

19 June 2020

In response to your questionnaire, we would like to transmit the following relevant information.

1. The information required on the number of people held in pre-trial detention as well as the number of those imprisoned pursuant to a conviction for drug related offences is not time-bound. Currently, the prison population constitute less than 5% of both pre-trial/remand detainees as well as those convicted for drug-related offences. Our prison authorities are in the process of disaggregating those who fall within disadvantaged groups.
2. Sierra Leone considers the acquisition, use or possession of drugs for personal use within the meaning of various International Drug Control Conventions including the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988; the Single Convention on Narcotic Drugs done at New York on 30 March 1961, as amended by the 1972 Protocol amending the Single Convention done at Geneva on 25 March 1972; and the Convention Against Psychotropic Substances done at Vienna on 21 February 1971. Our criminal justice system does not provide for a diversion of matters for those arrested for acquisition, use or possession of drugs for personal use.
3. Sierra Leone is yet to decriminalise the acquisition, use or possession of illegal drugs for personal use. A person who, without lawful authority, prepares, extracts, manufactures, produces, or cultivates a prohibited drug; collects, transports, imports, exports, transships or transmits any prohibited drug; supplies, administers, sells, exposes or offers for sale or otherwise deals in or with any prohibited drug commits an offence. A “prohibited drug” means a substance listed in the First Schedule of the National Drugs Control Act 2008 (Act No.10 of 2008) (as amended).
4. Sierra Leone does not have circumstances that have led to unlawful and arbitrary arrest of people for drug-related offences. Arrests for all offences including drug-related are usually carried out by the police on reasonable suspicion of having committed or of being about to commit or is likely to commit a criminal offence. However, where arrests are considered to be unlawful – that is, being frivolous and vexatious – there are legal redress mechanisms in place.
5. Sierra Leone’s extant law on criminal procedure – the Criminal Procedure Act, 1965 (Act No.32 of 1965) does not differentiate its procedures for persons alleged to have committed drug-related offences. Every crime, including drug-related crimes, is enquired into, prosecuted and otherwise dealt with pursuant to the provisions of the Criminal Procedure Act, 1965 (Act No.32 of 1965). There are no special amnesties for drug related offences. Amnesties available to those convicted of other crimes are extended also to those convicted of drug-related crimes.
6. There have been no incidents of torture or other cruel, inhumane, or degrading treatment or punishment for persons arrested and detained on drug-related offences. As noted in paragraph 5 supra, the laws dealing with crimes do not differentiate; every offender is treated the same. The Constitution of Sierra Leone, 1991 (Act No.6 of 1991) protects persons, including those

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- facing criminal trials not to be subject to any form of torture or any punishment or other treatment which is inhuman or degrading.
7. Sierra Leone operates compulsory drug treatment centres. The Criminal Procedure Act, 1965 (Act No.32 of 1965), among other legislations, provides for such. It states that when in the course of a trial or preliminary investigations the Court has reason to believe that the defendant is of unsound mind and consequently unable to make his defence, it shall order the accused to be confined in a mental hospital for a period of thirty days for observation. The Chief Medical Officer shall cause a report on the condition of the defendant before or immediately upon the conclusion of the thirty days. Such person has right to legal representation; treatments at such centres are done individually; and such person may be detained indefinitely until treatment has been determined to be successful.
 8. Private drug treatment centres are yet to exist in Sierra Leone.
 9. There are no specialised courts on drugs. As noted in paragraph 5 supra, prosecution of drug-related offences are done pursuant to the Criminal Procedure Act, 1965 (Act No.32 of 1965) and sentences are passed based on same; if they are not specified in the National Drugs Control Act 2008 (Act No.10 of 2008) (as amended).
 10. As noted in paragraph 9 supra, Sierra Leone does not have a specialised criminal court for people accused of drug-related offences. However, as a matter of practice, prosecutors and judges with expertise in drug-related matters are identified to deal with such cases when the need arises.
 11. Sierra Leone does not use military courts to try people for drug-related offences. Trials at military courts are reserved solely for serving military personnel and such trials are done pursuant to the Armed Forces of the Republic of Sierra Leone Act 1961, (Act No. 34 of 1961) (as amended).
 12. The Constitution of Sierra Leone, 1991 (Act No.6 of 1991), among other legislations, provides for the administrative detention of people who use drugs and are considered a danger to themselves or others. It prescribes certain instances in which an individual can be deprived of his liberty, including in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community.
 13. The Laws of Sierra Leone does not provide for the involuntary detention of pregnant women who use drugs in circumstances where such drug use has been deemed to constitute a danger to the foetus.
 14. As noted supra, our laws provide for drug treatment to people in custodial or pre-trial detention, or who have been imprisoned following a conviction.
 15. Juveniles under the age of 18 are subject to arrest, detention, and imprisonment for drug-related crimes, including those relating to the acquisition, use or possession for personal use of drugs. However, if they are below 14, they cannot be prosecuted. If they are above 14, but below 18, then they are detained in facilities for children -separate and distinct from adults.

- They are then subject to compulsory drug treatment - that the minor undergoes treatment, education, aftercare, rehabilitation, or social reintegration, as the circumstances may require.
16. Sierra Leone's extant law on detention does not differentiate drug users and their dependants who are detained in the context of migration.
 17. Laws relating to detention apply to all irrespective of the offence for which the individual is being detained.
 18. Emerging trends are general to detention policies and not drug-related specific.

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