

**BILL**

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*dated 2nd July, 2021*

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THE ABOLITION OF THE DEATH PENALTY ACT, 2021

ARRANGEMENT OF SECTIONS

Sections.

1. Abolition of death penalty.
2. Substitution of imprisonment for life.
3. Amendment of certain Acts.

SCHEDULE

**MEMORANDUM OF OBJECTS AND REASONS**

The object of the Bill is to abolish the death penalty in the case of persons convicted in Sierra Leone of murder under the Offences Against the Person Act, 1861, robbery with aggravation under the Larceny Act, 1916, mutiny under the Sierra Leone Military Forces Act, 1961, treason and related offences under the Treason and State Offences Act 1963, to make alternative provision for the punishment of persons so convicted and to provide for other related matters.

MADE this *1st day of July, 2021.*

ANTHONY YIEHWOE BREWAH,  
*Attorney-General and Minister of Justice*

FREETOWN,  
SIERRA LEONE

No.



2021

**A BILL ENTITLED**

**The Abolition of the Death Penalty Act, 2021**

Short title.

**An Act to abolish the death penalty in the case of persons convicted in Sierra Leone of murder under the Offences Against the Person Act, 1861, robbery with aggravation under the Larceny Act, 1916, mutiny under the Sierra Leone Military Forces Act, 1961, treason and related offences under the Treason and State Offences Act 1963, to make alternative provision for the punishment of persons so convicted and to provide for other related matters.**

[ ] Date of commencement.

## PART I – PRELIMINARY

Abolition of death penalty. 1. A person shall not be liable to the punishment of death for any offence committed in Sierra Leone.

Substitution of imprisonment for life. 2. (1) Where an Act, before the coming into force of this Act, provides that a person is liable to the punishment of death, the reference to the punishment of death shall be read, construed and applied as maximum penalty of imprisonment for life.

(2) For the purpose of this Act the term life imprisonment shall mean an imprisonment not less than 30 years.

Amendment of certain Acts. 3. The Offences Against the Person Act, 1861, the Larceny Act, 1916, the Sierra Leone Military Forces Act, 1961 and the Treason and State Offences Act 1963 are amended as specified in the Schedule.

**SCHEDULE****THE OFFENCES AGAINST THE PERSON ACT, 1861****(Cap.27)**

Amendment of Offences Against the person Act, 1861. 1. The Offences Against the Person Act, 1861 is amended by

- (a) the repeal and replacement of Section 1 with the following new section -

"1. A person who murders another commits an offence and shall be liable on conviction to life imprisonment";

- (b) the repeal and replacement of Section 5 with the following new section -

"5. A person who is convicted of manslaughter shall be liable on conviction to imprisonment for a term not exceeding 25 years".

## THE LARCENY ACT, 1916

Amendment of Section 23 of Larceny Act 1916. 1. Section 23 of the Larceny Act, 1916 is amended by the repeal and replacement of subsection (1) with the following new subsection -

"(1) A person who -

- (a) being armed with an offensive weapon or instrument, or being together with another person, robs or assaults with intent to rob a person;

- (b) robs a person and at the time of or immediately before or immediately after such robbery, uses personal violence on a person,

commits an offence and shall be liable on conviction to imprisonment for life.

(2) A person who robs another person commits an offence and shall be liable on conviction to imprisonment to a term not exceeding 15 years.

(3) A person who assaults another person with intent to rob commits an offence and shall be liable on conviction to imprisonment to a term not exceeding 10 years."

**THE SIERRA LEONE MILITARY FORCES ACT, 1961**

1. The Sierra Leone Military Forces Act, 1961 is amended in - Amendment of the Sierra Leone Military Forces Act, 1961.
- (a) section 30 by the repeal and replacement of that section with the following new section -

"(1) A person subject to military law under this Act who with intent to assist the enemy-

- (a) abandons or delivers up any place or post which it is his duty to defend, or induces any person to abandon or deliver up any place or post which it is that's persons duty to defend;

- (b) does any act calculated to imperil the success of operations of the Sierra Leone Military Forces, of any forces cooperating therewith or of any part of any of those forces; or
- (c) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner whatsoever not authorized by international usage; or
- (d) furnishes the enemy with arms or ammunitions or with supplies of any description; or
- (e) harbours or protects an enemy not being a prisoner of war,

shall, on conviction by court-martial, be liable to suffer life imprisonment or any other punishment provided by this Act"

(b) Subsection (1) of section 31 by the repeal and replacement of that subsection with the following new subsection -

"(1) A person subject to military law under this Act, who with intent to assist the enemy communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to life imprisonment or any other punishment provided by this Act."

(c) Subsection (1) of section 37 by the repeal and replacement of that subsection with the following new subsection -

this Act who-

"(1) A person subject to military law under

- (a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of a duty of service against, or in connection with operations against, the enemy, or the impeding of the performance of such duty or service; or
- (b) incites a person subject to service law to take part in such a mutiny, whether actual or intended,

shall, on conviction by court-martial, be liable to life imprisonment or any other punishment provided by this Act.

#### **THE TREASON AND STATE OFFENCES ACT, 1963**

1. Section 3 of the Treason and State Offences Act, 1963 is amended by the repeal and replacement of subsection (1) thereof with the following new subsection-

Amendment of Section 3 of Act No 10 of 1963.

"(1) A person is guilty of treason and shall on conviction be liable to imprisonment for life who either within Sierra Leone or elsewhere-

- (a) prepares or endeavours to overthrow the Government by unlawful means;
- (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;
- (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;
- (d) in time of war and with intent to give assistance to the enemy, does an act which is likely to give such assistance."