

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY SIERRA LEONE  
ARTICLE 8, PARAGRAPH 5  
ASSET AND INTEREST DISCLOSURE SYSTEMS  
SIERRA LEONE (NINTH SESSION)**

Article 8, para 5

Measures/ steps Sierra Leone has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

- Under section 119 of the ACA 2008, all public officials elected or otherwise have an obligation to within three months of becoming a

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public officer deposit with the Commission a sworn declaration of their income, assets and liabilities and thereafter not later than 31st March in each succeeding year deposit further declarations of their income, assets and liabilities and also while leaving office. Failure to do so constitutes an offence under section 122 of the said Act and is punishable on conviction by imprisonment of not less than one year or a fine not below twenty Million Leones or to both such fine and imprisonment.

- The information that is required to be disclosed in these Asset Declaration forms should include assets, liabilities, cash at bank, cash in hand, outside financial interest, names of spouse and children under the age of 21 and their assets, mode and source of finances used to acquire assets.
- The declaration is a yearly paper declaration, which is verified by members of the Anti-Corruption Commission who take custody of the declaration forms. Plans are underway for the introduction of electronic declaration. The declaration form is signed on oath by the declarant in the presence of a Commissioner for oaths and Justice of the Peace. The Anti-Corruption Commission keeps the filed declaration forms and the public do not have access to them. It is an offence to disclose or make known to any person any information contained in any such declaration otherwise than in accordance with this Act or any other enactment. The ACC has powers to examine, verify and investigate particulars of the declaration.
- Also under section 51 (4) of the ACA 2008 a gift or personal benefit exceeding five million Leones in value or where the total value received directly or indirectly from one source in any twelve-month period exceeds five million Leones, the public officer shall make a

report of that fact to the relevant public body within such time and in such form as may be prescribed by the Commission; and file with his annual declaration of assets and liabilities a statement indicating the nature of the gift or benefit, its source and the circumstances under which it was given or accepted. The practice of maintaining a gift register within the MDAs is also being promoted by the ACC.

- It is an offence under Section 51 (5) if a public officer fails to comply with the requirements in subsection (4) and is liable on conviction to a fine three times the value of the gift or benefit or thirty million Leones, whichever is greater or to imprisonment for a term not less.

### Examples of the implementation measures, including related courtcases, available.

- The ACC in 2013 Indicted Solomon Katta in the case of the State vs Solomon Indo Katta & 5 others for failing to declare his assets and false declaration of assets.
- The ACC conducts annual integrity awards where independent judges select Awardees from nominated individuals from the public and private sector who have carried out their responsibilities with integrity.
- National Insignias ceremonies are organised annually to give awards to public and private individuals whose integrity and responsibility on national service have been outstanding over the years.
- Integrity pacts are occasionally signed between public and private institutions In transactions that involve huge procurement.
- The Open Government Initiative recognizes public officers and CSOs on transparency and accountability in their delivery of service.
- About 80% of Public Officials have declared their assets. ACC had trained Coordinators of IMCs in MDAs

### ONLINE ASSET DECLARATION

By law every Public Servant is required to declare their asset three months after entering service and thereafter not later than the 31st of March every succeeding year.

One of the major problems with the declaration system is access. Not every public servant has access and therefore compliance is adversely affected.

It is recognised that asset declaration helps with the tracking and tracing of assets of public servants which may have been possessed by corrupt means, therefore to improve on access and increase on the number of asset declaration by public servants, Sierra Leone with the help of the EU has developed an online asset declaration regime for Public servants to access and submit ADFs from the comfort of their homes or offices without the need to physically visit the ACC office.

#### Benefits:

- Improves access to declaration form
- Improvement in the number of declarants
- Helps in monitoring tracking and tracing of stolen assets

Presently Sierra Leone is presently reviewing its asset disclosure system and a draft asset disclosure regulation is ready. A review Committee comparison of Different stakeholders was set up. TOR for the Committee:

### REVIEW OF THE ASSET DISCLOSURE REGIME AND DEVELOPMENT OF A DRAFT REGULATION

#### TERMS OF REFERENCE

##### 1. Background:

The Anti-Corruption Commission (ACC) Asset Declaration System (ADS) was introduced by an Act of Parliament after the repeal of the Anti-Corruption Act 2000 and replacement with the Anti-Corruption Act 2008 as a "Preventive Tool" in the fight against corruption and to enhance integrity and probity in public life.

Part VIII, Section 119 of the Anti-Corruption Act 2008 states that "Every public officer shall, within three months of becoming a public officer, deposit with the Commission a sworn declaration of his income, assets and liabilities and thereafter not later than 31st March in each succeeding year that he/ she becomes a public officer, deposit further declarations of his/her income, assets and liabilities and also while leaving office".

The legal framework of the asset declaration system contains gaps particularly in the enforcement and penal regime which limits it as a tool in the fight against corruption. The main constraints that reduce the effectiveness of the current asset declaration system are:

- a. the broad scope of public officers that are subjected to the asset declaration obligations in the Anti-Corruption Act 2008 which impedes effective compliance enforcement;
- b. the lack of realistic sanctions for non-complying public officers.

When constraints in the legal framework of an integrity system exist, effectiveness is undermined, rendering the system amenable to inefficiency and selective enforcement rather than preventing and detecting corruption.

## 2. Purpose of the Review:

- a. The purpose of this review is to identify, with particular focus on scope of public officials and penal regime, the limiting factors in maintaining a robust, effective and credible asset declaration system;
- b. To make recommendations on the way forward to ensure there is fairness in implementation, monitoring, and enforcement of asset declaration obligations.

## 3. Objectives:

The objective of the review is to develop a draft regulation as a statutory instrument that will;

- a. Reduce the scope of Public Officials subject to Asset Disclosure obligations to a bracket that enables feasible, accurate and objective (countable) measurement by the ACC that eliminates the need for discretionary interpretation.
- b. Develop dissuasive sanctions to address non-compliance that should be applied in a fair and equitable manner to all noncompliant officials regardless of position, rank or status.
- c. Clearly specify procedures for sanctioning officials when asset declaration forms have not been received by the ACC

## 4. Methodology:

A team of experts drawn from the Law Officers Department, Law Reform Commission, the Public Service Commission, CSO, FIU and Private Legal Practitioners will work together with the ACC in the development of the Draft Regulation. The scope of Public Officials to be under the mandatory ADS, and criteria chosen for eligible declarants in

the form of Politically Exposed Persons (PEPS) will be agreed upon by the Financial Intelligence Unit (FIU), the Extractive Industry Transparency Initiative (EITI), and the Corporate Affairs Commission because it would be advantageous for the chosen definition to also serve as the official definition of domestic PEPs. Doing so would help the compliance with international Anti-Money Laundering PEPs obligations.

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Once drafted, the Regulation will be subject to official review by all government institutions to confirm that the proposed definition is sufficiently & objectively precise and does not give rise to any legal ambiguities or the need for any discretionary interpretation by any official; in terms of determining who is (or is not) obligated to declare.

The draft Regulation shall then be laid in Parliament for 21 days for approval as a statutory instrument.

5. Time Frame

The team shall be required to meet twice weekly for a period of not more than one calendar month, commencing from the day of appointment to deliberate and draft a report for the consideration of the Commissioner

6. Management :

The team of Experts will work directly with the ACC Deputy Commissioner who will provide support and direction to the assignment. The committee would then report to the ACC Commissioner at the end of the consultancy assignment.

Photo of Committee sitting



The Committee has completed its work and hereunder the draft product.

**BILL A BILL ENTITLED**

Short title.                   **THE ANTI-CORRUPTION (AMENDMENT) ACT, 2017**  
  Being an Act to amend the Anti-Corruption Act 2008

Date of  
commencement

**ENACTED** by the President and Members of Parliament in  
this present Parliament assembled

Insertion of  
new section

1.           The Anti-Corruption Act, 2008 is amended by inserting the following new section immediately after section 119.

"definition of 119A. For the purposes of declaring assets.

Public income and liabilities, public officers shall be officers deemed to be the category of persons listed under regulations made pursuant to this Act."

Insertion of  
New section

2.           The Anti-Corruption Act,2008 is amended by inserting the following new section immediately after section 122 administrative 122A. (I) Subject to subsection (4) in addition to the sanctions penalty prescribed under section 122, a public officer who without reasonable cause fails to submit his declaration or knowingly submits an inaccurate or misleading declaration and fails to rectify shall be liable to the following -

(i)       withholding of salary

(ii)     suspension from office; or

(iii)    disqualification from promotion .

6<sup>TH</sup>.7<sup>TH</sup>

(2)Where a public officer's salary is withheld pursuant to paragraph (i) of subsection (I) and he later submits the declaration form -----percent of the salary withheld shall go to the Commission as administrative fee.

(3)Where a public officer is suspended pursuant to paragraph (ii) of subsection (I), the suspension shall not exceed three months and the public officer shall forfeit half of his salary.

(4) Subsection (1) shall apply after the Commission shall have issued a penal notice to the public officer concerned notifying him of the default, instructing him to submit the declaration form within a stipulated date and the public officer fails to comply.

(5) Where a person receives three penal notices within five years any promotion due shall be suspended for two years from the date of the last penal notice.

(6) A copy of the penal notice referred subsection (4) shall be sent to the Accountant-General, Head of the Civil Service, Human Resource Management Office, Public Service Commission, the office of the public officer concerned and any other relevant institutions.

(7) For the purposes of implementing this section, the Commission shall liaise with the Human Resource Management Office, the Public Service Commission and any other relevant institution.

(8) This section shall apply notwithstanding any other law to the contrary.

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## STATUTORY INSTRUMENT

Published.....2017

### THE ANTI-CORRUPTION ACT 2008 (ACT NO 12 OF 2008)

Short title THE ANTI-CORRUPTION COMMISSION (ASSET  
DECLARATION ) REGULATIONS 2017

In exercise of the powers conferred on it by Section 140 of the Anti-Corruption Act ,2008 the Commission hereby makes the following regulations-

## 1. Interpretation

In these Regulations unless the context otherwise requires "Act" means the Anti-Corruption Act, 2008;

"declarant" means a public officer required by the Act or these regulations to declare his income, assets and liabilities;

"fiduciary" means a situation where a person controls money or property belonging to the state

## 2. Public officers required to submit declaration

Pursuant to section 119A of the Act, public officers who shall be required to submit declaration of their income, assets and liabilities to the Commission shall be as listed under the First Schedule.

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## 3. Asset declaration form

The income, assets and liabilities declaration specified in the Act and these regulations shall be in the form as set out under the Second Schedule.

## 4. Examination

Pursuant to section 120 of the Act, the Commission shall examine any disproportionate change in income, asset and liabilities of declarants and a report shall be compiled based on the outcome of the examination,

## 5. Verification

An authorised officer shall verify each declaration form to ascertain whether —

(a) the declared data appears sufficiently accounted for by legal sources of income;

(b) the declared data appears to have a conflict of interest ; (c) the values of assets are stated adequately; (d) there are indicators of illicit enrichment.

## 6. Retention of forms

(1) The Commission shall keep declaration forms submitted for a period of ----- years after the person ceases to be a listed public officer.

(2) Notwithstanding sub-regulation (1), the Commission may where there is an investigation keep the declaration form which is the subject matter of the investigation for a longer period than ----years.

## 7. Cooperation with MDA'S

(1) pursuant to subsection (1) of section 10 of the Act, the

Commission shall liaise with the staff attached to the Human Resource Division of each ministry , department and agencies in distributing the declaration forms and informing and reminding officers of the stipulated date for submission of the declaration forms.

6<sup>TH</sup>-7<sup>TH</sup>

(2) The staff attached to the Human Resource Division referred to in sub-regulation (1) shall notify the Commission of newly hired or appointed officers and about officials who have retired.

## FIRST SCHEDULE

I Persons in elective offices

2. Persons appointed by the President
3. Civil servants in grade 7 and above
4. Civil servants below grade 7 whose functions entails handling or being in control of cash or goods or are acting in a fiduciary capacity
5. Public servants in grade 7 and above
6. Public servants below grade 7 whose functions entails handling or being in control of cash or goods or are acting in a fiduciary capacity;
7. Any other person under investigation by the Commission.