TO:
H.E. Julius Maada Bio, President of the Republic of Sierra Leone

CC:
Dr. Richard Moigbe, Inspector General of the Sierra Leone
Mr. Edward A. Soluku, Minister of Internal Affairs of the Government Sierra Leone
Professor David John Francis, Chief Minister of Sierra Leone
Dr. Mohamed Juldeh Jalloh, Vice President of the Republic of Sierra Leone
Ambassador Tom Vens, Representative of the EU Commission in Sierra Leone
Mr. Michel Forst, UN Special Rapporteur on the situation of human rights defenders
Ms. Victoria Tauli-Corpuz, UN Special Rapporteur on the rights of indigenous peoples
Ms. Hilal Elver, UN Special Rapporteur on the right to food
Dr. Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions
Ms. Karima Bennoune, UN Special Rapporteur in the field of cultural rights
Working Group on Arbitrary Detention
Committee on the Elimination of All Forms of Discrimination Against Women
Working Group on Extractive Industries, Environmental and Human Rights Violations; and
Working Group on Indigenous Populations/Communities in Africa

4 March 2019

Your Excellency,

ESCR-Net - International Network for Economic, Social and Cultural Rights is the largest global network of organizations and advocates devoted to achieving economic, social, cultural and environmental justice through human rights, consisting of over 280 organizational and individual members in 75 countries.

We write to express our deep concern regarding ongoing and serious human rights violations against members of the Malen Affected Landowners and Users Association (MALOA) of the Sahn Malen Chiefdom in Pujehun District, Sierra Leone, in connection with industrial scale palm oil operations by Société Financière des caoutchoucs (Socfin Group).

According to credible reports, on Monday January 21, 2019, members of a local indigenous group engaged in the traditional cultural practice of ‘Poro Society,’ a rite of passage initiation which reaffirms the customary ties that the communities have to their ancestral lands. Reportedly, the local Paramount Chief and the company alleged that the Poro Society was interfering with the operations of Socfin Group. We understand that in response, the Resident Minister of Southern Region discouraged the practice, prompting members of the Poro Society to stage a demonstration to claim their right to carry out their cultural practices on their lands. We are informed that military personnel that were deployed to protect palm oil plantations in the area confronted the demonstrators, resulting in the death of two civilians, raids of families in local communities and the seizure or destruction of their property. During these raids, 15 people were arrested and detained, including an independent member of parliament of that Constituency, the Honourable Shiaka Sama, who has championed the land rights of the area’s communities over time. We are greatly concerned about these human rights violations, which resulted in the initial displacement of more than 2,500 people, and
the reprisals that local community leaders are facing, including alleged smear campaigns, intimidation and criminal charges.

We understand that this recent incident is part of a wider land conflict between local communities, represented by MALOA, and Socfin Group, which has allegedly acquired 80% of the arable lands in the Sahn Malen Chiefdom since 2011. Allegedly, the agreement to transfer the above-mentioned lands to the company, which was brokered with a local Paramount Chief, was effected without consultation or the free, prior and informed consent (FPIC) of all of the landowners and residents in the affected communities. The failure to consult and obtain the free, prior and informed consent of the area’s indigenous people, allegations of coercion in the land transfer process, alleged improper land surveys and a reportedly inadequate compensation have all led to serious, and legitimate, grievances.

These troubling patterns and trends of human rights and environmental violations are not just limited to the local communities in the Sahn Malen Chiefdom, Sierra Leone. There are media and NGO reports documenting violations linked to Socfin Group in several Western African countries.

In this connection, we wish to recall that the Government of Sierra Leone has the obligation to promote, respect, protect and fulfill human rights in accordance with international standards and national laws. Specifically, Sierra Leone is party to the International Covenant on Civil and Political Rights (ICCPR) and, as such, is bound to uphold the following human rights obligations, among others: the right to be free from cruel, inhuman or degrading treatment or punishment; the right to peaceful assembly and of association and freedom from arbitrary arrest or detention. Sierra Leone is also party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and has thus undertaken the obligation to respect, protect, and fulfill the right to an adequate standard of living, including the right to adequate food. Both of the Covenants mentioned above also state that “in no case may a people be deprived of its own means of subsistence.” The ICESCR also establishes the right to work, under just and favourable conditions, and the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. Sierra Leone is also party to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which, among other things, establishes an obligation to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality, the right to the same employment opportunities and to equal remuneration, including benefits, and to equal treatment in respect of work of equal value. The African Charter on Human and Peoples’ Rights, to which Sierra Leone is signatory, recognizes the indivisibility of all human rights. The African Charter recognizes the rights of the African peoples to development, underscores their right to freely dispose of their wealth and natural resources and prohibits the deprivation of these under all circumstances. Additionally, the UN Declaration on the Rights of Indigenous Peoples establishes the right of indigenous peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used, and to free, prior and informed consent prior to the approval of any project affecting their lands. The Declaration also recognizes the right of indigenous peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. We also recall the UN Declaration on the Rights of Human Rights Defenders, which establishes the obligations, among others, to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation or any other arbitrary action as a consequence of his or her actions to defend and promote human rights.

Notwithstanding the legal obligations outlined above, we understand that Socfin Group’s palm oil plantations in the Sahn Malen Chiefdom have resulted in serious violations of the right to food of impacted communities. Reportedly, after losing the land that they have traditionally used for their subsistence, many dispossessed people, including villagers, have been compelled to seek employment on the Socfin palm oil plantation in order to survive; allegedly under harsh conditions and with minimal compensation. We understand that women have been particularly impacted by the plantations, as they are now required to walk much farther to collect firewood and water. Women also allegedly face discrimination in hiring, with most local employment opportunities being offered to men. Female workers employed by Socfin Group in the Sahn Malen Chiefdom reportedly earn less than male workers for the same jobs, when they are employed, and often suffer sexual harassment and gender-based violence at work. We note, with concern, that community human rights defenders (male and female) who have raised concerns about the palm oil project have been targeted with violence, arbitrary detentions, defamation and efforts to criminalize their legitimate work to defend the internationally recognized human rights of the communities affected by the project.
ESCR-Net is concerned that Socfin Group has been exerting undue influence on the Government of Sierra Leone and its authorities, including through allegedly influencing the police and military, as well as through seemingly exerting pressure on the judiciary and parliament. For one, stripping member of parliament, Hon. Shiaka Sama, of his parliamentary immunity, presumably for his opposition to Socfin Group. These seem to be various manifestations of corporate capture, exemplified in judicial interference and the manipulation of security services for the benefit and advancement of corporations and the private sector.

In light of the gravity of this situation, we respectfully call on the Government of Sierra Leone to take all necessary steps to:

1. Secure the unconditional release of all MALOA members arrested and detained by the Sierra Leone Police in connection with the events of 21 January, and immediately drop all outstanding arrest warrants against members of the Malen communities, which have been filed in an apparent reprisal for their activities to defend and promote human rights.
2. Launch an independent and impartial investigation into the killings of the two community human rights defenders, identified in reports as Mohamed Ansuma and Mustapha.
3. Provide adequate protection for the members of the Malen communities and their advocates against threats, reprisals and harassment by members of the state security forces or individuals with ties to Socfin Group and protect human rights defenders working to defend land rights in Sierra Leone. Completely demilitarize Sahn Malen.
4. Take all possible steps to limit undue corporate influence over public processes and actors, including via effective legislative, policy and enforcement mechanisms which enable the state to safeguard the human rights of its population, regardless of any business interests at-stake.
5. Promote a model of development that upholds human rights and environmental sustainability, including the right of indigenous peoples to free, prior and informed consent, and allows people to sustain their livelihoods and live in dignity.

Finally, please inform us of any measures taken in this regard.

On behalf of ESCR-Net,

Chris Grove,
Executive Director

Abahlali BaseMjondolo Movement South Africa
Above Ground
Accountability Counsel
Action Contre Impunitie Pour Les Droits Humains
ActionAid International
Adalah: The Legal Center for Arab Minority Rights in Israel
Advocates for International Development (A4ID)
African Centre for Democracy and Human Rights Studies
African Resources Watch (AfreWatch)
Al-Haq
Aliança para Promoção do Desenvolvimento da Comunidade de Hoji Ya Henda
Al-Mezan Center for Human Rights
Alternative ASEAN Network on Burma (ALTSEAN Burma)
Amnesty International
Arab NGO Network for Development (ANND)
Asia Indigenous Peoples Pact (AIPP)
Asia Pacific Forum on Women, Law and Development (APWLD)
Asian Forum for Human Rights and Development (Forum-ASIA)
Asian Human Rights Commission (AHRC)
Asociación Civil por la Igualdad y la Justicia (ACIJ)
Asociación Interamericana para la Defensa del Ambiente (AIDA)
Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Veraces, Maya Achi (ADIVIMA)
Asociacion Pro Derechos Humanos (APRODEH)
Asociación Q’ukumatz
Asociadas por lo Justo / Just Associates (JASS)
Association for emancipation, solidarity and equality of women
Association for Law and Advocacy for Pastoralists (ALAPA)
Association for Women's Rights in Development (AWID)
Association Nigerienne de Défense des Droits de l’Homme, Niger
Association of Environmental Lawyers of Liberia - Green Advocates
Association tunisienne des femmes démocrates (ATFD)
Avocats Sans Frontières (ASF)
Bangladesh Legal Aid and Services Trust (BLAST)
Baobab for Women's Human Rights
Border Consortium (The)
Bretton Woods Project
Bulgarian Gender Research Foundation
Bulgarian Helsinki Committee
Canada Without Poverty
Canadian HIV/AIDS Legal Network
Center for Constitutional Rights (CCR)
Center for Economic and Social Rights (CESR)
Center for Human Rights and Development (CHRD-Rwanda)
Center for Human Rights and Environment (CHRE)
Center for International Environmental Law (CIEL)
Center for Reproductive Rights (CRR)
Center for Women’s Global Leadership (CWGL)
Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO)
Centre for Applied Legal Studies (CALS)
Centre for Democracy and Human Rights (CEDEM)
Centre for Economic Social Cultural Rights In Africa (CESCRA)
Centre for Equality Rights in Accomodation (CERA)
Centre for Human Rights and Development (CHRD)
Centre for the Sustainable Use of Natural and Social Resources
Centro de Archivos y Acceso a la Información Pública (CAInfo)
Centro de Asesoría Laboral del Perú (CEDAL)
Centro de Derechos Economicos, Sociales y Culturales (CDES)
Centro de Derechos Humanos | Universidad Diego Portales
Centro de Derechos Humanos de la Montaña Tlachinollan
Centro de Estudios Legales y Sociales (CELS)
Centro Mexicano de Derecho Ambiental A.C (CEMDA)
Centro por la Justicia y el Derecho International, Center for Justice and International Law (CEJIL)
Chiadzwa Community Development Trust
Child Rights International Network (CRIN)
Citizen News Service (CNS)
Collectif des Femmes du Mali
Collective for Research and Training on Development - Action (CRTD-A)
Comisión Colombiana de Juristas
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
Comité Ambiental en Defensa de la Vida
Commonwealth Human Rights Initiative
Community Empowerment and Social Justice Foundation (CEmSoJ)
Conectas Direitos Humanos
Confederación Campesina Del Peru (CCP)
Conscience International
Consejo de Pueblos Wuxhtaj
Conservación Investigación y Aprovechamiento de los Recursos Naturales (CIARENA)
Construisions Ensemble le Monde
Coordinadora Andina de Organizaciones Indígenas (CAOI)
Corporación Colectivo de Abogados José Alvear Restrepo (CCAJAR)
Corporate Accountability
Corporate Responsibility Coalition
Defend Job Philippines
Dejusticia – Centro de Derechos, Justicia y Sociedad
Democracy and Workers' Rights Center in Palestine (The)
Democracy Center (The)
Desarrollo, Educación Y Cultura Autogestionarios Equipo Pueblo A.C.
Due Process of Law Foundation (DPLF)
Dullah Omar Institute for Constitutional Law, Governance and Human Rights (University of the Western Cape, South Africa)
EarthRights International (ERI)
Economic and Social Rights Academic Network UK-Ireland
Economic and Social Rights Centre (Hakijamii)
Economic, Social and Cultural Rights Asia
Education and Research Association for Consumers Malaysia
Egyptian Association for Collective Rights (EACR)
Egyptian Center for Civil and Legislative Reform (ECCLR)
Egyptian Center for Economic and Social Rights (ECESCR)
Egyptian Initiative for Personal Rights (EIPR)
Ekta Parishad
Endorois Welfare Council (EWC)
EnGendeRights
Environmental Defender Law Center (EDLC)
Equis: Justicia para las Mujeres
Equitable Cambodia
Escuela Nacional Sindical (ENS)
Estudio Para La Defensa De Los Derechos De La Mujer (DEMUS)
European Anti Poverty Network (EAPN)
European Roma Rights Centre (ERRC)
Federação dos Orgãos de Assistencia Social e Educacional
Fédération internationale des droits de l'Homme (FIDH)
Federation of Women Lawyers (FIDA-Kenya)
Femmes Côte d'Ivoire Expérience (FCIEX)
FIAN International - Food First Information and Action Network Organization
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)
Forum Tunisien pour les Droits Économiques et Sociaux (FTDES)
Foundation For Human Rights And Democracy
Foundation for the Conservation of the Earth (FOCONE)
Foundation of Medical Law and Bioethics of Ukraine
Franciscans International (FI)
Frente Autentico del Trabajo
Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders
Fundación de Estudios para la Aplicación del Derecho – FESPAD
Fundacion Etnica Integral
Fundación para el Desarrollo de Políticas Sustentables – FUNDEPS
Fundacion Promocion Humana
Fundar-Centro de Análisis e Investigación
Georgian Young Lawyers' Association (GYLA)
Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
Habitat International Coalition (HIC)
Harvard Law School Project on Disability
Heartland Alliance for Human Needs & Human Rights
Human Dignity
Human Rights Action
Human Rights Centre at the School of Law, Queens University Belfast
Human Rights Law Centre (HRLC)
Human Rights Law Network (HRLN)
Inclusive Development International (IDI)
Initiative for Gender Equality and Development in Africa (IGED)
Initiative for Social and Economic Rights (ISER)
Institute for Agriculture and Trade Policy (IATP)
Institute for Human Rights and Development in Africa (IHRDA)
Institute for Justice & Democracy in Haiti
Instituto de Estudios Legales y Sociales del Uruguay (IELSUR)
Instituto de Estudos, Formação e Assessoria em Políticas Sociais (Polis)
Instituto de Formación Femenina Integral
Instituto de Liderazgo Simone de Beauvoir (ILSB)
Instituto Latinoamericano de Servicios Legales Alternativos (ILSA)
International Accountability Project
International Centre for Reproductive Health and Sexual Rights
International Commission of Jurists (ICJ)
International Women's Rights Action Watch Asia Pacific (IWRAW-AP)
Just Semper Global Alliance (The)
Just Fair
Justiça Global
Justice Pour Tous
Kairos Center for Religions, Rights and Social Justice/Poverty Initiative
Kebetkache Women Development & Resource Centre
Kenya Human Rights Commission (KHRC)
Kenya Land Alliance
Kituo Cha Sheria (Center for Legal Empowerment)
Labour, Health and Human Rights Development Center
Land Center for Human Rights
Law and Society Trust
Lawyers' Committee for Human Rights
Legal Resource Center Organization
Legal Resources Centre
Lok Shakti Abhiyan
Mahila Sarvangeen Utkarsh Mandal
Maison des Droits de l'Homme du Cameroun
Masimanyane Women's Support Center
Media Mobilizing Project
MINBYUN-Lawyers for a Democratic Society
mines, minerals & PEOPLE
MiningWatch Canada
Minority Rights Group International
Movement for the Survival of the Ogoni People (MOSOP)
Movimento dos Atingidos por Barragens
Movimiento Nacional Afrocolombiano CIMARRON
Movimiento Unificado Francisco Sánchez-1932 (MUFRAS-32)
Nairobi Peoples Settlements Network
Narasha Community Development Group
National Center for Advocacy Studies (NCAS)
National Economic and Social Rights Initiative (NESRI)
National Fisheries Solidarity Organization (NAFSO)
National Union of Domestic Employees (NUDE)
Natural Resource Women Platform (NRWP)
Natural Resources Alliance of Kenya
Nazdeek
Network Movement for Justice and Development (NMJD)
New Woman Foundation
Občan, demokracia a zodpovednosť (Citizen, Democracy and Accountability)
Observatoire Congolais des Droits de l’Homme (OCDH)
Observatori DESC
Observatorio Ciudadano
Observatorio de Política Social y Derechos Humanos
Office of Human Rights Studies, Mahidol University
Ogiek Peoples Development Program
Organisation Mondiale Contre la Torture
Organización Fraternal Negra Hondureña (OFRANEH)
Otros Mundos Chiapas
Pakistan Fisherfolk Forum (PFF)
Participation and the Practice of Rights (PPR)
People's Health Movement
People's Movement for Human Rights Learning
Phenix Center for Economics & Informatics Studies
Plataforma Dhesca Brasil
Posco Pratirodh Sangram Samiti (PPSS)
Pro Public – Forum for the Protection of Public Interest
Program on Human Rights and the Global Economy (PHRGE)
Programa Venezolano de Educacion Accion en Derechos Humanos
Programme on Women's Economic, Social and Cultural Rights
Project on Organizing, Development, Education and Research (PODER)
Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)
Red Internacional de Derechos Humanos (RIDH)
Rencontre Pour La Paix Et Les Droits De L’Homme
Right to Education Initiative (RtE-I)
Right to Water Forum in the Arab Region
Rights and Accountability in Development (RAID)
Samahan Ng Manggagawang Kaagapy Sa Pag-Unlad
SAPCONE – Turkanapeople Organization
Section 27
Sierra Leone Network on the Right to Food
Social and Economic Rights Action Center - Nigeria
Social and Economic Rights Action Center - Indonesia
Social Rights Advocacy Centre (SRAC)
Socio-Economic Rights Foundation
Socio-Economic Rights Institute of South Africa (SERI)
Southeast Asian Council for Food Security and Fair Trade
Spaces for Youth Development and Social Change (Spaces For Change)
Stakeholder Democracy Network
STAR Kampuchea
Sustainable Development Foundation (SDF)
Syndicat National Autonome des Personnels de l'Administration Publique
Tamkeen Fields for Aid
Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education)
Terra de Direitos (TTD)
Tierraviva a los Pueblos Indígenas del Chaco
Uganda Environmental Education Foundation
United Sisterhood Alliance
Video Volunteers
Witness
Women and Law in Southern Africa Research and Educational Trust
Women in Law and Development in Africa
Women's Economic Agenda Project
Women's Rehabilitation Center (WOREC)
World Forum of Fisher People (WFFP)
Zi Teng
Zimbabwe Environmental Law Association
Zimbabwe Women Lawyers Association
Abdoul Aziz Niang
Adams Aswani
Africa Magongo
Alicia Ely Yamin
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