

الشبكة العالمية  
للحقوق الاقتصادية  
والاجتماعية والثقافية



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Working Group on Indigenous Populations/Communities in Africa

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South 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.

Chris Grove  
Executive Director

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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).

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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 fulfil 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 rights 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 Accommodation (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 Internacional, 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)  
Comite 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)  
Construons 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 Assistência 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)  
Jus 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)  
Sahmakum Teang Tnaut  
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 Indigenas 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

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Malcolm Langford

Maria Herminia Graterol Garrido

Mario Melo

Mary Jane Real

Maureen Meyer

Michael Lerner

Minar Pimple

Murielle Mignot

Patricia Ramirez Parra

Paulina Garzon

Pemii Benedict

Raju Prasad Chapagai

Rasha Jarhum

Robert Robertson

Rodrigo Bustos Bottai

Sarmila Shrestha

Suad Elias

Tara Melish

Tessa Kahn

Thomas Bruno Nzumbi

Tyler Giannini

Vincent Calderhead

Yves Lador