

Submission by Inter Religious Council and the former Chair of Truth and Reconciliation Commission for the UN Universal Periodic Review of Sierra Leone

11th session of the UPR Working Group of the Human Rights Council

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Introduction

In this submission, Inter-Religious Council (IRC) and the former chair of the Truth Reconciliation Commission (TRC) express concern over lack of implementation of the recommendations of the Truth and Reconciliation Commission, including the recommendation on the abolition of the death penalty. In Section C, concerns are raised about human rights violations in the context of rights to life, rights of the child, women's rights, reparations for victims of human rights violations and abuses, human dignity, rights to education and rights to health. In section D, the IRC and the former chair of the TRC make sixteen recommendations for action by the government.

B. Normative and institutional framework of the State Oct 2003

The TRC and absence of a follow-up committee

The TRC was established by the peace agreement that ended the conflict in Sierra Leone in July 1999. The Parliament in 2000 enacted the Truth and Reconciliation Commission Act. This Act defines and authorises the functions, powers and operations of the TRC. However, the TRC was not commissioned until October 2002. The TRC, after sitting for one year and 3 months, released a final report in 2004. The TRC Act made provision for a follow up committee to be established in order to monitor the implementations of the TRC recommendations. The government is yet to set up this committee although in 2006 the government designated the Human Rights Commission to serve as a follow up committee; however this has been ineffective. In the absence of an effective follow-up committee, the government randomly picks and chooses which recommendations to implement. The lack of a holistic programme to implement the recommendations remains a challenge for the promotion and protection of human rights in Sierra Leone.

C. Promotion and protection of human rights on the ground

1. The TRC documented thousands of cases during the 15 months it sat. About five thousand different categories of human rights violations and abuses were identified (see the TRC report for various categories of violations). The IRC in 2010 continues to raise concerns on the lack of a structured and holistic process to implement the recommendations of the TRC. In 2010 the former chair of the TRC noted that the implementation of all the recommendations of the TRC is crucial and vital to

avoid any reoccurrence of conflict. The TRC report and recommendation is available at: <http://www.sierra-leone.org/TRCDocuments.html>

D. Recommendations for action by the State under review

1. The government should implement all the outstanding recommendations of the TRC , including:
 - a. abolish the death penalty and commute pending death sentences;
 - b. Criminal sanctions should be avoided if it will inhibit of freedom of expression , but should be impose and to curb conduct aimed at inciting violence and lawlessness
 - c. ensure security service officers are aware of their obligations under international human rights and humanitarian law, and in particular that they should not obey a manifestly illegal order;
 - d. ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;
 - e. ensure that at least 30% of political parties’ candidates for public elections are women, and that 10% of their candidates are youth;
 - f. to ensure primary school education is compulsory and free for all children;
 - g. ensure that prosecution of corruption charges are free from political interference
 - h. establishment of a follow up committee in terms of the Act and the Lome Peace Accord
 - i. ensure that at least four representatives of the civil society are members of the follow up committee, one to represent women and one to represent youth;
 - j.. establish compulsory human rights education programmes in schools, army, police and judicial services;
 - k.. establishment of public defender offices in all main town and centres;
 - l. harmonise the national laws dealing with war crimes of sexual violence with the provisions of the Rome Statute of the International Criminal Court;
 - m. amputees to receive free physical health care for the rest of their lives;
 - n. victims of sexual violence to be eligible for free physical health care including traumatic gynaecological fistula surgery;

o. The constitutional review process should be completed as soon as possible and should reflect all the recommendations of the TRC.

Appendix: further documents for further reference¹

2. The report of the TRC, available at: <http://www.sierra-leone.org/TRCDocuments.html>