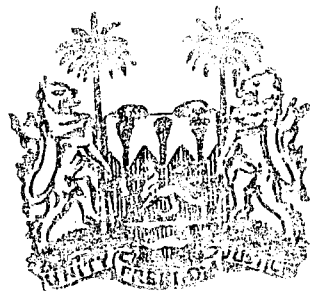


DECREE

Supplement to the Sierra Leone Gazette Vol. CXXVIII, No. 63
dated 20th November, 1997

A.F.R.C. Decree
No. 6



Sierra Leone

1997

The Armed Forces Revolutionary Council
(Anti-Looting) Decree, 1997

Short title.

Being a Decree to provide for the establishment, functions, powers and duties of an Anti-Looting Squad, to make provision for the protection of persons against harassment and intimidation and for other related matters.

[20th November, 1997] Date of commencement.

*The Armed Forces Revolutionary Council
(Anti-Looting) Decree*

1997

PURSUANT to paragraph 3 of the Proclamation entitled "Administration of Sierra Leone (Armed Forces Revolutionary Council) Proclamation, 1997", published in the *Gazette* on the 28th day of May, 1997, the Armed Forces Revolutionary Council hereby makes and issues the following Decree:--

Interpretation.

1. In this Decree unless the context otherwise requires--

P.N. No. 3 of
(1997.

"Council" means the Armed Forces Revolutionary Council established by the Proclamation entitled "Administration of Sierra Leone (Armed Forces Revolutionary Council) Proclamation, 1997".

"Harass" means the coercing of one person by another with the object of forcing the former into doing a particular act and includes threatening the latter in a manner calculated to subject him or a member of his family or household to alarm, distress or humiliation.

"Intimidate" includes the use of words or action that puts or is intended to put another person in fear for his life, liberty or property, and also any words or action that prevent or is intended to prevent another person from exercising his rights or performing his duties under the law, or that compels another person into doing something that he is unwilling to do.

"Looting" includes the stealing of any property, whether public or private, movable or immovable, with or without the use or threat of the use of force.

"Commandeer" means to take arbitrary or forcible possession or control of any property whether, public or private, movable or immovable, without lawful authority.

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2. There is hereby established a body to be known as The Anti-Looting Squad (hereinafter referred to as "The Squad").

Establishment
of Squad.

3. The Squad shall consist of such officers of the Armed Forces of the Republic of Sierra Leone and the Sierra Leone Police Force and such other persons as the Council may from time to time appoint.

4. (1) Every member of the Squad shall, on appointment by the Armed Forces Revolutionary Council, take and subscribe to the Oath set out in the First Schedule to this Decree.

Oath to be
taken by
members of
Squad.

(2) Such Oath shall be taken and signed before the Chairman of the Armed Forces Revolutionary Council.

5. The Squad shall be responsible for—

Functions
and duties of
Squad.

- (a) the detection and apprehension of any person who is engaged in or is actively preparing to engage in the looting of any property or the commandeering of any vehicle or other property;
- (b) the apprehension of any person engaged in any act of intimidation or harassment of another person;
- (c) the apprehension of any person occupying the premises of another person without lawful authority, whether such premises was occupied or unoccupied at the time of such unlawful occupation;
- (d) the apprehension of any person reasonably suspected of being involved or implicated in the commission of any offence under this Decree; and

- (e) the recovery of any property discovered by the Squad in the course of its operations, such property to be handed over to the Police for documented safekeeping.

Identification
of members
of Squad.

6. (1) For the purpose of identifying members of the Squad, each member shall be issued with, and shall carry with him, a warrant of authority issued by the Council in the form set out in the Second Schedule.

(2) The Council may at any time revoke or suspend any warrant of authority issued under subsection (1).

Powers of
Squad.

7. (1) Any member of the Squad may, on the production of his warrant of authority, enter upon any premises whether public or private, stop any vehicle belonging to the State or any private person, in the process of searching for any looted property or commandeered vehicle or other property.

(2) Any member of the Squad may at the time of any such search question or arrest, without a warrant empowering him to do so, any person found in such premises or occupying any such vehicle or other property referred to in subsection (1), for the purpose of ascertaining whether an offence under this Decree has been committed.

Arrested
persons to be
brought
before Court
without
delay.

8. Any person arrested by virtue of the provisions of this Decree shall be brought, within a reasonable time, before the Court having jurisdiction in his case, and no member of the Squad shall have the power to grant bail to an accused person.

Trial of
persons
arrested by
Squad.

9. The Court before which a person arrested by any member of the Squad is charged with a criminal offence shall give priority to the trial of such person, unless in the opinion of the Court the interests of justice will not be served by so doing.

10. (1) A Court before which a case is tried shall be empowered to order the restoration of any property being the subject of such a trial to any person found by such a Court to be the rightful owner of such property.

Orders of Court.

(2) The Court may otherwise make such order for the disposition by sale or otherwise of such property:

Provided that no such sale or other disposition shall take place, unless the property shall have been in the custody of the Police for a period of one month and a description of the property shall have been published in two consecutive editions of the *Sierra Leone Gazette*.

(3) The Court may also order the immediate disposition by sale or otherwise of perishable goods or property which the Police find inconvenient, expensive or unreasonable to keep in custody.

11. Each member of the Squad shall as respect the exercise of his powers and duties under this Decree, be entitled to the same legal protection to which a police officer is entitled to under the Police Act, 1964.

Protection of members of Squad.
Act No. 7 of 1964.

12. The funds of the Squad shall consist of such monies as may be appropriated to it by the Council.

Funds of Squad.

13. Notwithstanding anything to the contrary contained in the Courts Act, 1965 or in any other enactment in force, the Magistrate Court shall have jurisdiction to try summarily any of the offences under subsection (4) of Section 15 and Section 17 of this Decree.

Jurisdiction.
Act No. 31 of 1965.

14. (1) Where any person is charged with any of the offences under subsections (1), (2), (3) and (5) of Section 15, the Magistrate Court shall dispense with oral testimony of witnesses and shall rely on written statements, whether by the prosecution or defence.

Committal proceedings.

(2) Subject to subsection (1), the Magistrate Court shall, on application by the prosecution that the contents of the written statements warrant committal to the High Court, commit the accused for trial before the High Court as of course, without consideration of the contents of such statements, except that such statements shall have been signed by the deponents.

(3) Any such trial in the High Court shall commence within 14 days of such committal.

Offences

15. (1) Any person who shall engage in or actively prepare to be engaged in the looting of any property or the commandeering of any vehicle or other property without authority shall be guilty of an offence.

(2) Any person who receives any looted property or commandeered vehicle or other property knowing the same to have been looted or commandeered or obtained in any way whatsoever under circumstances which amount to a felony or misdemeanor shall be guilty of an offence.

(3) Any person who shall be found in possession or control of any looted property or commandeered vehicle or other property, and who shall not give an account satisfactory to the court of how he came into possession or control of the same, shall be guilty of an offence.

(4) Any person who shall intimidate or harass another person shall be guilty of an offence.

(5) Any person who shall, with or without force and without lawful authority, occupy the premises of another person shall be guilty of an offence.

Penalties.

16. (1) Any person who is found guilty of an offence under subsections (1), (2) and (5) of Section 15 shall be sentenced to death by a firing squad.

(2) Any person who is found guilty of an offence under subsection (3) of Section 15 shall be liable to a term of imprisonment of not less than five years and a maximum of life imprisonment.

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(3) Any person who is found guilty of an offence under subsection (4) of Section 15 shall be liable on summary conviction to a term of imprisonment of not less than two years and not more than seven years.

17. Any person who in any manner whatsoever obstructs any member of the Squad in the performance of his duties under this Decree, or fails to render reasonable assistance to any member of the Squad when called upon to do so, or resist or attempts to resist any arrest executed under this Decree, shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding Le500,000.00 (five hundred thousand leones) or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Obstruction of members of Squad.

FIRST SCHEDULE

(Section 4)

OATH TO BE TAKEN BY A MEMBER OF THE ANTI-LOOTING SQUAD

I, being appointed a member of the Anti-Looting Squad by the Armed Forces Revolutionary Council, do swear that I will faithfully, honestly and impartially, and to the best of my ability exercise and perform all the duties conferred upon me in accordance with the Armed Forces Revolutionary Council (Anti-Looting) Decree, 1997.

SECOND SCHEDULE

(Section 6)

WARRANT OF AUTHORITY

WHEREAS has been appointed a member of the Armed Forces Revolutionary Council Anti-Looting Squad.

NOW THIS WARRANT is to command you the aforesaid and any Police or Army personnel accompanying you as specified below to exercise and perform the powers and duties conferred upon you by virtue of the provisions of the Armed Forces Revolutionary Council (Anti-Looting) Decree, 1997.

DATED the day of, 1997

*Chairman,
Armed Forces Revolutionary Council.*

MADE and ISSUED this 17th day of November, 1997.

MAJOR JOHNNY PAUL KOROMA
*Chairman,
Armed Forces Revolutionary Council.*