

# Social Justice in the Public Sector: The Sierra Leone Police in Focus

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**Abstract-** The paper presents social justice issues affecting public servants in the course of their duties with focus on the Sierra Leone Police (SLP). It highlights ethical and social justice issues that confront Public Administrators and Organisations. Challenges facing the public servants and strategies that could be employed by the public servant to maintain responsible conduct in the exercise of public duties are also discussed in this paper. Recommendations are drawn from factors that hindered the adherence of public servant in addressing social justice issues of human rights, equality, liberty and justice.

**Index Terms-** Social Justice, Public Servant, Ethics, Public Administration and Sierra Leone Police.

## I. DESCRIPTION OF CASE STUDY

The Sierra Leone Police (SLP) was established in 1808 by the British when Sierra Leone was declared a British Crown Colony. Since its inception, the SLP has as its primary responsibilities the protection of lives and property, maintaining law and order, investigate and prosecute offenders, regulate traffic flow and above all prevent the occurrence of crime. Since the introduction of multiparty democracy in the late 90s, the institution has strived to position itself within the framework of the legal and social systems as dictated by the tenets of a democratic system of governance. The administration of the SLP is decentralised with established police regions and districts. The operations of the SLP in the regions and districts remain the sole responsibility of the Regional commanders and the Local Unit Commanders (LUC) who are equally responsible to the Executive Management Board (EMB) and by extension the Inspector General of the Police.

The SLP Policing Charter mandates the EMB of the SLP to establish police presence in all towns and villages across the country in a bid to ensure that peace and security are assured at all times in the communities. In discharging their duties, the SLP is expected to observe human rights irrespective of race, colour, religion, political and other social belongings. The policing charter further mandates the SLP to reduce or eliminate corruption entirely and make the SLP a corrupt free force especially in the discharge of their duties. To achieve these mandates, the SLP has also established the Community Policing Partnership Boards with the hope that consultations are done with community members on the types of policing activities needed in the communities. The extent to which this has helped in shaping policing routine duties is yet to be determined. Though there seem to be enormous challenges in meeting the demands of the public, the police culture of training quality

manpower is seen as a way forward in bringing solutions to policing problems facing the state. It is, therefore, obvious that the SLP culture is about serving the public interest by way of providing security for the lives and property of both citizens and non-citizens of the state. Achieving its mandate has not been without challenges when one considers ethics and social justice issues facing a public institution. Some of these challenges that officers and the institution as a whole face are presented in this paper.

### 1.1 Ethical Issues

Ethics and social justice issues confronting organisations are not new in the management of public entities. Identifying what is right and wrong as argued by Menzel, is essential for pursuing ethical behaviour of employees (2009). In national institutions, civil servants are responsible for the day to day running of the institutions. Upholding institutional ethics become the responsibility of the public servant in the interest of the public. Social Justice on the other, occurs when institutions or the state works towards eliminating injustices (Barusch 2009). National organizations are to ensure that activities are done in line with equality where there is a proportionality of balance in the distribution of resources, and opportunities must be accorded to all within the ambits of the law.

The SLP since the end of the war in 2002 has been confronted with ethical and social justice issues in a range of areas directly linked to the discharge of policing duties. Those ethical and social justice issues among others include human rights, corruption, prosecution and police response to distress calls.

The right to police bail of suspects in detention has and continue to be a concern to the public. The public is of the opinion that there is unnecessary detention of suspects especially for minor offences that require self-bail. Treatment of suspects in custody and cell conditions violates individual rights to dignity and decency (Lamin, T. 2013). Corruption is perceived by the public to be endemic especially with the Traffic Division of the SLP whose personnel are in the practice with drivers (IGR Report 2015). Arrest and prosecution of offenders seem to be violating the principle of equality before the law where few are prosecuted and other with the same offence committed are left to go free. The public also believes that police response to distress calls seem to be sluggish, and response sometimes on many occasions do not come on time which has resulted in instances where clients have suffered loss of lives and property. These ethical and social justice issues present themselves in the face of the organisational culture of the police that places emphasis on the maintenance of law and order, and by extension providing security for the people in the communities. The EMB, the

administrative body of the SLP, is caught in the middle of all these ethical and social justice issues. Addressing these challenges falls within the professional responsibility of the EMB members who are by policy required to enforce institutional ethics in the interest of the institution and the public.

## II. ETHICAL ISSUES AND THEORETICAL IMPLICATIONS

The EMB wanting to improve on policing activities across the country decided to introduce a model referred to as "Police Distress Calls" as demanded by the political authorities. With this facility, the public is required to call the police at any time when they are in danger or a crime is about to be committed or already committed. The implementation of the policy started and was welcomed by the public. It became ineffective because of so many factors including general misconception of the facility. Unnecessary calls by members of the public who would give information on activities that warrant police interest, only for the police to discover the location to be a fake one and the police not equipped enough to trace callers. Also, the terrain, especially in the cities where most communities are not motorable, pose a challenge. Inadequate vehicles and manpower, the absence of synchronised communication system between the public, men on the field and control room receivers of distress call all reduce the effectiveness of the policy. Local Unit Commanders whose responsibility is to EMB executives could not explain the constraints faced by their officers in implementing the new policy. This is in line with the principal and agent theory where the agent refused to inform the principal of the need for additional resources for the implementation of a programme (Hall and Sutton 2003). The Local Unit Commanders who were charged with the responsibility of implementing the programme could have come back to management and report about the challenges in implementing the programme and request for resources that would address implementation. Hall and Sutton argued that when public servants act in this manner, they serve both the public and institutional interest (2003). Consequently, their failure to report and ask for support indicates negligence and could not be attributed to discretionary powers vested in public administrators (Hand and Sutton 2003, Alexander and Richmond 2005). The public interest becomes paramount in the discharge of duties as public administrators. Public managers have an ethical responsibility to the principal, in this case, the government and client (public). Delay in responding to distress calls promptly must have resulted in loss of life and property of the clients. The corporate image of the institution gets damaged and credibility of the organization destroyed. In a similar manner, failure to effectively and efficiently implement programme or policy would lead to unnecessary tension between the principal and the agent. The SLP has institutional codes of ethics that guide the professional conducts of its personnel. Failure of programmes and policies as a result of staff negligence would warrant investigation and punishment levied accordingly. This could bring change in the ethical behaviour of the personnel. In some other instances, it lowers staff morale and could lead to tension between frontline commanders and lower ranks of the force.

Abuse of human rights by police is not a new phenomenon in the 21st century. Human rights are those civil liberties enjoyed

by people no matter their nationality, religion, age, sex, etc. It encompasses measures taken to ensure that there is a peaceful atmosphere where security is assured for all human beings (Olivier 2012). In his work on human right issues, Olivier (2012) believes that human rights as dictated by the United Nations charter could be enjoyed by all when the individual material and economic rights are unhindered, his physical and civil security assured and not prevented from pursuing his political and civic engagements. Any action by any entity that violates any of those three basic principles amounts to the violation of the rights of persons within a jurisdiction. Freedom from intimidation and injustices are fundamental human rights that need to be observed by the state and law enforcement agencies. The SLP by law is to ensure that the basic human rights principles are observed in the discharge of their duties no matter the gravity of the crime committed. Any action that falls short of human rights observance by the police negates professionalism and ethical standards just like any other civil servant. Overcrowding in police custody, detention beyond time limit for certain crimes and failure to prosecute offenders amount to violation of human rights. The SLP continues to face these challenges and public trust in the force stands at the centre of public debates.

Similarly, the protection of traditional and cultural heritage and property becomes a human rights issue for all states including land and minerals found in those localities (Twiss 2011). Depriving landowners, especially in the African settings, amounts to an abuse of human rights. The land serves as a source of livelihood for the indigenous people. Taking it away is like depriving them of what humanity has kept in stock for them especially when the political landscape proves to be uneven. Public administrators, therefore, have the moral responsibility to ensure that the rights of citizens are assured at all times. According to Benjamin (2010), violations by public servants could be tried internationally since human rights is a global public good. Land grabbing in the provincial villages of Sierra Leone has not been dealt with to the satisfaction of the indigenes. In some instances, those affected are arrested for embarking on a peaceful demonstration, their rights to free and fair trial violated and jailed as the political will might dictate. The SLP is used as a state machine in effecting such arrests even when such actions are not in line with institutional ethics and public interest.

Freedom of assembly is one of the liberties enjoyed by people in a democratic state. It provides a convenient means for aggrieved persons to come together to express their dissatisfaction on issues affecting their existence or lifestyle. In recent times, one could hardly hear about assemblies. Some argued that the advent of the social media and freedom of speech is gradually replacing the public assemblies (Inazu 2010). Though the social media has proved to be an outlet for people to vent out their grievances and the entire world informed, it still has its limitations. The intimacy and social interactions that assemblies bring are lacking in the use of social media. Assemblies, as evolved over the years, has been only associated with political underpinnings. But freedom of assembly is not only limited to unanswered questions bordering on political and socioeconomic interests. Individual's right to religious gathering, social gathering and even attending club meetings are all part of public assemblies (Inazu 2010). Therefore, if the police force could allow these gatherings'; for example, religious ceremonies

to take place and disallow other forms of gathering, then the ethical responsibility on the part of the public servant regarding equity in the discharge of duties is perverted and not in the interest of the public. Religious gathering to an extent tend to admonish its members of their sacred responsibilities to humanity while social evenings are meant to relax the brains after tedious days work. The social interaction when peers meet strengthens bonds and exchange of new ideas and reassures individual commitment to group objectives. Similarly, political assemblies try to express freely the individual beliefs with respect to governance and socioeconomic activities not satisfactory to its citizens. Preventing such assemblies goes against the liberal theory that gives individuals or group the freedom to go about their lives the way they want it.

The right to freedom of assembly in Sierra Leone is a constitutional right that allows groups to assemble freely for a common good. It could be for a good not necessarily of interest to the political elites but one that promotes the group or national interest. Freedom of assemblies help to prevent violence and in many instances challenge norms that are not acceptable to the generality of the group, individuals or public. However, one should not also lose focus of the fact that assemblies could also lead to violence (Inazu 2010). But it depends on the way it is conducted and the methods used by the security forces in policing such assemblies. For the past decades, the issue of public safety has consistently been the common excuse for the police not granting permission for public assemblies requested by individuals, groups and or organisations. The judiciary that is supposed to create a level plain field for the hearing of matters bordering on denial of civil liberties by the police is deemed to have been compromised because of dictates from the ruling class. Opposing political parties are seen as enemies of the state instead of partners in governance, and they are denied justice when there is an infringement of laws that support liberty (Wilik 2005). This has hindered public assemblies in Sierra Leone for decades, and the SLP is used as an instrument by all political parties whenever in power. Ethical and professional conducts of the force stands at the centre of daily debates and to many the unanswered question is when will public safety be assured by the police so that public assemblies would be part of the democratic system of governance.

The liberty to self-expression is still being prevented by the police even though national constitution allows freedom of assembly. The police force is therefore seen to be executing its duties that seem to be at variance with national laws. It flouts the ethical rules governing the responsibilities of the public servant in not implementing national policies (Inazu 2010). The public servant should not be seen to be involved in a policy shift or twist. The failure of the SLP in allowing public assemblies especially one bordering on political and economic rights while allowing religious and social assemblies is a demonstration of a policy drift. This could be hidden under the concocted motive of discretion. The misuse of discretionary powers in itself amounts to ethical issues and dampens professionalism of the public servant. Any action by the public servant that is in contrast with national laws and institutional ethics undermines public trust in the institution.

It is obvious that the mandate of the SLP is about public safety through the maintenance of law and order. Equally so, the

right to hold public assemblies should not be hindered in the exercise of police duties. By not allowing freedom of assemblies of groups or institutions violates Article 55 of the United Nations (UN) Charter on human rights. The UN charter place emphasis on state responsibilities to support political, economic and social rights of people within its jurisdiction. Political will becomes a necessity therefore for a state to ensure that assemblies are allowed and people express their views unhindered. This prevents conflicts that would lead to violence that could threaten state security. In as much as groups have the right to freedom of assembly, it is also a duty of groups or individuals to ensure that their activities should be in the interest of the general good. Public security, therefore, becomes paramount and a responsibility on both public servants and members of the public. Inazu believes that peace and stability of the state is a matter not only for the public servant (the police) but other stakeholders including ordinary members of the public (2010). Otherwise, the state would equally frown at public assemblies since state security is paramount in a bid to ensure governance functionality. The SLP is therefore caught in the web of an ethical dilemma; serving the state based on constitutional mandate or the political class (the Principal). Addressing these issues requires the SLP to reflect on their discretionary powers in line with the public interest and the quest to implement national laws.

### III. ETHICAL CHALLENGES AND CONFLICT OF RESPONSIBILITY

Ethical values manifest itself in the form of honesty, competence, diligence and discretion. The SLP faces the challenges of cubing corruption within the rank and file of the police force as at the moment. This has a negative impact on institutional image and service delivery is challenged by the resistance of people in giving the necessary support and cooperation to the police. The required training seems to be out of the way in some instances when it comes to specific policing duties. Allowing public assemblies are denied either deliberately or in the absence of any other explanation; one could conclude that competence and diligence are lacking thus violating the rights of people in a democratic dispensation. Even where the political will is not there, the SLP has the powers of discretion, and the implementation of policies should be aligned to the uncertain environment where they execute their duties (Hall and Sutton 2003). The use of such discretionary authority must be seen to promote the interest of the public and not individuals or the political authority. Discretionary powers of public servants should be used to remedy problematic policies that require implementation by their institutions or agencies. The appropriate and timely use of such discretions would support the organisational culture of the SLP by providing unhindered access to policing services by the general public.

Delay in the timely response to distress calls would leave the public to conclude that they are treated unfairly. This would cause the public not to have faith in policing operations thus damaging the client-agent relationship. It would further hinder future implementation of policies even when it would be in the interest of the public. Above all, concealing information that is supposed to be shared with the law makes constitute ethical challenges on the part of the SLP.

Conflict of responsibility arises when the public servant is unable to create a balance between his ethical behaviour and professional responsibility. Both are determined by external factors. The SLP is required to implement laws enacted by state actors. The ethical behaviour is guided by these laws and institutional policies. But equally so, doing the wrong things not in the interest of the public is against professional responsibility. The interest of the client must not be ignored in the execution of public duties. Otherwise, the client would resist at some point as in the case of SLP "operation free flow". The operation was designed to clear the major streets of Freetown of market men and women to allow the free flow of traffic. Professionally, the interest of the client was not taken into account; limited market facilities and the level of unemployment among the citizens. Traders resisted the ethical behaviour of the SLP and the operation failed. The question then is when and how do public servants create a balance between his ethical behaviour and professional responsibility? In answering this question, the public servant must prioritise the interest of the public.

#### IV. STRATEGIES BY ORGANISATIONS TO MAINTAIN RESPONSIBLE CONDUCT

Organisations are obliged to ensure that responsible conducts in the execution of their duties are maintained at all times. Where policies and programmes seem to be problematic in their implementation, public servants should endeavour to work with law makers and interest groups to get more resources for implementation or sometimes influence the review of such policies. Inazu argued that for the public servant to be able to do so, it is necessary to identify the interest of the power brokers or politicians. They usually have the urge to create impact in the execution of their constitutional mandate and sometimes would want to be seen pushing public policies. The satisfaction they derived adds value to their political portfolio. The essence for some is to create a political platform for future political endeavours. Working with these politicians would help to redirect policy focus. Lobbying the law makers to enact or amend policies in the interest of the client (public) should be part of the administrative skills of the public servants.

Interest groups are also key players that public administrators could work with in promoting public policy. Resource mobilisation for supporting the implementation of public programmes could be supported by interest groups instead of relying on government support. Advocacy for public cooperation and the maintenance of laws could be disseminated by interest groups. The establishment of the Local Policing Partnership Board (LPPB) in the SLP is yet to contribute to the above. Old laws guiding routine policing duties not applicable to 21<sup>st</sup> century policing are still in the books. The LPPB could facilitate review of such laws by working with law makers and even mobilise resources to support policing operations. Contrary to the functions of the LPPB, members of the public seek to be members of the LPPB in an effort to secure police connections for their businesses or other activities, thus influencing the ethical and professional behaviour of the police.

The effectiveness of public policy in Africa therefore remains a big challenge. This is as a result of the fact that those affected by policies are many a time left out in the design and

implementation process. The SLP as in this case should lobby interest groups to have their contributions into national policies that would require their inputs regarding its implementation. Isolating the public inputs has always resulted in resistance in the implementation of policies by public administrators.

Adherence to the implementation of national policies and programmes by civil servants are guided by the laws. The strict observance of those laws without prejudice is a must for the public administrator. It will foster security and peace in the community. The professional responsibility of the public servant should be grounded in honesty, diligence and competence are supposed to be the bedrock of the service delivery of the civil servant. In all of these, the discretionary authority of the police should be used with caution. Inazu believes that those discretionary powers must be used to promote the public interest by way of opposing discrimination, respect for all and privacy of people, strictly observe the principle of confidentiality and above all whistleblowers must be allowed and not restricted (2010). The non-compliance of public servants in promoting these basic institutional ethics would infringe on the professional character of the public servant (SLP), and the consequence would be felt by the public.

Public Organisations must ensure that constitutional principles are promoted in the discharge of their duties. It requires fairness, equality, appropriate and timely response, allow participation and follow due process. By doing so, citizens' right will be assured and national interest felt by all within the society. The stability of the state depends on the exercise of constitutional mandate. Selective justice undermines democracy and implicitly the fundamental principles of human right, and the right to justice.

#### V. CONCLUSION

The paper concludes using three strands of arguments. What happens if the public servants use the legal-institutional model or the implementation model or uses the principal-agent theory in responding to the demands of the public while maintaining professionalism and institutional ethics?

The legal-institutional model supports ethical principles of organisations which are guided by national laws. At the national level, laws are made not only to be obeyed but to limit bureaucrats regarding authority granted them by their institutions (Inazu. 2010). If left to themselves, bureaucrats would take unilateral decisions with no respect for subordinates and the client. This will lead to a policy zigzag and institutional mandate not fulfilled. In the absence of legal framework, the public servant would convert the essence of a public entity into a household business that would lead to the establishment of a guerrilla government in the work place. The inadequacies in programme or policy implementation would create a situation where employees that do not believe in policy actions of their agencies, would take a twist by way of promoting policies that are not compatible with institutional policies (O'Leary 2014). The legal institutional framework should therefore be explicit, and employees made to understand the ramifications of policies. Where possible the expected outcomes should be clearly defined and employees allowed to contribute to either the methodology

of its implementation or its design. This will allow ownership and institutional culture reinforced in the interest of the public.

In the case of the SLP, the right to free speech is muzzled, and personnel are not given the opportunity to bring out their grievances. The appalling conditions of service could be one of the reasons for corruption which in its self is an ethical problem. The public bear the brunt of the anomaly in which arrest, detention and bail conditions are illogical with the aim of soliciting bribes. The institutional image is and continues to be damaged which reflects on the EMB members even though some might not be involved in the practice. Newswander (2014) argues that employees have their fundamental rights to free speech especially if their intentions will in no way damage managerial practices of the institution which they serve. Allowing free speech would help to identify problems affecting staff welfare and the involvement of the other ranks would help in shaping the image of the institution and hence restore public confidence. Therefore, institutional laws must indicate the need for policy actions that are driven by legal instruments and public servants must comply accordingly. Feedbacks must be reported to the law makers if there are problems affecting implementation.

While the legal framework emphasis institutional ethics, Implementation model holds that there is a need for bureaucrats to exercise the authority of discretion because of the difficulty in predicting the environment in which they live. The professional behaviour of the public servant is normally induced by the cultural environment. Kurtz (2003) reiterated the point that the public servant is conscious of propriety which is normally driven by the quest to see himself part of ownership. Public policies should not be seen as property for just the elites, and the agent's role only imbued in the implementation phase. Where this is the case, then the policy design must indicate that the public servant has the right to discretion in the exercise of implementation. Limitation as to the use of discretion must be clearly defined, and it must be in line with Waldos' decision-making model that focuses entirely on the interest of the state and the institution. Also, discretion must be used, so that the vulnerable are not subjected to unnecessary suffering and liberty and equality must be assured for citizens and non-citizens.

The SLP discretion of not allowing public assemblies for some section of the society goes against the principles of liberty and equality. The ethical responsibility of the public servant is to dispense justice with no boundaries. These are guided by institutional and national policies.

The effective implementation and adherence to the legal and implementation models would be effective if the Principal-Agent theory is put into operation. There is a need for the public servant (SLP) to give feedback where there are problems and request for additional resources for implementation. The failure of the public administrator to do so amounts to negligence and disregard for institutional ethics and national laws. The SLP should follow procedures and use appropriate tools in implementing national laws as prescribed by the legislature. Failure would breach the peace and usher in violence that would result in instability. This could be avoided by working with both internal and external actors in the implementation of policies. Internal actors would include the lower ranks who are charged with the responsibility of implementing or operationalising policies. They are found to be in constant touch with the public in whose interest the

institution was established. External actors are the law makers and the politicians who design policies and provide resources for its implementation. The cooperation of the EMB and other stake holders will help in the effective and efficient delivery of policing services while institutional ethics, professionalism and social justice are upheld.

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