



PRESS STATEMENT ON THE CONDUCT OF THE SIERRA LEONE POLICE (SLP) IN THE ARREST AND DETENTION OF ALHAJI AMADU BAH AND 12 OTHERS AND THE ENSUING ETHNIC SLUR

Tower Hill, Freetown, 20th June, 2022

The Human Rights Commission of Sierra Leone (HRCSL) is the statutory body charged with the mandate to protect and promote human rights of all in the country, no matter an individual's circumstance or belief. Through its daily review of both traditional and the emerging media HRCSL has been following with great concern recent encounter between the Sierra Leone Police (SLP) and one Alhaji Amadu Bah *aka* LAJ (hereinafter referred to as LAJ) which said encounter started in a gas station at Congo Cross and ended up at Up-Gun in Freetown where LAJ was arrested on 12th June, 2022. A video footage showing extracts of the incident shows LAJ having altercations with the police while another voice in the vehicle was heard in an outburst of ethnic diatribes and abuses.

On 16th June 2022, HRCSL received a complaint from Mr. Ibrahim Bah, father of one Alhaji Amadu Bah *aka* LAJ alleging that his four sons, including LAJ were arrested and detained at the OSD Headquarters, Brookfields, Freetown. He further alleged that they were denied access to family visit, access to legal representation and subjected to inhumane and degrading treatment, amongst others. The Commission conducted preliminary investigation and went to engage the police and to assess the conditions under which the suspects were detained. The Commission was denied access to the facility and the suspects. The Commission later learned that twelve (12) suspects had been charged to court in relation to this matter on allegations of disorderly behavior and other public order offences but did not appear before a magistrate. HRCSL engaged the twelve (12) suspects on the court premises at Pademba Road and they alleged to have been subjected to inhumane and degrading treatment, torture and abuse from the police whilst in detention at OSD Headquarters *aka* Benghazi.

By a Press Statement dated 18th June 2022, the SLP confirmed that LAJ was arrested and is in detention on allegations of felonious crimes; that his head was shaved like all other suspects who go through the holding detention facility where the suspect is being held as a Standard Operating Procedure (SOP); and that all rights of the suspect will be fully respected while in custody.

HRCSL notes that since this incident occurred, social media has been awash with unwarranted and incendiary materials many of which are ethnic bigotry that have the potential to ruin the peace and security of our beloved nation.

In light of the above, HRCSL wishes to make the following statements;

- HRCSL condemns the action of the Police in refusing access to the Commission and lawyers for the said suspect. The Commission hereby reminds the SLP that it is a statutory body mandated by Section 9 of the Human Rights Commission of Sierra Leone Act, 2004 which states thus;
“A member of the Commission or any person authorized in that behalf by such member, shall have access to all government offices, facilities and places of detention, including prisons, police cells, remand homes and probation facilities, in order to investigate a



human rights matter initiated by the Commission or brought to the attention of the Commission as well as access to any non-classified information in government documents”.

- The SLP in their said Press Statement cited a certain SOP is being applied in the detention facility where the suspects were held. It states that: **“All male suspects taken into that facility would have their hair shaved off their head, while in the custody of the holding centre”** without referencing any law supporting such “modus operandi”. HRCSL considers this outfit unlawful and its practices in the instant case amount to degrading and inhumane treatment contrary to Section 20 (1) of the Constitution of Sierra Leone which states thus: **“No person shall be subject to any form of torture or any punishment or other treatment which is inhuman or degrading”**.

HRCSL further notes that shaving of detainees must be done in compatibility with self-respect and for the purposes of good appearance of the person so detained as directed by Rule 18(2) of the Standard Minimum Rules for the Treatment of Prisoners [also known as the Nelson Mandela Rules] under the rubric, *Personal hygiene* which states as follows:

In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.

HRCSL therefore condemns the act of the SLP in shaving their suspects in custody who are in fact yet to stand trial without consent and without personal hygiene considerations as directed by the Nelson Mandela Rules.

- That the general public especially social media bloggers are hereby called upon to use social media productively and that while the Commission fully supports citizens to exercise their fundamental right of freedom of expression as guaranteed in Section 25(1) of the Constitution of Sierra Leone, 1991 (Act No.6 of 1991) (hereinafter referred to as the “Constitution”) however, any speech or expression or material that has the potential to create unrest and affect the enjoyment of other rights by peaceful and law abiding citizens cannot be supported by the Commission. HRCSL strongly abhors lawlessness and upholds and promotes patriotism and respect for the rule of law pursuant to Section 13 paragraphs (b) & (j) of the Constitution which provide as follows;

Every citizen shall-

(b) cultivate a sense of nationalism and patriotism so that loyalty to the State shall override sectional, ethnic, tribal or other loyalties;

(j) render assistance to appropriate and lawful agencies in the maintenance of law and order.

- HRCSL would like to encourage LAJ that as an entertainer with a large following, mostly young people, he must always ensure he conducts himself as a role model and should denounce anti-social behavior which sometimes puts his fans in conflict with the law. HRCSL notes that ethnic diatribe is an offence under Section 52(1) (b) & (c) of the Cyber Security and Crime Act, 2021 and as such citizens should desist from same.



Recommendations:

1. HRCSL calls on the SLP to immediately bring before the Court Alhaji Amadu Bah *aka* LAJ and 12 others without any further delay for them to have their day in court as procedure demands pursuant to Section 17(3) paragraphs (a) & (b) produced hereunder for ease of reference:

“Any person who is arrested or detained in such a case as is mentioned in paragraph (e) or (f) of subsection (1) and who is not released shall be brought before a court of law—

***a) within ten days from the date of arrest in cases of capital offences, offences carrying life imprisonment and economic and environmental offences; and
b) within seventy-two hours of his arrest in case of other offences;”***

Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) reinforces this position of the law.

2. HRCSL hereby demands from the SLP/the OSD unhindered access to the holding facility at the OSD Headquarters in order to inspect same and engage those detained therein to ascertain whether the facility meets reasonable standards and is not a torture chamber; or alternatively, that the facility be dissolved forthwith.
3. HRCSL also calls on the public to desist from making inflammatory and inciting messages that have the potential to cause tension and unrest.
4. HRCSL hereby reminds citizens and the SLP alike of the call by the Truth and Reconciliation Commission (TRC) which demands for ***“a new culture of mutual respect, understanding and tolerance by all Sierra Leoneans for all Sierra Leoneans... and that Sierra Leoneans deserve “...security forces that are professional, disciplined and representative of all the people.”*** (Paragraphs 37 & 198 respectively of Vol. Two, Chapter Three of the TRC Report).

HRCSL takes this opportunity to assure the general public of its unwavering commitment to the protection and promotion of human rights of all in Sierra Leone.

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Signed:

Patricia Narsu Ndanema (Mrs.)
Chairperson