



A FORCE FOR GOOD?

RESTRICTIONS ON PEACEFUL ASSEMBLY AND IMPUNITY FOR EXCESSIVE USE OF FORCE BY THE SIERRA LEONE POLICE

AMNESTY
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GLOSSARY

| WORD | DESCRIPTION |
|-------------------------------|---|
| AFRICAN COMMISSION | African Commission on Human and Peoples' Rights |
| AFRICAN COMMISSION GUIDELINES | African Commission Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa |
| AML | African Minerals Limited |
| APC | All People's Congress (Former ruling political party) |
| CDIID | Complaint Discipline and Internal Investigations Department |
| DPP | Director of Public Prosecutions |
| ICCPR | International Covenant on Civil and Political Rights |
| IGP | Inspector General of Police |
| HRC | Human Rights Commission of Sierra Leone |
| IPCB | Independent Police Complaints Board |
| ISAT | International Security Advisory Team |

| WORD | DESCRIPTION |
|-------------------------|---|
| LAW OFFICERS DEPARTMENT | Government legal department, responsible for instituting criminal prosecutions. |
| LUC | Local Unit Commander |
| NEC | National Electoral Commission |
| OSD | Operational Support Division (The armed unit of the Sierra Leone Police) |
| SLPP | Sierra Leone People's Party (Current ruling party) |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UN HRC | United Nations Human Rights Committee |

1. EXECUTIVE SUMMARY

RESTRICTIONS ON THE RIGHT TO PEACEFUL ASSEMBLY

“Rights are always secured in favour of the ruling party [of the day], including the right to assembly. Assemblies supporting what they are pushing are allowed but if it is noncomplementary or reactive they will not allow them. They are not fair in how they allow this right.”

Sonkita Conteh, Director of NGO, 7 June 2017

Over the past 10 years, peaceful protests have regularly been refused permission in Sierra Leone, particularly those organized by opposition political parties or critical civil society groups. In some cases, criminal sanctions have been employed against people simply for exercising their right to freedom of peaceful assembly. Thirty-nine people are currently on trial for taking part in protests in 2016 and 2015.

This report focuses on how Sierra Leone has impermissibly restricted the right to peaceful assembly, often through use of excessive and lethal force by the police. Building upon research conducted into the human rights situation in Sierra Leone for over a decade, Amnesty International conducted field research in Freetown, Kono, Kabala and Bo during four research missions to the country between June 2017 and March 2018. Amnesty International interviewed 105 people for this report including several government officials and police officers across the country. The organization wrote to the new Inspector General of Police (IGP) and to the new Minister of Justice and Attorney General in April 2018 outlining key findings in this report and requesting information.

With a new government elected in March 2018, Sierra Leone finds itself at a key moment in which significant changes to improve the respect, protection and fulfilment of human rights are both possible and necessary. A young and dynamic population are increasingly demanding their rights and are more driven to organize, criticize and protest. However, rather than promote and ensure respect for these rights, the previous government took actions to frustrate them.

Historically, these restrictions have been based on the interpretation and implementation of overly broad national laws, including the Public Order Act 1965, which are inconsistent with regional and international human rights standards.

The Public Order Act grants overly broad power to the police as it requires that the police be notified before an assembly takes place. Failure to notify the police is a criminal offence. Although the Act speaks about “notification”, in practice the police have interpreted this to mean that they need to give “authorization” before an assembly can take place. The Act also allows the police to stop an assembly which has not been granted permission, and it created a criminal offence for someone who takes part in a procession and refuses an order to stop or disperse by the police.

The police do not have statistics concerning the number of assemblies granted or refused permission. However, no civil society group interviewed by Amnesty International could recall any assembly critical of the government that had been granted permission over the past decade and the majority of spontaneous protests are dispersed by the use of excessive force by the police. Amnesty International has documented six protests that were refused permission or dispersed by use of excessive force by the police in the past two years.

For example, in July 2016, police refused permission for women’s groups to assemble outside a conference centre in the capital, Freetown, during the Constitutional Review Commission process to request greater protection of gender rights in the draft Constitution. On 18 November 2016, the police refused permission for the Renaissance Movement, a group of politically active professionals, to hold a peaceful “walk to work”

procession against austerity measures and an increase in fuel prices. On Independence Day, 27 April 2016, the police fired tear gas to disperse a parade organized by the Sierra Leone People's Party (SLPP), in opposition at the time, in Freetown as they said it was unauthorized. Tear gas was also fired into the SLPP headquarters. Twenty-nine people were arrested and charged with unlawful procession and riotous conduct, and several people were injured. Seven people were tried and convicted while the others are still on trial.

International standards underline that peaceful assembly is a right and not a privilege. The African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (African Commission Guidelines) stresses that the responsibility of African states and their law enforcement agencies and officials is to facilitate peaceful assemblies, and not to repress them as has been the pattern. The African Commission Guidelines state: "Lack of prior notification of an assembly does not render an assembly unlawful and should not form the sole basis of a decision by law enforcement officials to disperse an assembly."

IMPUNITY FOR LETHAL AND EXCESSIVE USE OF FORCE BY THE POLICE DURING PROTESTS

"One of the reasons for these repeat occurrences can be attributed to the impunity that has characterized human rights violations during police operations where no one has so far been prosecuted for using disproportionate force in response to public disorder situations."

Human Rights Commission of Sierra Leone (HRC), Bumbuna Inquiry, 2012

Impunity for police abuses is deeply entrenched in Sierra Leone. The police have used excessive force, including excessive lethal force, to disperse protests over the past 10 years. At least nine people have been killed, over 80 people injured and over 80 people had their properties looted and/or were arbitrarily arrested in the incidents mentioned in this report. Several people still suffer from health problems after being shot by the police during protests. There are no clear guidelines for awarding compensation, resulting in victims or families of those killed receiving ad hoc or insufficient compensation.

Amnesty International is not aware of any police officer that has been held criminally responsible for any of the incidents highlighted in this report, despite recommendations from two Commissions of Inquiry and the Independent Police Complaints Board (IPCB). This report highlights the concerning failure of the Director of Public Prosecutions (DPP) to institute criminal investigations and prosecutions (where there is sufficient admissible evidence) concerning the cases outlined in this report and to provide adequate public information. Although there have been internal police investigations into some of the cases in this report, through their Complaint Discipline and Internal Investigations Department (CDIID), there has been insufficient public information about disciplinary measures taken against police officers or steps taken towards internal police reform. In some cases, it appears that only minimal disciplinary measures have been taken, such as simply transferring police officers to another area.

The heavy-handed approach of the police limits the right to freedom of peaceful assembly and creates a chilling effect with people reluctant to exercise this right due to fear of violence. The majority of incidents have involved young people protesting about issues that affect them or workers calling for greater protection of labour rights. A few of the cases are listed below:

On 23 March 2017, a young boy was shot dead and two students were injured by gunshots in Bo (Southern Province) when the Operational Support Division (OSD) of the police fired live ammunition to disperse unarmed students protesting against the closure of their university. One student still has a bullet lodged in his right ventricle and suffers from health complications. A medical report states he needs the services of a cardiothoracic surgeon but Sierra Leone does not have such a specialist. The IPCB investigated and in February 2018 recommended that action be taken by the DPP and IGP. One recommendation was that criminal investigations should be launched against the officers suspected of being involved. Amnesty International is not aware that these recommendations have been implemented. Amnesty International did not receive any information from the DPP and IGP about any criminal investigation or disciplinary sanctions taken in this case despite repeated queries. Five eyewitnesses confirmed to Amnesty International that the team of OSD officers who arrived at the protest was headed by the OSD Coordinator South. Two eyewitnesses told Amnesty International they then heard the OSD Coordinator South give a command to shoot. This incident was not the first time that allegations had been made against the OSD Coordinator South, without actions taken. He was also specifically named in the 'Shears-Moses Inquiry', which was set up by the government to look into instances of political violence that occurred in March 2009. The inquiry named him and

recommended that he should be dismissed, to serve as a deterrent to others as it found that he was one of the people responsible for the outbreak of political violence in villages in the Southern Province.

On 16 August 2016, two secondary school students were killed in Kabala (Northern Province). The OSD fired live ammunition to disperse unarmed young people protesting against plans to move an intended youth village, which would offer vocational training, from their district. Four people were also injured as a result of gunshots. One man who was shot in the back still struggles to walk and cannot work. He has not received any compensation from the authorities. The IPCB investigated the matter and submitted recommendations to the DPP and IGP in December 2016. One of its recommendations was that criminal investigations should be taken against the officers suspected of being involved. Amnesty International is not aware of any action that has been taken by the DPP or IGP and has received no response to its enquiries for information. The OSD commander during the incident was initially suspended but has since been transferred and promoted.

Over a period of two days in April 2012, the police in Bumbuna (Northern Province) fired live ammunition at unarmed protesters and community members, used tear gas indiscriminately, raided homes and businesses and threatened numerous individuals. One woman was killed and at least 11 were injured, many as a result of gunshots. A child was hospitalized due to inhalation of tear gas. At least 15 people had their property looted or damaged. The Human Rights Commission (HRC) conducted a public inquiry in 2012 and recommended that three police officers be investigated for mismanaging the police response and that other OSD officers be investigated and criminal action be taken if necessary following the investigations. Amnesty International has not received any information from the authorities that these recommendations have been implemented.

On 13 December 2007, demonstrators protested against working conditions at the Koidu Holdings diamond mine in Kono (Eastern Province) and two people were shot dead by the police. A 2008 Commission of Inquiry (Jenkins-Johnston Commission) constituted by the government made recommendations including prosecution of three of the police officers suspected to be involved. The government accepted this recommendation but civil society groups in Kono told Amnesty International that, a decade later, they are not aware this recommendation has been implemented. Amnesty International received no information from the authorities concerning the implementation of this recommendation despite repeated requests.

These actions violate international standards and the police's own rules of engagement which state that lethal force should only be used as a last resort where it is strictly unavoidable in order to protect life, not for dispersal of a crowd. However, the police seem to use firearms as a standard tool to handle assemblies. Tear gas has also been used by the police in an unnecessary and disproportionate manner. The African Commission Guidelines provide that "Resort to force must only be made if and when other, less harmful, means of de-escalation have failed." It continues, "Firearms are not an appropriate tactical tool for the policing of assemblies. Firearms must never be used to disperse an assembly. The indiscriminate discharge of firearms into a crowd is a violation of the right to life."

These restrictions on rights create a chilling effect on people and limit their ability to exercise their right to freedom of peaceful assembly. Emmanuel Saffa-Abdulai, a human rights lawyer, told Amnesty International: "There is a justifiable culture of fear in this country, because people know that if you come out to protest, you're going to be intimidated in one way or another and it's unlikely anyone will stand up for you ... All this has an impact on human rights defenders. Some are intimidated and scared to demonstrate."

Though this report only focuses on protests, excessive use of force by the police is an endemic problem in Sierra Leone. Over the past decade, human rights reports have documented how people have regularly been killed or injured due to excessive use of force by the police.

WEAK INSTITUTIONS AND LEGAL FRAMEWORK

"Training is not the solution [to reform the police]. There needs to be stronger institutions and internal reform and, importantly, accountability."

UN official, October 2017

Although the former government launched the IPCB in 2015 to address the problem of police accountability, it remains a "paper tiger" with insufficient resources, a flimsy legal base and it lacks power to enforce its

recommendations. Amnesty International encountered growing scepticism from members of the public about the role of the IPCB despite the IPCB having a committed and passionate team. The IPCB must be urgently reformed so that its credibility is not undermined and to enhance police accountability. In addition, the CDIID needs to be strengthened, be more accessible to the public and be more transparent about its work. This will make it less opaque and increase public confidence in the police's ability to regulate themselves.

There is need for comprehensive reform of the police, such as strengthening recruitment procedures, improving salaries and benefit packages, continuing training, and reviewing the legal framework regulating the police to ensure it meets international standards, in particular the African Commission Guidelines. Further, it is important to regulate the use of lethal and less lethal weapons. The OSD continues to use military weapons, such as AK-47s and self-loaded rifles, which are extremely dangerous and unsuitable for police operations. Amnesty International has documented instances in this report where people have been injured by less lethal weapons. A move to less lethal weapons by the police must be implemented with the necessary safeguards, such as appropriate policies in place, rigorous training on their use in line with international standards, and proper accountability mechanisms for misuse.

OSD police officers are suspected to be responsible in all the cases outlined in this report where protesters or bystanders have been killed or injured. The reform of this unit is essential so that Sierra Leone has a specialist armed unit rooted in human rights based approaches to policing. Calls for reform of the police come from within the police itself and not just civil society. A senior police officer told Amnesty International: "They [the OSD] are the problem in the police. They misuse arms to harm people and get involved in other crimes. Most of the complaints that come up with criminal misconduct is the OSD. I believe the commanders should be responsible enough that discipline prevails in the OSD. But the command structure has not been helpful." Although Sierra Leone is working with the UK government to provide laudable training for the security sector, there remain risks of further violations unless comprehensive police reform and concrete steps to strengthen police accountability are taken.

URGENT NEED FOR REFORM

The police's ability to manage peaceful assemblies and respond proportionately to instances of public disorder remains a critical issue. For example, in April 2018, nine people were shot and several police officers wounded during an altercation between SLPP supporters and the police in Kenema (Eastern Province). Underlying this incident was anger at the police by SLPP supporters due to perceived targeting against them and lack of redress. If the new government wants to enhance human rights in Sierra Leone, it is crucial to strengthen the police force's ability to protect and respect human rights which will also help the police to do their job more effectively and safely.

These issues are not just relevant for Sierra Leone. The country sends members of its police force to participate in UN peacekeeping missions. In April 2018, 145 OSD officers were deployed to Somalia as part of a UN mission. Therefore, police reform and accountability are key to ensuring that human rights of people in Sierra Leone and in locations of UN missions are better protected.

NEW GOVERNMENT AND OPPORTUNITY FOR CHANGE

"Media and civil society have become the bedrock of modern governance ... We will build on the progressive reforms of the security sector that commenced after the end of the war, with a focus on professionalization, depoliticization and equipping of all forces and agencies for effective service delivery."

President Bio, Address at the Opening of Parliament, 10 May 2018

In March 2018, Sierra Leone elected a new President and government. President Maada Bio of the SLPP was sworn into office in April 2018 after 10 years of rule by the All People's Congress (APC). The SLPP has claimed for years whilst in opposition that it was a victim of repressive laws and policing and now has a chance to effect change whilst in government. A new IGP, appointed in November 2017, also has the chance to implement positive reforms that will better enable the police to do their critical work and prevent further violations whilst ensuring accountability for past abuses.

The experience of the recent elections is also instructive, showing how things can be done better. Campaign rallies were generally permitted, and the police – supported by training programmes – were able to use different tactics to de-escalate tense situations rather than resort to the use of firearms. This is positive and demonstrates that the police should similarly be able to support the right to freedom of peaceful assembly even in non-election contexts.

AMNESTY INTERNATIONAL'S KEY RECOMMENDATIONS

TO THE PRESIDENT OF SIERRA LEONE:

- Publicly condemn any use of excessive force by the police and ensure that all those suspected to be responsible, including those with command responsibility, are held to account.

TO THE ATTORNEY GENERAL AND MINISTER OF JUSTICE:

- Review all of the cases in this report, with the DPP, and ensure thorough and impartial investigations are carried out into officers suspected of ordering or resorting to excessive use of force with a view to criminal prosecutions where there is sufficient admissible evidence. Ensure that any trials meet international fair trial standards.
- Review all recommendations made by the IPCB and Commissions of Inquiry and issue a public statement concerning implementation of those recommendations.

TO PARLIAMENT:

- Review legislation, policies and practices relating to public assemblies and demonstrations, in particular the Public Order Act 1965, so as to ensure and facilitate the effective exercise of the rights to freedom of expression and of peaceful assembly in accordance with Sierra Leone's international human rights obligations.
- Review all legislation relating to the police to ensure it complies with international human rights law and standards.
- Strengthen the IPCB in line with the recommendations in this report.
- Establish a compensation fund for victims of excessive use of police force with clear guidelines for how compensation will be apportioned. Review all the cases in this report to ensure that victims and families of those killed have received adequate compensation.
- Establish a compensation fund for police officers who are injured or killed in the course of their duties.

TO THE POLICE COUNCIL:

- Establish clear and precise rules and rigorous training for the use of crowd control equipment including hand-held batons and less lethal weapons in order to minimize the use of force and prevent unwarranted injuries.
- Urgently review the operations of the OSD unit and put in place concrete steps for its reform or replacement, to ensure that the police's armed unit is rooted in human rights based approaches to policing.
- Strengthen recruitment procedures for the police, especially the OSD, and review the salary and benefits package. Ensure OSD recruits are subject to physical and psychological testing and that regular assessments are held to determine their continued suitability for the role.
- Ensure that the public has clear information on how to make a complaint about police misconduct to the CDIID, including at police stations, through radio and television programmes and on the internet.
- Strengthen the capacity of the CDIID through further resources, training, and provision of more officers and ensure that it issues public reports regarding its investigations and outcomes.

TO THE INSPECTOR GENERAL OF THE POLICE:

- Take steps to facilitate the right to peaceful assembly and issue clear guidelines to the public and police officers, based on international standards, on exercising this right. In particular: firearms should not be used as a tool to police assemblies and firearms should never be used to disperse an assembly.
- Review all the cases highlighted in this report and suspend from active duty, pending a full investigation, those suspected of ordering or resorting to excessive use of force.
- Ensure that all recommendations made by the IPCB are followed and issue a public statement concerning compliance of those recommendations.
- Ensure that all police officers, especially the Operational Support Division, are clear about the chain of command, and ensure disciplinary sanctions if this is not followed.
- Review all lethal weapons used by the police and replace them with weapons more suitable for policing operations.
- Publicly disclose the less lethal weapons being made available, their source, and the training and accountability measures put in place for their use.

TO RELEVANT UN AND AFRICAN UNION BODIES AND GOVERNMENTS WHO PROVIDE SUPPORT TO SIERRA LEONE FOR JUSTICE AND SECURITY SECTOR REFORM

- Call on the Sierra Leonean government to ensure accountability for past violations committed by the police and to implement the recommendations listed in this report regarding justice and security sector reform.
- Continue to support training for the police on international and regional policing standards.
- Suspend recruitment of OSD officers into UN peacekeeping missions until investigations are concluded by the DPP and IGP into the cases highlighted in this report and a plan of action is established into clear steps to be taken by Sierra Leone authorities to strengthen police accountability.

More detailed recommendations can be found in Chapter 7: Conclusion and Recommendations.

2. METHODOLOGY

This report builds upon research Amnesty International has conducted into the human rights situation in Sierra Leone for over a decade. Specifically for this report, Amnesty International conducted field research in Freetown, Kono, Kabala and Bo during four research missions to the country between June 2017 and March 2018 as well as extensive desk research. The organization also analyzed court documents, video and photographic evidence, media reports, radio recordings and medical reports.

Amnesty International interviewed 105 people for this report. These included victims, eyewitnesses, lawyers, civil society activists, UN officials, HRC officials, IPCB officials, experts on security sector reform, protesters and families whose loved ones were killed during protests. Amnesty International also interviewed several police officers across the country, including the former IGP and current IGP as well as CDIID officers. The organization also met with the former Minister of Internal Affairs and former Minister of Justice and Attorney General. Despite repeated attempts, the organization was unable to meet with the Director of Public Prosecutions.

Amnesty International wrote to the DPP in November 2017 and again in April 2018 requesting information but never received a response. The organization wrote to the new IGP and to the new Minister of Justice and Attorney General in April 2018 outlining key findings in this report and requesting information.

Some individuals have not been identified or pseudonyms used at their request in order to protect their identity, given the risks involved in speaking out against the authorities.

Amnesty International wishes to thank all the people who spoke to their organization and shared their views. In particular, Amnesty International wishes to thank the people who have been injured or lost loved ones during protests for courageously sharing their experiences with the organization.

Amnesty International also thanks the Sierra Leonean authorities and members of the police force who agreed to meet our delegates. Their opinions and views were essential in helping formulate the recommendations in this report.

3. BACKGROUND

“MEDIA AND CIVIL SOCIETY HAVE BECOME THE BEDROCK OF MODERN GOVERNANCE ... WE WILL BUILD ON THE PROGRESSIVE REFORMS OF THE SECURITY SECTOR THAT COMMENCED AFTER THE END OF THE WAR, WITH A FOCUS ON PROFESSIONALIZATION, DEPOLITICIZATION AND EQUIPPING OF ALL FORCES AND AGENCIES FOR EFFECTIVE SERVICE DELIVERY.”

President Bio, Address at the Opening of Parliament, 10 May 2018¹

3.1 GROWING DEMAND FOR CIVIC SPACE

Sixteen years after the end of a brutal civil war, and just months after voters elected a new government, Sierra Leone finds itself at a key moment where significant changes to improve the respect, protection and fulfilment of human rights are both possible and necessary.²

A young and dynamic population³ are increasingly demanding their rights to freedom of expression, shown by the expansion of the media industry and of social media usage⁴ as well as the growth of vibrant civil society groups.⁵ However, at the same time, there is growing discontent and grievance amongst many people about the failure of the authorities to respect, protect and fulfil their economic, social and cultural rights, as evidenced by a number of protests, or attempts to organize assemblies, documented in this report. During the past 10 years, Sierra Leone has faced many economic challenges and it remains 179th of 188 countries on the UN's Human Development Index.⁶ Approximately 70% of youth are underemployed or unemployed.⁷

¹ President Julius Maada Bio, Address at the Opening of Parliament, 10 May 2018 paras 145 and 131, www.statehouse.gov.sl

² Amnesty International, Sierra Leone – Concrete Steps Needed to Move Forward Human Rights: Submission to the UN Universal Periodic Review (Index: AFR 51/2905/2015).

³ UNFPA, Sierra Leone 2015 Population and Housing Census Thematic Report on Children, Adolescents and Youth, 2015

⁴ BBC Media Action, Communication In Sierra Leone: An Analysis Of Media And Mobile Audiences, 2016, www.bbc.co.uk/mediaaction/publications-and-resources/research/reports/africa/sierra-leone/mobile-audiences

⁵ Campaign for Good Governance, Civicus and West Africa Civil Society Institute, Sierra Leone Civil Society Index – Rapid Assessment, 2014

⁶ UN Human Development Index Report 2016, www.hdr.undp.org/en/countries/profiles/SLE

⁷ UN Human Development Index Report 2016, www.hdr.undp.org/en/countries/profiles/SLE See further, UNDP Country Page, Sierra Leone, www.sl.undp.org/content/sierraleone/en/home/countryinfo.html

Foreign investment in the country has presented new opportunities for economic development but also various challenges in terms of human rights protection.⁸ A devastating Ebola outbreak from 2014 to 2015 killed an estimated 3,955 people and put further strain on weak institutions and a struggling economy.⁹ In August 2017, a mudslide in the Regent community of Freetown killed at least 400 people and exposed further gaps in terms of social protection of marginalized communities.¹⁰ Against this challenging background, people have wanted to come together and protest about key issues of importance to them.¹¹

However, rather than respect, protect and promote the rights to freedom of expression and peaceful assembly, the previous government took actions to violate and abuse them over the past 10 years. This included introducing new laws regulating associations,¹² harassment of human rights defenders¹³ and – as highlighted in this report – restricting the right to peaceful assembly, often through use of excessive and even lethal force.

Before the 2018 Presidential and legislative election, Amnesty International and over 40 civil society organizations launched the Civic Space manifesto¹⁴ which was signed by 14 political parties.¹⁵ Although the APC and SLPP did not sign the manifesto, the overwhelming support for the manifesto commitments amongst civil society and other political parties demonstrated the demand to strengthen civic space in Sierra Leone. The new government has the opportunity to widen civic space in Sierra Leone and to better respect and protect human rights.

3.2 NEED FOR CIVIC SPACE AND POLICE REFORM

In March 2018, a new president and government were elected after 10 years of rule by the APC. The SLPP has claimed for years, whilst in opposition, that it was a victim of repressive laws and policing¹⁶ and now has a chance to effect change whilst in government. President Bio has acknowledged there is low public confidence in the police and stated his government will depoliticize the police and will not accept corruption and indiscipline in the police force.¹⁷ A new IGP, appointed in November 2017, also has the chance to own positive reforms that will better enable the police to do their critical work and prevent further violations whilst ensuring accountability for past abuses. In an interview with Amnesty International, the current IGP noted steps being taken to reform the police.¹⁸

The experience of the recent elections is also instructive, showing how things can be done better. Campaign rallies were generally permitted, and the police – supported by training programmes – were able to use different tactics to de-escalate tense situations rather than resort to the use of firearms. This is positive and demonstrates that the police should similarly be able to support the right to freedom of peaceful assembly even in non-election contexts.

⁸ Human Rights Watch, *Whose Development? Human Rights Abuses in Sierra Leone's Mining Boom*, 2014

⁹ BBC, *Ebola: Mapping the Outbreak*, 14 January 2016, www.bbc.com/news/world-africa-28755033

¹⁰ Amnesty International, *Sierra Leone: Housing and environmental failures behind shocking scale of mudslide deaths*, www.amnesty.org/en/latest/news/2017/08/sierra-leone-housing-and-environmental-failures-behind-shocking-scale-of-mudslide-deaths/

¹¹ See further Chapters 4 and 5.

¹² In February 2018 the Special Rapporteur on the promotion and protection of freedom of expression and opinion and Special Rapporteur on human rights defenders wrote to the former President of Sierra Leone raising concern about the passage of NGO Regulations in December 2017 which they said did not conform to international law and could restrict fundamental human rights. See further, *New policy on NGO regulation*, OL SLE 1/2018, 22 February 2018, www.ohchr.org/EN/Issues/FreedomOpinion/Pages/LegislationAndPolicy.aspx

¹³ Amnesty International, *Sierra Leone: Anti-Corruption Activist's Detention An Attempt To Stifle Freedom Of Expression*, www.amnesty.org/en/press-releases/2017/02/sierra-leone-anti-corruption-activists-detention-an-attempt-to-stifle-freedom-of-expression/

¹⁴ Amnesty International, *Sierra Leone: Election candidates should make human rights pledge*, www.amnesty.org/en/latest/news/2017/12/sierra-leone-election-candidates-should-make-human-rights-pledge/

¹⁵ *Awoko Newspaper*, *APC, SLPP yet to sign Civic Space Manifesto*, 2 February 2018, www.awoko.org/2018/02/14/sierra-leone-news-apc-slpp-yet-to-sign-civic-space-manifesto/

¹⁶ In 2015 and 2016 members of the SLPP were arrested and prosecuted for taking part in peaceful protests. See further, Chapter 4.

¹⁷ *The Patriotic Vanguard*, *President Bio vows to depoliticize the Sierra Leone police*, 28 May 2018, www.thepatrioticvanguard.com/president-bio-vows-to-depoliticize-the-sierra-leone-police-9895

¹⁸ Interview with IGP Moigbe, Freetown, 29 January 2018

However, election observers did note that concerns still remain about the police's independence and professionalism, indicating that institutional reform remains necessary.¹⁹

“A significant number of stakeholders also expressed concern about the independence, professionalism and capacity of the Sierra Leone Police to carry out their duties in a nonpartisan manner. Several incidents were highlighted to illustrate this concern, many of which revolved around the disproportionate or inadequate responses to incidents.”

John Dramani Mahama, Chair of the Commonwealth Observer Group to Sierra Leone²⁰

As demonstrated shortly after the election, the police's ability to respond proportionately to peaceful assemblies and instances of public disorder outside of election contexts remains a critical issue. On 5 April 2018, nine people were shot and several police officers wounded during an altercation between SLPP supporters and the police in Kenema (Eastern Province).²¹ Underlying this incident was anger at the police by SLPP supporters due to perceived targeting of them. In April 2018, a person was shot dead in Kailahun (Eastern Province) during a clash between police and bike riders when the police fired tear gas and live bullets.²² If the new government is committed to enhancing human rights in Sierra Leone, it is crucial to strengthen the police force's ability to protect and respect human rights through legislative and internal reform.

These issues are not just relevant for Sierra Leone. The country sends members of its police force to participate in UN peacekeeping missions.²³ In April 2018, 145 OSD officers were deployed to Somalia as part of a UN mission.²⁴ Therefore, police reform and accountability are key to ensuring that human rights of people within Sierra Leone and in locations of UN missions are better protected.

TOVERVIEW OF SIERRA LEONE'S LAW ENFORCEMENT SYSTEM

The Sierra Leone police, the national police force of the country,²⁵ operates with a motto: “A force for good.”²⁶ The police force falls under the Ministry of Internal Affairs, a cabinet ministry in the government of Sierra Leone in charge of national security.²⁷ The 1991 Constitution created the Police Council, which can make regulations for administration of the police and which also advises the President on matters of internal security and issues relating to the police force. The Constitution provides that members of the Police Council shall include the Vice President, Inspector General of Police (IGP), Minister of Internal Affairs, Chairman of the Public Service Commission and a member of the Sierra Leone Bar Association.²⁸

The IGP, who is the head of the police force, is appointed by the President of Sierra Leone, and the President has the constitutional authority to fire the IGP at any time.²⁹

The current Inspector General was promoted from Deputy Inspector General on 30 November 2017 by former President Koroma. The former IGP is now the Ambassador to Liberia.³⁰

Assistant Inspector Generals of Police (AIG) at the national and regional level assist the IGP in his duties. Each one of Sierra Leone's administrative districts is headed by a Local Unit Commander (LUC). These commanders are subordinate to the regional AIGs.

¹⁹ EU Election Observation Mission, Preliminary Statement on the Sierra Leone Presidential, Parliamentary and Local Elections 2018, www.eeas.europa.eu/headquarters/headquarters-homepage/38410/european-union-election-observation-mission-sierra-leone-2018_en

²⁰ Commonwealth Observer Group, Interim Statement on Sierra Leone Elections, 7 March 2018

²¹ Telephone interviews with police officers and civil society activists, 5 April 2018. See also Sierra Leone Telegraph, Election violence makes a comeback, 5 April 2018, www.thesierraleonetelegraph.com/election-violence-makes-a-comeback-in-sierra-leone/

²² The Organiser, Biker Killed as Bloody Clashes between Police and Bikers Escalate in Daru Town, 23 April 2018, www.theorganiser.net/sierra-leone/1379-biker-killed-as-bloody-clashes-between-police-and-bikers-escalate-in-daru-town

²³ Sierra Leone police website, www.police.gov.sl/information/peace-keeping-operations/

²⁴ New Vision, Sierra Leone deploys 145 police officers to Somalia, 24 April 2018, www.newvision.co.ug/new_vision/news/1476316/sierra-leone-deploys-145-police-officers-somalia. The police told Amnesty International a police officer should not have a criminal or disciplinary record for the past two years in order to be selected for peacekeeping missions and they work with CDIID on the process. (Telephone interview with senior police official, Freetown, 6 June 2018).

²⁵ Following Independence in 1961, the Police Act 1964 was passed to consolidate and amend the law relating to the organization, discipline, powers and duties of the Sierra Leone Police.

²⁶ Sierra Leone police website, www.police.gov.sl/about/objectives/

²⁷ See further, Police Act 1964

²⁸ Section 156 of the Sierra Leone Constitution 1991

²⁹ Section 153 of the Sierra Leone Constitution 1991

³⁰ Salone Post, President Koroma reshuffles his national security team, 29 November 2017, www.salonepost.com/president-koroma-reshuffles-his-national-security-team-ig-munu-off-to-lib-p361-174.htm

The Operational Support Division (OSD) is the only armed unit of the police³¹. The current director of the OSD has been in this position since 2008, and previously served as deputy director of the OSD.³²

The Complaint Discipline and Internal Investigations Department (CDIID) is the internal disciplinary unit of the police. The Independent Police Complaints Board (IPCB), an external police oversight body, was launched on 20 October 2015. These bodies are discussed further in Chapter Six.

International development partners, particularly the UK, have provided significant funding and technical support to reform Sierra Leone's police and military. The UK government has deployed an International Security Advisory Team (ISAT) since 2013 to provide technical advice and training to the police and military.³³

Criminal prosecutions are conducted by the Law Officers Department, headed by the Director of Public Prosecutions (DPP), who work in collaboration with the police. The DPP falls within the Ministry of Justice which is headed by the Minister of Justice who is also the Attorney General.³⁴



SIERRA LEONE POLICE
A FORCE FOR GOOD

³¹ Sierra Leone police website, www.police.gov.sl The Special Security Division (SSD) was renamed the Operational Support Division (OSD) in March 2002 after the end of the civil war. Up until 1992, the SSD had been considered as former President Siaka Stevens' personal security force. See further, Peter Alexander Albrect, *Transforming Internal Security in Sierra Leone: Sierra Leone Police And Broader Justice Sector Reform*, Danish Institute for International Studies, 2010.

³² Awoko Newspaper, *As OSD boss moved... Police AIG's in musical chair*, 18 August 2008, awoko.org/2008/08/18/as-osd-boss-moved-police-aig%E2%80%99s-in-musical-chair/

³³ Sierra Express Media, *IMAT to ISAT*, 29 March 2013, www.sierraexpressmedia.com/?p=54524

³⁴ Section 64 of the Sierra Leone Constitution 1991. See further, Law Officers Department, www.lawofficers.gov.sl

4. RESTRICTIONS ON PEACEFUL ASSEMBLY IN SIERRA LEONE: LAW AND PRACTICE

“RIGHTS ARE ALWAYS SECURED IN FAVOUR OF THE RULING PARTY [OF THE DAY], INCLUDING THE RIGHT TO ASSEMBLY. ASSEMBLIES SUPPORTING WHAT THEY ARE PUSHING ARE ALLOWED BUT IF IT IS NONCOMPLEMENTARY OR REACTIVE THEY WILL NOT ALLOW THEM. THEY ARE NOT FAIR IN HOW THEY ALLOW THIS RIGHT.”

Sonkita Conteh, NGO Director, 7 June 2017

Over the past 10 years, the police have regularly refused permission for peaceful protests in Sierra Leone, particularly those organized by opposition political parties or civil society groups perceived to be critical of the government. These bans have been based on arbitrary interpretation and implementation of national laws, including the Public Order Act 1965, most of which are inconsistent with regional and international human rights standards.

4.1 INTERNATIONAL STANDARDS ON THE RIGHT TO PEACEFUL ASSEMBLY

FUNDAMENTAL RIGHTS PROTECTED BY SIERRA LEONEAN AND INTERNATIONAL LAW

Sierra Leone is a state party to the **International Covenant on Civil and Political Rights (ICCPR)** to which it acceded in 1996. Sierra Leone is also a state party to the **African Charter on Human and Peoples' Rights (African Charter)**, ratified in 1983.

The ICCPR and the African Charter guarantee, among others, the right to life; right to freedom of expression, association and peaceful assembly; the right to liberty and the right to a fair trial. The **Constitution of Sierra Leone** also recognizes and guarantees these rights as fundamental human rights.

The right to freedom of peaceful assembly can be exercised by individuals, groups and associations. Facilitating participation in peaceful assemblies helps ensure that people have the opportunity to express opinions they hold in common with others and supports dialogue within civil society and among civil society, political leaders and government,³⁵ as well as being important for the full enjoyment of other human rights.³⁶

The right to freedom of peaceful assembly, together with the closely related rights to freedom of association and freedom of expression, is enshrined in human rights treaties to which Sierra Leone is a party, including the ICCPR and the African Charter.³⁷ States have an obligation to respect, protect, promote and fulfil these rights, that is, to ensure that their own agents do not violate these rights and that no restrictions are imposed on them other than those which are demonstrably necessary and proportionate for a legitimate purpose permitted under international law; to protect the exercise of these rights against interference by third parties; and to ensure that individuals within their jurisdiction are able to exercise these rights in practice. As the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has underlined, this means that states have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.³⁸

In 2013, the UN Human Rights Council (UN HRC) passed a resolution on the promotion and protection of human rights in the context of peaceful protests. The UN HRC noted among other things that participation in peaceful protest can be an important form of exercising the rights to freedom of peaceful assembly, and of association, freedom of expression and of participation in the conduct of public affairs; stressed that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, which should not be viewed as a threat; and it called on states to, among other things, facilitate peaceful protests.³⁹ This duty to facilitate means that there should be a presumption in favour of holding assemblies, with restrictions placed on assemblies being the exception. And the complete prohibition must be an absolute exception, when all other options (including restrictions) have been explored and are not sufficient to ensure the successful holding of a peaceful assembly.⁴⁰

In 2015, the African Commission on Human and Peoples' Rights (African Commission) published a report on freedom of assembly and association in Africa, which said: "States must fully respect in law and practice the right to freedom of expression through assembly. Discrimination among assemblies based on the content of the expression involved is illegitimate."⁴¹

4.2 SIERRA LEONE'S RESTRICTIVE LAWS ON PEACEFUL ASSEMBLY

Article 26 of Sierra Leone's Constitution guarantees the rights to freedom of peaceful assembly and association.⁴²

However, Sierra Leone's Public Order Act 1965, and its interpretation and implementation by the police, do not comply with international or regional standards. The Act is overly broad and requires that the police be notified before an assembly takes place, which in practice has been interpreted to mean that they need to give "authorization". In several interviews conducted with police officers and as demonstrated in the cases

³⁵ OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly, p. 23. See also *Djavit An v. Turkey*, No. 20652/92, European Court of Human Rights, 9 July 2003, para. 56.

³⁶ UN Human Rights Council Resolution 24/5, A/HRC/RES/24/5, adopted without a vote on 26 September 2014, para. 5.

³⁷ Article 25(1)(d) and Articles 10 and 11 of the African Charter on Human and Peoples' Rights.

³⁸ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, to the Human Rights Council, A/HRC/20/27, para. 27, and A/HRC/23/29, para. 49.

³⁹ UN Human Rights Council resolution 22/10, adopted without a vote on 21 March 2013. This means the resolution was adopted without objections.

⁴⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, to the Human Rights Council, A/HRC/20/27, paras 39 and 88.

⁴¹ African Commission, Report of the Study Group on Freedom of Association and Assembly in Africa, 2015, p. 62.

⁴² Article 26 of the Sierra Leone Constitution 1991.

documented in this report⁴³, police routinely demand that a request to hold an assembly be made 21 days before the scheduled assembly is to be held. For example, a police officer based in the Southern Province told Amnesty International: “You have to give 21 days’ notice. It has to go through a process. Spontaneous demonstrations need to be contained. You can have lawful and unlawful assemblies.”⁴⁴ However, this is not specified in the Public Order Act. As a lawyer described to Amnesty International, the police seem to be making up their own rules regarding implementation of the notification requirement.⁴⁵

PUBLIC ORDER ACT 1965⁴⁶

Processions may be prohibited.

17. (1) Any person who intends to take part or takes part in organizing or holding any procession shall first notify the Commissioner of Police in writing of his intention to do so and any person who fails to give such notification as aforesaid shall be guilty of an offence.

(2) The Commissioner of Police shall, by order in writing addressed to such persons giving notice, disallow the holding of any procession or impose such conditions as he shall think fit on any procession where in his opinion the interests of defence, public order, public safety or public morality so require.

(3) Any person who takes part in any procession which has been disallowed by the Commissioner of Police or fails to comply with any of the conditions imposed by him under the provisions of subsection (2) shall be guilty of an offence.

(4) Any person found guilty of an offence under this section shall be liable on conviction to a fine not exceeding 200 leones or to imprisonment for a period not exceeding six months or both.

(5) This section shall not apply to processions of the following nature— a) circumcision; b) funeral; c) marriage; d) scouts or girl guides; e) schools.

Power to stop processions.

18. (1) Any police officer may stop any procession which has been disallowed under this Part or which violates any of the conditions imposed under this Part, and may order such procession to disperse.

(2) All persons taking part in any such procession who refuse to obey an order by a police officer to stop or disperse shall be liable on conviction to a fine not exceeding 40 leones or to imprisonment for a period not exceeding three months or to both.

Public meetings in the provinces

24. (1) Any person who intends to convene or hold a public meeting at any place in the provinces shall first notify in writing the Paramount Chief of the Chiefdom in which such place is situated.

(2) A Paramount Chief to whom notice has been given under subsection (1) shall, by order in writing addressed to such person giving notice, disallow the convening or holding of the public meeting in any place in the provinces or impose such conditions as he may consider necessary on any such meeting where the interests of defence, public order, public safety or public morality reasonably so require.

Failure to notify the police is a criminal offence. The Act also gives power to the police to stop an unauthorized assembly and creates a criminal offence for someone who takes part in a procession and refuses an order to stop by the police.

These provisions are in contradiction with international human rights standards as they give wide discretion to authorities regarding possible restrictions or even complete prohibitions of assemblies, without providing any criteria or limitations for the exercise of this discretion. In that sense, restrictions and prohibitions appear to be the norm rather than the exception. This goes against the presumption in favour of holding assemblies, with restrictions being the exception and prohibitions being the absolute last resort, when there is no other option for ensuring the holding of the assembly.

In a similar vein, notification requirements should not represent a hidden obstacle to the effective enjoyment of the right to freedom of peaceful assembly. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has explicitly stressed that no authorization should be required to assemble

⁴³ Chapter 4.3.1 (Refusal to Grant Permission) and Chapter 5.3.2 (Kabala case)

⁴⁴ Interview with senior police officer, Southern Region, 16 November 2017.

⁴⁵ Telephone interview with a Sierra Leonean lawyer, 4 May 2018.

⁴⁶ Public Order Act 1965, www.sierra-leone.org/Laws/1965-46s.pdf

peacefully.⁴⁷ The exercise of the right to freedom of peaceful assembly should be governed at most by a regime of prior notification, which should not be burdensome, the rationale of which is to allow state authorities to facilitate the exercise of the right and take measures to ensure public safety and order and the rights and freedoms of others.⁴⁸ The Special Rapporteur has recommended that notice should be subject to a proportionality assessment, and should only be required for large assemblies or those where a certain degree of disruption is anticipated, with a recommended maximum notice requirement of, for example, 48 hours.⁴⁹

Spontaneous assemblies may sometimes take place as an immediate response to some triggering event, where the organizer, if there is one, is unable to meet the deadline for prior notification. The ability to hold them is important because delay would weaken the message to be expressed. Spontaneous assemblies also occur with no identifiable organizer when people gather with no prior advertising or invitation, often as a result of commonly held knowledge about a particular event disseminated via the internet or other forms of instantaneous communication, or where a lone demonstrator is joined by others.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated that even if the organizers have failed to notify the authorities, the assembly should not be dispersed automatically and the organizers should not be subject to criminal sanctions or to administrative sanctions resulting in fines or imprisonment, simply on this account.⁵⁰ The Special Rapporteur has recognized the importance of facilitating spontaneous assemblies and recommended that they should be recognized in law, and exempted from prior notification.⁵¹

These principles are echoed in the recent African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (African Commission Guidelines), issued in 2017. The Guidelines underline that peaceful assembly is a right and not a privilege. The responsibility of African states and their law enforcement agencies and officials is to facilitate peaceful assemblies, and not to repress them, as has been the pattern. The Guidelines clearly state that, "Lack of prior notification of an assembly does not render an assembly unlawful and should not form the sole basis of a decision by law enforcement officials to disperse an assembly."

AFRICAN COMMISSION GUIDELINES FOR THE POLICING OF ASSEMBLIES BY LAW ENFORCEMENT OFFICIALS IN AFRICA⁵²

PREPARATION FOR ASSEMBLIES

9.1. Recognizing the important expressive role that spontaneous assembly can play in a democracy, law enforcement agencies must have in place processes and procedures to ensure the facilitation of spontaneous assemblies, including in relation to known or scheduled political or social events, commemorative days, and in anticipation of decisions made by courts, parliaments and other state authorities. Lack of prior notification of an assembly does not render an assembly unlawful and should not form the sole basis of a decision by law enforcement officials to disperse an assembly.

9.2. As soon as practicable after knowledge is gained of an intended or actual assembly, law enforcement officials should take all reasonable steps to identify and communicate with assembly organizers and/or participants to prepare the facilitation of the assembly in accordance with these Guidelines.

In addition, the provisions of the Public Order Act 1965 are contrary to international human rights standards as the provisions criminalize the right to freedom of peaceful assembly. As outlined above, it is contrary to international standards to subject anyone to criminal sanctions or to administrative sanctions resulting in fines or imprisonment, simply on the account of not giving prior notification of holding a peaceful assembly. The penalties imposed by the Act may have a dissuasive effect and deter individuals from taking part in

⁴⁷ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, 24 April 2013, para. 51.

⁴⁸ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, 24 April 2013, para. 51. See also A/HRC/20/27 para. 28 and recommendation at para. 90.

⁴⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, para. 28. See also A/HRC/23/39, 24 April 2013, paras 51 and 52.

⁵⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, para. 29.

⁵¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, Recommendation 91.

⁵² African Commission on Human and Peoples' Rights, Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

public protests and exercising their right to freedom of peaceful assembly.

The Sierra Leone HRC has also called on the government to uphold peaceful assembly stating that the government “should ensure that the right to hold peaceful, open and public demonstration is available to all individuals, groups or political parties without undue restrictions”⁵³

DIFFERENT LEGAL REGIME FOR CAMPAIGN RALLIES DURING ELECTORAL PERIOD

It is important to distinguish between assemblies and campaign rallies held during electoral campaign periods. Organization of campaign rallies is governed by separate laws⁵⁴, overseen by the National Electoral Commission and Political Parties Registration Commission, and there is more external scrutiny due to international and national observer groups. As evidenced during the recent election period, campaign rallies were allowed for all political parties and were generally well managed by the police.⁵⁵

4.3 RESTRICTIONS ON PEACEFUL ASSEMBLY IN PRACTICE

Amnesty International has documented how the Sierra Leone government has used its restrictive laws to restrict the right to freedom of peaceful assembly, either by refusing permission to hold an assembly or by prosecuting people who did not obtain permission. Chapter Five explores further how the right to peaceful assembly has been suppressed through excessive use of force by the police to break up assemblies.

4.3.1 REFUSAL TO GRANT PERMISSION

Over the past 10 years, the police have routinely refused permission when civil society groups or opposition parties perceived as critical of the government submitted their notification to hold an assembly. The police do not have publicly available statistics concerning the number of assemblies granted or refused permission over this period and despite efforts, Amnesty International could not secure this information from police.⁵⁶ However, cases of protests denied permission documented by Amnesty International indicate a clear pattern of refusals to organizers of protests perceived as critical of the government. None of the political actors and civil society groups interviewed by Amnesty International could recall any assembly critical of the government that had been granted permission over the past decade, and they said the majority of spontaneous protests had been dispersed by the use of excessive force. The pattern of refusals dissuades groups from attempting to request permission. As highlighted above, these restrictions conflict with international human rights standards on the right to freedom of peaceful assembly.⁵⁷

In July 2016, police refused permission for women’s groups to assemble outside a conference centre in the capital, Freetown, during the Constitutional Review Commission (CRC) process. They wanted to request greater protection of gender rights in the draft Constitution. According to the organizers, the reason given for the refusal was because the police thought the assembly would be disruptive to the CRC process.

On 18 November 2016, a peaceful “walk to work” procession by the Renaissance Movement, a group of politically active professionals, against austerity measures and an increase in fuel prices was refused permission by the police on the basis that they did not have sufficient resources.⁵⁸ The former IGP Francis Munu told Amnesty International: “We look at our resources and see what can accommodate within the resources. If we don’t have resources, we refuse it.”⁵⁹ In April 2017, the Renaissance Movement filed a case before the Supreme Court for interpretation on whether the Public Order Act conflicts with provisions of the

⁵³ Human Rights Commission of Sierra Leone, State of Human Rights report, 2010, p. 41.

⁵⁴ Public Elections Act 2012, sections 148 and 149.

⁵⁵ EU Election Observation Mission, Preliminary Statement on the Sierra Leone Presidential, Parliamentary and Local Elections 2018, www.eeas.europa.eu/headquarters/headquarters-homepage/38410/european-union-election-observation-mission-sierra-leone-2018_en

⁵⁶ Interview with former IGP Munu, Freetown, 7 June 2017.

⁵⁷ Interview with two women’s rights activists, Freetown, 10 June 2017.

⁵⁸ Interviews with Emmanuel Saffa Abdulai, Freetown, 7 June 2017, and Francis Kaifala, Freetown, 17 June 2017

⁵⁹ Interview with former IGP Munu, Freetown, 7 June 2017.

Constitution.⁶⁰ At the time of writing, no decision had been rendered.



Members of the Malen Land Owners and Users Association. ©Amnesty International

On 21 September 2017, police prevented members of the Malen Land Owners and Users Association (MALOA) from holding a peaceful assembly in Pujehun town in the Southern Province. Members of the women's group of MALOA had written to the Local Unit Commander (LUC) in Pujehun District for authorization to attend a meeting with the District Security Committee⁶¹ on the International Day against Monoculture Tree Plantations to raise their concerns. The organizers chose not to submit their notification to the police to have a peaceful assembly as they felt that permission would be denied based on previous experience. The police blocked the road leading to Pujehun town and prevented the group of women holding placards from going to Pujehun to hold the assembly. However, they allowed six members to attend the meeting with the District Security Committee.⁶² A senior police officer in the region told Amnesty International that the group should have requested permission to hold the assembly 21 days in advance.⁶³

In October 2017, the Pujehun District LUC and the District Security Committee denied MALOA permission to hold a meeting in Pujehun town on the grounds that the association was not registered in the Chiefdom. The Paramount Chief had refused to register the group since 2013, even though it was registered with the Registrar General in Freetown, and MALOA had been unable to hold meetings in Malen Chiefdom for several years.⁶⁴ Section 24 of the Public Order Act 1965 provides that public meetings in the provinces require approval by the Paramount Chief.

4.3.2 USE OF CRIMINAL SANCTIONS

Criminal sanctions, as provided for under the Public Order Act and other laws⁶⁵, have been used against people who exercise their right to freedom of peaceful assembly. As demonstrated in the cases below, targets of criminalization have mostly been opposition groups, especially the SLPP – now the ruling party - when it was in opposition.

⁶⁰ Court documents seen by Amnesty International. See further, Awoko Newspaper, Renaissance Movement takes IG to Supreme Court, 18 April 2017, www.awoko.org/2017/04/18/sierra-leone-news-renaissance-movement-takes-ig-to-supreme-court-over-right-to-protest/

⁶¹ The National Security and Central Intelligence Agency Act 2015 established various security committees at provincial, district and chiefdom level as part of the National Security Council. The District Security Committee is made up of various members involved in national security such as the District Officer, most senior police commander, most senior military commander and officer in charge of prisons.

⁶² Interviews with five members of MALOA, Southern Province, 20 October 2017.

⁶³ Interview with senior police officer, Southern Province, 16 November 2017.

⁶⁴ Interviews with five members of MALOA, Southern Province, 20 October 2017.

⁶⁵ Such as the Public Emergency Regulations 2014 passed during the Ebola epidemic from 2014 – 2015.



SLPP Headquarters in Freetown. ©Amnesty International

On 27 April 2016, 29 people were arrested and detained for over a week following a parade organized by the SLPP in Freetown to commemorate the country's Independence Day and the day their party was founded. Police said the parade was unauthorized and they used tear gas to disperse peaceful protesters.⁶⁶ Police also fired tear gas into the SLPP office in Freetown. Several people were injured during this incident, including Lulu Sheriff, the party's National Women's Leader, and Massa, a woman who sells food outside the SLPP office. Massa told Amnesty International that she was dancing outside the SLPP office when she was arrested and beaten by police, which caused swelling to her neck and face. During the arrest and beating her clothes came off and her breasts were exposed.⁶⁷ Musa Mewa, a defence lawyer, told Amnesty International that a man in his 70s, who was a bystander was wounded in the head after being hit by a police baton while being arrested. He was taken to the police hospital for treatment and was not charged.⁶⁸ On 29 August 2016, six of the 29 people arrested were sentenced to six months' imprisonment, and one to nine months' imprisonment, convicted of charges including "unlawful procession" and "riotous conduct" under the Public Order Act 1965. They appealed the convictions. At the time of writing, the appeals were pending and the other defendants still on trial.⁶⁹ There were other groups who held unhindered parades on that day in Freetown.

Amnesty International and the HRC also raised concerns about the disproportionate and discriminatory restrictions on the right to freedom of peaceful assembly during the State of Emergency imposed during the Ebola outbreak in 2014, when the police were afforded greater powers under the Public Emergency Regulations 2014. Amnesty International⁷⁰ and the HRC⁷¹ observed that some groups were allowed to assemble and exercise their rights to express their views without hindrance but other groups were denied the opportunity to do so by the police.

For example, 10 people – many of them SLPP supporters - were arrested on 19 April 2015, three days after holding a peaceful march outside the US Embassy. Protesters were singing Sierra Leone's national anthem and displaying placards opposing the Vice President's removal as well as highlighting concerns about mismanagement of Ebola funds following a critical report by Sierra Leone's Auditor General. The march was dispersed by the police, who recorded the names of the organizers. The protesters were arrested under the

⁶⁶ Reuters, Sierra Leone police fire guns, teargas at opposition supporters, 27 April 2016, www.reuters.com/article/us-leone-politics/sierra-leone-police-fire-guns-teargas-at-opposition-supporters-idUSKCN0XO2LU

⁶⁷ Interview with Massa, Freetown, 27 October 2017.

⁶⁸ Interview with Musa Mewa, Freetown, 17 June 2017 and 26 October 2017.

⁶⁹ The six people who were sentenced were released from prison after serving their sentences. Interview with Musa Mewa, Freetown, 17 June 2017 and 26 October 2017 and telephone interview, 6 June 2018.

⁷⁰ Amnesty International, Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly, www.amnesty.org/en/latest/news/2015/05/sierra-leone-ebola-regulations-and-other-laws-must-not-be-used-to-curtail-freedom-of-expression-and-assembly/

⁷¹ Sierra Leone Telegraph, Calls for an End to State of Emergency in Sierra Leone, 26 April 2015, www.thesierraleonetelegraph.com/calls-for-an-end-to-state-of-emergency-in-sierra-leone-grows

Public Emergency Regulations provisions, which banned public gatherings. They were detained for three days and then released on police bail without charge.⁷²



Hassan Yarjah, Senior Human Rights Officer, Sierra Leone Human Rights Commission. © Amnesty International

On 27 April 2015, Sierra Leone Independence Day, 15 people were arrested in the city of Kenema (Eastern Province) following a protest at the office of the SLPP. Witnesses described how police fired tear gas into a crowd of about 100 people and how the police used canes to beat people. The police later stated the arrests were carried out under the State of Emergency provisions prohibiting public gatherings and claimed they had refused permission for the protest to be held.⁷³ Following the protest, the SLPP women's district leader, Ella Goba, and the public relations officer, Dawson Kuyateh, were arrested and beaten when they went to the police station to inquire about the persons detained. Photos, confirmed by witnesses, show that Ella Goba's injuries included a swollen face, a black eye and wounds to her arms and back. Amnesty International also interviewed witnesses and Kuyateh's lawyer, who confirmed injuries Kuyateh sustained, including on his neck and head. The Senior Regional Officer of the HRC, Hassan Yarjah, was also arrested and beaten at the police station as he sought to intervene to stop the police beating protesters. He told Amnesty International that he was beaten with canes, gun butts and that his clothes were torn.⁷⁴ On the same morning, he had spoken on the radio about a recent HRC press release that raised concerns about the discriminatory application of the State of Emergency. The 15 SLPP members and the Senior Regional Officer of the HRC were charged with 11 counts under the Public Emergency Regulations and the Public Order Act and common law. They were detained for 12 days and later released on bail.⁷⁵ At the time of writing, the trial was still continuing. Hassan Yarjah told Amnesty International he had made more than 50 court appearances so far.⁷⁶

⁷² Amnesty International, Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly, www.amnesty.org/en/latest/news/2015/05/sierra-leone-ebola-regulations-and-other-laws-must-not-be-used-to-curtail-freedom-of-expression-and-assembly/

⁷³ Telephone interview with AIG Eastern Region, 27 April 2015. The AIG told Amnesty International that they had heard the SLPP were planning a protest and warned them not to do so.

⁷⁴ Interview with Hassan Yarjah, Bo, 18 October 2017.

⁷⁵ Amnesty International, Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly, www.amnesty.org/en/latest/news/2015/05/sierra-leone-ebola-regulations-and-other-laws-must-not-be-used-to-curtail-freedom-of-expression-and-assembly/

⁷⁶ Telephone interview with Hassan Yarjah, 6 June 2018.

Lawyer Emmanuel Saffa Abdulai, head of the Society for Democratic Initiatives, has spoken about how these restrictions on rights create a chilling effect on people and limit their ability to exercise their right to freedom of peaceful assembly. He said: “There is a justifiable culture of fear in this country, because people know that if you come out to protest, you’re going to be intimidated in one way or another and it’s unlikely anyone will stand up for you.” He further told Amnesty International: “All this has an impact on human rights defenders. Some are intimidated and scared to demonstrate.”⁷⁷

⁷⁷ Interview with Emmanuel Saffa-Abdulai, Freetown, 7 June 2017

5. IMPUNITY FOR LETHAL AND EXCESSIVE USE OF FORCE BY POLICE DURING PROTESTS

“ONE OF THE REASONS FOR THESE REPEAT OCCURRENCES CAN BE ATTRIBUTED TO THE IMPUNITY THAT HAS CHARACTERIZED HUMAN RIGHTS VIOLATIONS DURING POLICE OPERATIONS WHERE NO ONE HAS SO FAR BEEN PROSECUTED FOR USING DISPROPORTIONATE FORCE IN RESPONSE TO PUBLIC DISORDER SITUATIONS.”

HRC, Bumbuna Inquiry, 2012⁷⁸

5.1 INTERNATIONAL AND REGIONAL STANDARDS ON POLICING ASSEMBLIES

The police in Sierra Leone have used lethal and excessive force to disperse protests over the past 10 years with impunity. In the incidents highlighted in this report alone, at least nine people have been killed, over 80 people injured and over 80 people had their properties looted and/or were arbitrarily arrested. Most of the incidents have involved young people protesting about issues that affect them or workers calling for greater protection of labour rights. Amnesty International is not aware of any police officer that has been held criminally responsible for any of the incidents highlighted in this report, despite recommendations from two Commissions of Inquiry and the IPCB. Several people still suffer from health problems after being shot by the police during protests and have received little or no compensation. The heavy-handed approach of the police limits the right to freedom of peaceful assembly and creates a chilling effect, with people reluctant to exercise this right due to fear of intimidation and violence.

⁷⁸ Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012, p. 66.

Though this report focuses on protests, excessive use of force by the police is an endemic problem in Sierra Leone. Over the past decade, Amnesty International and other human rights reports have documented how people have been regularly killed or injured due to excessive use of force by the police.⁷⁹

5.1.1 INTERNATIONAL STANDARDS ON POLICE USE OF FORCE

Amnesty International recognizes the right of police officers to defend themselves and their duty to protect the safety of the public. While policing demonstrations is a difficult and complex task, and it may sometimes be necessary for law enforcement officials to use force in order to carry out the state's responsibility to maintain public order and safety and prevent crime, in carrying out their duties they must comply with the state's obligations under international human rights law. In particular, law enforcement authorities must ensure that everyone can enjoy the right to freedom of peaceful assembly, and that the rights to life and to physical and mental integrity are respected at all times⁸⁰.

The use of force by police and other security forces should be consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) and the UN Code of Conduct for Law Enforcement Officials.

International law enforcement standards are clear that any use of force by the police should be exceptional and must comply with the state's international human rights obligations, particularly the obligation to respect and protect the right to life and physical integrity and security of the person. This is set out in Article 3 of the UN Code of Conduct for Law Enforcement Officials, which states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."⁸¹

The principles of legitimate purpose, strict necessity and proportionality encapsulated in this provision are elaborated in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which also set out practical measures to be taken by governments and law enforcement agencies to ensure compliance with Article 3 of the Code of Conduct and with international human rights law and standards generally. Police must as far as possible apply non-violent means before resorting to the use of force,⁸² and whenever the lawful use of force is unavoidable they must use it with restraint and in proportion to the seriousness of the law enforcement objective, and must ensure that assistance and medical aid are rendered at the earliest possible moment to anyone injured or affected. The Basic Principles underline the right to participate in peaceful assemblies, in accordance with the principles in the Universal Declaration of Human Rights and the ICCPR, and stipulate that in dispersing assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force or if that is not practicable must restrict it to the minimum necessary.⁸³ In any case, in application of the principle of proportionality, the use of lethal force is only allowed if it is to protect another life.

This means that even if demonstrators act in a violent way, police must react proportionately, using only the minimum force necessary to contain the situation and re-establish public order. In doing so, they must differentiate between those who are acting violently and those who are not. If only a minority of demonstrators acts violently, it contravenes the principle of proportionality and minimum use of force if the police use force against demonstrators generally. Nor is it legitimate to disperse a demonstration simply because some protesters are committing acts of violence. In such instances, any police action should be directed towards those particular individuals.⁸⁴ Firearms may only be used against individuals presenting an imminent threat of death or serious injuries to other persons (Basic Principle No. 9). They are not a general tool for handling assemblies and in no event should there be indiscriminate firing against a crowd.⁸⁵

Tear gas is a weapon that has an indiscriminate effect on violent and peaceful protesters alike, as well as on bystanders. Therefore, it should only be used in situations where violence is so widespread that law enforcement agencies are unable to deal with violent individuals only. It should only be used for the purpose of dispersing the crowd and only in situations in which people are able to disperse. It should therefore not be

⁷⁹ See Annex for further details.

⁸⁰ Amnesty International Dutch Section, Policing Assemblies, Short paper series No. 1, December 2013.

⁸¹ Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of 17 December 1979, Article 3.

⁸² Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principle 4.

⁸³ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 13. See also Human Rights Council resolution 22/10, which, in para. 7. See also Amnesty International, The Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles for Law Enforcement Officials www.amnesty.nl/content/uploads/2017/07/guidelines_use_of_force_eng.pdf?x56589 Hereafter: AINL Use-of-force-Guidelines.

⁸⁴ OSCE Guidelines on Freedom of Peaceful Assembly (second edition), 2010, para. 167.

⁸⁵ UN Basic Principle No. 14; see also AINL Use-of-force-Guidelines, section 7.4.3.

fired inside buildings or in areas where people do not have escape routes. Tear gas canisters should never be fired directly against a person⁸⁶.

As noted by the Office of the UN High Commissioner for Human Rights, promoting and protecting human rights requires not only an adequate legal framework but also continuous efforts to ensure their effective implementation.⁸⁷ Dialogue between the protest organizers, the administrative authorities and the police, along with adequate human rights training for police, including on the use of force during protests, can contribute to protecting the human rights related to peaceful protest.⁸⁸

In 2017, the African Commission adopted Guidelines on Policing Assemblies. The Guidelines reinforce the international law enforcement standards outlined above and set out practical measures government and law enforcement agencies can take in order to ensure compliance with international human rights standards.

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS GUIDELINES ON POLICING ASSEMBLIES

Use of Force

Resort to force must only be made if and when other, less harmful, means of de-escalation have failed (Article 20.5)

The use of force is an exceptional measure. In carrying out their duties, law enforcement officials shall, as far as possible, apply non-violent methods before resorting to the use of force and firearms. Force and firearms may only be used if other means of achieving a legitimate law enforcement objective are ineffective or unlikely to be successful. (Article 21.1.2)

The intentional use of lethal force by law enforcement officials and others is prohibited unless it is strictly unavoidable in order to protect life, thus making it proportionate, and all other means are insufficient to achieve that objective, thus making it necessary. Assessment of legality, necessity and proportionality should be based on the relevant facts with a requirement for reasonable grounds, rather than mere suspicion or presumption, of risk or harm. (Article 21.1.4)

Use of Firearms

Firearms are not an appropriate tactical tool for the policing of assemblies. Firearms must never be used to disperse an assembly. The indiscriminate discharge of firearms into a crowd is a violation of the right to life. (Article 21.2.4)

Restrictions on the use of firearms must be provided for in law. These restrictions should limit the use of firearms to circumstances in which there is an imminent risk of death or serious injury to a person, or to prevent the commission of a serious crime involving a grave threat to life, and only when less extreme measures are insufficient to achieve these objectives. Whenever law enforcement officials resort to the use of firearms, they must identify themselves and give a clear warning of their intention to use firearms with sufficient time for the warnings to be observed. (Article 21.2.3)

Shots fired into the air or other warning shots should not be used in the context of an assembly operation. (Article 21.2.3)

Use of Less Lethal Weapons

Crowd control weapons, including less lethal crowd control weapons, should only be used when there are legitimate grounds for the use of force or for dispersal, and only when their use is necessary and proportionate and in circumstances when other less harmful means have been attempted and found to be ineffective or will be ineffective under the circumstances. (Article 21.1.6)

To minimize the harmful effects on assembly participants, observers and bystanders, law enforcement officials must exercise particular caution when using crowd control devices or other less lethal weapons which have the potential for use in an arbitrary and/or discriminate manner and/or are indiscriminate in their effects. The inherent effects and proper use of crowd control devices must be independently and regularly evaluated and controlled. (Article 21.2.7)

⁸⁶ AINL Use-of-Force-Guidelines, chapter 7.4.2.

⁸⁷ Report to the Human Rights Council, Effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, UN Doc A/HRC/22/28, 21 January 2013, para. 78.

⁸⁸ OSCE Guidelines on Freedom of Peaceful Assembly, 2010, Section 6 Policing Public Assemblies, para. 144 and following.

Dispersal of Assemblies

The dispersal of assemblies should be a measure of last resort, and law enforcement officials must act on the presumption that although they have powers to intervene in an assembly, they should only do so in circumstances in which it is legal, necessary, proportionate and nondiscriminatory to do so. (Article 22.1)

Where participants in an assembly are acting non-peacefully or in violation of the law, law enforcement officials should use, to the extent possible, communication and de-escalation strategies and measures for the containment of individuals committing or threatening violence or, if necessary and proportionate, the arrest of individuals who are committing or preparing to commit violent acts, before attempting to disperse an assembly. (Article 22.3)

Stop, Search and Arrest

All persons have the right to liberty and security of the person. The use of stop, search and arrest by law enforcement officials should be strictly limited to circumstances in which there is reasonable suspicion that the individual poses an actual risk of violence or is involved in criminal activity, and only where the use of stop and search is in compliance with regional and international human rights standards. (Article 16.1)

The participation of a person in an assembly is not in itself a reasonable ground to stop, search and/or arrest that person. (Article 16.2)

5.1.2 RIGHT TO A REMEDY

Sierra Leone must also ensure the right to an effective remedy guaranteed under international human rights law. Article 2(3) of the ICCPR states that governments must “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy ... notwithstanding that the violation has been committed by persons acting in an official capacity”. It further states that these remedies “shall be enforced when granted”.

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials expressly stipulate that where injury or death is caused by the use of force by police, it should be reported to superior officers and subjected to an effective review process with independent administrative or prosecutorial authorities in a position to exercise jurisdiction as appropriate.⁸⁹ The Basic Principles also underline that governments have an obligation to ensure that arbitrary or abusive use of force by police is punished as a criminal offence.⁹⁰ This is reinforced by the African Commission Guidelines which state: “Law enforcement officials must be subject to accountability mechanisms, and noncompliance by law enforcement officials with laws and regulations governing assemblies must be treated as an offence. In particular, the use of arbitrary and excessive force and torture or other cruel, inhuman or degrading treatment or punishment should be treated as a criminal offence under national law. Furthermore, disciplinary and criminal procedures for law enforcement officials must accord with the principle of procedural fairness.”⁹¹

Law enforcement officials suspected of torture and other ill-treatment should be suspended from active duty during the investigation. The investigation should include a medical examination. A person who has been subjected to torture and other ill-treatment is entitled to adequate reparation, including compensation, rehabilitation including medical and psychological care and social and legal services, satisfaction, and guarantees of non-repetition.⁹² The state must also ensure that the investigation is capable of leading to the identification and bringing to justice those suspected of being responsible, and that those who are convicted receive penalties commensurate with the gravity of the violation.⁹³

89 See further, recommendations outlined in AINL Guidelines section 5.7.

90 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principles 6, 7, and 22. See further, Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015 as well as AINL Use-of-force-Guidelines, chapter 3.

91 African Commission Guidelines Article. 4.3.

92 Human Rights Committee General comment 31, paras 15-17.

93 Human Rights Committee General comment 31, paras 15, 18.

AFRICAN COMMISSION GUIDELINES ON POLICING ASSEMBLIES

The African Commission Guidelines outline that states should provide “an adequate, effective and prompt remedy to persons who experience human rights violations due to the policing of assemblies”, and clarify that operational commanders “must be held responsible if they knew, or should have known, that law enforcement officials under their command resorted to the unlawful use of force or firearms, and if they did not take all measures to prevent, suppress or report such unlawful activity”. They further require that operational commanders are held accountable if they did not take all possible precautions in planning and preparation for an assembly to prevent situations in which the use of force might become necessary.⁹⁴

The UN Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law provide that victims should be provided with full and effective reparation including compensation for physical or mental harm, moral damage, costs required for legal or expert assistance, medicine and medical services, and psychological and social services, as well as “an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim”, a public apology and judicial and administrative sanctions against the persons liable for the violations.⁹⁵

5.2 DOMESTIC STANDARDS ON POLICE USE OF FORCE

Although Article 16 of the Constitution of Sierra Leone recognizes the right to life, it provides that deprivation of life would not be unlawful where death is caused “as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case, that is to say: a. for the defence of any person from unlawful violence or for the defence of property; or b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or c. for the purpose of suppressing a riot, insurrection or mutiny; or d. in order to prevent the commission by that person of a criminal offence.”

This provision in Sierra Leone’s Constitution is inconsistent with the necessity and proportionality requirement of international standards on the use of force and firearms. While international standards allow for use of force “as is reasonably necessary” including for the prevention of crime or in effecting a lawful arrest, firearms may only be used as a last resort and only in order to protect life.

On the other hand, the police internal “Guidance for opening fire for armed police officers” (Green Card A) does state that firearms must only be used as a last resort⁹⁶ and in a life threatening situation.⁹⁷

However, the responsibility to protect life requires Sierra Leone to have a consistent and clear legal framework regarding the use of lethal force and not to leave the decision regarding the lawfulness of the use of force and firearms to the discretion of the law enforcement agency. In this regard, there is an urgent need to establish a legal framework governing the use of force and firearms in compliance with international human rights law and standards.⁹⁸

Furthermore, as demonstrated below, the police actions when policing protests do not adhere even to their own internal guidance or international standards.

⁹⁴ African Commission Guidelines Article 5.1 and 5.2.

⁹⁵ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, paras 18-22.

⁹⁶ “Guidance for opening fire for armed police officers” (Green Card A) 2001, article 3

⁹⁷ “Guidance for opening fire for armed police officers” (Green Card A) 2001, article 8.

⁹⁸ The AINL Use-of-force-guidelines, chapter 1-3, provide guidance for the minimum elements to be included in domestic legislation regarding use of force and firearms.

5.3 YOUTH PROTESTS

5.3.1 TWO STUDENTS SHOT AND ONE BOY KILLED DURING STUDENT PROTEST IN BO, MARCH 2017

“SEEKING JUSTICE IN THIS COUNTRY IS LIKE LOOKING FOR A NEEDLE IN A HAYSTACK, ESPECIALLY WHEN IT IS AGAINST THE GOVERNMENT.”

Student shot during protest in Bo, Amnesty International interview, 21 October 2017



Stall where the boy who was killed in March 2017 used to work selling toys. ©Amnesty International

UNARMED PROTESTERS SHOT BY THE OSD

On 23 March 2017, two students were wounded and a 15-year-old boy was killed when members of the OSD police unit opened fire on a largely peaceful student protest in Bo (Southern Province). Other protesters were beaten and arrested. But no one has yet been held to account.

On the day of the protest, students from Njala University decided to march to the Ministry of Education office in Bo calling for their university to be re-opened. Njala University had been closed for several months due to an ongoing dispute relating to nonpayment of salaries and benefits for lecturers, while many students had already paid a portion of their university and hostel fees. Previously, students had written to the university and held discussions with the administration. They had also held two smaller peaceful protests in Bo and Freetown earlier that month⁹⁹ but they did not feel that the authorities were listening to their concerns.

⁹⁹ A student organizer told Amnesty International that they did not request police permission for these protests as they feared the police would refuse permission. On the day of the protest in Bo the first week of March 2018 they passed by the office of the Acting Inspector General in Bo who told them to go ahead and be peaceful. (Interview with student organizer, Bo, 20 October 2017) See further, Awoko Newspaper, Njala students protest over strike, 6 March 2017, www.awoko.org/2017/03/06/sierra-leone-news-njala-students-protest-over-strike/

A student told Amnesty International that the Vice Chancellor of the University had told them a few days earlier that if the university did not re-open by 30 March they could lose the entire academic year. The student told Amnesty International that, “We were frightened as we only had seven days left to save our education.”¹⁰⁰

A student organizer told Amnesty International that they “did not seek police clearance as they would have restrained our action.”¹⁰¹ Some students burnt tyres and blocked a main road in Bo to “send a signal to the government” to respond to their issues.¹⁰² An eyewitness told Amnesty International that the police used a water cannon to put out the burning tyres where some students were assembled and to also to disperse protesting students. According to eyewitnesses, the police were supported by military officers.¹⁰³

Another group of students processed to the Ministry of Education office. Students held placards stating, “We want Njala to be re-opened” and “Papa Government come to our aid”. They were singing “Education is our right” and “Njala must be re-opened”. Eyewitnesses described how police officers were following this crowd without taking any measures to interfere with the protest. When they arrived at the Ministry, the protesters were met by several police officers, who told students that the Ministry officials were not there and could not speak to them. Some people started throwing stones at the building.¹⁰⁴ Several other students described how they tried to calm the situation down as they did not want the actions of some to reflect badly on the students’ cause.¹⁰⁵

A vehicle arrived with several OSD officers and eyewitnesses described that they were carrying guns resembling AK-47 assault rifles and single barrel guns. Five eyewitnesses confirmed to Amnesty International that the team of OSD officers who arrived at the protest was headed by the OSD Coordinator South. Soon after arrival, the OSD officers fired tear gas on the crowd of protesters, and two eyewitnesses told Amnesty International they then heard the OSD Coordinator South give instruction to shoot. Students started running as the OSD officers fired live bullets. One student organizer said: “The OSD started chasing us and shooting guns. I had to run for my life. They were chasing us on foot, in between houses like they were fighting enemies.”¹⁰⁶

A boy, around 15 years old, was shot dead. An eyewitness at the hospital who saw the body described how he had been shot in the neck. This was later confirmed by photographic evidence analyzed by an international medical expert.¹⁰⁷ One of the boy’s family members told Amnesty International that he used to help the family by selling second hand toys at a stall. On the day of the protest, he joined the students to see what was happening.¹⁰⁸ A student who organized the protest told Amnesty International: “He was an innocent boy who lost his life in the cause we were fighting for.”¹⁰⁹

In addition, two university students were wounded: a 21-year-old female shot below her breast and a 26-year-old male shot in his abdomen. The male student underwent surgery at Bo Government Hospital and was hospitalized for a few weeks. The female student was also admitted for treatment and discharged after a day.

¹⁰⁰ Interview with student, Bo, 19 October 2017.

¹⁰¹ Interview with student organizer, Bo, 20 October 2017.

¹⁰² Interview with student organizer, Bo, 20 October 2017.

¹⁰³ Interview with eyewitness, Bo, 19 October 2017.

¹⁰⁴ Interview with Morlai student, Bo, 19 October 2017 (name changed to protect his identity).

¹⁰⁵ Interview with students, Bo and Freetown, 19-21 October 2017.

¹⁰⁶ Interview with student organizer, Bo, 20 October 2017.

¹⁰⁷ Email from international medical expert to Amnesty International after analysing photos, 23 October 2017.

¹⁰⁸ Interview with family member of boy who was killed, Bo, 19 October 2017.

¹⁰⁹ Interview with student organizer, Bo, 20 October 2017.



X-ray showing the bullet that remains in the body of a student shot in March 2017. ©Amnesty International

A medical worker at Bo Government Hospital confirmed to Amnesty International that they received two people who were injured and one person who was already dead on 23 March 2017. He confirmed that the injuries on the two wounded students and the deceased's body were from bullets, in his opinion similar to those from an AK-47. The medical worker also said that the medical team was under pressure from the authorities not to disclose this information. No postmortem was conducted as there was no pathologist available due to limited resources.¹¹⁰

After firing at and dispersing protesters, police officers arrested some students. A university staff member told Amnesty International that he was hit by a baton as he tried to intervene to stop a student being arrested.¹¹¹ A student, Morlai (name changed to protect his identity), described how a police officer slapped and beat him when he was arrested. At the police station he met five other students who were arrested. They were detained overnight and released the next day on police bail. They were never charged.¹¹²

Amnesty International spoke to the OSD Coordinator South in Bo. He denied being at the protest and claimed that the students were armed and they were the ones who fired the shots. Amnesty International has not seen any evidence to suggest that anyone at the protest was armed.¹¹³

An official at the Office of the Ombudsman, an eyewitness to the event, stated to Amnesty International that he believes the OSD used excessive force. He said: "If you are dispersing crowds, you are not fighting enemies. Why are you using live bullets? [The students] had no problem with the police but when the OSD came there was excessive use of force."¹¹⁴ A student confirmed this, stating: "The police contained the situation. The arrival of the OSD made it worse."¹¹⁵ The official at the Office of the Ombudsman further stated that "The Public Order Act has given them [the police] profuse powers. The heavy handiness, especially of the OSD, should be contained."¹¹⁶

Even if some protesters did in fact throw stones, the use of lethal force was not in compliance with international standards, as it was neither necessary nor proportionate in the situation. In line with the UN Basic Principles No. 4, 5 and 9, the use of force, and even more the use of lethal force, must be a last resort if all other means have failed or are likely to be ineffective. In accordance with these principles, the African Commission Guidelines provide that, "Where participants in an assembly are acting non-peacefully or in violation of the law, law enforcement officials should use, to the extent possible, communication and

¹¹⁰ Interview with medical worker at Bo Government Hospital, Bo, 21 October 2017.

¹¹¹ Interview with Njala University staff, Bo, 20 October 2017.

¹¹² Interview with Morlai, student, Bo, 19 October 2017 (name changed to protect his identity).

¹¹³ Interview with OSD Coordinator South, Bo, 19 October 2017.

¹¹⁴ Interview with official from the Office of the Ombudsman, 20 October 2017.

¹¹⁵ Interview with student, Bo, 19 October 2017.

¹¹⁶ Interview with official from the Office of the Ombudsman, 20 October 2017.

de-escalation strategies and measures for the containment of individuals committing or threatening violence or, if necessary and proportionate, the arrest of individuals who are committing or preparing to commit violent acts, before attempting to disperse an assembly.”¹¹⁷ However, there are no indications that the security forces attempted to control the situation by such means.

More importantly, even though some protesters were engaged in acts of violence, there was no indication of a threat to life, nor that this threat could only be stopped through the use of firearms. As a result, the use of firearms was disproportionate with regard to the situation and the type of threat the protesters presented. The use of firearms was therefore in contradiction of Basic Principle No. 9, a provision which is today recognized to reflect binding international law.¹¹⁸ Amnesty International believes that the killing of the 15-year-old boy, in particular, must be considered an arbitrary deprivation of life.

IMPUNITY

Despite the wounding and killing of unarmed protesters, no one has so far been held to account for the violations committed. Amnesty International has confirmed that there were two separate investigations carried out into this incident but no one held to account and no disciplinary or other measures taken. A senior police official in Bo confirmed that no one has been dismissed following the incident.¹¹⁹ The OSD Coordinator South was eventually transferred to the OSD headquarters in Freetown by the new Inspector General of Police in April 2018¹²⁰, following the elections, but has faced no investigation or disciplinary or criminal proceedings to date.

The CDIID conducted an internal investigation. According to a CDIID official, the findings were sent to the DPP and they are waiting for a response from the DPP before they decide if they will take any disciplinary action.¹²¹

The IPCB has also completed its investigation and in February 2018 sent its recommendations for action to be taken to the DPP and IGP.¹²² One of the recommendations is that criminal investigations should be taken against the officers suspected of being involved in the excessive use of force. Amnesty International is not aware that these recommendations have been implemented. Amnesty International did not receive any information from the DPP or IGP about criminal or disciplinary sanctions taken in this case despite repeated queries.¹²³ An official at the Office of the Ombudsman told Amnesty International: “This is a very bad image of impunity. Even if not all the details, there should be information about what key actions are taken. There should be public satisfaction into the investigations. People should know.”¹²⁴

There remains a high demand for accountability. For example, one student told Amnesty International: “I want human rights organizations to come in to the case and to see if justice can prevail in our own case this time round. We want justice to be done.”¹²⁵

This incident was not the first time that allegations had been made against the OSD Coordinator South, without actions being taken. He was also named in the ‘Shears-Moses Inquiry’, which was set up by the government to look into instances of political violence that occurred in March 2009. The inquiry named him and recommended that he be dismissed as it found that the outbreak of political violence in Gendema and Ward 323 (Southern Province) was orchestrated by the then Resident Minister South and OSD officers under the command of the OSD Coordinator South. It stated: “Members of the security forces, who have betrayed the trust put on them to protect the citizens, and found to be unprofessional in their activities, or support violence, should be dismissed from their employment to serve as a deterrent to others.”¹²⁶ The government White Paper in response to the inquiry accepted this recommendation and noted that the matter was being transferred to the Police Council.

¹¹⁷ African Commission Guidelines, Article 22.3.

¹¹⁸ AINL Use-of-force-Guidelines chapter 2.1, p. 53.

¹¹⁹ Interview with senior police officer, Bo, 19 October 2017.

¹²⁰ The Exclusive Newspaper, Shake up in the police, 5 April 2018, www.exclusivenewspaper.com/shake-up-in-police

¹²¹ Interview with CDIID official, Freetown, 27 October 2017.

¹²² Interview with expert on security sector reform, Freetown, 5 June 2018.

¹²³ Amnesty International wrote to the Director of Public Prosecutions on 10 November 2017 and again on 27 April 2018 but received no response at the time of writing. Amnesty International wrote to the new Inspector General of Police on 25 April 2018 and received a response on 28 May 2018 (letter dated 7 May 2018) stating information would be supplied in due course. No further information was supplied by the time of publication of this report.

¹²⁴ Interview with official from the Office of the Ombudsman, 20 October 2017.

¹²⁵ Interview with student, 19 October 2017.

¹²⁶ Report of the Commission of Inquiry Independent Review Panel 2009 (Shears-Moses Inquiry) on file with Amnesty International. See further, Sierra Herald, Shears Moses Panel exposes APC, www.sierraherald.com/shears-moses-part.htm

The White Paper also stated: “Government accepts the recommendation of the Commission that holders of public office, especially the security, who betray public trust and behave unprofessionally should be disciplined to serve as a deterrent.”¹²⁷

Despite this recommendation, the OSD Coordinator South was not dismissed. The former IGP told Amnesty International: “The government did not come up with any specific act on which the officer could be charged or concrete violations the officer had committed”.¹²⁸

INSUFFICIENT REDRESS

An official from the Office of the Ombudsman told Amnesty International that no official compensation has been given by the police or government institutions but that medical care had been arranged for the students who were injured and informal contributions had been given to the family of the boy who was killed.¹²⁹ Students also raised some money amongst themselves to give to the family.¹³⁰

The female student who was shot had to return to hospital for further treatment when the wound became infected. The male student who was shot still suffers from many health complications. He told Amnesty International: “I used to be able to study at night but now I can only study for a few hours.” He also said his studies are being impacted as he often must travel to Freetown for medical appointments.¹³¹ The IPCB arranged for some of his health care treatment to be covered by Mercury International, a gambling company, as part of its corporate social responsibility efforts.¹³² Medical documents, read by Amnesty International, confirm that the student still has a bullet in his right ventricle (one of the chambers in the heart). The medical expert advised that he receive further medical treatment from a cardiothoracic surgeon but noted that Sierra Leone does not have such expertise.¹³³ The student has been unable to obtain any support to receive further medical consultations outside of Sierra Leone.

5.3.2 TWO BOYS KILLED AND FOUR MEN SHOT DURING YOUTH PROTEST IN KABALA, AUGUST 2016

“I’VE NOT HAD ANY JUSTICE.”

Man shot during Kabala protest, interview with Radio Bintumani, October 2016

UNARMED PROTESTERS SHOT BY OSD OFFICERS

On 16 August 2016, two boys were killed and four men injured by gunshots when OSD police officers opened fire on youth protesters in Kabala (Northern Province), in what amounts to unlawful and excessive use of force.

In August 2016, youth leaders in Kabala decided to hold a peaceful protest over government plans to move the construction of a planned youth village from their district to another district. The proposed youth village would have offered training and trade opportunities for young people in the area. A youth leader told Amnesty International that they went to the police on 15 August 2016 to request permission to hold a peaceful demonstration but they were told they had to request this 21 days before the planned demonstration.¹³⁴ That evening, the youth leaders went on the radio and told the young people to meet at the youth centre the next day to discuss the issue.

The next day, on 16 August 2016, dozens of young people assembled at the youth centre. Some had placards stating, “Bring Back Our Youth Village”. A youth leader said they tried to dissuade the youth

¹²⁷ Sierra Express Media, Sierra Leone Govt White Paper on Shears-Moses Commission Report, 26 March 2012, www.sierraexpressmedia.com/?p=37339

¹²⁸ Interview with the former Inspector General of Police, Francis Munu, Freetown, 23 October 2017.

¹²⁹ Interview with official from the Office of the Ombudsman, 20 October 2017.

¹³⁰ Interview with students, Bo and Freetown, 19 – 20 October 2017

¹³¹ Interview with student, Bo, 21 October 2017.

¹³² Interview with IPCB official, Freetown, 23 October 2017.

¹³³ Medical documents dated 17 January 2018.

¹³⁴ Interview with youth leader, Kabala, 24 January 2018.

from going outside of the premises to protest but many still wanted to go and protest.¹³⁵ Eyewitnesses told Amnesty International that the police fired tear gas outside the youth centre to disrupt the meeting and stop the youth from protesting. People started to run when the tear gas was fired.¹³⁶ Media reports state that some young people threw stones at police officers and the police officers shot live rounds.¹³⁷

Eyewitnesses told Amnesty International that the police fired live ammunition.¹³⁸ Sheka (named changed to protect his identity), a youth leader, told Amnesty International: “I saw two boys carrying a boy who had been shot in the head. He was put in an omlanke [push cart] and taken to the Paramount Chief. He was not involved in the protest. He was just coming from school.” Two other eyewitnesses also confirmed seeing the body of a dead boy, who had been shot, in a push cart. Community members confirmed to Amnesty International that a second boy was also shot dead by the police and four men injured by gunshot wounds.¹³⁹

After news spread about the killing of the two boys, some people retaliated with violence and houses were burnt down, including the house of the LUC. A curfew was put in place that evening and the military called in. Seventeen people were arrested and tried for offences such as arson and riotous conduct and were later acquitted and discharged.¹⁴⁰ A youth village has not yet been built in Kabala.

Amnesty International spoke to Kabala’s current LUC, who was installed there after the incident. He affirmed that firearms should be a last resort and that all other techniques should be applied first to disperse a crowd. He said that only if the protesters are equally armed should guns have to be used.¹⁴¹ Amnesty International found no evidence that the protesters were armed. The African Commission Guidelines make clear that firearms should never be used for the purpose of dispersing a crowd, not even as a last resort. Further, that firearms should only be used in a targeted manner against individuals who present a threat to the life of another person.¹⁴²

Youth leaders told Amnesty International that they felt the police should have talked to them first and tried to calm down the situation rather than fire tear gas. A youth leader said, “There would have been no problems if the police had just allowed us to peacefully protest and had come with us.”¹⁴³

IMPUNITY

Following the killings, Sierra Leone’s HRC issued a statement reaffirming the right to freedom of peaceful assembly under the Sierra Leone Constitution and international treaties. They called for a public investigation into the incident and noted the pattern of unarmed citizens being killed during protests. The Commission also called on the international community to immediately put on hold the recruitment of members of the police to serve in international and regional peacekeeping missions until investigations are completed.¹⁴⁴

But despite this strong call for investigation into and accountability for the wounding and killing of unarmed protesters and bystanders, no one has yet been held to account for the violations committed during this incident.

The IPCB investigated the matter and in December 2016 submitted its recommendations for action to be taken to the DPP and IGP. One of the recommendations was that criminal investigations should be taken against the officers suspected of being involved in the shooting.¹⁴⁵ Amnesty International is not aware of any action that has been taken by the DPP¹⁴⁶ or IGP and has received no response to its enquiries for information.¹⁴⁷

¹³⁵ Interview with youth leader, Kabala, 24 January 2018.

¹³⁶ Interviews with eyewitnesses, Kabala, 24 and 25 January 2018.

¹³⁷ Cocorioko Newspaper, Riot reported in Kabala, 16 August 2016, www.cocorioko.net/riot-reported-in-kabala

¹³⁸ Interview with eyewitnesses, Kabala, 24 and 25 January 2018. Amnesty International also listened to several radio interviews conducted with eyewitnesses, families of those killed or injured and community members after the incident which were recorded by local journalists. (On file with Amnesty International).

¹³⁹ Interviews with community members, Kabala, 24 and 25 January 2018.

¹⁴⁰ Telephone interview with defence lawyer Benedict Jalloh, 11 January 2017.

¹⁴¹ Interview with Local Unit Commander Edmond Issa Conteh, Kabala, 26 January 2018.

¹⁴² Africa Commission Guidelines, Article 21.2.3 and Article 21.2.4.

¹⁴³ Interview with youth leaders, Kabala, 24 and 25 January 2018.

¹⁴⁴ Concord Times, Over Kabala killings HRC calls to embargo SLP peacekeeping mission, 22 August 2016, www.slconcordtimes.com/over-kabala-killings

¹⁴⁵ Telephone interview with expert on security sector reform, 5 June 2018.

¹⁴⁶ US Department of State, Sierra Leone Human Rights Report, 2017, states “There was no evidence the DPP acted on the report.”

¹⁴⁷ Amnesty International wrote to the Director of Public Prosecutions on 10 November 2017 and again on 27 April 2018 but received no response at the time of writing. Amnesty International wrote to the new Inspector General of Police on 25 April 2018 and received a response on 28 May 2018 (letter dated 7 May 2018) stating information would be supplied in due course. No further information was supplied by the time of publication of this report.

Media reports stated that, shortly after the incident, the former IGP ordered the LUC and OSD commander for Kabala to step aside pending the investigation. The IGP is quoted as saying that this was not a suspension.¹⁴⁸ A CDIID officer told Amnesty International that three OSD officers had been suspended following the Kabala incident, including surrender of their weapons.¹⁴⁹ According to information received by Amnesty International, the three OSD officers were transferred to Freetown but remain working within the police force.¹⁵⁰ This includes the OSD commander for Kabala, suspected to be responsible for ordering use of live ammunition against protesters. Amnesty International's investigation further indicates that the OSD commander was promoted from Inspector to Assistant Superintendent of Police.¹⁵¹

Members of the police also spoke to Amnesty International about the persistent culture of impunity within the police force. A senior police officer in the Northern Province said:

“The OSD lacks leadership and competent commanders. They don't take time to learn lessons so these issues do not repeat. It is no hidden secret. It was very improper [action] on the part of the OSD. This aggravated the situation. The early killing caused the further violence. No one has been held responsible. The people are in Freetown. If the truth is not out, you never learn.”¹⁵²

Victims express their cry for justice but also their fear. A man who was injured during the protest by the police told Amnesty International, “I want to see the police officers who did this go to court.” However, a family member of one of the boys who was killed felt they did not have enough power. He said, “We are not able to fight the government.”¹⁵³

INSUFFICIENT REDRESS

The mother of one of the boys killed, a 16-year-old named Amadou, told Amnesty International that her son was attending summer school when she received a call from her other son telling her Amadou had been shot and killed by the police. She rushed to the town and saw her son's body in the push cart. “I felt that they had killed me that day,” she told Amnesty International. She said that some government officials and police officers came and apologized and gave her some money.¹⁵⁴

The mother of the second boy who was shot dead told Amnesty International: “My son was 17 years old. He loved football and music. He was attending Kabala Secondary School. This year, he should have taken his WASSCE exam (senior secondary school exam). On the day he was killed I told him to go and buy me something. Later there was panic. Tear gas. People running everywhere. Someone told me they had shot him. I fainted.”¹⁵⁵ The former IGP came and apologized to the family in late August 2016. The family did not receive compensation but were given some funds to assist with the funeral.¹⁵⁶

¹⁴⁸ Sierra Loaded, Police launches investigations into Kabala youth protest, 19 August 2016, www.sierraloading.com/police-launches-investigations-into-kabala-youth-protest

¹⁴⁹ Interview with CDIID official, Freetown, 27 October 2017.

¹⁵⁰ Interview with two civil society activists, Kabala and Freetown, January 2018.

¹⁵¹ Interview with OSD officer, Freetown, 27 January 2018.

¹⁵² Interview with senior police officer, Northern Province, 27 January 2018.

¹⁵³ Interviews, Kabala, 24 and 25 January 2018.

¹⁵⁴ Interview with mother of Amadou, 24 January 2018.

¹⁵⁵ Interview with mother of boy killed, 24 January 2018.

¹⁵⁶ Interview with family member, 24 January 2018.



Photo of man shot and injured during Kabala youth protest in 2016. © Amnesty International

In addition, one of the four men¹⁵⁷ who sustained gunshot wounds also told Amnesty International that he has yet to receive adequate redress. He was shot in the back while he was walking in the town, as the crowd was dispersing. A police officer told people to take him to the hospital following his injury. He was first seen by a Medecins Sans Frontiers¹⁵⁸ doctor, who referred him to Connaught Hospital in Freetown for further treatment. He was then referred to Bo (Southern Province) for physiotherapy treatment. MSF covered part of his medical costs and he has received some assistance from the Chief and other community members in Kabala, including a wheelchair. “I used to do construction work,” he told Amnesty International. “Now I can’t do anything.” He and his family struggle to provide for themselves financially and have moved outside of Kabala as it is cheaper. He did not receive any formal compensation from the government.¹⁵⁹

¹⁵⁷ Amnesty International listened to a radio interview of another man who was shot and injured. He was walking near the main roundabout in town when he was shot. He was taken to Emergency Hospital in Freetown. He still suffers pain and said he has not received any proper compensation from the government. He said: “We just heard that these police officers have been transferred. We’ve had no justice yet.” (Interview with Radio Bintumani, October 2016).

¹⁵⁸ Medecins Sans Frontiers is an international health organization that works in Sierra Leone.

¹⁵⁹ Interview with man shot, Kabala, 25 January 2018.

5.3.3 ONE BOY KILLED DURING PROTEST ON GUARD STREET, FREETOWN, NOVEMBER 2013

On 11 November 2013, a secondary school student at Ansarul Islamic Secondary School, on Guard Street in Freetown, was taking part in a protest against street traders occupying the walkway and immediate vicinity of his school. According to media and civil society reports, he was shot dead when police fired live rounds to disperse the unarmed crowd.¹⁶⁰ A postmortem carried out by a pathologist confirmed that the boy died from a gunshot wound. The police denied the killing but said they used tear gas.¹⁶¹ The then President of the National Youth Coalition, Morlai Kanu Conteh, called for an investigation and trial of the police officer.¹⁶² Sierra Leone's HRC also called for an investigation and stated that the police and Ministry of Justice were conducting investigations.¹⁶³

Amnesty International wrote to both the DPP and IGP but has so far not received any information about criminal or disciplinary action taken against any of the police officers involved in this incident.¹⁶⁴

5.4 LAND/WORKERS' RIGHTS PROTESTS

As foreign investment in Sierra Leone has grown over the past decade, there has been a pattern of human rights abuses involving the security forces during workers' protests and tensions between corporations and communities in Sierra Leone. However, there has been insufficient redress and continued impunity for these violations as demonstrated below. Fostering private investment while ensuring protection of workers' rights and preventing abuses by companies will be another challenge facing the new government as business operations continue and expand.

5.4.1 ONE WOMAN KILLED AND SEVERAL INJURED IN WORKERS' PROTEST IN BUMBUNA, APRIL 2012

“THESE PEOPLE FIRED AT THIS LADY [THE LATE MUSU CONTEH] AND SHE DROPPED IN FRONT OF MY SISTER AND I FOR US TO SEE. THE LADY CRIED OUT, ‘I AM DYING FOR MY RIGHT’, AND SHE WAS SHOT AT AGAIN. ALTOGETHER, SHE WAS SHOT AT THREE TIMES AND WE ALL PANICKED AND RAN BECAUSE ANYBODY WHO CAME TO RESCUE THE LADY WAS SHOT AT.”

Eyewitness¹⁶⁵

¹⁶⁰ Human Rights Commission of Sierra Leone Annual Report 2013.

¹⁶¹ Sierra Leone Telegraph, Inspector General Munu must quit, 13 November 2013, www.thesierraleonetelegraph.com/inspector-general-munu-must-quit

¹⁶² Awoko Newspaper, As NYC issues ultimatum, 14 November 2014, www.awoko.org/2013/11/14/sierra-leone-news-as-nyc-issues10-days-ultimatum/?pr=57222&lang=en

¹⁶³ Human Rights Commission of Sierra Leone Annual Report 2013.

¹⁶⁴ Amnesty International wrote to the Director of Public Prosecutions on 10 November 2017 and again on 27 April 2018 but received no response at the time of writing. Amnesty International wrote to the new Inspector General of Police on 25 April 2018 and received a response on 28 May 2018 (letter dated 7 May 2018) stating information would be supplied in due course. No further information was supplied by the time of publication of this report.

¹⁶⁵ Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012, para. 202.



Ammunition and large cartridge collected by members of the community and shown to Amnesty International. © Amnesty International

In a previous report, Amnesty International documented how the police in Bumbuna (Northern Province) fired live ammunition at unarmed community members, used tear gas to disperse protesters, raided homes and businesses, and threatened numerous individuals in April 2012. One woman was killed and at least 11 were injured, many as a result of gunshots.¹⁶⁶ At least 15 people had their property looted or damaged. Despite the wounding and killing of unarmed protesters and community members, and recommendations made by both Amnesty International and the HRC, no one has been held to account for the violations committed in Bumbuna.

On 15 April 2012, Sierra Leonean employees at the African Minerals Limited (AML)¹⁶⁷ mine in Bumbuna initiated a public demonstration to protest their working conditions and remuneration. On the same day, they provided notice to the officer in charge of the Bumbuna police, and some workers placed barricades on the main roads leading to the town. On 16 April, the workers gathered at the local courthouse. The police in Bumbuna confirmed the gathering on 16 April was peaceful.¹⁶⁸ Nonetheless, they called in reinforcements from Makeni, Magburaka and Freetown.

On 17 April, the police entered the main Bumbuna marketplace - populated largely by female traders and their children - and fired tear gas and live ammunition into the air. Several female traders reported that the police also looted or destroyed their market stalls. The market place was nowhere near the protesting AML workers.¹⁶⁹

A local radio journalist was reporting on the events over the two days, including the behaviour of the police. The journalist told Amnesty International that in the early hours 18 April a group of police officers, in an AML vehicle driven by an AML employee, arrived at the radio station to question him, claiming that he was resorting to hate speech and inciting the residents. The journalist agreed to accompany the police to the police station to be questioned but was released after community members came to the radio station to prevent what they believed was his arrest.

¹⁶⁶ Amnesty International, Sierra Leone: Briefing on the events in Bumbuna, Tonkolili, (Index: AFR 51/004/2012).

¹⁶⁷ AML is a UK-based company.

¹⁶⁸ Interview with local police officer, Bumbuna, 12 May 2012.

¹⁶⁹ Amnesty International delegates visited the market and observed, and photographed, holes in the tin roof of the market where police had fired. The delegates were also shown a video by a journalist in which people are seen running out of the marketplace and gunshots are heard in the background.

The police used live ammunition against the crowd and several people were injured in the shooting.¹⁷⁰

Later the same morning, protesters airing grievances against the police's use of force and other misconduct the previous day were fired at while they marched to the town police station. According to eyewitnesses, the police fired live ammunition directly into the crowd without giving prior warning. One woman, Musu Conteh, died after being hit with a bullet on the right side of her chest.¹⁷¹ A health worker who treated the injured, reported that a total of 11 people sustained injuries during that day, including a child who inhaled tear gas.¹⁷² Amnesty International confirmed, through medical records and interviews with health professionals, that at least six people suffered gunshot wounds.¹⁷³

The police justified their use of force by claiming that members of the community were using violence, including by throwing stones.¹⁷⁴ Some police officers told Amnesty International that they had collected evidence, such as petrol bombs, knives and cutlasses. While allegations of stone-throwing by some protesters in response to the initial use of tear gas and live ammunition by the police is consistent with the information obtained by Amnesty International¹⁷⁵, the organization has not found any evidence corroborating protesters' use of other items or weapons as reported by the police. Police were also unable to publicly produce any evidence of weaponry allegedly used by protesters during the HRC Public Inquiry into the incident.¹⁷⁶

Amnesty International has also received reports that some police officers engaged in the looting and harassment of community members over the period from 17-18 April. Several community members told Amnesty International that the police roamed through Bumbuna on 17 and 18 April breaking down doors to private homes to effect arrests of young men who they suspected of involvement in the protest action by AML workers.¹⁷⁷ They reportedly harassed women cooking outside and shot live bullets into cooking pots; threatened and harassed community members; and looted money, food and mobile phones from businesses and homes. Amnesty International was shown evidence of bullet holes in walls and roofs, broken doors and cooking pots, bullet cartridges, large canisters referred to as tear gas canisters, and photographs and videos and injuries.¹⁷⁸

Amnesty International and the HRC raised concern in their respective reports on the incident about the close relationship between the police and AML and their ability to independently maintain public order and enforce the rule of law in an impartial manner.

IMPUNITY

The former President, Ernest Bai Koroma, announced in June 2012 that a Coroner's Inquest would be undertaken.¹⁷⁹ Amnesty International is not aware of any public report resulting from the Inquest or any follow up action taken.

The HRC Public Inquiry Report in 2012 found that the police acted unprofessionally and did not follow their own Rules of Engagement. The Commission further named three police officers who should be investigated for mismanaging the police response to the protest action and also stated that the authorities should identify and investigate all personnel involved in the police response to the protest action, discipline those found culpable and where appropriate, prefer criminal charges against them.¹⁸⁰

In its Annual Report for 2013, the HRC reported that the police had complied with some recommendations such as publicly apologizing to the women of Bumbuna, redeploying senior personnel suspected of being involved in the incident and incorporating human rights education into their training practices.

¹⁷⁰ Interview with radio journalist, Bumbuna, 14 May 2012. See further, Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012, paras 126 – 129.

¹⁷¹ Photographs obtained by Amnesty International on record. Two health staff also confirmed the cause of death.

¹⁷² Interview with health worker, Bumbuna, 14 May 2012.

¹⁷³ Interview with health worker, Bumbuna, 12 May 2012.

¹⁷⁴ Interview with police officers, Bumbuna, 12 and 13 May 2012.

¹⁷⁵ Two sources told Amnesty International that they viewed video footage in which protesters and the police were throwing rocks. Amnesty International interview, Freetown, May 2012.

¹⁷⁶ Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012.

¹⁷⁷ The local police confirmed to Amnesty International that 23 individuals were arrested on 17 April but could not give further information about charges or status of those arrested. Other local NGOs confirmed a number of arrests over the two-day period (17 and 18 April).

Amnesty International was unable to confirm details. Amnesty International spoke to one young man who described how he was asleep in his room around 8 am when the police entered and arrested him. They accused him of being one of the protesters, which he denied. He showed Amnesty International scars where he claims he was beaten by the police. Photographs on record.

¹⁷⁸ Amnesty International, Sierra Leone: Briefing on the events in Bumbuna, Tonkolili, (Index: AFR 51/004/2012).

¹⁷⁹ Sierra Leone Telegraph, President Koroma launches Coroner's Inquest into Police murders, 14 June 2012, www.thesierraleonetelegraph.com/2004

¹⁸⁰ Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012, paras 42 and 44.

The police also stated that they had concluded their investigation into the OSD personnel who had fired live ammunition and the file had been transferred to the Attorney General and Minister of Justice for necessary action.¹⁸¹ Amnesty International is not aware that any criminal or disciplinary proceedings¹⁸² have been instituted against police officers.¹⁸³

LACK OF REDRESS

The HRC reported that some victims who sustained gunshot wounds were given money from the former President. However, the Commission found that there was a failure to properly assess and compensate victims of gunshot wounds which left some victims with lingering medical conditions that were not adequately compensated. Further, because no quantification of losses or damages was done, some victims were excluded from the “compensation process,” such as those who lost material goods. The HRC recommended that the government use qualified and experienced experts to quantify and determine the levels of compensation deserved by individual victims and that this should be done within a year of the report.¹⁸⁴ Amnesty International is not aware that this recommendation has been complied with.¹⁸⁵

5.4.2 ONE WOMAN SHOT AND DOZENS INJURED FOLLOWING PROTEST IN TONKOLILI, NOVEMBER 2010

According to the HRC and UK lawyers who gathered evidence on this incident¹⁸⁶, one woman was shot in the head and over 50 people were injured by police, following a protest in Tonkolili district (Northern Province). The property of dozens of people was looted or damaged during police raids following the protest. In 2011, the HRC recommended that a public enquiry be conducted but this did not take place.¹⁸⁷ Amnesty International is not aware of any criminal or disciplinary action taken against the police officers involved despite strong evidence of excessive use of force by the police. Amnesty International is not aware of any compensation that was given to people shot or injured.¹⁸⁸

Over 140 claimants from Sierra Leone have taken legal action against Tonkolili Iron Ore Ltd. (formerly a subsidiary of AML.) in the UK over claims the company was complicit in the activities by the police of false imprisonment and assault during the two incidents in 2010 and 2012. Astrid Perry, a lawyer from Leigh Day law firm, is assisting the claimants to bring the case and stated:

“Prior to bringing their claim, our clients believed that they had no rights and that the alleged abuse they suffered was just a part of their life and to be accepted.”¹⁸⁹

In 25 November 2010 residents of Kemedugu village, Kemedugu Section in Tonkolili district protested against the use of their land by AML. The Sierra Leone Network on the Right to Food (SiLNoRF) reported that several days earlier, villagers had rejected a proposal to use their land to construct a dam due to its importance in providing food and water for the community.¹⁹⁰ However, AML bulldozers began working on the land and destroying crops. Residents protested and a number of AML expatriate workers were blocked in at the Yutinela Junction. AML staff arrived and negotiated the release of the expatriate workers.¹⁹¹ AML also called the police who deployed from Magburaka. According to the HRC and UK lawyers who gathered

¹⁸¹ Human Rights Commission of Sierra Leone Annual Report 2013.

¹⁸² A CIDIID official told Amnesty International that no disciplinary actions have been taken in this case during an interview on 27 October 2017.

¹⁸³ Amnesty International wrote to the Director of Public Prosecutions on 10 November 2017 and again on 27 April 2018 but received no response at the time of writing. Amnesty International wrote to the new Inspector General of Police on 25 April 2018 and received a response on 28 May 2018 (letter dated 7 May 2018) stating information would be supplied in due course. No further information was supplied by the time of publication of this report.

¹⁸⁴ Human Rights Commission of Sierra Leone, Bumbuna Inquiry Report 2012, paras 326, 327 and 376.

¹⁸⁵ Telephone interview with lawyer from Leigh Day, 9 May 2018. UK law firm, Leigh Day, is assisting claimants to bring a case against Tonkolili Iron Ore Ltd. in the High Court in the UK. Kadie Kalma and others v AML et al. (Claim No: HQ13X05618), High Court of Justice of England and Wales (hereinafter, Kadie Kalma and others v AML).

¹⁸⁶ 142 claimants from Sierra Leone have taken the legal action against Tonkolili Iron Ore Ltd. in the UK over claims the company was complicit in the activities by the police of false imprisonment and assault during the two incidents in 2010 and 2012.

¹⁸⁷ Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011.

¹⁸⁸ Telephone interview with lawyer from Leigh Day, 9 May 2018.

¹⁸⁹ Leigh Day, Landmark High Court case begins over alleged abuses by UK-based mining company in Sierra Leone, 26 January 2018, <https://www.leighday.co.uk/News/News-2018/January-2018/Landmark-High-Court-case-begins-over-alleged-abuse>

¹⁹⁰ Sierra Leone Network on the Right to Food (SiLNoRF), Monitoring Report on the incident at Ferengbeya and Kemedugu I&II between African Mineral Limited (AML) and the residents of the affected villages, 30 November 2010.

¹⁹¹ Court documents in the case Kadie Kalma and others v AML.

evidence on this incident, the OSD used excessive force to disperse the protest, including firing tear gas and live ammunition and arbitrarily arrested people, even those who were not involved in the protest and several people were beaten by police during this incident.¹⁹² A woman was wounded after being shot in the head.¹⁹³

In the evening, the police conducted raids on Kemedugu, Ferengbeya and Kegbema villages in what appeared to be a reprisal action for the protest, claiming that community members from these villages had been involved in burning a rig at Simbili.¹⁹⁴ Members of the OSD fired tear gas in the village and severely beat several people with their guns. A woman described how she saw police officers firing tear gas and that one of the canisters fell on the thatched roof of her stall which caught fire.¹⁹⁵ One man from Ferengbeya described how, in the evening of 25 November, he encountered an OSD officer who beat him severely and ultimately knocked him unconscious with the butt of a rifle. He awoke in hospital and medical evidence shows that he sustained jaw injuries as well as tooth loss and suffered a mild brain injury.¹⁹⁶ The HRC investigation stated “[t]he evidence collected overwhelmingly shows” that “the complainants were assaulted” and “were arrested and detained”, and that “the police violated the right to privacy of the person and homes because they entered the homes without search warrants.” In addition, the HRC’s report indicated that the police had looted properties.¹⁹⁷

Dozens of people were arrested. Several detainees were later taken to an AML camp where they were detained overnight and beaten by the police. Some sustained serious injuries.¹⁹⁸ A woman gave evidence in court that she was raped by a man in a police uniform whilst she was detained at Magburaka police station.¹⁹⁹ A few people were detained for over a week and then released without charge. Some were detained without charge for 12 days before being charged with conspiracy, riotous conduct and malicious damage. A number of people were prosecuted but the case was dropped following an out-of-court settlement on 25 March 2011.²⁰⁰

On the basis of the facts reported the response of the police to the incident in Tonkolili would appear arbitrary and excessive. The use of firearms does not appear to comply with international standards as they were used to disperse a crowd and not in a situation where there was a threat to life.²⁰¹ Further, tear gas was used as a means of punishment and not for the purpose of dispersing a largely violent crowd.²⁰²

5.4.3 TWO MEN KILLED AND ONE WOMAN INJURED DURING WORKERS’ PROTEST IN KONO, DECEMBER 2012

“THE RESIDENTS OF KOIDU FEEL LIKE THEY CANNOT FIGHT FOR THEIR RIGHTS OR SOMEONE WILL BE KILLED. PEOPLE ARE FRUSTRATED BUT NOW THERE IS FEAR. PEOPLE FEEL LIKE THEY [THE POLICE] WILL JUST SHOOT YOU. THE ISSUE OF IMPUNITY COMES IN. NO ONE WANTS TO LOSE THEIR LIVES.”

Civil society activist in Kono, 12 June 2017

¹⁹² Court documents in the case Kadie Kalma and others v AML. The Human Rights Commission conducted an initial investigation into the incident. See further, Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011.

¹⁹³ Court documents in the case Kadie Kalma and others v AML.

¹⁹⁴ Court documents in the case Kadie Kalma and others v AML.

¹⁹⁵ Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011.

¹⁹⁶ Court documents in the case Kadie Kalma and others v AML.

¹⁹⁷ Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011.

¹⁹⁸ Court documents provided by Leigh Day in the case Kadie Kalma and others v. See further, Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011.

¹⁹⁹ Court documents provided by Leigh Day in the case Kadie Kalma and others v AML.

²⁰⁰ Court documents provided by Leigh Day in the case Kadie Kalma and others v AML. Human Rights Commission of Sierra Leone, Complaint No HRCSL NO. 12 -10, 9 November 2011

²⁰¹ UN Basic Principles, No. 9 and 14, African Commission Guidelines Article 21.2.3 and Article 21.2.4. See also AINL Use-of-force-Guidelines, section 7.4.3.

²⁰² AINL Use-of-Force-Guidelines, chapter 7.4.2.

In December 2012, two people were killed in Kono (Eastern Province) and one woman was seriously injured when police used firearms after workers at the Koidu Holdings diamond mine went on strike.

On 16 December 2012, the workers held a sit-down strike at the mine over bonuses and work conditions, including alleged racist treatment and the inability to form a union of their own choosing. A worker involved in the strike explained that they put up notices in the cafeteria a few days before informing that a strike would take place. He told Amnesty International that they did not request permission from the police as they would have required 21 days' notice and he feared, from previous experience, that they would have been dismissed by the company.²⁰³

Eyewitnesses told Amnesty International that that strike was largely peaceful, although some protesters threw stones at the vehicle of the Minister of Mines on his arrival on 18 December 2012. In response, the police fired tear gas to disperse people, and people started running away. Eyewitnesses told Amnesty International that men dressed in blue camouflage uniforms (the OSD uniform) then fired gunshots, killing two people and seriously injuring one woman.²⁰⁴

The LUC told Amnesty International that one of the officers had been disarmed and the gun was handed in to the police a few days later.²⁰⁵ Eyewitnesses told Amnesty International that they only saw the OSD fire gunshots. An eyewitness said that the person who disarmed the OSD officer did not use the gun but took it away so it would not be used by the OSD.²⁰⁶

These circumstances did not amount to an imminent threat to life and therefore the use of lethal force was not justified under international standards.²⁰⁷ Further, limited violence of a few people does not justify the use of tear gas which is only acceptable in case of widespread and uncontrollable violence.²⁰⁸

It is not clear whether an internal police investigation was carried out into the use of firearms and the deaths and injuries, as required under international standards. There was no external investigation and no public information provided justifying the use of force. Amnesty International has not received information that any police officers were criminally investigated or that disciplinary action was taken despite writing to the DPP and IGP.²⁰⁹ Amnesty International is not aware that compensation was provided for the families of those killed or people who were injured.²¹⁰ The lack of redress continues to foster tensions in the community.²¹¹

5.4.4 TWO MEN KILLED AND NINE PEOPLE INJURED DURING WORKERS' STRIKE IN KONO, DECEMBER 2007

“THIS IS A HOPELESS SITUATION FOR ME AND EVERY SIERRA LEONEAN WHO LIVES IN A MINING AREA. MAYBE THE NEW GOVERNMENT WILL DO SOMETHING IF THERE IS ENOUGH PRESSURE.”

Man shot in 2007, speaking to Amnesty International on 10 May 2018

²⁰³ Interview with a worker at Koidu Holdings, Kono, 30 March 2013.

²⁰⁴ Interviews with eyewitnesses, Kono, 28 – 30 March 2013. Follow-up interviews with activists, Kono, 12 - 14 June 2017. See also US State Department, Human Rights Report on Sierra Leone, 2012.

²⁰⁵ Interview with the Local Unit Commander, Kono, 30 March 2013

²⁰⁶ Interviews with eyewitnesses, Kono, 28 – 30 March 2013.

²⁰⁷ UN Basic Principles No. 9 and 14, African Commission Guidelines Article 21.2.3 and Article 21.2.4. See also AINL Use-of-force-Guidelines, section 7.4.3.

²⁰⁸ AINL Use-of-Force-Guidelines, chapter 7.4.2.

²⁰⁹ Amnesty International wrote to the Director of Public Prosecutions on 10 November 2017 and again on 27 April 2018 but received no response at the time of writing. Amnesty International wrote to the new Inspector General of Police on 25 April 2018 and received a response on 28 May 2018 (letter dated 7 May 2018) stating information would be supplied in due course. No further information was supplied by the time of publication of this report.

²¹⁰ Follow-up interviews with activists, Kono, 12 - 14 June 2017.

²¹¹ Vice, One Day, They Will Rise Up': Explosive Anger Builds Around a Tiffany Diamond Mine, 9 March 2016, www.news.vice.com/article/explosive-anger-tiffany-diamond-octea-mine



Memorial to Aiah Momoh who was killed in 2007 protest. © Cooper Inveen/ GroundTruth/ ICIJ.

On 13 December 2007, two men were shot dead by the police and at least nine people were injured by gunshots when demonstrators protested against working conditions in the diamond mine in Kono (Eastern Province), operated by Koidu Holdings.

A 2008 Commission of Inquiry (the Jenkins-Johnston Commission) constituted by the government recommended prosecution of three of the OSD officers involved. The government accepted this recommendation²¹². However, Amnesty International has not obtained any information about criminal or disciplinary action taken against the officers despite several inquiries to the DPP and IGP.

Amnesty International spoke to two civil society activists in Kono who said that they are not aware of any action taken against the police officers involved in over a decade. One activist told Amnesty International that he understood the police officers had been transferred but still work for the police force.²¹³ Some compensation was paid to the victims though they stated that this was inadequate and some still suffer from medical complications.²¹⁴

²¹² Awoko Newspaper, Ending Impunity in the Mining Sector report launched, 12 August 2013, www.awoko.org/2013/08/12/sierra-leone-news-ending-impunity-in-the-mining-sector-report-launched

²¹³ Telephone interview with civil society activists, Kono, 10 May 2018.

²¹⁴ Telephone interview with Kono lawyer and civil society activist, 10 May 2018.

5.5 INADEQUATE INVESTIGATION OF HUMAN RIGHTS VIOLATIONS COMMITTED BY LAW ENFORCEMENT OFFICERS

As outlined above, together with repeated and credible allegations of the excessive or abusive use of force by law enforcement officials, there appears to be a pattern of widespread and persistent impunity for violations committed by police in Sierra Leone. Amnesty International is unaware of any law enforcement officer who has faced criminal proceedings for the use of excessive or lethal force in the context of policing protests, despite recommendations from two Commissions of Inquiry and the IPCB to do so, while other key recommendations made by the IPCB and Commissions of Inquiry have not been implemented.

As such, Sierra Leone is failing in its international obligations to conduct effective, impartial and independent investigations into complaints of human rights violations committed by law enforcement officials as outlined in Chapter 5.1.2 above. International human rights law requires that all allegations of torture and other ill-treatment are promptly, thoroughly, impartially and independently investigated, that victims have access to justice and an effective remedy and receive adequate reparation, and that those suspected to be responsible are brought to justice in fair trials.²¹⁵

Amnesty International is deeply concerned by the failure of the DPP to institute criminal investigations and prosecutions into the cases outlined in this report and to provide adequate public information about the status of these investigations. Amnesty International wrote to the DPP in November 2017 and again in April 2018 asking for information on progress of investigations or prosecutions in relation to the allegations of excessive use of force by law enforcement officials outlined in this report and any other related investigations. Amnesty International has not received a response to its letters and was not able to secure a meeting with the DPP despite repeated attempts during missions to Sierra Leone in July 2017, October 2017 and January 2018.

Other institutions have told Amnesty International that the DPP is a blockage in holding the police to account. For example, as outlined earlier, the IPCB submitted the findings of its investigations into the Bo 2017 and Kabala 2016 protests to the DPP but no action has been taken. The former IGP told Amnesty International:

“Often the best we can do is an investigation and send this to the DPP. But where the shooting is not intentional, sometimes they do not follow through.”²¹⁶

While criminal proceedings against individual officers are a key element in combating impunity for human rights violations, they are not alone sufficient to ensure accountability and non-recurrence of violations. It is also necessary to establish effective administrative investigations to look into institutional responsibility and to identify underlying organizational factors, such as lines of authority within the institution of the police, procedural rules, training, and to determine the necessary disciplinary, administrative and other corrective measures to be taken in order to ensure non-repetition of such violations.²¹⁷ Effective measures must also be put in place in order to ensure that victims of human rights violations by the police receive prompt and adequate reparations, including compensation, which should not be dependent on the criminal conviction of individual officers concerned or on the victims pursuing a civil claim through the courts.

Although there have been internal police investigations (through the CDIID) into some of the cases above, these investigations have not been adequate as only minimal disciplinary measures have been taken against some of the police officers. In some cases, such as the Kabala 2016 protest, officers have been suspended but then reinstated and promoted. In other cases, such as the Bo 2017 and Bumbuna 2012 protests, officers have just been transferred, essentially moving them out of sight of the affected people and simply transferring the problem – potentially criminally responsible officers – to another place. It is also not clear what recommendations have been made and steps taken to reform internal police operations in order to ensure non-repetition of such violations. Further, in some cases (such as Kono 2012 or Tonkolili 2010) it is not clear whether an investigation was carried out at all. It is imperative that the CDIID makes public what investigations have taken place into allegation of excessive use of force by law enforcement officers, what

²¹⁵ International Covenant Civil and Political Rights Articles 2 and 7; Human Rights Committee General Comment 31, paras 15-16; Convention against Torture Articles 12-14; European Convention on Human Rights Articles 3 and 13.

²¹⁶ Interview with former IGP, Freetown, 23 October 2017.

²¹⁷ AINL Use-of-force-Guidelines chapter 3.

recommendations have been made and what actions have been taken to implement them.

Although there have been thorough nonjudicial investigations into some incidents (such as the HRC inquiry into the Bumbuna 2012 events or the Jenkins-Johnson Commission of Inquiry into the Kono 2007 events), the authorities have not made public the status of their implementation of these recommendations and, in particular, the recommendations concerning investigation of police officers suspected of using excessive force.

Though this report focuses on impunity for excessive use of force during protests, it reflects a pattern of impunity for human rights abuses by law enforcement actors in other contexts as highlighted by the case examples below.²¹⁸

FAILURE TO INVESTIGATE THE USE OF LETHAL FORCE BY LAW ENFORCEMENT OFFICIALS OUTSIDE THE CONTEXT OF POLICING PROTESTS

Kono, 2014

In November 2014, two young men were shot dead by security forces during a riot that took place in Kono when health care workers attempted to take away a 90-year-old woman suspected of having Ebola although this was contested by her family and community. Witnesses described how police used live rounds to disperse the crowd. It is unclear whether there was an investigation into the deaths and no information has been made public.²¹⁹

Wellington, 2012

In June, police shot and killed Alieu Sonkoh and Ishmael Kargbo-Sillah in Wellington. A third man was seriously injured. According to the families and community members who witnessed the incident, the unarmed men were part of a neighbourhood watch group who were in the area where police were looking for a vehicle. Former President Koroma visited the community and set up a Coroner's Inquest, which closed in July 2012. The results of the investigation have not been made public.²²⁰

Kelvin Lewis Commission of Inquiry, 2011

The Kelvin Lewis Commission of Inquiry into election violence in Bo in September 2011 found that a police officer was responsible for the death of a young man after he was shot. The Commission also held that nine other people sustained gunshot wounds and that three OSD officers were responsible.²²¹ It is not clear whether any criminal or disciplinary sanctions have been taken against the officers.²²²

²¹⁸ Centre for Accountability and Rule of Law, *Accountability As A Critical Requirement In Democratic Policing: Is The Sierra Leone Police Force Lagging Behind?*, 11 August 2016, www.carl-sl.org/pres/accountability-as-a-critical-requirement-in-democratic-policing-is-the-sierra-leone-police-force-lagging-behind

²¹⁹ Amnesty International, *Report 2014/5: The State of the World's Human Rights* (Index: POL 10/001/2015)

²²⁰ Amnesty International, *Report 2013: The State of the World's Human Rights* (Index number: POL 10/001/2013)

²²¹ Report of Independent Investigation Panel into 9 September 2011 Incident (Kelvin Lewis Commission of Inquiry) 2011.

²²² Telephone interview with Kelvin Lewis, 25 April 2018.

6. WEAK INSTITUTIONS AND LEGAL FRAMEWORK

“TRAINING IS NOT THE SOLUTION [TO REFORM THE POLICE]. THERE NEEDS TO BE STRONGER INSTITUTIONS AND INTERNAL REFORM AND, IMPORTANTLY, ACCOUNTABILITY.”

UN official, speaking to Amnesty International on 25 October 2017

Lack of political will is a key factor behind impunity of law enforcement officials for allegations of excessive use of force. However, there are also structural weaknesses that impact prevention, investigation and punishment of excessive and unlawful use of force, torture and other ill-treatment committed by law enforcement officials.

During its Universal Periodic Review (UPR) at the Human Rights Council in 2016, Sierra Leone accepted various recommendations to strengthen the police, including improving accountability.²²³ However, concrete actions to implement these recommendations are yet to be taken.

²²³ Sierra Leone accepted the following UPR recommendations during the 2nd UPR cycle in 2016. 111.149 Continue to adopt measures to strengthen the criminal justice system, in order to ensure accountability for crimes committed (Cuba); 111.150 Prioritize the setting-up of the Independent Police Complaint Board, building on best practices of the Complaints, Discipline and Internal Investigations Department (Jamaica); 111.151 Ensure that all police officers are aware of and abide by international human rights standards on police use of force (Germany); 111.152 Take prompt action to prevent harassment by police officers of members of the national Human Rights Commission, human rights defenders and citizens (Japan); 111.191 Move forward training programmes on human rights for the security forces, and prevent, investigate and sanction cases of violence committed by law enforcement officials (Costa Rica); 111.192 Provide more human rights education and training programmes for law enforcement. See further, Sierra Leone – Acceptance of UPR Recommendations 27 January 2016, www.ohchr.org/EN/HRBodies/UPR/Pages/SLindex.aspx

6.1 STRENGTHENING POLICE ACCOUNTABILITY INSTITUTIONS

6.1.1 THE INDEPENDENT POLICE COMPLAINTS BOARD – A ‘PAPER TIGER’

“THE KEY TO RESTORING AND ENHANCING PUBLIC TRUST IN THE POLICE IS OPENNESS TO EXTERNAL REVIEW AND OVERSIGHT. WINNING BACK PUBLIC TRUST IS CRUCIAL TO EFFECTIVE POLICING.”

Valentine Collier, Chairman IPCB²²⁴



IPCB headquarters in Freetown. ©Amnesty International

In its Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa in 2006, the African Commission urged state parties to the African Charter to establish independent civilian policing oversight mechanisms.²²⁵ The African Commission further noted that these institutions contribute to “enhancing the rule of law and assisting in restoring public confidence in the police; to develop a culture of human rights, integrity and transparency within police forces; and to promote a good working relationship between the police and the public at large”.²²⁶

The Sierra Leone government set up the IPCB, an external police oversight mechanism, in response to civil society calls for more oversight of the police, particularly in light of the growing instances of excessive use

²²⁴ IPCB, Inaugural Annual Report, 2016, www.ipcb.gov.sl/wp-content/uploads/IPCB-Inaugural-Annual-Report-compressed.pdf The current annual report is being drafted.

²²⁵ African Commission on Human and Peoples' Rights, Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa, 2006, Article 3 www.achpr.org/sessions/40th/resolutions/103a/

²²⁶ African Commission on Human and Peoples' Rights, Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa, 2006.

of force by the police. The IPCB was officially launched by former President Koroma on 20 October 2015,²²⁷ two years after the Independent Police Complaints Board Regulations (Regulations)²²⁸ were passed by the Police Council.²²⁹ A civil society activist told Amnesty International that the regulations were hastily passed through with limited civil society consultation.²³⁰ The Regulations provide that the IPCB will be made up of a civilian Board representing several civil society groups (such as the HRC and Bar Association) as well as a member of the Police Council and a retired police officer who is nominated by the Minister of Internal Affairs on the advice of the IGP.²³¹ The IPCB's mandate is to investigate serious complaints against the police, specifically where a police officer has discharged a firearm or killed a person and incidents of injuries caused by a police officer. They also have a role in advising the police on operational changes in order to avoid repeat of such complaints.

FUNCTIONS OF THE IPCB²³²

3. (1) The Board shall investigate the following:

- (a) the death of any person while in the custody of the police;
- (b) a fatal road accident in which a police vehicle is involved;
- (c) a shooting incident where a police officer has discharged a firearm or killed a person;
- (d) incidents of injuries, assault or wounding caused by a police officer;
- (e) allegations of misconduct involving an officer of the rank of Superintendent or higher;
- (f) any matter involving misconduct by the police referred to it by the Inspector General of Police where the Inspector General of Police thinks an independent investigation will be in the public interest.
- (g) any matter or incident which it thinks the action or inaction of the police is likely to impact significantly on the confidence of the people in the police;
- (h) any matter whether remote or otherwise which gave cause for an investigation to be conducted under this regulation.

(2) The Board shall advise the Police Force on ways in which incidents involving the Police Force as provided in these Regulations may be avoided or eliminated.

The Board has investigative powers similar to those invested to a High Court judge such as compelling the production of documentation or summoning a witness to testify under oath.²³³ However, its powers of enforcement are very limited. Once it has completed an investigation, it can make recommendations to the DPP for criminal prosecution of a person or to the IGP for disciplinary measures to be taken.²³⁴ As noted above, Amnesty International is not aware that any action has been taken by the DPP and IGP based on recommendations made following the IPCB investigations into the Kabala 2016 and Bo 2017 protests.

In contrast to the ICPB, the HRC has more enforcement powers, although it still faces the problem of lack of political will to implement its decisions. For example, the HRC Act 2004 provides that the government should respond publicly within 21 days to a report by the HRC.²³⁵ It also gives the HRC powers to make orders to enforce its decisions and to refer to the High Court for contempt of court anyone who refuses to

²²⁷ Concord Times, Complaints board to reform SLP, 21 October 2015, www.slconcordtimes.com/complaints-board-to-reform-slp

²²⁸ The Independent Police Complaints Board Regulations 2013, Article 1, www.ipcb.gov.sl/wp-content/uploads/2015/11/CI-The-Independent-Police-Complaints-Reg.-2013.pdf

²²⁹ On 11 July 2013, the Police Council under section 158 of the Constitution gazetted the Independent Police Complaints Board Regulations.

²³⁰ Interview with civil society activist, Freetown, 18 Oct 2017.

²³¹ The Independent Police Complaints Board Regulations 2013, Article 1, www.ipcb.gov.sl/wp-content/uploads/2015/11/CI-The-Independent-Police-Complaints-Reg.-2013.pdf

²³² The Independent Police Complaints Board Regulations 2013, Article 3

²³³ The Independent Police Complaints Board Regulations 2013, Article 6.

²³⁴ The Independent Police Complaints Board Regulations 2013, Article 25(2).

²³⁵ Article 13, Human Rights Commission Act of Sierra Leone 2004.

comply with a decision of the HRC without justifiable cause.²³⁶ Police oversight authorities in other countries have greater powers of enforcement than the IPCB. For example, the Kenyan Independent Police Oversight Authority (IPOA) has the option to apply to court for the enforcement of any of its recommendations, whether the recommendation is to prosecute, to impose disciplinary action, or improve or rectify police processes and procedures.²³⁷

The IPCB has been very active since it was constituted and has strengthened its internal operations through staff recruitment and formulating internal policies.²³⁸ It has also conducted nationwide sensitization programmes. It has taken steps to be transparent about its activities through producing annual reports and listing its operational procedures on its website. As of December 2016, the IPCB had a case load of 57 investigations.²³⁹

The IPCB has regional outreach officers in Kenema (Eastern Province), Bo (Southern Province) and Makeni (Northern Province). It has received around US\$80,000 from the government for 2016 and has one main external donor, UNDP.²⁴⁰ However, the IPCB has cited its lack of resources as one of its key challenges, particularly in its mobility to travel to the provinces, as they only have one vehicle. Further, a lack of staff is another challenge which delays investigations, as does the reticence of some government functionaries to comply with witness summonses or produce documentation.²⁴¹

AMNESTY INTERNATIONAL RECOMMENDATIONS TO STRENGTHEN THE IPCB²⁴²

- Strengthen the legal basis of the IPCB by listing it within the Constitution.
- Enact an Act of Parliament to govern the IPCB rather than the current Regulations which are more easily amended by the Police Council. (Other institutions, such as the HRC, are constituted by an Act.)
- Ensure the responsibility for funding of the IPCB is clearly spelt out in legislation and that funding is allocated by Parliament.
- Create a legal obligation on the police to report certain serious cases to the IPCB, such as incidents of death as a result of police action or in custody, torture and other ill-treatment.
- Create a legal obligation for the police to implement recommendations made by the IPCB and report on the status of implementation within a specified time frame.
- Enable the IPCB to have a decision of the Law Officers Department reviewed within the hierarchical structure of the prosecution and ultimately by a judicial authority if not satisfied by the decision not to prosecute.
- Enable the IPCB to recommend various forms of reparation, including referral to the Attorney General to pay compensation or grant relief to a complainant.²⁴³
- Enable the IPCB to offer witness protection assistance to support individuals who bring complaints should protection be necessary.
- Create a legal obligation for the IPCB to report to Parliament and the public.²⁴⁴

These recommendations are based on the IPCB's submission to the Constitutional Review Commission in 2015, recommendations by the UN Special Rapporteur on extrajudicial summary or arbitrary executions and Amnesty International's extensive research on police accountability institutions.²⁴⁵

²³⁶ Article 8(1) Human Rights Commission Act of Sierra Leone 2004.

²³⁷ Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015.

²³⁸ Interviews with IPCB officials, Freetown, 9 June and 23 October 2017.

²³⁹ IPCB Annual Report 2016.

²⁴⁰ IPCB Annual Report 2016.

²⁴¹ IPCB Annual Report 2016.

²⁴² These are based on the IPCB submission to Constitutional Review Commission in 2016 and Amnesty International's research on best practices for external police accountability institutions. Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015.

²⁴³ The Police Complaints Division in Mauritius has this power, though the recommendation is not binding. See further, Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015.

²⁴⁴ For example, the Kenyan IPOA's annual report must include, among other things, financial statements, recommendations issued, and consecutive actions taken by the authorities, and must be published in the government Gazette. Further, all reports are available for download on the IPOA's website. The UK Independent Police Complaints Commission publishes all recommendations issued to the police on its website, and will publish the police response to the recommendation as well.

²⁴⁵ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Addendum - Study on police oversight mechanisms, 28 May 2010 (A/HRC/14/24/Add.8) and Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015.

Although the creation of the IPCB is a promising step, its impact and credibility will be compromised if the DPP and IGP do not implement its recommendations and if it is not given more enforcement powers and resources in future. The IPCB does not publish information about what recommendations have not been implemented due to an attempt to maintain non-adversarial working relationships with these institutions.²⁴⁶ During its research, Amnesty International noted that there is growing scepticism amongst members of the public about the work of the IPCB. A student in Bo told Amnesty International: “The IPCB called me and I told them to not waste my time. This happened in Kabala and no action was taken.”²⁴⁷ Further, Amnesty International experienced initial reticence from people in Kabala to be interviewed as they said that they had spoken to the IPCB and nothing had happened.²⁴⁸ An international expert on security sector reform told Amnesty International:

“The IPCB is a paper tiger. They have the will but insufficient resources or political will. They are created through regulations, not legislation, and could go at any time.”²⁴⁹

It is imperative that the government strengthen the IPCB as a matter of priority so that the institution is not further undermined, and to enhance police accountability. In order to enhance transparency and accountability, the IPCB should also make public a summary of the recommendations issued and consecutive actions taken by the authorities.

6.1.2 THE COMPLAINT, DISCIPLINE AND INTERNAL INVESTIGATION DEPARTMENT – OPAQUE AND INACCESSIBLE

The CDIID is the internal disciplinary unit of the police. It investigates internal and external complaints against members of the police in relation to disciplinary offences. Under the Police (Discipline) Regulations Act 2001, a member of the police commits a disciplinary offence if he or she violates the Discipline Code. Offences include:

- Failure to attend to any reasonable request made to him by any member of the public or lack in civility to any member of the public.²⁵⁰
- Using unnecessary violence to, or ill-using any person in custody.²⁵¹
- Withholding or failing to report promptly any complaint or report against any member of the police force.²⁵²
- Any other act, conduct, disorder or neglect to the prejudice of good order and discipline.²⁵³

The budget for the CDIID is part of the overall budget of the police. The CDIID is exclusively staffed by police officers. It is structured at a national and LUC level and falls under the Directorate of Corporate Affairs of the police.

The CDIID has powers to investigate allegations of misconduct and can hold hearings where witnesses are summoned to attend and give evidence. The evidentiary standard is on a balance of probabilities. The CDIID has a number of remedies available to it if a complaint is upheld against a police officer, such as dismissal, payment of a fine or restitution for loss or injury caused.²⁵⁴

Since its inception in October 2015, the IPCB handles investigations of serious misconduct by police officers. There is no requirement that a complainant must first bring the complaint to the CDIID before it is heard by the IPCB (or other bodies, such as the HRC or Ombudsman). All these institutions have Memorandums of Association to foster co-operation.²⁵⁵

²⁴⁶ Interview with IPCB officials, Freetown, 9 March 2018.

²⁴⁷ Interview with student, Bo, 21 October 2017.

²⁴⁸ Interviews with community members, Kabala, 24 - 26 January 2018.

²⁴⁹ Interview with international expert, Freetown, 27 October 2017.

²⁵⁰ Paragraph 17 Second Schedule, Police (Discipline) Regulations Act 2001.

²⁵¹ Paragraph 19 Second Schedule, Police (Discipline) Regulations Act 2001.

²⁵² Paragraph 26 Second Schedule, Police (Discipline) Regulations Act 2001.

²⁵³ Paragraph 47 Second Schedule, Police (Discipline) Regulations, 2001.

²⁵⁴ Section 19, Police (Discipline) Regulations Act 2001. See further, AdvocAid Police Complaints Manual available www.advocaidsl.org

²⁵⁵ See further, AdvocAid Police Complaints Manual available www.advocaidsl.org

The CDIID's main challenge is its lack of independence as it is an internal body with the police investigating the police. It also lacks resources and a further challenge is its lack of transparency and accessibility to the public. Most CDIID departments are within the main police stations, which makes it difficult for members of the public to bring complaints which may relate to police officers from that very station.²⁵⁶ Unlike the IPCB, there is no information on the police's website about how to bring a complaint to the CDIID. There is insufficient public awareness about the role of the CDIID and how to file a complaint.²⁵⁷ The CDIID does not publish public reports about the number and type of complaints handled and the actions taken. This would be useful to foster trust and faith in the police's internal systems for regulating the police. As noted in Chapter 5, most of the victims and communities are unclear if any disciplinary action was taken by the CDIID in the various instances of allegations of excessive use of police force. It is also not clear what actions the CDIID has taken in response to recommendations by the IPCB in the cases mentioned in this report. It should be noted that the CDIID has followed IPCB recommendations on occasion. For example, the CDIID accepted a recommendation to take disciplinary action on a police officer involved in a death in custody that occurred in July 2014.²⁵⁸

However, it is positive that the CDIID has been willing to work with NGOs to take steps to be transparent and Amnesty International has had several useful meetings with CDIID officials. For example, in 2014 the CDIID shared information about its complaints procedure with a Sierra Leonean NGO, Centre for Accountability and Rule of Law.²⁵⁹ They also shared this information with the IPCB, which conducted a complaints audit in 2015. The IPCB analysed complaints received between June – December 2014. In all, 423 complaints were received by the CDIID during this six-month period: 219 from members of the public, and 204 from within the police. All of these complaints were received in person by the CDIID, rather than in writing.²⁶⁰

Seventy-eight of the 423 complaints received were matters that would also fall within the mandate of the IPCB such as assault, rape, murder (unlawful discharging of a firearm), intimidation and unlawful detention. Twenty-five of the complaints lodged with the CDIID were still under investigation or had not been finalized.²⁶¹ However, of the assault cases finalized, one police officer had been dismissed and two cases had been closed due to lack of evidence. Other assault cases had resulted in the following sanctions: official warnings and/or corrective training; restitution being paid by the police officer to the victim, the police officer involved being fined or the police officers involved paying the medical bill of the victim; while others had been "informally resolved". The cases involving rape and unlawful discharge of a firearm resulted in dismissal of the police officers involved.²⁶²

The CDIID should publish similar annual reports with clearer statistics indicating what sanctions were given for particular offences as well as showing a regional breakdown. This would help to foster trust in the internal police complaints system as well as act as a deterrent to police officers.

The CDIID is not subject to an external oversight body as is good practice in other countries.²⁶³ This would have the potential to strengthen the internal mechanism by means of ensuring impartial investigations, hence increasing legitimacy and public trust in the system. The IPCB should be able to review any complaint decision by the CDIID if the complainant is not satisfied.

²⁵⁶ Telephone interview, UN official, 10 May 2018.

²⁵⁷ Centre for Accountability and Rule of Law, Civil Society Groups Urge the Sierra Leone Police to be Accountable, 8 September 2014, www.carl-sl.org/pres/civil-society-groups-urge-the-sierra-leone-police-to-be-accountable/

²⁵⁸ IPCB Annual Report 2016.

²⁵⁹ Centre for Accountability and Rule of Law, A Light Of Hope? CDIID Opens Up On Its Internal Police Discipline, 8 December 2014, www.carl-sl.org/pres/a-light-of-hope-cdiid-opens-up-on-its-internal-police-discipline

²⁶⁰ IPCB, Complaints Audit, 2015, www.ipcb.gov.sl/wp-content/uploads/2015/10/Doc_Complaints-Audit-.pdf

²⁶¹ IPCB, Complaints Audit, 2015, www.ipcb.gov.sl/wp-content/uploads/2015/10/Doc_Complaints-Audit-.pdf

²⁶² IPCB, Complaints Audit, 2015, www.ipcb.gov.sl/wp-content/uploads/2015/10/Doc_Complaints-Audit-.pdf

²⁶³ For example, in Hong Kong or Scotland. See further, Amnesty International Netherlands, Police Oversight, Short Paper Series, 2015.

6.1.3 THE LAW OFFICERS DEPARTMENT – FAILURE TO INVESTIGATE AND PROVIDE INFORMATION

Criminal prosecutions are conducted by the Law Officers Department, headed by the DPP, who work in collaboration with the police.²⁶⁴

As highlighted in Chapter 5.5, Amnesty International is deeply concerned by the failure of the DPP to institute criminal investigations and prosecutions into the cases outlined in this report and to provide adequate public information about the status of these investigations. An official at the IPCB told Amnesty International that they had submitted 10 reports to the DPP and no action had been taken. He told Amnesty International:

“This is a demotivation on our part as we see no actions are taken. This can also impede the police taking disciplinary measures.”²⁶⁵

The DPP has the constitutional authority to institute and undertake criminal proceedings against any person before any court in respect of offences against the laws of Sierra Leone.²⁶⁶ Section 66(6) of the Constitution makes all constitutional and legal powers of the DPP subject to the ‘general or special direction’ of the Attorney General and Minister of Justice.²⁶⁷ Some point to the problematic aspect of the prosecution service which is the constitutional provision that fuses the Attorney General and Minister of Justice into one office. Opponents of this provision argue that this structure prevents the Attorney General/Minister of Justice from exercising prosecutorial authority without bias from the executive branch, of which he/she is a member.²⁶⁸

The Law Officers Department has a shortage of staff, and its low salaries deter qualified experts from applying. Police prosecutors are used for magisterial court work and there is also a shortage across the country. Sufficient training for police prosecutors has been highlighted as a problem.²⁶⁹

The Law Officers Department should ensure that further necessary criminal investigations are carried out with a view to subsequent prosecution when it receives such a recommendation from the IPCB, CDIID or a Commission of Inquiry. If eventually the prosecution decides not to bring the case to court it should be obliged to provide a substantially motivated reply to the oversight body as to the reasons.

Given civil society concerns about the independence and impartiality of the Law Officers Department, due to its close relationship with the police²⁷⁰, consideration should be given to setting up a separate prosecution unit, perhaps with lawyers from other regional or Commonwealth countries, to handle allegations of criminal offences committed by the police.²⁷¹

6.2 REFORM OF LAWS AND INTERNAL POLICE OPERATIONS

6.2.1 LEGAL REFORMS

It is beyond the scope of this report to provide a comprehensive analysis of all the laws relating to the police in Sierra Leone and how they comply with international standards. However, Amnesty International believes that a thorough review should be undertaken by the government to ensure that the current laws and practices, in particular the police rules of engagement (Green Card A), conform to international and regional human rights standards, including the African Commission Guidelines. Article 26 and 28 of the African Commission Guidelines provide that state parties are responsible for ensuring that provisions of the African Charter and the Guidelines are applied to the policing of assemblies and should report on their implementation.²⁷²

²⁶⁴ Section 64 of the Sierra Leone Constitution 1991. See further, Law Officers Department, www.lawofficers.gov.sl

²⁶⁵ Interview with IPCB officials, Freetown, 9 March 2018.

²⁶⁶ Section 66(4) of the Sierra Leone Constitution 1991; Criminal Procedure Act 1965, section 46(1).

²⁶⁷ Section 66(6) of the Sierra Leone Constitution 1991.

²⁶⁸ AfriMap and Open Society Initiative for West Africa, Sierra Leone, Justice Sector and the Rule of Law, 2014.

²⁶⁹ AfriMap and Open Society Initiative for West Africa, Sierra Leone, Justice Sector and the Rule of Law, 2014.

²⁷⁰ Interviews with civil society representatives, Freetown, 8 - 10 March 2018.

²⁷¹ This recommendation was made for other regions. Council of Europe, Opinion of the Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police, 2009, CommDH(2009)4, para. 85.

²⁷² African Commission Guidelines Article 26 and 28.

In particular, as noted above in Chapter 5.2, Article 16 of the Constitution on the right to life should be amended to conform to international standards on the use of force and firearms. Sierra Leone should also have a detailed and human rights compliant legal framework governing the use of force and firearms, in particular limiting the use of lethal force to situations of a threat to life or of serious injury in line with Basic Principle No 9.²⁷³

Further, the Police Act 1964 and Police (Discipline) Regulations Act 2001 should be updated to strengthen police accountability standards.

It is also critical to amend the Constitution and reform the Police Council, at present dominated by the Executive, so there is better oversight of the police.²⁷⁴

As mentioned in Chapter 4.2, the Public Order Act 1965 should also be revised to bring it in compliance with international standards. If the police are more progressive in facilitating assemblies and work with the organizers, it will be possible to prevent incidents from escalating into violence.

6.2.2 REFORM OF THE OSD UNIT

“THE MANIFESTATION OF IMPUNITY BY THE OSD IN ALL OF THESE [CASES] IS THEIR IMMUNITY FROM JUSTICE. IT APPEARS AS IF THEY ARE NOW ABOVE THE LAW OF THE LAND AND THERE IS CLEAR, INCONTESTABLE EVIDENCE TO PROVE THAT”

Awoko Newspaper, 11 June 2013²⁷⁵

THE URGENT NEED TO REFORM THE OSD UNIT

OSD police officers are suspected to be responsible for violations in all the cases outlined in this report where protesters or bystanders have been killed and injured. The reform of this group is essential.

Civil society groups have raised concern about the OSD unit and the need for reform for several years. As far back as 2005, the Truth and Reconciliation Commission even made a recommendation to the government to “seriously consider disbanding the OSD”. The report states:

“The Inspector General of the Sierra Leone Police in his submission to the Commission pointed out that the paramilitary force formed in the police under the Siaka Stevens regime became an ‘instrument of tyranny and suppression’. A paramilitary force of sorts exists in the police today in the form of the Operational Support Division (OSD). The proposed National Security Principles enjoin the Government to ensure that no paramilitary force exists outside of the Sierra Leone Army. The existence of such a force within the police is contrary to the proposed National Security Principles.”²⁷⁶

The training and culture of the OSD is still rooted in military tactics. For example, their training consists of several weeks in Samu Training Camp, in Kambia on the border with Guinea, where they are trained in using firearms and military tactics. Civil society figures and police officers themselves have raised concerns that issues of excessive use of force by the OSD may be rooted in their initiation training.²⁷⁷

²⁷³ See further, Amnesty International Netherlands, Use of Force Guidelines, chapter 1-3 which establishes the minimum elements to be covered by domestic legislation.

²⁷⁴ Article 156 of the 1991 Constitution provides that members of the Police Council shall include the Vice President, IGP, Minister of Internal Affairs, Chairman of the Public Service Commission and a member of the Sierra Leone Bar Association.

²⁷⁵ Awoko Newspaper, Is our OSD of killers or protectors of life and property?, 11 June 2013, www.awoko.org/2013/06/11/is-our-osd-of-killers-or-protectors-of-life-and-property/.

²⁷⁶ Sierra Leone Truth and Reconciliation Commission report 2005 para. 203, www.sierraleonetr.com/index.php/view-report-text-vol-2/item/volume-two-chapter-two?category_id=20

²⁷⁷ Interview with senior police officer, Northern Province, 23 January 2018. See also, Awoko Newspaper, Is our OSD of killers or protectors of life and property?, 11 June 2013, www.awoko.org/2013/06/11/is-our-osd-of-killers-or-protectors-of-life-and-property/

A paramilitary unit is not suitable to manage or respond to protests, as has been evidenced by the case studies above. For example, eyewitnesses to the Bo 2017 incident explained how OSD officers chased students as if they were “enemies”.²⁷⁸ Sierra Leone has specific provisions for when the military can be called in to assist the police should this be necessary.²⁷⁹ It is essential that the OSD is reformed to become a specialist armed unit within the police whose training is rooted in human rights based approaches and community policing.²⁸⁰

STRENGTHEN RECRUITMENT PROCEDURES

As well as training, recruitment of OSD officers also needs to be improved. Currently, officers are directly recruited into the OSD. However, an international expert on security sector reform has suggested it would be preferable for OSD officers to train as a general duty police officer first and then pass a qualifying test in order to strengthen professionalism within the OSD.²⁸¹ Further, an official at the IPCB noted that psychological assessments should be facilitated on a regular basis as these officers are armed.²⁸² The HRC recommended that the government: “Review recruitment procedures and practices to ensure that applicants undergo proper screening to ascertain their moral, physical and educational fitness for the job.”²⁸³

The HRC in its investigation into the Bumbuna 2012 incident noted that, “W24 and W25 [witnesses from the police force] are good examples why the police need to revisit the recruitment policy. They looked vulnerable, weak in body and not well-educated. This makes them easy to be molested, disarmed and misused by ordering them to carry out instructions that are manifestly illegal.”²⁸⁴ A CDIID officer has also made a similar statement: “One problem is their level of enlightenment. Most of them, their intelligence and exposure is so low and you can manipulate them to do what they want. They are now trying to bring in people who are educated and well-disposed to change the mentality of the department.”²⁸⁵

There have been efforts to make the recruitment process more standardized,²⁸⁶ however more needs to be done to ensure that the most suitable people are chosen who are tasked with the responsibility to use firearms. The salary and benefit package for police officers is low and should be reviewed in order to be able to recruit more qualified people.²⁸⁷

The UN Basic Principle stress the importance of proper recruitment standards: “Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.”²⁸⁸

IMPROVE THE COMMAND STRUCTURE

Commissions of Inquiry have raised concerns about the weak command structure between OSD and other sections of the police. In their Bumbuna 2012 Inquiry, the HRC recommended to:

“Review the relationship between the OSD and the General Duty police officers with a view to rationalizing the hierarchy of command in order to enhance the levels of accountability of senior police officers. There should never be any doubt as to who is in charge of any given police operation at any given time. This review should also be informed by the recommendation of the Truth and Reconciliation Commission that disbanding the OSD should be given serious consideration.”²⁸⁹

²⁷⁸ Interview with eyewitnesses in Bo, 19 – 20 October 2017.

²⁷⁹ The Office of National Security has developed a policy defining Military Aid to the Civil Power which outlines when the military can be called upon to support the police. For example, MACP was used during the 2018 elections.

²⁸⁰ Amnesty International Netherlands, Use of Force Guidelines, chapter 9.2, which lists requirements for training.

²⁸¹ Telephone interview with international expert on security sector reform, 30 May 2018.

²⁸² Interview with IPCB official, Freetown, 9 March 2018.

²⁸³ HRC Bumbuna Inquiry Report 2012 para. 52.

²⁸⁴ HRC Bumbuna Inquiry Report 2012 para. 195.

²⁸⁵ Interview with CDIID official, Freetown, 27 October 2017.

²⁸⁶ An international expert told Amnesty International that during the recent OSD recruitment, they had to take standard police entrance exams. Interview, Freetown, 8 March 2018.

²⁸⁷ Currently, a police constable receives Le 600,000 (around US\$78) a month plus a bag of rice. (Email from international expert on security sector reform, 30 May 2018).

²⁸⁸ UN Basic Principles Article 18.

²⁸⁹ HRC Bumbuna Inquiry 2012, para. 51.

The 2011 Kelvin Lewis Inquiry into election violence in Bo made similar recommendations: “The command structure involving the OSD and general police must be revisited to ensure that OSD commanders subject themselves fully to the command of the LUC in their division. They must also co-ordinate and collaborate their activities with the general operation of their division.”²⁹⁰ In 2010 an international expert raised concern that, due to historical factors and the way police reform was effected following the end of the civil war, there is a perception in the police and amongst international advisers “that the OSD is operating as a semi-independent organization within the force.”²⁹¹

It is clear that there are still issues with the command structure. For example, an official from the Office of the Ombudsman told Amnesty International that, regarding the Bo student protest in March 2017, in his opinion: “the OSD did not take orders from the police chain of command when deciding to go to scene of the protest and to shoot as they think that they are so powerful.”²⁹² An international expert on security sector reform told Amnesty International that the OSD still largely takes commands from OSD headquarters rather than the regional police commanders. This means there is one AIG responsible for around 5,000 police officers, more than a third of the police force. According to the expert, one way of addressing this issue is that the regional police command should have more command authority over the OSD.²⁹³

The calls to reform the OSD come from within the police as well. A senior police officer in the Northern Province told Amnesty International:

“Accountability is a very sensitive question. There are people at the top responsible to regulate the police force. If something goes wrong someone must be held responsible. It is not just training. You need leadership. They are the ones telling people what to do.”²⁹⁴

Further, a CDIID officer said:

“The OSD are supposed to be more careful and responsible as they carry arms but they do not have a special code of conduct. [An OSD officer] must be someone who exercises restraint and has caution when dealing with people. They are often accused of violence. I am not sure how arms impacts on the person who is carrying it. Maybe it makes the person feel like they are a special class, like a sense of superiority. They are the problem in the police. They misuse the arms to harm people and get involved in other crimes. Most of the complaints that come up with criminal misconduct is the OSD. I believe the commanders should be responsible enough that discipline prevails in the OSD. But the command structure has not been helpful. There is a lukewarm attitude to the behaviour of their personnel.”²⁹⁵

The African Commission Guidelines stress the importance of clear command structures when policing assemblies: “Law enforcement agencies must establish a clear, transparent and single command structure for the policing of assemblies. The operational roles and responsibilities of law enforcement officials within the chain of command should be clearly established, articulated, and publicly known to ensure a single chain of accountability.”²⁹⁶

Amnesty International’s research outlines the key elements for a functioning command structure which include: clear command structure with full traceability of who takes which decision, responsibility of superior officers to ensure lawful and human rights compliant policing by their subordinates, and superior officers to be held accountable not only for the orders they gave, but also if they fail in their supervising duties.²⁹⁷

6.2.3 ESTABLISH A COMPENSATION FUND

As noted in Chapter 5, compensation has been ad hoc and insufficient to victims of excessive use of force by the police. The HRC recommended that a compensation fund be established to support police officers who were injured during official duty.²⁹⁸ If such a fund is established, it should be expanded to include victims of human rights abuses by the police. Guidelines should be established, in line with international law principles, concerning how to assess compensation awards which will assist the operations of the CDIID and IPCB.

²⁹⁰ Kelvin Lewis Inquiry 2011, Recommendation 6(a)1 .

²⁹¹ Peter Alexander Albrecht, Transforming Internal Security In Sierra Leone: Sierra Leone Police And Broader Justice Sector Reform, Danish Institute For International Studies, 2010.

²⁹² Interview with Ombudsman official, 20 October 2017.

²⁹³ Telephone interview with international expert on security reform, 30 May 2018.

²⁹⁴ Interview with a senior police officer, Northern Province, 23 January 2018.

²⁹⁵ Interview with CDIID official, Freetown, 27 October 2017.

²⁹⁶ African Commission Guidelines, Articles 5.1 and 5.2.

²⁹⁷ See further, AINL Use-of-force Guidelines, chapter 10

²⁹⁸ HRC Bumbuna Inquiry 2012 para. 341.

6.2.4 SUPPORT TRAINING PROGRAMMES

“THE POLICE HAVE BEEN ARMED WITH VERY LETHAL WEAPONS, AND WE BELIEVE THEY ARE NOT WELL TRAINED TO KNOW WHEN TO USE THEM.”

Valnora Edwin, Campaign for Good Governance, 2012²⁹⁹

Lack of adequate training for the police has been highlighted for several years. The 2017 US State Department Human Rights report notes how the police were “poorly equipped and lacked sufficient investigative, forensic, and riot control capabilities.”³⁰⁰

The government and police have responded to this need and, with the support of international development partners, the police have received several training programmes. The main programme is provided by the UK government through its International Security Advisory Team (ISAT), which since 2013 has deployed UK police officers to train police officers and provide technical advice. An 18-month programme delivering officer safety training, public order command training at Gold, Silver and Bronze level, and tactical public order training, has recently concluded with the view that the police will continue training themselves. A further 1,000 officers were trained in these topics by the police without external assistance. This training was also financially supported by the United States.³⁰¹ International experts have told Amnesty International that the police are very receptive to training and keen to learn different ways of handling public order situations as before they were not provided information about different ways of de-escalating situations without resort to violence.³⁰²

ISAT is also supporting community policing projects across the country. Leadership training is also being conducted across the middle management including the National Decision Model, Threat and Risk assessments and human rights topics. ISAT sponsored three female officers to undergo a gender awareness and sensitivity “train the trainer” programme and a two-day conference was hosted to build gender awareness across the security sector.³⁰³ UNDP has also been providing training to the CDIID and IPCB.³⁰⁴

This training is positive and, as demonstrated during the recent election, the police were able to police campaign rallies without the use of lethal force. An international journalist told Amnesty International that he thought the police handled some challenging situations with professionalism.³⁰⁵ The new government and international development partners need to continue investing in such training, particularly on public order policing.

However, as demonstrated above, training needs to be integrated into a broader process of change. International co-operation programmes should include working on existing policies and instructions to align them with international human rights law and standards.³⁰⁶

Furthermore, training without sufficient focus on accountability will be insufficient as there are no repercussions for not implementing the training standards. ISAT plans to focus on governance and accountability in the next year.³⁰⁷ International development partners should also provide further support to the police and IPCB with implementing other recommendations listed in this report concerning strengthening accountability.

²⁹⁹ Reuters, Sierra Leone police shootings stir unrest probe, 13 June 2012, www.reuters.com/article/us-sierraleone-police-idUSBRE85C1GE20120613

³⁰⁰ US Department of State, Country Reports on Human Rights Practices 2017: Sierra Leone.

³⁰¹ Concord Times, Police officers trained on public order command, 9 December 2016, www.slconcordtimes.com/police-commanders-trained-on-public-order-command/

³⁰² Interview with international experts, 8 March 2018. The OSD also receive training on firearms every three months.

³⁰³ AYV News, UK Provides Sierra Leone Security Sector with Gender Training, 12 October 2017, www.ayvnewspaper.com/index.php/news/item/4230-uk-provides-sierra-leone-security-sector-with-gender-training

³⁰⁴ UNDP, Policing the police: UNDP helps to improve internal investigation squad, 1 April 2015, www.sl.undp.org/content/sierraleone/en/home/presscenter/articles/2015/04/01/policing-the-police-undp-helps-to-improve-internal-investigation-squad.html

³⁰⁵ Interview with international journalist covering the election, Freetown, 10 March 2018.

³⁰⁶ See further, AINL Use-of-Force-Guidelines, p. 87.

³⁰⁷ Interview with international experts, Freetown, 8 March 2018.

6.2.5 REGULATE AND PROVIDE APPROPRIATE EQUIPMENT

LETHAL EQUIPMENT

The former IGP informed Amnesty International that the police's lethal weapons consist of assault rifles, such as AK-47s, which were supplied from China.³⁰⁸ During the HRC Bumbuna Inquiry, a Republic of Sierra Leone Armed Forces ballistics expert identified the sources of the bullet shells found and determined that the guns used included Self-Loaded Rifles, General Purpose Machine Gun, G3 Rifles, 741 Heavy Assault Rifle, M4 Carbine, M16A2 rifle and M16A1 rifle.³⁰⁹ These are extremely dangerous weapons, unsuitable for crowd control, and go against international policing standards.³¹⁰

In 2012, controversy was caused when news was leaked over the US\$4.5 million delivery of small arms and light weapons and ammunition from China for the OSD. The consignment reportedly included 50 heavy machine guns, 100 light machine guns, 2,500 assault rifles, 100 40-mm under-barrel grenade launchers and 200 NP-18 automatic pistols. Concern was raised by the UN that these weapons were unsuitable for policing contexts,³¹¹ and in response the government transferred some of these weapons to the military.³¹²

The police should strongly consider purchasing alternative weapons which are more suitable for policing operations and in particular for the policing of assemblies.³¹³ Firearms have particular risks in the contexts of assemblies (such as causing more harm than the strictly necessary, including death and life-changing injuries, risks to create panic, to hit more than one person, to hit uninvolved persons, to be lost and used by somebody else against the police) and their use in assemblies needs to be considered very carefully. In any case, they should only be used in stand-off type situations in order to address an imminent threat of death or injury, only when less harmful means are ineffective and only if harming uninvolved persons can be excluded.³¹⁴ The choice of weapons must reflect this criteria, which is currently not the case with most of the weapons used by the OSD. Most of the weapons currently used are either too inaccurate, have too great firing power and are not usable in a close range stand-off type situation.

USE OF LESS LETHAL EQUIPMENT



Left: Police officer using pepper spray, January 2018. Right: Police officer using a Taser, January 2018. © Jason Patinkin

³⁰⁸ Interview with former IGP Munu, Freetown, 23 October 2017.

³⁰⁹ HRC Bumbuna Inquiry 2012, para. 149.

³¹⁰ African Commission Guidelines, Article 21.2.4

³¹¹ Sierra Leone Telegraph, UN raises questions about President Koroma's arm purchases, 22 March 2012, www.thesierraleonetelegraph.com/un-raises-question-about-president-koromas-arms-purchase/ See further, Mark Bromley, Mathieu Duchâtel and Paul Holtom, China's Export of Small Arms and Light Weapons, SIPRI Policy Paper, 13 October 2013, www.researchgate.net/publication/265643434_China's_Export_of_Small_Arms_and_Light_Weapons

³¹² VOA, Sierra Leone Ruling Party Dismisses Arms Intimidation Concerns, 16 April 2012, www.blogs.voanews.com/breaking-news/2012/04/16/sierra-leone-ruling-party-dismisses-arms-intimidation-concerns/

³¹³ Currently the OSD receive training firearm training by their internal firearms instructors every three months. This should also be reviewed and updated.

³¹⁴ Amnesty International Netherlands, Use of Force Guidelines, section 5.5. and 7.4.3.

The HRC in 2016 called for the police to be armed with less lethal weapons after the killing of two boys during the Kabala youth protest.³¹⁵ The new IGP told Amnesty International that the police are making a progressive departure from use of lethal weapons.³¹⁶

The police do have less lethal equipment, which has been used in some of the cases in this report. This includes:

- Riot control agents: pepper spray and tear gas.
- Electric shock devices: Tasers.
- Kinetic impact weapons: Police batons and rubber bullets.
- Crowd dispersing equipment: Water cannons and colour “bombs” which mark protesters with coloured dye.

The UK government has supplied the police with protective equipment, such as batons, shields and handcuffs.³¹⁷ The police informed Amnesty International that their crowd control equipment (tear gas, batons, riot gear) was supplied from Israel, the pepper spray from the USA and the water cannons from China.³¹⁸ Before the election in March 2018, the police obtained Tasers³¹⁹ and colour “bombs” from China.³²⁰

Amnesty International met with the Chinese Embassy in Sierra Leone to ask about the supply of lethal and less lethal weapons as well as training to the police. The Embassy stated that they did not supply any weapons to Sierra Leone and that if this was obtained by the police it may have been through private suppliers in China. The Embassy does plan to conduct a training for the police on information technology.³²¹

Amnesty International has documented how less lethal weapons can result in serious injury and even death by police forces across the world.³²² In Sierra Leone there have been injuries caused by indiscriminate use of tear gas or excessive use of force with police batons.³²³ For example, a child was hospitalized due to indiscriminate use of tear gas in the 2012 Bumbuna incident.³²⁴ During the SLPP procession in 2016, a bystander, an elderly man in his 70s, was wounded in the head by a police baton.³²⁵

Amnesty International welcomes the intention by the police to make less lethal weapons available to police officers. However, a move to less lethal weapons must be exercised with caution and with necessary safeguards, such as appropriate policies in place as well as rigorous training on their use in line with international standards and manufacture guidelines. There must also be proper accountability mechanisms for misuse. Further, the police should make public and fully disclose the lethal and less lethal weapons it employs, and the suppliers, in order for the government and civil society groups to ensure that these weapons meet international standards. International development partners should not continue to supply less lethal weapons unless there are suitable standards in place for training and accountability.

³¹⁵ Concord Times, Over Kabala killings HRC calls to embargo SLP peacekeeping mission, 22 August 2016, www.allafrica.com/stories/201608221363.html

³¹⁶ Interview with the new IGP, Freetown, 29 January 2018.

³¹⁷ Interview with international expert on security sector reform, Freetown, 27 October 2017.

³¹⁸ Interview with former IGP Munu, Freetown, 23 October 2017.

³¹⁹ Amnesty International considers that Tasers should be limited to situations where they can be effectively used to avoid the resort to lethal force or firearms. As a less lethal alternative to firearms, their deployment should be subject to a similar standard to that which applies to the use of firearms, i.e. their lawful use should be limited to situations where, in accordance with UN standards, officers are faced with an imminent threat of death or serious (i.e. potentially life-threatening) injury which cannot be contained by less extreme options. This would allow appropriately trained officers to deploy such weapons as a last resort at or just before the point at which they would otherwise be justified in resorting to firearms. The primary objective of the use of such a weapon is as a ‘stand-off’ weapon as a less lethal alternative to firearms to protect lives and avoid unwarranted injury. Use in “drive stun” mode as a direct contact electric shock stun gun poses a substantial risk of torture or other cruel, inhuman and degrading treatment or punishment, and therefore should be expressly forbidden. Only those weapons that record every mode of use should be permitted.

³²⁰ Interview with international expert on security sector reform, Freetown, 10 March 2018.

³²¹ Interview with two officials at the Chinese Embassy to Sierra Leone, Freetown, 13 March 2018.

³²² Amnesty International, The Human Rights Impact Of Less Lethal Weapons And Other Law Enforcement Equipment, (ACT 30/1305/2015).

³²³ For example, the police have used tear gas indiscriminately, contrary to international standards, in case highlighted in this report: during the SLPP protest in April 2016, the Bumbuna protest in 2012 and the Tonkolili protest in 2010.

³²⁴ HRC Bumbuna Inquiry Report 2012, para. 135.

³²⁵ Interview with Musa Mewa, Freetown, 17 June 2017.

7. CONCLUSION AND RECOMMENDATIONS

People gathering in demonstrations in Sierra Leone must be able to do so safely in the knowledge that security forces will not only respect and protect their right to protest but also their right to life, right to be free from torture and other ill-treatment and all other rights protected under international human rights law. All instances of unlawful, arbitrary or excessive use of force must be fully investigated and the authorities must be transparent about what steps have been taken to bring to justice anyone suspected to be responsible for human rights abuses, as well as internal reform measures taken to prevent these instances from happening again.

This report highlights the concerning failure of the authorities to provide adequate information about whether thorough, impartial and full investigations and prosecutions have taken place into the allegations of excessive use of force by the police. Moreover, the apparent lack of proper investigations fosters a climate of impunity instead of sending a clear message that ill-treatment will be dealt with by means of appropriate disciplinary and criminal proceedings. This is compounded when the authorities avoid providing substantive information about what, if any, inquiries have taken place and measures that are being taken to ensure non-repetition in the future.

By the use of restrictive legislation, and use of excessive force in suppressing demonstrations, the Sierra Leonean authorities have restricted the enjoyment of human rights in the country, in particular the rights to freedom of peaceful assembly, the right to life and right to be free from torture and other ill-treatment, in a way which is inconsistent with Sierra Leone's obligations under international and regional law. Further, the persistent impunity in these cases violates the right to effective remedies for victims of human rights abuses.

The new government and new head of the police have an opportunity to widen the space for peaceful assembly and better enable citizens and human rights defenders to exercise their rights. They also have a chance to strengthen police accountability and to improve citizens' trust and relationship with the security forces.

The call for reform also comes from within the police itself. A less restrictive legal regime, and more open stance from the police to facilitate assemblies, will better enable the police to prepare in advance, work constructively with organizers and prevent violence. Better training on how to police assemblies and the necessary equipment to police assemblies safely will help the police to do their job more effectively and safely.

Amnesty International sets out its recommendations below and looks forward to constructive engagement with relevant stakeholders on their implementation.

7.1 TO THE PRESIDENT OF SIERRA LEONE

- Publicly condemn any use of excessive force by the police and ensure that all those suspected to be responsible for human rights abuses, including those with command responsibility, are held to account.
- Publicly commit to ensuring respect by the authorities for the right to freedom of peaceful assembly and the important role of human rights defenders.

7.2 TO THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

- Review all recommendations made by the IPCB and Commissions of Inquiry and issue a public statement concerning implementation of those recommendations.
- Ensure prompt, independent and impartial investigations into allegations of excessive use of force by law enforcement authorities, in particular all the cases highlighted in this report. Arbitrary or abusive use of force by law enforcement officials must be treated as a criminal offence and those suspected to be responsible subject to criminal proceedings in accordance with international fair trial standards without recourse to the death penalty.
- Consider establishing a specialized unit of the Law Officers Department responsible for investigating allegations of criminal conduct by law enforcement officials, and take effective steps to ensure that the close co-operation between the Law Officers Department and the police on general criminal matters does not undermine its independence or impartiality in investigating and prosecuting such cases.

7.3 TO THE MINISTER OF INTERNAL AFFAIRS

- Review and implement the recommendations made in this report, in particular to the Police Council and IGP.

7.4 TO THE PARLIAMENT

- Review legislation, policies and practices relating to public assemblies and demonstrations, in particular the Public Order Act 1965, so as to ensure and facilitate the effective exercise of the rights to freedom of expression and of peaceful assembly in accordance with Sierra Leone's international human rights obligations. This includes ensuring that:
 - o Any restrictions placed on these rights are only such as are demonstrably necessary and proportionate for one of the grounds expressly identified in human rights law.
 - o The overall approach on assemblies must be guided by facilitation, with restrictions being the exception and prohibitions being the last resort, when all other means are (likely to be) ineffective to achieve the objective, which itself must be in line with international human rights law and standards.
 - o Requirements for prior notification are not applied in a way which amounts to a requirement for prior authorization.
 - o Failure to comply with prior notification requirements does not, on its own, render the assembly unlawful, lead to fines or criminal sanctions for organizers or participants, and or be used as a justification to disperse an assembly.
 - o Criminal law is not used to dissuade people from taking part in demonstrations.
 - o The Public Order Act 1965 is amended to expressly include exemption from the prior notification requirement in the case of spontaneous assemblies.

- Amend Section 16(2) of the Sierra Leone Constitution to ensure that it does not provide for wider use of lethal force than permitted by international human rights law.
- Amend Section 156 of the Constitution to strengthen the independence of the Police Council so it is not controlled by the Executive branch.
- Review all legislation relating to the police, such as the Police Act 1964, to ensure it complies with international human rights law.³²⁶
- Strengthen the IPCB by taking steps, not limited to, the following:
 - o Strengthen the legal basis of the IPCB by mentioning it as a key institution the Constitution.
 - o Enact an Act of Parliament to govern the IPCB rather than the current regulations. The Act should:
 - Create a legal obligation for the police to implement recommendations made by the IPCB and report on the status of implementation within a specified time frame.
 - Provide the IPCB power to have the decision of the Law Officers Department reviewed within the hierarchical structure of the prosecution and ultimately by a judicial authority if not satisfied by the decision not to prosecute.
 - Grant the IPCB the power to recommend various forms of reparation, including referral to the Attorney General to pay compensation or grant relief to a complainant.
 - Enable the IPCB to offer witness protection assistance to support individuals who bring complaints should protection be necessary.
 - Create a legal obligation for the IPCB to report to Parliament and the public on its work and implementation of its recommendations.
 - o Ensure the responsibility for funding of the IPCB is clearly spelt out in legislation and that funding is allocated by Parliament.
- Establish a compensation fund for victims of excessive use of police force with clear guidelines for how compensation will be apportioned. Review all the cases in this report and ensure that victims and families of those killed have received adequate compensation.
- Establish a compensation fund for police officers who are injured or killed in the course of their duties.
- Pass the Human Rights Defenders Bill submitted to the former Attorney General in February 2017 to strengthen the protection of HRDs in order to prevent harassment or arbitrary use of police powers against them.

7.5 TO THE POLICE COUNCIL

- Review all regulations and policies regarding operations of the police to ensure they comply with international standards, such as the African Commission Guidelines on Policing Assemblies, in particular the “Guidance for opening fire for armed police officers” (Green Card A) and Police (Discipline) Regulations Act 2001.
- Establish clear rules for the use of force by law enforcement officials in the context of policing demonstrations, fully compliant with the UN Basic Principles.³²⁷ In particular, the use of firearms must be limited to situations in which there is an imminent threat of death or serious injury. The rules and regulations should be made publicly available.
- Establish clear and precise rules and rigorous training for the use of crowd control equipment including hand-held batons and less lethal weapons in order to minimize the use of force and prevent unwarranted injuries. In particular:
 - o Establish that tear gas should only be used in cases of widespread violence that cannot be addressed by dealing with violent individuals only, and only for the purpose of dispersing the crowd (not as a means of punishment and not in settings where people do not have escape

³²⁶ Amnesty International recommends that the Amnesty International Netherlands Use-of-force-Guidelines should be used as a benchmark

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- o routes for dispersal).
- o Establish an express prohibition of baton blows aimed at a person's head, neck, throat, spine, lower back, solar plexus, knees and ankles.
- Ensure that police rules and training make clear that torture and other ill-treatment and excessive use of force will not be tolerated and will be dealt with by disciplinary and or criminal proceedings as appropriate.
- Ensure police independence and impartiality when operating to protect private companies. Police involved in guarding private actors must be under a clear and appropriate command structure, not subject to interference by companies, and aware of their role and responsibilities in relation to the wider public.
- Ensure that all security agreements between public security and private companies are established in an open and transparent manner, and in consultation with potentially affected communities and civil society organizations, in order to help ensure accountability, independence and impartiality.
- Urgently review the operations of the OSD unit and put in place concrete steps for its reform or replacement, to ensure that the police's armed unit is rooted in human rights based approaches to policing.
- Strengthen recruitment procedures for the police, especially the OSD, and review the salary and benefits package. Ensure OSD recruits are subject to physical and psychological testing and that regular assessments are held to determine their continued suitability for the role.
- Ensure that the public has clear information on how to make a complaint about police misconduct to the CDIID (including at police stations, through radio and television programmes and on the internet).
- Strengthen the capacity of the CDIID through further resources, training, provision of more officers and ensure that it issues public reports regarding its investigations and outcomes.

7.6 TO THE INSPECTOR GENERAL OF THE POLICE

- Take steps to facilitate the right to peaceful assembly and issue clear guidelines to the public and police officers, based on international standards, on exercising this right. In particular:
 - o Law enforcement agencies and officials should communicate with organizers and demonstrators before and during the assembly in order to create mutual understanding, reduce tension and avoid unnecessary confrontation between law enforcement officials and protesters, and to find ways to prevent violence or to stop any such incidents quickly should they break out.
 - o Assemblies should not be dispersed simply because they have not complied with prior notification requirements.
 - o Any decision to disperse an assembly must be the last resort and in line with the principles of necessity and proportionality; the order to disperse must be clearly communicated and explained, so as to obtain, as far as possible, the understanding and compliance of the demonstrators, and sufficient time must be given for them to disperse.
 - o Firearms should not be used as a tool to police assemblies and firearms should never be used to disperse an assembly.
- Review all the cases highlighted in this report and suspend from active duty, pending a full investigation, those suspected of ordering or resorting to excessive use of force.
- Ensure that all recommendations made by the IPCB are followed and issue a public statement concerning compliance of those recommendations.
- Ensure that all police officers, including the OSD, are aware of and abide by international human rights standards on police use of force, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials and the African Commission Guidelines on Policing of Assemblies.

- Ensure that all use of firearms is reported. Procedures for reporting incidents, as well as investigation following every incident, should be thorough and enforced through the chain of command. These procedures must be logged appropriately and be used for evaluating the operation in order to ensure accountability.
- Ensure police officers are accountable for their weapons and the ammunition used; keep detailed records of issuance, including receiving officer, date, time, weapon registration number, type and number of munitions used.
- Ensure that all police officers, especially the OSD, are clear about the chain of command and ensure disciplinary sanctions if this is not followed.
- Strengthen recruitment procedures for the police, especially the OSD, and review the salary and benefits package. Ensure OSD recruits are subject to physical and psychological testing and that regular assessments are held to determine their continued suitability for the role.
- Review all lethal weapons utilized by the police and replace them with weapons more suitable for policing operations.
- Publicly disclose the less lethal weapons being made available, their source and the training and accountability measures put in place for their use.
- Establish a system of monitoring the use of less lethal weapons, open to public scrutiny, which should include a requirement on police officers to report whenever they make use of them.

7.7 TO RELEVANT UN AND AFRICAN UNION AGENCIES AND GOVERNMENTS WHO PROVIDE SUPPORT TO SIERRA LEONE ON JUSTICE AND SECURITY REFORM

- Call on the Sierra Leonean government to ensure accountability for past violations committed by the police and to implement the recommendations listed in this report regarding justice and security sector reform.
- Continue to support training for the police on international and regional policing standards.
- Work together with the police on the revision of laws and policies regarding lethal and less lethal weapons in line with international standards.
- Provide support to civil society organizations working to strengthen police accountability.
- Suspend recruitment of OSD officers into UN peacekeeping missions until investigations are concluded by the DPP and IGP into the cases highlighted in this report and a plan of action is established into clear steps to be taken by the Sierra Leone authorities to strengthen police accountability.

8. ANNEX: TIMELINE OF INCIDENTS OF REPORTED EXCESSIVE USE OF FORCE BY THE POLICE

Though this report only focuses on protests, excessive use of force by the police is an endemic problem in Sierra Leone. Over the past decade, human rights reports have documented how people have been killed or injured on an annual basis due to excessive use of force by the police.

| Date | Incident (Other Context) | Incident during Protest |
|-------------|--|--|
| April 2018 | A bike rider was shot dead during an altercation between bike riders and police in Kailahun, Eastern Province. (See current report). | |
| March 2017 | | One boy killed and two students wounded by gunshots when police fired live rounds to disperse student protest in Bo, Southern Province. (See current report). |
| August 2016 | | Two boys killed and four men wounded by gunshots when police fired live rounds to disperse youth protest in Kabala, Northern Province. (See current report). |
| April 2016 | | On Independence Day, 27 April 2016, the police fired tear gas to disperse a parade organized by the SLPP in Freetown as they said it was unauthorized. Tear gas was also fired into the SLPP headquarters. Twenty-nine people were arrested, charged with unlawful procession and riotous conduct, and several people injured. Seven people were tried and convicted and the trial of the others is still ongoing. (See current report). |

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| April 2015 | | On 27 April 2015, Sierra Leone Independence Day, 15 people were arrested in the city of Kenema (Eastern Province) following a protest at the office of the SLPP. Witnesses described how police fired teargas into a crowd of about 100 people and how people were beaten with canes. Several people were injured. The 15 SLPP members and the Senior Regional Officer of the HRC were arrested and charged with 11 counts |
| June 2012 | In June, police shot and killed Alieu Sonkoh and Ishmael Kargbo-Sillah in Wellington (Western Province). A third man was seriously injured. According to the families and community members who witnessed the incident, the unarmed men were part of a neighbourhood watch group who were in the area where police were looking for a vehicle. Former President Koroma visited the community and set up a Coroner's Inquest, which closed in July 2012. The results of the investigation have not been made public. (Amnesty International State of the World's Human Rights Report 2012) | |
| September 2011 | The Kelvin Lewis Commission of Inquiry into election violence in Bo (Southern Province) in September 2011 found that a police officer was responsible for the death of a young man after he was shot. The Commission also held that nine other people sustained gunshot wounds and that three OSD officers were responsible. (See current report). | |
| February 2011 | Police were sent to quell disturbances by school pupils at the national stadium in Freetown (Western Province) and injured many children, some as young as 6 years old. (Amnesty International, Annual Report: Sierra Leone, 16 June 2011). | |
| November 2010 | | One woman was shot in the head and several were injured following a protest in Tonkolili (Northern Province). (see current report) |
| September 2009 | | Police used live ammunition to break up a demonstration about crime levels and police involvement in a spate of armed robberies, leaving three demonstrators dead and some 10 injured. (Human Rights Watch, World Report 2010). |

| | | |
|-------------------------|--|---|
| August 2008 | | Police and security officials forcibly dispersed a crowd of protesters at State House (Western Province), resulting in several journalists being injured. A joint investigation between police and journalists resolved the matter with the journalists receiving compensation (US State Department Report, 25 February 2009). |
| December 2007 | | Police personnel shot at demonstrators protesting against a diamond mining company in Koidu (Eastern Province) resulting in the death of two protesters and at least nine people injured. The Jenkins Johnson Commission of Inquiry, set up by the government, recommended prosecution of three OSD officers suspected of being responsible but, so far, this recommendation has not been implemented. (See current report). |
| February 2007 | | One student demonstrator reportedly died and other students were injured during a forcible dispersion of demonstrators by police (US State Department Report, 6 March 2007). |
| February/ March 2005 | | On February 28 and March 1, police used tear gas to disperse a protest by the Fourah Bay College Student Union. “[P]rotesters threw stones and bricks and threatened onlookers; a 16-year-old girl was shot in the mouth. There were reports that police brought the girl to a dental clinic for care and told medical personnel they would pay the bill. The girl died two months later, and her father requested a police investigation into the shooting. By year’s end, however, the girl’s father claimed that no investigation had begun. (US State Department Report, 8 March 2006). |

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 info@amnesty.org

 +44 (0)20 7413 5500

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A FORCE FOR GOOD?

RESTRICTIONS ON PEACEFUL ASSEMBLY AND IMPUNITY FOR EXCESSIVE USE OF FORCE BY THE SIERRA LEONE

Amnesty International

A FORCE FOR GOOD?

RESTRICTIONS ON PEACEFUL ASSEMBLY AND IMPUNITY FOR EXCESSIVE USE OF FORCE BY THE SIERRA LEONE POLICE

Impunity for police abuses is deeply entrenched in Sierra Leone. For years, authorities and law-enforcement agencies routinely outlawed peaceful protests, used disproportionate force against demonstrators and limited citizens' right to freedom of peaceful assembly. With the election of a new government in March 2018, Sierra Leone now has a chance to put in effect the promises of reforms and human rights improvements its citizens have fought for.

Yet, as this report details, the record of abuses and impunity of the police force is such that no reform will be able to succeed without a strong commitment to accountability and redress of past abuses. To date, not a single case of police abuse documented in this report has been successfully prosecuted in Sierra Leone.

The new government needs to send a strong signal that abuses will not be tolerated anymore. It also needs to overhaul a repressive legal framework that is out of step with the country's obligations under international human rights law, set up a mechanism for compensating victims, and address the chronic lack of funds, training, and hierarchical accountability that affect the police force.

For this report, which builds upon research conducted into the human rights situation in Sierra Leone for over a decade, Amnesty International conducted field research in Freetown, Kono, Kabala and Bo during four missions between June 2017 and March 2018 and analysed court documents, video and photographic evidence, media reports, radio recordings and medical reports.

The report presents detailed recommendations to the Sierra Leone authorities and the police force itself, as well as to members of the international community engaged in supporting justice and security reforms in the country .