

SO THERE ARE HONEST POLITICIANS IN SIERRA LEONE?



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OVER 40 FORMER GOVERNMENT OFFICIALS EXONERATED OF CORRUPTION ALLEGATIONS AND UNJUST ENRICHMENT

ABSTRACT

Like many African states, Sierra Leone's strong patronage system and non-transparent channels of personal influence makes it difficult for the honest and upright to survive in the public service. We had cause to celebrate when three judges of a year-long Commissions of Inquiry (Col) found no prima facie evidence that the actions of over 40 former APC government officials were motivated by any dishonest or corrupt intent.

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1. THE HEROES OF INTEGRITY

After almost one year of explosive hearings, the Bio administration's White Paper on three high-profile Commissions of Inquiry (CoI) to investigate allegations of unjust enrichment and abuse of office exonerated over 40 officials, predominantly opposition leaders who served under the Ernest Bai Koroma administration. The three judges at the CoIs found no prima facie evidence that the actions of over 40 former officials were motivated by any dishonest or corrupt intent to abuse their authority or power¹.

On the list of exonerated persons, the notable ones are:

Dr. Zainab Hawa Bangura: until her appointment as Special Representative of the Secretary-General on Sexual Violence in Conflict (2012-2017), Dr Bangura served as Minister of Foreign Affairs and later Minister of Health and Sanitation. She was cleared of any alleged corrupt activities for her stewardship of both offices.

Dr. Madam Christiana Thorpe: the former Dept. Minister Education also the former Chief Electoral Commissioner who conducted national elections in 2007 that ushered in the change of government, as well as in 2012 in which Bio's SLPP again lost to the incumbent President Koroma. Her boss, the former Minister of Education, Dr. Minkailu Bah (now deceased), was found to have allegedly committed several acts of serious fraud, while Dr. Thorpe was exonerated.

Dr Sylvia Blyden: before she joined government she was the publisher of a very renown vocal newspaper in Freetown and social activist. Before becoming former Minister of Social Welfare she was a Special Executive Assistant to the President.

Dr. Mohamed Gibril Sesay: Dr. Gibril Sesay served as Minister of State, Foreign Affairs. He also doubled as speech writer for President Koroma and acted as the chief strategist for the APC flag bearer, Dr. Samura Kamara, in the 2018 election.

His Lordship Winstanley Bankole Johnson, Former Mayor of Freetown City Council: an outspoken critic of government was also cleared of corrupt practices or acts during his tenure. He is however held wanting in group culpability.

Mr. Momodu Kargbo: he is acclaimed by both sides of Sierra Leone's political divide as an epitome of integrity. He served as the Central Bank Governor and Minister of Finance controlling enormous powers and resources of the State, yet was not found wanting of any personal enrichment. However, he has been called to answer questions relating to his complicity in groups he worked with.

Other well-known public figures exonerated by the CoI worth mentioning include for Minister of Health - Dr Soccoh Kabia, former Minister of Tourism – Mr. Sidi

¹ The ACC is also investigating ongoing cases involving a few officials on this list. This list above only pertains to CoI related investigation.

Yayah Tunis, former Ministers of Information and Communication Mr. Ibrahim Ben Kargbo and Mr. Cornelius Deveaux.

2. ANALYSIS OF THE CoI AND THE CABINET WHITE PAPER

Table 1 (below) provides a breakdown of the findings and recommendations on whether persons of interest (accused persons) acquired assets beyond their legitimate earnings at both the Justice Biobele-Georgewill and the Bankole-Jones Commissions. It also shows recommendations on assets at the Justice Atuguba Commission. In total, 186 public officials and businesses were investigated on a wide range of issues and nearly a third of the persons of interest were either absolved of any wrongdoing (14%) or found not culpable of personal enrichment (15%). A slight majority (54%) were asked to refund money to the State, while 11% were found culpable of unjust enrichment.

Table 1: Summary results of the CoI and the Conclusions of the GOSL White Paper

Status	Justice Atuguba	Bankole-Thompson	Biobele-Georgewill	Total	% of Results
Discharged of wrongdoing	N/A	N/A	26	26	14%
Not culpable of unjust enrichment	4	21	3	28	15%
To refund money to the state	N/A	20	81	101	54%
Unjust enrichment	3	3	14	20	11%
To be further investigated	4	5	Nothing?	9	5%
To return 254 motorbikes & vehicles	Nothing?	Nothing?	1	1	1%
Insufficient evidence	Nothing?	1	Nothing?	1	1%
Grand Total	11	50	125	186	100%

As of Tuesday, 20 October 2020, undisclosed sources at the Ministry of Justice confirmed that nearly 20 appeals have been filed while six persons have initiated payments in response to the Whitepaper. An anti-corruption and rule of law expert interviewed for this paper commented that “if Sierra Leone is able to properly manage this US\$750,000 GoSL-funded process, the CoI could potentially lay a new path towards anti-corruption despite its shortcomings” (Ibrahim Tommy – Executive Director CARL). By introducing a standard for investigating public officials after the end of their tenure, Sierra Leone is pushing democratic accountability beyond the ballot box. The 40 former officials who were cleared by the CoIs could now be seen as a vanguard of integrity in the opposition party.

We also took special note of the few former government officials such as Mr. Momodu Kargbo (Former Bank Governor and Former Minister of Finance) and Former Mayor of Freetown, Mr. Winstanley Bankole-Johnson who were exonerated of corruption and unjust enrichment as individuals but were found wanting in group actions where the evidence does not point to one individual. There are quite a few of such secondary liabilities where individuals serving on boards and committees were found guilty of collectively responsibility for the decisions of those boards/committees or took orders from their superiors that led mismanagement, waste or acts of corruption.

3. TACKLING CORRUPTION AND CORRUPTION FIGHTING BACK

The COI is believed to have been under-resourced and not as thorough as it ought to have been, thus undermining its ability to investigate big private sector companies in mining, infrastructure, fishing and the banking industry that allegedly colluded with public officials to fleece the State. Despite these limitations, there are hopes that the recommendations handed by the CoIs and adopted by the government Whitepaper could potentially instill fear and hesitancy among public officials in the current administration to engage in corrupt activities. Such a check on public officials is important giving the level of corruption the country is grappling with. A recent cost of corruption study by a UK-funded NGO consortium estimates that “the overall volume of corruption between 2016 to 2018 cost Sierra Leone US\$1.5 Billion².” The volume of corruption was higher than the total revenue for the three combined years, which was US\$1.2Billion.

The CoIs and Whitepaper came with rising tension, especially in opposition controlled areas of the country. These tensions should have been anticipated. As in other democratising contexts across Africa, the gravest threats to anti-corruption reforms in Sierra Leone are emanating from a combination of intra-elite rancour and political intrigue. It is not surprising that implementation of the outcome of COIs has faced stiff resistance from interest groups, including supporters of persons under investigation and some vested interests. Government Information Minister, Mr. Mohamed Raman Swarry blame the ongoing tensions and violence in the country on political intrigues staged to stir up and create an atmosphere of tension so that international pressure could be brought to bear on the government to either drop the ongoing investigation or suspend enforcement of the content of the Whitepaper. While there is no sufficient evidence to suggest that ongoing tensions are the forces of corruption fighting back, the GoSL should take deliberate steps to ensure that ongoing anti-corruption efforts gain wider public support before the fall prey to the endemic (systemic) crisis they are facing.

4. POLICY RECOMMENDATIONS

- a. GoSL should consider giving special recognition or an award to the former public officials who have discharged their stewardship with the highest integrity.
- b. A fair appeals process in response to the Whitepaper could help strengthen public trust. We call on the judiciary to ensure a free, fair and expeditious appeals process for those who may wish to clear their names and reputations at the Court of Appeal
- c. Giving the covert and destructive ways corruption fight back, anti-corruption campaigners and partners should endeavor to discern the political intrigues of elites to escape accountability and justice, from the genuine claims of injustice.
- d. The Anti-Corruption Commission should consider using the COI findings to understand the deeply-embedded supply chains of corruption in various sectors. The focus should be on understanding how corruption and abuses routinely occur to help devise procedures and practices to track it and stop it.

² Cost of Corruption in Sierra Leone 2016-2019 – DFID PFM Consortium