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Assets Declaration in Sierra Leone: Theory and Practice

“My government policy is “Zero Tolerance for Corruption” and we will not relent in making sure that corruption is minimized or eliminated in Sierra Leone. The proposed amendments are comprehensive. They include the Commission legal personality; revising the role of the Advisory Board; creating new offences such as illicit enrichment, abuse of office and misuse of office; providing adequate protection for Whistleblowers and informers; making it compulsory for all servants to declare their assets and making adequate provision for international cooperation in the fight against corruption” (President Ernest Bai Koroma, May 2008)

In theory, the quest to reduce corruption and waste in public service President Ernest Bai Koroma enacted a law that requires public officials to declare their assets and income and increasingly, the assets and income of their spouses and dependent children. The principal goal of income and asset disclosure systems is to combat corruption. Asset disclosure programs enhance the legitimacy of government in the eyes of the public and stimulate direct foreign investment. Despite the efforts made by the President through the Anti-Corruption Commission (ACC) to minimize corruption, there are certain key elements that need to be encouraged if the efforts are to be realized.

The Anti-Corruption Commission -ACC is an autonomous establishment created by Statute in 2000. It was primarily established to investigate alleged instances of corruption and to prevent corrupt practices. The Anti-Corruption Act 2008 repealed and replaced the Anti-Corruption Act 2000 with the aim of strengthening the ACC and in particular, invested prosecutorial powers in the ACC; encouraged integrity in public life; and increased the wide range of corrupt offences. Included in the mandate of the Commission are powers to:

- Examine the practices of public bodies so as to remove corrupt practices and to secure their revision;
- Receive, examine, retain and verify all declarations of assets;
- Advise the government on legislative or systems reforms;
- Undertake international cooperation in the fight against corruption;

Section 7(1)(a) of the aforesaid ACC Act governs the general functions of the Commission to include but not limited to, take all steps as may be necessary for the prevention, eradication or suppression of corruption and corrupt practices.

A credible and effective asset declaration regime is an essential component of the ensemble of rules and structures necessary for democratic governance. It helps to:

- Prevent abuse of power by holders of public office
- Protect public assets and the public interest
- Deter public corruption
- Promote the integrity of public officials
- Foster public accountability and trust as well as governmental legitimacy.

Similarly, a credible asset declaration regime is also good for public officials. It helps to:

- Protect the private assets of public officials from wrongful and extra-legal confiscation
- Protect public officials from undue suspicion, baseless allegations of wrongdoing, and all manner of calumny.

In addition to personal and business assets disclosure, it is considered best practice for public officials to disclose sources of income, positions held in profit or nonprofit firms, debts, gifts, payments for travel, advances, reimbursement as well as assets and income of the spouse and dependent children.

Section 104 of the Local Council Act of 2004 provides that(1) Every Councilor, appointed or assigned member of staff of each local council shall, not later than thirty days after assuming or leaving office make a declaration of assets in such form as the Anti-Corruption Commission may determine. Also, Section 119 of the 2008 ACC Act made it imperative within three months of becoming a public officer to deposit at the Commission a sworn declaration form containing his/her income, assets and liabilities and not later than 31st March in the subsequent year and while leaving the office.

In Practice, the provisions mentioned above speaks volume and provoke the question of the 492 councilors in the 19 councils and the 124 members of parliament how many have so far declared their assets honestly and when last were verification exercises undertaken by the ACC and what is their current status?

7 years down the line, civil society organisation and citizens find it difficult to establish the fact as to whether elected representatives and appointed government officials followed laid down legal provisions in making personal disclosures of their assets as it is strictly private. The ACC Act abdicates its constitutional responsibility which mandates it to receive, examine, retain in its custody and allow for public access to these asset declaration forms. However the government failure to endow ACC with the capacity to verify claims made in assets declaration forms of public officials and the continued act of ACC to stonewall CSOs and Sierra Leoneans who seek access to the information in order to verify the claims made in them demonstrates government complicity in the plunder of Sierra Leone's resources by corrupt public officials.

The ACC has an impartial arbiter in dispensing its mandate but in Sierra Leone today, low-level officials with no political affiliation are at the risk of being targeted by the ACC while senior and high rank officials are allowed to go unscathed. Sierra Leoneans are fed up with the naked robbery that is taking place unabatedly perpetrated by high-placed government officials.

There is now a growing and glaring call for public financial disclosure by government officials, including publication of asset declarations, in order to combat corruption, foster public confidence in government and encourage foreign investment. Making assets declaration public

will be a huge step in the right direction at combating corruption. It will make it almost impossible for corrupt officials to hide behind the veil of “**secrecy**” while perpetrating their corrupt act.

In view of the above we call on the government to:

- Establish on oath an independent and non-political assets/liabilities verification body;
- Review and amend Sections 13 and 14 of the Anti-Corruption Act, 2008 to include public disclosure of assets;
- Strengthens and ensure independent prosecutorial powers of the Anti-Corruption Commission;
- Establish Financial Intelligence Bureau within the Bank of Sierra Leone to track financial transactions and processes across all institutions in and outside the country.

Signed by:

Executive Secretary



END