



DECRIMINALISATION OF PETTY OFFENCES WILL DECONGEST CORRECTIONAL CENTRES, IMPROVE THE CONDITIONS OF DETENTIONS AND PROTECT VULNERABLE PERSONS



Many African Countries— Kenya, Malawi, Ghana, Conseil National des Droits de l’Homme de Côte d’Ivoire, South Africa, Nigeria, Uganda and Sierra Leone are currently working towards the decriminalisation of petty offences, as recommended by the African Union for the decongestion of prisons and to improve the conditions of detentions and the protection of vulnerable persons from arbitrary arrests and detentions.

The Network of African National Human Rights Institutions (NANHRI) works with National Human Rights Institutions (NHRIs) to undertake reviews of laws, policies and administrative measures to identify areas for reform in line with the regional and international human rights standards.

NANHRI and the Human Rights Commission of Sierra Leone (HRCSL) on 22nd July, 2021 validated a draft National Action Plan (NAP) for the decriminalisation of petty offences in Sierra Leone. The multi-stakeholders approach of the validation process brought together representatives from different Ministries, Departments and Agencies (MDA) including the justice system, Parliament, law



enforcement agencies, informal sector labour associations, civil society organisations and others.



The Chairperson of HRCSL, Patricia Narsu Ndanema, presented the objectives of the National Action Plan which includes— seventeen indicators of what constitutes a petty offence and laws governing petty offences in Sierra Leone. According to the Chairperson, the Commission has observed from monitoring visits held at different Correctional Centers across the country that most of the inmates were incarcerated as a result of petty offences which has caused negative impact on them and their family members thereby depriving them from the enjoyment of their human rights. “We believe the decriminalisation of petty offence will help to decongest correctional facilities and thus improve detention conditions, as well as protect vulnerable groups from arbitrary arrests and detentions”, she added.

Justice Tonia Barnett, representing the Chief Justice cited that Sierra Leone is a party to the Africa Charter on Human and Peoples’ Rights which defined petty offences as minor offences for which the punishment is prescribed by law to carry warning, community service, a low value fine or short term imprisonment often for failure to pay fine. In Sierra Leone, she said, the Criminal Procedure Act 1965 is the law governing proceedings on petty offences, which are classified as summary offences otherwise known as misdemeanours which are summarily tried by magistrate and these are offences which carry a term of imprisonment



for not more than five [5] years and also have felonious offences which are tried in the High Court and carry a term of imprisonment above five years. She emphasized that, her experience as Magistrate and now as Judge has taught her that due to these classifications mentioned, there are several human rights implication ranging from arbitrary arrest, unlawful detention, forced confession to forced plea of guilt. She therefore welcomed and applauded the step taking towards the declassification and decriminalisation of petty offences especially status offences in Sierra Leone.

In his keynote address at the validation of NAP, the Attorney General and Minister of Justice, Anthony Y. Brewah Esq, stated that some strides are being taken by the government of Sierra Leone towards the review of the 1965 Criminal Procedure Act (CAP). “This speaks volume of government’s commitment aimed at progressively transforming the criminal justice system in Sierra Leone,” he added.

Similarly, Sierra Leone has a **New Bail and Sentencing Guidelines (2018)** that made provision for Non-Custodial Sentences for Petty Offences, which when it becomes law, would address the issue of sending people behind bars for petty offences.

In reaction to the various speakers, the National Public Relations Officer for the Sierra Leone Commercial Motorbike Riders Union, Mohamed Kabia, expressed delight and stressed that his constituent, the motorbike riders, were the most vulnerable persons affected by petty offences and that the evidences were visible. He said that the police will not only arrest them for helmet, riding in the central business district areas, and licences, but will charged and send them to jail for two to three years; and either confiscate the motorbike or cannibalised it completely. He pointed out that over 800,000 motorbikes have been confiscated by the Sierra Leone Police for minor offences, adding that each minimum cost of a motorbike is nine thousand Leones (Le.9, 000,000) and that when multiplied by 800,000 is a huge economic setback for young people who are striving to survive. “The decriminalisation of petty offences has been the long cry of motorbike riders and we thank HRCSL and partners for this campaign,” he said.