

Overall Score:

**69 - Weak**

Legal Framework Score:

**79 - Moderate**

Actual Implementation Score:

**58 - Very Weak**

Category I. Civil Society, Public Information and Media

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#### I-1. <sup>64</sup> Civil Society Organizations

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##### 1. Are anti-corruption/good governance CSOs legally protected?

100

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | NO

**References:**

Section 26 of the 1991 Constitution

**YES:** A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

**NO:** A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

**YES** | **NO**

**References:**

Discussions with:

Emmanuel Abdullah Saffa, Director Society for Democratic Initiatives;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law

No law or regulation, including the government's NGO policy, bars CSOs from receiving donations from foreign sources.

**YES:** A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

**NO:** A NO score is earned if there are any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

**YES** | **NO**

**References:**

The government's national NGO policy requires organizations registered with the Ministry of Finance and Economic Development to disclose sources of funding. It is also required by the Anti-money Laundering Act of 2007.

**YES:** A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

**NO:** A NO score is earned if no such public disclosure requirement exists.

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## 2. Are good governance/anti-corruption CSOs able to operate freely?

100

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

**100** | **75** | **50** | **25** | **0**

**References:**

Interviews with:

Emanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Centre for Accountability and Rule and Law;  
Albert Ansú, Media Action Against Corruption and Injustice;  
September 2009, Freetown

**100:** CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

**75:**

**50:** CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

**Comments:**

Government's engagement with civil society organizations and activists in policy dialogue and consultations is growing. It spans budgetary processes, preparation of PRSP, establishment of Commission of Inquiries and enactment of human rights legislation.

**References:**

Interviews with:

Emanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Centre for Accountability and Rule and Law;  
Valnora Edwin, Director Campaign for Good Governance;  
Albert Ansú, Media Action Injustice and Corruption;  
September 2009, Freetown

**100:** Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

**75:**

**50:** Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

**25:**

**0:** Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

**YES**

| **NO**

**References:**

Interviews with:

Emanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Centre for Accountability and Rule and Law;  
Valnora Edwin, Director Campaign for Good Governance;  
Albert Ansu, Media Action Injustice and Corruption;  
September 2009, Freetown

**YES:** A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

**NO:** A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

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### 3. Are civil society activists safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

**YES**

| **NO**

**References:**

Interviews with:

Abu Bakarr Joe Sesay, Editor, Democrat Newspaper;  
Emmanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Center for Accountability and Rule and Law;  
Valnora Edwin, Director Campaign for Good Governance;  
Albert Ansu, Media Action Injustice and Corruption;  
September 2009, Freetown

**YES:** A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

**NO:** A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES

| NO

**References:**

Interviews with:

Abu Bakarr Joe Sesay, Editor, Democrat Newspaper;  
Emmanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Center for Accountability and Rule and Law;  
Valnora Edwin, Director Campaign for Good Governance;  
Albert Ansu, Media Action Injustice and Corruption;  
September 2009, Freetown

**YES:** A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

**NO:** A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES

| NO

**References:**

Interviews with:

Abu Bakarr Joe Sesay, Editor, Democrat Newspaper;  
Emmanuel Saffa Abdullah, Director, Society for Democratic Initiatives;  
Mohamed Suma, Director, Center for Accountability and Rule and Law;  
Valnora Edwin, Director Campaign for Good Governance;  
Albert Ansu, Media Action Injustice and Corruption;  
September 2009, Freetown

**YES:** A YES score is earned if there were no documented cases of CSO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

**NO:** A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

#### 4. Can citizens organize into trade unions?

4a. In law, citizens have a right to organize into trade unions.

YES

NO

**References:**

Chapter 3, Section 26 of the 1991 Constitution of Sierra Leone

**YES:** A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

**NO:** A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Falla Ensa Ndayma, National Coordinator, Civil Society Alternative Process;  
Abu Bakarr Joe Sesay, Editor, Democrat Newspaper;  
August 2009, Freetown

**100:** Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

**75:**

**50:** Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

**25:**

**0:** Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

## I-2. Media

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## 5. Are media and free speech protected?

100

5a. In law, freedom of the media is guaranteed.

**YES** | NO

**References:**

Constitution, Section 25

**YES:** A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

**NO:** A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

**YES** | NO

**References:**

Constitution, Section 25

**YES:** A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

**NO:** A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

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## 6. Are citizens able to form print media entities?

100

6a. In practice, the government does not create barriers to form a print media entity.

**References:**

Over 30 newspapers are registered with the Independent Media Commission.

Interviews with:

Christo Johnson, Commissioner, Independent Media Commission;  
Tanu Jalloh, Editor, Concord Times Newspaper;  
August 2009

**100:** Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

**References:**

Independent Media Commission Act, 2000

**YES:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

**NO:** A NO score is earned if there is no appeal process for print media licenses.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

**References:**

Interviews with:

Elvis Hallowell, Director, Journalists for Human Rights;  
Paul Kamara, Publisher, For Di People Newspaper;  
Pios Foray, Publisher, Democrat Newspaper;  
August 2009

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Isaac Massaquoi, Lecturer, Mass Communication Department, Fourah Bay College;  
Elvis Hallowell, Director, Journalists for Human Rights;  
August 2009

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

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## 7. Are citizens able to form broadcast (radio and TV) media entities?

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

**Comments:**

In 2009, the IMC suspended two radio stations belonging to political parties (the Governing APC and the opposition SLPP), and has imposed a permanent ban on them (they were accused of inciting discord and violence amongst supporters.) There now seems to be a ban on political parties having radio stations.

**References:**

Interviews with:

Elvis Hallowell, Director, Journalists for Human Rights;  
 Isaac Massaquoi, Lecturer, Mass Communication Department, Fourah Bay College;  
 August 2009

**100:** Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

**25:**

**0:** Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

**YES** | **NO**

**Comments:**

The Independent Media Commission in 2009 revoked the license of two radio stations belonging to political parties (the governing APC and the opposition SLPP). The opposition party has since filed an appeal in the High Court for a quashing of the decision of the Independent Media Commission.

**References:**

The Independent Media Commission Act, 2000

**YES:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

**NO:** A NO score is earned if there is no appeal process for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Obai Wurie, Producer, Culture Radio;  
Elvis Hallowell, Director, Journalists for Human Rights;  
August 2009

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Obai Wurie, Producer, Culture Radio;  
Elvis Hallowell, Director, Journalists for Human Rights;  
August 2009

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

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## 8. Can citizens freely use the Internet?

100

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

### References:

Interviews with:

Imuran Bakrr, Commercial Manager, Kalleone Radio;  
Elvis Hallowell, Director, Journalists for Human Rights;  
August 2009

**100:** The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

**75:**

**50:** Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

**25:**

**0:** Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

8b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

### Comments:

Generally, poor connectivity results in very few Sierra Leoneans within the country creating content online. However, this trend is increasing. A number of newspapers in the country also have websites, the prominent ones being AWOKO Newspaper and Standard Times.

### References:

Interviews with:

Michael Foray, CEO, FutureCom;  
Obai Wurie, Producer, Culture Radio;  
Elvis Hallowell, Director, Journalists for Human Rights;  
August 2009

**100:** The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

**75:**

**50:** In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

**25:**

**0:** The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

## 9. Are the media able to report on corruption?

58

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES | NO

### References:

The Public Order Act (1965) makes it a crime to report (even if true) information that damages the reputation of a government official.

**YES:** A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

**NO:** A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | 25 | 0

### Comments:

The newspapers are replete with stories of corruption, and there seem to be no attempts by government officials (beyond financial inducements to some journalists) to encourage self-censorship.

**References:**

Elvis Hallowell, Director, Journalists for Human Rights;  
Ismail Bayor, Staff Writer, Concord Times Newspaper;  
August 2009

**100:** The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

**75:**

**50:** The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

**25:**

**0:** The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:  
Moses Kargbo, Deputy Editor Concord Times;  
Mohamed Kanneh, Staff Writer Standard Times;  
September 2009

**100:** The government never prevents publication of controversial corruption-related materials.

**75:**

**50:** The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

**25:**

**0:** The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

## 10. Are the media credible sources of information?

65

10a. In law, print media companies are required to publicly disclose their ownership.

**YES**

NO

**References:**

The law requires a newspaper to put the name of its editor/publisher on every edition. The Independent Media Commission Act (2000) also requires names of media owners in the application form for granting of a license.

**YES:** A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

**NO:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

**YES**

NO

**References:**

The Independent Media Act does not require broadcast media owners to publicly disclose their names. They are, however, required to put their names in the application form for the registration of their media entities.

**YES:** A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

**NO:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100

75

50

**25**

0

**References:**

There are a number of initiatives to improve professionalism of journalists. These include training courses by media organizations like Journalists for Human Rights, Search for Common Ground, Fondation Hirondelle, BBC World Service Trust, and also the establishment of Codes of Conduct by the Independent Media Commission. However, whilst there are some improvements, journalistic standards are still low.

**Interviews with:**

Elvis Hallowell, Journalists for Human Rights;

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists/Lecturer, Mass Communication Department, FBC

**100:** Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

**75:**

**50:** Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

**25:**

**0:** Editors and journalists are widely known to sell "favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

**References:**

The report of the EU Election Observation Report states that the three major political parties receive roughly equal amount of air time and print media coverage, although there was a bias towards the governing party in the state controlled media.

Interview with Unisa Sesay, IEC Manger, National Commission for Social Action, August 2007

**100:** All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

**75:**

**50:** Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

**25:**

**0:** The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

**Comments:**

The EU election observation reports states that the governing party (SLPP) in the last general elections had more coverage on state media than the two other main parties (the All Peoples' Congress and the Peoples' Movement for Democratic Change),

**References:**

Report of the EU elections observation team of the 2007 Presidential and General Elections in Sierra Leone

**100:** The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

**75:**

**50:** The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

**25:**

**0:** The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

## 11. Are journalists safe when investigating corruption?

100

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES

NO

**Comments:**

Some journalists have claimed receiving threats over the phone for reporting stories (including, in some instances, corruption related stories).

**References:**

Interviews with:

Magaret Jones, Anti-Corruption Commission;  
Jia Kangbai, Writer, Global Times;  
August 2009

**YES:** A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

**NO:** A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

**YES** | **NO**

**References:**

Interviews with:

Ibrahim Samura, Police Media Office;  
Elvis Hallowell, Director Journalists for Human Rights;  
Mohamed Issa, Publisher, Equity Newspaper;  
August 2009

**YES:** A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

**NO:** A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

**YES** | **NO**

**References:**

Interviews with:

Ibrahim Samura, Police Media Office;  
Elvis Hallowell, Director Journalists for Human Rights;  
Mohamed Issa, Publisher, Equity Newspaper;  
August 2009

**YES:** A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

**NO:** A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

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### I-3. Public Access to Information

12. Do citizens have a legal right of access to information?

12a. In law, citizens have a right of access to government information and basic government records.

YES

NO

**References:**

There is no law guaranteeing freedom of access to government information, although a number of new laws seem to provide opportunity for accessing information at the local council level (the Local Government Act 2004).

**YES:** A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

**NO:** A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES

NO

**References:**

No such laws exist.

**YES:** A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

**NO:** A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

YES

NO

**References:**

No such laws or mechanisms exist at the national level, but local councils must provide information on its activities to citizens (Local Government Act 2004).

**YES:** A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices

within agencies or ministries) or an electronic request system.

**NO:** A NO score is earned if there is no such formal mechanism or institution.

### 13. Is the right of access to information effective?

13

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

#### References:

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;  
Augustus Kamara, Director, Sierra Leone News Agency;  
Honorable Eric Jumu, SLPP Member of Parliament;  
August 2009

**100:** Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

**75:**

**50:** Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

**25:**

**0:** Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

#### Comments:

Whilst there are no laws guaranteeing access to information, obtaining information about government processes is often not expensive.

#### References:

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | 50 | **25** | 0

**Comments:**

Documentation, storing and information retrieval mechanisms are poor, and this affects the quality of accessed information.

**References:**

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;  
Augustus Kamara, Director, Sierra Leone News Agency;  
Honorable Eric Jumu, SLPP Member of Parliament;  
August 2009

**100:** Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

**75:**

**50:** Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

**25:**

**0:** The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

100 | 75 | 50 | **25** | 0

**References:**

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;  
Augustus Kamara, Director, Sierra Leone News Agency;  
Honorable Eric Jumu, SLPP Member of Parliament;  
August 2009

**100:** The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

This score is not applicable as no appeal process exists.

**References:**

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;  
Augustus Kamara, Director, Sierra Leone News Agency;  
Honorable Eric Jumu, SLPP Member of Parliament;  
August 2009

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

**25:**

**0:** The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

**References:**

Interviews with:

Emanuel Saffa Abdulai, Director, Society for Democratic Initiatives;  
Augustus Kamara, Director, Sierra Leone News Agency;  
Honorable Eric Jumu, SLPP Member of Parliament;  
August 2009

**100:** The government always discloses to the requestor the specific, formal reasons for denying information requests.

**75:**

**50:** The government usually discloses reasons for denying an information request to the requestor, with some exceptions.  
The reasons may be vague or difficult to obtain.

**25:**

**0:** The government does not regularly give reasons for denying an information request to the requestor.

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Category II. Elections

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II-1. **64** Voting & Citizen Participation

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14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

**YES**

| NO

**References:**

The 1991 Constitution of Sierra Leone;  
The Electoral Laws Act, Section 4

**YES:** A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

**NO:** A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

**YES** | **NO**

**References:**

Section 43 of the Constitution states that a presidential election takes place at the expiration of the presidential term, which is five years according to Section 46 of the same constitution. The constitution also calls for parliamentary elections every fifth year.

**YES:** A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

**NO:** A NO score is earned if no such framework exists.

## 15. Can all citizens exercise their right to vote?

100

15a. In practice, all adult citizens can vote.

**100** | **75** | **50** | **25** | **0**

**References:**

Discussions with:

Ngollo Katta, PRO, National Elections Watch;

Marcella Macauley, Western Area Coordinator, National Elections Watch;

September 2009

**100:** Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

**75:**

**50:** Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

**25:**

**0:** Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

**References:**

Report of the EU Elections Observation Team, 2007;  
Interview with Ngolo Katta, PRO, National Elections Watch

**100:** Ballots are secret, or there is a functional equivalent protection, in all cases.

**75:**

**50:** Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

**25:**

**0:** Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | 75 | 50 | 25 | 0

**References:**

Report of the EU Elections Observation Team, 2007;  
Interview with Ngolo Katta, PRO, National Elections Watch, September 2009

**100:** Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

**75:**

**50:** Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

**25:**

**0:** Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

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## 16. Are citizens able to participate equally in the political process?

60

16a. In law, all citizens have a right to form political parties.

**YES** | **NO**

**References:**

Constitution, Section 35

**YES:** A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

**NO:** A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

**YES** | **NO**

**References:**

Sections 73-78 of the Constitution disqualify illiterates (in English) from running for national level elected offices (parliament and presidency).

**YES:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

**NO:** A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

**100** | **75** | **50** | **25** | **0**

**References:**

Interviews with:

Ngolo Katta, PRO, National Elections Watch;

Lucy Vandy Lamin, Information Officer, Political Parties Registration Commission;

August 2009

**100:** While there is no guarantee of electoral success, political parties can form freely without opposition.

**75:**

**50:** Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

**25:**

**0:** Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

**Comments:**

Women face significant barriers in running for political office. These include male bias candidate selection processes, intimidation and violence.

Also, independent candidates could not run for presidency (1991 Constitution).

**References:**

Interviews with:

Harriet Turay, President, 50/50 Group;

Ngolo Katta PRO, National Elections Watch;

Women Solidarity Fund (2008) Case Studies of Female Candidates

**100:** While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

**75:**

**50:** Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

**25:**

**0:** Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Hon. Robin Fallay, Opposition SLPP member of Parliament;  
Ishmail Bayor, Parliamentary correspondent, Awoko Newspaper;  
Freetown, August 2009

**100:** The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

**75:**

**50:** The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

**25:**

**0:** The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

## II-2. Election Integrity

18. Is the election monitoring agency effective?

75

18a. In law, the agency or set of agencies/entities is protected from political interference.

**YES**

| NO

**References:**

The Constitution of Sierra Leone, Section 32 (11)

**YES:** A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2007, two of the five electoral commissioners were sacked by the in-coming government. Two others also left the commission, one because he had reached retirement age, the other for another job. Though members of the former governing party (now in opposition) asserted in interviews that the sacking of the two commissioners in 2007 was politically motivated, there has been no accusation that the new commissioners do not merit their appointments (three of the new appointed commissioners are election professionals).

**References:**

Interviews with:

Ngolo Katta, PRO, National Elections Watch;  
Abayomi Tejan, Publisher, Global Sovereignty;  
Freetown, August 2009

**100:** Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Idris Din Gabisi, Elections Officer, National Electoral Commission;  
August 2009, Freetown

**100:** The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO, National Elections Watch;  
Emanuel Abdulai Saffa, Director, Society for Democratic Initiatives;  
September 2009, Freetown

**100:** Reports are released to the public on a predictable schedule, without exceptions.

**75:**

**50:** Reports are released, but may be delayed, difficult to access, or otherwise limited.

**25:**

**0:** The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

In the 2007 presidential elections, the National Electoral Commission invalidated over 470 polling stations where over-voting (more than 100% of voters) took place; it also banned elections officers accused of electoral offenses from being officers in future elections. An electoral offenses court was also established in 2007 to punish persons involved in electoral offenses. However, the court has not been effective.

**References:**

Report of the EU Elections Observation Team in Sierra Leone (2007)  
Interview with Ngolo Katta, September 2009

**100:** When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

**75:**

**50:** The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

## 19. Are elections systems transparent and effective?

83

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | 25 | 0

### Comments:

Whilst voter registration was transparent, during exhibition of voter lists for verification, many lists were not displayed, making it difficult for the wider public to scrutinize the lists for false or double entry (Report of the European Union Observation Mission, p16).

### References:

Interview with Ngolo Katta, National Elections Watch, Freetown, September 2009  
Report of the EU Elections Observation Team in Sierra Leone (2007)

**100:** There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

**75:**

**50:** There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

**25:**

**0:** The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and "ghost" voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

YES | NO

**References:**

The Electoral Laws Act, 2002, makes provision for citizens to challenge the results of a presidential election in the Supreme Court. The SLPP filed such a challenge to the invalidation of polling stations results. Parliamentary results could also be petitioned in the High Court.

**YES:** A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

**NO:** A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

**Comments:**

A parliamentary election result in Pujehun District was overturned by the courts upon appeal by a losing opposition candidate.

**References:**

Interviews with:  
Ngolo Katta, PRO, National Elections Watch;  
Lamin Vandi, Sierra Leone Court Monitoring Group;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
Freetown, September 2009

**100:** The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

**75:**

**50:** The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

**25:**

**0:** The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

**Comments:**

Although the security forces were universally praised for being neutral during the election process, the loser in the 2007 elections (the former governing party) accused the police of bias on account of the public jubilation of some police officers when the elections results were announced.

**References:**

Interviews with:

Ngolo Katta, PRO, National Elections Watch;  
 Lamin Vandi, Sierra Leone Court Monitoring Group;  
 Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
 Freetown, September 2009

**100:** The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

**75:**

**50:** The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

**25:**

**0:** The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

**YES** | **NO**

**References:**

There are no laws prohibiting national or international observation of elections. Since 2002, election monitors have observed and reported on national and local government elections.

**YES:** A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

**NO:** A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

**References:**

Interviews with:

Ngolo Katta, PRO, National Elections Watch;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
Freetown, September 2009

**100:** Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

**75:**

**50:** Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

**25:**

**0:** Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

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17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

100

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES

| NO

**References:**

The 1991 constitution makes provision for the establishment of two electoral management bodies — the National Electoral Commission and the Political Parties registration Commission. Enabling legislation guiding the operations of these commissions – The Electoral Laws Act and The Political Parties Registration Commission Act — have also been passed, and the bodies are operational.

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

**NO:** A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

20. Are there regulations governing the financing of political parties?

50

20a. In law, there are limits on individual donations to political parties.

YES

NO

**References:**

Political Parties Act Section 19 empowers the Political Parties Registration Commission to make regulations limiting the influence of money in the political process. But the commission has not yet set any financial limits to individual donations.

**YES:** A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

**NO:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES

NO

**References:**

Political Parties Act Section 19 empowers the Political Parties Registration Commission to make regulations limiting the influence of money in the political process. But the commission has not yet set any financial limits to corporate donations.

**YES:** A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is also earned if corporate contributions are prohibited.

**NO:** A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | NO

**References:**

Political Parties Act Section 19 empowers the Political Parties Registration Commission to make regulations limiting the influence of money in the political process. But the commission has not yet set any financial limits to political party expenditures.

**YES:** A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

**NO:** A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | NO

**References:**

Political Parties Act, Sections 20 and 21

**YES:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

**NO:** A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | NO

**References:**

Political Parties Act (2002), Section 25

**YES:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

**YES** | **NO**

**References:**

The Political Parties Act (2002) mandates the Political Parties Registration Commission to set rules and monitor the financing of political parties.

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

**NO:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

21. Are there regulations governing the financing of individual political candidates?

0

21a. In law, there are limits on individual donations to political candidates.

**YES** | **NO**

**References:**

No such regulations exist.

**YES:** A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

**NO:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

**YES** | **NO**

**References:**

No such regulations exist.

**YES:** A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

**NO:** A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES

NO

**References:**

No such regulations exist.

**YES:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

**NO:** A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES

NO

**References:**

No such regulations exist.

**YES:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | NO

**References:**

The Political Parties Act empowers the Political Parties Registration Commission to monitor the financing of political parties, but not of candidates.

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

**NO:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

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## 22. Are the regulations governing the political financing of parties effective?

4

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**Comments:**

There have been no resources to support the political finance officer at the PPRC, so he left the job, stalling work he had been engaged in to build a system for monitoring campaign finances.

**References:**

No regulations exist on limits to financial support to parties.

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**References:**

No regulations exist on limits to financial support to parties.

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

**References:**

No regulations exist on limits to political parties' expenditures.

Interviews with:

Ngolo Katta, PRO National Elections Watch;

**100:** Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, thought limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

**75:**

**50:** Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

**25:**

**0:** Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

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### 23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

#### References:

No regulations exist on limits to financial support to candidates.

#### Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

#### References:

No regulations exist on limits to financial support to candidates.

#### Interviews with:

Ngolo Katta, PRO National Elections Watch;

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;

Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, thought limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

**25:**

**0:** The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

**Comments:**

There have been no resources to support the political finance officer at the PPRC, so he left the job, stalling work he had been engaged in to build a system for monitoring campaign finances.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

**75:**

**50:** The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

**25:**

**0:** The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

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## 24. Can citizens access records related to the financing of political parties?

38

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Political parties' finances in relation to the 2008 elections have not yet been disclosed (as of mid-September 2009) to the Political Parties' Registration Commission.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Political parties disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regularly withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Financial records that exist could be accessed at no cost, but few citizens know about this.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The available records were audited by reputable approved firms recruited by the Political Parties' Registration Commission.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

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## 25. Can citizens access records related to the financing of individual candidates' campaigns?

19

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

### References:

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Individual candidates disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regularly withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Records, where available, could be accessed without any costs.

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Ngolo Katta, PRO National Elections Watch;  
Lucy Vandi Lamin, Information Officer, Political Parties Registration Commission;  
Freetown, September 2009

**100:** Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

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### Category III. Government Accountability

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#### III-1. <sup>58</sup> Executive Accountability

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##### 27. Can the chief executive be held accountable for his/her actions?

69

27a. In practice, the chief executive gives reasons for his/her policy decisions.

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100 | 75 | 50 | 25 | 0

**Comments:**

The chief executive makes an annual address to parliament where he gives an account of his stewardship of his branch of government. The chief executive also grants interviews, though this is mainly done with foreign journalists. Cabinet ministers attend weekly press conferences organized by the Ministry of Information where they answer questions from journalists.

**References:**

Interviews with:

Dr Martin Gbonda, Lecturer, Institute of Public Administration and Management, Senior Civil Servant, Ministry of Trade and Industry;  
Abu Bakarr Joe Sesay, Editor, Democrat Newspaper;  
August 2009, Freetown

**100:** The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

**75:**

**50:** The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

**25:**

**0:** The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

**YES** | NO

**References:**

Section 127 of the 1991 Constitution empowers the Supreme Court to determine the constitutionality of government actions.

**YES:** A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

**NO:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | **25** | 0

**Comments:**

The judiciary does not on its accord review the actions of the executive.

**References:**

Interviews with:

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Gloria Kabba, Gender Officer, Human Rights Commission of Sierra Leone;  
September 2009, Freetown

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this

power. It does not need to rely upon the executive to initiate a constitutional or legal review.

**75:**

**50:** The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no documented or known case of the executive overriding the opposition of parliament to a policy through executive orders in the period under review.

**References:**

Interviews with:

Mohamed Suma, Director, Center for Accountability and Rule of Law;  
Elvis Hallowell, Director, Journalists for Human Rights;  
Freetown, September 2009

**100:** The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

**75:**

**50:** The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

**25:**

**0:** The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

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## 28. Is the executive leadership subject to criminal proceedings?

100

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

**YES** | **NO**

**References:**

1991 Constitution, Section 48 (4)

**YES:** A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**NO:** A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

**YES** | **NO**

**References:**

The Constitution of Sierra Leone only exempts the president from criminal and civil proceedings whilst in office.

**YES:** A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

**NO:** A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

29. Are there regulations governing conflicts of interest by the executive branch?

44

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

**YES** | **NO**

**References:**

The Revised Anti-Corruption Act, 2008, requires public officials (including the president and ministerial level officials) to fill an asset declaration form on appointment/election.

**YES:** A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**NO:** A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

**YES** | **NO**

**References:**

The Revised Anti-Corruption Act 2008 requires ministers to fill asset declaration forms.

**YES:** A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

**NO:** A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

**YES** | **NO**

**References:**

Revised Anti-Corruption Act, 2008

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

**NO:** A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

**YES** | **NO**

**References:**

The sections of the 2008 Anti-Corruption Act dealing with assets declaration do not make any provisions for independent auditing of disclosure forms.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | NO

**References:**

No such laws exist.

**YES:** A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**NO:** A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

There are no laws regulating post-government private sector employment.

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving

government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

The tough new Anti-Corruption Act stipulations on gifts is having effects on brazen, very visible actions relating to gift-taking by public officials, although it is still too early to give conclusive evidence on its effectiveness.

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansü, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

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### 30. Can citizens access the asset disclosure records of the heads of state and government?

13

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES

NO

**References:**

The Anti-Corruption Act 2008 explicitly states that the commission shall hold the information in confidence. This information could only be disclosed in specific cases relating to judicial/court actions.

**YES:** A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**NO:** A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some additional delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no right to access the forms, so there is no question of costs.

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The Anti-Corruption Commissions designed forms for asset declarations that are meant to capture quality information. We may use these forms as proxy for quality of the information since the actual information is inaccessible

**References:**

Interviews with:

Koloneh Saknoh, Acting Head, Public Information, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

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**26. In law, can citizens sue the government for infringement of their civil rights?**

100

26. In law, can citizens sue the government for infringement of their civil rights?

**YES**

|  
**NO**

**References:**

1991 Constitution, Sections 28 (1) and 133

**YES:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

**NO:** A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

---

**31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.**

50

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

**Comments:**

There are accounts of government functionaries utilizing government resources for political party purposes (in the 2007 and 2008 elections, and during ruling party conventions/conferences), but in formal terms the party and government are separate.

**References:**

Interviews with:

Elvis Hallowell, Director, Journalists for Human Rights;  
Ngolo Katta, PRO, National Elections Watch;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

**75:**

**50:** The ruling party is, in principle, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

**25:**

**0:** The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

## III-2. Legislative Accountability

32. Can members of the legislature be held accountable for their actions?

75

32a. In law, the judiciary can review laws passed by the legislature.

YES

NO

**References:**

Section 127 (1) of the 1991 Constitution

**YES:** A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

**NO:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
September 2009

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

**75:**

**50:** The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

**YES** | **NO**

**References:**

For instance, the Anti-Corruption Act 2008 subjects all public officials (which include MPs) to criminal procedures where they commit offenses stipulated in the Act. Section 99 of the constitution only grants immunity to MPs for things said in parliament.

**YES:** A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

**NO:** A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

---

33. Are there regulations governing conflicts of interest by members of the national legislature?

36

33a. In law, members of the national legislature are required to file an asset disclosure form.

**YES** | **NO**

**References:**

As defined the Anti-Corruption Act 2008, Section 119, MPs are public officials and must declare their assets.

**YES:** A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

**YES** | **NO**

**References:**

No such laws exist.

**YES:** A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**NO:** A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Section 51

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

**NO:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

**YES** | **NO**

**References:**

No such laws exist.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

No such regulation exists.

**References:**

Interviews with:

Albert Ansu, Journalist, formerly Editor Scoop Newspaper;  
Elvis Hallowell, Director Journalists for Human Rights;  
Gloria Kabba, Gender Officer, Human Rights Commission;  
August 2009, Freetown

**100:** The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

It is still too early to assess one way or the other the effectiveness in practice of the legislation on gifts and hospitality passed in the 2008 Anti- Corruption Act.

**References:**

Interviews with:  
Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, Scoop Newspaper;  
Freetown, September 2009

**100:** The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

No laws requiring audit of disclosure forms exist.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
Freetown, September 2009

**100:** Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

---

#### 34. Can citizens access the asset disclosure records of members of the national legislature?

13

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES

NO

**References:**

No such laws exist.

**YES:** A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**NO:** A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100

75

50

25

0

**Comments:**

No law granting rights to citizens to access disclosure forms exist, so the question is not applicable.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, Scoop Newspaper;  
Freetown, September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, Scoop Newspaper;  
Freetown, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

**Comments:**

It is difficult to evaluate the quality of asset declarations, but the forms are well designed by the Anti-Corruption Commission, which, if used as proxy for quality of information expected, would give us the score entered for this indicator.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, Scoop Newspaper;  
Freetown, September 2009

**100:** The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

### 35. Can citizens access legislative processes and documents?

83

35a. In law, citizens can access records of legislative processes and documents.

**YES**

| **NO**

**References:**

The Standing Orders of the Sierra Leone Parliament requires publication of Hansards, which are public documents.

**YES:** A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

**NO:** A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

**References:**

Interviews with:

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists, Lecturer, Mass Communications Department, Fourah Bay College, September 2009;

Peter Kula Banda, Committee Clerk, Parliament, Freetown, August 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

**Comments:**

|

**References:**

Interviews with:

Kadiatu Kanneh, Account Clerk, Parliament, August 2009;

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

---

<sup>52</sup>  
III-3. Judicial Accountability

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36. Are judges appointed fairly?

100

36a. In law, there is a transparent procedure for selecting national-level judges.

YES

|

NO

**References:**

1991 Constitution, Section 135

**YES:** A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

**NO:** A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

**75:**

**50:** Most national-level judges selected meet these qualifications, with some exceptions.

**25:**

**0:** National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

**YES** | **NO**

**References:**

Constitution of Sierra Leone, Section 135 (2)

**YES:** A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

**NO:** A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

---

### 37. Can members of the judiciary be held accountable for their actions?

**54**

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

**YES** | **NO**

**References:**

Rules of Court require judges to give reasons for their judgments.

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**YES:** A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

**NO:** A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

**75:**

**50:** Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

**25:**

**0:** Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | NO

**References:**

Sections 137 and 141 of the constitution grants the Judicial and Legal Service Commission power to recommend disciplinary actions.

**YES:** A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

**NO:** A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | NO

**References:**

Section 140 (3) Constitution of Sierra Leone provides that the president can dismiss members of the Judicial and Legal Service Commission for 'any cause'.

**YES:** A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

**NO:** A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

---

### 38. Are there regulations governing conflicts of interest for the national-level judiciary?

36

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES

| NO

**References:**

The Anti-Corruption Commission Act 2008, Section 119, requires all public officials (judges are defined as public officials by the Act) to fill an asset declaration form.

**YES:** A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

**YES** | **NO**

**References:**

The Anti-Corruption Act 2008, Section 51, makes regulations regarding gifts for all public officials (judges are public officials according to the Act).

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

**NO:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

**YES** | **NO**

**References:**

There is no such law.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

**YES** | **NO**

**References:**

No such laws exist.

**YES:** A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**NO:** A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

The score is inapplicable, as no laws regulating post judicial appointments exist.

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

It is still too early to give a good assessment of the law, as it only recently came into operation.

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

No law requires auditing of the asset disclosure record, so the indicator is inapplicable.

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009

**100:** National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39. Can citizens access the asset disclosure records of members of the national-level judiciary?

13

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | NO

**References:**

The Anti-Corruption Act 2008 stipulates that declaration forms are confidential documents.

**YES:** A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**NO:** A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

This is inapplicable, as the law says declaration forms are confidential documents.

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009;

Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission,

Freetown September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009;

Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission,  
Freetown September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The asset declaration forms designed by the Anti-Corruption Commission are of high quality. However, the information declared therein is confidential according to the 2008 Anti-Corruption Act, hence the information could not be assessed. We use the high quality of the form as proxy for the quality of the information contained therein.

**References:**

Interviews with:

Segopo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Magistrate Kumba Kamanda;  
August 2009;

Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission,  
Freetown September 2009

**100:** The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

### III-4. Budget Processes

#### 40. Can the legislature provide input to the national budget?

67

40a. In law, the legislature can amend the budget.

YES

|

NO

**References:**

1991 Constitution, Sections 110, 111, 112

**YES:** A YES score is earned if the legislature has the power to add or remove items to the national government budget.

**NO:** A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swaray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

**75:**

**50:** Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

**25:**

**0:** The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | **25** | 0

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

**75:**

**50:** Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

**25:**

**0:** Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

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## 41. Can citizens access the national budgetary process?

67

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

**75:**

**50:** There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

**25:**

**0:** Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

**Comments:**

CSOs are invited to budget hearings during budget formulations. There are also District Budget Oversight Communities through citizens at district level also participate in budgetary affairs.

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

**75:**

**50:** Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

**25:**

**0:** Citizens or CSOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

**75:**

**50:** Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

**25:**

**0:** Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

---

### 43. Is the legislative committee overseeing the expenditure of public funds effective?

33

43a. In practice, department heads regularly submit reports to this committee.

100 | 75 | 50 | **25** | 0

**Comments:**

The Public Accounts Committee lacks capacity (staff, research facilities, equipments/vehicles, etc.) to effectively perform its oversight functions.

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

**75:**

**50:** Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

**25:**

**0:** There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

**Comments:**

The committee is dominated by members of the governing party and lacks the capacity (logistics and staff) to effectively carry out its functions.

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

**75:**

**50:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

**25:**

**0:** The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

**Comments:**

Whilst committees in parliament do initiate investigations, reliance for logistic support on the institutions they are investigating dents the effectiveness of their investigations.

**References:**

Interviews with:

Sheka Bangura, Development Assistance Coordination Office, Ministry of Finance;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown September 2009

**100:** When irregularities are discovered, the committee is aggressive in investigating the government.

**75:**

**50:** The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

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42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42. In law, is there a separate legislative committee which provides oversight of public funds?

**YES** | NO

**References:**

Section 93 of the 1991 Constitution grants budgetary oversight powers to parliament. The Public Accounts Committee in Parliament provides oversight of public finances.

**YES:** A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

**NO:** A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

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Category IV. Administration and Civil Service

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#### IV-1. <sup>77</sup>Civil Service Regulations

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44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

100

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

**YES** | NO

**References:**

Constitution of Sierra Leone Section 151;  
The Codes, Regulations and Rules of the Sierra Leone Civil Service (2004);  
Financial and General Orders of the Civil Service

**YES:** A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

**NO:** A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

**YES** | **NO**

**References:**

Constitution of Sierra Leone Section 151;  
The Codes, Regulations and Rules of the Sierra Leone Civil Service (2004);  
Financial and General Orders of the Civil Service;  
The Anti Corruption Act 2008 also bars abuse of power and influence peddling in public office

**YES:** A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

**NO:** A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

**YES** | **NO**

**References:**

Public Service Commission Regulations;  
Section 146 of the Constitution establishes the Office of the Ombudsman to handle administrative and other complaints

**YES:** A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

**NO:** A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

**YES**

NO

**References:**

Civil Service Regulations prohibit the employment of persons with criminal records.

**YES:** A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

**NO:** A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

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#### 45. Is the law governing the administration and civil service effective?

**56**

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | **25** | 0

**Comments:**

During election in 2007, several top civil servants were on the campaign trail of the governing party candidate. Perceptions that civil servants are still political in their conduct persists.

**References:**

Several Management and Functional Reviews of Ministry undertaken by the Directorate of Public Sector Reform highlighted ineffective civil service regulations.

**100:** Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

**75:**

**50:** Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

**25:**

**0:** Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

Whilst appointment to the lower ranks may not be based on professional or academic qualifications, one needs to have an academic or professional qualification to be recruited as assistant secretary (i.e. the first level for senior civil servants) and must sit through a confirmation examination. However, perceptions that promotion in the senior civil service are political persist.

**References:**

Interviews with:

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Blaise Yansanneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Freetown, September 2009

**100:** Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | 25 | 0

**Comments:**

Whilst there are clear criteria for promotion in the senior civil service, these regulations are not strictly adhered to and promotions (or job schedules) are perceived as very influenced by cronyism.

**References:**

Interview with Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists  
Freetown, September 2009

**100:** Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

**75:**

**50:** Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

**25:**

**0:** Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | **25** | 0

**References:**

Interview with Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists, Freetown, September 2009

Management and Functional Reviews by the Directorate of Public Sector Reform point to statutory and functional overlaps in civil service, and to a lack of clear cut job descriptions for many officials.

**100:** Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

**75:**

**50:** Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

**25:**

**0:** Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**100:** Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

**75:**

**50:** Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

**25:**

**0:** Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.



**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**100:** The government publishes such a list on a regular basis.

**75:**

**50:** The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

**25:**

**0:** The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.



**Comments:**

People interviewed comment that the redress mechanisms are rarely activated, and are mostly ineffective.

**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;

**100:** The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

**75:**

**50:** The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

**25:**

**0:** The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.



**Comments:**

Teachers are not considered part of the civil service in the country; local council workers are also not central government employees, and the scores mainly relate to the national government.

**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**100:** In the past year, no civil servants have been paid late.

**75:**

**50:** In the past year, some civil servants have been paid late.

**25:**

**0:** In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.



**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**100:** A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

**75:**

**50:** A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

**25:**

**0:** There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

---

#### 46. Are there regulations addressing conflicts of interest for civil servants?

47

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES

|

NO

**References:**

Anti-Corruption Act 2008, Section 119

**YES:** A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES

|

NO

**References:**

Anti-Corruption Act 2008, Section 45

**YES:** A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

**NO:** A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES

NO

**References:**

There are no such laws.

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swaray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**YES:** A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**NO:** A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES

NO

**References:**

Anti-Corruption Act 2008, Section 51

**YES:** A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

**NO:** A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES

NO

**References:**

There are no such laws.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | 0

**References:**

No such regulations exist.

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Freetown, September 2009

**100:** The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
Freetown, September 2009

**100:** The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | **50** | 25 | 0

#### References:

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
Freetown, September 2009

**100:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

**75:**

**50:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

**25:**

**0:** Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

**References:**

Regulations do not exist.

## Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
 Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
 Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
 Freetown, September 2009

**100:** Civil service asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

#### 47. Can citizens access the asset disclosure records of senior civil servants?

13

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES

NO

**References:**

The Anti-Corruption Act that requires declaration of assets stipulates that these declarations are confidential and may only be revealed in a court of law.

**YES:** A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

**NO:** A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

**References:**

No such regulations exist.

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
Freetown, September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

**References:**

There are no regulations giving citizens rights to access declaration forms.

Interviews with:

Blaise Yansaneh, Senior Assistant Secretary, Sierra Leone Civil Service;  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
Freetown, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

The declarations are made on forms supplied by the Anti-Corruption Commission, and although the actual declarations are confidential and could not be independently evaluated, the forms are professionally designed.

Interview with Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission  
Freetown, September 2009

**100:** The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

## IV-2. Whistle-blowing Measures

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

75

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

**References:**

Anti-Corruption Act 2008, Section 81

**YES:** A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**NO:** A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

**100:** Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

**YES** | NO

**References:**

Anti-Corruption Commission (2008), Section 81

**YES:** A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**NO:** A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

**Comments:**

The Anti-Corruption Act 2008 provides protection for whistle blowers by protecting their confidentiality and even providing legal protection. It is, however, too early to assess the effectiveness of these measures in practice.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

**100:** Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

81

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

**100:** The agency/entity has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

**100:** The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;  
Albert Ansu, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

**100:** The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;

Patrick Sandi, Senior Investigation Officer, Anti-Corruption Commission;

Albert Ansú, Journalist, Formerly Editor, SCOOP Newspaper;

September 2009

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

100

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

**YES** | **NO**

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, Formerly Editor, SCOOP Newspaper;  
September 2009

The Anti-Corruption Commission website (<http://www.anticorruption.sl>) provides links for reporting corruption cases. The commission also has hot-lines for this purpose.

**YES:** A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

**NO:** A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

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**85**  
**IV-3. Procurement**

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**51. Is the public procurement process effective?**

**93**

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Section 33;  
The Anti-Corruption Act 2008, Section 45

**YES:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

**NO:** A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Section 17

**YES:** A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

**NO:** A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:  
Sylvester Demby, Administrative Officer, National Public Procurement Authority;  
Gibrilla Mambu, Procurement Officer;  
August 2009, Freetown

**100:** Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

**25:**

**0:** Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Section 26

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;  
Gibrilla Mambu, Procurement Officer;  
August 2009, Freetown

**YES:** A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

**NO:** A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Sections 38-40

**YES:** A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

**NO:** A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Section 46

**YES:** A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

**NO:** A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Section 65

**YES:** A YES score is earned if there is a formal appeal process for unsuccessful bidders.

**NO:** A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

**YES** | **NO**

**References:**

The Public Procurement Act 2004, Section 65 (8)

**YES:** A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

**NO:** A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

**YES** | **NO**

**References:**

The Public Procurement Act, Section 35

**YES:** A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

**NO:** A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

**References:**

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;  
Gibrilla Mambo, Procurement Officer;  
August 2009, Freetown

**100:** A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

**75:**

**50:** A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

**25:**

**0:** There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

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## 52. Can citizens access the public procurement process?

83

52a. In law, citizens can access public procurement regulations.

**YES**

| **NO**

**References:**

The Public Procurement Act 2008, Sections 26, 34

**YES:** A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

**NO:** A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

YES | NO

**References:**

The Public Procurement Act 2004, Section 26

**YES:** A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

**NO:** A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;  
Gibrilla Mambo, Procurement Officer;

Omar Farouk Sesay, Proprietor, Century Investments, Member Sierra Leone Indigenous Businessmen Association;  
August 2009, Freetown

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;

Gibrilla Mambu, Procurement Officer;

Omar Farouk Sesay, Proprietor, Century Investments, Member Sierra Leone Indigenous Businessmen Association;

August 2009, Freetown

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;

Gibrilla Mambu, Procurement Officer;

Omar Farouk Sesay, Proprietor, Century Investments, Member Sierra Leone Indigenous Businessmen Association;

August 2009, Freetown

**100:** There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

**Comments:**

Citizens can access results of procurement decisions.

**References:**

Interviews with:

Sylvester Demby, Administrative Officer, National Public Procurement Authority;  
 Gibrilla Mambu, Procurement Officer;  
 Omar Farouk Sesay, Proprietor, Century Investments, Member Sierra Leone Indigenous Businessmen Association;  
 August 2009, Freetown

**100:** Records of public procurement results are publicly available through a formal process.

**75:**

**50:** Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

**25:**

**0:** This information is not available to the public through an official process.

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## IV-4. Privatization

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### 53. Is the privatization process effective?

**83**

53a. In law, all businesses are eligible to compete for privatized state assets.

**YES**

| NO

**References:**

National Commission for Privatization Act, Section 2

**YES:** A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

**NO:** A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

**YES** | **NO**

**References:**

National Commission for Privatization Act, Section 9  
Anti-Corruption Commission Act 2008, Section 45

**YES:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

**NO:** A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | **50** | 25 | 0

**Comments:**

It is still too premature to assess the effectiveness in practice of conflict of interest provisions in the Anti-Corruption Act 2008.

**References:**

Interviews with:  
Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
Freetown, September 2009

**100:** Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

**25:**

**0:** Conflict of interest regulations do not exist, or are consistently ineffective.

54. Can citizens access the terms and conditions of privatization bids?

54a. In law, citizens can access privatization regulations.

**YES** | NO

**References:**

The National Commission for Privatization At

**YES:** A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

**NO:** A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

100 | **75** | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Alim Sesay, Proprietor, First Foreign Exchange Bureau, Freetown;  
 Abdul Rahman Swaray, Vice President, Sierra Leone Association of Journalists;  
 Koloneh Sankoh, Acting Head, Public Information, Anti-Corruption Commission;  
 Freetown, September 2009

**100:** There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | NO

**References:**

The National Privatization Act requires decisions on privatization to be laid before parliament.

**YES:** A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

**NO:** A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Alim Sesay, Proprietor, First Foreign Exchange Bureau, PRO, Sierra Leone Chamber of Commerce;  
Abdul Rahman Swaray, Vice President, Sierra Leone Association of Journalists Freetown;  
September 2009

**100:** Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Alim Sesay, Proprietor, First Foreign Exchange Bureau, PRO, Sierra Leone Chamber of Commerce;

**100:** Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

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## Category V. Oversight and Regulation

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### V-1. <sup>73</sup>National Ombudsman

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#### 56. Is the national ombudsman effective?

48

56a. In law, the ombudsman is protected from political interference.

YES

| NO

#### References:

The Ombudsman Act, no. 2, 1997

**YES:** A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

**Comments:**

A new ombudsman, Justice Cowan, was appointed in 2007, and there are no known cases of political interference in his office.

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

**Comments:**

The immediate past ombudsman was removed with relevant justification: he was accused of corruption by the Anti-Corruption Commission and found guilty in the High Court.

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | **25** | 0

**Comments:**

The office is severely understaffed.

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

**75:**

**50:** The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | **0**

**Comments:**

The Ombudsman Act does not have a provision for the Ombudsman to impose penalties; and it has never done so.

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | **25** | 0

**Comments:**

The ombudsman does not have powers to enforce decisions.

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | **25** | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

---

## 57. Can citizens access the reports of the ombudsman?

83

57a. In law, citizens can access reports of the ombudsman(s).

**YES** | **NO**

### References:

The Ombudsman Act, no. 2, 1997

**YES:** A YES score is earned if all ombudsman reports are publicly available.

**NO:** A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | **50** | 25 | 0

### References:

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Kabba, Gender Officer, Human Rights Commission, Sierra Leone;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
Freetown, October 2009

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES

NO

**References:**

Constitution of Sierra Leone, Section 146;

**YES:** A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

**NO:** A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

## V-2. Supreme Audit Institution

### 59. Is the supreme audit institution effective?

78

59a. In law, the supreme audit institution is protected from political interference.

YES

|

NO

#### References:

The Constitution of Sierra Leone, (Section 119 (6)) states that in exercise of duties the Auditor General is not subject to any other authority.

**YES:** A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

#### References:

Interviews with:

Philip Goba, Assistant Auditor General;

**100:** The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

**25:**

**0:** The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

**Comments:**

With the passage of the Anti-Corruption Act 2008, and a more robust posture of the commission, the possibility for the government to act on findings of the Auditor General has dramatically increased since 2008.

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;

**100:** The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

**75:**

**50:** The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

**25:**

**0:** The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

## 60. Can citizens access reports of the supreme audit institution?

58

60a. In law, citizens can access reports of the audit agency.

YES

NO

### References:

Sierra Leone Constitution, (Section 119 (4)) requires the report of the Auditor General to be laid before parliament and made public thereafter. However, delays in producing the reports make them inaccessible or citizens lose their interest.

**YES:** A YES score is earned if all supreme auditor reports are available to the general public.

**NO:** A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

### Comments:

Unavailable reports cannot be accessed, and audit reports are usually delayed.

### References:

Interviews with:

Philip Goba, Assistant Auditor General;

**100:** Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Philip Goba, Assistant Auditor General;  
Fatorma Koroma, formerly Audit Assistant, Audit Service Sierra Leone;  
Freetown, September 2009

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | NO

**References:**

The Constitution of Sierra Leone (Section 119) provides for the existence of the Office of the Auditor General. It is now called the Audit Service.

**YES:** A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

**NO:** A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

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## 79 V-3. Taxes and Customs

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### 62. Is the tax collection agency effective?

100

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interview with:  
Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development,  
September 2009, Freetown

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Interview with:

Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development,  
September 2009, Freetown

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

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## 65. Is the customs and excise agency effective?

88

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interview with:

Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development,  
September 2009, Freetown

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Interview with:

Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development,  
September 2009, Freetown

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

61. In law, is there a national tax collection agency?

100

61. In law, is there a national tax collection agency?

YES | NO

**References:**

National Revenue Authority Act establishes the Income Tax Department as part of the National Revenue Authority.

**YES:** A YES score is earned if there is a national agency formally mandated to collect taxes.

**NO:** A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

63. In practice, are tax laws enforced uniformly and without discrimination?

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

**Comments:**

Whilst the law does not require exemption based on the social group one belongs to, there are instances of persons who either through bribery of NRA officials or their connections to powerful officials avoid paying taxes.

**References:**

Interviews with:

Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development;

Osman Forna, Proprietor, Polly Enterprises  
September 2009, Freetown

**100:** Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

**75:**

**50:** Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

**25:**

**0:** Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES

| NO

**References:**

The National Revenue Authority Act establishes the customs and excise department as an arm of the National Revenue Authority.

**YES:** A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

**NO:** A NO score is earned if that function is spread over several agencies, or does not exist.

## 66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

### **Comments:**

Whilst the law does not require exemption based on the social group one belongs to, there are instances of persons who either through bribery of customs official or their connections to powerful officials avoid paying taxes.

### **References:**

Interviews with:

Sheka Bangura, Monitoring and Evaluation, Development Assistance Coordinating Office, Ministry of Finance and Economic Development;

Osman Forna, Proprietor, Polly Enterprises  
September 2009, Freetown

**100:** Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

**75:**

**50:** Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

**25:**

**0:** Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

## V-4. State-Owned Enterprises

### 68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

65

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

**YES**

NO

**References:**

National Commission for Privatization Act (2002) states that most members of the commission should come from civil society organizations, a stipulation that guides against political interference.

**YES:** A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.



**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.



**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

**Comments:**

There are cases of state enterprise officials being sacked by the National Privatization Commission that oversees state owned enterprises, but the perception of many people is that there are many offenders who remain in their jobs.

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

---

## 69. Can citizens access the financial records of state-owned companies?

70

69a. In law, citizens can access the financial records of state-owned companies.

YES

NO

**References:**

All state-owned enterprises must be audited by the Auditor General, who shall present his findings to parliament. Such findings are public documents.

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**YES:** A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

**NO:** A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

**75:**

**50:** State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

**25:**

**0:** Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

**75:**

**50:** Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

**25:**

**0:** State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Sheka Bangura, Monitoring and Evaluation Expert, Ministry of Finance and Economic Development;  
Freetown, September 2009

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

---

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

**YES**

| NO

**References:**

The National Commission for Privatization Act (2002) establishes the National Commission for Privatization to oversee state enterprises/ and or get them privatized.

**YES:** A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

**NO:** A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

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78  
V-5. Business Licensing and Regulation

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70. Are business licenses available to all citizens?

94

70a. In law, anyone may apply for a business license.

**YES**

| NO

**References:**

The Registration of Business Act 2007

**YES:** A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

**NO:** A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

**YES** | **NO**

**References:**

Registration of Business Act 2007, Sections 10 (3) and 14 (3)

**YES:** A YES score is earned if there is a formal process for appealing a rejected license.

**NO:** A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

**100** | **75** | **50** | **25** | **0**

**References:**

World Bank, Doing Business Rankings, 2008

Interview with Osman Forna, Proprietor, Polly Enterprises,  
Freetown, September 29009

**100:** Licenses are not required, or licenses can be obtained within roughly one week.

**75:**

**50:** Licensing is required and takes around one month. Some groups may be delayed up to a three months

**25:**

**0:** Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Osman Forna, Proprietor, Polly Enterprises,  
Freetown, September 2009

**100:** Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

0

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | NO

**References:**

Although laws on meeting public health standards are available, they are not easily available.

**YES:** A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

**NO:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | NO

**References:**

Whilst the laws exist, they are not publicly available.

**YES:** A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

**NO:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | NO

**References:**

The laws are not publicly available.

**YES:** A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

**NO:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

---

72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

50

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**Comments:**

Sometimes, powerful persons attempt to prevent the standards from being implemented.

**References:**

Interviews with:

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Osman Forna, Proprietor, Polly Enterprises,  
Freetown, September 2009

**100:** Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**Comments:**

This is generally the case, although corruption in some instances prevent the enforcement of environmental standards.

**References:**

Interviews with:

Alhaji Unisa Sesay, Public Relation Officer, Sierra Leone Chamber of Commerce;  
Osman Forna, Proprietor, Polly Enterprises;  
Freetown, September 2009

**100:** Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**Comments:**

The inspections are often made ineffective by corruption.

**References:**

Interviews with:

Abdul Rahman Swarray, Vice President, Sierra Leone Association of Journalists;  
Osman Forna, Proprietor, Polly Enterprises;  
Freetown, September 2009

**100:** Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

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## Category VI. Anti-Corruption and Rule of Law

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### VI-1. <sup>78</sup>Anti-Corruption Law

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73. Is there legislation criminalizing corruption?

89

73a. In law, attempted corruption is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Sections 28, 30, 33

**YES:** A YES score is earned if corruption laws include attempted acts.

**NO:** A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Sections 30, 40-43

**YES:** A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

**NO:** A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Section 28 (1)

**YES:** A YES score is earned if offering a bribe is illegal.

**NO:** A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Section 28 (2)

**YES:** A YES score is earned if receiving a bribe is illegal.

**NO:** A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

**YES** | **NO**

**References:**

No law criminalizing bribing a foreign official exists, although there is a provision in the Anti-Corruption Act 2008, Section 103, for assistance by the Anti-Corruption Commission to foreign powers prosecuting a Sierra Leone resident who has bribed or been involved in corrupt practices in a foreign country.

**YES:** A YES score is earned if bribing a foreign official is illegal.

**NO:** A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Section 36

**YES:** A YES score is earned if using public resources for private gain is illegal.

**NO:** A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

**YES** | **NO**

**References:**

Anti-Corruption Act 2008, Sections 42 and 44

**YES:** A YES score is earned if using confidential state information for private gain is illegal.

**NO:** A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

**YES** | **NO**

**References:**

The Anti-Money Laundering Act, 2005

**YES:** A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

**NO:** A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

**YES** | **NO**

**References:**

Phone interview with Osman Keh Kamara, Barrister at Law

**YES:** A YES score is earned if organized crime is illegal.

**NO:** A NO score is earned if this is not illegal.

## VI-2. Anti-Corruption Agency

### 75. Is the anti-corruption agency effective?

92

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

YES

|

NO

**References:**

Anti Corruption Commission Act 2008, Section 8, guarantees the independence of the commission.

**YES:** A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director(s) can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:  
Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

The commission heavily depends on donor funding for its activities, but it also receives regular funding from the government.

**References:**

Interviews with:  
Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | 25 | 0

**Comments:**

The reports of the commission are accessible on its website, <http://www.anticorruption.sl>. It also regularly informs the general public through media outreach — radio and print.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansu, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

**Comments:**

A weak anti-corruption act was replaced with the the Anti-Corruption Act 2008, which gives the commission lots of powers to carry out its mandate.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansu, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

**75:**

**50:** The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

**25:**

**0:** The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The Agency has taken action against many high ranking public servants including the Ombudsman, the Minister of Health, the Head of the NRA, and the Head of the Road Transport Authority. It has also recovered billions of leones of public funds pilfered by some public officials

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

**75:**

**50:** The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

## 76. Can citizens access the anti-corruption agency?

**75**

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

**Comments:**

The Anti-Corruption Act 2008, Section 85, provides for witness protection, and the commission has a mechanism in place for ensuring that.

**References:**

Interviews with:

Koloneh Sankoh, Acting Head, Public Education, Anti-Corruption Commission;  
Albert Ansú, Journalist, formerly Editor, The Scoop Newspaper;  
September 2009, Freetown

**100:** Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES

| NO

**References:**

The Anti-Corruption Act 2008 establishes the Anti-Corruption Commission with a legal mandate to address corruption.

**YES:** A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

**NO:** A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

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89  
VI-3. Rule of Law

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77. Is there an appeals mechanism for challenging criminal judgments?

58

77a. In law, there is a general right of appeal.

YES

| NO

**References:**

The 1991 Constitution guarantees the right to appeal and establishes the court of appeal for that purpose. Cases could also be appealed from that court to the Supreme Court.

**YES:** A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

**NO:** A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

**Comments:**

There has been some improvements in the appeal process since the appointment of a new chief justice in 2009 and the hiring of a consultant master and registrar. Lawyers are now required to give written submissions in appeal cases, a process that is shortening the duration of appeal cases.

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

**25:**

**0:** Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

**Comments:**

Appeals usually drag over from months, leading to a rise in costs for many litigants.

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

**25:**

**0:** The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

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#### 78. In practice, do judgments in the criminal system follow written law?

50

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

#### References:

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

**75:**

**50:** Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

**25:**

**0:** Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

---

#### 79. In practice, are judicial decisions enforced by the state?

50

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;

September 2009

**100:** Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

**75:**

**50:** Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

**25:**

**0:** Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

---

## 80. Is the judiciary able to act independently?

63

80a. In law, the independence of the judiciary is guaranteed.

**YES**

| NO

**References:**

1991 Constitution, Section 120 (3)

**YES:** A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts ).

**NO:** A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

**100:** National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

**75:**

**50:** National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

**25:**

**0:** National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | NO

**References:**

Distribution of cases lies within the administrative powers of the chief justice, but the process is not usually transparent. However, the present chief justice is putting in place objective mechanism for distributing cases.

Interview with Mohamed Suma, Director Center for Accountability and the Rule of Law

**YES:** A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

**NO:** A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

YES | NO

**Comments:**

These stringent conditions do not however relate to 'contract' (i.e. mostly retired judges hired to fill in vacancies).

**References:**

Section 137 of the constitution lays down stringent conditions for removal of a judge.

**YES:** A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

**NO:** A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

## 81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES

|

NO

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**YES:** A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

**NO:** A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES

|

NO

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**YES:** A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

**NO:** A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work

on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

## 82. Do citizens have equal access to the justice system?

61

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no general perception that ethnicity plays a role in judicial decisions

**References:**

Interviews with:

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Judicial decisions are not affected by racial or ethnic bias.

**75:**

**50:** Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

**25:**

**0:** Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;

Segepo Thomas, Barrister at Law;

Mohamed Mansaray, Barrister at law;

Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**75:**

**50:** Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**25:**

**0:** Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

**YES** | **NO**

**Comments:**

In practice, the government lacks the resources to ensure this. A project is however being piloted to effect legal assistance to indigenous defendants. See Presidential Address on the State Opening of Parliament, October 2009

**References:**

Constitution of Sierra Leone, Section 17

**YES:** A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

**NO:** A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | **25** | 0

**Comments:**

It is only in cases that could lead to capital punishment that the state provides legal aid. The Justice Sector Development Program is currently piloting a national legal aid scheme.

**References:**

Interviews with:  
Gloria Bayoh, Gender Officer, Human Rights Commission;

Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

**75:**

**50:** State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

**25:**

**0:** State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

**75:**

**50:** In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

**75:**

**50:** In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

**75:**

**50:** Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

**25:**

**0:** Courts are unavailable to some regions without significant travel on the part of citizens.

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### 83. Is the law enforcement agency (i.e. the police) effective?

67

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

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Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | **75** | 50 | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

**75:**

**50:** The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

84. Can law enforcement officials be held accountable for their actions?

**75**

84a. In law, there is an independent mechanism for citizens to complain about police action.

**YES** | **NO**

**References:**

The Ombudsman Act provides for persons aggrieved by a public officer to seek redress from the Office of the Ombudsman; few people, however, are aware of this provision. The Human Rights Commission Act 2007 also provides for human rights abuse and violations to be reported to the commission.

**YES:** A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

**NO:** A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100 | 75 | 50 | **25** | 0

**Comments:**

Not many people know that they could report cases of abuse by law enforcement agents to such bodies as the Office of the Ombudsman (for cases of maladministration or administrative injustice), Human Rights Commission (for cases of human rights violations or abuse), or the Anti Corruption Commission (cases of corruption). The responses by the institutions, however, vary, with the Office of the Ombudsman being the least responsive.

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

**YES** | **NO**

**References:**

The Anti-Corruption Act 2008 mandates the commission to investigate and prosecute cases of corruption involving all public officers, including police officers.

**YES:** A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

**NO:** A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | **50** | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

YES

NO

**References:**

The constitution of Sierra Leone only grants the president immunity from civil and criminal prosecution; the Anti-Corruption Act 2008 does not give immunity to any public officer against criminal prosecution for corrupt acts.

**YES:** A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

**NO:** A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | 50 | 25 | 0

**References:**

Interviews with:

Gloria Bayoh, Gender Officer, Human Rights Commission;  
Patrick Sandi, Senior Investigator, Anti-Corruption Commission;  
Sgt. Samura Kamara, Investigation Officer, Sierra Leone Police Force;  
Segepo Thomas, Barrister at Law;  
Mohamed Mansaray, Barrister at Law;  
Mohamed Suma, Director, Center for Accountability and the Rule of Law;  
September 2009

**100:** Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

**75:**

**50:** Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

**25:**

**0:** Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.