



## **MEDIA UPDATE**

**21<sup>st</sup> July 2020**

### **JOINT PRESS STATEMENT BETWEEN LEGAL LINK, CAN AND NACFOHRD CONDEMNING THE UNLAWFUL KILLINGS AND DISPROPORTIONATE USE OF FORCE BY SECURITY FORCES AGAINST UNARMED PROTESTERS IN MAKENI CITY; CALLING ON PRESIDENT BIO TO ESTABLISH A JUDGE-LED INQUIRY TO INVESTIGATE THE ENTIRE SAGA**

**LEGAL LINK, CAN and NACFOHRD**, three leading civil society organizations working for the advancement of the rule of law, democracy and human rights in Sierra Leone are deeply concerned over the disproportionate use of force by the security agencies on protesters at Makeni City in the early hours of 18th July 2020 resulting in many injuries, collateral damage and the death of at least 5 youths of the township.

It is no gainsaying to opine that such state of affairs will gravely affect the public image of the country not only at the national and regional levels but also at the global level.

And as civil society organizations that defend the rights of vulnerable groups in society including marginalized youths, we take the greatest exception to this unprofessional conduct of the Security forces and call for a judge led inquiry to look into the handling of the entire incident at Makeni city, Northern Sierra Leone by the Ministry of Energy, local government and the security forces.

It could be recalled that similar protests have also occurred in time past in Kono and Kailahun over the removal of generator plants from their town ship to other regions of the country. But unlike the ugly incident at Makeni, no fatalities were recorded in the above two townships generation transfers.

What then went wrong in the handling of the Makeni situation?

Surprisingly, despite the increased condemnation and outcry from the public over the video clips showcasing brutal and excessive force by the Security forces, we note with utter consternation, the apparent reticence and the lack thereof by the top Management of the security forces in Sierra Leone to officially condemn this barbaric and unprofessional behavior of subordinates, over their execution of brutal and excessive force to harmless youths in Makeni that were merely agitating for energy security of their township.

This outright complicity at the top is not only worrying but reveals without doubt, the degree of impunity and non-accountability that prevails within the law enforcement architecture in Sierra Leone.

Such complicity we further maintain, invites a possibility for the applicability of the principle of Command Responsibility on the leadership of the security forces to be held vicariously liable for the atrocious acts of subordinate officers against the vulnerable civilian population on that fateful day.

It could be recalled that various specialized trainings on the \*UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials\* have been organized in time passed by the Human Rights Commission of Sierra Leone and the Independent Police Complaints Board to help the Sierra Leone police in particular understand how to manage such riotous situations including their application of the use of force to restore law and order.

As had always been emphasized, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials dictates that, **even when provoked, the ‘repelling force to be used must be ‘equal, reasonable, proportionate and necessary in the given circumstances’.**

Against this backdrop, **while we condemn the acts of the few disgruntled protesters who reacted in uncivilized ways, pelting stones at the police and burning of tires on the streets, we vehemently and unequivocally condemn the over-reaction of the Security forces in unleashing brutal and excessive force over unarmed protesting civilians.**

Noticeably also, is the fact that, even when the tensions had de-escalated, the callousness and unprofessionalism of the security forces became much more apparent.

Video clips recorded by on lookers at the Makeni township show complicity and a conspicuous pattern of torture and brutal display of force on poor and vulnerable households.

We therefore want it to be known by the leadership of the SLP and the Military that the right to freedom of torture as provided under the UN Convention Against Torture (CAT) to which Sierra Leone is a signature is a non-derogable right (Edgar omnes), and a per-emptory norm of Customary International Law.

This means that under no circumstances can it be justified to torture any human being in a democratic society needless to talk about youths and children.

All the police were mandated and required to do by law on that fateful day at Makeni city was to effect arrest on all alleged rioters, investigate and charge perpetrators to court for public order offences as enshrined under the Public Order Act of 1965.

That the security forces decided to embark on a frolic of their own and acted outside the remits of the law by overtly executing brutal and excessive force on harmless protesters in such scale and magnitude, amounts to a violation of not only the **UN Convention Against Torture, but also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African Youth Charter, the UN Basic Principles on the Use of Force and Firearms**

**by Law Enforcement Officials, the UN Sustainable Development Goals (Goal 4), the African Charter on Human and Peoples Rights, the right to freedom from torture, inhumane and degrading treatment and the right to freedom of Assembly and Association as enshrined under Chapter 3 of the 1991 Constitution of Sierra Leone.**

Majority of Sierra Leoneans interviewed by us are particularly worried over this ugly state of affairs which is seemingly becoming the new normal in the country.

**While it may be true to say that a great deal of effort has been made to tackle corruption in the country under president Bio's watch, the same cannot be true for police brutality, lawlessness and excessive use of force.**

As a matter of fact, the spate of unlawful killings and excessive use of force displayed by the security apparatus seem to be increasing at a geometric progression.

Listed below are a few scenarios where extrajudicial killings by the security apparatus have taken place in the country since the beginning of the 2020 calendar year:

**- Pademba Maximum prisons... 31 Killed**

**- Makeni ...5 Killed**

**- Lunsar ...1 Killed**

**- Tombo ... 2 Killed**

**- Loko Masamah...,1 Killed**

**- Mile 91....1 Killed**

**- Tonko limba.....1 killed**

**- Grafton.....1 killed**

**TOTAL number of deaths- 43**

All of the above alleged extrajudicial killings by our security forces depicts an ugly state of affairs that have the proclivity of not only undermining the peace of the country but also foreign direct investment which our nation needs so badly at this time.

On the issue of prior public engagements with community stakeholders, we hold the view that the Ministry of Energy failed in carrying out due diligence as well as demonstrating an open, proper, inclusive and adequate dialogue and sensitization with community stakeholders in a bid to help them fully understanding the rationale for government's relocation of the city's backup generator to another region.

No doubt, if such constructive engagements had existed prior to the removal of the generator plant, this would certainly have ensured everybody's participation in Makeni city, thereby dissipating tensions and potential conflict that may have arisen over the removal of the generator plant on that fateful day.

The insensitivity of the Ministry of Energy as well as their poor management of community relations became more apparent when they decided to nocturnally attempt to remove the 1.65 Mega Watts backup generator in the late night of 17th July 2020 from the electricity station in Makeni.

If indeed proper consultations had been ensured as opinionated by the Ministry of Energy in their press release, then why remove the generation plant at night?

Such odd timing only fed into the suspicion already created by the lack of trust and inadequate community stakeholder consultations on the issue.

As a consequence of the above and in order to deal with this ugly state of affairs and give a deadly blow to the scourge of police brutality, violence and lawlessness in the country, we strongly recommend the following measures forthwith:

1. That President Bio establishes a Judge - led inquiry that is independent, fair, robust, and credible to look into this unfortunate incident, determine the extent of the impact, compensation to victims families and those that should be brought to book or bear the greatest responsibility for such grave human rights violations that occurred. Preferably, we recommend the appointment of a Supreme Court Judge of high integrity, probity and experience to lead the Judge led inquiry.
2. That as an interim measure, we urge the leadership of the Security forces (SLP, Military) and the government of Sierra Leone to take full responsibility for the excesses that have occurred, ensure the unconditional release of all detainees and hold constructive dialogue with the leadership of the local government administration of Makeni City as well as local community elders and stakeholders so as to determine how victims can be medically treated and or compensated for violations of their fundamental human rights.
3. That all those security officers who pulled the trigger on unarmed protesters including their commanders must be investigated and prosecuted.
4. We unreservedly call for the investigation and prosecution of the Resident Minister, ABOU ABOU whose earlier inciteful remarks cannot be unconnected to the fatal incident of July 18 at Makeni city. In our view, his inciteful statements of violence calling on the police and the military to meet with stiff resistance any riotous behavior by youths, fomented mistrust and heightened tensions between youths in Makeni and security forces, consequently leading to fatalities on July 18 2020 in Makeni city.
5. We out rightly condemn IGR's recent report using Makeni and Bo as contrasting case studies in understanding a variety of rhetoric's underpinning the socio political landscape of Sierra Leone. While we respect the independence of Civil Society Organizations in designing and implementation of programmes, we however condemn those research works and surveys that have the proclivity to inadvertently heighten the divide and awaken political tensions between and amongst the various regions of the country.

6. We demand an unreserved apology from the Minister of Energy to the victims' families over his apparent lack of leadership and oversight in ensuring adequate and inclusive community engagements before the taking away of the backup generator from Makeni city.
7. We further demand the payment of full compensation by the Ministry of Energy to the victims' families as an acknowledgement of their complacency and show of regret in the entire saga.
8. We also call on the Government of Sierra to undertake affirmative development programs that will help youths in Makeni and further suppress tensions and perceived bias towards communities and Peoples in the North by the government.
9. We call on the government of Sierra Leone through the Ministry of Energy to develop a strategy that will guide the transfer of energy generation plants from one locality to another. Such a strategy Must not only require adequate consultations with key stakeholders in the community but also takes into consideration the ethno, political and regional ramifications in a bid to prevent a reoccurrence of the Makeni saga.
10. Finally, government should endeavor on the long term to improve on energy access and security by widening the energy mix and investing in renewable energy sources so that every district in the country will be energy sufficient, thereby ultimately reducing the need for transfer of thermal generation plants from one locality to another.

**In conclusion, it is vital to emphasize that, ours is a democracy and not an autocratic system of government. Turning a blind eye therefore to these increased spate of police brutality, lawlessness and extra- judicial killings that have taken place in the country will not only defeat our shared values but also undermine our human rights credentials, socio-economic, political and developmental aspirations as a nation.**

**END**

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