



Prepared by: British Red Cross

IFRC Review of Emergency Decrees: SIERRA LEONE

Overview

Sierra Leone confirmed its first COVID-19 case on 31 March 2020.¹

A State of Public Emergency was declared by the President under the Constitution on 24 March² and approved by the Sierra Leone Parliament on 26 March.³ All commercial flights were suspended, and all land borders with Guinea and Liberia and riverine borders were closed to the movement of people on 27 March, except for essential commodities through land borders under strict supervision.⁴

In a Press Conference on 31 March,⁵ President Bio announced the appointment of a COVID-19 response team with a national coordinator and the activation of the Emergency Operations Centre. All educational institutions were closed on 31 March. The President also announced that tracking and surveillance of primary and secondary contacts [of affected individuals] would be undertaken, and those persons would be placed into mandatory quarantine and tested. A number of additional measures would be put into effect, relating to the transportation sector, traditional practices, religious practices, trading, and entertainment. Details were to be provided by the National COVID-19 Response Secretariat but, at time of writing, the interim national coordinator had only said that they would further announce a raft of other measures to reinforce already existing actions, including the use of law enforcement agencies, in due course.

The state of emergency has been declared to last for 12 months. No regulations giving effect to the state of emergency appear to have yet been made. Measures taken to date, such as border closures, appear to have been issued by way of public notice.⁶

¹ <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Second-Press-Conference-on-COVID-19.-State-House-Freetown-31-March-2020.pdf>; <https://www.thesierraleonetelegraph.com>

² <https://statehouse.gov.sl/wp-content/uploads/2020/03/Declaration-of-a-State-of-Public-Emergency-by-His-Excellency-Dr.-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone---24-March-2020.pdf>

³ <https://www.thesierraleonetelegraph.com/sierra-leone-parliament-approves-coronavirus-state-of-public-emergency/>

⁴ <https://statehouse.gov.sl/sierra-leones-president-julius-maada-bio-announces-closure-of-land-borders/>; The Official Notice of closure can be seen at https://www.switsalone.com/36100_sierra-leones-land-borders-close-for-30-days%EF%BB%BF/

⁵ <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Second-Press-Conference-on-COVID-19.-State-House-Freetown-31-March-2020.pdf>

⁶ <https://www.gleanersierraleone.com/parliament-approves-state-of-emergency/> and the Official Notice of closure can be seen at https://www.switsalone.com/36100_sierra-leones-land-borders-close-for-30-days%EF%BB%BF/

Under the Constitution⁷, during a period of public emergency, the President may make such regulations and take such measures as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in Sierra Leone or any part of it.⁸ The regulations or measures may include:

- (a) provision for the detention of persons, the restriction of the movement of persons within defined localities, and the deportation and exclusion of persons other than citizens; and
- (b) provision for maintaining such supplies and services as are, in the opinion of the President, essential to the life and well-being of the community.⁹

The principal standing legislation that might be used to deal with the pandemic would appear to be:

- (a) the National Security and Central Intelligence Act 2002¹⁰ - section 18(1)(a)(iv) provides that the Office of National Security is the primary coordinator for the management of national emergencies such as disasters both natural and man-made; and
- (b) the Public Health Ordinance 1960¹¹ - the powers under this Ordinance¹² include the ability to declare infected areas and order evacuation; testing; temporary and permanent isolation of infected persons; compulsory isolation; surveillance and isolation of contacts.

The Sierra Leone Red Cross Society Act 2012¹³ provides that the objects of the Society include providing “humanitarian aid to civilians and military victims during armed conflict, natural disasters and other situations requiring a humanitarian response.” And that it shall be the function of the Society to, amongst other things, (i) take part in national preparedness and response plans for disaster and emergency situations; (ii) act in all situations requiring a humanitarian response as a reference organization in the field of first aid; and (iii) provide support to communities in line with identified vulnerabilities.¹⁴

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

There appears to be coordination in place but under the standing legislation rather than any COVID-19 specific measure.

The Government has appointed a national coordinator specifically to lead the COVI-19 Response team and has established an inter-ministerial committee to guide on policy issues in relation to COVID-19.¹⁵

Section 18(1)(a)(iv) of the National Security and Central Intelligence Act 2002 provides that the Office of National Security is the primary coordinator for the management of national emergencies such as disasters both natural and man-made.¹⁶

The Disaster Management Department is one of seven departments in the Office of National Security. It has the mandate of coordinating all issues related to both natural and man-made disasters and

⁷ <http://www.sierra-leone.org/Laws/constitution1991.pdf>

⁸ Constitution, s. 29(5).

⁹ Constitution, s 29(6) and (7).

¹⁰ <https://sierralii.org/sl/legislation/act/2002/10>

¹¹ <http://sierra-leone.org/Laws/1960-23.pdf>

¹² Public Health Ordinance, Part IV, ss 34 to 57

¹³ <http://www.sierra-leone.org/Laws/2012-15.pdf>

¹⁴ Sierra Leone Red Cross Society Act 2012, s. 4.

¹⁵ <https://www.afro.who.int/news/sierra-leone-institutes-additional-covid-19-preparedness-and-response-measures>

¹⁶ <https://sierralii.org/sl/legislation/act/2002/10>

bringing all stakeholders together from Governments, NGOs, United Nations specialized agencies, community-based organisations, the private sector, media and local communities on disasters.¹⁷

There is a draft Disaster Management Policy dated 2006¹⁸ but at the time of the 2014 IDRL Report it had not been approved and does not appear to have been updated or approved since. Its status is therefore unclear. Nonetheless, the draft Policy provides for the involvement of communities, UN Agencies, Non-Governmental Organisations, local NGOs and Civil Societies at the pre-disaster phase¹⁹ and in offering emergency relief assistance.²⁰

The draft Policy also provides a National Security Council Coordinating Group, whose role includes approving the release of ‘disaster funds’ from the Ministry of Finance to the concerned Government departments and agencies for the implementation of rehabilitation and post-disaster reconstruction purposes. It is also be responsible for facilitating and monitoring reconstruction and rehabilitation efforts of various Government departments and other implementation agencies in terms of project timelines, processes, funds, deployment and benefits to the affected community. Community groups and voluntary agencies, including NGOs should provide feedback in terms of their priorities and concerns for work related to rehabilitation and reconstruction and participate in the post- disaster activities.²¹

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

The published measures are limited, but in the notices and declarations made to date there is no explicit reference to the RC or humanitarian organisations.

As noted, though, the Sierra Leone Red Cross Society Act 2012²² may provide a standing role for the RC.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

Only the notice closing land borders could be accessed online. Though not explicitly mentioning the RC, this provides an exception for essential commodities under strict supervision.²³ The prospect of further transport restrictions was mentioned in the President’s announcement of 31 March,²⁴ but the detail has not yet been published.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

¹⁷ See International Disaster Response Laws in Sierra Leone (IFRC, 2014) (‘the 2014 IDRL Report’), <https://www.ifrc.org/PageFiles/80197/1213700-IDRL-Sierra%20Leone-EN-LR.pdf>

¹⁸ <https://www.ifrc.org/docs/idrl/671EN.pdf>

¹⁹ Disaster Management Policy, p 9.

²⁰ Disaster Management Policy, p 12.

²¹ Disaster Management Policy, p 15.

²² <http://www.sierra-leone.org/Laws/2012-15.pdf>

²³ <https://statehouse.gov.sl/sierra-leones-president-julius-maada-bio-announces-closure-of-land-borders/> ; The Official Notice of closure can be seen at https://www.switsalone.com/36100_sierra-leones-land-borders-close-for-30-days%EF%BB%BF/

²⁴ <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Second-Press-Conference-on-COVID-19.-State-House-Freetown-31-March-2020.pdf>

The President has stressed that Sierra Leone is not in lock down. Nor are there any regulations yet in place imposing quarantine etc. In his 31 March statement, the President announced that tracking and surveillance of primary and secondary contacts would be undertaken, and those persons would be placed into mandatory quarantine and tested.²⁵ Regulations to give effect to this (if required) have not yet been published.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

No provision of this nature appears yet to have been made. Reliance appears to still be placed on whatever pre-existing measures and arrangements are in place. It is noted, though, that the 2014 IDRL Report found that “no comprehensive policy or legal framework exists for the facilitation of inter- national disaster response operations, i.e. foreign disaster response operations assisting the government and population of Sierra Leone should the capacities of the government not suffice.”²⁶

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

At the time of writing, there appear to be no restrictions on business operations.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The measures are described above.

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31 March 2020

²⁵ <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Second-Press-Conference-on-COVID-19.-State-House-Freetown-31-March-2020.pdf>

²⁶ IDRL Report, p 22.