



SIERRA LEONE

Whistleblowers in Sierra Leone : overview of the
legal framework and practices

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PARTNERSHIPS



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To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

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LIST OF ACRONYMS

- AML/CFT - Anti-Money Laundering and Countering the Financing of Terrorism
- CPI - Corruption Perception Index
- CRF : Central Revenue and Fiscal Unit
- CT - Counterterrorism
- ECOWAS - Economic Community of West African States
- EU - European Union
- FIU - Financial Intelligence Unit
- GIABA - Inter-Governmental Action Group against Money Laundering in West Africa
- ML - Money laundering
- NACS - Fourth National Anti-Corruption Strategy
- NGO - Non-Governmental Organization
- OCWAR-M - West African response to money laundering and terrorist financing
- PPLAAF - Platform to Protect Whistleblowers in Africa
- PPM - People's Power Movement
- RSF - Reporters Without Borders
- TF - Terrorist financing
- TOCU - Transnational Organised Crime Unit
- UNODC : United Nations Office on Drugs and Crime

INTRODUCTION

In West Africa, transnational organized crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organizations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offenses. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Sierra Leone in all these areas and analyze the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasizes the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organizations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Sierra Leone report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

LEGAL SOURCES

[Constitution of Sierra Leone, 1991](#)

[The Official Secrets Act, 1911](#)

[The Official Secrets Act, 1920](#)

[The Public Order Act, 1965](#)

[The Anti-Corruption Act, 2008](#)

[The Right to Access Information Act, 2013](#)

[The Independent Media Commission Act, 2020](#)

[Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012](#)

EXECUTIVE SUMMARY

In July 2020, a liberal movement began in Sierra Leone marked by the repeal of restrictive media criminal laws on defamation and seditious libel. President Julius Maada Bio affirmed the government's commitment "to allow the development of a free and robust media" in November of that year. The movement was further exemplified by the abolishment of the death penalty in 2021 and the government's will to enact a law to protect human rights defenders.

Regrettably, Sierra Leone does not have a stand-alone law that sets out guidelines for whistleblowers and ensures their protections. Nevertheless, blowing the whistle is incentivized through a reward program outlined in the Anti-Corruption Act of 2008.

Despite the government's efforts, Sierra Leone remains "partly free", as rated by Freedom House with a score of 65/100 in 2022.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 WHISTLEBLOWER LAWS AND POLICIES

The protection of whistleblowers is a crucial aspect in the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Sierra Leone to ensure the protection of whistleblowers. It examines the rights and safeguards afforded to whistleblowers, the protective mechanisms in place, as well as the persistent challenges related to this protection.

- The Anti-Corruption Act of 2008 and its provisions for informers and witnesses

Sierra Leone does not have a law dedicated to whistleblowers. Thus, the [Anti-Corruption Act of 2008](#) is the only relevant legal instrument for their protection. Most provisions of the Act provide protection for informers and witnesses.

As an example, Section 82 (2) of the Act provides protection to workers in the public sector to the extent that when "a public officer discloses to his superior officer or to the Commissioner that an [...] offence may have occurred within the public body in which he is employed", he shall incur no "civil or criminal liability" nor "disciplinary sanctions" because of his disclosures. Although the provision does not include the term "whistleblower," it could still be invoked to get protection.

Other protective measures intended to witnesses are the following: immunity of witnesses from criminal or civil proceedings based on their disclosures (Section 85 of the Act); sanction to any form of retaliation against them with a fine, imprisonment or both (Section 82 (5)) and the benefit of a witness protection program (Section 83).

Protective provisions for witnesses could be applied to whistleblowers if they agree to testify before a court.

Despite the lack of a specific legislation to protect whistleblowers, their disclosures are encouraged by the Act since it provides financial incentives: "a person who gives information that results in the conviction of another person, of an offense under this Act shall be paid ten percent of the proceeds of any property forfeited as a result of the conviction" (Section 81 (3)).

The 2019 Anti-Corruption (Amendment) Act, passed by the Sierra Leone Parliament on October 31, 2019, enhances the authority of the Anti-Corruption Commission (ACC) in combating corruption. It introduces stiffer penalties for offenses, bolsters safeguards for witnesses and whistleblowers, offers non-prosecution options for the ACC, and broadens the definition of corruption to encompass both giving and receiving advantages, including offering, soliciting, obtaining, and receiving.

1.2 LAWS AND MEASURES RELATED TO COMBATING FINANCIAL CRIME

This section focuses on the measures taken by the Sierra Leone government to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Sierra Leone.

- Anti-Corruption legislation

In its [2022 Corruption Perceptions Index \(CPI\)](#) report, Transparency International[1] ranks the country 110th out of 180 countries, with a score of 34/100. Thus, the country remains in the red zone with the same score as in 2021.

Sierra Leone has adopted legislation to fight corruption, the [Anti-Corruption Act of 2008](#). This law defines bribery, misappropriation of public funds, peddling influence and other related offences. It also defines and incriminates the “possession of unexplained wealth” in article 27 which reads as follows :

“(1) Any person who, being or having been a public officer- (a) maintains a standard of living above that which is commensurate with his present or past official emoluments; or (b) is in control of pecuniary resources or property disproportionate to his present or past official emoluments, unless he gives a satisfactory explanation to the court as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, commits an offence (...).”

- Anti-Corruption Commission

This law also establishes the [Anti-Corruption Commission](#) which is an independent institution for the prevention, investigation, prosecution and punishment of corruption and corrupt practices.

On the Commission's website, individuals have the option to submit anonymous reports online regarding cases of corruption ("how to report corruption") and bribery ("pay no bribe") across various sectors, including Police, Education, Health, Water, Electricity, and others. These reports can be submitted through a toll-free hotline phone number, a downloadable mobile app that can be used without incurring data charges, and via partner organizations. The website specifies that these reports are intended to be forwarded to relevant government-established entities responsible for preventing such incidents, with the goal of "addressing corruption at its source through administrative or systems reforms."

It appears that those who file reports can inquire about the progress of their cases by contacting the ACC through the provided toll-free hotline phone number. However, the effectiveness and efficiency of these measures remain uncertain. This is because, as of 2022 or 2023, there is no online data available, despite the ACC's assertion that it regularly publishes information on citizen reports of bribery and petty corruption, along with corresponding responses. The most recent data accessible dates back to 2019.

- Fourth National Anti-Corruption Strategy (NACS)

Sierra Leone has adopted the Fourth National Anti-Corruption Strategy (NACS) for the period 2019-2023 which is the successor to the NACS 2014-2018. Like the previous strategies, the NACS 2019-2023 "is aimed at attaining the vision of confronting corruption as a threat to every sphere of national development and building an ethical and accountable Republic that promotes zero tolerance for corruption to inspire integrity, transparency, accountability and the rule of law".

- Money laundering legislation and enforcement
- Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012

Sierra Leone has adopted the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012. It provides for the criminalization of money laundering and financing of terrorism, the establishment of structures to implement this and for other related matters. A new AML/CFT Act is currently before Parliament but, as of September 2023, it has not been adopted.

- Financial Intelligence Unit (FIU)

This law establishes the Financial Intelligence Unit (FIU) and defines its missions, which are, among others: to provide clear and effective institutional lead in implementing national and international policies and standards, to identify the proceeds of unlawful activities, to share information with law enforcement authorities, the intelligence services, other local and international agencies, to process, analyze, add value and retain information disclosed to and obtained by it and to contribute to the Global framework against money laundering and the financing of terrorism.

- Transnational Organised Crime Unit (TOCU)

In September 2021, Sierra Leone has also established the Transnational Organised Crime Unit (TOCU), consisting of 14 law enforcement units. TOCU's responsibilities include investigating drug offenses, money laundering (ML), terrorist financing (TF), and counterterrorism (CT). As part of the United Nations Office on Drugs and Crime's (UNODC) West Africa Initiative, TOCU facilitates information sharing and coordination among Sierra Leone's law enforcement agencies. The effectiveness of TOCU is attributed to the training received from UNODC, which has provided extensive training to numerous investigators in financial crime investigations. However, it appears that the TOCU does not have direct access to financial institutions' information and therefore must rely on the FIU to obtain this information.

This list is not exhaustive, and it should be noted that Sierra Leone has adopted various measures and institutions tasked with combating or participating in the fight against financial crime.

Sierra Leone's vulnerability to money laundering and related offenses stems from insufficient oversight of financial institutions, lax regulations, widespread corruption, and ineffective enforcement of financial crime laws. The country's prominent seaport amplifies its attractiveness as a transshipment hub for illegal drugs and other illicit goods. Despite the existence of institutional and legal frameworks to combat these offenses, their prevalence remains alarmingly high. This raises legitimate concerns about the effectiveness and efficiency of these mechanisms.

1.3 MEDIA RIGHTS AND FREEDOM OF EXPRESSION

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

- Advancements and challenges in media freedom in Sierra Leone

The Constitution of Sierra Leone guarantees freedom of speech and freedom of the press (art.25).

Part 5 of the Public Order Act of 1965, which criminalized defamation, false news and seditious libel, has been a hindrance to the media in Sierra Leone for years, resulting in censorship of journalists. Those laws were used by government officials to penalize journalists who exposed high-level corruption as reported by Freedom House in 2021.

In July 2020, Part 5 of the Public Order Act of 1965 was repealed. The elimination of these provisions has been a triumph for media outlets and organizations advocating for freedom of speech. This outcome was the result of a long-standing demand by these groups, as documented in Article 19's report on the issue.

The Independent Media Commission Act of 2020 has replaced the previous law and offers a more supportive environment for the media. Despite its advancement regarding freedom of speech, the Act is criticized by civil society for undermining media pluralism and fair competition, silencing independent journalists in the print media.

The Reporters without borders (RWB) [2] 2023 report ranks Sierra Leone 74th out of 180 countries, a significant drop from its 46th place in 2022, when RWB assessed that « reporters [were operating] in a relatively safe environment ». This is due to the fact that in April 2022, unknown individuals attempted an arson attack on a journalist's house.

In addition, few incidents towards journalists and people demonstrating have been reported. Moreover, on 10 August 2022, around ten people died and more than 100 were arrested while demonstrating against inflation.

The country is considered as “partly free” by Freedom House [3] in its Freedom in the world 2023 report with a score of 63/100. There are many independent newspapers and dozens of public and private radio and television stations, but Freedom House notes that most of them favor one of the main political parties in their news coverage. The part of the law that criminalized defamation and sedition has been repealed. Freedom House adds that journalists are sometimes arrested and intimidated for speaking out or publishing certain articles or reports.

1.4 THE ACCESS TO INFORMATION ACT AND SECRECY LAWS

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviors within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, thereby providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

- Transparency and accountability: The Right to Access Information Act

It should be noted that [The Right to Access Information Act of 2013](#) provides for the disclosure of information held by public authorities or by persons providing services for them. Thus, Sierra Leoneans have a legal basis to hold their leaders and political actors accountable on different subjects of public interest. However, Part III Section 15 of the Act restrains the disclosures on national security grounds.

- The Official Secrets Acts

Sierra Leone has archaic laws on its statute books called the Official Secrets Acts of 1911 and 1920 enacted by the British government.

[Section II of the Official Secrets Act of 1911](#) used to prohibit the unauthorized sharing of information related to the monarch and designated "prohibited places," which included both private and public locations. This provision was later revoked by the British government's [Official Secrets Act 1989](#). Besides, [the Official Secrets Act of 1920](#) does not restrict the release of information.

There is no information available on the current implementation of those Acts.

2. WHISTLEBLOWER CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

- The revelations of Dr. John Idriss Lahai

In 2022, Dr. John Idriss Lahai revealed on social media the widespread procurement of fake degrees in Sierra Leone. To date, we do not have any information on the actions taken in response to these revelations.

There are no more public whistleblowers.

3. RECOMMENDATIONS : WEAKNESSES AND NEEDED REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

Whistleblower protection law

Sierra Leone's whistleblowing protections are extremely limited. Whistleblowers disclose information at great personal risk and it is therefore essential that they benefit from specific protection measures provided by the law.

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- Thus, Sierra Leone should consider enacting a law dedicated to whistleblowers that would create reporting channels, ensure that whistleblower cases are investigated and provide them protection.
 - Besides, an independent authority should also oversee the implementation of the law. Its tasks should be, on the one hand, to ensure that disclosures lead to investigations and prosecutions of those responsible for illegalities and reprisals, on the other hand, to ensure the protection of whistleblowers.

4. RESOURCES, SUPPORT AND ACTION CENTER

In this section, we will explore the landscape of civil society organizations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

People's Power Movement (PPM) is an NGO that "participates in campaigns by systematically applying knowledge and skills in nonviolent actions for change. It seeks cooperation with other civil society organizations that focus on anti-corruption, good governance, and social justice issues, and with relevant government agencies such as the Anti-Corruption commission of Sierra Leone."

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[1] Transparency International is a non-governmental organization (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organization advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

[2] Reporters Without Border is an international non-governmental organization founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organization actively works to denounce censorship, repression, and infringements on freedom of expression. RWB yearly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.

[3] Freedom House is an American non-governmental organization founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.



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