



THE SITUATION OF HUMAN RIGHTS DEFENDERS

SIERRA LEONE

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In its last UPR in May 2011, Sierra Leone accepted two recommendations in relation to freedom of expression, assembly and access to information. In the 27th session of the Human Rights Council Sierra Leone led a resolution on the protection of civil society space. Further, in March 2015 a Focal Contact Point in the Office of the President was established to address issues affecting human rights defenders (HRDs) and the human rights situation in the country. However, the resolution on civil society space remains unimplemented at the national level; journalists and HRDs face harassment, arrest and violence; and civil society organisations remain subject to substantial restrictions.

RISKS FACING HUMAN RIGHTS DEFENDERS

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

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- The International Centre for Not-for-Profit Law reported that Sierra Leone maintains Part V of the Public Order Act 1965 (POA), which criminalises defamation and sedition. Sections of the POA criminalising the reporting of 'false news' and placing the burden of proof on the accused have

been used to silence civil society organisations.⁵ An example includes the arrest and charge of two journalists with 'conspiracy to commit acts with seditious intent' in October 2013 for comparing the president of Sierra Leone to a rat.⁶

- The POA also restricts the exercise of the right to freedom of peaceful assembly and protest. The POA requires protesters to give an unreasonable period of notice to authorities, often weeks in advance of an intended assembly.⁷ Procedural specificities in the POA can be used to curb legitimate protest, giving the State the capacity to arbitrarily declare a protest unlawful or a threat to public order. These decisions are not generally subject to judicial review.⁸
- In October 2013, the Right to Access Information Bill was enacted; a positive move for the right to freedom of information, the rule of law and transparency.⁹ The Bill contains positive provisions providing for enhanced access to information pertaining to human rights. However, as reported by Freedom Info, this Bill is yet to be properly implemented and there is concern that its passage was politically driven and no concrete action will follow.¹⁰ Sierra Leone has recently enacted laws enhancing the ability for Government and provincial agencies to interfere with the legitimate work of civil society organisations. Notably, this includes the 2000 National Revenue Authority Act, the 2008 Anti-Corruption Act and the 2009 Revised NGO Policy Regulations.¹¹ These purport to categorise civil society organisations,

but in practice organisations labelled NGOs or not-for-profit companies face significantly harsher restrictions than government-approved 'community-based organisations', including stringent reporting requirements and requiring prior government approval for projects.¹² Further, the International Centre for Not-for-Profit Law reported that the Sierra Leone Association of Non-governmental Organisations, of which NGOs must be a member, intended to be an independent umbrella group and voice for NGOs, is becoming a governmental tool to limit civil society space.¹³

- Amnesty International reported that State of Emergency measures have been used to stifle criticism, including banning peaceful protests, arrests and harassment of journalists. On 27 April 2015, 15 members of the main opposition party, Sierra Leone People's Party (SLPP), and a senior officer from the Human Rights Commission were arrested in Kenema for protesting. At the time of writing, they were on trial. The police stated that the arrests were made on the basis that they had refused permission for the protest under State of Emergency measures. Following the protest, two additional representatives of SLPP were arrested and beaten when they enquired about the persons detained.¹⁴

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- HRDs working on land rights and corporate accountability face particular threats, risks and restrictions. The Government does not have clear policies on land acquisitions, or provisions to protect land rights, despite more than 20% of the country's arable land being leased to foreign investors.¹⁵ On 10 December 2013, police opened fire on a protest against the expansion of palm oil plantations operated by the international agro-investor Socfin Group. Residents argued the \$5 per acre annual payment for their land was insufficient and that they did not understand the lease agreement, or were coerced into signing.¹⁶
- 42 out of the 129 recommendations at the last UPR concerned women's rights. 50.50 Democracy reports that, despite advances made in the passage of laws to protect women, challenges remain for women HRDs, including intimidation and threats from officials and multinational companies. Staff of organisations supporting women's rights are

similarly targeted, including threatening phone calls and text messages as well as accusations by government officials of undermining the country's economic development.¹⁷

- Labour HRDs are silenced and intimidated. An example reported by Human Rights Watch includes AML allowing only one employee, who was subsequently relocated, to attend a hearing of the Human Rights Commission regarding events associated with land acquisition.¹⁸
- Journalists are also targeted. An example includes the death of Harry Yansaneh, former editor of independent newspaper *For Di People*, in July 2005 as a result of violent beatings suffered in May 2005 by a group of men allegedly hired by a member of the SLPP, a member of the Parliament of the Economic Community of West African States and owner of the building housing *For Di People*.¹⁹ Ten years on, those responsible for the death of Yansaneh's have not been prosecuted.

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

- In spite of Sierra Leone leading Resolution 27/31, urging States 'to create and maintain, a safe and enabling environment for civil society',²⁰ the treatment of HRDs suggests that Sierra Leone has failed in the implementation thereof at a national level.
- In 2014 the United Nations Special Rapporteur on the situation of HRDs (UNSR) expressed concern at insults and threats against a HRD who had denounced allegations of corruption by government officials in its response to Ebola. The Special Rapporteur has not received a response to this communication.²¹
- In its statement to the UNSR during the 28th session of the Human Rights Council, Sierra Leone highlighted the important role HRDs play in the promotion and protection of human rights and noted that HRDs can be guaranteed protection through national legislation and enforceable mechanisms against reprisals. Sierra Leone confirmed that it maintains an open invitation to all United Nations mandate holders, especially the UNSR.²²

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by domestic NGOs and make recommendations to Sierra Leone regarding the protection of HRDs. An excellent source of information on the situation facing HRDs is the Human Rights Defenders Network (<http://www.hrdn-sl.org>). For further information on this briefing paper, contact Tess McEvoy (t.mcevoy@ishr.ch) or Clement Voulé (c.voule@ishr.ch).

RECOMMENDATIONS TO THE GOVERNMENT OF SIERRA LEONE

- In consultation with civil society, develop and implement a specific national law on human rights defenders and establish, mandate and resource a mechanism for their protection, in line with the UN Declaration on Human Rights Defenders, HRC Res 27/31 and Sierra Leone's own statement at the 28th session of the UN Human Rights Council.
- Fully implement the Right to Access Information Bill as a step towards ensuring accountability for repressive practices; this will necessitate the repeal of libel laws.
- Refrain from criminalising the legitimate activities of HRDs and repeal or amend all laws and policies which restrict their activities and rights, including Part V of the Public Order Act 1965; and the restrictive elements of the 2009 Revised NGO Policy Regulations that impose excessive limitations on NGOs.
- Cease using State of Emergency regulations to restrict freedom of expression and peaceful assembly.
- Combat impunity by ensuring prompt, thorough and transparent investigations of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.

In line with the resolution on civil society space, Sierra Leone should commence a consultative process for the development of a human rights defender protection law in line with its statement at the 28th session of the UN Human Rights Council in March 2015.

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

2. Ibid.

3. http://www.hrw.org/sites/default/files/reports/sierraleone0214_Fo-urUpload.pdf

4. Ibid.

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

6. https://books.google.ch/books?id=uiDfBQAAQBAJ&pg=PA612&dq=shabaab+planning+to+attack+government+building&hl=en&sa=X&ei=Z-uDVbCcD8nIUpbegqgF&redir_esc=y#v=onepage&q=shabaab%20planning%20to%20attack%20government%20building&f=false

7. Public Order Act 1965, s 17(1).

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

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

10. Ibid.

11. Supra No. 5.

12. Ibid.

13. Ibid.

14. <https://www.amnesty.org/en/articles/news/2015/05/sierra-leone-ebola-regulations-and-other-laws-must-not-be-used-to-curtail-freedom-of-expression-and-assembly/>

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

16. <http://www.reuters.com/article/2013/12/10/sierraleone-soc-fin-idUSL6N0JP45E20131210>

17. Supra 18.

18. Supra 3.

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

20. http://freeassembly.net/wp-content/uploads/2014/11/A_HRC_27_L.24-ENG.pdf

21. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_Add_I_en.doc

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

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