



BANISHED FOR WITCHCRAFT AND SORCERY... HRCSL AND PARTNERS RE-UNITE MAN AND FAMILY WITH VILLAGE

The Human Rights Commission of Sierra Leone (HRCSL) have resettled a banished Family in Kayasie Village, Safroko Limba Chiefdom in the Bombali Chiefdom.

Living away from their village for six months, Pa Alimamy Sesay and family were returned to his village on 26th May, 2020 when the HRCSL and cross section of the Provincial Security Committee – North East (ProSec) members took him and his family to resettle.

On 20th April, 2020, Pa Alimamy Sesay made a complaint at the HRCSL Northern Regional Office in Makeni alleging that he was banished with his family from Kayasie Village, Safroko Limba Chiefdom, Bombali District after he was accused of witchcraft. He further told the Commission that he was arrested by the town chief of Kayasie village, Tamba Kumba (Gurama) under the instruction of the section chief, Milton Koroma and was subjected to inhuman and degrading treatment.

As per rule 13, of the Human Rights Commission of Sierra Leone's Complaints, Investigations and Inquiries Rules, 2008, the complaint was assessed on a prima facie of human rights violation. During the preliminary investigations by the Commission, the investigation found out that the complainant, Alimamy Sesay was accused of witchcraft for which he was banished out of Kayasie village, arrested by the chiefdom authorities, beaten by residents of Kayasie village, his house vandalized, and imprisoned by the Chiefdom Speaker under the instruction of Paramount Chief Alimamy Dura II.

The investigations also revealed that the complainant had to pay Le100.000 to the chiefs before he was released on the condition that he further pays the sum of Le600.000, and produce one goat, one jerry can Palm oil, salt and a bag of rice as tradition demanded to prove his innocence of the allegations against him.

While Pa Alimamy Sesay was in detention, his children and wives were chased by youths of Kayasie Village from their farm house in the bush where they were seeking refuge during which event, complainant's goats, sheep and rice were taken away.

After securing his release in detention, Pa Alimamy Sesay made official complaints at the Panlap Police Station in Makeni for malicious damage on his house and larceny of livestock. He also reported his unlawful banishment to the State Counsel in Makeni.

However, not satisfied with progress on his matter, Pa Alimamy took his matter to the HRCSL's Northern Region office in Makeni for redress.

Noting that the entirety of the complaint raises human rights violations contrary to the laws of Sierra Leone particularly provisions in Chapter Three of the 1991 Constitution of Sierra Leone, the HRCSL admitted it for intervention.



The HRCSL investigations proved that the conducts of the chiefs contravened provisions in the Witchcraft and Sorcery law, CAP 36 of 1905 which provide the procedures of dealing with matters of witchcraft.

The beating of him and his unlawful detention violates Sections 17, 20 and 23 of the 1991 Constitution of Sierra Leone. The extortion request that Pa Alimamy Sesay should pay money and provide items to investigate his innocence was against the principles of natural justice; where as his banishment violates Section 18 of the 1991 Constitution.

As rule 14 of the HRCSL Complaints, Investigations and Inquiries provided, the Commission notified PC Alimamy Dura II about the allegations against him and the chiefdom authorities to which he responded that he would not guarantee the security and the unconditional resettlement of Pa Alimamy Sesay and his family to Kayasie Village thus further maintaining that he will follow his tradition.

As pointed out by the Commission that national laws supersedes traditional laws when in conflict, the matter was thereafter brought up at the ProSec meeting by the Deputy Director, and HRCSL's Head of the Northern Region office, Sahr Augustine Musa. Members of ProSec agreed to mediate the standoff between the Commission and the chiefdom authorities over the unconditional return of Pa Alimamy and his family to Kayasie Village as requires by law.

After several engagements by the Commission with stakeholders, on 12th May 2020, in an emergency ProSec meeting the chiefdom authorities agreed to three out of the four recommendations made by the Commission one of which was the unconditional resettlement of the victim and family to the village.

On the 26th May, 2020 Pa Alimamy was taken to Kayasie Village by the Commission with support from ProSec members. At a meeting in Kayasie Village, the family was handed over to the Section Chief, Milton Koroma for their safety and coexistence. Several leaders in the township made statements and welcomed Pa Alimamy Sesay to the village as one of them. This is the fourth complaint reported to the Commission against PC Alimamy Dura II and his Chiefdom relating to banishment and inhuman and degrading treatment. In 2015, one Pa Sorie Conteh was banished over three years until the HRCSL intervened and resettled him and his family in Makorombo Village in the same Chiefdom. Pa Lamin Kamara was also placed under hard labour and later banished for a year in Maforay village of the same chiefdom until the intervention of the Commission over alleged witchcraft.

Established to protect and promote human rights in Sierra Leone, the HRCSL viewed the practice of banishment, unfair treatment in society as undermining democratic principles and peace. Banishment in such manner is prohibited by Section 18(1) of the 1991 Constitution which states that “No person shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone, and immunity from expulsion from Sierra Leone”. The HRCSL Northern Region Head, Sahr Augustine Musa stated.



Mr. Musa also further posited that Section 18(2) also states that “any restriction on a person’s freedom of movement which is involved in his lawful detention shall not be inconsistent with or in contravention of this section”.

Article 7 of the International Covenant on Civil and Political Rights (ICPPR) protects individuals against torture or cruel, inhuman or degrading treatment or punishment. Article 5 of The African Charter on Human and Peoples’ Rights (ACHPR) also guarantees that “every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”