



BRIEFING PAPER

Universal Periodic Review

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THE SITUATION OF HUMAN RIGHTS DEFENDERS IN SIERRA LEONE

Contacts

Adelaïde ETONG KAME
International Service for Human Rights
a.etong@ishr.ch

Alphonsus B.M Gbanie
Human Rights Defenders Network Sierra Leone
hrdefenderssl@gmail.com

Following the last Universal Periodic Review (UPR) of Sierra Leone in January 2016, Sierra Leone accepted 177 of 208 recommendations. Out of the 177 accepted recommendations, Sierra Leone received and supported five recommendations about human rights defenders (HRDs). These recommendations called on the State to prevent impunity and harassment against HRDs, to ensure the right to freedom of expression,

and to refrain from criminalising the legitimate activities and rights of HRDs¹. However, since its last review and even though Sierra Leone accepted all recommendations concerning HRDs, the situation of HRDs is still concerning, with further attacks against HRDs.

RISKS FACING HUMAN RIGHTS DEFENDERS

- Journalists and HRDs criticising publicly the government and its anti-corruption policy have been subjected to [arbitrary detention](#) and other forms of intimidation by the Sierra Leone security and judicial forces.
- LGBT activists and NGOs working on gender and sexual rights are still attacked according to [Front Line Defenders](#), which has reported cases of destruction of property and blackmail. Human rights defenders denouncing human rights violations by State authorities and traditional leaders also faced harassment.
- The right of freedom of assembly through protests to defend human rights has also been violated, in particular through the use of excessive force by the police and the security forces.
- Opponents of the SOCFIN's land deal in Malen Chiefdom have been [systematically criminalised and often violently repressed](#) by law enforcement agencies. There were incidents of arbitrary arrests and detention, and judicial harassment of MALOA members.

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- The use of [Part V of the Public Order Act](#) (POA), which criminalises defamation and sedition, continues to restrict freedom of expression. Even though a proposed amendment to repeal Part V was approved by the Cabinet, civil society organisations expressed concerns about other draconian provisions that could remain in the POA, which [restrict the right to freedom of expression](#).
- The [2017 revision of the NGO Policy](#) imposed stricter requirements for NGOs and community-based organisations, such as aligning their activities with the government's development policy. All NGOs were required to register with the Ministry of Planning and Economic Development which has the power to scrutinise organisations' financial information and operations, contrary to the UN Declaration on Human Rights Defenders. This policy reduces considerably the number of recognised NGOs and thus can be [used to criminalise their actions](#).
- The newly adopted Development Cooperation

Framework (DCF) by the government of Sierra Leone includes provisions which impede the rights to freedom of expression and assembly. Positively, the proposed framework includes national capacity building and accountability to development partners especially by ensuring government systems are more transparent, combating corruption and further strengthening of its Public Financial Management systems. However, it also introduces limiting measures such as restrictive eligibility criteria, burdensome registration process, and limits operational area including signing of Service Level Agreement (SLA) with relevant Ministries Departments and Agencies to qualify for registration. This strategy framework appears to retain a great number of restrictive provisions from the NGO policy adopted in 2018, and has the potential to seriously [erode the exercise of the right to freedom of association in the country](#). Efforts to re-open discussion on the DCF between government, civil society and development partners are yet to yield any results, though the government of Sierra Leone has expressed commitment to review the DCF.

- Same-sex conduct continues to be [criminalised](#) according to Section 61 of the Offences Against the Person Act of 1861, with a maximum punishment of life imprisonment. LGBTI people continue to suffer discrimination and stigmatisation within communities and at health centres. During the second cycle of the UPR in January 2016, [four recommendations](#) urged the State to repeal this law, which is still in force.
- Police and security forces frequently use excessive force, such as the use of tear gas and firearms in reaction to [peaceful protests](#) on All Peoples Congress (APC) premises denouncing the nullification of some 2018 legislative results on 31 May 2019.
- On 18 July 2020, [riots in Makeni](#) over the relocation of a thermal generator plant from Makeni to Lungi resulted in the deaths of 6 people. Similarly, on 29 April 2020, 12 people died as a result of gunshot wounds, 11 from blunt forced trauma and 8 died from ill health according to reports from the Director General – Correctional Services. Finally, in December, an investigation was launched into the [rape of a minor](#), allegedly by a police officer in Kenema, eastern Sierra Leone.

¹ A/HRC/32/16andA/HRC/32/16/Add.1

- Some of the national and international civil society organisations that support local HRDs regularly faced [intimidation](#), particularly by local authorities. They have also been [prevented from doing their work in some cases](#).

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- On 21 January 2019, two land rights defenders, Mohamed Ansumana and Mustapha, [were shot dead](#) during [clashes that erupted between members of local communities and security forces](#) deployed to protect the palm oil plantations of the agribusiness SOCFIN Group in the Sahn Malen Chiefdom in Pujehun District.
- On the same day, security forces raided villages such as Gbombu where they looted properties, and beat and manhandled citizens. Nineteen members of Malen Affected Landowners and Users Association (MALOA) were arrested, [including Sorh Kudor, Abu D9 and Momoh](#). The scale of State security brutality can be described as unprecedented in the chiefdom since the beginning of the land conflict, following the arrival of SOCFIN.
- In February 2016, leader of MALOA and former Member of Parliament, Musa Sama, was sentenced to five months in prison, allegedly for committing abuses against SOCFIN Agricultural Company in its plantation. MALOA maintained that MALOA members were defending their rights to land and livelihood against land grabbing by SOCFIN. In June 2016, [six MALOA activists were released](#).
- Harassment and intimidation against HRDs are growing in the Malen Chiefdom. Two SOCFIN workers [were seen in company of security forces](#) raiding homes of citizens in Banaleh village, beating citizens indiscriminately. Hundreds of people were forced to flee their homes.
- In February 2019, Hannah Deen, a woman land rights activist also women's leader of MALOA and others was [arrested and detained](#) for several days at the Pujehun Police Station where they were molested and beaten by security personnel.
- [Women are particularly affected](#) by this conflict and violations of rights such as sexual violence or illegal acquirement of lands, which deprive them from the land they traditionally use for their livelihood. They are discriminated against in hiring, earn less than male workers, and often faced sexual harassment and gender-based violence in the workplace.
- On 4 February 2016, six members of the executive board of MALOA arrested in 2013 were [found guilty](#) in the High Court of Bo for "destruction of plants in cultivation", "conspiracy" and "incitement".
- In June 2017, a massive strike and protest action was organized by a new local group called Youth Affected by SAC (YASAC). Four members of the YASAC executive board [were arrested](#). According to media reports, two of them were convicted of "writing threatening letters". They were fined 150,000 Leone and sentenced to two months in prison.
- On 21 September 2017, police prevented the Malen Landowners and Users Association (MALOA) from holding a peaceful assembly in Pujehun town on the grounds that the association was not registered in the Chiefdom. The gathering had been organised to coincide with a meeting between MALOA members and the District Security Committee on the International Day against monoculture tree plantations. The [police blocked the road and prevented them from joining the assembly](#) but allowed six members to attend the meeting.
- MALOA was [unable to register as an organisation with the local authorities](#). On several occasions, members of the executive board of MALOA wrote to local authorities to inform them of their meetings and the organisation of peaceful demonstrations to make their demands heard. These actions were systematically banned by the chieftaincy authorities, in flagrant violation of their right to freedom of peaceful assembly and association as well as their right to freedom of expression and opinion.
- National and international NGOs that support local communities also encountered [interference in the exercise of their activities](#). Green Scenery, an environmental and human rights organisation, has been constantly intimidated by SOCFIN and local authorities. Green Scenery and FIAN Belgium were also banned from entering the Pujehun district by a police injunction. In 2017, the Traditional Chief informed them that he will definitively ban all activities of Green Scenery, the Rural Agency for Community Action Program (RACAP) and Welthungerhilfe in the Chefferie, accusing them of "causing and promoting unrest".
- On the same day, police forces caused serious injuries when they used [excessive force](#), including the use of tear gas, to disperse a protest on APC premises denouncing the nullification of some 2018 legislative results. In December, an investigation was launched into the rape of a

minor, allegedly by a police officer in Kenema, eastern Sierra Leone.

- In March 2017, police opened fire on the students of Njala University for having protesting against a long-running lecturers' strike. The [police killed a teenage boy](#) of around 16 and seriously injured two students. Police said that the [students did not obtain a permit to protest](#). Seven students were arrested but released without charge after being detained for two days.
- On the same day, police fired tear gas to disperse students protesting against the strike in front of the President's residence in Freetown. [Fourteen students were arrested and charged with riotous conduct](#) and fined and released by the Magistrate Court. Two other students were arrested and charged with conspiracy and possession of an offensive weapon. They were released on bail and their case was ongoing at the end of the year.

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- On 26 April 2019, the authorities committed to legal reforms to give [more power and independence to the Independent Police Complaints Board](#), responsible for receiving individual complaints and making recommendations regarding police abuses.
- Although progress has been made towards the development of a national law on the recognition and protection of HRDs since 2016, HRDs are still victims of intimidation and detention, especially in the case of environmental and land rights defenders.
- The Government of Sierra Leone did not follow the [Land Governance Guidelines](#) incorporated into the National Land Policy of 2015, mentioning that the Government shall adopt measures to ensure that investors act responsibly, respect human and land rights, do no harm to food security, local livelihoods and the environment.

RECOMMENDATIONS TO THE GOVERNMENT OF SIERRA LEONE:

- Adopt and implement a national law on the protection of HRDs in conformity with the UN Declaration on Human Rights Defenders and the Model National Law on the Recognition and Protection of Human Rights Defenders.
- Adopt laws and measures to implement the UN Guiding Principles on Business and Human Rights and fully guarantee the protection of defenders working on issues related to land and environmental rights.
- Release land rights activists from Malen who are still in jail and ensure adequate protection of defenders working on land such as the members of the Malen communities and their advocates against threats, reprisals and harassment by members of the State security forces or individuals with ties to SOCFIN Group.
- Take all possible steps to limit undue corporate influence over public processes and actors, including via effective legislative, policy and enforcement mechanisms which enable the State to safeguard the human rights of its population, regardless of any business interests at-stake.
- Guarantee, through specific policies, the protection of women rights defenders, especially those working on land rights.
- Review the restrictive NGOs Policy Regulations and refrain from adopting policies aimed at restricting CSOs or interfering with their financial autonomy and independence of action.
- Refrain from criminalising the legitimate activities of HRDs and repeal all laws and policies that restrict their activities and rights, including Part V of the Public Order Act and the Offences Against the Person Act.
- Ensure the full and effective implementation of the National Land Policy of 2015 to protect legitimate land rights from infringement, especially concerning the Malen conflict.

ABOUT THIS BRIEFING PAPER

ISHR and Human Rights Defenders Network Sierra Leone encourage States to consult UPR submissions by local activists and make recommendations to Sierra Leone regarding the protection of HRDs. This paper is a result of compiling public information and direct contact and experience in the protection of HRDs. Readers should consult sources provided for additional information.