

URGENT ACTION

RELEASE EIGHT ARBITRARILY DETAINED

Eight people have been arbitrarily detained by a Presidential order under the State of Emergency powers in Sierra Leone for over three months following an alleged riot concerning a suspected Ebola patient in October 2014.

Sierra Leonean President Ernest Bai Koroma signed an Executive Detention Order against 34 Kono residents using his powers under the State of Emergency on 24 October 2014. The 34 were arrested for allegedly taking part in a riot in Kono District when the family of a local politician's 90-year-old grandmother refused to let health authorities take her for an Ebola test. It has been reported that two people may have been shot dead by the police during the riot but to date no one has been arrested for the killings. Twenty-six of the detainees were later released.

For over three months, two women have been detained at the Female Correctional Centre in the capital, Freetown, and six men have been detained at the maximum-security prison on Pademba Road, some eight hours drive away from their homes. They were not informed of the reason for their arrest and have been denied their right to challenge the lawfulness of the detention. So far, they have not been interviewed by the police or any judicial authority and have no documentation regarding their release date.

The police have refused to investigate the detention as they claim to have no faculty since it was under an Executive Order. A women's rights organization, AdvocAid, wrote to the President on 9 January requesting the release of the two women, as provided under the Constitution. However, they have received no response. The Constitution provides that if a request for release is refused by the President, an independent tribunal must be set up within 30 days to review the refusal.

Please write immediately in English or your own language:

- Urging the President to release the eight detainees immediately and unconditionally, or otherwise confirm the refusal immediately so the necessary legal review can take place by an independent tribunal as provided for by the Constitution;
- Urging the authorities to ensure a prompt, thorough and impartial investigation of the alleged killings by police officers, and ensure that any officers found responsible for such killings are brought to justice in proceedings which meet international fair trial standards;
- Calling on the authorities to ensure that restrictions on human rights under the State of Emergency are in accordance with international standards; in particular, to ensure that the requirements of the right to a fair trial are respected at all times.

PLEASE SEND APPEALS BEFORE 11 MARCH 2015 TO:

President of the Republic

Ernest Bai Koroma

The President's

State House

Freetown, Sierra Leone

Email: jkawusu-konte@statehouse.gov.sl

and jaramenajara@yahoo.com

Salutation: Your Excellency

Fax: +232 22 22 93 66 / 22 49 40

And copies to:

Attorney General and Minister of Justice

Frankly Bai Kargbo

Minister of Justice and Attorney General

Ministry of Justice

3rd Floor, Guma Building

Lamina Sankoh Street

Freetown, Sierra Leone

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

RELEASE EIGHT ARBITRARILY DETAINED

ADDITIONAL INFORMATION

The eight detainees were arrested during an unprecedented health crisis in Sierra Leone. On 25 May 2014, the government declared an outbreak of the Ebola Virus Disease (EVD) following a laboratory confirmation of a suspected case from Kailahun District. President Ernest Bai Koroma, in an initial broadcast to the nation on 30 July 2014, proclaimed a state of public health emergency. This was aimed at enabling the government and its partners to take a more robust approach to dealing with the Ebola outbreak. He established a Presidential task force to champion the implementation of various measures to fight the disease. This was followed by other regulations on 7 August. The government's response to the Ebola outbreak has led to unnecessary restrictions on human rights, including freedom of expression and free speech via bylaws for the prevention of Ebola and other diseases and the public Emergency Regulations Act.

Following the arrest and detention of the eight, four civil society organizations AdvocAid, Amnesty International Sierra Leone, Centre for Accountability and Rule of Law and Prison Watch Sierra Leone have issued a joint press release against the detention, but to date the eight detainees still remain behind bars.

Journalist David Tam Baryoh was arrested for incitement on 3 November 2014 under an Executive Detention Order signed by President Koroma. Two days earlier, David Tam Baryoh had interviewed an opposition party spokesman who criticized the government's handling of the Ebola outbreak and raised concerns about the authorities' management of the Ebola crisis response fund on the independent radio station Citizen FM. During the interview David Tam Baryoh also criticized President Koroma's presumed intention to run for a third term in office. David Tam Baryoh was detained without charge for 11 days at the maximum-security prison on Padema Road in Freetown, and later released on bail. Amnesty International considers him a prisoner of conscience.

Under international law, whatever the emergency, a state can never derogate from certain fundamental human rights including the prohibition of arbitrary deprivation of life, torture and other cruel, inhuman or degrading treatment or punishment, the arbitrary deprivation of liberty including incommunicado detention and the right to challenge the lawfulness of detention in court.

The African Charter on Human and Peoples' Rights – to which Sierra Leone is a party – does not allow for derogation from any of its provisions, including fair trial guarantees, under any circumstances.

Name: Eight people arbitrarily detained (names cannot be disclosed)

Gender: Six male and two female

UA: 18/15 Index: AFR 51/001/2015 Issue Date: 28 January 2015