

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on discrimination against women and girls**

Ref.: AL SLE 1/2023  
(Please use this reference in your reply)

10 March 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on Arbitrary Detention; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/17, 51/8, 49/13, 43/4 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary arrest and detention of over 40 protesters, predominately women, by the authorities on 4 July 2022 for protesting against increased living costs, including due to fuel price increases. We are also concerned by the reported physical attacks against the individuals detained, which may amount to torture and cruel, inhuman and degrading treatment.**

According to the information received:

Prior to protests on 4 July 2022, individuals wishing to protest had sent a letter to the Inspector General of Police requesting permission to protest. On 2 July 2022, the Sierra Leone police published a press release stating that no permit for the protests had been granted and warned anyone participating in or organizing a protest that day would be in violation of the Public Order Act 1965.

On 4 July 2022, and despite the police statement, a protest took place in Freetown, Sierra Leone, which has been since called the "Black Monday" protests. Hundreds of individuals reportedly demonstrated in Freetown against economic hardship due to the rise in living costs, especially increased expenses caused by a rise in fuel prices. The protesters were predominately women who worked as small-size traders and market vendors, many of whom were the sole income earners for their families.

The protesters were reportedly stopped by the authorities at the Central Business District in Freetown. At least 45 individuals, including 39 women (of which one woman was pregnant), 1 girl aged 16 years and 5 men, were arrested by the police and taken to police stations. Individuals arrested and detained reported that they were subjected to physical harm by police officers, including being hit with heavy batons and electric cables, resulting in wounds to their arms, legs, backs and heads. The same individuals reported that they were verbally insulted and accused of being anti-government and members of opposition political parties. The demonstrators were detained for two days at the Ross Road Police Station and the Central Division of the Sierra Leone

Police. The detainees at Ross Road Police Station accused the Office in Charge of that station of being the main person inflicting the physical harm. On 6 July 2022, the police published a press release stating all the detained protesters would be cautioned and unconditionally released from detention. On the same day, all detained individuals were released without charge and no subsequent action has been taken against them since by the authorities.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are deeply concerned by the apparent arbitrary detention by security forces of peaceful protesters in Sierra Leone during the “Black Monday” protests, as well as the reported use of physical harm against arbitrarily detained individuals during their detention by security officers. We are also concerned that the protest had been stopped and prohibited for not having permission from the authorities to hold such a demonstration, without seemingly a legitimate reason for this limitation. Should these allegations be confirmed, they would be in violation of international human rights law, in particular articles 7, 9, 19 and 21 of the International Covenant on Civil and Political Rights (“ICCPR”), acceded to by Sierra Leone on 23 August 1996, as well as article 7 of the International Convention on the Elimination of Discrimination against Women (CEDAW), ratified by Sierra Leone on 11 November 1988.

We also raise our concerns that legislation and its implementation in Sierra Leone concerning peaceful assembly are contrary to the Government’s obligations under international human rights law, as demonstrated in the present case. The Public Order Act 1965 requires that “any person who intends to take part or takes part in organizing or holding any procession shall first notify the Commissioner of Police in writing of his intention to do so and any person who fails to give such notification as aforesaid shall be guilty of an offence.” Despite the protesters providing notification, permission for the demonstration has been refused. This demonstrates the reported implementation of this provision in a manner that makes the notice requirement in practice and in effect a requirement that the police also give authorization for a peaceful assembly. The United Nations Special Rapporteur on the right to freedom of peaceful assembly and of association has long stressed that no authorization should be required to assemble peacefully and that at most there should be a notification regime for large assemblies where disruption is anticipated, and this notice requirement should be at most 48 hours before the planned protest. The Public Order Act also provides wide powers to the Commissioner of Police to prohibit or place restrictions on protests and peaceful assemblies that have reportedly been used broadly to restrict the right to freedom of peaceful assembly. We encourage Your Excellency’s Government to review the Public Order Act 1965 and related legislation and to reform legislation to ensure that it is in line with international and regional human rights law and guidance, including the ICCPR and the African Commission Guidelines for the Policing of Assemblies by Law Enforcement Officials.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this communication in order to safeguard the rights of the above individuals from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please further provide the full list and details of all those arrested at the 4 July 2022 protests. Please provide information on the legal bases of the above-mentioned arrests and detentions and the legitimacy of these actions given international human rights standards.
3. Please provide the details, and where available, the results, of any investigation and judicial or other inquiry undertaken in relation to the above allegations of ill-treatment and arbitrary detention reported in the context of the protests, including the physical harm detained protesters were reportedly subjected to in detention, in particular women and underage young girls including the pregnant woman. Please explain whether the investigations and inquiries were conducted in compliance with international standards.
4. Please provide information concerning the conditions of detention for the detainees, including their physical and mental well-being and access to medical care during detention. Please also inform us of their access to legal representation and their families while in detention.
5. Please indicate which measures have been or are being taken to ensure accountability for the unlawful acts committed while policing assemblies, including the use of force, notably at the commandant level.
6. Please provide information on which measures have been taken to open avenues for dialogue with peaceful protestors and address their legitimate claims regarding economic reforms to mitigate the impact of the increased cost of living in Sierra Leone.
7. Please provide information on how in law and in practice the laws of Sierra Leone, including the Public Order Act 1965, comply with international human rights law, especially in regards to the freedoms of peaceful assembly, association and expression and protection of human rights defenders. Please provide information on current or ongoing processes to review and ensure legislation, especially as it concerns the freedoms of peaceful assembly, association and expression, are consistent with international human rights obligations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit cases through its regular procedure in order to render an opinion on whether a deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mumba Malila  
Vice-Chair of the Working Group on Arbitrary Detention

Michael Fakhri  
Special Rapporteur on the right to food

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Dorothy Estrada-Tanck  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the international norms and standards applicable to the present case. We would first like to recall article 20(1) of the Universal Declaration of Human Rights which states that "[e]veryone has the right to freedom of peaceful assembly and association". We would further like to refer to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Sierra Leone on 23 August 1996, which guarantee the rights to freedom of expression and opinion and freedom of peaceful assembly respectively. Article 21 states that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others".

The Human Rights Committee further stated that "[a]rticle 21 of the Covenant protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches" (CCPR/C/GC/37, para. 6).

We would like to remind your Excellency's Government the views expressed by the Human Rights Council noting that States must "refrain from imposing restrictions which are not consistent with paragraph 3 [of article 19 of ICCPR], including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups" (A/HRC/RES/12/16, para. 5(p)(i)). Moreover, the Human Rights Committee indicated that "restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government (CCPR/C/MDG/CO/4, para. 51), challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. They should not be used to prohibit insults to the honour and reputation of officials or State organs" (CCPR/C/GC/37, para. 49).

We would further like to recall that the Special Rapporteur on the right to freedom of peaceful assembly and of association has stressed in a report (A/HRC/20/27), that States have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly. In this regard, we would like to bring to the attention of your Excellency's Government the African Commission on Human and Peoples' Rights Guidelines for the Policing of Assemblies, especially, organisational and operational requirements for a rights-based approach to the policing of assemblies.

In relation to the allegations of restrictions on access to justice for protesters, we would like to remind your Excellency's Government that "[a]ccess to justice, the rights to freedom of peaceful assembly and association, and the strengthening of civic space are inextricably linked" and that "barriers to access to justice should never be placed as deterrence measures undermining the essence of other rights" (A/HRC/47/24, paras. 20 and 22).

The International Convention on the Elimination of Discrimination against Women (CEDAW), in particular article 7 ratified by Sierra Leone on 11 November 1988, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country. The obligation of States to remove these barriers, clearly stated in article 2(f) of the Convention, has been the subject of numerous recommendations by the Committee on the Elimination of Discrimination against Women. As stressed by the Working Group on discrimination against women and girls in one of its reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. Violence or confinement may be used to stifle and punish women politicians, or those who have an active voice in public, for transgressing traditional gender norms. Women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, (A/HRC/40/60, para. 28), are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (see A/HRC/16/44 and Corr.1). Women who work specifically to combat gender stereotypes and advance women's rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including "complicity" laws, and "public order" laws or even anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. Measures corresponding national security measures sometimes profile and target women, in particular those from certain groups, and sometimes even women human rights defenders (A/HRC/41/33).

We would also like to refer to the ratification by your Excellency's Government of the African Charter on Human and Peoples' Rights (Banjul Charter) on 21 September 1983, and the Maputo Protocol on the Rights of Women in Africa on 3 July 2015. The Banjul Charter ensures individual right to assembly (article 11) and the Maputo Protocol recognizes the right to participation in the political and decision-making process (article 9) and calls on State Parties to take specific positive measures to promote increased, meaningful and effective participatory governance and participation of women at all levels of decision-making. Article 24 of the Maputo Protocol also requires that pregnant women in detention are treated with dignity.

We wish to draw the attention of your Excellency's Government to article 9 of the ICCPR, whereby everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention and no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. With reference to the jurisprudence of the Working Group on Arbitrary Detention, we wish to recall that the arrest or detention of individuals is

considered arbitrary when it constitutes punishment for the legitimate exercise of human rights, such as freedom of opinion and expression, as well as peaceful assembly and association and participation in public affairs (see also CCPR/C/GC/35, para. 17). We also recall that a deprivation of liberty is considered arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on the status of an individual as a human rights defender.

Furthermore, we wish to draw the attention of your Excellency's Government to a recent report of the Working Group on Arbitrary Detention to the Human Rights Council (A/HRC/45/16), where the Working Group reiterated that the right to legal assistance is one of the key safeguards in preventing the arbitrary deprivation of liberty (paragraph 50). The right to legal assistance must be ensured from the moment of deprivation of liberty and across all settings of detention, including, inter alia, criminal justice and administrative detention (paragraph 51). Legal assistance should be available at all stages of criminal proceedings, namely, during pretrial, trial, re-trial and appellate stages, to ensure compliance with fair trial guarantees (paragraph 53).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for the right to meet or assemble peacefully;
- article 6 (a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

We also wish to refer your Excellency's Government to articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sierra Leone ratified on 25 April 2001, and which stipulate that no exceptional circumstances, including internal political instability or any other public emergency, may be invoked as a justification of torture, and that each State Party shall undertake to prevent other acts of cruel, inhuman or degrading treatment of punishment which do not amount to torture, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official. Furthermore, we wish to refer to articles 12 and 13, which state that when there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction, State parties will conduct a prompt and impartial investigation, and ensure that the same is guaranteed for any individual who alleges he has been subjected to torture. Steps shall also be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of jus cogens, is reflected inter alia, in article 5 of the Universal Declaration of Human Rights (UDHR), articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the International Covenant on Civil and Political Rights . The obligations to investigate, identify those responsible for acts of torture and ill-treatment and bring them to justice arise also under articles 7 and 12 of the CAT. In this respect we note that Human Rights Council Resolution 16/23, paragraph 7(b), urges States to hold responsible not only those who perpetrate torture, but also those “who encourage, order, tolerate or perpetrate such acts [...], to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed”.