

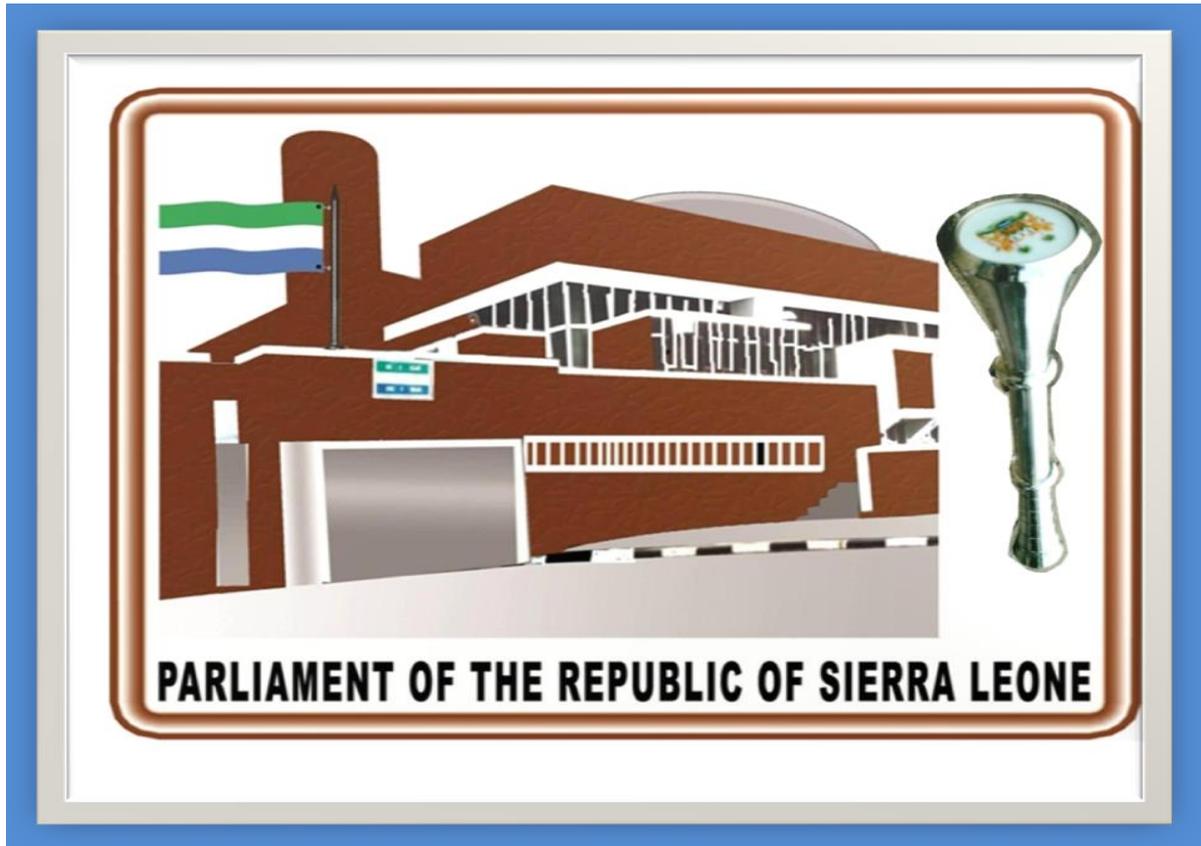
OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

[HANSARD]

**OFFICIAL HANSARD REPORT
FOURTH SESSION-FIRST MEETING
THURSDAY, 15TH JULY, 2021**

SESSION – 2020/2021



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

VOLUME: I

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First Meeting of the Fourth Session of the Fifth Parliament
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House
Held Thursday, 15th July, 2021.

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THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

FOURTH SESSION - FIRST MEETING OF THE FIFTH PARLIAMENT OF THE SECOND REPUBLIC

Thursday, 15th July, 2021.

I. PRAYERS

[The Table Clerk, Mr Prince Oviasuyi, Read the Prayers]

[The House met at 10:40 a.m. in Parliament Building, Tower Hill, Freetown]

[The Deputy Speaker, Hon. Segepoh Solomon Thomas, in the Chair]

The House was called to Order

Suspension of S. O. 5[2]

COMMUNICATION FROM THE CHAIR

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON TUESDAY, 13TH JULY, 2021

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting held on Tuesday, 13th July, 2021. As usual, we shall skip pages 1, 2, 3 and 4? We start with Page 5? Page 6? Page 7? Page 8? Page 9? Page 10? Page 11? If there is no correction or amendment, can someone move for the adoption of the record of Votes and Proceedings for the Parliamentary sitting held on Tuesday, 13th July, 2021 as presented?

HON. BRIMA MANSARAY: I so move, Mr Speaker.

THE SPEAKER: Any seconder?

HON. MOHAMED KANNEH: Mr Speaker, I so second.

[Question Proposed, Put and Agreed to]

[Record of Votes and Proceedings for the parliamentary sitting held on Tuesday, 13th July, 2021 has been adopted as presented]

III. ANNOUNCEMENT BY MR SPEAKER:

THE SPEAKER: Honourable Members, this is for the attention of the Leadership of Parliament, particularly the leadership of political parties. If you take a look around, I am sure you would be disappointed at the level of absenteeism. Of course, if we want society to respect this House, it behoves Members of Parliament to ensure that they respect this House. The attendance is very poor and I am extremely disappointed. I want to however inform you that in the not too distant future, the speakership of this House will start issuing sanctions against erring Members of Parliament, so as to curb the level of absenteeism in Parliament. What is happening is not Honourable because we are paid to do what we have been elected to do. We are here to work for the people of Sierra Leone. It is clear that at the end of each month we are all in a hurry to collect salaries. If we fail to do our job, the citizens of

Sierra Leone would not respect Parliament at all. If we are talking about respect for Members of Parliament, it should start from us.

Honourable Members, I want to restate here that I am extremely disappointed, especially for the days I have been presiding as Speaker of the House. Sometimes I have to wait for Members of Parliament to come before we start the proceedings. This is extremely disappointing and we have to stop this attitude. We should be seen doing the work for which we have been elected. I want all of you to take note of this.

Secondly, Honourable Members, I want to say something about S.Os. 23. It is no longer a secret that most of the issues Members of Parliament are raising under S.Os. 23 are becoming contentious and debatable. I am sure I have pleaded with you to be writing your queries to the Committee[s] that has/have link to the issue[s] you intend to bring under S.Os. 23. For issues that are debatable, you have to write to the Chairmen of that Committee. We should not raise issues that are debatable under S.Os. 23. Let us try as best as possible to use our Committees. I said the last time that **70%** of the work of Parliament is done by parliamentary Committees. I am certain that every issue must have a link to a parliamentary Committee.

Honourable Members, you would agree with me that Chairpersons of Committees have been placed in charge of Committees because we are confident that they can do the job. If you receive letters relating to issues within your purview, try as best as possible to invite the relevant parties for amicable settlement. I hope Members of Parliament will not rise on S.Os. 23 to raise contentious or debatable issues. If an issue has to do with personal explanation, then you would be allowed to discuss it here, otherwise I will not allow Members of Parliament to proceed with matters or complaints that are debatable or contentious. Thank you very much, Honourable Members.

HON. MATHEW S. NYUMA [*Leader of Government Business*]: Thank you very much, Mr Speaker. I want to make an amendment to the Order Paper. I am sure Honourable Lahai Marah is not yet around, but Honourable Dr Mark M. Kalokoh will lay the report on his behalf. So, I move that Honourable Dr Mark M. Kalokoh lay the Committee report on Water Resources.

THE SPEAKER: Any seconder.

HON. JAMES O. THOLLEY: I so second, Mr Speaker.

[Question Proposed, Put and Agreed to]

[The Order Paper has been amended]

IV. PAPERS LAID

[A] HONOURABLE MATHEW S. NYUMA

HON. MATHEW S. NYUMA: Mr Speaker, Honourable Members, I beg to lay on the Table of this House the following report:

The 2020 Annual Report of the National Electoral Commission of Sierra Leone

[B] HONOURABLE DR MARK M. KALOKOH

HON. DR MARK M. KALOKOH: Mr Speaker, Honourable Members, I stand on S.Os. 18 [7] to lay on the Table of this House a report by the Committee on Water Resource. Mr Speaker, S.Os. 118 [7] talks about brief explanation. The Committee was funded by Parliament of which we appreciate the intervention. The Committee went on oversight on different dates, spanning from November to December, 2020.

I now lay on the Table of this House the Committee Report on Water Resources
[Applause].

HON. DANIEL B. KOROMA: Mr Speaker, Point of Order. This is for the edification of this House. We all know that there is an S.O.18, but for the exigency of time, let it be a ruling that Members read only the title of the report directly from the Order Paper. We do not need the explanation and we have also resolved that reports should be debated this time. We should follow the queue from the Leader by reading directly from the Order Paper.

THE SPEAKER: Honourable Members, before we debate a report here, someone would have to move a Motion and that Motion would have to be seconded.

HON. CHERNOR R. M. BAH *[Leader of the Opposition]*: Mr Speaker, there is already a Motion before this House that was moved by the Leader of Government Business few weeks ago that all parliamentary reports tabled by Committees should be debated by this House.

THE SPEAKER: The Leader of Government Business did you move that Motion.

HON. CHERNOR R. M. BAH: He did, Mr Speaker.

THE SPEAKER: In that case, I want to know if the Motion was carried.

HON. CHERNOR R. M. BAH: The Motion was unanimously carried.

THE SPEAKER: In that case, we shall select special days to debate these reports. I think that will keep us extremely busy.

[C] HONOURABLE CHRISTOPHA KEKURA VANDY

HON. CHRISTOPHA K. VANDY: Thank you very much, Mr Speaker and thank you Honourable Leader of the Opposition. Of course you gave us responsibility to oversee the energy sector. We did it for the Third Session and the report is comprehensive. Mr Speaker, all the things that the President mentioned in his State Opening Address was probed into and captured in this report. He mentioned Hyssop, Newton Solar Park, Bo, Kenema, Seven district headquarters electrification, CLSG, Bumbuna Phase 2, Solar, etc.

HON. DANIEL B. KOROMA: Honourable Member you were here when I raised the issue that we do not need explanation.

HON. CHRISTOPHA K. VANDY: Noted, Honourable Member. Mr Speaker, I beg to lay on the Table of this Honourable House the following report:

Energy Sessional Oversight Report on the Ministry of Energy, Electricity Distribution and Transmission Company and Electricity Generation and Transmission Company [EGTC] sites across the country.

V. BILL

THE ABOLITION OF THE DEATH PENALTY ACT, 2021

THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

HON. DANIEL B. KOROMA: Mr Speaker, Honourable Members, I am sure this is the second time I am raising the issue relating to adopting a tradition that has to do with the passage of Bills. I have to be very true to myself that the last Bill, which is the Breast Milk Substitute, is the least controversial Bill and there was no reason for it not to be passed in law on that very day. There was no reason at all, but because

procedures were circumvented, the Bill was delayed. Usually, when Bills are committed for legislative hearings, it gives opportunity to only sixteen Members of Parliament to ask questions, but when it is before the House, all Members of Parliament would have the opportunity to ask questions. Thankfully, the Honourable Minister is an expert, but only the Minister can answer queries that will be raised by Members of Parliament during Committee Stage. The directors and other experts do not have the opportunity and ministers are not experts in all fields. You can study medicine and be a Minister of Labour and there is nothing wrong with that. So, when you talk about labour issues, only labour experts can answer questions and that can be done only during pre-legislative hearings. This Bill is very important it is about abolishing death penalty.

Mr Speaker, Honourable Members, I am not against the spirit, but this bothers on human rights issues of both the victim and the perpetrator. So, bulldozing this Bill is not correct. It is becoming a tradition and I do not want people to think that I am against the system. If we raise issues here, the Leader of Government Business may not even prepare to adequately respond, but during pre-legislative hearings, he will have the opportunity to hang heads with experts before the Committee Stage. If I raise a critical issue now, he may not be able to respond correctly or adequately and I will be unsatisfied. This is why we spend one or more hours arguing on one point. We spent three days on the last Bill because of this reason. This is my humble submission and we have to follow procedures.

THE SPEAKER: Your point is noted, Honourable Member.

HON. MATHEW S. NYUMA: Thank you, Honourable Member for that point. However, sometimes you have to look at the nature of the Bill. You would agree with me that for the Cybercrime Bill, we took over months because we had meetings upon meetings and we also wanted to involve the Civil Society, members of the Fourth Estate, etc. We also did that for the University Act. Sometimes the cost attached is huge. For me, I do not want people to look at Parliament as a rubberstamp Parliament. I want us to look at Bills brought to Parliament exhaustively. I consider three days as good enough to look at a Bill. Members should be inclusive in terms of putting their ideas together. Honourable Daniel B.

Koroma, I know you are a critical man when it comes to the procedures of Parliament and we will do our best to improve on the standards of this House.

Mr Speaker, Honourable Members, I am sure three days was good and that has sent a signal to our people that this Parliament is not a rubberstamp Parliament. In fact, the issue you brought has to do with Statutory Instrument. We know what we are going to do for this one. We are going to involve the public, but they have cited the areas to repeal. We are not going to conclude it today and I have spoken to the Leader of the Opposition and other stakeholders. We are going to give more time for the public to come on board and it is the same pattern we are going to use.

Mr Speaker, Honourable Members, when we come to the Committee Stage, interested parties can bring up ideas. This Bill has to do with the abolition of the death penalties. The public is going to be involved because we are not alone in this business. We have taken note of the point he raised and I want to assure him that the needful will be done on all critical Bills. The Cybercrime and the University Bills were very critical and that was why we allowed them to go and have discussions first before they came back to the Committee of the whole House. The Honourable Leader of the Opposition said sometimes we have to come to Committee of the Whole House. However, your point is good and is noted. People are now following the proceedings of Parliament on TV and social media, and they now know what we are doing here. I appreciate what you said and all critical Bills will go through pre-legislative hearings. I want to reassure you that procedures cannot be circumvented.

Mr Speaker, Honourable Members, for the Bill before us, we will take a particular trajectory on how to handle it. I appreciate you so much for sometimes bringing the House to speed in terms of raising critical issues. I have never looked at you as controversial person, but you are doing your job as a meticulous Member of Parliament. Thank you very much, Mr Speaker *[Applause]*.

MR ANTHONY BREWAH *[Attorney General and Minister of Justice]*: Mr Speaker, Honourable Members, I move that the Bill entitled the Abolition of the Death Penalty Act, 2021, be read the first time.

[Question Proposed Put and Agreed to]

[The Bill entitled the Abolition of the Death Penalty Act, 2021 has been read the first time]

[SECOND READING]

MR ANTHONY BREWAH: Mr Speaker, Honourable Members, I move that the Bill entitled the Abolition of the Death Penalty Act, 2021 be read the second time. Mr Speaker, this Bill seeks to amend four Acts in our jurisprudence, all of which provide for the death penalty reconvicted and the Acts are:

The Offences Against the Persons Act of 1861, The Robbery with Aggravation under the Larceny Act of 1916, Mutiny under the Sierra Leone Military Forces Act of 1961 and the Treason and related Offences under the Treason and State Offences Act of 1963. This Bill seeks to nullify all those provisions in those Acts which provide for the death penalty when convicted, and to make alternative provisions for the punishment of persons who are convicted. It also provides for other related matters.

Mr Speaker, Honourable Members, I move that the Bill entitled the Abolition of The Death Penalty Act, 2021 be read the second time.

[Question Proposed]

THE SPEAKER: Honourable Members, since this Bill is going to be looked at clause by clause and line by line, by the Committee of the Whole House, I crave your indulgence that we take three speakers from either side of the aisles and then the Leaders round off the debates.

HON. HINDOLO M. GEVAO: Mr Speaker, Honourable Members, today is a great day for this nation. We are witnessing yet another bold step being taken by His Excellency the President of the Republic of Sierra Leone to abolish a law that, over the years, politicians used in their favour. We are so lucky that we have a President who has come to change the democratic landscape of our nation's democracy.

Mr Speaker, Honourable Members, the death penalty law has been in the law books of almost all countries around the world. However, as we approach the 21st Century, nations around the world came to realise the need to initiate discussions or debates surrounding death penalties and the need to abolish same. It is against this

backdrop that the Government of the erstwhile President, Dr Ahmad Tejan Kabbah of blessed memory, placed a moratorium on death penalty. So, Sierra Leone has witnessed a period of over 15 to 20 years without anybody being executed for mutiny, treason or robbery with aggravation. With that moratorium, we have lived happily together till this day, when we have decided to abolish this law.

Mr Speaker, Honourable Members, we are not in this alone because several other countries around the world, such as the United Kingdom, Portugal, Denmark, France, Netherlands, Cyprus, etc. have abolished the death penalty. We have about 50-60 countries that have abolished the death penalty laws. Again, several other countries in Africa have done same, like South Africa. Today, we are about to be on record as one of such countries that has taken the bold step to respect human dignity. I will try as best as possible to highlight the merits of this Bill. The Death Penalty is one such offences geared towards deterrence; i.e., it was believed that an eye for an eye. This means that if you kill, you should be killed and that will prevent other people from killing. Mr Speaker, we have however come to the realisation that killing those who have killed others by the State is no longer tenable and it has not even prevented people from killing others. The more the State kills people because they have killed others, the more we continue to see more offences like murder, manslaughter, and murder emanating from robbery with aggravation, etc.

Mr Speaker, Honourable Members, people have been killed for such offences as murder, mutiny, treason, etc. when in actual fact they were innocent. The question is how do you compensate somebody who has been killed for an offence he did not commit? In England, for instance, the Birmingham Six were tried, convicted and executed. Few years down the line, evidence came out to show that those who were killed were not the ones that committed the offence. How do you compensate an innocent person you have killed? Another incident happened in the Mississippi, where a young man was arrested, incarcerated for murder and placed on the death roll, but evidence came out later to show that he was innocent. The famous writer called John Garcia had to capture that entire episode in a novel titles 'The Innocent Man.'

Mr Speaker, Honourable Members, you will agree with me that because innocent people have been convicted of murder, treason, mutiny and the likes, that is why we are here today to abolish this law. I am certain that sending somebody to life imprisonment is sufficient punishment for someone who had been found guilty of killing another person *[Applause]*. Mr Speaker, when found guilty by the High Court, for instance, you are convicted and sentenced to life imprisonment, but if any evidence comes out to show that you are not guilty of that offence at Appeal's Court or Supreme Court, you will be set free. That is sufficient or reasonable enough for the State to look at ways of compensating you for being incarcerated wrongly.

Mr Speaker, Honourable Members, our generation is making history. This means that the laws that have affected our lives over the years are now being repealed. The law on the Offences of the Persons Act was passed in 1861. How was the world in 1861 and what it is in 2021? These are two different dates. It is therefore important for us to look at this Bill carefully and repeal same. I am not trying to be controversial, but if this law had been repealed before this time, I am sure people like Bash Taqi, F.M. Minah, Kula Samba and others would have still been alive, maybe serving life imprisonment. So, these are some of the reasons why both sides of aisles should repeal this law. I am particularly grateful to the Attorney General, who is Lawyer with 18 years standing for bringing this Bill. He is a Criminal Law expert and he is my Pupil Master who has been blessed with the opportunity of bringing this Bill here.

Mr Speaker, Honourable Members, we have to hastily debate this Bill and commit it to Legislative Committee. I thank His Excellency the President, who has taken the bold step never to use it in his favour against anybody *[Applause]*. We are all politicians and repealing the Treasons Act will serve us well. I want all of us to look at where we have come from as a nation and where we want to go. If this law is repealed, it will help to strengthen our democracy. Mr Speaker, I want to be on record that I, Honourable Hindolo Moiwo Gevao, stand in support of the repeal of the death penalty law in Sierra Leone. I thank you *[Applause]*.

THE SPEAKER: Mr Minister, unfortunately Members of Parliament have not got copies of the relevant Sections of the Acts to be amended in this particular Bill. Mr Minister, please make sure you provide copies against the next adjournment date

because Members of Parliament need those Sections to be able to properly debate the issues. In addition to that, I want to crave your indulgence to take note of the relevant conventions relating to the abolition of the death penalty and see if they could be brought for ratification. This is very important, Mr Minister.

Honourable Members, a great thing is happening in Sierra Leone and today is a very powerful day in the history of this nation. This House is about to abolish the death penalty laws. I was expecting all Human Rights and Civil Society Organisations to be around the precincts of Parliament dancing. I expected this House to be crowded with people because Parliament is seeking to do something remarkable and this will go down in the history of this nation. We have not seen any of them here but I want to take this opportunity to invite all CSOs and Human Right Organisations to be here on the next adjourned date, so that they can sensitise the people of Sierra Leone what we are trying to do here. I thank you very much *[Applause]*.

HON. MATHEW S. NYUMA: Mr Speaker, although you have asked the Minister to bring copies of the relevant sections, I think they skilfully inserted the provisions in the Bill.

THE SPEAKER: Honourable Member, it is their responsibility to provide copies.

HON. MATHEW S. NYUMA: If you look at the Bill, they also indicated the provisions they are going to repeal.

THE SPEAKER: We need copies, Honourable Member.

HON. CHERNOR R. M. BAH: Mr Speaker, the Attorney General and his team do not need to print the entire Act, just the areas that are affected.

THE SPEAKER: Indeed, just the sections that are affected. However, even though the AG's office is fully funded, we will only need the relevant sections.

HON. AJIBOLA E. MANLY-SPAIN: Mr Speaker, thank you for the opportunity. I want to follow the queue in terms of what was said by Honourable Hindolo M. Gevao. I am happy that after 45 years, this Bill is now before this House *[Applause]*. I do not think if there is someone on this side who do not appreciate this Bill and the effort of the government. As the Speaker mentioned, the Human Rights and Civil Society Organisations should be here. I want to ask whether they were invited in the

first place. Let us invite them to be here and if they fail to come, then we know that they are not serious about human rights issues. Mr Speaker, you pre-empted what I wanted to say. I was going to request the office of the Attorney General and the Leader of Government Business to provide us with the Act. This is because we have to make comparisons where necessary. For example, in one of the sections in the Treason Act, it appears as if something is missing. I always believe that treason was to overthrow the Government of Sierra Leone through the use of force of arms, but we have 'unlawful means.' If that is the proposed amendment, then it means the threshold for conviction is being lowered. So, we have to be able to look at things with critical mind. This is not just an amendment or removing the death penalty, but it makes it easy for somebody to be convicted of treason. These are the things we should look at, Mr Speaker. I am sure the Leader knows that we should be supplied with the relevant copies. I thank you very much *[Applause]*.

HON. EMILIA L. TONGI: Mr Speaker, death penalty is the worst penalty for mankind. This is written in the Holy Bible as one of the Ten Commandments. The Bible says: "Thou shall not kill." When I was going through some investigations in America, I came to find out that a 12 year old boy was killed because he was accused of killing someone and it was a painful moment for the parents, especially the mother. You would agree with me that death penalty is a worst to mankind *[Applause]*.

Mr Speaker, Honourable Members, I am saying that death penalty should be abolished and every living soul should be happy about it. It has to be replaced with a friendly punishment, such as imprisonment without presidential pardon. I think it is the best. I mean when somebody is dead, that is the best comfort and peace the perpetrator is expecting and the parents will continue with the pain throughout their lives. So, let the death penalty be abolished and replaced with life imprisonment. Mr Speaker, I believe we do not need lawyers to stand in this Well and tell us about death penalty because it should come from the ordinary people. The death penalty was created for lawyers to debate it they know about the law and they could bring critical issues in the court to free the victim. I think this Bill is in place and I want to thank His Excellency the President for demonstrating a high level of political will.

Mr Speaker, Honourable Members, I want to appeal to all my colleagues to come together as citizens of this country and enact this Bill into law. As Christians and Muslims, the death penalty should be abolished because it is a waste of human lives. I hope and believe that all of us here today are in the same spirit. There is nothing much to debate and we do not have much to convince the Minister, but we want the death penalty to be abolished. A lot of victims have been killed for nothing and there is nothing we can do for their parents in terms of compensating them. So, even if we give them money, I am sure that will not bring back those people alive. Honourable Hindolo M. Gevao had mentioned those who have died due to the death penalty law. Mr Speaker, it is regrettable, but we believe that this will be in the past and nothing like that will happen in this country any more. I thank you *[Applause]*.

HON. ALUSINE KANNEH: Thank you, Mr Speaker. Mr Speaker, we are here to make sure we do the needful. This country has been crying for quite a long time in terms of the death penalty. We could remember the days of Minah, Kaikai, Sorie Fornah and others. Mr Speaker, President Julius Maada Bio promised the people of this country in his manifesto that he would eliminate or abolish the death penalty totally.

Mr Speaker, Honourable Members, we are here to assist the President to abolish the death penalty that has been in existence for quite a while. We are all happy that this particular Bill is before Parliament. This country believes in human rights and the rule of law. The President is a God fearing President and I believe he wants every human being to continue to live.

Mr Speaker, Honourable Members, this is why I have maximum respect for this Government and the President. I am sure every Member of Parliament is happy because we do not want our people to be killed using the death penalty law. This is about Sierra Leone and it might be you tomorrow. This is because someone may lie against you and you will be found guilty and sentenced to death. Mr Speaker, what Palo Conteh did was a treasonable offence and that should have cost him his life *[Applause]*.

Mr Speaker, Honourable Members, the gallows has been cleansed to kill all trouble makers, but today the President is making sure that the gallows is no more. So, this

Government is a Government with credibility, transparency and accountability. It is a Government that believes in human rights and respect for the rule of law. Therefore, I want this particular Bill to be passed into law. Thank you very much [*Applause*].

THE SPEAKER: Honourable Members, after the Honourable Abdul Kargbo, I will call on the leader of C4C.

HON. ABDUL KARGBO: Mr Speaker, Honourable Members, today is an important day in the history of our nation. Mr Speaker, colleagues Honourable Members made mentioned of those who were convicted for treason and they were killed. They committed offences that were grievous, but their lives should not have been taken under any other circumstance. I read about the case of Berthan Macaulay and Al-Gasimu Jah, who were military officers. The Ray Ban Glasses of Berthan Macauley was stolen by Al-Gasimu Jah and he was taken to Court Martial. He was found guilty and the Court Martial decided that he must be killed for stealing the Ray Ban Glasses. Mr Speaker, Al-Gasimu Jah was killed.

Mr Speaker, Honourable Members, we are addressing a very serious issue and for us to know the meaning of what we are doing, it means that whatever crime somebody commits, the life of that person must not be taken. This means even when a person is found guilty and convicted, he should not be killed. In other words, criminals or those who have gone against the law should not be killed. Mr Speaker, the message this is sending to us is a strong message. It means those who are exercising their legitimate democratic rights in the form of protest should not be killed. This should be the end of extra-judicial killing and the end of police violence.

Mr Speaker, Honourable Members, you would agree with me that we have had lots of killings in recent times. We have the Tombo killing, Kabala Town killing, Makeni killing, the Pademba Road prisons killing, etc. The essence of this law is that even when somebody goes against the law of the land, the life of that person must not be taken by any means. If the Government is serious about this, I am sure their actions should have been felt in the manner in which lives were taken extra-judicially in this country. Sierra Leoneans were killed in Makeni, but we saw the President and the First Lady riding a bike without any condolence message. Mr Speaker, over 20 to 30 Sierra Leoneans were killed at the Pademba Road Prisons and nobody made a

statement about that. So, this law is saying that even when someone is lawless and is found guilty of lawlessness, he/she should not be killed. We are repealing the death penalty, but I want to seize this opportunity to advise the various forces we have in the country, especially the police that this is the end to the use of life rounds. When citizens demonstrate, it is their democratic and constitutional rights and it should not be used against them.

Mr Speaker, Honourable Members, I want to commend the President and the Government for considering the repeal of the death penalty law. I want to call on us all to be watchdogs. Sometimes when you are on the Government bench, you tend to support everything, but when the Opposition critiques issues, you begin to see it as a crime and that is why we are where we are.

HON. MUSTAPHA M. SELLU: Mr Speaker, I need some clarifications. The Bill before us is talking about repeal. I want to look at the long title which reads: 'The Abolition of Death Penalty. We are talking about convicting people for killing others under the Offences against Persons Act of 1861, Robbery with Aggravation, Act, the Larceny Act of 1916, Mutiny Act of 1961, the Treason and related offences under the Treason and State Offences Act of 1963. The Honourable Abdul Kargbo is referring to riotous conducts that resulted in loss of lives, which the police or whoever may have done it is not part of this particular Bill. I want to know if riotous conduct is part of the Bill we are repealing

HON. ABDUL KARGBO: I want to respond to the Honourable Member.

HON. MUSTAPHA M. SELLU: Honourable Member, please allow me to finish.

THE SPEAKER: Honourable Abdul Kargbo, please be guided. Your point is noted; and Honourable Abdul Kargbo, please be guided.

HON. ABDUL KARGBO: Mr Speaker, I want the Honourable Member to note that all the law books that have death penalty provisions are the ones we are repealing. If the death penalties are not in any of these books, then they do not exist.

HON. MUSTAPHA M. SELLU: Please use the words 'when convicted.'

HON. ABDUL KARGBO: Mr Speaker, it is a grievous crime to kill someone who is not convicted. The books that contain the death penalty are what we are repealing.

HON. HINDOLO M. GEVAO: Mr Speaker, the Honourable Member should be guided. I am certain that Section 26 of the 1991 Constitution of Sierra Leone is very clear about riotous conducts. We are amending the Acts that have to do with death penalty and not the 1991 Constitution of Sierra Leone. I am sure deaths that emendate from riots are unforeseen or unanticipated and therefore they cannot be sanctioned. I call on my colleague to move away from that topic because the subject under discussion is not riotous conducts.

THE SPEAKER: Honourable Abdul Kargbo, please be guided.

HON. ABDUL KARGBO: Mr Speaker, I hope we are true to ourselves. I hope we are sincere; or do we intend to kill people under the guise of riotous conducts? Is that what we are saying? Do we intend to kill people who are not tried and found guilty? Is that what we are saying? Mr Speaker, why are we wasting our time or do we want to present a picture to the International Community that we are repealing the death penalty whilst we intend to kill innocent people? Is that what we are doing? I am certain that once we repeal these Acts, all forms of taking people's lives should stop in this nation. When someone fails to respect the law, take the person to a court of law and try him/her, but do not use life rounds on the person.

THE SPEAKER: Honourable Abdul Kargbo you are saying something quite different from what we are actually here for. What you are saying now is extremely different from the topic under consideration. These are two different issues and normally in debate we talk about relevance. When you debate, you debate issues that are relevant to the debate. I have told you to be guided.

HON. ABDUL KARGBO: Mr Speaker, I am saying this because we have had more killings of recent times in this country based on extra-judicial killing than the death penalty. Mr Speaker, when last did we use the death penalty law?

THE SPEAKER: Honourable Abdul Kargbo, if you continue along that line, I will have no option, but to disallow you and give the Floor to someone else. The point is that we do not want to use this occasion to bring other issues that are not related to this Bill. What you are saying is not related to this Bill. This Bill talks about conviction; i.e., when someone is convicted, that person is sentenced to death and that is the aspect this Bill is seeking to amend or remove. We are not talking about

someone who comes to burn a whole village or a community where lives will be lost. The Executive has reasonable powers to use force against anyone who would want to create inconveniences or damage lives and property. The Bill before us has to do with the death penalty and it is different from what you are talking about.

HON. ABDUL KARGBO: Mr Speaker, this will be my last statement before I take my seat. Please note that there were prisoners at Pademba Road Prisons who were not found guilty.

THE SPEAKER: They do not need to be found guilty. If you are incarcerated by the State and you are killed in the process of trying to escape by forceful means, it has nothing to do with the law.

HON. ABDUL KARGBO: Mr Speaker, I am a Sierra Leonean.

HON. MATHEW S. NYUMA: Point of Order, Mr Speaker. Mr Speaker, forget about those who are in prison. I am sure prison break is a war crime. You want to free criminals who have done so much mayhem in the society? Some are convicted and some are on trials. Prison break is a war crime and you could be shot in the process.

HON. ABDUL KARGBO: Mr Speaker, Honourable Members, if you give me the opportunity, I want to make my last statement before I take my seat.

THE SPEAKER: Honourable Member, even the nations we consider as the most civilised nations in the world, shot at those who would want to escape from prison. There is nothing illegal about killing someone who has been convicted by the state and tries to escape. When you mention some of these issues, you are indirectly embarrassing Parliament because we make the laws. We should not even raise some of these issues here.

HON. ABDUL KARGBO: Mr Speaker, I am still making my point.

THE SPEAKER: I will give you one minute to conclude.

HON. ABDUL KARGBO: This is going to be my last statement. I am saying that there is every possibility that in a prison break, someone who has not been found guilty of death penalty would be shot dead.

THE SPEAKER: Honourable Abdul Kargbo, please sit down.

HON. SAA E. LAMINA: Mr Speaker, Honourable Members, I would not hold the two parties for the abolition of the death penalty. The 1861 and 1916 laws are almost 150 years, which is a century and half these laws have existed. Mr Speaker, having the opportunity to repeal this law makes me not to hold the two old parties responsible. You would agree with me that every country is trying to repeal the death penalty laws and this country is moving towards that trend, and we must commend the Executive Arm of this Government.

Mr Speaker, Honourable Members, it will benefit no nation to kill two citizens at a time, because the one has killed the other. If we kill someone because he/she has killed, it will benefit that nation nothing and this is why we have correctional centres. Mr Speaker, one belief I hold is that if somebody is kept at the correctional centre and with time that individual rehabilitates, he/she can turn out to be a good pastor or good Imam in that prison. So, let him/her spend life imprisonment. In fact, the person will even convert many other people. The list is long for the number of people who have died through death penalty. I learnt from Johan Galtung, the father of Peace and Conflicts Studies, that there are theories that push someone to do something. These are the Psycho Analytic Perspective, the Identity Formation and the Frustration Aggression Theory. I am sure any individual here could be a potential 'Foday Sankoh' because of Frustration Aggression Perspective. Mr Speaker, even the Relative Deprivation Theory could push someone to commit murder.

Mr Speaker, Honourable Members, the law we are about to repeal today will make us heroes and heroines. We will live to tell the story that there was a law that makes provision for those who kill others to be killed also, that law had been repealed by Members of the Fifth Parliament. It is sad to note here that the list of those who have been killed because they killed others is so long. People have been killed for treason, mutiny and murder. Mohamed Sorie I. Fornah is one of the victims.

Mr Speaker, Honourable Members, my father did not attend Bo School; he attended the Koiyema Secondary School, but he used to tell us that Mohamed Sorie I. Fornah was one of the brightest Tonkolili sons that always take the first position throughout his studies at Bo School. He made history even amongst the westerners. He got distinction in medicine and was the youngest senior prefect. That was what my late

dad said about Mohammed Sorie I. Fornah. His zest to form the United Democratic Party was seen as a threat. His affiliation with Brigadier Bangura, head of the army by then and Kulagbanda, also a lieutenant by then were accused of committing treason and Mohamed Sorie I. Fornah had to die through this law. I started wondering his brilliance and ability to have changed if it was life imprisonment.

Mr Speaker, Honourable Members, I must commend the Fifth Parliament for repealing bad laws. My great grandfather suffered from the banishment law from Kamakwei and Kono to Sella Limba. Mr Speaker, in 1970 to 1978, bad legislations were brought to this Parliament. The 1978 One Party Constitution was promulgated and provided for the head of police and head of army to be made Members of Parliament. Mr Speaker. If I am the head of police or army and I happen to be a Member of Parliament, I will look for an opponent I will accuse of treason. Mr Speaker, I must state here that Connell Duwa sitting here today would have been a dead man. He was number eighteen [18] in the former President Ahmed Tejan Kabba's mutiny list. He would have been a dead man. He is the current Director of Sergeant-At-Arms in Parliament. Mr Speaker, look at the good stewardship he is providing to this House. What would have benefited this nation if he would have been killed by the late President Ahmad Tejan Kabba *[Applause]*?

Mr Speaker, Honourable Members, as I stated earlier, the list is long. My kinsman, Tamba Gborie, was also killed. We must commend Members of the Fifth Parliament for repealing a law that could make someone regrets being a Sierra Leonean. Every country is repealing bad laws and we should commend ourselves.

Mr Speaker, Honourable Members, that notwithstanding, we are still scared because most of the ex-combatants that were involved in the 11 years civil war are still with us; and because they are still with us, even as we move towards repealing this law, we should also have them in mind. S.Os. [2] 'mens rea is the thought of committing a crime. Again, I must commend all of us for unanimously working towards repealing this bad law. I hope by the time S.Os. 51 [1] is revoked; we would have done justice by thoroughly looking at the repealed law for the betterment of this great nation called Sierra Leone. I thank you very much *[Applause]*.

HON. DR MARK M. KALOKOH: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, when my colleague from Kailahun was debating, he mentioned names of people who were described yesterday as heroes and heroines of Sierra Leone. I want to join others to thank His Excellency the President for bringing this Bill to Parliament. I wish he would have had that in mind at the time he ordered the execution of Bambay Kamara, Kula Samba, Ibrahim Sorie Fornah and others.

[Suspension of S.O. 5[2] being 12:00 noon]

HON. DR MARK M. KALOKOH: We are here to ensure that these bad laws are totally abolished. This country has lost a lot of good Sierra Leoneans to the death penalty law. We have lost brains in this country and this is why we must thank His Excellency the President for this bold step he has taken.

Mr Speaker, Honourable Members, I will not take much of your time. However, the Honourable Member from Kailahun referenced Section 26 of the 1991 Constitution, I will refer this House to the exceptional clause in Section 16 of the 1991 Constitution and to give further explanation how will that be linked with the abolition of death penalty. You would agree with me that the Constitution is the ground norm of our society. If you look at Section 16, there is an exceptional clause and that exceptional clause goes with conviction. The issue raised by the Honourable Member from Port Loko cannot be swept under the carpet. As a nation, we should ensure that what happened in the 60s and 70s under the one party system is not repeated in the days of democratic dispensation. Therefore, the killing at Pademba Road is still affecting this nation and we are yet to have a proper explanation of that. We demand the Government to give comprehensive explanation of what happened there. My colleagues on the other side said prison break is a war crime. I do not dispute that at all, but let me ask, what about those who suffered the consequences that were outside the prison.

HON. HINDOLO M. GEVAO: Mr Speaker, the Honourable Member made reference to Section 16 and said there was a proviso for the edification of the public.

HON. DR MARK M. KALOKOH: I said exceptional clause.

HON. HINDOLO M. GEVAO: Mr Speaker, I want him to know that the clause he referred to supports the fact that the repeal of this law has nothing to do with what is in the 1991 Constitution. Mr Speaker, with your permission, Section 16[2] says: without prejudice to any liability or contravention of any other law with respect to the use of force in such cases as are thereafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use of force to such extent as is reasonably justifiable in the circumstances of the case that is to say;

[a] For the defence of any person from unlawful violence or for the defence of property;

[b] In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

[c] For the purpose of suppressing a riot, insurrection or mutiny; or

[d] In order to prevent the commission, by that person, of any criminal offence; and

[e] If he dies as a result of a lawful act of war.

Mr Speaker, all these provisions are just buttressing the fact that we are here to repeal and we are the people's representatives and we are the authors.

THE SPEAKER: Honourable Dr Mamoud M. Kalokoh, please be guided. We should not end up embarrassing this Parliament.

HON. DR MARK M. KALOKOH: Mr Speaker, I referred the House to Section 16 [1] of the 1991 Constitution and I simply asked for an explanation on how we are going to delink that. I did not ask you to read the provisions you have just read.

THE SPEAKER: Honourable Kalokoh, I give you one more minute!

HON. DR MARK M. KALOKOH: Mr Speaker that was a very simple question to explain to us. Mr Speaker based on the memorandum of object and reason, I want to know how we are going to delink it because the Constitution supersedes.

THE SPEAKER: The Minister will tell us, Honourable Member.

HON. BASHIRU SILIKE: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, today we have the Abolition of the Death Penalty Act, 2021

before us. I thank the Minister for presenting to us this Bill and it is going to stand the test of time in contemporary democracy. I also thank His Excellency the President, for delivering on his manifesto promises. Some few months ago, we were here to repeal the 1965 Public Order Act, especially Part V of that Act. It is one of the promises he made during the campaign trail. This is also one of his campaign promises to the people of this country. I admire his Excellency the President so much because when the former Government of the late Alhaji Dr Ahmad Tejan Kabba created the Truth and Reconciliation Commission [TRC], the now President in his wisdom faced the TRC and apologised to the people of this country for the death of those that were killed by the NPRC. He took the collective responsibility and promised the Republic of Sierra Leone that that will never happen again. Today, he is in governance and he is true to his words. He has presented to this House a promise he made during his cross examination at the TRC.

Mr Speaker, Honourable Members, it is difficult to see leaders condemning laws they could have used to their advantage. There have been leaders in this country who have promised this nation to repeal the 1965 Public Order Act, but they failed to live to their promises. They came and used those laws to their advantage. It is no secret that this current President is a victim of blackmail and criticism by the public and the media. He is true to his words because he came and repealed this bad law. This is a President who is true to himself. He promised to abolish the death penalty and that is what we are doing now. The Minister is piloting the Bill on behalf of His Excellency the President. Thank you very much, Mr President for always standing by your words. Thank you very much, for proving your critics wrong and for making us proud.

Mr Speaker, Honourable Members, we are going to join countries of the world to abolish the death penalty. As it stands currently, we have 108 countries that have abolished the death penalty. There are 144 countries that have abolished the death penalty both on paper and in practice. Sierra Leone, as a country, is going to be part of those that have done it and we will be the 145 country to abolish same on paper and in practice. If you politicise everything that comes to this Parliament, it means you are not true to our people. What happened at Pademba Road prisons, Tombo,

Bumbuna and Makeni is captured in Section 16 [2] of the 1991 Constitution. We are in governance and we could have used the law at our own advantage against opponents. In fact, if this President is not good hearted, he could have used this law to silent his opponents. The President thought that what was bad yesterday is equally bad today. If the death penalty was bad yesterday, it is bad today. There is no way we are going to justify what was wrong yesterday. I am sure what was wrong yesterday is wrong today. So, we are going to rewrite the history. What is correct today will be correct in the future.

Mr Speaker, Honourable Members, we have African countries that have removed the death penalty from their law books long time ago. For instance, in Rwanda, the death penalty was abolished in 2007, in Burundi and Togo it was abolished in 2009, in Gabon it was abolished in 2010; in Benin, it was abolished in 2012; in Congo and Madagascar, in 2015; in Guinea, it was abolished in 2016; etc. What we are doing now is abolishing both ordinary and military crimes. The President is a true patriot and he is a man that stands by his words. He is a President that does not politicise national issues. He does not want to use these laws to silence his opponents. He has all the powers, but he knows that such powers are not good for our democracy.

Mr Speaker, Honourable Members, my colleagues mentioned the Pademba Road prisons saga, but I want to say these were not judicial killings. Well, we are now saying that judicial killing should be disallowed forthwith. It should be stopped. We should be moving with time. I am sure death penalty has not helped any nation because the crime rate is still alarming. Crime rate has never reduced.

Mr Speaker, Honourable Members, I know my brothers are not happy at all. They want to politicise this issue. I listened to my colleague from Port Loko and I have heard what he said about this Bill. He mentioned issues that are irrelevant. I want to however implore all of us to collectively support the passage of this Bill into law. This stands to benefit all of us. We are not interested in using this law against our opponents. If at all you did not want this law, why did you leave it in our law books? We do not want it and our President is a democratic President. He is bold enough to tell the people of this country that we have to repeal this law. We do not want a bad President that will use this bad law.

Mr Speaker, Honourable Members, if the current President is a bad man, he would have used this law against his opponents. We do not want it in our law books and that is why we here to remove it, so that if we have a bad President, he/she will not be able to use it. We are now forcing future governments to be democratic *[Applause]*. We are going to force future governments to be democratic. I am sure even if you come to power after forty years, we are now forcing you to be democratic. We are laying the foundation for you when you come after forty years, if ever you are going to come to power again. We know what you are capable of doing and that is why we are forcing you now to follow the tenets of democracy.

Mr Speaker, Honourable Members, I want to thank all Members of Parliament and I am sure this Bill will be accepted by all of us because this is a democratic Parliament. I thank the Minister and His Excellency President.

HON. MOSES A. EDWIN: Thank you, Mr Speaker for this opportunity. I am not adverse to the abolition of death penalty. I however want this House not to only narrow the death penalty to political crimes. We have to go beyond political crimes. Our youths are so enthusiastic and spontaneous to react to each other. They are spontaneous in exerting their energies against one another. There must be safeguards in this Bill to address that issue. Those who are au fait with ghetto life will agree with me that the strongest in a ghetto is usually made king. If one of their ghetto colleagues fall victim, the rest will tend to avenge for the death of their colleague, especially when they know that the death penalty law has been abolished completely. They will prefer to be imprisoned for life. In fact, people will prefer tit for tat. So, if the necessary safeguards are inserted in this Bill, I think it will serve our people good.

Mr Speaker, Honourable Members, it is incumbent on us all to give thanks to His Excellency the President, Dr Retired Brigadier Julius Maada Bio for fulfilling his promise. If you go through our manifesto, you will find out that the President has done a lot for humanity because the death penalty is cruel to humanity and is why we are expunging it entirely from our laws books. We should however ensure that the necessary safeguards are put in place to avert more killings.

Mr Speaker, Honourable members, I thank the Minister for putting these documents together. I will want him to insert the necessary safeguards that we bring this country to the place where it should be part of the civilised world. I thank you and I implore all of us to speedily enact this law.

HON. MARIO F. KAMARA: Thank you, Mr Speaker. Mr Speaker, Honourable Members, it is indeed a great day in this country. I know this law is not going to be going to be repealed today. I am looking at it from another point of view. In fact, I want to thank the last speaker for that particular hint about tit for tat. Again, another speaker said people have been killed for killing others, but that has not stopped the killing. If people now know that they can kill without being killed, what do you think will happen? That is why I want to thank the Honourable Edwin for mentioning the safety guards. This is the main point I have here. Mr Speaker, when Section V of the Public Order Act was repealed, we were promised some safeguards to protect people in the communication sector. I am sure those safeguards are yet to come and I do not think if they will come.

Mr Speaker, Honourable Members, I have a problem with this system. Mr Speaker, when the COVID-19 struck, we accepted the one year state of emergency with the promise that guidelines or regulations would be issued out. Surprisingly, those guidelines were never issued out. I want to thank the President, but I want us to stop talking about fulfilling a manifesto. Let us do what is good for this country. We know that laws are there to protect the people. If a particular law to protect the people is being repealed, then there must be safeguards to prevent others from using same to disadvantage others. Mr Speaker, let us have certain things very clear. I am certain that nobody wants another person to be killed, especially when he is a close relative or somebody you admire. Sometimes some people kill accidentally while others kill wilfully or intentionally. There are differences between the two. Let us take it from the point of view of somebody killing another. We know what has been operating in this country. What if somebody who is a known killer is serving life imprisonment and after few years he/she is released on presidential pardon. He/She will be parading in the streets. Are we safe? Will the people feel

safe, especially those who have suffered in the hands of the victims? What guarantee do we have?

Mr Speaker, Honourable Members, we are all happy to repeal this law, but I want us to stop comparing ourselves to other countries. This is Sierra Leone and we are 99% a religious country, Muslims, Christians and the like. We have mentioned America and other countries, but we have seen countries that are going against the Bible and the Quran. We know about Sodom and Gomorrah and the issue of lesbianism. Today, there are countries that are allowing homosexuality and lesbianism. These are countries that are abolishing death penalties. Mr Speaker, what we are doing here is for Sierra Leoneans and we must do things as Sierra Leoneans. We know people kill others here without thinking. If we have to repeal this law, let us educate the people about this law. I am sure education is very important. We cannot just abolish the death penalty because we want to satisfy the world. Our people are not as educated as others. I will be happier if this Bill is committed to the Legislative Committee.

Mr Speaker, Honourable Members, we have to invite the Civil Society Organisations, so that they will do enough sensitisation. This is not a question of wanting somebody to kill another. We should not allow other people to kill others. I thank you, Mr Speaker.

HON. ABDUL K. KAMARA: Mr Speaker, Honourable Members, as a member of the Amnesty International and a one-time president of the Milton Margai chapter, I think today is a fulfilled day for Amnesty International around the world. Therefore, we want to take this opportunity to thank His Excellency the President, for taking this bold step to repeal this death penalty. However, being a human rights activist for a long standing, there are questions we need to ask ourselves as lawmakers. For instance, what will happen to those who kill others with deliberate intentions? As we are about to repeal this Act, we should look at laws that address areas, such as terrorism. What will happen to potential terrorists that will attack and kill thousands of people? What will happen to those who enjoy killing other people?

Mr Speaker, Honourable Members, we are here as politicians and we are very close to the 2023 elections. Again, we should critically analyse the situation that occurred

when Forni killed the boy that was supposed to be with John O. Benjamin at that time. He was tried and found guilty.

HON. BASHIRU SILIKIE: Mr Speaker, the issue the Honourable Member is referring to was an allegation. He was not found guilty. He was acquitted by the court.

HON. ABDUL K. KAMARA: I take the queue from you, Mr Speaker. My point is that what if wicked politicians use thugs to kill people innocently. A mad man by the name of Blacker was beaten and nothing came out of it. I am sure this law will give wicked and reckless politicians the leverage to send their boys to kill other people, and when they are tried and found guilty, they leave them under the guises of pardon. How would you feel if your brother is killed, and the killer is parading the streets of Freetown freely?

Mr Speaker, Honourable Members, we are bringing out some of these things not because we want to politicise issues, but to appeal to the conscience of law makers to understand what it means to lose a loved one. Mr Speaker, if we have our way, we will not allow God to take our loved ones. If someone says I am going to kill you and does that, then comes in the mens rea. Mr Speaker, if a person is found guilty and is sentenced to life imprisonment, but because he/she is connected to the powers that be, he/she could be granted Presidential pardon. The person could be sent to jail, but because he is highly connected, he could be released within few months or years. How would you feel seeing a killer walking free? That is why I agreed with Honourable Edwin from Bonthe when he said that we need to put safeguards in place. If someone is found guilty of murder, there should be a reasonable time he/she could spend in prison before he/she could be granted presidential pardon. We have to ensure that people do not use this law to their own advantage. As politicians, we make policy statements during campaign, but it is left with us, as Members of Parliament, to look at the reasonability of those pronouncements.

Mr Speaker, Honourable Members, I think the Honourable Member should stop saying because the President put it in his manifesto, we should not approve it hastily. Let us apply caution and wisdom in the way we do things. Let us ask

ourselves the question, what if we have terrorists in Sierra Leone? We should not forget that these terrorists are people in high placed organisations. They will commit a crime today and when a President comes tomorrow, the same network will bribe that President and go scot-free. I know Sierra Leone and in Sierra Leone, anything is possible.

Mr Speaker, Honourable Members, where is our conscience? Why do politicians in Sierra Leone even need death penalty when we know you can send your boys to kill others and go free? What the people of Sierra Leone need now is not only the abolition of the death penalty, but a situation where they are free to express their freedom. They need a situation where they are free to speak their minds. Few months ago, somebody was incarcerated for eight months for possessing Panadol tablets, but the actual crime was not just Panadol. In fact, everybody in Sierra Leone knows what it was. Therefore, what we need to address in Sierra Leone is not just the issue of death penalty, but also freedom and justice. When there is justice and freedom, even when you are in Opposition, you will be rest assured that your liberty will not be tampered on.

Mr Speaker, Honourable Members, I want to state here that the wisest politician is not the one who cautions others, is the one who prepare his mind to be intimidated by wicked opponents. What we have at hand is a situation wherein we are on the other side, but we want to treat you like brothers or friends. One thing I enjoy is the wisdom of the Speaker and he is aware of the issues relating to conscience. This is what is expected from senior Members of Parliament. Sometimes, I enjoy when the young ones challenge issues. The senior Members of Parliament should listen and caution us if we make mistakes.

Mr Speaker, Honourable Members, we have a situation in which the President made a manifesto promise, but he has given us the onus as Members of Parliament to reason it out and work with our conscience. Mr Speaker, the people of Sierra Leone want justice and they also need freedom to express their opinions. Mr Speaker, wisdom brings many things, but what you need to understand, as politicians, is the fact that you are a public enemy from the day you were elected and you are not protected by the people you make laws for then. Today, you enjoy making laws for

the country, but there is a life after being a Member of Parliament. We have made many laws in this country.

Mr Speaker, Honourable Members, when we were enacting the Sexual Offensive Act, I told colleague Members of Parliament that passing a law that makes provision for kids under the age of 18 years to be given life imprisonment was inhuman. Yesterday we were in Human Rights Commission; and sadly, one of the Commissioners told us that when he went to Kenema, he burst into tears when he saw boys as young as twelve and fifteen years of age being incarcerated for sexual offences. God save us and our integrities as Members of Parliament. That law was passed in this Parliament with no caution.

Mr Speaker, Honourable Members, I am sure when we make laws, sometimes we should not allow our emotions to ride over our reasoning. I rest my case.

HON. DOMINIC J. LAVALIE-TSHOMBE: I want to join my colleagues to lend my voice to this debate. I would start by saying that the question we need to ask ourselves about the death penalty is not only limited to whether somebody deserves to die because of a crime, but whether we deserve to kill the person.

Mr Speaker, Honourable Members, we are all supporting the passage of this Bill into law, but we have to provide some cautionary measures. If someone murders another person, he/she has given up his/her human rights. Like others have been saying, some killings are done with impunity. Therefore, when we go to the Committee Stage, it will be prudent for us to insert, if possible, the necessary clauses. Somebody spoke about the gallows, but we know that prior to the introduction of gallows, a lot of killings through armed conflicts or even with the use of knives by clique boys took place. I am sure when the gallows were introduced, the killings reduced drastically. Mr Speaker, somebody used to say S.Os. 2, 'kill dog before dog, make e know say die dae.'

Mr Speaker, Honourable Members, we have to ensure that those convicted of killing others with intent should not be granted presidential pardon. We already have life imprisonment for sexual offences. The legal people used to say that the punishment needs to fit the crime. There is a picture on social media where the chicks surround the carcass of their mother. Some chicks are shown standing on top of the corpse;

then someone commented that when you kill certain individual, you would have killed the entire generation or the entire family of that person. Some killings are done with impunity. Therefore, in as much as we are trying to meet our campaign promises, let us do it cautiously as others have been saying. Let us insert a proviso that will frighten people to stop killing others with impunity. When we came to the Anti-Corruption Commission, you said you wanted to make corruption crime costly and someone said the State had been killing those who have killed others, but the killing had not stopped. That is correct, but killing has reduced.

Mr Speaker, Honourable Members, let us be cautious in the way we handle some of these issues. We should not take things hook, line and sinker. When this Bill is committed to the Legislative Committee, let us go there and ensure that we put this Nation first. We should do this for our children and for generations yet to come. I thank you very much.

HON. DR UNPHA S. G. KOROMA: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, there is a proverb which says that society grows great when old men plant trees under which they know that they are never going to sit.' As Members of Parliament, we are here today to plant a tree that we will sit under its shade. I am sure repealing this law, especially the one relating to treason, has led to the elimination of many Sierra Leoneans. I am certain that this Bill is not just repealing death penalty law, but also the treason, robbery and mutiny. We are also repealing a law that protects victims of aggravated assault. Mr Speaker, under the guise of aggravated assault, a lot of Sierra Leoneans have lost their lives and an Honourable Member was also attacked at his home, but the culprits were never brought to book.

Mr Speaker, Honourable Members, the Bill before us will bring an end to political elimination. This Bill seeks to eliminate the death penalty completely. Some of us have heard people saying, S. Os. 2, 'Are go kill you, en run di jail.' We have a judicial system that is not reliable. Some of us have cautioned the actions of the Judiciary. Some colleagues who have spoken before me asked us to pay keen attention to the part that has to do with allowing someone who has killed to only serve life

imprisonment. I hope that people will not use this to abuse the law. I am sure the death penalty law has served a great deal and it succeeded in minimising crimes.

Mr Speaker, Honourable Members, education is important in this direction. The Honourable Member from Kambia spoke about crimes against humanity and crimes with impunity. We have to put in place safeguards. The Honourable Member from Kono spoke about the killing of Dr Mohamed Sorie Fornah in the 70s. Another colleague spoke about the killing of J.M.T Kaikai for a treasonable offence. For the records, he was my father-in-law; and if he had not been killed, maybe he would have been here today. Some of us have reluctantly come into politics because of the political elimination by those using their power to eliminate their enemies or those they considered as opponents. However, I came into politics because I believe in serving my people though there are consequences and rewards.

Mr Speaker, Honourable Member, some of my colleagues spoke about extra-judicial killings. A lot of Sierra Leoneans lost their parents after April 29, 1992. These were extra-judicial killings and we are worried that people may also be eliminated in the same manner. This Bill does not seem to address that and a lot of us want to talk about killings because of the prison break, but those prisoners never left the precincts of Pademba Road Prisons.

Mr Speaker, Honourable Members, we may want to make political points; but as Sierra Leoneans, we should have the conscience because it may be me tomorrow or a family member. My colleagues on the other side would want to say those people were killed righteously; but on this side, we do not believe that at all. I do not believe all the people that died were opponents of the SLPP or the Government or opponents of the APC. We have to be responsible law makers or responsible Sierra Leoneans when making statements. I am sure posterity will judge all of us for our actions. We should not be making statements to gain political points. A lot of us did not leave our careers to come into politics just to score political goals. We want to change the lives of our people; and if that is the case, we should be making responsible statements. We should not support wrong decisions because my Government is in power. The laws you make today could be used against you tomorrow.

Mr Speaker, Honourable Members, we welcome this Bill, especially when it comes to the treasonable act, mutiny and aggravated assault. However, there are those who would go to my house or someone's house probably not to steal or rob, but to eliminate them completely. The person will say: "I will kill you and serve the jail term." We should caution ourselves about that and ensure that we tailor this Bill in a manner that does not seem encouraging people committing more crimes. We have to ensure the law serves its purpose.

Mr Speaker, Honourable Member, we dedicate this Bill to those who have lost their lives in the name of political elimination. We should introspectively think about what we can do to reduce or remove political elimination in the name of extra-judicial killing that has happened in this country over the years and is still happening. I thank you for this opportunity *[Applause]*.

HON. CHERNOR R. M. BAH: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I would start by thanking all those who have contributed before me. I want to inform my colleagues that some of us have had engagements with the Deputy Attorney General and Minister of Justice on this Bill. The four leaders were present, except the Honourable Dr Kandeh K. Yumkella of the NGC, but he was represented. Most of these issues that are coming out now were discussed on that day. The sanctity of life is something we should not mortgage at all, be it judicial or extra-judicial killing. We want to thank the President through the Minister for bringing this Bill to Parliament. However, the Deputy Leader of Government Business said: "Judicial killings must stop; they are to be stopped." However, he did not continue to also mention 'extra-judicial killings. I am saying that all forms of killings must stop *[Applause]*.

Mr Speaker, Honourable Members, it is true that His Excellency the President was before the TRC and that he apologised to the people of this country, but he was not alone. The Minister of Justice knows that the former President, Dr Ernest Bai Koroma, did not only stop at the TRC because a huge ceremony was organised in Moyamba District, the home district of the current Minister of Justice. I am sure he is aware of that. It was massive and he apologised to the women and people of this country on acts perpetrated by others, including him. That is statesmanship, Mr

Speaker. It will continue because they are in charge of the State; and when you are regarded as Fountain of Honour, you take responsibility of everything, be it good or bad.

Mr Speaker, Honourable Members, these amendments we are talking about are relevant; but like others have said, if the President is desirous, as he has shown in this Bill, that lives should not be taken away, those lives must be protected entirely. So, we must engage our security forces, so that they handle other issues with appropriate force not disproportionate force *[Applause]*. This is because you would not want a situation wherein the President is desirous to protect lives, but those who are on the front line to help the President are not protecting the lives the President is desirous to protect. I do not want to go into the history of what have already been mentioned by my colleagues, but someone mentioned Mohamed Sorie Fornah's issue. He said we lost a good brain. I am sure Kula Samba is the first and the only woman to have been executed through a judicial process. She was a fine soldier. I am sure all of us are not happy; and probably those who did it would have regretted their actions. I am certain that they would have reversed their action if they had the opportunity to do so. I am sure they would have done otherwise, but lives have already gone. So, this is a good opportunity, Mr Speaker.

Mr Speaker, Honourable Member, we want to thank the Attorney General and Minister of Justice for championing this Bill. The Deputy Leader of Government Business mentioned the role we played on the Public Order Act. We were not in this House when it was enacted in the 60s. In fact, some of us were not yet born. I have excluded myself, but most of you were not yet born; today, we will be remembered for doing what we are doing now. This is why we should not politicise everything *[Applause]*. It is easier to listen to the opposition when you are in governance. I am sure successive governments have made similar mistakes because they failed to listen to constructive criticisms. If you listen, it will be an opportunity to correct the mistakes you have made. Whenever you are challenged on issues, you should not go on the rampage.

Mr Speaker, Honourable Members, we have to be very cautious. What we are doing now is not only for today, but also for the future. Definitely there is going to be a

tomorrow. Therefore, we have to make sure that we are properly guided. I want to state here that whatever we do in secret, it will be shown in the open one day. There are certain things we do in secret and believe that people are not seeing us or they do not know what is happening. As the saying goes, the walls have ears. I hope I am loud and clear.

Mr Speaker, Honourable Members, the Honourable Member from Koinadugu said that the learned Attorney General and Minister of Justice is a seasoned practitioner. This is why, unlike his predecessor, whenever we have issues with him, we always find ways of addressing them *[Applause]*. We are not always happy with the Attorney General, but we find ways of addressing the challenges.

THE SPEAKER: Honourable Leader of the Opposition, I would want to meet with the Attorney General and Minister of Justice and the Leadership of Parliament. We have something serious in Parliament that we need to bring to his notice.

HON. CHERNOR R. M. BAH: Mr Speaker, as I round off, I want to assure my colleagues that we will participate to the end because we want to ensure that we enact a law that will stand the test of time. We will not support impunity; we will not support lawlessness and we will not support abuse of processes. This is why we are calling on those charged with maintaining law and order or protecting lives and properties not only to look at the laws, but to make sure they respect the laws that we make. I thank you, very much.

THE SPEAKER: Honourable Members, before the Leader of Government Business makes his submission, let me take this opportunity again to invite all Civil Society and Human Rights Organisations to be in Parliament on Wednesday at 10:00 a.m. The House will be adjourned to Wednesday at 10:00 a.m., and CSOs and Human Rights Organisations should come. They may have comments or suggestions to make and please put your suggestions in writing and submit same to the Clerk of Parliament for onward submission to the Leadership of Parliament. Whatever contributions you have, please submit them through the Clerk of Parliament. We want to hear from these Organisations on this particular Bill. As Members of Parliament, we are interested in hearing from you. We do not want to pass this Bill

into law and later be castigated by CSOs and Human Rights Organisations. I thank you very much.

HON. MATHEW S. NYUMA: Thank you, Mr Speaker for that pronouncement and I believe we should follow that one if we want to be part of nation building. We have said several times that we want to open this Parliament to the public. This is a 'People's Parliament.' I want to thank SLBC and AYV for airing this programme live on television. My special thanks go to the Director General and his team and other media outlets for airing this programme live in whatever form.

Mr Speaker, Honourable Member, I want to thank my colleagues for making another history again. When we said we are taking Parliament to the people and when we said we want to be guided by the Bo Declaration, we were simply saying that this is a new dispensation and this is the new trajectory we want to follow.

Mr Speaker, Honourable Members, when we started this whole process, it came in the form of Statutory Instruments based on the Bo Declaration. We held consultations with other senior Members of the House, including the Clerk's Office, the Leadership and the Speakership. We all agreed for this issue to be drafted in the form of a Bill, so that the people will see us as serious partners in human development and human preservation. It is good to mention names or Administration after Administrations, but what is very clear is that I am a Catholic Christian and I believe in the Ten Commandments and one of them says: "Thou shall not kill." Life is sacrosanct and we should respect that. I have to be judged by what I do. So, the preservation of human life is very important. The 1991 Constitution is very clear in Part III of Section 16. The side notes read, 'Protection of the Right to Life.' However, there are crimes we need to see how best we can combat them, so as to maintain order. You would agree with me that some of the laws that were passed in the 60s, 70s, 80s and 90s do not mitigate crimes to the level the previous speakers spoke about. They have used some of these laws to eliminate people and some them to silence their political opponents. Some used those laws to revenge in different forms.

Mr Speaker, Honourable Members, we are talking about the New Direction and a new system. We have signed a social contract with the people and the onus is on us

to show leadership. The Opposition is part of the building blocks of our democracy. His Excellency the President wants the public to know what he has done. In his presidential address, he called on all of us, including us on the Government Bench to follow our social contract with the people. Are we doing the right thing? These are some of the benchmarks we are talking about. I am sure all of us are part of this history making event today. This is why I applauded the Speaker for demonstrating openness since we started the debate on the Presidential Address, the Cybercrime Bill and the University Act. You have been magnanimous and accommodating.

Mr Speaker, Honourable Members, we should condemn police brutality and I have said it one over and over in this Well. I am sure police brutality started when we were students. We do not need to encourage it any more. When you use excessive force, the result is deaths. The police have teargas, pepper spray and things they can use to restrain people. Nowadays, excessive police brutality is wrong and is being condemned worldwide. The essence of abolishing the death penalty law is to stop the killing. The Leader of the Opposition has also said that.

Mr Speaker, Honourable Members, we are not saying criminals are not going to be punished for crimes committed. If we say that, then we are trying to make crimes lucrative. What we are trying to do is to ensure that criminals go through some form of punishment other than killing. People should go through the judicial system and be given other punishments. Some of the crimes are simply human errors and human errors are bound to occur. We are not perfect and all of us are liable to make mistakes. We have to be very careful with the way we handle human life. We presume that when you are presiding in a court, you should be extremely neutral. However, there are human errors and we have to accept that fact.

Mr Speaker, Honourable Members, some speakers have cited the likes of Sorie Fornah, G.M.T Kaikai and others. May their souls rest in perfect peace. We should remember them in our prayers. We should ask ourselves if we have done the right thing by killing those people. People like Kula Samba and others were better because they were tried in our judicial system, but others were not tried at all. President Bio is a foresighted leader and I have said that over and over. He said: "I went to the

TRC; I made a statement, but the only way we can solve that problem is to ensure that we take this law off our law books.”

Mr Speaker, Honourable Members, let us repeal the death penalty, but some of the questions Honourable Members were asking are frank and sincere. We had consultations with the British Higher Commission and we made it known that our judicial system needs reforms. The Judges, Magistrates and other staff of the Judiciary need training. In fact, all those working for the courts need proper training. They should be properly trained. Today, I stand here as Honourable Mathew Sahr Nyuma and I am a Christian. Some Honourable Members have agreed for the abolition of the death penalty law, but some want to use it as a political instrument.

Mr Speaker, Honourable Members, I want to state here that human beings are vindictive by nature. For instance, if I see someone who had killed my relative, the next thing that will come to mind is to kill the person immediately. That is the reality, Mr Speaker. You cannot kill my son in front of me and I allow you to go scot-free. In fact, no court is going to stop me from killing that person. That is human nature, Mr Speaker. These are areas we need to look at very carefully. This is why we need to train our judges and others in the court system because they are going to preside over such matters. On several occasions, I have heard lawyers talking about ‘circumstantial evidence.’ The Leader of the Opposition said that a lawyer is as good as the evidence and a Judge is as good as what he/she has in front of him/her. We have heard similar stories in the Western World. They have killed people yesterday, but they have regretted their actions.

Mr Speaker, Honourable Members, if we are serious about the fundamental human rights, we need to address the fundamental issues, such as examining ourselves internally. Are you neutral in what you are doing or do you have substantive evidence to sentence someone to death? Are you bias in your decision or you have been paid to twist the judgement? My colleague on the other side said the ghetto guys usually say, S.Os. 2, ‘Are go kill you en run the jail term.’ These are the things we need to look at, but the operative word is ‘conviction.’ The Honourable Manley-Spain would tell you he has received lots of such cases in court. He talks less in this debate because I know his position and I know what he is thinking.

Mr Speaker, Honourable Members, there were people who presented all the evidence to court, but yet they were executed. Someone's who was pardoned by the President was mentioned and contributing to society because he is alive. I am sure Honourable Ibrahim Ben Kargbo is a living example. He is here today because he was granted presidential pardon. These are the things we need to reflect on as a House. Today, we are doing certain things because we want to be famous. We should however know that there is a God. Mr Speaker, I just thought about T.B Joshua. He was very powerful prophet, but when death came, it was a matter of must for him to die. What we are doing on planet Earth is temporal.

Mr Speaker, Honourable Members, I want to talk about the two phases. Phase one has to do with cross examining yourself if you are sincere and you want to do the right thing. In phase two, we need to preserve our laws by expunging bad laws from our law books. If a judge is sincere or forthright, he/she does not need training to pass verdict on someone who has committed a crime. You have to go further to get your evidence. This is why judges are not under pressure. You all know that and your colleagues on the other side who are lawyers also know about that. They have their own discretion. Some Judges have killed people because they wanted to be Judges of the Supreme Court. People have used these laws to eliminate political opponents and consolidate their power. I want to join them to apologise on behalf of this country for what they have done. It was not good for this country and for our Constitution. Mr Speaker, we must protect the sanctity of life.

Mr Speaker, Honourable Members, there is another thing that we need to look at closely. We should also look at the circumstances under which someone commits murder. If a woman is suffering from domestic violence all the time, she may take the law into her hand to revenge violently or commits murder. These are the areas we need to examine. You do not have the right to kill, but I should be given the opportunity to explain myself. You would agree with me that excessively domestic violence could lead to murder. We should look at this critically, Mr Speaker. This should go beyond life imprisonment. We have to relax the life imprisonment provision and make provision for 'maximum time,' so that the Judge would have time to look at circumstantial evidence. The judge will say even though the woman

committed a murder offence, but there is evidence to show that she suffered excessive domestic violence. In such instance, instead of life imprisonment, the Judge will say ten or twenty or thirty years imprisonment. These are the things we need to look at critically.

Mr Speaker, Honourable Members, as I said we should be sincere and have faith in what we are doing. This has to do with our lives and we need to preserve lives, irrespective of the class of the individual. When you are passing judgement, re-examine yourself in what you are doing. Mr Speaker, we have to look at the Bill and make some adjustments. For mutiny and treason, it is life imprisonment and that is understandable, but other areas should be made flexible. I am sure for the other areas, something must have happened before the action of the individual and that is why we have to leave that to the Judge to decide, based on the evidence before him/her.

Mr Speaker, Honourable Members, my colleagues on the other side spoke about robbing. It is also one of the issues we have to examine. Those who have served in the international organisations like UN will tell you that they have changed the names of their prisons to Correctional Centres. It is part of the reforms and we have done same. If, for example, a child commits murder, are you going to kill that child at a tender age because he/she committed murder? Are you going to kill that child? Mr Speaker, the reason for the change from prison to Correctional Centre is to ensure that inmates are rehabilitated. We can rehabilitate the children who have been convicted. We can change their way of thinking and bring the best out of them. The whole idea of prison is to reform people, but we have used it as a centre to incarcerate people unnecessarily. We put people in prison so that they cannot function anymore, but that is not the idea at all.

Mr Speaker, Honourable Members, we need to look at certain sentences or verdicts we have just highlighted. I am happy we have reached this point and I have highlighted some of these points that are talking about the sanctity of life, which the President mentioned in his Independent Address to the nation. I think we are all within this history making event because it is not an easy business. Somebody said the President is using it as a political tool. I am sure the President cannot do that at

all. That is not the basis of having a democratic State; it is about allowing things to happen through the rule of law.

Mr Speaker, Honourable Members, I am certain that what makes us strong is the laws that we have and not the structures that we have. If we have strong laws, you are sure of having strong democracy. So, I thank you all for your contributions and may the Lord bless us all [*Applause*].

MR ANTHONY BREWAH: Mr Speaker, Honourable Members, I thank you for all your contributions to this debate in respect of this Bill before the House. I have taken on board all what you said and I can assure you that when this Bill would have been passed into law, nobody will be punished by death because we have done some amendment on our laws. If you look at this Bill, you will notice that we have four legislations which provide for death in our jurisdiction. We have repealed Section 1 of the Persons' Offences Act of 1961 and we suggested life imprisonment. In section 5, we have asked for a sentence of twenty five years, etc. The whole idea of this Bill is to abolish the death penalty in case the person is convicted for murder, mutiny, etc.

Mr Speaker, Honourable Members, if you look at the Bill, what we are asking to be amended is the punishment. We are not asking for the offences to be repealed. If you commit murder, it is murder. Mr Speaker, we are saying instead of killing someone who had killed another, let us punish him/her and life imprisonment can be a definite sentence. The Judge can look at the evidence and say, instead of life imprisonment, let it be fifty years and that provision is contained in this Bill. I am sure when we go to the Committee, you look at it and make certain suggestions. However, what we are asking you to do is to amend the Offences Against Persons' Act, the Sierra Leone Military Forces Act, the Larceny Act of 1916 and the Treason and State Offences, Act.

Having said that, Mr Speaker, Honourable Members, I move that the Bill be read the second time.

[Question Proposed, Put and Agreed to]

[The Bill entitled the Abolition of the Death Penalty Act, 2021, being an Act, to abolish the death penalty in the case of persons convicted in Sierra Leone of Murder, under the Offences against the Persons' Act 1861, Robbery with Aggravation under the Larceny Act of 1916, Mutiny under the Sierra Leone Military Forces Act of 1961, Treason and other related offences under the Treason and State Offences Act of 1963; to make alternative provision for the punishment of persons so convicted and to provide for other related matters as been read the second time].

HON. MATHEW S. NYUMA: Mr Minister, it will be good for us to start talking about people on death roll. We want to know what you are going to do. We would want that to be factored in this Bill.

MR SPEAKER: Mr Minister, please do not forget to make the relevant Sections of the relevant Acts available to Members of Parliament.

ADJOURNMENT

[The House rose at 1:45 p.m. and was adjourned to Wednesday, 1st July, 2021 at 10:00 a.m.]