



Republic of Sierra Leone

**Joint Submission to the UN Universal Periodic Review
24th Session of the UPR Working Group**

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**Submission by CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with ECOSOC**

And

Campaign for Good Governance Sierra Leone

Contact details for CIVICUS: World Alliance for Citizen Participation

Mr David Kode, Email: david.kode@civicus.org

Ms Renate Bloem Email renate.bloem@gmail.com

Tel +27 11 8335959, Web www.civicus.org

Contact details for Campaign for Good Governance

Valnora Edwin, Email: vedwin@slcgg.org/cgg@slcgg.org

Tel: +232 76620700, Web: mail.slcgg.org

1. (A) Introduction

- 1.1** CIVICUS is a global network of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS proudly promotes marginalised voices, especially from the Global South and has members in more than 160 countries throughout the world.
- 1.2** Campaign for Good Governance Sierra Leone (CGG) is a non-governmental organization established in 1996. CGG exists to increase citizen participation in governance through advocacy, capacity building and civic education in order to build a more informed civil populace and a democratic State. Through its advocacy work it seeks to influence the enhancement of capacity and empower communities to participate in governance and monitor accountability and transparency of government and public institutions in support of the democratic process.
- 1.3** In this document CIVICUS and the CGG outline several concerns relating to threats faced by journalists and civil society activists in Sierra Leone since 2011. We outline several concerning examples which are illustrative of actions taken by the government to curb the freedoms of expression and assembly. Moreover, we illustrate the failure of the government to uphold and implement some of the recommendations accepted during its initial examination under the Universal Periodic Review (UPR).
- 1.4** During its review in May 2011, Sierra Leone accepted 126 recommendations including commitments to uphold the right to freedom of expression and assembly and to improve human rights. Despite these explicit commitments, the rights to freedom of expression and assembly remain threatened as the government continues to use libel and sedition laws to target journalists and media outlets. Despite repeated calls from civil society and other actors, efforts to repeal these laws have not been made by the authorities. Protests aimed at raising concerns over government policy and human rights violations have been prevented from taking place or violently repressed when they took place.
- 1.5** CIVICUS and the CGG are concerned that civil society activists have been subjected to judicial persecution, intimidation and threats for their human rights activities. In particular, land rights activists have been victims of harassment for defending their rights to land against business interests and their collusion with the government. We raise concerns over systematic judicial persecution of members of land rights organisations who in most cases are unable to afford the costs of proper legal representation.

1.6 Commendable efforts have been made by the government to consolidate democratic gains since the end of the brutal civil war. In addition, the efforts of the government, civil society and international organisations in ending the Ebola crisis that affected Sierra Leone from 2014 and 2015 deserve recognition. As part of the response to curb the spread of the Ebola virus, President Ernest Ba Koroma declared a state of emergency in July 2014 and passed other public emergency regulations. Some of these regulations included a ban on public assemblies. We are remain alarmed by the fact that these emergency regulations have on occasion been used to target peaceful assemblies and media freedoms.

- In section B, CIVICUS and CGG highlight concerns related to restrictions on freedom of expression and attacks on journalists and independent newspapers.
- In section C, CIVICUS and CGG express concerns over judicial persecution, harassment and intimidation of members of Civil Society Organisations (CSOs).
- In Section D, CIVICUS and CGG highlight concerns over restrictions on freedom of assembly.
- In section D, CIVICUS and CGG make a number of recommendations in the areas of concern listed.

2. (B) Concerns regarding restrictions on freedom of expression and attacks on journalists

2.1 Sierra Leone maintains a progressive and enabling domestic legal framework for the protection of the right to freedom of expression in some aspects. Article 25 of Sierra Leone’s Constitution guarantees the right to freedom of expression, to hold opinions and receive and impact ideas and information without interference. It states that “except with his own consent, no person shall be hindered in the enjoyment of these rights,” which includes freedom to correspond and to own and operate any medium to disseminate information.¹ In addition, on 29 October 2013 the government passed the Right to Access Information Act; a positive step to increase transparency and respect for the rule of law. The Act enshrines the right to access government information and requires various government bodies to devise specific strategies to make information easily accessible to the general public. The Act provides all Sierra Leoneans with the right to access information under the control of government authorities or private bodies and states that “nothing in this Act limits or otherwise restricts the disclosure

¹ “The Constitution of Sierra Leone, 1991 (Act No 6 of 1991),” <http://www.sierra-leone.org/Laws/constitution1991.pdf>, accessed 18 May 2014.

of or the right to access information pursuant to any other enactment, policy or practice.”²

- 2.2 At the regional and international level, Sierra Leone is bound by a number of key human rights obligations. Article 9 of the African Charter on Human and Peoples Rights (ACHPR) provides for citizens to express and disseminate opinions and views within the law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Sierra Leone has acceded to, guarantees the right to freedom of expression and opinion.
- 2.3 The central concern of CIVICUS and CGG is the vast disconnect between legislation and practice. The authorities intimidate and harass journalists and some have been arrested, detained and threatened for expressing concerns about issues affecting ordinary Sierra Leoneans and government failures.
- 2.4 The authorities have on several occasions used draconian provisions in the Public Order Act (1965) and Criminal and Seditious Libel laws to target and prosecute journalists who write about the actions and activities of government officials. The Act states that “any person who maliciously publishes any defamatory matter knowing the same to be false shall be guilty of an offence called libel and liable on conviction for any term not exceeding three years or to a fine not exceeding 1000 Leones or both.”³ It notes further that “any person who utters any seditious words or prints, publishes, sells offers for sale, distributes or reproduces any seditious publication shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding 1000 Leones or both.”⁴ CIVICUS and CGG are concerned that this Act has been disproportionately used to target journalists. Fines imposed on those charged with violating the Act have sometimes exceeded the maximum penalty prescribed under the Act.
- 2.5 On 3 November 2014, journalist David Tam Bayroh who is the host of the “Monologue show” on independent radio station, *Citizen FM*, was arrested following an “executive order” signed by President Ernest Bai Koroma. He was initially detained at the Criminal Investigations Headquarters in Freetown and later moved to Pademba Road Prison. He was not formally charged and released on 14 November 2014 on bail of 50 million Leones (approximately 11,300 USD) after spending 10 days in prison. He was ordered to present himself at the Criminal Investigations Headquarters once a week. David Tam Bayroh was reportedly targeted for expressing concerns over the government’s response to the Ebola crisis and arrests made in Kono during confrontations between protesters and security forces. Prior to his arrest, David Tam Bayroh’s show was taken off the air while he was conducting a live interview in

² “The Right to Access Information Act,” <http://www.sierra-leone.org/Laws/2013-02.pdf>. Accessed 18 June 2015.

³ “The Public Order Act 1965,” <http://www.sierra-leone.org/Laws/1965-46s.pdf>, accessed 18 June 2015.

⁴ Ibid, pp9-10.

which a member of a political opposition party criticised suggestions supporting a third term bid for the President of Sierra Leone.⁵

- 2.6** On 11 February 2014, Theophilus Gbenda, a journalist and producer for *Culture Radio* was summoned to the Criminal Investigations Department after a guest on his programme made reference to a land case which offended then Vice President Sam Sumana.⁶ After presenting a statement, Theophilus Gbenda, was arrested and charged with seditious libel. While he later appeared in court, the presiding judge neither took a decision about the charges and nor made public a date for the trial.
- 2.7** On 15 January 2014, officers from the Criminal Investigations Department (CID) arrested Julious Spenser and Alusine Sesay, Director of Premier Media and Editor of *Premier News* respectively, following a complaint by Information Minister Alpha Kanu. The Information Minister complained that *Premier News* had published a defamatory story about interactions between the Ministry of Information and internet service providers.⁷ The Minister accused both journalists of criminal libel. They were detained for several hours and the offices of Premier Media were searched and equipment seized before they were later released on bail.
- 2.8** On 18 October 2013, Jonathan Leigh and Bai Bai Sesay, Managing Editor and Editor respectively of the independent *Observer* newspaper, were arrested and charged with seditious and defamatory libel following the publication of an article which highlighted disagreements between President Koroma and then Vice President Sam Sumana. In the article, they used the analogy that the “president is an elephant but behaves like a rat.” The authorities argued that they violated the Public Order Act by committing a libellous act.⁸ Both journalists were detained for more than 2 weeks at Pademba Road Maximum Security Prison and released on 4 November 2013 after they agreed to bail bonds of 500 million Leones (approximately US \$ 119322) each. They were ordered to hand over their travel documents to the authorities.
- 2.9** On 19 July 2013, the premises of independent radio station *Radio Gbath* were attacked and equipment destroyed by local politician John Raka Conteh who was a candidate for the post of District Youth Chair of the Yoni Chiefdom.⁹ He was accompanied by two of his supporters and they threatened a staff member of the

⁵ “Sierra Leone Journalist David Tam-Baryoh arrested, detained and released at the CID in Freetown,” *This is Sierra Leone*, <http://www.thisissierreleone.com/sierra-leone-journalist-david-tam-baryoh-arresteddetained-and-released-at-the-cid-in-freetown/>, accessed, 13 May 2015.

⁶ “Media crackdown...9 journalists detained and 1 assaulted,” *Newswatch Sierra Leone*, <http://newswatchsl.com/article/media-crackdown%E2%80%A69-journalists-detained-1-assaulted>, accessed 14 May 2015.

⁷ “Sierra Leonean activists and journalists harassed, accused of defamation,” *The Salone Monitor*, <http://www.salonemonitor.net/sierra-leonean-activists-and-journalists-harassed-accused-of-defamation/>, accessed 14 May 2015.

⁸ “Editors face 26 counts of libel over article about President,” *The Salone Monitor*, <http://www.salonemonitor.net/editors-face-26-counts-of-libel-over-article-about-president/>, accessed 15 May 2015.

⁹ “Radio Station, journalists violently attacked,” *Sierra Express*, <http://www.sierraexpressmedia.com/?p=45286>, accessed 18 June 2015.

station and destroyed laptops and digital recorders. John Raka was incensed after the station suspended an interview with him about the postponement of elections because of his unruly behaviour. Again on 19 March 2012, the Chair of the Pujehun District Council Sadiq Sallah stormed the premises of community radio station *Radio Wanjei* and confiscated equipment forcing the station to go off air. Sadiq accused the station of failing to honour the terms of a contact with the Council and he verbally abused an announcer at the station and destroyed news scripts.

2.10 On 3 August 2012, Poindexter Sama and Alie Turay of *Awoko* newspaper were physically assaulted as they photographed soldiers passing by the offices of their newspaper in Freetown. The soldiers were on their way to the scene of protests by former soldiers at the Ministry of Defence. The soldiers confiscated the mobile phones and flash drives of the journalists.¹⁰

3. (C) Concerns regarding judicial persecution, harassment and intimidation of members of civil society organisations

3.1 Article 12 of the United Nations Declaration on Human Rights Defenders mandates member states to take necessary measures to protect human rights defenders. The ICCPR, which Sierra Leone has ratified, guarantees the freedoms of expression, association and assembly. However, it is a matter of deep concern that human rights activists have been threatened for their activities and land rights activists are regularly subjected to judicial persecution, harassment and intimidation.

3.2 On 28 August 2014, Mary Conteh, human rights activist and Coordinator of the women's rights group Women's Centre for Good Governance and Human Rights (WOCEGAR), received threatening phone calls from anonymous sources. Her callers informed her that they would spread false news that she had contacted Ebola if she continued with her human rights activities. She had previously been threatened after carrying out investigations into the misappropriation of funds disbursed by the Government of Sierra Leone to strengthen efforts to fight Ebola in the north of the country where she is based. During a radio interview on 4 August 2014 she expressed concerns over the exclusion of civil society organisations in efforts to combat the Ebola virus. In response to her comments, the resident minister in the northern region, Ali Kamara threatened to arrest journalists and activists who were critical of the government's response to the Ebola crisis and also threatened to shut down their organisations. Mary Conteh recorded a statement she made with the police about the threats to her on 26 August two days before she was threatened again through a phone call.

3.3 Since October 2013 members of the land rights CSO, the Malen Land Owners and Users Association (MALOA), have been subjected to judicial persecution and harassment for their defence and advocacy efforts in support of local landowners in Malen. In October 2013, six members were arrested and charged with conspiracy,

¹⁰ "IMC blasts military," *Awoko*, <http://awoko.org/2012/08/06/imc-blasts-military/>, accessed 14 May 2015.

incitement and destruction of Socfin Agricultural Company oil palm trees and were detained for six weeks. In a separate case, 11 members and supporters of MALOA were arrested between 28 January and 26 February 2014 and charged with conspiracy, malicious damage and notorious conduct. The persecution of members and supporters of MALOA is a blatant attempt to suppress their campaign for land rights. They did not have formal and permanent legal representation during their court cases and most of the lawyers who represent them work for pro-bono and only occasionally.

4. (D) Concerns over restrictions on freedom of assembly

- 4.1** Article 26 of the Constitution of Sierra Leone guarantees the rights of citizens to freedom of assembly. It states that “except with its own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say his right to assembly freely and associate with other persons.”¹¹ Article 21 of the ICCPR further guarantees the right to peaceful assembly. However we remain concerned that many peaceful demonstrations in Sierra Leone have been violently repressed and while the emergency provisions approved by President Koroma in July 2014 were aimed at curbing the spread of Ebola, the authorities used these provisions to restrict peaceful assembly.
- 4.2** On 27 April 2015, Sierra Leone’s Independence Day, security forces broke up peaceful protests, assaulted protesters and arrested several of them in the district of Kenema as they voiced concerns about the implementation of emergency regulations.¹² Security forces maintained that the arrests were carried out under the state emergency provisions which prevent public gatherings. Those arrested include Hassan Yahah, senior regional officer of the Human Rights Commission who was also assaulted by the police as he sought to intervene. They were accused of violating public emergency regulations, were denied bail on 28 April and 1 May 2015 and detained at Kenema prison.
- 4.3** A peaceful protest scheduled for 27 April 2015 in collaboration with the Sierra Leone Association of Journalists with the aim of formalising the women’s leadership and participation in the “zero Ebola” campaign was banned by the authorities under the pretext that participants were expected to protest against other issues not related to Ebola. Again, on 20 March, a gathering by the Bar Association was dispersed by security forces who argued that the agenda for the meeting was not related to Ebola.
- 4.4** Security forces used live ammunition to forcefully disperse peaceful protests organised by workers of African Minerals Ltd (AML) in Bumbuna, Tonkolili District in the Northern Province. The workers had been protesting against low salaries, discriminatory treatment and poor working conditions. Tear gas canisters were also indiscriminately fired at the protesting crowd and some of the protesters were

¹¹“The Constitution of Sierra Leone, 1991 (Act No 6 of 1991),” <http://www.sierra-leone.org/Laws/constitution1991.pdf>, accessed 18 May 2014.

¹² “Protesters beaten up and human rights activists arrested in Sierra Leone,” *The Sierra Leone Telegraph* <http://www.thesierraleonetelegraph.com/?p=9209>, accessed 20 May 2014.

physically assaulted by the security forces. One person was killed, eight sustained gun shots wounds and several others were severely injured. The perpetrators of these acts have not been held to account while recommendations made in the report by the Human Rights Commission at the conclusion of an inquiry into the event have not been implemented.¹³

5. (E) Recommendations to the Government of Sierra Leone

CIVICUS and CGG are concerned by the failure on the part of the government of Sierra Leone to meaningfully implement the recommendations it accepted relating to civic space and human rights activists during its initial UPR in 2011.

CIVICUS and CGG urge the government of Sierra Leone to create an enabling environment for journalists and civil society to operate in accordance with the rights enshrined in the Constitution of Sierra Leone, ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

5.1 Regarding restrictions on freedom of expression and attacks on journalists

- Restrictive provisions of the Public Order Act (1965) and the Criminal and Seditious Libel laws that restrict freedom of expression and media freedoms should be repealed.
- Harassment of journalists including through the filling of spurious charges should be stopped and existing cases reviewed.
- All instances of criminal intimidation of journalists and representatives of the media should be fully investigated with a view to bringing the perpetrators to justice.
- Attacks on and threats to journalists should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- The rights of journalists and representatives of the media should be duly protected during periods of emergencies in accordance with the Constitution of Sierra Leone.

¹³ See Report of the Public Inquiry into Alleged Human Rights Violations in Bumbuna, available at <http://www.hrcsl.org/sites/default/files/HRCSL%20Bubuna%20Public%20Inquiry%20Report>.

5.2 Regarding freedom of association, judicial persecution, harassment and intimidation of members of civil society organisations

- The Government of Sierra Leone should place in a national policy to recognise and protect the activities of civil society organisations and activists in line with provisions in the UN Declaration on Human Rights Defenders.
- All cases of intimidation and attacks on civil society activists and human rights defenders should be fully investigated with a view to bringing the perpetrators to justice and deterring further such acts.
- Government officials should desist from publicly threatening human rights defenders especially when activists are working to expose corrupt practices in government or are critical of government's policies and actions.
- Judicial persecution of members of the Malen Land Owners and Users Association and other environmental activists should be stopped and their rights to access land without intimidation from private companies should be respected.

5.3 Regarding restrictions on freedom of assembly

- Best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association should be adopted by the government of Sierra Leone.
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.