recommends that GoSL, through its various ministries and agencies, implements the recommendations that have been proffered in this and previous editions of its annual reports.





Rev. Moses B. Khanu

### Chairperson's Foreword

It is a pleasure to present to you the 6<sup>th</sup> edition of '*The State of Human Rights in Sierra Leone*' Report, the first to be published under my leadership as Chairperson.

The year 2012, like the previous, was also demanding as well as promising. A number of successes were registered which included institutional capacity strengthening, staff development and strategic programming. Deserving staff were promoted and/or reposted. Let me take this opportunity to congratulate them for their commitment.

The major institutional challenge was inadequate funding and logistical support from Government. The late payment of subventions also impacted on the prompt delivery of services. We are however grateful to our partners especially, Irish Aid, and UNFPA for their cooperation and support during the year.

In spite of the challenges, the Commission successfully conducted a Public Inquiry into alleged gross human rights violations in the mining town of Bumbuna in Tonkolili District, in relation to the events of 16<sup>th</sup> -18<sup>th</sup> June, and made recommendations to various parties involved in the incident. It is however concerned that most of its key recommendations and directives following the Bumbuna Inquiry are yet to be implemented or adhered to by the various parties.

The Commission appreciates the public apology by the Sierra Leone Police to the people of Bumbuna and is pleased that its decision in respect of its 2011 Public Hearing into complaints of discrimination and unfair treatment by 235 ex-servicemen of the Republic of Sierra Leone Armed Forces were being addressed by the Government.

The strike action by workers of OCTEA, formerly Koidu Holdings Ltd. in the Kono District, the reports of land grabbing by SOCFIN Agricultural Company Sierra Leone Ltd. (SAC), and an alleged case of disappearance in Bombali District towards the end of the year, were of concern to the Commission.

The Commission was seriously concerned about the excesses of the SLP, the use of hate, obscene and provocative messages and songs during the elections as well as the low number of women and absence of persons with disabilities in Parliament.



Although it was able to submit two treaty body reports and has made some significant progress in its observance of human rights, Sierra Leone continues to face challenges in international treaty body reporting and in meeting other international human rights obligations, including the implementation of the UPR and APRM recommendations. Let me reiterate that as always, the Commission remains committed to providing the needed technical support to Government in that direction.

I hope that the Constitutional Review process, the establishment of the Sierra Leone Peace Museum, the TRC Follow up Committee and the full implementation of the remaining TRC and UPR recommendations will be expedited in 2013. Government is also urged to fully implement the recommendations contained in this report, some of which were outstanding from previous SOHR Reports.

In closing, I wish to express sincere thanks to former Commissioners: Edward J. Sam, Yasmin Jusu-Sheriff and Joseph Stanley, for their invaluable and devoted services to the Commission and wish them well in their future endeavours.

I also welcome the three new incoming ones: Commissioners; Bryma V.S. Kebbie, Daphne Olu-Williams and Brima A. Sheriff and look forward to a cordial working relationship with them, as well as all members of staff of the Commission.

I also look forward to a renewed commitment by all, to the promotion and protection of the human rights of all in Sierra Leone.

I thank you.

.....  
Rev Moses Khanu  
Chairperson



*Francess P. Alghali (Mrs.)*

### Executive Secretary's Review

The Commission improved on its approach in the promotion and protection of human rights of all in Sierra Leone in the year under review. Drawing inspiration from our past accomplishments, we continue to serve as a dynamic human rights institution, anticipating emerging issues and providing appropriate responses.

Although the Commission operated from January to July with only two Commissioners and the support of the Secretariat, nonetheless it was able to fulfill its statutory mandate which included the production of the annual State of Human Rights Report and the handling of complaints.

The Commission conducted its first Public Inquiry into Alleged Human Rights Violations that took place in Bumbuna, Northern Sierra Leone on 16<sup>th</sup> and 17<sup>th</sup> April, 2012. This was followed by a Round Table discussion with all relevant parties, on the recommendations of the inquiry. The Commission also mediated a complaint involving the Freetown Metropolitan Police.

In collaboration with partners and with support from the Government of Sierra Leone, the 2012 electoral process was monitored to ensure that the elections were conducted in an atmosphere where there was observance of basic human rights.

To improve on service delivery and make room for upward mobility and career advancement of staff, a review of the organizational structure was done and some staff members were promoted whilst others were transferred to the regions and directorates. Additionally, we finalised the new three year Strategic Plan (2012 -2014) which will serve as a road map for the Commission's activities. The Commission also participated in capacity building programmes for Commissioners and staff both locally and internationally.

We were able to attend the Annual Meetings of ICC of National Human Rights Institutions (NHRIs), the African Network of National Human Rights Institutions, the ECOWAS Network of National Human Rights Institutions, and the African Commission on Human and Peoples Rights. The Commission was also represented at the 2<sup>nd</sup> Global Conference on Women's Shelters and was elected to serve as a member of the African Network of Women's Shelter's Steering Committee. Attendance at these meetings provided avenues for the Commission to share experiences, dialogue on thematic human rights issues of major international importance and foster partnerships with human rights bodies and other NHRIs.

In May 2012, the Commission suffered a major set-back due to the fire disaster which completely destroyed its Eastern Regional Office in Kenema, resulting in the loss of equipment and other valuable property. We wish to extend thanks and appreciation to UNIPSIL (Kenema Regional Office), which temporarily hosted the Eastern Regional Office. We also commend the Irish



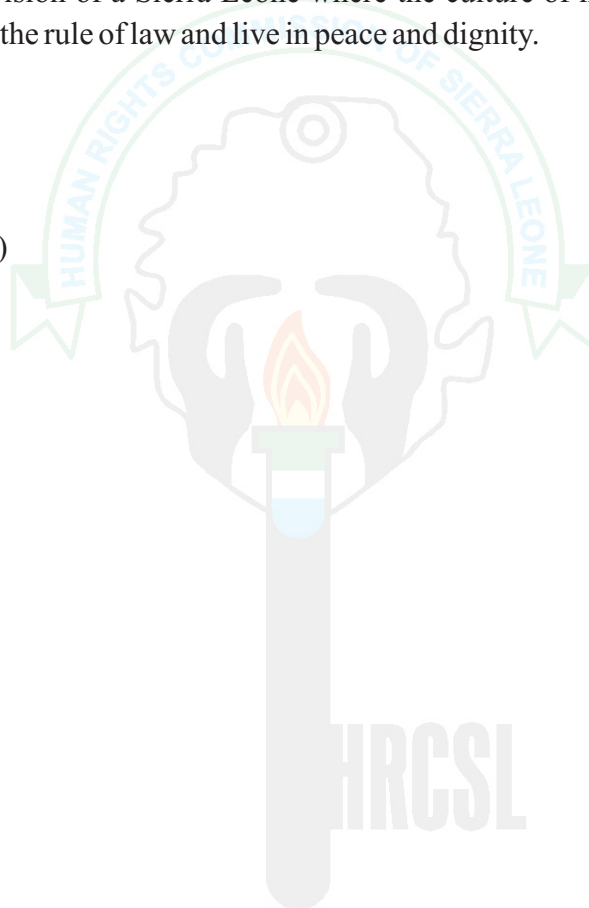
## The State of Human Rights in Sierra Leone - 2012

Embassy for the support through the IHRC/HRCSL Capacity Development project that enabled us secure new rented accommodation to relocate the office.

In August, the Commission was reconstituted by the Government of Sierra Leone with three new Commissioners coming in to bring it to its full complement of five Commissioners. We are confident that the in-coming Commissioners with the wealth of experience in their various areas of expertise would bring added value and impetus to the work of the Commission. We also extend grateful thanks and appreciation to the three out-gone Commissioners - Commissioner Edward Sam, Commissioner Yasmin Jusu-Sheriff and Commissioner Joseph Stanley for their pioneering work which in no small way contributed to make the Commission the stable, strong and vibrant institution it is today. We wish them well in their continued endeavours.

As a Commission, we believe in the difference that we are making and we are proud to be leading the way to achieve our vision of a Sierra Leone where the culture of human rights prevails, and where its citizens respect the rule of law and live in peace and dignity.

.....  
Frances P. Alghali (Mrs.)  
Executive Secretary



## COMMISSIONERS

### Rev. Moses B. Khanu - Chairperson

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**R**ev. Moses B. Khanu is serving his second term in the Commission. He is a cleric of the Baptist Convention and holds a Master of Theology (M. Th.) degree from Fourah Bay College, University of Sierra Leone and a Master of Education (M.Ed) degree in Guidance and Counseling, Njala University, Sierra Leone. He also holds Post Graduate Diplomas from the Academy of Missions, Hamburg, Germany and the Ecumenical Institute, Geneva.

The illustrious career of Commissioner Khanu which spans over 36 years, has taken him to the Presidency of both the Council of Churches in Sierra Leone (CCSL) (1992-1999) the Evangelical Fellowship of Sierra Leone (EFSL) (2002-2005), the General Secretary of the Baptist Convention in Sierra Leone (1991-1999) and Co-Chairman of the Inter-Religious Council of Sierra Leone (1997-1999). His expertise include skills in mediation, having participated in the Lomé Peace negotiations that ended the decade-long civil war in Sierra Leone, and an in-depth knowledge of the diverse religions in Sierra Leone, which are required capacities to foster reconciliation, inter-faith dialogue and co-operation.

### Jamesina E.L. King – Vice Chairperson

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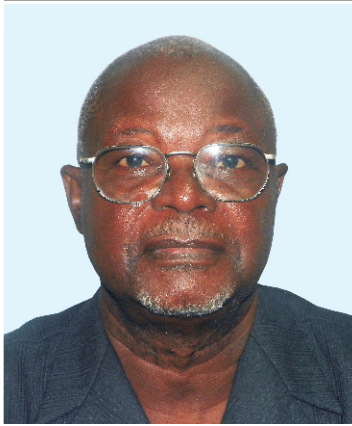


**J**amesina E.L. King is a lawyer with a post graduate degree from Georgetown University Law Centre, Washington D.C. and a certificate in “Implementing Human Rights Conventions” from University of Nottingham Human Rights Law Centre, U.K. She is a Leadership Advocacy for Women in Africa (LAWA) Fellow and past President of Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS) - an organization of female lawyers in Sierra Leone dedicated to enhancing women's access to justice. She

was the first Chairperson of HRCSL, and served in that capacity for two years. She is serving her second term in the Commission. Prior to her service in the Commission, she worked as a private legal practitioner in a law firm in Freetown (1994-2006). She is a strong advocate on women's empowerment, peace, security and gender equality.



## Bryma V. S. Kebbie



**B**ryma V. S. Kebbie holds a B.A (Econ.) degree of Durham University (1968). He was Assistant Manager in the United Africa Company (SL) Ltd (1968-1970) and an Auditor in the Sierra Leone Audit Department (1970-1979). He was called to the Bar by the Honourable Society of Gray's Inn in July, 1982, after which he entered into private legal practice in Sierra Leone until he was appointed Deputy Foreign Minister (1996-1998) and later transferred to the Ministry of Justice as Deputy Minister (1998-1999).

He further took up appointment as Director of Public Prosecution – DPP (1999-2010). He was also the Consultant DPP in the Commonwealth of Dominica under the auspices of the Commonwealth Secretariat in London (2005-2007). He has served in several other capacities, including being a member of the College Council of Bunumbu Teachers' College, Sierra Leone (1993-1996) and the Management Committee of the Kenema Town Council (1995-1998). Until his appointment as a Commissioner in July 2012, he was a private legal practitioner. He currently oversees the Directorate of Complaints, Investigations and Legal Service.



## Daphne A. O. Olu-Williams

**D**aphne A. O. Olu-Williams is an experienced Trainer/Facilitator and a committed and dedicated Gender Activist. She holds a B.Sc in Economics and Social Sciences and a post-graduate Diploma in Education, from the University of Sierra Leone. She has participated in several trainings in Leadership and Advocacy. Until her appointment as Commissioner in July 2012, she worked as an independent Consultant on Gender and Development issues. She is founder of

the African Kind Hearts Organisation (AKHO), a community-based organisation which aims at empowering women and girls in rural communities. In her capacity as Coordinator of AKHO, she served as board member in various local and international human rights institutions and women's rights advocacy networks. She served as Electoral Commissioner at the National Electoral Commission – NEC (2006-2008) supervising the Western Region

and acted as Chairperson on several occasions. She also served as Chairperson of the West African Civil Society Forum (WACSOFF) Sierra Leone (2005), National General Secretary, Young Women's Christian Association (2001-2003), and Youth Supervisor - SOS Children's Village (1998-1999). She is also a motivational speaker and writer. She currently oversees the Directorate of Education, Communication and Training.



### **Brima A. Sheriff – Commissioner**

**B**rima A. Sheriff holds a Master of Arts degree in Peace and Development Studies from Njala University, Sierra Leone and a B.Sc. in Agricultural Education from the same institution. He is a seasoned Human Rights Activist with over eight years experience working in local and international contexts at the middle and senior management levels.

He possesses extensive experience in monitoring and documenting human rights, strategic planning and campaigning. He also has expertise in Organizational Development and Change Management. He joins the Commission with a wealth of experience as a trainer, educator, film maker, theatre artist and facilitator. He had served as Campaigns and Growth Coordinator (2004 – 2006) and until his appointment in July 2012, he was Director of Amnesty International. He currently oversees the Directorate of Monitoring and Research.



## PART 1: Background and Historical Context

The Republic of Sierra Leone is located in West Africa, bordered to the north by the Republic of Guinea to the east by the Republic of Liberia and to the west by the Atlantic Ocean. It is a member state of the Mano River Union (MRU), Economic Community of West African States (ECOWAS), Organisation of Islamic Cooperation (OIC), African Caribbean and Pacific Group of States (ACPGS), the African Union (AU) and the United Nations (UN).

Sierra Leone is divided into four administrative regions namely, east, north, south and the Western Area. The Western Area is sub-divided into Western Urban and Western Rural, whilst the provinces comprising the three other regions, are sub-divided into twelve districts.

According to the report of the 2004 National Population Census, Sierra Leone has a population of 5,696,871 (with an annual growth rate of 1.8), which may have increased over the years. Sierra Leone comprises eighteen ethnic groups, each with its own language and custom. The Mendes (predominantly found in the South and East) and the Temnes (in the North), are the two largest ethnic groups in the country. English is the official language and Krio is spoken nationwide. Mende and Themne are also spoken widely.

The country is rich in mineral resources particularly diamond, iron ore, bauxite and rutile.

Sierra Leone enjoys a high level of religious tolerance and has two major religions, namely Christianity and Islam. There are also traditional religious practices and beliefs.

During the brutal civil war (1991-2002) which was characterized by massive destruction of lives and property and gross violation of human rights, an estimated 50,000 people were killed, and over one million were displaced. At the end of the war, there was clear justification to build a human rights culture in the country.

The Lomé Peace Agreement of 1999 and the recommendations in the 2004 Report of the Truth and Reconciliation Commission (TRC) led to the enactment of the Human Rights Commission of Sierra Leone Act (No.9 of 2004), which established the Commission. Its mandate is to protect and promote human rights throughout Sierra Leone. HRCSL became operational in December 2006 and is now an 'A' status accredited National Human Rights Institution that fulfills the standards set by the UN Paris Principles governing such institutions.



Sierra Leone was one of the 10 pilot countries to benefit from the UN Secretary General's Initiative to support the 2015 Millennium Development Goals (MDGs) commitment in Africa. It also improved its rating on the United States of America Millennium Challenge Corporation (MCC) scorecard by successfully reaching 12 indicators in 2012 and was therefore selected by the MCC Board as one of the partner countries for compact funding. It also increased its rating on the Transparency International's Corruption Index.

### 1.2 VISION, MISSION AND CORE VALUES

#### **Vision**

A Sierra Leone where a culture of human rights prevails and the people respect the rule of law and live in peace and dignity.

#### **Mission**

The Human Rights Commission of Sierra Leone exists to take the lead role in building a culture of human rights (including respect for individual responsibilities) which maintains human dignity for all in Sierra Leone in full compliance with the Constitution, laws, international and regional instruments through effective partnership and collaboration.

#### **Core Values**

As an Independent Human Rights Institution, HRCSL is committed to upholding these core values:

**Professionalism** encompassing discipline, competence, dependability, integrity, expertise, team spirit, tactfulness

**Service** with humility

**Independence** including fairness, objectivity, impartiality

**Inclusiveness** ensuring diversity

**Accessibility** covering empathy, tolerance, understanding

**Accountability** embracing honesty

**Collaboration**



### 1.3 Mandate

Section 7 of the Human Rights Commission Act of 2004 stipulates that the main objective for the establishment of HRCSL is to promote and protect human rights in Sierra Leone, and states the following as the functions of the Commission:

- Investigate or inquire into complaints of human rights violations.
- Promote respect for human rights through public awareness & education programmes.
- Publish guidelines, manuals & other materials explaining the human rights obligations of public officials in the protection of human rights.
- Cooperate with institutions including public interest bodies, Non Governmental Organisations (NGOs) and international organisations working in the field of human rights.
- Review existing legislation & advise the Government concerning their compliance with international obligations.
- Monitor draft legislation, policies, programmes and administrative practices to ensure human rights compliance.
- Advise and support Government in the preparation of reports under international human rights instruments or treaties.
- Monitor and document violations of human rights in Sierra Leone.
- Publish an annual report on the State of Human Rights in Sierra Leone.

### Independence

Section 14 of the Act guarantees the independence of the HRCSL and states that “except as otherwise provided in the Act, the Commission shall not be subject to the control or direction of any person or authority”.

### Jurisdiction

Under Sections 1 and 7 of the Act, HRCSL has the mandate to address all rights guaranteed by the Constitution, or embodied in all international agreements to which Sierra Leone is a party. However, Section 16 of the Act stipulates that *HRCSL cannot investigate any matter pending, or already decided by a court of competent jurisdiction or any human rights violation that occurred before 26th August 2004.*

### Relationship with the Courts

HRCSL is not a substitute for the courts. It can refer to the High Court for contempt any person who refuses, without justifiable cause, to comply with a decision, direction, or order within a specified time. Any person aggrieved by any decision of HRCSL may appeal to the Supreme Court. The HRCSL has power to intervene in legal proceedings involving any human rights issue by issuing amicus curiae briefs.



## Part 2: Activities of HRCSL

### 2.1 Capacity Building

#### 2.1.1 Induction Training of HRCSL Commissioners

With support from OHCHR and UNIPSIL, an Induction Training for Commissioners was conducted at the Eden's Park Resort at Mamah Beach from 17<sup>th</sup> – 20 September. Other senior members of staff also participated in the training.

The sessions were facilitated by Justice Emile Short, former Chairperson of the Commission on Human Rights and Administrative Justice (CHRAJ) Ghana, Lisa Sekaggya of the Office of the High Commissioner for Human Rights in Geneva, Beatriz Balbin and Luca Trinchieri of UNIPSIL's Human Rights and Rule of Law Section. Also, Stephen Douglas of Journalists for Human Rights and Mrs. Maude Peacock of Women's Forum



*Former Chairperson of the Commission on Human Rights and Administrative Justice (Ghana), Justice Emile Short making a presentation during the Induction training*

New Commissioners were introduced to the general operations of National Human Rights Institutions (NHRIs), International and Regional Human Rights Systems, the Belgrade Principles, the Roles and Functions of Network of African National Human Rights Institutions, Tribunal Handling and the Relationship between NHRIs and Parliament among others. The training served as a refresher for the two continuing Commissioners who were reappointed after serving their first five year term.



*Lisa Sekaggya of the Office of the High Commissioner facilitating a session during the training*



### 2.1.2 International Training / Conferences

Commissioners and five staff members went on international training programmes during the course of the year. Below is a list of attendance at international trainings

Commissioners / Staff	Seminar/Workshop/Training / Conference Attended	Organizers	Country	Date
Commissioner Daphne Olu-Williams Commissioner Brima A. Sheriff	Regional Training Workshop for NHRIs	Network of Africa National Human Rights Institutions	Zambia	21 <sup>st</sup> – 30 <sup>th</sup> November
Commissioner Jamesina King Commissioner Bryma Kebbie	Eleventh International Conference of the International Coordinating Committee (ICC) of National Institutions for the Promotion and Protection of Human Rights	Jordan National Centre for Human Rights, OHCHR and ICC	Jordan	5 <sup>th</sup> – 7 <sup>th</sup> November
Lucian Caulker Abdulai Yollah Bangura	Conflict Management, Human Rights and Gender Capacity Building Workshop for West African NHRIs and CSOs	Centre for Conflict Resolution	Cape Town South Africa	18 <sup>th</sup> – 20 <sup>th</sup> September
Raymond Katta	Summer School on Protecting Human Rights through UN Mechanisms	University of Nottingham, Human Rights Law Centre	United Kingdom	11 <sup>th</sup> – 15 <sup>th</sup> June
Sahr Augustine Musa	Workshop for African NHRIs on Reporting Processes to the African Regional Human Rights Mechanisms	Network of Africa National Human Rights Institutions	Banjul, the Gambia	16 <sup>th</sup> – 18 <sup>th</sup> April

### 2.2 The Second Strategic Plan 2012 -2014

Following the expiration of the 2009-2011 Strategic Plan, a new Strategic Plan was developed for the period 2012-2014, to give direction to its operations. This new Strategic Plan was informed by an evaluation of the first Strategic Plan, through consultations with staff and stakeholders, taking into cognizance new and emerging human right issues.



### 2.3 HRCSL's Finances

GoSL met its obligation to the Commission in the payment of operational costs, salaries and other emoluments. It also provided funds for monitoring of the 2012 elections, which enabled the Commission to embark on countrywide monitoring of the multitier elections conducted in November. However, the delay in the disbursement of government subvention affected the timely implementation of planned activities.

Support was also received from the Office of the High Commissioner for Human Rights (OHCHR) through the Peace Building Fund (PBF), for the implementation of activities in the Strategic Plan.

### 2.4 Projects

#### UNFPA Project

The Commission concluded the implementation of a two year UNFPA funded project on the 'Promotion and Protection of Social and Cultural Rights of Women and Girls', focusing on Women's Reproductive Health Rights and the Age of Consent for Female Genital Mutilation/ Cutting (FGC), in the Kono and Pujehun Districts.

A three-day training on 'Promoting Women's Reproductive Health Rights, Gender-Based Violence Prevention and Community Response', was conducted in Kono from 16<sup>th</sup> to 18<sup>th</sup> May and in Pujehun from 6<sup>th</sup> – 8<sup>th</sup> June. A total of 120 participants benefited from the training. Soweis Executive Committees in Kono and Pujehun received training on



managing the association and basic skills on reconciling human rights and existing cultural practices. HRCSL spearheaded the formation of eight peer educator groups to facilitate the promotion of human rights in Kono and Pujehun.

*Participants in a group work discussion in Kono during the training on Reproductive Health*

A one day in-house capacity building training for HRCSL staff on Monitoring and Reporting Gender-Based Violence Cases with special emphasis on women and girls, was conducted in Freetown on 19<sup>th</sup> October.

A vehicle was also provided by UNFPA (on loan) to the Commission for the monitoring of sexual and reproductive health rights of women and girls.



*Commissioners, UNFPA Representative, Facilitators and staff of HRCSL at the training on Monitoring and Reporting of GBV and FGM Cases.*

### **UNDP/IRISH AID Project**

The Commission, in conjunction with the Irish Human Rights Commission commenced implementation of this project, which is aimed at improving HRCSL's institutional capacity. Key activities include: the Operationalization of the new Kenema Office, Capacity Building of Commissioners and staff in the areas of Leadership, Management, Business and Human Rights, Improving the IT Infrastructure and Handling of Complaints. This project is on-going.

### **2.5 Staff Matters**

In recognition and appreciation of their contribution to the Commission's work, some staff members were promoted to various senior positions: 12 to the position of Senior Human Rights Officers, 1 to the position of Senior Accounts Officer and 1 to the position of Senior Administrative Assistant. Some were transferred to other regions or directorates.

The Director of Monitoring and Research Mr. Kalie Sillah resigned in May.

### **2.6 Dissemination of the 2011 'State of Human Rights in Sierra Leone' Report**

The 5<sup>th</sup> annual report on the 'State of Human Rights in Sierra Leone' was compiled and presented to H. E. the President and Parliament, as required by the Act, before representatives of MDAs, partners and CSOs were engaged on its content.





*Commissioners and staff in Parliament during presentation SOHR 2011*



*HRCSL's Chairperson looks on after presenting the 2011 SOHR to the Speaker of Parliament*

*Copies of the 2011 'State of Human Rights in Sierra Leone' Report were also presented to:*



*The Inspector General of Police Mr. Francis Munu by HRCSL's Executive Secretary, Mrs. Francess Alghali*





*MR. Gbanabome Hallowell, Director General of the Sierra Leone Broadcasting Corporation  
by Commissioner Bryma V.S. Kebbie*



*Mr. Abraham John, Registrar of the  
Political Parties' Registration Commission*



*Director of Prisons and Prison official by  
Commissioners and RHRO-West*

In August, a dissemination exercise, to publicize and discuss the findings and recommendations in the report with relevant stakeholders commenced. These engagements took place on 27<sup>th</sup> and 29<sup>th</sup> August in Kenema and Bo respectively and in Makeni and Freetown on 1<sup>st</sup> and 8<sup>th</sup> September respectively.

The objectives of the engagements were:

1. To discuss the findings and recommendations of the report and the way forward for the implementation of the recommendations.
2. To receive and document human rights issues for the 2012 State of Human Rights in Sierra Leone Report.
3. To promote good working relations with human rights organizations in the regions.



*A participant making a point during the dissemination engagement in the Western Area*

The engagements took place at the regional headquarter towns. Twenty five participants attended each workshop. Presentations and discussions on the 2011 findings and recommendations were followed by group work.



The group work sought to elicit information from participants on key human rights issues that had occurred in their communities since January 2012. Among the general concerns raised were issues relating to labour rights and unlawful land acquisition, particularly in the Bo and Makeni districts.



*Group work session during the dissemination in the Western Area*

### 2.7 Strategic Interactions with Partners

Underscoring its commitment to partnership building and strengthening, the Commission had a number of strategic interactions with a range of partners in 2012.

In July, technical support was given to the Network of HIV and AIDS Positives (NETHIPs) in Freetown during a 2-day training workshop for Law Enforcement Agencies on the National AIDS Commission Act 2011. The training was to increase awareness and enhance compliance by Law Enforcement Agencies with the Act, including combating stigma and discrimination.

In collaboration with the Open Society Initiative for West Africa (OSIWA) and the International Centre for Transitional Justice (ICTJ), the revived and upgraded website of the Truth and Reconciliation Commission of Sierra Leone (TRC) [www.sierraleonetr.com](http://www.sierraleonetr.com) was



*A cross section of participants at the Launch of the TRC Website'*

launched at the British Council in August. The aim of the project was to disseminate information about the website, raise awareness about the need for the full implementation of the TRC recommendations as well as maintain the discourse about peace building, reconciliation and reparations processes in Sierra Leone.

HRCSL was part of the technical committee that reviewed the Sierra Leone Police's Peacekeeping Policy from a Gender Perspective and provided the committee with technical advice related to gender issues based on internationally acceptable human rights framework.

### **2.8 The 2012 Elections**

Presidential, Parliamentary and Local government elections were held on 17<sup>th</sup> November. HRCSL was actively engaged in the process to ensure that election related rights were respected and used responsibly by all citizens. The Commission promoted the issue of non-discrimination and equal participation of women and PWDs in the electioneering process through engagement with civil society, political parties and other relevant stakeholders.

As part of the implementation of HRCSL's action plan to monitor the entire electioneering process, a training session on Elections Monitoring was held for its staff in April. The training provided staff with basic human rights and elections monitoring skills and techniques. A Code of Conduct for HRCSL Monitors, a Checklist for Monitoring Political Rallies and Campaigns and a Checklist for Monitoring Polling Day, were developed.



A National Consultative Conference on Human Rights and Elections was held in Freetown in May, on the theme 'Making Rights Real in the 2012 Elections'. The conference brought together key political party actors, civil society organizations, the media, Election Management Bodies, the security sector, diplomats and representatives of the UN, to dialogue and collectively take responsibility to work toward free, peaceful, and fair elections that will guarantee the enjoyment of human rights. The keynote address was delivered by ERSO, Jens Anders Toyberg-Frandzen. At the end of the conference, a communiqué was signed by all parties committing themselves to adhere to the principles of free, fair and non violent elections.

***Members of the High Table and a cross section of stakeholders at the National Conference on Human Rights and Elections***





The Commission had further engagements with political parties at their various headquarters, on the terms of the Communiqué adopted at the Conference.

HRCSL in collaboration with the Human Rights Section of UNIPSIL, engaged political parties in a two-day dialogue session in May on the 'Right to Participation of Persons with Disabilities in Politics and Public Affairs'. The outcome of this workshop was the development of a list of recommendations which included building strong linkages with political parties, civil society organizations and EMBs for full participation of PWDs in the electioneering process. In June, a two day Voter Education Workshop for PWDs in Makeni was conducted, to raise awareness on their active participation in the November 17<sup>th</sup> polls.

As part of its strategic engagement with EMBs, the Security Sector and the Media, the Commission:

- attended NEC's weekly stakeholders meeting for EMBs on the progress of the electioneering process;
- engaged the SLP on detention for election related offences and the policing of the elections in general.
- embarked on public education through radio discussion programmes and printing and dissemination of IEC materials which carried messages for a peaceful elections.

In November, a monitoring visit was made to the Mafanta Correctional Center in Magburaka to assess the number and condition of prisoners serving jail sentences for election related offences. During this visit, there were no detainees for election related offences.

The voter registration and nomination of candidates were monitored by regional officers in the regional headquarter towns and in Freetown. The campaigns of the two major political parties, the All Peoples' Congress (APC) and the Sierra Leone Peoples' Party (SLPP) were monitored in all 14 administrative districts. The Commission issued press releases condemning high nomination fees, hate political messages, hate songs and the use of children, illicit drugs and alcohol during political rallies. After these press releases, the increased nomination fees were subsidized by government and the campaigns were observed to be relatively peaceful. The Commission deployed observers to monitor the polls nationwide.

Polling Day was observed to be peaceful with a high voter turnout. The Commission issued a statement on the conduct of the election based on the reports received from its monitors.

## **2.9 Monitoring Activities**

In addition to the monitoring of the 2012 Elections set out above, the Commission also undertook routine visits to various detention centers nationwide, to ensure compliance with the UN Standard Minimum Rules for the Treatment of Prisoners.

## **2.10 Support to the Implementation of the TRC Recommendations**

HRCSL advocated for the establishment of the TRC Follow-Up Committee, to ensure the full implementation of the recommendations especially that of the Reparations Programme for victims of the Sierra Leone conflict.

The Commission worked with civil society and the Directorate of Reparations at NaCSA to promote the implementation of the Reparations programme particularly to sustain the Special Fund for War Victims. Two meetings were held with representatives from the Directorate of Reparations at NaCSA, the Board of Trustees for the Special Fund for War Victims and a cross section of CSOs. Representatives agreed on a number of follow up actions including prioritizing the Reparations Programme into the national development agenda. As a result, HRCSL sent a letter to H. E. the President, recommending the inclusion of the Reparations Programme in the Agenda for Prosperity. HRCSL's advocacy in this regard is on-going.

Following the judgment by the Special Court for Sierra Leone (SCSL) on Charles Taylor in April, HRCSL held two meetings with representatives from Manifesto '99 and the Coalition of Justice and Accountability (COJA), and discussed strategies to explore the possibility of accessing proceeds from Taylor's assets for the War Victims Fund, as recommended by the TRC.

HRCSL provided technical support to NaCSA during the training of beneficiaries in the Sexually Violated category of war victims. Payment of micro grants of Le. 300,000.00 (Three Hundred Thousand Leones) each, by NaCSA, to beneficiaries (in the residual case load) were monitored in the Western Area and the regional headquarter towns.

## **2.11 The Library and Documentation Centres**

The Documentation Centres provide requisite information for Commissioners, staff, and the general public. During the course of the year, additional resource materials which included Government publications and reports were acquired; books were also donated by Amnesty International and Life for Relief and Development.



The entire library collection including all literature and equipment in the Kenema Documentation Centre were destroyed when the Kenema office was burnt down. This incident has posed a fresh challenge to the Commission to re-stock a new documentation centre within the newly rented office premises.

### **2.12 Media Outreach**

In a bid to increase human rights awareness and further enhance its visibility, the Commission engaged the media in its public education and outreach programmes. Various media outlets were used to feature thematic human rights issues. Radio and Television talk shows were organised, discussion programmes were aired, media interviews were granted to both local and international media. Nationally linked radio discussion programmes were organized on human rights and elections since 2012 was an election year.

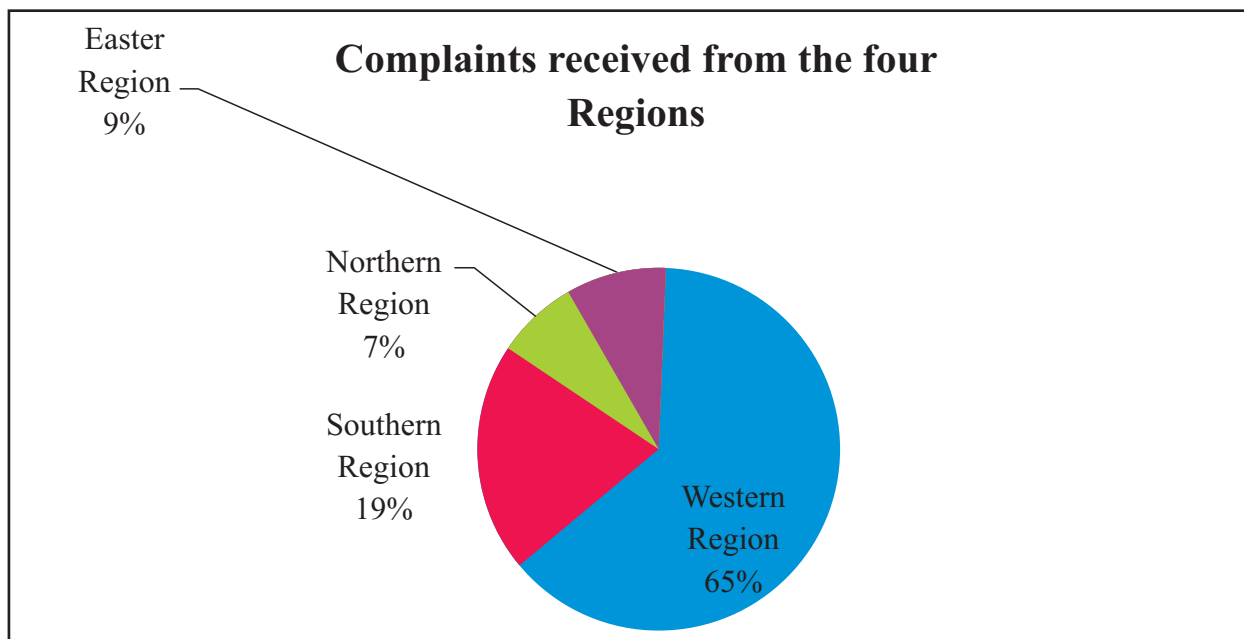
HRCSL upgraded and updated its website and social media networking pages to make them more interactive. Four press conferences were held, six press releases and a position statement on a number of human rights related issues were published during the year.

### **2.13 Complaints Handling and Management**

Of the **322** complaints received, only 113 were admissible. 209 were recorded as inadmissible but where appropriate, support was given to the complainants. This included mediation by the Commission or referrals to appropriate institutions where progress was closely monitored.

*Figure 1 indicates the proportion of complaints received from the various regions. HRCSL received and registered 280 complaints from January to December 2012; 25 were from the Eastern Region (ER), 20 from Northern Region (NR), 53 from Southern Region (SR) and 182 from Western Area (WA)*

**Figure 1:** Pie Chart illustrating the number of complaints received by various regions in 2012





**Table 1.**        *The table below shows categorization of major respondents in the number of registered complaints received for 2012. Major respondents were private individuals, the SLP and business houses.*

No.	Different Sectors	Eastern Region	Northern Region	Southern Region	Western Region	Total	Percentage %
1.	Individuals	15	09	15	81	120	42.9
2.	Sierra Leone Police	02	02	07	29	40	14.3
3.	Public Servants	05	01	00	10	16	5.7
4.	Other Government Agencies	00	00	02	05	07	2.5
5.	Prisons	00	00	00	02	02	0.7
6.	Private Security Agencies	00	01	01	01	03	1.0
7.	Business, Shops, Companies etc.	00	02	04	18	24	8.6
8.	Military	00	00	00	08	08	2.9
9.	Judiciary	00	03	09	10	22	7.9
10.	Misuse of Office By Traditional Leaders	02	00	07	05	14	5.0
11.	Religious Institutions	00	00	01	00	01	0.4
12.	The State	00	00	00	00	00	0.0
13.	Educational Institutions	00	00	02	00	02	0.7
14.	Local Court	01	02	02	00	05	1.8
15.	District/Town/ City Council	00	00	01	00	01	0.4
16.	National Electoral Commission	00	00	00	06	06	2.1
17.	Solicitors/ Lawyers	00	00	00	03	03	1.0
18.	Request for Legal Aid	00	00	00	02	02	0.7
19.	Others (NGOs, UN, etc.)	00	00	02	02	04	1.4
<b>TOTAL</b>		<b>25</b>	<b>20</b>	<b>53</b>	<b>182</b>	<b>280</b>	<b>100%</b>

### **2.13.1 Public Inquiry into Alleged Human Rights Violations in Bumbuna, Tonkolili District in relation to the events of 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> April, 2012**

HRCSL conducted its first Public inquiry into the Alleged Human Rights Violations on the events that occurred in Bumbuna from 16 – 18 April, which led to the death of Musu Conteh. Others were severely wounded, eight of whom sustained gunshot wounds.

Information on the events in Bumbuna was received through an Incident Report filed by the Commission's Northern Region Human Rights Officer on the 18<sup>th</sup> April 2012 and from the electronic and print media. These prompted HRCSL to send a fact finding team to Bumbuna from the 9<sup>th</sup> - 11<sup>th</sup> May, 2012 to assist the Commission gain a deeper understanding of the issues.

After careful consideration of the reports of its monitoring and fact finding, as well as previous complaints received from residents of Feregbeya, in Bumbuna in December 2010, the Commission took a decision to conduct a public inquiry into the alleged violations of human rights.

Under Section 7(2)(a) of the Human Rights Commission of Sierra Leone Act, 2004, the Commission has the mandate, 'to investigate on its own' initiative, human rights violations that come to its knowledge: this can be done through a public inquiry as provided for under Rules 42-56 of the Human Rights Commission of Sierra Leone's Complaints, Investigations and Inquiries Rules, 2008.

The entire process (monitoring, fact-finding team, Inquiry and Round Table Meeting), spanned a period of six months. A number of methods were used to gather evidence and information. First, personal statements were taken from victims in Bumbuna, the Officer Commanding the Bumbuna Police Station and the Paramount Chief of Kalasongoia Chiefdom covering Bumbuna Township. Second, were Focus Group Discussions (FGDs) held with youths, women and a mixed group of community stakeholders including the Bike Riders Union, women leaders, market women, the Traders' Union and religious leaders. A fourth FGD meant for the workers of African Minerals Ltd. did not take place because the Human Rights Commission received no response to a letter requesting African Minerals Ltd. (AML) to release some of their workers to take part in the FGD in Bumbuna town.

As part of the Public Inquiry process which commenced on 1<sup>st</sup> June, a public hearing was conducted by the Commission at the Bumbuna Court Barry, from 16<sup>th</sup> - 20<sup>th</sup> July.

The hearing was presided over by a panel of three, chaired by Commissioner Jamesina King. Other members of panel included, Rev. Commissioner Moses Khanu and



*Superintendent Lamin Sesay, Head of OSD North- East Division, testifying at the hearings*

and 10 members of the Sierra Leone Police, 8 of whom were senior police personnel including the Inspector General of Police.

Some key findings during the inquiry were in relation to the:

- Operations of the Police in Bumbuna,
- Labour Rights and African Minerals (SL) Ltd,
- Media,
- Bumbuna Community.

The panel proffered recommendations to the GoSL, the Police, Ministry of Labour and Social Security, the media, the Bumbuna community, African Minerals (SL) Ltd, the Office



*Fallah Ensa N'dema, an Interested Party taking the oath at the Public Hearings*

Ambassador Allieu Kanu of the Sierra Leone Institute of International Law, who was co-opted in accordance with the Commission's Complaints, Investigation and Inquiries Rules (2008).

During the five-day proceedings, 41 witnesses testified including four women, two Government Ministers, 13 Interested Persons

of the Attorney General and Minister of Justice, the Independent Media Commission (IMC), the Sierra Leone Association of Journalists (SLAJ), the Ministry of Youth Employment and Sports, the National Youth Commission and the Youth. The full report can be found on HRCSL's website at [www.hrcsl.org](http://www.hrcsl.org)



After the publication of the report, the Commission held a Round Table Meeting on 9th October, to present and discuss the findings and recommendations of the inquiry to the Bumbuna Community and to chart the way forward for the implementation of the recommendations. Present at the meeting were P.C. Alimamy Y. Koroma II of Kalansongoia Chiefdom, Acting Minister of Labour Daniel Gaima, Assistant Inspector General of Police North, Suluku Conteh, Kweku Lisk Esq. of AML, Commissioner of Labour Mr. Musa, Rev. Daniel Bangura of Radio Numbara, Mr. Bindi representing the Resident Minister North, Madam Isatu Turay and Madam Kadie Kombor, both representing market women, representatives from UNIPSIL and other stakeholders.

The discussions were held in the full view of the Bumbuna community. All parties at the meeting accepted the report and commended the Commission for its intervention in the matter and agreed to work towards the implementation of the recommendations.



*P.C. Alimamy Y. Koroma II of Kalansongoia Chiefdom making a point during the Round Table Meeting held at the Bumbuna Court Barray on 9th October*



As a reconciliatory measure, AIG Suluku Conteh of the SLP, in fulfilling one of the recommendations, made a public apology to the people of Bumbuna on behalf of the Inspector General of Police.

*AIG North-East, Suluku Conteh, making a public apology on behalf of the SLP*



*Acting Minister of Labour, Daniel Gaima*



*AML Legal Representative, Kweku Lisk Esq*

### **2.13.2 Follow-up Engagements on the Implementation of HRCSL's Recommendations on the Public Hearing on the Matter between Blamo Jesse Jackson and 234 other Ex-Servicemen against the RSLAF and Ministry of Defence**

In October, the Government of Sierra Leone (GoSL) and the Ministry of Defence (MoD) implemented some of HRCSL's key recommendations made at the Public Hearing of 27<sup>th</sup> June 2011, after sustained engagements by HRCSL. A total of 363 ex-servicemen were screened for payment which was done in two phases. Phase 1, was the payment of normal discharge package and Phase 2 was the Enhanced Disability Pension package, which had been outstanding since 2008. Also, the Discharge Books of the complainants that carried the nomenclature “Chronically Ill and Mentally Imbalanced” were changed and each received a normal discharge card from the Republic of Sierra Leone Armed Forces.



*Ex-service personnel after receiving their package*



## 2.14 Commemoration of Human Rights Days

### Africa Human Rights Day- 23<sup>rd</sup> October

HRCSL celebrated the day on the theme, 'State's Duty to Promote and Protect Human Rights during Elections'. A statement issued by the Commission to mark the day, was read on state media. The statement laid emphasis on Article 28 of the African Charter on Human and Peoples' Rights and called on the Government of Sierra Leone to fulfill its reporting obligation to the African Commission.

Political stakeholders were urged to conduct themselves within the election legislative framework and various declarations that they committed themselves to during the electioneering process. The public was also urged to respect the rule of law and rights of others as the country approached the November 17<sup>th</sup> polls.

### International Human Rights Day – 10th December

In collaboration with local and international partners, International Human Rights Day was celebrated on the theme **“Inclusion and the Right to Participate in Public Life – My Voice Counts”**.

The general aim of the celebration was to increase public awareness on the right to participate in decision making and public life. The celebration was observed in Freetown, Port Loko, Pujehun, Kenema and Kono. A March Past and Float Parade, and official ceremonies climaxed the celebrations in the various districts



*Float Parade and March Past through the streets of Freetown*

In Freetown, the official ceremony was held at the Sea Farer's Welfare Complex, Lower Savage Square, off Fourah Bay Road, and chaired by Commissioner Daphne Olu-Williams of HRCSL. The occasion was witnessed by partners of HRCSL such as Network for HIV Positives (NETHIPs), Irish Embassy, United Nations, Ministry of Foreign Affairs, and



*Beatriz Balbin of UNIPSIL marching alongside school children during the March Past and Float Parade*

representative groups of the aged, Persons with Different Sexual Orientation, commercial sex workers, PWDs, Persons Living with HIV and Aids, school children and staff of HRCSL and UNIPSIL.

The Keynote address was delivered by Mrs. Emma Parker, Administrative Director Sierra Leone Association for the Blind. She noted that vulnerable groups such as women, children,



*Administrative Director SLAB: Mrs. Emma Parker delivering her Keynote Address during the official ceremony*

PWDs and other minority groups persistently face serious challenges in their quest to participate in public life. Mrs. Parker called on the Government of Sierra Leone and its partners to expedite the implementation of the Truth and Reconciliation Commission recommendation for a 30% quota for women in positions of decision-making. She also called on Government to address the problem of discrimination against PWDs and the plight of ethnic minority groups such as the Gola, Krim, Gallinas and Bulloms that were on the verge of extinction.



Drama performances by the Walpoleans (One Family People) and Tabule Theatre formed highpoint of the ceremony in Freetown.



*The Walpoleans (One Family People) in performance*

## Part 3: The State of Human Rights in Sierra Leone

### 3.0 Promotion and Protection of Human Rights

#### 3.1 Civil and Political Rights

##### 3.1.1 Right to life

The right to life is an inherent right as set out in International, Regional and Domestic human rights documents: Article 3 of the UDHR, Article 6(1) of the ICCPR, Article 4 of the ACHPR, Section 15(a) and 16(1) of the 1991 Constitution of Sierra Leone.

The Commission commends the efforts made by the government and its partners, for intervening to put a stop to the spread of the epidemic of cholera which broke out during the rainy season. HRCSL noted that lives were lost due to this outbreak.

The shooting by SLP to maintain public order during the riot in Bumbuna in April, resulted in the death of one Musu Conteh. The Commission notes that GoSL did set up a coroner's inquest into Musu Conteh's death and that the outcome of the inquest is still pending.

At Taylor Street, Wellington in Freetown, two civilians who were members of a vigilante group formed for protecting their localities, were shot dead by personnel of the Operational Support Division (OSD) of the SLP, while on night patrol. The outcome of the inquest is also pending.

Two people were shot dead during the OCTEA industrial strike action in Kono in December. HRCSL awaits the outcome of Police investigation into this matter.

Death by road accidents during the course of the year, as reported by the SLP claimed the lives of 246 persons and this is a cause for concern to HRCSL.

#### Recommendations

1. The Ministry of Health and Sanitation should engage in sensitization on the essence of proper sanitation and recruit more sanitary officers to monitor the sanitary conditions across the country.
2. The SLP should review its rules of engagement in maintaining public order and conduct more training for its armed personnel to ensure that the right to life is respected.
3. HRCSL calls on the Attorney General and Minister of Justice to ensure that the investigation of the Taylor Street, Wellington and the Kono deaths are brought to logical conclusions.



### **Death Penalty**

Despite HRCSL's recommendation to government to adhere to the TRC and UPR recommendations for the abolition of the death penalty, it is still in our laws. However, HRCSL commends GoSL for voting in favour of a moratorium on the death penalty at the UN Human Rights Council and observed its adherence to the commitment made. HRCSL however looks forward to its complete abolition during the Constitutional Review.

### **Recommendation**

Government should implement the TRC and UPR Recommendations for the abolition of the death penalty and speed up the Constitutional Review Process.

#### **3.1.2 Security of the Person**

According to the Traffic Division of the SLP, 832 people nationwide, suffered serious injuries as a result of road accidents. Reasons advanced for this situation included the conduct of drivers plying the roads and the lack of good road safety mechanisms.

In April, 9 unarmed civilians sustained gunshot wounds during an industrial action by AML Workers in Bumbuna.

### **Recommendations**

1. The Traffic Division of the SLP and the Sierra Leone Road Transport Authority (SLRTA) should put up road safety signs along major routes and embark on massive sensitization on the use of road signs by road users, especially on how to use the zebra crossing. They should also work with the Drivers Union to ensure that motorist display professionalism on the roads, at all times.
2. SLRTA should review its policies to enforce the suspension or revocation of licenses of drivers who are repeated offenders.
3. The SLP should desist from using excessive force in addressing public disorder as recommended in the HRCSL Bumbuna Inquiry Report.

#### **3.1.3 Freedom of Expression and the Press**

Freedom of Expression is guaranteed by Article 19 of the ICCPR & UDHR, Article 9 of ACHPR, and Section 25 of the 1991 Constitution of Sierra Leone.

Government is yet to implement the TRC's and HRCSL's recommendations for the repeal of the Seditious Libel provisions in the Public Order Act of 1965. This provision continues to pose a threat to the exercise and full enjoyment of this right, especially by journalists and human rights activists.

HRCSL noted that in April, personnel of the SLP attempted to arrest a radio broadcaster at Radio Numbara, Bumbuna, whom they alleged was inciting violence against them, during the Bumbuna incident of April 16 - 18.

In August, a journalist and a graphic designer, both with the daily *Awoko Newspaper* were reportedly assaulted by two military personnel.

The Freedom of Information Bill has still not been passed into law.

### **Recommendation**

Government should repeal the Seditious Libel provisions in the 1965 Public Order Act, and enact the Access to Information Bill which was introduced in Parliament two years ago.

#### **3.1.4 Freedom of Assembly, Association and Movement**

Freedom of Assembly and Association is provided for in Article 22 of the ICCPR, Article 20 of the UDHR, Article 11 of the ACHPR, and Section 26(1) of the 1991 Constitution of Sierra Leone. Freedom of Movement is guaranteed in Section 18 of the 1991 Constitution.

The Commission noted that the right to freedom of assembly, association and movement were generally enjoyed in the country.

During the November 2012 Elections, campaign activities by political parties, including public meetings and rallies were based on a national timetable administered by NEC. Though the action was meant to avoid political clashes, HRCSL noted that schedules were not given to independent candidates, thereby limiting their right to Freedom of Assembly, Association and Movement.

The ban imposed on movement of vehicles without official accreditation from NEC on Election Day, November 17, was a concern to the Commission as it restricted the movement of some of the voters and also other members of the public from going about their private activities. The Commission notes however that there could be limitations to freedom of movement in the interest of security. Although buses were provided to facilitate movement, some of the buses were faulty, leading to restrictions for some citizens.

### **Recommendations**

1. NEC should endeavour to include space in their campaign schedules for independent candidates.
2. Where restriction of movement of vehicles is necessary, adequate provision should be made to ensure free movement of persons.

## 3.2 Human Rights in the Administration of Justice

### 3.2.1 The Sierra Leone Police

The SLP with support from MAC-P was able to provide adequate security for the general elections in the country.

HRCSL received 40 complaints against the SLP. These allegations included unlawful detention, arbitrary arrest, ill treatment, denial of the right to property, denial of the right to life and excessive use of force. Some of these cases were investigated by the Commission; others were referred to the CDIID for appropriate action and monitored by the Commission.

The Commission noted that SLP used excessive force in maintaining public order that resulted in injuries and deaths of some persons. This act is in contravention of Article 3 of the UN Code of Conduct for Law Enforcement Officials, which provides that *“law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duties”*.

The SLP itself is faced with challenges of mobility which affects its general operations and in particular in investigating and prosecuting cases of Gender Based Violence (GBV). The absence of medical officers to examine victims remained a problem for investigating and prosecuting GBV cases. It was reported to HRCSL that the Police Medical Officer in Bo charged victims of SGBV Le. 35,000.00 (Thirty Five Thousand Leones), as medical examination fees: this amount deters victims from reporting for medical examination.

The general sanitation and hygiene situation within the police cells countrywide was observed to be appalling.

HRCSL received reports about physical assaults on police officers by members of the public whilst executing their duties, resulting in injuries.

### Recommendations

1. The SLP should train its officers on the rights-based approach to policing and regularly review the conduct of officers during police operations. It should also ensure that they are supervised and maintain the highest professional standards at all times.
2. The Police should mainstream the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials and the UN Code of Conduct for Enforcement Officials.

3. SLP should try to improve sanitation and hygiene in all cells.
4. The SLP should establish a Compensation Fund that would be used to compensate police personnel injured or the families of officers killed in the course of duty.
5. State institutions, civil society and the police should embark on public education on the responsibility of citizens to refrain from attacking the police in the exercise of their duties.
6. GoSL should continue its efforts to establish the Independent Police Complaints Board.

### 3.2.2 The Court System

The Commission noted progress in the trial of cases both at the Magistrates' and High Courts throughout the country. However, it observed instances of late and sometimes limited court sittings at the High Court in Makeni during the period April to December.

Although circuit court sittings were observed in the regions, the absence of resident magistrates in the Kailahun, Kambia and Koinadugu Districts denied accused persons of their right to speedy trial. This is in contravention of Section 23 (1) of the 1991 Constitution of Sierra Leone. This situation resulted in prolonged trials and frequent adjournments which greatly contributed to overcrowding in prisons in the affected districts.

HRCSL observed poor sanitation facilities for staff and litigants in the various courts nationwide.

#### The Local Courts

HRCSL commends the work of the Justice Sector Coordination Office (JSCO) for training Local Court Chairmen in Kono, Bombali, Kambia, Pujehun and Kailahun Districts. The training was aimed at strengthening the security and human rights aspects of the local judicial system which included community policing, issuing warrants and powers of arrest and the use of handcuffs.

JSCO also coordinated the launching of the Local Courts Act which was enacted in 2011. This Act which makes provision for the placement of Local Courts under the Judiciary, was launched at district headquarter towns by the Chief Justice.

However, the work of the local court supervisors continued to be hampered by the lack of mobility and poor conditions of service which limited their capacity to discharge their duties efficiently. Furthermore, HRCSL received complaints that the Local Courts continued to



unlawfully impose heavy fines. Women still complained of denial of their right to a fair hearing in the Local Courts.

### **Recommendations**

1. The Judiciary should ensure that every district has a resident magistrate; alternatively, circuit courts should be put on specific schedules and capacitated to operate more effectively and efficiently.
2. Local Court officials should have continued training on human rights principles to assist them in the dispensation of justice.

### **3.2.3 The Sierra Leone Prisons**

The Commission and UNIPSIL Human Rights Section conducted a joint monitoring exercise of detention facilities in the Kailahun and Kenema Districts in September.

At the Kailahun Main Prison, the team observed that the perimeter fence had been reconstructed and the hand pump was in operation.

In the Kenema Main Prison, the team also observed that there were only two pit latrines available for a population of over 285 male inmates. The cell rooms were overcrowded, poorly ventilated, with no lighting facilities. Blankets were inadequate and some inmates slept on the bare floors.

Unlike the male prison, the female prison was satisfactorily well kept except that lactating inmates lacked special provisions (milk and other baby supplies) for their children.

The poor ventilation of the kitchen still posed serious health risk to kitchen staff. Contractors of food supplies and the other items to the prison complained of delays in payment by government, for goods supplied.

In October, HRCSL monitored the Magburaka Prisons and the Mafanta Correctional Center in the Tonkolili District. At the Magburaka Prisons, there were 85 inmates; 28 were on trial, 33 on remand (two of them female) and 24 serving sentences. The cells were clean, inmates informed HRCSL that they ate twice a day and bathed daily: clean water was available from a nearby well. The prison clinic had a trained nurse to treat inmates and make referrals to the Government Hospital when necessary. Inmates were taught skills like sewing and weaving. Sewing machines were available but the other learning materials were sometimes not available. No literary or numeracy skills were taught. It was however observed that the cells were overcrowded due to prolonged trials. One inmate explained he had been on trial for house breaking since 2008.

The Mafanta Correctional Center was built for prisoners who have undergone trials and serving long term sentences. The Center has two completed and two incomplete structures. Its total holding capacity is 120 persons.



*HRCSL Commissioners, staff and Prison Officers outside the Mafanta Correctional Center, after the monitoring visit*

At the time of the visit only six rooms were partially completed with 84 inmates, each serving more than one year imprisonment. The environment was clean but electricity was insufficient. Prisoners received 3 daily rations and had access to safe drinking water. The medical personnel worked on regular basis. Even though the facility had skills educators for tailoring, agriculture, masonry, plumbing, training materials were not available.

The conditions of service for Prison Officers continued to be appalling with very low salary scales. HRCSL learnt that some female officers had not received uniform supplies for more than 3 years. Nevertheless, there were opportunities for academic advancement and individuals who wished to do so were allowed to, at their own expense.

### Recommendations

1. Government should implement HRCSL's recommendations made over the years for improvement in the Prison services, especially the provision of training materials for the inmates.
2. Prison Officers wishing to pursue further education or other career development

programmes should be given financial support by the Government.

3. The draft proposal for a new law on correctional services should be finalized and the law enacted by parliament.

### **3.2.4 Juvenile Justice**

#### **Children in Conflict with the Law**

HRCSL noted that there were limited numbers of juvenile detention facilities in police stations nationwide and that there were no remand homes in the northern and eastern regions. In Bo, three juvenile offenders were observed to be detained with adults in prison and police cells.

Underage school children who were alleged to have committed election malpractices during the voter registration were detained in Kenema police cells for over ten days without charge. HRCSL and other institutions intervened and secured their release.

The remand homes in Freetown and Bo faced challenges such as the lack of educational facilities.

#### **Recommendations**

1. Ministries of Internal Affairs and Social Welfare Gender and Children's Affairs should provide remand homes in all the districts, implement diversionary measures for lesser crimes committed by juveniles and use detention only as a last resort.
2. GoSL should allocate more resources to juvenile justice administration, guided by minimum international standards.

### **3.3 Economic, Social and Cultural Rights**

#### **3.3.1 Right to Just and Favourable conditions of Work**

Article 7 of the Covenant on Economic, Social and Cultural Rights provides for the right to just and favourable conditions of work. It is also guaranteed by the International Labour Organization's Fundamental Principles and Rights at Work. HRCSL noted that Sierra Leone has ratified six out of the eight core ILO Conventions.

Despite the ratification of some of the conventions by the Government, application of the rights and obligations enshrined under the conventions remained a challenge. The labour laws of Sierra Leone do not fully reflect the international labour standards and best practices.

The Ministry of Labour and Social Security (MLSS) continued to face challenges including understaffing and limited resources. HRCSL noted the absence of officials of the Ministry of Labour in areas of extensive mining and agro business operations. The Commission received reports from residents and workers in some of the major companies operating in the regions, of hazardous conditions at the workplaces and the non compliance with safety and health regulations in the mining and manufacturing industries.

The Commission recorded several complaints of poor conditions of service and unfair treatment of employees by their employers. Workers of AML and OCTEA went on strike for improved conditions of service in April and December respectively. Three people died and others were injured following the strike actions. HRCSL observed that AML workers were denied the right to belong to a trade union of their choice, contrary to section 26 of the 1991 Constitution and ILO Conventions.

### Recommendations

1. MLSS should equip and strengthen its monitoring division to effectively monitor the adherence to labour laws by employing agencies.
2. MLSS should increase the number of labour officers in the regions.
3. Parliament should review and harmonize all labour laws to ensure consistency.
4. The office of the Attorney General and Minister of Justice should review the Regulation of Wages and Industrial Relations Act 1971 and recommend to Parliament the enactment of a new law to ensure the full enjoyment of the rights of workers including the right to belong to a trade union of their choice.

### Business and Human Rights in Sierra Leone

HRCSL noted an increase in the activities of extractive and agro based industries. However, there were challenges in complying with the “Protect, Respect and Remedy” Framework provided in the UN Guiding Principles on Business and Human Rights, passed by Resolution 17/4 of 16<sup>th</sup> June, 2011 of the UN Human Rights Council.

In the Northern Region, the Magbass and ADDAX bio-fuel companies steadily increased their operations into farm lands which the communities previously used for economic activities. In the Malen Chiefdom, Pujehun District, the people complained about inadequate compensation for their farmlands that had been taken over by Societe Financiere des Caoutchoucs (SOCFIN), an international agro-investment company. This situation has resulted in resentment and unrest within the chiefdom.





## Recommendations

1. GoSL and businesses should implement the “Protect, Respect and Remedy” Framework mentioned above.
2. GoSL should finalise and enact the draft Operational Regulations for the Mineral Sector.
3. The Ministries of Trade and Industry and Mines and Mineral Resources should embark on community sensitization of mining policies to increase public awareness and compliance.

### 3.3.2 Right to Education

The 6-3-4-4 System of Education recommended by the Gbamanja Commission of Inquiry in 2010 took effect in the 2012 / 2013 academic year, with challenges in the implementation of the system.

The inadequate provision of basic teaching and learning materials and other school resources, like furniture by government to schools in remote areas still affect the enjoyment of the right to education, especially for pupils in rural communities. This is in contravention of Section 3(2)(a) of the Child Rights Act, 2007.

In Gbonkomayeamie village in the Port Loko District, where no established government primary school exists, classes were conducted under a big cotton tree and children carried their benches to and from school daily. The Commission was informed that during the rainy season and even during the dries, classes were halted as a result of the rain or the heat from the sun. The school had no provision for safe drinking water or toilets.

The November General Elections disrupted part of the first term of the 2012/2013 academic year of some educational institutions. During the one month campaigning period, attendance of children in schools was irregular as most parents kept their children at home, afraid that violence might erupt between and among political party members and supporters.

The re-opening of the University of Sierra Leone was postponed by university authorities until after the November polls. A series of strike actions by university lecturers over disagreements on improved conditions of service also disrupted the normal operations of the academic year.

## Recommendations

1. The Ministry of Education Science and Technology (MEST) should conduct a national research on access to education especially for children in rural communities
2. MEST should provide the needed resources for the full implementation of the 6-3-4-4 system.
3. The Tertiary Education Commission should be adequately resourced to perform its statutory functions.
4. GoSL should address the grievances of lecturers and other staff in the universities and other tertiary institutions so as to minimize the incidences of strike actions.

### 3.3.3 Right to Health

The enjoyment of the Right to Health is guaranteed by Article 12 of the ICESCR and Article 16 of the African Charter on Human and Peoples' Rights (ACHPR).

Among the steps taken in the provision of medical services, was the continuation of the implementation of the Free Health Care Policy for pregnant women, lactating mothers and children under five, which aims at addressing infant mortality and maternal morbidity. Although still births rose from 1,289 in 2011 to 2,214 in 2012 there was however a decrease in the number of deaths of children aged 1-4 from 2,071 in 2011 to 1,461 in 2012 as reported by the Department of Births and Deaths.

Notwithstanding government's efforts in providing medical care to this target group, the availability of drugs, basic equipment and the control over the payment of medical charges still posed a major challenge in the proper implementation of the policy. HRCSL established that medical supplies like syringes and drugs that should be provided free of charge were sold to patients at the Princess Christian Maternity Hospital (PCMH) in Freetown. The Commission also confirmed reports that patients accessing medical services at the King Harman Road Clinic, Freetown, paid the sum of Le50, 000.00 for the services. This contravenes the Free Health Care policy and reduces access to the services.

HRCSL noted with concern the status of patients and care givers at the Kissy Psychiatric Hospital, in Freetown. Shortage of qualified medical personnel was one of the problems affecting the effective operations of the hospital. The hospital had only three trained psychiatric nurses and one psychiatric doctor. The limited number of medical personnel, to a large extent, delayed response to patients. HRCSL received a report that some nurses

assigned to the hospital failed to report for duty due to the stigma associated with working in a psychiatric hospital.

During a monitoring visit, wards occupied by patients were found to be in unhygienic conditions with worn out mattresses placed on the floor. The non-availability of a counseling unit was identified as a major challenge. The short supply of water sometimes prevented patients from taking their bath and affected the general sanitary conditions of the hospital environment.

HRCSL acknowledges the strides taken by Government to launch the National Mental Health Policy and Strategic Plan on World Mental Health Day, 10<sup>th</sup> October. The National Mental Health Policy and Strategic Plan when implemented will, hopefully, address some of the problems associated with the treatment and care of mental health cases. HRCSL also acknowledges the efforts of Enabling Access to Mental Health, an NGO working for the promotion of mental health rights for providing training in mental health care to 21 nurses in December.

The outbreak of cholera during the months of July to October was a threat to the enjoyment of the Right to Health, as the epidemic spread to 11 districts and the Western Area leading to the death of over 500 people. The World Health Organisation (WHO) estimated that a total of 11,189 people including children were affected nationwide. HRCSL noted that the poor hygienic conditions in the country resulting from poor garbage collection, improper waste disposal and the inadequate access to clean and safe drinking water were key factors that led to the outbreak.

Government responded by establishing a Presidential Cholera Task Force to coordinate and mobilize resources to combat the epidemic. HRCSL commends the efforts of some telecommunications companies and NGOs that undertook public education programmes through mobile phones and the media.

### **Recommendation**

1. MoHS should establish a counseling unit at the Psychiatric Hospital at Kissy.
2. MoHS and Enabling Access to Mental Health should collaborate to expedite the deployment of the 21 trained nurses to government hospitals in the regions and ensure that they remain at their stations.
3. MoHS and the Local Councils should embark on mass sensitization on environmental health and sanitation to prevent a recurrence of the cholera epidemic.

### 3.3.4 Access to Clean and Safe Drinking Water

The availability and supply of clean and safe drinking water is still a serious challenge particularly in the urban municipalities.

GoSL in its development plan, the Agenda for Change, prioritized access to clean and safe drinking water as a fundamental factor for socio-economic recovery and in meeting one of the MDGs, by 2015.

HRCSL observed the failure by the Guma Valley Water Company (GVWC) and the Sierra Leone Water Company (SALWACO) to provide adequate water supply to all communities across the country.

In Freetown and in other urban areas, the search for clean and safe drinking water by young girls either late at nights or very early in the mornings was one of the factors responsible for early pregnancies, which affect their education and personal security.

The lack of public awareness on proper water management contributes to the unavailability of clean and safe drinking water to homes, as water pipes were destroyed mostly by people scouting for water.

#### Recommendations

1. Ministry of Water Resources should improve on its water management systems to avoid pollution and wastages
2. MoWR, GVWC, SALWACO should increase access to clean and safe drinking water.

### 3.4 Women's Rights

#### The Sexual Offences Act 2012

After two years of constructive engagement with stakeholders, the Sexual Offences Bill was passed into law in October 2012. The Sexual Offences Act raises the jail sentences for sexual offences to a minimum of five years and a maximum of fifteen years. It also makes provisions for punishment of various types of sexual assaults.

While the enactment of the sexual offences law will enhance the promotion and protection of the rights of women and girls, government still needs to do more to end violence against women and girls and also to change people's inclination towards violence against this group. HRCSL is of the view that the ratification of the Protocol to the African Charter on Human





and Peoples' Rights on the Rights of Women in Africa would go a long way in strengthening GoSL's commitment to promote and protect women's rights.

It is hoped that this new law will address the unacceptable high rates of violence against women and help end the culture of impunity for SGBV that exists in Sierra Leone.

### **Women's Participation in the 2012 elections**

Although commitments were made by political parties during HRCSL's National Conference on Human Rights and Elections, to increase female participation in the November Elections, the number of women nominated to contest Parliamentary elections was very small.

Out of the 586 candidates who contested for parliamentary seats, 38 were women and only 16 won parliamentary seats. In the Local Government Elections, 369 women out of 1,283 candidates contested of which 87 women were elected to Local Councils: Bo – 11, Bombali – 10, Bonthe – 5, Kailahun – 12, Kambia – 2, Kenema – 8, Koinadugu – 7, Kono – 10, Moyamba – 2, Port Loko – 2, Pujehun – 1, Tonkolili – 4, Western Rural – 2 and Western Urban – 11. Kailahun District had the highest number of female councillors, which was more than the 30% threshold advocated for.

### **Violence Against Women**

Six years after the enactment of the Domestic Violence Act, 2007, Gender based violence especially against women remained a serious concern in addressing women's rights. HRCSL recorded an increase in the number of complaints on GBV in 2012. Domestic violence complaints recorded also increased from 2% in 2010, to 4.7% in 2011 and 6.8% in 2012.

### **Referral Protocol for SGBV victims**

In October, MSWGCA and its partners launched the National Referral Protocol for Victims and Survivors of Gender-Based Violence. This protocol which aims to promote a coordinated and inter-agency approach to respond to, prevent, and monitor SGBV cases, will also ensure that victims receive prompt and comprehensive response from service providers from the first point of contact, onwards.

### **Updates on Saturday Courts**

The SGBV Saturday Court sittings supported by the UNDP which commenced in Freetown in February 2011, was extended to Bo in October 2012, with plans for further extension to Makeni. These sittings at Magistrates' and High Courts (when no other courts are sitting),

provide victim-friendly environments and ensure that SGBV cases are dealt with expeditiously. As at June, the Magistrates' Court recorded 673 SGBV cases of which 356 were disposed of: 63 cases were also recorded at High Court level and 35 disposed of. In total, 53 convictions were made.

HRCSL noted that IRC Rainbo Center and Action Plus continued to give medical care and support to SGBV victims.

### **Recommendations**

1. HRCSL calls on Parliament to prioritise the enactment of the Gender Equality Bill
2. MSWGCA should take the lead role in popularizing, monitoring and supporting the implementation of the Sexual Offences Act.
3. GoSL should take immediate steps to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

### **3.5 Children's Rights**

#### **Street Children / Child Labour**

In spite of the efforts made by child protection agencies over the years to address the issues of street children and child labour, HRCSL noted that this still remained a major social problem nationwide.

#### **Commission of Inquiry on the HANCI – MAPS Adoptions**

In April the Office of the Attorney General and Minister of Justice published a Government White-Paper on the findings and recommendations of the Justice Showers Commission of Inquiry into the HANCI-MAPS adoptions. The Commission was tasked to inquire into the cases of the HANCI-MAPS alleged illegal adoptions. The Government White Paper accepted the findings and recommendations of the Commission which included the need to review the adoption law to comply with international standards and to be in the best interest of children in order to avoid a reoccurrence of this unfortunate incident. In the White Paper the Government directed the police to reopen the matter for investigation, with a view to proffering criminal charges against any person or persons responsible for the actions complained of. Government also agreed that the MSWGCA and MFAIC will initiate bilateral contacts with the authorities and governments of countries in which the children currently reside, with the hope of facilitating contact between them and their natural parents.

HRCSL notes that prosecution has commenced and the trial is ongoing. HRCSL is yet to receive further information on the status of the implementation by MSWGCA and MFAIC,

of the directive to initiate bilateral contacts with the authorities and governments of countries in which the children currently reside.

### **Female Genital Cutting on Girls**

During the course of the year, HRCSL continued to urge the GoSL to work towards implementation of the following UPR recommendations which were accepted:

- *Continue to adapt the legislation to ensure the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women and, in particular, expressly prohibit and criminalize female genital mutilation.*
- *Establish a strategy to seek the elimination of practices of discrimination against women and eliminate female genital mutilation.*

HRCSL also recalls commitment by GoSL to initiate a national dialogue, by convening a national conference of all stakeholders that will map a strategy and consensus on FGC that will inform implementation of the above recommendations.

### **Recommendations**

1. MSWGCA and the Local Councils should improve on the implementation of the action plan to deal with the issue of street children and take them off the streets.
2. MSWGCA and MFAIC should act on the recommendations of the Justice Showers Commission of Inquiry for bilateral contacts with the authorities and government of the countries in which the children reside.
3. GoSL should convene a national dialogue on FGC and related practices with a view to reaching a consensus on how it should be addressed, bearing in mind its cultural significance and the UPR recommendations accepted by government.

### **3.6 Vulnerable Groups**

Vulnerable groups include children affected by poverty, Persons living with Disabilities, women in extreme poverty situation, Persons Living with HIV/AIDS, the Aged, ethnic minorities, commercial sex workers and persons with different sexual orientation.

#### **Persons with Disabilities**

In adherence to Section 2(1) and 2(2) of the Persons with Disabilities Act 2011, Government established the National Commission for Persons with Disabilities (NCPDs). In June, the Chairperson and other members of the Commission were appointed. HRCSL is however concerned about the slow progress being made to fully operationalize the Commission.

In spite of the efforts made by GoSL and its partners to improve the lives of PWDs, this group of people faced challenges in gaining employment, accessing justice, education, health care, shelter and in the enjoyment of their rights to participate in politics and other decision making processes.

HRCSL noted that unlike the 2007 elections which made provision for the use of the tactile ballot system by persons with visual impairment, such facilities were not available during the 2012 elections. HRCSL further noted that certain polling centres were inaccessible to persons with mobility challenges. Section 29 of the Persons with Disability Act 2011 provides that NEC shall ensure that during elections, polling stations should be accessible to PWDs and should provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote.

### **Recommendations**

1. GoSL should provide the necessary financial and logistical support to fully operationalise NCPD and the implementation of the Disability Act, 2011.
2. NEC should work with NCPD and PWDs organizations to ensure accessibility for PWDs to polling centres and provide them assistive devices and services, in order to facilitate the exercise of their right to vote.

### **Persons with Different Sexual Orientation**

Persons with Different Sexual Orientation joined HRCSL and other stakeholders in the planning and implementation of activities marking IHRD. HRCSL received a report of alleged harassment and intimidation against a person with different sexual orientation during a radio programme in Kono but there was no evidence to substantiate this.

### **Recommendations**

1. GoSL should continue to protect Persons with Different Sexual Orientation from violent attacks and discrimination.
2. SLP should investigate any reported cases of violence based on the sexual orientation or identity of a person.
3. Persons with Different Sexual Orientation are urged to make reports and substantiate claims of harassment and violence against them, to the police.



### **The Aged**

HRCSL noted the registration of more aged persons into the National Social Safety Net Programme across the country. The National Social Safety Net programme provided cash transfer to 35,000 beneficiaries nationwide, each receiving the sum of Le.100, 000.00 as a quarterly support from government. This Programme works in collaboration with the National Commission for Persons with Disability, for the inclusion of Persons with Disability and other vulnerable groups into the National Safety Net. The programme introduced skills training projects for energetic elderly people as a means of self reliance. However, Parliament is yet to enact an all encompassing, inclusive and realistic framework for social safety provision for the most vulnerable in society.

### **Recommendation**

GoSL should take steps to enact and implement a social safety law so that the most vulnerable can live in dignity.

### **Persons Living with HIV/AIDS**

HRCSL observed the continued progress in the fight against HIV/AIDs. The estimated statistics provided by the National Commission for the Prevention of HIV/AIDs, remained at 1.5 % prevalence rate and there was an increase in the number of treatment and counseling facilities.

## **3.7 Youth**

### **Consultations to Review the 2003 National Youth Policy**

The Ministry of Youth Employment and Sports in collaboration with the National Youth Commission (NYC) in October organised a consultative forum to review the 2003 National Youth Policy. The main objective was to create awareness and to provide a platform for stakeholders to discuss and develop a road map for the overall review process of the National Youth Policy.

### **Establishment of District Youth Committees**

NYC established seven District Youth Committees in Port Loko, Koinadugu, Tonkolili, Western Urban, Western Rural, Moyamba and Kenema, to play a major role in youth affairs in the country. These include, promoting collaboration and co-operation among youth organisations operating within the districts, liaising with government and other agencies on district and national issues and promoting the interest of youths in the districts. Plans to establish NYCs in other districts were deferred, due to election activities.

### **Towards a non-violent elections**

Youth organisations and youth serving organizations engaged youth groups in the country to campaign against violence in the November 17<sup>th</sup> elections. Centre for the Coordination of Youth Activities (CCYA) with funds from OSIWA embarked on a nationwide training of youth on 'Leadership Transformation and Non-violence in the 2012 Elections'. HRCSL commends CCYA for taking the lead in sensitizing youths on non violence and hopes that this training will strengthen existing youth groups within specific blocks such as political parties and civil society.

All Political Parties Youth Association (APPYA) with support from National Democratic Institute (NDI) in November organised a consultative forum which was aimed at promoting non violence in the elections.

### **Recommendations**

1. HRCSL urges the NYC to complete the review of the National Youth Policy and take the necessary steps to popularize and implement the Policy.
2. HRCSL calls on the NYC and other key stakeholders to complete the establishment of the remaining seven District Youth Committees and ensure that they become functional.
3. APPYA and other youth serving organizations should not limit the non-violence campaign to elections activities but also extend it to other public and social functions that youths are involved in.

## **3.8 Important Events / Programmes in Furtherance of the Promotion and Protection of Human Rights**

### **3.8.1 Sierra Leone's membership on the Human Rights Council**

Sierra Leone became a member of the United Nations Human Rights Council in 2012. The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. The General Assembly takes into account the candidate States' contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard. Sierra Leone will serve in the Human Rights Council for a period of three years ending 2015 and is eligible for re-election for another term.

### 3.8.2 Fulfillment of Sierra Leone's Treaty Obligations

Sierra Leone took a significant step in fulfilling its treaty obligations by submitting its country report on the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). HRCSL notes that the overdue report under the African Charter on Human and Peoples' Rights was finalized during the course of the year but is yet to be submitted to the African Commission on Human and Peoples' Rights.

### 3.8.3 Sierra Leone's review under the African Peer Review Mechanism

In January, Heads of State of the African Union reviewed Sierra Leone for the first time under four thematic areas namely, Political Democratic and Good Governance, Economic Governance and Management, Socio-Economic Development and Corporate Governance. The Review proffered recommendations for increased performance on these thematic areas, some of which were implemented during the course of the year. These included the enactment of the Public Elections Act in May, the provision of logistical support to four political parties by PPRC and the ongoing review of the 2003 National Youth Policy which commenced in October, by the National Youth Commission and the Ministry of Youth and Sports.

#### Recommendations

1. As a member of the Human Rights Council, GoSL should increase its commitment to promoting, protecting and fulfilling human rights in Sierra Leone and strengthen State institutions in that regard particularly HRCSL.
2. GoSL should mainstream human rights in its entire development agenda.
3. GoSL should implement recommendations of HRCSL and fulfill its obligation to provide remedies for victims of human rights violations.
4. GoSL should submit its Report to the ACHPR and all other outstanding treaty body reports.
5. GoSL should implement all of the UPR recommendations it has accepted particularly the ratification of outstanding human rights treaties and increase interaction with UN and AU human rights mechanisms.

### **3.8.4 Implementation of the TRC Recommendations**

#### **The Reparations Programme**

##### **Government**

NaCSA, the implementing agency responsible for the Reparations programme, continued to face challenges in the implementation process. The six-year programme which started in December 2008, should expire in 2014. HRCSL recommended in its 2011 SOHR Report that the GoSL and Sierra Leoneans must consider its implementation an emergency and make meaningful contributions to the Trust Fund; but very little has been done.

Government, which has the primary responsibility to fund the programme, provided only Le. 300,000,000.00 (Three Hundred Million Leones) as operational and administrative support to the programme, and made no contribution to the Victims' Trust Fund. Sustainability of the Victims' Trust Fund therefore remains a concern.

##### **Civil Society Organisations**

Fambul Tok, Manifesto '99 and the Coalition for Justice and Accountability (COJA) held meetings with HRCSL to discuss strategies for accessing the assets of Charles Taylor following his conviction in The Hague, Netherlands.

OSIWA and ICTJ partnered with HRCSL to launch the TRC Website ([www.sierraleonetrc.org](http://www.sierraleonetrc.org)) and to host a one day workshop on the Status of Implementation of the TRC Recommendations.

##### **The International Community**

The bulk of funds utilized to implement the Reparations Programme in 2012 was provided by the UN through its agencies.

The UN Peace building Fund provided Le 3,719,400,000.00 (Three Billion Seven Hundred and Nineteen Million Four Hundred Thousand Leones) to the programme. This money was used to provide micro grants of Le 300,000.00 (Three Hundred Thousand Leones) each to 12,398 beneficiaries of the programme.

The UN Trust Fund to End Violence Against Women provided Le 112,246,000.00 (One Hundred and Twelve Million Two Hundred and Forty Six Thousand Leones) for assessment and screening of 354 beneficiaries who had been victims of sexual violence. The agency also provided them Le 566,400,000.00 (Five Hundred and Sixty Six Million, Four Hundred Thousand Leone) for training in various life skills and thematic issues:





Le 165,202,400,000.00 (One Hundred and Sixty Five Million, Two Hundred and Two Thousand and Four Hundred Leones) for purchasing toolkits. In addition, Le 297,360,000.00 (two hundred and ninety seven million, three hundred and sixty thousand Leones) was provided as subsistence training allowances and Le 761,100,000.00 (seven hundred and sixty one million, one hundred thousand Leones) as micro grants. Each beneficiary received Le 2,150,000.00 (\$500), as micro-grant for starting businesses.

The Norwegian Friends of Sierra Leone constructed a four-room office space for the Amputees and War Wounded Association at Aberdeen, on the site of the Amputee Camp in June.

### **Recommendations**

1. Government should demonstrate more commitment to the Reparations programme including sustaining the Trust Fund.
2. The Directorate of Reparations should develop a strategy for mainstreaming compensatory packages for war victims into the relevant MDA programmes.
3. The Board of Trustees of the Special Fund for War Victims should engage in fundraising activities in order to ensure sustainability of the programme.

### **3.8.5 The Constitutional Review**

No significant development took place during the period under review. Government had informed the UN Human Rights Council during the UPR review of Sierra Leone in 2011 that the Constitutional Review process would take place after the 2012 Elections.

### **Recommendation**

Government should make good on its promise to the UN Human Rights Council and undertake the Constitutional Review.

## **3.9 Human Rights Defenders in Sierra Leone**

### **Human Rights defenders and the 2012 elections**

HRDs include individuals, groups of people and organizations actively promoting and protecting human rights through peaceful and non-violent means. Human Rights Defenders (HRDs) in Sierra Leone have generally been able to undertake their work without interference by GoSL.

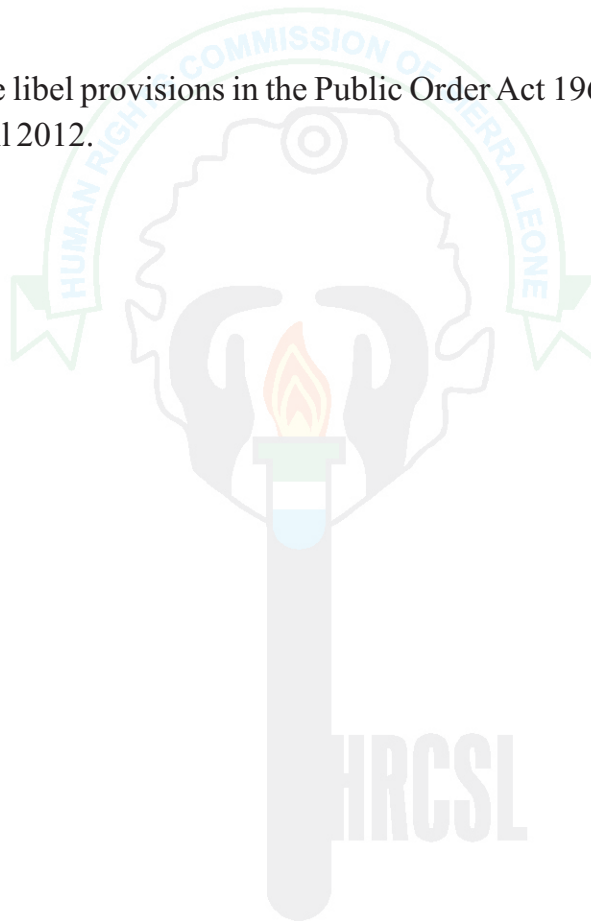
During the course of the year, no significant step was taken by Government to repeal the libel provisions in the Public Order Act 1965 or enact the Right to Access Information Bill 2012 in spite of advocacy efforts by HRDs and HRCSL.

In the November 17<sup>th</sup> multitier elections, HRDs from DHRCs, IRN, NEW, UNIPSIL, Women Situation Room and other human rights organizations and HRCSL actively monitored the entire process to ensure that the elections were conducted in a free, fair and peaceful manner.

International observers from the Carter Centre, AU, ECOWAS, EU Election Observer Mission, Commonwealth, MARWOPNET and National Democratic Initiative (NDI) also monitored the process.

### **Recommendation**

GoSL should repeal the libel provisions in the Public Order Act 1965 and enact the Right to Access Information Bill 2012.





**FAITHFULLY SUBMITTED BY THE HUMAN RIGHTS  
COMMISSION OF SIERRA LEONE**



SIGNATURE

REV. MOSES B. KHANU

COMMISSIONER

*Moses B. Khanu*  
.....

JAMESINA E.L. KING

COMMISSIONER

*Jamesina E.L. King*  
.....

BRYMA V. S. KEBBIE

COMMISSIONER

*Bryma V. S. Kebbie*  
.....

DAPHNE OLU-WILLIAMS

COMMISSIONER

*Daphne Olu-Williams*  
.....

BRIMA A. SHERIFF

COMMISSIONER

*Brima A. Sheriff*  
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Human Rights Commission of Sierra Leone  
*Financial Statements for the year ended 31<sup>st</sup> December, 2011*

## **REPORT OF THE AUDITORS - AUDIT SERVICE SIERRA LEONE TO THE GOVERNMENT OF SIERRA LEONE**

### **Scope**

We have audited the accompanying Statement of Financial Position of the Commission as at 31<sup>st</sup> December, 2011 and the related Income Statement for the year then ended, as set out on pages 5 to 14.

### **Respective responsibilities of the Commission and the Auditors**

The production of the Financial Statements is the responsibility of the Commission as indicated on page 2. Our responsibility is to express an opinion on these Financial Statements.

We conducted our audit in accordance with Standards of the International Organization of Supreme Audit Institutions (INTOSAI) and International Federation of Accountants (IFAC). Those Standards require that we plan and perform the audit to obtain reasonable assurance as to whether the Financial Statements are free from material misstatement. The audit procedures include examination of the entity's records and its control environment, information systems, control procedures and statutory disclosure requirements. Evidence supporting the amounts and disclosures in the Financial Statements is examined on a test basis, and accounting policies and significant accounting estimates are evaluated.

The primary responsibility for the prevention and detection of fraud and error and other irregularities rests with the management of the Commission. An audit conducted in accordance with INTOSAI and International Auditing Standards is designed to provide reasonable assurance that the Financial Statements, taken as a whole, are free from material misstatement(s), whether caused by fraud or error.

### **Opinion**

In our opinion, the Financial Statements present fairly, in all material respects, the financial position of the Commission as at 31<sup>st</sup> December, 2011 and the results of its activities for the year then ended in conformity with Generally Accepted Accounting Principles.

  
Auditor General

Date *Dec 2012*





## The State of Human Rights in Sierra Leone - 2012



Human Rights Commission of Sierra Leone  
Financial Statements for the year ended 31<sup>st</sup> December, 2011

### Income Statement

For the year ended 31<sup>st</sup> December, 2011

(In thousands of Leones)	Note	2011	2010
<b>INCOME</b>			
Government Subvention	2	3,031,167	2,144,181
External Grant	3	1,203,086	1,845,065
Refund		25,709	37,377
Proceeds from sale of vehicles		<u>45,800</u>	<u>348,148</u>
<b>Total Income</b>		<b><u>4,305,762</u></b>	<b><u>4,374,771</u></b>
<b>EXPENDITURE</b>			
Staff Cost	4	2,123,652	1,246,089
Administrative Expenses	5	1,075,422	1,087,268
Program Expenses	6	196,627	64,047
IRISH AID	7	389,303	1,231,567
UNIFEM	8	1,460	50,734
UNIPSIL	9	-	100,549
CONCERN WORLDWIDE	10	-	50,789
IRC	11	-	46,320
UNDP (Access to Justice)	12	-	201,197
GIZ	13	18,971	12,000
PBF2	14	482,181	-
JSCO	15	40,000	3,995
UNFPA	16	348,239	-
OSI/IWP	17	167,578	-
<b>Total Expenditure</b>		<b><u>4,843,433</u></b>	<b><u>4,094,555</u></b>
<b>Results for the year</b>		<b>(537,671)</b>	<b>280,216</b>

These Financial Statements were approved on the 7<sup>th</sup> December 2012

.....Chairman/Commissioner



## The State of Human Rights in Sierra Leone - 2012



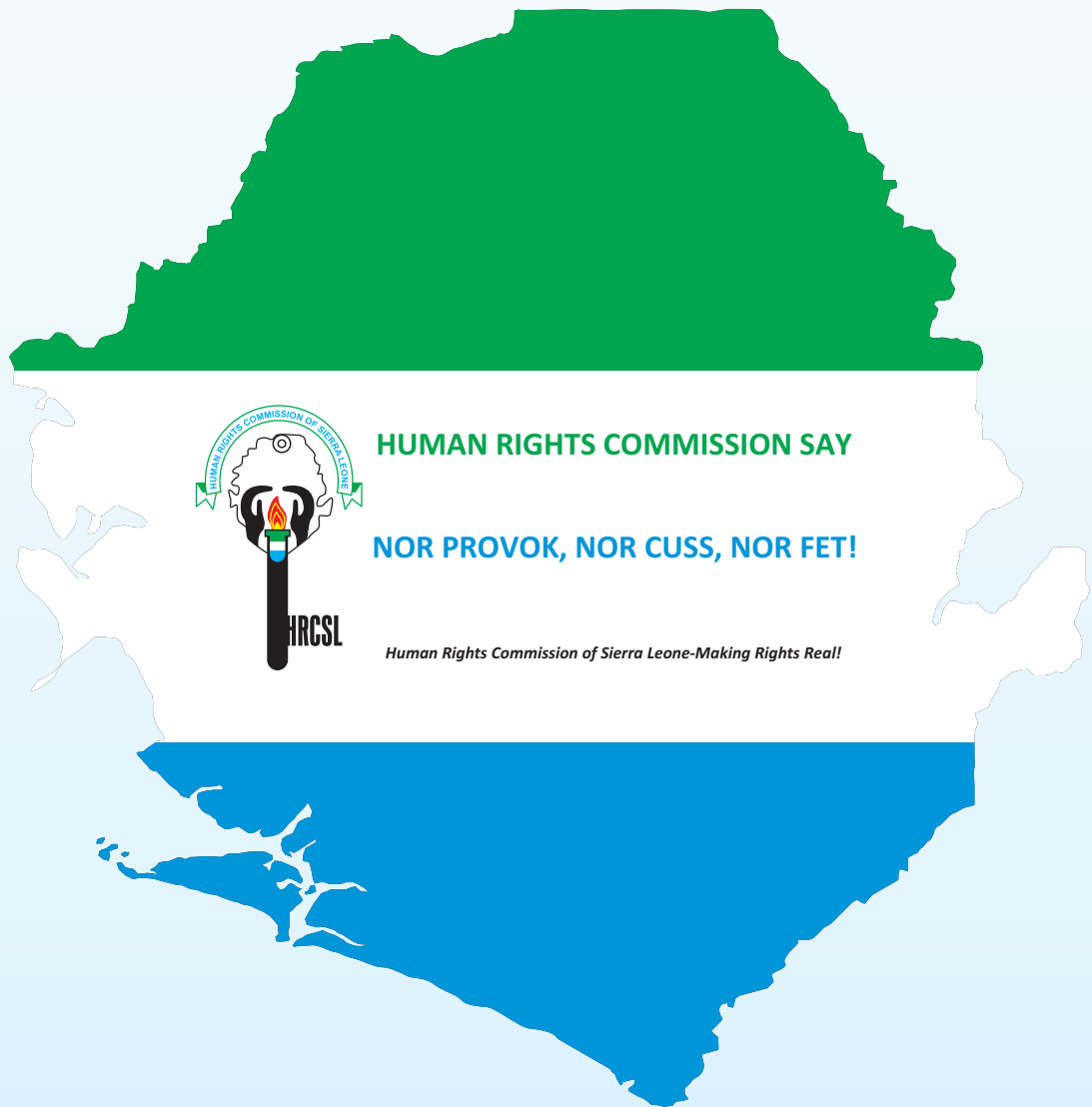
Human Rights Commission of Sierra Leone  
Financial Statements for the year ended 31<sup>st</sup> December, 2011

### Statement of Financial Position As at 31<sup>st</sup> December, 2011

(In thousands of Leones)	Note	2011	2010
<b><u>Assets</u></b>			
<b>Fixed Asset</b>	20		
Motor Vehicle & bikes		108,761	180,643
Furniture & Fittings		95,198	41,731
Office Equipments		279,715	316,860
Plant & Machinery		<u>19,950</u>	<u>34,200</u>
		<b>503,624</b>	<b>573,433</b>
<b>Current Assets</b>			
Cash and Cash Equivalent	18	32,863	379,939
Total Current Assets			
Total Assets		<b><u>536,487</u></b>	<b><u>953,372</u></b>
<b><u>Liabilities</u></b>			
<b>Current Liabilities</b>			
Accumulated Fund	19	(157,047)	380,624
Capital Grant		570,332	462,793
Creditor		89,202	87,955
Accrued Audit Fees		<u>34,000</u>	<u>22,000</u>
		<b><u>536,487</u></b>	<b><u>953,372</u></b>

These Financial Statements were approved on.....7<sup>th</sup>, Dec.,.....2012

.....Chairman/Commissioner



*HRCSL - Making Rights Real*