

HRCSL UNDERTAKES PUBLIC INQUIRY INTO THE CONDUCT OF LAW ENFORCEMENT OFFICIALS IN SIERRA LEONE

The Human Rights Commission of Sierra Leone (HRCSL) established by an Act of Parliament, (No.9) of 2004 with the mandate to protect and promote human rights of all in the country, also has the obligation to conduct public inquiry into allegations of systemic human rights violations pursuant to Section 7 (2)(a) of the HRCSL Act (No. 9) of 2004 and Rule 42 of the HRCSL (Complaints, Investigations and Inquiries) Rules of 2008.



In line with this provision, the Commission is set to undertake a Public Inquiry into the Conduct of Law Enforcement Officials (LEOs). The exercise is funded by the Open Society Initiative for West Africa (OSIWA) and the Government of Sierra Leone. Over the period, the Commission has monitored, received and documented many allegations of human rights violations by Law Enforcement Officials, especially in the maintenance of public order in the country.

The PI covers five law enforcement agencies— the Sierra Leone Armed Forces (RSLAF) Military, Sierra Leone Police, Road Safety Corps, Sierra Leone Correctional Service, and Metropolitan Police and cover the period 2015 to 2021. Terms of reference of PI are to : Investigate alleged systemic human rights violations that occurred from 2015 to 2021; Examine and determine individual cases of

victims of alleged human rights violations and abuses; Document, analyze and articulate the human rights issues and violations experienced by affected person(s) as consequence of activities, actions, omissions or negligence of LEOs and private person(s); Produce and publish a report containing key findings, conclusion and recommendations, directives and orders including legal and policy reforms.



In order to lead the Commission in actualizing the goal of the PI, a number of issues have been identified to be determined during the inquiry, which include: whether LEOs used disproportionate force in the execution of their duties contrary to the UN Guiding Principles on the use of Force and Fire Arms; whether there were loss of lives and grievous bodily harm resulting from excessive use of force by LEOs contrary to Section 16 of the Constitution of Sierra Leone, 1991 and Article 4 of the African Charter on Human and Peoples Rights (ACHPR) as well as Article 6 of the International Covenant on Civil and Political Rights (ICCPR); whether the right to property was violated by LEOs in executing their mandate contrary to Section 21 of the Constitution of Sierra Leone, 1991 and Article 14 of the ACHPR; whether individual LEOs and/or their institutions were held accountable for their actions in line with their institutional Codes of Conduct; whether LEOs were in need of further and requisite training in enforcing the law; whether LEOs were provided with requisite logistical and operational resources; whether LEOs lost their lives or sustained grievous bodily harm in the hands of members of the public or individuals while carrying out their lawful duties contrary to

Section 16 and 13(j) of the Constitution of Sierra Leone, 1991; and Whether citizens were adequately aware of their rights and responsibilities especially the duty to respect and cooperate with LEOs in the execution of their lawful mandate, among others.



The pre-inquiry stage commenced in January with fruitful engagements with the leadership and management of the targeted LEOs, Internal Affairs Ministry, the Solicitor General in the Ministry of Justice, Office of National Security, the Chief Justice, and the Oversight Committee on Human Rights in Parliament to explain the rationale behind the PI and why their support is needed to ensure a successful process. They pledged their full support to the process.

In order to kick-start the process as required by the Complaints, Investigation and Inquiries Rule, 2008, a press conference announcing the commencement of the PI process was hosted. This was followed by a nationwide media tour to educate and popularize the conduct of the Public Inquiry across the country. The Commission extensively used the media across the country to enlist the interest of victims and survivors from the public as well as from law enforcement officials who may have suffered violence of some sort and over above all to build a strong culture of human rights and eliminate the negative culture of impunity from both sides.

A team headed by the Commissioners and senior management staff held engagements with other state and non-state actors across the country in a round table discussion and town hall community meetings also form an important part of the pre-inquiry stage of the process. Also, an intensive training on Public Inquiry for the PI team including Commissioners, staff, and lawyer panelists was conducted by the PI Consultant at the Civil Service Training College in Freetown to help sharpen their skills on the PI process. The training provided a broad understanding about the rationale behind holding a public inquiry for LEOs and the activities already undertaken in the pre-inquiry stage.

The Commission is now embarking on statements taking from members of the public while it also encourages the public to send written complaints with evidence to support their various claims to the Commission through its offices in Freetown and the regions. This will be followed by the Public Hearings in May 2022, which shall be conducted in circuit sittings at three different locations in each of the three identified regions; namely North/North-West, South & East; and Western Urban & Rural. The sitting hearings will constitute of three (3) panelists for each panel with four (4) support staff, interpreter, witness protection expert and rapporteur.