

HUMAN RIGHTS COMMISSION OF SIERRA LEONE



BUMBUNA INQUIRY REPORT 2012



**REPORT OF THE PUBLIC INQUIRY INTO ALLEGED HUMAN RIGHTS VIOLATIONS
IN BUMBUNA, TONKOLILI DISTRICT IN RELATION TO THE EVENTS
OF 16TH , 17TH AND 18TH APRIL, 2012**



BUMBUNA INQUIRY REPORT 2012

Report of the Public Inquiry into Alleged Human Rights Violations in Bumbuna, Tonkolili District in Relation to the Events of 16TH, 17TH and 18TH April, 2012, in accordance with Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act, 2004 and Section 42 of the Human Rights Commission of Sierra Leone (Complaint, Investigations and Inquiries) Rules, 2008

The Human Rights Commission of Sierra Leone is an independent institution established by the Human Rights Commission of Sierra Leone Act (No. 9), 2004 with the mandate to protect and promote human rights nationwide.

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Online Newsletter:

<http://hrsl-newsletter.blogspot.com/2012/09/overview-of-public-inquiry-into-alleged.html>

24th September, 2012

H.E. Dr. Ernest Bai Koroma
President of the Republic of Sierra Leone
State House
Tower Hill
Freetown

Your Excellency,

**RE: REPORT OF THE PUBLIC INQUIRY INTO ALLEGED GROSS VIOLATIONS OF
HUMAN RIGHTS IN BUMBUNA, TONKOLI DISTRICT**

I hereby submit to you, the report of the Public Inquiry into Alleged Gross Violations of Human Rights in Bumbuna, Tonkolili district, in relation to the events of 16th, 17th and 18th April, 2012, conducted by the Human Rights Commission of Sierra Leone (HRCSL) from 1st June – 30th September, 2012, as a special report.

The Inquiry was undertaken in accordance with Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act, 2004 and Section 42 of the Human Rights Commission of Sierra Leone (Complaint, Investigations and Inquiries) Rules, 2008, which give the Commission the authority to conduct a public inquiry into allegations of violations of human rights, on its own initiative.

As provided in the Rules, this report contains key findings, conclusions and recommendations and directives, including legal and policy reforms to deal with the situation and prevent a recurrence; and also directives for remedies to victims in appropriate cases.

The Commission strongly believes that the protection and promotion of human rights, good governance and the consolidation of peace are prerequisites for sustained democracy and development in Sierra Leone.

HRCSL therefore urges Government and all other state bodies to implement the recommendations contained herein which the Commission believes will go a long way in combating violence and impunity and safeguarding the human rights of all in mining communities, especially Bumbuna.

Faithfully Yours,



Rev. Moses B. Khanu
Chairperson, HRCSL

24th September, 2012

Hon. Justice A. B. Stronge
Speaker of Parliament
Tower Hill
Freetown

Dear Honourable Speaker,

**RE: REPORT OF THE PUBLIC INQUIRY INTO ALLEGED GROSS VIOLATIONS OF
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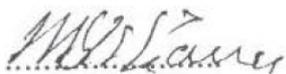
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Chairperson, HRCSL

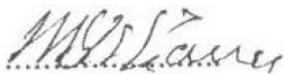
Foreword

The events of the 16th to 18th April, 2012 in Bumbuna were a stark reminder that peace cannot be taken for granted. People had to flee their homes in search of safety while others had to endure the pain of bodily injuries. Others suffered fear that these events were a sign that the old dark days of the war can return at any time. People lost property and had their homes vandalized.

When such events take place, people want to know why they happened and what can be done to help those affected. Through the media and other fora including social media such as Facebook, people made many grave allegations that needed to be investigated. That is what we sought to do. The Commission, upon consideration of the report of its preliminary investigations and the Incident Report filed by the Human Rights Officer - Northern Region, decided to conduct a **Public Inquiry into Alleged Human Rights Violations in Bumbuna in Relation to the Events of the 16th, 17th and 18th April 2012**, which commenced on 1st June 2012.

The Human Rights Commission of Sierra Leone is mandated by law to investigate such events and recommend action that can prevent their recurrence and where possible, provide redress to the victims as a means of promoting and protecting human rights in Sierra Leone.

In the course of the Inquiry, the Commission received a lot of information which it used to understand what happened in Bumbuna. The Commission hopes that this report will contribute to securing our hard earned peace by making human rights real for all those affected by the events of the 16th - 18th April, 2012.



Rev. Commissioner Moses B. Khanu

Chairperson, HRCSL

Acknowledgements

This Inquiry and the preparation of this report would not have been possible without the co-operation, participation and contribution of many people and institutions for which the Commission is grateful.

In particular, I would like to acknowledge the support and hospitality the Inquiry received from the Paramount Chief of Kalasongoia Chiefdom in Bumbuna Town, Tonkolili District, PC Alimamy Bockarie Yelan Koroma III and the people of Bumbuna and sincerely thank them for participating fully in the Inquiry; taking part in the Focus Group Discussions, giving statements and testifying before the Inquiry Panel. The Panel notes and commends the courage of the Bumbuna Community to stand up for human rights and for their determination to find peace and justice for their community.

The Inquiry would also like to acknowledge the cooperation of the Inspector General of Police, that of his institution and individual police officers who appeared and testified before the Panel. Without their cooperation, little progress would have been made.

Sadly, one of the government ministers who testified during the Inquiry passed away shortly after testifying. The late Minister of Labour and Social Security, Hindolo S. Trye made invaluable contribution to the Inquiry including publicly apologizing to the Bumbuna Community for the events of 16th to 18th April, 2012. The Commission hopes that his successor will take steps to pursue the necessary labour policy and legal reforms he spoke of during his testimony and in his address to the Bumbuna Community.

I wish to acknowledge the work of the Inquiry Secretariat, particularly Magdalene Kioko Marrah, staff of the Commission (See Annex 7), Consultant Lawyers Editayo Pabs Garnon, Ibrahim Sorie Bangura and Abdul Karim Kamara for their assistance to the Inquiry. African Minerals (S.L.) Ltd legal team's contribution during the Inquiry is also acknowledged.

Finally, I wish to thank Commissioners, my colleague Panel members, Rev. Commissioner Moses Khanu, who is Chair of the Commission and Ambassador Allieu Kanu of the Sierra Leone Institute of International Law. Special thanks to Ambassador

Human Rights Commission of Sierra Leone

Khanu who was co-opted to be part of the Panel in accordance with the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries Rules) 2008. Even though he is not a member of the Commission, his devotion, commitment and professionalism during the Inquiry was exemplary.

It is not possible to acknowledge the role and contribution of each individual or institution. However, the Human Rights Commission of Sierra Leone wishes to thank you all.

The implementation of the recommendations in this Report will make the Inquiry worthwhile.

A handwritten signature in black ink, appearing to be 'J. King', written over a horizontal dotted line.

Commissioner (Mrs.) Jamesina King

Presiding

Chairperson

ABBREVIATIONS

ACHPR	African Charter on Human and Peoples Rights
AHRO	Assistant Human Rights Officer
AIG	Assistant Inspector General of Police
AML	African Minerals (SL) Ltd
ASP	Assistant Superintendent of Police
CDIID	Complaint, Discipline and Internal Investigations Department
CHO	Community Health Officer
DO	District Officer
FGD	Focus Group Discussion
HRCSL	Human Rights Commission of Sierra Leone
HRO	Human Rights Officer
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
ILO	International Labour Organization
IMC	Independent Media Commission
LUC	Local Unit Commander
MAC-P	Military Aid to Civil Power
MASEU	Mining and Allied Services Employees Union
OC	Officer Commanding
ONS	Office of National Security

OSD	Operations Support Division of the Sierra Leone Police
PC	Paramount Chief
RSLAF	Republic of Sierra Leone Armed Forces
SDO	Senior District Officer
SGBV	Sexual and Gender Based Violence
SiLNoRF	Sierra Leone Network on the Right to Food
SLAJ	Sierra Leone Association of Journalists
SLP	Sierra Leone Police
SLPP	Sierra Leone Peoples' Party
TPU	Tonkolili Progressive Union
UDM	United Democratic Movement
UMU	United Mining Workers' Union
UN	United Nations

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EXECUTIVE SUMMARY

The Public Inquiry into Alleged Gross Violations of Human Rights in Bumbuna, Tonkolili District in Relation to the Events of 16th to 18th April, 2012 commenced on the 1st June, 2012.

The Terms of Reference for this Public Inquiry were to:

- Investigate the alleged gross human rights violations that occurred in Bumbuna between 16th and 18th April, 2012 with a view to understanding their nature, causes and scale and to identify those individuals or institutions responsible;
- Examine and determine individual cases of the victims of the alleged human rights violations and abuse;
- Document, analyze and articulate the human rights issues and violations experienced by affected communities as a consequence of the activities, actions, omissions or negligence of private companies;
- Understand the human rights implications of the policy and legal framework relating to the exploitation of mineral resources in so far as the welfare of workers and host communities are concerned;
- Prepare a report containing key findings, conclusions and recommendations, directives and orders, including legal and policy reforms; and,
- Issue orders for remedies to victims in appropriate cases.

The Inquiry employed a number of methods to gather evidence and information. Personal statements were taken from victims in Bumbuna, the Officer Commanding the Bumbuna Police Station and the Paramount Chief of Kalasongoia Chiefdom covering Bumbuna Township. Focus Group Discussions (FGDs) were also held with Youths, Women and a mixed group of Community stakeholders including the bike riders union, women leaders, market women, the traders' union and religious leaders. The fourth FGD meant for the workers of African Minerals (SL) Ltd did not take place.

A Public Hearing was conducted in Bumbuna Town at the Court Barray (Local Court House) presided over by a Panel of three: Commissioner Jamesina King - Chairing, Rev. Commissioner Moses Khanu and Ambassador Allieu Kanu of the Sierra Leone Institute of International Law (co-opted). During the Public Hearing, forty one (41)

witnesses testified including four (4) women, two (2) Government Ministers, ten (10) members of the Sierra Leone Police, eight (8) of whom were senior police personnel including the Inspector General of Police. Among those who testified were thirteen (13) Interested Persons named in the public notice of 1st June, 2012.

Two named interested persons, Allie D. Kamara, Resident Minister North and Alhaji Minkailu Mansaray, Minister of Mines and Mineral Resources, neither attended the Public Hearing at Bumbuna nor did they submit any documents. They did not provide any reasons for failing to honour the Commission's summons to testify. Under the Human Rights Commission of Sierra Leone Act, 2004, this is an act of contempt.

Key Findings and Recommendations

The findings of this report were reached on a balance of probabilities as provided for under Rule 25 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008. The evidence received by the Inquiry was subjected to verification through the questioning of witnesses under Rule 51. In addition, under Rule 52 (4) all submissions or representations made to the Commission were sent to all named Interested Persons for their review and comments. The Interested Persons were informed that they had a right to respond to such submissions and question witnesses.

Findings in Relation to the Police Operation in Bumbuna

1. The Inquiry finds that the police overreacted to the protest action by African Minerals (SL) Ltd (AML) workers and used disproportionate force, including live ammunition, resulting in the death of one Musu Conteh, a young lady who worked for AML. Others were severely wounded; eight (8) of whom sustained gunshot wounds. Some people were also wounded through beating and other forms of manhandling.
2. The Inquiry found no evidence to confirm the allegation that three other persons were killed and their bodies dumped in the river.
3. The violence on the 17th and 18th of April, 2012 led to the temporary displacement of some people to other villages and towns outside Bumbuna.

4. The Police subjected the women of Bumbuna to Sexual and Gender Based Violence (SGBV) in the form of verbal abuse, physical and psychological violence.
5. The police subjected members of the Bumbuna community to arbitrary arrest and detention.
6. The police subjected the people of Bumbuna to inhuman, cruel and degrading treatment through severe beatings, kicking, molesting and arresting two (2) family members attending to the corpse of a relative who had just died at the Bumbuna Community Health Centre.
7. The Inquiry also finds that the Police violated the right to privacy by breaking doors and entering homes without search warrants in a house-to-house search of suspected rioters.
8. The police destroyed and in some cases carried away property belonging to some members of the Bumbuna community.
9. The manner in which the arrest of Rev. Bangura was effected, was a key tipping point in the Bumbuna crisis. He was arrested by a combined team of Military and Police personnel, some of whom were armed even though he was unarmed and cooperative.
10. The Bumbuna community was traumatized by the police operations and described it as a replay of rebel attacks during the war.
11. The high-handed response by the police in Bumbuna was as a result of an exaggeration of the activities and intentions of the striking workers. The reports as to what the youths were doing or planning to do were highly exaggerated, leading to the heavy deployment of the police.
12. The police acted unprofessionally in most cases by not following their Rules of Engagement: "Guidance for Opening Fire for Armed Police Officers of the Sierra Leone Police (Green Card 'A')".
13. Section 16 of the Constitution of Sierra Leone, 1991 gives broad exceptions covering the lethal use of force thereby lowering the elements that constitute the duty to protect the right to life in Sierra Leone and falls short of

international human rights standards. According to principle 25 of the UN Basic Principles on the Use of Force and Fire Arms by Law Enforcement Officers, the only permissible instances in which lethal force could be used should be limited to the defence of life which would include self-defence or defence of others against the threat of death or serious injury, prevent heinous crimes that involve a threat to life or in the course of arresting a person presenting such a danger to prevent his or her escape.

14. The Inquiry finds that the misconduct by the police is also attributed to a structural problem that is evident in the relationship between Operations Support Division (OSD) and the General Duty Police. This confusion made it difficult to identify the source of the orders to use live ammunition. This relationship makes it easy for the police to generally escape accountability because it allows for a “ping pong” game in which officers blame each other without taking responsibility for their actions.
15. It is clear that even though the SLP have an accountability mechanism on the use of ammunition, this accountability mechanism was not adhered to.
16. The two (2) injured OSD police officers, W24 and W25, looked timid, under aged and not appropriately educated to interpret and follow their Rules of Engagement and are also not likely to refuse orders that are manifestly illegal.
17. The uncoordinated and unsupervised Police intervention precipitated a riotous situation involving AML workers that was taken advantage of by members of the Bumbuna community that had other grievances to settle with AML or with the Paramount Chief. The latter were job-seekers or laid off workers who blamed AML and the Paramount Chief for their plight.
18. Some members of the Bumbuna community perpetuated violence against the police, which resulted in the wounding of three (3) officers who were treated at the Makeni Police Clinic. The youths erected road blocks and hurled stones and sticks at the police.

19. The SLP has no Compensation Fund for police officers injured/wounded in the course of duty or to compensate the families of officers who might be killed in the course of duty.
20. The relationship between the police and the Bumbuna community is not cordial and conducive to community-oriented policing.
21. The Police Station in Bumbuna is understaffed and under-resourced given the influx of job seekers into Bumbuna town. The station has eight (8) Police Officers and no vehicle, leading the police to use AML vehicles in their operations.
22. A vehicle owned by HAWK, a sub-contractor of AML and driven by an AML worker, was used to arrest Rev. Daniel Bangura, a broadcaster of Radio Numbara. This relationship between the Police and AML is a cause for concern and suspicion to the people of Bumbuna and feeds the perception that the Police will not be impartial in situations that involve AML.
23. Police response to communities in situations of conflict with private companies appears to have taken a pattern of arbitrary arrests and detention, looting, vandalism, beating and the unlawful use of live ammunition. This pattern appears to be one of systemic violations of human rights that need to be addressed in a holistic manner in order to prevent the recurrence of the events of the 16th to 18th April, 2012 in Bumbuna or elsewhere in Sierra Leone.

Findings Relating to Labour Rights and African Minerals (SL) Ltd

24. The freedom of association of the workers of AML has been violated and continues to be violated by the failure of the Government and especially the Ministry of Labour to make available and real, the possibility of workers to belong to a trade union of their choice. This problem is acute with respect to AML workers at the AML mining site in Feregbeya in Kalasongoia Chiefdom who expressly sought to join a different trade union because they lacked confidence in the United Mining Workers Union (UMU).

25. The Inquiry did not find any evidence to confirm the allegation that the activities of the Mining and Allied Services Employees Union (MASEU) were the cause of the protest action by the AML workers on the 16th April, 2012.
26. The absence of a trade union of choice for AML workers, compounded by a history of broken promises on the part of the management of AML and long-standing unaddressed grievances led the workers to protest out of frustration.
27. There is evidence that there is a problem of communication between management and low ranking staff, leading to the frustration of the workers.
28. The relationship between the Community and AML is ambivalent and a cause for concern.
29. The Inquiry was unable to confirm whether all the conditions agreed upon in the Communiqué signed between the representatives of AML workers and the Management on the 24th April 2012 were fully implemented, because the Commission did not have access to AML Workers except for witness W21.
30. The Regulation of Wages and Industrial Relations, 1971 places impediments on the enjoyment of the freedom of association of workers under section 26(1) of the Constitution of Sierra Leone 1991 by making it impossible for workers to join trade unions of their choice.

Findings in Relation to Government Response

31. The Government responded promptly by sending a high-level delegation to Bumbuna that included Government ministers to calm the situation down and restore normalcy.
32. The Government set up a Coroner's Inquiry to investigate the death of the late Musu Conteh.
33. Victims that sustained gunshot wounds were given money on behalf of the His Excellency, the President. The failure to properly assess and compensate victims of the gunshot wounds left some victims with lingering medical conditions that were not adequately compensated.

34. Furthermore, because no quantification of losses or damages was done, some victims, even the severely affected who lost material goods were excluded from the “compensation process.”

Findings in Relation to the Media

35. The role of the media in a situation of crisis is very critical. Overall, the media did their best in informing the public on the events in Bumbuna. Radio Numbara, the community radio, provided timely information about the incidents in spite of its limited capacity. The Commission was not able to prove that the Station incited violence as alleged by the police, due to the absence of the recordings of the programmes which were referred to as ‘inciting’.
36. The Torchlight Newspaper exemplified irresponsible journalism when it published as headline news on the 3rd of May, 2012, an article titled “‘SLPP Sniper’ Killed Bumbuna Woman”. It is important to note that these claims were neither verified by the Editor (W39) nor confirmed by any of the witnesses.

Findings in Relation to the Community

37. Some sections of the Community have long standing grievances against AML and the Paramount Chief that need to be addressed.
38. The long standing Chieftaincy issues in Bumbuna between Daniel Sara Turay, a member of a rival ruling house and his followers, and the Paramount Chief, although outside the terms of reference of this Inquiry, have the potential to contribute to instability and public unrest and need to be addressed.

Recommendations

To the Sierra Leone Police

The SLP should:

39. Publicly acknowledge, take responsibility and apologise for the unlawful use of live ammunition, violence and trauma they caused. This apology should

be communicated using media that can reach the people of Bumbuna and most preferably at Bumbuna.

40. Develop and communicate to the public, especially the people of Bumbuna, mechanisms that will be put in place to guarantee a non-repetition of the events of the 16th to 18th April, 2012.
41. Ensure that Supt. Samuel Benedict Vandi, Supt. Lamin Sesay, LUC Supt. Alfred C. Dassama and OC ASP Daniel Bockarie Konneh individually apologise to the people of Bumbuna.
42. Investigate Supt. Samuel Benedict Vandi, Supt. Lamin Sesay, LUC Supt. Alfred C. Dassama and OC, ASP Konneh for mismanaging the police response to the protest action.
43. Transfer OC ASP Konneh (Bumbuna), LUC Alfred C. Dassama (Magburaka) and Supt. Samuel Benedict Vandi (North-East Region) to give room for a fresh start in the relationship between the police and community.
44. Identify and investigate all personnel involved in the police response to the protest action including a physically challenged OSD personnel (who walks with a limp), adversely mentioned by the community people and discipline those found culpable and where appropriate, prefer criminal charges against them.
45. Apologize to the women of Bumbuna using media that can reach them and most preferably, at Bumbuna.
46. At all levels be trained on the issues of Sexual and Gender Based Violence (SGBV).
47. Strengthen and use Human Rights-based approaches to policing. In particular, the police should take immediate steps to mainstream the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.
48. Establish a Compensation Fund that would be used to compensate police officers injured or the families of officers killed in the course of duty.

49. Institutionalize the receipt of gifts and material assistance (including equipment and transportation) from private individuals and companies, by establishing a Benevolent Fund at Headquarters. This will prevent instances as seen in Bumbuna where police personnel were seen using vehicles of a private company to carry out their operations.
50. Take immediate steps to adequately staff and resource the police station at Bumbuna.
51. 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**.
52. Review recruitment procedures and practices to ensure that applicants undergo proper screening to ascertain their moral, physical and educational fitness for the job.
53. Re-screen and ensure continued training of the police officers to ensure that they are fit for the job. Their continued fitness to perform police functions should be subjected to periodic review.
54. Establish an active local partnership board in Bumbuna.
55. In collaboration with the Office of the Attorney General and Minister of Justice, expedite the establishment of an Independent Police Complaints Commission/Board. Such a body should be operationally independent of the Government or any political influence and be accessible to members of the public.

To African Minerals (SL) Limited

The AML should:

56. Implement in full the terms agreed in the Communiqué of 24th April, 2012 signed between the representatives of the striking workers and the management of AML officially ending the protest action by the workers.
57. Collaborate with the Ministry of Labour and Social Security to ensure that the workers are able to join a trade union of their choice.
58. Mainstream and implement the UN Guiding Principles on Business and Human Rights.
59. Review and strengthen the Grievance Mechanism available to workers and make it accessible to all including non-literate workers, make it user friendly, independent and non-discriminatory. The Grievance Mechanism should be communicated to all workers and explained to them to ensure that they understand how to use it. Safeguards should be put in place in this mechanism to ensure that workers who use it are not victimized.
60. Improve on communication with low ranking staff. There should be an open channel available to all employees, literate or non-literate
61. Review and strengthen the Grievance Mechanism available to the members of the Bumbuna community and ensure that it is communicated to all and they understand how to use it.
62. Put mechanisms in place to ensure speedy and effective response to complaints from workers and community people.
63. Take immediate steps to improve cultural and racial tolerance and mutual respect amongst its workers.
64. Continue to be supportive of the Community in Bumbuna without being perceived or seen as facilitating or encouraging conduct that violates the rights of workers or community people. This would require a review of the relationship between the Paramount Chief, the Police and AML.

65. Channel its material assistance to the police through an official and institutionalized fund maintained at the Police Headquarters for greater accountability and transparency.
66. Ensure full compliance with the core ILO Conventions on the rights of workers.

To the Ministry of Labour and Social Security

The Ministry of Labour and Social Security should:

67. Establish a Labour Office in Bumbuna in view of increased employment opportunities, to ensure that the rights of workers are protected.
68. Ensure that the workers of AML are free to belong to a trade union of their choice under section 26(1) of the Constitution.
69. Ensure full compliance by AML and other private companies with the ILO core Conventions, especially the Freedom of Association and Protection of the Rights to Organize Convention 1948, the Right to Organize and Collective Bargaining Convention 1949, Discrimination (Employment and Occupation) Convention 1958, the Equal Remuneration Convention 1951, and the Declaration on Fundamental Principles and Rights at work 1998.

To the Office of the Attorney General and Minister of Justice

The Office of the Attorney General and Minister of Justice should:

70. Review the Regulation of Wages and Industrial Relations Act 1971 and recommend to Parliament the enactment of a new law to ensure the full enjoyment of the right to organize (freedom of association), in compliance with Section 26 of the Constitution of Sierra Leone, 1991 and the ILO core Conventions. This review should ensure that workers in Sierra Leone have, by law, an opportunity to be protected by a trade union of their choice.
71. Review and recommend to Parliament for amendment of Section 16 of the Constitution of Sierra Leone, 1991 in order to ensure full compliance with international standards on the protection of the right to life.

72. Advise the Government of Sierra Leone to establish by law a fund to compensate victims of human rights violations wherever they occur.

To the Independent Media Commission (IMC) and the Sierra Leone Association of Journalists (SLAJ)

73. Ensure that all journalists conduct themselves professionally by adhering to the IMC Act and the Media Code of Practice.

74. Work with partners to ensure that journalists are trained and have the skills to professionally cover crisis situations.

75. Work with partners to provide capacity building support for Radio Numbara in Bumbuna.

To the Ministry of Youth Employment and Sports and the National Youth Commission:

76. Educate and sensitize the youths to ensure they understand peaceful methods of communicating their grievances to responsible government institutions.

To the Youth

77. Should learn to seek remedies from responsible government institutions and work within the requirements of the law when faced with problems. Acts of violence delegitimize claims the youths may want to make as such acts portray them as lawless.

In relation to the Community, the Commission directs the following:

78. In respect of the pain, suffering and anguish suffered by the members of the Bumbuna community and noting that given the numbers of the people affected and considering that certain forms of harm cannot be paid for with money, **the Inquiry has considered it wise to emphasize symbolic remedies.**

79. The people of Bumbuna suffered collective trauma that cannot be compensated for in monetary terms. Having expressed frustration over the fact that their homes and business premises have not been connected to the

Bumbuna Hydro electricity supply, the Commission calls on government to take urgent steps to do so by 16th April, 2013 (the first anniversary of the incident).

80. Government should ensure that the roof of the Bumbuna Market is repaired with immediate effect and provide the market with additional facility of lavatory.
81. Without delving into the Chieftaincy issues in Bumbuna, the Commission considers it important, in the interests of peace, for the Paramount Chief to take immediate steps to reconcile with disaffected members of the Bumbuna community and address the long standing grievance held by Mr. Daniel Sara Turay and his followers.

In Relation to Victims, the Commission directs the following:

82. Government should ensure that Kelly Conteh (W9), who sustained gunshot wounds on the head, receive immediate medical and psychological treatment.
83. Government should arrange and make provision at the Bumbuna Community Health Centre for those that suffered gunshot wounds and are in need of continued medical and psychological care to receive such treatment at government expense immediately.
84. Government should upgrade and equip the Bumbuna Community Health Centre with the provision of necessary infrastructure, equipment, facilities, drugs and skilled personnel to fulfill the health needs in a growing community.
85. The government should use qualified and experienced experts to quantify and determine the levels of compensation deserved by individual victims as guided and not limited to the matrix of injury and loss carried in this report under paragraph 288. The government should ensure that the people receive this compensation within a year of the release of this report.

1.0 INTRODUCTION

1.1 Background to the Inquiry

86. From the 16th to the 18th of April, 2012, the workers of African Minerals Ltd (AML) in Bumbuna, Tonkolili District in the Northern Province of the Republic of Sierra Leone went on strike protesting against low pay, discriminatory treatment and poor working conditions. In response to the activities of the demonstrators, the Sierra Leone Police moved in to maintain law and order. During the police operation in Bumbuna, the police were reported to have used live ammunition and tear-gas canisters indiscriminately sending the whole township into panic. Residents fled the township to nearby communities like Magburaka, Tonkolili District; Makeni, Bombali District; and Binkolo, Bombali District; to seek refuge and protect themselves.
87. The death of one person was reported and confirmed, a number of people sustained gunshot injuries while others were severely beaten and wounded. There were unconfirmed allegations that three other persons had been killed and their bodies dumped into the river. There were reports that youths stoned and severely injured policemen during the skirmishes. It was further alleged by the Head of the Police Media and Public Relations, ASP Ibrahim Samura that the youths were in possession of petrol bombs and shotguns that were used by some of the protesters during the skirmishes.
88. There were also allegations of arbitrary arrests and detentions in which the police are reported to have broken into private homes, arrested the occupants and carted away their property. Market women reported loss of their goods as a result of the incident and certain women complained of unwarranted violence and verbal abuse by the police. It was further alleged that in their bid to contain the unrest, the police sought to arrest a broadcaster, one Rev. Daniel Bangura, working for Radio Numbara in Bumbuna who the police accused of inciting the youths into violence using a radio broadcast that was transmitted throughout the night of the 17th April, 2012.

89. The Human Rights Commission of Sierra Leone (HRCSL) received this information through an Incident Report, Exhibit HRCSL B 48, filed by its Northern Region Human Rights Officer on the 18th April, 2012. In addition, these events were comprehensively covered by the Sierra Leone Media, both print and electronic. Annex 4 lists examples of print media coverage of the events of the 16th to 18th April, 2012 in Bumbuna.
90. Upon receipt of the Incidence Report and monitoring of media coverage of the events, the Commission undertook a fact-finding mission to Bumbuna from the 9th to 11th May, 2012 with follow-up trips on the 22nd and 24th of May, 2012. The mission was undertaken in order to help Commissioners and staff to gain a deeper understanding of the issues that caused the crisis that led to the loss of life, the wounding of several persons, the destruction of property and the temporary displacement of people.
91. Prior to the Bumbuna incident, the Commission had received a complaint from the residents of Feregbeya, also in Bumbuna in December 2010. In Complaint, No HRCSL-NR 12/2010 -21, Ibrahim Koroma, on behalf of his subjects against the Inspector General of Police and the LUC Magburaka Police Division, the residents of Feregbeya in Kalasongoia Chiefdom which also covers Bumbuna, complained against a brutal campaign by the police to quell a protest against the activities of AML in their community.
92. Upon careful consideration of the events in Bumbuna of April 16th to 18th, as contained in the Incidence Report, Exhibit HRCSL B 48, the media and the report of the Fact-Finding Mission, Exhibit HRCSL B 47, and considering the earlier complaint by a community in the same area, the Commission was of the opinion that there appeared to be systemic or repeat violations of particular human rights. The Commission then took a decision, on its own initiative, to conduct a public inquiry into the allegations of or into the apparent gross violations of human rights in order to determine the situation, its causes, and make appropriate orders, directives or recommendations to deal with the situation or to prevent the violations from reoccurring and make appropriate orders, directives or recommendations for the victims where violations would be confirmed.

93. Under Section 7(2)(a) of the Human Rights Commission of Sierra Leone Act, 2004, the Commission has the mandate, on its own initiative, to investigate alleged human rights violations that come to its knowledge through a public inquiry as provided for under Rules 42 to 56 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008.

Terms of Reference

94. The terms of reference for this Inquiry were to:

- Investigate the alleged gross human rights violations that occurred in Bumbuna between 16th and 18th April 2012 with a view to understanding their nature, causes and scale and to identify those individuals or institutions responsible;
- Examine and determine individual cases of the victims of the alleged human rights violations and abuse;
- Document, analyze and articulate the human rights issues and violations experienced by affected communities as a consequence of the activities, actions, omissions or negligence of private companies;
- Understand the human rights implications of the policy and legal framework relating to the exploitation of mineral resources in so far as the welfare of workers and host communities are concerned;
- Prepare a report containing key findings, conclusions and recommendations, directives and orders including legal and policy reforms; and,
- Issue orders for remedies to victims in appropriate cases.

List of Issues Considered

95. Under Rule 44 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008, the Commission is required, once the decision to conduct an Inquiry has been taken, to frame issues that would be the subject of the inquiry and communicate those to the public. The framing of the issues was informed by the findings of the

preliminary investigations into the events by a fact-finding mission to Bumbuna from the 9th to 11th of May 2012 with follow-up visits on the 22nd and 24th of May, 2012.

96. These issues, together with the terms of reference, were framed and communicated to the public through a Public Notice (Exhibit HRCSL B 44) published in eleven (11) national newspapers in Sierra Leone and aired on seven radio stations and the Sierra Leone Broadcasting Corporation (SLBC) television (TV). These radio stations were Star Radio, SLBC radio, Africa Young Voices (AYV) Radio, Radio Democracy 98.1, Radio Makneh, Radio Maria and Radio Numbara. Radio Makneh and Radio Maria broadcast in the Northern Province, which covers Bumbuna. Radio Numbara is the local community radio station in Bumbuna.

97. The issues that were before the Panel for investigation were:

- a) Whether the police used disproportionate force leading to serious personal injuries and loss of life in violation of the right to life, contrary to section 16 of the Constitution of Sierra Leone, Act No. 6 of 1991, and contrary to 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);
- b) Whether the police subjected the residents of Bumbuna to arbitrary arrest and detention, contrary to section 17 of the Constitution of Sierra Leone Act No. 6 of 1991; contrary to article 9 of the International Covenant on Civil and Political Rights (ICCPR) 1966; and, contrary to article 6 of the African Charter on Human and Peoples Rights (ACHPR);
- c) Whether some members of the Bumbuna community were subjected to inhuman and degrading treatment, contrary to section 20 of the Constitution of Sierra Leone, Act No. 6 of 1991 and contrary to article 7 of the International Covenant on Civil and Political Rights

(ICCPR) and article 5 of the African Charter on Human and Peoples Rights (ACHPR);

- d) Whether Bumbuna residents had their right to property violated, contrary to section 21 of the Constitution of Sierra Leone, 1991 and, contrary to article 14 of the African Charter on Human and Peoples Rights (ACHPR);
- e) Whether the aggrieved workers were discriminated against at AML and on the basis of their nationality, race or social status, contrary to international and regional treaties Sierra Leone has signed;
- f) Whether the workers of African Minerals Limited were denied just and favourable conditions of work in violation of national labour laws and article 7 of the International Covenant on Social, Economic and Cultural Rights, 1966; and,
- g) Whether the rights to freedom of expression, association and assembly of the demonstrators, society women, and the radio broadcaster were violated through police action, contrary to sections 25 and 26 of the Constitution of Sierra Leone Act No. 6 of 1991; contrary to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) 1966; and, contrary to articles 9 and 11 of the African Charter on Human and Peoples Rights (ACHPR).

Interested Persons

98. As required by Rule 45 (1) of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries), 2008 in the Public Notice that announced the decision to conduct this Inquiry (Exhibit HRCSL B 44), the Commission publicly named persons or institutions that, in view of the Public Inquiry Secretariat, had a central role or interest in what happened in Bumbuna on the 16th to 18th April, 2012. These people or institutions were:

Human Rights Commission of Sierra Leone

- a) Francis Munu, Inspector General of the Sierra Leone Police
- b) Supt. Samuel Benedict Vandí – Strategic Regional Support Officer (Makeni)
- c) Supt. Alfred C. Dassama, LUC Magburaka
- d) Asst. Supt. Daniel Bockarie Konneh, OC, Bumbuna Police Station
- e) PC Alimamy B.Y. Koroma III, the Paramount Chief, Bumbuna
- f) Frank Timis, Executive Chairman, African Minerals Ltd
- g) Moseray Fadika, CEO African Minerals (SL) Ltd
- h) The late Hindolo S. Trye, Minister for Labour and Social Security
- i) Minkailu Mansaray, Minister of Mines and Mineral Resources
- j) Allie D. Kamara, Resident Minister, Northern Province
- k) Tim Fofana, Community Liaison Officer, African Minerals Ltd
- l) Moses Gbondo, General Secretary, Mining and Allied Services Employees Union
- m) Sheriff Ismail, President of the Tonkolili Progressive Union
- n) Mohamed Conteh, Executive Director of the Sierra Leone Network on the Right to Food (SiLNoRF)
- o) Mr. Falla Ensa- N'Dayma, President, Trade Union Confederation of Sierra Leone (TUC-SL).

99. Initially, the Commission identified and named twelve (12) Interested Persons. Under Rule 45 (2), an interested institution or person can apply to be added and named as such if they demonstrate they have a central role or an interest in the issues central to the Inquiry. Upon the release of the Public Notice, three applications were received and favourably considered. The three Interested Persons who were added after application were:

- a) Sheriff Ismail, President of the Tonkolili Progressive Union
- b) Mohamed Conteh, Executive Director of the Sierra Leone Network on the Right to Food (SiLNoRF)
- c) Mr. Falla Ensa- N'Dayma, President, Trade Union Confederation of Sierra Leone (TUC-SL)

100. The named Interested Persons were expected to help the Inquiry find answers to the questions before it and especially attend the sitting of the Panel presiding over the Inquiry in Bumbuna and answer to questions put to them. During the sitting of the Inquiry Panel in Bumbuna, two Interested Persons did not appear or send representatives. These two Interested Persons did not give reasons either before or after the sitting in Bumbuna for their failure to honour the invitation of the HRCSL to appear and testify before the Inquiry Panel in Bumbuna. They were:

- a) Alhaji Minkailu Mansaray, Minister of Mines and Mineral Resources
- b) Allie D. Kamara, Resident Minister, Northern Province

101. According to the HRCSL Act 2004, this is an act of contempt.

1.2 Methodology

102. This Inquiry was conducted using a combination of methods as provided for under the Commission Rules and as guided by the terms of reference. These methods were used in order to ensure that the Commission had several ways of verifying information received and therefore ensure the credibility of its findings and recommendations. The methods and manner of conducting an Inquiry are provided for under Rules 42 to 56 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008.

A. Focus Group Discussions under Rule 52

103. Guided by the TOR of the Public Inquiry, three targeted Focus Group Discussions (FGDs) were conducted with Youths, Market Women and a blend of community stakeholders comprising of the (Imam, Pastor, Teachers, women leaders, Motorbike (Okada) Riders, Traders and ordinary residents of Bumbuna). The FGD with youth was attended by ten (10) young people of which two (2) were women. The FGD with women was attended by ten (10) women. The mixed group FGD was attended by eight (8) people two (2) of whom were women.

104. The Inquiry Secretariat had initially planned to conduct four (4) FGDs, but only three (3) were conducted; the fourth for AML workers did not materialise because the Inquiry Secretariat did not receive any response from AML to the letter of invitation to participate.
105. To facilitate the discussions, a Focus Group Discussion Guide, Annex 3, was developed and refined before the team traveled to Bumbuna. The development of the FGD guide was informed by the report of the fact finding mission to Bumbuna that was undertaken from the 9th to 11th May 2012 with follow up trips being undertaken on the 22nd and 24th of May, 2012.
106. The FGDs were conducted between the 11th and 14th of June 2012.
107. The FGDs had sought to confirm the narration of the events of the 16th to 18th of April 2012 as experienced by the people of Bumbuna, understand the impact of those events on the community, to understand how those events were experienced by different segments of the Bumbuna population, to understand the causes of those events from the perspective of the community and also understand what it would take to prevent a recurrence of such events from the perspective of the community.

B. Personal Statements under Rule 47

108. Personal statements were taken from mainly victims, the Officer Commanding Bumbuna Police Station and the Paramount Chief. A total of forty two (42) statements were taken. Sixteen (16) statements were from women. The personal statements were taken between the 11th- 14th of June 2012 and on the 16th of June 2012.
109. The personal statements were taken to document and identify particular human rights violations that had allegedly been experienced by individual residents of Bumbuna.

C. Desk Review of Documents under Rule 46

110. In the Public Notice issued to inform the public of the decision by the Commission to hold a public inquiry, a call was made for institutions and individuals to submit to the Secretariat of the Inquiry any information in the

form of written memoranda or other documents that would help determine the issues that were the subject of the inquiry. In response, the Commission received documents in the following forms:

- Reports from organizations that conducted initial investigations into the Bumbuna incidents; and,
- Reports of previous inquiries into similar issues.

111. In addition, documents received at the Public Hearing in Bumbuna were also reviewed. The review of documents was done to understand the perspectives of others. The review also served as a means of corroborating information the Inquiry Secretariat had received through other methods. We also learnt from previous reports of similar incidents in Sierra Leone.

D. Public Hearing under Rules 47 and 49

112. A public hearing was held in Bumbuna from 16th to 20th July 2012 and on the 7th of August 2012 in Freetown. A total of forty one (41) witnesses testified, four (4) of whom were women. These witnesses included the fifteen (15) persons named as interested persons, victims of the violence, market women and other community members including religious leaders, youth leaders and traders. The Secretariat had originally identified fifty (50) witnesses including twelve (12) women.

113. The low level of women's participation as witnesses could be attributed to three (3) reasons. First, all the fifteen named Interested Persons were male. The Inquiry Secretariat had no choice in selecting the gender of the witnesses because they were named as Interested Persons and became witnesses by virtue of their offices. Second, all the witnesses from the Police were also male. Similarly, the Inquiry Secretariat had no choice in the matter because these police officers were witnesses by virtue of their offices and the role they played in the police operation in Bumbuna. Third, some female witnesses did not turn up for the hearing despite persistent assurances that they would not be intimidated or harassed by the Panel or even harassed after testifying. Some told the Secretariat Staff who were

responsible for the witnesses that they were ashamed of coming forward and testifying.

114. However, it is important to note that women participated as observers and were present at the Court Barray (Local Court House) in large numbers from the beginning to the end and keenly followed the proceedings.

1.3 Report Overview

115. This report is divided into eight (8) sections. Section 1 contains the background to the Inquiry, sets out the terms of reference of the Inquiry, frames the issues before the Inquiry and the methods used to gather evidence and information. Section 2 narrates the events of the 16th to 18th April 2012 and the aftermath as narrated by the people of Bumbuna in their personal statements, the FGDs, the testimony of witnesses and as gleaned from the reports received by the Commission. The narration of events makes it easier to understand what happened, how it happened and when it happened and therefore sets the background on the findings on human rights violations.

116. Section 3 discusses the police operation in Bumbuna during the period. Section 4 discusses Sexual and Gender Based Violence (SGBV) that characterized the police operation in Bumbuna on the 16th to 18th April 2012. Section 5 discusses Labour Rights in the context of the strike action by the workers of AML. Section 6 discusses stakeholder responsibility and response to the events. Section 7 discusses the nature and scope of alleged human rights violations that occurred during the events of the 16th to 18th April 2012. It also discusses similar happenings prior to the events in Bumbuna with a view to interrogating the possibility of the existence of a situation of systemic human rights violations. Section 8 contains the findings, recommendations, directives and orders.

2.0 THE EVENTS OF 16TH TO 18TH APRIL, 2012

117. According to the Officer Commanding the Bumbuna Police Station, OC Konneh, the workers of AML delivered a letter to the station on the 15th April 2012 informing the police of the proposed strike action. In the letter that was addressed to the General Manager, African Minerals (SL)Ltd (AML), Exhibit HRCSL B 25 9(b), the workers were complaining of poor working conditions, poor working relationship with expatriate staff, medical insurance, casual labour or short contract employment, arbitrary termination of contracts, poor meals and long working days with no commensurate compensation amongst other issues. Most importantly, they were demanding that they be allowed to join a trade union of their choice.
118. Following that letter the workers on the 16th of April 2012 barricaded roads and prevented people from boarding vehicles including other AML workers who wanted to go to work. The OC considered the strike action illegal because the workers should have given a twenty one (21) days' notice to the police but only gave a day's notice.
119. Following these developments, the Assistant Inspector General of Police (AIG) North-East Region and the Brigade Commander Northern Province traveled to Bumbuna on the 16th April 2012 and pleaded with the workers to calm them down. It was agreed that the management of AML, Government officials and other stakeholders would hold a meeting with the workers to address their grievances. On the same day, in a sitting facilitated by the Paramount Chief Alimamy B.Y. Koroma III and the Local Unit Commander (LUC) of Magburaka Police Division, Alfred C. Dassama on the 16th April 2012, the aggrieved AML workers insisted that key stakeholders including the Mines Minister, Labour Minister and the top management of African Minerals should be present before the discussions could take place. The meeting was rescheduled for Tuesday, 17th April at the Court Barray (Local Court House). The community was promised that said dignitaries from Freetown would travel to Bumbuna to resolve the issue.
120. On Tuesday the 17th of April 2012 the workers and other youths as well as community members went to the Court Barray to wait for dignitaries from

Freetown. As they waited, they saw a truck full of police men and another car going up to the hill towards the AML mining site in Feregbeya. This was about 11.00 A.M in the morning. The youth decided to disperse because the dignitaries they had been waiting for had just passed them by at the Court Barray. Some youths were walking up towards the Fuel Farm of AML when they met police officers who started shooting. The community people heard the shooting and began to run away for safety. The reasons for the firing were at this point unclear to the community people.

121. From then onwards, the police went on the rampage shooting and beating up people, carting away people's property, kicking doors and hurling insults at market women. The market women accused the police entering into their market, destroying their wares and shooting and damaging the roof of the market which is now riddled with bullet holes and leaking. LUC Dassama disagreed. He said, "The people themselves used nails on sticks to damage the roofs. Some items were stolen by the community people and not only the police."

"The firing was still going on. The police started moving from house to house. They were shooting and kicking doors. We did not eat that day and those who attempted to cook that day had their pots kicked and overturned, making the contents spill over to the ground. People started leaving the town to seek refuge in areas deemed secure at the time. My mother -in- law who is an old woman got so stressed by this. I had to arrange for her to be taken to Makeni."

- **Personal Statement of Bumbuna Resident**

122. The Police in their testimony and previous interviews during the fact finding mission alleged that the youths had gone to set on fire the Fuel Farm belonging to AML. The workers denied this saying that they were only trying to make sure that AML was unable to access fuel and had resolved not to burn the fuel depot or damage the property of AML. W21 told the Panel that they [protesting workers] they were aware that setting the fuel farm on fire will affect the entire Bumbuna community, the reason they resolved not to attempt it.

123. The need to protect the Fuel Farm of AML does not explain why the police were shooting all around the Bumbuna township and especially at the market. It was confirmed by all respondents that the armed police personnel went on the rampage in the township including the Market raining verbal insults on women, firing teargas canisters and live ammunition inside the market building, and further threatened to mete out more violence during night.
124. The protest had ceased being one for the workers of AML and had become an activity for a mixed group of protesting youths. The protesting youths were a mixed group of AML staff, former AML employees who had either been sacked or their contracts had not been renewed and job seekers from various parts of the country.
125. Towards the evening of the 17th April 2012 the situation in Bumbuna calmed down and another contingent of OSD police officers arrived from Freetown. Earlier as the people were waiting at the Court Barray a contingent of Police officers had come from Makeni, Magburaka and Mile 91. W34 told the Panel that he moved to Bumbuna with 120 police officers.
126. The police alleged that on the night of Tuesday the 17th April, one Reverend Daniel Bangura (W10) of Radio Numbara, a community radio in Bumbuna incited the people to fight for their rights through a night long broadcast and a phone-in programme. A decision was taken to invite the Reverend for questioning at the Police Station. On the morning of Wednesday the 18th April 2012, between 6 and 6.30 A.M, the police went up the hill to the radio station to arrest Rev. Bangura who alerted the community through a live radio broadcast that the police had gone to arrest him. The community people phoned in and asked him not to open the door. The people then left their homes and headed towards the radio station where they succeeded in preventing the police from arresting Rev. Bangura. They then took Rev. Bangura from the police to residence of the Paramount Chief. The Reverend Daniel Bangura went into hiding immediately after this incident.

127. Following this incidence, there was shooting by the police and stoning by community youth according to witnesses, FGD participants and as corroborated by Exhibit HRCSL B21, a police video tendered in evidence by W17. The witnesses who appeared before the Panel and those that participated in the FGDs refuted the charge of incitement and instead said that the Rev. Bangura preached peace and non-violence throughout the night. The popular view from the people is that the Police went after Rev. Bangura because he announced over the radio that he was in possession of live ammunition shells that implicated the police in the use of live ammunition in the Bumbuna operation.
128. It is the view of the Inquiry that the manner in which the arrest of Rev. Bangura was effected, was a key tipping point in the Bumbuna crisis. That situation should have been handled differently and would not have ignited passions the way it did.
129. This Inquiry was unable to establish whether, as is the opinion of the Tonkolili Progressive Union (TPU) in its report, Exhibit HRCSL B34, because the Rev. Bangura opened the phone lines and people started to report deaths, heightening tensions and creating panic, the Rev. Bangura contributed to the escalation of the crisis. This is because we were unable to obtain a recording of the radio transmission for that day. The Rev. Bangura, W10 told the Panel that he had made only three copies of the recording and had given one to the Office of the President, to an officer serving with ONS and to the Police Media and Public Relations officers. The Inquiry was unable to secure a copy of this recording from any of the three sources.
130. The firing continued from this point to the early evening of the 18th April 2012. The police further alleged that the youths continued to set up roadblocks and attempted to set ablaze the Fuel Farm belonging to AML, the residence of the Paramount Chief and the Police Station. They also allege that the youths had surrounded and besieged expatriates lodging at the AML Guest House.
131. When the tension was at fever pitch, the women decided to perform a traditional ceremony with great cultural significance to calm down the

situation by showcasing and parading behind a Women Secret Society masked "devil" called "*Shekereh*". The practice is that whenever the "*Shekereh*" is showcased accompanied by traditional songs and dance by all members, all male residents should stay indoors until they complete the traditional rituals. In this context, according to the women, it was used as a conflict resolution method to calm the situation because by staying indoors the men would be prevented from aggressing on the police and vice versa. The women were peacefully dancing carrying green twigs.

132. Unfortunately, instead of calming the situation down, things became worse. The police marched behind the women and physically and emotionally intimidated them thereby disrespecting the women's secret society. According to them, the police were raining the worst forms of verbal insults saying they will "*fire gunshot into the sexual organs of the women*" and "*vaginate*" their new weapons. The women reported that they were traumatized because the police operation reminded them of the rebel war. "It was like any rebel attack", the women repeatedly said.

"Due to this incident, our memories of the nineties were recalled when the rebels attacked here in 1994. All what we saw on that day [of the police operation in Bumbuna] can be compared to what we went through during the war. We were worried to imagine we were going to lose all we have worked for a second time. We even thought it was another war."

- **Bumbuna FGD Participant.**

"All we were carrying was ordinary leaves, like we do in our society display. The three of us were at the front leading the women and ensuring they did not come with force. It was when we got to Ferry Road Junction when I saw with my own eyes that they [the Police] had laid an ambush like they used to do for the rebels during the war."

- **Bumbuna FGD Participant.**

"On that day, our grandchildren who did not witness the war were very disturbed. It was pitiful the way the children were reacting. We were reminded of what had happened during the war and felt very bad. It is sad

that the police who are supposed to protect us have turned into rebels. "A wi, wi don sori, Police don ton rebel."

- **Bumbuna FGD Participant.**

133. The intention had been to take the *Shekereh* to the Paramount Chief (PC) but unfortunately at that particular time the PC had gone to the Police Station. The women then decided to dance towards the police station.

134. It was confirmed that the young woman who was killed by the police was also singing and dancing alongside the other women at the time she was shot. A total of nine (9) people were shot including the late Musu Conteh. Eight (8) of them were not workers of AML. The wounded were taken to the Government Hospital in Makeni. They stayed there for several days the longest stay being a week.

135. It was reported that after the death of the young lady the police were very brutal and went on the rampage in the township beating up residents, kicking doors open and ejecting residents from their houses for beating or arrest. One child who was treated at the Community Health Centre in Bumbuna suffocated from inhaling tear gas, a chemical irritant used to disperse crowds.

"On April 18th 2012 at about 9:00-10:00 A.M I was preparing food when I saw the police in my compound. They forced the front and back doors open, entered the house, broke the room door and asked us to come out. My daughter (7yrs) was taken outside and slapped. They beat up my landlord with their guns, took her away and left. As the police were leaving they threatened to come back and so I left immediately for Magburaka."

- **Bumbuna Resident, Personal Statement.**

136. The police reported that two of their officers were severely wounded with machetes by community youths while a few others had been injured with stones and sticks.

137. Twenty nine (29) people were arrested, two (2) of whom were juveniles. The two children were immediately released. The O.C Daniel Konneh (W17)

confirmed that (27) Bumbuna residents, mostly youths were arrested and taken to Magburaka and Makeni for further investigations and later released on 18th without any charges being preferred against them. Most of those who were arrested were forcefully taken from their houses, beaten, and handcuffed before being thrown into a police truck.

138. It should be noted that the police did not take full responsibility for the shooting that took place in Bumbuna between the 16th and 18th of April 2012. W36 told the Panel that one of the reasons for sending in reinforcements to Bumbuna was the information he received that there was shooting from the bushes surrounding Bumbuna.

"The community people have guns. Disarmament was not done properly. They make guns. There is a difference between the cartridges of police guns and shot guns. The police did not shoot in the market. The people themselves used nails on sticks to damage the roofs. Some items were stolen by the community people and not only the police. Community people who were affected have already been compensated. No financial provision was made to the policemen who were injured during the riot."

- Superintendent Alfred C. Dassama, LUC Magburaka Police Division on the 10th May 2012.

139. It was confirmed that the aborted meeting on the morning of the 17th April 2012 finally took place on the 18th with the attendance of seven cabinet ministers and other stakeholders in Bumbuna during which modalities were put in place to resolve the issues raised by the workers of AML.

140. On the 24th April 2012 another meeting attended by government ministers, the management of AML, workers representatives, the Office of National Security (ONS) saw the drafting and signing of the Communiqué of the 24th April, 2012 in which the Management of AML agreed to address the workers' demands.

3.0 THE POLICE OPERATION IN BUMBUNA

3.1 Disproportionate Use of Force by the Police in Bumbuna

141. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990 is the human rights framework that has been developed by the international community to guide law enforcement officials to ensure that human rights, especially the right to free assembly, expression and association are not hindered by unregulated and abusive use of police powers. The Basic Principles require that the use of force by law enforcement officials be proportionate to the level of threat and be governed by clearly defined national rules and regulations concerning the use of firearms.

142. Proportionality requires that the use of force should be proportionate to the lawful objective to be achieved and to the seriousness of the offence (Osse 2007: 126). To comply with this requirement the police should be trained in alternatives to the use of force including peaceful settlement of conflicts and methods of persuasion, mediation and negotiation. They should also use non-lethal weapons.

143. Under Principles 9 and 10 of the UN Basic Principles the Police should use firearms only when in self-defense or in defense of others in a situation that presents an imminent threat to life or serious injury; prevent the perpetration of a serious crime, to arrest a person presenting such a danger and in circumstances where that person is resisting the authority of the police. Police should give warning of their intention to use firearms and give sufficient time for that warning to be heeded.

144. The Sierra Leone Police has indeed developed such rules to regulate the use of firearms and police response to public disorder situations. The Green Card (A), Exhibit HRCSL B 3(a), contains the rules of engagement for armed personnel of the Sierra Leone Police. Rule 2 cautions police officers that they should not use unnecessary force. Rule 3, further cautions them that they should only use firearms as a last resort. Rule 6 requires them to issue a warning before firing. It is important to note that Rule 6 does not talk about warning shots, but loud verbal warning. Officers can fire without warning if

- delay in firing could lead to death or serious injury to a person who it is their duty to protect or to themselves or a member of the Security forces. Rule 8 requires them to open fire if the persons have firearms or any other weapon, or exploding an explosive device and *only* if there is danger that they or a person they are protecting might be killed or seriously injured, or they have taken hostages or the persons have killed before.
145. The Yellow Card, (B), Exhibit HRCSL B (b), Rules of Engagement for non-armed officers recommends the use of baton rounds. Rule 2 says that Baton Rounds will be deployed on police operations only with the authority of the Inspector General of Police or in his absence or unavailability, the Deputy Inspector General of Police or Senior Assistant Commissioner Operations.
146. W36 said that the rule of engagement on the use of force for the SLP is PLAN meaning that the use of force should be Proportionate, Legal, and the person using it should be Accountable and it should be Necessary. W3, the IG police had given the same response about the use of firearms in any public disorder situation. This in line with international human rights standards that are the obligations of the republic of Sierra Leone and should have been followed in the police operation in Bumbuna.
147. Yet, despite these Rules of Engagement that are compliant with the international human rights standards, the police brutalized the people of Bumbuna and used disproportionate force that led to the death of one person and severe injuries to a number of people eight (8) of whom sustained gunshot wounds. Most of these people have not recovered physically or psychologically from the mental trauma of experiencing such levels of violence.
148. A young man, W9, who suffered a gunshot wound on his head, told the Panel that he is still experiencing dizziness and "blackouts" as a consequence of the shooting. The Chair of the Panel requested a doctor who testified before the Panel and had attended to the patients during the period of the skirmishes, to attend to him and advice on what medical attention the young man needs. W20, who suffered a gunshot wound, is not able to do

housework any more. She said "I cannot launder or shred leaves to cook anymore." W9 is unable to do anything useful with himself.

149. Though the police had denied using live ammunition and had indicated that community people might have been shooting using shot guns from the bushes surrounding Bumbuna town, the Panel, with the help of a ballistics expert from the Republic of Sierra Leone Armed Forces (RSLAF) is able to confirm that the bullet shells tendered in evidence by witnesses were from modern police guns. In a letter to the Inquiry Secretariat dated the 24th of August 2012, the RSLAF ballistics expert identified the sources of the bullet shells as Self-Loaded Rifles (SLR), General Purpose Machine Gun, G3 Rifles, 741 Heavy Assault Rifle (HBAS), M4 Carbine, M16A2 rifle and M16A1 rifle. These clearly are not shot guns. They are military or police guns.

150. It is important to note that the Police did not tender in evidence any bullet or any other evidence to substantiate their claim on the use of shot guns by some community members.

151. The Inquiry is of the conviction that the police were responsible for the shooting of the nine (9) young people, one of whom died.

152. The police were shooting at people without warning and without good cause. They even shot people who were scared and fleeing or running away from them. "When I was shot my friends came to rescue me and they were also shot at", said W1. This witness (W1) was shot from behind. So were W5 and W9. The person who was shot at as he tried to rescue W1 is W2.

153. In addition, it is clear that the police did not attempt to contain the demonstrating youth using less lethal weapons. Asked why he thought live bullets were used, W13 said "My men prefer to use live bullets than the rubber bullets." W18, PC Alimamy B. Y. Koroma III told the Panel that when he heard that live ammunition had been used he demanded answers from the police who told him that the youths were moving towards the Fuel Farm aggressively. The police had the option of cordoning off the Fuel Farm belonging to African Minerals without escalating the situation in Bumbuna. They did not exercise that option.

154. The live firing went on for a long period on the 17th. W13 told the Panel that the firing went on for a couple of hours. This information was corroborated by information gathered through FGDs in Bumbuna, personal statements from victims and information collected during the initial fact finding mission by the HRCSL in May 2012.
155. The police stated that they were under instructions to protect three (3) identified facilities that had been earmarked for burning by the youth, according to police intelligence sources. These facilities were the AML Fuel Farm (fuel depot) belonging to AML, the House of the Paramount Chief and the Police station. W36 told the Panel the three identified facilities were the reason that 200 personnel were deployed in Bumbuna. If this was the case then it is not clear why the police went into the market with firearms and fired teargas canisters and live ammunition, because market women did not pose any threat to the rest of the Bumbuna residents or even the 3 earmarked facilities.
156. Moreover, the police used live ammunition near the community radio station which is far away from the three (3) facilities. W9 told the Panel that he was shot near the radio station during the chaos that attended the attempt to arrest Rev. Bangura. This is corroborated by a police video tendered by W17, Exhibit HRCSL B 21, in which the police are seen shooting at a young man on their way from the radio station. The radio station was neither identified as one of the facilities under the threat of fire nor is it near any of the three (3) identified facilities.
157. This uncontrolled use of firearms suggests that the police are either ignorant of their own rules of engagement or they do not respect them. "Under the rules of engagement police can fire without warning orders", W34 told the Panel. This is contrary to the rules of engagement.
158. The senior police officers who testified told the Panel that the police were facing a threat from the people who were armed with knives, petrol bombs, cutlasses, sticks and stones. These are not the kind of weapons that Rule 8 of the Green Card (Rules of Engagement A) envisaged would require the use of live ammunition. Rule 8 is very clear that the use of live ammunition

would only be necessary in a situation where there is hostage taking, that the people are armed with weapons and explosives or the suspects had been involved in a killing before. The totality of the circumstances should present a serious threat to life. There was no hostage taking and the young men and women had not killed before. To the contrary, it was confirmed from the testimony of witnesses that some of the young people who sustained gunshot wounds were shot while fleeing from the police.

159. In the view of the Inquiry, the trigger activities by the workers of AML on the early morning of the 16th April 2012 and again on the morning of the 17th April 2012 did not warrant the use of live ammunition or the deployment of over 200 armed police men. The Panel was repeatedly told that the protest action by the workers of AML had been peaceful until the police intervened. The Paramount Chief, W18 told the Panel that he had recommended that the Police withdraw from the streets to calm down the situation. It is the view of this Inquiry that the presence of such a large number of police officers before any violence had taken place contributed to inflaming the tensions in Bumbuna.

160. From the testimonies of the Police, the Inquiry was unable to establish the person who gave the orders for the use of live ammunition. W36 told the Panel that the decision to use live ammunition lay with the tactical commanders who were Superintendent Samuel Benedict Vandi, W8 and Superintendent Alfred C. Dassama, W13. He also said that responsibility lies with the Commander of the OSD on the ground because it is the OSD men that carry arms. That commander was W34 who also denied giving such an order. Similarly, W8 also denied giving the order for the use of live ammunition. However, given that Superintendent Benedict Vandi, W8 was the most senior officer on the ground, he bears the greatest responsibility for the conduct of the police during the Bumbuna operation.

161. This responsibility is also shared with the IG Police. A reading of the rules of engagement leads one to conclude that the IG Police knew or ought to have known about the use of live ammunition in Bumbuna. If the use of baton rounds demands authorization from the Inspector General of Police as provided for under Rule 2 of the Yellow Card, it is logical that if live bullets

were used, the Inspector General of Police knew or ought to have known that live ammunition will be used in Bumbuna. In his testimony, he said he was not aware. If indeed this is true, then the Bumbuna operation exemplifies a serious breakdown in the command structure of the SLP.

162. The police did not take responsibility for the use of live ammunition in Bumbuna. Rather than own up to the shootings, the police made allegations that community people could have been doing the firing using shot guns. W13 repeated this allegation that he had made earlier during the fact finding mission. W36, the former Assistance Inspector General of Police (AIG) in charge of the North East Region, told the Panel that some of the reports that informed his decisions were that there was firing coming from the bushes surrounding Bumbuna. In disagreement W18, the Paramount Chief told the Panel that there are no shot guns in Bumbuna. W19 told the Panel, being an ex-soldier himself, that the wounds he saw and treated were not shot gun wounds. These testimonies have been corroborated by the report of the ballistics expert who confirmed in his report that at least 9 bullet shells tendered by witnesses as evidence were from police or military guns and not shot guns.

163. In order to clear the shot gun controversy and confirm that it was the police who were responsible for the shooting in Bumbuna, the Inquiry Secretariat also wrote to several senior police officers requesting for the Incident Report that should have been prepared after the events in Bumbuna. The Inquiry Secretariat was in the hunt for the Incidence Report from the Police for two months before we finally got a report from the Director OSD, AIG T.T. Kamara which only accounted for one bullet. Another Incidence Report from General Duty Police only accounted for one bullet as well – the same bullet accounted for by the OSD report.

164. It is the view of this Inquiry that the high handed response by the police in Bumbuna was as a result of an exaggeration of the activities and intentions of striking workers leading to an overreaction by the police. The Inquiry was unable to ascertain the source of these exaggerated reports because none of the police witnesses informed the Panel who took the decision to ask for reinforcements. It is not clear who called for

reinforcements to be sent in from Makeni, Mile 91 and even Freetown and the reasons given for such a request. This decision was based on an exaggeration of the threat posed by rioting youth and the protesting AML workers.

165. W34 was told by AIG Kabia that the LUC Magburaka had called for reinforcements so he should move with his men to Bumbuna on the 17th April 2012. The testimonies of witness indicate that there was no violence on the morning of the 16th. Testimony further indicates that there was no violence on the 17th April 2012 before the arrival of the truck of police officers at around 11.00 A.M. It is therefore not clear what "deterioration" of the situation had taken place to warrant the call for reinforcements. W34 said he did not ask for reinforcement from Freetown and he did not tell his bosses that he could not handle the situation. Yet he went on to say, "They asked me if I needed more men and I answered in the affirmative."

166. W36, AIG Joseph Bai Bai Kabia told the Panel that Samuel Benedict Vandi, W8, called for reinforcements. He further elaborated that it was not just Vandi but also LUC Dassama, W13, who had been called by OC Konneh, W17, stating that the youths were gathering around the Fuel Farm. This response did not answer the question either because this response only told us that Supt. Vandi, W8, acted on information from LUC Dassama who had passed on information from OC Konneh. It therefore remains that, Superintendent Samuel Benedict Vandi, being the most senior officer on the ground should be held responsible for the decision to call for reinforcements.

167. OC ASP Konneh and LUC Dassama should be investigated further with a view to finding out their reasons for giving exaggerated information to their superiors that led to a gross overreaction to the activities of the striking workers.

168. W23, Musa Bangura of AML told the Panel that the AML Police Liaison Officer informed them that three (3) expatriates had been abducted, that the Guest House was under siege and that there were threats to burn down the Fuel Farm, the Police Station and the Paramount Chief's house. He asked

the Liaison Officer to call the Police. He said his reaction was informed by the recent history of the country (the country experienced 11 years of civil war). It is important to note that the Guest House was not under siege going by the testimony of various witnesses and that the said expatriates were "rescued" by one man on a motorbike according to the testimony of W17, OC Konneh. These exaggerated reports were responsible for the overreaction of the Police.

169. The events of the 16th to 18th April 2012 exposed a lot of people to danger. The immediate needs of the victims were met with assistance from various people including the Tonkolili Progress Union, Ms. Marie from Mabonto, AML, the Resident Minister North, His Excellency the President and Dr. Kadi Sesay. This response was invaluable at the time of the crisis and is highly appreciated. The Inquiry only wishes to note that the compensation process was unstructured and thereby excluded many.
170. Further, the Inquiry wishes to acknowledge and commend the work of Dr. Rtd. Col. Richard Ansu Sankoh of the Davison Nicole Health Centre in Bumbuna and Ceasar Bayoh, the Community Health Officer in the Community Health Centre in Bumbuna for their gallant efforts to save lives and bring relief to the injured.
171. The Inquiry specifically wishes to comment on the welfare of police officers who may be injured in the course of duty. The two police officers who testified before the Panel, W24 and W25 had sustained severe head injuries. These are very young men who presumably have families who depend on them. The Panel sought to know whether they had received any kind of compensation just like the civilian victims and the answer was no. They however received free medical attention. It is important to note that the work the police do exposes them to danger including the possibility of incapacitation in the course of duty.
172. The Panel sought to know from the Police whether they have any form of Compensation Fund for police officers who might be injured in the course of duty. In a letter dated the 31st of July 2012 (Exhibit HRCSL B 51 (b)) the Director OSD stated that the Police do not have a Compensation Fund for

injured police officers. The same was stated in a letter dated 6th August 2012 by one Mrs. Elizabeth Turay on behalf of the IG Police.

3.2 Management and Command Responsibility

173. The police response to the events in Bumbuna was mismanaged and not well coordinated. From the testimonies of senior police officers, it is not clear who was in command. Each one of the senior officers involved and confirmed to have been present during the skirmishes denied being in charge of the operations in Bumbuna.

174. Asked who gave the order to use live ammunition, W13 told the Panel that he did not issue such an order and that some officers were out in the streets unsupervised. W8 told the Panel that he was not in a position to issue command or be in charge because he was held hostage at the African Minerals Guest House. "But like I said earlier the OSD commander and I were lodged at the African Minerals Guest House at the time when the firing was taking place. So at that time the firing was taking place we were not even in a position to issue command. If we were there we would have been able to issue the right type of command. But when the men are left unsupervised a lot of them will take the situation into their own hands or do things out of the usual command. I heard that there was live shooting all over the place. Yes, I heard live firing," W8 told the Panel.

175. However, because Superintendent Samuel Benedict Vandi was the most senior officer on the ground, it would be assumed that he was also in command. W37, Deputy Inspector General of Police testified before the Panel and explained the chain of Command in the Bumbuna operation making it clear that Superintendent Samuel Benedict Vandi was in overall command whereas Superintendent Lamin Sesay was the one in Command of the OSD officers some whom were armed.

176. No one wanted to take responsibility for what happened in Bumbuna. W8 told the Panel that "Yes as a strategic officer I had an impact on what happened, but since there was a chain of command, everybody will have to answer in his own capacity." W13 said he was sick and at the police station on the 18th of April 2012. He said, "If I was the most senior officer on

the ground, I would have gone through the stakeholders to resolve the impasse, but if the armed personnel have done what they did they can better explain.” He went on to say “Of all of us, Vandi was the most senior and therefore was in charge.” W17 said he was relegated to the kitchen.

177. Whereas W8 told the Panel that he was held hostage at the Guest House for the whole morning of the 17th, it was evident at the Inquiry that statement is not is not correct. W8 was held up for 30 minutes and certainly not for more than an hour, going by the testimony of W13 and W34. W13 told the Panel that, “I did not send a vehicle for them, but they were there on the ground. Their stay in the guest house did not last for more than 30 minutes.” W8 therefore misled the Panel on the issue of who was in command in Bumbuna on the morning of the 18th April 2012.

178. On the other hand, assuming that W8 and W34 were indeed held hostage, a police operation should not go without a clear chain of command. This was the view of W36, the former AIG North-East Region who told the Panel that if W8 and W34 were held hostage, someone else should have been in charge. W13 and W17 should therefore have been in charge. He further told the Panel that Lamin Sesay was the most senior OSD officer during the Bumbuna operation.

179. The mismanagement of the Bumbuna crisis by the police is also attributed to a structural problem that is evident in the relationship between the Operations Support Division (OSD) and the General Duty Police. This confusion made it difficult to identify the source of the orders to use live ammunition. This confusion also makes it easy for the police to generally play blame game and attempt to escape accountability, because the current structure allows for a “ping pong” game in which no one takes responsibility for the actions of the police.

180. The OSD problem is a long running problem that received the attention of the Sierra Leone Truth and Reconciliation Commission (TRC 2004 vol.2: 151). The TRC recommended that the disbandment of the OSD be given serious consideration (208).

181. W13 also told the Panel that it is very difficult for the OSD to take command from General Duty Personnel. W8 told the Panel that some officers are not educationally inclined (meaning that they have limited understanding) and therefore feel that they can only take command from the immediate commanders of their units. "Yes, I was the most senior officer but my duties do not include commanding the OSD", he said. W13 said, "Honestly, it is difficult at times with our men on the ground especially when dealing with the OSD officers. It is difficult for them to take command from us the General Duty Officers." He later said "It is difficult to tell whether the OSD is a force within the Sierra Leone Police." W13 went on to say that there were still some officers out in the streets even after all personnel had been recalled from the streets.

182. It was not very clear whether political interference was a factor in the response of the police. W3 told the Panel that a senior government minister had called him proposing that they invoke Military Aid to Civil Power (MAC-P), a joint police military operation. A different witness alluded to some form of interference when he said, "No we are not independent. What we do is in accordance with what the leaders want".

183. From the above, it is not clear therefore how senior police officers account for their decisions and who is held responsible when things go wrong. This is a major gap in policing in Sierra Leone.

184. W37 told the Panel that they have agreed to set up an Independent Police Board. This testimony is corroborated by the testimony of W29, the Attorney General and Minister of Justice who also told the Panel that plans are at an advanced stage to set up an Independent Police Commission whose membership will be "99% civilian". W29 also told the Panel that plans are underway to reorient the OSD to bring their operations in line with tenets of community policing and meet international standards on law enforcement.

3.3 Accountability for the Use of Ammunition

185. The Panel was unable to get an explanation as to who exactly among the police was firing and to get a comprehensive account on the use of live ammunition in Bumbuna. The Inquiry Secretariat wrote to W8 as the man who was in charge of the Bumbuna operation for an incidence report. His report, Exhibit HRCSL B 11, was not an incidence report, but rather a letter explaining the procedure of accounting for arms, which informed the Panel that once there is an incidence, the Complaint, Discipline and Internal Investigations Department (CDIID) move in to investigate.
186. W34, the officer the Panel had been told was the highest in Command of the OSD officers on the ground, told the Panel that he could not prepare an Incidence Report because he said, Samuel Benedict Vandi, W8 was in charge.
187. Exhibit HRCSL B 51 (a) was another report sent to the Secretariat of the Inquiry by the Director, OSD. This report is labeled "Occurrence Report" and was not signed. The report only accounted for one incidence of firing, the discharge of a weapon by W25 who was alleged to have been involved in a scuffle with people who attempted to disarm him.
188. The three reports did not account for all the other bullets and the number of people who sustained gunshot wounds. W13 told the Panel that his colleague, Supt. Lamin Sesay checked the guns of his men and found that some had missing bullets. He said "...some had 5 missing. Some had 4 missing...". Why this information was not included in the Incidence Reports sent to the Inquiry Secretariat remains a mystery.
189. In its quest to get an Incidence Report, the Secretariat also wrote to Al Sheikh Kamara, AIG and Director Operations who, the Panel was informed, would be responsible for issuing an Incidence Report on the part of the General Duty Police personnel. Unfortunately, the same report received from the Director of OSD was the same the Director of Operations sent to Inquiry Secretariat, also referring to one incidence of the discharge of a rifle. Asked by Assisting Counsel whether it would be logical to assume that the one rifle

accounted for in the Incident Report was the one that injured 9 people at different locations within Bumbuna, W36 said, "No, it is not logical".

190. The Community people identified and accused one unnamed physically challenged officer (who walks with a limp) as one of those that were indiscriminately using live ammunition on Bumbuna residents.

191. It is clear that even though the SLP have an accountability mechanism on the use of ammunition, this accountability mechanism was not adhered to.

3.4 The Relationship with African Minerals (SL) Ltd

192. The relationship between the Sierra Leone Police (SLP) and AML is of grave concern to the people of Bumbuna who perceive the police as biased in their work in favour of AML. This perception requires that the SLP and AML should review their relationship. The Panel was told that Rev. Bangura was arrested by police officers using a HAWK vehicle driven by the AML Liaison Officer. The Panel was also informed that AML has a security arrangement with the SLP and occasionally provides material assistance to them including transport. Indeed, Supt. Vandi attended the Public Hearing in Bumbuna aboard an AML vehicle. The people during the fact finding mission and the FGDs alleged that the police were brutal because they had received money from AML.

3.5 Community Violence against the Police

193. Two police officers, W24 and W25 sustained severe head injuries which according to W14, a Community Health Officer at the Makeni Police Clinic, required eight (8) stitches. According to W14, the wounds were from machetes and knives because they had straight cuts. Several others including nine (9) Police personnel sustained minor injuries.

194. W25 says he was ambushed near a dwelling house close to the police station, by people who tried to disarm him. W24 came to his rescue but was also severely wounded by the crowd.

195. W24 and W25 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.
196. Principle 18 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990 says that 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.
197. The youths also hurled stones at the police. Exhibits HRCSL B 37 (1-6) which are photographs tendered by W17 show barricades on the roads made from fallen trees, motor vehicle tires, wood, stones, handcarts and remnants of plastic bottles containing petrol. This evidence is corroborated by a police video tendered by W17, Exhibit HRCSL B 21. The youth said they put up barricades to prevent more policemen from coming to Bumbuna.

4.0 SEXUAL AND GENDER BASED VIOLENCE AS EXPERIENCED BY THE WOMEN OF BUMBUNA

198. The police operation in Bumbuna was characterized by lack of respect for women and their rights. In particular, the women who came into contact with the police were subjected to Sexual and Gender Based Violence (SGBV). This took the form of severe beatings on their buttocks, verbal insults and other forms of molestation. A pregnant woman was arrested and later released. The police arrested a breastfeeding mother found in a hospital. The women were also forced to partner with other women to dance to sexual insults. Beating women on their buttocks is culturally offensive as buttocks are seen as forming part of the sexuality of a woman's body. In addition, the police were firing live ammunition into cooking pots and spilling to the ground cooked food.
199. "They arrested the women then tied them together using their *lappa* (cloth women tie around like a skirt) and asked them to sing and dance while insulting their mothers", W11 told the Panel. Supt. Benedict Samuel Vandj, W8 was singled out by the women as having rained "*mammy cuss*" on them. "Ar want mek dem put dem bombo befo me mek a cherr am for dem", W11 repeated to the Panel what she said Supt. Vandj, W8 had told the market women. W8 vehemently denied leading his men in insulting the market women.
200. W27 told the Panel that the police told the women at the market that they will "vagate" their newly supplied guns on them. This means that they will be used for the very first time on them (likening it to the situation when a woman has sex for the very first time.) "The Police were around using abusive language, entering into kitchens and throwing pots away. Young Police Officers continued to use unprintable words against women", said W27.
201. The women are expecting a public apology from the police. "The relationship between the community and the police is sour. I was expecting OC Konneh to have talked to us the market women", W11 told the Panel.

202. The police failed to show respect for the women's Secret Society which had mobilized in order to restore calm. The women explained that their intention was to ensure that men stayed indoors and not aggress on the police in order to restore peace. Traditionally, men are supposed to stay indoors when the women's Society parades its mask devil, *Shekereh*, out of respect for women. The police did not show such respect and instead harassed the women and shot at them. The police action poured scorn on the women's effort to restore calm in Bumbuna. This act not only shows lack of cultural sensitivity but also the failure of the police to recognize the role and the right of women to participate in the search for solutions during times of crisis.

"We the women were dancing behind the masked devil, holding leaves and singing traditional songs. We had believed that once it was just us the women outside, there will be no bloodletting because the police officers knew the significance of the songs we were singing and also that the men were not supposed to see the women. As we were singing these ceremonial songs, Vandí was defiant and threatened us that even if we stripped our private parts, he would shove the guns into them. I did not know under which influence Vandí was; his eyes were red and he was using all types of abusive language. I had never in my life heard such a grown up man describe a woman's sexuality in such a disrespectful manner. They were using "mammy cuss" on us. It was disheartening to hear men, who had mothers, wives, sisters and daughters use such abusive words against women. They told us that they would "vaginate" their new weapons on us."

-Bumbuna Resident and Market Woman.

"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."

-Bumbuna Resident

5.0 LABOUR RIGHTS AND THE STRIKE ACTION BY THE WORKERS OF AFRICAN MINERALS LTD

203. The events of 16th to 18th of April 2012 began with a strike action by disgruntled AML workers. In a letter to their General Manger, in which they communicated their decision to stage a protest, [Exhibit HRCSL B 25 9(b)], the workers complained about poor working conditions and relationship with expatriate staff, medical cover, casual labour or short contracts employment, arbitrary termination of contracts, poor meals and long working days with no commensurate compensations. They further complained that foreigners serving at similar levels are paid better than nationals, discriminatory application of alcohol rules, the welfare of AML workers seconded to HAWK, end of year bonus and the question of a trade union of their choice. They also complained of maltreatment by expatriates including racial slurs and physical assault.

204. Following a meeting on the 24th April 2012 in which the government was represented by several ministers, representatives of AML, the leadership of the Sierra Leone Police, representatives of the Office of National Security (ONS) and the management of AML, a Communiqué was signed between the workers' representatives and AML [Exhibit B 30 (b)]. In this Communiqué the management of AML agreed to address the issues of working conditions, working relationship with colleagues, trade union matters and security of employment.

205. The Panel was unable to ascertain whether or not the conditions agreed upon in the Communiqué of 24th April 2012 were fully implemented, because the Commission did not have access to African Minerals Workers except for W21. Furthermore, W23, Musa Bangura representing the management of AML and specifically Mr. Frank Timis, the Executive Chairman and Moseray Fadika, the Chief Executive Officer, did not appear to have been well briefed. A lot of his responses were "I do not know." Thus, the Panel was not able to prove whether the conditions of the workers have improved and to what extent the Communiqué of 24th April 2012 had been implemented. It further makes it difficult for the Panel to determine to what extent the management of AML contributed to the events in Bumbuna on

the 16th to 18th April 2012, by either being nonresponsive or having a system of management that alienates indigenous low ranking workers, thereby creating a breeding ground for crisis.

206. However, the Panel was able to see a letter from the Executive Chairman, AML Sierra Leone, Mr. Gibrill Bangura, dated 8th May 2012 and addressed to the national staff in which he communicated the decision to increase the salaries of national staff by 16%, effective January 2012. It further stated that Mr. Timis had approved a budget for the skills training centres in Magburaka and Pepel [Exhibit HRC SL B 30 (d)]. These plans are laudable if implemented as they will go a long way in addressing some of the restlessness among AML workers and job seekers.

207. The contents of this communication were corroborated by the testimony of Mr. Musa Bangura, W23 who is also the Logistics Officer of AML. However, W21 told the Panel that not all of their grievances have been addressed. He said only eight (8) had been addressed, while two (2), the issues of a trade union of choice and that relating to salaries still remain unaddressed.

208. AML should fully implement the Communiqué of the 24th April 2012 and periodically review the salaries and working conditions of its workers to ensure that unaddressed grievances by workers do not result into events similar to those of the 16th to 18th April 2012.

5.1 The Trade Union Question

209. The right to form and belong to a trade union of is a fundamental right covered under the right to association as provided for under section 26 (1) of the Constitution of Sierra Leone 1991. This right is violated when companies force workers to join management friendly trade unions or threaten them with sacking if they unionize and join a trade union of their choice.

210. Furthermore, the Government of Sierra Leone has signed and ratified the core ILO conventions that protect worker's rights. These conventions are The Freedom of Association and Protection of the Rights to Organize Convention 1948; the Right to Organize and Collective Bargaining

Convention 1949; Discrimination (Employment and Occupation) Recommendation, 1958; the Equal Remuneration Convention 1951; and the Declaration on Fundamental Principles and Rights at work 1998.

211. The right for workers to belong to a trade union of their choice is recognized under the ILO Convention on the Freedom of Association and Protection of the Right to Organize. Article 2 of the Convention gives workers and employers the right, without any distinction, to establish and join organizations of their choice. Article 4 of the Convention provides that workers' and employers' organizations shall not be dissolved or suspended by administrative authority. Article 8(2) of the Convention states that "...the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for under this Convention".
212. The case of AML workers is complicated because legally speaking, they have no choice but to join the United Mining Workers Union (UMU) since the Bargaining Certificate of the trade union of their choice, the Mining and Allied Services Employees Union (MASEU) was withdrawn on the 19th September 2011. The certificate had been issued to them on the 20th of May 2011. The circumstances of the withdrawal of this bargaining certificate are not clear.
213. The workers in a Memo dated 27th September 2011 (Exhibit HRCSL B29(11)) communicated to the management of AML their decision to withdraw their membership from UMU to MASEU, citing among other reasons, that UMU was weak because it was dependent on AML for petrol putting into doubt UMU's ability to independently negotiate with AML on behalf of the workers.
214. The Communiqué of the 24th of April, 2012 indicated that the Ministry of Labour and Social Security had promised the workers that their request to constitute themselves into a "workers' union affiliated with the Sierra Leone Labour Congress will be given due consideration within two weeks," [Exhibit b 30 (b0)]. This has not happened and is not likely to happen soon. This is because two questions remain unanswered. Did the workers request to have a trade union affiliated to the Sierra Leone Labour Congress or did

they continue to insist on MASEU which is affiliated to the Trade Union Confederation Sierra Leone (TUC-SL)? TUC-SL is seeking to be recognized and registered as an umbrella organization of trade unions in Sierra Leone. How many umbrella trade union organizations active in the same sector can exist in Sierra Leone at the same time?

215. This situation obtains because, without express provisions of the Regulation of Wages and Industrial Relations Act, 1971 on the question of whether several confederation of trade unions can exist in Sierra Leone, the Ministry of Labour chose to interpret the law restrictively.

216. In Exhibit HRC SL B 29(10), a memo dated 18th August 2011, seems to suggest that two unions can co-exist in the same sector. If this indeed can happen, then steps should be taken to ensure that it is legally possible for AML workers to join a trade union of their choice.

217. The protection offered by trade unions is one way of containing industrial unrest and ensuring peace and security when there is a conflict between workers and their employers. The absence of a recognized trade union to negotiate and guide the decisions and activities of the AML workers is one of the factors that precipitated the event of the 16th to 18th April 2012. W21 told this Panel that he did not know that workers are required by law to give a twenty one (21)-day notice before engaging in a protest. W21 is the Vice Chairperson of the Workers' Union at the AML mining site in Feregbeya. The Attorney General and Minister of Justice, Franklyn B. Kargbo, W29, stated that the events of the 16th to 18th April, 2012 could have been prevented if the trade union of choice of the workers had a Bargaining Certificate.

218. In his testimony W29 blamed the events of the 16th to 18th April 2012 on the activities of MASEU because, he stated, they had given AML workers very high expectations that they could not meet. However, the Panel did not find any evidence to substantiate this claim.

219. The Ministry of Labour and the Office of the Attorney General and Minister of Justice should work together to review the Regulation of Wages and Industrial Relations Act in order to bring it into line with the spirit of section 26 of the Constitution of Sierra Leone and meet the obligations of

Sierra Leone under the core ILO convention to make it possible for AML workers to belong to a trade union of their choice.

6.0 STAKEHOLDER RESPONSIBILITY AND RESPONSE

6.1 The Role of the Paramount Chief

220. The role of the Paramount Chief in the recruitment and payment of the workers of AML was identified as one of the key reasons for disquiet among the workers and the Paramount Chief on one hand and the community people on the other. Community people accused the Paramount Chief of discrimination in the recruitment and payment of local staff on behalf of AML.
221. The process is not transparent and is therefore the subject of speculation and insinuations. Most importantly, the process is not understood by the community people or job seeking youth. This is the information gathered through FGDs (especially with the youth) and during the fact-finding mission. W13 and W8 also mentioned these issues during the fact-finding mission.
222. It was further alleged that part of the tension emanated from the failure of the Paramount Chief to pay stone-pitchers, trench-diggers and grass-planters. The Paramount Chief denied all these allegations. These categories of jobs have been sub-contracted to the PC by AML in order to appease the indigenes of Bumbuna who have been repeatedly accusing AML of employing "foreigners".
223. W23 told the Panel that the Chief does not pay any one on behalf of AML. It is only stone pitchers that he identifies who he said are paid by AML. This confirms the need for transparency so that rumours that have the potential to disrupt peace do not get rooted in the peoples' minds. It is said that if a lie is told too often and for too long, it will be believed as the truth.
224. W34 told the Panel that the relationship of the Paramount Chief with certain people in the Chiefdom is not good. These statements were repeated by W13 and W8.
225. There were allegations that certain members of a rival ruling house might have opportunistically usurped the workers' strike to foment trouble for the

Paramount Chief. The Panel did not have any evidence to confirm these allegations. W22, a senior member of the said rival ruling house, denied these claims. He, through Exhibit B 27(a), a written statement that he read before the Panel on the 18th of July 2012, brought out issues of marginalization of some sections of the Chiefdom in the distribution of chiefdom resources and issues of the relationship between the Paramount Chief and AML. The Panel did not have the time to inquire into these issues in depth because the Chieftaincy issues in Bumbuna fall outside the terms of reference of this Inquiry.

226. However, since these issues are seen to be fueling discontent in Bumbuna, they need to be urgently resolved. A combination of issues in the same area that go unresolved for long can lead to public disorder situations even when the trigger events of such public disorder situations are unrelated.

6.2 The Role of African Minerals Ltd

227. The key questions to answer in this section are whether:

- a. AML was complicit in the acts of the police during the events of 16th to 18th April 2012; and,
- b. Whether AML was unresponsive to their workers grievances leading to frustration and despondency.

228. According to Principle 11 of the UN Guiding Principles on Business and Human Rights, AML has the corporate responsibility to respect human rights. According to the commentary under this principle, the responsibility to respect human rights exists independent of the government's ability or willingness to protect human rights and goes beyond complying with national laws and regulations protecting human rights. The responsibility of companies entails full compliance with international human rights standards. These standards are found in the International Bill of Human Rights (UDHR, ICCPR, IESCR) and the ILO core conventions namely: the Freedom of Association and Protection of the Rights to Organize Convention, 1948; and the Right to Organize, Collective Bargaining Convention, 1949;

Discrimination (Employment and Occupation) Recommendation, 1958; the Equal Remuneration Convention, 1951; and the Declaration on Fundamental Principles and Rights at Work, 1998. Sierra Leone is a party to these conventions.

229. Principle 13 urges companies, in this case, AML, to:

- (i) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and,
- (ii) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

230. Business relationships are understood to mean relationships with their business partners, entities in their value chain or any other state and non-state entity directly linked to its business operations, products or services. Companies are therefore implicated in rights abuses through their associations with third parties such as government agencies including the police and the security forces, other companies and private militia.

231. According to Principle 17 of the UN Guiding Principles on Business and Human Rights, a corporation can be complicit in human rights violations through their acts or omissions. This principle defines complicity in both legal and non-legal perspectives. A company will be seen to be complicit in the non-legal sense if it is seen to benefit from an abuse committed by a third party.

232. In the legal sense, complicity arises when it is proved that one aided and abetted or contributed to the violation of a right by providing material assistance or encouragement that has a substantial effect on the commission of the act or crime according to the commentary under principle 17.

233. Allegations were made that the police were transported to Bumbuna using a bus from AML. This allegation was not proved. There was an

allegation that the police went to arrest Rev. Daniel Bangura with a HAWK vehicle driven by the AML Police Liaison Officer. HAWK is one of the sub-contractors of AML. This allegation was proved. There was another allegation that AML had given the Police Twenty Four million Leones (Le 24,000,000) and that was why they reacted so brutally against the people of Bumbuna. The allegation was not proved.

"I blame African Minerals because they bribed the police to cause confusion and destroy our wares."

- **Bumbuna resident.**

"They [AML] gave the OC 24 Million Leones. That is why they misbehaved."

- **Bumbuna Resident.**

234. Though there is scanty evidence to arrive at a finding of complicity, AML needs to review its relationship with the police and the government as a whole to ensure that it exerts positive influence in favour of the promotion and protection of human rights. This does not require that AML ceases to support government and its agencies like the police, rather, that AML should seek to give such support in ways that do not feed the perception of lack of independence on the part of the police in situations that involve AML. It has been recommended that the Police establish a Benevolent Fund where such support can be channeled.

235. On the second question, it appears that AML had left workers' issues unaddressed for far too long, leading to frustration and despondency. That is why the workers resorted to a protest action. It appears that the management of AML is alienated from the low ranking staff of the company leading them to believe that Management can only address their grievances if they protest.

236. AML should ensure that all channels of communication are open to all staff including illiterate staff and ensure that the complaints of workers are attended to in a timely manner. AML should take steps to ensure that it addresses issues raised by both its workers and the community in

Bumbuna. It should ensure periodic review of its activities to ensure that the rights of workers or the Bumbuna community are not violated.

237. As indicated earlier, the root cause of the events of the 16th to 18th April, 2012 was dissatisfaction by the workers of AML who embarked on a strike, which was joined by people who had other grievances against the company. That was why the protest action began with AML workers and ended up being a whole community affair in which most of the victims of the violence were community people.

238. The Community people have their own grievances against AML. These include youth who have been unable to secure a job or whose contracts had been terminated or not renewed. The women are angry about the water source and want it addressed. AML was accused of interfering with the water source for the people in Bumbuna without providing an alternative. Others are dissatisfied by the deplorable state of the roads in Bumbuna which they blamed on the huge trucks of AML. There is also a general sense of dissatisfaction because the people feel they are not adequately benefiting from the mining activities of AML or the hydro-electric dam. These grievances may be legitimate or illegitimate. The bottom line is that AML has a lot of communication and public education to do amongst the community members and job seekers.

"We walk long distances on muddy roads to fetch water to cook. We are suffering and our suffering is caused by African Minerals."

- Bumbuna FGD Participant.

239. Principles 28 and 29 of the UN Guiding Principles on Business and Human Rights, urge companies to have a grievance mechanism that is available to workers and communities. This mechanism should be transparent, accessible to all, user friendly and well publicised. AML should review and strengthen its grievance mechanisms to ensure that they are accessible to all the workers including illiterate ones. AML should also put in place a stronger mechanism to manage community relations. This grievance mechanism should be independent from the office of the Paramount Chief.

6.3 The Role of the Media

240. The Community Radio in Bumbuna was commended by the people for preaching peace all night long on the night of the 17th April 2012. However, it was also noted that there was a limitation in terms of the choice of information that was being broadcasted to the people which had the unintended results of heightening tensions. For example, the observation of the Tonkolili Progressive Union (TPU) in its report, Exhibit HCSRL B 34, was that phoning lines and allowing the people to phone with information about casualties had the unintended effect of heightening tension in Bumbuna. It is a technical skill to ensure that a journalist keeps the people informed without at the same time unwittingly inflaming passions. This technical capacity is required and the personnel of Radio Numbara need to be equipped with such skills.

241. On his part, the Torchlight Newspaper Editor, Brima Sannoh, W37, published as headline news on the 3rd of May 2013 an article titled “‘SLPP Sniper’ Killed Bumbuna Woman”. During his testimony, he was unable to name the reporter who authored the report until a day after the Order for him to do so within two (2) hours given by the Chair Presiding over the Inquiry. He was also unable to substantiate any of the claims he made in his article. It is important to note that these claims were not corroborated or raised by anyone amongst the many persons the Commission interacted with since the beginning to the end of the Inquiry. This is also an example of irresponsible journalism that escalates situations of conflict which is against the IMC Act Media Code of Practice.

6.4 The Role of Civil Society Organisations

242. Civil society also responded to the Bumbuna crisis by sending delegations to conduct preliminary investigations. This was done by the Tonkolili Progressive Union (TPU), the Natural Resources Governance and Economic Justice Platform – Sierra Leone and the Trade Union Confederation of Sierra Leone (TUC-SL).

243. TPU went further and met some of the medical expenses of the victims who sustained gunshot wounds.

7.0 THE NATURE AND SCOPE OF HUMAN RIGHTS VIOLATIONS THAT CHARACTERIZED THE EVENTS OF 16TH TO 18TH APRIL 2012

244. The events of the 16th to 18th of April were characterized by gross human rights violations.

Violation of the Right to Life

245. The late Musu Conteh's death was a violation of the right to life. An account of the circumstances under which Musu Conteh died have only been given by community members who repeatedly told the Commission that she was shot as the women paraded their Secret Society Devil *Shekereh*. The women were dancing towards the police station when the incident occurred. Though none of the witnesses from the Police told the Panel where the late Musu Conteh was killed, the spot has been identified by community members and dancing from that distance it remains unclear how the lady and others posed a threat to the police station or the Fuel Farm of AML. The police witnesses were unwilling or unable to inform the Panel the circumstances and place where the late Musu Conteh was shot to death and by whom

246. Section 16 of the Constitution of Sierra Leone 1991 provides that the right to life can legally be taken in situations that involve the use of force if it is in defence of a person from unlawful violence or in defence of property or in the process of effecting a lawful arrest or preventing someone from escaping from lawful detention or for the purposes of suppressing a riot, insurrection or mutiny. It can also be legally taken if the use of force is in order to prevent the commission of a criminal offence. Although these exceptions are very broad and fall below international standards and below the standards set by the Rules of Engagement of the Sierra Leone Police, they still do not justify the killing of the late Musu Conteh.

247. There was no evidence that Musu was not involved in any activity that would have warranted shooting by the police. The Inquiry was repeatedly told that she was shot dead while dancing for peace. Her death occurred because the police used live ammunition in a situation that did not warrant

the use of live ammunition. This act violated section 16 of the Constitution of Sierra Leone Act No. 6 of 1991, and is contrary to 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).

Cruel, Inhuman and Degrading Treatment

248. The police shot at nine (9) young people, five (5) young men and four (4) young women including the late Musu Conteh. The remaining eight sustained serious wounds and suffered psychological trauma. The testimonies of the victims who sustained gunshots indicate that the police did not issue any warning that they were about to fire. Rule 6 of Green Card A requires that the police issue a verbal warning before firing. The Community Health Officer at the Bumbuna Community Health Centre reported that he treated eleven (11) injured people and one child who had inhaled tear gas, a chemical irritant used by police to disperse crowds.

249. The police testified that they sought to protect the Fuel Farm that belongs to AML, the residence of the Paramount Chief and the Police Station as intelligence reports had indicated that the three facilities had been earmarked for burning by the rioting youth. These testimonies of police personnel would lead one to consider whether the police were justified in shooting the victims under the duty to protect property. The evidence before the Inquiry makes it hard for one to believe that the duty to protect property was the reason for the use of live ammunition when it is considered that most of the victims were neither shot near the Fuel Farm of AML nor near the police station. They were not shot near the Chief's compound either. W1, W5 and W9 were shot from behind. Fleeing persons could not have posed any threat to the police or any of the facilities that the police said they sought to protect.

250. In addition, the police severely beat up people some of whom had to seek medical attention. They kicked the doors of houses open, dragged out the occupants and beat them mercilessly more so if the persons were young men. They went into the hospital, molested patients and arrested a

breastfeeding mother together with a young man who were both mourning a dead relative (testimony of W19).

251. The police were also throwing teargas into people's houses.

"I met my nephew sleeping in the house. The officers came and dragged him out of bed, beat him up and injured his head. That night I did not sleep in Bumbuna. I was afraid. While I was moving out of town to Foro, I saw a woman who had just come from the shower with her towel on being beaten by police officers."

-Bumbuna FGD Participant.

252. Some of the residents of Bumbuna had to flee their homes to nearby villages, bushes and other towns including Makeni and Binkolo in Bombali District, Magburaka in Tonkolili and Freetown. Temporary displacement is as a result of fear which is a form of cruel and degrading treatment.

253. Article 5(c) of the UN Code of Conduct for Law Enforcement Officials says that "cruel, inhuman or degrading treatment or punishment" should be understood so as to extend the widest possible protection against abuses, whether physical or mental.

254. The Panel therefore finds that some members of the Bumbuna community were subjected to inhuman and degrading treatment contrary to section 20 of the Constitution of Sierra Leone Act No. 6 of 1991 and contrary to article 7 of the International Covenant on Civil and Political Rights (ICCPR) and article 5 of the African Charter on Human and Peoples Rights (ACHPR). These acts also violated the residents' right to privacy contrary to section 22 of the Constitution of Sierra Leone 1991 and article 17 of the ICCPR.

Arbitrary Arrest and Detention

255. It was confirmed that the police arrested twenty nine (29) people, two (2) of whom were juveniles. The two juveniles were later released and the rest

were taken to the Makeni Police Station where they were remanded for one day and released without any charges being preferred against them. The people were not, before they were arrested, told why they were being arrested. The arrested persons were not shown an arrest warrant issued against them. A majority of them were not arrested in the course of committing a crime. The Commission was *repeatedly told that the police would arrest any group of young men assembled together whether in their homes or in the streets.*

256. Besides, most of those arrested were not employees of AML or connected in any way with the protest action because several of them were dragged from their homes during a house-to-house search. One couple recounted how they were bundled out of their home and hurled into a waiting police truck. A pregnant woman had been arrested and released at the Bumbuna Police station when it was revealed to the police that the lady was pregnant. "They arrested people at the Hospital without paying due regard to the sanctity of the hospital", testified W19.

"I am four (4) months pregnant. I went to the stream to launder my clothes then I heard the firing. I was rushing home when I met policemen on the way who took my wet clothes and threw them on the ground. I was sent into a truck and taken to Bumbuna Police station. One police officer identified me as a pregnant woman then I was released." **Personal Statement of a Bumbuna Resident**

257. The Panel therefore finds that the police subjected the residents of Bumbuna to arbitrary arrest and detention, contrary to section 17 of the Constitution of Sierra Leone Act No. 6 of 1991; contrary to article 9 of the International Covenant on Civil and Political Rights (ICCPR) 1966; and, contrary to article 6 of the African Charter on Human and Peoples Rights (ACHPR).

The Right to Privacy

258. Further, the house-to-house search that resulted in the above mentioned arrests without search warrants violated the residents' right privacy contrary to section 22 of the Constitution of Sierra Leone 1991 and article 17 of the ICCPR.

The Right to Property

259. The Police in their operations destroyed property by forcing doors open and kicking and firing at cooking pots. They molested and took away bread from a baker. There were reports that they broke into a telecentre and carried away mobile phones and chargers. The response of the police has been that community youth were also involved in the looting. Though the Panel cannot refute the claim that local youth were also involved in looting, the community people positively identified police officers vandalizing and carrying away property items from some residents of Bumbuna. "It was the police who were breaking doors to get people out for torture and abuse. Even my friend who was so huge and gallant was taken out of his room forcefully through his window", said W5.

260. The situation the police operation created in Bumbuna also made it possible for looters to take advantage and steal people's property. The Panel therefore finds that Bumbuna residents had their right to property violated, contrary to section 21 of the Constitution of Sierra Leone 1991 and, contrary to article 14 of the African Charter on Human and Peoples Rights (ACHPR). In particular the Inquiry would like to identify Gibrilla Sesay, the baker, W7 as one such person who has credibly convinced this Inquiry that his tray of bread, his mobile phones and some money were taken away from him. He did not receive any form of compensation.

The Freedom of Expression and of the Press and Freedom of Assembly

261. Testimony from several witnesses and information gathered from FGDs confirmed that the Reverend Daniel Bangura of Numbara radio did not incite the people. Rather he counseled peace. It is the view of this Panel that

the reason for arresting Rev. Bangura was that he had revealed through the radio that he was in possession of empty bullet shells which was proof that the police had used live ammunition. Similarly, the Society Women were dancing in the name of peace and should not have been dispersed with teargas and bullets.

262. The Tonkolili Progressive Union (TPU) in its report, Exhibit HRCSL B 34, was of the view that the Rev Bangura (W10) did a good job of calming down the people but observed that he might have unwittingly contributed to the escalation of the violence by opening phone lines in which people were calling with reports of casualties and deaths thereby heightening the tension in Bumbuna. The Inquiry was not able to prove this because the recording of the radio broadcast and programme in question was not made available to the Commission from W10. He told the Panel that he had only three (3) recordings which he had given to ONS, Office of the President and the Police Media and Public Relations Officer. The Secretariat requested copies from the ONS and the Police but none was forthcoming. The Police Media and Public Relations Officer in a letter dated the 14th September 2012 denied receiving such a recording.

263. In light of the above, the freedom of expression and of the press of the society women, and the radio broadcaster were violated through police action contrary to sections 25 and 26 of the Constitution of Sierra Leone Act No. 6, 1991; articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) 1966; and, contrary to articles 9 and 11 of the African Charter on Human and Peoples Rights (ACHPR).

Freedom of Movement

264. The police operation curtailed people's movement and most of them remained indoors. One young man was shot because he came out of his house to search for his wife and child. Witnesses told the Panel that no formal announcement was made to impose a curfew yet people could not move about the town because they feared to be shot. This violated the

people's right to movement contrary to section 18 of the Constitution of Sierra Leone, 1991; article 12 of the African Charter on Human and Peoples Rights (ACHPR) and article 12 of the International Covenant on Civil and Political Rights (ICCPR).

Freedom of Association

265. The issues of a trade union of choice for AML workers, for as long as it remains unresolved, is a continuing violation of the workers right to freely associate contrary to section 26 of the Constitution of Sierra Leone No. 6; 1991; article 10 of the African Charter on Human and People's Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which protects the right to form and join a trade union of one's choice and article 2 of the ILO Convention on the Freedom of Association and Protection of the right to Organize. The Ministry of Labour should speedily address this issue.

Discrimination on the Basis of Race and Nationality

266. Preliminary reports on the reasons why AML workers went on strike indicated that their grievances included allegations of discrimination against them on the basis of their nationality, race or social status contrary to international and regional treaties Sierra Leone has signed. This allegation remains unproved because the Inquiry was unable to access AML Workers except for W21 who repeated the same allegations in his testimony. This allegation is serious and needs to receive the attention of the top management of AML and the Ministry of Labour.

Right to Just and Favourable Conditions of Work

267. It had also been reported that the workers of AML had gone on strike because they had been denied just and favourable conditions of work in violation of national Labour laws, article 15 of the African Charter on Human and People's Rights and article 7 of the International Covenant on Social, Economic and Cultural Rights 1966. There are reports that AML has addressed most of the workers issues as agreed in the Communiqué signed

on the 24th April 2012. However, again because the Inquiry had no access to the workers of AML, the Inquiry could not confirm to what extent the workers' demands have been met. W21 who testified before the Panel alleged that some of the issues are still unaddressed such as the question of a trade union of choice for the workers, feeding issues, respect for Muslim prayers during the month of Ramadan and maltreatment by their bosses.

Collective Trauma

268. Lastly, the Community in Bumbuna collectively suffered trauma. The Inquiry was repeatedly told how the events of the 16th to 18th April 2012 reminded the people of rebel attacks during the war. The people were terrorized and temporarily fled from their homes to nearby villages, bushes and other towns including Makeni and Freetown to seek refuge. Some of those that fled have not yet returned. The police owe the people of Bumbuna an apology.

"I felt bad about the whole situation. It made me think about the war and specifically about a relative that I lost. I am crying. We have forgotten about the war but it came back to Bumbuna. All that we lost and punished for during the war came back to us. This is what is painning my heart". -
Bumbuna FGD Participant.

7.1 Systemic Violations of Human Rights: The Events of 16th to 18th April,2012 in Context

269. Sierra Leone is gifted with vast mineral deposits that are attractive to private investors. The country is also a developing country with a large part of the population living below the poverty line. Private investors have therefore become important as part of the larger government effort to alleviate poverty and create jobs.

270. The country has attracted investment in the area of mining by multinational companies which purchase vast tracts of land from communities for the extraction of minerals. With respect to human rights,

there have been many allegations coming from host communities of their rights being violated. The communities seek redress by petitioning leaders, the Government and their traditional leaders. When no redress is forthcoming they have resorted to demonstrations and riots.

271. The usual response of the authorities has been to call in the police who, in most cases, have used disproportionate force resulting in loss of life, injuries, and loss of property including homes. This situation is systemic because it seems to occur in most communities that are hosting big multinational companies. The events of the 16th to 18th April, 2012 is not the first time the police were reported to have used disproportionate force in response to community protests against the operations of private companies. Such events have taken place in Koidu City in Kono District in December 2007 and two people shot dead, while others sustained injuries in a protest against London Mining Co Ltd. They have also happened in Sierra Rutile in Bonthe District, Lunsar in Port Loko District and in Feregbeya in Kalasongoa Chiefdom also covering Bumbuna in November 2010.

272. 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.

273. The role of Paramount Chiefs in mediating between communities and private companies is another structural issue that, if not addressed, will continue to precipitate unrest in host communities. The issues of accountability by Paramount Chiefs and their dealings with private companies will continue to leave workers and communities dissatisfied, if not made more transparent.

7.1.1 Previous Complaints to HRCSL by Host Communities of Private Companies

274. Similar issues as those arising with respect to the events of 16th to 18th April, 2012 were raised in Complaint No HRCSL-NR 12/2010 -21 (Ibrahim Koroma, on behalf of his subjects, and the Inspector General of Police and

the LUC Magburaka Police Division) by the residents of Kalasongoia Chiefdom, Tonkolili District, also covering Bumbuna.

275. On 11th December 2010, the Commission received a complaint from one Mr. Ibrahim Koroma, the Section Chief of Sonkoni Section, Kalasongoia Chiefdom, Tonkolili District, on behalf of ten (10) of his subjects. He alleged that his subjects at Kegbema and Feregbeya villages became victims of police brutality meted out by a group of Sierra Leone Police officers from the Magburaka Police Division led by one LUC U.P. Kamara. He alleged that the police brutalized them, destroyed their houses and looted their property (including monies and materials worth millions of Leones) when they went to the two villages to suppress a strike on the 25th November, 2010 in Kemedugu village, Kemedugu Section, where youths rose against the activities of AML in their community.

276. The Complainant further alleged that 28 of his subjects were unlawfully arrested, beaten up and detained during the process. The complainant further alleged that the detainees were denied access to medical treatment while in police custody. He added that the Police continued to make more arrests after the incident.

277. The Commission, through the Directorate of Complaints, Investigations and Legal Services (DCILS), investigated this complaint and compiled a report dated 9th November, 2011 (Exhibit HRCSL B 49). The people alleged that the police broke doors, kicked and beat up the residents of Feregbeya, arbitrarily arrested and detained 32 of them for an average of eleven (11) days each, looted property and invaded their privacy, by randomly searching their homes without search warrants. They further alleged that mobile phones, money and food stuffs were stolen. Two people allegedly sustained gunshot wounds, while one woman was severely beaten and hospitalized. The villages were deserted. People had to run away from their homes again.

278. This report found resonance in the findings of another report authored by the Sierra Leone Network on the Right to Food (SILNoRF) dated 10th December, 2010 (Exhibit HRCSL B 43). According to the SILNoRF report,

the reason for the unrest in which the police responded with high handedness, was the refusal by the community people in Kemudugu to allow AML to construct a dam on a piece of land at "Yutinela", because it would negatively affect their water source and livelihoods which included gold mining and farming.

279. It is further alleged that this situation happened because AML did not meaningfully engage with villagers and negotiate for their land.

280. A similar situation arose in Mallen Chiefdom, Pujehun District in which as recent as 10th October 2011 there were allegations of the arbitrary arrests of twenty seven (27) members of the Mallen Community for reasons related to community dissatisfaction with the manner in which SOCFIN Company Ltd acquired a large piece of land from land holding families. According to an Incident Report sent by the HRCSL Southern Region Office dated 13th October, 2011, (Exhibit HRCSL B 50), it is alleged that the company dealt directly with the Paramount Chief and ignored complaints of the community people who claimed that the PC forced them to sign documents without prior consultation.

281. The Panel therefore concludes that the violations of rights in Bumbuna on the 16th to 18th April 2012 is a part of a systemic problem that results in the violation of human rights whenever there is a public disorder situation involving private companies and host communities.

282. The Police response has taken a pattern of high handedness and the use of disproportionate force. This pattern includes gunshot wounds, beatings, arrests and detention, vandalism and looting. These incidents always involve the same actors: police, a private company, Paramount Chiefs, host communities and workers. It has happened in the same Chiefdom, Kalasongoia in Bumbuna twice. First in October 2010 and the latest in April 2012.

7.2 Response from Government, African Minerals and Other Actors

283. The Government of Sierra Leone dispatched a high level delegation to Bumbuna which included eight(8) Ministers, representatives of the SLP, Office of National Security (ONS) and other senior government officials, according to a Government press release, dated the 18th of April, 2012 (Exhibit HRCSL B 50), to restore normalcy. In a follow-up event, Government again sent a high level ministerial delegation to Bumbuna on 23rd April, 2012. It was as a result of their intervention that the Communiqué (to end the violence) of 24th April, 2012 was drafted and signed between the workers and Management of AML.

284. H.E. the President, Ernest Bai Koroma followed up on the high level government team with a personal visit in which he engaged the Bumbuna community and assured them of his government's commitment to resolving the outstanding issues. The Panel was informed that the President gave three thousand United States Dollars (US \$ 3,000), about Le 13,000,000 (thirteen million Leones), to 'compensate' the victims of the violence. The victims of gun shots confirmed receiving between Le1,000,000 (One Million Leones) and Le 2,000,000 (Two Million Leones) each.

285. AML, through the Paramount Chief also provided Le 40,000,000 (forty million Leones) to "compensate" the market women. The women confirmed receiving this money. It was not however clear how the particular amount that each woman received was calculated.

286. A certain Ms. Marie from Mabontor donated Le 3,000,000 (three million Leones), while the Resident Minister-North, Allie D. Kamara gave Le1,000,000 (One Million Leones). The Tonkolili Progressive Union (TPU) also contributed to footing the medical bills and other expenses of the people who were treated at the hospital. TPU gave Le150,000 (One Hundred and Fifty Thousand Leones) each to three hospitalized victims at the Makeni Government Hospital and paid the medical expenses of four other victims at the Community Health Centre in Bumbuna. The Resident Minister was said to have also given additional money to the three patients at the Makeni Government Hospital; one receiving Le150,000 (one hundred and fifty

thousand Leones) and the others receiving Le100,000 (one hundred thousand Leones) each. Other patients were not as fortunate and had to be taken away by relatives. Doris Bangura, W20 had to discharge herself from hospital, because she could not afford the cost of staying there even though she had not fully recovered.

287. However, the Bumbuna people still have questions as to how and who determined who got what amount of money from the President and AML. Meanwhile, it is worth noting that some of the victims did not receive anything, because more attention was paid to the market women and those with gunshot wounds.

288. The Government Community Health Centre in Bumbuna provided medical attention immediately, but the availability of advanced medical treatment for more complicated cases, was limited. A lot of the witnesses said they were abandoned at the Makeni Government Hospital, adding that it is only relatives, friends and strangers who came to their aid. Some had to be relocated to private hospitals for further attention. It is important to note that a few victims, such as W9 told the Panel that they still needed further medical attention.

289. The damages caused to businesses and other property were not quantified or properly assessed. These victims might be forgotten and thereby lose out, because as time goes by, it will become increasingly very difficult to prove that they incurred such losses. Individual community members who had their doors vandalized or other property carted away, were not compensated either.

290. In the course of the skirmishes, the inquiry was informed that some police officers sustained injuries. Two of the alleged victims were OSD officers who the Police say sustained severe head injuries. The Panel was further informed that they were treated at the Makeni Police Clinic and later transferred to Freetown. The Operations Support Division of the Sierra Leone Police informed the Panel through a letter dated the 31st of July, 2012, that they do not have any compensation fund to support Police officers injured in the course of duty.

291. W29, the Attorney General and Minister of Justice, told the Panel that in response to the events of the 16th to 18th June, 2012, Government is planning to establish an Independent Police Commission whose membership will be institutional and "99% civilian". He further testified that the Government would ensure a complete re-orientation of the OSD and review the relationship between the OSD and General Duty Police officers.

292. The table below shows a list of victims who suffered various forms of damage or injury and demonstrates that the unstructured response from the government and AML excluded some deserving victims. The list is not exhaustive of all the victims of the violence; it only provides the losses, damages, injury or deprivation suffered by the victims the Inquiry Secretariat was able to get personal statements from.

Table 1: Matrix on Victims' Injuries and Losses

Name	Material Loss	Injury Suffered/Violations/Medical Expenses	Compensation Received
Rev. Daniel T. Bangura	1 mobile phone	Loss of liberty for 2 days during the time he escaped from arrest.	None
Paramount Chief Alimony B.Y Koroma III		None	None
Kadie Kobo	Lost some of her wares at the market	Gender-based Violence	?????
Joseph Caesar Mbayo		-Wound on the upper part of the right eye. -Medical expenses on 10 victims who suffered from gunshot	None
Col Rtd Dr Ansu R Sankoh		Medical expenses on two cases that needed surgical intervention and treatment of those who suffered from minor cases	None
Mohamed T. Sesay	-1 mobile phone, -Le 270.000 -1 table.	None	None
Margaret Turay	-Sister's coal pot with food destroyed -Baby's napkins soiled	Gender-based Violence	None
Manteneh Koroma		Gender-based Violence	?????
Andrew Conteh	-35 mobile phones -Phone batteries(number not mentioned) -1 printer,		None

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	-3 DVD players, -Le 800.000 cash, -1 small radio, -chargers, -2 gallons of petrol, -1 gallon engine oil, -Destruction of tele- centre shop.		
Mohamed Alie Fofana	-Le 850.000 cash -1 Nokia phone	Assaulted by police and detained for one day.	None
Memunatu Kamara		Gender-based Violence	None
Adama Dumbuya	Dried fish stolen, (quantity not mentioned)		None
Kumba Lakoh	Clothes destroyed, description not given	. Gender-based Violence	None
Alhassan Koroma	-Wares(biscuits, sweets and drinks,quantity not stated) -cash between - Le1,500.000- Le 1,800.000	None	None
Dora Koroma	?????	None	None
Emile Johnson	-1 mobile phone -Le 150.000	- Gender-based Violence	None
Mamusu Fonnah		-Gender-based Violence	None
Kumba Deen Kamara	-Le 2,000.000 cash stolen from shop, other amounts taken, but	Gender-based Violence	None

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	amount not specified. -Destruction of market items.		
Ibrahim Bundu	Cooked food thrown away		None
Osman A Turay		Severe beating and sustained wound	None
Sia Fillie	-Destruction of door -cooking items like sardines and luncheon meat taken away.	Child was beaten severely	None
Tenneh Mansaray	Damage caused to dwelling home, a lot of holes on the roof caused by bullets	Gender-based Violence	None
Mariama Cabral		None	None
Tenneh Sannoh	-3 cartons of fish valued at Le 170.000 each, -some cash, amount not stated.	-collapsed for 2 hours, -medical expenses incurred but amount not stated.	None
Kelly Jalloh	-Phones seized from witness and co tenants -Le 600.000 -Destruction of door by police.	Gender-based Violence	None
Kelly Conteh	-1 double-SIM phone -Le 450.000	-head injury from gunshot, suffered severe pain as a result -medical expenses at Makeni hospital	One million Leone from the President, Le100,000 Tonkolili Progressive Union

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Feremusu Koroma	-Bags of rice, -flour -oil -beans and other foodstuff -Pot of food thrown away.		Le500,000 from Government
Charles B. Koroma	Le 2,800.000 seized by armed men	None	None
Abu B Mansaray	Le 1,000.000 cash taken by police -loss of 2 mobile phones	-Loss of 3 teeth as a result of assault by police. -medical expenses incurred but amount not stated	None
Alhaji Bangura	-Le 260.000 taken by police -1 Nokia double-SIM phone	Gunshot on right hand and suffered severe pain -Medical expenses incurred, but amount not stated.	Received one million Leones from the President
Amadu Kamara	-Le 400.000 -2 mobile phones- a double-SIM and a single-SIM mobile phone.	Gunshot on the foot -medical expenses incurred, but amount not stated.	Received one Million Leones from the President
Doris Bangura	-Le 1,000.000 -1 double SIM soft touch phone	Gunshot and hospitalized at Makeni for 2 weeks.	One million four hundred thousand Leones from the President
Manty Koroma	-Goods in a kiosk all stolen -1 mobile phone -Le 1,000.000	None	None

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Tamba Kamara	-Loss of money, amount not stated -Loss of business items, description not given.	Assault resulting to actual bodily harm -gunshot injuries -loss of liberty for 1 day Lost undisclosed items and money	None
Mabinty Kamara	All market items stolen, (items not stated)	Gender-based Violence: comment	Five hundred thousand Leones
Rashid Kargbo		Assault, severe beating by police, detained for hours Medical expenses, amount not stated	None
Sheku Daramy		-Gunshot on left foot and sustained wounds -medical expenses, amount not stated.	One million Leones from the President
Ramatulai Jalloh	Items stolen from tele-centre (items not described)	Gender-based Violence: comment	None
Gibrilla Sesay	-Bread stolen by the police, quantity and cost not shown -Le 2,800.000 stolen by the police -3 double-SIM phones -Mayonnaise, milk and butter.		None
David S. Bangura (OSD Personnel)		Stab wound	None
Abu Bakarr Kargbo (OSD Personnel)		Sustained wounds from stones and bottles	None
Unisa Bangura		Sustained gunshot injury. He was initially treated by Mr. Caesar	One million Leones from the

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		Bayoh in Bumbuna and later taken to Makeni hospital.	President.
Constable Abu Bakarr Kargbo (OSD Personnel)		Injury on the head	None
Constable David S. Bangura		Suffered injuries on his body from bottles and stones	

8.0 FINDINGS AND RECOMMENDATIONS

293. The findings of this report were reached on a balance of probabilities as provided for under Rule 25 of the Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules 2008. The evidence received by the Inquiry was subjected to verification through the questioning of witnesses under Rule 51. In addition, under Rule 52 (4) all submissions or representations made to the Commission were sent to all named Interested Persons for their review and comments. The Interested Persons were informed that they had a right to respond to such submissions and question witnesses.

8.1 Key Findings

294. The Inquiry finds that the police overreacted to the protest action by African Minerals (SL) Ltd (AML) workers and used disproportionate force including live ammunition resulting in the death of one Musu Conteh a young lady who worked for AML. Others were severely wounded; eight (8) of whom sustained gunshot wounds. Some people were also wounded through beating and other forms of manhandling.

295. The Inquiry found no evidence to confirm the allegation that three other persons were killed and their bodies dumped in the river.

296. The violence on the 17th and 18th of April 2012 led to the temporary displacement of some people to other villages and towns outside Bumbuna.

297. The Police subjected the women of Bumbuna to Sexual and Gender Based Violence (SGBV) in the form of verbal abuse, physical and psychological violence.

298. The police subjected members of the Bumbuna community to arbitrary arrest and detention.

299. The police subjected the people of Bumbuna to inhuman, cruel and degrading treatment through severe beatings, kicking, molesting and arresting two (2) family members attending to the corpse of a relative who had just died at the Bumbuna Community Health Centre.

300. The Inquiry also finds that the Police violated the right to privacy by breaking doors and entering homes without search warrants in a house to house search of suspected rioters.
301. The police destroyed and in some cases carried away property belonging to some members of the Bumbuna community.
302. The manner in which the arrest of Rev. Bangura was effected, was a key tipping point in the Bumbuna crisis. He was arrested by a combined team of Military and Police personnel some of whom were armed even though he was unarmed and cooperative.
303. The Bumbuna community was traumatized by the police operations and described it as a replay of rebel attacks during the war.
304. The high handed response by the police in Bumbuna was as a result of an exaggeration of the activities and intentions of the striking workers. The reports as to what the youths were doing or planning to do were highly exaggerated leading to the heavy deployment of the police.
305. The police acted unprofessionally in most cases by not following their Rules of Engagement: "Guidance for opening Fire for Armed Police Officers of the Sierra Leone Police (Green Card 'A')".
306. Section 16 of the Constitution of Sierra Leone 1991 gives broad exceptions covering the lethal use of force thereby lowering the elements that constitute the duty to protect the right to life in Sierra Leone and falls short of international human rights standards. According to principle 25 of the UN Basic Principles on the Use of Force and Fire Arms by Law Enforcement Officers, the only permissible instances in which lethal force could be used should be limited to the defence of life which would include self-defence or defence of others against the threat of death or serious injury, prevent heinous crimes that involve a threat to life or in the course of arresting a person presenting such a danger to prevent his or her escape.
307. The Inquiry finds that the misconduct by the police is also attributed to a structural problem that is evident in the relationship between Operations Support Division (OSD) and the General Duty Police. This confusion made it

difficult to identify the source of the orders to use live ammunition. This relationship makes it easy for the police to generally escape accountability because it allows for a “ping pong” game in which officers blame each other without taking responsibility for their actions.

308. It is clear that even though the SLP have an accountability mechanism on the use of ammunition, this accountability mechanism was not adhered to.

309. The two (2) injured OSD police officers W24 and W25 looked timid, under aged and not appropriately educated to interpret and follow their Rules of Engagement and are also not likely to refuse orders that are manifestly illegal.

310. The uncoordinated and unsupervised Police intervention precipitated a riotous situation involving AML workers that was taken advantage of by members of the Bumbuna community that had other grievances to settle with AML or with the Paramount Chief. The latter were job seekers or laid off workers who blamed AML and the Paramount Chief for their plight.

311. Some members of the Bumbuna community perpetuated violence against the police which resulted in the wounding of three (3) officers who were treated at the Makeni Police Clinic. The youths erected road blocks, hurled stones and sticks at the police.

312. The SLP has no Compensation Fund for police officers injured/wounded in the course of duty or to compensate the families of officers who might be killed in the course of duty.

313. The relationship between the police and the Bumbuna community is not cordial and conducive to community-oriented policing.

314. The Police Station in Bumbuna is understaffed and under-resourced given the influx of job seekers into Bumbuna town. The station has eight (8) Police Officers and no vehicles leading the police to use AML vehicles in their operations.

315. A vehicle owned by HAWK, a sub-contractor of AML and driven by an AML worker was used to arrest Rev. Daniel Bangura a broadcaster of Radio Numbara. This relationship between the Police and AML is a cause for concern and suspicion to the people of Bumbuna and feeds the perception that the Police will not be impartial in situations that involve AML.
316. Police response to communities in situations of conflict with private companies appears to have taken a pattern of arbitrary arrests and detention, looting, vandalism, beating and the unlawful use of live ammunition. This pattern appears to be one of systemic violations of human rights that needs to be addressed in a holistic manner in order to prevent the recurrence of the events of the 16th to 18th April 2012 in Bumbuna or elsewhere in Sierra Leone.

Findings Relating to Labour Rights and African Minerals (SL) Ltd

317. The freedom of association of the workers of AML has been violated and continues to be violated by the failure of the Government and especially the Ministry of Labour to make available and real, the possibility of workers to belong to a trade union of their choice. This problem is acute with respect to AML workers at the AML mining site in Feregbeya in Kalasongoa Chiefdom who expressly sought to join a different trade union because they lacked confidence in United Mining Workers Union (UMU).
318. The Inquiry did not find any evidence to confirm the allegation that the activities of the Mining and Allied Services Employees Union (MASEU) were the cause of the protest action by the AML workers on the 16th April 2012.
319. The absence of a trade union of choice for AML workers, compounded by a history of broken promises on the part of the management of AML and long standing unaddressed grievances led the workers to protest out of frustration.
320. There is evidence that there is a problem of communication between management and low ranking staff, leading to the frustration of the workers.
321. The relationship between the Community and AML is ambivalent and a cause for concern.

322. The Inquiry was unable to confirm whether all the conditions agreed upon in the Communiqué signed between the representatives of AML workers and the Management on the 24th April, 2012 were fully implemented, because the Commission did not have access to AML Workers except for witness W21.

323. The Regulation of Wages and Industrial Relations 1971 places impediments on the enjoyment of the freedom of association of workers under section 26(1) of the Constitution of Sierra Leone 1991 by making it impossible for workers to join trade unions of their choice.

Findings in Relation to Government Response

324. The Government responded promptly by sending a high level delegation to Bumbuna that included Government ministers to calm the situation down and restore normalcy.

325. The Government set up a Coroner's Inquiry to investigate the death of the late Musu Conteh.

326. Victims that sustained gunshot wounds were given money on behalf of the His Excellency the President. The failure to properly assess and compensate victims of the gunshot wounds left some victims with lingering medical conditions that were not adequately compensated.

327. Furthermore, because no quantification of losses or damages was done, some victims, even the severely affected who lost material goods were excluded from the "compensation process."

Findings in Relation to the Media

328. The role of the media in a situation of crisis is very critical. Overall, the media did their best in informing the public on the events in Bumbuna. Radio Numbara, the community radio, provided timely information about the incidents in spite of its limited capacity. The Commission was not able to prove that the Station incited violence as alleged by the police due to the absence of the recordings of the programmes which were referred to as 'inciting'.

329. The Torchlight Newspaper exemplified irresponsible journalism when it published as headline news on the 3rd of May 2012 an article titled " 'SLPP Sniper' Killed Bumbuna Woman". It is important to note that these claims were neither verified by the Editor (W39) nor confirmed by any of the witnesses.

Findings in Relation to the Community

330. Some sections of the Community have long standing grievances against AML and the Paramount Chief that need to be addressed.

331. The long standing Chieftaincy issues in Bumbuna between Daniel Sara Turay, a member of a rival ruling house and his followers and the Paramount Chief, although outside the terms of reference of this Inquiry, have the potential to contribute to instability and public unrest and need to be addressed.

8.2 Recommendations to Various Actors

To the Sierra Leone Police

The SLP should:

332. Publicly acknowledge, take responsibility and apologise for the unlawful use of live ammunition, violence, and trauma they caused. This apology should be communicated using media that can reach the people of Bumbuna and most preferably at Bumbuna.

333. Develop and communicate to the public, especially the people of Bumbuna, mechanisms that will be put in place to guarantee a non-repetition of the events of the 16th to 18th April 2012.

334. Ensure that Supt. Samuel Benedict Vandi, Supt. Lamin Sesay, LUC Supt. Alfred C. Dassama and OC ASP Daniel Bockarie Konneh individually apologize to the people of Bumbuna.

335. Investigate Supt. Samuel Benedict Vandi, Supt. Lamin Sesay, LUC Supt. Alfred C. Dassama and OC ASP Konneh for mismanaging the police response to the protest action.

336. Transfer OC ASP Konneh (Bumbuna), LUC Alfred C. Dassama (Magburaka) and Supt. Samuel Benedict Vandi (North-East Region) to give room for a fresh start in the relationship between the police and community.
337. Identify and investigate all personnel involved in the police response to the protest action including a physically challenged OSD personnel (who walks with a limp), adversely mentioned by the community people and discipline those found culpable and where appropriate prefer criminal charges against them.
338. Apologize to the women of Bumbuna using media that can reach the women of Bumbuna and most preferably at Bumbuna.
339. At all levels be trained on the issues of Sexual and Gender Based Violence (SGBV).
340. Strengthen and use Human Rights-based approaches to policing. In particular, the police should take immediate steps to mainstream the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.
341. Establish a Compensation Fund that would be used to compensate police officers injured or the families of officers killed in the course of duty.
342. Institutionalize the receipt of gifts and material assistance (including equipment and transportation) from private individuals and companies, by establishing a Benevolent Fund at headquarters. This will prevent instances as seen in Bumbuna where police personnel were seen using vehicles of a private company to carry out their operations.
343. Take immediate steps to adequately staff and resource the police station at Bumbuna.
344. 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.**

345. Review recruitment procedures and practices to ensure that applicants undergo proper screening to ascertain their moral, physical and educational fitness for the job.
346. Re-screen and ensure continued training of the police officers to ensure that they are fit for the job. Their continued fitness to perform police functions should be subjected to periodic review.
347. Establish an active local partnership board in Bumbuna. In collaboration with the Office of the Attorney General and Minister of Justice expedite the establishment of an Independent Police Complaints Commission/Board. Such a body should be operationally independent of the Government or any political influence and be accessible to members of the public.

To African Minerals (SL) Limited

The AML should:

348. Implement in full the terms agreed in the Communiqué of 24th April, 2012 signed between the representatives of the striking workers and the management of AML officially ending the protest action by the workers.
349. Collaborate with the Ministry of Labour and Social Security to ensure that the workers are able to join a trade union of their choice.
350. Mainstream and implement the UN Guiding Principles on Business and Human Rights.
351. Review and strengthen the Grievance Mechanism available to workers and make it accessible to all including non-literate workers, make it user friendly, independent and non-discriminatory. The Grievance Mechanism should be communicated to all workers and explained to them to ensure that they understand how to use this mechanism. Safeguards should be put in place in this mechanism to ensure that workers who use it are not victimized.

352. Improve on communication with low ranking staff. There should be an open channel available to all employees, literate or non-literate
353. Review and strengthen the Grievance Mechanism available to the members of the Bumbuna community and ensure that it is communicated to all and they understand how to use it.
354. Put mechanisms in place to ensure speedy and effective response to complaints from workers and community people.
355. Take immediate steps to improve cultural and racial tolerance and mutual respect amongst its workers.
356. Continue to be supportive of the Community in Bumbuna without being perceived or seen as facilitating or encouraging conduct that violates the rights of workers or community people. This would require a review of the relationship between, the Paramount Chief, the Police and AML.
357. Channel its material assistance to the police through an official and institutionalized fund maintained at the Police Headquarters for greater accountability and transparency.

Ensure full compliance with the core ILO Conventions on the rights of workers.

To the Ministry of Labour and Social Security

The Ministry of Labour and Social Security should:

358. Establish a Labour Office in Bumbuna in view of increased employment opportunities, to ensure that the rights of workers are protected.
359. Ensure that the workers of AML are free to belong to a trade union of their choice under section 26(1) of the Constitution.
360. Ensure full compliance by AML and other private companies with the ILO core Conventions especially the Freedom of Association and Protection of the Rights to Organize Convention 1948, the Right to Organize and Collective Bargaining Convention 1949, Discrimination (Employment and Occupation) Convention 1958, the Equal Remuneration Convention 1951, and the Declaration on Fundamental Principles and Rights at work 1998.

To the Office of the Attorney General and Minister of Justice

The Office of the Attorney General and Minister of Justice should:

361. Review the Regulation of Wages and Industrial Relations Act 1971 and recommend to Parliament the enactment of a new law to ensure the full enjoyment of the right to organize (freedom of association) in compliance with Section 26 of the Constitution of Sierra Leone 1991 and the ILO core Conventions. This review should ensure that workers in Sierra Leone have by law an opportunity to be protected by a trade union of their choice.
362. Review and recommend to Parliament for amendment of Section 16 of the Constitution of Sierra Leone, 1991 in order to ensure full compliance with international standards on the protection of the right to life.
363. Advise the Government of Sierra Leone to establish by law a fund to compensate victims of human rights violations wherever they occur.

To the Independent Media Commission (IMC) and the Sierra Leone Association of Journalists (SLAJ)

364. Ensure that all journalists conduct themselves professionally by adhering to the IMC Act and the Media Code of Practice.
365. Work with partners to ensure that journalists are trained and have the skills to professionally cover crisis situations.
366. Work with partners to provide capacity building support for Radio Numbara in Bumbuna.

To the Ministry of Youth Employment and Sports and the National Youth Commission:

367. Educate and sensitize the youths to ensure they understand peaceful methods of communicating their grievances to responsible government institutions.

To the Youth

368. Should learn to seek remedies from responsible government institutions and work within the requirements of the law when faced with problems. Acts of violence delegitimize claims the youths may want to make as such acts portray them as lawless.

8.3 In Relation to the Community, the Commission directs the following:

369. In respect of the pain, suffering and anguish suffered by the members of the Bumbuna community and noting that given the numbers of the people affected and considering that certain forms of harm cannot be paid for with money, **the Inquiry has considered it wise to emphasize symbolic remedies.**

370. The people of Bumbuna suffered collective trauma that cannot be compensated for in monetary terms. Having expressed frustration over the fact that their homes and business premises have not been connected to the Bumbuna Hydro electricity supply, the Commission calls on government to take urgent steps to do so by 16th April 2013 (the first anniversary of the incident).

371. Government should ensure that the roof of the Bumbuna Market is repaired with immediate effect and provide the market with additional facility of lavatory.

372. Without delving into the Chieftaincy issues in Bumbuna, the Commission considers it important, in the interests of peace, for the Paramount Chief to take immediate steps to reconcile with disaffected members of the Bumbuna community and address the long standing grievance held by Mr. Daniel Sara Turay and his followers.

8.4 In Relation to Victims, the Commission directs the following:

373. Government should ensure that Kelly Conteh (W9), who sustained gunshot wounds on the head, receive immediate medical and psychological treatment.

374. Government should arrange and make provision at the Bumbuna Community Health Centre for those that suffered gunshot wounds and are in need of continued medical and psychological care to receive such treatment at government expense immediately.
375. Government should upgrade and equip the Bumbuna Community Health Centre with the provision of necessary infrastructure, equipment, facilities, drugs and skilled personnel to fulfill the health needs in a growing community.
376. The government should use qualified and experienced experts to quantify and determine the levels of compensation deserved by individual victims as guided and not limited to the matrix of injury and loss carried in this report under paragraph 288. The government should ensure that the people receive this compensation within a year of the release of this report.

9.0 REFERENCES

9.1 Reports

1. International Network for Economic, Social and Cultural Rights (ESCR –Net) and the Corporate Accountability Working Group *Collective Report on Business and Human Rights*, submitted to the 8th Session of the United Nations Human Rights Council, 2008.
2. The United Democratic Movement Party (UDM), *Report of the Fact-Finding Mission on the Bumbuna Strike Action by Workers of the African Minerals Company Limited Against Management*, May 2012.
3. Natural Resource Governance and Economic Justice Platform-Sierra Leone, *Civil Society Report on the Investigations of the Incidences Leading to the African Minerals Ltd Workers' Protest at Bumbuna*, 21st April 2012.
4. Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission 2004 (Vol.2)
5. Sierra Leone Network on the Right to Food (SILNoRF) *Monitoring Report on the Incident at Feregbeya and Kemedugu I&II between African Minerals Ltd (AML) and the Residents of Affected Villages*, December 2010.
6. The Government White Paper on the Report of the Jenkins-Johnston Commission of Inquiry into the Events Leading to the Disturbances in Koidu City on the 13th December 2007.
7. Amnesty International, *Sierra Leone: A Briefing Note on the Events in Bumbuna, Tonkolili (April 2012)*, September 2012.

9.2 Statutes and Statutory Instruments

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2. The Regulation of Workers and Industrial Relations Act, 1971.
3. The Human Rights Commission of Sierra Leone Act, 2004

4. The Human Rights Commission of Sierra Leone (Complaints, Investigations and Inquiries) Rules, 2008.

5. The Trade Unions Ordinance, 1934.

9.3 Books

1. Anne Osse, (2007) *Understanding Policing: A Resource for Human Rights Activists* (Amsterdam: Amnesty International Nederland).

9.4 International Human Rights Instruments

1. The African Charter on Human and Peoples Rights 1981.

2. The International Covenant on Civil and Political Rights 166.

3. The International Covenant on Economic, Social and Cultural Rights 1866.

4. The ILO Freedom of Association and Protection of the Right to Organize Convention 1948.

5. The ILO Right to Organize and Collective Bargaining Convention 1949.

6. The ILO Discrimination (Employment and Occupation) Recommendation 1958.

7. The ILO Equal Remuneration Convention 1951.

8. The ILO Declaration on Fundamental Principles and Rights at Work 1998.

9. UN Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework 2011.

10. UN Code of Conduct for Law Enforcement, 1979.

11. UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990.

12. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985

13. Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law 2005.

10.0 ANNEXES

Annex 1: Personal Statement Form

HUMAN RIGHTS COMMISSION OF SIERRA LEONE

PUBLIC INQUIRY INTO ALLEGED GROSS VIOLATION OF HUMAN RIGHTS IN
BUMBUNA, TONKOLILI DISTRICT IN RELATION TO THE EVENTS OF 16TH, 17TH
AND 18TH APRIL 2012

Personal Statement Form

1. **Personal Information:** HRCSL CODE:
- i) Your Name:.....
 - ii) Place of Birth:
 - iii) Date of Birth/Age:.....
 - iv) Residential Address:
 - v) What do you do for a living:
 - vi) Workplace Address:
 - vii) Email Address:
 - viii) Telephone Contact:
 - ix) Religion..... Sex: Ethnic Group:
 - x) Any disability.....**(optional)**
 - xi) Region..... District:
 - xii) Time and place/venue of interview

2 **Personal Statement**

- i) Date
- ii) In what capacity are you giving this statement e.g. victim, police officer, government officer, health work, etc.

- iii) Describe here below what happened or what you are complaining about. Please start by describing how the incident started and conclude with how it ended.

Description of details:

.....
.....
.....
.....
.....
.....

- 3. Describe the effect of the act/omission complained of on you, or the victim(s) or the public.

.....
.....
.....
.....

- 4. Did you suffer any loss as a result of the act complained of? If yes, please describe:

.....
.....
.....
.....
.....

- 5. What remedy/solution are you seeking? (Please tick)

- i) Release from unlawful detention
- ii) Medical treatment

- iii) Amicable settlement/reconciliation
- iv) Apology from violator
- v) Change in legislation
- vi) Change in policy or practice
- vii) Compensation
- viii) Restitution
- ix) Order for an obligation to be carried out
- x) Order for an act to be stopped from continuing
- xi) Others (Specify)

6. Give names of your witnesses, if any:

- i) Name of Witness.....
Address (residential).....
Address (workplace).....
Telephone No..... E-mail:
- ii) Name of Witness.....
Address (residential).....
Address (workplace).....
Telephone No..... Email:

7. Any document(s)/item(s)/exhibit(s) presented at time of taking the statement? Please state/list.....

.....
.....

8. Are you requesting for any interim measures?

- i) Yes No

ii) If yes, give details and why.....
.....
.....

9. (a).Would you like to testify before the Inquiry Panel?

(b.) If no, why

10. Would you want your name kept secret?

Yes	No
-----	----

i)

ii) If yes, give reasons
.....
.....
.....

11. Declaration

I, the complainant do hereby declare that all the information I have given herein are true to the best of my knowledge , information and belief.

.....

Name & Signature/Thumb Print

Date

FOR OFFICIAL USE ONLY

1. Statement taken by

Title.....

2. Signature: Date.....

3. Complainant spoke (language):

4. Translation was done by

5. Statement originally in: (Language)

6. Transcribed by:

7. **Recording officer's comments:**

.....
.....
.....
.....

8. **Document(s)/exhibit(s) received:**

.....
.....
.....
.....

10. **Statement Taker's signature:**

Date:

Annex 2: Evidence (Exhibit) Taking/Surrender Form

Evidence (Exhibit) Surrender Certification Form

(Annexed to the Statement Taking Form)

I _____, certify that on this ---- day of June 2012 I displayed and surrendered

I further certify that the items/documents I surrendered were received and packaged by staff of the Human Rights Commission of Sierra Leone as

Exhibit No. _____

The said items/documents were voluntarily surrendered to the staff of the Human Rights Commission of Sierra Leone.

Signed/thump-printed by the statement giver _____

Annex 3: Focus Group Guide

PUBLIC INQUIRY INTO ALLEGED GROSS VIOLATION OF HUMAN RIGHTS IN BUMBUNA, TONKOLILI DISTRICT IN RELATION TO THE EVENTS OF 16TH, 17TH AND 18TH APRIL 2012

Focus Group Discussion Guide

Introduction

(Introduce the team and introduce the work of the Human Rights Commission)

The Human Rights Commission of Sierra Leone is conducting a public inquiry into alleged human rights violations in Bumbuna in relation to the events of 16th – 18th April 2012. Between the 16th and 18th of April 2012, workers of African Minerals (SL) Ltd went on strike with the police being called in to restore law and order. As a result of police action, one person was shot and killed and several others were wounded. Others lost property. Upon consideration of these events, and in accordance with our mandate under the Human Rights Commission of Sierra Leone Act 2004, the Commission took a decision to hold a public inquiry into the alleged human rights violations.

For this reason, we would like to have a discussion with you on the events of 16-18th April 2012. We appreciate your participation in this discussion. **Participation is voluntary and therefore one is free to abstain from participating in it and can drop off at any at any time he/she wishes.** However, we hope that you will participate and contribute in the discussions.

- Group members should register
- Indicate time and date
- Take copious notes
- One person should guide/facilitate the discussions; another person should take notes

Issues

1. What do you know of the events that took place in Bumbuna from the 16th and 18th April 2012?

2. How were you or your community affected by those events?
3. Who do you blame for those events and why?
4. What was the response of the various stakeholders (government, AML, the Police, the Paramount Chief, etc.) to those events?
5. Were you satisfied with their response?
6. What recommendations can you make to the various stakeholders to ensure that such events do not recur in the future?

Annex 4: List of Examples of Print Media Coverage of the Events of 16th, 17th and 18th April 2012 in Bumbuna

Paper	Publication	Date
AWOKO	Police Brutality: Bumbuna Gunshots "it was like rebel war"	23 rd April 2012
AWOKO	AML low salary-strikes killed "protester" to be buried today	24 th April 2012
ARIOGBO	Over Bumbuna fiasco... Labour Minister damns SLPP lies	23 rd April 2012
ARIOGBO	AML wage increase should not be mistaken for weakness	11 th May 2012
ARIOGBO	Human Right Commission, watin AML do una ba?	5 th June 2012
FOR DI PEOPLE	African Minerals to close operations until Tuesday...	23 rd April 2012
THE NATIONALIST	The true Story of Bumbuna riot	24 th April 2012
WE YONE	Labour and other ministers iron out Bumbuna mines strike	25 th April 2012
SIERRA MEDIA EXPRESS	Police gunned AML protesters	19 th April, 2012
THE SPECTATOR	Police Misconduct ... Shoot, Kill and Loot Bumbuna Residents	24 th April, 2012
AWARNESS TIMES	Bumbuna Delegation was not large enough; No youth, women... SLPP Speaks on Bumbuna	20 th April 2012
NEW CITIZEN	AML Workers' Riot..... 1 shot dead	19 th April, 2012
STANDARD TIMES	The Police use of excessive force Riotous conduct.....6 dead 29 arrested.	19 th April, 2012

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FOR DI PEOPLE	African Minerals to close operation until Tuesday.	23 rd April, 2012
AWOKO	Police brutality Bumbuna gunshot victim says "It was like the rebel war"	23 rd April, 2012
NEW VISION	Bumbuna..... 18 hospitalized	23 rd April, 2012
BUSINESS, ECONOMICS & FINANCIAL TIMES	Big Boost for AML workers	17 th May 2012
AWOKO	Over AML poor working condition strikes..... 1 dead, dozen sustain gunshot wounds.	19 th April 2012
NEW VISION	Big boost for AML Workers	10 th May 2012
SIERRA EXPRESS MEDIA	Africa Minerals Workers Strike	18 th April 2012

ANNEX 5: LIST OF EXHIBITS

DAY/ DATE	No	EXHIBIT DESCRIPTION	EXHIBIT NUMBER
MONDAY 16 TH JULY 2012	1	WRITTEN STATEMENT OF ALHADJI BANGURA	HRCSL B 1
	2	A PICTURE OF ALHADJI BANGURA	HRCSL B 2
	3	POLICE RULES OF ENGAGEMENT A. GREEN CARD B. YELLOW CARD	HRCSL B 3 (A& B)
	4	WRITTEN STATEMENT OF SHEKU DARAMY	HRCSL B 4
	5	MEDICAL REPORT OF SHEKU DARAMY	HRCSL B 5 (A – D)
	6	X-RAY OF SHEKU DARAMY	HRCSL B 6
	7	PHOTOGRAPH OF SHEKU DARAMY THE DAY HE WAS SHOT	HRCSL B 7
	8	WRITTEN STATEMENT OF ANDREW CONTEH	HRCSL B 8
	9	WRITTEN STATEMENT OF GIBRILLA SESSAY	HRCSL B 9
	10	A. EVIDENCE SURRENDER FORM B. BULLET SHELL	HRCSL B 10 (A & B)
	11	RE: ON THE USE OF WEAPONS. BULLETS REPORT BY SUPERINTENDANT BENEDICT VANDY	HRCSL B 11
TUESDAY 17 TH JULY 2012	12	WRITTEN STATEMENT OF KELLY CONTEH	HRCSL B 12
	13	A. MEDICAL RECEIPT B. X-RAY FORM C. DISCHARGE CARD D. SICK BOOK E. EVIDENCE SURRENDER CERTIFICATE F. X-RAY FILM G. PRESCRIPTION FORM	HRCLS B 13 (A – G)
	14	WRITTEN STATEMENT OF DANIEL BANGURA	HRCSL B 14
	15	VIDEO CD RECORD OF RADIO STATION ACTIVITIES	HRCSL B 15
	16	TEAR GAS CARNISTERS	HRCSL B 16
	17	BULLET SHELLS	HRCSL B 17 (A – G)

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	18	WRITTEN STATEMENT OF MABINTY KAMARA	HRCSL B 18
	19	WRITTEN STATEMENT OF KADIATOU KABOH	HRCSL B 19
	20	WRITTEN STATEMENT OF MICHAEL BANGURA	HRCSL B 20
	21	DVD CLIP OF THE INCIDENTS OF THE 16 TH , 17 TH AND 18 TH OF APRIL	HRCSL B 21
WEDNESDAY 18 TH JULY 2012	22	WRITTEN STATEMENT OF THE PARAMOUNT CHIEF	HRCSL B 22
	23	WRITTEN STATEMENT OF COLONEL SANKOH	HRCSL B 23
	24	WRITTEN STATEMENT OF DORIS BANGURA	HRCSL B 24
	25	PROTEST LETTERS OF AGGRIEVED AML WORKERS	HRCSL B 25 (A -C)
	26	WRITTEN STATEMENT OF SALU CONTEH	HRCSL B 26
	27	<p>A. TESTIMONY MADE BY DANIEL SARA TURAY TO THE COMMISSION OF ENQUIRY INTO THE APRIL 2012 STRIKE</p> <p>B. CONCERN AND REQUEST LETTER REGARDING P C ALIMAMY B Y KOROMA 111'S ADMINISTRATION</p> <p>C. COMPLAINT LETTER AGAINST P C ALIMAMY B.Y KOROMA 111 OF KALANSOGOIA CHIEFDOM</p> <p>D. REMINDER LETTER TO THE COMPAIN, CONCERNS AND QUESTIONS REGARDING P C ALIMAMY B.Y KOROMA 111'S ADMINISTRATION</p> <p>E. A LETTER OF APPOINTMENT AS A MEMBER OF THE BOARD OF GOVERNORS OF ST. MATHEWS'S SECONDARY SCHOOL BUMBUNA.</p> <p>F. PROJECT PROPOSAL</p>	HRCSL B 27 (A - E)
THURSDAY 19 TH JULY 2012	28	<p>A. WRITTEN STATEMENT OF MR MOSES GBONDO</p> <p>B. LETTER OF 19TH SEPTEMBER 2011</p>	HRCSL B 28 (A & B)
	29	CORRESPONDENCES OF MR	HRCSL B 29 (1 - 25)

		MOSES GBONDO	
FRIDAY 20 TH JULY 2012	30	<p>A. MINUTES OF MEETINGS HELD BETWEEN THE GENERAL MANAGER OF AML AND SHOP STEWARDS</p> <p>B. COMMUNIQUE BETWEEN AML AND REPRESENTATIVES OF AML</p> <p>C. QUERRY LETTER TO MOHAMED JALLOH, KEWULLAY KALMA AND CHRISTOPHER KOROMA FROM MOHAMED SWARRAY, HUMAN RESOURCE SUPERINTENDENT</p> <p>D. APPROVED SALARY INCREMENT AND ESTABLISHED TRAINING CENTERS</p> <p>E. MEMO TO ATTEND EMPLOYEE REPRESENTATIVE MEETINGS</p> <p>F. APPROVAL OF WORKERS TO ATTEND MEETINGS</p> <p>G. OUTCOME OF THE VERIFICATION EXERCISE AND REQUEST FOR EDUCATION OF UNION DUES</p>	HRCSL B 30 (A – H)
	31	WITNESS STATEMENTS OBTAINED BETWEEN THE 11 TH AND THE 18 TH OF APRIL 2012	HRCSL B 31 (1 – 29)
	32	EXHIBIT SURRENDER CERTIFICATE FORM AND ACCOMPANYING EVIDENCE	HRCSL B 32 (1 – 5)
	33	TRANSCRIPT OF FOCUS GROUP DISCUSSION AT THE WOMENS GROUP	HRCSL B 33 (A & B)
	34	TONKOLILI PROGRESSIVE UNION FACTS FINDING REPORT	HRCLS B 34
	35	TRADE UNION CONFEDERATION OF SIERRA LEONE A. APPLICATION LETTER B. PRESS RELEASE	HRCSL B 35
	36	PRESENTATION ADDRESS NOTE BY FALLA ENSA N'DAYMA	HRCSL B 36
	37	PROTEST PICTURES OF THE BUMBUNA INCIDENTS	HRCSL B (1 – 7)
	38	LETTERS FROM THE HONORABLE MINISTER OF LABOUR AND SOCIAL SECURITY, HON HONDULULU SUMANGURU TRYE	HRCSL B 38

	39	DOCUMENTS FROM THE HONOURABLE MINISTER 1. COLLECTIVE BARGAINING CERTIFICATE No 2/2011 2. CAP 221 OF THE LAWS OF SIERRA LEONE. THE TRADE UNION REGISTRATION RULES 3. COLLECTIVE BARGAINING CERTIFICATE No 3/2011 4. COLLECTIVE BARGAINING CERTIFICATE No.1/2011	HRCSL B 39
TUESDAY 7 TH AUGUST 2012	40	COVER PAGE OF THE NATION NEWS PAPER CARRYING THE FACE OF AML GM FRANK TIMIS	HRCSL B 40
	41	E VERSION OF THE TOUCH LIGHT NEWS PAPER	HRCSL B 41
	42	TESTIMONY BY THE EDITOR IN CHIEF OF THE TOUCH LIGHT NEWS PAPER	HRCSL B 42
	43	A MONITORING REPORT ON THE INCIDENT AT FEENGBEYA AND KEMEDUGU	HRCSL B 43
	44	PUBLIC NOTICE	HRCSL B 44
	45	REPORT ON A FACT FINDING BY UDM	HRCSL B 45
	46	REPORT ON THE INVESTIGATION OF THE INCIDENCES LEADING TO THE AML WORKERS PROTEST AT BUMBUNA	HRCSL B 46
	47	REPORT OF THE FACTS FINDING MISSION TO BUMBUNA BY HRCSL	HRCSL B 47
	48	ACTIVITY REPORT (MONITORING OF SITUATION AFTER DEMONSTRATION IN BUMBUNA ON THE 18 TH OF APRIL 2012	HRCSL B 48
	49	REPORT ON ASSAULT BY POLICE AND ARMY PERSONNEL ON RESIDENTS OF KEBBEMA, KEMEDUGU AND FERENGBEYA	HRCSL B 49
	50	REPORT FROM MALEN CHIEFDOM IN PEAJEHUN DISTRICTS	HRCSL B 50
	51	1. REQUEST FOR INFORMATION RECORD O THE USE OF BULLETS 2. LETTER ON POLICE COMPENSATION FUND	HRCSL B 51 (a &b)
	52	STATEMENT FROM EMILE JOHNSON	HRCSL B 52

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	53	1. GOVERNMENT OF SIERRA LEONE PRESS STATEMENT 2. HRCSL PRESS RELEASES No. 26	HRCSL B 53
	54	REQUEST FOR A BALLISTIC EXPERT TO IDENTIFY AND ASCERTAIN THE SOURCE OF EMPTY BULLET SHELLS IN RELAITON TO THE PUBLIC INQUIRY INTO AN ALLEGED VIOLATIONS OF HUMAN RIGHTS IN BUMBUMA TONKOLILI DISTIRIC AS A RESULT OF THE EVENTS OF THE 16 TH , 17 TH AND 18 TH OF APRIL 2012.	HRCSL B 54

ANNEX 6: LIST OF WITNESSES WHO TESTIFIED AT THE BUMBUNA PUBLIC HEARING PROCEEDINGS HELD FROM 16TH TO 20TH JULY, 2012 AND 7TH AUGUST, 2012

W1	Unisa Bangura, alias Rasta- <i>Bumbuna resident</i>
W2	Alhaji Bangura - <i>Bumbuna resident</i>
W3	Francis A. Munu - <i>Inspector General Of Police</i>
W4	Sheku Daramy- <i>Bumbuna resident</i>
W5	Barber Bangura - <i>Bumbuna resident</i>
W6	Andrew Conteh - <i>Bumbuna resident</i>
W7	Gibrilla Sessay - <i>Bumbuna resident</i>
W8	Samuel Benedict Vandy- <i>Strategic Regional Support Officer</i>
W9	Kelly Conteh- <i>Bumbuna resident</i>
W10	Rev. Daniel T Bangura- <i>Journalist, Radio Numbara</i>
W11	Mabinty Kamara- <i>Bumbuna resident</i>
W12	Kadiatu Koboh- <i>Bumbuna resident</i>
W13	Superintendent Alfred C. Dassama- <i>LUC Magburaka Police Division</i>
W14	Michael A Bangura - <i>Bumbuna resident</i>
W15	Raymond S. Kamara - <i>Bumbuna resident</i>
W16	Sulaiman Kassim- <i>Bumbuna resident</i>
W17	Asp Daniel Konneh- <i>O.C. Bumbuna Police Station</i>
W18	P.C. Alimamy B.Y Koroma III- <i>Paramount Chief, Kalasongoia Chiefdom</i>
W19	Col. Rtd. Richard Ansu Sankoh – <i>Doctor, Bumbuna Hospital</i>
W20	Doris Bangura - <i>Bumbuna resident</i>

W21	Salu Conteh- <i>African Mineral worker</i>
W22	Daniel Sarah Turay- <i>(Interested Person)</i>
W23	Musa Ali Bangura- <i>Bumbuna resident</i>
W24	Abubakar Karbgo- <i>Bumbuna resident</i>
W25	David S Bangura- <i>Bumbuna resident</i>
W26	Sheik Fuad Sorie Turay - <i>Bumbuna resident</i>
W27	Isatu Turay- <i>Bumbuna resident</i>
W28	Moses Gbondo- <i>General Secretary, Mining and Allied Services Employees Union</i>
W29	Frank Kargbo- <i>Attorney General And Minister Of Justice</i>
W30	Tim Fofana- <i>Community Liaison Officer (AML)</i>
W31	Hassan S. Yarjah- <i>Human Rights Officer</i>
W32	Sheriff Mahmoud Ismail- <i>President of the Tonkolili Progressive Union</i>
W33	Falla Ensa N'dayma- <i>President Trade Union Confederation of Sierra Leone</i>
W34	Supt Lamin Tamba Sesay- <i>OSD North East Region</i>
W35	Mr. Hindolo Sumanguru Trye- <i>Minister Of Labour And Social Security</i>
W36	A.I.G Joseph Bai Bai Kabia- <i>Former AIG North East</i>
W37	Richard Moigbeh,- <i>Deputy Inspector General of Police</i>
W38	Sup. Julius Conteh- <i>Operations Support Division (SLP)</i>
W39	Mr. Brima Sannoh- <i>Editor-in-Chief, Torchlight Newspaper</i>
W40	Mr. Abass John Kamara- <i>Representative, SiLNoRF</i>
W41	Mr. Mohamed T. Fofanah - <i>Senior Human Rights Officer (HRCSL)</i>

ANNEX 7: LIST OF STAFF OF THE INQUIRY

No	Name	Designation
1	Rev. Moses B. Khanu	Chairperson (Commissioner)
2	Jamesina E. King	Vice Chairperson (Commissioner)
3	Bryma V. S. Kebbie	Commissioner
4	Brima A. Sheriff	Commissioner
5	Daphne A. O. Olu-Williams	Commissioner
6	Francess P. Alghali	Executive Secretary
7	Raymond Bob Katta	Deputy Executive Secretary
8	Ebun Thorpe	Director of Finance & Administration
9	Mustapha M. K. Sesay	Director of Education, Communication and Training
10	Mohamed T. Fofanah	Senior Human Rights Officer
11	Lucian P.S. Caulker	Complaints Registrar
12	Gloria E.M Bayoh	Gender & Child Rights Officer
13	Patrick James Taylor	Different Abilities & Non-Discrimination Officer
14	Josephine Thompson –Shaw	Truth & Reconciliation Liaison Officer
15	Frederick I Kamara	Research and Documentation Officer
16	Abu Bakarr Kamara	Library/Archivist
17	Henry M. Sheku	Public Information Officer
18	Cyphas Williams	Human Rights Officer - South
19	Richard T. M'Bayo	Human Rights Officer - East
20	Abdulai Y. Bangura	Human Rights Officer - North
21	Bankole C. E. Morgan	Human Rights Officer - West
22	Patricia Ndanema	Human Rights Officer
23	Sonia Kabba	Human Rights Officer

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24	Hassan S. Yarjah	Human Rights Officer
25	Fabundeh Ansumana	Human Rights Officer
26	Sahr Augustine Musa	Human Rights Officer
27	Paul Jessie Moriba	Account Officer
28	John Peter Fuller	Information Technology Officer
29	Isha During	Contract Project Officer
30	Tom Sandi	Asst Human Rights Officer - Southern Region
31	Sylvester Sidie Kallon	Asst. Human Rights Officer - Eastern Region
32	James T Turay	Asst. Human Rights Officer - Northern region
33	Samuella J. Conteh	Senior Administrative Assistant
34	Annisatu Sesay	Administrative Assistant
35	Claris Karim	Bailiff
36	Mary Jabati	Clerical / Receptionist
37	Hassan Bangura	Office Assistant
38	Ibrahim Lahai	Office Assistant - Eastern Region
39	Adama Turay	Office Assistant - Northern Region
40	Abdulai Sankoh	Contract Cleaner
41	Mohamed Mansaray	Driver
42	Kalidu Sall	Driver
43	Suliaman Amara	Driver
44	Mohamed L. Jalloh	Driver
45	Ibrahim Kamara II	Driver
46	Augustine Genda	Driver
47	Ibrahim Kamara I	Driver
48	Abdul Bangura	Driver
49	Edward Fornah	Intern

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50	Francis Boursier	Intern
51	Hazel Wills	Intern
52	Rose Hudson	Intern
53	Atoubo Bourier	Intern