

**Submission to 56th session of the African
Commission on Human and Peoples' Rights on the
situation of human rights defenders**

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The Republic of Sierra Leone, which will be reviewed at the 56th session of the African Commission on Human and Peoples' Rights (ACHPR), presented its first country report covering the period 1983-2013 on 27 June 2013. In 2009, the ACHPR Special Rapporteur on Freedom of Expression and Access to Information reminded the Government of Sierra Leone of the obligation of member states to ensure that laws relating to media are in line with the Declaration of Principles on Freedom of Expression in Africa, as well as international standards regarding freedom of expression. To this end the Special Rapporteur indicated the need to repeal or amend laws, including the Public Order Act and the various acts criminalising defamation. She also urged the Government of Sierra Leone to prosecute reported cases of harassment and intimidation against journalists.

The purpose of this paper is to highlight the situation for HRDs in Sierra Leone since its last review by the ACHPR; the steps taken by the Sierra Leone to implement the ACHPR's past recommendations; and key recommendations for the ACHPR to consider making to Sierra Leone during its current review.

1. Risks facing human rights defenders

- Frontline Defenders reports that while significant progress has been made in the area of human rights since the end of the armed conflict in 2002, human rights defenders (HRDs) and non-governmental organisations (NGOs) continue to face threats and reprisals.¹
- Journalists are also under fire; an example includes a journalist reporting on a public land dispute being stabbed to death in 2011.²
- Human Rights Watch has highlighted the Government's prioritisation of development over respect for human rights. This has resulted in human rights defenders working for the protection of land rights suffering intimidation and reprisals.³
- Labor activists in Sierra Leone are punished for their advocacy efforts.⁴ A clear example of this was the use of firearms against employees of African Minerals Limited who were protesting against the discrimination and mistreatment experienced at work.⁵

2. Official restrictions on the space for human rights defenders

- The International Centre for Not-for-Profit Law reports on Sierra Leone's maintenance of Part V of the Public Order Act (POA) 1965, which criminalises defamation and sedition. Sections of the POA which criminalise the reporting of 'false news' and place the burden of proof on the accused have been used to silence civil society organisations.⁶ An example includes the arrest and charge of two journalists with 'conspiracy to commit acts with seditious intent' in October 2013 for comparing the president of Sierra Leone to a rat.⁷
- In October 2013, the Right to Access Information Bill was enacted, signifying a positive move for the right to freedom of information, the rule of law and transparency.⁸ However, this Bill has yet to be properly implemented.⁹ The concern is that the passage of this Bill was politically driven and that no concrete action will follow.¹⁰
- The exercise of the right to freedom of peaceful assembly and protest is restricted in Sierra Leone, with the Public Order Act requiring protesters to give an unreasonable period of notice to authorities, often weeks in advance of an intended assembly.¹¹ There are also substantial limitations on the times or places in which a protest can take place. The use of instruments at certain times is prohibited.¹² It is an offence to hold a procession, or call to convene a procession, of more than 50 people within one mile of the House of Representatives.¹³ Procedural specificities have the substantive effect of curbing legitimate protest, giving the state the capacity to arbitrarily to declare a protest unlawful or a threat to public order. These decisions are not generally subject to judicial review¹⁴.

- Sierra Leone has recently enacted laws that enhance the ability for the government and state agencies to interfere with the legitimate work of civil society organisations. Notably, this includes the National Revenue Authority Act and the Anti-Corruption Act and the 2009 Revised NGO Policy Regulations.¹⁵ These purport merely to categorise civil society organisations, but in practice organisations labelled NGOs or not-for-profit companies face significantly harsher restrictions than government-approved ‘community-based organisations’.¹⁶ These restrictions include being subject to stringent reporting and supervisory requirements and requiring prior government approval to implement a project. In addition, as membership has essentially become a requirement for NGOs, the Sierra Leone Association of Non-governmental Organisations, which was intended to be an independent umbrella group and voice for the NGO sector, is becoming a governmental tool, with disastrous consequences for civil society space.¹⁷

3. Human rights defenders facing particular risks

- Human rights defenders working on issues related to corporate accountability are particularly subject to the risk of reprisals. The Government does not have clear policies on land acquisitions, or sufficient provisions to protect land rights, despite more than 20% of the country’s total arable land being leased to foreign investors.¹⁸ In November 2010 residents in Tonkolili protesting their relocation and the acquisition of their land, were violently oppressed by police using tear-gas and guns.¹⁹ A group of women who then attempted to address the violence that had developed between the police and Tonkolili residents following the relocation were fired upon when approaching the police station, resulting in the death of one of the women.²⁰
- Despite advances made by Sierra Leone in the passage of a number of progressive laws to protect women, huge challenges remain for women human rights defenders, including intimidation and threats of violence from government officials and multinational companies. Staff and volunteers of organisations working to support women’s rights are similarly targeted. Such intimidation includes threatening phone calls and text messages, and accusations by government officials of undermining the country’s economic development.²¹
- Labour activists are prevented from making representations to the Human Rights Commission regarding events associated with land acquisitions for major projects. This is in effect the silencing of dissent.²²
- Journalists are also targeted. A particularly disturbing case of reprisal includes the death of Mr. Harry Yansaneh, former editor of the independent newspaper *For Di People*, on 28 July 2005 as a result of violent beatings suffered on 10 May 2005 by a group of men allegedly hired by Mrs Fatmata Hassan, a member of the Sierra Leone People’s Party, a member of the Parliament of the Economic Community of West African States and owner of the building housing *For Di People*.²³ Ten years on, those responsible for the death of Mr Yansaneh’s have not been prosecuted.

4. The lack of response of the State regarding the protection of human rights defenders

- We congratulate Sierra Leone on submitting its first report to the ACHPR in June 2013. However we note that Sierra Leone has 14 outstanding reports that need to be sent to the ACHPR in relation to the extent to which it has discharged its obligations under the African Charter on Human and Peoples’ Rights.
- In 2014 the United Nations Special Rapporteur on the situation of HRDs sent a communication to the Sierra Leonean Government expressing concern at insults and threats against a human rights defender who had denounced allegations of corruption by government officials in their response to the outbreak of Ebola. The Special Rapporteur has not received a response to this communication.²⁴
- In its statement to the United Nations Special Rapporteur on the situation of HRDs during the 28th session of the Human Rights Council, Sierra Leone highlighted the important role HRDs play in the promotion and protection of human rights and noted that HRDs can be guaranteed protection through national legislation and enforceable mechanisms against reprisals. Sierra Leone confirmed that it maintains an open invitation to all United Nations mandate holders, especially the Special Rapporteur on the situation of HRDs.²⁵ We hope that this reflects a new willingness on the part of Sierra Leone to work towards establishing legislation for the protection of HRDs and to speak out about reprisals against HRDs. Such a statement should encompass intimidation and reprisals against defenders accessing African Commission human rights mechanisms.

5. Recommendations to the Government of Sierra Leone

- Develop and enact specific laws and policies to recognise and protect the work of HRDs and which give full force and effect to the international Declaration on Human Rights Defenders at the national level.
- Fully implement the Right to Access Information Bill as a step towards ensuring accountability for repressive practices; this will necessitate the repeal of legislation criminalising defamation and libel.
- Refrain from criminalising the legitimate activities of HRDs and repeal or amend all laws and policies which restrict their activities and rights, including Part V of the Public Order Act (POA) 1965 to render it compatible with international human rights standards on freedom of expression; and the restrictive elements of the Revised NGO Policy Regulations of 2009 that impose excessive limitations on the activities of NGOs.
- Combat impunity by ensuring prompt, thorough and transparent investigations of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.
- Implement campaigns to raise awareness about the important and legitimate work of HRDs, targeting public officials and law enforcement agencies, as well as wider society.

Sierra Leone, among others, led an important Resolution on Civil Society Space that was adopted at the 27th session of the Human Rights Council. Having so promoted this resolution on civil society space, it is deeply regrettable to note that Sierra Leone has largely failed to implement it. Sierra Leone should demonstrate its commitment to a safe and enabling environment for human rights defenders and commence a consultative process for the development of a human rights defender protection law in line with its statement at the 28th session of the UN Human Rights Council in March 2015.

¹ <http://www.frontlinedefenders.org/sierra-leone>

² Ibid.

³ http://www.hrw.org/sites/default/files/reports/sierraleone0214_ForUpload.pdf

⁴ Ibid.

⁵ Ibid.

⁶ <http://www.icnl.org/research/monitor/sierraleone.html>

⁷ <https://books.google.ch/books?id=uiDfBQAAQBAJ&pg=PA612&lpg=PA612&dq=Al-Shabaab+was+planning+to+attack+a+government+building+in+Freetown&source=bl&ots=rX8j-RQhxj&sig=2tthXZXNoPWp-uGMAjTzd9yLqPY&hl=en&sa=X&ei=yNsTVcavL873O6DjgMAL&ved=0CCYQ6AEwAQ#v=onepage&q=Al-Shabaab%20was%20planning%20to%20attack%20a%20government%20building%20in%20Freetown&f=false>

⁸ <http://www.hrw.org/news/2013/10/30/sierra-leone-new-law-promotes-transparency> and <http://www.freedominfo.org/2014/09/ogp-moving-toward-approval-revised-civic-space-policy/>

⁹ <http://www.freedominfo.org/2013/11/sierra-leone-foi-is-one-thing-freedom-of-press-another/>

¹⁰ Ibid.

¹¹ Public Order Act 1965, s 17(1)

¹² Public Order Act 1965, section 10(1)

¹³ Public Order Act 1965, section 23(4),

¹⁴ Public Order Act of 1965, sections 17(3) and 18(1)-(2)

¹⁵ <http://www.icnl.org/research/monitor/sierraleone.html>

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ <https://www.opendemocracy.net/5050/mariama-tarawallie/women-in-sierra-leone-resisting-dispossession>

¹⁹ Supra 3.

²⁰ Supra 3.

²¹ Supra 18.

²² Supra 3.

²³ <http://www.omct.org/human-rights-defenders/urgent-interventions/sierra-leone/2005/11/d17710/>

²⁴ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_Add_1_en.doc

²⁵ https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/OralStatements/8_Sierra_Leone_ID_17.doc