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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

Assistance to Sierra Leone in the field of human rights

Report of the High Commissioner for Human Rights*

* This report is submitted late in order to include the most up-to-date information.

Summary

The present report is submitted pursuant to Human Rights Council decision 2/102 in which the Council requested the High Commissioner for Human Rights to “continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. On the current issue regarding assistance to Sierra Leone in the field of human rights, a comprehensive annual report (E/CN.4/2006/106) was submitted to the sixty-second session of the Commission on Human Rights pursuant to resolution 2005/76. The information in the report remains relevant. The Office of the High Commissioner for Human Rights understands decision 2/102 to preserve the previous annual reporting cycle in respect of this issue until otherwise decided by the Council. The report accordingly addresses developments regarding the assistance to Sierra Leone in the field of human rights over the last year.

Sierra Leone continues to enjoy relative peace and political stability even after the termination of the mandate of the United Nations Assistance Mission in Sierra Leone (UNAMSIL) on 31 December 2005. Building on the foundation laid by UNAMSIL and working in close collaboration with the United Nations Country Team and international partners, the United Nations Integrated Office in Sierra Leone (UNIOSIL), established pursuant to Security Council resolution 1620 (2005), has played a major supportive and catalytic role in the consolidation of peace in Sierra Leone.

As reported previously, further considerable progress has been achieved in the area of civil and political rights. Preparations for the 2007 general and presidential elections got under way with the constitution of a National Elections Commission and the establishment of the Political Parties Registration Commission (PPRC). By the end of 2006, there were 28 registered political parties in Sierra Leone operating with considerable level of political tolerance, albeit some isolated incidents. However, the justice system remains weak and requires considerable support and intervention to address perennial problems such as lack of access to justice and significant delays in trials.

Furthermore, due in part to the poor performance of the economy, high levels of poverty and illiteracy, there has been no significant improvement in the area of economic and social rights.

Sierra Leone has been selected as one of the first countries to benefit from the newly established United Nations Peacebuilding Commission (PBC). The Government, in collaboration with the United Nations, identified four priority areas for support: (a) youth empowerment and employment; (b) strengthening governance; (c) justice and security sector reform; and (d) capacity-building and public service delivery.

A National Human Rights Commission has been established following sustained advocacy and technical support from the United Nations. The report of the Truth and Reconciliation Commission (TRC) was disseminated nationwide and awareness-raising activities on its findings and recommendations have been conducted in all 149 chiefdoms of the country. Notwithstanding progress, the implementation of the recommendations has been very slow.

Under intense pressure from the United Nations and civil society organizations, the Government designated the National Commission for Social Action (NaCSA) as the lead government agency to administer reparations to address the needs of the victims of the 10-year-old conflict. A task force was also constituted in this regard to coordinate the operational modalities of the programme.

There has been no significant progress either in the area of women's rights. Cultural and traditional practices, discriminatory laws, weak government institutions and enforcement mechanisms have continued to seriously hamper the rights of women. Impunity for gender-based violence, in particular domestic violence, remains particularly preoccupying.

While the Office of the High Commissioner for Human Rights remains committed to assisting the Government and people of Sierra Leone in addressing considerable human rights needs of the country, it is necessary that the Government strengthen its commitment to the promotion and protection of human rights.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	5
I. THE HUMAN RIGHTS SITUATION IN SIERRA LEONE	2 - 31	5
A. The right to life and security of the person	2 - 3	5
B. Political rights	4 - 9	5
C. Children's rights	10 - 14	7
D. Women's rights	15 - 20	8
E. Refugees	21 - 22	9
F. Economic, social and cultural rights	23 - 28	10
G. The justice sector	29 - 31	11
II. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE	32 - 48	12
A. The Human Rights and Rule of Law Section of UNIOSIL	32 - 33	12
B. Monitoring of the courts, police stations and prisons	34 - 38	12
C. Training and capacity-building	39 - 43	13
D. Technical cooperation and advocacy	44	15
E. The National Human Rights Commission	45 - 47	15
F. The Peacebuilding Commission	48	15
III. TRANSITIONAL JUSTICE	49 - 55	16
A. The Truth and Reconciliation Commission	49 - 51	16
B. The Special Court for Sierra Leone	52 - 55	16
IV. CONCLUSIONS AND RECOMMENDATIONS	56 - 58	17

Introduction

1. In its resolution 1734 (2006), the Security Council requested the extension of UNIOSIL for a further period of 12 months, beginning on 1 January 2007. The Council mandated UNIOSIL, inter alia, to assist the Government of Sierra Leone in implementing the recommendations of the Truth and Reconciliation Commission (TRC), developing a national plan of action for human rights, and establishing the National Human Rights Commission.

I. THE HUMAN RIGHTS SITUATION IN SIERRA LEONE

A. The right to life and security of the person

2. There has been no report of extrajudicial execution, or persistent and pervasive patterns of gross human rights violations, except for female genital mutilation, which remains widespread throughout the country and to which the Government's response is at best ambivalent in that it has neither condemned the practice nor has it put in place any legal enforcement mechanism to end or curtail it.

3. As reported previously, Sierra Leone still maintains the death penalty in its statutory laws in spite of the recommendation of the TRC to abolish it (E/CN.4/2006/106, para. 5). The Government led by Ahmed Tejan Kabbah has consistently maintained that it will only resort to executions for the most serious crimes, and this was reflected in its White Paper issued in response to the Truth and Reconciliation Commission (TRC) report. By the end of 2006, there were 22 persons on death row - 21 adult males and 1 adult female.

B. Political rights

4. The overall political situation in the country is stable and there is an increasing trend towards respect for political rights albeit some isolated violations. Preparation for the 2007 elections started unfolding in 2006. The National Elections Commission (NEC) was constituted, the Political Parties Registration Commission (PPRC) established and over 28 political parties registered. However, as the major political parties embarked on awareness-raising programmes around the country, a number of isolated cases of harassment, intimidation and threats had been initially registered against some political parties and their members. Supporters of the People's Movement for Democratic Change (PMDC) and the All People's Congress (APC) in Nongowa chiefdom, Kenema District and in Mattru Jong, Bonthe District, complained of frequent threats and intimidations from supporters of the Sierra Leone People's Party (SLPP) in general, and chiefs of section in particular, but with the increasing presence of officers of National Elections Commission (NEC), the frequency of these incidents had decreased by the end of 2006.

5. There were also a number of reports of civil unrest such as strikes and riots which, in some cases, resulted in death and/or destruction of property. For instance, on 9 February 2006, during a student strike in Port Loko, one student was shot by the local police and died as a result of his injuries. A police station in Mile 91 was burnt down by students, after a clash with the police. On 27 February 2006, the junior and intermediate staff of Port Loko Teachers College (PLTC) joined the staff of other institutions nationwide on a strike to request a 40 per cent salary increase. On 9 March 2006, an inter-secondary school competition in Freetown ended in

violence and the destruction of public properties. On 26 May 2006, requesting the release of colleagues detained by the police for having failed to obey police stop signs, students of Waterloo Peninsular Secondary School burnt down the Waterloo Police Post in the Western area.

6. Pursuant to an act of Parliament, national administration has been decentralized, local district councils established and a number of functions devolved from central government to these local councils. The decentralization of administration continues to facilitate the realization of political rights at the community level, including popular participation in local government. UNIOSIL field reports indicate that there has been increasing efforts on the part of civil society organizations to hold local district councils accountable to the public. The chairpersons of two district councils, Bombali and Tonkolili, were forced out of office under allegations of corruption and misappropriation of funds.

7. The instrumentalization of the institution of the Paramount Chiefs, established by customary law, continues to challenge the democratization process. It limits the right to contest the right of the chieftaincy to rule households and, within households, to oppose patrilineal heritage which results into significant numbers of the population being disenfranchised and discriminated against. Since independence, the institution of the chieftaincy in Sierra Leone has become increasingly politicized and subjected to interference from central government, as was the case with the Biriwa Chieftaincy elections.

8. The Government's insistence on conducting the Biriwa Chiefdom Paramount Chief elections in August 2006, notwithstanding the boycott by the Limbas, who constitute over 85 per cent of the population, on grounds of irregularities led people to think that the Government was using its influence and power to advance the interests of the ruling party to the detriment of the rights of some significant segments of the community. Paramount Chief elections are not conducted under statutory laws, but rather under customary law which is unwritten, male dominated and discriminatory, and which still coexists with the Constitution and statutory laws of the country. In Biriwa Chiefdom, under customary law, every 20 women taxpayers are entitled to designate 1 woman representative to vote in the elections. Nonetheless, the names of the representatives of over 400 women, who had paid their taxes, were deleted from the official gazette and hence were not permitted to vote. This practice leads to the marginalization, exclusion and disenfranchisement of women, and works against peace and stability. The situation in Biriwa Chiefdom remains tense. The Limbas have refused to recognize the electoral winner, a Mandigo, as the Paramount Chief, and the situation presents a potential for large-scale violence between Limbas and Mandigos.

9. A number of Paramount Chiefs are known to use their power in their respective chiefdoms to intimidate, harass and threaten opposition parties, and obstruct their activities. The Human Rights and Rule of Law Section of UNIOSIL noted some cases in which Paramount Chiefs denied opposition parties access to their chiefdoms. The TRC in its final report stated that "Chiefs and traditional structures did little more than the bidding of the power base in Freetown" and called upon the Government to "seriously consider the return of the Chiefs to traditional roles and functions and to embark on a national dialogue in this regard".¹ No concrete

¹ See volume II, chapter 2 of the final report of TRC, which is available online at <http://trcsierraleone.org/drwebsite/publish/index.shtml>.

actions have been taken by the Government to reform the institution and the role of the Government in the Biriwa elections had the propensity to inflame the situation rather than resolve existing conflicts. The Government should seriously consider the recommendations of the TRC in this regard.

C. Children's rights

10. Gradual progress was noted in the promotion and protection of children's rights. There was an improvement in the enrolment of children in schools, with a rate for girls of 69 per cent for primary education. The Government's policy of providing free education for girls attending secondary schools in some regions is still in effect. A child rights bill, drafted to harmonize a myriad of statutory provisions which were inconsistent with international standards, in particular the Convention on the Rights of the Child (CRC), has gone through a second reading in Parliament and is now set for enactment into law. Notwithstanding, children continue to be subjected to a number of harmful practices affecting their health, education, development, etc. Some of the harmful practices are the result of some traditional and cultural practices, others of inadequate social services and high levels of poverty and illiteracy.

11. The initiation of young girls into secret societies, some forcefully, is a preoccupying practice. In May 2006, a group of women belonging to Bondo society entered a primary school in a village in Luawa Chiefdom, Kailahun District, and forcefully took 14 girls to the Bondo bush and initiated them through female genital mutilation (FGM), without the consent of their parents. The girls were finally released after spending one month and two days in detention in the society bush at the detriment of their health and well-being. In Bonthe District, a 16-year-old girl, forcefully initiated, escaped from the Bondo bush and reported the matter to the police who refused to take action. The Government has to take urgent steps to address the issue of forceful initiation of girls, even in case of parental consent.

12. Early and forced marriages occasioned by traditional practices and encouraged by poverty also continue to prevent the full realization of women and girl's rights, including their health, education and general well-being. Child labour is also quite widespread in the country, especially in the mining sector, in spite of statutory laws prohibiting the practice. There is a need for effective mechanisms to be put in place, buttressed by awareness-raising activities on child rights and the provision of alternatives to child labour to the families. The policy of the Government, which instructs the Ministry of Mines to suspend the licence of mining operators who engage children, was not implemented during the period. Most of the children in the mining sector are of school age and work long hours with rudimentary tools.

13. The adoption of the Anti-Human Trafficking Act as a renewed commitment to addressing child trafficking is a welcomed step. In 2006, an Inter-Ministerial Committee and National Task Force on Human Trafficking, co-chaired by the Ministry of Social Welfare, Gender and Children's Affairs and the Ministry of Justice were established, as called for by the Anti-Human Trafficking Act. The Government also engaged in consultations with a view to developing a National Action Plan for the implementation of the joint Economic Community of Central African States/Economic Community of West African States Plan of Action against trafficking in persons, especially women and children, over a three-year period, starting in 2006.

14. UNICEF has provided assistance to children in a number of areas, including legal services through local organizations and addressing the needs of juveniles in some detention facilities. There are only two remand homes and one approved school nationwide for juveniles in conflict with the law. These institutions remain inadequately supported in terms of food, medical care, logistics and supplies, and do not respect minimum requirements. There are still no remand homes in the Eastern and Northern provinces and as a result, children are held in police stations or detained in prisons until they are transferred to Bo or Freetown. There is a need for a more coordinated approach by the relevant Ministries and responsible government institutions, including the police and prison authorities, the Ministry of Social Welfare and the Ministry of Justice.

D. Women's rights

15. Through consistent advocacy, support and intervention by the United Nations, international partners and civil society groups, significant progress has been made in including women's issues on the national agenda. However, very little has been achieved in terms of actual implementation due to a number of factors including (a) lack of political will; (b) existence of entrenched cultural and traditional practices; (c) lack of robust and vibrant women's groups. However, one area where significant progress has been noted was the submission by the Government of its combined first and fifth periodic reports to the Committee on the Elimination of Discrimination against Women with the support of UNIFEM and UNIOSIL. The Government has yet to incorporate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into its national legislation, although a number of nationwide awareness-raising activities were conducted by the Parliamentary Committee on Human Rights.

16. To facilitate the implementation of certain provisions of CEDAW, the Law Reform Commission, jointly with the Parliamentary Committee on Human rights, drafted three bills: (a) the Domestic violence Act (2006); (b) the Registration of Customary Marriages Act (2006); and (c) the Devolution of Property Act (2006). These bills are still with the Ministry of Justice and have yet to be transmitted to the Parliament. Addressing the issues of gender equity and empowerment of women is crucial to the consolidation of peace and the Government of Sierra Leone has to take steps to ratify the Protocol to the African Charter on the Rights of Women in Africa and to enact the three draft bills mentioned above, which are consistent with the recommendation of the TRC.

17. Another key challenge to women's basic security and the consolidation of peace is the widespread and continuous violence against women, especially in rural areas. Cases of domestic violence, rape and female genital mutilation were reported on a daily basis during the reporting period, and very few of those were followed with investigations and redress, a clear indication that the rule of law and the enforcement mechanisms in place are not functioning.

18. There has been no appreciable reduction in the reported incidence of rape, although some attempts have been made to routinely investigate charges and to prosecute perpetrators. Those found guilty have been in some cases sentenced to long prison terms; however, in some others the perpetrators have not been brought to justice and in fact benefited from their crime. For

instance in 2006, a 12-year-old girl was raped by the Town Chief of Mano village in Pujehun District. The Chief was not prosecuted and instead the girl was forced to marry him. The TRC, as one of its main recommendations, called for the launch of a national campaign to end the practice according to which victims of rape are forced to marry the offender. The Government and civil society organizations should turn this recommendation into concrete action.

19. As a result of concerted awareness-raising action and the existence of Family Support Units (FSU) within the Sierra Leone police, staffed by female police officers, more women mustered the courage to file complaints for domestic violence. However, the enforcement capacity of the FSU to deal with those cases is insufficient. They are poorly staffed and equipped, inadequately trained, and they lack basic logistics and supplies to respond to cases of domestic violence and indeed to other sexual and gender-based violence (SGBV). Also noted was community pressure to settle cases of SGBV, including the unwillingness of the victims themselves (in a number of cases after the initial shock of the violence) to proceed with prosecution. Further, the practice of requiring victims of SGBV to secure medical certificates as a condition to prosecution not only imposes a heavy burden on the victims, but also reinforces impunity as many perpetrators are not prosecuted due to the inability of the victim to obtain such a certificate. The Government needs to establish a trust fund that will provide free medical examinations for victims of rape, domestic violence and other acts of violence against women.

20. Women's exclusion from decision-making processes in the public and private spheres remains a major challenge. Only 15 per cent of Parliamentarians and 14 and 12 per cent of the staff of the Cabinet and the District Councils, respectively, are women. Women's access to resources and social justice, as well as their general well-being are still largely restricted and women still bear the burden of cultural expectations which limit their role to the private sphere of the home. Women who have entered public or political life are often faced with opposition or stigma from family, friends or their community. With the upcoming 2007 elections, there is a greater need for gender sensitivity on the part of the National Elections Commission (NEC), and for innovative approaches and focused efforts in several areas including: (a) registration of women voters; (b) provision of education for women; and (c) training for prospective candidates, voluntary quotas for party candidates, and gender sensitivity on the part of the National Elections Commission.

E. Refugees

21. At the end of December 2006, the residual population of refugees in Sierra Leone under the Office of the United Nations High Commissioner for Refugees (UNHCR) care and support from neighbouring countries stood at 27,317 of which 21,702 are residing in 8 UNHCR supported camps, and 5,615 in private residences in Freetown, Bo and Kenema. During several visits made to refugee camps by UNIOSIL, it was noted that access to education and health facilities were the major problems faced. The withdrawal of educational assistance by UNHCR to students at secondary school levels in July 2006, led to a drop in the number of refugee students. For example, at Taiama Refugee Camp, Kori Chiefdom, Moyamba District, 214 students were reported to have discontinued their education as a direct consequence of this withdrawal. Voluntary repatriation of Liberian refugees, however, has continued with 11,259 Liberians repatriated in 2006.

22. In June 2006, a number of Liberian refugees stormed UNHCR headquarters in Sierra Leone and damaged properties, in protest for the delay in processing their documents for resettlement in a third country. The police intervened and quelled the situation. Forty-three refugees were consequently arrested and later released on bail, while the case is still in court.

F. Economic, social and cultural rights

23. Very little progress was noted in the enjoyment of economic rights. Massive unemployment, in particular of young people, many of whom are former combatants, remains a major concern. Youth empowerment and employment must be addressed as matter of priority so as to avoid unravelling the gains that have been achieved through international efforts in consolidating peace and stability in the country. The level of the poverty is alarming with over 70 per cent of the population living on less than one United States dollar per day. Low salaries in the public sector, coupled with lack of incentives and poor working conditions also continue to translate into endemic corruption and low productivity.

24. A number of land disputes between neighbouring communities were reported in the districts of Tonkolili, Bombali, Kenema, Kambia, Kailahun and Moyamba. In one incident in February 2006, a police vehicle was burnt and several people wounded during a clash between the villages of Kobanka and Molanina in Ribbi chiefdom, Moyamba District.

25. There has been no significant improvement in the mining sector with respect to addressing the human rights needs of those affected by mining operations, especially in Kono District. By the end of 2006, the Koidu Diamond Mining Company had built only 56 of the 500 houses it had agreed to build for the relocation of families affected by the blasting operations. Even in the 56 houses completed, complaints were received that some did not meet adequate standards.

26. Many of the consequences of the conflict, in particular the lack of adequate housing and shelter, have not been fully addressed yet. Thousands of citizens are still living in slums, while others are squatting on public lands. The Government carried out a number of extrajudicial demolitions of properties and forced evictions in the Hill Station neighbourhood in Freetown and in Hanga Road, Kenema District, which caused enormous suffering and hardship. These demolitions constitute a violation of the rights to adequate housing and to property rights and have the potential to cause resentment, increase poverty and hardship. Consequently, they also have the propensity to undermine national unity and reconciliation. In Freetown, this exercise led to the death of a government official who was supervising the exercise; he was reportedly abducted and killed by persons believed to be affected property owners. The Government should adhere to the rule of law and address the housing needs of vulnerable populations.

27. The availability of basic social services such as safe drinking water as well as affordable and accessible health care is a continuing challenge. The lack of adequate health facilities, the shortage of trained and qualified staff and the costs involved in obtaining services have made health-care services inaccessible to many. Infant mortality is still high, estimated at 170 per 1,000 live births at the close of 2006, compared to 98 in least developed countries and 59 in

developing countries. Less than 50 per cent of the population has access to safe drinking water. The lack of access to health care has created a window of opportunity for the proliferation of quack doctors. The Government continued the implementation of its policy of providing antiretroviral drugs free of charge to persons living with HIV/AIDS, which is to be welcomed.

28. Even though there was a reported increase in the number of registered pupils, the educational system continues to encounter numerous problems; inadequate classrooms, shortage of didactic materials and a high drop-out rate of female students due to teenage pregnancy. Overcrowded classrooms and the late payment of subsidies by the State were some of the pressing issues. In Bombali District for example, some schools only received subsidies for the 2005/2006 school year in August 2006 at the end of the academic year.

G. The justice sector

29. In its final report, the TRC identified the weakness of the justice sector as one of the underlying causes of the civil war and advanced a number of recommendations including legal and legislative reform. In 2006 additional magistrates have been recruited, trained and deployed, with the support of United Nations Development Programme (UNDP). With the exception of Pujehun District, each district now has a resident Magistrate. A new Registry has been established in Makeni, Northern Province, which now enables cases for the High Court and appeals emanating from the Magistrate Courts to be filed in Makeni instead of Freetown. Notwithstanding these developments, delays in trials and prolonged pretrial detentions still continue to hinder justice delivery. The Government should strengthen, in an integrated manner, the institutional capacity of justice institutions.

30. Courts are still largely ill-equipped in resources. Over 80 per cent of the population has access to customary law only, which is largely unwritten, male-dominated and discriminatory against, or even harmful to, women and children. The Justice Sector Development Programme (JSDP) sponsored by the Department of Foreign International Development (DFID) launched a project with a view to supporting the reform of customary law and its integration into the formal legal system. JSDP also funded mobile sittings of the Magistrate Court in different locations in Moyamba District to bring justice closer to the people and to address the problem of access to justice or lack thereof. Government should support such interventions and ensure that human rights, in particular the rights of women, are protected under customary law and practices.

31. The Ministry of Justice remains an obstacle in the transmission of bills drafted by the Law Reform Commission. At the end of 2006, 20 bills drafted by the Commission, including the furtherance of the implementation of CEDAW, remained with the Ministry of Justice. Parliament in July 2006 passed the Sierra Leone Citizenship (Amendment) Act to amend the Sierra Leone Citizenship Act so as to grant the right of dual citizenship and to tap the investment potential of Sierra Leoneans who acquire citizenship of another country. The amendment also removed the situation whereby a person cannot obtain citizenship by birth directly from the mother, a source of discrimination against women which is contrary to the principles of the 1991 Constitution.

II. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE

A. The Human Rights and Rule of Law Section of UNIOSIL

32. In its resolution 1620 (2005) the Security Council established UNIOSIL to assist the Government in consolidating peace and serve as a catalyst for development. The mandate of UNIOSIL in the area of human rights is well defined: to assist the Government in (a) establishing the National Human Rights Commission, (b) developing a national plan of action for human rights, and (c) strengthening the rule of law, including by promoting the independence of the judiciary and enhancing the capacity of the police and penal systems. The Department of Peace Keeping Operations (DPKO) approved a staff increase of 24, including 10 international human rights officers. OHCHR provided 12 additional posts for national staff so that the United Nations is present in each of the 12 districts, and to build national capacity for a seamless transfer of responsibility to nationals upon the expiration of the mandate of UNIOSIL.

33. OHCHR, in its biannual budget (2006-2007) has also allocated US\$ 410,000 for technical support, including equipment and logistics, to facilitate the implementation of the human rights and rule of law activities of UNIOSIL. This support, combined with that from DPKO, enabled the Human Rights and Rule of Law Section of UNIOSIL to carry out a number of activities in three core areas: (a) building national capacity for the promotion and protection of human rights; (b) promoting reconciliation and strengthening the rule of law; (c) monitoring and reporting on the human rights situation, and implementing technical assistance programmes of OHCHR in Sierra Leone. Acting as the representative of the High Commissioner, the Chief of the Human Rights and Rule of Law Section of UNIOSIL carried out these activities consistent with OHCHR plan of action which called for country engagement and close partnerships with relevant stakeholders. The Human Rights and Rule of Law Section worked in close collaboration with the United Nations Country Team, the Government, civil society, and international partners using existing national frameworks including the Poverty Reduction Strategy (PRS) and the United Nations Development Assistance Framework (UNDAF), the Peace Consolidation Strategy developed jointly by the United Nations, the Government and civil society. The Section also worked closely with other sections of UNIOSIL, including Peace and Governance, United Nations Police, Public Information and the Military. Additionally, the Section served as the implementing partner for some remaining OHCHR funded projects, including construction of human rights and law reference libraries and the dissemination of the TRC final report and awareness-raising activities on its findings.

B. Monitoring of the courts, police stations and prisons

34. At the termination of the mandate of UNAMSIL in 2005, it was determined that assisting the Government in supporting the reform of the justice sector could be a major contribution to the consolidation of peace. The mandate of UNIOSIL was therefore expanded to include the strengthening of the rule of law by developing the independence and capacity of the judiciary, the police and the penal system. Regular monitoring visits were therefore, made by the Human Rights and Rule of Law Section to courts, police stations and prisons, which regularly brought the irregularities observed to the attention of the authorities concerned.

1. Courts

35. At the end of 2006, courts were functioning in all 12 districts, albeit with significant difficulties. Each district, except Pujehun, had a resident magistrate. However, no significant impact was noted on the backlog of cases, even after the deployment of resident magistrates, due to a number of factors including: (a) delays in processing cases by the administrative staff of the courts; (b) inadequate prosecutorial capacity; (c) lack of a public defender system and legal aid services. Low salaries and poor working conditions resulting in low morale also obstructed the speedy delivery of services. These problems were more pronounced in the provinces than in the capital city of Freetown.

36. Despite the aforesaid, the courts heard a number of high profile cases in 2006 related to war crimes. After nearly six years on the docket, the case of the Revolutionary United Front (RUF) and Westside Boys were finally adjudicated, thus bringing domestic trials of cases arising out of the civil conflict to an end. Of the 57 RUF boys indicted, 47 were acquitted and 10 were convicted on 15 counts of conspiracy murder and were given a jail term of 10 years on each count to be served concurrently. Of the 32 Westside Boys indicted, 25 were acquitted and 7 were convicted on 6 counts of conspiracy and sentenced to prison terms of 10 years on each count, with the sentences to be served concurrently.

2. Police

37. Training in human rights in administration of justice provided to the Sierra Leone Police over the years continue to yield dividends. An increasing respect for human rights was noted in the operations of the police. However, a number of disturbing incidents involving police officers were noted during the year, all of which are still pending in court undetermined.

3. Prisons

38. UNIOSIL concluded a national assessment of prisons in the country, which involved visits to all the detention facilities. Conducted in close collaboration with the Ministry of Internal Affairs and other stakeholders, this exercise was specifically aimed at assessing the living conditions in the facilities and the level of compliance with international standards in relation to the treatment of persons in detention. The exercise revealed that while there have been efforts towards adherence to international standards, prison conditions are generally poor, requiring a reform of the system. A final report which will soon be released by UNIOSIL, will be recommending a number of reforms, the management of prisons, and the general conditions of detention.

C. Training and capacity-building

39. At the core of UNIOSIL's mandate, is the task of building national capacity for the promotion and protection of human rights. With the assistance of OHCHR, UNIOSIL Human Rights and Rule of Law Section conducted a number of training programmes targeting specific segments of the Government and the population. For the mainstreaming of human rights in local governance, nine training workshops benefiting over 300 members of district and Town Councils were conducted in the area of human rights, democracy and the rule of law to empower civil

society organizations, UNIOSIL provided training to over 230 members of human rights committees in six districts. These committees are umbrella grouping of human rights and pro-democracy organizations operating at the level of the districts. In partnership with UNIOSIL, they are playing an essential role in monitoring the human rights situation in their respective areas as well as sensitizing local communities on human rights.

40. UNIOSIL also organized a training workshop for about 30 media practitioners to familiarize them with democratic values, human rights standards and basic tenets of the rule of law with the view to strengthening their capacity to incorporate these in their reporting. Extensive awareness-raising campaigns on the TRC final report were conducted throughout the country, to promote reconciliation and healing. A total of 149 workshops on the findings and recommendations of TRC were conducted (one in each of the 149 chiefdoms in the country) in close collaboration with district Human Rights Committees. A summarized version of the TRC report was published, used and distributed at these workshops. Workshops were also organized for members of churches and affiliate organizations on the “Role of religious leaders in the implementation of the TRC recommendations and human rights issues”.

41. A training workshop was organized for local musicians and artists aimed at deepening their understanding of the TRC findings and recommendations. Out of this training, a concrete agreement was reached between UNIOSIL and seven recording studios under which they will produce musical CDs on the TRC and its recommendations. By the end of 2006, the production of those CDs was still in progress. Similar arrangements were concluded with local theatre groups to produce 30 episodes of radio dramas on certain TRC provisions, including the findings and recommendations on children, women, governance, rule of law and human rights. Musical tunes were also produced which are now being played on the United Nations Radio. These activities were intended to deepen public understanding of the causes of the conflict and the way forward to prevent its repetition.

42. Capacity-building activities included participation in and facilitation of sessions of the workshops organized jointly by the United Nations High Commissioner for Refugees/National Commission for Social Action (UNHCR/NacCSA) for government officials and civil society organizations on the Refugee Bill of Sierra Leone; presentation on the “National and Regional Human Rights Monitoring and Documentation” in relation to child soldiers at the workshop organized by the West African Network to stop the use of child soldiers under the theme: “Capacity-building programme on human rights, international humanitarian law and human security”. The Human Rights and Rule of Law Section also participated in trainings on the human rights dimension of peacekeeping operations for the Sierra Leone Police, as well as presentation at the International Military Advisory and Training Team (IMATT) Course on Mission preparedness for the Republic of Sierra Leone Armed Forces (RSLAF) high officers.

43. UNIOSIL Human Rights and Rule of Law Section continued to provide support to the human rights work of non-governmental organizations (NGO), including the Human Rights Committees in Freetown and in the districts as well as human rights groups in academic institutions, including Njala University College and Fourah Bay College. UNIOSIL Human Rights and Rule of Law Section also provided training to the United Nations Country Team to reinforce and sustain the capacity to mainstream human rights in their programmes and activities. In this regard, funds have already been secured under the Action 2 Global Programme which aims at strengthening human rights-related United Nations actions at country level.

D. Technical cooperation and advocacy

44. Under the comprehensive programme of assistance to Sierra Leone of OHCHR, UNIOSIL Human Rights and Rule of Law Section, in collaboration with the Sierra Leone Library Board (SLLB), established human rights and law reference libraries in Bo, Makeni and Kenema. Bo and Kenema libraries are now completed and ready for use. The beneficiaries are not only human rights groups but also legal practitioners, students and the general public.

E. The National Human Rights Commission

45. On 11 December 2006, the Government appointed the members of the Human Rights Commission. Established by Act of Parliament in 2004, the Human Rights Commission of Sierra Leone (HRCSL) is mandated to receive and to act on complaints for human rights violations; to monitor, to investigate, to document and to report on the human rights situation; and to promote awareness of human rights through information and education. It also has the mandate to oversee compliance with treaty obligations, to promote conformity of national laws and practices with international standards. The HRCSL has also been designated as the "Follow-up Committee" to facilitate and to monitor the implementation of the TRC recommendations.

46. OHCHR Office in Geneva had earlier responded to a request for support from the Government by contracting a consultant who traveled to Sierra Leone on two occasions and provided advisory services with a view to the establishment of the Commission. With the full establishment of the HRCSL, its urgent task, among others, is to formulate a national plan of action for the promotion and protection of human rights; OHCHR will continue to provide support to the HRCSL in this regard.

47. The Commission is still in its inception phase; it has to develop minimum operational modalities and to arrange for logistics and other basic needs, and the Commissioners also require training. The beginning is crucial for the future and credibility of the Commission and, therefore, it needs the full support and a strong commitment from the Government and the international community in this context. OHCHR welcomes the initiatives of the Government to identify support to the Commission as a priority area in the context of the Peacebuilding Commission.

F. The Peacebuilding Commission

48. Sierra Leone has been selected as one of the first countries to benefit from the newly established Peacebuilding Commission (PBC). The Government, in collaboration with the United Nations, identified four priority areas for support: (a) youth empowerment and employment; (b) strengthening governance; (c) justice and security sector reform; and (d) capacity-building and public service delivery. These priority areas were presented by the Vice-President of Sierra Leone in New York and approved by the PBC. Subsequently, concept notes covering the four priority areas were developed and submitted to PBC for approval in order to trigger the release of the country envelope.

III. TRANSITIONAL JUSTICE

A. The Truth and Reconciliation Commission

49. The Truth and Reconciliation Commission (TRC), was established to create a historical record of the conflict, to promote reconciliation and to address the human rights needs of the victims. TRC completed its task and submitted a final report with a number of recommendations to the Government to address the root causes of the conflict and to facilitate the consolidation of peace. UNIOSIL Human Rights and Rule of Law Section, with support from OHCHR under its technical cooperation project, facilitated nationwide dissemination of the report and awareness-raising activities on its findings and recommendations. As indicated earlier UNIOSIL, in collaboration with the District Human Rights Committees, conducted awareness-raising activities in all 149 chiefdoms of the country. Summaries of the report were published and several socio-professional groups, such as journalists, churches, NGOs, the police and the army, were informed on the findings and recommendations.

50. While there have been some noticeable efforts with a view to implementing the TRC recommendations, one particular area of concern remains the reparations programme. The needs of thousands of victims of the conflict, in particular amputees and the war-wounded, including victims of rape and other forms of sexual abuse, have to be addressed as quickly as possible. Besides the resolution adopted by the Cabinet to provide free medical treatment and other social services, the Government has recently designated the National Commission for Social Action (NaCSA) as the lead agency for the implementation of the reparations programme, but no significant progress has been made. With the formal establishment of the Human Rights Commission of Sierra Leone which will follow-up the TRC recommendations, including the reparations programme, it is expected that more action will be taken in this regard.

51. In July 2006, in a civil society workshop aimed at exchanging views on PBC and identifying the possible role of NGOs in the work of the Commission in Sierra Leone, the dissemination and implementation of the TRC recommendations was identified as one of the human rights concerns that PBC needs to focus on. Finally, in December 2006, UNIOSIL Human Rights and Rule of Law Section assisted the Government in designing concept notes for support towards the implementation of the TRC recommendations under the Peacebuilding Fund.

B. The Special Court for Sierra Leone

52. The Special Court for Sierra Leone is now in its fifth year of operations. The trial of the Revolutionary United Front (RUF), Civil Defense Force (CDF) and Armed Forces Revolutionary Council (AFRC) indictees charged with war crimes, crimes against humanity and grave breaches of international humanitarian law, continued throughout 2006. In February, a number of high profile witnesses including Joe Demby, former Vice-President of Sierra Leone, Peter Penfold, former British High Commissioner, and British Army General Richards testified. By October, the CDF defence team rested their case and oral hearings on the final trial briefs of both prosecution and defence were heard on 28 and 29 November. No definite date was scheduled for the final judgement, but it was expected to take place in the early part of 2007.

Yet, by the end of 2006, the Special Court was engaged in discussions with the Government of Senegal to have Hinga Norman, leader of CDF, fled to Dakar for medical treatment. He was evacuated to Senegal on 17 January 2007 and passed away on 22 February at Dakar hospital.

53. On 29 March 2006, Charles Taylor, the former President of Liberia, was arrested and brought under the jurisdiction of the Special Court where he made his first appearance on 3 April 2006. He pleaded not guilty to an 11 count indictment for war crimes, crimes against humanity and violations of international humanitarian law. On 20 June 2006, Mr. Taylor was flown to The Hague following orders of the Special Court, backed by resolution 1688 (2006) of the Security Council and according to the International Criminal Court Memorandum of 13 April 2006 in which the Court agrees to allow the use of its premises for the detention and trial of former President Taylor by the Special Court. Two status conferences have been held in The Hague and June 2007 has been scheduled as a tentative date for the commencement of the trial.

54. The Armed Forces Revolutionary Council Defence (AFRCD) lost a motion for acquittal and started their defence on 28 June 2006. Testimonies were heard from both prosecution and defence witnesses including expert witnesses. On 7 December, oral presentations were made by both the prosecution and defence on the final trial briefs. No definite date was slated for the final judgement.

55. The trial of the Revolutionary United Front (RUF) resumed proceedings on 18 July 2006, mostly in closed sessions. Over 100 witnesses were presented and the prosecution have finally closed their case when the defence filed a motion for acquittal which was denied by the Trial Chamber on 26 October. Consequently, it was agreed that the RUF defence would start in the third week of April 2007.

IV. CONCLUSIONS AND RECOMMENDATIONS

56. **Substantial progress continues to be noted in the promotion and protection of human rights in Sierra Leone, especially in the field of civil and political rights. Progress in the realization of economic, social and cultural rights, as in many post-conflict countries, is slow and continues to pose serious challenges. From these two perspectives, the peacebuilding and development mandate of UNIOSIL has been to provide significant assistance to Sierra Leone. However, the effective consolidation of peace still requires addressing the root causes of the conflict as well as the human rights challenges occasioned by the conflict.**

57. **In this regard, the need for the Government of Sierra Leone to take ownership of and demonstrate political will and financial commitment to interventions in the field of human rights is crucial. However, Sierra Leone still needs international support in addressing human rights gaps, especially in relation to economic and social challenges, which, if not timely addressed and in a holistic manner, may unravel the successes achieved towards the realization of civil and political rights.**

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

(a) Collaborate with the international community to strengthen the justice system so as to address the perennial problems of access to justice, delays in trials, prolonged pretrial detentions and prison conditions;

(b) Implement the TRC recommendations, especially the reparations programme, with the view to addressing the human rights needs of the victims of the conflict and promoting national reconciliation;

(c) Demonstrate political will and commitment to the operationalization of the Human Rights Commission and provide the necessary logistic and financial resources to the Commission;

(d) To request the Ministry of Justice to forward some 20 bills drafted by the Law Reform Commission, including the draft bills in furtherance of CEDAW, which the Ministry has kept for nearly a year and neglected to submit to Parliament for enactment.

(e) Incorporate CEDAW into national legislation and harmonize national laws in conformity with its provisions so as to promote gender equality and empowerment; particular attention must be made to the continuous discriminatory practices and persistent patterns of sex- and gender-based violence which continue;

(f) Strengthen the enforcement mechanisms currently in place, including the Family Support Units and the Courts, to effectively address the increasing incidents of rape, domestic violence, and other forms of gender violence that continue to frustrate the basic security of women and frustrate their full participation in the political, economic and social spheres of the country;

(g) Establish effective measures to fight corruption, enhance transparency and accountability in governance, and embark on effective measures to improve basic services especially safe drinking water and health care.
