

**Front Line Sierra Leone:
Murders Death Threat and Other Forms of
Intimidation of Human Rights Defenders,
1997-2002**

Front Line

&

The Campaign for Good Governance

In Memoriam

Front Line and The Campaign for Good Governance would like to dedicate this report to all those who have given their lives so that others might enjoy the rights enshrined in the Universal declaration of Human Rights. In particular, we would like to honour those who have been killed in Sierra Leone (1997-2001) in connection with their defence of human rights as registered in this report.

They are:

Paul Mansaray	Journalist	January 1999
Mohamad Kamara	Journalist	January 1999
James Ogugu	Journalist	January 1998
Conrad Roy	Human Rights Monitor	March 1998

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Front Line

Front Line is the International Foundation for the Protection of Human Rights Defenders. A Human Rights Defender is a person who works, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Front Line supports those individuals in their activities, and tries to ensure that no physical or mental harm results from their Human Rights work.

Front Line's main focus is on those Human Rights Defenders at risk, either temporarily or permanently, because of their work on behalf of fellow citizens. We also promote awareness of the Universal Declaration of Human Rights, as well as other relevant internationally recognised standards.

The cornerstone of Front Line is the indivisibility and interdependence of all Human Rights – civil, cultural, economic, political, and social. Front Line is independent, impartial and is based in Ireland. Front Line – the International Foundation for the Protection of Human Rights Defenders was launched on 22nd February 2001 in Dublin.

Front Line came about as a direct result of the 1998 Paris Summit and the need to have a body whose mandate and activities are focused specifically on Human Rights Defenders.

Front Line is working to ensure that the principles and standards set out in the Declaration on Human Rights Defenders are known, respected and adhered to worldwide.

The Campaign for Good Governance

Campaign for Good Governance (CGG) is the single largest national non-governmental organization (NGO) advocating for good governance in Sierra Leone. CGG was established by some sections of the pro democracy movement in 1996 to promote democratic participation of the entire citizenry, empower civil society, redress gender imbalances and promote human rights in Sierra Leone.

Mission Statement

To facilitate and encourage the full and genuine participation of all Sierra Leoneans in the political, social and economic process of development in Sierra Leone, thus, allowing them to freely and constructively contribute to the overall development of their country.

Since its inception CGG has worked towards:

- The development of a partnership between civil society and government based on dialogue, consultation and collaboration.
- The promotion of dialogue, consultation and networking amongst civil society.
- The monitoring, reporting and documentation of human rights violations in Sierra Leone.
- The sensitisation of the Sierra Leonean public to democracy, human rights and good governance, which enables them to participate in the evolving political process.
- The facilitation of broad-based discussion amongst Sierra Leoneans in public for radio discussions, public lectures, seminars and consultations about current political issues that affect the sustainability of good governance.

CGG Human Rights Department

The department is presently divided into two units, the training and documentation unit and the legal aid unit.

The department has twelve monitors in the twelve districts in Sierra Leone and a monitor in Freetown. These monitors have received training in monitoring, documentation and reporting of human rights violations. CGG has been involved in increasing public understanding of basic human rights principles, collecting data, compiling statistics especially pertaining to domestic and sexual violence, providing legal aid and representation to victims of human rights violations and sensitising the civil populace on the role, functions and responsibilities of the Truth and Reconciliation Commission (TRC).

The legal aid unit comprises of five (5) lawyers, two hold a masters degree in Human Rights and Democratisation in Africa from the University of

Pretoria. The Unit provides advice and limited legal representation in cases of maintenance, child support, domestic disputes, rape and other sexual offences and issues dealing generally with women and children. The unit has undertaken three constitutional cases in the Supreme Court of Sierra Leone.

The department also undertook the Human Rights Education Project for the Promotion and Protection of Human Rights in the Consolidation of the Rule of Law. This was developed in response to the persistent violations of human rights in Sierra Leone. This project seeks to expand the scope of human rights concerns by campaigning for civil and political as well as social, economic and cultural rights, especially of women and children and to provide free legal aid and comprehensive medical services to victims of domestic and sexual violence. It will establish a resource centre, which will be a source of information for all women and children.

Acknowledgements

We are deeply grateful to all those people who were kind enough to take the time out to speak with us and share their experiences, analysis, ideas and documents. Special thanks go to Miatta Howard, Mohamed Fofanah and Ibrahim Sorie Koroma for their helpful comments, contributions, superb research assistance and outstanding support.

Executive Summary

Human Rights work in Sierra Leone is a relatively new phenomenon. Before the military takeover in 1992, the country had been governed by a one party dictatorship for over twenty years. Verbal intimidation, unlawful imprisonment, unwarranted lawsuits, harassment, physical attacks, death threats or even murder were prevalent during this regime, and it was difficult for any group or individual to comment on or take any action against violations of Human Rights.

Even after the end of this regime, Sierra Leone continues to see abuse of power and contempt for Human Rights by Governments, armed opposition groups and other segments of the society. The Armed Forces Revolutionary Council (AFRC) who took power in 1997 continued to detain prisoners of conscience without charges or trial and carried out torture and extra judicial executions. After their removal from power in February 1998, the AFRC and the armed opposition Revolutionary United Front (RUF) killed and maimed thousands of unarmed civilians. A Civilian Armed Group supporting the government of President Ahmed Tejan Kabbah, the Civil Defence Forces (CDF) was also responsible for extra judicial execution and torture. Hundreds of people alleged to have collaborated with the AFRC and RUF were detained without charge by the reinstated government. Thirty-four soldiers were sentenced to death by a court-martial that did not meet international standards for fair trials and 24 were executed. Forty-two civilians and the leader of the RUF were also sentenced to death.

Although the current regime is based on the principles of democracy, acts of human rights violation continue to occur either by omission or commission. The state of emergency under which the country was governed since 1998 was finally lifted before the May elections. On 11th May 2002, the last day of rallying for the election of 14th May 2002, opposing party members attacked civilian supporters of the Sierra Leone Peoples Party. Several of them were wounded; security guards who intervened were stoned, beaten with sticks and chased away.

The work of human rights defenders within Sierra Leone therefore has been far from easy. Much has been done but sadly a lot more still needs to be done with regard to raising awareness on human rights issues. Human Rights defenders continue their vigilant task of monitoring and speaking out against abuse. But in a country where the endemic proportions of corruption

continue to deprive the bulk of the population of their share in the country's resources, the fight is still at its very basic level.

This research documents a number of problems faced by Human Rights Monitors / Defenders in Freetown. These include physical assault, death threats, frivolous lawsuits and moral intimidation. This report provides information on the number of incidents and on the categories of defenders ranging from social workers, media practitioners, and human rights activists to NGO's, grassroots organizations and ordinary individuals.

Although the report does not represent an exhaustive documentation of targeted persons, it covers individual testimonies and fieldwork survey of the Human Rights situation in Sierra Leone and the risk which human rights defenders have been exposed to during the period May 1997 to August 2002. It throws light on the aspects of defence of human rights that needs attention considering the savagery of our country's immediate history. It analyses instances of abuse and intimidation of human rights defenders in the city of Freetown and beyond since May 1997 and the responses of relevant authorities concerned on those incidents.

This field report does not make mention of every important case regarding human rights defenders. Many have died and as a result their testimonies are lost. It merely makes use of accessible sources at the time of compilation. It is a summary survey on the Western Area and the provinces of Sierra Leone based on available data.

Recommendations

1. Guarantee the Application of the Principles in the UN Declaration on Human Rights Defenders

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by the General Assembly on December 9, 1998 (and including as Appendix 2 to this Report) contains vital principles concerning the protection of human rights defenders. The Sierra Leonean government should take measures to ensure that the principles in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally recognised Human Rights and Fundamental Freedoms are fully incorporated into national law and legal mechanisms. Authorities at all levels of government should explicitly commit themselves to promoting respect for human rights and to the protection of human rights defenders.

2. The ability to monitor human rights

a. Effectiveness

The number of organisations and individuals purporting to monitor Human Rights in Sierra Leone is increasing. It is hoped that time and experience will render them more effective. The current position though, leaves a lot to be desired.

b. Coverage

Whilst the urban areas are saturated with a variety of Human Rights organizations, most rural communities remain uncovered. In addition, legal provisions for the rights of specialized groups such as detainees, prisoners and even witnesses are largely ignored.

c. Legal Ambiguity

Although the country is signatory to a number of international treaties, there is still a lot that needs to be done with regards the harmonisation of the country's laws with these international instruments. In the absence of this there is still a lot of ambiguity in respect of the yardsticks by which violations of human rights can be measured.

3. Education

As has been pointed out, interest in human rights advocacy and monitoring has grown in recent years, it must be pointed out that a great number of violations go unreported and therefore unrecorded. This therefore means that offenders continue to perpetrate their crimes and their victims suffer in silence. There are a variety of reasons for this, not the least being the fact that the bulk of the population remains largely uninformed about their rights.

Would-be defenders are therefore faced with the more basic task of informing those they hope to defend about their rights. Even this poses problems, because even when they do possess the relevant information, most people find the avenues of redress formidable. It is recommended that education on human rights issues be undertaken. This could begin as early as primary school.

4. Impunity

Over the years, both the police and the courts have acquired a reputation for delaying justice. Moreover, in a country where even basic policing was, until recently, severely hampered by logistic and other major problems, it is easy for individuals to take the decision to disregard the law or to mete out their own brand of justice, cocksure that the law would take a long time, if not forever, to catch up with them.

Since the human rights defenders must themselves operate under the same system their task is even more difficult as the law is unlikely to produce speedy results on their behalf, when it has not done so for others. A case in point is the fact that none of the subjects in this report have seen it fit to seek legal redress for the abuse they suffered.

It is apparent that they themselves have no faith in the remedies available.

Who is a Human Rights Defender?

The resolution 2000/61 of the United Nations Commission on Human Rights, which was passed in April 2000, in no uncertain terms, manifested that the work of Human Rights Defenders is of critical importance to promoting human rights in the world. This implies that those Defenders need and deserve a special protection under the umbrella of the United Nations.

Work on the Declaration on Human Rights Defenders first began in 1984 in the Commission for Human Rights, and was eventually adopted by consensus in the General Assembly in December 1998. It is the first United Nations instrument designed to recognize, promote and protect the work of Human Rights Defenders. It also established the mandate of the special Representative of the Secretary General on Human Rights Defenders.

The adoption by consensus, of the Declaration on Human Rights Defenders by the UN General Assembly in 1998 was more than a victory for Human Rights activists everywhere. It also sent a signal that the people who do the dangerous and difficult things we all imagine we could do - in other words, "the people who have the courage of our convictions", were no longer alone.

On 18th August 2000, the first Special Representative, Hina Jilani, was appointed. Her appointment manifested that the work of Human Rights Defenders is of critical importance to promoting human rights in the world, implying that those Defenders need and deserve a special protection under the umbrella of the United Nations.

According to her appointment as special representative of the United Nations Jilani should give a sense of security to Human Rights Activists all over the world and serve as a source of encouragement for those working for the promotion and protection of human rights.

Considering the wide range of activities in which human rights defenders are involved, it is extremely difficult to define who a Human Rights Defender is. Also, in spite of the elaborate presentation and acknowledgement made in Resolution 53/144 to promote and protect Universally Recognized Human Rights and Fundamental Freedoms, no clear-cut definition was given for Human Rights Defenders. In a submission, the UN Secretary General's Special Representative on Human Rights Defenders, Hina Jilani (10th

September 2001) opted not to provide a static definition of Human Rights Defenders.

However, Front Line defines a Human Rights Defender as:

*“ A person who works, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. ”*¹

A large part of the work of Human Rights Defenders involves monitoring. Monitoring itself means the observation and analysing of the human rights situation in a particular region, area or country. An important database is created which allows us to build up an apparent picture of the human rights situation from various sources in a consistent manner, and from which judgment could be made on those alleged violations.

The Human Rights Committee of South Africa, describing how it monitors violations stated:

“We collect information from newspapers, the Police and other NGOs working on similar issues. On receipt of news sources, we categorize the information into a database such as: Security Force Base, Attacks against Security Forces, Security Forces Action, Military and other Abuses, Prisons, Political Violence, Industrial and Educational Conflict. We give a narrative of the information collected in the database on a regular basis. This gives an indication of the human rights situation...”

(Nabuntu Nballe, South Africa Human Rights Defenders Workshops, Harare Zimbabwe)

¹ See para 2.2

Sierra Leone: A Brief History, People and Government

Government

Type: Republic with a democratically elected President and Parliament.

Independence: from Britain on 27th April 1961

Constitution: 1st October 1991

Political Parties: Thirteen political parties contested the 1996 elections. In 2002 there were eleven contesting parties including the Revolutionary United Front Party (RUF) and the Peoples Liberation Party (PLP) led by former AFRC Military Leader Johnny Paul Koroma (now a Member of Parliament)

Only three political parties are presently represented in parliament. They are the ruling Sierra Leone People's Party (SLPP), the All People's Congress (APC) and People's Liberation Party (PLP).

Governance and Political Conditions

Sierra Leone is a republic with an executive president and a multi-party system of government. Civil rights and religious freedoms are respected. A critical press continues to operate, although the government has intervened for alleged inaccurate reporting.

The judicial system continues to function for civil and criminal cases in Freetown and a few major towns but is severely handicapped by shortages of resources and qualified personnel. The Superior Courts of Judicature is comprised of a Supreme Court, the highest court in the land which also serves as a constitutional court, a Court of Appeal, and a High Court with judges appointed by the President on the advice of the Judicial and Legal Service Commission, with the approval of Parliament. The inferior courts include magistrates and local courts and from these appeals lie to the Superior Courts of Judicature. The 1991 Constitution created an

ombudsman responsible for looking into complaints of abuses and capricious acts on the part of public officials. In 1999, an Act of Parliament was enacted defining the scope and functions of the work of the ombudsman, which include the investigation of any action, taken by or on behalf of any department or Ministry of Government, any statutory corporation or institutions of higher learning or education or any member of the public service. In 2000 the Government of Sierra Leone promulgated the Anti-Corruption Act to combat corruption, which is endemic in the country.

The basic unit of local government generally is the chiefdom, headed by a paramount chief and council of elders. There also is an elected council and mayor in Freetown, Bo, Kenema, and Makeni.

People

The indigenous population is made up of 18 ethnic groups. The Temne in the north and the Mende in the South are the largest. About 60,000 are Krio, the descendants of freed slaves who returned to Sierra Leone from Great Britain, North America and slave ships captured on the high seas. In addition, about 4,000 Lebanese, 500 Indians, and 2,000 Europeans reside in the country.

In the past, Sierra Leoneans were noted for their educational achievements, trading activity, entrepreneurial skills, and arts and crafts work, particularly woodcarving. Many are part of larger ethnic networks extending into several countries, which link West African states in the area. However, the level of education and infrastructure has declined sharply over the last 30 years.

History

The colonial history of Sierra Leone was not placid. The indigenous people mounted several unsuccessful revolts against British rule and Krio domination. Most of the 20th century history of the colony was peaceful, however, and independence was achieved without violence. The 1951 constitution provided a framework for decolonisation. Local ministerial responsibility was introduced in 1953, when Sir Milton Margai was appointed Chief Minister. He became Prime Minister after successful completion of constitutional talks in London in 1960. Independence was

achieved in April 1961, and Sierra Leone opted for a parliamentary system within the British Commonwealth.

Sir Milton Margai's Sierra Leone Peoples Party (SLPP) led the country to independence and the first general election under universal adult franchise in May 1962. Upon Sir Milton Margai's death in 1964, his half-brother, Sir Albert Margai, succeeded him as Prime Minister. Sir Albert attempted to establish a one-party political system but met fierce resistance from the opposition All Peoples Congress (APC). He ultimately abandoned the idea.

In closely contested elections in March 1967, the APC won a plurality of the parliamentary seats. Accordingly, the Governor-General (representing the British Monarch) declared Siaka Stevens, the then APC leader and Mayor of Freetown, as the new Prime Minister. Within a few hours, Brigadier David Lansana, the Commander of the Republic of Sierra Leone Military Forces (RSLMF), placed Stevens and Margai under house arrest, on grounds that the determination of office should await the election of the tribal representatives to the house. A group of senior military officers overrode this action by seizing control of the government on 23rd March, arresting Brigadier Lansana, and suspending the constitution. The group constituted itself as the National Reformation Council (NRC) with Brigadier A.T. Juxon-Smith as its chairman. The NRC in turn was overthrown in April 1968 by a "sergeants' revolt", the Anti-Corruption Revolutionary Movement (ACRM). NRC members were imprisoned, and other army and police officers deposed. The ACRM handed over power to Stevens, who assumed the office of Prime Minister under the restored constitution.

The return to civilian rule led to by-elections beginning in late 1968 and the appointment of an all-APC cabinet. Tranquillity was not completely restored. In November 1968 a state of emergency was declared after provincial disturbances. In March 1971, the government survived an unsuccessful military coup and in July 1974, it uncovered an alleged military coup plot. The leaders of both were tried and executed. In 1977, student demonstrations against the government disrupted Sierra Leone politics.

Following the adoption of the republican Constitution in April 1971, Parliament appointed Siaka Stevens President of the Republic and he was inaugurated for a second 5-year term in March 1976. In the national parliamentary election that followed in May 1977, the APC won seventy-four seats and the opposition SLPP fifteen. The next year, Stevens' Government won approval in a nationwide referendum for the introduction

of a one-party government, which the APC had opposed during the tenure of Albert Margai. Following the enactment of the 1978 constitution, SLPP members of parliament joined the APC.

The first election under the new one-party constitution took place on 1st May 1982. Elections in about two-thirds of the constituencies were contested. Because of irregularities, the government cancelled elections in thirteen constituencies. By-elections took place on 4th June 1982. The new cabinet appointed after the election was balanced ethnically between the major ethnic groups.

Siaka Probyn Stevens, who had been head of state of Sierra Leone for eighteen (18) years, retired from that position in November 1985, although he continued his role as chairman of the ruling APC party. In August 1985, the APC named military commander Maj. Gen. Joseph Saidu Momoh, Steven's own choice, as the party candidate to succeed Stevens. Momoh was elected President in a one-party referendum on 1st October 1985. A formal inauguration was held in January 1986, and new parliamentary elections were held in May 1986.

In October 1990, President Momoh set up a constitutional review commission to review the 1978 one-party constitution with a view to broadening the existing political process, guaranteeing fundamental human rights and the rule of law, and strengthening and consolidating the democratic foundation and structure of the nation. The Commission in its report presented in January 1991, recommended the re-establishment of a multi-party system of government. Based on that recommendation, a new Constitution was approved by Parliament in July 1991 and ratified in September. It became effective on 1st October 1991. There was great suspicion that President Momoh was not keen in pushing ahead with democratic reforms, and the APC's rule was increasingly marked by abuses of power. The rebel war, which had started in 1991 in Bomaru in the eastern part of the country and which was led by Corporal Foday Sankoh and his Revolutionary United Front (RUF), posed an increasing burden on the country. On 29th April 1992, a group of young military officers launched a military coup and named 28 year-old Capt. Valentine Strasser as head of state. The National Provisional Ruling Council (NPRC) was established as the ruling authority in Sierra Leone and Momoh went into exile in Guinea. Strasser was overthrown in 1995 by his deputy Julius Maada Bio.

As a result of popular demand and mounting international pressure, presidential and parliamentary elections were held in April 1996. Out of 13 candidates that contested, Ahmad Tejan Kabbah of the SLPP won the presidential elections. Because of the prevailing war conditions, parliamentary elections were conducted, for the first time in Sierra Leone, under the system of proportional representation. Thirteen political parties participated, with the SLPP winning 27 seats, UNPP 17, PDP 12, APC 5 and DCP 3.

Unfortunately, the Armed Forces Revolutionary Council (AFRC) overthrew President Kabbah on 25th May 1997. Under the leadership of Maj. Johnny Paul Koroma, the AFRC invited the rebel RUF to join the government. The AFRC continued to detain prisoners of conscience without charges or trial and were carrying out torture and extra judicial executions. After 10 months in office, the Nigerian-led ECOMOG² forces ousted the junta, and the democratically elected government of President Kabbah was reinstated in March 1998.

A civilian armed group supporting the government of President Ahmed Tejan Kabbah, the Civil Defence Forces (CDF) was also responsible for extra judicial execution and torture throughout the course of the war. These violations were especially rampant in months following with ousting of the AFRC Regime. Together with the ECOMOG forces, the civil defence militia arrested hundreds of people alleged to have collaborated with the AFRC and RUF. Some of those they retained in their custody were beaten and tortured and others were detained without charge by the reinstated government. Subsequently, thirty-four soldiers were tried and sentenced to death by a court-martial that did not meet international standards for fair trials and 24 were executed. Forty-two civilians and the leader of the RUF were also sentenced to death.

On 6th January 1999, another unsuccessful attempt to overthrow the government by the RUF resulted in massive loss of life and destruction of property in the capital city of Freetown and its environs. Parts of Freetown was held under siege for about two weeks during which time RUF looted property, burnt down buildings, committed sexual offences and conducted

² The Economic Community of West Africa (ECOWAS) monitoring force made up primarily of Nigerian troops.

executions at random. When they eventually left the city, they took with them hundreds of youths, especially young girls.

With the assistance of the international community, President Kabbah and RUF leader Sankoh negotiated the Lome Peace Agreement, which was signed on 7th July 1999. The accord granted amnesty to Sankoh and other members of the RUF and provided a framework for the transformation of the RUF into a political party. Under Lome, members of the RUF were granted positions of responsibility within the government. Sankoh was made Chairman of the Strategic Mineral Resources Council and given the status of Vice President. Almost immediately, however, the RUF began to violate the agreement, most notably by holding hundreds of United Nations Mission in Sierra Leone (UNAMSIL) personnel hostage and capturing their arms and ammunition in the first half of 2000. On May 8, 2000, members of the RUF shot and killed as many as 20 people demonstrating outside Sankoh's house in Freetown against the RUF's violations of Lome. Following these events, Sankoh and other senior members of the RUF were arrested and the group was stripped of its positions in government.

Despite the suspension of the political arrangements and a general view that the Lome agreement was invalidated by RUF actions, Lome established some steps for bringing about a permanent cessation of hostilities, which remain valid. The agreement provided for a Disarmament, Demobilization and Reintegration (DDR) program to assist the combatants from all sides in their return to society. Lome called for an international peacekeeping force run initially by both ECOMOG and the United Nations. The United Nations Security Council established the United Nations Mission in Sierra Leone (UNAMSIL) in 1999, with an initial force of 6,000. Over time, the mandate of UNAMSIL was broadened and the authorized force strength increased to its current level of 17,500 troops. A large part of UNAMSIL's growth has been as a result of its absorption of the functions performed by the ECOMOG forces, which departed in April 2000. After the events of May 2000, a new cease-fire was necessary to reinvigorate the peace process. This agreement was signed in Abuja in November of that year. However, DDR did not resume, and fighting continued. In late 2000, Guinean forces entered Sierra Leone to attack RUF bases from which attacks had been launched against Liberian dissidents in Guinea. A second Abuja Agreement, in May 2001, set the stage for a resumption of DDR on a wide scale and a significant reduction of hostilities. As disarmament has progressed, the government has begun to reassert its authority in formerly rebel-held areas.

The Lome Accord also called for the establishment of a Truth and Reconciliation Commission to provide a forum for both victims and perpetrators of human rights violations during the conflict to tell their stories and facilitate genuine reconciliation. In June 2000 the government asked the UN to help set up a Special Court for Sierra Leone. The court will try those who *"bear the greatest responsibility for the commission of crimes against humanity, war crimes and serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law within the territory of Sierra Leone since November 30, 1996."*

The country has remained under a state of emergency since 1999. Under the constitution, the term of office of the President and the life of Parliament, were originally due to expire in March 2000. Both were extended twice for 6 months. Presidential and parliamentary elections eventually took place in May 2002.

The elections were held on 10th 14th May 2002 and were the first in post conflict Sierra Leone. As such, they were seen as very important to the majority of the people and indeed perceived as a tangible indicator of the end of the conflict.

Both the registration and observation phases of the elections had a number of logistical and administrative lapses, though these could not be emphatically said to significantly alter the results. It was widely acknowledged however that the results were indicative of a vote for PEACE.

The incumbent Ahmed Tejan Kabbah of the Sierra Leone People's Party (SLPP) won the Presidential elections polling 70.5% of the votes cast. Kabbah's SLPP also won a landslide victory in the Parliamentary elections. In the 112-member legislature, the SLPP won 83 seats. Only two other parties won seats in Parliament. The former ruling party All People's Congress (APC) won 27 seats and the People Liberation Party (PLP) led by the former military ruler, Johnny Paul Koroma, won the remaining 2 seats.

Context: Human Rights Defence in Sierra Leone

Background

Sierra Leone has seen and continues to witness abuse of power and contempt for Human Rights by Governments, armed opposition groups and other segments of the society. In the face of such barefaced disregard for civil liberties the Human Rights Defenders offer the only hopes for redress and available remedy. This category of brave men and women who are increasing in number, speak out vehemently to denounce abuses of power, fight against impunity, seek justice and advocate for a change of repressive and discriminatory systems and practices. Their endeavours have frequently been achieved through human rights monitoring and fact finding, human rights education, awareness raising and participatory approaches. These services are provided where the state cannot or is disinclined to act.

Human rights defenders might be Journalists, a group of individuals, civil rights activists, lawyers, community groups, religious groups or leaders, human rights NGOs as well as welfare workers. They operate pursuant to the recognition of international instruments like the UN General Assembly Resolutions, the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Organizations of society to promote and protect universally recognized Human Rights and Fundamental Freedoms adopted on December 1998, which contains vital principles that concern the protection of human rights defenders.

Over-Centralisation of Human Rights Defenders in Urban Areas

Sierra Leone is divided into three provinces, North, South and East, and the Western Area. The capital city, Freetown, which forms the greater part of the Western Area, may be further sub-divided into central and outer Freetown. Central Freetown covers about 25% of the city and holds almost all the administrative buildings. The vast majority of human rights NGOs in the country, national as well as international, are based in this part of the city. The remaining 75% is a mélange of industrial, residential and commercial areas. The bulk of the working population lives in this area.

As most human rights defenders are based in the central part of Freetown, human rights violations in outer Freetown and in the provincial areas get very little or no coverage. CGG has 12 monitors in the 12 districts in Sierra Leone monitoring and documenting violations. Other organizations like Network Movement for Justice and Development and the National Forum for Human Rights have established presence in the provinces and a number of new organization based in the provinces are beginning to emerge.

In a country where even basic policing outside central Freetown was until recently severely hampered by logistical and other problems and where courts only functioned in central Freetown, the job of human rights defenders was made even more difficult. In such situations, individuals either disregard the law or mete out their own brand of justice, cocksure that the law will not catch up with them.

The Legal Status of Human Rights in Sierra Leone: Human Rights and the Constitution of Sierra Leone

Chapter III of the Constitution of Sierra Leone³ entrenches the fundamental rights and freedoms of all individuals in Sierra Leone. Section 171(15) of the Constitution of Sierra Leone⁴ provides that the Constitution shall be the supreme law of Sierra Leone and any other law found to be inconsistent with any provision of the Constitution shall, to the extent of the inconsistency, be void and of no effect.

³ Act No. 6 of 1991.

⁴ Act No. 6 of 1991. See <http://www.sierra-leone.org/constitution.html>.

The Constitution guarantees, *inter alia*, grants protection for several fundamental human rights including life,⁵ protection from arbitrary arrest or detention,⁶ freedom of movement,⁷ protection from slavery and forced labour,⁸ protection from inhuman treatment,⁹ protection from deprivation of property,¹⁰ protection for privacy of home and other property,¹¹ provision to secure protection of law,¹² freedom of conscience,¹³ freedom of expression¹⁴ and freedom of assembly and association.¹⁵ These rights are guaranteed to every individual including human rights defenders.

Violations of the provisions of Chapter III may result in the institution of an action for remedy in the Supreme Court, the highest court of the land, which also serves as the constitutional court. Section 28 of the Constitution empowers the Supreme Court to grant reliefs, including compensation for cases of arbitrary arrest and detention.

The provisions of the Constitution are generally satisfactory. The democratically elected civilian government¹⁶ has paid more credence to it when compared to military regimes, whose first act is usually to suspend the Constitution and rule by decrees.

Despite the provisions of the Constitution, there are serious lapses in the legal system with regard to the investigation, prosecution and trial of cases involving serious violations of fundamental human rights. The lack of proper machinery and the consequent problems arising from the same seriously hampers the work of human rights defenders and affords them little protection in their work.

Human rights defenders have in recent years been very critical of two laws in the statute books, which they claim are in contravention of the

⁵ Section 16.

⁶ Section 17.

⁷ Section 18.

⁸ Section 19.

⁹ Section 20.

¹⁰ Section 21.

¹¹ Section 22.

¹² Section 23.

¹³ Section 24.

¹⁴ Section 25.

¹⁵ Section 26.

¹⁶ March 1996 – May 25, 1997 and February 12, 1998 – present.

Constitution. The first is the Public Order Act 1965. The Act, inter alia, criminalizes libel and restricts the freedom of movement of individuals. Governments have used the law as a means of stifling or restricting the work of human rights defenders.

The second is the Lome Peace Accord (Ratification) Act, which enacts the provisions of the Lome Peace agreement signed between the government and the rebel Revolutionary United Front (RUF) on July 7th 1999 in Lome Togo.¹⁷ Article IX (1) of the Accord provides that *“(I)n order to bring lasting peace to Sierra Leone, the government shall take appropriate legal steps to grant the RUF leader, Corporal Foday Sankoh, absolute and free pardon.”* Under Article IX (2), the Government of Sierra Leone agreed to grant absolute and free pardon and reprieve to all combatants and collaborators in respect of anything done by them in pursuit of their objectives up to the time of the signing of the Agreement.

Further, Article IX (3) states that *“(T) o consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF/SL, ex-AFRC, ex-SLA¹⁸ or CDF¹⁹ in respect of anything done by them in pursuit of their objectives as members of those organisations, up to the time of the signing of the present Agreement.²⁰ In addition, legislative and other measures necessary to guarantee immunity to former combatants, exiles and other persons, currently outside the country for reasons related to the armed conflicts shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.”*

The granting of an amnesty to Foday Sankoh and other members of the RUF, SLA and AFRC led to howls of protest. Human Rights groups within and outside Sierra Leone expressed grave concern and condemned the same. Prior to the signing of the Accord, the Sierra Leone Bar Association and the

¹⁷ For a detailed critique of this provision see Abdul Tejan-Cole, “Amnesty under the Lome Peace Accord in Sierra Leone” - African Journal of International and Comparative Law – volume 9 Pt. 2 (2000)

¹⁸ Sierra Leone Army.

¹⁹ Civil Defence Forces.

Sierra Leone Human Rights Committee ²¹ expressed severe reservations about the granting of a blanket amnesty to the perpetrators of the most appalling atrocities against civilians.

The Status of International Human Rights Law in Sierra Leone

Sierra Leone has ratified a number of regional and international conventions.²² They include the African Charter on Human and People's Rights, Convention On The Elimination Of All Forms Of Discrimination Against Women and Convention on the Rights of the Child.

Like Ireland or the United Kingdom, Sierra Leone is a dualist state and ratification of international instruments has to be followed by an enactment or resolution by the national Parliament before it could *stricto sensu* be applicable in Sierra Leone.

Section 40 of the Constitution of Sierra Leone, which provides as follows:

“Provided that any Treaty, Agreement or Convention executed by or under the authority of the President which relates to any matter within the legislative competence of Parliament, or which in any way alters the law of Sierra Leone or imposes any charge on, or authorises any expenditure out of, the Consolidated Fund or any other fund of Sierra Leone, and any declaration of war made by the President shall be subject to ratification by Parliament—

- i. By an enactment of Parliament; or*
- ii. By a resolution supported by the votes of not less than one-half of the Members of Parliament.”*

One school of thought is that unless and until this provision is complied to, the Treaty, Agreement or Convention ratified by Sierra Leone will not be applicable nationally and as such cannot be used by human rights defenders in the course of their work in Sierra Leone. These documents may afford them protection internationally but not within Sierra Leone.

²¹ An umbrella group of local and international human rights and humanitarian non-governmental organisations.

²² A full list of provided in the appendix.

The second school of thought subscribes to the view that there is a presumption that when states ratify treaties or human rights instruments, they signify their intention to be bound by and to adhere to the obligations arising from such treaties or instruments. They rely on Article 14 of the Vienna Convention which provides that “*the consent of a state to be bound by a treaty is expressed by ratification when:*

- a. The treaty provides for such consent to be expressed by means of ratification.*
- b. It is otherwise established that the negotiating states had agreed that ratification should be required.*
- c. The representative of the state has signed the treaty subject to ratification.*
- d. The intention of the state to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.*

2. The consent of a state to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification.”

The argument continues that by ratifying these human rights instruments, the Government of Sierra Leone had clearly expressed its intention to be bound by them under both national as well as international law and human rights defenders are entitled to rely on these documents in the course of their work and for their protection.

This issue will remain inconclusive until the Supreme Court in Sierra Leone takes a decision regarding the same.

List of Problems and Types of Risk

Although the Universal Declaration of Human Rights as well as other conventions, both international and regional, endorse the rights of Human Rights Defenders to oppose violations of Human Rights and to support victims of the same, Human Rights Defenders are faced with enormous pressure, danger and violations of their own rights.

Some of these problems are listed below:

Economic Hardship

This may be as a direct consequence of their activities and often has an impact on their families as well. It may come in the form of little or no income, sacking from employment, school or universities, loss of contracts and work opportunities, loss or destruction of properties.

Repressive Legal Regime

The relationship between Human Rights Defenders and the legal system ranges from indifference to blatant hostility. The challenges resulting from this scenario include the manipulation of the law by government officials in the disfavour of the defender, unlawful arrests, oppression and deliberate repression.

Labelling

This can be especially acute and damaging where the people in the region of investigation or report are either uninformed or illiterate to begin with. In this case developing a support with members of the society may be crucial to the success of the monitoring.

Logistical Problems

As over presented as this need might seem, the work of Defenders continues to be significantly limited by the absence of effective means of communication, basic equipment like cameras, typewriters, telephones etc. The unavailability of these make on the spot documenting of evidence impossible.

Access

The lack of access to information can deter progress considerably. In more recent times gender sensitivity is a serious consideration. Some of the victims may be uncooperative when their needs for privacy are not met. Other factors include cultural boundaries, hierarchies and methods not being observed. In our society, respect for authority and the accepted way of doing things can determine the level of cooperation and trust between authorities and members of the community. A heightened level of trust can elicit greater support from victims and witnesses in combating abuses.

Human Rights Defenders at Risk

Harassment and Threat to Bunton Rogers-Wright; Social Worker and Environmentalist

During the elections of 1973 and while on duty in the newsroom of the Sierra Leone Broadcasting Service (SLBS), Bunton reports that he was attacked by stalwarts of the All People's Congress (APC) Party, the then ruling party in the country. The stalwarts were led by one Bodie Coker, who threatened to kill him for relaying a statement over the SLBS, alleging that one of the APC party candidates in the Port Loko District, S.A. Fofanah, ordered the attack and killing of civilians who refused to vote for his party. According to him, but for the timely intervention of his colleagues at the SLBS, and in particular the head of programmes, Mrs. Tonie French, they would have killed him.

This was not the end of his ordeal. During the same elections, Bunton noticed that the government controlled electoral commission had registered the names of over 100 electors and had falsely stated their addresses to be 89 Fort Street, Freetown, which was actually his own address. Bunton and his dependants who lived in this house were as a matter of fact, not registered at all. He challenged the registration and protested to the electoral commission. Immediately after his actions, APC thugs surrounded his house threatening to kill him. He was lucky to escape.

In February 1998, a group of 20 National Patriotic Front of Liberia (NPFL) rebels who supported the AFRC Junta which took power on 25th May 1997 and two Sierra Leone Army Soldiers ransacked his house at 9.30 a.m. threatening to kill him for his part in condemning the activities of the Junta. He was also accused of relaying information to Radio Democracy, a pro-democracy radio station operating out of Freetown and advocating for the restoration of democratic rule.

In a letter of complaint written to the Attorney General, Bunton complained that

“ ...twenty-two persons including twenty NPFL Rebels and one Senesi Ndoleh came to my house at 89 Fort Street on the 10th of February 1998 fully armed with machetes, Rocket Propelled Grenades (RPG), AK 47s and

other sophisticated weapons.... These bandits lead by Senesi Ndoleh intimidated, harassed and terrorized inmates ...they came into my compound swearing in the name of Johnny Paul Koroma (the Junta leader) that he had sent them for my head. They claimed I was a Kamajor (a civil militia) and a satellite to ECOMOG, for President Kabbah and F.M. 98.1. They further accused me of releasing sensitive information leading to their down fall... ”

On 7th January 1999, a group of soldiers of the Sierra Leone Army, that had invaded the city on 6th January 1999, attacked and threatened to kill Bunton Rogers-Wright because they felt that he was an informant to the government.

The soldiers continued to harass Bunton even following the restoration of democracy. On 2nd May 2001 at Shegbendeh compound, Juba, Bunton alleged that former rebels/SLA troops attached to Colonel Gabriel Mani attacked and threatened to kill him, taking away money in his possession. The matter was reported to the army headquarters at Cockerill, Freetown. No action was taken.

On 13th May 2001, Bunton called a popular radio program and reported the matter. He also sent a petition to the Public Relations Officer in the Army, Major Milton. On 23rd May, he reported the matter again to the Army. Following his report, the residence of Colonel Mani was searched. This led to the alleged capture of a cache of arms and ammunition in the compounds of Colonel Mani. He now faces charges of unlawful possession of weapons in the courts in Freetown.

Bunton continues to feel threatened and unsafe. These circumstances and persistent calls still intimidate him.

Detention and Death Threats to Abdul Kuyateh; Journalist

Some sections of the print media in Sierra Leone have been at the forefront of the campaign to promote and respect human rights. Some of these defenders have been attacked, intimidated, threatened or abused. One such member is Abdul Kuyateh of the Weekend Spark Newspaper.

Kuyateh was first arrested in March 1999 in Waterloo, about twenty kilometres from Freetown. The junta had just been overthrown by ECOMOG. Kuyateh was detained for two weeks in unhealthy conditions

and was severely tortured. He was tied, beaten and given rotten food to eat. He was convinced they were going to kill him but he survived.

On 11th of May 2000, Kuyateh was again picked up at his office at 11 a.m. by government security. He was arrested in connection with an incident on 8th May 2000, in which rebel leader Foday Sankoh's house was surrounded by demonstrators, who were shot at by his security forces. Seventeen civilian demonstrators were killed during the incident. It was alleged that Kuyateh's name appeared in a visitor's book found at Sankoh's house, and he was therefore suspected of collaborating with the rebels.

Kuyateh had gone to interview the rebel leader on his position on the then shaky peace process and how he felt about the public opinion and the government attitude towards him. He was locked up twice. He was held incommunicado until October 20th. Requests by colleagues from the independent media and family members to see him were ignored and throughout his six months in detention, he was never given an opportunity to take a bath or see his family. He was given heavily salted food once a day. He lived in constant fear for his life.

Kuyateh alleges that he continues to receive telephone calls from people he believes to be government officials or supporters threatening to physically assault him as he continues to be critical of government policies and corruption in the 'Weekend Spark' newspaper that he now edits.

Harassment and Death Threats of Philip Neville; Journalist

Neville was constantly intimidated and harassed under the military regime of the National Provisional Ruling Council (NPRC), which overthrew the moribund All Peoples Congress (APC) Party in 1992. Before they handed over power in 1996, Neville was severely beaten and was locked up on several occasions.

In October 2001, when the threats became frequent, Neville and some of his family members left for the United States. However, Neville returned to Sierra Leone to continue work as a journalist.

Neville claims that that he receives death threats to his person in letters written to his press. By June of 2002, he had received more than three

letters and over ten telephone calls threatening his life and the lives of his family members.

On 18th July 2002, his wife claimed that her life was threatened on the phone but she could not trace the origins of the caller. Unknown gunmen tried to attack their house in June 2001. At his office, his staff receives frequent calls from people who demand to talk only to Neville and threaten the staff using indecent, insulting and abusive language when they refuse to pass the calls to him.

Death Threats, Detention and Unwarranted Law Suit against Ibrahim Karim-Sei ; Journalist

Karim-Sei is a long standing human rights activist and a journalist of great repute who has been actively practicing this profession since 1983. Now in his late 40s, he still writes and reports on environmental, political and human rights issues nation-wide and is now the Editor-in-Chief of the “Standard Times”, which is a leading critic of abuses by authorities. Between May 1997 and February 1998, Karim-Sei recalled that he suffered physical and mental intimidation. He was not alone; his staff also suffered the same.

When President Kabbah’s government was overthrown in May 1997 and the AFRC junta took over, Karim-Sei reported in the Standard Times the numerous violations, abuses and offences committed by the junta. Most times, he printed photos of the atrocities and his coverage was comprehensive and compelling. He was scathing in his criticism of the junta and its supporters.

Lt. Col. Eldred Collins and Corporal Gborie, both senior members of the junta, called him on several occasions and warned him not to publish any more articles about the junta. Between May and October 1997, his Secretary recorded 72 calls from members of the junta, more than half of them by senior junta officials. The callers usually threatened to kill him or members of his staff or to destroy the press.

The Military Investigations Branch (MIB) and Police were dispatched on a cordon and search operation for him. Military men or unknown persons ransacked his residence on several occasions. This situation continued to deteriorate. On 19th November 1997, at about 5:00 pm, he received a call

from a relative, who was also a senior officer in the Sierra Leone Police force. He advised Karim-Sei to surrender, stating it was “for your own safety”. The officer told him that the soldiers were annoyed with him and that if he failed to surrender they would kill members of his family.

On 20th November 1997, Karim-Sei surrendered to the Criminal Investigations Department (C.I.D) where his name was on the ‘wanted’ list. The officers on duty at the time immediately arrested him. On 21st November, the BBC correspondent in Freetown conducted an interview with him while in detention and broadcasted excerpts of the interview, reporting that one of the most wanted men of the AFRC had finally been arrested.

On 25th November, at 10:00 pm the junta’s Principal Liaison Officer (PLO 1) Alfred Abu Bakarr Sankoh alias Zagalo came to the C.I.D office and ordered that the detained journalist, Karim-Sei be handed over for a transfer to another detention place. When the Superintendent requested to know the new detention centre, Zagalo disclosed it was the S.S camp, a torture chamber also known as the NAZI CAMP.

On 30th November, the Secretary of State for Information ordered his release. After his release, Karim-Sei continued writing critically against the junta. On 12th December 1997, the Information Secretary announced that the government had decided to ban his newspaper, the Standard Times and several other newspapers. In breach of the junta ban, the newspaper continued publishing from a secret location.

The vendors, who sold the banned newspapers, were beaten and threatened with death. The soldiers demanded to know how they obtained copies of the newspaper for sale. The published newspapers were confiscated and some of the vendors detained.

Lt. Col. Eldred Collins continued to call on the Standard Times abusing and threatening the editor and staff members. Between December and 12th January 1998, Collins called the press regularly and threatened to send a group of soldiers/ rebels to beat Karim-Sei and his staff members.

On 10th January 1999, his deputy editor who resided in the East End of Freetown was murdered in a hideout, together with 16 other people plus all his family members, while gunmen searched for Karim-Sei. His seventeen-

year-old daughter was abducted in a raid and taken away for 10 months until 30th October 1999.

In February 2002, a criminal suit was filed against Karim-Sei for libel, after publishing a series of articles alleging the mismanagement of public funds at the Social Action and Poverty Alleviation (SAPA). Karim-Sei insists that the publications were directed at correcting the social ills of corruption and the misappropriation of public funds. The matter is pending.

Death Threats and Intimidation to Richard Olu Awoonor-Gordon; Journalist

Gordon, editor “Peep Newsmagazine” was a university lecturer of history (1992 – 95) and has been a practicing journalist for various media houses since 1977 including ‘For Di People’ newspaper. He was Secretary-General of Sierra Leone Association of Journalists (SLAJ) between 1995 – 98. Throughout his career, Gordon has been continuously harassed and victimized.

While a student at Fourah Bay College, University of Sierra Leone, during the one party dictatorship, Gordon continuously and scathingly highlighted and condemned the shortcomings of the APC government. As a lecturer, Gordon sought to educate the ‘new generation’ of undergraduates on campus on, *inter alia*, issues of human rights, corruption, gender equality and the rights of women. The authorities accused him of masterminding a revolution and inciting violence. He was consequently sacked from his job at the University.

While working for “For Di People” newspaper, he wrote a popular column called “Peep” a satirical column, targeting corrupt activities by state and non-state authorities, political misgivings, abuses of power and human right violations, with a view to correcting these social ills. For this, Gordon has been constantly threatened, insulted and abused.

On 26th May 1997, a day after the coup that toppled President Kabbah’s government from power, a group of AFRC soldiers lead by Captain Paul Thomas, the then spokesman for the new junta, went to Gordon’s house asking him to support their ‘revolution.’ Gordon told them unequivocally that he is a supporter of democracy. They were annoyed by his response and threatened to come back for him. Gordon escaped from his house the same

night. Four days later, a group of four senior officers came to his house but could not find him. They threatened his family, saying that they would all be killed if Gordon was not located.

When he intervened as Secretary-General of the Sierra Leone Association of Journalist (SLAJ), on behalf of journalist arrested and detained, Gordon was warned that he would join them in detention if he did not stop.

On 18th August 1997, students demonstrated on the streets of Freetown and demanded the restoration of democracy. The junta accused Gordon of masterminding the demonstration. On the day of the demonstration, rebels/soldiers raided his house on at least three occasions.

Gordon was informed about this and he escaped to Kossoh Town in the East-End of Freetown, which was by then the headquarters of ECOMOG. When the military build-up intensified in the area, he disguised himself and travelled across the border to neighbouring Guinea where he stayed until 15th March 1998, a few days after the restoration of the government of President Kabbah.

On 6th January 1999 the rebels attacked Freetown and broke open the Pademba Road maximum-security prison. At about 5:00 am a group of soldiers who had been in detention and a number of armed men, who had invaded the city that morning, raided Gordon's house. The unidentified armed men ransacked his house searching for him. They stated openly that they would kill him if they found him. Gordon escaped by jumping his fence over to a neighbour's apartment. He had earlier been informed that rebels/soldiers had abducted a number of journalists and that they were on the way to his house. His relatives in the house were seriously beaten. The same night, his sister's house, where Gordon was thought to be hiding, was burnt down.

In May 2000, an anonymous letter was circulated in Freetown in which the names of Gordon and five others were written and targeted "wanted" on a death list by the government.

After the restoration of democratic rule, Gordon continued to advocate for the liberalization of press laws and the repeal of the Public Order Act. Gordon founded his own publication, an independent satirical paper called "Peep Newsmagazine." One of the objectives of the paper is to ensure that

the wealth of Sierra Leone benefits Sierra Leoneans. Through this medium, Gordon writes about social issues. On a weekly basis, he continues to expose alleged acts of corruption and other shortcomings of the Government.

Gordon receives threats from unidentified callers regularly. For example, on Tuesday 28th May 2002, Gordon published a front-page story “*Maraka Kabbah Smuggled 1,400 Carat Diamond to Belgium – and the Mackies, Basmans and Wanzas knew about it...*”. This was perhaps the biggest diamond ever found in Sierra Leone and that will cost hundreds of millions of dollars. Unidentified persons called and threatened Gordon’s life.

Unwarranted Prosecution, Intimidation and Attempted Murder of Paul Kamara; Journalist

The press has always played an important role in monitoring human rights violations and abuse in Sierra Leone. One of the leading practitioners is Paul Kamara. Kamara has won international awards such as the Gold of Freedom of the Press Award, 1997 by the International Press Directory; The World Press Review Award of International Editor of the year 1999, and the Civil Courage Award by North Cote d’Ivoire Parkinson Awards, for his unrelenting efforts in monitoring, documenting and publishing in his ‘For Di People’ newspaper such events as are related to human rights and good governance.

Kamara’s work started in the 1980s under the one party APC dictatorship. He criticized, exposed and condemned the vices of the government. Kamara has been detained on countless occasions, his paper ‘For Di People’ banned and most of his staff members harassed, threatened, insulted and/or abused at least once.

On 26th February 1996, after a publication calling for the military to quit politics and conduct elections, soldiers of the NPRC military regime stormed ‘For Di People’ Press office in search of Paul Kamara. When he spotted the soldiers, Kamara tried to flee. The gunmen opened fire. He was shot in the leg but managed to escape. Two days later, another group of soldiers raided his office and destroyed office machinery and equipment. Kamara subsequently had to undergo surgery abroad on his injured leg.

Kamara is also the Chairman of the National League of Human Rights, a local human rights group. He continues his publications as usual.

Death Threats, Detention and Harassment of Dominic Lamin; Journalist

Dominic Lamin is editor of 'Unity Now' newspaper. On 8th September 1997, during the AFRC rule, Lamin was in his office when four armed men entered. Lamin had been writing an article in which he conspicuously stated, "It would be better for the Junta to quit because the people had refused to accept them". This was just one in a series of articles that Lamin had been writing against the Junta. One of the armed men picked up the paper read the article and shouted "you writing this?" Lamin was dragged out and three other people were arrested together with him.

When his three colleagues were released, the guards of the detention centre told him that they would not provide him with food anymore because he was going to die. On his tenth day in detention the guards allowed him to use their phone to call his relatives to bring food for him.

Contrary to the instructions that they had received, some of the guards on duty allowed Lamin's son to bring food for him. Lamin sent a message to David Tam-Baryoh, a member of the committee for the protection of journalists informing him about his condition and place of detention.

On 26th of September 1997, a day after he received the message Baryoh called the committee's headquarters in the United States and provided them with a list of telephone numbers of the junta strongmen and urged them to call immediately and prevail on the junta not to kill Lamin. On the same day, the junta's Secretary of State A.K. Sesay drove to the military headquarters and demanded to see Lamin. Lamin felt it was the end of his life because many detainees had disappeared in the same way.

When he was brought before Sesay, Lamin gasped and shook in fear. Sesay looked at him surprisingly and ordered the guards to keep an eye on him and not allow anybody to intimidate him. He informed them that they received calls from the United States asking them to spare Lamin's life. Two hours after Sesay's departure, two members of the ruling council came to the

detention centre and threatened to shoot him for exposing them to the United States.

Four days later, another junta official (whose name he did not know) opened his detention room and pulled him out. He slapped Lamin twice on the face and tore his shirt. Lamin was severely beaten. His face was swollen from the kicks and slaps he received from him.

By the second time A.K. Sesay went to see Lamin on 30th September 1997 his condition had seriously deteriorated.

In the morning of 10th May 2002, Lamin alleged that two people called on him at his office and identified themselves as members of the People Liberation Party (PLP) of former junta leader Johnny Paul Koroma. They threatened that if they won the elections, they will definitely sack him from his job with the government Ministry of Information, and that he will “pay for his writings”. One of them said, “if we win, just pack your bundle and leave, or else you are dead”.

Death Threats, Harassment and Intimidation of Isaac Lappia; Human Rights Activist

Isaac Lappia worked as Gender Development Officer for Amnesty International from 1992 to 1994 and served as Director of the Sierra Leone Section of Amnesty International from 1994 – 2000, during which period he faced a lot of intimidation and threats.

In the early months of the junta in May/June 1997, he was accused of transmitting information to the overthrown government in Guinea and was constantly threatened.

On 17th August 1997 at about 10:00 am an unidentified person called his office ordering him to “leave the office at once and ask no questions”. He suspected it was somebody who knew him. He dashed out of the building and crouched in a neighbour’s veranda almost opposite his office at Pademba Road in Freetown. Six minutes later, he saw three armed soldiers of the AFRC climbing up his stairs. There was nobody in the office. They ransacked the office and randomly fired several shots into the wall.

Lappia immediately went into hiding. In his hideout, his friends informed him that he was being hunted by the AFRC and advised that he should look for possible ways to leave the country. A friend informed him that the Junta had not taken kindly to the letters condemning the leadership and calling on them to quit. Another close friend informed him that it was because his organisation had published articles revealing the atrocities of the junta and they had concluded that Lappia had supplied the information.

On 2nd September 1997, eight trucks loaded with armed men who were reported to be retreating from burning the presidential lodge, stopped by Lappia's house and demanded to see him. Lappia was home at the time, but luckily for him, none of the soldiers knew him personally and were not able to identify him. As a result, he was able to escape. Whilst they were trying to locate him, they openly declared that they would kill him on sight and alleged that he was responsible for the negative attitude of the international community towards the junta. Lappia later learnt that the Junta's council at a previous meeting had approved the decision to assassinate him and that the soldiers had been sent to accomplish this mission.

When they could not get hold of Lappia, the armed men lined up and physically tortured his relatives. After beating them, the armed men arrested some of them and threatened to kill them if they refused to disclose Lappia's whereabouts. After four hours in detention, they were released.

Lappia's relatives sent messages to his hideout cautioning him not to return but to leave the country. Lappia escaped to Lungi (outside Freetown) and then to Port Loko, in the North of Sierra Leone, where he stayed until March 12th 1998 when the democratic government had been restored.

Now aged 43, Lappia works for the International Human Rights Law Group as National Program Officer.

Harassment and Detention of Paul Allieu Kamara; Human Rights Activist

P.A. Kamara (33) is the Executive Director for the Sierra Leone Citizens Rights Association, an organization formed after the military invasion of the city in 1999. Its primary objective is to promote the welfare of war-affected people especially displaced women and children separated from their families.

On 13th October 1999, he was arrested by the police at his office at Tower Hill in Freetown and detained for four days. The authorities (the SLPP government) claimed that P.A. Kamara was inciting people to riot against the government.

Kamara alleged that on the day he was released, he was taken to the then Attorney-General and Minister of Justice to answer questions regarding the huge number of people gathering at his Tower Hill office everyday and for refusing to move the crowd from government land and buildings.

The Ministry of Lands and the Environment and some other state functionaries had earlier persistently pressurized P.A. Kamara to vacate the land his organization was occupying at Tower Hill. Kamara claimed this as forceful eviction of the poor and displaced persons from the said location and through the media, condemned the government's decision to evict them

On 19th December 2000, P.A. Kamara wrote a letter to the President, Ahmad Tejan Kabbah requesting his permission to allow the people to reside temporarily at the place. The request was referred to Vice President A.J. Demby who directed the Ministry of Lands to allow P.A. Kamara's people to stay for a short time. After a protracted period, the request was granted. P.A. Kamara's Old Elections Building Camp now has 1,200 people.

Detention and Inhuman Treatment of Abdul Kposowa; Journalist

Abdul Kposowa worked for the Chronicle newspaper. On 7th October 1997, following the arrest by the AFRC junta of a number of military personnel opposed to their government, he published an article entitled "120 Military Strong Men in Pademba Prison". Kposowa was informed that soldiers had raided his house. His office was flooded by calls from members of the junta who threatened to kill him or 'break his legs at the very least'. Kposowa immediately went into hiding. His luck ran out on 10th October 1997, when he was arrested by a group of AFRC military guards. He was taken to the Pademba Road prison half-naked, his face swollen from beating.

At about 7:00 am the next morning, members of the RUF, the rebel faction who had joined the AFRC, "visited" Kposowa at his cell and asked him out. The skin of his palm was removed with a blade and he was given a cement brick to hold towards the sky. The skin on the soles of his feet was later

removed and he was forced to walk to five rebel bases around and outside the city sometimes covering a distance of about four hundred meters. He remained in their custody until 29th October during which period he was mentally abused, beaten and threatened with death.

Just two months later on 27th December, Kposowa wrote, “No Amount of shipload of Rice will make the People Accept the AFRC”. Even when military pressure was mounting on the AFRC from ECOMOG Peacekeepers, they telephoned the Chronicle newspaper and threatened Kposowa with accusations he was a spy for the exiled government. They came to the office of the Chronicles on two occasions between 28th - 30th December 1997 to arrest Kposowa, but he could not be found.

Kposowa claims that his arrest, detention, harassment and torture were authorised by Colonel Mike Lamin of the RUF who was also Secretary of State for Trade and Industry under the AFRC junta.

Harassment and Death Threats to Sorie Sudan Sesay, Journalist and Human Rights Monitor

For years, Sudan has been an outstanding campaigner for a free press and the repeal or amendment of legislation on criminal libel. His paper focuses on the indiscriminate human rights abuses by authorities. Sudan has faced intimidation and harassment since his paper was first published on 9th August 1997, out of the desire to check the abuses by state institutions and authorities especially members of the AFRC Junta at the time.

On 4th October 1997, an unidentified person called at the Independent Observer office requesting to talk to Managing Editor Jonathan Leigh or the Editor Sorie Sudan Sesay. Both were absent. Next morning the same caller who refused to identify himself asked for the addresses of the two of them.

In the morning hours of 16th December 1997, AFRC soldiers attacked their office at 1, Short Street in Freetown following publication of a front-page story captioned “AFRC are Reckless Spenders”. The men, who demanded to see Sudan, destroyed office equipment including computers. Sudan was not in the office. The staff members who were present escaped. Sudan and his colleagues went into hiding and continued publishing from an unidentified location.

From their hideout, the Independent Observer published on 26th December 1997 another front-page story captioned “Foreign Troops set for Freetown”, revealing that foreign troops were planning an intervention to unseat the AFRC junta.

On 27th December 1997, the day after the publication, the junta information secretariat issued a press release banning the ‘Independent Observer’, ‘The Democrat’ and the ‘Standard Times’ newspapers indefinitely from publishing anything. Sudan, still in hiding, defied the order and continued publication.

On several occasions soldiers were seen at the Independent Observer’s Short Street office and heard threatening that if they set eyes on Sudan “something would happen”.

Persistent calls flooded the office. Neighbours reported over fifty calls came in daily whilst Sudan and his staff were in hiding. Fortunately, the soldiers only had an indication of Sudan’s area of residence but not his precise address. Soldiers were frequently seen searching the area and requesting to know the address of Sudan. On several occasions, neighbours suffered intimidation because they refused to disclose his whereabouts.

Francis Eugene Tucker; Social Worker

Francis Eugene Tucker a social worker, living in the Freetown rural district, reported that on 4th August 1997, he witnessed a group of armed men of the AFRC beating Gladys Turay, a food seller, after having eaten her wares without paying. When he intervened by pleading on behalf of the helpless woman the men turned on him and was beaten, and locked up in a space, smaller than his size, for seven hours before others succeeded in gaining his release.

On 19th August, while Francis was returning from the petrol station with a gallon of kerosene, one of the soldiers identified him and accosted him. His kerosene was taken away and he was again locked up for two days. After his release, Francis continued to suffer other forms of harassment until the ousting of the AFRC regime in February 1998

On 15th January 1999 during the invasion of Freetown by the RUF/AFRC rebels, two of the soldiers that had continually harassed Francis came back to his house and demanded that his relatives produce him or their house would be razed to ashes. His mother was chased and threatened with death. The house was set on fire but relatives and neighbours were able to put out the fire after the soldiers left. However, the entire neighbourhood had to be abandoned and unknown persons finally burned down the house on 2nd February 1999.

David Tam-Baryoh²³

In mid-August 1995, then *Concord Times* editor David Tam-Baryoh's report that the NPRC had provided arms to ULIMO-K fighters in Liberia, resulted in his arrest. Tam-Baryoh's article was accompanied by an editorial titled, "Breaking International Protocol? Taylor Shall Hit Us!" stating that the NPRC's action was a violation of ECOWAS protocol prohibiting the interference of any nation into the internal affairs of another state. Two days later, when Charles Taylor's NPFL fighters attacked Sierra Leone in retaliation for Sierra Leone's support of ECOMOG military actions against Taylor, NPRC Secretary of State for Foreign and International Relations Dr. Abass Bundu ordered Tam-Baryoh's arrest.

Kelvin Lewis²⁴

On August 18 1997, soldiers arrested Voice of America (VOA) stringer Kelvin Lewis, while he was covering student demonstrations against the AFRC in Freetown, and accused him of portraying the AFRC unfavorably on the VOA. He was assaulted and locked up in an airtight shipping container for approximately 48 hours before being released.

²³ Sourced from an Article called, ""Killer" Bills And Decrees: The Sierra Leone Media's Struggle for Survival Written By: Kakuna Kerina Matthew Leone & David Tam-Baryoh.

²⁴ Ibid

Deceased Defenders

Paul Mansaray

Until his death on 10th January 1999, Paul was Deputy Editor of the “Standard Times” Newspaper. He was monitoring and reporting on the human rights situation nation-wide. When the AFRC overthrew the legitimate government and increased the human rights violations in the country, Paul fearlessly reported on such issues. He met his death in a church together with the rest of his family (his wife and three children). Armed invading soldiers who entered the capital on 6th January were looking for him after his house at Consider Lane had been burnt. When they found them, the soldiers opened fire on the five of them and they were all killed. An eyewitness said that before shooting him dead the rebels shouted “for writing against us and for supplying information to ECOMOG when we were in power”. Paul was 40.

Mohamed Kamara

Before his death, Kamara was reporting for the “Point” Newspaper. He covered stories on the security forces’ brutality against civilians and the indiscriminate killings and disposal of corpses into waterways. While ECOMOG troops deployed along Circular Road were threatening two young men who were alleged to be rebel collaborators, Kamara came to the scene and started making his own enquiries. He was identified in the crowd and shot down by ECOMOG troops. Kamara was 28. He was known to have reported several incidents of clandestine killings by the peacekeeping forces.

James Ogugu

James Ogugu worked for the “Concord Times” newspaper until his abduction in January 1998. He wrote many articles and on several occasions he faced intimidation for writing about the authority’s poor human rights conduct. In the AFRC days, Ogugu was the lead critic of the gross abuses committed by the military regime. The offices of the “Concord Times” were raided on several occasions and the equipment vandalized. During the invasion of the city 1998, Ogugu was kidnapped from his home. Despite persistent appeals and pleas from the media for his release this demand was not met. Independent sources reported that he was murdered along the Waterloo Road on the outskirts of the city while trying to escape. His body has never been found. He was 42.

Conrad Roy

Roy 41, died in detention at the Pademba Road prisons. He was arrested on 13th March 1998, barely a month after the reinstatement of the legitimate Kabbah government. He was seriously beaten and locked up because of his reports on the atrocities committed by ECOMOG and CDF Militia. Roy was a human rights monitor, and because of his fieldwork, had gained access to a lot of information regarding these atrocities. His condemnation of these activities did not go down well with the authorities that regarded his reports as biased and alleged that he supported the rebels.

Conclusion

From all indications, the need for a sustainable means of condemning and advocating for the eradication of the abuse of Human Rights Defenders in Sierra Leone cannot be overemphasized. It is obvious however, that in Sierra Leone, this needs to go hand in hand with educating the society about their basic rights, in order to create a society of informed and less vulnerable people, thus reducing significantly the burden of Defenders. The monitors can themselves be equipped with the resources to expand their roles to include long-term education of the society starting as early as primary school.

The right of Defenders to denounce violations and support victims is seriously hampered by numerous and dangerous obstacles. There is general resistance by the “powers that be” to the condemning, reporting or exposing of organised crimes, orchestrated violence and other brutality. Even commissions on human rights in Parliament and other administrative environments like the civil service and military are resistant. An informed non-labelled society may be the perfect invisible watchdog needed to monitor and sustain the work of Defenders. This should not minimise the value of the risks taken by defenders in providing the only remedy for redress in our systems of continued abuse of power and contempt of Human Rights. Such work ensures there is an alternative where these subtle mechanisms are incapacitated.

Human Rights Defenders testify to the evolving, strengthening and increasing importance of the African civil society in general.

Appendix 1.

List of International Human Rights Instruments signed and Ratified By Sierra Leone

Convention	Signed	Ratified
African Charter on Human and People's Rights	27 th August 1981	21 st September 1993
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa		28 th December 1987
African Charter on the Rights and Welfare of The Child	14 th April 1992	
International Covenant on Economic, Social and Cultural Rights		23 rd August 1996
International Covenant on Civil and Political Rights		23 rd August 1996
Optional Protocol to the International Covenant on Civil and Political Rights		23 rd August 1996
Convention on the Elimination of All Forms of Discrimination Against Women	21 September 1988	11 November 1988
Convention on the Rights of the Child	13 th February 1990	18 th June 1990
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts		

Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	18 th March 1985	25 th April 2001
Rome Statute of the International Criminal Court	17 th October 1998	15 th September 2000

Appendix 2

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

General Assembly resolution 53/144

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;
2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

85th plenary meeting
9 December 1998

ANNEX

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. As basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and

international levels:

(a) To meet or assemble peacefully;

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration; everyone has the right, individually and in association with others, to benefit from an effective remedy and

to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should

respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, and administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
 - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of

further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

APPENDIX C

The Recognition And Protection Of Fundamental Human Rights And Freedoms Of The Individual In Chapter III Of The Sierra Leone Constitution

Fundamental human rights and freedoms of the individual. 15. Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following—

- a. life, liberty, security of person, the enjoyment of property, and the protection of law;
- b. freedom of conscience, of expression and of assembly and association;
- c. respect for private and family life, and
- d. protection from deprivation of property without compensation;

the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others, or the public interest.

Protection of right to life. 16. (1) No person shall be deprived of his life intentionally except in execution of the sentence of a court in respect of a criminal offence under the laws of Sierra Leone, of which he has been convicted.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case, that is to say—

- a. for the defence of any person from unlawful violence or for the defence of property; or
- b. in order to effect a lawful arrest or to prevent the escape of a person

- lawfully detained; or
- c. for the purpose of suppressing a riot, insurrection or mutiny; or
- d. in order to prevent the commission by that person of a criminal offence; or
- e. if he dies as a result of a lawful act of war.

Protection from arbitrary arrest or detention.

17. (1) No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases, that is to say —
- a. in consequence of his unfitness to plead to a criminal charge; or
 - b. in the execution of a sentence or order of a Court whether in Sierra Leone or elsewhere in respect of a criminal offence of which he has been convicted; or
 - c. in the execution of an order of the High Court or the Court of Appeal or the Supreme Court or such other court as may be prescribed by Parliament on the grounds of his contempt of any such court or of another court or tribunal or commission of inquiry as the case may be; or
 - d. in the execution of an Order of a court made in order to secure the fulfilment of any obligation imposed on him by law; or
 - e. for the purpose of bringing him before a court or tribunal, as the case may be, in execution of the order of a court; or
 - f. upon reasonable suspicion of his having committed or of being about to commit a criminal offence; or
 - g. in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare; or
 - h. for the purpose of preventing the spread of an infectious or contagious disease; or
 - i. in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community; or
 - j. for the purpose of preventing the unlawful entry of that person into Sierra Leone, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Sierra Leone or the taking of proceedings thereto.

(2) Any person who—

- a. is arrested or detained shall be informed in writing or in a language that he understands at the time of his arrest, and in any event not later than twenty-four hours, of the facts and grounds for his arrest or detention;
- b. is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.

(3) Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law—

- a. within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and
- b. within seventy-two hours of his arrest in case of other offences;

and if any person arrested or detained in such a case as is mentioned in the said paragraph (f) is not tried within the periods specified in paragraph (a) or (b) of this section, as the case may be, then without prejudice to any further proceedings which may be brought against him he shall be released either unconditionally or upon reasonable conditions, including in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

*Protection
of
freedom
of
movement.*

18. (1) No person shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone, and immunity from expulsion from Sierra Leone.

(2) Any restriction on a person's freedom of movement which is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- a. which is reasonably required in the interests of defence, public safety,

public order, public morality, public health or the conservation of the natural resources, such as mineral, marine, forest and other resources of Sierra Leone, except in so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or

- b. for the imposition of restrictions on the movement or residence within Sierra Leone of any person who is not a citizen thereof or the exclusion of expulsion from Sierra Leone of any such persons; or
- c. for the imposition of restrictions on the acquisition or use by any person of land or other property in Sierra Leone; or
- d. for the imposition of restrictions upon the movement or residence within Sierra Leone of public officers or members of a defence force; or
- e. for the removal of a person from Sierra Leone to be tried outside Sierra Leone for a criminal offence recognised as such by the laws of Sierra Leone, or to serve a term of imprisonment outside Sierra Leone in the execution of the sentence of a court in respect of a criminal offence of which he has been convicted; or
- f. for preventing the departure from Sierra Leone of a person who is reasonably suspected of having committed a crime or seeking to evade the fulfilment of an obligation imposed on him under the civil law or to evade military service:

Provided that no court or other authority shall prohibit any such person from entering into or residing in any place to which he is indigenous; or

- g. for restricting vagrancy.

(4) If—

- a. any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in paragraph (a) of subsection (3) so requests at any time during the period of that restriction not earlier than thirty days after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal, established by law, comprising not more than three persons from amongst persons of not less than fifteen years' standing entitled to practice in Sierra Leone as legal practitioners;
- b. any tribunal has been set up under paragraph (a), the Chairman of that tribunal shall be appointed by the Chief Justice, and the two other members of the tribunal shall be nominated by the

Sierra Leone Bar Association.

5. On any review by a tribunal in pursuance of subsection (4) of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expedience of continuing that restriction to the authority by whom it was ordered, but unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with such recommendations.

*Protection
from
slavery
and
forced
labour.*

19. (1) No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings.

(2) For the purposes of this section the expression "forced labour" does not include—

- a. any labour required in consequence of a sentence or order of a court, or
- b. labour required of any person while he is lawfully detained, which though not required in consequence of the sentence or order of a court, is reasonably necessary in the interest of hygiene or for the maintenance of the place in which he is detained; or
- c. any labour required of a member of a defence force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as such a member, any labour which that person is required by law to perform in place of such service; or
- d. any labour required during a period of public emergency or calamity which threatens the life of well-being of the community; or
- e. communal labour or labour which forms part of other civic obligation.

*Protection
from
inhuman
treatment.*

20. (1) No person shall be subject to any form of torture or any punishment or other treatment which is inhuman or degrading.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any kind of punishment which was lawful immediately before the entry into force of this Constitution.

*Protection
from
deprivation
of
property.*

21. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

- a. the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilization of any property in such a manner as to promote the public benefit or the public welfare of citizens of Sierra Leone; and
- b. the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having any interest in or right over the property; and
- c. provision is made by law applicable to that taking of possession or acquisition—
 - i. for the prompt payment of adequate compensation; and
 - ii. securing to any person having an interest in or right over the property, a right of access to the court or other impartial and independent authority for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled and for the purpose of obtaining prompt payment of that compensation.

(2) Nothing in this section shall be construed as affecting the making or operation of any law in so far as it provides for the taking of possession or acquisition of property—

- a. in satisfaction of any tax, rate or due;
- b. by way of penalty for breach of the law whether under civil process or after conviction of a criminal offence
- c. as an incident of a lease, tenancy, mortgage charge, bill of sale, pledge or contract;
- d. by way of the vesting or administration of trust property, enemy property; *bona vacantia*, property of prohibited aliens, or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons, or bodies corporate or incorporate in the course of being wound up;
- e. in the execution of judgements or orders of courts;
- f. by reason of such property being in a dangerous state or liable to cause injuries to the health of human beings, animals or plants;
- g. in consequence of any law with respect to the limitation of actions;

- h. for so long only as such taking possession may be necessary for the purposes of any examination, investigation, trial, or inquiry, or, in the case of land, the carrying out thereon—
 - i. of work of soil conservation or the conservation of other natural resources
 - ii. of agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable or lawful excuse refused or failed to carry out.

(3) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property or the compulsory acquisition in the public interest in or right over property, where that property, interest or right is held by a body corporate which is established directly by any law and in which no moneys have been invested other than moneys proved by Parliament or by the Legislature of the former Colony and Protectorate of Sierra Leone.

(4) Any such property of whatever description compulsorily taken possession of, and any interest in, or right over, property of any description compulsorily acquired in the public interest or for public purposes, shall be used only in the public interest or for the public purposes for which it is taken or acquired.

(5) Where any such property as is referred to in subsection (4) is not used in the public interest or for the public purposes for which it was taken or acquired, the person who was the owner immediately before the compulsory taking or acquisition, as the case may be, shall be given the first option of acquiring that property, in which event he shall be required to refund the whole or such part of the compensation as may be agreed upon between the parties thereto: and in the absence of any such agreement such amount as shall be determined by the High Court.

Protection for privacy of home and other property. 22. (1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises, or interference with his correspondence, telephone conversations and telegraphic and electronic communications.

(2) Nothing contained in or done under authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision that is reasonably required—

- a. in the interest of defence, public safety, public order, public morality, public health, town and country planning, or the development or

utilization of any property in such a manner as to promote the public benefit; or

- b. to enable any body corporate established directly by any law or any department of the Government or any local authority to enter on the premises of any person in order to carry out work in connection with any property or installation which is lawfully on such premises and which belongs to that body corporate or to the Government or to that authority, as the case may be; or
- c. for the purpose of protecting the rights and freedoms of other persons; or
- d. for the purpose of executing any judgement or order of a court; or
- e. for the purpose of affording such special care and assistance as are necessary for the health, safety, development and well-being of women, children and young persons, the aged and the handicapped;

and except in so far as that provision or, as the case may be, the thing done under authority thereof is shown not to be reasonably justifiable in a d e m o c r a t i c s o c i e t y .

Provision to secure protection of law.

23. (1) Whenever any person is charged with a criminal offence he shall unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Any court or other authority prescribed by law for the determination of the existence or extent of civil rights or obligations shall be independent and impartial; and where proceedings for such determination are instituted by or against any person or authority or the Government before such court or authority, the case shall be given fair hearing within a reasonable time.

(3) All proceedings of every court and proceedings relating to the determination of the existence or the extent of civil rights or obligations before any court or other authority, including the announcement of the decision of the court or other authority, shall be held in public:

Provided that the court or other authority may, to such an extent as it may consider necessary or expedient in circumstances where publicity would prejudice the interest of justice or interlocutory civil proceedings or to such extent as it may be empowered or required by law so to do in the interest of defence, public safety, public order, public morality, the welfare of persons under the age of twenty-one years or the protection of the private lives of persons concerned in the proceedings, exclude from its proceedings, persons other than the parties thereto and their legal representatives.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved, or has pleaded guilty:

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this subsection, to the extent that the law in question imposes on any person charged as aforesaid the burden of proving particular facts.

(5) Every person who is charged with a criminal offence—

- a. shall be informed at the time he is charged in the language which he understands and in detail, of the nature of the offence charged;
- b. shall be given adequate time and facilities for the preparation of his defence;
- c. shall be permitted to defend himself in person or by a legal practitioner of his own choice;
- d. shall be afforded facilities to examine in person or by his legal practitioner the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and
- e. shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge:

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this subsection to the extent that the law in question prohibits legal representation in a Local Court.

(6) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall if he so requires, and subject to the payment of such reasonable fee as may be prescribed by law, be given within a reasonable time, and in any event not more than three months after trial, a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission which did not, at the time it took place, constitute such an offence.

(8) No penalty shall be imposed for any criminal offence which is severer in degree or description than the maximum penalty which might have been

imposed for that offence at the time when it was committed.

(9) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the court of appeal proceedings relating to the conviction or acquittal; and no person shall be tried for a criminal offence if he shows that he has been pardoned for that offence:

Provided that nothing in any law shall be held to be inconsistent with or in contravention of this subsection by reason only that it authorises any court to try a member of a defence force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under service law; but any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under service law.

(10) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of any provisions of this section, other than subsections (7) and (8), to the extent that the law in question authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists before or during that period of public emergency.

(11) In paragraphs (c) and (d) of subsection (5), the expression "legal practitioner" means a person entitled to practise as a Barrister and Solicitor of the High Court.

Protection of freedom of conscience.

24. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom either alone or in community with others and both in public and in private to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or if he is a minor the consent of his parent or guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or to attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes a provision which is reasonably required—

- a. in the interest of defence, public safety, public order, public morality or public health; or
- b. for the purpose of protecting the rights and freedoms of other persons including the right to observe and practice any religion without the unsolicited intervention of the members of any other religion;

and except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a d e m o c r a t i c s o c i e t y .

Protection of freedom of expression and the press.

25. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purpose of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with his correspondence, freedom to own, establish and operate any medium for the dissemination of information, ideas and opinions, and academic freedom in institutions of learning:

Provided that no person other than the Government or any person or body authorised by the President shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in the contravention of this section to the extent that the law in question makes provision—

- a. which is reasonably required—
 - i. in the interests of defence, public safety, public order, public morality or public health; or
 - ii. for the purpose of protecting the reputations, rights and freedoms of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the telephony, telegraphy, telecommunications, posts, wireless broadcasting, television, public exhibitions or public entertainment; or

- b. which imposes restrictions on public officers or members of a defence force;

and except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a d e m o c r a t i c s o c i e t y .

Protection of freedom of assembly and association.

26. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to any political party, trade unions or other economic, social or professional associations, national or international, for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- a. which is reasonably required—
 - i. in the interests of defence, public safety, public order, public morality, public health, or provision for the maintenance of supplies and services essential to the life of the community; or
 - ii. for the purpose of protecting the rights and freedoms of other persons; or
- b. which imposes restrictions upon public officers and upon members of a defence force; or
- c. which imposes restrictions on the establishment of political parties, or regulates the organisation, registration, and functioning of political parties and the conduct of its members;

and except in so far as that provision, or as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a d e m o c r a t i c s o c i e t y .

Protection from discrimination.

27. (1) Subject to the provisions of subsection (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7), and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the function of any public office or

any public authority.

(3) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) shall not apply to any law so far as that law makes provision—

- a. for the appropriation of revenues or other funds of Sierra Leone or for the imposition of taxation (including the levying of fees for the grant of licenses); or
- b. with respect to persons who are not citizens of Sierra Leone; or
- c. with respect to persons who acquire citizenship of Sierra Leone by registration or by naturalization or by resolution of Parliament; or
- d. with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law; or
- e. for the application in the case of members of a particular race or tribe or customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or
- f. for authorising the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency; or
- g. whereby persons of any such description as mentioned in subsection (3) may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society; or
- h. for the limitation of citizenship or relating to national registration or to the collection of demographic statistics.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision

with respect to qualifications for service as a public officer or as a member of a defence force or for the service of a local government authority or a body corporate established directly by any law or of membership of Parliament.

(6) Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provisions of law as is referred to in subsection (4) or (5).

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) may be subjected to any restriction of the rights and freedoms guaranteed by sections 18, 22, 24, 25 and 26 being such a restriction as is authorised by subsection (3) of section 18, subsection (2) of section 22, subsection (5) of section 24, subsection (2) of section 25 or subsection (2) of section 26, as the case may be.

(8) The exercise of any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person under or by this Constitution or any other law shall not be enquired into by any Court on the grounds that it contravenes the provision of subsection (2).

Enforcement of protective provisions.

28. (1) Subject to the provisions of subsection (4), if any person alleges that any of the provisions of sections 16 to 27 (inclusive) has been, is being or is likely to be contravened in relation to him by any person (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person, (or that other person), may apply by motion to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction—

- a. to hear and determine any application made by any person in pursuance of subsection (1); and
- b. to determine any question arising in the case of any person which is referred to in subsection (3), and may make such order, issue such writs, and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of any of the provisions of the said sections 16 to 27 (inclusive) to the protection of which the person concerned is entitled:

Provided that the Supreme Court shall not exercise its powers under this

subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court other than the Supreme Court, any question arises as to the contravention of any of the provisions of sections 16 to 27 inclusive, that court may, and shall if any party to the proceedings so requests, refer the question to the Supreme Court.

(4)

- a. The Rules of Court Committee may make rules with respect to the practice and procedure of the Supreme Court for the purposes of this section;
- b. Parliament may confer upon the Supreme Court such powers in addition to those conferred by this section as may appear to Parliament to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.

(5) Parliament shall make provision—

- a. for the rendering of financial assistance to any indigent citizen of Sierra Leone where his right under this Chapter has been infringed, or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim; and
- b. for ensuring that allegations of infringements of such rights are substantial and the requirement or need for financial or legal aid is real.

(6) The Supreme Court—

- a. consisting of not less than five Justices of the Supreme Court shall consider every question referred to it under this Chapter for a decision, and, having heard arguments by or on behalf of the parties by Counsel, shall pronounce its decision on such question in open court as soon as may be and in any case not later than thirty days after the date of such reference;
- b. shall for the purposes of this Chapter, give its decision by a majority of the Justices of that Court and such decision shall be pronounced by the Chief Justice or any other of the Justices as the Court shall direct.

*Public
Emergency*

29. (1) Whenever in the opinion of the President a state of public emergency is imminent or has commenced, the President may, at any time, by Proclamation which shall be published in the *Gazette*, declare that—

- a. a state of public emergency exists either in any part, or in the whole of Sierra Leone; or
- b. a situation exists which, if it is allowed to continue, may lead to a state of public emergency in any part of or the whole of Sierra Leone.

(2) The President may issue a Proclamation of a state of public emergency only when—

- a. Sierra Leone is at war;
- b. Sierra Leone is in imminent danger of invasion or involvement in a state of war; or
- c. there is actual breakdown of public order and public safety in the whole of Sierra Leone or any part thereof to such an extent as to require extraordinary measures to restore peace and security; or
- d. there is a clear and present danger of an actual breakdown of public order and public safety in the whole of Sierra Leone or any part thereof requiring extraordinary measures to avert the same; or
- e. there is an occurrence of imminent danger, or the occurrence of any disaster or natural calamity affecting the community or a section of the community in Sierra Leone; or
- f. there is any other public danger which clearly constitutes a threat to the existence of Sierra Leone.

(3) Every declaration made under subsection (1) shall lapse—

- a. in the case of a declaration made when Parliament is sitting at the expiration of a period of seven days beginning with the date of publication of the declaration; and
- b. in any other case, at the expiration of a period of twenty-one days beginning with the date of the declaration,

unless it has in the meantime been approved by or superseded by a Resolution of Parliament supported by the votes of two-thirds of the Members of Parliament.

(4) A declaration made under subsection (1) may at any time before being superseded by a Resolution of Parliament be revoked by the President by Proclamation which shall be published in the *Gazette*, and all measures taken thereunder shall be deemed valid and lawful and shall not be enquired into by

any court or tribunal.

(5) During a period of public emergency, the President may make such regulations and take such measures as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in Sierra Leone or any part thereof.

(6) Without derogating from the generality of the powers conferred by subsection (5) and notwithstanding the provisions of this Chapter, the regulations or measures may, so far as appears to the President to be necessary or expedient for any of the purposes mentioned in that subsection—

- a. make provision for the detention of persons, the restriction of the movement of persons within defined localities, and the deportation and exclusion of persons other than citizens of Sierra Leone from Sierra Leone or any part thereof;
- b. authorise—
 - i. the taking of possession or control on behalf of the Government of any property or undertaking;
 - ii. the acquisition on behalf of the Government of any property other than land;
- c. authorise the entering and search of any premises;
- d. amend any law, suspend the operation of any law, and apply any law with or without modification;

Provided that such amendment, suspension or modification shall not apply to this Constitution;

- e. provide for charging, in respect of the grant of issue of any license, permit, certificate or other document for the purpose of the regulations, such fees as may be prescribed by or under the regulations;
- f. provide for payment of compensation and remuneration to persons affected by the regulations;
- g. provide for the apprehension, trial and punishment of persons offending against the regulations;
- h. provide for maintaining such supplies and services as are, in the opinion of the President, essential to the life and well-being of the community;

Provided that nothing in this subsection shall authorise the making of

regulations during a period of public emergency for the trial of persons who are not members of defence forces by military courts.

(7) The payment of any compensation or remuneration under the provisions of such regulations shall be a charge upon the Consolidated Fund.

(8) Regulations made under this section shall apply to the whole of Sierra Leone or to such parts thereof as may be specified in the regulations.

(9) Regulations made under this section may provide for empowering such authorities or persons as may be specified in the regulations to make Orders and Rules for any of the purposes for which the regulations are authorised by this Constitution to be necessary or expedient for the purposes of the regulations.

(10)

- a. Every regulation or measure taken under this section and every order or rule made in pursuance of such a regulation shall, without prejudice to the validity of anything lawfully done thereunder, cease to have effect ninety days from the date upon which it comes into operation unless before the expiration of the period, it has been approved by resolution passed by Parliament.
- b. Any such regulation, order or rule may, without prejudice to the validity of anything lawfully done thereunder at any time be amended or revoked by the President.

(11) Subject to the provisions of subsections (7) and (8) of section 23, every regulation made under this section and every order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any law; and any provision of a law which is inconsistent with any such regulation, order or rule shall, whether that provision has or has not been amended, modified or suspended in its operation under any Act, cease to have effect to the extent that such regulation, order or rule remains in force.

(12) A declaration made under subsection (1) that has been approved by or superseded by a resolution of Parliament in pursuance of subsection (2) shall, subject to the provisions of subsection (3), remain in force as long as that resolution remains in force.

(13) A resolution of Parliament passed for the purpose of this section shall remain in force for a period of twelve months or such shorter period as may be specified therein;

Provided that any such resolution may be extended from time to time by a further such resolution, supported by the votes of two-thirds of Members of Parliament. each extension not exceeding twelve months from the date of the

resolution effecting the extension; and any such resolution may be revoked at any time by a resolution supported by the votes of a simple majority of all the Members of Parliament.

(14) Any provision of this Section that a declaration made under subsection (1) shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such declaration whether before or after that time.

(15) Every document purporting to be an instrument made or issued by the President or other authority or person in pursuance of this section, or of any regulation made thereunder and to be signed by or on behalf of the President or such other authority or person, shall be received in evidence, and shall, until the contrary be proved, be deemed to be an instrument made or issued by the President or that authority or person.

(16) The President may summon Parliament to meet for the purpose of subsection (2) notwithstanding that Parliament then stands dissolved, and the persons who were Members of Parliament immediately before the dissolution shall be deemed, for those purposes, still to be Members of Parliament but subject to the provisions of section 79 of this Constitution (which relates to the election of the Speaker of Parliament), without prejudice to the provisions of section 85 of this Constitution (which relates to the prolongation of the life of Parliament during a period of public emergency). Parliament shall not when summoned by virtue of this subsection transact any business other than debating and voting upon a resolution for the purpose of subsection (2).

17. During a period of detention—

- a. if any person who is detained in such a case as is mentioned in paragraph (a) of subsection (6) and who is not released so requests at any time not earlier than thirty days after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law, comprising not more than three persons from amongst persons of not less than fifteen year's standing entitled to practise in Sierra Leone as legal practitioners;
- b. the Chairman of the tribunal, set up under paragraph (a) shall be appointed by the Chief Justice, and the two other members shall be nominated by the Sierra Leone Bar Association;
- c. on any review by a tribunal in pursuance of paragraph (a) of the case of any detained person, the tribunal may made recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered, but unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendation.

(18) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the taking during a period of a state of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists immediately before and during that period of a state of public emergency.

Interpretation of Chapter III. 30. (1) In this Chapter, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

"contravention" in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly; "court" means any court of law in Sierra Leone other than a local court or a court constituted by or under service law and—

- a. in section 16, section 17, section 18, section 19, subsections (3), (5), (6), (9) (but not the proviso thereto) and (11) of Section 23, subsection (2) of section 25, subsection 8 of section 27, subsection (3) of section 28 and subsection (4) of section 29 includes, in relation to an offence against service law, a court so constituted; and
- b. in sections 17 and 19, and subsection (8) of section 27, includes, in relation to an offence against service law, an officer of a defence force or of the Sierra Leone Police Force.

"defence force" means any naval, military or airforce of the Government of the Republic of Sierra Leone; "member" in relation to a defence force or other disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline; "owner" includes any person or his successor in title deprived of any right or interest pursuant to section 21, and "service law" means the law regarding the discipline of a defence force or of the Sierra Leone Police Force or the Prisons Service or any disciplined volunteer force.

(2) References in sections 16, 17, 18 and 21 to a "criminal offence" shall be construed as including references to an offence against service law and such references in subsections (4) to (9) of section 23 shall, in relation to proceedings before a court constituted by or under service law, be similarly construed.

(3) Nothing done by or under the authority of the law of any country other

than Sierra Leone to a member of an armed force raised under that law and lawfully present in Sierra Leone shall be held to be in contravention of the provisions of this Chapter.

(4) In relation to any person who is a member of a disciplined force raised under an Act of Parliament, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

(5) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Sierra Leone, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

(6) In determining the appropriated "majority of all Members of Parliament" account shall only be taken of the persons actually and validly existing as Members of Parliament at the relevant time.