

ARTICLE

Sierra Leone: Parliament Approves Bills to Abolish Death Penalty

On July 23, 2021, the Parliament of Sierra Leone [unanimously voted](#) to abolish the death penalty. Although the enactment of the bills requires presidential assent, President Julius Maada Bio, whose government initiated the process to repeal the laws imposing the death penalty, is widely [expected](#) to do so.

Although it [has not carried out an execution since 1998](#) “when 23 soldiers were executed by firing squad at the height of an 11-year civil war,” Sierra Leone reportedly at present has 99 convicts on death row. The country [saw a jump in death sentences](#) from 21 in 2019 to 39 in 2020.

Current Law

Under the current legal regime in the country, the death penalty may be imposed under three laws. The first is the [Offences Against the Person Act of 1861](#), an English law [made applicable](#) in Sierra Leone through the [Courts Act of 1865](#). Under this act, murder is a capital offense, while manslaughter is punishable by up to life in prison. (Offences Against the Person Act §§ 1 & 5.) The second is the Larceny Act of 1916, also an English law that was made applicable to Sierra Leone through the [Imperial Statutes \(Criminal Law\) Adoption Ordinance](#) § 2 (Jan. 1, 1933). Under the act, aggravated robbery (armed robbery or robbery involving violence) was a felony punishable by life imprisonment. (Imperial Statutes (Criminal Law) Adoption Ordinance: Larceny Act § 23(1).) In 1971, Sierra Leone amended the act and made aggravated robbery a capital offense. (Imperial Statutes (Criminal Law) Adoption (Amendment) Act, 1971, § 2 (Oct. 28, 1971).) The third is the Treason and State Offences Act of 1963, which makes treason a capital offense, stating:

(1) A person is guilty of treason and shall on conviction be liable to suffer death who either within Sierra Leone or elsewhere—

- (a) prepares or endeavours to overthrow the Government by unlawful means; or*
- (b) prepares or endeavours to carry out by force an enterprise which usurps the executive power of the State in any matter of both a public or general nature; or*
- (c) incites or assists a person to invade Sierra Leone with armed force or unlawfully to subject to any part of Sierra Leone to attack by land, sea or air, or assists in the preparation of any such invasion or attack; or*
- (d) in time of war and with intent to give assistance to the enemy, does an act which is likely to give such assistance.* (Treason and State Offences Act § 3 (May 6, 1963).)

Reforms

Although it is unclear whether the Sierra Leone Parliament eventually combined them, it was initially considering three separate bills to repeal the relevant laws noted above to abolish the death penalty. The [Offences Against the Person \(Amendment\) Act, 2021](#) (Apr. 22, 2021) aims to amend the act of the same name to make a conviction for murder punishable by life imprisonment. (Offences Against the Person (Amendment) Act, 2021, § 1.) The [Larceny \(Amendment\) Act, 2021](#) (Apr. 22, 2021) seeks to reverse the 1971 amendment to the Larceny Act and make aggravated robbery punishable by life in prison. (Larceny (Amendment) Act § 1.) Similarly, the [Treason and State Offences \(Amendment\) Act, 2021](#) aims to amend the 1963 act by the same name to make treason an offense, on conviction, subject to custodial sentence for life. (§ 1.)

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[2021](#)

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