

Overall Score:

63 - Weak

Legal Framework Score:

77 - Moderate

Actual Implementation Score:

52 - Very Weak

Category 1. Non-Governmental Organizations, Public Information and Media

1.1. ⁵¹Anti-Corruption Non-Governmental Organizations

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

100

01a. In law, citizens have a right to form NGOs focused on anti-corruption or good governance.

Yes

No

Comments:

This law allows for the formation of groups to undertake civil and political issues. However, new groups face several obstacles that sometimes prevent their success.

References:

Revised NGO Policy Regulations 2009

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. Non-governmental organizations (NGOs) are defined here as any organized group that is separate from the state working on issues of governance, transparency, and/or anti-corruption.

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.

01b. In law, anti-corruption/good governance NGOs are free to accept funding from any foreign or domestic sources.

Yes

No

Comments:

There are no restrictions to the acceptance of funds. There are also no anti-terrorism laws, so violence and terrorism groups are not exempt from receiving funds.

References:

None

Yes: A YES score is earned if anti-corruption/good governance NGOs 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 any formal legal or regulatory bans on foreign or domestic funding sources for NGOs focused on anti-corruption or good governance.

01c. In law, anti-corruption/good governance NGOs are required to disclose their sources of funding.

Yes

No

Comments:

The NGO policy regulates the formation of groups. NGOs are required to disclose their sources of funding to the Ministry of Finance and Economic Planning. Most NGOs are not aware of its existence.

References:

Section 2.6.4 and 2.6.5 of Revised NGO Policy Regulations (2009)

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

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

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

67

02a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance NGOs.

Comments:

The government and international donor organizations in Sierra Leone have allowed civil groups to play a very important role in fighting corruption. Civil society groups like the Society for Democratic Initiatives and Transparency International have played a leading role in anti-corruption.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone, a civil society group that has been working on improving the space of civil society. Interviewed Aug. 22, 2011.

"Why NGOs Should be Aware of the NGO Policy," Society for Democratic Initiatives, Sierra Leone, February 2011.

100: NGOs 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: NGOs 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 NGO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

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

02b. In practice, anti-corruption/good governance NGOs actively engage in the political and policymaking process.

Comments:

As stated by Alimamy Conteh, despite the fact that NGOs have a right to operate freely in the country on anti-corruption matters, the nature of the NGO policy law restricts free associations and independent work of the sector.

References:

Interview with Lavina Banduah, director, Transparency International, Sierra Leone chapter, Aug. 23, 2011.

Interview with Alimamy Conteh, lecturer, Peace and Conflict Studies Department, Fourah Bay College, University of Sierra Leone, Aug. 23, 2011.

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

75:

50: Anti-corruption/good governance NGOs are active, but may not be relevant to political decisions or the policymaking process. Those NGOs 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 NGOs are effectively prohibited from engaging in the political process. Those NGOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

02c. In practice, no anti-corruption/good governance NGOs have been shut down by the government for their work on corruption-related issues during the study period.

Yes | No

Comments:

There are no reports of government shutting down any NGO in Sierra Leone.

References:

Interview with Augustine Samba, anti-corruption reporter, Awareness Times Newspapers, Aug. 23, 2011.

Interview with Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone, Aug. 23, 2011.

Yes: A YES score is earned if there were no NGOs 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 NGO 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 NGO's work may not be explicit, however the burden of proof here is low. If it seems likely that the NGO 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.

3. Are anti-corruption/good governance NGO activists safe when working on corruption issues?

67

03a. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been imprisoned.

Yes | No

Comments:

According to Rosemarie Blake, in recent years, no activists, including anti-corruption activists, have been imprisoned in Sierra Leone. Paul Kamara was the last activist imprisoned, in 2005.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 23, 2011.

Paul Kamara, Minister of Youth, interviewed on Aug. 24, 2011.

Yes: A YES score is earned if there were no NGO 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.

03b. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been physically harmed.

Yes | **No**

Comments:

New Vision of April 8, 2011, reported that human rights defender, Fala Ensah Ndemah, was slapped by the deputy resident minister in the East Province. Fala Ensah Ndemah confirmed the report.

References:

New Vision Newspaper, April 8, 2011.

Fala Ensah Ndemah, interviewed Aug. 23, 2011, Freetown, Sierra Leone.

Yes: A YES score is earned if there were no documented cases of NGO 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.

03c. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been killed.

Yes | No

Comments:

Ibrahim Ben Kargbo, minister of information, confirmed that the government has ensured that the protection of human rights is guaranteed and no activists would be harmed physically. Rosemarie Blake also agreed no anti-corruption activists have been harmed.

References:

Minister Ibrahim Ben Kargbo, Interview Sept. 4, 2011, Freetown.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 23, 2011.

Yes: A YES score is earned if there were no documented cases of NGO 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?

88

04a. In law, citizens have a right to organize into trade unions.

Yes

No

Comments:

Section 26 of the Constitution allows for the free formation of groups, including trade unions, according to the choices of the person or persons.

References:

Section 26 of the Constitution of Sierra Leone 1991, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

04b. In practice, citizens are able to organize into trade unions.

100

75

50

25

0

Comments:

Fala Ensah said that some trade unions have come under intimidation and are not relevant in political issues. For example, the Trade Union Confederation has been refused recognition by the government on the grounds that only the Sierra Leone Labor Congress can be recognized. The refusal came after Fala Ensah, coordinator of the Trade Union Confederation, was slapped by the a public official (Minister) in Kailahun in September 2011.

Student Union activities have been banned at Fourah Bay College.

Some trade union organizations do not understand their rights because they are newly formed.

References:

Interview with Fala Ensah Ndemah, coordinator, Trade Union Confederation, Sierra Leone, Aug. 23, 2011.

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.

1.2. Media's Ability to Report on Corruption

5. Are media and free speech protected?

100

05a. In law, freedom of the media is guaranteed.

Yes

No

Comments:

Article 25 of the Sierra Leone Constitution guarantees the right to freedom of expression, which includes the right to receive and impart information.

References:

Article 25 of the Sierra Leone Constitution 1991, Right to free expression. <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

05b. In law, freedom of speech is guaranteed.

Yes

No

Comments:

The 1991 Constitution of Sierra Leone in Article 25 states that “everyone shall have the right to freely express...” The constitutional provision is however undermined by the Public Order Act 1965, which criminalizes libel and entrenched seditious libel.

References:

The 1991 Constitution of Sierra Leone, Article 25.
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

6. Are citizens able to form print media entities?

63

06a. In practice, the government does not create barriers to form a print media entity.

100

75

50

25

0

Comments:

The Society for Democratic Initiatives report states that the registration of media houses still has overtly required conditions that are difficult to meet. It states that the “newspapers still have to provide an office space, a qualified media graduate from the University of Sierra Leone, has to have a bank account.”

References:

Society for Democratic Initiatives, “Sierra Leone’s State of the Media Report 2010,” December 2010.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 22, 2011.

Interview with Ismael Koroma, secretary general of the Sierra Leone Association of Journalists, Aug. 6, 2011.

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.

06b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes | No

Comments:

The Independent Media Commission Act empowers the commission to grant licenses for print media houses, but also stipulates that the commission can refuse to grant licenses. However, there is an allowance for appeals in Section 22 of the law for anyone dissatisfied with the Commission's decision.

References:

The Independent Media Commission Act 2000, Section 22.
<http://www.sierra-leone.org/Laws/2007-19p.pdf>

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.

06c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The secretary general of the Sierra Leone Association of Journalists explained that the Independent Media Commission is implementing a law that requires all newspapers to register. Otherwise, they cannot operate. Registration of a newspaper takes between six to eight months.

References:

Interview with Ismeal Koroma, secretary general, Sierra Leone Association of Journalists on the phone on Sept. 15, 2011, Freetown, Sierra Leone

Interview with Journalist Abibatu Kamara of Awoko Newspaper on Sept. 25, 2011, Freetown.

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.

06d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

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

Comments:

Registration for newspapers are quite expensive for Sierra Leone standards and will range from, US\$500 to US\$1,000. This quite substantial in Sierra Leone.

References:

Interview with Journalist Abibatu Kamara of Awoko Newspaper on Sept. 15, 2011, Freetown.

Interview with Ismeal Koroma, secretary general, Sierra Leone Association of Journalists, Sept. 15, 2011, Freetown, Sierra Leone

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.

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

56

07a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

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

Comments:

The Independent Media Commission and the National Telecommunication Commission have authority to grant broadcast media a license to operate. The National Telecommunication Commission allocates frequencies. Therefore it is to the discretion of these two bodies to grant broadcast licenses. This power has been abused in the past when in 2008 the opposition SLPP radio station was

suspended from broadcasting. Also, the constitutional powers of allowing broadcast media to operate lies with the president, which has been delegated to the Independent Media Commission and the National Telecommunication Company.

References:

Bernedette Cole, chairperson of the Independent Media Commission. Interview on Aug. 26, 2011.

Interview with Sulaiman Jabbari, editor, Exclusive Newspaper, Aug. 26, 2011.

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.

07b. 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 Act, Section 22, provides for the same appeals for newspapers and broadcast media.

References:

The Independent Media Commission Act 2000, Section 22

<http://www.sierra-leone.org/Laws/2007-19p.pdf>

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.

07c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

It take between eight months and a year for licenses to be granted for broadcast media in Sierra Leone. For example, Philip Neville said his license took almost a year to be granted to his radio station based in the cities of Freetown and Bo. Cole, however, states that the delay comes from the time it takes to do background checks on the owners and process the papers.

References:

Benedette Cole, chairperson of the Independent Media Commission, interviewed Sept. 25, 2011, Freetown.

Interview with Philip Neville, owner of Star Radio, Sept. 26, 2011, Freetown.

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.

07d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

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

Comments:

The cost of obtaining broadcast license is not reasonable. it can be as a high as US\$3,000 to US\$5,000. This is a huge sum in Sierra Leone and is almost unobtainable.

References:

Interview with Philip Neville, owner of Star Radio, Sept. 25, 2011, Freetown.

Benedette Cole, chairperson of the Independent Media Commission, interviewed Aug. 23, 2011, Freetown.

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.

8. Can citizens freely use the Internet?

08a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

Comments:

There is no restriction on the use of the internet in Sierra Leone.

References:

Dr. Umarr Bah, communications specialist, Fourah Bay College, University of Sierra Leone. Interviewed Sept. 9, 2011.

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.

08b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

Comments:

The government does not control content on the Internet.

References:

Dr. Umarra Bah, communication specialist, Fourah Bay College, University of Sierra Leone. Interview on Sept. 9, 2011.

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?

50

09a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

Yes | **No**

Comments:

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

References:

Part V of the 1965 Public Order Act (This law is not available online.)

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.

09b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

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

Comments:

Media houses cannot host advertisements because the government provides most advertising here, in the interest of restricting criticism of the government. When the president took over, he appointed journalists to be in his press attache positions.

Most journalists want to be chosen for appointment, so they are not objectively reporting on the government's position.

There has been instances where media houses have not been invited to programs because they are critical of government. A case in point is Radio 98.1 that is a civil society owned radio. It has never been invited to state programs at State House, and the government has referred to it as an opposition radio station.

References:

Anonymous sources from the Ministry of Information and Communication interviewed on Sept. 6, 2011, in Freetown.

Lavina Banduah, Transparency International, Sierra Leone Chapter. Interview on Sept. 5, 2011.

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.

09c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:

The government does not explicitly prevent newspapers from publishing.

References:

Interview with Suliaman Jabbari, editor, Exclusive Newspaper, Sept. 5, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 22, 2011.

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?

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

Yes | No

Comments:

The Independent Media Commission Acts require the ownership of newspapers and other media outlets to be established at the point in time when registration is done.

References:

The Independent Media Commission Acts of 2000, Section 8, <http://www.sierra-leone.org/Laws/2007-19p.pdf>

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

Comments:

Disclosure of broadcast media ownership is required at the registration of a media house.

References:

The Independent Media Commission Acts of 2000.

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

Comments:

The State of the Media Report by Society for Democratic Initiatives questions the integrity and professionalism of media practitioners. The report called the year “a year of sell-out.”

References:

“State of the Media Report: A Year of Sell-Out and Political Harassment,” a publication of the Society for Democratic Initiatives, Sierra Leone, April 2011

Interview with two anonymous editors of two notable newspapers.

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

Comments:

Despite the fact that various news outlets belong to political parties, the coverage is relatively balanced.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 9, 2011.

Ngolo Katta, spokesman for the National Elections Watch, interviewed Sept. 10, 2011.

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

References:

Joseph Kapuwa, editor at the Sierra Leone Broadcasting Corporation. Interviewed on Sept. 12, 2011.

Charles Margai, leader of the Peoples Movement for Democratic Change. Interviewed Sept. 12, 2011.

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?

67

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

Yes | No

Comments:

In recent times, there have been no imprisonments for reporting corruption.

References:

Ismeal Koroma, secretary general, Sierra Leone Association of Journalists. Interviewed Sept. 5, 2011.

Paul Kamara, editor of the For Di Pipul Newspaper and now Minister of Youth, Employment and Sports. Interview September 2011.

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**

Comments:

Sitta Turay was stabbed by a government party supporter and he had to be taken out of the country by the Committee to Protect Journalists. He is presently living in the United States of America.

References:

John Baimba Sesay, information officer, National Revenue Authority, interview on Sept. 6, 2011, Freetown.

Usuf Jimmy, Governance Officer Two, Society for Democratic Initiatives, interview on Sept. 6, 2011, Freetown.

Awareness Times, "Stabbed Sitta Turay in Photos," May 15, 2009, <http://news.sl/drwebsite/exec/view.cgi?archive=1&num=12218>

Theophilus S. Gbenda, Arnold Akibo Betts and Augustine Samba, Awareness Times, "Presidential Photographer Stabs Journalist in Sierra Leone," May 15, 2009, <http://news.sl/drwebsite/exec/view.cgi?archive=1&num=12217>

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

Comments:

No journalist was killed.

References:

Interview with Ismeal Koroma, secretary general, Sierra Leone Association of Journalists, Sept. 5, 2011, Freetown.

Oswald Hanciles, publisher of the Presidential Biography, interviewed on Dec. 24, 2011.

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.

72
1.3. Public Requests for Government Information

12. Do citizens have a legal right to request information?

0

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

Yes | **No**

Comments:

The constitutional provision is generally about freedom of expression, which also includes the right to seek and receive information. It does not put any obligation on the state to provide information. There is no access to information law in Sierra Leone.

References:

Section 25 of the 1991 Constitution
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

Yes: A YES score is earned if there is a formal right to request 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 a request for a basic government record is denied.

Yes | **No**

Comments:

There is no access to information law.

References:

There is no access to information law.

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**

Comments:

There is no law on access to information.

References:

No.

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 to information requests effective?

0

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

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

Comments:

Government officials normally do not look at requests for information.

References:

Interview with Steven Kelfala, governance officer in charge of freedom of information campaign, Society for Democratic Initiatives, Sierra Leone, Sept. 5, 2011.

George Mustapha, also with the Society for Democratic Initiatives.

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 information request mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

There is no access to information provision, and this question is not applicable to Sierra Leone.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 23, 2011.

Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone. Interviewed on Aug. 23, 2011.

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 NGOs. 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 NGOs trying to access this information.

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

100 | 75 | 50 | 25 | 0

Comments:

Public offices do not respond to request for information. Rather, it is current policy that information held in public bodies is not available.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 5, 2011.

Oswald Hanciles, commissioner, Public Affairs and Tax Education, interview on Sept. 5, 2011

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 information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Because there is no access to information law, it is impossible to appeal any denial.

References:

Abibatu Kamara, Awoko Newspaper, Sept. 5, 2011, Freetown.

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 5, 2011.

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:

Appeals processes are not in existence because there is no access to information law.

References:

Augustine Samba, journalist, Awareness Times newspaper. Interviewed Sept. 5, 2011, in Freetown.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone.

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.

100 | 75 | 50 | 25 | 0

Comments:

No law mandates this.

References:

Interview with Seray Kallay, commissioner, Sierra Leone's Company Commission on Sept. 9, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 5, 2011.

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.

2.1. ⁶³Voting and Party Formation

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

Comments:

The Constitution of Sierra Leone 1991 provides the right to vote a right for all citizens.

The Electoral Laws Act 2002 also authorizes the National Elections Commission to regulate voting rights.

References:

The Constitution of Sierra Leone 1991, The Electoral Laws Act, Section 4. <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

The 1991 Constitution of Sierra Leone, Section 37, guarantees universal adult suffrage. The Electoral Act of 2002 stipulates that elections should be held every five years.

References:

The 1991 Constitution of Sierra Leone, Section 37.

The Electoral Act of 2002.

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

Comments:

Adults who have committed a serious felony cannot vote. Adults must also meet the requirements for voters as stipulated in the constitution.

Any person who is a Sierra Leonean and is not less than eighteen years of age is eligible for membership in a political party in Sierra Leone.

References:

Memunatu Pratt, head of Peace and Conflict Studies Department, Fourah Bay College, University of Sierra Leone. Interviewed on Sept. 19, 2011.

Ngolo Katta, spokesperson for National Elections Watch, on Sept. 19, 2011, in Freetown.

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

Comments:

In Sierra Leone, all voting is done in secret and protected. This has not changed since Sierra Leone restored democracy and held its first elections in 1996.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 17, 2011.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 19, 2011, in Freetown.

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

Comments:

According to Katta, all elections are held during the stipulated period. Even when an election has to be delayed, such as for presidential elections, this is normally done within the constitutional six-month extension period.

References:

Interview with Dr. Christiana Thorpe, chairperson, National Electoral Commission, Sept. 17, 2011

Ngolo Katta, National Elections Watch, interviewed Sept. 19, 2011, in Freetown.

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.

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

70

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

Yes

No

Comments:

The above section stipulates that all citizens shall have the right to form groups, associations and political parties of their choice.

References:

Sections 26 of the Constitution of 1991, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

The Constitution allows all citizens to be electable. The only disqualifications are if a person has been convicted of serious offenses or found to be mentally incapable.

References:

The Constitution of Sierra Leone, Section 76 (Qualifications for Legislature) and Section 41 (Qualifications for Office of President).

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

A political party has to go through an elaborate program of registration and establishing offices around the country to be fully constituted. There are also some “good governance” mechanisms like having office spaces in all the district headquarter towns, and the party has to have a national outlook. These are hindrances to the freedom of association.

References:

Ngolo Katta, spokesman for the National Elections Watch, interviewed on Sept. 19, 2011.

Interview with Sylvanus Kanyanko, chairman, National Democratic Alliance, on Sept. 9, 2011.

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:

Citizens must be part of a political party to run for office. Independent candidates are discouraged.

References:

Interview with Sylvanus Kanyanko, chairman, National Democratic Alliance, on Sept. 9, 2011.

James Lahai, chairman, National Elections Watch, interview on Sept. 9, 2011

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

Comments:

The Sierra Leone democratic parliament has always had opposition parties. Currently, the governing majority party, the All Peoples Congress, has opposition from the Sierra Leone Peoples Party and the Peoples Movement for Democratic Change.

References:

Interview with opposition member of parliament, Hon. Eric Jumu of the Sierra Leone Peoples Party on Sept. 19, 2011.

Interview with Campaign for Good Governance's Valnora Edwin on Sept. 19, 2011.

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.

2.2. Election Integrity

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

100

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

Yes | No

Comments:

The National Electoral Commission is the body that conducts elections in Sierra Leone and was created by the National Elections Commissions Act of 2002. <http://www.sierra-leone.org/Laws/2002-1.pdf>

References:

The National Electoral Commission Act of 2002
<http://www.sierra-leone.org/Laws/2002-1.pdf>

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.

18. Is the election monitoring agency effective?

80

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

Yes | No

Comments:

Section 2 of the National Electoral Commission's Act creates an independent Electoral Commission that is to be free of political interference.

References:

The National Electoral Commission Act of 2002
<http://www.sierra-leone.org/Laws/2002-1.pdf>

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.

Comments:

The National Electoral Commission Commissioner is appointed by the president. He is supposed to appoint independent candidates, but this has not been the case. Immediately after the 2007 elections the president sacked two commission members who were not regarded as supporting APC, the president's party.

Dr. Christiana A.M. Thorpe was appointed to be the commissioner in 2002. WorldPress.org reported that "[a]ll parliamentarians, including the opposition, unanimously supported Dr. Thorpe's nomination."

She was re-appointed in 2010 by members of parliament representing the All People's Congress and the People's Movement for Democratic Change.

However, she did not have unanimous support for her re-appointment. Members of the main opposition Sierra Leone People's Party staged a walk-out to show that they opposed her re-appointment.

The SLPP opposed her for several reasons, saying that her re-appointment was unconstitutional, that she was responsible for election irregularities, and that she has an "autocratic nature" (The New People). They argued that Thorpe's re-appointment was unconstitutional because it allegedly violated Section 32(3) of the Constitution when SLPP was not consulted in the appointment process. It also allegedly violated Section 32(7a) of the Constitution, which states that "Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office at the expiration of five years from the date of his appointment."

References:

Dr. Christiana Thorpe, chief of the Sierra Leone National Electoral Commission, September 2011.

Michael Davies-Venn, WorldPress.org, October 17, 2007, <http://www.worldpress.org/Africa/2965.cfm>

Acha Kamara, The New People, "APC Approves Christiana Thorpe Amidst Protest," June 21, 2010, <http://www.thenewpeople.com/national-news/politics/item/445-apc-approves-christiana-thorpe-amidst-protest>

The Sierra Leone Telegraph, Mohamed Kunowah Kiellow, Sierra Leone Telegraph, "Indeed, President Ernest Koroma Has the Potential of a 'Constitutional' Dictator!" September 17, 2010, <http://www.thesierraleonetelegraph.com/archives/articles/100470.htm>

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.

Comments:

The agency has sufficient, professional staff, as seen by the organizational chart and its Department of Operations, which has four regional field coordination officers and fourteen district offices.

References:

Hadji Bah, elections observer for the National Elections Watch, interviewed on Sept. 28, 2011.

National Electoral Commission, Operations, <http://www.nec-sierraleone.org/Operations.html>

National Electoral Commission, Organogram, http://www.nec-sierraleone.org/index_files/organogram.jpg

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

Comments:

The commission has been making timely and regular reports on the elections as it unfolds. It has also been very responsive to concerns from citizens and political parties. A recent case in point is when the Society for Democratic Initiatives, Sierra Leone, published its quarterly newsletter, which accused the agency and UNDP of not following biometric checks in screening voters. The commission immediately came out with a press release clarifying the issues.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 17, 2011.

James Lahai, chairman, National Elections Watch, interviewed Sept. 19, 2011.

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

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 17, 2011.

James Lahai, chairman, National Elections Watch, interview on Sept. 19, 2011

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:

Voter registration is transparent and clear. The present biometric voter registration is very open.

References:

Ngolo Katta, spokesman for the National Elections Watch, interviewed Sept. 20, 2011.

Simon Clerk, Britain's Department for International Development's consultant on elections to civil society, on Nov. 7, 2011.

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

Comments:

This law allows for appealing results of elections to the courts. There have been challenges related to elections filed at the highest court, which is the Supreme Court.

References:

The Electoral Laws Act of 2002, <http://www.sierra-leone.org/Laws/2002-2.pdf>

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:

Yes, elections results can be appealed, and have been appealed over the years up to Supreme Court level.

References:

Ngolo Katta, spokesman for the National Elections Watch, interviewed Sept. 20, 2011.

Interview, Augustine Samba, Awareness Times Newspapers, Dec. 28, 2011, Freetown.

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.

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

Comments:

The military is not allowed to take sides in elections; however, it has emerged that military officers all voted for one particular political party in the last elections. They voted for the ex-military officer Johnny Paul Koroma who was leading in the campaign.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 17, 2011, on a plane ride from Ghana.

James Lahai, coordinator, National Elections Watch. Interviewed on Sept. 20, 2011.

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 overly 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

Comments:

There is no law for this, but no law prohibits it and observers can openly observe without any fear and favour. Since 1996, international as well as local observers have monitored and reported on both presidential and parliamentary elections and local government elections.

References:

There is no law for this, but no law prohibits it, and observers can openly observe without any fear or favor.

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.

100 | 75 | 50 | 25 | 0

Comments:

Every election held in Sierra Leone since 2002 has had election observers from within Sierra Leone and outside monitoring the elections without any hindrance. The observers have reported different grades and observation throughout this process.

References:

Ngolo Katta, National Election Watch that monitors elections interview on September 20th, 2011

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 17, 2011, during a flight from Accra, Ghana.

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.

88

2.3. Political Financing Transparency

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:

There is no law on this.

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:

There is no law on this.

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

Comments:

There is no specific spending limits; however, the law does require political parties to submit statements of finance and expenditure to the Commission.

References:

The Political Parties Registration Commission Act of 2002

<http://www.sierra-leone.org/Laws/2002-3.pdf>

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

Comments:

Sections 20 and 21 of the Political Parties Registration Commission Act requires political parties to take the necessary action in disclosing contributions.

References:

Political Parties Registration Commission Act, <http://www.sierra-leone.org/Laws/2002-3.pdf>

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. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

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

Comments:

According to Section 25 of the Political Parties Act, financial information and sources of funding of political parties are supposed to be recorded.

References:

Political Parties Act of 2002, Section 25
<http://www.sierra-leone.org/Laws/2002-3.pdf>

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

Comments:

The Political Parties Commission Act requires parties to submit to their reports to the commission.

References:

The Political Parties Commission Act.

<http://www.sierra-leone.org/Laws/2002-3.pdf>

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 non-governmental organizations.

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

20

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

Yes | No

References:

No law exists yet.

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 laws 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**

Comments:

No law exists.

References:

No law exists.

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. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

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:

There is no law for this.

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

Comments:

The Political Parties Registration Commission is in charge of political parties and candidate disclosures.

Sections 20 on "Declaration of Assets, Accounts and Audit of Political Parties" and Section 21 on "Declaration of Assets, etc. in Relation to Election" require individual candidates to file information about their expenses.

Section 20 (2) of the law states: "A declaration submitted to the Commission under subsection (1) shall state the sources of all funds and other assets of the political party and the particulars of the person or firm appointed by the political as its auditor."

Further, Section 21 (2)-(4) of the law states: "(2) Every political party shall, within sixty days after the declaration of the results of a public election in which it has participated, submit to the Commission a detailed statement, in such form as the Commission may prescribe, of all expenditure incurred either by the party or a candidate put up or supported by that political party specifying the manner in which the expenditure was incurred. (3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party. (4) Subsections (2) and (3) shall, with the necessary modifications, apply to any person standing as an independent candidate in a public election."

References:

The Political Parties Act of 2002, Sections 20-21,
<http://www.sierra-leone.org/Laws/2002-3.pdf>

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 non-governmental organizations.

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

0

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:

No law exists.

References:

Chukwu Emeka Taylor, Political Parties Registration Commission, interviewed by phone Sept. 20, 2011, Freetown.

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

Comments:

No laws exist.

References:

Chukwu Emeka Taylor, commissioner, Political Parties Registration Commission, interview on Sept. 20, 2011, at Tower Hill, Freetown.

Ngolo Katta, spokesman for the National Elections Watch, interviewed Sept. 20, 2011

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

Comments:

No laws exist.

References:

Roland Caesar, former chair of the Political Parties Registration Commission, Sept. 15, 2011.

Charles Lahai, head of Sierra Leone Youth Empowerment Organization, Sept. 20, 2011

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

Comments:

No laws exist.

References:

Ngolo Katta, spokesman for National Elections Watch, on Sept. 20, 2011, in Freetown.

Roland Caesar, former chairman of the Political Parties Registration Commission, interviewed on Dec. 21, 2011.

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, though 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.

100 | 75 | 50 | 25 | 0

Comments:

The agency in the Political Parties Registration Commission does not impose the required penalties when these laws are breached.

References:

Rosemarie Blake, with the Society for Democratic Initiatives, Sierra Leone, interviewed Sept. 20th, 2011, in Freetown

John Konteh, Independent Radio Network, interview on Sept. 20, 2011, Freetown

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.

100 | 75 | 50 | 25 | 0

Comments:

The Political Parties Registration Commission, which is supposed to audit of financial contributions and reports, does not have the necessary staff or resources to do so.

References:

Roland Caesar, former chair of the Political Parties Registration Commission, interview on Dec. 24, 2011.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 19, 2011, in Freetown.

Rosemarie Blake, Deputy Director, Society for Democratic initiatives, Sierra Leone interviewed on the 20th September 2011

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.

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

Comments:

No laws exist.

References:

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 20, 2011, in Freetown.

Roland Caesar, former chair of the Political Parties Registration Commission, interviewed on Dec. 24, 2011, at his residence at Wilberforce.

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

Comments:

No laws exist.

References:

Abibatu Koroma, Awoko newspaper, interviewed on Sept. 29, 2011, in Freetown.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in Freetown.

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

Comments:

No law exists.

References:

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 27, 2011, in Freetown.

Chukwu Emeka Taylor, commissioner, Political Parties Registration Commission, interview on Oct. 8, 2011.

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, though 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.

100 | 75 | 50 | 25 | 0

Comments:

The Political Parties Registration Commission has no enforcement authority to check political party sources of funding. All it does is receive financial statements at the end of the elections or financial year.

References:

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in Freetown.

Chukwu Emeka Taylor, commissioner, Political Parties Registration Commission, interview on the phone Dec. 29, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The Political Parties Registration Commission receives audited financial accounts of political parties, not individual candidates.

References:

Philip Neville, Editor of Standard Times Newspaper, phone interview on Sept. 8, 2011.

James Lahai, chairman, National Elections Watch, interviewed on Sept. 8, 2011

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.

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

0

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

100 | 75 | 50 | 25 | 0

Comments:

No law exists.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 20, 2011, in Ghana.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in Freetown.

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 regular 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

Comments:

No law exists.

References:

Dr. Christiana Thorpe, chairperson, National Electoral Commission, interviewed Sept. 20, 2011, in Ghana.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in 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.

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:

No law mandates reports, so there are no reports for citizens to access.

References:

J. J. Saffa, former secretary general of the Sierra Leone Peoples Party, Sept. 16, 2011.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in 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.

75:

50: Records impose a financial burden on citizens, journalists or NGOs. 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 NGOs 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 law requires that the Political Parties Registration Commission collects audit reports. This law does not mandate the commission to verify the financial statements. It is also unclear whether the documents should be made public. No one has requested the financial statements of political parties finances since the last elections. Thus, the quality is hard to determine.

References:

J. J. Saffa, former secretary general of the Sierra Leone Peoples Party, interviewed Sept. 30, 2011, in Freetown.

Ngolo Katta, spokesman for National Elections Watch, interviewed on Sept. 17, 2011, in Freetown.

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.

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

0

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

100 | 75 | 50 | 25 | 0

Comments:

No law exists.

References:

Julius Maada Bio, presidential candidate, Sierra Leone Peoples Party, interviewed on Sept. 19, 2011.

James Lahai, coordinator, National Elections Watch, interview on Sept. 19, 2011.

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 regular 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

Comments:

No law exists.

References:

Roland Caesar, former chair of the Political Parties Registration Commission, interviewed on the Sept. 15, 2011.

James Lahai, chairman, National Elections Watch, interview on Sept. 19, 2011.

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:

No law exists.

References:

Roland Caesar, former chair of the Political Parties Registration Commission, interviewed on Oct. 8, 2011.

Charles Lahai, chairman, Civil Society Election Engagement Process, interviewed on Jan. 4, 2012.

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 NGOs. 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 NGOs 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

Comments:

Reports are collected, but not audited. Moreover, they are not made public.

References:

Memunatu Pratt, lecturer, Peace and Conflict Studies, University of Sierra Leone, interviewed on Sept. 17, 2011

James Lahai, National Elections Watch, interview Sept. 20, 2011.

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.

Category 3. Government Conflicts of Interest Safeguards & Checks and Balances

58
3.1. Conflicts of Interest Safeguards & Checks and Balances:
Executive Branch

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

100

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

Yes

No

Comments:

The 1991 Constitution mandates that the Supreme Court can hear cases on all violations of the entrenched constitutional provisions protecting human rights.

References:

The 1991 Constitution, Section 28

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

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

88

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

Comments:

Sometimes the government gives reasons for its actions, but not always. The government awards contracts in the extractive industries without explaining it to the people.

References:

Abu Brima, executive director, Network Movement for Justice and Development, interviewed Sept. 8, 2011.

Valnora Edwin, coordinator, Campaign for Good Governance, Sept. 8, 2011, 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

Comments:

The Constitution created the Supreme Court in Section 120. Section 127 provides for judicial review of laws and actions of the executive branch.

References:

The constitution of Sierra Leone 1991, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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:

In practice, government actions have been brought before the constitutional court. For instance, in October 2010 a private legal practitioner asked the Supreme Court to nullify the actions of the president for setting up a tribunal on the conduct of three judges whose activities were still being investigated by the country's Anti-Corruption Commission.

References:

Interviewed, Lornard Taylor, barrister and solicitor, Freetown, Sept. 17, 2011.

Section 120 of the Constitution of Sierra Leone 1991, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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:

Hon. Eric Jumu said the president seldom uses executive orders. He has only used it recently once, on the oil exploration acts of 2011.

References:

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed over the phone on Sept. 15, 2011.

Hon. Eric Jumu, opposition party member of the SLPP, interviewed on Sept. 15, 2011, Parliament, Freetown.

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.

28. Is the executive leadership subject to criminal proceedings?

50

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

Yes

No

Comments:

Section 48 (4) of the Constitution grants the president immunity for any civil and/or criminal matter for anything done during his tenure of office. It states: "While any person holds or performs the functions of the office of President, no civil or criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official or private capacity."

References:

The Constitution of Sierra Leone <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

The Anti-Corruption Commission Act of 2008 mandates the Commission to prosecute anyone who commits corruption, even ministerial-level officials.

References:

The Anti-Corruption Act 2008.
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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?

50

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

Yes | No

Comments:

The section reads, "Where a public body in which a public officer is a member, director, employee or is otherwise engaged proposes to deal with any company, partnership or other undertaking in which that public officer has a direct or indirect private or personal interest, that public officer shall forthwith disclose, in writing to that public body, the nature of such interest."

References:

The Anti Corruption Act 2008, Section 45, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The section provides that every public official shall within three months of becoming a public officer deposit with the Anti-Corruption Commission a sworn declaration of his income, assets and liabilities and thereafter not later than 31st March in each succeeding year that he is a public officer, he shall deposit further declarations of his income, assets and liabilities, and also while leaving office.

References:

The Anti-Corruption Act of 2008, Section 119.
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Anti-Corruption Act provides for 'gifts' and 'treating' of public officials. It also covers conflict of interests of any sort in the executive as a crime. Various ministers have recently been charged with conflict of interest cases.

References:

The Anti-Corruption Act of 2008, Section 46 and 47
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

In fact the Anti-Corruption Commission Act of 2008 authorized the declaration of assets to be kept confidential.

References:

No law exists.

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:

There is no law on this.

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 is no law against the employment of ex-heads of state or ministers in companies and/or private business.

References:

Osmond Hanciles, Deputy Minister of Transport and Communication. Interview on the 16th September 2011

Fallah Ensah NDyemah, Coordinator, Sierra Leone Trade Union Confederation. Interview on the 16th September 2011

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:

As mandated by section 46 and 47, the Anti-Corruption Commission has charged anyone who is caught violating the law. For example, in September 2011, a chief from Kailahun was investigated by the Anti-Corruption Commission for receiving a gift of a goat. This case appeared ridiculous because it is common place for gifts to be awarded to visitors, but the commission thought it might have influenced the decision of government officials.

References:

Osmond Hanciles, deputy minister of transport and communication. Interviewed on Sept. 16, 2011.

Anonymous source at the Anti-Corruption Commission

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

Comments:

There is no law or provision for an independent audit of the declaration of assets for top officials in government.

References:

Joseph Kamara, anti-corruption commissioner, interviewed on Sept. 16, 2011, in Freetown.

Osmond Hanciles, deputy minister of transport and communication. Interviewed on Sept. 16, 2011, in Freetown.

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.

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**

Comments:

The asset declaration is confidential and cannot be accessed. This is not part of the Anti-corruption Act, but anti-corruption efforts were compromised when the commission decided that the president should not declare assets.

References:

The Anti-Corruption Act 2008, Section 13, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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.

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

Comments:

No law exists.

References:

Joseph Kamara, Anti-Corruption Commissioner, interviewed Oct. 7, 2011, in Freetown.

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on the 8th October 2011.

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:

The Acts provides for a disclosure of asserts, but does allows disclosure reports to remain confidential. Sources disclose that it was a compromise for the government to subject its ministers to the regulation.

References:

Joseph Kamara, Anti-Corruption Commissioner, interviewed Oct. 7, 2011, in Freetown.

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed Oct. 8, 2011, 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.

75:

50: Records impose a financial burden on citizens, journalists or NGOs. 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 NGOs 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:

There is no way we can determine if the declarations are of good quality since the law provides that the reports be kept confidential. Officials from the Anti-Corruption Commission who have seen the disclosure reports state they are informative.

References:

Anonymous sources at the Anti-Corruption Commission

Joseph Kamara, Anti-Corruption Commissioner, interviewed Sept. 16, 2011, in Freetown.

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.

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

0

31a. 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 is no distinction between official government functions and party affairs. In fact, government officials use state resources like vehicles and fuel to undertake party activities. A criticism of government policies are seen as a criticism of the ruling party and vice versa.

References:

Jabbati Wai, editor, Exclusive Newspaper, interviewed Sept, 9, 2011, Freetown.

Eric Jumu, opposition SLPP member of Parliament, interviewed on Oct. 3, 2011.

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 principal, 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.

3.2. Conflicts of Interest Safeguards & Checks and Balances: Legislative Branch

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

100

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

Yes

No

Comments:

Section 127 provides the following: “A person who alleges that an enactment or anything contained in or done under the authority of that or any other enactment is inconsistent with, or is in contravention of a provision of this Constitution, may at any time bring an action in the Supreme Court for a declaration to that effect.

“The Supreme Court shall, for the purposes of a declaration under subsection (1), make such orders and give such directions as it may consider appropriate for giving effect to, or enabling effect to be given to, the declaration so made.”

References:

Section 127 of the Constitution

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

There is a general common law for the judicial review of laws passed by parliament, but this is seldom undertaken because of questionable independence of the judiciary. For instance, in 2008 the Sierra Leone Association of Journalists challenged the constitutionality of the criminal and seditious libel laws. The law was passed in 1965, and the Supreme Court, out of fear of political retribution, ruled that the law was constitutional. Additionally, most of the judges are on contract from the government, so security of office is not an issue.

References:

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed on Oct. 6, 2011, Freetown.

Ema Banya, lawyer, interviewed Oct. 9, 2011, in Freetown.

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:

Constitution

Anti-Corruption Act, 2008

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?

39

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

Yes | No

Comments:

The anti-corruption law covers everybody including members of parliament regarded as public officials. As defined in the Anti-Corruption Act 2008, Section 119, members of parliament are public officials and must declare their assets.

References:

Section 119 of the Anti-Corruption Act 2008
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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:

There is no restriction

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

Comments:

The Anti-Corruption Act is all-encompassing and covers members of the legislature.

References:

Section 46 and 47 of the Anti-Corruption Act of 2008
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

Asset declarations remain confidential and, therefore, there is no independent auditing of the documents.

References:

There is no law for independent auditing.

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:

There is no law prohibiting former government officials from employment in Sierra Leone.

References:

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed Oct. 23, 2011 in Freetown

Lornard Taylor, barrister and solicitor, Oct. 23, 2011, in 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:

The commission enforces the conflicts of interest laws when reports are made or investigations have proven that such illegal activities took place. For example, in October 2011, a chief was charged for accepting a goat as a gift.

References:

Joseph Kamara, Anti-Corruption Commissioner, interviewed on Sept. 23, 2011, in Freetown.

Julius Nye Cuffie, member of parliament of the All Peoples Congress ruling party. Interviewed on Sept. 15, 2011

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 mandate this.

References:

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on Oct. 18, 2011.

Anonymous source at the Anti-Corruption Commission, interviewed on Oct. 18, 2011.

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?

0

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

Yes | **No**

References:

There is no law on this but it cannot be made public

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, non-governmental 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:

Only the Anti-Corruption Commission can access information on asset declarations.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Oct. 23, 2011, Freetown.

Abdul Massallay, Chamber of Commerce, interviewed Oct. 23, 2011, 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.

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

Comments:

They are not available to citizens.

References:

Concord Times, Sierra Leone: ACC Boss Says 'Secret Asset Declaration Does Not Contravene FOI', November 6, 2008, <http://allafrica.com/stories/200811110639.html>

Valnora Edwin, coordinator, Campaign for Good Governance, interviewed Oct. 24, 2011.

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 NGOs. 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 NGOs trying to access this information.

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

100 | 75 | 50 | 25 | 0

Comments:

They are not available to the public, so quality is unknown.

References:

Anonymous Anti-Corruption Commission staff members interviewed on Oct. 23, 2011.

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on Oct. 23, 2011.

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?

75

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

Yes

No

Comments:

The Parliamentary Standing Orders provide for citizen access to information.

References:

The Parliamentary Standing Orders provide for citizen access to information.

John Abdul Kargbo, "Parliamentary Librarianship in Sierra Leone," 2008, <http://ezinearticles.com/?Parliamentary-Librarianship-in-Sierra-Leone&id=1244160>

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.

100 | 75 | 50 | 25 | 0

Comments:

Information release is normally not timely. And time is of the essence when attempting to influence government decisions.

References:

Valnora Edwin, coordinator, Campaign for Good Governance, interviewed on Oct. 15, 2011.

Hon. Martin Nyuma, phone interview, Sept. 27, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The Parliamentary Library holds information of parliamentary proceedings. Despite the untimely nature of the report, these reports can be accessed at a reasonable price.

References:

Hon Martin Nyuma, Member of Parliament, phone interview, Oct. 23, 2011.

Valnora Edwin, coordinator, Campaign for Good Governance, Interviewed on Oct. 16, 2011, Tengbeh Town.

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 NGOs. 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 NGOs trying to access this information.

3.3. Conflicts of Interest Safeguards & Checks and Balances: Judicial Branch

36. Are judges appointed fairly?

100

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

Yes

No

Comments:

Judges graduate to level of being appointed judges by years of standing. The chief justice recommends that appointment of judges be based on their records and years of standing.

References:

Section 135 and 136 of the 1991 Constitution, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

Judicial appointment follow the qualification criteria set forth in the Constitution. For example, ten years legal practice is required before one could be appointed as a judge.

References:

Interviewed, Lornard Taylor, barrister and solicitor, Sept. 23, 2011, Freetown.

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

Comments:

Judges are appointed by president on the recommendation of the judiciary and legal service commission, and then are approved by parliament.

References:

Constitution of Sierra Leone, Section 135 (2)
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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?

75

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

Yes

No

Comments:

There is the concept of ratio decidendi, which means every judge must give reasons for their judgment. This has been adhered to for years, although sometimes the reasons are very short.

References:

It is common law practice that all judgments must provide a logical reason for it.

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

Comments:

The judges give reasons for their decisions. Sometimes the reasons are short or do not correlate with the conclusions.

References:

Lornard Taylor, practicing lawyer, interviewed Sept. 17, 2011, in Freetown.

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed Sept. 17, 2011.

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

Comments:

Section 137 states:

"If the Judicial and Legal Service Commission represents to the President that the question of removing a Judge of the Superior Court of Judicature, other than the Chief Justice, under subsection (4) ought to be investigated then— a. the President, acting in consultation with the Judicial and Legal Service Commission, shall appoint a tribunal which shall consist of a Chairman and two other members, all of whom shall be persons qualified to hold or have held office as a Justice of the Supreme Court; and b. the tribunal appointed under paragraph (a) shall inquire into the matter and report on the facts thereof and the findings thereon to the President and recommend to the President whether the Judge ought to be removed from office under subsection (7).

References:

Section 137 and 141 of the Constitution of Sierra Leone 1991, <http://www.sierra-leone.org/Laws/constitution1991.pdf>

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**

Comments:

No law governs.

References:

No law exists.

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

Comments:

In 2010, the judiciary set up a tribunal to investigate judges for corruption and insubordination.

References:

Elwin Bailor, Master and Registrar of the High Court of Sierra Leone. Interview on Sept. 15, 2011.

Yada Williams, private practitioner and chairman of the General Legal Council, interview Sept. 14, 2011.

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

Comments:

In 2010 -2011, three judges were punished by the Judicial and Legal Service Commission. Justice Alan Halloway was suspended for allegations of corruption pending investigation, Justice Edwards for insubordination to the chief justice, and Justice Sesay also for corruption. Finally, Magistrate Adrian Fisher was suspended and tried in the court of law for corruption. He was found guilty and he paid a fine. He has been removed as a magistrate.

References:

Yada Williams, private practitioner and chairman of the General Legal Council, interviewed Sept. 17, 2011.

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed on Sept. 17, 2011.

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?

43

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

Yes

No

Comments:

The section reads: “every public official shall within three month of becoming a public officer deposit with the Commission a sworn declaration of his income, assets and liabilities and thereafter not later than 31st March in each succeeding year that he is a public officer, he shall deposit further declarations of his income, assets and liabilities and also while leaving office.”

References:

Anti-Corruption Act 2008, Section 119

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Section reads:

“A public officer who solicits or accepts any gift, fee or personal benefit from any person as an inducement or reward for anything done or omitted to be done by him in the performance of his duties commits an offence and shall be liable on conviction to a fine five times the value of the gift or benefit or fifty million leones whichever is greater or to imprisonment for a term not less than one year or both such fine and imprisonment.

(2) In addition to any punishment prescribed by subsection (1), the Court shall, order that twice the amount or value of the gift, fee or personal benefit solicited or received by the person convicted be paid by him to the Consolidated Fund.

(3) Subject to subsection (4), subsection (1) shall not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(4) Where a gift or personal benefit exceeds five hundred thousand leones in value or where the total value received directly or indirectly from one source in any twelve month period exceeds five hundred thousand leones, the public officer shall – (a) make a report of that fact to the relevant public body within such time and in such form as may be prescribed by the Commission; and (b) file with his annual declaration of assets and liabilities a statement indicating the nature of the gift or benefit, its source and the circumstances under which it was given or accepted.

(5) requirements in subsection (4) commits an offence and shall be liable on conviction to a fine three times the value of the gift or benefit or thirty million leones, whichever is greater or to imprisonment for a term not less than one year.”

References:

Section 51 of the Anti Corruption Act of 2008

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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**

Comments:

There is no law on this and all asset declarations are confidential.

References:

No laws exists.

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:

There is no law on this.

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:

There are no laws on the post-government employment of government officials.

References:

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed on Sept. 17, 2011.

Lornard Taylor, barrister and solicitor, interviewed on Sept. 17, 2011.

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:

In 2011, Justice Alan Halloway was publicly arrested and taken to the Anti-Corruption Commission for accepting a gift from a litigant. This alone changes the entire picture of the gift in the judiciary. It is a high-level issue.

References:

Justice Vivian Solomon, Judge of the High Court of Sierra Leone, interviewed on Sept. 17, 2011, at the Law Court Building, Sierra Leone

Ibrahim Tommy, Director, Center for Accountability and Rule of Law, interviewed on Sept. 17, 2011.

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:

There is no audit of asset declarations in Sierra Leone.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 26, 2011.

Alhassan Kargbo, Anti corruption commission staff, interview via Facebook Chat on Sept. 26, 2011.

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?

0

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

Yes | **No**

Comments:

Asset declarations are kept confidential by the Anti-Corruption Commission.

References:

Section 119 (13) of the Anti Corruption Act 2008
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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:

Records are not available to citizens.

References:

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed over the phone on Sept. 17, 2011.

Lornard Taylor, barrister and solicitor, interviewed Sept. 26, 2011, 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.

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

Comments:

Records are not available to citizens.

References:

Lawyer Umaru Koroma, interviewed on Sept. 18, 2011, at the Law Court Building, Freetown.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011, 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.

75:

50: Records impose a financial burden on citizens, journalists or NGOs. 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 NGOs 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:

Asset disclosures are kept confidential by the Anti-Corruption Commission. There is no way to evaluate quality.

References:

Anonymous source at the Anti-corruption Commission

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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.

3.4. Budget Process Oversight & Transparency

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

83

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

Yes | No

Comments:

The law states that all taxes imposed or altered must be done under the authority of an Act of Parliament. Any waiver or variation is subject to the prior approval of Parliament by resolution passed in that behalf. Authorization of expenditure from Consolidated Fund must be by an act of parliament.

References:

1991 Constitution, Sections 110, 111, 112

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

Parliament approves government expenditure in the annual budget. When new expenses are about to be undertaken, the minister concerned faces the committee responsible for approving the budget.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Interview with opposition member of parliament, Hon. Eric Jumu of the Sierra Leone Peoples Party, on Sept. 19, 2011.

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

Comments:

The parliamentarians do not have the capacity nor the support to properly monitor the budgeting processes. During debates on budgets in Sierra Leone, few members of Parliament actually contribute to the debate, and many will remark about the bulkiness of the government report. Additionally, the fact that figures are in aggregate form makes the budget difficult to understand. In Sierra Leone the members do not even have offices on their own in the House of Parliament to sit and work. Thus, it is almost impossible to do any work. The MPs have no support staff with the technical expertise to help monitor and or understand the issues. There are also reports of corruption in the process of monitoring where MPs are eliciting bribes to turn a blind eye to poor budget monitoring and other performances.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed Sept. 23, 2011.

Mohamed Lamin, researcher at the House of Parliament, interviewed on Sept. 25th, 2011.

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.

41. Can citizens access the national budgetary process?

50

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

Comments:

The budgeting process has become open and is well publicized in the local media. Civil society supporting budget support also take part in the process and the reading is mostly aired live on the radio and television. It has become one of the most important parts of the parliamentary agenda.

References:

Lena Thompson, lecturer, Fourah Bay College, Political Science Department, interviewed on Sept. 27, 2011, at Fourah Bay College, University of Sierra Leone.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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:

While civil society and media do cover the budget situation, it is the government that prepares the budget and presents it to Parliament. The members then discuss the issues on TV, and this indirect participation is the only participation of the people in the system.

It is most unlikely that government makes available budget documentation before the debate. So citizens cannot provide input into the budget document because it remains secret until it is debated in Parliament. Public Financial Management and other Budget Advocacy Networks have been pushing government to allocate finances to pro-poor issues. Despite the fact that citizens don't see the budget before it reaches Parliament, after the reading process citizens mount another campaign. And, most importantly, CSOs do monitor budget implementation.

References:

Abubakarr Kamara, Coordinator of Budget Accountability Network, interview on Sept. 15, 2011.

Santigue Kamara, journalist, Standard Times Newspaper, interviewed on Sept. 15, 2011, at Ascension Town, Freetown.

100: Citizens, usually acting through NGOs, 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 NGOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or NGOs 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

Comments:

The newspapers sometimes report the budget of ministries. Thus, the documents on budgetary issues in Parliament become public as soon as the debates are finished. However, it is not all departments and it is the whole budget. Additionally civil groups under the Budget Accountability Network have also helped making the budget in piecemeal accessible to government.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Jabbati Wai, editor, Exclusive Newspaper, interviewed on Sept. 24, 2011.

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

75:

50: Citizens, journalists and NGOs 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.

42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42a. In law, is there a separate legislative committee which provides oversight of public funds?

Yes

No

Comments:

The committee on transparency and accountability oversees public accountability. Section 93 of the 1991 Constitution grants budgetary oversight powers to Parliament. The Public Accounts Committee in Parliamentary keeps an eye on public finances.

References:

Section 91 of the Constitution of Sierra Leone
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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).

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

58

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

100 | 75 | 50 | 25 | 0

Comments:

Departments submit reports. Parliament has been vigilant in insisting that departmental heads submit their reports. In some cases, Parliament has showcased its power, and sometimes it has extorted money from non-performing departments.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Martin Nyuma, member of Parliament, interviewed on the phone Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

Members of the opposition serve on the committee overseeing budget management et al. However, sometimes they are outnumbered by party supporters. According to our sources, the committee members that belong to the ruling party review the budget in their favor, not fairly.

References:

Anonymous source in Parliament.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

Sometimes oversight committees in Parliament start different investigations, including visiting departments. However, there are cases when these visits are allegedly used to extort money and threaten departments heads.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Eric Jumu, member of Parliament, interviewed on the phone on Sept. 26, 2011.

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.

Category 4. Public Administration and Professionalism

4.1. ⁶⁰Civil Service: Conflicts of Interest Safeguards and Political Independence

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

Yes | No

Comments:

There are various civil service ordinances in Sierra Leone governing the civil service. The Constitution of Sierra Leone created an independent civil service in Section 154.

References:

The Constitution of Sierra Leone, Section 154
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

Abuse of office is an offense.

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 of 2008.

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

Comments:

Section 146 of the Constitution establishes the Office of the Ombudsman to handle administrative and other complaints. There are Public Service Commission Regulations that regulate the civil service commission. The civil service code was last updated in 1975 and is not commonly found.

References:

Public Service Commission Regulations

Section 146 of the Constitution

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

Comments:

The general criminal law prohibits criminals from being employed in the civil service.

References:

The Civil Service Code of conduct.

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.

45. Is the law governing the administration and civil service effective?

25

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

Political interference is a common issue with civil servants in Sierra Leone. They sometimes find it hard to operate because almost all political parties want to have support staff in the civil service, thus this undermines the agency's neutrality. Civil servants have been sacked for supporting the opposition.

References:

Dr. Sahr Kpundeh, World Bank governance specialist, interviewed in Washington, D.C., Sept. 27, 2011.

Interview with Usuf Jimmy, governance officer, Society for Democratic Initiatives, Sierra Leone. Interviewed in Freetown on Sept. 12, 2011.

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

References:

Interview with Usuf Jimmy, governance officer, Society for Democratic Initiatives, Sierra Leone. Interviewed in Freetown on Sept. 12, 2011.

Anonymous government official at the Vice President's Office.

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**

References:

Anonymous government official at the Vice President's Office.

Interview with Usuf Jimmy, governance officer, Society for Democratic Initiatives, Sierra Leone. Interviewed in Freetown on Sept. 12, 2011.

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

Comments:

Some jobs have descriptions. Other jobs do not have descriptions because they were created to provide employment for people who support the ruling party or who have personal connections.

References:

Anonymous source at Ministry of Information.

Interview with Usuf Jimmy, governance officer, Society for Democratic Initiatives, Sierra Leone. Interviewed in Freetown on Oct. 8, 2011.

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

Comments:

The issue of bonuses are not in full practice here since the government hardly finds the resources to give bonuses.

References:

Peter Lansana, civil servant with the Ministry of Education, interviewed Sept. 23, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

It is not a common practice that the government publishes the position available. While the rules require that all positions be advertised, it very rare these days

References:

Sahr Kpundeh, "Civil Service and Failed States," World Bank Publication 2004

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The redress mechanism, in the civil service commission, is weak and has sometimes been very ineffective based on tribal and regional lines.

References:

Zainab Kamara, Civil Servants, Ministry of Information, interviewed on Jan. 6, 2012.

Kelvin Lewis, editor, Awoko Newspaper, interviewed over the phone on Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

Teachers, for example, were paid late. So not all civil servants have been paid on time. Though support from the British Department for International Development has helped in this regard, it is important to note that the government has not been able to meet its own demands.

References:

James Lahai, Sierra Leone Teachers Union, interviewed on Sept. 14, 2011.

Dr. Dominic Ashley, lecturer, Fourah Bay College, University of Sierra Leone, interviewed on Sept. 15, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

Some civil servants who are convicted and fired are not employed again. However, other convicted former civil servants have had political backing and were simply transferred from one ministry to another.

References:

Peter Lansana, civil servant with the Ministry of Education, interviewed Oct. 8, 2011, in Freetown.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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?

39

46a. In law, senior members of the civil service are required to file an asset disclosure form.

Yes | No

Comments:

This section mandates the Anti-Corruption Commission to receive all asset declaration forms from civil servants and other public officers.

References:

Section 119 of the Anti-Corruption Act of 2008
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Anti-Corruption Act provides for conflict of interests and obligates all public servants to declare their interests in any policy issues.

References:

Section 45 of the Anti-Corruption Act of 2008
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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**

Comments:

No law exists.

References:

No law exists.

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

Comments:

The Anti-Corruption Act of 2008 makes accepting gifts and hospitality for the performance of duty an offense chargeable with corruption.

References:

Section 46 and 47 of the Anti-Corruption Act of 2008

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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**

Comments:

No law mandates independent monitoring or auditing of asset disclosure form to the Anti-Corruption Commission.

References:

No law exists.

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

Comments:

In normal circumstances, restricting post-government private sector employment is not a priority. Many people, like Val Collier, have left government and set up their own private company dealing with government without consequence.

References:

Dr. Kromah, lecturer, Fourah Bay College, University of Sierra Leone, interviewed on Sept. 23, 2011.

Peter Lansana, civil servant with the Ministry of Education, interviewed Sept. 23, 2011.

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

Comments:

The recent Anti-Corruption Act of 2008 is effective and has been used to charge government officials in court. The former minister of health was charged, and the sitting Judge Alan Holloway was also arrested. Holloway has not been charged yet.

References:

Abubakarr Kamara, former employee of Transparency International, Sierra Leone Chapter, interviewed on Sept. 20, 2011.

Dr. Kromah, lecturer, Fourah Bay College, University of Sierra Leone. Interviewed on Sept. 23, 2011, via email

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:

Dr. Kromah, lecturer, Department of Political Science, Fourah Bay College, interviewed Sept. 23, 2011.

Peter Lansana, civil servant with the Ministry of Education, interviewed Sept. 23, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The Anti-Corruption Commission is in charge of auditing the asset declaration forms of civil servants. We are unable to tell whether they are properly audited.

References:

Anonymous sources at the Anti-Corruption Commission

Interview with Abubakarr Kamara, coordinator of Budget Accountability Network, Sept. 23, 2011.

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?

6

47a. In law, citizens can access the asset disclosure records of senior civil servants.

Yes

No

Comments:

There is no law that mandates independent monitoring or auditing of asset disclosure form to the Anti-Corruption Commission; thus, nor is there a law that mandates citizen access.

References:

Anti-Corruption Act of 2008, Section 119 (13)

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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.

100 | 75 | 50 | 25 | 0

Comments:

There is no law that mandates independent monitoring or auditing of asset disclosure forms to the Anti-Corruption Commission, nor is there a law that mandates citizen access.

References:

Anti-Corruption anonymous sources, interviewed on the 26th September 2011

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011, in 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.

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.

100 | 75 | 50 | 25 | 0

Comments:

There is no law that mandates independent monitoring or auditing of asset disclosure forms to the Anti-Corruption Commission, nor is there a law that mandates citizen access.

References:

Anti-corruption sources, anonymous, interviewed on Sept. 26, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011, in 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.

75:

50: Records impose a financial burden on citizens, journalists or NGOs. 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 NGOs 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

Comments:

According to my Anti-Corruption Commission source, the declaration is very detailed. The minister also gave the same sentiment and discussed the work in filing out the the form. However, the reports are kept confidential and citizens do not have access.

References:

Anonymous sources at the Anti-Corruption Commission

Osmond Hanciles, deputy minister of transport and communication. Interviewed on Sept. 13, 2011, in Freetown.

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.

4.2. Whistle-blowing Protections

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

Comments:

The Anti-Corruption Commission Act of 2008 provides for protection of whistle-blowers, Section 87: No action or proceeding, including disciplinary action, may be instituted or maintained against a person in respect of assistance given by the person to the Commission or an investigating officer.

References:

The Anti-Corruption Commission Act of 2008, Section 87, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

There have been many cases of civil servants being victimized for reporting corruption cases. Sometimes the victimization is done along political lines, where the whistle-blower is regarded as an opposition party supporter.

References:

Anti-Corruption Commission anonymous source interviewed on Sept. 26, 2011

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on Sept. 12, 2011, on the phone.

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

Comments:

This law generally protect informers and whistle-blowers of all sort in the country.

References:

Section 81 of the Anti-Corruption Commission Act of 2008 provides for the protection of informers of all sort. <http://www.sierra-leone.org/Laws/2008-12.pdf>

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:

Sources close to the Anti-Corruption Commission indicate that sometimes the reports are leaked. However, there has been no reported recrimination of informers.

References:

Anti-Corruption Commission anonymous sources.

Lavina Banduah, director, Transparency International, Sierra Leone Chapter, interviewed Oct. 10, 2011, on the phone

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.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

0

49a. 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**

Comments:

There are mechanisms, but not mandated by law. The government and the Anti-Corruption Commission have been advertising and displaying the emails, websites, and phone numbers for reporting corruption.

References:

No legal provisions for this

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.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

69

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The Anti-Corruption Commission has recruited professional staff ranging from doctors to accountants, investigators and has even brought in foreign judges to sit on corruption-related cases. Additionally, media practitioners and outreach offers have also be brought in. All staff members of the Anti-Corruption Commission are full-time employees.

References:

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on Sept. 14, 2011.

Alhassan Kargbo, Anti-Corruption Commission, interview on Sept. 14, 2011.

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

Comments:

Donor funding has been forthcoming to Sierra Leone; thus, the government of Sierra Leone has not put many resources into its own administrative matters. The agency is funded, but not necessarily by government funds.

References:

Joseph Kamara, Anti-Corruption Commissioner, interview via phone on Sept. 13, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 13, 2011.

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

Comments:

There have been complaints that the Anti-Corruption Commission takes longer to investigate complaints from the public, and that the reports are not fully credible. Other sources suggest that the commission is sometimes overextended.

References:

Interview with Lavina Banduah, director, Transparency International, Sierra Leone chapter, Sept. 16, 2011.

Alhassan Kargbo, Anti-Corruption Commission, interview on Sept. 16, 2011.

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

Comments:

The internal mechanism initiates investigations in some instances. However, investigations have been overshadowed by cronyism and nepotism because government officials lean on tribesmen to support them in corruption.

References:

Alhassan Kargbo, Anti-Corruption Commission, interviewed on Sept. 23, 2011.

Interview with Lavina Banduah, director, Transparency International, Sierra Leone chapter, Oct. 9, 2011.

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.

51. Is the public procurement process effective?

70

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

Yes

No

Comments:

Both acts contain conflict of interests provisions.

References:

Anti-Corruption Commission Act of 2008, Section 45

The Public Procurement Act of 2004, Section 33

<http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

The act has mandated, through other policies, that all public officials should train procurement officials.

References:

The National Public Procurement Authority, Section 23

<http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

In 2011 alone, more than six high-profile cases have been brought to court for violation of conflict of interest laws. The National Revenue Authority boss, Alieu Sesay, was charged on this grounds and removed from office. The minister of health, Dr. Jalloh, fell in the same light. All of these cases have been widely reported by the media in Sierra Leone.

References:

Adrain Fisher, former head of public procurement review panel, interviewed via email on Oct. 18, 2011.

Abubakarr Kamara, coordinator of Budget Accountability Network, interviewed in Kenema, Sierra Leone, on the Oct. 12, 2011.

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:

There is no law to this effect

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

Comments:

The Public Procurement Act mandates a competitive bidding process in most procurement issues.

References:

The Public Procurement Act of 2004, Section 39, <http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

The Public Procurement Act limits sole sourcing.

References:

Section 47 of the Public Procurement Act of 2004, <http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

The act provides for review of actions that failed in the first instance at an appeals level.

References:

Public Procurement Act, Section 63, <http://www.sierra-leone.org/Laws/2004-14p.pdf>

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:

There is no provisions for court actions

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

Comments:

The regulations of the National Public Procurement Authority authorize them to ban all violators.

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.

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

Comments:

Companies can be blacklisted from engaging in procurement regulations. However, this has not been effective since proprietors will close down one company and easily open another. Even a blacklisted company sometimes can do government business; the blacklist is not always enforced.

References:

Adrain Fisher, legal adviser, National Public Procurement Authorities, interviewed on Sept. 19, 2011, at 10:00am

Abubakarr Kamara, coordinator of Budget Accountability Network, interviewed on Sept. 19, 2011.

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.

52. Can citizens access the public procurement process?

63

52a. In law, citizens can access public procurement regulations.

Yes

No

Comments:

The procuring entity shall promptly publish in the Gazette and any newspaper of wide national circulation notice of each contract award in which the price of the contract exceeds the threshold set in the First Schedule, indicating the contract price and the name and address of the successful bidder.

References:

The Public Procurement Act of 2008, Sections 26, 34, <http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

It mandates the announcement of procurement results.

References:

The Public Procurement Acts, Section 32, <http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

Steven Kelfala says it is virtually impossible to access information from the public procurement agency.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone.

Brima Sheriff, Amnesty International, interviewed on Jan. 12, 2011, in Sierra Leone.

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

Comments:

The Public Procurement Regulation is not in circulation and can only be accessed at the National Public Procurement Office. Most times, there are no copies, or there are excuses that the regulation is being reviewed.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, on Sept. 19, 2011.

Lavina Banduah, executive director, Transparency International, Sierra Leone Chapter, interviewed on Sept. 20, 2011.

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 NGOs. 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 NGOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

It is now common practice for newspapers to carry loads of public procurement advertisements. The new practice that is emerging is that contractors will challenge all public procurement activities that were not properly advertised.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, on Sept. 19, 2011.

Sally Thomas, private business, interviewed on Sept. 19, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

Public procurement processes are restricted to committee stages. The public procurement review panel sits in camera, and it is hard to access the process and proceedings by ordinary citizens. However, the results are accessible to citizens.

References:

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 19, 2011.

Adrain Fisher, former legal officer, National Public Procurement Authority, interviewed on Sept. 19, 2011.

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.

4.4. Privatization of Public Administrative Functions: Transparency, Fairness, and Conflicts of Interest Safeguards

53. Is the privatization process effective?

92

53a. In law, all businesses are eligible to compete for privatized state assets.

Yes | No

Comments:

The Privatization Act mandates an open process for privatizing assets.

References:

The National Commission for Privatization Act of 2002
<http://www.sierra-leone.org/Laws/2004-14p.pdf>

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

Comments:

These laws provide general conflict of interest provisions that cover asset issues.

References:

National Commission for Privatization Act, Section 9

Anti-Corruption Commission Act of 2008, Section 45
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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:

Conflicts of interest between government officials and private institutions have been enforced. This was the case when the Anti-Corruption Commission recovered millions of leones from private businesses that violated conflict of interests regulations to get contracts.

References:

Joseph Kamara, commissioner, Anti-Corruption Commission, interviewed on Sept. 19, 2011.

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 19, 2011.

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?

75

54a. In law, citizens can access privatization regulations.

Yes | No

Comments:

These rules and regulations are online at the above website and available also from the government's printing press.

References:

See section 31 of the Privatization Act of 2002
<http://www.sierra-leone.org/Laws/2002-12.pdf>

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

Comments:

The National Privatization Commission is very active in putting out public notices and or newspaper advertisements on any government property that is being sold or privatized.

References:

Alhaji Unisa Sesay, chairman of the Privatization Commission, interview on Sept. 10, 2011.

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:

Announcement is not provided for in law.

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

Comments:

These regulations and laws are found online and can be accessed at any time. www.sierra-leone.org/laws provides information on privatized laws and other legal instruments.

References:

Alhaji Unisa Sesay, chairman of the Privatization Commission, interview on Sept. 28, 2011.

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 19, 2011

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

Comments:

Privatization information is free of cost online; print copies are sold at 5,000 leones, about US\$1.50 equivalent.

References:

Alhaji Sesay, chairman of the National Privatization Commission, interviewed on the Sept. 28, 2011, in Freetown.

Interview with Steven Kelfala, governance officer, Society for Democratic Initiatives, Sierra Leone, Sept. 5, 2011

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 NGOs. 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 NGOs trying to access this information.

Category 5. Government Oversight and Controls

5.1. ⁷¹National Ombudsman

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

55a. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

Yes | No

Comments:

This section provides for the Office of the Ombudsman, a public protector.

References:

Section 146 of the 1991 Constitution

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

56. Is the national ombudsman effective?

61

56a. In law, the ombudsman is protected from political interference.

Yes | No

Comments:

The act provides for the independence from any political or other interference on the work of the Office of the Ombudsman.

References:

Section 19 of the Ombudsman Act 1997

<http://www.sierra-leone.org/Laws/1997-2.pdf>

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.

100 | 75 | 50 | 25 | 0

Comments:

The office of the ombudsman is supposed to be independent; however, because of the political environment of appointment and resources attached to government office, it has been hard in practice to have an independent ombudsman.

For example, the president normally appoints his friend to be ombudsman and then protects him. The 168 counts against the former ombudsman, Francis Gabbidon, came when there was a change of government. The previous government that appointed him never investigated him or removed him. The same is likely to be the case for the present ombudsman, despite the fact that he is not productive in office.

References:

Alhaji Koroma, staff member of the Ombudsman Office, interviewed on Aug. 29, 2011, in Freetown.

Valnora Edwin, coordinator, Campaign for Good Governance, interviewed Oct. 16, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The ombudsman's position is equivalent to that of the High Court Judge who can only be removed from office when a committee has established that he has misbehaved, suffering from infirmity of mind, or dies. Otherwise, it is not just practical for the government to remove him. Not even the president who appointed him can remove the ombudsman.

References:

Justice Edmund Cowan, ombudsman, Republic of Sierra Leone. Telephone interview on Aug. 30, 2011.

Interview with Ismael Koroma, secretary general of the Sierra Leone Association of Journalists, on Aug. 30, 2011.

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 of the ombudsman is understaffed and under resourced. Apart from the very few lawyers, including the ombudsman, most staff are not too professional. For instance, the paralegals are not lawyers or law students, and are less trained.

References:

Lornard Taylor, barrister and solicitor, interviewed on Sept. 23, 2011, in Freetown.

Edmund Cowan, ombudsman and former justice of the Appeals Court, interviewed on Aug. 30, 2011.

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

Comments:

Agency appointment is certainly independent. According to the ombudsman, the office is free to employ people that it deems fit for the office. However, resources are not available for such appointments.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone, interviewed on Aug. 30, 2011.

Valnora Edwin, coordinator, Campaign for Good Governance, interviewed on Sept. 16, 2011.

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

Comments:

The office does not receive regular funding. There is an allocated government subvention for the office, but it does not come in regularly, and is frequently delayed. Donor institutions sometimes do support the office, like the Commonwealth Secretariat, which over the years had supported the office of the ombudsman. But it has stopped short in doing so because of the corruption charges and conviction of the former ombudsman.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone, interviewed on Aug. 30, 2011.

Lawyer Augustine Marah, interview via Facebook, Sept. 27, 2011.

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

Comments:

The annual report of the Office of the Ombudsman is presented to Parliament on a regular schedule. This requirement has been met each time since Edmund Cowan took over the office.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone. Interviewed on Aug. 30, 2011.

Mohamed Lamin Rogers, parliamentary clerk, interviewed on Sept. 21, 2011, at the Parliamentary building.

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

Comments:

One of its main functions is to investigate matters that are reported to the office of the Ombudsman. The Office of the Ombudsman does initiate investigations, though this has been infrequent due to lack of funding and available staff.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone. Interview on Aug. 30, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 18, 2011

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 office of the Ombudsman does initiate investigation and levy penalties on government officials. Recently, a civil servant was reported for taking money from a teacher for a house. The teacher could not afford to take legal action, and she reported it to the ombudsman. The ombudsman initiated proceedings and levied penalties on the civil servant.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone. Interviewed on Aug. 30, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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:

In a few instances the government has acted on the findings that the ombudsman made. However, usually the government ignores the findings and completely disregards the work of the ombudsman. Recently, many Sierra Leoneans fell prey to fraud after investing in a fake bank. They reported this to the ombudsman, and he found that the regulatory mechanism for setting up a bank was weak and recommend steps for the government to take. Those recommendations have never been implemented.

References:

Edmund Cowan, ombudsman, Republic of Sierra Leone. Interviewed on Aug. 30, 2011.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

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

Comments:

Due to the lack of staffing, it is difficult for the ombudsman to handle any matter quickly. It takes longer than expected, and sometimes complaints go unresolved.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Marcella Mercualey, complainant to the Office of the Ombudsman and staff of the Rokel Commercial Bank. Interview on Sept. 8, 2011.

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?

75

57a. In law, citizens can access reports of the ombudsman(s).

Yes | No

Comments:

The act allows for the reports of the Ombudsman to be presented to Parliament. These materials become public documents.

References:

Section 13 and 14 of the Ombudsman Act of 1997

<http://www.sierra-leone.org/Laws/1997-2.pdf>

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

Comments:

The report is laid before Parliament and anyone can access it. But people do not really care about the report of the ombudsman. The Parliament has not had any requests in the past three years.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Interview with Ismael Koroma, secretary general of the Sierra Leone Association of Journalists, Aug. 6, 2011. He had a complaint to the ombudsman on the Public Order Act.

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.

Comments:

The cost of a request through the House of Parliament or the Office of the Ombudsman is the price of reproduction.

References:

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Sept. 23, 2011.

Mohamed Lamin Rogers, parliamentary clerk, interviewed on Sept. 21, 2011.

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 NGOs. 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 NGOs trying to access this information.

5.2. Supreme Audit Institution

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58a. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Yes | No

Comments:

The Audit General Department is responsible for auditing government departments.

References:

The Audit Service Act of 1998 created the Auditor General's Department <http://www.sierra-leone.org/Laws/1998-1.pdf>

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.

59. Is the supreme audit institution effective?

84

59a. In law, the supreme audit institution is protected from political interference.

Yes | No

Comments:

The Constitution of Sierra Leone, (Section 119 (6)) states that in exercise of duties the Auditor General is not subject to any other authority.

The act provides for an independent audit service by creating series of independent lawyers like the Audit Board.

References:

Section 119 (6) of the Constitution of 1919

The 1998 Audit Service Act ,Part II, Section 3 <http://www.sierra-leone.org/Laws/1998-1.pdf>

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

Comments:

The Head of the Audit Service has enjoyed relative independence of late. It has written unfavorable reports against government services and still did not face repercussions. For example, a recent report found that overseas embassies, particularly the embassy in Washington, D.C., has been misappropriating funds.

References:

Abubakarr Kamara, coordinator of Budget Accountability Network, interviewed on Sept. 20, 2011.

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

Comments:

There are 83 full-time staff members in the audit service, and all of the them are professionals and graduates.

References:

Abubakarr Kamara, coordinator of Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, banker, Ecobank, Sierra Leone. Interviewed on Sept. 18, 2011.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders it 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

Comments:

Sometimes government agencies assign officials to the audit service from within the civil service. However, recruitment is made independent of any government interference.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, banker, Ecobank, Sierra Leone, interviewed on Sept. 18, 2011.

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

Comments:

Government makes appropriate allocation to the Audit Service and sometimes they get support from the World Bank and Britain's Department for International Development to strengthen their capacity. The World Bank just provided funding to build a separate structure for the Audit Service to move into at Tower Hills.

References:

Magnus Mammah, staff at Audit Service, interviewed on Sept. 25, 2011, on the phone.

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

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.

Comments:

The Audit Service makes available annual audit reports and also commissions specific audits of government departments and agencies. This was the case in 2011 when they audited the National Revenue Authority and discovered a lot of irregularities which led to the Anti-Corruption Commission indicting the head.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, Banker, Ecobank, Sierra Leone, interviewed on Sept. 18, 2011.

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.

Comments:

Over the past year, governments have done little or nothing with the audit reports and their findings. This renders the institution virtually useless and ensures that political cronyism is allowed.

However, when the Audit Service recently used the media and other agencies to launch its report, the government and the Anti-Corruption Commission were forced to start acting on the audit agency's report.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, Banker, Ecobank, Sierra Leone. Interviewed on Sept. 18, 2011.

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

Comments:

The Audit Service Commission can initiate investigations into the financial statements of various government ministries.

References:

Magnus Mammah, auditor, University of Sierra Leone, interviewed on March 16, 2012.

Cheo B. Taylor, Banker, Ecobank, Sierra Leone. Interviewed on March 16, 2012.

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?

33

60a. In law, citizens can access reports of the audit agency.

Yes | No

Comments:

Sierra Leone Constitution, Section 119 (4) requires the report of the Auditor General to be laid before Parliament and made public thereafter.

References:

Sierra Leone Constitution, Section 119 (4)

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:

As soon as the report is laid before Parliament, it becomes a public document; however, in practice it is not that easily accessible because it takes time for the Parliament staff to meet the demands for reports. One is not likely to get a report even two months after the audit.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, Banker, Ecobank, Sierra Leone. Interviewed on Sept. 18, 2011.

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

Comments:

Although the report is published online, the report is mostly not available to citizens. Publishing it online, in a country where internet is expensive and slow to download and where a page cost one dollar twenty pence, does not make it reasonable. Also, it is a bulky document, and reproducing it could be expensive.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

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 NGOs. 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 NGOs trying to access this information.

73 5.3. Taxes and Customs: Fairness and Capacity

61. In law, is there a national tax collection agency?

100

61a. In law, is there a national tax collection agency?

Yes

No

Comments:

The National Revenue Authority Act of 2002 created the National Revenue Authority.

References:

The National Revenue Authority Act of 2002, Sections 1 and 2

<http://www.sierra-leone.org/Laws/2002-11.pdf>

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.

62. Is the tax collection agency effective?

88

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The National Review Authority has a professional staff, although sometimes they are politically appointed. The agency normally advertizes for and accepts professionals. It also provides training to ensure that the staff is able to carry out their respective jobs well.

References:

Abubakarr Kamara, Budget Advocacy Network, interviewed on Sept. 18, 2011.

Oswald Hanciles, deputy tax affairs and education director, interviewed on Sept. 18, 2011.

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

Comments:

The National Revenue Authority raises money for the government and sets up its own funding for the year. However, apart, from that, it has also been funded by Britain's Department for International Development and other financial institutions that are trying to make the country financially self-sufficient.

References:

Borbor Kabbah, legal adviser, National Revenue Authority, interviewed on Sept. 18, 2011.

Abubakarr Kamara, Budget Advocacy Network, interviewed on Sept. 18, 2011.

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.

63. In practice, are tax laws enforced uniformly and without discrimination?

50

63a. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

Certain taxes like the Goods and Services Tax are implemented across the board. Other taxes are imposed on lower-income businesses, while bigger ones are given tax breaks.

References:

Abubakarr Kaikai, businessman, Freetown, interviewed on Sept. 18, 2011.

Oswald Hanciles, deputy tax affairs and education director, interviewed on Sept. 18, 2011.

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

64a. In law, is there a national customs and excise agency?

Yes | No

Comments:

The National Revenue Authority merged the functions of the customs and exercise duty into the National Revenue Authority to

create a directorate of customs and excise duty.

References:

The National Revenue Authority

<http://www.sierra-leone.org/Laws/2002-11.pdf>

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.

65. Is the customs and excise agency effective?

100

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The tax and excise duty system has been incorporated into the main National Revenue Authority system. This recruitment process is done based on professional qualifications. At the moment, there are 38 qualified staff members working in the customs and exercise division.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, banker, Ecobank, Sierra Leone. Interviewed on Sept. 18, 2011.

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

Comments:

As is already stated under the National Revenue Authority section, this agency raises its own funding and also gets donor support. It has not, had recent shortage of funding to carry out its work.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, banker, Ecobank, Sierra Leone, interviewed on Sept. 18, 2011.

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.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66a. In practice, are customs and excise laws enforced uniformly and without discrimination?

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

Comments:

Some laws are applied uniformly, others are implemented with deference to political cronyism. In 2011, Alie Sesay, NRA boss was charged with imposing different tax regimes to different people based their proximity to powerful political officials.

References:

Abubakarr Kamara, coordinator, Budget Accountability Network, interviewed on Sept. 18, 2011.

Cheo B. Taylor, banker, Ecobank, Sierra Leone. Interviewed on Sept. 18, 2011.

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.

5.4. Oversight of State-Owned Enterprises

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67a. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

Yes

No

Comments:

The National Commission for Privatization Act of 2002 establishes the National Commission for Privatization to oversee state enterprises or get them privatized.

References:

The National Commission for Privatization Act of 2002
<http://www.sierra-leone.org/Laws/2002-12.pdf>

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.

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

90

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

Yes | No

Comments:

National Commission for Privatization Act of 2002 states that most members of the commission should come from civil society organizations, a stipulation that guides against political interference.

References:

The National Commission for Privatization Act of 2002

<http://www.sierra-leone.org/Laws/2002-12.pdf>

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

Comments:

The people running the commission are professional. Alhaji Unisa Sesay has been a property broker for many years and he has recruited a lot of professional staff. At the moment there are 18 staff who are mainly trained and recruited for the purpose of privatization.

References:

Oswald Hanciles, commissioner, National Revenue Authority, interview on the Sept. 17, 2011, Freetown.

Rugiatu Jalloh, Bank of Sierra Leone research staff, interview on Sept. 17, 2011, Freetown.

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.

100 | 75 | 50 | 25 | 0

Comments:

According to the laws creating these agencies, most state-owned company funds are tied to consolidated funds.

References:

Mohamed Konneh, reporter, Standard Times Newspapers, interviewed Oct. 18, 2011.

Oswald Hanciles, commissioner, National Review Authority, interviewed on Oct. 18, 2011.

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.

100 | 75 | 50 | 25 | 0

Comments:

The National Revenue Authority opens investigations into tax and revenue collection issues that it oversees for other agencies governing state-owned enterprises. It has recently issued a unified receipts for all revenue collections because some departments and agencies where not reporting collections.

References:

Oswald Hanciles, former commissioner of public affairs and tax education, National Revenue Authority; interviewed on March 17, 2012.

Alfred Akibobet, commissioner at the National Revenue Authority, interviewed March 17, 2012.

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.

100 | 75 | 50 | 25 | 0

Comments:

The agency for privatization normally imposes fines on people who trespass property, or who failed to pay government for property that they have leased or bought. A case in point is when in October 2011 land and other property were not paid for on Hill Cot Road.

References:

Abubakarr Kamara, head of the Budget Accountability Network, interviewed on Sept. 20, 2011.

Cheo B. Taylor, former staff of the Audit Service, now staff of Ecobank, interview on the Sept. 25, 2011, on the phone.

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?

20

69a. In law, citizens can access the financial records of state-owned companies.

Yes | No

Comments:

All state-owned enterprises must be audited by the Auditor General, who shall present his findings to Parliament. Such findings

are public documents.

References:

The Companies Act of 2009, <http://www.sierra-leone.org/Laws/2009-05.pdf>

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

Comments:

When asked, two government-owned companies said they do have annual financial reports. But they failed to provide them upon request. They stated that these reports were not audited, although they do make the reports for their board members. Independent sources state that the financial reports are irregularly produced in that the board accepts every report without actually checking them.

References:

Oswald Hanciles, interviewed on Oct. 16, 2011.

Ambrose James, head of the Search for Common Grounds and former head of the Public Finance Management non-state actors component, interviewed on the phone from Washington, D.C., on Sept. 26, 2011.

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

Comments:

The financial statements of state owned companies are seldom audited. According to Cheo Taylor, while financial statements are prepared for board meetings, they are really are not audited. In instances where they are audited, the audit companies use compromised standards and give a passing score.

References:

Abubakarr Kamara, head of the Budget Accountability Network, interview on Sept. 20, 2011.

Cheo B. Taylor, former staff of the Audit Service, now staff of the ECOBANK, interview on Sept. 25, 2011.

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

Comments:

There is no access to the information of financial statements of state-owned companies. In fact, it is part of the system that such statement should be confidential documents.

References:

Abubakarr Kamara, head of the Budget Accountability Network, interview on Sept. 20, 2011.

Cheo B. Taylor, former staff of the Audit Service, now staff of the Ecobank, interview on Sept. 25, 2011.

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.

Comments:

Because the statements are not available they cannot in any ways be priced. It is completely unheard of for information from government's owned companies to be out in the public domain.

References:

Mohamed Lamin Rogers, parliamentary clerk, interviewed on Sept. 25, 2011, at the Parliamentary building.

Abubakarr Kamara, coordinator of Budget Accountability Network, interviewed on Sept. 20, 2011.

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 NGOs. 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 NGOs trying to access this information.

70 5.5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

75

70a. In law, anyone may apply for a business license.

Yes | No

Comments:

The act allows anyone to apply for the registration of business. All that is needed is the necessary documentation and an office address.

References:

The Companies Act of 2009

<http://www.sierra-leone.org/Laws/2009-05.pdf>

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 of 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

Comments:

Licenses can be obtained within a short period. But lawyers have complained often about the delays in getting the papers for registration of companies released. The Commission for Registration states that it is the only the registrar who can sign those documents, and the necessary official is not always in the office because the official travels extensively. Sometimes applications take days and weeks.

References:

Barrister Lornard Taylor, who registers companies. Interview on this particular matter via Facebook chat on Oct. 8, 2011.

Anonymous source at the Registrar's office, interviewed on Oct. 11, 2011.

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

Comments:

The costs are normally high and unofficial. They are mainly bribes or kickbacks to get the papers moving within the chain.

References:

Lornard Taylor, barrister and solicitor, who registers companies, interviewed on Sept. 19, 2011.

Anonymous sources at the Registry, interviewed on Sept. 19, 2011.

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?

67

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

Yes | **No**

Comments:

No such laws exist.

References:

No such laws exist.

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

Comments:

The act mandates environmental standards and environmental impact assessments reports to be made public.

References:

The Environmental Agency Protection Act of 2008

<http://www.sierra-leone.org/Laws/2008-11.pdf>

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

Comments:

There are various laws involving public safety. The Environmental Protection Agency Act is one; Consumers Protection Act is another.

References:

There are various laws involving public safety. The Environmental Protection Agency Act is one; Consumers Protection Act is another.

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?

72a. In practice, business inspections by government officials to ensure public health standards are being met and are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

The Standard Bureau which has recently been set up is still grappling with resources issues and trying to meet huge demands. So, at present, inspection is almost non-existent.

References:

Interview with Fatmata Samba, businesswoman on Abacha Street, Freetown, on Sept. 24, 2011.

Alhassan Kargbo, Anti-Corruption Commission, interviewed on Sept. 24, 2011

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:

Environmental business inspection is done on a selective basis, with smaller business monitored while bigger businesses like mining companies are allowed to do business without environmental checks. Companies publish environmental information in newspapers without any agency actually checking it.

References:

Abu Brima, Network Movement for Justice and Development, interview on Sept. 23, 2011.

Anonymous source at the Environmental Protection Agency, interviewed in Freetown on Sept. 23, 2011.

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:

Recently the National Standard Bureau was set up. It still lacks effective enforcement.

References:

Duramani Larkoh, lecturer, Institute of Public Administration and Management, interviewed on Sept. 23, 2011.

Mohamed Sankoh, Petty Traders Union, interviewed in Freetown on Sept. 23, 2011.

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.

Category 6. Anti-Corruption Legal Framework, Judicial Impartiality, and Law Enforcement Professionalism

6.1. ⁷⁷Anti-Corruption Law

73. Is there legislation criminalizing corruption?

78

73a. In law, attempted corruption is illegal.

Yes | **No**

Comments:

The Anti-Corruption Act of 2008 does not make attempted corruption an offense, so it is not an offense.

References:

The Anti-Corruption Act of 2008 does not make attempted corruption an offense, so it is not an offense.

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

Comments:

Extortion is an offense in the Anti-Corruption Act of 2008.

References:

Anti-Corruption Act of 2008, Part IV, Offenses, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

Section 34 makes it a crime to give or receive a bribe to a public official to influence decisions of a public body.

References:

Section 34, Anti-Corruption Act of 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

Section 34 makes it a crime for a public officer to give or receive a bribe to influence a decision of a public body.

References:

Section 34 of Anti-Corruption Act of 2008, <http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Anti-Corruption Act does not include foreign officials in the bribery crusade.

References:

Anti-Corruption Act of 2008
<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

Section 44 states that public officers may not use their offices or position for an advantage for himself or another person.

References:

Section 44 of the Anti-Corruption Act of 2008

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Official Secrets Acts of 1911 apply, along with some specific ordinances of the civil service.

References:

The Official Secrets Acts of 1911

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

Comments:

Yes, the Anti-Money Laundering Act of 2008 makes money laundering illegal.

References:

Anti-Money Laundering Act of 2005, Section 1, <http://www.sierra-leone.org/Laws/2005-6p.pdf>

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

Comments:

There is no statutory offense of conspiracy in Sierra Leone. The offense of conspiracy is common law.

References:

Common law.

Yes: A YES score is earned if organized crime is illegal.

No: A NO score is earned if this is not illegal.

6.2. Anti-Corruption Agency or Equivalent Mechanisms

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74a. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

Yes

No

Comments:

The Anti-Corruption Commission was established by the Anti-Corruption Act of 2008.

References:

Anti-Corruption Act of 2008

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.

75. Is the anti-corruption agency effective?

86

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

Yes

No

Comments:

This law provides for the independence of the Anti-Corruption Commission and its officials.

References:

Anti-Corruption Act of 2008, Section 8.

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

There are reports that the Anti-Corruption Commission normally receives pressure from the government when cases of a sensitive political nature are investigated. However, in cases where the government has no interest, the commission is normally left independently to do it work.

References:

Interview with Valnora Edwin, coordinator of the Campaign for Good Governance, interview on Sept. 8, 2011.

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

Comments:

The Anti-Corruption Act lists the means by which the commissioner and deputy commissioner can be removed from office. It also guarantees the manner in which in the Anti-Corruption Commissioner can be removed from office.

References:

Joseph Kamara, Anti-Corruption Commission, interview on Sept. 16, 2011, in a short telephone conversation.

Rosemarie Blake, deputy director, Society for Democratic Initiatives, Sierra Leone. Interviewed on Feb. 21, 2012.

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

Comments:

When the Anti-Corruption Commission was first set up, appointments were on professional qualification and expertise. That is the reason why the law stipulates that the head should be a lawyer of 10 years standing. However, there are reports that over the last five years, the present government only appointed the present commissioner based on loyalty to the government.

References:

Lavina Banduah, interview on Sept. 16, 2011, Freetown, Sierra Leone.

Suliaman Bah, director of public prosecutions, interviewed at the Law Court Building on Feb. 21, 2012

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

Comments:

The Anti-Corruption Commission staff directory lists more than 30 staff members that are full-time workers.

References:

The Anti-Corruption Commission
<http://www.sierra-leone.org/Laws/2008-12.pdf>

Interview, Steven Kelfala, who coordinates the Society for Democratic Initiatives, Sierra Leone's activities with the Anti-Corruption Commission, on Sept. 15, 2011.

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 is facing serious financial constraints and had to go for overdraft.

References:

Anonymous staff, interviewed on Oct. 16, 2011.

Interview with Valnora Edwin, coordinator, Campaign for Good Governance, on Oct. 16, 2011.

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 Anti-Corruption Commission makes annual reports to the president and to Parliament. The agency also published findings on some corruption-related cases or issues of interest to the anti-corruption community. For example, recently the Anti-Corruption Commission assessed Sierra Leone's EITI process.

References:

Annual Report of the Anti-Corruption Commission 2011

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:

The commission has all the powers to investigate, subpoena information, search houses and any building and additionally arrest, interview, take statements and detained any suspect on corruption charges. Additionally, the commission can also prosecute its cases without going through the office of the Director of Public Prosecution.

References:

Glena Thompson, head of Political Science Department, Fourah Bay College, University of Sierra Leone, interviewed on Oct. 23, 2011.

Jabbati Wai, editor of Exclusive Newspaper, interviewed on Oct. 23, 2011 in 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 sole powers of starting investigations lies with the commission. What they do sometimes is to get information from informers. Other times they follow newspaper leads and or reports from audits, or other sources.

References:

Interview with Valnora Edwin, coordinator, Campaign for Good Governance, interviewed on Sept. 16, 2011.

Interview with Joseph Kamara, Commissioner, Anti-Corruption Commission, interviewed on Sept. 16, 2011.

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?

100

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

According to Lavina Banduah, the Anti-Corruption Commission acts on complaints as soon as they are lodged with them.

References:

Joseph Kamara, Commissioner, Anti-Corruption Commissioner, interviewed on Sept. 23, 2011.

Lavina Banduah, director of Transparency International, interviewed on Sept. 23, 2011.

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 of 2008 provides for the protection of journalistic sources and whistle blowers.

References:

The Anti-corruption Act 2008, Section 82
<http://www.sierra-leone.org/Laws/2008-12.pdf>

Steven Kelfala, Governance Officer, Society for Democratic Initiatives, interviewed on Sept. 17, 2011.

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.

95

6.3. Judicial Independence, Fairness, and Citizen Access to Justice

77. Is there an appeals mechanism for challenging criminal judgments?

42

77a. In law, there is a general right of appeal.

Yes

No

Comments:

The Constitution provides in Section 120 the right to appeal from the High Courts to the Appeals Court and the Supreme Court.

References:

The Sierra Leone Constitution 1991
<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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.

100 | 75 | 50 | 25 | 0

Comments:

Appeals takes a long time. Sometimes lawyers use the appeals process to their advantage. On one hand, long delays mean their case might not come up in court for a year or two. On the other hand, a good lawyer knows how to move around the court, it is easier to bring up a case that is on appeal.

References:

Lornard Taylor, barrister and solicitor, interview on Sept. 16, 2011, Freetown.

Magistrate Roland Kamara, interview on Sept. 15, 2011, Law Court Building, Freetown, Sierra Leone

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.

100 | 75 | 50 | 25 | 0

Comments:

Appeals processes are much more expensive than cases of first instance. Lawyers charge a lot because sometimes they receive intimidation from the judges. An appeal can cost between US\$3,000 to US\$4,000, which, in Sierra Leone, is a lot of money.

References:

Ibrahim Tommy, director, Center for Accountability and Rule of Law, interviewed on Sept. 19, 2011.

Lornard Taylor, barrister and solicitor, interviewed on Sept. 15, 2011, in Freetown.

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.

78. In practice, do judgments in the criminal system follow written law?

100

78a. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

Judgments follow written and unwritten laws, but written laws and precedents are the leading authority in the Sierra Leone legal system. Every judgment is based on a law and every decision has judicial precedent in case law.

References:

Magistrate Binneh Kamara, interview on Sept. 16, 2011, Freetown.

Lornard Taylor, barrister and solicitor, interviewed on Sept. 19, 2011, Freetown.

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?

100

79a. In practice, are judicial decisions enforced by the state?

Comments:

All judicial decisions are enforced by the state through a writ of possession and writ of assistance. The state can even give police officers to ensure that judgments are executed properly.

References:

Umaru Koroma, private practicing lawyer with Brewah and Co. Interview on the Sept. 25, 2011.

Sahr Musa Mondeh, former litigant residing at 8 Fort Street, Freetown, Sierra Leone interview on the 15th September 2011

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?

50

80a. In law, the independence of the judiciary is guaranteed.

Yes | No

Comments:

Section 120 and other sections set forth the independence of the judiciary.

References:

Section 120 of the Constitution of Sierra Leone

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

There is significant political interference in the judiciary system in that judges are told whom to jail and whom to acquit. In recent cases involving the opposition party, judges refused bail in a case that seemingly would have merited bail. Reports are that the government is putting pressure on the judges not to grant the opposition supporters bail.

References:

Lornard Taylor, barrister and solicitor, interviewed on Sept. 19, 2011, Freetown.

Ibrahim Tommy, Center for Accountability and Rule of Law, interviewed on Sept. 19, 2011, Freetown.

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

Comments:

No law sets forth a procedure. One senior judge or the chief justice assigns cases.

References:

No law exists.

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:

This provision says judges can only be removed if there is a reason determined by an independent tribunal.

References:

Section 137 of the Constitution

<http://www.sierra-leone.org/Laws/constitution1991.pdf>

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

Comments:

Judges in Sierra Leone can boast of relative security. Physical harm is not the norm. There has been no reports of any judge killed, threatened or physically harmed.

References:

Elwin Bailor, master and registrar of the High Court of Sierra Leone. Interview on Sept. 18, 2011, in Freetown.

Ibrahim Tommy, executive director, Center for Accountability and Rule of Law, interviewed on Sept. 18, 2011.

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

Comments:

Physical attacks on judges for litigating corruption cases are uncommon in Sierra Leone. Rather, judges are respected and feared.

References:

Elwin Bailor, master and registrar of the High Court of Sierra Leone, interviewed on Sept. 19, 2011.

Lornard Taylor, barrister and solicitor, Taylor, Abdulai and Associates, interviewed on Sept. 19, 2011.

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 has been no comments or complaints about rulings of government being done on racial or ethnic grounds. Judges are sometimes accused of corruption or bowing to pressure, but not on racial and ethnic issues.

References:

Ibrahim Tommy, Center for Accountability and Rule of Law, interviewed on Sept. 19, 2011 in Freetown.

Lornard Taylor, barrister and solicitor, Taylor, Abdulai and Associates, interviewed on Sept. 19, 2011 in Freetown.

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

Comments:

Apart from the fact that court cases are expensive, everyone, including woman, have full access to the system. Sometimes fright and illiteracy can affect attending courts sessions. However, it is really an open court system.

References:

Magistrate Kamara, Interviewed on Sept. 24, 2011.

Ibrahim Tommy, Center for Accountability and Rule of Law. Interviewed on Sept. 18, 2011.

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:

This is required by law by the Constitution of Sierra Leone, 1991: Chapter III – The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual – Section 28, which states that “Parliament shall make provision to ensure that a poor citizen who cannot hire the services of a lawyer is assisted by the State, if the person’s complaints are substantially genuine and his/her financial need real” (<http://www.sierra-leone.org/Laws/constitution1991.pdf>)

Although the law requires it, the public defenders program is weak, and legal counsel mostly is not provided. A draft legal aid bill is in Parliament to strengthen availability and capacity of legal aid programs. The draft of Sierra Leone’s Legal Aid Bill (2011) was approved already by the Office of the Attorney-General.

A Pilot National Legal Aid program was launched in April 2010 to support lawyers in providing legal aid to several hundred peoples detained in police stations and prisons in Freetown. Through August 2010, the cases of more than 1,000 individuals had been processed, of which 506 were discharged.

References:

Constitution of Sierra Leone, 1991, Section 28, 'Enforcement of Protective Provisions.' <http://www.sierra-leone.org/Laws/constitution1991.pdf>

Coalition of Civil Society Organizations, Sierra Express Media, Open Letter to The Attorney General and Minister of Justice, May 2, 2011, <http://www.sierraexpressmedia.com/archives/23392>

Namati, Sierra Leone Legal Aid Bill (Draft), <http://namati.org/tools/sierra-leone-legal-aid-bill-draft/>

SEM Contributor, Sierra Express Media, The Government of Sierra Leone and JSDP Launch Pilot National Legal Aid for Sierra Leone, April 21, 2010, <http://www.sierraexpressmedia.com/archives/7494>

Human Rights Watch, World Report 2011: Sierra Leone, <http://www.hrw.org/world-report-2011/sierra-leone>

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:

Although mandated by law, legal counsel mostly is not provided. A draft legal aid bill is in parliament to strengthen availability and capacity of legal aid programs. The draft of Sierra Leone's Legal Aid Bill (2011) was approved already by the Office of the Attorney-General.

A Pilot National Legal Aid program was launched in April 2010 to support lawyers in providing legal aid to several hundred people detained in police stations and prisons in Freetown. Through August 2010, the cases of more than 1,000 individuals had been processed, of which 506 were discharged.

References:

Lornard Taylor, barrister and solicitor, Taylor Abdulai and Associates, interviewed on Sept. 19, 2011.

Ibrahim Tommy, Director, Center for Accountability and Rule of Law, interviewed on Sept. 19, 2011.

Coalition of Civil Society Organizations, Sierra Express Media, Open Letter to The Attorney General and Minister of Justice, May 2, 2011, <http://www.sierraexpressmedia.com/archives/23392>

Namati, Sierra Leone Legal Aid Bill (Draft), <http://namati.org/tools/sierra-leone-legal-aid-bill-draft/>

SEM Contributor, Sierra Express Media, The Government of Sierra Leone and JSDP Launch Pilot National Legal Aid for Sierra Leone, April 21, 2010, <http://www.sierraexpressmedia.com/archives/7494>

Human Rights Watch, World Report 2011: Sierra Leone, <http://www.hrw.org/world-report-2011/sierra-leone>

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

Comments:

Lawsuits are very expensive, especially those filed at the High Court, where it is almost costs from US\$1,000 to US\$2,000. This is expensive in Sierra Leone, where the medium salary is US\$400 to US\$700.

References:

Elwin Bailor, master and registrar of the High Court of Sierra Leone, interview on Sept. 23, 2011.

Lornard Taylor, barrister and solicitor, Taylor, Abdulai and Associates, interviewed on Sept. 19, 2011, in Freetown.

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

Comments:

Small retail businesses are able to bring legal action, but that will be at the expense of the business. Notably, the cost a business might have to pay to file a lawsuit could take the business's total assets. This is the reason why some business just cannot enforce legal proceedings.

References:

Eke Hallaway, lecturer, Fourah Bay College, and practicing lawyer. Interview on Aug. 23, 2011, at the college.

Interview with Hawa Kamara, businesswoman at Kissy Road, on Aug. 24, 2011, at PZ Market, Freetown.

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

Comments:

There are courts in all urban areas. Some courts sit within a circuit, meaning the judges rotate in some locations. People in smaller towns and villages have to travel to bigger towns where the courts are, especially to access the high courts. So geographic location sometimes makes legal redress prohibitive.

References:

Interview Ibrahim Tommy, Centre for Accountability and Rule of Law, on Sept. 19, 2011.

Interview with Lornard Taylor, barrister and solicitor, Taylor, Abdulai and Associates, on Sept. 19, 2011.

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.

6.4. Law Enforcement: Conflicts of Interest Safeguards and Professionalism

83. Is the law enforcement agency (i.e. the police) effective?

25

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

According to Usuf Jimmy, some officers are recruited on merit and professional needs. However, the bulk of the police force is recruited based on patronage and political interferences. Most police officers are from the north.

References:

Interview with Alimamy Conteh, lecturer, Peace and Conflict Studies Department, Fourah Bay College, University of Sierra Leone, interviewed on Sept. 19, 2011.

Usuf Jimmy, governance officer, Society for Democratic Initiatives, Interviewed on Sept. 19, 2011, Freetown.

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

Comments:

The police have always complained of a lack of resources to do its work. There are no logistics for gasoline needed to transport suspects to courts, to pay for uniform supplies, or vehicles. Some donors, such as Britain's Department for International Development, have started supporting the police by covering the cost shortage for resources. The amount was not divulged during this interview.

References:

Usuf Jimmy, governance officer, Society for Democratic Initiatives. Interview Sept. 19, 2011, Freetown.

Assistant Inspector General Morie Lengor, Sierra Leone Police, telephone conversation on Sept. 19, 2011.

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

Comments:

In law, the police and other law enforcement agencies are tied to political institutions. For example, the vice president of Sierra Leone is the head of the police court. Thus, in practice, it is impossible to have less political interferences in the system of policing. The police have complained about improper or irregular promotion schedules of officers from certain regions.

References:

Usuf Jimmy, governance officer, Society for Democratic Initiatives, interviewed on Sept. 19, 2011, Freetown.

Lornard Taylor, barrister and solicitor, Taylor, Abdulai and Associates, interviewed on Sept. 19, 2011.

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?

84a. In law, there is an independent mechanism for citizens to complain about police action.

Yes | No

Comments:

The Police Act 1964, as amended in 2006, Section 108, provides for an internal police mechanism, the CDIID Division, for complaints to be made against police by citizens.

References:

The Police Act 1964, as amended in 2006, Section 108.

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:

The Complaint, Discipline, and Internal Investigation Department (CDIID) is the division that handles complaints. When the CDIID was formed, it was very effective and functional. However, now this is almost certainly not the case. Complaints are no longer being investigated because the police has become a "club" where officers look out for one another, not citizens' best interest. Delay is a tactic to suppress a complaint.

References:

Assistant Inspector General Morie Lengor, Sierra Leone Police, interviewed on Sept. 20, 2011.

Usuf Jimmy, governance officer, Society for Democratic Initiatives, interviewed on Sept. 20, 2011, Freetown.

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

Comments:

The Anti-corruption Commission prosecutes everyone, including police officers.

References:

Anti-Corruption Act of 2008.

<http://www.sierra-leone.org/Laws/2008-12.pdf>

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

Comments:

The Sierra Leone Police recently developed an anti-corruption strategy and have instituted national investigation on corruption in the institution. That investigation uncovered waste in law enforcement salaries in the amount of approximately 99,000,000 Leones. About US\$4,000 were being embezzled by senior officials. There are reports of six other instances where officials were dismissed for corruption and charged in court.

References:

Usuf Jimmy, in charge of Police Accountability Program at Society for Democratic Initiatives, Sierra Leone. Interviewed on Oct. 2, 2011.

Assistant Inspector General Morie Lengor, Sierra Leone Police, interviewed on Oct. 1, 2011.

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

Comments:

There is no law that grants immunity from prosecution to police officers.

References:

No law exists to give law enforcement officials immunity.

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

Comments:

Law enforcement officials are not immune from criminal proceedings. They can be charged in court after internal disciplinary findings have concluded that they are at fault or participated in a criminal matter. Maada Thomas, a senior officer and an assistant Inspector, was charged for 'wanton destruction of police property.' A couple of other cases have also been brought against senior police officials.

References:

Alimamy Conteh, lecturer, Fourah Bay College, Peace and Conflicts Studies, interviewed on Oct. 19, 2011, at Fourah Bay College, University of Sierra Leone

Usuf Jimmy, governance officer, Society for Democratic Initiatives, interviewed on Oct. 19, 2011.

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.
