

# HUMAN RIGHTS COMMISSION OF SIERRA LEONE



## REPORT OF THE PUBLIC INQUIRY INTO THE CONDUCT OF LAW ENFORCEMENT OFFICERS 2015 - 2021



**OPEN SOCIETY**  
Initiative for West Africa

  
Empowered lives.  
Resilient nations.

  
**Irish Aid**  
Ríaltas na hÉireann  
Government of Ireland

## TABLE OF CONTENTS

LETTER TO THE PRESIDENT .....	iv
LETTER TO THE SPEAKER OF PARLIAMENT .....	v
ACKNOWLEDGEMENT .....	viii
ABBREVIATIONS .....	xi
EXECUTIVE SUMMARY .....	xiii
KEY FINDINGS, DECISIONS AND RECOMMENDATIONS.....	xv
PART ONE.....	1
PUBLIC INQUIRY BACKGROUND AND ACTIVITIES .....	1
CHAPTER ONE .....	2
INTRODUCTION.....	2
BACKGROUND TO THE PUBLIC INQUIRY .....	4
TERMS OF REFERENCE FOR THE PUBLIC INQUIRY .....	5
LIST OF ISSUES CONSIDERED .....	6
INTERESTED PERSONS/ PARTIES AND INSTITUTIONS .....	7
JURISDICTION AND MANDATE .....	10
METHODOLOGY .....	12
SCOPE AND LIMITATION OF THE PUBLIC INQUIRY.....	13
ORGANISATION OF THE REPORT .....	13
CHAPTER TWO .....	15
UNDERSTANDING THE LEGAL AND NORMATIVE FRAMEWORKS ON LAW ENFORCEMENT .....	15
International Level .....	15
Africa Regional Frameworks.....	19
Domestic Legal Frameworks Level in Sierra Leone .....	22
Institutional Frameworks for Accountability On Law Enforcement in Sierra Leone.....	25
CHAPTER THREE .....	31

PRE-INQUIRY ACTIVITIES .....	31
Setting up of PI Secretariats and Recruitments of Consultants and Panel Lawyers .....	31
Training Of Commissioners and Staff on PI Process .....	31
Preliminary Stakeholders Engagements .....	33
Regional Stakeholders Meetings, Roundtable Engagement and Town Hall Meetings.....	41
Roundtable Engagements .....	45
Statement Taking Process .....	47
Challenges - Highlights of Project Constraints.....	48
Lessons Learnt /Human Interest Stories.....	49
CONCLUSION .....	51
PART TWO .....	52
DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS .....	52
CHAPTER FOUR .....	53
DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE SOUTH & EAST REGIONS PANEL .....	53
CIRCUIT TWO: KENEMA SITTINGS.....	54
CIRCUIT TWO: KONO SITTING .....	65
CIRCUIT TWO: BO SITTINGS .....	71
PUJEHUN DISTRICT COMPLAINTS.....	71
BONTHE DISTRICT COMPLAINTS.....	88
BO DISTRICT COMPLAINT .....	91
CHAPTER FIVE .....	94
DECISIONS, ORDERS/ DIRECTIVES AND RECOMMENDATIONS OF THE NORTH & NORTH-WEST PUBLIC INQUIRY HEARING.....	94
CIRCUIT ONE: KABALA SITTINGS .....	95
KOINADUGU DISTRICT .....	95
CIRCUIT ONE: MAKENI SITTINGS .....	111

BOMBALI DISTRICT COMPLAINTS .....	111
PORT LOKO DISTRICT COMPLAINTS.....	119
CHAPTER SIX .....	124
DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE WESTERN AREA PANEL .....	124
CIRCUIT THREE:      WATERLOO SITTINGS .....	125
WESTERN AREA COMPLAINTS .....	125
MISCELLANEOUS RECOMMENDATIONS .....	139
BIBLIOGRAPHY .....	142
ANNEXES .....	145

## **LETTER TO THE PRESIDENT**

H.E. Rtd. Brigadier Dr. Julius Maada Bio  
President of the Republic of Sierra Leone  
State House, Tower Hill  
Freetown.

Your Excellency,

### **RE: SUBMISSION OF REPORT ON THE PUBLIC INQUIRY INTO THE CONDUCT OF LAW ENFORCEMENT OFFICERS FROM 2015 TO 2021.**

The Human Rights Commission of Sierra Leone (HRCSL) is pleased to submit to you, the report of the Public Inquiry into the Conduct of Law Enforcement Officers in Sierra Leone spanning January 2015 to 31<sup>st</sup> December 2021, as a special report. The Public Inquiry was conducted by the Human Rights Commission of Sierra Leone from January 2022 to December, 2023 in accordance with Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act, 2004 and Rule 42 of the Human Rights Commission of Sierra Leone (Complaint, Investigations and Inquiries) Rules, 2008, which give the Commission the mandate to conduct a public inquiry into allegations of systemic violations of human rights on its own initiative.

As provided in Rule 56 (1) (a) to (e) of the said Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008; this report contains the background and methodology used to conduct the inquiry; case summaries of panel sittings, analysis of the fact and applicable law; decisions, recommendations, directives and orders for remedies to victims in appropriate cases.

The Commission strongly believes that addressing impunity, the protection and promotion of human rights, good governance and the consolidation of peace are prerequisites for sustained democracy and development in Sierra Leone.

HRCSL therefore urges Government and in particular, the SLP and RSLAF to implement the recommendations and orders contained herein which the Commission believes will go a long way in addressing impunity and safeguarding the human rights of all in Sierra Leone.

Faithfully Yours,  
Patricia Narsu Ndanema (Mrs)  
Chairperson, HRCSL

## **LETTER TO THE SPEAKER OF PARLIAMENT**

Hon. Dr. Abass Bundu  
Speaker of Parliament  
Tower Hill  
Freetown.

Dear Honourable Speaker

### **RE: SUBMISSION OF REPORT ON THE PUBLIC INQUIRY INTO THE CONDUCT OF LAW ENFORCEMENT OFFICERS FROM 2015 TO 2021.**

The Human Rights Commission of Sierra Leone (HRCSL) is pleased to submit to you, the report of the Public Inquiry into the Conduct of Law Enforcement Officers in Sierra Leone spanning January 2015 to 31<sup>st</sup> December 2021, as a special report. The Public Inquiry was conducted by the Human Rights Commission of Sierra Leone from January 2022 to December, 2023 in accordance with Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act, 2004 and Rule 42 of the Human Rights Commission of Sierra Leone (Complaint, Investigations and Inquiries) Rules, 2008, which give the Commission the mandate to conduct a public inquiry into allegations of systemic violations of human rights, on its own initiative.

As provided in Rule 56 (1) (a) to (e) of the said Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008; this report contains the background and methodology used to conduct the inquiry; case summaries of panel sittings, analysis of the facts and applicable law; decisions, recommendations, directives and orders for remedies to victims in appropriate cases.

The Commission strongly believes that addressing impunity, the protection and promotion of human rights, good governance and the consolidation of peace are prerequisites for sustained democracy and development in Sierra Leone.

HRCSL therefore urges Government and in particular, the SLP and RSLAF to implement the recommendations and orders contained herein which the Commission believes will go a long way in addressing impunity and safeguarding the human rights of all in Sierra Leone.

**Faithfully Yours,**  
**Patricia Narsu Ndanema**  
**Chairperson, HRCSL**

## FOREWORD



Law enforcement officers (LEOs) play a fundamental role in society by serving and protecting the people and also ensuring respect for the rule of law and fundamental human rights. That role remains valid at all times including in moments of armed conflicts and other situations of violence and peaceful protests. Section 5 subsection (2) paragraph (b) of the Constitution of Sierra Leone, 1991 provides that ***“the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone”***.

This therefore places a high level of responsibility on law enforcement officials, who are required to fulfill their duties to protect lives and properties as enshrined under international, regional and domestic law, however difficult and dangerous the circumstances might appear. The UN Basic Principles on the Use of Force and Firearms for instance demands that LEOs should only use firearms as a last resort and where there is imminent danger to life and property.

This Public Inquiry, represents an effort by the Human Rights Commission of Sierra Leone to hold to account law enforcement officials for their unprofessional conduct and excessive use of force in the discharge of their lawful duties in the country. It is the first of its kind in the sub-region particularly in respect to scope, mandate and terms of reference. The focus of the Inquiry was on the conduct of law enforcement officers in carrying out their mandate. For the purpose of this inquiry, LEOs include: the SLP, RSLAF, the Correctional Service Officers, Road Safety Corps and the Metropolitan Police Officers. The period of investigation spans from January 2015 to December 2021.

The Public Inquiry report has been divided into two volumes because of the wideness in scope, activities and cases handled. Volume one deals with the pre-inquiry activities undertaken by the Commission including stakeholders' engagements, media sensitization, training of staff of the Commission and statement takers amongst other things. Volume two on the other hand covers the Inquiry stage itself and contains case summary, analysis of the applicable law and decisions and recommendations as held by the various inquiry panels in their respective circuit sittings.

As the Vice Chairperson and PI Team Lead in this epoch making accountability venture undertaken by the Commission with funds from the Open Society Initiative for West Africa, the UNDP/Irish Embassy, and the government of Sierra Leone, I am excited that the project ended up successfully although there were a number of challenges. It is my hope that the Public Inquiry report will serve as a good accountability reference material for sister nations and judicial bodies in the sub-region while believing at the same time that it will contribute to the fight against impunity and strengthen the protection and promotion of human rights. In a similar vein, I also encourage citizens to be law abiding at all times and aspire towards patriotism and nationalism as the Constitution demands in Section 13- Duties of a Citizen.

**Victor Idrissa Lansana Esq**

**Vice Chairperson - HRCSL**  
**Project Team - Lead**

(Public Inquiry into the Conduct of Law Enforcement Officers,)

February, 2024

## ACKNOWLEDGEMENT



On 11<sup>th</sup> January, 2022, the Commission in one of its meetings held in Freetown unanimously resolved to undertake a Public Inquiry and therefore approached the Open Society Initiative for West Africa (OSIWA) for funding through an 'Expression of Interest/ Application for Call for Proposals'. The title of the project submitted by the Commission and approved by OSIWA is "**Public Inquiry into the Excessive Use of Force by Law Enforcement Officers (LEOs) with a specific focus on the Sierra Leone Police (SLP)**".

The overall aim of the Public Inquiry was to investigate alleged systemic human rights violations by law enforcement agencies which have resulted in deaths or serious injuries due to LEOs shootings and brutality with a view to understanding the nature, causes and scale of human rights violations; hold individuals and the institutions accountable; thereby ensuring that a rights-based approach to policing is applied by law enforcement agencies at all times. The scope of the inquiry was for a period of 7 years (2015-2021).

In order to achieve the overall objective of the project the Commission embarked on a buy-in engagements in which strategic meetings were held with key stakeholders comprising Government Ministries, Departments and Agencies (MDAs), Civil Society Organisations (CSOs), Bike Riders Association, Provincial Security Committees (PROSEC) and the security sector including the Royal Sierra Leone Armed Forces (RSLAF), Road Safety Corps, Correctional Services and the Metropolitan Police, and the Office of the President, in particular His Excellency the President Dr. Julius Maada Bio.

The Commission further agreed during the said meeting to establish an implementation team for the project and elected the Vice Chairperson, Commissioner Victor Idrissa Lansana Esq, who is a Lawyer by training to provide leadership for the project team for the implementation of the project while other members of the Commission were integral members of the leadership committee. Other Committees adopted by the Commission in the meeting included the Secretariat, Project, Media and Stakeholders' Engagement Committees. It is crucial to mention that members of the various committees were Commissioners and Staff of the Human Rights Commission of Sierra Leone (HRCSL).

The successful completion of this project is largely attributable to the strong will of the Commissioners. We wish to express our sincere thanks to all the MDAs who showed willingness to support the Commission in the implementation of such an ambitious project.

The Commission is grateful to OSIWA for approving and funding this ambitious project. Their funding support enabled the Commission to confront and implement such a sensitive project that is capable of enhancing accountability, transforming the security sector and subsequently improving the democratic credentials of the country.

The Commission is highly appreciative to the UNDP and Irish Embassy for their additional funding to augment the effective implementation of the project. Their financial contribution bridged the funding gaps in the project implementation specifically Statement Taking processes and the Public Inquiry Sitting/Hearing in the Western Rural District, Waterloo.

The cooperation of His Excellency the President, Dr. Julius Maada Bio, towards the implementation of the project was profound and invaluable. The President's support for the Commission to proceed with the Public Inquiry demonstrates the political will and government's commitment for accountability within the LEO's and subsequently structural reforms within same.

The Commission is highly grateful to RSLAF for their display of professionalism, commitment and cooperation throughout the implementation of the project. The willing participation of RSLAF in all the public sittings/hearings across the country will contribute immensely in stimulating the interest of other military institutions within the sub-region and beyond and added the much-needed special flare to the entire public inquiry process. In particular, the Commission would want to single out the following RSLAF personnel for their dedication and display of commitment and cooperation in the implementation of the project:

1. Muana Massaquoi, Colonel Retired- Deputy Minister of Defence
2. Peter K. Lavahun- Chief of Defence Staff
3. Sahid Tejan Kanu Esq- Brigadier General
4. M.B.S. Kamara Esq- Director Legal
5. Yayah Bah Esq- Major
6. Hope Lahai, Major
7. Yainkain B. Kamara Esq- Captain

The Commission is also appreciative of the work of the National Consultant, Former Commissioner of HRCNL, Rashid Dumbuya Esq, for his contribution towards building the capacity of the Commission, Panel Lawyers and Staff of the Commission on the processes of conducting Public Inquiries and for also guiding and streamlining the entire process. His effort to ensure that the final report is produced was remarkable.

The Commission further acknowledges the effort of the Panel Lawyers (Braima Musa Esq, Musa Sallieu Kargbo Esq and Abdul Karim Koroma Esq, now late) in supporting the Commission to conduct effective Public Sittings/Hearings across the country, support the compilation of decisions of the Sittings/Hearings and the production of the final report.

Finally, the Commission also recognizes the support of its staff members for the relentless efforts in ensuring the full realization and implementation of this project. Staff members during the implementation of the project served in various capacities ranging from Secretariat and Project Committees, Statement Takers, Prep Lawyers, Registrars, Rapporteurs and other support staff.

Joseph Kamara  
Executive Secretary - HRCNL

## **ABBREVIATIONS**

ACHPR	African Charter on Human and Peoples Rights
AHRO	Assistant Human Rights Officer
AIG	Assistant Inspector General of Police
ASP	Assistant Superintendent of Police
CARL	Centre for Accountability and Rule of Law
CDIID	Complaint, Discipline and Internal Investigations Department
CSOs	Civil Society Organizations
DCILS	Directorate of Complaints, Investigation and Legal Services
DfID	Department for International Development
GoSL	Government of Sierra Leone
HRCSL	Human Rights Commission of Sierra Leone
HRO	Human Rights Officer
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
IPCB	Independent Police Complaint Board
LEOs	Law Enforcement Officers
LUC	Local Unit Commander
MAC-P	Military Aid to Civil Power
MoHS	Ministry of Health and Sanitation
NGOs	Non-Governmental Organizations
NLE	New Leones
OC	Officer Commanding
ONS	Office of National Security
OSD	Operations Support Division of the Sierra Leone Police
OSIWA	Open Society Initiative for West Africa
PI	Public Inquiry
PC	Paramount Chief
SLP	Sierra Leone Police

SLRSA	Sierra Leone Road Safety Authority
SLBC	Sierra Leone Broadcasting Corporation
SLCS	Sierra Leone Correctional Services
RSLAF	Republic of Sierra Leone Armed Forces
UN	United Nations
UNOPS	United Nations Office for Project Service

## EXECUTIVE SUMMARY

This report presents the outcome of the public inquiry into the conduct of Law Enforcement Officers (LEOs) in Sierra Leone spanning the period January 2015 to 31<sup>st</sup> December 2021. This public inquiry was conducted by the Human Rights Commission of Sierra Leone (HRCSL) with funds provided by the 'Open Society Initiative for West Africa (OSIWA) through a project proposal presented to same by the Commission in 2022. Additional funding was also received from UNDP/Irish Aid which backstopped certain activities in the project.

Under Section 7(2) (a) of the Human Rights Commission of Sierra Leone Act (No.9) 2004, the Commission has the mandate to "investigate or inquire into on its own or on complaints by any person any allegations of human rights violations and to report thereon in writing" in accordance with the HRCSL (Complaints, Investigations and Inquiries) Rules 2008.

Section 5 subsection (2) paragraph (b) of the Constitution of Sierra Leone, 1991 provides that "***the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone***". Similarly, Section 13 paragraph (j) provides that "***every citizen shall ... render assistance to appropriate and lawful agencies in the maintenance of law and order***".

Having monitored, received and documented many allegations of systemic human rights violations by Law Enforcement Officers (LEOs) especially in the maintenance of public order, this prompted the Commission to undertake this public inquiry into the conduct of LEOs. It has also documented instances of attacks by unscrupulous members of the public against LEOs; this inquiry also looked into such allegations during the hearings that were held in Kabala, Makeni, Kono, Kenema, Bo and Waterloo.

The Commission identified nine (9) issues that were determined by the Public inquiry and also prepared Rules of Procedure that governed the public inquiry process. Terms of Reference for the Public Inquiry included to investigation alledged systemic human rights violation that occurred from 2015 to 2021, production and publishing of the Public Inquiry report which may contain key findings, conclusion and recommendations, directives and orders including legal and policy reforms among others.

For the purposes of this Inquiry and in accordance with Rule 43 (5) of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008, the Commission set up a secretariat to manage the affairs of the Public Inquiry. Also, the Commission established a directory for any member of the public including LEOs who may require further clarifications, wish to make a statement, submit written memoranda or provide any information to the panel. Five (5) Law Enforcement Agencies were targeted namely; the Sierra Leone Police (SLP); Republic of Sierra Leone Armed Forces (RSLAF); Sierra Leone Correctional Services (SLCS); Road Safety Corps of the Sierra Leone Road Safety Authority (SLRSA) and the Metropolitan Police of the various District and City Councils.

As part of the pre-inquiry phase and in a bid to popularize the PI and encourage key stakeholders to buy-into the project, HRCSL engaged government MDAs, the five targeted LEOs, CSOs and the Provincial Security Committees (PROSEC) in all the regions and the media. The Commission conducted community outreach and roundtable engagements in different locations across the country namely: Lunsar, Kabala and Kono; Freetown, Waterloo, Makeni and Kenema respectively.

The Commission trained a core of its staff members who participated in the Statement Taking process in identified locations across the country. Data were collected from victims, witnesses and interested persons. This activity marked the last on the pre-inquiry phase. The Commission then proceeded in

conducting public hearings circuit sittings in Kabala, Makeni, Kono, Kenema, Bo and Waterloo.

Due to the wideness of the scope and cases handled, the Public Inquiry reports have been divided into two volumes. Volume one deals with the pre-inquiry activities undertaking by the Human Rights Commission of Sierra Leone while Volume two covers the Inquiry stage and contains the case summary, analysis decisions and recommendations of the various inquiry panels.

Significantly however, in this volume one of the Public Inquiry reports, an effort has been made to have an Executive summary of the key findings, decisions and recommendations as opined in volume two of the Inquiry report by the Inquiry panels.

## **KEY FINDINGS, DECISIONS AND RECOMMENDATIONS**

### **Summary of Findings and Decisions:**

#### **NORTH & NORTH-WEST REGIONS PI SITTINGS:**

##### **1. *The Case of Tenneh Sawaneh (On behalf of Deceased Abu Bakarr Sawaneh, Vs SLP)***

Having reviewed the evidence, this Panel holds as follows:

- 1) That the Respondent is hereby found in violation of the right to life for the unlawful killing of Abu Bakarr Sawaneh (a minor) contrary to Section 16 of the Constitution of Sierra Leone 1991 and Article 6 of the ICCPR.
- 2) That the Sierra Leone Police is hereby ordered to pay the sum of Fifty Thousand New Leones as compensation to the deceased family for human rights violation pursuant to Section 11 of the HRCNL Act of 2004.

##### **2. *The Case of Peter Kamara and 22 Others Vs RSLAF and SLP : The event of 30th June, 2020 in Dalakuru town, Dian Chiefdom, Kionadugu District***

Having reviewed the evidence of all witnesses, the Panel holds:

- 1 That the Complainants right to property was violated by the 2nd Respondent contrary to Section 21 of the Constitution of Sierra Leone, 1991 and Articles 5 and 14 of the ACHPR.
- 2 That the Panel holds in contempt the SLP for failing to appear before it despite evidence of proof of service of invitation letters to appear before the panel.
- 3 That the 2nd Respondent pay compensation to the Complainants for loss of the properties, i.e. 1st Complainant NLe. 13,000; 2nd & 3rd Complainants NLe 6,000 and NLe 4,000 for each of the remaining 20 Complainants.
- 4 That the 2nd Respondent provides adequate medical treatment and support to injured RSLAF officer Corporal Tucker

**3. *The Case of Ibrahim Sorie Sillah (on Behalf of Mohamed Sillah Deceased) and 16 Others vs SLP and RSLAF***

Having reviewed the entirety of the evidence, the panel hereby decided as follows:

- 1) That the Respondents are liable for the loss of lives of the victims contrary to Section 16 of the Constitution of Sierra Leone 1991, Article 4 of the ACHPR and Article 6 of the ICCPR.
- 2) That the RSLAF and SLP are hereby ordered to pay compensation to the family of the victims as follows:
  - a) SLP in the sum of NLe.100,000 (One Hundred Thousand New Leones).
  - b) RSLAF in the sum of NLe. 50,000 (Fifty Thousand New Leones)

**4. *The case of Osman Karankay Conteh and 28 others versus AIG T.M Turay in Lunsar***

Having heard the testimonies of the Complainants, this Panel hereby decides as follow:

- This Panel is limited in jurisdiction to investigate this matter now that it has come to its knowledge that this matter is pending before a competent court of law pursuant to Section 16 (a) of the HRCSL Act (No. 9) of 2004.

## **SOUTH & EAST REGIONS PI SITTINGS**

### **5. The case of Prince A. Boima Vs the SLP, in Kono District**

Having heard the testimonies of the Complainant, the Respondent and the revelation of the Interested Party, it is hereby decided as follow:

- This Panel lacks jurisdiction to investigate this matter in that it has come to its knowledge that a competent court of law has already adjudicated on it pursuant to Section 16 (a) of the HRCSL Act (No. 9) of 2004.

### **6. The case of Mamoud Dangha Vs SLP, RSLAF & Kenema District Council Chairman**

Having review the evidence, the Panel therefore finds that breach of the COVID-19 Regulations cannot be used as a justification for the beating and ill-treatment of the Complainant by the 3<sup>rd</sup> Respondent and his officers. The law enforcement officers should have instead enforced the regulations which certainly do not have “beating” or “inhumane treatment” as a means of sanction/punishment.

In light of the above, this Panel makes the following orders:

- 1) That the beating and molestation of the Complainant and the Witness as seen in the video and based on the testimony of the Complainant, Witness and the Police Respondent, such act amounts to degrading and inhuman treatment therefore, a violation of their human rights contrary to Section 20 (1) of the Constitution of Sierra Leone 1991, Article 10 of ICCPR and Article 5 of ACHPR.
- 2) That the SLP is hereby ordered to pay a compensation to the Complainant in the sum of NLe 10,000 (Ten Thousand New Leones) for the violation of the human

rights of the Complainant pursuant to Section 11 of the Human Rights Commission of Sierra Leone Act of 2004.

- 3) Additionally, to order two (2) above, the SLP is to issue a Letter of Apology to the Complainant for the violation of his human rights to dignity.
- 4) That the case against the 1<sup>st</sup> and the 3<sup>rd</sup> Respondents is hereby dismissed as this Panel did not find sufficient evidence amounting to human rights violation.

## **7. The case of Complainant Hawa Tucker versus SLP personnel**

Having considered the entirety of the evidence adduced before us and having perused the relevant laws including international laws, this Panel hereby rules as follows:

- 1) That the Respondent Police George Bockarie who was nowhere to be found at the time of the Inquiry and by extension the Sierra Leone Police is in violation of Principle 9 of the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials which stipulates as follows; “ Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against imminent threat of health or services injury, to prevent the perpetration of a particular serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives”.
- 2) That the SLP is hereby found in violation of the rights to equal protection of the law contrary to Section 23(2) of the Constitution of Sierra Leone 1991 and Article 3(2) of the African Charter on Human and People’s Rights.
- 3) That the SLP is hereby ordered to pay the victim, Hassanatu Kamara the sum of NLE 50,000 (Fifty Thousand New Leones) representing compensation for the permanent injury caused on the said victim and medical bills incurred by the Complainant pursuant to Section 11(b) of HRCSL Act, 2004.

- 4) That the SLP is hereby ordered to fund a proper medical examination on the right eye of the victim in a bid to extinguish or lessen the pain and suffering that the victim sometimes encounters.

## **8. The case of Complainant Nilmalti Moilemu Vanni versus SLP personnel, Kenema Division**

Having reviewed the evidence, the panel hereby holds that the Complainant's case against the Respondent for the unequal protection of the law fails.

## **9. The case of Complainant Hannah Deen Sesay versus RSLAF and SLP personnel, Pujehun Division**

Having reviewed the evidence, the Panel holds as follows:

- 1) That the SLP is in contempt pursuant to Rule 60 of the HRCSL Complainants Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.
- 2) Although the Commission concluded that this complaint is admissible, this Panel however holds that it lacks jurisdiction over this matter as it had already been decided by a court of competent jurisdiction pursuant to Section 16(a) of HRCSL Act, 2004.

## **10. The case of Complainant Mamie Kpukumu versus SLP and RSLAF**

Having reviewed the evidence in this case, the Panel holds as follows:

- 1) That the Respondent is in violation of the Complainant's rights to property, protection against degrading and inhuman treatment contrary to the Constitution, the ICCPR and the ACHPR as shown above.
- 2) That the Respondent shall pay as compensation for human rights violations to the victim/Complainant the sum of ten thousand New Leones (NLe 10,000) pursuant to Section 11 of the Human Rights Commission of Sierra Leone Act, 2004.

## **11. The case of Complainant Fatmata Brima versus SLP and RSLAF**

Having reviewed the evidence in its entirety, the Panel holds as follows :

- 1) That the conduct of the military officers amounts to a violation of the Complainant's right to freedom from inhumane and degrading treatment contrary to Article 7 of the ICCPR, Article 5 of the African Charter on Human and People's Rights, 1964, and Section 20(1) of the Constitution of Sierra Leone, 1991.
- 2) Consequent to the violation held above, RSLAF is hereby ordered to pay a compensation to the Complainant in the sum of NLE5,000 (Five Thousand New Leones).
- 3) We hold that the restriction of the right to movement through the declaration of a curfew by the authorities was justified and does not amount to a violation as it was meant to restore law and order in the township. However, when citizens violate the law during such period they should be arrested, investigated and charged to court instead of officers taking the law to their own hands.
- 4) That the case against the SLP (2<sup>nd</sup> Respondent) fails due to lack of evidence.

## **12. The case of Complainant Bockarie Mustapha Koroma versus SLP**

Having reviewed the evidence as a whole, the Panel holds that:

1. the conduct of the Respondent in ordering the arrest and subsequent detention of the Complainant without any reasonable cause amounts to a violation of the Complainant's right to protection from arbitrary arrest and detention contrary to Section 17(1) of the 1991 Constitution of Sierra Leone, Article 6 of ACHPR, Article 9 of UDHR and Article 9(1&2) of the ICCPR.
2. That the SLP compensates the Complainant the sum of NLe 5,100 (Five Thousand One Hundred New Leones) and issue an apology to the Complainant for unlawfully detaining him for four days without indictment.
3. That based on the available evidence before the Panel, this Panel dismisses the allegation made against the Interested Party (Sierra Rutile). The evidence before the Panel shows that the company was in compliance with the Resettlement Management Plan (RMP).

**13. The case of Complainant Lucy Comboh versus SLP**

Having reviewed the evidence in entirety, this Panel holds as follows:

- 1) That the Respondent/Police is in violation of the right to protection from torture, inhuman and degrading treatment contrary to section 20 of the Constitution of Sierra Leone, 1991.
- 2) That the SLP is hereby fined the sum of NLe60,000 (Sixty Thousand New Leones) as compensation to the Complainant for human rights violation pursuant to section 11 of the Human Rights Commission of Sierra Leone Act, 2004.

**14. The case of Complainant Francis Williams versus SLP**

Having looked at the case, the panel holds that the Complainant did not prove his case on the balance of probability as there were no witnesses, receipt or other materials tendered before the panel. Therefore the case is closed.

**WESTERN AREA PI SITTINGS**

**15. The case of Complainant Mohamed Sesay versus SLP**

Having reviewed the evidence, the Panel holds as follows:

- 1) That the Respondents to be in violation of the Complainant's right to protection from deprivation of property and his right to privacy.
- 2) That the SLP in contempt pursuant to Rule 60 of HRCSL's Complaints, Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.
- 3) The SLP is hereby ordered to pay the sum of NLe 5,000 (Five Thousand New Leones) to the Complainant as Compensation.

**16. The case of Complainant Alima A. Sesay versus SLP**

Having reviewed the evidence, the Panel holds as follows:

- 1) That the SLP to be in violation of the Complainant's right to protection from inhuman and degrading treatment and his right to protection from deprivation of property.
- 2) That the SLP is hereby ordered to pay the sum of NLe5,000 (Five Thousand New Leones) to the Complainant as compensation for the loss of his property and the inhuman and degrading treatment he was subjected to.
- 3) That the SLP is in contempt pursuant to Rule 60 of the Complaints Investigations and Inquiries Rules of 2008 for failing to appear before the Panel despite proof of service of letter of invitation to appear before the inquiry panel.

## **17. The case of Complainant Noah Sheka Kamara versus SLP**

Having reviewed the evidence, the panel holds as follows:

- 1) That ASP Mansaray failed to discharge his statutory duties as provided by section 4 of the Police Ordinance, Cap.150 of 1 January 1950 and paragraph 3(1) & (2) CONSTITUTIONAL INSTRUMENT Supplement to the Sierra Leone Gazette Vol. CXX11, No. 20 Dated 19th April 2001, 12.0 and the POLICE (DISCIPLINE) REGULATIONS, 2001.
- 2) That the Sierra Leone Police Force must be compelled to instruct senior investigators to open the Complainant's file against Madam Aminata aka 'Aminata Grazy'. There is no time limitation to investigate and prosecute crimes if sufficient evidence is available.

## **18. The case of Complainant Charilous Sheku Mohamed Koroma & 298 versus SLP – Waterloo**

Having reviewed the evidence in its entirety, the Panel holds that the President of SLUDI and others were charged to court in respect of riotous conduct. This Panel lacks jurisdiction to look into a matter that is before a competent court of law pursuant to Section 16 paragraph (a) of the HRCSL Act (No. 9) of 2004. However, the issue for determination before the Panel is not the substance of the matter

before the Court but rather the inhuman and degrading treatment meted against the Complainant and members of his organization during their arrest by the Police. The Panel therefore makes the following decisions:

- 1) The respondents violated the Complainants' rights to protection from inhuman and degrading treatment.
- 2) The SLP is hereby ordered to pay the sum of NLe20,000 (Twenty Thousand New Leones) to the Complainants as compensation for the ill-treatment meted out against them.
- 3) The SLP is in contempt pursuant to Rule 60 of the Complaints Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.

## **RECOMMENDATIONS**

### **North and North-West Regions**

**19. *The Case of Tenneh Sawaneh (On behalf of Deceased Abu Bakarr Sawaneh) Vs SLP)***

***The Panel recommends as follows:***

- That SLP investigates Foday Fofanah and appropriate actions be taken against him.
- That SLP provides refresher training to OSD personnel and anti-riot officers on the UN Basic Principles on the Use of Force and Firearms by LEOs
- That the SLP should refrain from denying citizens permission to enjoy their right to peaceful assembly and association but should rather provide safety and security measures for citizens to lawfully enjoy this right

**20. *Case of Peter Kamara and 22 Others Vs RSLAF and SLP : The event of 30th June, 2020 in Dalakuru town, Dian Chiefdom, Kionadugu District***

***The panel recommends as follows:***

- The Ministry of Mines and Mineral Resources and the NMA should ensure community people are properly engaged and informed when a concession agreement is signed with Multi-national companies and not rely solely on the local authorities (Chiefs) to inform their communities about the agreement and the impact it would have on their livelihoods.
- The Ministry of Mines and Mineral Resources and the NMA should ensure Chiefs are transparent about the mining agreements signed under their watch and involve community people whose access to land will be affected.

**21. *The Case of Ibrahim Sorie Sillah (on Behalf of Mohamed Sillah Deceased) and 16 Others vs SLP and RSLAF***

***The panel recommends as follows:***

- That the SLP and the RSLAF to provide appropriate logistics in relation to anti-riot gears and crowd control.
- SLP and RSLAF to provide training to their personnel in line with the UN Basic Principles on the Use of Force and Firearms by LEOs to prevent a reoccurrence of similar incident.
- HRCSL and the Council for Civic Education should carry out nationwide public education on rights and responsibilities of citizens, as well as inform the public of redress mechanisms available if they feel aggrieved by the actions of public officers (LEOs).

**22. *The case of Osman Karankay Conteh and 28 others versus AIG T.M Turay in Lunsar***

***The panel recommends as follows:***

- The Panel urges the Judiciary to speedily try this matter so that the accused persons can know their fate within a reasonable period of time and in compliance with fair trial rights.

- That HRCSL monitors the OSD Headquarters detention facility to ensure compliance with human rights standards for places of detention.

### **Southern & Eastern Regions**

#### **23. The case of Prince A. Boima Vs the SLP, in Kono District**

***The panel recommends as follows:***

- It is hereby recommended that Koidu Limited and all other mining companies should develop strong communications strategy alongside community stakeholders and promote its sustainability in order to deescalate tensions that normally occur between the community people and mining companies and by extension the SLP and RSLAF.
- The SLP should develop a Special Communication Strategy for mining communities to deescalate the tensions that always occur between the police and host communities, which sometimes lead to destruction of lives and property.

#### **24. The case of Mamoud Dangha Vs SLP, RSLAF & Kenema District Council Chairman**

***The panel recommends as follows:***

- The rules and regulations relating to emergency situations like the COVID-19 Pandemic, be effectively popularized to the public; and that law enforcement officers restrain themselves from abusing the rules.
- Law enforcement officers need more human rights education/training to be able to adopt a human rights-based approach in enforcing the law.

#### **25. The case of Complainant Hawa Tucker versus SLP personnel**

***The panel recommends as follows:***

- It is hereby recommended that the Police Leadership should organize training opportunities for its officers specifically on how to handle riots/protests and demonstrations.

- The SLP should adopt the practice of investigating its officers for misconduct/unprofessional conduct and to make the report public to increase public confidence and accountability.

**26. The case of Complainant Nilmalti Moilemu Vanni versus SLP personnel, Kenema Division**

***The panel recommend as follows:***

- That Complainants should support/cooperate with the police so as to complete investigations within reasonable time.

**27. The case of Complainant Hannah Deen Sesay versus RSLAF and SLP personnel, Pujehun Division**

***The panel recommends as follows:***

- The police should institute mechanisms that will build trust and confidence in the people in that part of the country.
- The police and the military should adopt community policing and find innovative ways of resolving disputes in such communities and use less of force and indiscriminate arrests.
- The police should show respect to other public and statutory bodies like the HRCSL just as the military is doing in order to promote accountability and justice for all.
- All the stakeholders should endeavor to take concrete steps in addressing all grievances relating to the company and the host communities to avert any future unrest and public disorder.
- SLP and RSLAF to jointly hold post-operations accountability sessions during which each party will be able to take stock of any breach of their Codes of Conduct by their personnel.

**28. The case of Complainant Mamie Kpukumu versus SLP and RSLAF**

***The panel recommends as follows:***

- RSLAF should investigate the officers involved in the incident and take appropriate disciplinary action.
- That the military should leave internal security matters to the police and should not be seen frequently intervening into local policing issues, which can be handled by the police themselves, except in exceptional circumstances.
- That where the military needs to intervene they should do so with human rights-based approach devoid of intimidation especially with vulnerable people.
- Without prejudice, that the military hierarchy should tender an apology letter to the Complainant herein.

**29. The case of Complainant Fatmata Brima versus SLP and RSLAF**

***The panel recommends as follows:***

- The RSLAF and the SLP must jointly pay a visit to the Malen Community in Pujehun and do a traditional appeasement (“cry berin”) so as to bring satisfaction to the community people and restore confidence and a good relationship between the security sector and the local people.
- The SLP should build confidence and trust with the local people by providing them with the services that they deserve as citizens and not to overlook their complaints which have the tendency for them to resort to taking the law into their hands.
- Security Forces should understand that when citizens violate the law during curfew period, they should be arrested, investigated and charged to court instead of officers taking the law into their own hands.

**30. The case of Complainant Bockarie Mustapha Koroma versus SLP**

***The panel recommends as follows:***

- That the SLP should endeavor to always follow their SOPs in the normal course of duty
- That the SLP should develop a Strategy that involves community stakeholders in problem solving in communities where mining companies operate as required by the UN Guiding Principles on Business and Human Rights.
- That the SLP should maintain the highest standard of professionalism when carrying out their duties and not seen to be biased when handling matters emanating from conflicts between mining companies and their host communities.
- That the Interested Party (Sierra Rutile) should get the ordinary community leaders more involved at the very beginning of its programs/mining endeavors and take them along as the work progresses so as to avoid suspicions and confrontations with the ordinary community leaders and their followers. The company should ensure an effective company-community liaison unit is in place.
- That Sierra Rutile should reconsider their decision not to pay for the 8 (eight) 'opportunistic houses' in order to restore good relationship between the company and the community people.

### **31. The case of Complainant Lucy Comboh versus SLP**

#### ***The panel recommends as follows:***

- The SLP must always exercise extreme duty of care when dealing with children.
- The SLP should pay a visit to this family to sympathize with them in a traditional way and make room for healing.

### **32. The case of Complainant Francis Williams versus SLP**

#### ***The panel recommends as follows:***

- The SLP should subject its members to disciplinary proceedings without favour when they fall foul of the law or their SOPs as is the case with the RSLAF.

## **WESTERN AREA**

### **33. The case of Complainant Mohamed Sesay versus SLP**

***The panel recommends as follows:***

- That the Police should always conduct themselves in a professional manner and should refrain from acting outside their SOP and in a manner that will bring the entire institution into disrepute.
- That the SLP should conduct regular trainings for its personnel

### **34. The case of Complainant Alima A. Sesay versus SLP**

***The panel recommends as follows:***

- That the SLP must hold its officers accountable for actions that go contrary to their SOP.

### **35. The case of Complainant Noah Sheka Kamara versus SLP**

***The panel recommends as follows:***

- The Panel recommends that the Complainant's employer be compelled to keep the Complainant on its pay list until he voluntarily resigns or retires pursuant to the labour laws as the Complainant met his misfortune during the course of discharging his duties.
- That HRCSL should help the Sierra Leone Police Force to develop extensive courses/training on how human rights investigations are to be conducted.
- That the SLP should remedy this gross negligence by immediately commencing investigation and to speedily conclude same to ensure that the Complainant gets justice.

### **36. The case of Complainant Charilous Sheku Mohamed Koroma & 298 versus SLP – Waterloo**

***The panel recommends as follows:***

- It is hereby recommended that the SLP should always endeavor to exercise restraint when dealing with PWDs and other vulnerable groups.
- In respect of ownership to the land claimed by the Complainants, we recommend that the Ministry of Lands and Country Planning immediately resolves the matter so as to lay to rest this ownership conflict once and for all.

37. Note however that for one to fully understand the case summary of each of the above mentioned cases and how the various Inquiry panels examined the evidences and analyze the facts and applicable law, Volume 2 of the PI report should be consulted.

38. **Miscellaneous Recommendations**

- 1) The SLP should ensure that regular trainings relating to crowd control or riotous situations be a feature of its operational plans in frequent cycles.
- 2) GoSL should endeavor to equip the SLP with modern and adequate riot and safety gears by providing dedicated resources towards this endeavor in order to enhance police efficiency and safety in doing their field work
- 3) The SOPs and MAC-Ps used by the SLP and RSLAF should be reviewed to make them human rights friendly with clear individual leadership roles and responsibilities.
- 4) The Public Order Act of 1965 should be amended to incorporate a human rights-based approach to the enjoyment of the right to freedom of assembly and association as envisaged in the Constitution.
- 5) Multinational and mining companies should review and strengthen the Grievance Mechanism available to community members in their operating areas in places like Dalakuru in Koinadugu District; Sahr Mahlen and Foinda in Pujehun District; Sierra Rutile in Bothe District and Koidu Limited in Kono District and ensure that it is communicated to all and they understand how to use it.

- 6) The GoSL and mining companies should always ensure that they obtain free, prior, and informed consent (FPIC) from communities in the mining areas before they commence operations so as to avoid clashes that sometimes lead to loss of lives, damage to company property and disruption of normal business and company operations.
- 7) Citizens should abide by the laws of the country at all times and aspire to be patriotic as the constitution demands in Section 13 and be ready at all time to render assistance to appropriate and lawful agencies in the maintenance of law and order.

## PART ONE

### PUBLIC INQUIRY BACKGROUND AND ACTIVITIES



## **CHAPTER ONE**

### **INTRODUCTION**

39. Sierra Leone is a country that suffered from 11 years of civil carnage during the 1990s and early 2000s which left over 50,000 dead, many displaced and many properties destroyed. During this period almost all governance institutions and structures were destroyed. The Sierra Leone Police (SLP) and other LEOs were not spared. In addition to the destruction of physical structures, the institution also lost manpower and its institutional values and direction. Since the end of the war in 2002, several efforts have been made by government and its development partners including the UK government through Department for International Development (DfID), Institute of Public Administration and Management (IPAM), and CORD Sierra Leone to restructure and rebuild the police force in terms of its physical infrastructure, manpower and professionalism. Similar efforts were also made to rebuild other law enforcement agencies. As a way of intervention, the Commission has had several engagements with law enforcement agencies especially the Sierra Leone Police, conducted trainings and undertaken several public education programmes, all geared towards making Law Enforcement Agencies particularly the police “a force for good”.

40. In 2012 the Commission held its first public enquiry into police brutality amongst other issues in the mining community of Bumbuna and proffered recommendations. Though its interventions did not immediately accomplish the desired outcomes, yet it sets the tone for future human rights accountability amongst the rank and file of these Law Enforcement Agencies. These days, people hear of the CDIID (Complaint Discipline Internal Investigation Department) within the SLP; IPCB (Independent Police Complaint Board) set up to investigate the excessive and unlawful conduct of the SLP. With the Commission’s strategic engagements with the other LEOs during the Pre-inquiry phase, it came to learn that similar internal accountability mechanisms were

also set up within the other LEOs namely; RSLAF, SLCS, Road Safety Corps and the Metropolitan Corps.

41. These interventions however do not seem to have largely achieved their desired goals. The Commission still continues to receive complaints from members of the public across the country with regards the excessive use of force by Law Enforcement Officers, which in some cases, have led to the loss of lives and property of citizens for which they are mandated to protect. From 2007 to 2021 the Commission has documented well over 150 cases of police shootings and excessive use of force; the Independent Police Complaints Board (IPCB) has recorded 285 cases from 2014 to January 31st 2020 against the police for abuse of power and excessive use of force.
42. Reports against the police coming from across the country in the past 7 years has been worrisome; for instance, (1) one person was allegedly shot and killed by the police whilst several other students sustained gunshot wounds in March 2017 during a student protest in Bo city against the protracted strike action by their Njala University lecturers; lives were also lost under similar circumstances in 2007, 2012 and 2014 in Kono; 2012 in Bumbuna; 2013 and 2015 in Freetown and 2016 in Kabala. Most recently the Commission recorded alleged reports of police brutality and killings in Kambia in 2019 during by-elections; in Lunsar and Tombo during youth riots in 2020; and excessive use of force in students' protests at IPAM in April 2021. In spite of repeated calls through press releases by HRCNL and follow up engagements with the SLP and other law enforcement agencies to refrain from using unreasonable and excessive force that resulted in unnecessary death and for proper investigation be made into these incidences, no action had been taken. In most cases the alleged actions of the police contravene the Constitution of Sierra Leone 1991, the United Nations Guiding Principles on the use of firearms, the African Commission Luanda Guidelines and many other national, regional and international instruments and policies.
43. Having identified the excessive use of force by the police and other law enforcement agencies as a major and ongoing problem for the public, the

Commission has the mandate to ensure police accountability by conducting a public inquiry into the systemic use of excessive force by police personnel and other related law enforcement personnel. The findings and recommendations would be published and strategic engagements held to ensure that the recommendations are implemented and justice delivered for victims. Section 7(1) of the Commission’s Act enables the Commission to “inquire into on its own or on complaint by any person any allegations of human rights violations and report thereon in writing” as well as in section 7(2) (b) “promote respect for human rights, through (i) public awareness and education programmes”.

## **BACKGROUND TO THE PUBLIC INQUIRY**

44. In January 2022, the Human Rights of Sierra Leone (HRCSL) commenced the implementation of a Public Inquiry (PI) into the conduct of Law Enforcement Officials (LEOs) funded largely by the Open Society Initiative for West Africa (OSIWA) and partly by UNDP / Irish Aid and Government of Sierra Leone. The Commission’s desire to conduct public inquiry into systemic human rights violations was in fulfilment of Section 7 (2) (a) of the HRCSL Act (No. 9) of 2004 and Rule 42 of the HRCSL (Complaints, Investigations and Inquiries) Rules of 2008.

45. The overall objective is to investigate into alleged systemic human rights violations by law enforcement agencies which have resulted in deaths or serious injuries or loss/destruction of property due to police or military officer actions; i.e. shootings, brutality and vandalism. Also, with a view to understanding the nature, causes and enormity of the violations and to hold individuals and the institution accountable; thereby ensuring that a rights base approach is applied to the coercive powers of state adopted by law enforcement agencies at all times. The inquiry is meant to provide recommendations to the institutions involved and to improve on the human rights record of the country as clashes between LEOS and members of the public do have the proclivity to erode the human rights credentials of any country thus derailing the realization of human

rights and fundamental freedoms in the county. Human rights violations of any kind also have the capacity to stifle investment confidence and deepen economic hardship in a country.

46. The inquiry targeted five (5) law enforcement officials namely: the Sierra Leone Police (SLP); Republic of Sierra Leone Armed Forces (RSLAF); Sierra Leone Correctional Services (SLCS); Road Safety Corps of the Sierra Leone Road Safety Authority (SLRSA) and the Metropolitan Police of the various District and City Councils across the country.
47. The Public Inquiry did not only entertain complaints brought against LEOs by members of the public but also complaints brought to the Inquiry by LEOs against members of the public who perpetrated acts of violence against them during the course of executing their lawful duties.

### **TERMS OF REFERENCE FOR THE PUBLIC INQUIRY**

48. The terms of reference for public inquiry are as follows:
  - Investigate alleged systemic human rights violations by law enforcement agencies that occurred from 2015 to 2021, which have resulted in deaths or serious injuries due to police shootings and brutality with a view to understanding the nature, causes and scale of human rights violations ;
  - Examine and determine individual cases of victims of alleged human rights violations and abuses;
  - Document, analyze and articulate the human rights issues and violations experienced by affected person(s) as consequence of activities, actions, omissions or negligence of LEOs and private person(s);
  - Produce and publish a report containing key findings, conclusion and recommendations, directives and orders including legal and policy reforms.

49. The overall objective is to investigate alleged systemic human rights violations by law enforcement agencies which have resulted in deaths or serious

injuries due to police shootings and brutality with a view to understanding the nature, causes and scale of human rights violations; hold individuals and the institution accountable; thereby ensuring that a rights base approached to policing is applied by law enforcement agencies at all times.

### **LIST OF ISSUES CONSIDERED**

50. Under Rule 44 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008, the Commission is required, once the decision to conduct an Inquiry has been taken, to frame issues that would be the subject of the inquiry and communicate those to the public. The framing of the issues was informed by the many allegations of human rights violations by Law Enforcement Officers (LEOs) especially in the maintenance of public order, the Commission monitored, received and documented from January 2015 to December 2021.

51. These issues, together with the terms of reference, were framed and communicated to the public through a Public Notice (Exhibit HRCSL B.... ) published in Ten (10) national newspapers in Sierra Leone and aired on the Sierra Leone Broadcasting Corporation (SLBC) radio in Kono, Makeni, and Freetown; Star Kline Radio in Kenema, Radio New Song in Bo, Hope Radio in Makeni; Radio Shalom in Kabala; Radion Gankasoka in Port Loko, Vopad Radio in Waterloo; Tombo Community Radio Station; Tumac Radio, Justice Radio, Radio Democracy, Epic Radio and Radio Maria in Freetown; and the Sierra Leone Broadcasting Corporation (SLBC) television (TV).

### **52. The issues that were before the Panel for investigation were:**

- Whether LEOs used disproportionate force in the execution of their duties contrary to the UN Guiding Principles on the use of Force and Fire Arms;
- Whether there were loss of lives and grievous bodily harm resulting from excessive use of force by LEOs contrary to Section 16 of the Constitution of Sierra

Leone, 1991 and Article 4 of the African Charter on Human and Peoples Rights (ACHPR) as well as Article 6 of the International Covenant on Civil and Political Rights (ICCPR);

- Whether the right to property was violated by LEOs in executing their mandate contrary to Section 21 of the Constitution of Sierra Leone, 1991 and Article 14 of the ACHPR;
- Whether LEOs lost their lives or sustained grievous bodily harm in the hands of members of the public or individuals while carrying out their lawful duties contrary to Section 16 and 13(j) of the Constitution of Sierra Leone, 1991;
- Whether individual LEOs and/or their institutions were held accountable for their actions in line with their institutional Codes of Conduct;
- Whether appropriate actions were taken against individuals for abuses against LEOs;
- Whether LEOs were in need of further and requisite training in enforcing the law;
- Whether LEOs were provided with requisite logistical and operational resources;
- Whether citizens were adequately aware of their rights and responsibilities especially the duty to respect and cooperate with LEOs in the execution of their lawful mandate.

## **INTERESTED PERSONS/ PARTIES AND INSTITUTIONS**

**The following were**

### **53. THE SIERRA LEONE POLICE (SLP)**

1. Ambrose Michael Sovula – (IGP March 2020 – 2022)
2. Dr. Richard Moigbe – (Rtd. IGP 2017 – Feb. – 2020)
3. AIG – Amadu Mannah (Operations)
4. Local Unit Commanders (Kabala Division August 2016 & July 2020)
5. Head of Operations (Kabala Division August 2016 & July 2020)

6. OSD officers attached to Chenli Mining Company, Dalakuru Village, Dian Chiefdom (July, 2020)
6. Local Unit Commanders (Makeni Division 2019, 2020 & 2021)
7. SLP (Pamlap Police Station, Makeni – 2020)
8. SLP (Pamlap Police Station, Makeni – 2020)
8. Heads of Operations –SLP Makeni (July 2020)
9. Local Unit Commanders – SLP Kenema, Kono, Bo, Pujehun and Bonthe (2015 – 2021)
10. Local Unit Commanders – SLP Western Rural, Waterloo and Western Urban (2015 – 2021)
11. SLP – LUC Tombo Police Station (2021)

#### **54. THE REPUBLIC OF SIERRA LEONE ARMED FORCES (RSLAF)**

1. Lieutenant General Sullay Sesay - Chief of Defence Staff – RSLAF ( 2020- 2021)
2. Brigadier General RB Harleston – Asst. Chief of Defence Staff – Operations & Plans
3. Brigade Commander – 4<sup>th</sup> Battalion, Teckor, Makeni ( 2020 – 2021)
4. Commander in Charge ( 9<sup>th</sup> Battalion , Kabala Garrison – July 2020)
5. RSLAF Personnel (a.k.a. Whiter & Yakayaka) attached to 9<sup>th</sup> Battalion, Kabala Garrison – July 2020)

#### **55. SIERRA LEONE CORRECTIONAL SERVICES**

1. Joseph Lamboi – Director General – SLCS
2. Ahmed Turay – Acting DG – SLCS
3. Col. David Sahr Ngaujah – Deputy DG – SLCS

#### **56. SIERRA LEONE ROAD SAFETY AUTHORITY (SLRSA)**

1. Rev. Smart Senesie – Executive Director
2. James Baggie Bio – Deputy Executive Director
3. Michael Jaigah – Director of Traffic Safety and Engineering.
4. Regional Heads – Sierra Leone Safety Corps

## **57. HEADS OF MDAS**

1. David Maurice Panda- Noah - Minister of Internal Affairs (Current)
2. Brigadier General (Rtd) Kellie Conteh – Minister of Defence (Current)
3. Lahai Lawrence Leema – Deputy Minister of Internal Affairs (Current)
4. Edward A. Soluku – Former Minister of Internal Affairs (2018 – May 2020)
5. Alfred Pallor Conteh – Former Minister of Internal Affairs
6. Her Worship The Mayor Sunkarie Kabba-Kamanda – Mayor of Makeni, Makei City Council
7. Her Worship The Mayor Aki Sawyer – Freetown City Council
8. Independent Police Complaints Board (IPCB)

## **58. LOCAL AUTHORITIES**

1. P.C. Magba Koroma – Dian Chiefdom, Koinadugu District
2. Section Chief, Dalakuru, Dian Chiefdom
3. P.C. Alie Marah – Segbeh Chiefdom, Kabala, Koinadugu District
4. P.C. Gbawuru Mansaray – Wara Wara Chiefdom, Kabala, Koinadugu District
5. P.C. Bai Koblo Quee, Marampa Chefdom, Port Loko District
6. P.C. Kebbie – Sahn Malen Chiefdom, Pujehun District
7. Head Man, Tombo, Village, Western Rural

## **59. CIVIL SOCIETY ORGANISATIONS**

1. Amnesty International – Sierra Leone
2. Human Rights Defenders Network
3. Prison Watch Sierra Leone
4. Bombali District Human Rights Committee
5. Centre for Accountability and Rule of Law (CARL)
6. Western Area Human Rights Committee
7. Women's Forum

## **60. PROFESSIONAL ASSOCIATIONS AND TRADE UNIONS**

1. The National President, Bike Riders Association, Cling Town

2. The National President, Motor Drivers and Transport Owners Association, Texaco, Main Park
3. Madam Bob Kandeh – National President, Sierra Leone Market Women Association, C/O CGG
4. The National President, Sierra Leone Traders Union

### **JURISDICTION AND MANDATE**

61. The Commission is the statutory body established by an Act of Parliament (Act No. 9 of 2004) and is responsible for protecting and promoting human rights for all in Sierra Leone (including citizens and non-citizens). It advises Ministries, departments, and agencies (MDAs) within Government and Non State Actors with regards their human rights obligations and ensures that the Government of Sierra Leone meets its international human rights obligations and fulfil the requirements of all international human rights Instruments to which Sierra Leone is a signatory.

62. In addition to our advisory role, the Commission holds government and public officials accountable for a violation of human rights. This is done by recommendations and decisions reached after an investigation into a human rights issue. This is not the first time the Commission has undertaken a similar project; in 2011 the Commission instituted a public hearing on the matter of ex-service men who had been dismissed from the military and tagged as "chronically-ill" and "mentally-retarded", as a way of preventing them from receiving their end of term benefit. Senior government officials, including the then Minister of Defence and head of the Military were subpoenaed and appeared before the Tribunal to answer to the allegations. The recommendations were published and Government eventually acted on them.

63. In another instance, the Commission instituted a public inquiry into alleged violations of human rights in Bumbuna, northern Sierra Leone. The police and the mining company (African Minerals) were the subject-matter of the

inquiry, in which the Commission found out that there was an excessive use of force by the police after protesting employees had complained about unfair working conditions. All of these go to show the Commission is a problem-solving institution. Additionally, the Commission heavily influences law reform so as to address human rights issues in the country, for instance the amendment of the Sexual Offences Act in 2019, the repeal of Part V of the Public Order Act that criminalized free speech and has got government to uphold the moratorium on the death penalty for quite some years which was eventually abolished by the Abolition of the Death Penalty Act of 2021, to name but few.

64. Although the Independent Police Complaints Board and the Complaints Discipline and Internal Investigations Departments also exist to investigate complaints against the police, yet they do not possess prosecutorial powers and must rely on the Director of Public Prosecutions to act. The Commission, however is not so constrained.

65. HRCSL on the hands has powers of investigation under Section 8 (1) (a) of Human Rights Commission of Sierra Leone Act, 2004, which states as thus:

*“8(1) For the purposes of any investigation under this Act, Commission. the Commission shall have- (a) such powers, rights and privileges as are vested in the High Court of Justice or a judge thereof in a trial in respect of – (i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and (ii) compelling the production of documents and other things; and (iii) the issue of a commission or request to examine witnesses abroad; and the Rules of Court shall, with the necessary modification, apply to the exercise of the powers, rights and privileges of the Commission conferred by this subsection;...”* Section (1) (b) & (c) further gave the Commission *“(b) the power to issue or make orders or directions to enforce its decisions, including measures to protect the life and safety of an individual and free medical treatment where necessary; and (c) power to refer to the High Court for contempt any person who refuses, without justifiable*

*cause, to comply with a decision, direction or order of the Commission within a specified time”*

## **METHODOLOGY**

66. The Public Inquiry employed a combination of methods to gather evidence and information was guided by the terms of reference and as provided for under Rules 42 to 56 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008. The different methods applied throughout the PI process from the pre-inquiry, inquiry to the post inquiry phases included Focus group discussions under Rule 52; Desk Review of Documents under Rule 46; personal statements under Rule 47 and 48; and Public Hearing under Rules 47 and 49. These approaches were implemented through the following strategies:

**67. Pre-Inquiry Stage;** The activities undertaken were:

- Setting up of Inquiry Secretariat with responsibility to engage on desk research and the organization and implementation of the public inquiry.
- Public engagement through the media both traditional and social media. The Commission conducted a nationwide media engagement from January to April; jingles were developed in three local languages (Mend, Temne and Krio) and aired out in 10 community radios and on the national SLBC radios and TV. Press statement notifying the public was developed and released in a press conference as well as widely broadcasted on TV and radio nationwide.
- Strategic engagements conducted with key stakeholders including the LEOs, Heads of MDAs, CSOs and donor partners.
- Community Engagements through town hall meetings in three regional locations held.
- Conducted Round Table stakeholders’ engagements as form of focus group discussions in four regional locations.

- Statements taking from victims, witnesses and persons of interest in identified hotspot of LEOs' confrontation with the public in line with Rule 48 of HRCSEL complaints Rules, 2008.

**68. Inquiry Stage:** Public Hearings consisting of circuit sittings at six different locations were held in each of the identified regions of the North and North-West; East, South and Western Area.

**69. Post Inquiry Stage: This included:**

- Compilation, production and dissemination of Inquiry report
- Follow up with strategic engagements and town hall meetings on the outcome of the inquiry.

### **SCOPE AND LIMITATION OF THE PUBLIC INQUIRY**

70. The **scope** of the public inquiry is for a period of seven years, from 2015-2021. Within this period, the Inquiry considered admissibility of cases brought before it by either party (i.e. LEOs and members of the public).

71. The Commission's limitation of jurisdiction is guided by Section 16 (a) to (b) of the HRCSEL Act (No. 9) of 2004, which provides that: "*The Commission's power of investigation under this Act shall not include the investigation of any matter- (a) pending before, or already decided by a court of competent jurisdiction; or (b) involving any human rights violation that occurred before the coming into operation of this Act.*"

### **ORGANISATION OF THE REPORT**

72. This report is divided into two (2) parts. Part One contains the preliminaries (including the Executive Summary that highlights the key summary of finding and key recommendations) and three chapters. Chapter one contains the introduction and background to the Inquiry, sets out the terms of reference of the Inquiry, frames the issues before the Inquiry and the methods

used to gather evidence and information. Chapter two analysis the legal and normative frameworks of the public inquiry while Chapter three presents the pre-inquiry activities, which include: the setting up of the PI secretariats, recruitment of consultants, capacity building of PI personnel' stakeholders engagements, community outreach, statements taking and highlight of lesson learnt and human interest stories.

73. Part two presents the case summary, decisions, directives/orders and recommendations of the six circuit sittings across the country. Volume two has three chapters (chapter four to six).

- Chapter four presents the case summary, decisions, directives/orders and recommendations of the circuit sittings in Koidu City, Kenema City and Bo City for all the cases in the East and Southern Regions
- Chapter five contains the case summary, decisions, directives/orders and recommendations of the circuit sittings in Kabala town and Makeni City for all the cases in the North and North-West Regions
- Chapter six presents the case summary, decisions, directives/orders and recommendations of the circuit sittings in Waterloo for all the cases in the Western Area;

## CHAPTER TWO

### UNDERSTANDING THE LEGAL AND NORMATIVE FRAMEWORKS ON LAW ENFORCEMENT

#### Introduction

71. The fundamental aim of this chapter is to analyze the legal and normative frameworks on law enforcement agencies at the international, African regional and domestic level in Sierra Leone. The chapter also unearths the institutional frameworks providing oversight and regulation over law enforcement officials regarding the use of force and firearms with a view to ensure accountability, respect for international human rights standards and best practices. It further seeks to assess the impacts of the said institutional frameworks for accountability of law enforcement officials in their use of force and firearms.

#### International Level

72. Over the years, efforts have been made at the international level to formulate and adopt legal frameworks that regulate law enforcement officials regarding their use of force and firearms. Foremost among these legal frameworks are the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials, United Nations Code of Conduct for Law Enforcement Officials, United Nations Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials and the United Nations Principles on the Effective Prevention and Investigation of Extra-judicial, Arbitrary and Summary Executions. A summarize analysis of the crux of these legal frameworks would be alluded to in subsequent paragraphs.

#### United Nations Basic Principles on the use of Force and Firearms by LEOs

73. These Basic Principles were adopted on the 9<sup>th</sup> of September 1990 by the Eight UN Congress on the Prevention of Crime and the Treatment of Offenders in Havana , Cuba. The Preamble of the 1990 Basic Principle provides that Based

on the above international standards, any use of force by law enforcement should be in accordance with the following principles: legality, necessity, proportionality, non-discrimination, precaution, and accountability.

74. The Principles require governments and law enforcement agencies to “adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials”. To prevent abuse, domestic law needs to define when law enforcement officials may use force and for what purpose.

75. Consistent within the principle of legality is the objective of using force. Only when it is used with the aim of achieving a lawful law enforcement objective, can the use of force be justified. Therefore, any use of force that occurs for another purpose, such as for personal gain or as a punishment, would not be compliant with the principle of legality. For accountability purposes, the lawful objective of using force and the steps to take in the aftermath of using force must be captured in applicable regulations.

76. The principle of proportionality in the UN Basic Principles serves to assess the balance between the harm caused through the use of force and the benefits thereby achieved. Domestic law should ensure that the principle of proportionality is duly considered in law enforcement and that officers do not incur negative consequences when aborting operations in such cases.

### **United Nations Code of Conduct for Law Enforcement Officials**

77. This United Nations Code of Conduct for Law Enforcement Officials was adopted on the 17th of December 1979 by the United Nations General Assembly pursuant to Resolution 34/169. The UN Code of Conduct is primarily concerned with setting standards which aims to eliminate human rights abuses by law enforcement officials. It consists of eight articles that mainly provide guidance to law enforcement officials on how they should execute their legal duties in accordance with international human rights law and best practices. As such, law

enforcement officials are obliged to discharge the duty imposed on them by law in line with the high degree of responsibility required by their profession.

78. The United Nations Code of Conduct for Law Enforcement Officials is a soft law international instrument. Thus, its provisions are not legally binding on member states. However, the said Code of Conduct is developed consistent with international human rights principles which are established pursuant to international treaties and conventions.

### **United Nations Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials**

80. The main objective of these Guidelines is to ensure the effective implementation of the UN Code of Conduct for Law Enforcement Officials. It is broadly categorized into two distinctive articles that make provision for a number of legal issues with respect to the effective implementation of the UN Code of Conduct for Law Enforcement Officials.

81. The first article of the Guidelines deals with the applicability of the UN Code of Conduct for Law Enforcement Officials. Hence, it is expressly stated thereto that the said Code of Conduct shall, regardless of their jurisdiction, be made applicable to all law enforcement officials. In a bid to achieve the fundamental aim and objectives of the UN Code of Conduct for Law Enforcement Officials and its Commentary, it is provided under this article that the legal definition of "law enforcement officials" shall be given the widest possible interpretation. Further to the aforesaid, Governments are legally mandated to adopt the necessary measures to capacitate law enforcement officials in the provisions of domestic laws that have strong nexus with the UN Code of Conduct for Law Enforcement Officials and other human rights legal regimes.

82. The second article of the Guidelines deals with the implementation, at both the national and international levels, of the United Nations Code of Conduct for Law Enforcement Officials. In other words, this article expressly cataloged steps

that must be taken at both the domestic and international levels with regards the effective implementation of the said Conduct.

83. At the national level, Governments are obliged to make avail, the UN Code of Conduct for Law Enforcement Officials in their own language, to all law enforcement officials and competent authorities on law enforcement in their respective jurisdiction. They are also endowed with the responsibility to disseminate to the general public the said Code of Conduct and all domestic laws giving effect to same.

84. At the international level, both Governments and the United Nations shall take steps in ensuring the effective implementation of the UN Code of Conduct for Law Enforcement Officials. It can be done, among other things, through the submission of periodic reports on progress made with respect to implementation of Code of Conduct, make available the Code of Conduct and the present guidelines to organizations concerned in all official languages of the UN, promote trainings and other meetings on the Code of Conduct and on the role of law enforcement officials in the protection of human rights and the prevention of crime.

### **United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions**

85. The aforementioned Principles of the United Nations were adopted on the 24 May 1989 pursuant to resolution 1989/65 of the United Nations Economic and Social Council Resolution. It is mainly divided into three broad categories, to wit: prevention, investigation and legal proceedings.

86. Under the category of prevention, it is provided that Governments are mandated to strictly prohibit extralegal, arbitrary and summary executions and shall ensure that any contraventions are recognized as offenses that are criminally punishable. In a bid to also avert extra-legal, arbitrary and summary executions, Governments are obliged to ensure strict control, taking into

consideration a clear chain of command, over all law enforcement officials responsible for the apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and firearms.

87. With respect to the area of investigation, Governments are obliged, among other things, to conduct a thorough and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. As such, they shall maintain investigative offices and procedures to undertake such investigations.

88. In the area of legal proceedings, Governments are obliged to ensure that law enforcement officials and/or persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions within their jurisdiction are legally held accountable, irrespective of the nationalities, who and where the perpetrators or the victims are. Also, it is stated that superiors officials, in some exceptional circumstances, shall be brought to justice for acts committed by those under their authority if they had a reasonable opportunity to prevent such acts. Again, it is also provided that under no circumstances should there be the granting of blanket immunity from prosecution to any law enforcement officials or persons allegedly involved in extra-legal, arbitrary or summary executions. In situations where extra-legal, arbitrary or summary executions have been affected, the families and dependents of victims of same shall be fairly and adequately compensated.

### **Africa Regional Frameworks**

89. At the African regional level, there are treaties, protocols and regulations that aptly regulate the use of force and firearms by law enforcement officials. The most significant of these legal frameworks, if not all of them, are analytically summarized as follows.

## **African Charter on Human and Peoples' Rights**

90. The African Charter on Human and Peoples' Rights is a regional instrument that intends to promote rights and basic freedoms of every African. It established a regional human rights system for Africa. The Charter recognizes most of what is regarded as universally accepted civil and political rights as well as economic, social and cultural rights.

91. Article 4 of the Charter enshrines that 'Every human being shall be entitled to respect for his life and the integrity of his person'. As such, no one shall be arbitrarily deprived of this right, whether law enforcement official or otherwise. Under the Charter, the right to life is recognized as part of customary international law and as a *jus cogens* norm, universally binding at all times.

92. In the case of Gunme & Others v Cameroon, the African Commission observed that Cameroon did not conduct investigations into the allegations of excessive use of force by security agencies and it also did not provide redress for the victims of the violations. Consequently, the Commission found that Cameroon had violated article 4 of the African Charter. It further observed that the arrest, inhumane detention and use of force by security agencies in Cameroon to suppress peaceful demonstrations has caused the deaths of some of the victims. Consequently, it held that such was a violation of the African Charter.

93. In its general comment No 3 on the ACHPR on the use of force in law enforcement, the African Commission on Human and Peoples' Right has submitted that member states must adopt a clear legal framework for the use of force by law-enforcement. Albeit, force may be used in law enforcement to stop an imminent threat, the intentional lethal use of force by law enforcement officials and others is prohibited unless it is strictly unavoidable in order to protect life.

## **Resolution 474 on the Prohibition of Excessive use of Force by Law Enforcement Officers in African States**

94. This Resolution was adopted by the African Commission on Human and Peoples' Rights against the backdrop of the excessive use of force by Law Enforcement Officers against peaceful demonstrators in some African States.

95. The resolution urges State Parties to the ACHPR to ensure that the use of force by Law Enforcement officials is in tandem with the principles of legality, necessity, proportionality and accountability and does not pose threat or endanger human life. As such, law enforcement officials must be given operational guidelines with respect to the use of force.

96. It is also provided in this Resolution that allegations of excessive use of force by law enforcement officials must be rigorously investigated and legally pursued and that victims of same should have access to remedial measures, including legal assistance, reparations and adequate compensation.

### **Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa**

97. The Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa was adopted by the African Commission on Human and Peoples' Rights at its 59th Ordinary Session held in 2016 in Banjul, the Republic of the Gambia.

98. The Guidelines were formulated to address the lack of effective, appropriate monitoring mechanisms and independent police oversight authorities across Africa. It was further formulated to address the lack of adequate training of and availability of resources to law enforcement officials to promote and protect a rights-based approach to the policing of assemblies. As such, there was the urgent need to formulate and lay down principles and guidelines to strengthen the promotion, protection, respect and fulfillment of human rights in the context of policing assemblies in Africa.

99. The use of force and firearms by law enforcement officials must be regulated under national law in conformity with General Comment No. 3 on the African Charter on Human and Peoples' Rights on the Right to Life (Article 4) and other relevant regional and international human rights standards.

## **Domestic Legal Frameworks Level in Sierra Leone**

100. At the domestic level in Sierra Leone, there is the 1991 Constitution of Sierra Leone and other legislative frameworks that fundamentally regulate the use of force and firearms by law enforcement officials. A few of them are aptly discussed herein.

### **The Constitution of Sierra Leone (Act No. 6 of 1991)**

101. The Constitution of Sierra Leone (Act No. 6 Of 1991) is the supreme law of the land pursuant section 171(15) of same. It makes provisions for the establishment of the Police Force and the Armed Forces pursuant to sections 155 and 165 respectively.

102. By a close perusal of section 16 of the 1991 Constitution of Sierra Leone, the right to life is guaranteed to everyone though limited in a number of circumstances. Any use of force by law enforcement officials that is reasonably justifiable for the defense of any person from unlawful violence or for the defense of property, for the purpose of effecting a lawful arrest or to prevent the escape of a person lawfully detained, for the purpose of suppressing a riotous conduct as well as insurrection or mutiny, and for the purpose of preventing a person from committing of a criminal offense, is deemed not be a contravention of the right to life pursuant to section 16(2) of the 1991 Constitution.

103. However, under section 20 of the 1991 Constitution of Sierra Leone, no person shall be subjected to torture or any inhuman and/or degrading punishment. By this provision therefore, law enforcement officials are legally precluded from subjecting civilians to torture, degrading and inhuman punishment at all times.

### **CAP 150 of the Laws of Sierra Leone, 1960**

104. CAP 150 of the Laws of Sierra Leone is a legal framework that establishes the Sierra Leone Police force pursuant to section 3 of same. The Act clearly defines the powers, mandate and functions of the Sierra Leone Police. It further

makes provision that gives clear guidelines as to how officers of the Sierra Leone Police Force must ensure to perform their work. It is in fact considered to be the legal basis through which police officers derive its mandate to protect life and property as well as to maintain law and order in the country. The Act confers so much power on the Sierra Leone Police and remains silent in terms of checkmating and/or regulating police officers on the excessive use of force by police officers.

### **The Police Act of 1964**

105. The Police Act of 1964 is a colonial legislation still applicable within the jurisdiction of the police force in Sierra Leone.
106. The legislation sets out the appointments and functions of the police, regulation of the police, investigations of complaints, liability for wrongful acts, removal, disciplinary appeals and police grants amongst others.

### **The Police Discipline Regulations (2001)**

107. The Police Discipline Regulations (2001) was formulated by the Police Council and enacted by Parliament pursuant to Constitutional Instrument No. 2 of 2001. It seeks to instill discipline and the highest esteem of professionalism within the Sierra Leone Police Force. The principal responsibility of every member of the Force, as provided for under the Regulation, is to protect life and property, to prevent and detect crime and to maintain peace and good order at all times and by all legal means. As envisaged under regulation 2 of the Police Discipline Regulations (2001), the operational control and administration of the Sierra Leone Force is vested in the Inspector-General, including administration and the effective deployment, posting, transfers and other movement of members of the Force. Under Part 3 of the said Regulations, there are express provisions which explain the procedures to be followed in a bid to investigate and punish a police officer for reckless behaviors or indiscipline.

### **The Independent Police Complaints Board Regulations (2013)**

108. The Independent Police Complaints Board Regulations (2013) was formulated by the Police Council and enacted pursuant to Constitutional Instrument No. 11 of 2013. Among other things, the regulations make provision for the establishment of an independent police complaints board mandated to investigate, to wit: the death of any person in the custody of the police, a shooting incident where a police officer has discharged a firearm or killed a person, incidents of injuries and assault or wounding caused by a police officer, allegations of misconduct involving an officer of the rank of Superintendent or higher, to name but a few. Other critical functions of the board include advising the police force on ways in which incidents involving the police may be avoided or eliminated.

### **The Armed Forces of the Republic of Sierra Leone Act 1961 (as amended)**

109. This is a fundamental law that promulgated the establishment of the Armed Forces of the Republic of Sierra Leone. Under this Act, clear-cut provisions with respect to the powers, mandate and functions of the Armed Forces of the Republic of Sierra Leone are provided for. Thus, it is considered as the trust legal statute regulating the effective operation of the Armed Forces of the Republic of Sierra Leone to ensure they perform their work.

110. Furthermore, the Act makes provision for the establishment of a court martial in a bid to legally bring to book military personnel who violated military rules and regulations. In 2000, the Armed Forces of the Republic of Sierra Leone Act was amended by the repeal of section 129 and replacement of part IV in the Armed Forces of the Republic of Sierra Leone (Amendment) Act 2000.

111. Notwithstanding the fact that these legal frameworks exist to regulate the use of force and firearms of law enforcement officials at the international, regional and domestic levels, challenges still loom large in terms of effective implementation of same in Sierra Leone. Thus, the very reason why the HRCNL,

being mandated to protect and promote human rights, has undertaken this Public Inquiry in a bid to identify gaps and challenges and make recommendations for improvement.

### **Institutional Frameworks for Accountability On Law Enforcement in Sierra Leone**

112. At the domestic level in Sierra Leone, there are many institutional frameworks providing oversight and regulating Law Enforcement Officials in a bid to ensure accountability in their use of force. Chief among these institutions are the Independent Police Complaints Board, Complaints Division and Internal Investigations Department, Court Martial Court, and the Criminal Investigation Department. A succinct analysis on the legal mandates of these oversight institutions is stated hereunder.

#### **The Police Council**

113. The Sierra Leone Police Council is a creature of the 1991 Constitution. Section 156 of the Constitution outlines the establishment of the Police Council and prescribes its composition. The Council is the highest body within the Sierra Leone Police hierarchy and it exercises both oversight and supervisory jurisdiction over same. Pursuant to Section 158(1) of the Constitution of Sierra Leone, the Council performs the following functions by advising the President on “all major matters of policy relating to internal security, including the role of the police force, police budgeting and finance, administration and any other matter as the President shall require.” Consistent with its oversight responsibilities, the Police Council has set up the CDIID and the IPCB as internal accountability mechanisms that investigate complaints formally lodged against police officers.

#### **The Independent Police Complaints Board**

114. The Independent Police Complaints Board is an independent civilian oversight body established by the Police Council, pursuant to section 1 of

Constitutional Instrument No. 11 of 2013, with a mandate to investigate allegations against a police officer of the Sierra Leone Police, particularly on the use of firearms. Under section 9 of the Independent Police Complaints Board Regulations (2013), the IPCB may conduct an investigation against a Police Officer on its own accord or based on a complaint made by a member of the public, a police officer or a public body against a police officer.

115. The IPCB having received a complaint against police officers of the Sierra Leone Police Force, may conduct preliminary investigation to determine whether matter falls within its jurisdiction and jurisdiction so as to open a complete investigation or further refer it to the Director of Public Prosecution of the Inspector General of Police. Upon conclusion of a complete investigation, the IPCB based on its assessment and/or opinion of the matter, shall recommend for prosecution of the Police Officer for criminal offense or invoke disciplinary action proceedings against the said Police Officer. It may also recommend for the taking of such disciplinary action against a Police Officer that is deemed fit and appropriate.

### **The Complaints Division and Internal Investigations Department**

116. The Complaints Division Internal Investigation Department is one of the departments of the Sierra Leone Police Force. The CDIID is mandated, among other things, to receive confidential complaints from members of the public on allegations of misconduct of a police officer. The CDIID, upon completion of an investigation against a police force, shall make recommendations for appropriate action to be taken against such officer where he is found culpable of the allegation. Unlike the IPCB, the CDIID is not an independent body but a Department of the Sierra Leone Police Force.

### **The Criminal Investigations Department**

117. The Criminal Investigation Department is also another department of the Sierra Leone Police Force. It is mandated to investigate crimes reported to it by

members of the public or entity. It is headed by the Director of Crime Service. The CID can also investigate a police officer if there is an allegation made against such officer that he has committed a crime. This Department of the Sierra Leone Police is working closely with the Law Officers Department in the Office of the Attorney General & Minister of Justice of the Republic of Sierra Leone.

### **The Defence Council**

118. The establishment of the Defence Council of the Armed Forces of the Republic of Sierra Leone is provided under section 167(1) of the 1991 Constitution. It is the highest body in the hierarchical structure of the Armed Forces of the Republic of Sierra Leone, and enjoys unfettered jurisdiction in exercising oversight and supervisory roles over the activities of the said Armed Forces.

119. In accordance with Section 169 of the 1991 Constitution of Sierra Leone, the Defence Council is mandated to advise the President on all major matters of policy relating to defense and strategy including the role of the Armed Forces, military budgeting and finance, administration and the promotion of officers above the rank of Lieutenant or its equivalent. The Defence Council, with the prior approval of the president, is also empowered to make regulation for the effective and efficient administration of the Armed Forces.

### **Court Martial**

120. The Republic of Sierra Leone Armed Forces operates a court martial court with jurisdiction over offenses committed by soldiers in active military service. It is a military court that is empowered to determine the guilt or innocence of members of RSLAF subject to military law. A Court Martial may also try prisoners of war for war crimes or civilians that violated martial law. It is usually presided over by a judge advocate, which is responsible to conduct the trial of the military officer. Under section 129 of the Armed Forces of the Republic of Sierra Leone (Amendment) Act of 2000, the decision of a court martial in Sierra Leone is

appealable to the Court of Appeals of the Republic of Sierra Leone. However, it must be so done with the leave of the Court Martial provided it is not a sentence that attracts life imprisonment.

### **The Human Rights Commission of Sierra Leone**

121. The Human Rights Commission of Sierra Leone (HRCSL) is a statutory national human rights institution established by an Act of Parliament, the Human rights Commission of Sierra Leone Act (No. 9) of 2004 with the mandate to protect and promote the human rights of all in Sierra Leone. The Commission has a broad mandate in the protection and promotion of human rights in Sierra Leone including holding public officials accountable for violation or negation or neglect of human rights when carrying out their public duties. Under Section 7 (2) (a) of the Act, HRCSL has the mandate to “(a) investigate or inquire into on its own or on complaint by any person any allegations of human rights violations and to report thereon in writing”. In its report on an investigation, it is ‘lawful for the Commission to recommend the payment of compensation for victims of human rights violations, their families or legal representatives and also to award costs in appropriate cases’ pursuance to Section 11 of the HRCSL Act.

122. The Commission’s powers of investigation is guaranteed by Section 8 (1) (a) and (b) of the HRCSL Act, which states that “For the purposes of any investigation under this Act, the Commission shall have— (a) such powers, rights and privileges as are vested in the High Court of Justice or a judge thereof in a trial in respect of – (i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and (ii) compelling the production of documents and other things; and (iii) the issue of a commission or request to examine witnesses abroad; and the Rules of Court shall, with the necessary modification, apply to the exercise of the powers, rights and privileges of the Commission conferred by this subsection; (b) the power to issue or make orders or directions to enforce its decisions, including measures to protect the life and safety of an individual and free medical treatment where necessary; (c) power to

refer to the High Court for contempt any person who refuses, without justifiable cause, to comply with a decision, direction or order of the Commission within a specified time.

123. The Commission also has the mandate to conduct public inquiry into systemic human rights violations in consonant with Rule 42 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and inquiries) Rules, 2008, which states; 'When the Commission is of the opinion that there appears to be systemic or repeat violations of a particular human rights or the human rights of a class of people in the country, or where there are allegations of or where there appears to exist a situation of gross violation of human rights, the Commission may on its own initiative conduct a public inquiry into allegations of or into the apparent gross violations of human rights in order to determine the situation, its causes and make appropriate orders, directives or recommendations to deal with the situation or to prevent the violations from reoccurring and may also make appropriate orders, directives or recommendations for the victims where violations are confirmed".

124. In the recent past, the Commission has used its mandate to successfully conduct Public Inquiry into Alleged Gross Violations of Human Rights in Bumbuna, Tonkolili District from June to September, 2012, in relation to the events of 16<sup>th</sup> to 18<sup>th</sup> April, 2012, in which the inquiry confirmed that the police overreacted to the protest action by African Minerals (SL) Ltd (AML) workers and used disproportionate force, including live ammunition, resulting in the death of one Musu Conteh, a young lady who worked for AML, and others were severely wounded; eight (8) of whom sustained gunshot wounds.

125. Also, in 2011 the Commission held its first public hearing to deal with complaints received from 235 ex-servicemen of the Republic of Sierra Leone Armed Forces (RSLAF) in the matter of Blamo Jesse Jackson and 234 other against the RSLAF and Ministry of Defence. The Complainants on this matter

alleged that they received less benefits than their wounded in action counterparts and that they were categorized as chronically ill and mentally imbalance, which was degrading. They also alleged that they had been subjected to continuous discrimination, cruel and inhuman treatment and invasion of privacy since they were discharged from service in 2008. The Commission setup a tribunal, which ruled in favour of the 235 ex-servicemen and the all recommendations made by the Tribunal were implemented and complainants received their full benefits accordingly.

## **CONCLUSION**

126. In view of the above therefore, it goes without saying Sierra Leone is a state party to many treaties, protocols, regulations and guidelines at the international and regional levels that regulate law enforcement officials on the use of force and firearms. At the domestic level in Sierra Leone, strides have been made to enact laws and establish institutions mandated to provide oversight and regulate Law Enforcement Officials in their use of force and firearms. Irrespective of the aforesaid, challenges loom large in the area of ensuring accountability of law enforcement officials in their use of force and firearms in Sierra Leone. Cognizant of those challenges and in a bid to advance the protection and promotion of human rights, the HRCNL pursuant to Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act of 2004 and Rule 42 of the Human Rights Commission of Sierra Leone (Complaint, Investigations and Inquiries) Rules of 2008, has conducted this public inquiry into allegations of human rights violations on its own initiative.

## CHAPTER THREE

### PRE-INQUIRY ACTIVITIES

#### **Setting up of PI Secretariats and Recruitments of Consultants and Panel Lawyers**

127. For the purpose of this Public Inquiry (PI) and in consonant with Rule 43 (1) (b) and (5) of the HRCSL (Complaints, Investigations and Inquiries) Rules 2008, the Commission established a secretariat with a clear contact address and telephone lines that were made known to the public. The Commission recruited local Consultants and three other lawyer Panelists to provide technical and legal support and guide the PI process. An interview panel was constituted on 24<sup>th</sup> February 2022 where both Lead and Research Consultants were recruited. The panel went through the credentials as well as performance of the candidates during the interview and came to the conclusion that both candidates could value to the successful outcome of the process. Both candidates have degrees in law; one was a former Commissioner of the Human Rights Commission of Sierra Leone (HRCSL) and the other a researcher who studied International Human Rights and Humanitarian Laws up to Master's degree in Australia. Both candidates are also lecturers at the Sierra Leone Law School. In March 2022, letters of offers were sent out to them. Similar letters were also dispatched to the three panel lawyers with contracts equally signed with the Commission.

#### **Training Of Commissioners and Staff on PI Process**

128. On 29th March 2022, training of Commissioners and staff relevant to the conduct of the Public Inquiry targeting Law Enforcement Officials was held at the Civil Service Training Centre, Tower Hill, Freetown. Other participants in the training included three research students from Fourah Bay College, University of Sierra Leone. The training was facilitated by the PI



Consultant, Rashid Dumbuya Esq, in which a total of 50 participants were in an attendance. The focus of the training was to acquire knowledge by learning the various processes which constitute a well conducted Public Inquiry. The HRCSL Chairperson, in her opening remarks emphasized the important roles which the targeted participants of the training shall play in a bid to engender a successful Public Inquiry Outcome.

129. The training content as presented by the the Lead Consultant was as follows:

- Understanding the various processes involved in the conduct of the Public Inquiry (expected Outcome)
- Objectives in the conduct of a Public Inquiry
- Road map of the presentations
- Similarities and differences between a Public Inquiry and a Commission of Inquiry
- Differences between a Public Inquiry and a Court of Law
- Historical Background of holding of holding Public and/or Commissions of Inquiries in Sierra Leone
- The significance and benefits of holding public Inquiries
- Challenges in holding Public Inquiries
- Justifications for holding Public Inquires on the use of force by Law Enforcement Agencies in Sierra Leone
- Jurisdictional mandate of the HRCSL to hold Public Inquiries
- The scope and Terms of Reference of Public Inquiries
- Public Inquiry Reports produced in other jurisdictions
- The unique nature and characteristics of HRCSL's Public Inquiry
- The various stages involved in conducting Public Inquiries
- Potential Challenges to anticipate in the conduct of this kind of Public Inquiry
- Benefit and outcomes in holding this kind of Public Inquiry
- Recommendation(s) and the way forward.

130. The key outcomes were that the roles and processes for the under-mentioned various functionaries in the implementation of the PI were established, such as the Public Inquiry Secretariat.

### **Preliminary Stakeholders Engagements**

131. **Meeting with Civil Society Organization (CSOs)** – On 18<sup>th</sup> January, 2022, HRCNL invited CSOs to a meeting at the Commission's premises to formally inform them about the PI on the conduct of LEOs. The aim of the meeting was to get CSOs' buy-in into the PI process and for them to be active partners as some of them are directly working on human rights issues relating to excessive use of force by LEOs.

132. The Executive Director of Human Rights Defenders Network (HRDN), Mr. Alphonsus Gbanie, who also represented Amnesty International, expressed that HRCNL impetus to conduct Public Inquiry (IP) on the conduct of law enforcement officers is a welcome news and stated that it is an opportunity for both the CSOs and HRCNL to strengthen their partnership. He stated that the PI would help to change people's perception of the law enforcement officers and the work of the Commission, and that the PI would also help to identify the gaps in the operations of law enforcement officers. The Representative from ADVOCALD noted that they have been working on police accountability particularly with women who have been arrested unlawfully. He emphasized that ADVOCALD is willing to work with HRCNL in this project and would help with the statistical data on police complaints.

133. **Key Action Points agreed were:**

- HRCNL to develop and share the implementation strategy with CSOs which done
- ADVOCALD to help HRCNL with their statistical data on complaints against the police.

- PI to also consider other security apparatus and not just limited to the SLP and Military, which led to the inclusion of Sierra Leone Correctional Services, Metropolitan Police and Sierra Leone Road Transport Corporation Warden.

134. **Ministry of Internal Affairs (MIA)** – On 25<sup>th</sup> January 2022, the Commission met with the MIA as the supervising ministry over institutions with law enforcement mandates. The Minister lauded the efforts of HRCNL to conduct such a public inquiry and expressed his unflinching support to the process. He viewed the exercise as an opportunity to bridge the void that continues to exist between human rights and law enforcement in the country.

135. **The Sierra Leone Police (SLP)** – On 26<sup>th</sup> January 2022, the HRCNL engaged the Executive Management Board (EMB) of the Sierra Leone Police. In spite of their initial misgivings about the PI relating to the timing and the potential political ramifications, the SLP expressed willingness and endorsed their support for the PI, and affirmed their commitment to cooperate with the Commission throughout the process.

136. Key among other concerns raised at the meeting were as follows:

- a) HRCNL to be mindful of the outcome of the inquiry as it may impact negatively against the police
- b) HRCNL to be mindful of the fact that the SLP is self-regulatory and that some matters involving the conduct of police action had been resolved and officers found culpable dismissed from the force.
- c) Some officers alluded that; the public inquiry may not be in the best interest of the SLP and government especially now that the country is fast approaching both national and local elections.
- d) That with reference to the Presentation of the HRCNL Vice Chairperson that Human Rights protects and promotes the rights of all, the SLP questioned the focus of the inquiry only on the police. They expressed that the SLP too have rights and that they should not be single out in the inquiry.
- e) HRCNL to be mindful that, the SLP provides security of government officials as well; and as such is the Commission saying that SLP should stand aloof and

watch transgressions meted against such officials of government including members of the Commission?

- f) According to the presentation, the SLP in their view stood indicted already and that the Commission should have first approached the leadership to have his buy-in on the project rather than bringing out to the general assembly of the Executive Management Board.
- g) That setting up a public inquiry on the SLP will expose them to public scrutiny and ridicule.
- h) That the project is untimely and there are insinuations that the Commission must have been used by some unscrupulous individuals to make the SLP and by extension the government looks bad in the face of mounting misgivings with the civil populace.
- i) The expectations on the part of the SLP was for HRCSL to identify and provide capacity on their operations on how to make them better and not to vilify them in the eyes of the public
- j) The SLP wanted to know whether in fact the HRCSL understand the rules of engagements that govern their operations or rather implored the Commission to go back and do a study and research on these rules of engagements to have a better understanding of the police and their operations.
- k) That the public inquiry will instill in the minds of their junior



135. **The UK Police Advisor (for the SLP)** present at the meeting added his voice by allaying the fears of the SLP on the issues they raised. These were his remarks:

- For the SLP to seize the moment as there is no better time to cooperate with HRCSL in carrying forward this public inquiry;

- That the situation that calls for these inquiries is the same everywhere in all advanced democracies around the world including the UK where he comes from;
- The SLP should see the public inquiry as an opportunity and not as a threat and they should allow this to cascade through the rank and file of the SLP;
- The SLP should embrace the culture of individual accountability among its rank and file especially during law enforcement operations;
- HRCSL and SLP are both integral in public service delivery and critical entities in the protection of human rights and the right to protect life and property respectively;
- The public should not see the two entities working in opposition to each other for that might betray the public trust and confidence;
- SLP should not be seen to undermine the human rights of the people; but equally so, should embrace the cardinal duty to act within the framework of the law under all circumstances.

136. **Parliamentary Committee on Human Rights (PCHR)** – On 26<sup>th</sup> January 2022, HRCSL had a conjunctive meeting with members of the Human Rights and Legislative committees in Parliament. The Members of Parliament (MPs) were noted to be very much equivocal on the timely nature of such as inquiry; giving the high spate of incidents involving LEOs and the civil population. They further proposed the scope of the inquiry to be expanded to include other LEOs such a RSLAF, SLCS, SLRSA, the Metropolitan Police and even the Chiefdom Police within the native administration.



137. **Ministry of Defence (MoD)** – On 28<sup>th</sup> January 2022, HRCSL engaged the Ministry of Defence to also seek its cooperation; giving the fact that, its personnel are also a targeted subject of the inquiry. The leadership of the MoD expressed willingness to participate in the process. However, the leadership expressed concern over a few issues for which it sought clarifications: Wanted to know where the military fits into this exercise, since as a force charged with the coercive power of the state does have its own redress mechanisms for its personnel. Admonished the Commission to do enough sensitization to dispel rumors mongering and misconceptions about the inquiry among its rank and file particularly RSLAF personnel in the regions. Also for HRCSL to also share the PI Conceptual Framework with the Ministry of Defence (MoD) to see how the ministry can support the Commission in circumstances where their personnel may be persons of interest to come before the inquiry.

138. **Anti – Corruption Commission (ACC)** - On 28<sup>th</sup> January 2022, HRCSL engaged the leadership of the ACC to solicit its support on the PI and to also request technical assistance during the process. The leadership agreed to support the HRCSL Project team with its expertise in Witness Protection. To facilitate the process, four (4) ACC staff were assigned to work with the Commission in that regard. The HRCSL Project team, on request, provided the ACC with the Public Inquiry Conceptual Framework to give the latter an insight into the project.

139. **Office of National Security (ONS)** - On 1<sup>st</sup> February 2022, HRCSL project team visited the Office of National Security (ONS) and met with the National Security Council Coordinating Group (NSCCG) to brief him on the HRCSL bid to conduct a Public Inquiry on the conduct of LEOs. The NSCCG Coordinator applauded the Commission's initiative in this regard and expressed the hope that the recommendations that shall be proffered in the report will speak to the human rights violations that oftentimes occur during the maintenance of security, law and order. He expressed willingness to assist the Commission by

providing the Commission with data on riot and crowd control that may be helpful to the inquiry.

140. **Independent Police Complaints Board (IPCB)** – On 1<sup>st</sup> February 2022, HRCSL project team engaged the leadership of the Independent Police Complaint Board (IPCB) to inform the board of the public inquiry and to solicit its cooperation. The IPCB was set up to investigate the conduct of the SLP and to regulate same.



141. The IPCB expressed willingness to assist the Commission to provide data on police complaints it has received within the scope of the inquiry. The leadership however cautioned in dealing with the SLP because it always claimed that SLP has its own redress and disciplinary mechanisms which by their standards they claim to be very effective. He also warned that the police sometimes exhibit reluctance to cooperate when investigated by an external agency other than its own. The IPCB Chairman also informed the Commission about the widely held perception by the SLP that the IPCB is there to undermine its work and oftentimes resist their cooperation when once the police come under scrutiny; i.e. cited cases such as the shooting incident in Kenema and the death of the infant in police cell in Makeni. He concluded by admonishing the Commission to tread cautiously when dealing with the media as it is quick to jump to conclusion in the midst of investigations; judging from investigations it has undertaken in the past. Also, he advised that the IPCB be informed about every phase of the Public Inquiry involving the SLP.

142. **Sierra Leone Correctional Services (SLCS)** - On 2<sup>nd</sup> February 2022, the HRCSL project team met with the leadership of the Sierra Leone Correctional Services to solicit its buying-in and its integral role as subject of the inquiry. The Director-General and his team raised a number of issues for clarification. The leadership wanted to know whether the PI may have been triggered either from complaints or reports on conduct of Law Enforcement Officers (LEOs) brought to the attention of the Commission and whether this public inquiry is going to also hold the privileged accountable and not just the deprived.



143. By way of recommendation, he encouraged HRCSL to do more public sensitization to allay the fears of persons of interest who may be targeted by this inquiry. Also, he advocated for more capacity building opportunities for LEOs, to improve their conditions of service. Investigating the conduct of LEOs during this public inquiry should go together with seeking ingenious ways to improve on their welfare he opined.

144. **Sierra Leone Road Safety (SLRSA)** - On 1<sup>st</sup> March 2022, HRCSL project team engaged the Director-General of the SLRSA and briefed on the HRCSL plan to conduct a public inquiry and also to inform him of his personnel entity being a subject of the inquiry. The Director-General acknowledged the role played by the Commission in the maintenance of peace and the implementation of its mandate by way of protecting and promoting human right in the country and by extension building the country's human rights image internationally. He assured the Commission of his institution's support and



cooperation in this regard. As a guarantee to leverage the level of collaboration and partnership between the two institutions, the DG sought permission to upload the PI Public statement in the SLRSA website to raise the publicity level for the PI.

145. **Meeting with OSIWA** - On 6<sup>th</sup> May 2022, a cross section of the HRCSL project team met with the leadership of OSIWA at its Railway Line office in Freetown. The Open Society Initiative for West Africa (OSIWA) is the primary funder of the public Inquiry that is implemented by HRCSL. The meeting was scheduled to provide OSIWA a snapshot of activities carried out during the implementation of the Pre- inquiry stage and request for the remaining funds to further with the next stage which is the Inquiry proper; i.e. the panel sittings.

146. During the discussions that ensued, a number of suggestions and recommendations were made for consideration by HRCSL project team. These, among several others, include:

- The need to involve the Independent Police Complaints Board (IPCB) as a key stakeholder in this PI process;
- to allow structures, systems and processes play out in all the various phases of implementation during the Pre-inquiry stage of the PI;
- HRCSL to use its quasi-judicial powers in the push for Public Interest Litigations for which OSIWA will be more than willing to source funds for the Commission;
- HRCSL to partner with the Anti-Corruption Commission (ACC) particularly in providing expertise in Witness Protection during the PI; the budget that has already been agreed upon should not be changed because it has already been signed and approved. OSIWA furthered that the current call for proposals ends on 13<sup>th</sup> May 2022 and acknowledged HRCSL's submission for funding;
- OSIWA acknowledged the growing inflation trend and therefore advised that the HRCSL project team is at liberty to move budget lines around as long as it is within the budget stipulated in the project document.

- That if need be HRCSL should seek clarification from OSIWA in circumstances where budget flexibility may be required to support other unforeseen activities that may pop up and not factored in the project document.
- That request for the second tranche of funds is predicated on a timely, good narrative and financial report using the OSIWA template.
- It was agreed that the Mid-Term PI progress report be submitted by HRCSL to OSIWA on or before 22<sup>nd</sup> June 2022;

### **Regional Stakeholders Meetings, Roundtable Engagement and Town Hall Meetings**

147. As a way of reaching out to the wider community in the regions, HRCSL Project team within the period 15th – 31st March, conducted community outreach/town hall meetings in three locations, roundtable engagements in four locations and held meetings with the Provincial Security Committees (ProSeC) in Makeni, Bo and Waterloo. The Project team organised three groups to simultaneously carryout this activity and each group, led by a Commissioner, conducted one community outreach, one roundtable engagement and held ProSec or DiSeC meetings in the regions covered. **Group A**, held a ProSeC meeting and Roundtable engagement in Makeni, and Community Outreach in Kabala town. **Group B** conducted community outreach/town hall meeting in Kono, roundtable engagement and held a ProSec Meeting in Kenema. The **third Group** conducted Community Outreach in Lunsar and a Roundtable Engagements in Waterloo and Freetown.

148. These three (3) activities organized during the Pre-Inquiry phase were geared towards information dissemination and getting stakeholders and the general public to know about the Commission's decision to conduct a Public Inquiry into the action, omission and negation to uphold human rights standards by Law Enforcement Officials in the course of discharging their lawful duties. Engaging stakeholders and community members in these activities are

crucial to the inquiry's successful outcome as their participation is of valued significant when it comes to subsequent phases of the inquiry.

#### **149. Meeting with Provincial and District Security Committees (PROSeC & DiSeC)**

The Project team held a conjunctive meeting of both PROSEC & DISEC in Makeni City; ProSeC meeting in Bo during the Provincial Media Tour and meeting with the Western Rural District Security Committee in Waterloo. During these meetings, presentations on the purpose, the various phases of the Inquiry and by extension the role of stakeholders in the process were done by the respective team leads.

Some of the feedbacks, or comments and reactions from stakeholders at the various meeting were as follows:

- HRCSL's initiative to carry out a public inquiry into the conduct of LEO generally applauded
- Bombali District Human Rights Committee Chairman, in particular promised to tender reports, documentaries and reports of human rights violation by LEOs as support to the process.
- Also recommended conducting specialized and frequent training on the Rules of Engagement for LEOs.
- Senior members of Law Enforcement viewed the process as a platform to voice out issues and the abuses LEOs faced from members of the public when they are lawfully discharging their duties
- Civic and human rights education should be prioritized
- Some of the incidents took place because of hate speech on the social media



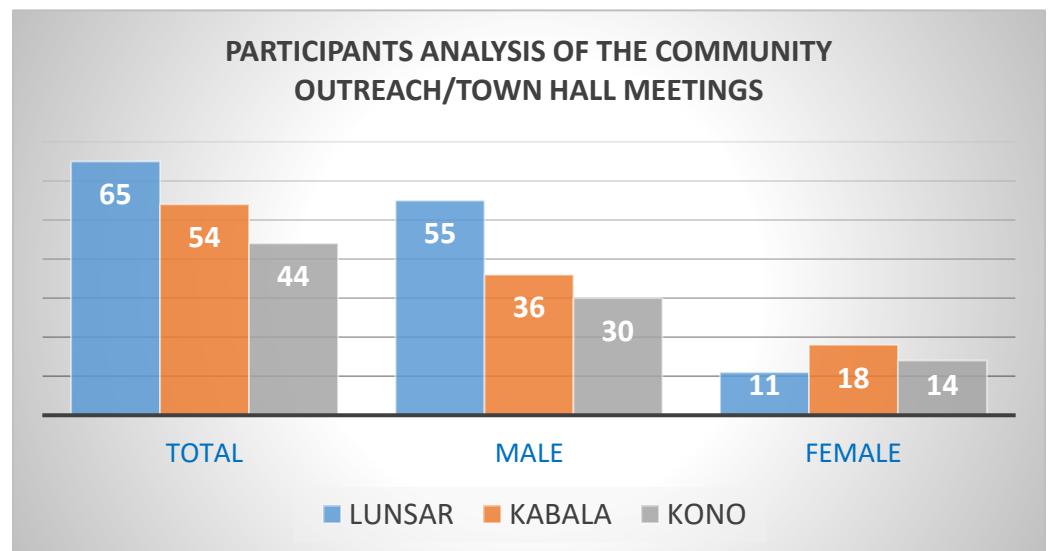
- Cliques and gangs are part of the problem, especially when law enforcement officers are discharging their duties or maintaining public order;
- Other law enforcement officers such as ACC, EPA, NRA, PPRC are also attacked by citizens when discharging their lawful duties and should be taken into consideration;
- Chiefdom police are also to be included in the list of law enforcement officers;
- Military involvement of human rights violations always comes up when a joint operation such as the MAC-P. Standard Operating Procedures are designed, which also have their own Rules of Engagement when involved in a joint operation outreach. The representatives from the military hope that the report of the PI will help shape their operations;
- A representative from the road safety corps sees this inquiry as a platform to bring issues affecting them whilst discharging their duties;
- From the Correctional Service, they want the Commission to advocate for riot gears for the institution to cool down incidents of riots within the Centres;
- Overdue indictments of inmates in the Correctional Service tend to lead to a riot
- Legal Aid Board representative promised to make available information to the inquiry as they are categorized as interested bodies.

### **Community Outreach/Town Hall Meetings**

150. The community outreach/ town hall meetings held in various dates from 15<sup>th</sup> – 31<sup>st</sup> March in Lunsar, Kabala and Koidu towns were graced by the presence of Paramount Chiefs, representatives of the five targeted LEOs, District Human Rights Committees, District Council Chairpersons, public officials, youth groups, Orkada riders/ drivers and market women. In each of the outreach programs, the HRCSL project team took participants through by presenting overviews on the Commission's background, mandate, and functions and the purpose of the public inquiry and its stages and in particular the role of stakeholders in such an Inquiry process.

151. Below are some of the feedbacks and reactions from participants:

- Despite the numerous trainings/capacity building programs organized for the police, the impact has not been felt as far as public perception is concerned.
- Citizens feel insecure when LEOs are deployed to maintain law and order during protests, demonstrations, electioneering activities etc.
- Witness protection for complainants should be maintained during the inquiry panel to avoid intimidation, malice and threatening remarks and reprisal attacks by persons brought to the inquiry for act of violation.
- Dissatisfaction among the populace is high on police handling of criminal investigations in the districts.
- Also, members of the community viewed promotions or transfers of police officers who have been accused of killings or committed acts of human rights violations as a form of compensation and therefore government condones impunity.
- Women in politics do not feel safe with the LEOs judging from negative interaction with them in the past especially during public functions.
- The Commission should embark on civic and human rights education, especially among the youths.



- The outcome of the inquiry should be able to state the responsibility of the law enforcement officers and the citizens.
- What will be the outcome of the inquiry? Is it going to be in just black and white, or does it have legal standing to implement recommendations?

### **Roundtable Engagements**

152. In the same trend, between 15<sup>th</sup> and 31<sup>st</sup> March, the HRCSL Project teams engaged stakeholders of Ministries, Departments and Agencies (MDAs), the five LEOs, Civil Society Organisations (CSOs) working on areas of Good governance, human rights and the rule of law on roundtable meetings organized in four locations namely: Makeni, Waterloo, Kenema and Freetown. The meetings provoked a whole lot of reactions directed at the five LEOs identified by the Public Inquiry. The conspicuous absence of the SLP, a major subject of the Public Inquiry during the Freetown Roundtable ignited extensive debate with regards to their non-participation. These roundtables sought the cooperation of the various stakeholders to support HRCSL and ensure a successful outcome.

153. Issues raised at the roundtables included:

- The call for a sincere and transparent process, outcome and for the effective implementation of recommendations that will be borne out of this inquiry.
- The need for both the public and LEOs to know their rights and how to claim them, as well as their responsibility for peaceful co-existence.
- The conspicuous absence of the SLP during the Freetown Roundtable continues to be noted as a cause for concern.
- Lack of trust and poor confidence building between the LEOs and the public continue to alienate both parties from each other.

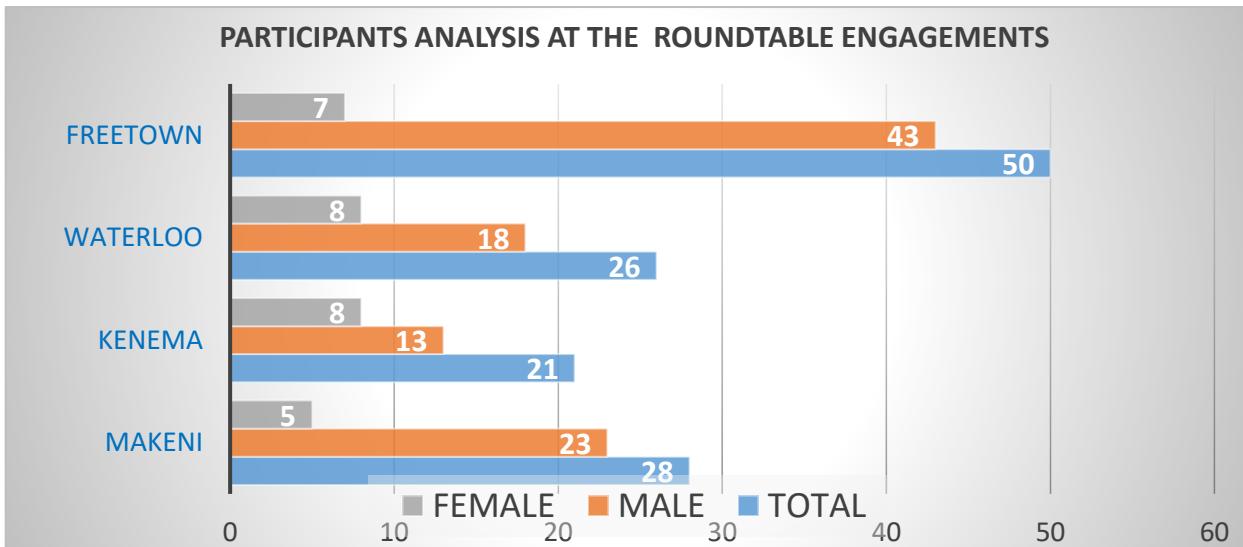
- The party in governance to muster its support for HRCSL in the protection and promotion of human rights across the country irrespective of gender, social, ethnic and political affiliations.



- Popularization of the public inquiry nationwide will also offer LEOs the opportunity to bring to the Inquiry members of the public alleged to have assaulted LEOs in the execution of their lawful duties.
- Within the Correctional Services' system, an Internal Complaints Department Unit (ICDU) was set up to look into complaint brought to its attention against a member of the Correctional Service found to be in violation of human rights.
- It is a laudable idea to have institutions charged with the coercive powers of state i.e. the SLP, RSLAF, SLCS, SLRSA and Metropolitan police being investigated based on individual accountability rather than institutional accountability.
- Bringing members of the public who have committed acts of violence against LEOs before the inquiry panel will install respect for the men and women in uniforms.
- The public inquiry is here to give LEOs the opportunity to showcase all their concerns, which will be received, documented and recommendations implemented.
- Standard Operating Procedures (SoPs) that look into the Rule of Engagement on how LEOs protect themselves in the face of danger and attacks should be

reviewed from time to time due to changing dynamics on law enforcement strategies.

- The need to improve on the Conditions of Service for all LEOs was also raised.



### Statement Taking Process

154. As part of the final activity for the pre-inquiry phase of the project, three teams comprising 14 members were dispatched from 9<sup>th</sup> – 13<sup>th</sup> May, 2022 to collect and document statements from complainants of LEOs' violations country-wide. The objective of this exercise was to ensure that complaints from victims, witnesses and persons of interest are captured across the country more especially in hotspot areas of LEOs confrontation with civilians considering the project scope from 2015 – 2021. The success of the entirety of the PI process hinges on the statements collected and processed for the next phase of the project implementation. This component of the PI was partly funded by UNDP/Irish Aid and GoSL.

155. **Key achievement** of the Statement Taking was that a total of **178** complainants showed up to make their statements across the country in which a total of **105** complainants consented to appear before a hearing panel as clearly indicated below by regions:

#### 1. Northern Region:

- 74 Complainants showed up, 43 Statements were taken and 38 complainants expressed willingness to appear before the public hearing panel.

## **2. North-West & Western Area**

- 43 Complainants showed up, 16 Statements were taken and 16 complainants expressed willingness to appear before the public hearing panel.

## **3. South & Eastern Regions**

- 61 Complainants showed up, 61 Statements were taken and 51 complainants expressed willingness to appear before the public hearing panel.

### **Challenges - Highlights of Project Constraints**

156. **Funding Constraints** - Inadequate funding was noted to adversely militate against HRCSL's capacity to effectively implement the project. Government support was also delayed as HRCSL did not receive GoSL subvention for first and second quarters as expected. Also OSIWA funding, for instance, did not provide for Statement Taking, an integral component of the Public Inquiry. HRCSL had to solicit funds from UNDP, which came very late but was utilized for the statement taking process.

157. **Rising Inflation** - The rapid rise in the country's inflation rate impacted negatively on the implementation of project activities. The time the project was approved and to the time implementation commenced, the cost of certain items increased exponentially. For instance the initial costs of fuel and DSA when the project was approved were tagged at Le 10,000 per litre and Le 500,000 and less than three months down the line was raised to Le 15,000 and Le1, 000,000 respectively.

158. **Statements taking:** - The challenges encountered during the statement taking included:

- Non-compliance of some victims, witnesses and persons of interest to come out and make statements either due to fear or lack of trust on the system

- Project team found it difficult to reach out to suspect victims, witnesses e.g. the victims of victim family of the incident on 29th April 2020 at the Pademba Road Male Correctional Centre.

159. **Cooperation of the SLP:** - The focus of the inquiry is the use of excessive force by LEOs particularly the SLP. During the preliminary engagement and the roundtable meetings, HRCSL team observed that the SLP seem wary about the PI process and consider same as a threat to expose them to the public. They demonstrated this clearly when they deliberately abstained from attending the roundtable engagement in Freetown and from their reactions when HRCSL engaged them during their Management meeting on 26th January, 2022 where the UK Advisor urged them to cooperate with the PI process and to view same as an opportunity to make themselves accountable to the public.

### **Lessons Learnt /Human Interest Stories**

160. **The Scope of the Project** – the expansion of the scope of the project from the initial target of the SLP and RSLAF to now include the Correctional Service, Road Safety Corps and Metropolitan police expanded the overall cost of human, time and capital resources. It was also observed that incidences of excessive use of force by LEOs in hard-to-reach communities, for example, Dalakuru town in Koinadugu District, requires a special Public Inquiry because of the huge human rights violations that took place one and half years ago.

161. **Delayed Disbursement of Fund** – The delay in the disbursement of funds after the project has been approved affected its timely implementation thereby creating stress on staff with regards to timely implementation and meeting deadlines. Where three staff were to be assigned to a task, ended up having five staff assigned in an effort to meet the prescribed deadline.

162. **Budget allocations**- The number of participants that attended the community engagements, roundtable engagements and training of Commissioners and staff exceeded the allocation made in the approved budget, especially regarding transport refunds for participants, DSA for Project team and the cost of fuel and catering with a rapid rise of inflation rate in the country.

From the time of approval of the project, to the time implementation commenced, the cost of certain items increased exorbitantly. For instance, the initial costs of fuel and DSA when the project was approved were tagged at Le 10,000 per liter and less than five months down the line was raised to Le 18,000. This was also true for DSA cost from Le, 300,000 for staff, 500,000 for Commissioners to Le 700,000 and Le. 1,000,000 respectively.

163. **Diversification of Donor Support** – It is always good to have a diversity in donor support so that in situations where there is a shortfall from one donor, you will be assured of support from another. The shortfall on the statement taking exercise could not have been achieved without the intervention of GoSL and UNDP/Irish Aid funding support.

164. **Constructive Donor and Partner Engagement** - As implementing partner, there should be a constructive donor partner engagement from the very beginning of the project so that both parties know and understand the project agreement. The HRCSL project team realized during the implementation of the project that the quantum of funds provided by OSIWA was inadequate and under the threshold to implement such an elaborate national project. Lessons were drawn from the Bumbuna Inquiry which only dealt with the SLP and one community in compared to a National Inquiry involving five Law Enforcement Agencies and covering the whole the country.

165. **Community and stakeholders' engagements:** Stakeholders and community members are enthusiastic about the public inquiry as they hope it will seek to redress the numerous human rights challenges faced in dealing with law enforcement officers. Many community members, CSOs and key stakeholders expressed the seriousness of human rights violations that mostly occurred as a result of the use of force by the police and other law enforcement agencies. The expectations of the community are that the recommendations and findings of the inquiry will be implemented effectively and that HRCSL would ensure that government complies with the outcome of this Inquiry.

## **CONCLUSION**

166. No doubt, there are abundant legal and policy frameworks at the international level governing the use of force and firearms by law enforcement officials. These strides have engendered commendable progress in establishing a foundation for which all other states could draw inspirations from in dealing with law enforcement bodies. Unfortunately, however, the Regional community in Africa is yet to do more in combatting the problems of arbitrary use of force and firearms by law officers.

167. At the domestic level in Sierra Leone, despite the availability of legal, policies and institutional frameworks regarding law enforcement and use of force, challenges have persisted, resulting in the loss of thousands of lives and properties as well as collateral damage. Law enforcement officers have a sacred duty of ensuring law and order, protecting lives and properties, respecting fundamental human rights and upholding the rule of law in the society. Such powers come with huge responsibilities. But where there is an absence of strong oversight mechanism to checkmate excesses, abuse of powers maybe evident. This is particularly true for Sierra Leone where grave violations of fundamental human rights have been occasioned by law enforcement officials. And in most of these cases, accountability for such violations has not been ensured.

168. These Public Inquiry reports (Volume 1 & 2) therefore affords, at the very least, a first step in ensuring accountability for unprofessional conduct and excessive use of force by law enforcement official in Sierra Leone. It is hope therefore that through the adherence to the plethora of recommendations and directives proffered by the Inquiry panels, the much needed reforms in the law enforcement architecture in Sierra Leone will be achieved.

## PART TWO

### DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS



## **CHAPTER FOUR**

### **DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE SOUTH & EAST REGIONS PANEL**

#### **Panelists**

Commissioner Victor Idrissa Lansana, Esq. (Chairman)

Commissioner Hassan Samba Yarjah (Member)

Braima Musa, Esq. (Member)

#### **Counsel for Complainants**

Abdul Deen Sesay, Esq.

#### **Counsel for Respondent (RSLAF)**

Captain Yainkain Ballay Kamara, Esq.

Major Yayah Bah Esq.

Brigadier General S.T. Kanu, Esq.

#### **Registrar**

Ibrahim Tarawallie

CIRCUIT TWO: KENEMA SITTINGS

**CASE FILE REF: HRCSSL-ER KEN/001**

MAMOUD DANGHA

-

COMPLAINANT

RSLAF

-

1<sup>st</sup> RESPONDENT

(Major Fofanah)

SIERRA LEONE POLICE

-

2<sup>nd</sup> RESPONDENT

(Inspector John Moses Ansumana)

KENEMA DISTRICT COUNCIL CHAIRMAN -

3<sup>rd</sup> RESPONDENT

(Mohammed Sesay)

***Case Summary***

170. The Complainant alleged that in 2020 during the COVID-19 lockdown (on a day he could not remember), he was seriously beaten and molested by the police and military officers on instructions of Major Fofanah and the District Council Chairman, Mohammed O'Level Sesay. A video recording was played before the Panel in which the Complainant identified himself and the officers who were beating him especially police officer George Ansumana and a military officer he identified as Major Fofanah. The Complainant stated that the beating took place for about 10 minutes indicating the incident went viral and his 9-year-old child, questioned him if he was amongst the people he saw in the video being beaten by police officers. The Complainant said he felt very ashamed when his child asked him that question.

171. The Complainant called his witness, one Musa Kallon, who testified as a victim of the same incident. The same video was shown and the witness identified himself to be the one wearing the Chelsea jersey that the police officer was beating and kicking. He stated that they were seated at their shop veranda in

Blama Town, Kenema District, when the officers approached them and started beating them and in turn, as the police accused them of being lawless. The Witness also indicated that his wife left him due to the stigma that followed after the incident went viral on social media. He stated that due to the bad treatment and violation of his right he got from the police who were supposed to protect him, he felt bad and that got him thinking whether he was not a citizen of the country. He corroborated the beating of his elder brother i.e. the Complainant.

172. Under cross examination, the Complainant and witness-victim, were however inconsistent with the identification of the said Major Fofanah who was in civilian attire when the incident occurred.

### **Respondents' Testimonies**

173. Brigadier General A. S. Bockarie when testifying on behalf of the 1<sup>st</sup> Respondent, stated that when he took over as Brigade Commander of II Infantry Brigade (Kenema), he inherited a certain Major Fofanah but the said Major Fofanah was not the one in the video that the Complainant referred to. He stated that Major Fofanah, whom he inherited when he took over in 2021 was transferred and that when he enquired from his predecessor, he was informed that he was not aware of the incident for which the Complainant was before the Panel.

174. The Commanding Officer Lt. Col. Mohammed A. Kamara testified as a witness and stated that they used to have in the Battalion a certain Major I. Fofanah who was transferred to Kabala. He described this Major as being fair in complexion, slim in body size and about 5ft 10' tall, and he is not the same person shown in the video. He also indicated that he never received any complaint against him, whether formal or informal before his posting to Kabala.

175. Inspector John Moses Ansumana (2<sup>nd</sup> Respondent) testified that he recognized the complainant and he could recall that he was attached at the Kenema Police Division at the time of the incident. He also stated that he was part of the police patrol team that went to Blama where they encountered some people boiling 'Ataya' and playing loud music in a certain shop which he said

was in non-compliance with the COVID-19 regulations. He admitted that they beat up three (3) people for non-compliance and that he was the Senior Officer on that trip. He stated that he saw some officers beating up the Complainant when he (Complainant) tried to resist police arrest. He went further to say he did not see a military officer beating anyone. He also admitted that he stood at the scene where his officers were beating up people but alleged that he himself did not beat anyone.

176. The video was shown to him in which he identified himself, the Complainant and other officers. The video evidence however showed him beating and molesting the complainant contrary to his denial.

177. The 3<sup>rd</sup> Respondent, Mohammed O'Level Sesay who was also seen in the video testified that he knows the Complainant but he did not give orders to any officer to beat up anyone. He contested that he cannot give such orders to an officer when he is only a civilian.

178. In response to the 3<sup>rd</sup> Respondent, the witness, Musa Kallon stated that he knows the 3<sup>rd</sup> Respondent O'Level Sesay and indicated that although O'Level did not give the orders but he made comments that they were lawless and therefore should be beaten.

## **APPLICABLE LAW**

179. The Complainant's allegation of beating and molestation was corroborated by his witness and a more compelling evidence produced (video). Section 20(1) of the Constitution of Sierra Leone guarantees the right to protection against any form of cruel, inhuman and degrading treatment or punishment. This right is further entrenched in Article 5 of the ACHPR, Article 5 of UDHR and Article 7 of ICCPR. In General Comment 20, the Human Rights Committee noted that the purpose of Article 7 of the ICCPR is to ensure protection of the dignity, physical and mental integrity of an individual (see para 2 of ICCPR General Comment No.20). The Committee further emphasized in paragraph 3 of General Comment 20 that even in cases of public emergency, neither a derogation from the

provision of Article 7 is permissible nor can any extenuating circumstance can be used as a justification to derogate from this obligation.

## **DECISION/ORDERS**

180. In line with the established laws cited above, the Panel therefore finds that breach of the COVID-19 Regulations cannot be used as a justification for the beating and ill-treatment of the Complainant by the 3<sup>rd</sup> Respondent and his officers. The law enforcement officers should have instead enforced the regulations which certainly do not have “beating” or “inhumane treatment” as a means of sanction/punishment.

181. In light of the above, this Panel makes the following orders:

- 1) That the beating and molestation of the Complainant and the Witness as seen in the video and based on the testimony of the Complainant, Witness and the Police Respondent, such act amounts to degrading and inhuman treatment therefore, a violation of their human rights contrary to Section 20 (1) of the Constitution of Sierra Leone 1991, Article 10 of ICCPR and Article 5 of ACHPR.
- 2) That the SLP is hereby ordered to pay a compensation to the Complainant in the sum of NLe 10,000 (Ten Thousand New Leones) for the violation of the human rights of the Complainant pursuant to Section 11 of the Human Rights Commission of Sierra Leone Act of 2004.
- 3) Additionally, to order two (2) above, the SLP is to issue a Letter of Apology to the Complainant for the violation of his human rights to dignity.
- 4) That the case against the 1<sup>st</sup> and the 3<sup>rd</sup> Respondents is hereby dismissed as this Panel did not find sufficient evidence amounting to human rights violation.

## **182. RECOMMENDATIONS**

- 1) The rules and regulations relating to emergency situations like the COVID-19 Pandemic, be effectively popularized to the public; and that law enforcement officers restrain themselves from abusing the rules.
- 2) Law enforcement officers need more human rights education/training to be able to adopt a human rights-based approach in enforcing the law.

**CASE FILE REF: HRCSL-ER/KEN/002**

HAWA TUCKER

- COMPLAINANT

(Locus parentis Hassanatu Habib Kamara)

Vs

SIERRA LEONE POLICE

- RESPONDENT

(George Bockarie aka Whitter, AIG Kenema, LUC Kenema)

***Case Summary***

183. This matter came before the panel for hearing on the 9th day of August, 2022. The Complainant, Hawa Tucker had filed a complaint with HRCSL in a Representative capacity as the mother of the child Hassanatu Habib Kamara who had suffered serious bodily harm emanating from police shooting. The Complainant who identified herself as the mother of the victim who was then 17 years old, said she recalled on 20 June 2019, there was a riot between the Road Safety Corps and bike riders around Islamic School in Kenema. When she came from town, she saw a police vehicle parked on the street which was close to their house, and the officers alighted the vehicle. She said she then saw one of the police officers who suddenly took out his gun and fired teargas canister straight into their compound and it hit the right eye of her daughter, Hassanatu.

184. She stated that the one who fired the teargas canister is one George Bockarie Alias Whitter, whom she can identify if seen. The Complainant testified that she shouted for help from the police as their vehicle was parked on the street adjacent their compound but that the police did not bother to help. She further stated that she had to rush with her daughter to the police station, and that upon reaching there, she was advised to take her daughter to the hospital which she did as her child was oozing out blood. The Complainant also explained that the police denied her the right to make a statement and instead, promised to pay a visit to the child in the hospital, which they did and sympathized with her by giving a token of Le250, 000 old Leones. The Road Safety Corps gave them a token

of Le300, 000 old Leones. Complainant indicated that the medical bills of her child were solely on her. She also stated that because her child did not get the appropriate help from neither the police nor the Road Safety Corps she later reported the incident to the Independent Police Complaint Board (IPCB) and the Human Rights Commission of Sierra Leone. Both institutions carried out investigations. She indicated also that her daughter is using a false eye. She also tendered photos and medical report respectively.

185. Both institutions testified as expert witnesses before the Panel and tendered their investigation reports.

186. **Expert Witness 1- IPCB: Mr. Vandi Bawoh** testified in this matter on behalf of the Independent Police Complaint Board (IPCB). He is the Regional Outreach Officer for IPCB in Kenema, Eastern Region. He stated that he recalled both the Complainant and the Victim and he could remember receiving a complaint of the incident from the Complainant which occurred in Kenema. He further testified that after their Regional Office assessed the Complaint, they concluded that the complaint was admissible and the file was sent to the Headquarters in Freetown. A team of investigators was setup. The team visited the crime scene in Kenema on diverse dates to investigate the matter. The investigators engaged the Complainant, victim and the police including the subject officer George Bockarie. A report was produced at the end of the investigation. The Witness tendered the IPCB report. The witness concluded by saying that the prominent recommendation in the report was that the police compensate the victim, Hassanatu. The report was served on all parties, he stated.

187. **Expert Witness 2- HRCSL: Mr. Paul Vandi Saidu**, Senior Human Rights Officer at the Eastern Regional Office in Kenema, who testified on behalf of his office, was the second expert witness in this matter. He stated that he received a complaint in respect of this matter. He also investigated the matter and

engaged the Complainant, victim, some residents and Dr. Lansana Sheriff who was in charge at the Kenema Government Hospital. In the end, a report was produced and sent to the HQ in Freetown. He stated that one of his findings from the investigation is that the police were responsible for the injury caused on the victim. The report was tendered in evidence.

188. **Witness/Victim Hassanatu Kamara:** The victim herself testified and said that she was a pupil of the Islamic Secondary School and that on Thursday 20th June 2019, the day of her birthday while she was cooking; she heard that there was a clash between the Road Safety Corps and bike riders. The next moment she did not know what happened to her and she just woke up and saw herself at the Kenema Government Hospital, where she was admitted. She said her mother then informed her that police shot her in the eye with teargas canister. The victim said ever since the incident, she had lost her sight in her right eye and she is now using a false eye, and that she feels so much pains on her right eye and struggles a lot in school. She concluded by saying that her friends now provoke her by referring to her as 'one-yai' (one-eyed person). She identified photos of her injured eye and medical report. She pleaded with the Panel to let her get compensation from the police, proper medical care for her eye, and to assist her with her education.

189. **Witness Sam Ellie:** He testified that his name is Sam Ellie aka Old Soja and a welder by trade. He identified the Complainant as his neighbor whose house is closer to his welding workshop. He said that in the morning of the incident, he was in his shop when he saw bike riders riding at top speed and then the police officers parked their car in front of his workshop. He testified that while the bike riders were pelting stones, the police were firing teargas canisters. He stated that the police chased the riders and dispersed them. He said later another police van came along and parked at the same spot as the other. The van was full of police officers from which one of them (George Bockarie) alighted, loaded his gun with teargas canister and pulled the trigger even against his

advice not to do so. He said the officer leveled his rifle before pulling the trigger into the Complainant's compound. Shortly, people were shouting from the compound "the police had killed, the police had killed". Upon hearing this, the police turned their vehicle and drove off without going to render any assistance to the child who was hit by the teargas canister.

190. **LUC Morie Mohammed Kamara:** The Respondent testified that he was the Assistant Commissioner of Police and Head/LUC of Kenema Police Station. He said he never met the Complainant and victim before and he was not the LUC in charge at the time of the incident. He stated that even the handing over note from his predecessor Gabriel Tommy did not make mention of the case. LUC Morie Kamara concluded with the following words, "I feel very bad for the victim; I will recommend to the Executive Management Board (EMB) of the Police to decide in terms of assistance to the victim".

## **APPLICABLE LAW**

191. There is no dispute in the facts of this matter which is that the victim/witness Hassanatu Kamara's right eye was damaged as a direct result of teargas canister fired by an officer called George Bockarie aka Whiter. Further, the victim's mother stated that when she attempted to report the matter at the police station, the Police did not give her the opportunity to make a report, thereby fundamentally denying the victim the opportunity to seek justice. There is also no indication that an internal investigation was conducted by the police to investigate the action of Mr. Bockarie. This action by the Police amounts to a contravention of the provisions of Article 3 of the ACHPR, Article 7 of the UDHR and Article 26 of the ICCPR, all of which guarantee the right to equal protection before the law.

192. Secondly, the circumstance under which the teargas canister was discharged by the Officer as narrated by the Witness Sam Ellie indicates a clear

contravention of Principle 11(b) of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which places an obligation on law enforcement officials to only discharge firearms “in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm.” There is no indication that the officer who discharged the teargas canister was under any threat whether actual or perceived from the direction at which he fired the teargas canister which was in the compound of the victim.

## **DECISION/RULING**

193. Having considered the entirety of the evidence adduced before us and having perused the relevant laws including international laws, this Panel hereby rules as follows:

- 1) That the Respondent Police George Bockarie who was nowhere to be found at the time of the Inquiry and by extension the Sierra Leone Police is in violation of Principle 9 of the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials which stipulates as follows; *“Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against imminent threat of health or services injury, to prevent the perpetration of a particular serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives”*.
- 2) That the SLP is hereby found in violation of the rights to equal protection of the law contrary to Section 23(2) of the Constitution of Sierra Leone 1991 and Article 3(2) of the African Charter on Human and People’s Rights.
- 3) That the SLP is hereby ordered to pay the victim, Hassanatu Kamara the sum of NLE 50,000 (Fifty Thousand New Leones) representing compensation for the permanent injury caused on the said victim and medical bills incurred by the Complainant pursuant to Section 11(b) of HRCSL Act, 2004.

- 4) That the SLP is hereby ordered to fund a proper medical examination on the right eye of the victim in a bid to extinguish or lessen the pain and suffering that the victim sometimes encounters.

#### **194. RECOMMENDATIONS**

- 1) It is hereby recommended that the Police Leadership should organize training opportunities for its officers specifically on how to handle riots/protests and demonstrations.
- 2) The SLP should adopt the practice of investigating its officers for misconduct/unprofessional conduct and to make the report public to increase public confidence and accountability.

#### **CASE FILE REF: HRCSL-ER KEN/004**

NILMALTI MOILEMU VANNI

- COMPLAINANT

SIERRA LEONE POLICE

- RESPONDENT

(AIG Eastern Region)

#### ***Case Summary***

195. This matter was heard on 9<sup>th</sup> August, 2022. The Complainant testified that he is a journalist and owner of 'The Elephant Newspaper'. He said his newspaper was investigating a case of alleged rape, which he said he reported to the FSU in Kenema and the suspect was arrested. He testified that after the suspect was arrested and detained, his newspaper took to publication on the matter. He stated that in November 2021, his residence in Kenema was attacked by both youths and elderly people and he had to run for his life to Freetown, having made statement with the police. He said the police arrested some of the youths who were later released. He further stated that two weeks after, he went to the police station asking for update but the police did not tell him anything in respect to the case. He said he therefore approached the CDIID in Freetown who "started the investigation but they did not have the power to complete it".

196. The Complainant's wife, Kadiatu Kamara testified and said when her husband published the story of alleged rape by a 'Karmoh', youths attacked their house and the Anti-Robbery Unit of the police came to his rescue and took him away in order to save his life. She said her husband left for Freetown from the police station very early in the morning.

197. The Respondent, LUC Mohamed Morie Kamara testified that sometime in 2021, his men had a tipoff about a riotous situation in a community called Largo Town in Kenema and that the men went there. He said his men reported to him that they were attacked by some irate youths who pelted stones at them while they escaped with the complainant and put him under protective custody. The Respondent said, later that same day over 500 women stormed the police station complaining that the complainant's wife had publically exposed matters relating to their secret society and that the police had given the complainant protection by escaping with him and keeping him in the police station. The Respondent said that he refused to release the complainant, as that would have been dangerous for the complainant's security. He said that the women then went to the Resident Minister and Paramount Chief to register their grievances. The Respondent testified that the complainant refused to make a statement with them and later left for Freetown and instead decided to report his men to the CDIID and made accusations of compromise.

198. One ASP James Nicol Josia testified as the Respondent Police Witness. He said he was handed a file which contained two different matters, one on malicious damage complained by the Complainant and the other on riotous conduct made against him. He said having perused the file, he found out that the Complainant did not make a statement and that he tried several times to get the complainant to make a statement but that the complainant was always dodging to go and make his statement to enhance the investigations. He said he later finally got the Complainant to make a statement. He did an investigation

and produced a report, which shows that there was no evidence of malicious damaged and that nobody corroborated that claim. He was advised that the file be closed, as there was no evidence to attract prosecution.

### **APPLICABLE LAW**

199. Essentially, the issue before this Panel for determination is whether the Respondent failed to accord the Complainant equal protection before the law pursuant to Section 23 of the Constitution of Sierra Leone, 1991. Although this issue does not fall within the nine (9) issues that this panel is required to investigate, the evidence before us shows that:

- 1) The Respondent provided protective custody for the Complainant and also his wife on different dates against angry youth as corroborated by the wife/witness.
- 2) That the Respondent investigated the Complainant's matter and found no evidence to warrant prosecution although the investigation was delayed because the Complainant at the time was not ordinarily resident in Kenema where the incident occurred.

200. **DECISION** - In light of the above, we hereby hold that the Complainant's case against the Respondent for the unequal protection of the law fails.

201. **RECOMMENDATION** - That Complainants should support/cooperate with the police so as to complete investigations within reasonable time.

CIRCUIT TWO: KONO SITTING

**CASE FILE REF: HRCNL-ER KONO/02**

PRINCE A. BOIMA

-

COMPLAINANT

SIERRA LEONE POLICE

-

RESPONDENT

(Franklin Bawoh- Former LUC Tankoro Police Division, Kono)

## **Case Summary**

202. This matter came up for hearing on 5<sup>th</sup> day of August 2022 before the circuit panel in Kono. The Complainant, Prince A. Boima, identified himself as the Chairman of Marginalized Affected Property Owners Ltd, an organization formed in 2014. He however, testified that the Respondent was not the LUC in charge of the Tankoro Police Division during the period of the reported incident in 2015.

203. He alleged at the hearing that the police used to evict them from their houses whenever blasting was about to be carried out by Koidu Holdings, a mining company in Kono. He said that he had about fifteen (15) structures closed to the mining area of Koidu Holdings (as it was then). He testified that whenever Koidu Holdings wanted to carry out their blasting activities, residents were asked to leave their houses as the company sounded their siren as a reminder of the blasting exercise. He stated that this blasting was done five (5) times a month in 2015. He further alleged that the company failed to relocate residents 250 – 500 meters away from the blasting site. He also alleged that the police would forcefully remove people out of their houses and sometimes forcefully evicted residents.

204. The Complainant tendered photos of his damaged houses.

205. The Panel made a locus visit on the 6<sup>th</sup> August, 2022 to the community that was alleged to have been affected by the blasting activities of Koidu Holdings (now Koidu Ltd) in order to see the structures that were alleged to have been destroyed by the blasting. The Panel observed that there were cracks on most of the mud structures that the complainant said belong to him.

206. **Franklin Bawoh**, the Police Respondent, testified that during his time at Tankoro Police Division as the LUC in 2020, they never encountered any problem with residents with regards the blasting activities carried out by Koidu Holdings. He said the company would always write notifying them of their activities, after

which the police would then notify the community and get residents to leave the area until after the blasting. He further said they also engaged the Community through the local media. On the day of the blasting activities, they would go on the ground to ensure the safety of resident's properties.

207. By the ruling of the Panel dated 5<sup>th</sup> day of August 2022, Koidu Ltd was subpoenaed as an Interested Party to this complaint. On the 22<sup>nd</sup> Nov 2022, lawyers representing the company, Messrs Robert Koroma and Anthony Rollings appeared before the Panel in Bo. They informed the Panel that this matter was before the High Court of Sierra Leone and the court had already adjudicated and reached a determination, indicating that Section 16 of the HRCNL Act (No. 9) 2004 therefore prevented the Commission from investigating the matter. The complainant also informed the panel that they intend to appeal the judgment.

208. The issues in this matter border on the right to protection from deprivation of property which is guaranteed under Section 21 of the Constitution of Sierra Leone Act No.6 of 1991, Article 14 of the African Charter on Human and Peoples' Rights (ACHPR) and Article 17 of the Universal Declaration of Human Rights (UDHR). However, the Panel's attention was drawn to the fact that the substance of the complaint has already been adjudicated before a competent court of law. By Section 16(a) of the HRCNL Act No. 9 of 2004, the Commission is excluded from handling any matter that is pending in court or already decided by a competent court.

### **DECISION -**

209. Having heard the testimonies of the Complainant, the Respondent and the revelation of the Interested Party, it is hereby decided as follow:

- This Panel lacks jurisdiction to investigate this matter in that it has come to its knowledge that a competent court of law has already adjudicated on it pursuant to Section 16 (a) of the HRCNL Act (No. 9) of 2004.

**210. RECOMMENDATIONS:**

- 1) It is hereby recommended that Koidu Limited and all other mining companies should develop strong communications strategy alongside community stakeholders and promote its sustainability in order to deescalate tensions that normally occur between the community people and mining companies and by extension the SLP and RSLAF.
- 2) The SLP should develop a Special Communication Strategy for mining communities to deescalate the tensions that always occur between the police and host communities, which sometimes lead to destruction of lives and property.

**CASE FILE REF: HRCSL-ER KONO/05**

JOHN KARIM	-	COMPLAINANT
ISAAC A.W MATTURIE	-	RESPONDENT

***Case Summary***

**211.** The Complainant, a police constable attached to the Traffic Division of the Tankoro Police Station in Kono alleged that sometime in 2022, he was on duty when he saw the Respondent, one **Mr. Matturie** riding a motor bike without a helmet. He said that when he stopped him to question him, he also noticed that he was riding an unlicensed motor bike. The Complainant stated that the Respondent then attempted to ride off but he grabbed the bike. He alleged that the Respondent dragged him along for about 15 to 20 meters and he fell down and sustained bruises and other body injuries. The Complainant said he arrested the Respondent and took him to his office and he prepared the Motor Traffic Report. He stated that he later obtained statement from the Respondent and he (Respondent) was charged to court for traffic offences and assault. The Complainant stated that the Respondent went to their office the next day with a receipt to show that he had paid the fine for traffic offences, which he then took to the JPO crime so his bike could be released. The Complainant said whilst the

matter was in court, the Respondent's relatives (mother and uncle) pleaded with him to withdraw the matter on assault, which he did.

212. The Complainant asked the Commission to award compensation for the injuries he sustained during the incident.

### **APPLICABLE LAW**

213. The matter involves a private individual assaulting a police officer which does not fall within the threshold of violation but rather an abuse. The issue is one of assault and it is important to note that the Respondent was charged to court.

214. **DECISION:** Having heard the testimony of the Complainant, Mr. John Karimu and based on the fact that this falls outside the period of the enquiry (between 2015 to 2021); and also taking into consideration the fact that he withdrew his Complaint in court and that the Respondent paid the fine for the traffic offence, we therefore order as follows:

- 1) That this matter is dismissed wholly
- 2) No order as to cost/compensation

### **CASE FILE REF: HRCSSL-ERKONO/06**

DAUDA DAVID YAMBA

-

COMPLAINANT

SAHR MUSA KPAKIWA

-

RESPONDENT

### ***Case Summary***

215. The Complainant who is a police officer attached to the Tankoro Police Station stated that sometime in 2021, he was on duty together with his colleague, Detective Sergeant 8436 Koroma P.A. when they received a distress call from one Madam Seba. He said that they went with Madam Seba to Foray Street in Koidu City and upon arrival at her residence, they saw the Respondent,

Sahr Kpakiwa in front of Madam Seba's house. The Complainant stated that the Respondent was holding two broken bottles and he threatened to stab anyone who would approach him. The Complainant alleged that Respondent stabbed one of his colleagues Detective 17849 Albert F.H. He also told the Panel that the Respondent also stabbed him on his left hand as he was trying to arrest him. He stated that they were eventually able to arrest the Respondent and took him to the Tankoro Police Station. He stated that the Respondent was later charged to court but that during the course of proceedings at the magistrate court, the Respondent's mother pleaded with him and his colleague to withdraw the matter. He stated that they later spoke with the magistrate and asked that the matter be withdrawn.

#### **1) APPLICABLE LAW**

2) The Complaint in question involves a crime (assault) as injuries were inflicted on the Complainant and his colleague by the Respondent (a civilian) while trying to effect an arrest. This case therefore does not fall within the threshold of violation. The Respondent was charged to court even though the Complainant later asked for the matter to be withdrawn.

216. **DECISION:** - Having heard the testimony of the Complainant who said that the Respondent was charged to court in this matter; And having disclosed that himself and his colleague later approached the court after the Respondent's mother had met them and appealed with them, they discontinued the matter in court on their own volition; And having failed to produce evidence of any alleged injury; We therefore order as follows:

- 1) That this matter is closed
- 2) No order as to cost/compensation

CIRCUIT TWO: BO SITTINGS

PUJEHUN DISTRICT COMPLAINTS

**CASE FILE REF: HRCSL-SR/PUJ/10**

HANNAH DEEN SESAY

- COMPLAINANT

SIERRA LEONE POLICE

- 1<sup>st</sup> RESPONDENT

(LUC Pujehun)

REPUBLIC OF SIERRA LEONE ARMED FORCES - 2<sup>nd</sup> RESPONDENT

(Brig. Commander)

***Case Summary***

217. Complainant Hannah Deen Sesay testified that she is a businesswoman who lives in Pujehun and that while they were constructing their constituency office sometime in 2019, from money given to them by their Independent MP Siaka Musa Sama, military and police officers came along and arrested about eight (8) of her colleagues and took them to the police station. She said she was later violently arrested at home and that a military officer insisted to search her all over her body which he violently did, said the Complainant. She added that on the orders of the Paramount Chief Brima Kebbie, the police beat her up and locked her in their cell and refused to allow her to use the ladies when she needed to do so on the allegation that she would mysteriously disappear if she was allowed to move out from the cell. Police officers instead told her that she could go ahead and wee on herself if she so desired and the Complainant said she had no option but to urinate on herself in front of the officers. She further said that the police accused her of forcefully initiating a man into the Poro Society by putting the man on top of a bike and took him to the Poro bush. The Complainant said they were later admitted to bail and that she later learnt that two people were killed during the arrest and they requested for the corpse for burial. She said at the funeral the police again went and arrested them, took them to the CID Headquarters in Freetown, profiled them and charged them to court. She said she was arrested and charged together with one Alhaji Bockarie, Robert French and Pa Musa and that the matter was later thrown out of court for want

of prosecution. The Complainant asked this panel for compensation as she alleged that during her arrest they stole from her Le5, 000,000 (Five Million old Leones) and carted away with some of her clothing.

218. The second Respondent, RSLAF represented by Major Sommah Emmanuel Sanja testified that he was deployed at Sahr Mahlen in 2019 to help the police to maintain law and order. He said he had not met the Complainant before until the hearing but that he had heard of her before. He said he recalled the incident for which he was before the Panel and said that when he got Intel that youths wanted to come out and cause mayhem on stakeholders of the township and critical infrastructure including SOCFIN as a company, he worked with the police to go after the Intel received. He said he and his men supported the police to do patrol in the township and that while they were doing the patrol, they came across a gathering of youths and elderly people who roared at them sending signals of an imminent attack and that they almost disarmed one Sargent Major Vandi who he had sent to go and enquire from the elders what the gathering of over 800 people was about while they were parked at a distance. He said they left the scene and went on with their patrol and that at another location they were almost attacked by these same set of people who threatened to kill those who were not members of their secret society. He said the crowd became rowdy and a curfew order was declared. Later, he said he learnt that two people lost their lives from gunshot wounds and that he checked all the guns that were carried by his men and he discovered that all rounds were intact. He said arrests were later made in which 18 of the attackers were arrested and handed over to the police. He ended up by emphasizing that none of his men beat up any civilian and that no one reported any of his men on the alleged beating. He also said he did not see any police officer beating up civilians.

219. This Panel notes that no one appeared for the police to give their own side of the story despite hearing invitations sent to them including the Complainant's summary of the case.

## **APPLICABLE LAW**

220. The Complainant has come before this Panel alleging inhuman and degrading treatment by the Respondents contrary to Section 20 of the Constitution of Sierra Leone, 1991, Article 5 of the African Charter on Human and People's Rights, 1981 and Article 7 of the International Covenant on Civil and Political Rights, 1967. The Complainant also alleges violation of her right to protection from deprivation of property contrary to Section 21 of the Constitution and accordingly demands for compensation pursuant to Section 11 of the Human Rights Commission of Sierra Leone Act, 2004.

## **221. DECISION**

- 1) This Panel holds the police in contempt pursuant to Rule 60 of the HRCSL Complainants Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.
- 2) Although the Commission concluded that this complaint is admissible, this Panel however holds that it lacks jurisdiction over this matter as it had already been decided by a court of competent jurisdiction pursuant to Section 16(a) of HRCSL Act, 2004.

## **222. RECOMMENDATIONS**

- 1) The police should institute mechanisms that will build trust and confidence in the people in that part of the country.
- 2) The police and the military should adopt community policing and find innovative ways of resolving disputes in such communities and use less of force and indiscriminate arrests.
- 3) The police should show respect to other public and statutory bodies like the HRCSL just as the military is doing in order to promote accountability and justice for all.

- 4) All the stakeholders should endeavor to take concrete steps in addressing all grievances relating to the company and the host communities to avert any future unrest and public disorder.
- 5) SLP and RSLAF to jointly hold post-operations accountability sessions during which each party will be able to take stock of any breach of their Codes of Conduct by their personnel.

**CASE FILE REF: HRCSL-SR/PUJ/01**

MAMIE KPUKUMU	- COMPLAINANT
SIERRA LEONE POLICE	- 1 <sup>st</sup> RESPONDENT
RSLAF	- 2 <sup>nd</sup> RESPONDENT

***Case Summary***

223. This matter came before the Panel for hearing on 22<sup>nd</sup> November, 2022 in Bo, Southern Sierra Leone. Complainant alleged that sometime in 2018 on initiation day of the male secret society in Pujehun, military officers broke into her house accusing her of supporting a Member of Parliament, Hon. Shaka Musa Sama (an independent Member of Parliament) and that they beat her up, kicked her with their boots until she started oozing out blood. She said that at the time of this incident she was pregnant and that they stole from her Le3, 355,000 (Three Million Three Hundred and Fifty- Five Thousand old Leones), 10 jerry cans of palm oil and one Bluetooth speaker valued at Le 350,000 (Three Hundred and Fifty Thousand old Leones). The Complainant further said that she was made helpless while they took away these items including her money.

***Cross-examination***

224. Under cross-examination by Brigadier General S.T. Kanu Esq, the Complainant said she could neither identify the person who took her money nor could she recognize those who beat her up because according to her, they all had broad caps on, covering their faces but that they were all in their military uniforms. She also said that her husband knew that she was pregnant. She said

that she neither went to the police to report the matter nor did she go to the hospital to do any medical or a scan in order to know the extent of her pain and injury. She said this was because she did not have money and that the police do not normally take their matters/complaint seriously. She however said that she went with her complaint to different organizations seeking for help/justice, namely: Green Scenery, Raka and Christian Aid, etc.

225. The Chairman of the Malen Land Owners Association, Bockarie .M. Koroma testified as an Interested Party. He said that the Complainant went to them and complained that she was beaten by military officers. He said he went to see the Complainant in Bo on behalf of their Association. He said he saw a wound on her head and that she looked very weak because of the beating. He furthered that some money was given to her on behalf of the Association. Under cross-examination Chairman Koroma said that he could not recall the year of the incident but that the Complainant told him that soldiers beat her up, that upon his visit to the Complainant he met her casually dressed with a head tie on, and he saw the Complainant's wound on her forehead. He said he did not know whether the Complainant reported the matter to the police or not. We note that the Respondent's legal team did not lead any evidence/open their case in this matter.

### **APPLICABLE LAW**

226. From the case summary above, the Complainant's case is centered on degrading and inhuman treatment, violation of her right to property and that of privacy and the right to freedom of association. All these rights are guaranteed under the 1991 Constitution, the International Bill of Rights and the African Charter on Human and People's Rights. To break into the Complainant's house without a search warrant is an infringement of the rights to privacy contrary to Section 22(1) of the Constitution of Sierra Leone 1991 and Article 17 of the International Covenant on Civil and Political Rights, 1966. To cart away with the Complainant's ten (10) jerry cans of palm oil, one (1) Bluetooth and Le 350,000

(Three Hundred and Fifty Thousand Old Leones) constitutes a deprivation of property contrary to Section 21 (1) of the Constitution of Sierra Leone, 1991 and Article 14 of ACHPR. The beating and kicking of the Complainant by officers of the Respondent amount to a breach of the protection against inhuman and degrading treatment guaranteed under Section 20 (1) of the Constitution, Article 7 of ICCPR and Article 5 of ACHPR.

## **227. DECISION:**

- 1) Considering the legal analysis above, this Panel finds the Respondent in violation of the Complainant's rights to property, protection against degrading and inhuman treatment contrary to the Constitution, the ICCPR and the ACHPR as shown above.
- 2) That the Respondent shall pay as compensation for human rights violations to the victim/Complainant the sum of ten thousand New Leones (NLe 10,000) pursuant to Section 11 of the Human Rights Commission of Sierra Leone Act, 2004.

## **228. RECOMMENDATIONS**

- 1) RSLAF should investigate the officers involved in the incident and take appropriate disciplinary action.
- 2) That the military should leave internal security matters to the police and should not be seen frequently intervening into local policing issues, which can be handled by the police themselves, except in exceptional circumstances.
- 3) That where the military needs to intervene they should do so with human rights-based approach devoid of intimidation especially with vulnerable people.
- 4) Without prejudice, that the military hierarchy should tender an apology letter to the Complainant herein.

**CASE FILE REF: HRCSL-ER SR/PUJ/16**

FATMATA BRIMA	-	COMPLAINANT
RSLAF	-	1 <sup>st</sup> RESPONDENT
(MAJOR SOMMAH EMMANUEL SANJA)		
SIERRA LEONE POLICE	-	2 <sup>nd</sup> RESPONDENT

**CASE SUMMARY**

229. This was the second matter that this Panel had to look at on the 22<sup>nd</sup> November, 2022 in Bo City. The Complainant, Fatmata Brima took the oath on the Holy Quran and testified through an interpreter provided by HRCSL by the name of Ansu Osman. She testified that she lived in Malen, Pujehun and that on a certain date between 2018-2019, while they were at Bassaleh they heard that the male secret society, "Poro" were conducting their initiation ceremony at Sendema, Malen. Soon after, they saw workers of SOCFIN running helter-skelter and that they heard that there were skirmishes around a certain Jao Junction. She continued her testimony by saying that at night they saw a vehicle which was parked at the field close to their house among whom there was the head of security at SOCFIN and a certain Musa "Clerky" who was leading four military officers as they alighted the vehicle. She stated that they went to their house and Musa instructed the officers to beat her up as she was one of the leaders of MALOA and that indeed one of the soldiers hit her seriously with a stick on her left arm. She said while she tried to run into her room with the help of one of the military officers, another officer hit her with the butt of his gun and cocked his gun threatening to kill her. She ended by saying that she could not go to the hospital because there were several soldiers on the streets who would send people back home if they saw them walking around; and that she also could not go to the police because the police had never taken their cases seriously whenever they made report to them. She decided to approach the Human Rights Commission of Sierra Leone for help, she concluded.

### ***Cross-Examination***

230. Under cross-examination, the Complainant confirmed that curfew was declared at night and that it was during that period that the soldiers went to her house and beat her up on the instructions of the SOCFIN security guard, Musa. Counsel for the Respondent put it to the Complainant that soldiers do not take orders from civilians except from their superiors; the Complainant said she wouldn't know that. Counsel again confronted the Complainant and said that the vehicle she referred to was not a military vehicle nor was it a military officer that hit her. The Complainant said she wouldn't know if it were not a military vehicle but that those who descended from the vehicle were military officers led by the said Musa. She also said that it was the truth when she testified that she was hit by a military officer with the butt of his gun and that she couldn't have gone to the hospital by then because the township was unstable. When counsel concluded that the Complainant's husband decided to lock himself inside in compliance with the curfew, the Complainant insisted that she was sitting together with her husband when Musa and the officers arrived and that it was Musa who prevented her from getting inside by pointing her to the officers and asking them to beat her up.

231. The Respondent, Emmanuel Sanja took the oath on the Holy Bible and was led in evidence by Counsel Brigadier General S.T. Kanu. He testified that he lives in Gundama Barracks, Tinkorkor Chiefdom, Bo District and that he is a Major in the Sierra Leone Army. He said he doesn't know the Complainant but that he remembered that between 2018/19 while he was at the 14 Infantry Battalion in Pujehun as the Operational and Training Officer, an incident occurred for which he was before this Panel. He said on a certain day in 2019 their Commanding officer, FM Jalloh informed them that a MAC-P had been invoked to assist the police to maintain law and order in the township since there was already intelligence showing that the youths were gathering in numbers with intent to disrupt the peace of the township. As Operation Officer he said he

deployed a platoon (30 soldiers) for this purpose and immediately sent some of his men to be deployed at Jao Junction, where SOCFIN keeps their machinery and fertilizers and took along some in their pick-up van including police officers to do a joint patrol. He said while patrolling they arrived at a town called Tanenahun where they saw over 700 youths and elderly men on the road with leaves laid across the road and started roaring at them once they spotted them. The Respondent said that his team passed them but that he later sent a Sergeant Major to go and enquire why they were gathering on the road. The Sergeant went to enquire but that they attempted to disarm him and that he escaped from them and ran back to the patrol vehicle and that they started pelting stones at them in the patrol vehicle. He said not too long after that, he saw the police officers who were sitting at the back of the van with blood oozing from their faces as they were cut by the stones pelted by the youths. He said he encourage the police officers not to fire a single shot as they became angry and they drove off to the SOCFIN machinery building where they met the crowd again.

232. They set the bush ablaze near Jao Junction and started pelting stones at the SOCFIN administrative building and the old men threatened to kill anyone who would protect the perimeter fence of the SOCFIN building. The youths started destroying the perimeter fence and that he called the commanding officer to appraise him of the situation; the commanding officer came along with reinforcement. By the time the reinforcement could arrive he said he heard a gunshot but did not see the person who fired the shot and he saw a police officer with blood oozing from his head while one of his officers rushed to inform him that two civilians were lying outside the perimeter fence dead. He said upon arrival, the commanding officer upon seeing the corpses, called for an ambulance and that he did a check on his men to ascertain if the gunshot was fired by any of them but that the check proved that all of their ammunition were intact and then they left back to their station. Later the police officers prepared a list of ringleaders of the incident and ended up arresting four people, the Respondent concluded.

233. Mr. Mohamed Tiamieu Fofana who was assisting the Complainant with the proceedings applied to the Panel to adopt the evidence led in the Mammie Kpukumu case due to similar facts in the ongoing matter. The Panel agreed to adopt the testimony. The Respondent reaffirmed that he doesn't know the Complainant and that he had the requisite experience to know where the gunshot came from after 19 years serving as military officer and that it was the stakeholders including the chief, the commanding officers and others who met and declared the curfew. He said it was in the afternoon that youths blocked the road. He ended up his testimony by saying that he has no relationship with SOCFIN other than providing security when necessary and upon instructions.

#### **APPLICABLE LAW**

234. From the above evidence, this matter falls within degrading and inhuman treatment, right to freedom of movement, unequal protection before the law, right to privacy, access to health care services, etc. There is also the issue of right to life although there was no complaint before the Panel in that particular regard save that it came up during the hearing. The Complainant alleged that the Respondent military officers went to her house and beat her up for being one of the leaders of the famous/infamous MALOA organization and that she was unable to go to neither the police as it would amount to nothing nor did she go to the hospital as there was curfew in place and the military were not allowing them to move around. The Respondent acknowledged that indeed there was an incident in the Malen Township but however he hadn't met the Complainant before.

235. We found from the evidence before us that the Respondent who was the Operating Officer at the time was not among those officers that went to the Complainant's house to beat her, however the military as an institution should take responsibility for the conduct of their personnel.

## **236. DECISION/RULING**

- 1) This Panel holds that the conduct of the military officers amounts to a violation of the Complainant's right to freedom from inhumane and degrading treatment contrary to Article 7 of the ICCPR, Article 5 of the African Charter on Human and People's Rights, 1964, and Section 20(1) of the Constitution of Sierra Leone, 1991.
- 2) Consequent to the violation held above, RSLAF is hereby ordered to pay a compensation to the Complainant in the sum of NLE5,000 (Five Thousand New Leones).
- 3) We hold that the restriction of the right to movement through the declaration of a curfew by the authorities was justified and does not amount to a violation as it was meant to restore law and order in the township. However, when citizens violate the law during such period they should be arrested, investigated and charged to court instead of officers taking the law to their own hands.
- 4) That the case against the SLP (2<sup>nd</sup> Respondent) fails due to lack of evidence.

## **237. RECOMMENDATIONS**

- 1) The RSLAF and the SLP must jointly pay a visit to the Malen Community in Pujehun and do a traditional appeasement ("cry berin") so as to bring satisfaction to the community people and restore confidence and a good relationship between the security sector and the local people.
- 2) The SLP should build confidence and trust with the local people by providing them with the services that they deserve as citizens and not to overlook their complaints which have the tendency for them to resort to taking the law into their hands.
- 3) Security Forces should understand that when citizens violate the law during curfew period, they should be arrested, investigated and charged to court instead of officers taking the law into their own hands.

**CASE FILE REF: HRCSSL-ER SR/PUJ/12**

BOCKARIE MUSTAPHA KOROMA

- COMPLAINANT

SIERRA LEONE POLICE

- RESPONDENT

(LUC Foinda Police Station)

***Case Summary***

238. The Complainant took the oath on the Holy Bible on 23<sup>rd</sup> November, 2022, and testified that he is a farmer who lives in Foinda, Pujehun District. He stated that he was the Regent Chief of the said Foinda Town in 2020. He said sometime in 2020, the CEO of Sierra Rutile called a stakeholders' meeting which was attended by the Paramount Chief, Madam Hawa Gbanabom, the Chiefdom Speaker, himself, and other stakeholders. He said they were informed by the CEO that the company intended to relocate Foinda Town for the purposes of mining activities and that they all agreed to the proposal because Sierra Rutile promised them that they would build them new houses in the new settlement and recruit one member from each of their households to be permanent staff of the company. He further testified that the company only built 115 houses leaving out 8, contrary to their promise and also that other promises made including the recruitment of their people remained unfulfilled. He said in another meeting with the company in 2021, they reminded Sierra Rutile that they haven't fulfilled all of their promises made and that they responded that they have a package for them.

239. He furthered that when they were relocated to the new Foinda settlement, the company was giving to them one-and-half bag of rice and 400,000 Old Leones to household that numbered 7-10 people. He said the company did this for 9months. He further testified that the youths became angry and frustrated and said that if the company failed to fulfill its promises they would stage a protest. Indeed, the youths staged a protest around the pit area of the company and they were arrested, said the complainant. He said when he called the LUC to enquire about the arrest, the LUC told him that if he were at the scene of the protest, he

would have also been arrested and when he went to see his subjects at the police station the LUC indeed ordered his arrest. He said they were later taken to Bo in the vehicle of Sierra Rutile and detained in different police stations for 4 days without food except what their family members would bring for them. He also said that one of his sisters, Mariama who was pregnant lost her pregnancy due to police manhandling. They were later released after 4 days in detention and they had to fund their return to their village. The Complainant concluded that while the company continues its mining business, they as indigenes continue to suffer with no one coming to their aid.

240. At this stage, the Panel ordered that Sierra Rutile be made to appear before it to be given the opportunity to respond to these very serious allegations that have the tendency to bring about reputational damage to the company before the Panel could reach a decision on this matter.

### **SIERRA RUTILE AS AN INTERESTED PARTY**

241. On the Ruling of the Panel, Sierra Rutile appeared before it as an Interested Party at the Commission's Conference Room at its headquarters in Freetown on the 30<sup>th</sup> of November, 2022. In attendance on behalf of the company were: Osman Lahai, Community Relations and Social Development Manager, and Cecilia J. Saidu, Resettlement and Land Acquisition Superintendent. With them was Ms. Stephanie James, the company's Legal representative.

242. Mr. Osman Lahai swore on the Holy Quran and testified that he is the Community Relations and Social Development Manager who lives at Mogbwemo, Imperi Chiefdom, Bonthe District. He said he has worked for Sierra Rutile for four years during which he came to know the Complainant as the Regent Chief of the new Foinda Village. He said he had knowledge of the old Foinda resettlement negotiations. According to him, there was a designated policy used for resettlement- the Resettlement Management Plan (RMP). He confirmed that indeed Sierra Rutile resettled the Foinda community in order to make room for

mining activities as the village was sitting on ore deposits, and there could be no way to mine without physically removing the structures including houses, schools, church/mosque, etc. There was therefore a need for relocating the people to a new community called new Foinda and then address their livelihoods. He explained that before the RMP is finalized lots of stakeholders' engagements are made including engagement with the community people which he said they did as a company.

243. This document, he continued, normally has an Entitlement Matrix Plan which contains the number of houses, kitchen, church, mosque, community barays, secret society bushes, etc. The RMP is therefore used to guide the process of relocation. He said this was what they used to relocate Foinda and that anything outside the RMP will not be considered unless a formal request is made for consideration by the company. He disclosed that the authors of the RMP are Sierra Rutile, National Minerals Agency (NMA), Environment Protection Agency (EPA), the Paramount Chief and representatives of the affected community. He contested that the Complainant misrepresented the truth when he said the distribution of rice was done for only 9 months; he said that distribution went on for 12 months and that all the houses in the RMP were built by the company in the new Foinda settlement.

### ***Cross-Examination***

244. Under cross-examination, he said that the 8 houses the Complainant said were not rebuilt were those which the community people built in the old community after the RMP had been finalized/after the cut-off date. He said that the people wanted standard houses that was why they rushed to build 8 more makeshift structures even after the RMP's cut-off date that they all knew and therefore the company did not build them in the new Foinda community as they saw it as act of greed. He concluded that the people further demanded for the extension of the supply of rice, access road, bridge and a water well with a pump and that the company built a road and a bridge and extended the supply of rice

for 3 months. He said they also recruited some members of the community which was not part of the RMP.

245. **Evidence of Cecilia J. Saidu** - She took the oath on the Holy Bible and testified that she is the Resettlement and Acquisition Superintendent and lives at Moriba Town, Lower Banta Chiefdom, Moyamba District and that she has worked for Sierra Rutile for 15 years. She furthered that she knows the Complainant as a stakeholder and one-time Regent Chief of Foinda. She said that Foinda was sitting on iron ore deposits and therefore it was pertinent that the people be relocated in order to enable mining. Foinda, she said, is part of the concession area given to Sierra Rutile by the Government. She said that through several engagements, the community people were informed of the relocation drive and that though the relocation was involuntary, the people had no choice but to relocate. She produced in evidence the Resettlement Management Plan for Foinda Village exhibited as **CJS1** and the Livelihood Restoration Plan tendered as **CJS2 (1-49)**. She said the people were also informed of the cut-off date of 11<sup>th</sup> November, 2017 which means that after that date no new structures or plantations should be erected or planted in the community. She further stated that there were minutes to show that this cut-off date was announced to the people and that an undertaken signed by the community people showing the number of houses that existed as at the time of the finalization and adoption of the cut-off date was available and was tendered in evidence as **CJS3 (1-5)**. She also pointed out that two committees were set up - the Village Resettlement Committee and the Chiefdom Resettlement Committee in which the company had representatives in each. Terms of Reference (TOR) for these committees were produced and tendered as exhibit **CJS4 (1-2)**.

#### ***Cross-Examination***

246. Under cross-examination, she said that no new structure would be accounted for after the cut-off date. What she called the 8 'opportunistic' houses were demolished after the relocation of the people to give way to mining work.

She corroborated that after the physical relocation the community including the Complainant filed a complaint through the company's grievance response form which was tendered as **CJS5 (1-4)**. She disclosed that the company started livelihood activities in 2018, for instance, the provision and construction of a Green House. She tendered MOUs of activities undertaken by the company as exhibit **CJS6, 7, 8, 9, & 10**. She tendered a photo album showing the old Foinda community and the new resettled community and various community/stakeholders' agreements as exhibit **CJS11**. Madam Cecilia stated that the company addressed some of the grievances and that an estimate was done by the company engineer in collaboration with affected community people including the Complainant in respect of the 8 "opportunistic houses" but that the people rejected the money insisting they must be paid the same value as the legal houses that were included in the RMP matrix. She said several meetings were held after this rejection but that the people still refused to accept the money. She also tendered in evidence vouchers evidencing monthly cash transfers for a period of three months contrary to the Complainant's testimony exhibited as **CJS12-23**. Madam Cecilia concluded that since the impasse of acceptance and non-acceptance of the money they haven't received any reaction from the community- whether by way of violence or otherwise.

#### **APPLICABLE LAW**

247. The Complainant stated that he was arrested when he went to the police station to see some of his subjects who were detained at the Police Station. No reasons were given for his arrest and further detention for four days. There was no evidence from the Respondent to counter these allegations. The Police have a duty to maintain law and order. However, they have the responsibility not to deviate from laid down principles and procedures in the execution of their duties. When an arrest is made, the police have the duty to promptly inform the person about the reason(s) for his arrest. This is in line with Principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment (GA Res. 43/173). Therefore, this action of the Police constitutes

a violation of the Complainant's right to protection from arbitrary arrest and detention which is contrary to section 17(1) of the Constitution of Sierra Leone 1991, Article 6 of ACHPR, Article 9 of UDHR and Article 9(1&2) of the ICCPR.

#### **248. DECISION/RULING**

4. The Panel holds that the conduct of the Respondent in ordering the arrest and subsequent detention of the Complainant without any reasonable cause amounts to a violation of the Complainant's right to protection from arbitrary arrest and detention contrary to Section 17(1) of the 1991 Constitution of Sierra Leone, Article 6 of ACHPR, Article 9 of UDHR and Article 9(1&2) of the ICCPR.
5. That the SLP compensates the Complainant the sum of NLe 5,100 (Five Thousand One Hundred New Leones) and issue an apology to the Complainant for unlawfully detaining him for four days without indictment.
6. That based on the available evidence before the Panel, this Panel dismisses the allegation made against the Interested Party (Sierra Rutile). The evidence before the Panel shows that the company was in compliance with the Resettlement Management Plan (RMP).

#### **249. RECOMMENDATIONS**

- 1) That the SLP should endeavor to always follow their SOPs in the normal course of duty
- 2) That the SLP should develop a Strategy that involves community stakeholders in problem solving in communities where mining companies operate as required by the UN Guiding Principles on Business and Human Rights.
- 3) That the SLP should maintain the highest standard of professionalism when carrying out their duties and not seen to be biased when handling matters emanating from conflicts between mining companies and their host communities.
- 4) That the Interested Party (Sierra Rutile) should get the ordinary community leaders more involved at the very beginning of its programs/mining endeavors

and take them along as the work progresses so as to avoid suspicions and confrontations with the ordinary community leaders and their followers. The company should ensure an effective company-community liaison unit is in place.

5) That Sierra Rutile should reconsider their decision not to pay for the 8 (eight) 'opportunistic houses' in order to restore good relationship between the company and the community people.

#### BONTHE DISTRICT COMPLAINTS

#### **CASE FILE REF: HRCSSL-SR/BON/10**

LUCY COMBOH

COMPLAINANT

SIERRA LEONE POLICE

RESPONDENT

(DETECTIVE MOMODU TURAY)

#### ***Case Summary***

250. The Complainant took the oath on the Quran and testified on the 23<sup>rd</sup> November, 2022. She said in 2020 she was attending the Kpela-Hawa Gbanabom High School and that she was driven out of school for non-payment of fees. She therefore decided to go to her sister, Mariama who told her that she didn't have money but asked her to go to their aunt in the village, Foegbu and explain the situation to her. En-route to the village, she carried along on her back Mariama's 8 months old child, Joshua with the consent of her sister since the village is not far from the township. She also went together with another sister, Fudia. She said while on their way to the village, they met some police officers at Old Town by the field who called them from a distance to go to them but that they refused to go their way and the officers chased them and arrested her, hit her in the face, beat her and her sister up and forcefully pulled her 'lapa' with which she held the child on her back, and that the child fell off her back. She said the baby too was manhandled until a female police officer, Isha Kamara came to their rescue and took the baby to a makeshift public toilet. She said she could not continue

her journey to the village. So she then took the child who was then vomiting, to her sister at home and exchanged the phone number of the baby's mother with the said police officer. She further testified that the child was later taken to the Moyamba Government Hospital and the medical bills paid by the aforementioned female police officer. Isha later called to follow up on the health situation of the child. She said that due to the child's condition, the nurse on duty, one Isha referred them to the Serabu Government Hospital but that they were unable to raise the required funds to take the child there, so the child died eventually- four days following the police manhandling. She concluded her testimony by saying that she dropped out of school as her eyesight has never been the same again since the police brutality which caused her bleeding and that the pain occurs intermittently. She was 16 years old at the time of the incident, she concluded.

251. This Panel took a physical look at the Complainant's eye and found that indeed her eye has been damaged and that out of compassion, the Commission provided some funds to the Complainant to be taken to the hospital as at the time of her testimony, she was suffering from serious pain due to the eye injury.

252. Chief Bockarie Mustapha Koroma testified as the Complainant's witness. On oath on the Bible, he said he was the Regent Chief when the incident occurred in 2020. He said he was aware of the beating of the Complainant by the police and that as the Regent Chief, he went to the police to find out what the problem was. He said upon arrival the LUC ordered his arrest.

253. The Respondent was represented by Mr. Momodu Turay, a Detective Sergeant of the SLP. On oath he testified that he lived at Moriba Town, Moyamba District and that he didn't know the Complainant. He said he was asked by the current LUC, Ibrahim Barrie to come and inform the Panel that he was not the LUC at the time the incident occurred. He said while on duty at the Moriba Town Police Station in Moyamba on 20<sup>th</sup> February, 2022, he saw a team of police and military officers led by the then LUC, Ola Sydney Williams bringing in about 20

youths on allegations of unlawful gathering and that a certain Superintendent Ganda was put in charge of the matter before the matter was later transferred to Bo for further investigations. He concluded that he remembered that the Chief was amongst the people arrested and brought to the police station.

### **APPLICABLE LAW**

254. This is a matter that concerns the right to the protection from torture, inhuman and degrading treatment, and the right to life. The Constitution and all the relevant international legal instruments prohibit torture and the unlawful taking of one's life. Although there is no specific penal statute stipulating punishment for torture, inhuman and degrading treatment in the land, Sierra Leone has however long ratified (2001) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and signed the OP-CAT in 2003. Under international customary law, States must adhere and respect the provisions contained in international instruments they are a party to. Military and police officers as actors of the State are required to act accordingly. The right to life is a sanctity and is protected by the Constitution, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. All these laws are in congruence of the prohibition of the unlawful taking of life. The right to life is also a non-derogable rights which cannot be deprived of even in a state of emergency. Protection from torture is another non-derogable right as provided under Article 2(2) of CAT, 1987. Although there is no medical report showing the cause of death, the fact that the child was manhandled to the point of been admitted in peripheral hospital and relatives unable to take her to a referral hospital until the child passed on, it can be inferred on a balance of probability that the police manhandling played a substantial role in the death of the baby, Joshua.

### **255. DECISION**

3) In light of the foregoing, this Panel holds as follows:

- 4) That the Respondent/Police is in violation of the right to protection from torture, inhuman and degrading treatment contrary to section 20 of the Constitution of Sierra Leone, 1991.
- 5) That the SLP is hereby fined the sum of NLe60,000 (Sixty Thousand New Leones) as compensation to the Complainant for human rights violation pursuant to section 11 of the Human Rights Commission of Sierra Leone Act, 2004.

## **256. RECOMMENDATIONS**

- 1) The SLP must always exercise extreme duty of care when dealing with children.
- 2) The SLP should pay a visit to this family to sympathize with them in a traditional way and make room for healing.

BO DISTRICT COMPLAINT

**CASE FILE REF: HRCSL-SR/BO/01**

FRANCIS WILLIAMS - COMPLAINANT

SIERRA LEONE POLICE - RESPONDENT  
(BO Eastern Police Station)

### **Case Summary**

257. The Complainant alleged that the incident he was testifying about took place around September 2019 in Kenema District as he was selling insecticides and rat poison. He said that he went to Jembeh, a town located towards Blama. He stated that while he was in town selling insecticides, a boy came and bought rat poison from him and immediately after, he was intercepted and arrested by some police officers. He alleged that one of the senior officers called Keita attached to the FSU in Bo, instructed the other three officers to arrest him for killing rat. The Complainant stated that he was seriously beaten before he was taken to the police station in Blama and detained for some time. He further alleged that the officers broke his microphone.

258. The Complainant stated that he was released between 8-9pm after he gave the sum of Le22, 000 (old Leones) to one of the officers. He stated that when he went home, he discovered that most of his insecticides up to the tune of One Million Eight Hundred and Twenty Thousand Old Leones (Le. 1,820,000) were missing. He further stated that Officer Keita humiliated him when he went to him to complain about the incident. He alleged that Mr. Keita removed his hat from his head and threw it to the ground, stepped on it and told him that he was lucky that he was not charged to court.

259. The Complainant also alleged that he reported the matter to the Eastern Police Station in Bo but the investigating officer always asked him to provide transport fare for him to go to Kenema to investigate the matter and he could not afford this. He stated that the officer abandoned the matter and no effort has been made to continue with investigation. The Complainant said he has made several attempts to get justice but to no avail.

#### **APPLICABLE LAW**

260. The complaint borders around the right to equal protection before the law which is guaranteed by Article 3 of ACHPR, Article 7 of the UDHR and Article 26 of the ICCPR. The police have the responsibility to discharge their duty without any form of discrimination even if it involves one of their own. The Complainant alleged that the police failed to take necessary steps to investigate a complaint reported against one of their officers.

#### **261. DECISION**

- The Complainant could not come forward with evidence to support and substantiate his allegation on the balance of probability as there were no witnesses, receipt or other materials. However, this will not stop the Panel from making its recommendation since the complaint involves police action.

## **262. RECOMMENDATION**

- The SLP should subject its members to disciplinary proceedings without favour when they fall foul of the law or their SOPs as is the case with the RSLAF.

## **263. Miscellaneous/General Orders for**

- 1) This Panel rules that all compensations ordered herein should be paid to the Human Rights Commission of Sierra Leone (HRCSL) for onward transmission to the Complainants/Victims of human rights violations as herein adjudged
- 2) This Panel urges HRCSL to use its powers to ensure that every decision and recommendation herein stated is enforced/implemented/respected.
- 3) HRCSL to monitor the implementation of these decisions immediately they are published and implementation period shall be within one year except where a matter is referred to the Courts.

## **DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE NORTH & NORTH-WEST PANEL FAITHFULLY SUBMITTED AS DECIDED:**

Victor I. Lansana Esq (Chair of the Panel)



Mr. Hassan Samba Yarjah (Member, HRCSL Commissioner)



*Braima Musa, Esq* (Lawyer & Co-opted Member)



## **CHAPTER FIVE**

### **DECISIONS, ORDERS/ DIRECTIVES AND RECOMMENDATIONS OF THE NORTH & NORTH-WEST PUBLIC INQUIRY HEARING**

#### **NORTH & NORTH-WEST PANEL**

##### **Panelists**

Commissioner Simitie Lavaly, Esq., (Chairperson)

Commissioner Madam Patricia Nasu Ndanema, (Member)

Abdul Karim Koroma, Esq., (Member)

##### **Counsel for Complainants**

Emmanuel Sesay, Esq.

##### **Counsel for Respondent (RSLAF)**

Major Hope Lahai, Esq.

##### **Counsel for Respondent (Cheng-Li Company)**

Charles Abass Bangura

##### **Registrar**

Frank Kangaju

## CIRCUIT ONE: KABALA SITTINGS

### KOINADUGU DISTRICT

**COMPLAINT REFS: HRCSL - NR/KOI/DAL/002, NR/KOI/DAL/003, NR/KOI/DAL/009 & NR/KOI/DAL/010**

<b>PETER KAMARA AND 22 OTHERS</b>	-	<b>COMPLAINANTS</b>
<b>SLP</b>	-	<b>1<sup>ST</sup> RESPONDENT</b>
<b>RSLAF</b>	-	<b>2<sup>ND</sup> RESPONDENT</b>
<b>(Lt. Col. A.B.S. Munu, Whiter, Jarka Jarka)</b>		

### CASE SUMMARY

264. This complaint was brought by Peter Kamara and 47 other Complainants relating to an incident between the community people and Cheng Li Mining Company Ltd over an alleged illegal gold mining within the company's concession area in Dalakuru village. A joint operation of SLP and RSLAF intervened to quell down the situation on 30th June, 2020. The Public Inquiry Sittings took place on the 5<sup>th</sup> and 6<sup>th</sup> August, 2022 in Kabala and 4 Complainants testified on behalf of themselves and the others.

265. The 1<sup>st</sup> Complainant, **PETER KAMARA**, testified that he was a business person living in Dalakuru Village. On 30<sup>th</sup> June, 2020 while he was at his house at Krugbakaror, he was told that there was a disturbance in the town and the youth had gone on the rampage. He said he owned a power tiller machine and took his machine from the gold mining site to his house in Krugbabaror because he was advised that the company Cheng Li had called in soldiers. He further stated that while at Krugbakaror he said that he saw soldiers firing live bullets and he ran away into the bush. He later discovered that his house and other houses had been burnt down and he was informed by his customers that they were burnt down by the soldiers.

266. The Complainant alleged that, the goods he had taken on loan from his Indian friend costing Le, 25,000,000 (Twenty-Five Million Leones) got burnt in

the house. He learnt that his place was burnt because the place they were mining belonged to the Mining Company and they had been told by the Company and town people that they should leave. Others were afraid to come forward even though their houses were burnt. To support his claims, he tendered his evidence of purchase of his two bailing machines, a crusher machine, domestic items and all family clothing. He also lost one TVS motorbike. Total loss amounting to Le 81,000,000 (Eighty-One Million Leones). He asked the Panel for help in order for the Complainants to recover their property and refund of money lost.

267. Under cross-examination by Counsel for the 2<sup>nd</sup> Respondent (RSLAF), the Complainant admitted not owning a mining licence and confirmed that they were warned to take out their machines by the village elders. He however stated that their properties and machines were burnt at their houses, not at the mining site. He stated that he was unaware that the Mining Company had entered into agreement with the military for security.

268. Upon further questioning by the Panel, he stated that there was a little far distance between his house and the mining site. He said he did not know whether the land was part of the concession area.

269. The 2<sup>nd</sup> Complainant, **YERI SESAY**, was also a business woman living in Dalakuru town. On the day of the incident, she said she was at her business centre when she was told that the soldiers were in town. She was also told that the unrest was due to the burning of the Company's vehicle. She further stated that she saw one of the soldiers called Whiter, who was once at Dalakuru town, set ablaze her shop. She alleged that Whiter shot at the solar panel which she had used to shield herself. She ran away and hid herself within the banana plantation watching what was happening. She had no idea why Whiter burnt her shop. She confirmed that she saw police personnel, but they were peaceful. She said that her shop which was burnt was at Krugbakaror and the business items were worth Le 21,000,000 (Twenty-one million Leones).

270. In her witness statement, tendered as Exhibit B1-5, she had additionally stated that her complaint was made also on behalf of three other women- Kumba Sumana, Koria Dimare and Isatu Fofanah who were also part of the 23 Complainants. She continued that the soldiers burnt their businesses to ashes and destroyed structures, machines, solar panels, clothes and other household utensils.

271. Under cross-examination, she stated that the two soldiers, Jarka Jarka and Whiter had lived in Dalakuru, but Whiter was no longer in Dalakuru. She denied being part of the incident.

272. From questions asked by the Panel she stated that she was not aware that the land had been sold, except during a meeting held later to inform them to vacate the said mining concession area. She furthered that she did not make a complaint to the police. According to her, the distance from her house where her property was burnt to the mining site was very far. She confirmed that Whiter was wearing a combat uniform. She said her complaint was on behalf of herself and the other women. She stated that she knew Peter Kamara and confirmed that his house and business items were burnt during the incident.

273. The 3<sup>rd</sup> Complainant, **Mohamed F. Sesay**, was also a business man living in Dalakuru town. He said he woke up in the afternoon to the news that there was fighting in town between the youth and the security forces. He said that as the incident keeps escalating in the township, he saw soldiers approaching his house, he was arrested and beaten and later escaped. He said that the soldiers took his properties before they burnt his house down including his neighbours'. He furthered that the items burnt in his house included plasma TV, generator and business items valued at Le 25,000,000 (Twenty-Five Million Leones). He stated that he was unaware of the problem between the security forces and the youth but was not part of them. He concluded that he wanted the Respondents to rebuild his house and other victims, and compensate for items lost.

274. Additional information in his witness statement, tendered as Exhibit C1-5, was that he saw people being beaten by the officers and taken to Makeni, so he ran away to Makeni city to seek refuge and returned after 3 days.

275. Under cross-examination he confirmed that the location that was burnt was in Krugbakaror. Upon questioning by the panel, he stated he was unaware of any meeting on the change of mining ownership. He said that he saw officers in two different uniforms who arrested and beat him.

276. Complainant **Isatu Kamara** who was a miner in Dalakuru village also testified before the Panel that she was told by the youth that the land had been given to the Chinese Company. She furthered that the youth chairman who had gathered his stones (gravel) in the mining area tried to take it away and there was confrontation. She stated that she saw Jarka Jarka, a soldier shooting and I saw Whiter burning my house. The items burnt down included TV, bailing machine, clothes and other items. This also happen to many other people. She tendered her witness statement marked as Exhibit D1-5 in which she detailed the value of her lost property worth Le 25,000,000 (Twenty-Five Million Leones) and Le 15,000,000 (Fifteen Million Leones) given to her for safe keeping, she concluded.

277. Under Cross Examination she stated that she was at home when the incident took place. She said that she saw Jarka Jarka when she was approaching her house. She stated that she was informed in a meeting called by the Chief that the Company had purchased the mining site. Her items were burnt in Krugbakaror.

### **Interested Party**

278. In this matter, the Panel invited two interested parties to testify in person.

**Mr. Dondoh Sheriff**, a member of the Diang Justice and Development

Organisation presented photos on the incident and the investigation they did as an organization. He testified that they were informed that 20 youth were arrested in Dalakuru and taken to Makeni. he said that his organisation held a meeting with the Town Chief and the chief informed them that the said incident area was a mining concession area. He stated that the Complainants informed their organization that the timeframe given to them to remove their gravels and stones from the mining site had not expired when the soldiers intervened to forcefully remove them from the mining site. He said that the Complainants informed them that the Company officials were the first to scatter the stones and gravels belonging to the Complainants. He said that upon engaging the chief, he confirmed to them that the shooting started at his house. He stated that they visited Krugbakaror where they saw destructions of machines and mud houses. He furthered that they took photos which they showed on the screen before the Panel.

279. He intimated the Panel that the organization also visited the lead Complainant, Peter Kamara to get his own side of the story. He added that Peter Kamara presented receipts of items lost in the incident. He stated that during their engagement, they did videos of burnt mud houses, properties and victims. He stated that they were informed that a pregnant woman suffered miscarriage due to severe beating by the security forces. The photos and videos were later tendered in evidence. The photos are marked exhibit E1-22.

280. Under cross-examination by Counsel for the 2<sup>nd</sup> Respondent, Mr. Sheriff stated that he did not hail from Dalakuru town, but from another town in Diang Chiefdom in the Koinadugu District. He said that he tried to get the side of the security forces on the said incident but to no avail.

281. In responding to questions from the Panel, he stated that he tried to talk to officials of the Company, but some did not give him audience. He stated that what he was telling the Panel was all what he was told by the victims and what

they saw during their site visit. He disclosed that one Lawyer Jalloh of Access to Justice in Makeni took the matter to court on behalf of the victims asking for the Company to go back to the drawing board. He said that he had no idea if any of the witnesses before the Panel were part of the court case brought by Lawyer Jalloh.

282. The Cheng Li Mining Company was a person of interest, and was represented by **Ambrose Vandi Bundeh**. Mr Bundeh testified that he is a senior geologist and he was specifically working with community stakeholders and members. His company Cheng-Li Mining Company is located at Diang Chiefdom. Their concession area comprised areas in Diang and Samaia Bendugu Chiefdoms. They have a large scale mining licence for gold. He said he did not know Peter Kamara, but maybe if seen he could remember him.

283. He said that a group of victims from Dalakuru took the company to court in Makeni and he had been attending on behalf of the company last year. The court threw out the case because of lack of merit. The company also dropped their case against the suspects.

284. He stated that he was an eye witness to the incident in 2020. He said that the company informed the community people two days before they commenced operations. The community people left willingly the concession area, according to him. However, on the said date, he learnt that there was stoning and confrontation which made the Chinese people become afraid. He said that he went to the chief for his intervention. While returning, he saw over two hundred aggrieved youths who attacked him, beat him up and burnt down the Company vehicle he was driving. He stated that he was rescued by an Okada (Bike) rider and taken to the chief's compound where he was given first aid treatment. He further narrated that other Company employees were also attacked, and a particular soldier was stoned.

285. Under questioning by Counsel for the Complainants, he informed the Panel that the Company had a contract with the military to provide security. The Company did not require a relocation plan. He personally gave them a location but that is not a legal requirement by the NMA Act. The plan was not reserved for agriculture, but it was a place for mining. The military were only engaged when they wanted to start the mining. He stated that he was unaware of the UN Guidelines on Business and Human Rights.

286. Upon clarification questions from the Panel, he stated that they disclosed to the people about the concession as there was a meeting at the compound of the chief and the host community. He arrived from Kabala during the incident around 8:00am to 9:00 am. He met road blocks. He retreated with staff including Chinese workers. He made calls to the LUC and the military commander. He could not tell what the claim in court was for. He was not aware of the burning of houses and machines. He knew Jarka and Yellow man in Dalakuru. The agreement covered Dalakuru, a spread of 127 kilometers. He did not hear gunshots. He believed drugs and the presence of the company were the grievances responsible for the incident.

### **RESPONDENT'S CASE**

287. The 2<sup>nd</sup> Respondent called two witnesses. The first witness was **Lieutenant Colonel A.B.S. Munu**, who was the Commanding officer for the 12 Infantry Battalion, RSLAF for Koinadugu and Falaba Districts. He said he took over in August 2020. His operational area of Dalakuru comprised 20 military personnel stationed at Dalakuru. He was instructed to attend and testify on behalf of RSLAF only because he is the current Battalion Commanding Officer.

288. RSLAF had an MoU with the Ministry of Defence to protect Cheng Li Mining Company. Even though the military is not a commercial organization, but they can enter into contractual agreement. RSLAF has a rule of procedure, an SOP which is given to any personnel. When the personnel falls short of that

they would be disciplined. There was also a task force by the local people which assisted to secure property of the Company.

289. He said that the personnel named in the notice (Whiter and Jarka Jarka) had been dismissed from the military for various disciplinary reasons. During the incident, the operation commander Capt. A.L Kamara and one Corporal Tucker sustained injuries. Corporal Tucker was suffering from hearing impairment as a result of the attack on him by the youths.

290. He went further to tender 'The Rules of Procedure document' as Exhibit RA 1-4. It was a restricted document titled "*Standing Operation Procedure (SOP) for RSLAF Personnel providing Security Services to Multi-National Companies*". It had 12 general rules and also included the agreed Rules of Engagement for Military Aid to Civil Authority (MACA), which set out the guidance for the use of firearms by the armed forces of Sierra Leone.

291. At the time of the incident in Dalakuru, he said, there were twenty Military personnel and some OSD personnel when they got the information that they were about to be overrun, which led to the reinforcement.

292. Under cross-examination by Counsel for the Complainants, he stated that his duty and responsibility is to direct and control resources of the battalion. The military went to the location purposely to secure the lives of the Company Employees and the Company properties. He confirmed that the military is paid for the services rendered.

293. In response to questions from the Panel, he reconfirmed that the MoU is there to protect the Company. There were a lot of disturbances and that is why the Company went to the Ministry of Defence for help. The personnel named that were sacked, were not connected to this incident, but for other reasons. The MoU is not specific for Cheng Li Company, but a standard agreement for all

Multinational Companies. RSLAF determined a multi-national company based on who the company can afford to pay for. RSLAF personnel were given training on the SOP. He stated that personnel are given live bullets because they can be overrun.

294. The second witness for the 2<sup>nd</sup> Respondent was **Capt. M.A Kamara**. Capt. Kamara was attached to the 12 Infantry battalion. On the day of the incident he was present when his commander received a call from the brigade commander in Makeni informing him that the youth of Dalakuru had threatened to kill the Chinese and had burnt down the company vehicle worth \$50,000 (Fifty Thousand US Dollars). He said that together with the LUC, they went to the town, but on their way they met a blockade and they could not go through with their vehicles.

295. On their arrival, they saw a burning vehicle belonging to the Chinese. He noticed many youths in the bushes. While they were addressing the youth, he heard gunshots. He said that they heard the youths saying they want the heads of the Chinese. He was then authorized by his commander to '*use his initiative*'. He stated that the youths pelted stones at them, but they were able to push them back and he went to the chief. The chief told him that it was between the youth themselves who burnt the mud houses.

296. He further testified that neither he nor his personnel used any rounds, but that only the police used teargas canisters to disperse the angry youth. He furthered that his personnel sustained injuries. He concluded that he submitted a situation report to his commander.

297. On cross-examination by Counsel for the Complainants, he stated that he followed the SOP; the initiative mentioned was for the police to use teargas to be able to enter the town. He denied that gunshot was fired by his personnel, as they were led by the police. He said that he was the commander of his team but

however was unaware of the burning of property. He denied taking steps on his own but that he followed the SOP. They had control over the bullets of all personnel, including those officers stationed at the Cheng Li Company. Jarka Jarka and Whiter were no longer in the military.

**298.** Upon questioning from the Panel, he explained that an officer can use a bullet when the personnel is shot at but that however he did not do anything after the rioters pelted stones at his personnel. He said he is aware of the principle of Proportionality, Legality, Accountability and Necessity (PLAN) and that in military terms they account for everything. He stated that his personnel did not use firearms even when they were trying to attack the Chinese. He briefed his commander about the operation.

#### **ANALYSIS OF APPLICABLE LAW**

299. This matter revolves around the right to property as provided for in Section 21 of the Constitution of Sierra Leone, 1991 and Article 14 of the ACHPR, and also the use of excessive or disproportionate force as provided for in the UN Basic Guiding Principles on the Use of Force and Fire Arms. Some victims also suffered grievous bodily harm contrary to Section 20(1) of the 1991 Constitution of Sierra Leone and Article 5 of ACHPR. On a balance of probability, we find that RSLAF personnel, particularly Jarka Jarka and Whiter violated the right to property and further used disproportionate force to quell the riot contrary to Principles 9 and 14 of the UN Basic Principles on the Use of Force and Fire Arms (1990). These personnel fired gunshots at civilians and burnt houses that were not within the concession area. Their actions did not fall under the Rules of Engagement under the MOU signed with the Company and was not necessary to quell the riot or a necessary condition under Section 21 of the Constitution of Sierra Leone. The use of live bullets is debatable as no substantial evidence was provided by the direct witnesses, although Mr. Dondoh Sheriff provided unlabeled photos of alleged victims of the military brutality.

300. From the facts gleaned, there was no reports of loss of life arising from the riot, despite the witnesses hearing gunshot sounds and arson of the Complainants' properties. However, some Complainants suffered grievous bodily harm as seen in the photos tendered by Mr. Dondo Sheriff. Unfortunately, those claimed to be directly injured did not testify before the Panel and medical evidence of their injuries was not presented to the Panel for determination.

301. Both Lieutenant Colonel A.B.S Munu and Capt. M.A. Kamara, informed that RSLAF personnel suffered injuries during the riot. What was unclear to the Panel is whether the injuries were sustained whilst carrying out their lawful duties, as both officers were absent at the hearing and no medical evidence was tendered on their behalf. Therefore, on the balance of probabilities the Panel cannot determine that these officers suffered such injuries contrary to Sections 16 (2) and 13(J) of the Constitution.

**302. DECISION:**

Having reviewed the evidence of all witnesses, the Panel holds:

- 1) That the Complainants right to property was violated by the 2<sup>nd</sup> Respondent contrary to Section 21 of the Constitution of Sierra Leone, 1991 and Articles 5 and 14 of the ACHPR.
- 2) That the Panel holds in contempt the SLP for failing to appear before it despite evidence of proof of service.

**303. Orders**

- 1) That the 2<sup>nd</sup> Respondent pay compensation to the Complainants for loss of the properties as follows:
  - A) 1<sup>st</sup> Complainant NLe. 13,000;
  - B) 2<sup>nd</sup> Complainant NLe. 6,000;
  - C) 3<sup>rd</sup> Complainant NLe. 6,000; and
  - D) The remaining 20 Complainants NLe. 4,000 for each Complainant (NLe 88,000 in total).

2) That the 2<sup>nd</sup> Respondent provides adequate medical treatment and support to injured RSLAF officer Corporal Tucker

**304. Recommendations:** -The Commission makes the following recommendations to other MDAs operating within the Mining sector:

- 1) The Ministry of Mines and Mineral Resources and the NMA should ensure community people are properly engaged and informed when a concession agreement is signed with Multi-national companies and not rely solely on the local authorities (Chiefs) to inform their communities about the agreement and the impact it would have on their livelihoods.
- 2) The Ministry of Mines and Mineral Resources and the NMA should ensure Chiefs are transparent about the mining agreements signed under their watch and involve community people whose access to land will be affected.

**COMPLAINT CODE: HRCSL - NR/KOI/KAB/001**

TENNEH SAWANEH - COMPLAINANT  
(LOCO PARENTIS ABU BAKARR SAWANEH)

SLP - RESPONDENT  
(LUC KABALA POLICE STATION, FODAY FOFANAH)

CASE SUMMARY

305. The Complainant **Tenneh Sawanneh** testified on behalf of her late son, Abu Bakarr Sawaneh aged 17. She stated that on Tuesday 16th day of August 2016, while she was at the market she observed there was a problem in town, which prompted her to go home for her safety. She said that she had initially gone to the market in Kabala with the victim. While at home, after a few minutes, she stated that her daughter's phone rang and that she (Complainant) was informed that her son had been shot by a police officer. Later she went to the scene and was informed by the youths who were around at the time that a certain

Inspector Foday Fofanah was the one who shot dead her son. She said that the incident happened around 11am. She stated that the victim's corpse was sent to Makeni, Bombali District for postmortem where it was confirmed that he was killed by a gunshot in his head. She added that a few days later, she was visited by government officials but no police officer visited her.

306. In her witness statement tendered as Exhibit A 1-5, she explained further that she rushed to the scene where she met her son in cold-blood inside a wheelbarrow that some youths used to convey his remains afterwards to the house of the Paramount Chief. She said that the corpse was later conveyed by some stakeholders to the mortuary and was eventually buried.

307. She stated that several organizations have been coming to her to get information about the said incident, but nothing has been done so far. She concluded that the said Inspector Foday Fofanah was an officer attached to the Kabala Police Station and he was later promoted to another rank.

308. **BAYUKU KOROMA** testified to the panel on behalf of the Complainant. He said that in 2016 he was the youth coordinator for the Koinadugu District Youth Council. Prior to the incident, his District Youth chairperson was informed in a meeting organized by the previous government in Kambia. He stated that the proposed youth village to be constructed in Kabala would be relocated to another district.

309. He further testified that on the Chairperson's return, they informed the police that they wanted to do a peaceful demonstration with placards against the government's decision to relocate the youth village to another district. He continued that on 14th August 2016, they engaged the police hierarchy, comprising of the said Inspector Foday Fofanah, the LUC, the Support Officer and the Head of OSD in Kabala. The request for permission to stage a demonstration was denied by the police but we were advised to hold a meeting instead, the witness concluded.

310. He further stated that he and others went on Radio Bintumani and their discussion was centered on the youth village. He said they informed listeners that the police did not give them clearance to demonstrate. In the morning hours of 16th August 2016, they gathered at the Youth Centre for the meeting and admonished the youths to be peaceful. He had entered the youth center with friends when the police came and advised him to leave, which he did. Whilst they were there, he was informed that the police came and discharged teargas canisters to disperse them.

311. He stated he later came back to the centre area, where he saw two youths carrying the son of the complainant and saying that the son had been shot by the police. He however stated that he did not see police beating or shooting, but he heard gunshot sounds from afar. He said he saw regular police and OSD personnel using their patrol vehicle. He continued that some of the youth went to report to PC Gbawuru Mansaray III, while the police continued to shoot and discharge tear gas canisters. Later, he said he received a call and was informed that the police had vandalized his shop situated in the centre of town. He further explained that he left the township and his family, and in his absence, his business was destroyed to the value of Le 18,000,000 (Eighteen Million Old Leones).

312. He continued that when the former president came to Kabala, they asked for mercy. He confirmed that nothing was done for those who were injured or killed. He ended by calling for training for the public and the police on the right for co-existence.

### **Panel Witness**

The Panel invited two persons of interest to testify.

313. **P. C Gbawuru Mansaray** is the Paramount Chief of Wara-Wara Yagala Chiefdom, Koinadugu District. He testified that, after the killing, some of the youths went to report the incidence to him but he was not at his residence at

that time, but saw on social media that a dead person was taken to his house. He furthered that the soldiers came in and dispersed the crowd and took over the township. The police and soldiers were there, but they were not armed at that time, he said. He stated that he left the guesthouse where he had taken refuge and went to his house. He explained that he saw a lot of photos on social media of dead bodies been taken for postmortem. He confirmed that he heard from the youths that one Inspector Foday Fofanah was accused of killing the victim. He continued that apart from the victim, another person who was killed was called Savage. He stated that after the incident had occurred, he called the youths and they engaged the former President of Sierra Leone who told them that the Chinese donors were not comfortable with the allocated land for the construction of the proposed youth village and hence requested for relocation to centrally located place.

314. The Hon. PC Alie Balasama Marah, Sengbe Chiefdom, Koinadugu District was invited to the hearing. He sent one of his Council of Elders, **Alhaji Mohamed Lamin Marah** to represent him. In his testimony, he stated that on the day of the incident, he was with the Paramount Chief in his house when he heard from the youths that Inspector Foday Fofanah of the SLP was the person who allegedly killed the victim. He said that the Paramount Chief advised them not to react and minutes later, the youth came with the corpse of Abu Sawaneh. He continued that after that they took the corpse away but he did not know where they took the corpse to.

315. There was no representation for the Respondent. The Sierra Leone Police declined to participate despite proof of service and several calls made to them.

#### **ANALYSIS OF APPLICABLE LAW**

316. From the evidence of the witnesses and the persons of interest, it is clear that the victim lost his life at the hands of the Sierra Leone Police, contrary to Section 16 of the Constitution of Sierra Leone 1991, Article 4 of the ACHPR and Article 6 of the ICCPR. Inspector Foday Fofanah was named as the alleged

perpetrator but no witness came with direct evidence that they saw Foday Fofanah shoot the victim. As for the other death of a person called Savage, no evidence was presented to the Panel on the cause of death and the person liable for his death. No evidence was also presented of demonstrators causing damage or threatening death or serious injury to others.

317. On the balance of probability, we hold that the Respondent violated the right to life of the victim and further that the death was due to excessive use of force contrary to Principle 13 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

318. The Panel also notes that the former Government failed to handle the sensitive issue of the relocation of the proposed youth village by not engaging with the leaders to enable them to understand the decision which was precipitated by the request of the donor to have it relocated to a central location in the country.

### **319. Decision of the Panel**

Having reviewed the evidence, this Panel holds as follows:

- 1) That the Respondent is hereby found in violation of the right to life for the unlawful killing of Abu Bakarr Sawaneh (a minor) contrary to Section 16 of the Constitution of Sierra Leone 1991 and Article 6 of the ICCPR.
- 2) That the Sierra Leone Police is hereby ordered to pay the sum of Fifty Thousand Leones as compensation for human rights violation pursuant to Section 11 of the HRCSL Act of 2004.

### **Recommendations**

- 1) That SLP investigates Foday Fofanah and appropriate actions be taken against him.
- 2) That SLP provides refresher training to OSD personnel and anti-riot officers on the UN Basic Principles on the Use of Force and Firearms by LEOs

3) That the SLP should refrain from denying citizens permission to enjoy their right to peaceful assembly and association but should rather provide safety and security measures for citizens to lawfully enjoy this right.

## **CIRCUIT ONE: MAKENI SITTINGS**

### BOMBALI DISTRICT COMPLAINTS

**COMPLAINT CODES: HRCSL - NR/BOM/MAK/003 & NR/BOM/MAK/001**

IBRAHIM SORIE SILLAH AND 16 OTHERS - COMPLAINANTS

SLP - 1<sup>ST</sup> RESPONDENT  
(FRANCIS SONGU)

RSLAF - 2<sup>ND</sup> RESPONDENT  
(Brigadier Adiara Sesay, Lt. Col. Luke Bockarie)

### **CASE SUMMARY**

**320.** The complaints were in relation to loss of lives during the 17<sup>th</sup> & 18<sup>th</sup> July 2020 riot in Makeni. The Complainant before the Panel were:

- **1<sup>st</sup> Complainant (Ibrahim Sorie Sillah):** The complaint was brought by Complainant Ibrahim Sorie Sillah on behalf of his late cousin, Mohamed Sillah who was killed during the riot.
- **2<sup>nd</sup> Complainant (Mohamed S. Gbla):** The complaint was brought by Complainant Mohamed S. Gbla on behalf of John Jalloh (deceased) who was killed during the riot.
- **3<sup>rd</sup> Complainant (Kadiatu Thorley):** The complaint was brought by Complainant Kadiatu Tholley on behalf of her late son, Alusine Sesay, who was killed during the riot.

321. Prior to the commencement of the hearing of this matter, Counsel for the 2nd Respondent raised a preliminary objection on the grounds that the issue before the Panel had already been investigated by a Presidential Task Force of which the Chairpersons of the Commission was a member. Accordingly, he submitted that there was no need for any hearing on the merit. Further, that since no report had yet been published by the Task Force, the hearing would prejudice the outcome of the investigation. The Chairperson of the Commission, Commissioner Patricia N. Ndanema, indeed confirmed that she was part of the Presidential Task Force committee led by the Office of National Security (ONS) to investigate the matter, but that the mandate and scope of that investigation was different from the mandate of the Commission, so it had no connection with the conduct of this hearing. With this clarification, the Presiding Panelist, Commissioner Simitie Lavaly, overruled the objection and the hearing proceeded.

322. The 1<sup>st</sup> Complainant **Ibrahim Sorie Sillah** testified that, the Late Mohamed Sillah, aged 32 years, was his elder sister's son. According to him, in the morning hours of 18th July 2020, Mohamed left the house to go buy cigarette at a place called Field Road. In a space of ten minutes, people came and told the Complainant that Mohamed had been killed. He stated that he and others went to the scene where they tried to take the corpse to the hospital but could not due to the gunshot sounds. On the next day, he said, they went to the police and informed them that the said corpse was Mohamed Sillah. The police came with them and the corpse was taken to the mortuary at the Government Hospital in Makeni. He explained that they requested for the corpse but the police refused to release it with the excuse that they needed to do postmortem. Few days later, he said, they were informed that the corpse had been taken to Freetown. After a month, the postmortem report came back and indicated that Mohamed Sillah had died of gunshot wounds. He ended by tendering his witness statement marked Exhibit A1-5.

323. The 2<sup>ND</sup> Complainant, **MOHAMED S. GBLA**, testified that late John Jalloh, aged 15 years, was his nephew. He said that John was shot along Rogbaneh Road where he had gone to help a woman selling cookery (local restaurant). He told the panel that he was not aware that John was part of the riot. John died at the hospital in Makeni after three hours. At the end of his testimony, he tendered his witness statement marked as Exhibit B1-5, in which he stated that a postmortem was carried out which revealed that he died as a result of the gunshot wound. Under cross-examination he denied saying in his statement that John finally died at Connaught hospital, as John died in Makeni.

324. The 3<sup>RD</sup> Complainant, **Kadiatu Thorley**, spoke through an interpreter, who was a family member. She testified that she was the mother of late Alusine Sesay, aged 22 years. She stated that Alusine was coming from taking overnight classes and returning home in the morning of the 17th July 2020 when he met a large crowd of people running from the police for an incident he knew nothing about. She said that he decided to run home, when he was shot from the back of his left arm and another bullet to the back of his head. She stated that the deceased was taken to several hospitals in Makeni, but only received treatment at the Makeni government hospital. She said that he suffered from lack of proper medical care until he died in Freetown on 25th July, 2020. She told the panel that it was soldiers and police who shot her son. Since his death, no military or police officer, or person of authority has ever spoken to them or shown signs of remorse. She stated that her son was trying to get his requirement to enter university. The medical certificate of the postmortem and death certificate were tendered and marked as Exhibit CI 1-4.

#### **1<sup>st</sup> RESPONDENT (SLP)**

325. No one testified on behalf of the 1<sup>st</sup> Respondent, neither was there any representation but **Francis Sungu** (Former LUC for Rogbaneh Police Station) testified on his own behalf as a former Police Officer.

326. **Francis Sungu** (Interested Party) testified that on the 17th July, 2020 Regional Commander North AIG Frank Alpha called him and other commanders to a meeting. The AIG told them that he was under instruction to provide security for the transfer of a generator from Makeni to Lungi that night. He explained that in the evening, the police patrol team heard that something was going on at the electricity Power House. There were youths sitting on the street and had erected a barricade so that the generator would not be transferred. The patrol team of Frank Alpha went there and shortly after he heard a lot of noise and the youth went on the rampage. He said that they came close to the police station and he heard them saying they were going to burn down the station. The OSD commander used tear gas to repel them. He alleged that the protesters threw locally made petrol bombs into the city hall. He said that the riot went on throughout the night until the next day when the regional commander received an order from Inspector-General of Police to declare a curfew in Makeni until normalcy returned.

327. Under cross-examination he stated that there was no intention by the Ministry of Energy to remove the generator at night, but broad daylight. It was the youths who went and converged at the EDSA power station because the youths were informed that when the generator is moved, it would interrupt electricity supply in Makeni City. He stated that he remained at the police station as the only police vehicle available was engaged to patrol the township. The OSD Coordinator was the commander in charge at the time of the incident. He confirmed that he was aware that people died. They had a debriefing and discussed the issue of people losing their lives, he concluded. He stated that he had been requested by the Panel secretariat to bring Police Officer Vandi, head of traffic division and the Divisional OSD Commander at the time of the incident to the hearing. He said he could not do that because he was no longer a serving police officer.

## **2<sup>nd</sup> RESPONDENT**

328. **Lt Col. Desmond Bockarie**, the current battalion commander, 4 Infantry Brigade testified on behalf of the 2nd Respondent. He said he was not in post at the time of the incident. Therefore, he said his testimony was just to clarify the roles of the police and the military in joint operations. He explained that the rules of engagement are used in all operations during which officer can use good discretion or initiative and the Commander takes responsibility. The “Green card” document covered rounds used in situations of danger.

329. He stated that when MAC-P is evoked, the police take the lead. During the riotous situation, they assess the situation. He was aware of military and civilians’ casualties; soldiers were injured too he said, one vehicle and some civilians were affected by stray bullets. He confirmed that the military have similar bullet rounds with the police. He tendered a copy of the MAC- P document to the panel, which contained the “Green card’ document. Tendered as Exhibit R1-26.

## **INTERESTED PARTY**

330. **Mayor Sunkarie Kabba Kamara** of Makeni City Council was invited as an interested party. She testified that Government Officials including officials of EGTC and the Minister of Energy informed her on diverse dates in April 2020 that government wanted to relocate the standby generator to the Lungi International Airport. She said that a meeting was held comprising of various stakeholders including CSOs, media houses, Traders Union etc.in which they were informed about this decision of the government.

331. She stated that at the meeting, the stakeholders asked what would be the guarantee that the generator would be returned because the same Ministry had taken a generator from Kono, which was never returned. She stated that the Director General said they would not do that and noted that the Makeni generator was not being used in Makeni for 11 months in the year. They just needed the generator for 2 months so that they could do maintenance of the

other machines and put new parts by the return date. She said that herself and stakeholders agreed to the relocation but with the proviso that she be given time to do community engagement to allay the fears of the community on the loss of the generator.

332. She said that she fell ill that very same evening with Covid-19 and did not do the promised engagements; neither did any of the other stakeholders that were in attendance at that meeting. She explained that she remained at the treatment center for a month and one week. Eventually she came back to Makeni on 17<sup>th</sup> July, 2020 for self-isolation for 1 week. She furthered that while she was battling with health, she received a call from the Minister of Energy in July that she did not get back to him and they were coming for the generator. Later, the DG called to inform that a technical team had gone to Makeni to take the generator.

333. She stated that in the morning of 18th July 2020 the Chief Administrator called and informed her that some people came to collect EDSA generator but were attacked by the youths and that the situation was quelled and the youths dispersed. She explained that while still at home, she saw images and videos on social media of police and soldiers shooting resulting in deaths and injuries. She concluded by saying that, there was no loss of life on the night of the 17th July, only during the morning of 18th July when life was seemingly back to normal.

334. When questioned by Counsel for the 2<sup>nd</sup> Respondent, she stated that she did not tell her Deputy to take over as the health condition could not permit her. If she had had the opportunity to have met the C.A, she would have done so. She called the military Brigade Commander Col. Samba on the day, but he did not answer. It was later that Col. Samba came to the office with the police and LUC to inform her that the acting AIG wanted to declare a curfew. It was at that time she told him she had called him severally and to stop the shooting.

335. **Peter Conteh (Interested Party)**, Chairman of Bombali District Human Rights Committee (BDHRC) was the second interested party. His organization was a consortium of over fifty-three organizations working in Bombali District. He testified that he met the youths barricading the road to the power house the night of 17<sup>th</sup> July 2020 and heard them saying “*dah generator nor dea go*”. He talked to them and they informed him that they got information that they wanted to take the generator away that night. He said that at 6am on 18<sup>th</sup> July, he went out and noticed the road blocks set up by the youths at major road junctions. He arrived at SLPP office and met the deployment of soldiers. At that time, there was no shooting. Vehicles entering the city from Freetown were stopped at 7:00am. Few minutes later, he heard gunshots. He made several calls to the Mayor but she could not pick. He also called the Office of National Security and the Deputy Mayor. He started walking around but was advised to go home because there was shooting. He explained that the Bombali District Human Rights Committee did a press release through which they condemned the action of the police and the youth. People who were not concerned with the incident suffered injuries. They did another press release for the lives lost and those arrested. They also did a report with several recommendations. According to him, those who were arrested spent a year in detention.

336. Under questioning by the Panel lawyer, he explained that the outcome of the several engagements was that a team headed by the Paramount Chief from Kono District came with money for the bereaved families. All of the bereaved families benefitted except John Jalloh who was an orphan. There was also an investigation undertaken by the Government.

337. Under questioning by Counsel for the 2<sup>nd</sup> Respondent, he stated that the police provided security, but the youth set up the road blocks. 86 people were arrested, who were held by the police for riotous conduct. On the issue of accountability for who did the shooting, he responded that the security did it but during his investigations both the military and the police commanders were

saying they did not give orders to shoot. He informed the Panel that killing did not take place at the location of the generator. It happened in day light and at different locations far away from the generator. Nobody was charged for the killings. He was aware of maltreatment by the police. He was not aware of any injuries sustained by the police and the military.

#### **ANALYSIS OF APPLICABLE LAW**

338. This matter relates to the right to life and the excessive use of force and firearms. Section 16 of the Constitution of Sierra Leone 1991 stipulates that no person should be intentionally deprived of his life except under exceptional circumstances and Article 6(1) of the ICCPR similarly guarantees the right to life. Also Principles 5 and 14 of the UN Basic Principles on the Use Force and Firearms prohibit law enforcement officers from using disproportionate force while executing their mandate. In this instant case, evidence adduced before this Panel shows that law enforcement officers unlawfully deprived three victims of their right to life and that they used excessive force while carrying out their mandate contrary to provisions of the law cited above.

339. It is also clear from the evidence that some young people took the law into their hands and became lawless by preventing government officials from relocating the said EDSA generator to another location, and by mounting roadblocks within Makeni city. However, the response from the law enforcement officers is found to be disproportionate as there is no evidence before the Panel to show that the youth carried guns for instance. This amounts to a clear breach of the said Principles which the Respondents are bound by.

#### **DECISION OF THE PANEL**

340. Having reviewed the entirety of the evidence, it is hereby decided as follows:

- 1) That the Respondents are liable for the loss of lives of the victims contrary to Section 16 of the Constitution of Sierra Leone 1991, Article 4 of the ACHPR and Article 6 of the ICCPR.
- 2) That the RSLAF and SLP are hereby ordered to pay compensation to the family of the victims as follows:
  - a. SLP in the sum of NLe 100,000 (One Hundred Thousand New Leones).
  - b. RSLAF in the sum of NLe 50,000 (Fifty Thousand New Leones)

#### 341. **RECOMMENDATIONS**

- 1) That the SLP and the RSLAF to provide appropriate logistics in relation to anti-riot gears and crowd control.
- 2) SLP and RSLAF to provide training to their personnel in line with the UN Basic Principles on the Use of Force and Firearms by LEOs to prevent a reoccurrence of similar incident.
- 3) HRCSL and the Council for Civic Education should carry out more public education on rights and responsibilities of citizens, as well as inform the public of redress mechanisms available if they feel aggrieved by the actions of public officials.

### **PORT LOKO DISTRICT COMPLAINTS**

#### **COMPLAINT Refs: HRCSL - NWR/Lun/009**

OSMAN KARANKAY CONTEH AND 27 OTHERS	-	COMPLAINANTS
SLP	-	RESPONDENT
(LUC LUNSAR POLICE STATION, AIG T.M KABIA)		

#### **CASE SUMMARY**

342. The 1<sup>st</sup> Complainant **Osman Karankay Conneh** testified that he was a former Member of Parliament, working for Marampa Mines in Lunsar. He stated that on the 30th April, 2020 during the COVID-19 epidemic, he left for work in the morning. He said that while at work he received a call from the Paramount

Chief Koblo Quee, later from the LUC G. M. Turay again from the Assistant Inspector-General of Police (AIG) North and finally the Inspector-General of Police informing him about a riot in town between the youths and the Paramount Chief, and requesting his intervention to calm the situation. He told the Panel that at 3:00pm, the AIG advised him to take off the youths from the Makeni Highway who had barricaded the highway or he would arrest them. He said he was unable to leave the office as he was the officer in charge, unless the police send a vehicle to collect him. He furthered that eventually after closing hours (5pm) he left his office and headed for town. He said that he was told that his nephew had been shot and the Paramount Chief had to go in hiding from his residence. He continued that he spoke to the youths out on the streets and they agreed to leave the street.

343. He stated that at 8:00pm, the AIG called to invite him to the police station in relation to the riot. He said that the LUC and a military captain later arrived at the station and accused him of being part of the riot. He furthered that he was arrested, humiliated and detained and that his phones and Le 1,000,000 (One Million Old Leones) were taken from him. He said that he and about 30 other arrested persons were taken in a small van from Lunsar to Hastings via Masiaka. He stated that at Hastings police post, the female detainees were dropped off and they continued to the OSD Headquarters in Freetown. He stated that the officers there threw hot water on him and that they were detained there for about 4 days before being transferred to CID Headquarters. He furthered that after obtaining his statement, the police went to Lunsar mines site to confirm his statement. He said that after 49 days in detention at CID, he was charged to court for various offences including an allegation of murder. He stated that he was on remand for 15 months before being granted bail. He added that at the time of the hearing, he was still on court bail, while the remaining 27 people who were jointly charged with him were still in prison. He concluded that he was in police custody for 54 days, and upon his release he realized that he lost his TV and Le 200, 000,000 (Two Hundred Million Old Leones) went missing in his house.

344. **Foday M. Koroma**- (2<sup>nd</sup> Complainant) stated that on the day of the riot, he was at his house where his workshop is. He said that while he was at work, at 10:00am, he saw many youth running about and that when he enquired, he was told that there was a riot at the centre of the town. He said that they also told him that the former Honourable (1<sup>st</sup> Complainant) was involved. He continued that he saw some of the youths with sticks and stones and few minutes later, he heard gunshot sounds coming from the direction of the police station. He added that many stakeholders approached him that he needed to get involved in resolving the matter.

345. He confirmed that the 1<sup>st</sup> Complainant was taken to OSD Headquarters. He said that he was also arrested and brought to Freetown, but was later released without charge. He stated that he was asked to hand over his phone to the police officers. He said that when he returned home, he discovered that his computer and his executive membership card of his party (APC) had been taken away. He concluded that he had not received his phone back ever since.

## **RESPONDENT**

346. No one testified on behalf of the Respondent neither was there any representation.

## **APPLICABLE LAW**

347. The Panel has been provided with evidence by the 1<sup>st</sup> Complainant concerning allegations of torture, inhumane and degrading treatment, over-detention and loss of property during the arrest and investigation of the matter currently in court. The right to freedom from torture, inhuman and degrading treatment is guaranteed by Article 7 of the ICCPR, Article 5 of the ACHPR, 1964, and Section 20(1) of the Constitution of Sierra Leone, 1991. The loss of property would be a deprivation of property contrary to Section 21 (1) of the Constitution of Sierra Leone, 1991 and Article 14 of ACHPR. Further the over-detention is contrary to the right to protection from arbitrary arrest and detention which is

guaranteed under Section 17(1) of the Constitution of Sierra Leone 1991, Article 6 of ACHPR, Article 9 of UDHR and Article 9(1&2) of the ICCPR.

348. However, the Panel's attention was drawn to the fact that the Complainant is standing trial before a competent court of law on the incident for which he is bringing a complaint. By Section 16(a) of the HRCSL Act No. 9 of 2004, the Commission is excluded from handling any matter that is pending in court or already decided by a competent court. Accordingly, the 1<sup>st</sup> complainant is advised to present these facts in his defence before the court. He did not present any evidence of property loss.

349. The 2<sup>nd</sup> Complainant provided evidence of loss of property during the investigation, which border on the right to protection from deprivation of property which is guaranteed under the laws as stated above. However, the Panel was not presented with corroborative evidence of the loss of those items. Further, as the matter is still pending before the court, the Panel cannot order the return of his phone, if it is in evidence as an exhibit in the matter.

### **DECISION OF THE PANEL**

350. Having heard the testimonies of the Complainants, this Panel hereby decides as follow:

- This Panel is limited in jurisdiction to investigate this matter now that it has come to its knowledge that this matter is pending before a competent court of law pursuant to Section 16 (a) of the HRCSL Act (No. 9) of 2004.

### **351. RECOMMENDATIONS**

- 1) The Panel urges the Judiciary to speedily try this matter so that the accused persons can know their fate within a reasonable period of time and in compliance with fair trial rights.

2) That HRCSL monitors the OSD Headquarters detention facility to ensure compliance with human rights standards for places of detention.

**352. Miscellaneous/General Orders**

- 4) This Panel rules that all compensations ordered herein should be paid to the Human Rights Commission of Sierra Leone (HRCSL) for onward transmission to the Complainants/Victims of human rights violations as herein adjudged
- 5) This Panel urges HRCSL to use its powers to ensure that every decision and recommendation herein stated is enforced/implemented/respected.
- 6) HRCSL to monitor the implementation of these decisions immediately they are published and implementation period shall be within one year except where a matter is referred to the Courts.

DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE  
NORTH & NORTH-WEST PANEL  
FAITHFULLY SUBMITTED AS DECIDED:

*Simitie Lavaly, Esq (Chair of the Panel)*



*Mrs. Patricia Nasu Ndanema (Member & Chairperson, HRCSL)*



*Abdul Karim Koroma, Esq.(Deceased)- (Lawyer & Co-opted Member)*

## **CHAPTER SIX**

### **DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE WESTERN AREA PANEL PANELISTS**

COMMISSIONER VICTOR IDRISSE LANSANA, ESQ. (CHAIRMAN)

COMMISSIONER SIMITIE LAVALY ESQ (MEMBER)

MUSA SALLIEU KARGBO, ESQ. (Member)

#### **Counsel for Complainants**

Emmanuel Sesay, Esq.

#### **Counsel for Respondent (SLP)**

Not Represented

#### **Registrar**

Zenia Thompson

CIRCUIT THREE: WATERLOO SITTINGS

WESTERN AREA COMPLAINTS

CASE FILE REF: CASE NUMBER 01

BETWEEN: MOHAMED SESAY - COMPLAINANT

vs

SLP - RESPONDENT

Inspector Ibrahim Sama & Eight (8) Personnel of the Operation

Support Division (OSD)

**CASE SUMMARY**

355. The Complainant testified that he is a former military officer who retired from RSLAF in 2008. He stated that he is now a gardener. He informed the Panel that on 18<sup>th</sup> December 2021 Inspector Ibrahim Sama (who was attached to the OSD DELTA Unit of the Waterloo Police Division) called him and asked to know his whereabouts. He said that he informed Inspector Sama that he had left for town. He stated that his wife later called to inform him that some group of OSD Personnel led by the said Inspector were currently raiding his house. Complainant said that he immediately took a motorbike and rushed home. He said upon arrival at home, his wife recounted how the officers ransacked his entire house and also carted away items from the house including 2 machetes, 1 shovel, 2 pickaxes and 8 pieces of 5/8 Iron rods. The Complainant stated that the total cost of the items taken by the 1<sup>st</sup> Respondent and the other officers amounted to Le.500,000 old Leones. The Complainant also told the Panel that the Respondents went to his garden and harvested his corn and cucumbers. The Complainant also alleged that his house got burnt shortly after the incident and as a result of this, he was unable to take care of the schooling needs of his children.

356. The Complainant called his wife, Balu Sesay as his 1<sup>st</sup> witness (W1f). She testified that the incident took place on Friday in the morning hours when a truck of OSD personnel appeared in front of a neighbour's house.

357. The lead officer asked her son, Hassan Sesay about her father's whereabouts and immediately the lead officer and his men went into their house and ransacked the same. She also outlined items that were carted away by the OSD personnel. The items are machetes, iron rods and gold dust.

358. In addition to the items above, she testified that the OSD personnel took away their crops from their garden. She further stated one Inspector Sama wanted to take her along in their vehicle. That was interrupted by bystanders. She emphasized that Inspector Sama threatened to burn their home. The Complainant further called Hassan Sesay, his 12 years old son as his 2<sup>nd</sup> and final witness. The boy's testimony of the incident mirrors, to large extent, his mother's.

359. In spite of evidence of proof of service of the complaint by HRCSL to the Respondent (SLP), there was no appearance before the Panel sittings.

#### **APPLICABLE LAW**

360. This issues for determination before the Panel border on the rights to property and privacy. Protection from deprivation of property is guaranteed under Section 21 of the 1991 Constitution of Sierra Leone. No one should be deprived from enjoyment of this right except under specific conditions which are outlined in the Constitution. From the facts, there was corroborative evidences to show that the Complainant suffered harm and property loses as alleged. The Respondents' action of carting away the Complainant's tools and other items violates the Complainant's right to protection from deprivation of property guaranteed in Section 21 Of the 1991 Constitution of Sierra Leone, Article 14 of

the ACHPR and Article 17 of the UDHR. Moreover, there can never be any justification for them to harvest the Complainant's garden.

361. Furthermore, there is no evidence to suggest that the Respondents had a search warrant that authorized them to enter and search the Complainant's house. The Panel therefore finds the Respondents in violation of the Complainant's right to privacy contrary to Section 22 of the 1991 Sierra Leone Constitution of Sierra Leone, Article 12 of UDHR and Article 17 of ICCPR.

**362. DECISION**

- 1) The Panel holds the Respondents to be in violation of the Complainant's right to protection from deprivation of property and his right to privacy.
- 2) This Panel also holds the SLP in contempt pursuant to Rule 60 of HRCSL's Complaints, Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.
- 3) The SLP is hereby ordered to pay the sum of NLe5,000 (Five Thousand New Leones) to the Complainant as Compensation.

**363. RECOMMENDATION**

- 1) That the Police should always conduct themselves in a professional manner and should refrain from acting outside their SOP and in a manner that will bring the entire institution into disrepute.
- 2) That the SLP should conduct regular trainings for its personnel.

**CASE FILE REF: CASE NUMBER 02**

ALIMA A. SESAY

- COMPLAINANT

(Locus Parentis- Mamadu Bah)

SLP

- RESPONDENT

(LUC Waterloo Police Station, OSD MSK.)

**Case Summary**

365. The victim stated that on the morning of 6<sup>th</sup> June 2020, he was inside a bakery where he usually helped to bake bread when all of a sudden, he saw people running and heard loud gunshots from a distance. He stated that the owner of the bakery Pa Minkailu Bah told him to close the door of the oven and the bakery which he did. He further mentioned that he then took his money (Le 200,000) and Techno Phone worth Le1, 300,000 and put them in a black plastic bag. The victim informed the Panel that not long after, he heard heavy gun shots very close to the bakery and also heard a knock on the door. He also stated that someone was also kicking the door from outside and when the door was opened, a Delta officer barged in. The victim alleged that the officer kicked the bread they had baked, ate some and ordered them to move outside of the bakery. He stated that the officer identified as MSK took his mobile phone and the money that was wrapped in the plastic bag. The victim recalled that that as soon as they moved out of the bakery premises, the officer started beating and abusing them and further accused them of pelting stones into houses.

366. The victim stated that they were then loaded into a truck and taken to the CID Headquarters in Freetown where they were detained for a week. He stated that himself and another boy were transferred to the Aberdeen Police Station and detained there for days without food and water. The witness stated that when they complained to the officers in charge of their custody, the officers responded that those that brought them did not make any provision for food nor water for them. The witness said that they were later brought back to CID HQ where they

were asked to make statement. The victim further said that he and the other detainees were told that they were going to be charged to court but no reason was given. He stated that it was only the day that he should appear in court that his lawyer told him that MSK alleged that he conspired with other persons to stone and burn the Tombo police station.

367. The victim stated that he informed his lawyer that he is a baker and not a fisherman and that he was not at the scene of the riot as the incident that occurred was between the police and fishermen. The witness also alleged that he fell sick during his detention and that all he had (his money and phone) was taken from him. The victim stated that one Mr. Bangura went to CID and made a statement to confirm that he (victim) was not among those that were involved in burning of the police station but MSK refuted the claim.

368. The Complainant's 1<sup>st</sup> witness, MINKAILU BAH corroborated the Complainant's testimony insofar as what transpired in the bakery and outside its premises. He added that MSK was accompanied by two other officers. One of the officers fired into the bakery's roof. The 1<sup>st</sup> witness was released before the Complainant and another person were taken away.

369. **Alima Sesay**, 2<sup>ND</sup> witness, in her corroborative evidence informed the Panel that the victim is her adopted son. She stated that on the day in question, the victim left their house for the bakery. She stated that not too long after he left, she heard gun shots from a distance. She stated that she was waiting for him to return back to the house but he did not and she thought he may have reached the bakery. She stated that later in the day, a neighbor came to her and told her that her son had been taken to the Waterloo Police station. She said that she wanted to go to the Waterloo Police Station but she was advised not to do so owing to the situation in the township. The next day when there was calm, she was informed that her son had been taken to the CID HQ in Freetown. She informed the Panel that when she went to CID HQ, she was told that he had been

taken to the Aberdeen Police Station and later to the Pademba Road Correctional Centre. She stated that she learnt that some of the relatives of those who were arrested and detained paid bribe to the police officers to secure the release of their loved ones from custody. She said that she did not have money to do the same for her son and as a result her son was charged to court.

370. She stated that she tried to secure bail for him during the first appearance but she could not and he was remanded at the Pademba Road Correctional Centre. She stated that on his next court appearance, she noticed that his health was deteriorating and she was desperate to secure bail for him in order to seek urgent medical attention. She stated that her son was in prison for eight months as she could not meet the bail conditions. She further stated that while her son was still in prison, she made a statement on his behalf to HRCSL on the condition that on his release, he will follow up on his case for unlawful arrest, assault and detention. The witness said she believed her son is not the type of person to engage in riot as she has lived with him for a long time and she knows his character and demeanor.

371. During the hearing neither the respondents nor their representative were present to respond to the allegations made against them despite proof of service to them.

#### **APPLICABLE LAW**

372. The law guarantees protection against all forms of cruel, inhuman and degrading treatment. Inhuman and degrading treatment means any treatment that is humiliating and takes away respect for the dignity of a person. Even persons who are suspected to have committed a crime are entitled to be treated with dignity and respect. Beating the victim and depriving him of access to food and water amounts to a violation of his right to protection against inhuman and degrading treatment contrary to section 20(1) of the 1991 Constitution of Sierra Leone, Article 5 of the ACHPR, Article 5 of UDHR and Article 7 of ICCPR. The

Complainant's right to property was also violated contrary to Section 21 of the 1991 Constitution of Sierra Leone, article 14 of the ACHPR and article 17 of the UDHR.

### **373. DECISION**

- 4) The Panel holds the SLP to be in violation of the Complainant's right to protection from inhuman and degrading treatment and his right to protection from deprivation of property.
- 5) That the SLP is hereby ordered to pay the sum of NLe5,000 (Five Thousand New Leones) to the Complainant as compensation for the loss of his property and the inhuman and degrading treatment he was subjected to.
- 6) This Panel also holds the SLP in contempt pursuant to Rule 60 of the Complaints Investigations and Inquiries Rules of 2008 for failing to appear before the Panel despite proof of service.

### **374. RECOMMENDATION**

- That the SLP must hold its officers accountable for actions that go contrary to their SOP.

#### **CASE FILE REF: CASE NUMBER 03**

BETWEEN: NOAH SHEKA KAMARA - COMPLAINANT  
THE SIERRA LEONE POLICE - RESPONDENT

#### **CASE SUMMARY**

375. This matter came up for hearing on 30<sup>th</sup> November 2022. The Complainant who is a Metropolitan Police in the Western Area Rural District Council, Waterloo stated that on 18<sup>th</sup> August 2019, he went out to collect market dues for Council which is one of his duties at the Goderich Market. He stated that whilst they (himself and his colleagues) were collecting the dues, he came across a lady called Aminata Crazy who sells palm oil. He stated that when he asked Madam

Aminata to pay her dues, she refused to pay, claiming that her daughter had already paid on the previous day (Sunday), so she cannot make any payment.

376. The Complainant stated that when Madam Aminata insisted that she was not going to pay, he then decided to take the bottle which she used to sell the palm oil. He alleged that Madam Aminata then grabbed him and refused to let him go even with intervention of onlookers. He stated that by the time Madam Aminata let go of him, she had already torn his rain gear and his uniform. The Complainant stated that Madam Aminata then went to a nearby stall where there was a container full of garri and began throwing the garri on him until the entire container was empty. He further alleged that Madam Aminata also poured palm oil on his face and his vision became blurred to the point that he could not see properly. He alleged that Madam Aminata attempted to pour caustic soda on him but he was rescued by his boss, Mr. Daniel Macauley.

377. The Complainant further alleged that his boss accompanied him to a nearby police post where he reported the matter before he was taken to the hospital for medical examination by his co-workers. He stated that a medical report was issued to him which he submitted to the police. The Complainant said he was also asked to make available some witnesses and he brought his immediate boss Mr. David Macauley and colleague Mr. Vidal Pratt but the police refused to accept them as credible witnesses saying that they cannot be witnesses to his case. The Complainant stated that since then, he has not received any positive response from the police regarding his matter even after the District Chief Administrator tried to reach the leadership of the Adonkia Police Station and requested that the matter should be transferred to the Adonkia Police Station for further investigation.

378. The Complainant said since Madam Aminata threw palm oil on his face his vision has become blurred and his sight is deteriorating. He stated that he has gone to various eye hospitals namely St. John's eye clinic Mabenseneh,

Baptist Eye Clinic in Lunsar and Sarolla Eye Hospital at Kissy. The Complainant tendered receipts from various clinics he has been to.

379. The Complainant's 1<sup>st</sup> witness, David Macauley corroborated the Complainant's testimony insofar as what happened after Madam Aminata aka 'Aminata Crazy' assaulted the complainant. The 1<sup>st</sup> witness testified that he was a Revenue Collection Supervisor for the Western Rural District Council, Waterloo (Goderich axis). Being dissatisfied with the inaction of the Western Rural District Council, Waterloo, the Panel subpoenaed a representative of the Council to explain to the Panel why much was not done to help the Complainant.

380. Alhassan Yillah, the Council's Deputy Chief Administrator represented the Council. He testified that the Council was aware of the confrontation between the Complainant and 'Aminata Crazy', but the Complainant did not file with the Council a formal report of his plight. He ended by saying that the Complainant had never presented the Council with any medical report. Before the Panel could ask Alhassan Yillah further questions, he sought excuse that his boss wanted to have consultation with him. He left the witness stand immediately.

381. During the hearing neither the respondents nor their representative were present to respond to the allegations made against them despite proof of service to them.

#### **APPLICABLE LAW**

382. The issue in this matter borders around unequal protection before the law. The fundamental content of this right are the principles of equality and non-discrimination. It guarantees recognition of everyone as being equal and therefore entitled to equal protection of the law without any form of discrimination. This right is guaranteed under Article 3 of the ACHPR, Article 7 of UDHR and article 26 of ICCPR. There was corroborative evidence that the Police failed to conduct an investigation into a complaint that was reported to them and therefore violated the Complainant's right to equal protection of the

law. The Panel considers this failure of the police as gross dereliction of duty which has resulted to the Complainant been deprived of accessing justice for the harm that was caused to him.

### **383. DECISION/RULING**

- 3) ASP Mansaray failed to discharge his statutory duties as provided by section 4 of the Police Ordinance, Cap.150 of 1 January 1950 and paragraph 3(1) & (2) CONSTITUTIONAL INSTRUMENT Supplement to the Sierra Leone Gazette Vol. CXX11, No. 20 Dated 19th April 2001, 12.0 THE POLICE (DISCIPLINE) REGULATIONS, 2001.
- 4) The Sierra Leone Police Force must be compelled to instruct senior investigators to open the Complainant's file against Madam Aminata aka 'Aminata Grazy'. There is no time limitation to investigate and prosecute crimes if sufficient evidence are available.

### **384. RECOMMENDATIONS**

- 1) The Panel recommends that the Complainant's employer be compelled to keep the Complainant on its pay list until he voluntarily resigns or retires pursuant to the labour laws as the Complainant met his misfortune during the course of discharging his duties.
- 2) That HRCSL should help the Sierra Leone Police Force to develop extensive courses/training on how human rights investigations are to be conducted.
- 3) That the SLP should remedy this gross negligence by immediately commencing investigation and to speedily conclude same to ensure that the Complainant gets justice.

### **CASE FILE REF: HRCSL WA-W04**

CHARILOUS SHEKU MOHAMED KOROMA & 298 OTHERS - COMPLAINANTS  
THE SIERRA LEONE POLICE - RESPONDENT  
(MUSA BANDABLAH -LUC, WATERLOO)

## **CASE SUMMARY**

385. The Complainant is the Chairperson for the House of Jesus Disabled Organisation. He alleged that on 17<sup>th</sup> January 2021, he and a good number of members from his organization visited a piece of land which the Ministry of Lands, Housing and Country Planning (MLHCP) allocated to them along the Waterloo – Masiaka Highway. He stated that according to their document, the land measures 1.9603 acres and it is situated at the back of the Sierra Leone Correctional Centre, old training school. The Complainant stated that, that was the very first time that they decided to visit the land since it was given to them by the then Minister of Lands, Dr. Dennis Sandy. He stated that they had mobilized resources and man power to clear the land. He alleged that after clearing the land, he saw some police officers having altercations with two of his members and that they were also firing tear gas canisters all over the place. The Complainant informed the Panel that he then walked a few metres to the commanding officer at the scene whom he later came to know as LUC Musa Bandablah of the Waterloo Police Station. He alleged that when he enquired to know why his men were firing teargas at his members, one of the LUC's senior aides informed the others that he (Complainant) is the Chairman of the group and that he should be arrested. He stated that immediately the officer said this, some of the officers started hitting him with gun butts.

386. The Complainant informed the Panel that the Respondent forcefully took away his clutches and used them to beat him. He alleged that one officer kicked him while the others were hitting him on his chest with their gun butts. He stated that they grabbed him by his shirt, dragged him and threw him into a police van. The Complainant stated that the Respondent also used his (Complainant's) clutches to hit one of his members, Abu Turay and arrested him also. The Complainant said that he sustained injuries on his head and that he had pictures as proof. He stated that the police also arrested Ibrahim Sidie Mansaray.

387. He informed the Panel that Ibrahim Mansaray was manhandled, removed from his wheel chair and thrown into the vehicle. The Complainant further stated that the driver of the police van assaulted another member called Ibrahim with a hammer and stick. He said that eight of them were arrested and taken to the Waterloo Police Station where statements were obtained from them. He said that one of the officers named Francis informed him that two people came to the station and made allegations of larceny, malicious damage and arson against them. The Complainant stated that he called the President of the Sierra Leone Union on Disability Issues (SLUDI) one Mr. Santigie Kargbo and other members of the disability community to come and secure bail for them and upon his arrival at the police station, he (Mr. Kargbo) was slapped by the Respondent who told him that the Complainant and others were arrested for land grabbing.

388. The Complainant stated that the then Minister of Social Welfare Madam. Bairdu Dassama went to the station the next day to secure bail for them but the AIG informed the Minister that they were arrested for land grabbing. The Complainant stated that the Minister asked them to come with their documents to show proof of ownership of the land. He stated that the documents were presented and the initial charges against them were dropped but fresh charges were proffered against the President of SLUDI and he was subsequently charged to court.

389. **Baimba Fofanah** a witness informed the Panel that he **is** a friend and a neighbor of the Complainant. He stated that on 17<sup>th</sup> January 2021 at about 10:00 a.m. he went to Waterloo with his workers to continue work on his project. He stated that he saw a group of persons with disabilities at 5-5 junction. He stated that some of them were crying and he also saw his friend Charilous in front of them coming towards his direction. He alleged that he also saw a group of police officers behind the Complainant and other PWDs pushing them. He alleged that teargas was fired at the PWDs. He stated that some of them were beaten, arrested and forcefully loaded into a police van.

390. The witness said he knew that those arrested were taken to the Waterloo Police Station. He stated that he then followed to see what was going on. He alleged that at the station, he saw Mr. Santigie Kargbo, President of SLUDI. He alleged that there was an exchange of words between the President of SLUDI and the LUC and he saw the LUC slapped the President of SLUDI. He stated that as the altercation intensified, he moved out of the station and entered a school compound adjacent to the Police station to observe the situation. He stated that the President of SLUDI and three other persons were arrested and detained alongside Charilous and others. He alleged that the PWDs were seriously injured.

391. Idrissa Sesay another witness informed the Panel that he is a motorbike rider. He stated that on the morning of 17<sup>th</sup> January 2021 at about 10: 00 – 11:00 a.m. he had a passenger that he was to drop off at 5-5 Junction. He stated that as the passenger was disembarking from the motor bike, he saw an open van loaded with OSD police officers chasing a group of PWDs who were heading towards 5-5 junction. He said that he did not know where they were coming from but he saw that police personnel armed with guns and teargas canisters were pursuing these PWDs and he also saw some of the PWDs being manhandled and beaten with gun butts. He alleged that some of them were pushed into drainages by police officers, while others were engaged in running battles with the police. He alleged that he heard some bystanders saying that the PWDs were beaten because of the land given to them by government and that some other persons have laid claim to the land and the Police seem to support those claimants.

392. The Respondent (SLP) however did not show up to defend the allegation before the Panel despite proof of service of an invitation letter to attend the proceedings.

#### **APPLICABLE LAW**

393. The Complainant stated that he and other members of his organization were seriously beaten by the Respondent and other officers before they were

arrested and taken to the police station. This issue falls within the right to protection from inhuman and degrading treatment. At the heart of this prohibition is the consideration to protect the inherent dignity of persons with disabilities (PWDs) and their right to be treated in manner consistent with utmost respect for their dignity. This right is guaranteed under Section 20(1) of the 1991 Constitution of Sierra Leone, Person with Disability Act, 2011, Article 5 of ACHR, Articles 5 and 7 of UDHR and Article 15 of the CRPD. The prohibition against inhuman and degrading treatment is non-derogable. There is therefore no justification for the respondents and his officers to have subjected the Complainant and others to any form of inhuman and degrading treatment even when they were effecting arrest.

#### **394. DECISION**

- 4) The Panel note that the President of SLUDI and others were charged to court in respect of riotous conduct. This Panel lacks jurisdiction to look into a matter that is before a competent court of law pursuant to Section 16 paragraph (a) of the HRCSL Act (No. 9) of 2004. However, the issue for determination before the Panel is not the substance of the matter before the Court but rather the inhuman and degrading treatment meted against the Complainant and members of his organization during their arrest by the Police. The Panel therefore makes the following decisions:
- 5) That the respondents violated the Complainants' rights to protection from inhuman and degrading treatment.
- 6) That the SLP is hereby ordered to pay the sum of NLe20,000 (Twenty Thousand New Leones) to the Complainants as compensation for the ill-treatment meted out against them.
- 7) This Panel also holds the SLP in contempt pursuant to Rule 60 of the Complaints Investigations and Inquiries Rules of 2008 for failing to appear before the Panel.

#### **395. RECOMMENDATIONS**

- 1) It is hereby recommended that the SLP should always endeavor to exercise restraint when dealing with PWDs and other vulnerable groups.

2) In respect of ownership to the land claimed by the Complainants, we recommend that the Ministry of Lands and Country Planning immediately resolves the matter so as to lay to rest this ownership conflict once and for all.

**396. Miscellaneous/General Orders**

- 1) This Panel rules that all compensations ordered herein should be paid to the Human Rights Commission of Sierra Leone (HRCNL) for onward transmission to the Complainants/Victims of human rights violations as herein adjudged
- 2) This Panel urges HRCNL to use its powers to ensure that every decision and recommendation herein stated is enforced/implemented/respected.
- 3) HRCNL to monitor the implementation of these decisions immediately they are published and implementation period shall be within one year except where a matter is referred to the Courts.

**MISCELLANEOUS RECOMMENDATIONS**

397. The Commission hereby makes the following general recommendations:

- 1) The SLP should ensure that regular trainings relating to crowd control or riotous situations be a feature of its operational plans in frequent cycles.
- 2) GoSL should endeavor to equip the SLP with modern and adequate riot and safety gears by providing dedicated resources towards this endeavor in order to enhance police efficiency and safety in doing their field work
- 3) The SOPs and MAC-Ps used by the SLP and RSLAF should be reviewed to make them human rights friendly with clear individual leadership roles and responsibilities.
- 4) The Public Order Act of 1965 should be amended to incorporate a human rights-based approach to the enjoyment of the right to freedom of assembly and association as envisaged in the Constitution.
- 5) Multinational and mining companies should review and strengthen the Grievance Mechanism available to community members in their operating areas in places like Dalakuru in Koinadugu District; Sahr Mahlen and Foinda in Pujehun District; Sierra Rutile in Bothe District and Koidu Limited in Kono

District and ensure that it is communicated to all and they understand how to use it.

- 6) The GoSL and mining companies should always ensure that they obtain free, prior, and informed consent (FPIC) from communities in the mining areas before they commence operations so as to avoid clashes that sometimes lead to loss of lives, damage to company property and disruption of normal business and company operations.
- 7) Citizens should abide by the laws of the country at all times and aspire to be patriotic as the constitution demands in Section 13 and be ready at all time to render assistance to appropriate and lawful agencies in the maintenance of law and order.

**DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS OF THE  
NORTH & NORTH-WEST PANEL FAITHFULLY SUBMITTED AS DECIDED:**

Victor I. Lansana Esq (Chair of the Panel)



Mr. Hassan Samba Yarjah (Member, HRCSL Commissioner)



*Musa Sallieu Kargbo, Esq* (Lawyer & Co-opted Member)

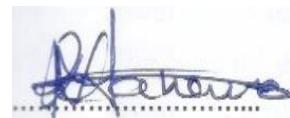
-----

**COMMISSION'S ADOPTION STATEMENT**

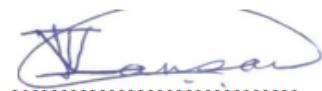
**THE DECISIONS, ORDERS/DIRECTIVES AND RECOMMENDATIONS  
SUBMITTED BY THE VARIOUS PANELS ABOVE ARE HEREBY WHOLLY  
ACCEPTED AND ADOPTED BY THE COMMISSION**

**SIGNATURE**

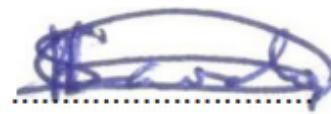
PATRICIA N. NDANEMA CHAIRPERSON



VICTOR I. LANSANA VICE CHAIR



SIMITIE LAVALY COMMISSIONER



HASSAN S. YARJAH COMMISSIONER



DR. GASSAN ABESS COMMISSION



## BIBLIOGRAPHY

### PRIMARY SOURCES

#### INTERNATIONAL LAWS AND FRAMEWORKS

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4th February 1985

International Covenant on Civil and Political Rights, 16th December 1966

International Covenant on Economic, Social and Cultural Rights, 1966

International Convention on the Elimination of All Forms of Racial Discrimination, 4th January 1969

Blackstone's International Human Rights Documents 9<sup>th</sup> ed. Alison Bisset, Oxford University Press, 2014

United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990

United Nations Code of Conduct for Law Enforcement Officials: Resolution 34/169 1979

United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, 24th May 1989

### REGIONAL FRAMEWORKS

African Charter on Human and Peoples Rights, 27th June 1981

Guidelines for the Policing Of Assemblies by Law Enforcement Officials in Africa, February – March 2017

The 474 Resolution on the Prohibition of Excessive Use of Force by Law Enforcement Officers in African States, 2021

### DOMESTIC FRAMEWORKS

- Constitutional Instrument No. 11 of 2013,
- The Constitution of Sierra Leone 1991 (Act No. 6 Of 1991)
- The Independent Police Complaints Board Regulations, 2013

- The Police (Discipline) Regulations, 2001
- The Human Rights Commission of Sierra Leone Act (No. 9 ), 2004
- The Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008
- The Lome Peace Accord of 1999
- The Truth and Reconciliation Commission (TRC) report and Recommendations of 2004.

## **SECONDARY SOURCES**

### **TEXT BOOKS AND MANUALS**

Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police; New York: United Nations, 1997

The use of firearms in law enforcement: The use of weapons in law enforcement  
Published online by Cambridge University Press in February 2014

Readings on Police use of deadly force edited by James J Fyfe published in 1982

Understanding Policing: A resource for human rights activists; Anneke Osse; Amnesty International Nederland, 2007

United Nation's Office on Drugs and Crimes Resource Book on the Use of Force and Firearms in Law Enforcement Published in 2017

### **ARTICLES**

Amnesty International Guidelines on the Implementation of the UN Basic Principles 2018

Police Brutality and Use of Force: An International Human Rights Law Perspective by Akshita Tiwary

The Geneva Centre for Security Sector and Good Governance on the Use of Force  
Published in 2021

TNS BMRB, on behalf of the IPCC, conducted research into police use of force published in March 2015

The 2021 working paper on Global Impunity on how Police Laws and Policies in the World's Wealthiest Countries fail Human Rights Standard by Brian Citro Nino Guruli and others

## **JOURNALS**

- The International Journal on Human Rights Police Deadly Use of Fire Arms published online 27th April 2017
- Use of Force and Firearm by Amnesty Country Reports published in August 2015

## REPORTS

- HRCSL Annual State of Human Rights Reports from 2015 to 2021
- A report written by Amnesty International on the Control of Arms 2018
- Report on International Rules and Standard of Policing published in February 2004

## INTERNET SOURCES

- <https://www.amnesty.org/en/location/africa/west-and-central-africa/sierraleone/report-sierra-leone/>
- <https://www.google.com/url?q=https://www.ohchr.org/en/instrumentsmechanisms/instruments/basic-principles-use-force-and-firearms->
- <https://www.google.com/url?q=http://www.ipcb.gov.sl/>
- [www.achrp.org](http://www.achrp.org)
- [www.unohchr.org](http://www.unohchr.org)

## ANNEXES

### ANNEX 1: LIST OF EXHIBITS

DAY/DATE	No.	EXHIBIT DESCRIPTION	EXHIBIT NUMBER
<b>NORTH &amp; NORTH -WEST</b>			
FRIDAY 5 <sup>TH</sup> & 6 <sup>th</sup> AUGUST 2022	1.	PHOTO ALBUM OF DALAKURU VILLAGE	E 1-22
TUESDAY 7 <sup>th</sup> 9 <sup>TH</sup> AUGUST 2022	2.	MEDICAL CERTIFICATE OF CAUSE OF DEATH AND RECEIPT (MAKENI)	C. I 1-4
	3.	MILITARY AID TO CIVIL AUTHORITIES	R 1-26
	4.	BOMBALIE DISTRICT HUMAN RIGHTS COMMITTEE, PRESS STATEMENTS	D. I 1-3 and F.I 1-2
	5.	STATE VIOLENCE AGAINST UNARMED CIVILIAN PROTESTERS	G. I 1-14
	6.	CSO REPRESENTATIVES ENGAGE THE MINISTER OF ENERGY ON THE EVENT THAT LED TO THE LOSS OF SIX LIVES AT MAKENI	H. I 1-5
	7.	BRIEF PROFILE OF THE VICTIMS OF THE GENERATOR RIOT IN MAKENI	I. I 1-2
	8.	POSMOTIN RESULT	K. I 1-3
	9.	STUDY ON YOUTH DISENFRANCHISEMENT AND PROTEST IN SIERRA LEONE RESPONSE AND RECOMMENDATION (BOMBALI)	J. I 1-16
<b>SOUTH &amp; EASTERN REGIONS</b>			
FRIDAY 9 <sup>TH</sup> DECEMBER 2022	1.	PHOTO ALBUM OF ACTIVITIES OF FOINDA VILLAGE	C.J.S 16 1-79
	2.	RESETTLEMENT MANAGEMENT PLAN- FOINDA VILLAGE	C.J.S 1-121
	3.	LIVELIHOOD RESTORATION PLAN-FOINDA VILLAGE	C.J.S 2 1-49
	4.	FOINDA MONTHLY RICE AND CASH DISTRIBUTION	C.J.S 1 17-28
	5.	AN M.O.U OF THE FINAL VERIFICATION LIST OF STRUCTURE OWNERS IN FOINDA	CJS 3 1-7
	6.	THE IMPERRI CHIEFDOM RESETTLEMENT COMMITTEE TERMS OF REFERENCE	C.J.S 4 1-2
	7.	SRL RESPONSE TO FOINDA QUERIES/GRIEVANCE AS STATED IN LETTER DATED 11 <sup>TH</sup> FEBRUARY 2020	C.J.S 5 1-4
	8.	M.O.U's LIVELIHOOD SUPPORTS	C.J.S 6-15

**ANNEX 2: LIST Complainants and Witnesses before the panel in Kabala Sittings**

<b>DAY/DATE</b>	No.	<b>WITNESS NAMES</b>	<b>CASE NUMBER</b>
FRIDAY 5 <sup>TH</sup> AUGUST 2022	1.	PETER KAMARA	A 1-5
	2.	YERI SESAY	B 1-5
	3.	MOHAMED F. SESAY	C 1-5
	4.	ISATU KAMARA	D 1-5
SATURDAY 6 <sup>TH</sup> AUGUST 2022	5.	TENNEH SAWANEH	A 1-5
	6.	BAYUKU KOROMA	B 1-5
	7.	IBRAHIM SORIE SILLAH	A 1-5
	8.	MOHAMED S. GBLA	B 1-6
	9.	KADIATU THOLLEY	C 1-6
	10.	OSMAN KARANKAY CONTEH	A 1-9
	11.	FODAY MANGAY	B 1-7

**Annex 3: PUBLIC INQUIRY WORKING TEAM**

<b>Name</b>	<b>Designation</b>	<b>Name</b>	<b>Designation</b>
<b>PROJECT MANAGEMENT TEAM</b>		<b>PI SECRETARIAT</b>	
Patricia N. Ndanema	Chairperson	Abu Bakarr Kamara	Dir. / Secr. Head
Victor I Lansana Esq	Vice Chair & Project Lead	Ahmed Wuries	Director. Secr. Deputy
Simitie Lavaly Esq	Commissioner	Frank Kangaju	SHRO / PI Registrar
Hassan S. Yarjah	Commissioner	Ann-Marie Balboa	Deputy Dir. / Member
Dr. Gassan Abess	Commissioner	Zenia Thompson	SHRO/ PI Registrar
Joseph Kamara	Executive Secretary	Ibrahim Tarawalie	SHRO/ PI Registrar
Frederick Kamara	Dept. Exe. Sec.	<b>STATEMENT TAKERS &amp; RAPPORTEURS</b>	
Paul Jesse Moriba	Director Admin & Finance	Tiamiue Fofanah	DDRS-S /Rapporteur
Mohamed Kuyateh	Director – Programmes	Sahr Augustine Musa	DDRS-N/ Rapporteur
Doris Fillie-Faboe Esq	Director - DCILS	Kizito Bangura	DDRS-N-W/ St. Taker
Sidratu Kadija Kargbo Esq	Director - DMHT	Tom Sandi	DDRS-E / St. Taker

Richard M'Bayo	Director -ECT	Winston Shaka Sesay	SHRO
Millicent Kargbo	PPIO	Emanuel Thomas	SHRO
Kelson Brima Sesay	Dir. Treaty Body	Abu Bakarr Kamara	DANDO
Gloria Bayoh	Director/Women	Musu Kamara	Depty Dir - DFA
Abdulai Yollah Bangura	BHR & PL	Luncida Conteh	PO
<b>PI Consultant, Coopt Panel &amp; Prep Lawyers</b>		John Kamanda Conteh	AHRO
Rashid Dumbuya Esq.	Lead Consultant	Joseph K. Simbo Kamara	HRO
Musa Sallieu Kargbo, Esq	Panel Lawyer	Francis Ndanema	HRO
Braima Musa Esq	Panel Lawyer	Raymond Moigura	HRO
Abdul Karim Koroma, Esq.	Panel Lawyer	Abubakarr Bawoh	HRO
Emmanuel Sesay Esq	Prep Lawyer	Paul Anthony	AHRO
Abdul Deen Sesay Esq	Prep Lawyer		
<b>PI SUPPORT STAFF - HQ</b>			
Sheku Bayoh	Internal Auditor	<b>PI SUPPORT STAFF/DRIVERS</b>	
Idrissa Farama	Senior Account Officer	Mohamed L. Jalloh	Chief Driver
John Peter Fullah	Senior IT Officer	Ibrahim Kamara	Driver
Annisatu Sesay	Snir. Admin Officer	Melvin Sesay	Driver
Jesse D. Jabbateh	HRO	Kalidu Sall	Driver
Olive Sesay	AHRO	Augustine Genda	Driver
Annisatu Sesay	Snir. Admin Officer	Abdul Kargbo	Driver
Dauda Kawa	Office Assistant	Samuel B. Mansaray	Driver
Alusine Kamara	Office / Audio Visual Assistant	Ibrahim Kamara	Driver
Ernest Punga	Bailiff	Suliaman Amara	Driver
Mary Jabati	Receptionist	Kalidu Sall	Driver
<b>PI REGIONAL SUPPORT STAFF</b>		Augustine Genda	Driver
<b>WESTERN RURAL - WATERLOO</b>			
Sonnia Goodman	Deputy Director	<b>Northern Region PI Support Staff</b>	
Raymond Moigua	HRO	Sahr Augustine Musa	Dept. Director

Dusu Mary Jawara Sama	AHRO	Hassan O Kamara	SHRO
Ibrahim Fullah	Driver	Abdul Rahman Sankoh	HRO
Margaret Quee	AHRO	Adama Turay	Finance & Admin Assist.
<b>Southern Region PI Support Staff</b>		Abdulai I Kargbo	AHRO
Mohamed T Fofanah	Deputy Director	Tamba Abu Torto	Driver
M'Balu Youwu	Finance & Admin Assistant	<b>Southern Region PI Support Staff</b>	
Bridget Kpendema	HRO	Tom Sandi	Deputy Director
Elizabeth S Lebbie	AHRO	Vandi Saidu	SHRO
Glen Kangaju	AHRO	Ibrahim Lahai	Finance Officer
Fatmata Ruth Sesay	AHRO	Elvis Swaray Mambu	AHRO
Ibrahim Tucker	Driver	Tanneh Kumba Koroma	HRO
		Francis Baigeh Johnson	HRO
		Ibrahim Saidu	Driver

REPORT EDITORIAL TEAM			
NAME	DESIGNATION	NAME	DESIGNATION
Patricia N. Ndanema	Chairperson	Musa Sallieu Kargbo, Esq	Panel Lawyer
Victor I Lansana Esq	Vice Chair	Braima Musa Esq	Panel Lawyer
Simitie Lavaly Esq	Commissioner	Abdul Deen Sesay Esq	Prep Lawyer
Hassan S. Yarjah	Commissioner	Emmanuel Sesay Esq	Prep Lawyer
Joseph Kamara	E.S	Frank Kanganju	Registrar
Rashid Dumbuya Esq	Consultant	Zenia Thompson	Registrar
Mohamed Kuyateh	Dir. Program	Ibrahim Tarawalie	Registrar
Abu Bakarr Kamara	PI Secretariat head	Jesseh Jabati	IT

## **Annex 4: Public Notice on the Public Inquiry into the Conduct of Law Enforcement Officials**

Section 5 subsection (2) paragraph (b) of the Constitution of Sierra Leone, 1991 provides that *“the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone”*. Similarly, Section 13 paragraph (j) provides that *“every citizen shall - ... render assistance to appropriate and lawful agencies in the maintenance of law and order”*.

To further protect and promote the rights of all in Sierra Leone, and to ensure that citizens are aware of their duties and responsibilities, the government established the Human Rights Commission of Sierra Leone by an Act of Parliament in 2004. One of the ways in which the Commission protects and promotes human rights in the country is by monitoring and documenting human rights violations as provided for in Section 7(2) (f) of the Human Rights Commission of Sierra Leone (HRCSL) Act (No. 9), 2004.

The Commission also has the mandate to conduct public inquiry into allegations of systemic human rights violations pursuant to Section 7 (2)(a) of the HRCSL Act (No. 9) of 2004 and Rule 42 of the HRCSL (Complaints, Investigations and Inquiries) Rules of 2008.

Having monitored, received and documented many allegations of human rights violations by Law Enforcement Officers (LEOs)<sup>1</sup> especially in the maintenance of public order, the Commission has decided to undertake a public inquiry into the conduct of LEOs. The Commission has also documented instances of attacks by citizens on LEOs; the inquiry will also look into such allegations.

The scope of this public inquiry will be for a period of seven years, from 2015-2021.

### **The issues to be determined by the Inquiry include;**

- Whether LEOs used disproportionate force in the execution of their duties contrary to the UN Guiding Principles on the use of Force and Fire Arms;
- Whether there were loss of lives and grievous bodily harm resulting from excessive use of force by LEOs contrary to Section 16 of the Constitution of Sierra Leone, 1991 and Article 4 of the African Charter on Human and Peoples Rights (ACHPR) as well as Article 6 of the International Covenant on Civil and Political Rights (ICCPR);
- Whether the right to property was violated by LEOs in executing their mandate contrary to Section 21 of the Constitution of Sierra Leone, 1991 and Article 14 of the ACHPR;
- Whether LEOs lost their lives or sustained grievous bodily harm in the hands of members of the public or individuals while carrying out their lawful duties contrary to Section 16 and 13(j) of the Constitution of Sierra Leone, 1991;
- Whether individual LEOs and/or their institutions were held accountable for their actions in line with their institutional Codes of Conduct;
- Whether appropriate actions were taken against individuals for abuses against LEOs;

---

<sup>1</sup> For the purposes of this Inquiry, Law Enforcement Officers include the Sierra Leone Police, Republic of Sierra Leone Armed Forces, Correctional Service Officers, Road Safety Corps and Metropolitan Police

- Whether LEOs were in need of further and requisite training in enforcing the law;
- Whether LEOs were provided with requisite logistical and operational resources;
- Whether citizens were adequately aware of their rights and responsibilities especially the duty to respect and cooperate with LEOs in the execution of their lawful mandate.

#### Terms of Reference for the Public Inquiry

- Investigate alleged systemic human rights violations that occurred from 2015 to 2021;
- Examine and determine individual cases of victims of alleged human rights violations and abuses;
- Document, analyze and articulate the human rights issues and violations experienced by affected person(s) as consequence of activities, actions, omissions or negligence of LEOs and private person(s);
- Produce and publish a report containing key findings, conclusion and recommendations, directives and orders including legal and policy reforms;

#### **The Inquiry Secretariat**

For the purposes of this Inquiry and in accordance with Rule 43 (5) of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008, the Commission has set up a secretariat to manage the affairs of the Public Inquiry.

Meanwhile, anyone who may require further clarifications, wish to make a statement, submit written memoranda or provide any information to the panel should contact the following offices of the Commission:

1. **HRCSL Complaints House**, No. 3 Lamina Sankoh Street, Freetown (*close to Big Market*) Tel: +232 76 774 268/ +232 76 602 371
2. No. 12 Majur Drive, Waterloo, (by Med Porsh NP Station) Morabi Community Tel: +232 76 682 677
3. No. 25 New London, Kambia Highway-Port Loko City Tel: +232 76 800 026
4. No. 13 Old Railway Line, Bo City Tel: +232 78 336 306
5. No. 69 Blama Road, Kenema City Tel: +232 76 796 810
6. No. 65 Magburaka Road, Makeni City  
Tel: +232 76 571 770

#### **All documents should be addressed to:**

The Secretariat  
 Human Rights Commission Complaints House,  
 No. 3 Lamina Sankoh Street,  
 Freetown  
 Sierra Leone  
 Email: [hrcslpublicinquiry2022@gmail.com](mailto:hrcslpublicinquiry2022@gmail.com)

Arrangement and Programs for the Inquiry

The following schedule of activities is informed by the need to employ various methods to gather information and evidence. The specific dates on which these activities will take place will be communicated from time to time.

The Inquiry is divided into three (3) phases:

### **Pre-Inquiry Stage (January – March)**

Preparation of data collection instruments;

- Collection of further data on alleged human rights violations of the LEOs through strategic and media engagements, key informant interviews, focus group discussions etc;
- Invitation to the general public as well as LEOs to submit written statements of any alleged violation/abuse.

### **Inquiry Stage (April - May)**

- Sittings at three different locations (Western Area, north-west and south-east);  Two panels shall sit simultaneously to cover incidents of alleged violations/abuses;  Another panel shall sit in the Western Area to also cover same.

### **Post-Inquiry Stage (June – August)**

- Collation of the evidence and analysis;
- Report produced and disseminated;
- Strategic engagements with the LEOs, government and other relevant stakeholders to ensure the recommendations are fully implemented.

### **Invitation to the Public to participate in the Inquiry**

Members of the public are hereby invited to participate in the inquiry by providing information that will be useful in determining the issues before the panel. This information should be presented in the form of written memoranda either by individuals, groups of individuals or interested organizations. The documents should be signed and forwarded to the Inquiry Secretariat at the address provided above.

Any person who wishes to provide information to the Inquiry Panel *in confidence* should contact the Secretariat through the contacts provided above. Arrangements will be made for that person to provide information with maximum regard to their safety. Measures will also be put in place to protect witnesses who so request and who, in the view of the panel, require such protection.

It is important that people try as much as possible to provide evidence for the allegations they make by providing photocopies of authentic documents, photographs, medical reports and any other evidence. The information provided should be limited to the issues before the Inquiry Panel for determination.

Members of the public are hereby reminded that any falsification of documents and /or misleading information provided for the purposes of this inquiry will lead to punitive measures as provided by the HRCSL Complaint Rules of 2008 and the Perjury Act of 1911.

### **Application to be named as an Interested Party**

*[Under Rule 45 (2) of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008.]*

Any person, institution or organization that would wish to be named as an interested party in this Inquiry should make an application to be so named **within a period of the Inquiry** after the publication of this public notice. Applicants must demonstrate that they have a central role or interest in the subject matter of the Inquiry.

**Dated this 31<sup>st</sup> day of January, 2022**

**Signed:**



Patricia Narsu Ndanema (Mrs.)

Chairperson

#### **Annex 5. Sample of Statements Taking Form**

##### **PUBLIC INQUIRY INTO THE CONDUCT OF LAW ENFORCEMENT OFFICERS**

1. Personal Information: HRCSL CODE: .....
- Name: .....
- Place of Birth: ..... iii) Date of Birth/Age: .....
- Residential Address: .....
- What do you do for a living: .....
- Workplace Address: .....
- Email Address: .....
- Telephone Contact: .....
- Religion..... Sex: ..... Ethnic Group: .....
- Any disability (Optional)..... Region.....
- District: ..... xii) Chiefdom .....
- Time and place/venue of interview .....
2. PERSONAL STATEMENT
- Date .....
- In what capacity are you giving this statement e.g. victim, police officer, government officer, health work, etc. .....
- Describe here below what happened or what you are complaining about. Please start by describing how the incident started and conclude with how it ended.
- Description of details: .....
3. Describe the effect of the act/omission complained of on you, or the victim(s) or the public.  
.....
4. Did you suffer any loss as a result of the act complained of? If yes, please describe:  
.....

.....  
5. What remedy/solution are you seeking? (Please tick)

- Release from unlawful detention .....
- Medical treatment .....
- Amicable settlement/reconciliation .....
- Apology from violator .....
- Change in legislation .....
- Change in policy or practice .....
- Compensation .....
- Restitution .....
- Order for an obligation to be carried out .....
- Order for an act to be stopped from continuing .....
- Others (Specify) .....

6. Give names of your witnesses, if any:

A) Name of Witness.....  
Address (residential).....  
Address (workplace).....  
Telephone No..... E-mail: .....

B) Name of Witness.....  
Address (residential).....  
Address (workplace).....  
Telephone No..... Email: .....

7. Any document(s)/item(s)/exhibit(s) presented at time of taking the statement? Please state/list  
.....

8. Are you requesting for any interim measures?

Yes ..... No .....

If yes, give details and why.....  
.....

9. Would you like to testify before the Inquiry Panel? .....

If no, why .....

10. Would you want your name kept secret?

Yes ..... and No .....

If yes, give reasons  
.....

11. Declaration

I, ..... the complainant do hereby declare that all the information I have given herein are true to the best of my knowledge, information and belief.  
.....

Name & Signature/Thumb Print Date

**FOR OFFICIAL USE ONLY**

---

1. Statement taken by .....
2. Signature: ..... Date .....
3. Complainant spoke (language): .....
4. Translation was done by .....
5. Statement originally in: .....  
(Language)
6. Transcribed by: .....
7. Recording officer's comments: .....
8. Document(s)/exhibit(s) received: .....
10. Statement Taker's signature: ..... Date: .....

Annex 2: Evidence (Exhibit) Taking/Surrender Form

Evidence (Exhibit) Surrender Certification Form

(Annexed to the Statement Taking Form)

I \_\_\_\_\_ certify that on this --- day of ..... 2022, I displayed and surrendered

---

I further certify that the items/documents I surrendered were received and packaged by staff of the Human Rights Commission of Sierra Leone as Exhibit No. \_\_\_\_\_

The said items/documents were voluntarily surrendered to the staff of the Human Rights Commission of Sierra Leone.

Signed/thumb-printed by the statement giver \_\_\_\_\_

## ANNEX 6: PHOTO REPORT

	
<p><i>Panel of the South &amp; East Circuit</i></p> 	<p><i>RSLAF Legal Team in Bo Sittings</i></p> 
<p><i>Panel of The North &amp; North-West Circuit</i></p> 	<p><i>Witness taking an Oath in Bo Sittings</i></p> 
<p><i>Group photo of stakeholders engagements in Freetown</i></p>	<p><i>RSLAF &amp; PI Team in Makeni Sittings</i></p>



*Kabala Sittings*



*RSLAF Respondent on Dalakuru Incident*



*Panel Sittings at Kabala on Dalakuru Incident*



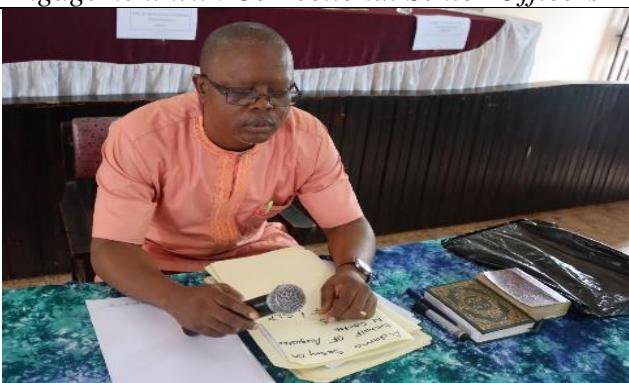
*Complainants and PI Team*



*Engagement with Correctional Senior Officers*



*Prep Lawyer for the Complainants at Kabala Sittings*



*Victim of LEO brutality*



*Statement taking at Dalakuru Village*

*Media engagement by Vice Chair & PPIO*



*Roundtable engagement in Freetown*

*Section Chief of Dalakuru & HRCSL Team*



*One of the Victims of the Dalakuru Incident in 2020*

*Commissioner Lavaly engaging the LUC Makeni*



***Burnt mud house & Generators at the Dalakuru incident***