

Augustine Sorie-Sengbe Marrah Esq.

LLB. (Hons); LLM (HRDA—Pretoria); BL.

Barrister-at-Law and Solicitor of the High Court of Sierra Leone

2nd floor, 35 Jones Street, Freetown

Tel: 076497991

asmarrah@marrahandassociates.com

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The Hon. Chief Justice

Hon. Justices of the Superior Court of Judicature

Other Hon. Benchers

Judiciary of Sierra Leone

Your Lordships and Worships,

OPEN LETTER: THE JUDICIARY'S ROLE IN THE MAKING OR UNMAKING OF OUR NATION'S DEMOCRACY

The events of yesterday at the Annual General Meeting (AGM) of the Sierra Leone Bar Association in Kenema have prompted me to write this open letter to the Judiciary of Sierra Leone, the lever of government entrusted with the fundamental responsibility to administer justice according to the prescriptions of law. The judiciary has had a chequered history, not least the indictment by the Truth and Reconciliation Commission that it abdicated its sacred duty of upholding the rule of law which engendered “institutional collapse [reducing] the vast majority of people to a state of deprivation”.

Unfortunately, the antecedents recorded in the TRC reports have re-emerged at the minimum in the last ten years. Yet again, the judiciary appears to be impervious to the wishes of the people of Sierra Leone for justice, for freedom and for democracy. I cannot put what transpired yesterday during the AGM of the Sierra Leone Bar Association beyond the judiciary. The judiciary enhanced the undemocratic theatrics which occurred yesterday in Kenema. Legal Practitioners approached the court after failing to get audience from the leadership of the Sierra Leone Bar Association for over a month. The judiciary did not grant any of the several prayers for a fair and democratic process to be adhered to. If lawyers who are licensed to approach the courts for justice on behalf of their clients cannot obtain justice for a free, fair, and democratic conduct of their own elections, what then is the fate of the masses?

Your Lordships and Worships, you must not turn the other way when acts of injustice and political expression and legitimate dissent are being crushed in our nation. The courts must not continue business as usual. You must be active players in the making of our democracy. The people of Sierra Leone should look up to the judiciary for justice, for the defence of our democracy and the upholding of the rule of law. This is a solemn role you play—you are the gods over our democracy. You

can say “*let there be freedom in our democracy*” and it will come to pass. We should not have a court system that those who perpetuate evil should be excited to urge their victims to approach (“*na for go court*”, “*na for go police*”). We should not have a judicial system that leading opposition parties cannot come to for redress. We should not have a judicial system that is intimate with politicians and unaccommodating to the masses. We should have a system that is both feared and respected by those who machinate violence, political and social evils, and illegal and/or undemocratic and unconstitutional acts, whether they be wielders of political power, military power, or spiritual power. The Constitution in section 120(1) states that the judiciary is subject only to the Constitution of Sierra Leone and other law but not to the control or direction of *any other person or authority*.

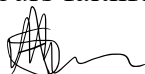
Other African nations are standing up to democratic tyranny and antidoting the whims of executive excesses. Democracy without effective checks and balances is an illusion. Democracy without an effective judiciary is akin to a monarchy without a royalty. You must not cede the responsibility given to you by the Constitution to unconventional voices. The people of Sierra Leone should be glued to their radios and TV sets to hear from the judiciary on critical matters of state governance. That longing should not be for the audios of *Adebayors* and his ilk, who fan flames of violence and sow seeds of distrust between and among citizens and groupings. Unfortunately, this is what happens when the judiciary does not play its role. The people turn to alternative (sometimes divisive) voices to whet their hopes for freedoms and to assuage their suffering. You must not permit this trend to fester!

Your Lordships and Worships, let me end by saying that history would be unkind to the judiciary if yet again it allows itself to be thoroughly and brazenly co-opted by the executive in order to deprive the citizenry of governmental accountability and justice. The judiciary must remember those of our compatriots who perished, those who lost their limbs, those women who were raped, sexually violated and disemboweled when democracy was overthrown by violence and implements of destruction.

The Constitution of Sierra Leone gives the ultimate power to the judiciary to prune off the rough edges of our democracy by conduct of checks and balances. The judiciary must not transact such power for any executive favours. When a nation is in ruins, the first accused to be tried and condemned extra-judicially, is the judiciary. That is why the foremost defender of the democracy of any nation should be the courts.

I hope that Your Lordships and Worships would take time to self-introspect and reflect on my plea for judicial awakening to make and perfect our democracy.

Yours faithfully,



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Augustine Sorie-Sengbe Marrah Esq.