

I. EXECUTIVE SUMMARY

1. This report addresses Sierra Leone's compliance with human rights obligations with regard to its use of the death penalty. During its last Universal Periodic Review in 2016, Sierra Leone accepted all recommendations regarding abolition of the death penalty, as well as those regarding the related issues of access to justice and conditions of detention. However, Sierra Leone has not taken meaningful steps to implement those recommendations. It has not signed or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Sierra Leone has also not abolished the death penalty in law or established a moratorium on the death penalty, and it while it has not carried out any executions, it has continued to issue new death sentences. It appears that popular support for abolition of the death penalty may have weakened in Sierra Leone due to increasing crime rates and gang activity, and the government of Sierra Leone is reconsidering the use of capital punishment in an effort to alleviate these issues
2. The justice system in Sierra Leone continues to suffer from delays, lack of access, and improper influences. Detention conditions remain poor, with overcrowding, unhygienic conditions, lack of adequate food, and lack of sufficient medical care being common.

II. BACKGROUND AND FRAMEWORK

A. 2016 Universal Periodic Review of Sierra Leone

3. During its last Universal Periodic Review in 2016, Sierra Leone received 22 relevant recommendations, 13 of which specifically called for abolition of the death penalty or an official moratorium on the death penalty. Sierra Leone accepted all the recommendations relevant to the death penalty and related issues. Sierra Leone has not abolished the death penalty, nor has it formalized the de facto moratorium on executions or adopted a moratorium on new death sentences.

1. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

Status of Implementation: Accepted, Not Implemented

4. Sierra Leone accepted five recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, as well as eight other recommendations to abolish the death penalty.¹ However, Sierra Leone has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, nor taken any meaningful steps toward doing so.

2. Abolish the death penalty

Status of Implementation: Accepted, Not Implemented

5. Sierra Leone received eight recommendations abolish the death penalty.² Sierra Leone accepted all these recommendations, but it has neither abolished the death penalty in law nor instituted a moratorium on the practice of imposing the death penalty.

3. Justice Reform

Status of Implementation: Accepted, Partially Implemented

6. Sierra Leone received six recommendations to reform the justice system.³ Sierra Leone accepted all such recommendations. Attempts have been made to improve access to justice in Sierra Leone. However, long delays in legal proceedings, continuing obstacles to access to justice, and improper outside influences remain prevalent and hinder access to the judicial system in Sierra Leone.

4. Detention Conditions

Status of Implementation: Accepted, Partially Implemented

7. Sierra Leone received four recommendations related to detention conditions.⁴ Sierra Leone accepted all these recommendations. Although efforts to reduce overcrowding and improve detention center infrastructure have been made, detention conditions in Sierra Leone do not appear to have noticeably improved since the Universal Periodic Review in 2016. Overcrowding, unhygienic conditions, inadequate food, and insufficient medical care remain widespread.

B. Domestic Legal Framework

8. Article 16 of the Constitution of Sierra Leone provides:
(1) No person shall be deprived of his life intentionally except in execution of the sentence of a court in respect of a criminal offence under the laws of Sierra Leone, of which he has been convicted.⁵
9. Offenses for which the law provides for death penalty in Sierra Leone are murder, treason and related offences under the Treason and State Offences Act 1963, mutiny under the Sierra Leone Military Forces Act of 1961, and robbery with aggravation under the Criminal Procedure (Amendment) Act of 1973.⁶ Pursuant to section 121 of the Criminal Procedure Act of 1965, every sentence of death shall direct that the person condemned shall be hanged by the neck until he/she is dead, but shall not state the place of execution. Where the death penalty is pronounced by a military court, execution is by firing squad.⁷
10. The legal framework related to the death penalty remains unaltered since the previous Universal Periodic Review in 2016.⁸ Despite an earlier recommendation by Sierra Leone's Truth and Reconciliation Commission to immediately abolish the death penalty,⁹ the 2016 final report of the Sierra Leone Constitutional Review Committee contained alternative, and conflicting, recommendations on abolition or retention of the death penalty.¹⁰ In a November 2017 white paper, in which the government rejected most of the Committee's report, it stated its intention to retain the death penalty in the country's constitution.¹¹ Sierra Leone nevertheless represents that it continues to support recommendations to abolish the death penalty, and stated without further explanation in its mid-term report that "although this is under constitutional review, Government has already made firm commitments towards this end."¹² However, there appears to be no other indication that abolition of the death penalty has been officially reconsidered since November 2017.

11. Sierra Leone is abolitionist in practice.¹³ Although death sentences continue to be imposed, no executions have taken place for more than twenty years.¹⁴

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 3. Cooperation with human rights mechanisms and institutions

12. Additionally, the Government of Sierra Leone stated it would cooperate with the Human Rights Council Mechanisms in response to the 2016 Universal Periodic review. However, the actions of the Government of Sierra Leone in implementing this statement appear to have been contradictory. The Government of Sierra Leone initially removed all three members of Sierra Leone's Human Rights Commission in 2018 without citing a reason.¹⁵ These Commissioners were appointed in 2017 for a term of five years. Following the early removal of these Commissioners, five new members of Sierra Leone's Human Rights Commission were appointed in 2019.¹⁶

Right or Area 12.4. Death Penalty

13. Despite Sierra Leone's acceptance of recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolition of the death penalty, Sierra Leone has not taken no steps to sign or ratify the Protocol.¹⁷
14. While Sierra Leone has not carried out any executions since 1998, death sentences have continued to be issued. Notably, there has been an increase in the number of death sentences imposed in 2019 compared to 2018 (from 4 to 21).¹⁸ Death sentences have also been imposed in 2020.¹⁹ According to the Constitutional Review Committee, all previously existing death sentences had been commuted by May 2014,²⁰ but a recent report noted that 58 people under sentence of death were being held at a single prison, and that the number of persons under sentence of death had increased dramatically over the years.²¹
15. In June 2019, it was reported that a member of Sierra Leone's Parliamentary Human Rights Committee reiterated the country's commitment to abolition of the death penalty.²² Sierra Leone's Mid-Term Progress Report, while stating continued support for recommendations to abolish the death penalty and referring to unexplained "commitments" in that regard, provides no specific information indicating that steps have been taken to implement these recommendations.²³
16. In January 2017, the Constitutional Review Committee issued its final report on its review of the Sierra Leonian Constitution addressing various issues of constitutional reform and proposing recommendations, including conflicting alternatives as to retention or abolition of the death penalty.²⁴ In response to that report, the government of Sierra Leone stated an intention to retain the death penalty.²⁵ Additionally, it appears that public opinion in Sierra Leone may no longer be in favor of abolishing the death penalty due to higher crime rates and gang activity.²⁶ The Constitutional Review Committee reported that it initiated a national dialogue on the subject, the results of which indicated that while public opinion was sharply divided, 60% of respondents believed the death penalty should be retained for murder.²⁷

17. The government's continued retention of the death penalty in domestic law is at odds with the law applied to much graver crimes committed during Sierra Leone's civil war. The Statute for the Special Court for Sierra Leone, a Court established at the request of the government of Sierra Leone to prosecute atrocities committed by high level officials during the war, does not provide the death penalty for any such crimes,²⁸ yet it continues to be imposed upon ordinary citizens, even for crimes that do not involve intentional killing.

Right or area 12.6. Conditions of detention

18. Some overall progress has been made with regard to detention conditions. Since 2016, Sierra Leone introduced new bail and sentencing guidelines to reduce pre-trial detention and lower the overall number of incarcerated individuals, resulting in some reduction in overcrowding in its prisons.²⁹ However, overcrowding returned to previous high levels in the country's central prison earlier this year, when people were transferred back to the facility from reintegration centers due to the COVID-19 pandemic.³⁰ Sierra Leone has also improved some detention centers with infrastructure projects, which added better sanitation, lighting, and increased capacity in some of its facilities.³¹ The government also reports that the Human Rights Commission of Sierra Leone has begun visiting prisons to review cases of prolonged detention, and that some persons held for prolonged periods pre-trial have been released,³² which is helpful in addressing overcrowding.
19. Despite these efforts, detention conditions continue to remain generally poor. Overcrowding remains a significant problem: in January 2019, the prison where people under sentence of death are held was at more than seven times its capacity.³³ Additionally, poor hygienic conditions, lack of adequate food, and insufficient medical care in many detention centers are common, including the death row, facility, which has resulted in the deaths of several people in detention.³⁴ 2018 investigative reports on eight prisons across the country highlighted deplorable conditions, including inedible food, food and water shortages that led to violent confrontations among detained persons, disease outbreaks, insect infestations, and severe overcrowding.³⁵ These conditions in Sierra Leone's prisons have likely been the cause of several riots that have occurred in the past two decades.³⁶

Right or area 15.1. Administration of justice & fair trial

20. In 2019, Sierra Leone introduced a prototype of a new digital tool that maps all the courts in the country.³⁷ When deployed, this tool is intended to provide a platform where citizens and lawmakers can access and view the types of cases and caseloads of each court.³⁸ This will be helpful to enhance the transparency of the judicial system.
21. Access to justice and judicial system reform remain areas needing improvement.³⁹ The law in Sierra Leone provides for free legal aid to indigent individuals charged with a crime,⁴⁰ and the government has introduced reforms aimed at expanding its provision.⁴¹ However, this service employs few attorneys, the vast majority of those in need of representation do not receive it.⁴² The government reports that it is appointing additional judges, and that it was able to clear a large number of criminal cases from its docket during 2017 using international funding, and that it established a Prisons Court to help to continue expediting trials.⁴³ A lack of attorneys and magistrates, paired with costly court fees, continues to result in lengthy delays in trials and appeals.⁴⁴

22. A number of other issues continue to impact the ability of capitolally-charged individuals to receive a fair trial. These include lack of access to language interpretation, and an overall lack of resources for preparing a defense.⁴⁵ While corruption has impacted fair trial rights, Sierra Leone passed an anticorruption law in October 2019 that strengthened protections for witnesses.⁴⁶
23. The law substantially shortens the time for appeal of a death sentence issued in a military court proceeding. The time provided to make an appeal of a death sentence is only 10 days, while the time provided for an appeal from all other decisions issued by courts martial is forty days.⁴⁷
24. Although a clemency process exists for death sentences, this process does not appear to have been utilized since 2012.⁴⁸

IV. RECOMMENDATIONS

25. This stakeholder report suggests the following recommendations for the Government of Sierra Leone:
 - Abolish the death penalty in law and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards.
 - Strictly limit any use of the death penalty to the most serious crimes involving intentional killing.
 - Impose an immediate, official moratorium on the issuance of new death sentences, and a stay of execution for any previously-imposed death penalty sentences.
 - Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
 - Prior to any public referendum concerning the death penalty, conduct a comprehensive awareness-raising campaign on human rights and alternatives to the death penalty, in collaboration with civil society organizations in the region.
 - Ensure that each person potentially eligible for a death sentence or other significant sentence is represented by competent counsel at all stages of judicial proceedings and while pursuing relief under the prerogative of mercy, regardless of the person's ability to pay for legal representation.
 - Ensure that legal proceedings occur in a timely matter, without excessive delay.
 - Reform the judicial system to guarantee its independence and ability to administrate justice
 - Improve detention conditions in order to ensure compliance with the Nelson Mandela Rules, particularly with respect to food, health care, sanitation, and quarantine measures, so as to minimize the risk of spread of COVID-19.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, (14 April 2016), U.N. Doc. A/HRC/32/16 ¶ 111.1 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as well as eliminate definitively the death penalty in all cases (Spain); ¶ 111.2 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Switzerland) (Belgium) (Montenegro) (France); ¶ 111.3 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the

abolition of the death penalty (Benin); ¶ 111.13 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Convention against Torture, as well as its Optional Protocol (Portugal); ¶ 111.16 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Djibouti)

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, (14 April 2016), U.N. Doc. A/HRC/32/16 ¶ 111.91 Abolish the death penalty (Djibouti); ¶ 111.92 Abolish the death penalty in law (Germany); ¶ 111.93 Abolish officially the death penalty in the country (Portugal); ¶ 111.94 Take further steps aiming at the abolition of the death penalty (Mozambique); ¶ 111.95 Redouble efforts to address and abolish the death penalty in the context of the review process of the Constitution (Panama); ¶ 111.96 Take the opportunity brought by the review process of the Constitution to include in statute the definitive abolition of the death penalty (Switzerland); ¶ 111.97 Introduce into national legislation the abolition of the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ¶ 111.98 Proceed with the legal abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia);

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, (14 April 2016., U.N. Doc. A/HRC/32/16 ¶ 111.136 Accelerate reforms within the justice sector in order to improve the conditions of judges and strengthen the independence of the judiciary (Portugal); ¶ 111.137 Continue to reform the judicial system in order to guarantee its independence and capacity to administrate justice, and speed up efforts to abolish the death penalty (Costa Rica); ¶ 111.138 Continue efforts for the reform of the judiciary, to improve access to justice and fight against the abusive recourse to pretrial detention (France); ¶ 111.139 Support the independence of judiciary and combat impunity (Oman); ¶ 111.143 Guarantee all individuals the right to be tried within reasonable time or released, and introduce alternative punishments to the imprisonment (Switzerland); ¶ 111.147 Ensure adequate allocation of resources towards court infrastructure and capacity-building in the Judiciary (Botswana).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sierra Leone*, (14 April 2016), U.N. Doc. A/HRC/32/16 ¶ 111.143 Guarantee all individuals the right to be tried within reasonable time or released, and introduce alternative punishments to the imprisonment (Switzerland); ¶ 111.144 Take appropriate actions to reduce prison overcrowding, including through a reduction in lengthy pretrial detention and alternatives to custodial sentences for minor offences (United Kingdom of Great Britain and Northern Ireland); ¶ 111.145 Carry out measures to reduce overcrowding in prisons (Egypt); ¶ 111.146 Consider alternatives to prolonged pretrial detention and provide adequate resources to address poor prison conditions (United States of America);

⁵ Article 16, *Constitution of Sierra Leone*, 3 September 1991.

⁶ Abdul Tejan-Cole, *The Death Penalty in Sierra Leone*,

https://www.biiicl.org/files/2301_country_report_sierra_leone_tejan_cole.pdf (accessed 29 September 2020).

⁷ Sierra Leone Criminal Procedure Act of 1965 § 121. Also available online at

<http://www.sierra-leone.org/Laws/1965-32.pdf> (accessed 6 October 2020).

⁸ Abdul Tejan-Cole, *The Death Penalty in Sierra Leone*,

https://www.biiicl.org/files/2301_country_report_sierra_leone_tejan_cole.pdf (accessed 29 September 2020)

⁹ Sierra Leone Truth and Reconciliation, *Witness to Truth: Final Report of the Sierra Leone Truth and Reconciliation Commission* (2004), ¶ 54, <https://www.sierraleonecrtc.org/index.php/view-the-final-report/table-of-contents> (accessed 5 October 2020).

¹⁰ Republic of Sierra Leone, *Report of the Constitutional Review Committee* (2016), 108–09,

https://constitutionalreviewblog.files.wordpress.com/2017/01/crc_final_report16.pdf, (accessed 5 October 2020).

¹¹ Hands Off Cain, *Sierra Leone*,

<http://www.handsoffcain.info/bancadati/africa/sierra-leone-50000043> (accessed 5 October 2020).

¹² Republic of Sierra Leone, *Sierra Leone Mid-Term Review Report on the 2nd Cycle UPR Recommendations: January 2016-July 2019*, ¶ 76.

¹³ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2019*, (London, UK: Amnesty International Ltd, 2020). Also available online at

<https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF> (accessed 6 October 2020).

¹⁴ *Id.*

¹⁵ *Sierra Leone must respect human rights law, says UN expert*, 23 September 2018,

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23752&LangID=E>

¹⁶ Press Release, Sierra Leone Human Rights Commission, Press Statement, (17 April 2019). Available online at <http://hrc-sl.org/PDF/Media/Press%20Statement%202017-4-19.pdf>,

¹⁷ Amnesty International, *Advocacy Toolkit Abolition of The Death Penalty In Africa* (2019),

<https://www.amnesty.org/download/Documents/ACT5042092016ENGLISH.PDF> (accessed 6 October 2020).

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- ¹⁸ Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2019*, *supra*.
- ¹⁹ Mohamed Kai, *Death Penalty for 5 Clique Members*, AYV Newspaper, Apr. 23, 2020, <http://www.ayvnewspaper.com/index.php/2020/04/23/death-penalty-for-5-clique-members/> (accessed 29 September 2020).
- ²⁰ Republic of Sierra Leone, *Report of the Constitutional Review Committee (2016)*, *supra*, at 105-06.
- ²¹ Mohamed Massaquoi, *Sierra Leone: 58 Prisoners on Death Row at Pademba Road*, Concord Times, Jan. 23, 2020, <https://allafrica.com/stories/202001230458.html>, 23 January 2020 (accessed 5 October 2020).
- ²² Death Penalty Project on Twitter, 7 June 2019, <https://twitter.com/DeathPenaltyP/status/1136998932779810816> (accessed 5 October 2020).
- ²³ Republic of Sierra Leone, *Sierra Leone Mid-Term Review Report on the 2nd Cycle UPR Recommendations: January 2016-July 2019*.
- ²⁴ Republic of Sierra Leone, *Report of the Constitutional Review Committee (2016)*, *supra*.
- ²⁵ Amnesty International, *Sierra Leone: Government rejection of important constitutional review recommendations a missed opportunity to strengthen human rights protection*, 6 December 2017, <https://www.amnesty.org/en/press-releases/2017/12/sierra-leone-government-rejection-missed-opportunity-to-strengthen-human-rights-protection/> (accessed 29 September 2020).
- ²⁶ Saidu Bah and Jennifer O'Mahony, Agence France-Presse, *'The gallows are ready': Sierra Leone*, 7 November 2016, <https://www.businessinsider.com/afp-the-gallows-are-ready-sierra-leone-reconsiders-death-penalty-2016-11> (accessed 6 October 2020).
- ²⁷ *Report of the Constitutional Review Committee*, *supra*, at 108.
- ²⁸ *Statute of the Special Court for Sierra Leone*, <http://www.rscsl.org/Documents/scsl-statute.pdf>.
- ²⁹ Amnesty International, *Amnesty International Report 2017/18 - Sierra Leone*, 22 February 2018, available at <https://www.refworld.org/docid/5a993872a.html> (accessed 6 October 2020).
- ³⁰ Reuters, *Riot Rocks Coronavirus-Hit Prison in Sierra Leone*, US News & World Report, 29 April 2020, <https://www.usnews.com/news/world/articles/2020-04-29/riot-erupts-at-coronavirus-hit-prison-in-sierra-leone> (accessed 5 October 2020).
- ³¹ U.S. Department of State, *2019 Country Reports on Human Rights Practices: Sierra Leone*, at 5, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/sierra-leone/>; Republic of Sierra Leone, *Mid-Term Review Report*, *supra*, ¶ 93.
- ³² Republic of Sierra Leone, *Mid-Term Review Report*, *supra*, ¶ 92.
- ³³ Death Penalty Worldwide, *Sierra Leone, Death Penalty in Practice*, <https://dpw.pointjupiter.co/country-search-post.cfm?country=Sierra+Leone> (accessed 5 October 2020).
- ³⁴ U.S. Department of State, *2019 Country Report*, *supra*, at 2–4.
- ³⁵ France24, *Doing time in "hell:" Life in Sierra Leone's run-down prisons*, 21 October 2018, <https://www.france24.com/en/20181021-doing-time-hell-life-sierra-leones-rundown-prisons>; BBC News, "Exclusive look inside Sierra Leone prison." Online video clip. *YouTube*. BBC News. <https://www.youtube.com/watch?v=aBeCYfsNsM0>, 31 August 2018 (accessed 5 October 2020).
- ³⁶ Amnesty International, *Sierra Leone: Reasons underlying prison riot amid COVID-19 case must be investigated*, 30 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/sierra-leone-reasons-underlying-prison-riot-amid/> (accessed 6 October 2020).
- ³⁷ Sierra Leone Telegraph, *Sierra Leone launches digital tool to help improve local access to justice*, 18 June 2019, <https://www.thesierraleonetelegraph.com/sierra-leone-launches-digital-tool-to-help-improve-local-access-to-justice/> (accessed 6 October 2020).
- ³⁸ *Ibid.*
- ³⁹ U.S. Department of State, *2019 Country Report*, *supra*, at 7–8.
- ⁴⁰ *Sierra Leone Legal Aid Act*, 2012
- ⁴¹ Republic of Sierra Leone, *Mid-Term Review Report*, *supra*, ¶ 83.
- ⁴² AvocAid, *Law in Sierra Leone*, <http://advocaidsl.org/sierraleone/> (accessed 5 October 2020).
- ⁴³ Republic of Sierra Leone, *Mid-Term Review Report*, *supra*, ¶ 90.
- ⁴⁴ U.S. State Department, *2019 Country Report*, *supra*, at 7.
- ⁴⁵ *Id.* at 8.
- ⁴⁶ *Ibid.*
- ⁴⁷ *The Armed Forces of Sierra Leone (Amendment) Act*, 2000, Part IV, §129, § 130
- ⁴⁸ Death Penalty Worldwide, *Sierra Leone*, <https://dpw.pointjupiter.co/country-search-post.cfm?country=Sierra+Leone>, (accessed 1 October 2020).