

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

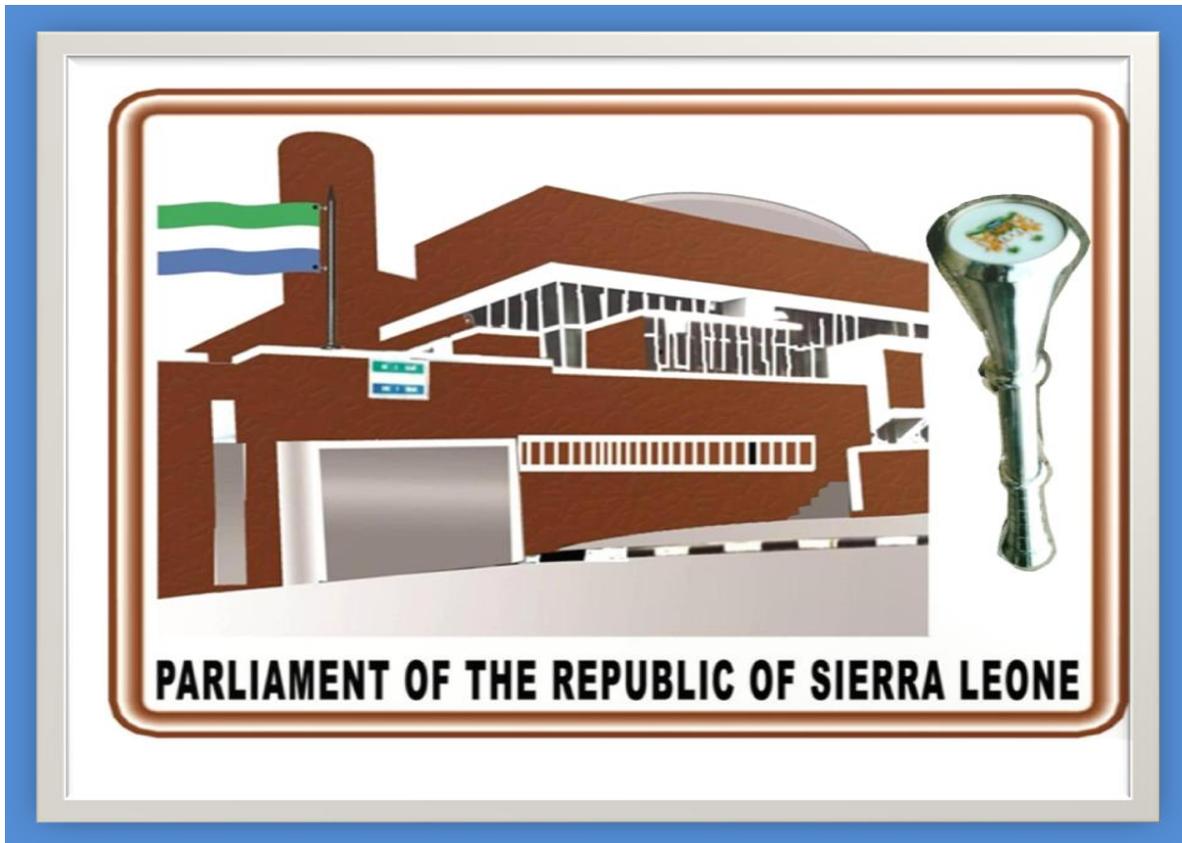
[HANSARD]

OFFICIAL HANSARD REPORT

SECOND SESSION – SECOND MEETING

THURSDAY, 19TH SEPTEMBER, 2019

SESSION – 2019/2020



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMETARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

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

Proceedings of the Sitting of the House
Held Thursday, 19th September, 2019.

CONTENTS

I. PRAYERS

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY, 29TH AUGUST, 2019

III. LAYING OF PAPERS

[1] HON. MATHEW S. NYUMA - LEADER OF DELEGATION OF THE AFRICAN CARIBBEAN PACIFIC [ACP-EU] PARLIAMENTARY ASSEMBLY

[A] REPORT ON THE 51ST SESSION OF THE AFRICAN CARIBBEAN PACIFIC [ACP] PARLIAMENTARY ASSEMBLY AND INTER-SESSIONAL MEETINGS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY [JPA], HELD IN BRUSSELS, BELGIUM FROM 9TH TO 11TH OCTOBER, 2018.

[B] REPORT ON THE 52ND SESSION OF THE AFRICAN CARIBBEAN PACIFIC [ACP] PARLIAMENTARY ASSEMBLY AND THE 36TH SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY [JPA] HELD IN COTONOU, BENIN FROM 28TH NOVEMBER TO 5TH DECEMBER, 2018

[C] REPORT ON THE 53RD SESSION OF THE AFRICAN CARIBBEAN PACIFIC [ACP] PARLIAMENTARY ASSEMBLY AND 37TH SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY [JPA], HELD IN BUCHAREST, ROMANIA, FROM 13TH TO 20TH MARCH, 2019.

[D] REPORT ON THE 2019 ANNUAL CONFERENCE OF THE ALLIANCE PRO LIBERALS AND DEMOCRATS FOR EUROPE, PACIFIC, AFRICA AND CARIBBEAN [ALDEPAC] HELD AT CAPE TOWN, SOUTH AFRICA, FROM 1ST TO 3RD MARCH, 2019.

[2] THE MINISTER OF FINANCE

[A] GOVERNMENT CONCESSIONAL LOAN AGREEMENT ON SIERRA LEONE FIBER BACKBONE NETWORK PROJECT PHASE III BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE REPRESENTED BY THE MINISTRY OF FINANCE AS BORROWER AND THE EXPORT-IMPORT BANK OF CHINA AS LENDER, DATED 26TH AUGUST 2019.

[B] PROTOCOL OF AGREEMENT AMONGST THE REPUBLIC OF SIERRA LEONE AND AFRICAN DEVELOPMENT BANK AND AFRICAN DEVELOPMENT FUND [AS ADMINSTRATORS OF THE TRANSITION SUPPORT FACILITY] REHABILITATION AND EXTENSION OF THE BO-KENEMA DISTRIBUTION SYSTEM DATED 16TH APRIL, 2019.

[C] LETTER OF AGREEMENT TRANSITION SUPPORT FACILITY [TSF] AMONGST THE REPUBLIC OF SIERRA LEONE AND AFRICAN DEVELOPMENT BANK AND AFRICAN DEVELOPMENT FUND [REHABILITATION AND EXTENSION OF THE BO-KENEMA DISTRIBUTION SYSTEM] DATED 16TH APRIL, 2019.

[D] SUBSIDIARY GRANT AGREEMENT BETWEEN THE REPUBLIC OF SIERRA LEONE REPRESENTED BY THE MINISTRY OF FINANCE AND ELECTRICITY DISTRIBUTION AND SUPPLY AUTHORITY [REHABILITATION AND EXTENSION OF BO-KENEMA DISTRIBUTION SYSTEM], DATED 23RD MAY, 2019.

[E] FINANCE AGREEMENT [ADDITIONAL FINANCING FOR THE ENERGY SECTOR UTILITY REFORM PROJECT] BETWEEN THE REPUBLIC OF SIERRA LEONE AND INTERNATIONAL DEVELOPMENT ASSOCIATION [IDA] DATED 17TH JUNE, 2019.

[F] AMENDMENT TO THE FINANCING AGREEMENT, DATED 17TH JUNE 2019.

[G] PROJECT AGREEMENT [ADDIONATIONAL FINANCING FOR THE ENERGY SECTOR UTILITY REFORM PROJECT] BETWEEN INTERNATIONAL DEVELOPMENT ASSOCIATION AND ELECTRICITY DISTRIBUTION AND SUPPLY AUTHORITY DATED 17TH JUNE, 2019.

[H] SUBSIDARY AGREEMENT BETWEEN THE GOVERNMENT OF SIERRA LEONE [REPRESENTED BY THE MINISTRY OF FINANCE] AND THE ELECTRICITY DISTRIBUTION AND SUPPLY AUTHORITY REGARDING THE ADDIONAL FINANCING FOR THE ENERGY UTILITY REFORM, DATED 6TH AUGUST, 2019.

[I] FINANCING AGREEMENT [INTEGRATED AND RESILIENT URBAN MOBILTY PROJECT] BETWEEN THE REPUBLIC OF SIERRA LEONE AND THE INTERNATIONAL DEVELOPMENT ASSOCIATION, DATED 22ND JULY, 2019

[J] ON-LENDING AGREEMENT BETWEEN THE GOVERNMENT OF SIERRA LEONE [REPRESENTED BY THE MINISTER OF FINANCE] AND THE SIERRA LEONE CABLE COMPANY [SALCAB] THROUGH THE MINISTER OF INFORMATION AND COMMUNICATION.

[K] SUPPLY CONTRACT FOR SIERRA LEONE FIBER BACKBONE NETWORK PROJECT PHASE II BETWEEN THE MINISTRY OF INFORMATION AND COMMUNICATION OF THE REPUBLIC OF SIERRA LEONE AND HUAWEI TECHNOLOGIES CO., LTD. CONTRACT NO. 0002881900010V, DATED 14TH APRIL, 2017.



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

**SECOND SESSION – SECOND MEETING
OF THE FIFTH PARLIAMENT
OF THE SECOND REPUBLIC**

Thursday, 19th September, 2019.

I. PRAYERS

[The Table Clerk, Mrs Bintu Weston, Read the Prayers]

[The House met at 10:00 a.m. in Parliament Building, Tower Hill, Freetown]

[The Speaker, Hon. Dr Chernor Abass Bundu, in the Chair]

The House was called to Order

COMMUNICATION FROM THE CHAIR

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON THURSDAY, 29TH AUGUST, 2019.

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting held on Thursday, 29th August, 2019. As our usual procedure, we shall skip pages 1 through to 5. In this case, I will start from page 5. Page 6? Page 7? Page 8? Page 9? If there is no amendment or correction, would somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting held on Thursday, 29th August, 2019 as presented?

HON. MOSES B. JORKIE: I so move, Mr Speaker.

THE SPEAKER: Any seconder?

HON. JOSEPH W. LAMIN: I so second, Mr Speaker.

[Question Proposed, Put and Agreed to]

[Record of Votes and Proceedings for the parliamentary sitting held on Thursday, 29th August, 2019 has been adopted as presented]

HON. MATHEW S. NYUMA: Mr Speaker, before I left the Chamber, I obtained permission that I was going to collect documents from my office. I am here now and with your leave, I beg to amend the Order Paper. We have just concluded an Election and I am sure you have received notification to the effect. Mr Speaker, I would like to insert item III, which is 'Swearing-in of newly elected Member of Parliament.'

THE SPEAKER: Honourable Member, I am sorry for the interruption, but I have a declaration to make in conformity with the letter submitted from the National Electoral Commission [NEC] to the Clerk of Parliament on the 16th September, 2019. I hereby declare that the following has been elected as Member of the Republic of Sierra Leone Parliament, Alpha Fode Maddie Jabbie, representing Consistency 040, Falaba District. I now call on the Leader of Government Business to proceed with the amendment.

HON. MATHEW S. NYUMA: Mr Speaker, thank you very much for making clarification on that process. Mr Speaker, I hereby submit that the Order Paper be amended to accommodate an item III, which has to do with 'swearing-in of newly declared Members of Parliament.'

THE SPEAKER: Any seconder?

HON. MOSES JORKIE: I so second, Mr Speaker.

[Question Proposed, Put and Agreed to]

[The Order Paper has been amended accordingly]

III. SWEARIN-IN OF NEW MEMBER OF PARLIAMENT

THE SPEAKER: Honourable Members, pursuant to Section 83 of the Constitution of Sierra Leone Act No.6 of 1991, I invite the Clerk of Parliament to administer the oath of Members of Parliament as established in the third schedule to Alpha Fode Madie Jabbie *[Applause]*.

The Honourable Member, Honourable Fode Madie Jabbie, subscribed to the oath.

MR MOHAMED LEBBIE *[Deputy Clerk of Parliament]*: Honourable Member, you are welcome to this Chamber.

THE SPEAKER: Honourable Fode Maddie Jabbie, please come forward. Let me take this opportunity to congratulate you on becoming a Member of Parliament and to present to you a copy of the national Constitution and the Standing Orders of Parliament. I will now ask the Clerk to accompany you to take your seat. Honourable Members, as you can see from the Order Paper, we have quite a lengthy business for the day and I intend to go through the Order Paper as expeditiously as we can. This means I will be tolerating very few interruptions. I am glad that the Honourable Acting Leader of the Opposition is here. I just want to remind this House that we were originally scheduled to sit on this past Tuesday, but at the request of the Leader of the Opposition, I agreed to postpone the sitting to this Thursday in order to accommodate an appointment that Members of the Opposition informed me they had in Kono. So, I

was a little bit taken aback to see empty seats to my left when we started today's sittings. But thankfully, I now see some of the seats have been occupied. Mr Acting Leader of the Opposition, I fulfilled my own side of the bargain and I expected the opposition to equally fulfil their own side of the bargain which I did not notice at the beginning of this sitting. I do not know whether you have anything to say.

HON. IBRAHIM B. KARGBO: Thank you very much for the participation and for allowing our Members to attend the funerals in Kono and we are also aware of the fact that the timetable was slightly tilted this morning. I want to state here that it is not a deliberate act to undermine today's sitting and I assure you that as time goes on, more of our Members will come. There is good reason for our friends on the other side to have a population more than the normal, simply because one of them won an election and we are going to win more and more elections.

Mr Speaker, I am not casting aspersion or blaming anybody, but communication is very important. I am merely saying that the changes from yesterday to date also affected some of our Members; but like I said, we are not casting aspersions. We are however satisfied because the sitting is taking place this morning.

Mr Speaker, Honourable Members, before I sit down, I want to make the point that we on this side are a little bit unhappy about the fact that certain things have dragged on and that has to do with the Members of Parliament who were asked out of this House recently. We were asked to go through the processes of the law by ensuring that we go to a court of law and we have done so. The response had been snail-paced, but there is need for us to have a discussion. I am sure it is necessary to bring this House to a state of normalcy once again. We are aware of the fact that the Speaker was in Bo when we held a meeting and our cooperation was very conspicuous, but after that meeting, we are yet to see development relating to the implementation of the Bo Retreat Resolutions. So, we are appealing to the good office of the Speaker to ensure that those resolutions are implemented. We want the issues that are in the pipeline are implemented. Again, I have said that the matter that has to do with the court has to be fast-tracked because those are promises made to us. Again, what is important is the

fact that the Bo Communiqué should be made to come to fruition because it is in the interest of everybody.

Mr Speaker, Honourable Members, I am sure we have to give ourselves timeline within which all of us will sit and discuss these issues. The important thing is that we must make this House operational and functional, and if many things are still in the pipeline, we have to ensure that we implement them. I know it is difficult to get the cooperation of everybody. Up to this time we have not faulted you, Mr Speaker, but up to this time we are also aware of the fact that we have a good number of things we should sit and discuss those issues and come to conclusive decisions that have to do with the smooth operations of this House.

Mr Speaker, Honourable Members, if within a period of two weeks we do not sit and discuss these outstanding issues, we may have to come here again and tell you exactly our position. This is because it is important for us to represent the aspirations of our people. Mr Speaker, we got telephone calls from our constituents about the petition cases this morning. Some people wanted to protest about certain things which bothered them and when they attempted to ask questions, they were arrested and locked up. This is going to compel some of us to go back to our constituencies.

Having said, Mr Speaker, Honourable Members, these are some of the issues we need to clarify and address. We do not want a State that is anarchic, but a state that is just and fair. I thank you, Mr Speaker.

THE SPEAKER: I thank the Honourable Acting Leader of the Opposition for his statement. He has raised a number of issues and one very important issue that he has raised is beyond my competence. That is the petitions that are before the courts, this is not to say however, they are not a proper subject for discussion in our usual consultations. I want absolute quiet in the galleries. If you have come here to support your Members of Parliament, by all means do so, but do so quietly. You are not allowed to speak. We do not want to hear your voices at all. You are only allowed to be seen and not to be heard. If I hear any more sound, I will ask the Sergeant-At-Arm to pay you a visit.

Let me come back to the issue raised by the Acting Leader of the Opposition. The Bo Communiqué is very fresh in our minds and I have also appended my signature to that Communiqué. It is certainly a new beginning for the re-establishment of harmony and decorum in this House. I look forward to its implementation by all the parties concerned. I am reasonably confident that we shall attain the objectives clearly indicated in that Communiqué by all the parties that appended their signatures to it. I am equally hopeful that people did not just put their signatures on that document for the sake of appending their signatures, but they did so in good faith; and therefore, I will continue to ask all of us to observe and respect the spirit of the Bo Communiqué. Your Leaders ought to have informed you what is contained in the Communiqué. I will not allow you to interrupt the proceedings. We shall now proceed with the business in hand.

IV. PAPERS LAID

[1] HON. MATHEW S. NYUMA - LEADER OF THE DELEGATION OF THE AFRICAN CARIBBEAN PACIFIC [ACP-EU] PARLIAMENTARY ASSEMBLY

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

[A] Report on the 51st Session of the African Caribbean Pacific [ACP] Parliamentary Assembly and Inter-Sessional Meetings of the ACP-EU Joint Parliamentary Assembly [JPA], held in Brussels, Belgium, from 9th to 11th October, 2018.

[B] Report on the 52nd Session of the African Caribbean Pacific [ACP] Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly [JPA] held in Cotonou, Benin, from 28th November, to 5th December, 2018

[C] Report on the 53rd Session of the African Caribbean Pacific [ACP] Parliamentary Assembly and 37th Session of the ACP-EU Joint Parliamentary Assembly [JPA], held in Bucharest, Romania, from 13th to 20th March, 2019.

[D] Report on the 2019 Annual Conference of the Alliance Pro Liberals and Democrats for Euripi, Pacific, Africa and Caribbean [ALDEPAC] held at Cape Town, South Africa, from 1st to 3rd March, 2019.

[2] THE MINISTER OF FINANCE

HON. MATHEW S. NYUMA: Mr Speaker, the Minister called me a minute ago to lay these documents on his behalf. Honourable Members, I do not think if there is problem in laying these documents on behalf of the Minister.

THE SPEAKER: Acting Leader of Government Business, you have my leave to lay the papers on behalf of the Minister, but make sure that by the time we come to the process of ratification, the minister is available.

HON. MATHEW S. NYUMA: Mr Speaker, I assure you that he will be available before we reach at that particular item. I thank you.

HON. IBRAHIM B. KARGBO: Mr Speaker, I am very certain that we came to a conclusion that substantive Ministers must be encouraged to come and lay their documents. Let us check the Hansard, it is recorded there and we are not going to continue to allow this arrangement. Ministers should have respect for this House. This is very important, Mr Speaker.

THE SPEAKER: I take due note of what the Acting Leader of the Opposition has said, but when it comes to the ratification process, I will indeed insist on the presence of the relevant Minister. Honourable Members, since this is just a matter of laying papers at this stage, I will give leave to the Leader of Government Business to do so.

HON. MATHEW S. NYUMA: Point of Order. Mr Speaker, I do not want to reference the Standing Orders, but the Minister is here now.

HON. IBRAHIM B. KARGBO: You can reference the Standing Orders, Honourable Member. You were saying the Minister had come?

HON. MATHEW S. NYUMA: Yes, Mr Speaker.

HON. IBRAHIM B. KARGBO: Why do you want to hijack the functions of the Minister when the Minister is here already?

HON. MATHEW S. NYUMA: This is because I have provision in the Standing Orders to perform that function on behalf of the Minister. I did not hijack that function at all.

HON. IBRAHIM B. KARGBO: I know, Honourable Member, but the Minister is here.

HON. MATHEW S. NYUMA: The provision is in the Standing Orders.

HON. MATHEW S. NYUMA: Honourable Member, I told you that the Minister would soon be here. Please read S.Os. 18 [5&7] are very clear.

THE SPEAKER: There is a lot we have to do about the Standing Orders. I know that a Minister's presence is sine qua non to our proceedings under Section 107 of the Constitution, but certainly not with regard to laying of papers. Indeed, I am right. I refer Members to Section 107 of the 1991 Constitution of Sierra Leone. It reads: "**A Minister must be in the Well in respect of Bills, but it is not a Bill that is about to be laid.**" In any case, the matter has been laid to rest by the presence of the Minister herself.

HON. MATHEW S. NYUMA: Mr Speaker, we are talking about the change, we should not do change without the law. I am happy you quoted provisions in the Constitution. I encourage my colleague on the other side to look at Standing Order 18, you read the rest. I did not hijack the functions of the Minister, but I just decided for you to understand what I am about to do. Thank you, Mr Speaker.

HON. IBRAHIM B. KARGBO: Mr Speaker, I agree with you, but you must also accept the fact that laying papers is the beginning of a process of bringing a Bill to this House.

HON. MATHEW S. NYUMA: Mr Speaker, I want to remind my colleague that this is not a Bill.

THE SPEAKER: I have a very long agenda and I am not going to encourage many interruptions.

HON. MATHEW S. NYUMA: Mr Speaker, can we proceed please?

THE SPEAKER: Yes, you may proceed, Honourable Member.

HON. MATHEW S. NYUMA: Madam Minister, please lay the documents.

THE SPEAKER: Honourable Members, let me remind you again that we have a very long agenda today that might take us into the night. So, let us move expeditiously. Let us proceed with the Business of the House.

HON. DR MARK M. KALOKOH: Mr Speaker, Point of Order.

THE SPEAKER: What Order are you standing on, Honourable Member?

HON. DR MARK M. KALOKOH: I stand on Section 74 [4], in tandem with S.Os. 26.

THE SPEAKER: Again, please cite the Section in the 1991 Constitution of Sierra Leone.

HON. DR MARK M. KALOKOH: Mr Speaker, Section 74 [4] of the 1991 Constitution.

THE SPEAKER: Section 74 [4] of the 1991 Constitution?

HON. DR MARK M. KALOKOH: Yes, Mr Speaker.

THE SPEAKER: I want you to read it aloud, Honourable Member.

HON. DR MARK M. KALOKOH: I am going to read it aloud because the Deputy Minister of Finance is here.

HON. DICKSON M. ROGERS: Mr Speaker, Point of Order. The Honourable Member stood on S.Os. 26 and I want him to read it.

HON. DR MARK M. KALOKOH: Honourable Members, can you please allow me? I stood on S.Os. 74 [4] of the 1991 Constitution and S.Os. 26. I started with 74 [4] and I want the Honourable Member to listen attentively.

THE SPEAKER: Are you addressing me or you are addressing the Honourable Members?

HON. DR MARK M. KALOKOH: I am addressing you, Mr Speaker.

THE SPEAKER: Please address me directly.

HON. DR MARK M. KALOKOH: I am now addressing you directly, Mr Speaker. Mr Speaker, on the 29th August, 2019, we held a meeting in Committee Room 1 and we discussed issues pertaining to the welfare of Members of Parliament. I will not go into the details of our discussions, but you eloquently told us that when we resume, we would hold two meetings and Section 74 [4] of the 1991 Constitution would be implemented.

THE SPEAKER: Let me stop you right there. If you are quoting me, quote me correctly.

HON. DR MARK M. KALOKOH: Mr Speaker, I cannot verbally quote you, but am merely saying what you stated in Committee Room 1. Let me finish, Mr Speaker.

THE SPEAKER: No, I will not allow you.

HON. DR MARK M. KALOKOH: Please, Mr Speaker.

THE SPEAKER: I will not allow you to misquote me.

HON. DR MARK M. KALOKOH: This is for the benefit of Members of Parliament. I am not trying to misunderstand you.

THE SPEAKER: Take your seat, Honourable Member. I will help you, Honourable Member.

HON. DR MARK M. KALOKOH: Mr Speaker, you will not reach the point where I want the Minister to listen.

THE SPEAKER: Honourable Member, please take your seat.

HON. DR MARK M. KALOKOH: With due respect, I will take my seat and wait for my turn.

THE SPEAKER: I am aware that any Privilege Motion takes precedence in this House. I am fully aware that S.Os. 26 talks about Privilege Motions and they do take precedence over any order business, but I will not allow S.Os. 26 to be abused by anybody. Again, you cited S.Os. 26, in tandem with Section 74 [4] of the 1991 Constitution, but let me remind Honourable Members what I said. I do not want to be misreported again. I said

Section 74 [4] gives power to this House to formulate its own budget, but I mentioned that we have not yet reached that stage like the Parliaments of Kenya, Ghana and other countries. I gave you warning that if the welfare of Members of Parliament is not properly addressed, Parliament maybe constraint to invoke the provisions of 74[4]. So, if you are quoting me, makes sure you quote me correctly.

HON. IBRAHIM B. KARGBO: Mr Speaker, I think the Honourable Member was not quoting you verbatim. It was the spirit with which you made the statement. I can determine the spirit because I am educated enough to do so *[Applause]*.

THE SPEAKER: Honourable Leader of the Opposition, much as I respect the spirit of the language, the letter of the language takes precedent over the spirit.

HON. IBRAHIM B. KARGBO: Mr Speaker, when we discussed the welfare of Members of Parliament, it was during that period that you came up with the examples of other countries. In other words, you were giving us the assurance that if Parliament... - *[Interruption]*.

HON. MATHEW S. NYUMA: Mr Speaker, I stand on S.Os. [34].

HON. IBRAHIM B. KARGBO: I am not going to concede.

HON. MATHEW S. NYUMA: You should observe parliamentary procedure Honourable Member.

THE SPEAKER: Honourable Members, I am sure somebody is videoing the proceedings, which is not allowed in this House.

HON. IBRAHIM B. KARGBO: They are strangers who are not aware of the procedures of this House.

THE SPEAKER: I am afraid you cannot do what you are doing. You are not allowed to do what you are doing.

HON. IBRAHIM B. KARGBO: Mr Speaker, I did not see any controversy here. Like the rest of us here, you were very concern about the welfare of Members of Parliament, and this is why the Honourable Member mentioned it in the presence of the Minister of

Finance. If this Parliament does not take action to improve the welfare of Members of Parliament, you should make sure that something is done urgently. Mr Speaker, I did not see any point where the Honourable Member went astray. We were merely saying that consistent with your agreement and the sprint with which you made the statement, we will not forget that aspect at all. I thank you.

THE SPEAKER: Honourable Acting Leader of the Opposition, I hope you will not raise any more comment. One thing I am happy about is that Members are very conscious about their welfare, including myself. I am happy to see you take advantage of the presence of the Minister of Finance in the Well. If the idea is to keep reminding the Minister of Finance each time they appear about your welfare, I think you have made your point and it was buttressed by the Acting Leader of the Opposition. On that note, shall we proceed with the business of the House?

HON. IBRAHIM T. CONTEH: Mr Speaker, I stand on S.Os. 34. Mr Speaker, you have just mentioned that Members of Parliament should take advantage of the presence of the Ministry of Finance by extension the Minister and their staff. I think taking advantage of their presence should not only be limited to the welfare of Members of Parliament, but should also extend to critical governance indicators such as transparency and accountability and effective operation of all three [3] organs of Government; i.e., Parliament, Executive and the Judiciary. In that instance, we are still struggling as a Parliament to ascertain whether our budget for 2018 for which no oversight was performed whether it was fully disbursed by the Ministry of Finance. That is the first issue I wanted you to take note of.

Secondly, Mr Speaker, Honourable Members, the third quarter will end in October and as we speak, we are not sure whether the Ministry of Finance has honoured in full what they are supposed to make available to Parliament for the performance of parliamentary duties in terms of our oversight functions. I may not be right and I stand to be corrected, but I am sure since the commencement of this Session, no parliamentary Committee has gone on oversight. This means that before the Minister lays any document, she should be able to tell us because she should be in a better

position to tell us about disbursement to Parliament. What is happening with disbursements to Parliament?

THE SPEAKER: Your point has been made and we shall now proceed with the business of the day, bearing in mind that the Minister has taken due note of your concerns.

[B] THE MINISTER OF FINANCE

MRS PATRICIA N. LAVERLEY [*Deputy Minister of Finance*]: Mr Speaker, Honourable Members, with your leave, I beg to lay on the Table of this Honourable House the following papers:

[a] Government Concessional Loan Agreement of Sierra Leone on Fibre Backbone Network Project Phase III between the Government of the Republic of Sierra Leone Represented by the Ministry of Finance as Borrower and the Export-Import Bank of China as Lender, Dated 26th August 2019;

[b] Protocol of Agreement amongst the Republic of Sierra Leone and African Development Bank Fund [as Administrators of the Transition Support Facility] Rehabilitation and Extension of the Bo-Kenema Electricity Distribution System, Dated 16th April, 2019;

[c] Letter of Agreement Transition Support Facility [TSF] amongst the Republic of Sierra Leone and African Development Bank and African Development Fund [Rehabilitation and Extension of the Bo-Kenema Electricity Distribution System], Dated 16th April, 2019;

[d] Subsidiary Grant Agreement between the Republic of Sierra Leone Represented by the Ministry of Finance and Electricity Distribution and Supply Authority Rehabilitation and Extension of Bo-Kenema Electricity Distribution System, Dated 23rd May, 2019;

[e] Financing Agreement [Additional Financing for the Energy Sector Utility Reform Project] between Republic of Sierra Leone and International Development Association (IDA), Dated 17th June, 2019;

[f] Amendment to the Financing Agreement, Dated 17th June, 2019;

[g] Project Agreement [Additional Financing for the Energy Sector Utility Reform Project] between International Development Association, and Electricity Distribution and Supply Authority, Dated 17th June, 2019;

[h] Subsidiary Agreement between the Government of Sierra Leone [represented by the Ministry of Finance] and the Electricity Distribution and Supply Authority regarding the Additional Financing for the Energy Sector Utility Reform Project, Dated 6th August, 2019;

[i] Financing Agreement [Integrated and Resilient Urban Mobility Project] between the Republic of Sierra Leone and the International Development Association Dated 22nd July, 2019;

[j] On-Lending Agreement between the Government of Sierra Leone [Represented by The Ministry of Finance] and the Sierra Leone Cable Company [SALCAB] through the Ministry of Information and Communications, Dated 22nd August 2019; and

[k] Supply Contract for Sierra Leone Fibre Backbone Network Project Phase II between the Ministry of Information and Communication of the Republic of Sierra Leone and Huawei Technologies Co. Ltd. Contract No. 0002881900010v, Dated 14th April, 2017.

I thank you very much, Mr Speaker *[Applause]*.

THE SPEAKER: I thank the Honourable Deputy Minister of Finance. Honourable Members, I Would like to first of all take this opportunity to recognise some distinguished personalities in our midst. We have the Honourable Dr Bernadette Lahai, former Minority Leader and the Pan-African Parliament Vice President, the Honourable Kanja Sesay, Minister of Energy, Honourable Jusufu B. Mansaray, former Member of Parliament and Commissioner of NATCOM, Easmon Gaqui Esq, Director of Public Prosecution [DPP] and the NAO Director-General, Mr Ambrose James. We also have some Members of the British Parliament who are here in conjunction with their positions as Members of the Commonwealth Parliamentary Association [CPA]. They are here to undertake a training Programme and I have just been informed that they were within

the Chamber, but had just left us. All of us know that we derive a lot of support from the CPA. Therefore, we shall recognise them when they come back.

Honourable members, I regret to announce to this House that our branch has been suspended from the CPA for non-payment of our subscription. As a result of that we are not eligible to attend the CPA Conference that is due to start towards the end of this month in Kampala, Uganda. Let us proceed with the Business.

HON. IBRAHIM T. CONTEH: Mr Speaker, point of order. I stand on S.Os. 75. I am sure on 25th July, 2019 the Salone Times News Paper published on their front page a caption, '**1.535bln** in limbo in Parliament.' Mr Speaker, I want to correct the abnormality and the misrepresentation of what I said on that faithful day. I quoted several amounts that were above the **Le1.5bln** reported by the 'Salone Times News Paper. Mr Speaker, for the period I was quoted to have said **Le1.5bln**, Parliament received **Le10.758bln**. So, I would like them to publish the correct information. Again, the Speaker has just mentioned that our Parliament had been suspended from all CPA activities. If I am not mistaking, for 2018 we spent **Le2.8bln** on Per Diem and **Le1.2bln** on air ticket. This means we prioritised travels and forgot to pay our subscription for important activities. If this Parliament has been demanding for transparency and accountability from the Executive, we should also be accountable to the public. As the saying goes, charity begins at home. I therefore ask that the Clerk of Parliament, who is the Vote Controller of this House of Parliament and Finance Director of Parliament explain to us what we have done with the **16.5bln** received from the Ministry of Finance in 2019. I thank you very much.

THE SPEAKER: Honourable Members, one thing nobody can question is the vibrancy of this sitting this morning. I take note of that and that vibrancy seems to be coming across the isles.

HON. IBRAHIM B. KARGBO: Mr Speaker, you have mentioned the vibrancy this morning and I also listened carefully, being a Member of the CPA at one time about our indebtedness to the CPA and therefore we are not eligible to participate in certain CPA activities. I was surprised that you wanted it to pass without comments. Mr Speaker, it

was you and other Members of this Honourable House and indeed Members of your party that have been talking about rebranding the image of Sierra Leone. If we are going to rebrand the image of Sierra Leone and yet a whole sovereign state cannot pay its dues to its international organisations, then I cannot see where the rebranding comes from. Mr Speaker, you are a very strong Member of this House and you are a strong Sierra Leonean, you know the commitments of this country internationally. My worry is that apart from the CPA, it is possible that we are indebted to other areas as well. If that is the case, then something urgent should be done to correct that anomaly. Mr Speaker, it is not enough to merely say we owe and the news pass it off. Something has to be done to address this issue. Thank you very much, Mr Speaker.

THE SPEAKER: Your point is made Acting Leader of the Opposition. I would like to draw the attention of the Minister of Finance to what has just been said. With that, we continue with the business of the House.

HON. IBRAHIM T. CONTEH: Mr Speaker, I beg to differ. I am sure the budget presented to the Ministry of Finance by this Parliament has a break-down and that includes subscription to international bodies. Besides, we have received **16.5bln**, but still indebted?

HON MATHEW S. NYUMA: Mr Speaker, Point of Order.

HON. IBRAHIM T. CONTEH: We have not subscribed to a particular body that we are a member. We should not put that issue aside as if nothing happened.

HON MATHEW S. NYUMA: Mr Speaker, Point of Order.

HON. IBRAHIM T. CONTEH: Mr Deputy Leader of Government Business, I am talking about Parliament and we are parliamentarians. We should stop giving the impression as we are supporting the APC anytime we attack issues. We are ensuring that what the APC did that took them to that place will not happen to us. We want to ensure that we remain as the ruling party until thy kingdom come. So, please let us know what we are doing. Mr Speaker, if we have a budget submitted to the Ministry of Finance and there is a budgetary line for subscription to International Organisations we are a part, we

should know exactly what has gone wrong. I am not playing the devil's advocate in this situation. The Ministry of Finance has disbursed to this Parliament the sum of **Le16.5bln**; therefore, I see no reason why we should be indebted to organisations when we have the money. If that is the situation, the money could have been misused.

THE SPEAKER: Honourable Member, you have made your point and I want you to rest your case right there. We do have the budget before us today to consider, but you have made your point. I am sure this is the second time you made your point. I have taken note of the issues you have discussed, but like I said, we do not have the budget before us today. I am however happy that you made your point in the presence of the Minister of Finance.

HON. MATHEW S. NYUMA: Mr Speaker, he has raised important points, but the last time we agreed and moved a Motion that the Chairman of the Finance Committee looked into those allegations. These are allegations and the Finance Chairman should do something and report to us. We have moved a Motion because we believed that running Parliament is not like running the King Jimmy Market. There are procedures we must follow.

HON. IBRAHIM T. CONTEH: If we have moved a Motion, then I am sure the report should have been here.

HON. IBRAHIM B. KARGBO: Mr Speaker, we deserve your attention as well.

THE SPEAKER: Honourable Member, you will have my attention if you take your seat for the moment. Honourable Ibrahim T. Conteh, I am addressing you again on this issue and I take full note of what you have said. However, we have the select Committees that deal with some of these issues. Some of the points you have made are better made within the context of select Committees meetings, but since you brought them up, I think I recognise why you want to take advantage of the presence of the Minister of Finance. If that is the case, you have made your point and I am sure the Minister has taken note and at the appropriate time she would respond. She will respond in due time. I hope I have answered your concerns.

HON. DR MARK M. KALOKOH: Mr Speaker, you should not encourage this issues during your tenure.

THE SPEAKER: Who is speaking?

HON. MATHEW S. NYUMA: Mr Speaker, can we proceed please? We should proceed because we have adopted the Order Paper. I believe you do not have a Motion in front of you. I have a lot of respect for the Acting Leader of the Opposition and with all due respect to him, let us proceed.

HON. IBRAHIM B. KARGBO: I agreed with you and I respect you too, but please allow us to make a point. The Honourable Ibrahim T. Conteh said that we are in this present predicament because of certain thing and I want to be very clear. I want him to understand that the rate at which his own party is doing things, there is no guarantee that they will come back to this House.

HON. MATHEW S. NYUMA: Mr Speaker, there is guarantee because the budget will be here very soon.

THE SPEAKER: Acting Leader of Government Business, I think frankly you should restrain yourself to some extent. I have taken note of the concerns expressed and I have said that I knew why those concerns were expressed, especially so because we have in our midst the Minister of Finance. I have said that in due time, she would respond to some of those concerns. I will give her the opportunity to do so. So, let us proceed because we have a very long agenda to deal with.

IV. MOTION OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE

PROPOSER: HON. MATHEW S. NYUMA

SECONDER: HON. HASSAN A. SESAY

HON. MATHEW S. NYUMA: Mr Speaker, Honourable Members, I present to you the Sixth Report of the Second Session of the Committee on Appointments and the Public Service:

1. Introduction

Mr Speaker, Honourable Members, the Committee on Appointments and the Public Service that is charged with the responsibility of vetting presidential nominees and select the most fitted and qualified persons to serve in public offices met on Tuesday, 10th September, 2019 and interviewed two presidential nominees for the following appointments:

- [i] Chairman and Commissioner, National Telecommunications Commission; and
- [ii] Members, Board of Directors, Bank of Sierra Leone.

2. Procedure

The Committee conducted the hearings within the ambit of its established criteria set out to elicit facts as to whether the nominees were fit and qualified for their proposed appointments. The deliberations of the Committee were guided by the principle of objectivity to the extent that beside perusing the specified documents provided by the nominees, the Committee went further to request for public input into the vetting process by furnishing the Committee with information of relevance to the suitability or otherwise of the nominees for their proposed appointments.

The Committee also certified that the nominees were cleared of any criminal records by the Criminal Investigation Department [CID] and that they have the relevant qualifications and necessary backup experience to man such important offices of state. Inquiring questions put to the nominees covered wide ranging issues pertaining to their track records in other pertinent work situations, their declared assets and liabilities, fulfillment of their tax obligations and their visions for a successful and nationally productive tenure.

3. Seventh Sitting of the Committee on Tuesday, 10th September, 2019

Mr Speaker, Honourable Members, the following nominees were interviewed on oath:

- i. Alhaji Mohamed Fouad Sheriff, proposed Chairman and Commissioner, National Telecommunications Commission.*

Alhaji Mohamed Fouad Sheriff has a wealth of knowledge and experience in project management and strategic planning. He had served as a Research Assistant, Fourah

Bay College from 1976-1978. He also served for over 30 years in the fisheries and marine sector, where he rose through the ranks and retired in 2011 as Director of Fisheries and Marine Resources.

Responding to the Committee's inquiries, Alhaji Fouad Sheriff assured the Committee that he had quite a number of innovations in mind that he believed would transform NATCOM into a workable Commission. **"If I obtain the blessings of Parliament to be appointed Chairman and Commissioner of NATCOM, I would like to work collaboratively with colleague Commissioners to prepare a national strategy for NATCOM that would be able to address most of the complaints and concerns raised on service delivery by the consuming public. I want to come and work with the Board and the Ministry of Information to expand NATCOM a bit by bringing in a Directorate of Policy Planning. I would like NATCOM to have policies in place for everything we do and a Directorate of Policy Planning will be there to highlight all the necessary things that we will have to address,"** he said.

Answering to further question, Alhaji Fouad Sheriff assured the Committee that if approved by the Honourable House of Parliament, he would work assiduously to ensure that there is robust cyber law to minimise cyber-crime. **"We do not, as of now, have the necessary legislation in place but we will work towards that to enhance cyber security in Sierra Leone,"** he said.

ii. Mrs Amy Miata Myers, proposed Member, Board of Directors, Bank of Sierra Leone.

Mrs Amy Miata Myers is a seasoned Development Expert with over 30 years work experience with the 'National Authorising Office,' providing support, particularly to the Ministry of planning and Economic Development in the areas of strategic planning and policy supports, project/programme designing, preparation, management, Coordination, monitoring and evaluation of European Development Fund [EDF]. She has a wealth of experience in EDF financial management, procurement and contracting procedures.

Reacting to the Committee's inquiries and concerns, Mrs Amy Myers said that she was a team player. Hence, she promised to work collaboratively with colleague Board members to achieve those objectives for which the Bank of Sierra Leone was established. **"I will bring the commitment and dedication with which I have always worked, for the success of the Bank and for the good of this nation. The Bank of Sierra Leone,"** she went on, **"is a very important and strategic institution of this nation. And at this crucial moment when we are grappling with the challenges of our economy, I will draw on my knowledge and accumulated experience for the success of the Bank."**

4. Recommendations

Mr Speaker, Honourable Members, the Committee adjudged the following Presidential nominees to be fit and qualified for their proposed appointments and they are recommended to the House for approval:

[i] Alhaji Mohamed Fouad Sheriff, Chairman and Commissioner, National Telecommunication Commission [NATCOM]; and

[ii] Mrs Amy Miata Myers, Member, Board of Directors, Bank of Sierra Leone.

Mr Speaker, Honourable Members, the Sixth Report is the unanimous decision of the Committee. I therefore move that the Sixth Report of the Second Session of the Committee on Appointments and the Public Service be adopted by the House and that the recommendations contained therein be approved.

THE SPEAKER: Thank you, Acting Leader of Government Business, but before I propose the question, we are going to multi-task today. I have been told that there is a training going on for many of you, which is been facilitated by the CPA and they have sent Members of the British Parliament to come and help facilitate that training. I think about 28 of our Members are involved in that training. I will now allow those Members to proceed to Committee Room 1 to attend the training. However, I do so without endangering the requirement for a quorum to be maintained. I take note of the fact that there is sufficient number in the House to allow that to be done. So, those who

know that they have to be in Committee room 1 for the training may now take leave of us on the understanding that it would not endanger the quorum of the House. You are going to enrich your knowledge and experience as a Member of Parliament, so you do not need any per diem for that.

THE SPEAKER: I will allow two speakers from each side of the aisle with the understanding that we have done justice to the Motion.

HON. HASSAN A. SESAY: Mr Speaker, Honourable Members, we are going through a procedure that is normal in this House; i.e., approving Sierra Leoneans who have been nominated by His Excellency the President for parliamentary approval, so that they can perform the functions for which they have been nominated if approved by this House.

Mr Speaker, Honourable Members, we have a male and a female and this means the equation is balanced. I want to draw the attention of the proposed Chairman of the National Telecommunications Commission, Mr Alhaji Fouad Sheriff, who informed the Committee about what he intends to do. But there is always a difference between intention and what you actually do. I hope Mr Alhaji F. Sheriff will work with the team he will meet. I would like to also inform him that if approved by this House as Chairman and Commissioner of the Commission, much is expected from you. We have been grappling with the problem of Chairmen assuming executive responsibilities, which are not assigned to them by the Act. I hope it will be taken care of and to ensure that you work with the Commissioners and Management team very closely.

Mr Speaker, Honourable Members, we want the nominee to improve the communication industry and we expect him to use his experience and expertise for the furtherance of this country. You have worked at Fourah Bah College and other areas, and we expect those experiences to be utilised for the benefit of this country. Like I said, please work with colleagues Commissioners and the Management team harmoniously, so that you can achieve your goals. Please tap into the knowledge of the commissioners that have been there because they have the institutional memory to help you.

Mr Speaker, Honourable Members, I will not mention names because I do not want to be termed as being biased, but somebody who has been in Parliament for long years is

presently one of the commissioners and he knows exactly what I am saying. I am sure the guidance and direction you would need will be provided by those Commissioners because they have the knowledge of the institution. Therefore, Mr Alhaji Fouad Sheriff, please work with your colleagues and make sure you improve the institution. You have to make sure that Sierra Leoneans benefit. Again, you are going there not as an SLPP person, but as a Sierra Leonean. You are not going there to work for the party, but to work for Sierra Leone and I hope you take that into consideration when assuming full responsibilities.

Mr Speaker, Honourable Members, I go to Madam Amy Miata Myers, proposed member, Board of Directors, Bank of Sierra Leone. I hope it is no longer a secret that our exchange rate is at a point where we cannot afford to continue. This is not a partisan issue, but a national concern. I am sure one year ago, when the SLPP took the reign of Government, the exchange rate was **Le 750,000** to **\$100**. I am saying the fact and every Sierra Leonean knows about it.

THE SPEAKER: I am assuming Honourable Members that you will like to correct the records.

HON. HINDOLO M. GEVAO: Very correct, Mr Speaker.

THE SPEAKER: So, it is the factual information that you want to address.

HON. HINDOLO M. GEVAO: Yes, Mr Speaker.

THE SPEAKER: And what is it exactly?

HON. HINDOLO M. GEVAO: Mr Speaker, my colleague, Honourable Hassan A. Sesay did say as at the time that this Government took the reign of office, the exchange rate was **Le 750,000** to **\$100**. I want to set the records straight by stating here that the exchange rate was **Le 860,000** to **\$100**. Let us go to the records. We are speaking to the nation as at the time this new administration took the reign of power.

THE SPEAKER: One thing is clear that whoever is correct, I am sure the public knows the figure.

HON. HASSAN A. SESAY: Mr Speaker, I rest my case as far as that issue is concerned. However, I would like to state here that when you are on the factual side of issues, you do not have any problem, but when you are in the fictional side of things, then you have a problem. So, I am not going to engage in argument with my colleague because the people will decide, but we know better what is happening in this country.

Mr Speaker, Honourable Members, I was addressing Madam Amy Miata Myers. I am sure whether it was **Le 2,000** or **10,000,000** that is not the issue. Let us put correct things together to ensure that we address the currency situation in this country. I would like to remind my colleague that I was trying to address a national issue and not something partisan. I want that to be understood perfectly here.

Mr Speaker, Honourable Members, without much ado, I would like the nominees to go to their respective institutions and work for the good of this country, so that we will derive benefit from what they do. Thank you very much, Mr Speaker.

THE SPEAKER: I thank the Honourable Chief Whip of the Opposition.

HON. BERNADETTE W. SONGA: Thank you very much, Mr speaker. Mr Speaker, Honourable Members, we have nominees being nominated by the President. My colleague said a gentleman and a lady. This is a process we normally perform and as I always say in this Well, what we have in Sierra Leone is not lack of expertise or qualifications, but sometimes we lack delivery. People go into their respective offices and fail to deliver.

Mr Speaker, Honourable Members, I want to start with Madam Myers. She clearly said that the Bank of Sierra Leone is an important institution and I agree with you. I want to admonish that when you go to that institution as a member of the Board, please ensure that you treat it with the seriousness it deserves. The Bank of Sierra Leone is a hub for the Economy and if we have to progress as a country, we need to start looking at what is happening in the banking system. The Bank of Sierra Leone is an important area we need to look into. I am sure with your experience, I have no doubt that when you go there in your feminine capacity, you would stand your grounds in ensuring that your contributions are taken on-board and things are done the way they should be done. I

encourage you to be your own self and not a member who will accept everything. Please be yourself and make us proud as women, so that when His Excellency the President look at the **30%** quota that we have been fighting for, they will know that women appointed to serve in various positions delivered remarkably well. I wish you well if approved by this House.

Mr Speaker, Honourable Members, I go to Alhaji Fouad Sheriff. I have no doubt that his wealth of experience will help this Commission to make a difference. When I was going through his resume, I started asking myself your whereabouts. We could have been far ahead of time if you have been there in the first place. However, it is better late than never. As you have stated, the knowledge and experience you have mustered could go a long way to help NATCOM. It is a Commission with numerous challenges like intolerance among colleagues and unprofessionalism. If approved by this House, we want to see these things to be things of the past. We want to see the tolerance among colleagues and I know you are not that kind of person that will tolerate division. Please work with your colleagues and consider their own knowledge, experience and contributions before you take decision.

Mr Speaker, Honourable Members, I would like Alhaji Fouad Sheriff to inform the Minister of Information and Communication about the importance of communication. In other words, communication is one of the important areas we must not neglect at all. I am sure everybody has a mobile phone and everything depends on commission to ensure that the credit we buy is not wasted. The rate at which the mobile companies are charging us for every minute we make call is tantamount to extortion. This means you have a lot to do in that Commission. I am sure you will achieve a lot if you work with the Minister of Information. We do not want a situation where Board members and other staff of the Commission are engaged in protracted conflict. We do not want a display of supremacy in that Commission. We want you to deliver the deliverables. I have no doubt that when you go there, you will perform. I think with these experiences we have been searching for and thank God the President has spotted you, I know we

are going to get the result we need. We do not want the 'Tolongbo' to be saying S.Os. [2] 'Paopa una nor dae do well oh.' Please make us proud.

Mr Speaker, Honourable Members, with all seriousness, this is our desire and our President is doing so much to ensure we have a better Sierra Leone. The nominees should put aside all childishness and all arrogances, and work very hard. Mr Alhaji Fouad Sheriff should make us proud. We have received lots of reports on financial mismanagement, but we have no evidence. As Members of Parliament, we demand transparency. I am sure the Anti-Corruption Commission is watching. When you go to that office, please ensure that whatever you do is transparent. I have no doubt that you will make us proud. You would do what is needed and I wish you well. I know this Parliament is going to approve your nomination.

Mr Speaker, Honourable Members, I want to admonish Ms Amy Miata Myers to make us proud by doing your job you have been nominated to do. Mr Alhaji Fouad Sheriff, you got our blessings and please make us proud. I wish you all the best. I thank you.

THE SPEAKER: Let me take another lady.

HON. EMILIA L. TONGI: Thank you, Mr Speaker. I would like to congratulate the two nominees and to talk a little bit about Alhaji Fouad Sheriff; but before that, I will start with the lady. I want to thank His Excellency the President for not forgetting us the women of this country. My colleagues have said a lot of good things about her. I do not want to repeat them at all and I wish you will go there to make us proud.

Mr Speaker, Honourable Members, I go to Mr Alhaji Fouad Sheriff. I knew Mr Alhaji Fouad Sheriff when he was student at Fourah Bay College. This means I have known him for quite some time now. He is a family friend and Mr Alhaji Fouad Sheriff is known by lots of other Sierra Leoneans because of his intelligence. He has been a very smart person at Fourah Bay College and in secondary school. He has worked at the fisheries sector. I think he made a great difference in that institution. However, what I would like him to do is that, I come from the Eastern province of Sierra Leone and that part of the country is a densely populated area. There is no Communication pole in that area. I

have been at NATCOM about month ago and I had meetings with your staff, asking them to help me at least get some telecommunication poles in my constituency.

Mr Speaker, Honourable Members, I want to remind Mr Alhaji Fouad Sheriff that Bo, Kenema and Makeni are in Sierra Leone, but we are also part of Sierra Leone. We have been forgotten for years and I am doing everything within my powers to draw your attention to that part of the country. It is difficult to get communication and without communication, there are difficulties and problems we are going through in my constituency. Few months ago, thirty gunmen entered Sierra Leone through my constituency and we found it difficult to communicate. We wanted to know and get information about those gunmen. We informed the former Minister of Foreign Affairs and International Cooperation, Dr Alie Kabba and he settled that issue.

Mr Speaker, Honourable Members, I would like Sierra Leone to be barricaded, especially the borders. This is not only about guns, but sicknesses as well. As we speak, there is a sickness in Guinea and Liberia, which is as dangerous as the Ebola epidemic. Mr Speaker, due to lack of communication, we are finding it difficult to communicate to you. So, I would like Mr Alhaji Fouad Sheriff to make a difference this time in our place. We will always think about you in our lives in that part of Sierra Leone if you liberate us from this quagmire. We lack communication and I am persisting that you consider us this time. Please sir, when you get to that office, make a difference and think about us. I thank you very much.

THE SPEAKER: I will take two more speakers in the following order: Honourable Abdul L. Sesay, followed by Honourable Ibrahim T. Conteh before we roundup this debate.

HON. ABDUL L. SESAY: Thank you very much, Mr speaker. I think today again is a very wonderful day. We are approving another Chairman and Commissioner to NATCOM. I am sure Honourable Members and members of the public are aware that NATCOM is becoming a battle ground. I therefore implore Mr Alhaji Fouad Sheriff to at least do the needful. When you go as Chairman of the Board, you have to bring on board all the Parastatals, companies and the people you will be managing. That is why most times there is fight between the Chairman and the Ministers and other heads of

Parastatals because they are not working as a team. Please sir, if this House approved your nomination, you have to set a very good example. I think you have a very big task ahead because we have been seeing NATCOM, instead of improving the lives of Sierra Leoneans, they are making things very difficult for us. If you buy airtime or credit, in space of one minute, everything is gone. I believe you should ensure that you harmonise the off net tariff because different companies are having different tariffs for off net calls. It is better we have the same tariff with all mobile companies. Any time I use my Orange line to call QCell, the charges are different from those incurred when using QCell to call Africell line. I think it is the responsibility of NATCOM as regulator to ensure that we harmonise these tariffs.

Mr Speaker, Honourable Members, when you look at the data charges, I am sure the Sierra Leone Cable [SALCAB] is providing very cheap data, but guess what? Those companies that are buying from SALCAB are charging us exorbitantly. That is why if you purchase **Le 2,000** megabyte that money will finish in space of five minutes. I believe we should be able to benefit from the fibre that SALCAB is selling at a very reasonable price.

Mr Speaker, Honourable Members, SALCAB is doing a very good job and I know the proposed Chairman of NATCOM is going to ensure that telecommunications companies we have in this country will do what they are supposed to do. They should reduce the tariff for us. For God's sake we are citizens and we need better service. Again, if you look at the roaming service, it is very expensive. If you travel from Sierra Leone to Liberia, a minute call will cost you **Le 3, 800**. This is very bad and that is why the regulating Commission should ensure that those services are made cheaper.

THE SPEAKER: I think I can share my experiences with the fact that both the caller and the receiver are usually charged. I was in Liberia last week and every call I received on my phone from Sierra Leone, I was charged. This means it is not only the caller being charged, but the receiver as well.

HON. ABDUL L. SESAY: I believe NATCOM should intervene to see what our companies are doing because you cannot charge both parties. I believe Freetown

Makeni, Port Loko, Kono, etc. are part of Sierra Leone. Our people are suffering in the provinces. In fact, in some places, people climb trees just to access network. My brother from Kailahun can attest to what I have just said. I think you have lots of tasks to execute.

Mr Speaker, Honourable Members, I would like NATCOM to ensure that the regional offices are empowered. We have one in Port Loko, but it is almost non-functional. I believe these regional offices should be responsible to receive information and transmit same to the headquarter office in Freetown for prompt action. I believe if we reactivate those offices, the pressure in Freetown will be reduced.

Mr Speaker, Honourable Members, I want to congratulate Madam Miata Myers for her nomination. I want to remind you that you are very new, but I am sure those who are already working there have a lot to learn from you. If this House approves your nomination, go and tell them that the exchange rate is flying high and that is very abnormal. As we speak, even our local traders who buy things from Guinea for sale in Sierra Leone, are no longer making profit. They can no longer go there because Guinea has better rate than Sierra Leone. This means by the time you buy goods in Guinea, you will not be able to recoup the capital. In addition, people are asking several questions; 'what is going on at the Central Bank.' The auction we undertake is not a lasting solution to this problem. I believe you are going to be the solution to that problem. I therefore implore you to divert from party politics and work for the interest of this nation. S.Os. [2] wi cal dem paty pikin.

On that note, Mr Speaker, Honourable Members, I thank you for this opportunity and I want to say Sierra Leone will definitely move forward if you are ready to work with us. I thank you very much.

HON. IBRAHIM T. CONTEH: Thank you very much, Mr speaker for giving me this opportunity. It has been a while since I contributed on presidential nominees, but the names in this report, particularly Ms Amy Miata Myers sounds great. She is going to the Bank of Sierra Leone and my senior colleague on the order side mentioned the exchange rate. I would like to inform the public that the reason for the intermittent

increase in the exchange rate is because of the Economy we inherited. We inherited a challenging Economy. I am sure we before we took over power, we used to have the London Mining, African Minerals, Save the Children, PLAN International, World Vision, UNICEF, International Medical Corps, MSF, etc. who were bringing Dollars in large quantities into the country. In fact, the African Minerals and London Mining alone used to bring **\$ 20,000,000** or **\$30,000,000** every month. Therefore, there was enough foreign currency in the country to service the needs of the off-takers. The off-takers are increasing and we still have the Leon Oil. We still have Daklarla and all of them operate with their suppliers on open account. If for instance, I want to buy from my supplier, I would have to pay cash before the supplier releases the product.

Mr Speaker, Honourable Members, I am sure in other countries, big companies like the ones mentioned operate on guaranty basis. They will issue guaranties and those guaranties will have circle between **90, 180** to **360** days and in between the guaranty period, the bank will refine moneys per month to ensure that they meet the maturity of those guaranty period. This is however different in Sierra Leone. This is because major companies like the African Minerals, London Mining and other NGOs like PLAN International, Save the Children and World Vision have chosen to trade off-shore. This means they have the Dollars head offices and they decide to trade with brokers like EPISA and Crown Agent. They will trade with them off-shore and Crown Agent will transfer local currencies to Sierra Leone.

Mr Speaker, Honourable Members, the foreign currency that is expected in this country is now somewhere else and the Bank of Sierra Leone will go in search of that same currency at a very high rate. The Banks are trying to make profit and they will go all out to make that profit. If for instance, they buy at **Le 8,500** to a Dollar, they will increase to **Le 8,700**. This means the end users, who are the off-takers, will have to bear the cost. In addition, we have projects signed by the APC led Government, especially the International Projects like the BADEA Project at FBC, which worth over **EUR 200,000,000**. The guaranty for that project did not consider the fact that foreign currency is important to the economic engine of every country. The guaranty issued by

the SOGEFEL, the company carrying out the construction work was issued by Eco Bank Guinea, which means if BADEA wants to pay foreign currency, they will pay to Eco Bank Guinea and the foreign currency is collected in Guinea. The same goes to the Bandajuma Project awarded to CSC by the EU. The Bandajuma Bridge cost **EUR 150,000,000** and the project guaranty was issued by EPISA through Eco Bank Senegal, which means in every guaranty, and there is a clause that the proceeds of the guaranty should go to the issuing Bank.

THE SPEAKER: Honourable Members, what went wrong with our own Eco Bank?

HON. IBRAHIM T. CONTEH: Mr Speaker, that is the challenge and that is the area I would like to encourage Ms Amy Miatta Myers to discuss with the Ministry of Finance and the Parliamentary Oversight Committee on Finance to ensure that we have a second look at Section 37 of the Banking Act. Mr Speaker, when that Act was brought to this Parliament, I raised a point of objection. I said that the provision in our banking laws states that contingent liability and direct exposure are recorded as **100%**, which means a bank in Sierra Leone that has a single obligee or limit of **\$ 2.5mln** and the guaranty to be issued is **\$10,mln**. It means the bank may syndicate, which is not possible in Sierra Leone. Syndication is very difficult, because it involves syndicating between Sierra Leone Commercial Bank or Eco Bank Sierra Leone or Guaranty Trust Bank and others. So, we need to look at the banking laws properly and see where we went wrong. I am sure we can break contingent liability into categories and take **10%** as in the case of the BADEA Project and 10% of that amount is about **\$2mln**. This suggests that a Banks in Sierra Leone can comfortably issue out ticket and at the same time services the customer and other facilities like overdraft loans.

Mr Speaker, Honourable Members, I would like the public to understand that the rise in the exchange rate is because most of these moneys are either not coming into these country or they have chosen to be doing business with brokers off-shores and this brokers end up selling them to Government and the off-takers. So, the Bank of Sierra Leone and the Ministry of Finance should engage the off-takers like the Leon Oil, National Petroleum and TOTAL to come to the table and discuss issues of this nature.

We should also look at the banking laws to ensure that they begin the process of issuing guaranty to their suppliers, so that when they pay, there will be a period because if all the off-takers, like TOTAL demands **\$200,000**, NP wants **\$200,000**, CTC wants **\$200,000** and the supply have cut off, there is no LMC, there is no ALM, Save the Children has reduced their inflow, PLAN International is not training off-shore, MSF engineering is closed, IMC is closed and WHO has reduced their inflow, it means there is limited inflow to attend to increasing demands for the same currency. If we experience such, the exchange rate will increase. I would like to put this in context by stating here that our Government is pragmatic. It is listening Government and we are going to look at the banking laws of this country. We will engage International and bilateral partners to ensure that in future, having looked at the banking laws, they will begin to get local banks to issue guaranty, so that the profit will come to Sierra Leone. I thank you, Mr Speaker.

THE SPEAKER: I thank the Honourable Member for his exposé. I was looking forward to him resolving these small bantams between the Chief Whip of the Opposition and the Honourable Gevao, who were talking about the exchange rate. At the point, the Government came in but I taught you are going to deal with that issue.

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

THE SPEAKER: I am afraid I did not say I was going to take two from each side of the House. I have completed my list, so we shall now wind up the debate.

HON. IBRAHIM B. KARGBO: Thank you very much, Mr Speaker. I am sure somebody mentioned Sir Milton Margai, and he could not pronounce statistics, but that is not the point. Mr Speaker, we on this side do not want a quarrel about who is winning and who is losing in the economic gains. What we know is that we have two Sierra Leoneans in front of us who have been nominated by His Excellency the President to occupy very important positions in Sierra Leone. Alhaji Fouad Sheriff going to NATCOM, and NATCOM is a very important entity not only as part of the economic progress and development of Sierra Leone, but also as a vehicle for the development of the telecommunication sector in this country. We are very certain that with his

knowledge and background, he is going to add knowledge to what has already existed at NATCOM.

Mr Speaker, Honourable Members, I want to use this opportunity because we on this side are very objective that the present management of NATCOM has proven to be capable of running that institution, and we applaud them. Mr Speaker, unlike some of my friends on the other side who will criticise everything, we believe in objectivity and this takes me to the point whereby we must see NATCOM as a national entity. It is an institution meant for the development of this country. So, when Alhaji Fouad Sheriff goes there, he is going to work side by side with the Director General who knows his limits. I am also certain that the Deputy Director General is also capable. I know this because I am a member of the parliamentary Committee on Information and Communications. I expect my Chairman to convey the meeting very soon to further discuss the challenges confronting the telecommunications sector.

Mr Speaker, Honourable Members, the nomination of Mr Alhaji Fouad Sheriff is quite interesting because he is going to be part of an institution that needs restructuring in certain areas. We were asking why some mobile companies did not survive. For instance, Smart Mobile Company came to this country, but they did not survive. We also had other telecommunication companies that came, but they did not survive and those of us who did some research on the causative factors for their non-survival is a matter of policies. We should now begin to look at the policies in the sector, so that new mobile companies can survive.

Mr Speaker, Honourable Members, we have made the point time and time about interconnection charges. Mr Speaker, for those who do not understand interconnection, it simply means when two companies exchange calls through their consumers and at the end of the day, they charge each other. One of the causative factors for the collapse of some mobile companies is because one company performs better than the other and therefore it has to pay more in the area of interconnection than the other.

Mr Speaker, Honourable Members, I think it a matter that should be looked into. Smart Mobile Company came to Sierra Leone, but could not compete with Africell because

interconnection was such that Smart had to pay huge sums of money and they were performing very poorly. We also know that we need to expand the Economy. If we must expand the Economy, all over the world people who are working for NATCOM know that broadband is a very important component in any national telecom programme. It is very important if we give it priority. A member said, we should not see NATCOM as a centre for confrontation, but as a symbol for the development of this country.

Mr Speaker, Honourable Members, I have already said that Mr Alhaji Fouad Sheriff's experience is going to be utilised for the development of the telecommunication sector in Sierra Leone. I am also very certain that he would work very closely with the Director General and his Deputy. I am emphasising this not because I intend to restrict myself to NATCOM, but because in some MDAs in this country, there is always in-fighting between the boss and the deputy. And when you have situations where the boss and the deputy are always at loggerheads, you hardly achieve positive results. I am sure this confrontation is not restricted to Parastatals and Commissions alone, but even in some ministries. Sometimes a deputy minister hardly knows what the minister is doing and the deputy minister is not seen as part of the administration of the ministry. These are some of the problems. Mr Speaker, I am sure both of us were ministers at one time. When you do not utilise the service of your deputy, you run into serious difficulty. So, all we can do is to plead with NATCOM and the new Chairman to put in place structures or modalities that would make it easy for the Board, the Director General and himself to work as one united team for the development of this country.

Mr Speaker, Honourable Members, I would want to conclude Mr Alhaji Fouad Sheriff's episode by stating that NATCOM has huge responsibilities which we have discussed with him at the Committee level. We mentioned some of the irregularities that must be corrected. Those people who are registered to perform telecommunication's functions must register. In this country, people think everything must be provided freely. Some people are not registered customers. If you decide to run a radio station, for example, you must register it. If you do not register it, there is a provision in the Act that gives

the Director General the authority to get you off the waves. I know this because I was a Minister and Honourable Mohamed Bangura too was also a Minister. Mr Speaker, when we talk about communication and commitment to NATCOM as an operator, we are not restricting it to Africell and Orange, but even Government institutions. They should register as the Act provides. This is why we believe that SALCAB should register as a Company, but if they do not register as a Company, they are against the law. I am passionate about it because I set up SALCAB, together with Mr Farmah, who is a great lawyer. We do not want to set up a national institution which is seen to be doing very well, but which is also against the law. We are pleading with the Chairman of our Committee to encourage the Sierra Leone Cables Limited to register their entity with NATCOM. I am sure that will legalise their operations; otherwise they are illegal and when you operate illegally, we can move a Motion and close that company. I think that is also very important.

Mr Speaker, Honourable Members, I go to Madam Amy Miata Myers. If approved by this House, she will be going to the Bank of Sierra Leone. The Bank of Sierra Leone has become extremely topical for two reasons; first, the exchange rate itself. I have never fathomed or thought that we would come to a point where the exchange rate would exceed **Le 1,000,000**, to a Dollar. As we speak, that is the situation we have found ourselves. Some people are even saying that we are becoming like Zimbabwe. And for those who do not understand, I went to deliver a Lecture in Zimbabwe. I decided to change a **\$100** and when the taxi driver came, the car was filled with Zimbabwean currency. I asked the driver, 'what is this?' The driver said, 'sir, this is the money.' And if we do not work assiduously, we will run into a very great difficulty. I hope and pray to God that we do not get to that point. And this is why the appointment of people like Madam Myers, to us is very important. The Governor of the Bank, who is in charge of the monetary policies of this country, does not speak much and because we do not know what is happening. The fiscal policy framework of a country and the monetary policy are two important components in the development of any given country. But if these two people do not talk to us or tell us the state of our Economy, then we are in a

very serious trouble. Mr Speaker, I am sure you remember years back, when we were young, every year the Governor of Bank of Sierra Leone would address the Government, tell us where we have gone wrong.

THE SPEAKER: Well, maybe we have reached a point where the Governor needs to be brought to Parliament through the appropriate Committee.

HON. IBRAHIM B. KARGBO: I hope the Chairman of the Committee is listening. Perhaps, we should revert to that point. We used to see the Bank Governor addressing Parliament and the public on areas the Government has gone wrong and what the Government should do to correct any irregularities. Madam Myers we have had past Bank Governors like Sam Bangura and others who performed exceptionally well. I am sure you need to learn why they were successful. These are areas you should focus because if you see your own sibling doing well, you will ask him/her the secret behind that. So, these are some of the very important things you have to pay rapt attention to. However, we are very certain that you will perform well because your CV is very impressive.

Mr Speaker, Honourable Members, we will continue to thank His Excellency the President for recognising the importance of women in our society. I like to talk about women all the time because out of my six children, only one is a boy, which means the others are girls. Therefore, the women must always be given an opportunity. The late Madam Patricia Kabba, who was a Member of Parliament, told me at a meeting at Miata Conference Centre that almost pathetically few people may be stronger than us, but intellectually you are not better. Some women perform better than men, but some men simply believe that because of their physique, they can beat up a woman. I am sure that is not what we are talking about here. We are talking about utilising the capacity of our citizens for national development and women cannot be left out.

Mr Speaker, Honourable Members, I would like to state that some of always feel happy whenever women are nominated to occupy important positions. I remember years back, I used to Chair programmes organised by women, especially the 50/50 Group because the women have always been my friends. If this House approves your

nomination, I know you are going to have many challenges. You may not be allowed to utilise all your experience because somebody may want to stand your way, but do not allow that to happen. Thank you, Mr Speaker.

THE SPEAKER: Thank you, Honourable Member. I feel a little disappointed that when the Acting Leader of the Opposition mentioned something about the exceptional capacity of women to perform, I did not hear the usual applause coming from the House [*Applause across the Floor*]. And that is a fact that we must all recognise.

HON. MATHEW S. NYUMA: Thank you very much, Mr Speaker. I also want to thank the Acting Leader of the Opposition and all those who have contributed to this debate this morning. I listened carefully to the Acting Leader of the Opposition who has a wealth of experience and a sound historic background. His sense of history and his long standing experience are always admirable. I was so impressed by what he said about the nominees we have before us today. It is not about the physical being, but the mental being that matters most and that was what Madam Myers was talking about. When we talk about addressing the problems of this nation, we are not talking about party cards or party colours. We do not look at names, but the capability of the individual to perform. During the interview, everybody was talking about the wealth of experience of the nominee. So, I am sure we are on the right track. The 'New Direction' is not encouraging you to bend the rules. We want you to do the right thing. We are proud of Mrs Myers because they did not sack her.

Mr Speaker, Honourable Members, when we started the ACP/EU Parliament Session, we held a meeting with Mrs Myers. She is very humble and she shared her experience with us. The Bandajuma Bridge we are seeing today is her handiwork. She started that project. I am happy that the current Director General [DG], Mr Ambrose James, is doing well. They are following her path. She has left a legacy that will continue for a very long time. Please work with agencies or other institutions that will promote the image of your office. I am proud of what the Honourable Member on the other side said about the development of this nation. I am sure that what we are doing is to develop this nation.

Mr Speaker, Honourable Members, during Mrs Myers' interview, she said that even though she was going as a Director to the banking sector, she would collaborate with her colleagues in terms of strategic planning. She said she would not be working in isolation, but to work with other people. I am sure that has been the problem in this country. We have people in this country who think they know everything. They do not want to work in consonance with the rules of being a Board Member. They end up creating more problems for those institutions. I am sure a professional cannot be seen undermining his/her boss. He/She has the powers within the laws to instil discipline in the institution.

THE SPEAKER: In fact, that reminds me and wish to tell the House that we have an unresolved matter relating to Dr Vibi. I thought I should remind the House that that issue remains unresolved and we want to resolve it during this session.

HON. MATHEW S. NYUMA: Thank you, Mr Speaker for bringing us to speed. So, even if you know it all, like Honourable Ibrahim B. Kargbo said, you have to be humble and work very hard for the people of this country. Humility goes a long way in the discharge of your duties. If you are not humble and you do not know your work, I am certain that whatever you want to do will be a problem for you. So, you have to be humble and hardworking. Humility and hard work will enable you to be a successful civil servant. So, we believe that Madam Myers will continue to do what she did at the NAO and work for the interest of the people of this country. Men have never feared you, but what you have done is a challenge to them. I am certain that you will work in the same direction as you have done before. So, this country belongs to all of us and all of us have the same platform. This Gender parity we are always talking about is sometimes the weakness of those who do not want to promote their own individual ability, but Mrs Myers is above that level. I wish you all the best and may the Lord bless you.

Mr Speaker, Honourable Members, we have talked about connectivity and the challenges. I do not want to repeat myself, but I would like to remind you about the challenges we have at NATCOM. Some of the challenges are administrative, financial and collaboration, but I want to believe that those challenges are meant for us to deal

with them. You have heard it from different people and you also know the challenges NATCOM is facing at the moment. We are talking about the Single Treasury Account, which I believe is also affecting them. However, they have to understand the system sets up by the Ministry of Finance. It has to do with the system and we will try to look into it. When we get to those institutions, it is our responsibility to make sure that things happen. I would like to quote directly what you said. You said: **"I will like to have Strategic Policy Directorate to carry out some of these functions."** It is good you thought about that. You also promised to work with other Commissioners to ensure that things happen as expected. You should also work with the Director General and other staff. I am saying this because there must be healthy collaboration between you and the rest of the staff. You should not behave as if you are everything. If you do that, you will have challenges from those you will be working with.

Mr Speaker, Honourable Members, being the Chairman of the Committee on Information and Communications, we will continue to monitor the activities of NATCOM. We attended a workshop at Radison Blu with the Auditor General and her team, and the Director General and some experts from the European Union. As we speak, we do not have anything relating to cyber laws. Cyber laws are very important and that issue is affecting us greatly. All of us are victims of cyber-crimes because they are using our names to extort other people. So, we urge you because we brought that issue at the Committee level. We want to talk about cyber laws, but we do not have cyber laws in this country. So, I told him that we have started putting things in that direction. So, we are asking you to use your good office and work with the Ministry of Information and Communications, so that we can put in place cyber laws. This House is ready to ratify any law that has to do with cyber-crimes.

Mr Speaker, Honourable Members, my colleague on the other side mentioned the fact that SALCAB is not above the law and we are going to ensure that it happens under the ambit of the law. I am sure the Speaker has given us his blessing. I would like to remind all and sundry that party politics is over and we should now focus on development. We should working towards achieving what we want to accomplish. Like

what other speakers have mentioned, there are challenges you are going to face. You have professionals in that institution, you may not know everything. I am sure you would have to ask pertinent questions, so that you will be educated on certain things you may not know. You would have to be educated on the policies and operations of NATCOM. If you pose as somebody who knows everything, you will have problems with those who are professionals. So, I believe they are all here and they have heard all what Members have said.

Mr Speaker, Honourable Members, I would like to thank all Honourable Members for making this approval a success through their contributions. I believe the nominees have listened to the various comments and I am certain that they will implement the recommendations we have suggested. As a Parliament, we also have a responsibility through the oversight Committee to ensure that we succeed as a nation.

On that note, Mr Speaker, Honourable Members, I thank you for your various comments and suggestions. I once again move that the Sixth Report of the Second Session of the Committee on Appointment and the Public Service be adopted by the House and that the recommendations contained therein be approved. I thank you, Mr Speaker.

THE SPEAKER: I thank the Acting Leader of Government Business.

[Question Proposed, Put and Agreed to]

[Motion of the Committee on Appointments and the Public Service has been approved]

THE SPEAKER: Honourable Members, it is now my very pleasant duty to extend warm congratulations and felicitations to the presidential nominees who have just received the approval of this House. For Alhaji Fouad Sheriff, I must confess that he is a man I have known for many years and he is a man who has earned my own personal respect for his dedication to duty and for his professionalism. I have known him in another capacity where he displayed those wonderful qualities and I have no doubt in my mind that the choice of His Excellency the President for this particular position was an excellent one. I would however like to state a word of caution. We have had instances

where people have been appointed as Chairmen of Commissions or Parastatals, but the statutes establishing those institutions do not make provision for Executive Chairmanship; rather, what we have observed is that people go to those positions and attempt to arrogate powers that the statutes did not give them. I am not saying this because of Mr Sheriff [I know he is a man of integrity and high repute, and he will not indulge in that practice], but for the benefit of all other Chairmen. If the Act establishing your institution does not give you certain powers, you have no right to assume or arrogate those powers. You must respect the law and this has always been the source of friction between the Board and Management. I would like to remind the public that this Parliament will no longer encourage such friction to continue. I will now implore all Select Committees under their purviews to ensure that the law is respected at all times.

Mr Speaker, Honourable Members, I would like to state here Madam Myers has a wealth of knowledge and experience, and she is more than equip for the new position to which she has been appointed to serve. These two appointees are people who will definitely not let the President down. I am certain that you will live up to his expectation as indeed you will to the expectation of this House. We wish you well. We are proud of you and we know you are going to excel in your new assignment. Good luck and God bless you.

THE HOUSE RESOLVES INTO COMMITTEE

THE SEXUAL OFFENCES [AMENDMENT] ACT, 2019

[COMMITTEE STAGE AND THIRD READING]

THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

THE CHAIRMAN: Honourable Members, I observed that the Attorney General and the Minister of Justice is not here, but we will entertain any other Minister in keeping with the provisions of Section 107.

MR LAMIN YANSANEH [Table Clerk]: I call on the Chairman of the Legislative Committee to present the Report.

HON. HINDOLO M. GEVAO: Mr Chairman, Honourable Members, I am sure you noticed this morning that two reports were placed in your pigeon holes. Having said that, I present to you the Legislative Committee's First Report of the Second Session of the Fifth Parliament of the Second Republic of Sierra Leone on the Bill entitled, 'The Sexual Offences [Amendment] Act, 2019' presented to Parliament on Tuesday, 16th July, 2019.

1. Introduction

Mr Chairman, Honourable Members, the Sexual Offences [Amendment] Act, 2019 being an Act to amend the Sexual Offences Act of 2012 to make provision for the increase of the maximum penalty for rape and sexual penetration of a child from 15 years to life imprisonment; to make provision for the introduction of the offence of aggravated assault; to make provision for an alternative conviction of aggravated sexual assault; to make provision for the prosecution of offences under the Act; to make provision for the making of rules by the Court Committee to further regulate the practice and procedure under the Act and to provide for other related matters.

Mr Chairman, Honourable Members, the Bill having gone through the second reading was committed to the Legislative Committee for scrutiny pursuant to Standing Orders 51[1&3] in Committee Room 1 by the Legislative Committee and other stakeholders. Having scrutinised the Bill line by line and clause by clause, the Committee hereby recommends the following amendments for approval:

The long title of the Bill be approved.

Clause 1, amendment of Section one of Act No. 12 of 2012

The Sexual Offences Act, 2012 interpretation to be amended as follows:

[a] By inserting the word 'physical' before the word 'disability.' This should now read 'mental or physical disability.'

[b] By redefining the meaning of 'sexual act' to read, 'sexual act means an act performed in a sexual manner on another person.' The rationale for amending the definition is to establish that the burden of proof rests on the adult performing the act.

[c] 'Sexual gratification' the definition of sexual act has been discarded because the perpetrator may argue that he was not gratified or sexually satisfied. By this, we actually ignored the word 'Sexual Gratification' because we do not want the perpetrator to say 'my gratification or the victim?' So, we decided to take it out of the definition.

Clause 2: Amendment of Section [6] of Act number 12 of 2012; the sexual Offences Act 2012. Rape to be amended as follows:

In paragraph 6, 'rape' be amended by deleting the word 'with', after the word 'penetration' and replacing it with the word 'on' and also by deleting the word 'or' after the word 'years' and replacing it with the word 'to.' In that regard, 6[a] will now read as **"a person who intentionally commits an act of sexual penetration on another person without the consent of that other person commits the offence of rape and is liable on conviction to a term of imprisonment not less than 15 years to life imprisonment."** The rationale for this amendment is to give the judge a discretionary option to actually sentence between 15 years to life sentence.

Mr Chairman, Honourable Members, to ensure conformity with Section 24[1] of the Children and Young Persons Act, Cap 44 and Section 70 of the Child Rights Act of 2007, a child, young person and a person above the age of a youth who commits the offence of rape and is liable on conviction to a term of imprisonment in the following manner:

6[b] [i] notwithstanding the provisions of Section 24 [1] of the Children and Young Person's Act, Cap 44 and Section 70 of the Child Rights Act of 2007, a child who engages in an act of rape on another person commits an offence and is liable on conviction to a term of imprisonment not less than 5 years, but not more than 15 years.

6[b][ii] says: a young person who engages in an act of rape on another person commits an offence and is liable on conviction to a term of imprisonment of not less than 10 years to life imprisonment. 6 [b] [iii] a person above the age of a youth who engages in an act of rape on another person commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years to life imprisonment. 6 [b] [iv] where a child commits rape under Section 6[a], the child receives a deferred sentence and sent

to the Approved School until he comes of age to serve the remaining sentence in Prison.

Mr Chairman, Honourable Members, to effectively implement this Bill, the Committee recommends that there is provision for deferred sentencing for a child who commits the offence of sexual penetration on a child, or rape of any other person. This is because the Committee is of the strong belief that fighting sexual offence requires effective punitive measures even when the perpetrator is presumed to be a child. On this note, the Committee further recommends that Approved Schools be set up for the child offenders to ensure reformation and counselling.

Clause 3: Amendment of Section 19 of Act No. 12 of 2012; Sexual Penetration of a Child be amended as follows:

[a] that Paragraph 'a' on sexual penetration of a child be amended by deleting 'life' imprisonment' and replacing it with the following: 'Subject to Section 24 of the Children and Young Person's Act, Cap 44, a person who engages in an act of sexual penetration with a child commits an offence and is liable on conviction to the following terms of imprisonment.

Mr Chairman, Honourable Members, the Committee further recommends the insertion of the following sub-paragraphs to read as follows:

'Notwithstanding, the provisions in Section 24, Sub-section 1 of the Children and Young Person's Act, Cap 44 and Section 70 of the Child Rights Act of 2007, a child who engages in an act of sexual penetration on another child or rapes, commits an offence and is liable on conviction to a term of imprisonment of not less than 5 years and not more than 15 years. A young person who engages in an act of sexual penetration or rape on another person commits an offence and is liable on conviction to a term of imprisonment of not less than ten years or to life imprisonment. A person above the age of a youth who engages in sexual penetration or rape on another person commits an offence and is liable on conviction to a term of imprisonment of not less than 15 years to life imprisonment.

[B] that paragraph 'b' on aggravated sexual assault be amended by deleting 'a term of imprisonment not less than 15 years' and replacing it with the following terms of imprisonment: 19[a][1] a person who, in a sexual manner, coerces or physically forces another person to engage in any sexual act, including any form of sexual violence, drug facilitated sexual assault, grouping or torture commits the offence of aggravated sexual assault and is liable on conviction to the following terms of imprisonment.

Mr Chairman, Honourable Members, the Committee also recommends the insertion of the following sub-paragraphs to read as follows:

[ii] Notwithstanding the provisions in Section 24, Sub-section 1 of the Children and Young Person's Act, Cap 44 and Section 70 of the Child Rights Act 2007, a child who engages in an act of aggravated sexual assault on another child commits an offence and is liable on conviction to a term of imprisonment not less than 5 years and not more than 15 years.

[iii] A young persons who engages in an act of aggravated Sexual Assault on another person, commits an offence and is liable on conviction to a term of imprisonment of not less than 10 years to life imprisonment.

[iii] A person above the age of a youth who engages in an act of aggravated sexual assault on another person commits an offence and is liable upon conviction to a term of imprisonment of not less than 15 years to life imprisonment.

[iv] That Paragraph 2 of 19[a] be approved except for the change in the sentencing period which must be in accordance with what is specified above i.e., 'not less than 15 years to life imprisonment.

Clause 4: Amendment of Section 42 of Act No. 12 of 2012: Court Committee to Make Rules. Mr Chairman, this Clause entails indictment and prosecution of offences to the High Court. By this amendment, the Bill allows the Attorney General to sign indictments and prosecute offences to the High Court. The Committee had challenge in arriving at the conclusion on this matter. The Director of Public Prosecution [DPP] made a representation to the Committee on the need to include his Office to sign indictments

and prosecute offences to the High Court in the absence of the Attorney General in conformity with other Acts. However, Members of the Committee held diverse views on the matter and could not come to a unanimous decision and therefore recommends that the issue be debated and decided upon in the plenary. The rationale for this is because this is a Legislative Committee which is charged with the responsibility of vetting Bills. We wanted to be democratic; and since we could not reach at a consensus on this issue, we decided to bring it to the plenary.

Mr Chairman, Honourable Members, to further synchronise the amendments in this Bill with other provisions in the Act, the Committee recommends that the following new amendments be inserted:

[A] Section 13, Sub-section 1 of the Sexual Offences Act of 2012 under 'Harassment' be amended by inserting immediately after Section 13 the following new section as 13, Sub-section 2 [Solicitation by Persons in Authority]. Section 13, sub-section 2[a] states: 'a person who has been in the position of authority over another person solicits sex from that person by threat, victimisation, or offer of favour, commits the offence of solicitation by person in authority and is liable on conviction to a term of imprisonment not less than 15 years.' This is very important and the Committee held a unanimous view on this and we decided to bring this particular provision because we want to discourage the idea of people in authority, whether an employer, employer/employee relationship, lecturer/student relationship, clergies/worshipers relationship should be discouraged. In other words, that form of sexual offence should no longer be tolerated in this country. This was why we brought this particular provision in the amendment.

[B] For the purpose of Section 13, Sub-section 2[a] says: 'being in position of Authority over another person includes but not limited to the relationship involving:

[a] teacher, instructor, professor, lecturer, trainer, coach and student, employer and employee, minister, priest, preacher, cleric, vicar, pastor, imam, and the member of their congregation or a person seeking counselling and doctor and patient.

[b] Section 35 of the Sexual Offences Act of 2012, under 'Aggravating Factors' be amended by inserting Paragraphs 'I' and 'J' immediately after Paragraph 'H' to read as

follows: Paragraph 'I' the victim is impregnated, 'J' the victim is found to have contracted viral or venereal disease.

[c] Section 42, Sub-section 2 inserted after Section 42 as follows:

Section 42, Sub-sections 2 reads: 'notwithstanding the provisions in Section 7 of the Children and Young Persons' Act, Cap 44, for cases of sexual penetration and rape, a child and young person can be tried in the High Court. The present position in law is that a child or a young person cannot stand trial in the High Court. So, we are looking at a situation where we can have a special division in the High Court wherein children who commit rape can now be tried directly. I am sure indictment can be laid directly under the hand of the Attorney General for them to be tried directly in the High Court because we are also trying to discourage the issue of preliminary investigation for very serious or heinous sexual offences. So, that is the rationale and as I go forward, you will see how the division will be created.

[d] Section 43 of the Sexual Offences Act of 2012, under 'attempted conspiracy' be amended by criminalising settlement and compromise. A new paragraph be inserted immediately after that section to read: 'A person who engages or attempts to engage in the settlement or compromise on any matter in which a sexual act is alleged to have occurred, commits an offence and is liable on conviction to a fine of **Le10ml** or to a term of imprisonment of not less than one year, and not more than ten years or to both fine and imprisonment.

Mr Chairman, Honourable Members, we deemed this provision very important because most often and again, we have seen situations either in Freetown or in our constituencies, whereby when this incident occur, people just meet in their cocoons to settle the issues and then it will never see the light of day. We are of the view that if we make it an offence for those who are involved in the settlement of sexual offences, the magnitude of such an act will decrease exponentially and it will help the fight against sexual offences in Sierra Leone.

[e] Section 44 of the Sexual Offences Act of 2012, under 'regulations' is amended by repealing and replacing that section with the following to section 42; 'notwithstanding

the generality of Sub-section 1, the Minister responsible for Social Welfare, Gender and Children's Affairs may, by statutory instrument, make rules for [a] Compulsory Counselling, [b] Setting up of Child Panels under Parts 5 of the Childs Rights Act of 2007, [c] to establish, maintain and publish annually both imprint and electronic media a sexual offender data base, [d] setting up of approved schools, [e] to set up juvenile court in the High Court, [f] to make provisions for the training of forensic expert and setting up of forensic laboratories.

3. Conclusion

Mr Chairman, Honourable Members, the Legislative Committee, having scrutinised the Bill entitled, the Sexual Offences [Amendment] Act, 2019 recommends these proposals to the House for approval. The Report reflects the unanimous views of the Committee. I therefore move that the House pass the Bill entitled 'Sexual Offences [Amendment] Act 2019' through Committee Stage and Third Reading into Law. I thank you for your attention.

Clauses 1 to 5, including the 'Long Title' stand proposed

MR UMARU N. KOROMA: Mr Chairman, Honourable Members, I move that clauses 1 to 5, including the 'Long Title' stand part of the Bill.

THE CHAIRMAN: Honourable Members, before I put the question, maybe the Leader of Government Business would like to consult with the Minister, so that they are on the same page.

HON. MATHEW S. NYUMA: Mr Chairman, the Committee accepted the long title, but there is a little objection from the Minister. The Committee has looked at the long title, but maybe the Minister would like to make some changes.

THE CHAIRMAN: Well, I do not mind standing the House down for few minutes.

HON. MATHEW S. NYUMA: No, Mr Chairman we can handle it.

THE CHAIRMAN: I wanted the two of you to engage because I do not think you have been sufficiently briefed.

HON. IBRAHIM B. KARGBO: Mr Chairman, it seems my friends on the other side are not properly prepared for this debate.

THE CHAIRMAN: I am sure they are prepared.

HON. MATHEW S. NYUMA: Mr Chairman, we are prepared. This is a report and we cannot just rubber stamp the report.

HON. IBRAHIM B. KARGBO: You are not prepared at all.

HON. MATHEW S. NYUMA: How can you say that, Honourable Member? That is un-parliamentary.

HON. IBRAHIM B. KARGBO: My friend you are not prepared.

HON. MATHEW S. NYUMA: Alright thank you and it is your opinion. We are settled. Mr Minister, we are now on the 'long title.' Can we move to the long title? We are envisaging making 'sentencing guidelines.' So, we want to maintain the first title and make addendum. Do you have the addendum in front of you?

MR UMARU N. KOROMA: Mr Chairman, Honourable Members, there has been a proposal for an addition to the 'long title' to read as follows: 'To make provision for the making and issuance by the Chief Justice of sentencing guidelines.' We want an opportunity for the Chief Justice to issue sentencing guidelines. The Long Title has made provision for the Rules of Court Committee, which the Chief Justice is part of and that is very clear, but with regard sentencing guidelines, we want the Chief Justice to make guidelines.

HON. MATHEW S. NYUMA: Mr Chairman, if that is a consensus with the Ministry and the Draftsman, I think we can adopt it. I hope the Chairman of the Legislative Committee is with us. We want to make room for an amendment. So, we want that title to be added and we are on the same page.

THE CHAIRMAN: Honourable Member, by all means please come forward.

HON. MATHEW S. NYUMA: Mr Chairman, the Honourable Member do not have the Bill in front of him.

THE CHAIRMAN: No, please come forward.

HON. MATHEW S. NYUMA: Are you comfortable now?

HON. IBRAHIM B. KARGBO: For the time being.

HON. MATHEW S. NYUMA: Well, Mr Minister please proceed.

MR UMARU N. KOROMA: Mr Chairman, Honourable Members, I move that clauses 1-5, including the 'Long Title' stand part of the Bill as amended.

HON. MATHEW S. NYUMA: Point of Order sir.

THE CHAIRMAN: I have not put the question yet.

HON. MATHEW S. NYUMA: Yes, that is it.

HON. P.C BAI KURR KANAGBARO SANKA III: Mr Chairman, I have heard and listened to the presentation. I asked a question to the Attorney-General that we have passed an Act or Bill in this Parliament which says that we now have Correctional Centres and no more Prisons. Are we saying we are no longer going to have Correctional Centres but Prisons to punish people, or to correct people? If you look at Clause 2[b], by redefining the meaning of sexual act which says, 'an act performed in a sexual manner on another person.' When I looked and read this Bill we want to pass today, there is no time limitation to define or to include rape. The question should be the time the sexual act or rape took place. Somebody can bring a rape case that took place thirty [30] years ago. Maybe the issue was laid to rest long time ago, but because of dispute the victim would want to make a fresh case against the perpetrator. There is no time limitation and we are making the laws. Some of us were saying things here, but others said no; and when the table turned, they wanted the rules to be changed. Is there no time limitation? This is very serious.

Mr Chairman, Honourable Members, this particular area is very ambiguous and anybody can come at any time and make allegations against prominent people. I am sure that will be very embarrassing and by the time you exonerate yourself, you would have sold your house to take lawyers and the social media would have posted naked photos of you all over. We have to be careful with how we make laws. By redefining the meaning of sexual act to mean, 'an act performed in a sexual manner on another person,' is not enough. You could have treated your ex-girlfriends nicely, but when you later got another girlfriend, she could come and lie that you raped her. The Attorney General is here and Members of Parliament are also here. I am sure even your wife could accuse you of raping her in this Bill. She could accuse you when you go to court for divorce.

She would simply say before the divorce, this man raped me and I was not happy. I was having serious headache when he forced me to have sex with him.

Mr Chairman, Honourable Members, I am giving you some warnings to think about. The Chairman of the Legislative Committee was saying that even when you want to settle things out in a family or community way, you should be imprisoned for 1 year or **Le 10ml** fine. Some allegations will be false allegations and the Courts are not capable to handle all these issues. Honourable Members, Pademba Road Prisons was built for **340** inmates; but today, we have over **1,400** or **1,500** inmates. I saw photos of the Bo Prisons and it was terrible, horrible, and disgusting. If you go to Magburaka/Mafanta Prisons, you will see the same thing. We are going to send more young people to jail. Thank you.

THE CHAIRMAN: I just want some clarifications and this goes for the Leader of Government Business, the Minister and the Chairman of the Legislative Committee. If you look at the Original Bill that went to the Legislative Committee, certain amendments are being introduced by the Legislative Committee as contained in the report that has been read to the House by the Chairman of the Legislative Committee. Now, I would have thought that a better procedure is for us to first of all deliberate on the report of the Legislative Committee. When that is approved, then we can go through the original Bill paragraph by paragraph, bearing in mind the proposals for amendments that the Legislative Committee has tabled before the House. But we have to do something about this report before going to deal with the original Bill clause by clause, otherwise there is going to be a whole lot of confusion.

HON. MATHEW S. NYUMA: Mr Chairman, the report is to guide us through the Bill we have in front of us. It is acting as a guidance towards what we are about to do. So, as we go clause by clause, we take the report from the Legislative Committee to see whether we can do the insertion in the Bill. If you say we are going to discuss the report separately from the Bill we have in front of us, it is going to be cumbersome. So, we take the report and insert it into the Bill. For example, he has raised something

about time. Originally, we do not have it in the Bill, but he wants that to be inserted. If he wants that to be accommodated, he has to put it in the form of a Motion.

Mr Chairman, Honourable Members, I would like to propose an amendment, which is not included in the original Bill. I want to bring that section in this Bill. I want this House to treat this Bill in consonance with the report we have before us. Let us look at the two documents together. We have to compare clauses in the report to what we have in the Bill.

THE CHAIRMAN: Honourable Member, let us be clear about that.

HON. MATHEW S. NYUMA: Mr Chairman that is the commitment.

THE CHAIRMAN: That when the Clerk introduces Clauses 1- 5.

HON. MATHEW S. NYUMA: We now come up with the amendment?

THE CHAIRMAN: Honourable Member, are you saying that when the Minister proposes or moves for those clauses to stand part of the Bill, he must make reference to the report?

HON. MATHEW S. NYUMA: Yes, Mr Chairman. The report is part of what we are doing now. It is aiding this House and that is the whole essence of bringing such reports to the House, so that we can see where to do the necessary insertions.

THE CHAIRMAN: In that case, it is not just clauses 1-5 to stand part of the Bill. It is going to be clauses 1-5 as amended by the Legislative Committee to stand part of the Bill.

HON. MATHEW S. NYUMA: And we can now come with changes if we have. I thank you.

HON. P.C BAI KURR KANAGBARO SANKA III: Usually, Mr Chairman, when we go through the Legislative Committee, we try to debate them or accept them. Now you did not even put the Motion whether we have adopted or accepted the report.

THE CHAIRMAN: Honourable Paramount Chief, the procedure we have agreed is that you should have the original Bill and the report of the Legislative Committee. The Motion that the Minister would put is going to be paragraph by paragraph as amended by the Legislative Committee, so that we are incorporating what is proposed in the

Legislative Committee's Report into the Bill. I hope you understood what we are trying to do? This will enable us to debate the two documents at the same time and there is also room for further amendments.

HON. P.C BAI KURR KANAGBARO SANKA III: Whether the Minister is going to accept the amendments or not... - *[Interruption]*.

HON. HINDOLO M. GEVAO: We are the House of Parliament and we are the law makers. I do not think whether it is for the Minister to agree with our amendment or not.

THE CHAIRMAN: Exactly, Honourable Member.

HON. HINDOLO M. GEVAO: I do not think that should be the position.

THE CHAIRMAN: His job is to do the needful. It is left with Parliament to decide what to do.

HON. MATHEW S. NYUMA: Honourable Paramount Chief, I know we are going to argue a bit, but we have dealt with the long title.

THE CHAIRMAN: Indeed we have dealt with the long title.

HON. MATHEW S. NYUMA: We have dealt with the long title. Now, we want to take it clause by clause and if you have an amendment to make, no problem. You said you want to have sentencing time limitation. So, you should be looking at the Original Bill to see if you can insert that proposal. We would accommodate you if you have the Parent Act. We have the Minister and his officials are also here. So, we can do the insertion if it is necessary.

HON. HAFIJU M. KANJA: Mr Chairman, I am referring to the Legislative Committee Report where they mentioned Authorities who tampered with their inferiors.

THE CHAIRMAN: Hold on, Honourable Member. We have not reached that stage yet.

HON. HAFIJU M. KANJA: Mr Chairman, we left out some areas.

THE CHAIRMAN: We have completed the long title and we are not going back.

HON. MATHEW S. NYUMA: Mr Chairman, in clauses 1-5, I want to make reference to Section 39 of the Parent Act. I am sure all of have the Parent Act. With your leave, Mr Chairman, Section 39 reads: **"A Victim of a sexual offence shall be entitled to**

free medical treatment and a free medical report.” Mr Chairman, this is too vague and we would like some explanation to that particular clause. It says free medical care and question is how? How is the victim going to get free medical care? I want to propose a Motion regarding Section 39 [1] because there is a clause beyond Section 39 and we are looking for areas where we can do the necessary insertion.

HON. P.C BAI KURR KANAGBARO SANKA III: We are jumping the gun.

HON. MATHEW S. NYUMA: Honourable Paramount Chief, we have the report.

HON. P.C BAI KURR KANAGBARO SANKA III: We are not going to the report. We are going clause by clause and when we come to that stage, you can bring it up.

HON. MATHEW S. NYUMA: The clause is there already. If you look at Clauses 1 to 5, the amendment they have given us is accepted. You have Section 24 and in Clause 5, you even have Section 42 of the Bill before us. So, before that Section, we also have Section 19, where we have the prosecution of offences, which talks about Clause 42. We have Clause 39 to be inserted before it.

THE CHAIRMAN: No. I will only allow you to proceed if everybody is with you. This is a very important Bill. So, maybe let us dissect Clauses 1-5 into separate paragraphs, so that the rest of the House can be with you. We have dealt with the 'Long Title,' Clause 1 of the original Bill as amended. Do you have any amendment proposed in the report of the Legislative Committee that is before us? Do you have any comments? Clause 1 of the Bill is read in tandem with the report of the Legislative Committee. More or less we will be accepting the report to read alongside Clause 1.

HON. REBECCA Y. KAMARA: Mr Chairman, I think I was part of the meeting with the Legislative Committee as representative of the Female Caucus. When you look at the original Bill, you would not see the word 'physical or disability.' We only see the word 'mental.' So, that is why we all agreed in that meeting that we read it as 'mental or physical disability.' It was just 'mental disability.' I would like to state here that we do not only have mentally disabled people, but also the physically challenged ones. I am

sure some people are usually raped in a brutal manner; and as a result, some sustain serious injuries. Maybe we are asking the House to also look at it if it is okay.

THE CHAIRMAN: In the interest of speed, I will now put question to the House for your approval.

HON. ABDUL K. KAMARA: Mr Chairman, I have understood the point the Honourable Member was trying to make. However, when you try to categorise disability into mental and physical, it also draws to mind other categories perhaps not captured. Disability is Disability. We limit it to disability and it covers every other category.

THE CHAIRMAN: Sorry, I did not quite get you. I was interrupted. What were you saying?

HON. ABDUL K. KAMARA: I think I understood the point the Honourable Member was trying to make, but when you try to categorise disability into mental and physical, it also draws to mind other categories perhaps not captured. I said disability is disability and if we limit it to disability, it covers other categories. She said there was nothing like 'disability category,' and that it only talked about 'physical and mental disability.' I am sure we are trying to include 'physical disability' and other categories. I think we should just leave it as 'disability' because it is open and it compasses every other category of disability. I am certain that the lawyers have a way of sneaking through certain issues. So, let it just be 'disability.'

THE CHAIRMAN: Do you have the Report of the Legislative Committee?

HON. ABDUL K. KAMARA: Yes, Mr Chairman.

THE CHAIRMAN: But what you are saying is contrary to what has been reported by the Legislative Committee.

HON. ABDUL K. KAMARA: It is not contrary, Mr Chairman.

HON. HASSAN A. SESAY: I think what the Honourable Member was trying to talk about is the recommendations of the Legislative Committee, Clause 1 is saying amendment of Section 1, Act No. 12 of 2012; by inserting the word 'physical' before the word 'disability' to read, 'mental or physical disability.' I think the Honourable Member

was saying that instead of 'mental or physical disability,' simply say 'disability,' and that will capture every disabled person, whether 'mental or physical.'

THE CHAIRMAN: But that will run contrary to the original Act. The 2012 Act defines person with mental or physical disability. Are you going against the Parent Act?

HON. HASSAN A. SESAY: No, that is not what I am saying. While others are proposing for the insertion of the word 'physical' before the word 'disability' and that limits it to physical disability.

THE CHAIRMAN: Is the Chairman of the Legislative Committee here? The Chairman of the Legislative Committee let me give you the opportunity to explain.

THE CHAIRMAN: It talks about 'mental or physical disability' and it is clearly defined there. So, what were you seeking to introduce when you said, 'disability to read mental or physical disability?' What is new that you were trying to introduce that is not in the Parent Act.

HON. HINDOLO M. GEVAO: It was not in the amendment, Mr Chairman. What we were asked to amend is the Bill that has been brought before this House. If you are amending the Parent Act and there is an amendment Bill, if we do not include it in the amendment Bill, then there will be some controversies between the Parent Act and the proposed amendment. So, there might be 'physical or mental' in the Parent Act, but it is not captured in the amendment that was brought before this House and our responsibility was to go through this amendment sentence by sentence and clause by clause. This was why we went back to the Parent Act and we saw the need to capture it in our report. We wanted it to be captured in the amendment that is laid before us. It is the Parent Act, but not in this Bill before the House, which is the subject of this discussion. So, we we are capturing it in our report now because as you rightly mentioned, it is in the Parent Act but not in the Bill.

THE CHAIRMAN: I also want to get a clear understanding.

HON. MATHEW S. NYUMA: Mr Chairman, we have just discovered something with those documents.

THE CHAIRMAN: In my own understanding that the definition of 'person with mental or other physical disabilities as contained in the amendment Bill, a new definition of sexual act to mean an act performed with another person for sexual gratification.

HON. HINDOLO M. GEVAO: Correct, Mr Chairman.

THE CHAIRMAN: You have difficulties with that definition in the amendment Bill?

HON. HINDOLO M. GEVAO: Yes, Mr Chairman.

THE CHAIRMAN: You are now proposing that sexual act should mean 'an act performed in a sexual manner on another person?'

HON. HINDOLO M. GEVAO: Yes, Mr Chairman.

THE CHAIRMAN: That is what is before us now. I hope that is clear to everybody.

HON. REBBECA Y. REBECCA: Mr Chairman, are we done with Clause 1[a]? We are on Clause 1[a].

THE CHAIRMAN: No, Honourable Member. Please look at the report of the Legislative Committee. If you look at Clause 2[b], the Legislative Committee is asking to redefine the meaning of sexual act, to mean 'an act performed in a sexual manner on another person.' That will replace what came in the amendment Bill, which read 'sexual act means an act performed with another person for sexual gratification.' Do you understand now?

HON. MATHEW S. NYUMA: Yes, Mr Chairman.

THE CHAIRMAN: So, let us go on the basis of what has come from the Legislative Committee.

HON. ABUBAKARR FORNAH: Mr Chairman, I have something different to what has been proposed. To me, this is legal and we must be mindful of certain things. The Attorney General seated here knows what we are saying. I do not want to take you back because even the original Bill was a serious point of debate at the Law School because the Sexual Offences Act of 2012 is implicative as against other laws. I have just consulted the Chairman of the Legislative Committee in camera and I told him that

because he was trying to insert certain clauses in a rush. I said we had to discuss this report and see the possible amendment before we passed this Bill into law. I am sure this is a critical Bill as mentioned by the Honourable Paramount Chief because it has to do with the lives of young people. This is very serious and I do not want this Bill to be rushed Mr Chairman.

HON. MATHEW S. NYUMA: Mr Chairman, let us proceed.

HON. ABUBAKARR FORNAH: I would like to give you an example now.

HON. MATHEW S. NYUMA: You are right, Honourable Member.

THE CHAIRMAN: Honourable Member, I have heard you.

HON. MATHEW S. NYUMA: Mr Chairman, I think we are on track. We have started discussing the report in tandem with the original Bill.

THE CHAIRMAN: The Honourable Member wants to graduate from been a macro-economist to something else.

HON. MATHEW S. NYUMA: We are going clause by clause. We start with Clause 1.

THE CHAIRMAN: What we have approved is the definition of 'Sexual Act' as proposed by the Legislative Committee.

HON. REBECCA Y. KAMARA: Mr Chairman, let us look at Clause 1[c].

HON. HINDOLO M. GEVAO: Section 6 of the Sexual Offences Act of 2012 is amended by repealing and replacing that Section with the following new Section 6. It reads: **"a person who intentionally commits an act of sexual penetration with another person without the consent of that other person commits the offence of rape and is liable on conviction to a term of imprisonment not less than fifteen [15] years or life imprisonment."** If you go to the report, you will find out that the Committee recommended for amendment of Section 6, Clause 2 of the 'Sexual Offences Act of 2012 as follows: Under Paragraph 6, we proposed that 'rape' be amended by deleting the word 'with' after the word 'penetration' and replacing it with the word 'on' and also by deleting the word 'or' after the word 'yes' and replacing it with the word

'to.' Therefore, the entire sentence will now read: **"A person who intentionally commits an act of sexual penetration on another person without the consent of that other person commits the offence of rape and is liable on conviction to term of imprisonment not less than fifteen years or life imprisonment."** The words 'to life imprisonment' are very instrumental here because you are making it optional. If you say, 'or life imprisonment,' it means you are just limiting it to two options, but when you say 'to,' it is either fifteen years or give twenty-five years to thirty years. There was no space or lacuna between the original jail term to the life imprisonment and we also considered the young generation of this country. This means there is possibility that somebody can be culprit and he/she is imprisoned for twenty-five years and later come out, but he/she could still be useful to the society.

HON. ABUBAKARR FORNAH: Mr Chairman, I have a problem with that.

THE CHAIRMAN: Honourable Member, you are interrupting me.

HON. MATHEW S. NYUMA: You cannot interrupt the Chairman like that, Honourable Member? You have to rise on a point of order.

HON. ABUBAKARR FORNAH: Sorry, Mr Chairman, but I have a very technical observation.

THE CHAIRMAN: Honourable Member, I hope you remembered the last time I gave you the Floor.

THE CHAIRMAN: You tried to convince us that you were not only an ordinary economist, but a macro-economist of world class standard, so please let not have a repeat of that today.

HON. MATHEW S. NYUMA: Mr Chairman, are you putting a question?

THE CHAIRMAN: I am putting a question.

HON. MATHEW S. NYUMA: Now?

THE CHAIRMAN: Yes.

HON. MATHEW S. NYUMA: Okay.

[Question Proposed].

HON. PC BAI KURR KANANGBARO SANKA III: Yes Mr Chairman.

THE CHAIRMAN: Yes Chief.

HON. PC BAI KURR KANANGBARO SANKA III: I think in this Clause we have to find the way to insert time limitation.

THE CHAIRMAN: Where, in the sentence section?

HON. PC BAI KURR KANANGBARO SANKA III: Yes on rape.

THE CHAIRMAN: Yes.

HON. PC BAI KURR KANANGBARO SANKA III: Are we not on Clause [3]?

THE CHAIRMAN: No, Clause [2] the definition of "RAPE" chief, you are moving faster than we are.

HON. PC BAI KURR KANANGBARO SANKA III: Well, here Clause [2] I do not know the one I have here is Clause [2].

THE CHAIRMAN: No, Chief please you have to, look at this Bill.

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir.

THE CHAIRMAN: Okay, look at Clause [2], no he is not talking about No. [3] He says No. [2] Section [6] of the Sexual Offensive Act.

HON. PC BAI KURR KANANGBARO SANKA III: Yes Mr Chairman.

THE CHAIRMAN: Are you with me now?

HON. PC BAI KURR KANANGBARO SANKA III: Yes, but we are still going the same round, we are looking at the proposed amendment from the Legislative Committee.

THE CHAIRMAN: Yes.

HON. PC BAI KURR KANANGBARO SANKA III: I was looking at the amendment Bill they sent to Parliament, so in this case we are on Section [6]a.

THE CHAIRMAN: That is correct.

HON. PC BAI KURR KANANGBARO SANKA III: "A person who intentionally commit an act of sexual penetration on another person without the consent of that other person commit the offence of rape and is liable on conviction to a term of imprisonment not less than fifteen years to life imprisonment". In this particular moment, I want us to find intellectuals, lawyers, the Attorney General, the Deputy Attorney General to insert what time factor the person has the right to report for us to look at it as a rape case. Because according to this sentence and the amendment Sir, there is no time limitation for reporting.

HON. HINDOLO M. GEVAO: Mr Chairman, may I respond?

THE CHAIRMAN: Do let me allow the Deputy Minister to respond, but it is very clear chief you are venturing into dangerous ground, very slippery slopes do not go there please but go on.

THE MINISTER: Mr Chairman, Honourable Members, I understand the position my Honourable Paramount Chief Bai Kurr is coming from in his earlier submission. He is still insisting on having the time limitation. Honourable Paramount Chief Bai Kurr Sir, criminal offences do not have time limitation if you commit a murder and you are reported, the police will investigate, one hundred years from now if you come back is still murder. So, if you commit rape today it cannot be limited by time unlike other civil offences so time limitation be factored into the Act. For criminal offences all over the world is not only for Sierra Leone that is the standard, that is the principle you know, it is not limited by time.

THE CHAIRMAN: And Honourable Paramount Chief Bai Kurr, this is not customary law.

HON. ABDULAI SESAY: Mr Chairman. I have a submission on that, the legal people have highlighted that in crime there is no limitation but when you look at the issues of rape we talk of forensic laboratory to do analysis. If somebody is raped and it takes a

month, then there comes a report that she has been raped, where are you going to get specimen to prove that this is indeed a rape case?

THE CHAIRMAN: Okay, that will deal with evidence not with the definition please. Any other comments before I put the question?

HON. JOSEPH L. WILLIAM: Mr Chairman, I just have problem with the word 'consent,' because the consent of an individual can vary from time to time when...
[Interruption]

THE CHAIRMAN: The lawyers know what is meant by consent so leave that in this particular issue?

HON. MATHEW S. NYUMA: I was just thinking about "not more than", I was thinking about let us have something like a term of imprisonment ranging from ten years to life imprisonment.

THE CHAIRMAN: You mean fifteen years?

HON. MATHEW S. NYUMA: Yes fifteen years. So, the legal language we are going to have most of them appearing in the amendment, if we look at "RANGE", how do you think about "RANGING FROM"? We just want to have something new.

THE CHAIRMAN: Mr Minister what do you say towards that?

THE MINISTER: Mr Chairman, Honourable Members, the principal objective for bringing this amendment to this House is to make the offence or the punishment on this issue very strong in as much as the initial Bill has already given two alternatives. Let it remain as it is fifteen years to life imprisonment as you rightly explain within that period a judge will look at the person and say... *[Interruption]*

THE CHAIRMAN: He is not quarrelling with that.

THE MINISTER: No, the word as used by the Legislative Committee is very much apt.

HON. HINDOLO M. GEVAO: Mr Chairman, I also hold the view that I do not know because I am not an English expert but "To" is much stronger than "RANGING." It is a little weak in law. Yes "To" is apt.

THE CHAIRMAN: What about the words “not less than” It gives you a base line.

HON. HINDOLO M. GEVAO: The words “not less than” gives you a base line not to go below. But to take it from that, fifteen years going to life imprisonment...

[Interruption]

THE CHAIRMAN: Well I am sorry. Unless you want to play with semantics, I mean what he is saying is equally correct ranging from fifteen years to life imprisonment.

HON. HINDOLO M. GEVAO: I take the queue Mr Chairman. I will crave the indulgence of the House to use the word “To”.

HON. MATHEW S. NYUMA: Mr Chairman, for progress let’s allow them to use this normal language.

THE CHAIRMAN: Okay fine.

[Question Purposed].

THE CHAIRMAN: Let us progress please. The next one is 6[b]1, 6[b]2, 6[b]3 and 6[b]4. Again let me allow the Chairman of the Legislative Committee.

HON. HINDOLO M. GEVAO: Mr Chairman, the Legislative Committee considered the prevailing circumstance around as we stated at the preface of this report that we had experts guiding the process bringing their own opinions as they look at a number of issues such as the prevailing circumstance and the statistics of sexual penetration issues in Sierra Leone, the definition of a child and/or young person. So, what we did, we decided to look at those laws and synchronised them in our report. We captured to say, a young person irrespective of those laws like Section 24 which says “no child shall be sentence to imprisonment” that is what Section 24[1] of the Children and Young Persons’ Act is saying and now we are saying to ensure conformity with Section 24[1] of the Children and Young Persons’ Act. Cap 44 and Section 70 of the Child Right Act of 2007, a child, young person and a person above the age of youth who commit the offence of rape and is liable on conviction to a term of imprisonment in the following manner; 6[b] notwithstanding the provision of Section 24[1] of the Children and Young

Persons' Act Cap 44 and Section 70 of the Child Right Act 2007, a child who engages in sexual act of rape on another person commit an offence and is liable on conviction to a term of imprisonment not less than five years but not more that fifteen years. So what we are trying to do is to protect them so that they cannot be in prison, we want this particular amendment Bill to capture punitive measures for those people who are of age, who takes responsibilities of their actions to be punished for those actions. But for the Persons and Young Children Act, we cannot. So that is why we are now saying by this amendment we can have them in prison now. Then [b] is saying a young person who engages in an act of rape or another person commits an offence and is liable on conviction to a term of imprisonment not less than ten years to life imprisonment. 6[b3] "a person above the age of youth who engages in act of rape on another person commit an offence and is liable on conviction to term of imprisonment not less than fifteen years to life imprisonment. Where a child commit rape under Section 6[a] the child will serve a deferred sentence and sent to Approved School until he becomes of age to serve the remaining sentence in prison, so we looked at the situation Mr Chairman, let say the definition of a child is somebody below the age of eighteen years and you commit this offence when you are seventeen years plus and you are convicted, you will be taken to Approved School. You are sentenced at the time when you are a child but you are taken to Approved School when you become of age you will now go to serve the remaining part of your sentence at the Correctional Centre but the time spent at approved school will count as part of that sentenced period.

THE CHAIRMAN: Thank you.

HON. MATHEW S. NYUMA: Mr Chairman.

THE CHAIRMAN: Yes.

HON. MATHEW S. NYUMA: For the progress of speed if we are allowing our Honourable Member to be explaining all of these things, I think we should just stand with the reports. He is not carrying his own opinion, he is carrying the opinion of people and various stakeholders.

THE CHAIRMAN: No, I am allowing him so that the rest... *[Interruption]*

HON. MATHEW S. NYUMA: The more Honourable Hindolo M. Gavao explains the more he will start inserting things that will bring argument.

THE CHAIRMAN: He is not inserting anything.

HON. MATHEW S. NYUMA: I have heard him. If I want to put up argument, I will Mr Chairman, but for me, legal necessities and what we want to do, is just to say "I stand with the report" that is the normal practices. But trying to explain one by one he will insert Clauses that will bring up argument.

THE CHAIRMAN: For the edification of my good self and the rest of us, may be you are on a higher plane.

HON. MATHEW S. NYUMA: Okay Mr Chairman, so be it.

HON. PC BAI KURR KANANGBARO SANKA III: Mr Chairman Sir.

THE CHAIRMAN: Yes Chief.

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir. You are putting it, but we have to debate it.

THE CHAIRMAN: Do you want to introduce an amendment or what Chief?

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir.

THE CHAIRMAN: To which one of these Clauses?

HON. PC BAI KURR KANANGBARO SANKA III: Nearly, all of them. Mr Chairman, we are working here on controversy. The Child Right Act said, no child should be sent to prison, here we are not repealing those Sections, without amending those Act we are saying we should just sentence these people. We have followed the western world, but sometimes we do not copy them correctly, we have heard people in America, England, Germany who went to jail after they have committed murder, but they became good citizens of their countries and became multi-millionaires like King Don who became the biggest promoter of boxing in the world was a murderer, but because he corrected

himself in jail, he was released and became the greatest boxing promoter. So they cannot be sending our children to jail.

THE CHAIRMAN: No, hold on Chief, with the greatest respect have you read the Legislative Committee Report right through to the end?

HON. PC BAI KURR KANANGBARO SANKA III: It was read by him. The report was just given to us today.

THE CHAIRMAN: I know.

HON. PC BAI KURR KANANGBARO SANKA III: So I cannot even... *[Interruption]*

THE CHAIRMAN: But the points you are making have been captured and catered for in subsequent pages of this report.

HON. PC BAI KURR KANANGBARO SANKA III: That is why I said, there is controversy because if you have already put this, and later in the same Bill, you change it so where are we? We have to stand by one rule, by one definition.

THE CHAIRMAN: This is what we are still doing?

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir.

THE CHAIRMAN: We are still defining rape chief.

HON. PC BAI KURR S. KANANGBARO III: Yes. But here it carries punishment.

THE CHAIRMAN: No categories of individuals who commit rape, an adult is different from a child.

HON. PC BAI KURR KANANGBARO SANKA III: Yes but now I am talking of here... *[Interruption]*

THE CHAIRMAN: We are dealing with contemporary situations Chief.

HON. PC BAI KURR KANANGBARO SANKA III: Yes but you are saying Section 6[b], does not defined elder person but child. So for me, we should look at this and do not follow where we are going, we are going to deprive so many children in this country from the opportunity to improve themselves by saying not less than five years.

HON. MATHEW S. NYUMA: Mr Chairman.

THE CHAIRMAN: Yes.

HON. MATHEW S. NYUMA: Because he knows that rape is war crime presently. Honourable Member, I want you to realise that rape is a war crime take note of that, so you do not have to come to pamper those who are involved in rape.

HON. PC BAI KURR KANANGBARO SANKA III: Mr Chairman, if you look at Section 6[e]4 while a child commit rape under Section 6[a] the child received a deferred sentence and send to the Approved School, what is the need of sending the person to Approved School is for him to go and changed and become a good citizen, if he became a good citizen then why should we send him back to jail?

THE CHAIRMAN: No, Chief I beg your pardon Sir.

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir.

THE CHAIRMAN: If I understand with you correctly and you are against punishing children for rape not so?

HON. PC BAI KURR KANANGBARO SANKA III: Am not against punishing but against... [Interruption]

THE CHAIRMAN: But that is your submission just now.

HON. PC BAI KURR KANANGBARO SANKA III: No, sending them to jail. You can punish so many people differently without sending them to jail.

THE CHAIRMAN: No, you are saying if we approved this, it will mean we are creating the environment to punish children?

HON. PC BAI KURR KANANGBARO SANKA III: Without correcting them?

THE CHAIRMAN: But then if you look at what the provision says, you just referred to deals with the creation of sending them to Approved Schools.

HON. PC BAI KURR KANANGBARO SANKA III: Yes. But if you send them to Approved School, they become good citizens, but yet still when they become of age you

send them to jail so what is the need? Why are you sending them to Approved School? He has corrected himself. If you send somebody to Approved Schools, the Approved School is to make children to become better.

HON. DICKSON M. ROGERS: Mr Chairman, I think the Legislative Committee is saying that the sentence for rape is fifteen years and above, but just in case you are below seventeen years of age, you can still be sentenced for fifteen years, but you are taken to an Approved School for you to reach the age. When once you are eighteen years, now you will go and serve the remaining of your sentence. I am not sure if Chief should be against that because the reason for sending them to Approved Schools is for them to complete the eighteen years of age. When once you are eighteen years of age, you now become an adult Mr Chairman, Honourable Members, I am not sure if we should be encouraging our kids below seventeen or eighteen years of age to involve in an act of rape. Some countries are declaring rape now as war crime. Thank you Mr Chairman.

THE CHAIRMAN: Honourable Paramount Chief Bai Kurr.

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir. Mr Chairman, there are many circumstances in the world. My comment here is, if you send children to jail then why do we have Approved School?

THE CHAIRMAN: To go and reform them.

HON. PC BAI KURR KANANGBARO SANKA III: Fine, if they are reformed then you are going to send them back to jail?

THE CHAIRMAN: This is why if you look at the Long Title, we have made provision for the Chief Justice to make guide lines for sentencing. All of these would be taken into account.

HON. PC BAI KURR KANANGBARO SANKA III: Yes. But here, no matter what the Chief Justice is going to put in, we have already put in the Bill.

HON. REBECCA Y. KAMARA: Mr Chairman.

THE CHAIRMAN: Yes. Let me listen to the Honourable Lady.

HON. REBECCA Y. KAMARA: Mr Chairman, I want Honourable Members here to know that we were given a task with the Legislative Committee including the Female Caucus, to go and look at the amendment Bill and see how we can further improve and look at it with the human face, and when you look at the amendment Bill it is just a straight forward one and also indicating that "fifteen years to life imprisonment". We are women, and we are also mothers, when you look at a, b, c going further saying "a child of ten years must be sent to prison for fifteen years imprisonment after committing that crime," I want to say here let us be merciful, you go to Kono District you will see these small guys that are below the age of eighteen years and they take tramadol. We have the highest rate of rape cases in Kono, and when the young boys commit this crime you will see people who have money, some people will say that is my child in fact he does not even know what he has done, but if that child is sent to Approved School and later serve his remaining jail sentence the others will take caution. These things are happening because the law is just lying down there nothing is been done, no action is been taken and if we want to sharpen some areas to ensure that this law is adhered to, as Paramount Chief with all due respect, we expect you to be one of the persons as custodian of the law and you are leading so many people in your chieftdom, there are people who are perpetrators of this particular crime and if there are perpetrators, I am a woman, I know what is happening to women and I will not stand here for people to say it is nonsense to you because you are a man and you do not know what is happening. Allow me to complete my statement... *[Interruption]*

THE CHAIRMAN: Order! Order! Honourable Abdul Latif, return to your seat. That is not the seat allocated to you.

HON. REBECCA Y. KAMARA: He needs to withdraw his statement. To say the Chief is a custodian of the Law is an insult? Just to continue my sentence by saying... *[Interruption]*

HON. DICKSON M. ROGERS: Mr Speaker, I think the Honourable Member should withdraw that statement with apology. You do not use abusive language to a female

Member of Parliament by saying, I want to quote him Mr Speaker; 'you are talking nonsense.' I think that is unacceptable in this Well.

THE CHAIRMAN: Honourable Latif, Order! Order! do the needful right now.

HON. ABDUL L. SESAY: Mr Speaker, I do not even know what I should beg for

THE CHAIRMAN: You do not know?

HON. ABDUL L. SESAY: No, I do not!

THE CHAIRMAN: They heard you, you were loud and clear.

HON. ABDUL L. SESAY: I do not know. I never said anything, Mr Speaker as purported by the Honourable Member, You can check.

HON. MATHEW S. NYUMA: Okay Mr Speaker, we can move a Motion for the Hansard, Mr Speaker. But I believe we heard you clearly.

HON. ABDUL L. SESAY: Not me, I will tell you not me.

HON. MATHEW S. NYUMA: So we move a Motion for the Privilege Committee, Mr Speaker.

HON. DICKSON M. ROGERS: Mr Speaker, I want to second that Motion. We want the recording to be played now.

HON. REBBECA Y. KAMARA: It was not said by Honourable Latif, but Honourable AKK. AKK was the one who said those words.

HON. DICKSON M. ROGERS: Whosoever did needs to withdraw, therefore I second the Motion of the Acting Leader for the tape to be replayed. Whosoever said that needs to withdraw with apology.

HON. MATHEW S. NYUMA: Mr Speaker, I want to be appropriate. I stand on S.O [32]... *[Interruption]*

THE CHAIRMAN: I am inviting Honourable Abdul Karim Kamara and Honourable Abdul Latif Sesay to come forward.

HON. MATHEW S. NYUMA: Mr Speaker we are not begging them. We will use the Standing Orders to discipline them.

THE CHAIRMAN: Honourable Members, Order! Order! I will ask for the recording to be given to me after we rise. I am going to listen to the tape because I need to identify precisely who made the comment or the statement. I am not tolerating any more comments on this. The Honourable Member interrupts, do you want to join them? Because I am going to send whoever made that statement to the Committee on Privileges. I will, you want to join them there? Well you keep quiet then.

HON. IBRAHIM B. KARGBO: Mr Speaker, I want us not to deviate from a very important historic debate. This is very important.

THE CHAIRMAN: An insulting language has been made; I heard the insulting language, Honourable Member. What I cannot determine is who actually made but I will determine after listening to the tape.

HON. IBRAHIM B. KARGBO: Mr Speaker, I would plead with you to use your good will, your good offices to ensure that this debate continues. Sometimes errors do occur and when they occur... *[Interruption]*

HON. DICKSON M. ROGERS: Mr Speaker that was not an error! That is what Honourable Ibrahim B. Kargbo always does; when once serious offences are committed by his Members, he will try to pacify the House. He was sitting there and they were using those comments on the Honourable Member and he did not say anything.

HON. IBRAHIM B. KARGBO: I am saying something now, how can you say I am not saying anything? We want peace, and besides Mr Speaker... *[Interruption]*

THE CHAIRMAN: Honourable Member, bear with me. I want to draw your attention to S.O 32[8] please. An insulting language has been used in the Well in the course of this Proceeding.

HON. IBRAHIM B. KARGBO: And Mr Speaker, if I knew who did so I would have apologised on his behalf.

THE CHAIRMAN: It came from that end! What I cannot decide right now is who uttered it.

HON. IBRAHIM B. KARGBO: Mr Speaker, if it came from this end I can only exhibit leadership by apologising that this will not be allowed to happen again. Mr Speaker if a man of my age apologises to you openly you should accept it.

HON. MATHEW S. NYUMA: Mr Speaker, I stood up on S.O 32[8]. This is not the first time. The other day from the same angle somebody said 'you lied', S.O [2] 'Na lie you dae lie'. I wanted to move a Motion using S.O 70[11]; a privilege Motion and you stopped me. I said, let me land please; with all due respect, Honourable Leader.

HON. IBRAHIM B. KARGBO: Do not incite the Speaker.

HON. MATHEW S. NYUMA: I am not inciting.

HON. IBRAHIM B. KARGBO: The Speaker forgot about that long time ago, do not incite him.

HON. MATHEW S. NYUMA: Mr Speaker, decency must be observed. Section 97 of our Constitution; our behaviour in and out of Parliament is enshrined in the Constitution. So, in the Standing Orders Mr Chairman, let me just submit, we have our eyes on the ball. The ball that we have here is to ensure that we pass this Bill into law; this one is very important to us as a nation, all what we are doing is secondary. Now, if we have moved a Motion with the relevant Sections; I have asked for the privilege Motion to be carried and we have accepted your ruling, with all due respect, whatever comes from my colleagues on the other side will be handled later, but for now our big eye on the ball is for us to pass this Bill into law. We have another item, so can we progress Sir?

THE CHAIRMAN: And with that, please take your seat. Honourable Ibrahim B. Kargbo, let me repeat what I said earlier; 'I heard very clearly insulting language coming from that end of the House'. What I cannot determine precisely is who made the comment or the statement. Therefore, I will have recourse to the recording later on, and I will do

what is necessary in accordance with our Standing Orders. That is my ruling! Let us proceed.

HON. IBRAHIM B. KARGBO: Mr Speaker, historically.

THE CHAIRMAN: No, no! You should have cautioned your Members to be of good behaviour from the last time.

HON. IBRAHIM B. KARGBO: I cannot see from my back. Mr Speaker, historically this side has not... *[Interruption]*

HON. DICKSON M. ROGERS: Mr Speaker, I think your ruling should be final. You have given a ruling on this matter, so let Honourable Ibrahim B. Kargbo do not waste our time. Let us proceed, let him take his seat.

HON. IBRAHIM B. KARGBO: He is a vindictive man.

THE CHAIRMAN: I will take your plea to account later when I am dealing with the matter.

HON. IBRAHIM B. KARGBO: Thank you.

THE CHAIRMAN: Fine, so chief do you still want to stand on this one?

HON. PC BAI KURR KANANGBARO SANKA III: Yes Sir! Very stern!

THE CHAIRMAN: Okay, then I would give you two minutes, after that I am putting the question.

HON. PC BAI KURR KANANGBARO SANKA III: By putting the question, I just want to tell the wonderful Honourable Members of Parliament that are females, that they are the custodians of humanity; they are both the mothers of the boys and of the girls, they should know that. If you say 'the girls,' you do not have boys? I am very sorry to hear from my C for C articulate Member of Parliament saying these boys are taking tramadol. It becomes a societal problem, if that is the issue, it is a national disgrace. If that is the issue, it means Law and Order has to look at those issues and address them accordingly. Not only after this Bill, it is a nationwide conviction. So Mr Chairman, everybody is saying theirs but I know very well that some of us who are saying this

have our children, our boys would go right round and take the best Lawyers to free their children. So, I leave it to the majority of this House. I have given a word of caution, I have done it before and I know the outcome. The outcome was terrible and later they will say somebody said it. Let us leave it and you can lock them up for hundred years.

THE CHAIRMAN: I thank the Honourable Paramount Chief, no madam please!

[Question Proposed]

THE CHAIRMAN: Let us go on. Clause 3!

HON. HINDOLO M. GEVAO: Clause 3, if you look at the Bill that came before us, it says; Section [19] of the Sexual Offences Acts 2012 is amended by repealing and replacing that Section with the following Sections [19], subject to Section [24] of the Children and Young persons' Acts Cap 44;

'A person who engages in an act of sexual penetration with another child commits an offence and is liable on conviction to a life imprisonment'.

When I read my report, you will see a rationale that the word person seems generic, so we try to break it down and categorize people that falls within that bracket of persons.

In our report, we are saying Clause 3; amendment to Section [19] of Acts No. 12 of 2012, 'Sexual Penetration of a Child' is amended as follows;

That paragraphs [A] on Sexual Penetration of a Child be amended by deleting life imprisonment and replacing it to the following terms of imprisonment to read as Section [19]; subject to Section [24] of the Children and Young Persons Acts Cap 44.

'A person who engages in an act of sexual penetration with a child commits an offence and is liable on conviction to the following terms of imprisonment'.

Mr Chairman, Honourable Members, the Committee further recommends the insertion of the following sub paragraphs to read as follows: Notwithstanding, the provisions in Section 24 [1] of the Children and Young Persons Acts Cap 44 and Section [70] of the Child Right Acts 2007, 'A child who engages in an act of sexual penetration on another

child or rape, commits an offence and is liable on conviction to a term of imprisonment of not less than five years and not more than fifteen years'. So in this area, we did not go to the area of life imprisonment; we limit it between five and fifteen years because it deals with children. The women also pleaded on that, because they have to give it a human face.

Mr Chairman, going further, Roman Figure two; [ii] 'A young person who engages in an act of sexual penetration or rape on another person commits an offence and is liable on conviction to term of imprisonment of not less than ten years to life imprisonment'. So, because the age of a young person is more than that of a child we bring it up to ten years and took it to life imprisonment. So, it can fall between ten years to life imprisonment instead of just limiting it to life imprisonment. We came further to Roman Figure three; [iii]. 'A person above the age of youth who engages in sexual penetration or rape another person commits an offence and is liable on conviction to a term of imprisonment not less than fifteen years to life imprisonment'. So, when we came to youth, we said up by five years to life imprisonment.

Mr Chairman, again paragraph [B], on aggravated assault is amended by deleting the term of imprisonment not less than fifteen years and replacing it with the following terms of imprisonment to read as follows:

Section 19[a]1; 'A person who in a sexual manner coerces or physically forces another person to engage in a sexual act including any form of sexual violence, drug facilitated sexual assault, grouping or torture, commits the offence of aggravated sexual assault and is liable on conviction to the following terms of imprisonment': [I]. Notwithstanding, the provision of Section 24 [1] of the Children and Young Person's Acts Cap44 and Section [70] of the Child Right Acts 2007, 'A child who engages in an act of aggravated sexual assault on another child commits an offence and is liable on conviction to the term of imprisonment not less than five years'.

So, the difference with this category now is the word 'AGGRAVATED' which is now been used. If it is aggravated sexual assault, if you are a child, your term of sentence is five years to that of fifteen years. If you are a young person, is ten years to that of life

imprisonment. If you are a youth, is fifteen years to that of life imprisonment because the word 'AGGRAVATED' is so used. So the difference between what I have just read Section [19] and 19 [A1], is the introduction of the words of 'Aggravated Sexual Assault.' Okay, that is Clause 3, unless Mr Chairman wants me to proceed to Clause 4, but that is Clause 3; the rationale and the reason.

THE CHAIRMAN: No, hold on for the time being.

HON. HINDOLO M. GEVAO: Much obliged.

THE CHAIRMAN: I was just wondering; the Parent Act have a definition of the word 'CHILD' as a person under the age of 18. You have introduced the concept of a young person and youth. Did you paid due attention to the necessity of defining those terms?

HON. HINDOLO M. GEVAO: Mr Chairman, we did because those categories of people were all being protected under those Acts, so if we are now saying a child is somebody below the age of 18 and the definition of those other categories also are there, so that is why we now brought them all under this new amendment that, a young person is different from a child by legal definition. A youth is also different from a young person by legal definition.

THE CHAIRMAN: But where is the definition? Do we have an existing Law where that definition is contained?

HON. HINDOLO M. GEVAO: Yes. We have the Children and Young Persons Acts.

HON. MATHEW S. NYUMA: Mr Chairman, because we are talking about different sentencing and we have an existing Act, we want this one to be in conformity with those Laws. So that is why he quoted the various Sections.

[Question Proposed]

THE CHAIRMAN: Shall we go on?

HON. HINDOLO M. GEVAO: Mr Chairman, Clause 4, there is a mention in the long title for the participation of the Rules of Court Committee, so we also captured that one; we said 'amendment of Section [42] of Acts No. 12 of 2012 Rules of Court

Committee'. Then we went further to say.... Mr Chairman, this Clause entails indictment and prosecution of offences to the High Court by this amendment. The Bill allows only the Attorney General to sign indictments and prosecute offences to the High Court.

THE CHAIRMAN: Wait, where is that?

HON. HINDOLO M. GEVAO: On the Amendment Bill. On the report where I started; Clause 4 page 5, and if you come on the Amendment Bill that came before us,

THE CHAIRMAN: No, but we have just completed Section [19] and I see you have another provision 19[a].

HON. HINDOLO M. GEVAO: We have passed that one; it has been approved.

THE CHAIRMAN: When?

HON. HINDOLO M. GEVAO: We are now on page 5 Clause 4; the last sentence on page 5; just one line before you come to page 6. The last sentence reads; Amendment of Section [42] of Acts No. 12 of 2012 - Rules of Court Committee.

THE CHAIRMAN: Okay, Clause 4.

HON. HINDOLO M. GEVAO: Yes Mr Chairman. I will read the amendment Bill that came before the House that we went to scrutinize at Committee level. It reads: Section [42] of the Sexual Offences Acts 2012 is amended by repealing and replacing that Section with new Section 42[1].

THE CHAIRMAN: Before you go on, I just want to be quite clear in my mind. We were dealing specifically with Section [19], but you are saying Clause 3 encompasses not only 19 but 19[a]; which is the Aggravated Sexual Assault?

HON. HINDOLO M. GEVAO: Yes, we introduced it now.

THE CHAIRMAN: Okay, alright you may continue.

HON. HINDOLO M. GEVAO: Mr Chairman, Section [42] of the Sexual Offences Acts 2012 is amended by repealing and replacing that Section with the following new Section 42[i]. 'Where the Attorney General is of the opinion that the findings in any

investigation warrant prosecution under this Acts, the Attorney General shall do so in the High Court.

[ii]. An indictment relating to an offence under this Acts shall be preferred without any previous committal for trial and it shall in all respect be deemed to have been preferred pursuant to consent in writing by a Judge, granted under Sub-Section [1] of Section 136 of the Criminal Procedure Acts No.32 and shall be proceeded with accordingly.

Mr Chairman, as a legal practitioner in our jurisdiction most often and again when offences are being committed we do what we called 'preliminary investigation'. But what the Attorney General is seeking to achieve by this amendment is that, once the investigation so suggest, you do not need to go through preliminary investigation, she can go to the High Court direct by a procedure called 1-3-6 and get an indictment to lay for the prosecution of that offence in the High Court. Mr Chairman, when we came to this, we realised that was where representation was made by the Director of Public Prosecution for indictments to be signed by the Office of the Director of Public Prosecution in the absence of the Attorney General. But that was where the Committee did not reach a consensus because some Members are of the view that it is the Attorney General that should sign all indictments at all times. Some Members are of the view that the Director of Public Prosecution should be given the opportunity to sign indictment if the Attorney General is not there. So we went democratically, we voted and we decided to leave it to the plenary for us to decide whether the Director of Public Prosecution should be given the powers or it should be limited just to the Attorney General, Mr Chairman.

THE CHAIRMAN: Thank you. Yes Deputy, you want to say something before I put the question?

THE MINISTER: Yes. Mr Chairman, I want to say something that would serve as a guide or put this issue to rest. I noticed the Committee report headed by my learned friend who is a Lawyer as well did not agree. Mr Chairman and Honourable Members, if Members of Parliament want to consider that representation made by the Director of Public Prosecution [DPP], we have to avert our minds to the 1991 Constitution. The

1991 Constitution is very explicit and clear on the issue relating to the prosecution of Criminal Offences in the Republic of Sierra Leone. Any amendment that would give powers to the DPP would be a violation of that provision.

THE CHAIRMAN: Draw our attention to the one; the specific one you are referring to.

THE MINISTER: I would read it; it starts from Section [64] of the 1991 Constitution, if you have it; 'Establishment of the Office of the Attorney General and Minister of Justice'. 64 [1] says; there shall be an Office of an Attorney General and Minister of Justice who shall be the Principal Legal Adviser to the Government of Sierra Leone. [2] The Attorney General and Minister of Justice shall be appointed by the President that is not it. [3] Now the specific one. All offences which include what we are trying to create now by this Act, prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney General and Minister of Justice or some other persons Authorised by him in accordance with any law governing the same. She/he has the power to prosecute all offences; when it comes at the suit of the Attorney General. And he or she also has that power to grant authority to anybody. So it does not mean we have to come to the Act to give specific powers when the Constitution has already given that powers to the Office of the Attorney General and also giving him or her that powers to authorise anybody he or she deems fit. That is already a provision in our National Constitution. So, I would advise Honourable Members, Mr Chairman that that provision relating to giving specific powers would be superfluous.

THE CHAIRMAN: What happens in the event that the Attorney General is not within the jurisdiction?

THE MINISTER: He or she can authorise.

HON. MATHEW S. NYUMA: Mr Chairman, I have always stood for conformity. We have just passed the Aviation Law; check section [126], I do not have it now but I can remember vividly because we argued about that. If you read Section [126], it gives powers to both the Attorney General and the Director of Public Prosecution. But that is not the case; you have not gone into the depth of analysing to us why you think we can

just confer the power to the Attorney General. For us here, we are Law makers and you are a Lawyer. We encourage you to go to Section 66[4], Mr Speaker permit me to read, first I will read 66[1]; There shall be a Director of Public Prosecution whose Office shall be a Public Office.

THE CHAIRMAN: I wonder why the Honourable Minister did not go further to read us that Section.

HON. MATHEW S. NYUMA: Because we need to do our assignment very well, Mr Chairman. 66[4] I read, Mr Chairman; Subject to subsection [3] of Section 64, the Director of Public Prosecutions shall have power in any case in which he considers is desirable to do so. Let us go to [a] to institute and undertake criminal proceedings against any person before any court in respect of any offence against the laws of Sierra Leone. [b] to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and [c] to discontinue at any stage before judgement is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority. But Mr Chairman, I will not tend to bore this House. For me, we do not intend to make laws for the convenient of an individual; we make laws for posterity and for institutions. So, let me read 6, Mr Chairman because we want to married these two groups. I read, 6; the Director of Public Prosecution shall in all matters including his powers under this Constitution or any other law be subject to the general or special direction of the Attorney General and Minister of Justice. 7, Mr Chairman; the powers conferred upon the Attorney General and Minister of Justice by this section shall be invested in him to the exclusion of any other person or authority. So Mr Chairman, we are not looking at personality conflict; we are looking at how we can make this law effective for posterity and how people can better use it. So for us, if the Attorney General [AG] is not around the Director of Public Prosecution [DPP] will take care; either or because, the Minister here was not able to convince us. We gave him all the latitude to convince us as to why we should give all the powers to the AG but he could not. And for us, we are Law makers and I have been able to convince this

body that there is some amount of powers given to the Director of Public Prosecutions. So because of that... *[Interruption]*

Suspension of S.O 5[2]

THE CHAIRMAN: Honourable Member, you may proceed.

HON. MATHEW S. NYUMA: Mr Chairman, we are not lawyers but I think we are Law makers. You were given the latitude to explain to us, in fact educate us, but you were not able to edify us very well Mr Minister. You also cited section [64] and we have cited section 66 but what I want to submit; we want to be consistent in making laws, we are not here for interpretation. So we are now saying that in this Clause, we are going to married both of them. For this particular section, if the AG is not around, the DPP should take care of the matter. So my submission is that we have to be consistent and married both of them.

HON. IBRAHIM B. KARGBO: Mr Chairman, for historical reasons, let it be noted that when the Vice President and Prime Minister moved the Motion in this House for the creation of the Office of DPP, it was for good reason, and the Vice President and Prime Minister at the time was S.I. Koroma. Mr Chairman, I have always held the Office of the Attorney General in high esteem. I remember the case of the Black September; criminals who were arrested for killing citizens of this country innocently, Tejan Cole prosecuted them and they were found guilty in the Court of Sierra Leone. I cannot now understand why it is being said that DPP cannot prosecute criminal cases. I also know that the DPP was part of a good number of prosecutions in this country, including treason trials. So it is not totally correct that the DPP had never been part of a criminal prosecutorial system. But what we are saying here Mr Chairman, and I quarrelled with one of my friends because; due to his charisma, his strength and everything, he made the office of the DPP looks very funny. When he was Attorney General, he took over everything and the DPP was nothing but just a small man sited there the whole day. And I think the Government had good reason for making sure that that job existed. If there was no reason for the Office of the DPP to exist, then of course it would have been very difficult to find justification for its creation. But I do not think that the

Committee conflicted anything because it is saying; either this or that person can prosecute, and which I think makes a whole lot of sense. That again does not undermine the authority of the Attorney General. If we have said that the Attorney General can even appoint some other person to perform prosecutorial duty, it makes a whole lot of sense but I wish that the DPP could be the one to be appointed. What if he or she appoints somebody else? We are not too certain, if it is in the book that he or she will appoint the DPP to stand in his or her place, then of course we would have had no difficulty here. But it is vague; we are not too sure about that. But again we are talking about prosecuting people; we are addressing very historic matters, rape and other things that need the attention of the judicial system of this country and therefore one person alone cannot do it succinctly. This is why we are saying that the Attorney General, notwithstanding her position or his position should not forget that she the be aided in this regard by the DPP. Mr Chairman, I think the role of the DPP should be recognised, continuously recognised because it is important, it is useful in this regard and it must be stated that is not sufficient to merely say somebody can stand in the shoes of the Attorney General without making it very clear that the DPP has a role in this. I have seen recent trials here; Treason trials, Kebby was there and he was merely a DPP, but he played a major role in the whole process itself. So how can we now say that the DPP can only be allowed to sit in an office looking at a computer, no! We are not going to allow it anymore. Thank you Mr Chairman.

THE MINISTER: Mr Chairman, can I have the Floor Sir?

THE CHAIRMAN: Mr Minister, this matter is in the domain of the legislature; it not with you so please be patient.

THE MINISTER: Mr Chairman, I wanted to capture your attention for further clarification because we are not talking about prosecution here.

THE CHAIRMAN: No, when I need it I will ask you.

THE MINISTER: It is about signing of indictment.

THE CHAIRMAN: Indeed signing of indictment! Indeed! And in that context Mr Minister, I am sure you would agree with me, that the Attorney General and the DPP are not synonymous, nor interchangeable terms. In the absence of the Attorney General, the DPP cannot stand in automatically unless it is expressly stated that he has got that power to do so. Okay?

THE MINISTER: Mr Chairman is not a matter of signing; the DPP and the AG both are creatures of the Constitution we agree. You read 6, all powers of the DPP is derived from the Attorney General's Office that is settled. The issue has to do with the signing of indictment. The first provision I read that is at the suit of the Attorney General that all criminal matters are held which has to do with the signing of indictment. The DPP prosecutes criminal matters; that is his role. In all criminal matters, he persecutes it. When matters come from the police, if they investigate, they send the files to the Office of the Attorney General.

THE CHAIRMAN: And I asked a question just now, please; If the Attorney General is out of the jurisdiction and unable to sign the indictment, you are saying the DPP cannot?

THE MINISTER: The Attorney General's Office has the power to delegate that authority. There are three offices; the Attorney General is deputised, there is the Office of the Solicitor General and the Director of Public Prosecution.

THE CHAIRMAN: This matter is now in the domain of Parliament; let me listen to Members of Parliament.

HON. DICKSON M. ROGERS: Mr Chairman, taking the queue from the Acting Leader of Government Business, he cited section 66[2]. Mr Chairman, Honourable Members, it was in the spirit of section 66[2] that a judgement was passed in 1991 in the Supreme Court; the case against Suzuki versus the State. Mr Chairman, with your leave let me just read a portion. This was a judgement from the very Supreme Court we are talking about and this judgement was reached in conformity with section [66] as was read by the Acting Leader of Government Business. I read; 'the Offices of the Attorney General

and Minister of Justice and Director of Public Prosecution respectively are neither synonymous nor interchangeable'. Mr Chairman, this was a ruling from the Supreme Court and it was in the spirit of section [66] of the Constitution. But to further my argument Mr Chairman, we have just said in this Well that we want to make laws in conformity with other laws. Few weeks ago we passed the Aviation Amendment Acts, section [126]; the prosecution by Attorney General. And in that section Mr Chairman, we said the Attorney General or the Director of Public Prosecution can prosecute.

Mr Chairman, our fear is, assuming we have a matter that is supposed to be prosecuted almost immediately and the Attorney General happens to travel for example. The idea of saying the Attorney General should delegate the authority to another person, assuming that person is not up to the task. Therefore we are saying, in as much as that is their responsibility, we want to insert in this document that if at all he or she is delegating that particular assignment to somebody; it should be the Director of Public Prosecution DPP. I am therefore supporting the amendment of the Committee by inserting the DPP. Let us specifically say the DPP as to avoid having the Attorney General delegating authority to somebody on his or her own volition. Thank you Mr Chairman.

HON. FRANCIS A. KAISAMBA: Mr Chairman, in as much as we are Law makers, I think it would be improper for us to pass laws here that will conflict with the National Constitution. The Office of the Attorney General is here to pilot this particular amendment and I saw the Minister itching to elaborate or react to some of the comments made by Members of Parliament. For us to be on the proper footing, Mr Chairman I think we should allow him to explain properly so that we do not make bad laws or laws that will conflict with the national law. Thank you.

HON. HINDOLO M. GEVAO: Mr Chairman, maybe the only important function of the Supreme Court is to interpret the Constitution. And Mr Chairman, you being a lawyer people have gone to the Supreme Court to interpret as minute as the word 'A' or 'On'. The Constitution has been read here to say; the Attorney General can sign or delegate but did not actually specify specifically to whom. And I want us to be careful so that we

do not oust the authority of the Supreme Court in doing our job. If we now direct in a particular Acts that we are passing, that the Attorney General is mandated to do it with a specific Office, I am afraid we would be ousting the functions of the Supreme Court. It is glaring, it is saying; if the Attorney General is not there, he or she can delegate but to who, it is not stated.

THE CHAIRMAN: The Civil Aviation Acts, 2019, I think we passed it a week ago or there about. Are you saying the provision contained in section [126] is wrong? Because there it reads; 'the Attorney General or the Director of Public Prosecution', and we are talking about prosecutions. At the request of the Director General may institute all necessary proceedings for the enforcement of this Acts and it includes criminal matters in this Acts. Are you saying this was wrong?

HON. HINDOLO M. GEVAO: Mr Chairman, I do not have the opportunity, I am merely asking that we be careful so that what ought to be done by the Supreme Court is not done here because this is directly captured in the Constitution. This is being directly derived from the Constitution to say; indictments can be signed by the Attorney General and in her/his absence she/he can delegate. Signing and prosecuting, I think they are two different things. Mr Speaker, we are seeing objections been taken in Court to say the Commissioner of Anti- Corruption Commission did not sign this indictment and maybe did not authorise and as such is not an indictment and does not properly lay in Court. The underline word there is '**sign**'. Signing and prosecutorial powers, I know for sure that all prosecutorial powers are vested in the Director of Public Prosecution in Sierra Leone. But the right to sign; to make the document authentic is what is being questioned here. Just if the Attorney General does not instruct and it is signed and a lawyer takes an objection, is it the Constitution that we will have to look at to interpret it, I do not think it falls within our remit.

HON. PC BAI KURR KANAGBARO SANKA III: Mr Chairman, I just want to make some observations or corrections. On section 64, subsection [3] was amended in this Parliament to strengthen the Office of the Commissioner of Anti- Corruption Commission. Let me read section 3. I am sure few Members of Parliament were here.

The Original section said; **all offences prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney General and Minister of Justice or some other person authorised by him in accordance with any law governing the same.** For us to strengthen the powers of the Commissioner of the Anti-Corruption Commission, the new amendment of section 3 said; **all offences prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney General and Minister of Justice with the exemption of Anti-Corruption laws.** That is the Act. We amended this section here in this Parliament and I am happy the Deputy and the Attorney General were here. They gave them the powers to sign suits or indictments without the Attorney General. So if you go back to section 66, section 66 can only operate under section 64 [3]. So why are we arguing here? The Constitution is supreme! When we had wanted to give powers to the Commissioner of the Anti-Corruption Commission, we amended it with three words 'With the Exemption of Anti-Corruption'. So therefore, those who are arguing that it should be given to DPP, no! They have to amend that because when you look at section 66, it can only happen in tandem with section 64[3]. So why are we arguing?

THE CHAIRMAN: Thank you Chief. Honourable Members, our attention has been drawn to the Constitution; section [64] subsection [3]. I just want to pose a question to the learned Deputy Attorney General. That section reads; **all offences prosecuted in the name of the Republic of Sierra Leone shall be at the suit of the Attorney General and Minister of Justice or some other person authorised by him in accordance with any law governing the same.** What do you understand to be the intention of this provision? Obviously is pointing to the fact that framers of our Constitution envisaged a situation in which somebody other than the Attorney General can undertake prosecutions by way of signing an indictment. That is what this provision says; it does not say 'only the Attorney General can do so'. The mere fact that it goes on at the very tail end to say 'some other person authorised by him means, the Constitution envisages that such prosecution can be undertaken by somebody other than the Attorney General.

THE MINISTER: Mr Chairman, Honourable Members, thanks for this opportunity again. The issue here is, we are talking about the signing of indictment which commences with the criminal prosecution.

THE CHAIRMAN: We know.

THE MINISTER: The DPP made representation before the Committee... [Interruption]

THE CHAIRMAN: Be careful. You referred to this provision in order to underscore the point that only the Attorney General should have that power.

THE MINISTER: In terms of bringing a suit of a criminal proceeding and in bringing a criminal... *[Interruption]*

THE CHAIRMAN: But the Constitution does not say that.

THE MINISTER: I am coming Mr Chairman. The Office of the Attorney General is the principal body in which the Office of the Solicitor General and the Office of the Director of Public Prosecutor is housed. By this provision like the learned Honourable Member said, all criminal matters in the Republic of Sierra Leone, when the Anti-Corruption Commission was setup, you have to come to the Attorney General's Office for them to sign the indictments and the Anti-Corruption prosecute. They had to come to Parliament for this provision to be amended to say 'with the exception'. If you want the DPP to look at Sexual Offences as you generate specific offences and specific cases, we can come back to Parliament and amend this provision and say; 'with the exception of'. But if you look at section [66] which says; all the powers of the Office conferred on the public prosecution by the Constitution is derived from the Office of the Attorney General. This Office is housed in the Office of the Attorney General and we are talking about... *[Interruption]*

THE CHAIRMAN: Members are saying that in respect of Clause 4, the Parliament is saying, we accept that the indictments may be signed by the Attorney General but they are also saying that such indictments may also be signed by the DPP. That is what is being proffered here.

THE MINISTER: Without specific authority emanating from that Office, then that will be against the spirit of this provision.

THE CHAIRMAN: Well we did last week. Is not this legal! I am afraid it has received the Presidential Assent.

THE MINISTER: Mr Chairman, this is the grundnorm; it can be challenged in a Court of Law on this basis. This is a grundnorm from which all authorities are derived.

THE CHAIRMAN: I am sorry Mr Minister. The second leg of that provision does envisaged that prosecution can be undertaken by a person other than the Attorney General.

THE MINISTER: Authorised by him or her, that is the operative word, so if you come out and say specifically it has to be this person, without that authority emanating from that Office; that will be against the spirit of this provision. All criminal prosecution with all due respect, in this country rest with the Director of Public Prosecution. That is not in question; it is about the commencement; that is why they say 'at the suit'. The commencement of that proceeding, the Attorney General has to sign that indictment and I know the framers of the Constitution had their reason why they said it has to be at the suit of the Attorney General. And they further went to say the authority should be derivative from him or her, and the powers conferred by the Attorney General; whatever powers under the Constitution, any other law can only be so when it is derived from the Office of the Attorney General. So, if you are now coming to say under this Acts that is either the Attorney General specifically or the Director of Public Prosecution, that is in contradiction with the provision. You can amend this provision; is not an entrenched Clause, if Parliament wants, it can look at this provision again and say the Attorney General will sign all criminal offences with the exception of Sexual Offences in which case the DPP or any other person can sign.

HON. ABDUL K. KAMARA: Mr Chairman, this matter is not as controversial as we want to make it. The laws are very clear and the Minister has explained... [Interruption]

THE CHAIRMAN: It is because the Committee has referred the matter to the plenary, because they were unable to arrive at a consensus on it.

HON. ABDUL K. KAMARA: Let me land Sir. I want to say maybe the personality interest of the Members who were in that Legislative Committee led us to this. But what we are saying, the Paramount Chief made an example to the Anti-Corruption Commission. In that Situation, I think what the law was trying to do was to avoid situation of influencing the process. I think that was unique in this situation, and in these modern days of technology, when people say in a situation wherein the Attorney General is not around; I think that does not stand a better ground of argument because this is a world of technology. The laws are very clear, if the DPP is deriving all his powers from the Office of the Attorney General, let us leave the ball with the Attorney General to make the decision on who signs on his/her behalf. I think this is just a matter of signature and not the prosecuting powers themselves which are limited to the DPP. Let us remove our own interest as Law makers in this and leave it with the Attorney General as it is.

HON. MATHEW S. NYUMA: Mr Chairman, I do not want to say they are treating the DPP's Office with malice. But if you look at section 42[1], let me read the subtitle there; Prosecution of Offences- just forget about the indictment; if you go at the back you will see Section [5] for an indictment. Even the area of persecution, the DPP was left out. So. if we are talking about the spirit of making this law, the DPP is not there so I can read if you do not mind. 42[1] is clear; where the Attorney General is of the opinion that the findings in any investigation warrant prosecution under this Acts, the Attorney General shall do so in the High Court. So, when you go to the back, Section 5, there is indictment. That one is given to the Attorney General. But in terms of prosecution, even the subtitle completely eliminated the DPP maliciously. Yes, because if you look at section [66], it gives the powers of prosecution. So tell us how do we handle 42[1]?

HON. PC BAI KURR KANAGBARO SANKA III: I stand on 32[8]. It is not malicious. You see Mr Chairman, you see what has been written there that is why this debate is going very long. The Office of the Attorney General has the DPP, the Solicitor General

and the Counsels; that is what makes it up. Is like you the Speaker, so when you talk of 'shall come in', is obvious that the DPP is going to prosecute. So why are we debating this thing for long Sir? You are prolonging this whole debate. So, let us accept it that the Attorney General under section 64[3] will sign the suit for the prosecution and the DPP can carry it out. Even Section [42], the Attorney General is not going to stand in Court to prosecute, and if you talk of who is going to sign next, you have the Deputy Minister; he can do it. Why are we wasting time? When the Attorney General was not here just now, the Deputy Minister was here. So, if the Attorney General is not there, the Deputy Minister can sign the suit. Why are we delaying?

HON. MATHEW S. NYUMA: Mr Chairman, I do not think it is a delay, we need to have clarification. Forget about other Clauses we have. If you look at Section [42] alone, is not about prosecution. But you put the name of the Attorney General there too. So we are saying; it would be nice if we can have the AG and the DPP for that Clause. But we have only the AG throughout.

HON. IBRAHIM T. CONTEH: Mr Chairman, I think if you go to the building that housed the Office of the Attorney General, the Office of the DPP and the Office of the Solicitor General is just one floor away. The DPP's Office is on the second floor and the Attorney General's Office is on the third floor. And should we think we are protecting persons against institution, I think we would be missing the point. The institution of Justice as enshrined in this Constitution; 66[4] is subject to subsection [3] of section [64]. Which means; the entirety of the Office of the Attorney General, Solicitor General and the Director of Public Prosecution is being considered in this Constitution by the framers. And if we see it as if the DPP is 'being maliciously side-lined', If I can use the words of the Acting Leader of Government Business, then I think we are only trying to help to create an atmosphere of discord between the Attorney General and the DPP. And the second question that would come to mind is; why do we want to force DPP into this? Is the same office, let us do it and let them continue to operate the way they have been operating.

[Question Proposed]

HON. MATHEW S. NYUMA: Mr Chairman, there is conflict now. For us, we have just spoken with the Minister and we have agreed to refrain from what we have proposed. We will go along with the Minister, because the question you are putting is confusing Members.

THE CHAIRMAN: Okay, so it is withdrawn; so 42 remain as it is. Now, let us go on.

HON. HINDOLO M. GEVAO: So Mr Chairman, may it now read that the confusion that came from the Committee on the signing of indictments; that it is now the understanding of the Committee of the whole House that it is the Attorney General that signs all Sexual Offences indictments.

THE CHAIRMAN: That is what we are saying.

HON. MATHEW S. NYUMA: But Mr Chairman, I need the Minister to make a commitment. We do not make laws for individuals. So we want to get a commitment from you the Minister that we do not necessarily state in the Bill that the DPP, but we still put the Attorney General. That the power conferred in the Constitution on the DPP for prosecutorial powers are carried in the interest of working relation?

THE MINISTER: Mr Chairman, Honourable Acting Leader, Honourable Members that is not in dispute. The Director of Public Prosecution is responsible for prosecutions in the Office. The Attorney General has powers under the Constitution and the Director of Public Prosecution has powers under the Constitution. When it comes to prosecutorial matters, all indictments that are sent to the Office for advice go to the Office of the Director of Public Prosecution, they are sent to him as minutes, and for further clarity, if you look at other provisions relating to the Office of the Solicitor General and DPP, this is one under the Office of the Attorney General. Thank you very much Honourable Members.

THE CHAIRMAN: Shall we move on to Clause 5? Clause 5 contains 42[a]. No sorry! Before we go on to 42[a], the Committee's Report. They are proposing an amendment to section [13] on page 6; 13[2a].

HON. HINDOLO M. GEVAO: Mr Speaker, the parent Act which we seek to amend reads; 13[a] 'a person who repeatedly makes unwanted sexual advances, repeated follows, pursues or accost another person or makes persistent unwelcome communication with another person, including watching, loitering outside or near a building where the harassed person resides, works, carries on business, studies or happens to be.

[b] Repeatedly making telephone calls or inducing a third person to make telephone calls to the harassed person whether or not conversation ensues.

[c] Repeatedly sending, delivering or cancelling the delivery of letters, telegrams, packaging, facsimiles, electronic mails or other objects or messages to the harassed person's resident, school or work place. Engaging in any other menacing behaviour commits the offence of harassment and is liable on conviction to a fine not exceeding **Le, 10,000,000** or to a term of imprisonment not exceeding three years. It is that section that the Committee wishes to amend. In the report we said, section 13 [1] of the Sexual Offences Acts, 2012, 'Harassment', be amended by inserting immediately after section [13], the following new section 13 [2]; solicitation by person in authority. Mr Chairman, meaning we are actually not touching 13[1] but we are adding a fresh sub-sections after 13[1]; 13[2]a as contained in our report.

[Question Proposed]

HON. PC BAI KURR KANAGBARO SANKA III: No debate on that?

HON. MATHEW S. NYUMA: Mr Chairman 13[2] is very critical, we need to debate it Sir.

HON. HINDOLO M. GEVAO: It has been passed. Can you open a debate when the thing has been passed?

HON. MATHEW S. NYUMA: Mr Chairman, S.O 2 'leh wi tak wi tem smal'. This Clause is not satisfactory.

THE CHAIRMAN: Chairman of Legislative Committee, page 7.

HON. PC BAI KURR KANAGBARO SANKA III: Mr Chairman, Point of observation. Even the numbering of that section is not correct.

THE CHAIRMAN: It will be taken care of.

HON. PC BAI KURR KANAGBARO SANKA III: Who is going to take care of it? The numbering is not correct.

THE CHAIRMAN: The Clerks will take care of that.

HON. PC BAI KURR KANAGBARO SANKA III: Yes, on it.

THE CHAIRMAN: Honourable Gevao, Section [35].

HON. HINDOLO M. GEVAO: Section [35] of the Sexual Offences Acts 2012 aggravating factors be amended by inserting paragraphs [i] and [j] immediately after paragraph [h] to read as follows: [i] the victim is impregnated, [j] the victim is found to have contracted a viral or venereal disease.

[Question Proposed]

HON. PC BAI KURR KANANGBARO SANKA III: Yes Mr Chairman. We are now coming to the social welfare of the big people it is very important. If the victim becomes pregnant, who is going to take care of the child? Maybe she might even give birth to twins or triplets or the victim contracted all these diseases, what is the State going to do? It is very important Sir. I want the Attorney General's Office to address these issues; when the victim is impregnated or the victim is found to have contracted viral or venereal diseases. You put in these laws, where are the social amendments for us to address these issues as a nation? You should put laws that you can enforce. If you put in laws that you cannot enforce, you will be just creating more chaos in society. So, may I ask what is the State going to do in an instance where you locked up a 40 years old man who impregnates a 17 years old girl and would have been able to take care of her, who is going to take care of the child and the wife or girlfriend? It is happening right now.

HON. HINDOLO M. GEVAO: Mr Chairman, we have the Ministry of Social Welfare. All of these issues we are trying to canvass are social issues. That a 40 years old man goes having sexual relationship with a 16 years old girl and impregnates that girl who is unable to take care of herself, the Ministry of Social Welfare should be in the position to cater for that victim and the unborn child. Because you do not want to have the victim or the unborn kid suffer would not prevent the State from prosecuting and punishing the perpetrator. The object of this law is to have perpetrators punished and the State actually trying to take care of the problem that the perpetrators have created or they would have left behind.

THE CHAIRMAN: Honourable Ibrahim B. Kargbo and Honourable Mathew S. Nyuma please come forward. Honourable Members, it was not our intention to stay this long on this particular matter, but because of its topical nature we have to. Therefore, it is highly unlikely that we will be able to go on to deal with the ratification of the various agreements that were laid before the House this morning. So, I envisage therefore that we would take up ratification tomorrow, so the House will be adjourned to tomorrow for the purposes of dealing with the ratification of the agreement that were laid this morning. After that, we shall take a long adjournment to compensate you for sitting long hours today. Thank you. So with that I think the relevant Ministers can take leave of us, I know they have been anxious. Tomorrow morning, first thing please let us endeavour to complete the sexually offence Bill today. So we are on Section [35] I know Chief has made mention of the social implications, you want to address that issue. Yes Honourable.

HON. DR. ADULAI SESAY: This second part which deals with where the victim is found to have contracted viral or venereal diseases; to make it short you can say contracted sexually transmitted infection [STI]. There is also a big challenge with these, for sure for a woman who has never done anything; for a virgin if you found her to have an STI then it is easy to conclude that the perpetrator must have been the source of any transmitted diseases should there be any diagnoses, but on the contrary, if it is somebody who has been out there who has been active sexually and then because of

whatever circumstance, she claims that she has being raped, its becomes very difficult to ascertain whether the perpetrator would have been responsible for any transmitted disease. So there is something technical on the issue of finding the victim contracting an STI. If it can be proven in a laboratory that the lady in question has not been sexually active, because if a woman has not been sexually active there is no way she can contract an STI.

THE CHAIRMAN: That goes to the evidence Honourable Member.

HON. MOMOH BOCKARIE: Yes. The Perpetrator also should go through the test so as to determine whether he is the one that really transfers the disease.

[Question Proposed]

HON. HINDOLO M. GEVAO: Mr Chairman, Section 42[2] is cited after Section [42] as follows by Section 42[2] notwithstanding the provisions in section [7] of the Children and Young Persons Act, Cap 44, for cases of sexual penetration and rape a child and young person can be tried in the High Court. Let us deal with 42 first Mr Chairman, the rationale for that is, with all the laws that we have highlighted in Section 24 of the Young Persons Acts, these Laws make provision that a child cannot be tried in the High Court. Children are only tried in the Magistrate Court in a specific court say Juvenile Court. So by these Acts we are suggesting that a special division be created in the High Court so that these children could be tried there because we already said prior to these particular provision that they can be convicted and they will start running their sentences from the Approved School and when they attain majority, they will be transferred to the maximum correctional centre. So that is what section 42[2] is saying. The law makes provision for a division in the High Court to be created for these offences relating to children.

THE CHAIRMAN: What could you say about the use of the word 'CAN' can you use something more appropriate like 'MAY'.

HON. HINDOLO M. GEVAO: If we may use 'SHALL' is mandatory, if we use 'MAY' it discretional. Mr Chairman, I will go for the word 'SHALL' which is mandatory because if

you make it discretionary most people would always like hybrid cases. There are certain offences that are hybrid for which the Magistrate will have to put to election as to whether you want to be tried by the Magistrate or by the High Court. Most people will rather look at where they have influence or where they think it will be easier for them, they will say 'I want the Magistrates Court', but if it mandatory and we know that the High Court is where all trials commences. I think it will be good for them to be tried there. So we go for the word 'SHALL'.

THE CHAIRMAN: Yes Madam.

HON. REBECCA Y. KAMARA: Mr Chairman, according to the Legislative Chairman he said, 'we want the High Court to have a special division where these young people or these children will be tried,' but according to what is written here is like in the High Court, there is nothing like that. He said, notwithstanding the provision in Section [7] of Children and Young Peoples Act, Cap 44 for cases of sexual penetration and rape. A child and young person can be tried in the High Court, not in a special Chamber. Maybe we can put something there.

HON. HINDOLO M. GEVAO: Once the Law is passed differentially, is instructive and imperative on the Chief Justice to create a special division for them, like it is in the Magistrate Court, children are tried in the Juvenile Court. Since such trials are held with the aid of Assessors two people seats to guide the Magistrate as to the Laws relating to children. These are experienced mothers or fathers, so once we have the Law they can now be tried in a special division of the High Court like the Criminal Division, the Civil Division. The Probate Division will be created and call it the 'Child Division' or the 'Child Criminal Division.' But it is left with them now to name it; we might not get the appropriate name.

[Question Proposed]

HON. HINDOLO M. GEVAO: Section 43 of the Sexual Offences Act 2012; attempted conspiracy is amended by criminalizing settlement and compromise. The new paragraph been inserted immediately after that section to read as follows, for the edification of my

colleagues let me go to section 43 the law existed in the parent Act. Section 43 which says 'attempted conspiracy, 43. A person who—'[a] attempts;[b] conspires with any other person; or [c] aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person, to commit an offence under this Act, commits an offence and is liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable. 44. Subject to section 42, the Minister responsible for social welfare may by statute make regulations to implement this Act. So if the offence is there, but we find it not too straight and direct, we now said in our report that where a person engages or attempts to engage in a settlement or compromise on any matter in which a sexual act is alleged to have occurred, that person commits an offence and is liable on conviction to a fine of **Le10mIn** or to a term of imprisonment of not less than one year and not more than ten year or to both fine and imprisonment.

Mr Speaker, I think what the Honourable Paramount Chief is trying to say is whether this issue of compromise takes effect from the start but to allay his fears that is not the case. The allegation will have to be proven in the Court of Law by adducing evidences go to prove that indeed a compromise was attempted or was in fact done. That is when this section will become applicable.

HON. PC BAI KURR KANAGBARO SANKA III: Yes Mr Chairman. I read this with rapt attention, I am happy we are putting everything in place from the legal perspective, but as the Attorney General, how many Magistrates do we have in the country, how many courts may get the attention of the Attorney General. Mr Chairman, there are so many districts in Sierra Leone that do not have a sitting Magistrate, we are putting all these laws where are the courts in Tonkolili where I come from? There is no sitting Magistrate there. For minor crimes, young boys have been locked up for ten to fifteen months. So, if you go and say they should be sued, we are contradicting a lot of things. And we are just here to point out because; when we lived as Paramount Chiefs in the provinces all of these problems will come right to our attention. Youths who cannot even fend for themselves are brought before you as offenders. A father came in with his daughter who had been camped for two weeks in a room, the girl was 14

years, the boy was 16 years old when they brought the case I said to them, I am not going to negotiate, there is already a Bill standing in Parliament that we cannot be part of a compromise. The parents want to take the case to Magburaka Police Station but they do not even have money to go to Magburaka to pursue the case. The police came to me I have to provide them with the sum of **Le150th** to use as fare. The father of the son came and said, please Chief you want to send my son to jail, because the parents could not afford to go to Magburaka but after appealing to me, I called the Family Support Unit, I called the police. These are the issues we have to address as a nation. When we sit here, we look at the environment it looks very much like one where these laws will thrive but when we leave this Parliament, we see the level of poverty, the level of ignorance, you will be worried that we are passing all these laws, but we do not have what it actually takes to address the issues accordingly.

THE CHAIRMAN: Thank you Chief. Honourable Hindolo Gevao, I want to draw your attention to this particular wording, it is a bit worrisome. Will this apply only to a situation where there has been a conviction of a sexual offence? Because that is not what it is saying.

HON. HINDOLO M. GEVAO: If I read it again Mr Chairman, it is saying "A person who engages or attempts to engage in a settlement or a compromise on any matter in which a sexually act is alleged."

THE CHAIRMAN: So there is no conviction?

HON. HINDOLO M. GEVAO: If it is alleged a victim come to say that Honourable Gevao has sexually penetrated me that is an allegation, and Honourable Kai Samba is found in the settlement between Honourable Gevao and the victim and evidence is led that Honourable Kai Samba was involved in that settlement between the Victim and Honourable Gevao.

THE CHAIRMAN: But what you want to impose here should be based on conviction of the accused. That is whether in fact the accused is convicted.

HON. HINIDOLO M GEVAO: Mr Chairman, that is why we are in the Committee of the whole House, we can have it down here now, so that all of us would agree on it.

THE CHAIRMAN: Then you are the Chairman, would you please instead of 'alleged' have 'conviction' there now?

HON. MATHEW S. NYUMA: Mr Chairman, there is a spirit of doing that if you go to our local settlement especially the villages, you realize that because for example, I am the uncle I have the upper hand and there is allegation of rape, the parents who attempt to interfere with the persecution even go ahead pursuing the alleged person. So we want to try to settle it S.O [2] 'aa boo ar go gee you moni, ar go do dis for you.' So we are trying to stop it that was the spirit, when we were having the discussion. We made mention that even if you the parent; we do not want you to interfere in trying to talk to the alleged person that has been raped, so we decided to put there 'that if you attempt to settle it', you will be penalize for that. So the settlement in that case is what is going on in our local communities. There are cases all around the place, but they will go ahead trying to stop the victim not to go ahead to pursue or to go to Rainbow Centre. S.O 2 'ooh kam le me settle am,' and we are trying to avert that. You are singularly attempting to stop that process for the person not to pursue or to go to the police to report you have committed an offence. There are people that have been raped, they are not coming forward because there are people preventing them, by saying they will give them ransom, and we all know we are living in a poor society. So thinking about that, there is a law preventing you not to do so. It is a way for us to stop the whole process that is serving as deterrent Mr Chairman.

THE CHAIRMAN: Let me listen to the Chairman of the Legislative Committee.

HON. HINDOLO M. GEVAO: Mr Chairman, if we pegged age to conviction then we will hardly get the conviction because, before it get to conviction the case would have been settled that is what is happening. If you go to Kailahun now, approximately eight out of every ten sexual offences committed are settled so we are trying to prevent it by saying, if people knowing that you get yourself involved in the settlement like the Chief Bai Kurr himself refrained from settling a sexual offence reported to him. That will

actually give cause for perpetrators to be investigated, because if you get involved in settling such matters before it get to the police or the court with this Bill now you would have committed an offence and liable to conviction to a fine of **Le10Mln** or you go for one year imprisonment. That is the convict will pay the fine or be imprisoned because we know it is happening all over. And it will serves as a deterrent. Mr Chairman let me give you an experience... *[Interruption]*

THE CHAIRMAN: No, give me a minute, so what you are saying should not be peg on prior conviction.

HON. HINDOLO M. GEVAO: No, if it is peg on prior conviction there will be no need once the sexual offence is alleged to have been committed and people can go to court to pursue that, this rape case was reported, it was brought to the attention of the mother, the father, the chief but A, B, C, D got involved to settle it, so that it does not go to court. For example if it is reported that a sexual offence took place, but Honourable Gevao attempted in settling it, then the police will investigate that action to see whether I was involved in the settlement of that alleged sexual offence case that was committed. And if evidence is produced I can be charged and convicted, I can be fine **Le10mln** or be imprisoned for a year. Mr Chairman. Let me give you my experience, in my constituency in a chiefdom call Kissy Kama, a man was having sex with the daughter of a mother at 2 o'clock, on the floor and the mother said to the young daughter, if you explain it to anybody I will drive you away, you know he is the one that is feeding us. And it came to the knowledge of the uncles as well, and they also compromised. It was one young man who actually took that matter up to Kailahun and the evidences were glaring. This girl was just thirteen years old and it happened persistently, she had to drop out of school, so for those people, the uncles who also knew about the issues, but chose to settle with the man so as not to bring him to book if found guilty they will be convicted for a year or be fined **Le10mln**. By so doing, we are refrained from settlement. All stake holders in an area will say "please do not allow this to happen", even we as Members of Parliament we have to be very careful with our constituents and we will go to the radios and admonish them, that a new law has been

passed criminalizing settlement of sexual offences, we would have thousand of these offences reported and victims will come forward.

THE CHAIRMAN: Okay. Yes chief.

HON. PC BAI KURR KANAGBARO SANKA III: I have listened to the lawyer, he has every reason to argue legally, but we lived in a society Sir, a lot of these sexual offences are taking place within family circles, a lot of this whether in American, England, Germany, France. And when they come in, the family members will want to settle the matter. For example I gave you an example just now in a village where there is no motor bike when these actions are taken place, the nearest place they can come to is Masingbi ten miles away. And when you tell them, even victims when you say let us go to the police they will say S.O 2 'wi jus kam to you.' I am pointing this out because they will come to us directly, and when I referred them to the police both the perpetrator and the victim will not even want to go there, I am telling you Sir.

THE CHAIRMAN: So you are in support of this.

HON. PC BAI KURR KANAGBARO SANKA III: No, not in support but let me say this what about the parent whose daughter has been tampered with, what if they decide not to pursue, let say they decided not to go to court, they decided not to go to the Magistrate. Are we going to lock them up? Is that what you are going to do? In America, we saw it on television a father kept his daughter for 24 years locked up, but the mother was not pursued because she was afraid, so are you going to convict the mother? Are you going to convict the father? They do not even have money to bring them to Masingbi although the fare is **Le35thn** per person. So if four of them have travel and let us say with the witnesses, you are looking at over **Le200thn** just to come, what about to return? We have to understand what system we are operating in, are we really pragmatic? We maybe coming from the fourth generation, educated family but for some of us who came from the first generation I know what it means. You see the level and let me tell you something Mr Chairman, sorry when we talk here some of you do not even go to your constituencies for like three or four months, because you are busy with Legislation with Committees traveling. But I can tell you,

even if I am in Freetown people will come and complain in my house and they are there. I cannot afford to be giving them money to go to Magburaka when they come I will say, no go to the Police station.

THE CHAIRMAN: Okay, Chief we have got two divergent views on this. Let me hear from others. Okay, you have the Floor.

HON. JOSEPH L. WILLIAMS: Mr Chairman, I can understand the position of the Chief. Let us bear in mind that this is a national issue and we have been going round this issue now and again, and therefore, whatever is happening in the United States of America is being condoned by United States of America, let us have this particular clause, we spent long time in Committee Room One to elaborate on that 'the offence against compromise and if for some reasons you are silent as a Paramount Chief', we will take the work from you. You can have your bailiff, and you levied whatever fine you are levying on the victim, and referred the matter to the appropriate body which is the court, and we should make sure that no compromise is made. And just immediately after Committee Room One, I was on the radio in Bo, and we had a long discussion on that, and that has already sent a very strong signal to many people especially when it comes to compromising on matters like this. It is indeed not only what Honourable Hindolo M. Gevao has said in Kailahun but it is even happening right in our door steps. So I am of the firm belief that Mr Chairman, this particular component of the Bill will make a difference and should therefore be maintained in this Bill. Thank you.

HON. DICKSON M. ROGERS: Mr Chairman, Honourable Members, if we want to treat this issue seriously we have to treat it with all the seriousness it deserves. Mr Chairman, I don't want to say our paramount Chief is against the Bill. But some of that argument indicates that he is not too balanced. Mr Chairman, Honourable Members, if for any reason...*[Interruption]*

THE CHAIRMAN: You are not referring to mental balance just for argument balance.

HON. DICKSON M. ROGERS: If we don't make those laws stiff we will be defeating the very purpose of this Bill. I want to support the Committee, I want reiterate to this House that rape cases are becoming cancan worm in our society. There is no Chieftdom, no constituency that rape doesn't happen on a daily basis, if for any reason we allowed Chiefs or any other person including MPs to preside over those matters we will be defeating the very purpose of this Bill. Mr Chairman, I want this House not to compromise a single word of this Bill. In whatever situation in matters of this nature, even if it is your own S.O [2] 'nor tel me lef. I am serious.' Mr Chairman, no Member of Parliament or Chief should even entertain the thought of presiding over rape matters.

THE CHAIRMAN: Your point is made.

HON. SAMUEL G. PANDA: I have a hypothetical question, there are ladies of the night, and rape is rape in whatever case you look at it. If a lady of the night made an arrangement with somebody, and after a while maybe the settlement was not comfortable with her, and then she goes and say this man has raped me. Then there are others like, friends of that girl who may want to intervene and say S.O [2] 'boo nor lie pa dat man for natin, then she will be persecuted as well for compromising? These are some of the questions we should be actually asking ourselves, because rape is rape. A lady of the night, if she says no is no but if she agrees to it and then you will have a settlement, and then after that she says no, I needed this amount and if you do not give me I am going to say you have raped me, who is there to question?

THE CHAIRMAN: A very good point. So, before I call on the other Member, Mr Chairman, you heard what your colleague said just now. Do you want to restrict this provision to children? Because the way you frame it, it is wide open. I thought we were really keen on offences against children, but the way you frame it, I am afraid it could mean not only that.

HON. HINDOLO M. GEVAO: Mr Chairman, let me say this like what Honourable Rebecca Y. Kamara was saying, we have situations wherein a young boy at age 13 who is very well nourished, can take tramadol and rape a nineteen years old girl. A 13 year old boy who is well nourished can either with violence or with aggravation rape a 19

years old girl and when the Honourable Member say if we limit it to just children, we now have a child and an adult. An adult victim and a child perpetrator and if somebody comes mediating is still mediation, we can see a situation Mr Chairman, where we have a child of 15 years old sexually penetrating a child of 17 years old. Mr Chairman, that is why we are saying we want to discourage all forms of sexual settlements. We have to protect women of all categories; a girl child to an adult woman if we are to have a society that respects womanhood. A real man does not rape.

THE CHAIRMAN: How could you answer the point made by Honourable over there? Where a lady of the night is involved, how would you answer that? No, a lady of the night, 'the prostitute'.

HON. HINDOLO M. GEVAO: Mr Speaker, for those of us who practise the law, consent is very important in sexual allegations, even if it is a lady of the night let us say you meet her and forcefully... *[Interruption]*

HON. IBRAHIM T.CONTEH: Mr Chairman, I think you are missing the point. The point Honourable Panda was saying they have agreed for a partial price.

THE CHAIRMAN: Correct?

HON. IBRAHIM T.CONTEH: You know I live in a Constituency where businesses of such nature are transacted every day, if we agree for a particular price let us say **Le 250,000** I am in mid-flight, you say **Le 500,000** I said no I cannot pay **Le 500,000** and in the end you come out and say I have raped you.

HON. HINDOLO M. GEVAO: That is not rape that is contract Honourable Members, Mr Chairman let us take this agreement with some amount of seriousness.

THE CHAIRMAN: Honourable Members, according to your definition a sexual act would have taking place.

HON. HINDOLO M. GEVAO: Mr Chairman, been a lawyer yourself you just corrected us. We want to use the word 'offence' you suggested the word 'act' and we have now substituted the word 'offence' for the word 'act.' Because once you say sexual offence

that creates the criminality around it, a sexual act as rightly mentioned would not be the appropriate word here we want to use the word offence instead of act.

THE CHAIRMAN: I am worried about the broadness of this issue.

HON. MATHEW S. NYUMA: Mr Chairman, If we look into the informal sector and check the reports that are coming to the Family Support Units and compare to those that are not coming, what you collect from the communities, they are so huge we cannot imagine them.

THE CHAIRMAN: Page 110.

HON. MATHEW S. NYUMA: No, Mr Chairman is offence.

THE CHAIRMAN: Then, why you said it is alleged to have been committed?

HON. MATHEW S. NYUMA: It is an offence Mr Chairman, we are making laws because this thing cannot come to court that is why we use the word allege, it can only be convicted when it is in front of a competent Court of Law.

HON. EMILIA L. TONGI: Mr Chairman, let me say something.

THE CHAIRMAN: Yes. Let me listen to the Honourable Lady.

HON. MATHEW S. NYUMA: Mr Chairman, if you go back to the sentence they have change the word from 'act' to 'offence,' but for us the spirit of this clause is for the informal. What the chief was defending in the rural community especially for the rural sectors preventing them to interfere into sexual offences; we are not just talking about rape cases, what about the Sexually Transmitted Diseases? Those are things we should take into account. So, if you report any sexual offence you would be taking for medical treatment and examination done and if you prevent the victim from reporting it to the police it is a huge crime and a deterrent behaviour. Thank you.

THE CHAIRMAN: The Honourable lady.

HON. EMILIA L. TONGI: Mr Chairman, Honourable Members, as a woman with children, these laws are made in our favour of us. I agreed we are happy about that, it has never happened. Actually, I do not want us to take this as an opportunity not to

think about the men and protect them. I am million times against rape, but let us call 'rape, rape' and do not use such allegations for revenge purposes. In advanced countries where I actually grew up we had these institutions that can prove it, but here, is your word against my own, you did it, how? The lady has said it and she is right. So, let us think about it and see how much the law can protect that unproved actions Honourable Hindolo Moiwo Gevao. Let us think about the men behind the allegations who are not here and let us protect them. They have been hit too much now. Let us see how best we can manoeuvre the laws in their own favour as well. Thank you.

THE CHAIRMAN: I recognise the Honourable Paramount Chief and then you are next.

HON. PC SAHR Y. K. MBRIWA II: Mr Chairman, Honourable Members, the opportunity we have before us is a golden one and it is advisable that we use it effectively to address a situation which has become endemic in our country. It has been declared in this House and even by His Excellency the President, Retired Brigadier Julius Maada Bio as a crisis. So, if we have this opportunity now, I think we should use it effectively and put them in place to control this present situation in our country. The law we are talking about here today, I think it is going to be designed to address a situation that would curb how rape is being committed in this country. The law also is there to deter these perpetrators; it is not just there to punish the perpetrators, but also to address the situation of rape in our country. I will name few, the culture of silence; is the compromise; and then we have this cultural issue which people are looking at because some of the argument we are having today actually hinges on culture, but these are all things that we should try to do in this country.

Mr Chairman, Honourable Members, let us do not forget that laws are made to address development, the level at which we have reached as a country. Our social relationship in terms of bringing up our children and get them educated we had this device trying to undermine our efforts. Because of our tradition in our country, why should we allow their educational advancement to be brutally terminated, we should not encourage all these things because our laws are weak, culture and tradition and some people are advancing today because of the poverty of our people, we should give attention to

them. I do not think in trying to develop this law in this country we should look at culture, we should look at the level of our development. This is a situation we are faced now. So, I believe that compromise is a crime as it has already being declared and even silence is a crime. I do not think any chief will sit over such cases, we are normally referees over such cases to the competent authorities; the police and the court, but we should not sit over those matters. Already, we have declared rape as a crime in this country, so I do not see why we should be arguing here whether these people are coming to us. And if it has been agreed that we do not preside over these matters should we have weak laws because of that. Mr Chairman, I think what we have before us today is relevant and we should give support to it that is my submission.

THE CHAIRMAN: Thanks Chief. Honourable Moses Baimba Jorkie, you are the last contributor.

HON. MOSES B. JORKIE: Thank you very much. Mr Chairman, Honourable Members, this point of argument on this particular issue is a compromise and it really concerns of all of us. Today, we are trying to make a law for our country, but I believe that it could be me today or tomorrow it will be you, so therefore, we have to be very careful *[Undertones]*.

THE CHAIRMAN: Actually, you meant to refer to the Chairman.

HON. MOSES B. JORKIE: I am addressing Mr Chairman. So therefore, we have to be careful in making this law because we all have children and these children might be victims. If that is the case then I want to suggest that the amount levied for this offence which is **Le 10, 000, 000** be brought down to **Le 5, 000, 000** the one year still stand, I know my reason why I am saying this. Some of our constituents cannot even afford **Le 10, 000** or **Le 20, 000** to pursue a case from Mattru Jong or Bonthe District. It is not easy for them, as a result of that it is going to be a problem for them to go to Bo. I am looking at all these things that is why I am saying this, in case such issue happen let them know what to do. Therefore, I am suggesting for the one year to stand, but the amount to be brought down to **Le 5, 000, 000**. In the definition I did

not see young person, so therefore we have to mention it there because it is not in this document, we need not forget them. I rest my case.

THE CHAIRMAN: I think at this point, I will invite the Deputy Attorney General and Minister of Justice to make his own contribution on this particular matter before I put the question.

THE MINISTER: Mr Chairman, Honourable Members, thank you for the opportunity. I have listened keenly to the submission made by the Honourable Members of Parliament and all the concerns raised. I know we are making law for posterity and then we are all going to make history today. Haven said that, I sense an issue relating to people delving into evidential matter that will come up later during the implementation of the act being passed into law. In everything we are doing, this law is not a matter of somebody getting up and make allegation and being arrested and prosecuted. As it is with all criminal practices, when the complaint is made it has to be investigated even when it is that you are involved in sexual matters. Nobody is just going to get you arrested and put you in jail. But there has to be evidence just like the Chairman was alluding to, we start from that point. Let us concentrate on the strategic objective for which we are here today which is to ensure that very serious perennial issue which we have in our country which all of us must acknowledge is very serious and which we all striving as patriotic Sierra Leoneans to put an end to by having a legislation that is effective enough to serve as a deterrent to that kind of situation in our country, so let us please move forward on this issue and I believe this particular provision Members of the Committee and most of them who were invited are practitioners in their own right have accepted. These are issues they have captured in their daily practices relating to the issue of rape and Sexual Penetration which is why this particular issue has been brought up.

Mr Chairman, Honourable Members, like the Honourable Paramount Chief mentioned about the culture of silence, it is a very serious issue relating to our fight against offences of such nature. I have several experiences in my eleven years of practices at the court but we will not delve into that now, but I strongly believe that this provision is

very much necessary and it should make the Bill if passed into law today very strong and it will have the full force of the law which we are all striving to derive from this activity. So, I want to thank you very much for your submissions on this. We acknowledge it and we are going to take it into consideration, we are not only making this law for a specific set of people but we are making it for every Sierra Leonean, for everybody that resides in this country. So, let us concentrate on that and achieve the strategic objective of having this Bill passed into an Act. Thank you very much, Mr Chairman.

THE CHAIRMAN: Thank you very much Honourable Minister. Before I put the question let me give one more opportunity to the Chairman of the Legislative Committee to make a new rendition of that provision.

HON. HINDOLO M. GEVAO: Thank you very much Mr Chairman.

THE CHAIRMAN: I noticed that there have been some amendments.

HON. HINDOLO M. GEVAO: Mr Chairman, as Chairman of the Legislative Committee I would want Section [43] of the Sexual Offences Acts 2012 which speak to attempted conspiracy be amended by 'criminalising settlement and compromise'. The new paragraph being inserted immediately after the 5th section to read as follows: 'A person engages or attempt to engage in a settlement or compromise on any matter in which a Sexual Offence...' I want us to substitute the word 'Offence' for 'Acts,' the word 'Act' to be deleted inserting 'Offence.' In which a Sexual Offence is alleged to have occurred commit an offence and is liable on conviction to the fine of **Le 10, 000, 000** or to a term of imprisonment not less than one year and not more than ten years or to both fine and imprisonment.

HON. IBRAHIM T. CONTEH: Mr Chairman, before you put the question, can you also look at the Section he has read; maybe he will do a modification of not more than ten years to maybe five years, ten years is too much.

HON. HINDOLO M. GEVAO: Mr Chairman, for us to save time that is the consensus of the House? We can just have it by body language; we will bring not more than ten years to say 1 to 5 years if that is the consensus.

HON. MATHEW S. NYUMA: Mr Chairman, we do not want to make crime a lucrative business as the Minister said we are here to ensure that we stop some of these things. We are not here to make crime lucrative; its latitude is from one year not more than ten years depending on the crime that you will say two years, three years or one year as the case may be. Even if you say five years it would be the highest crime, just feel like doing that there is **Le 10, 000 000** also there is fine there. So, for us if you start to water down this thing we are not doing any business and we have been deliberating on this over one month now. So, if the discretion of the judge is to look at the crime to determine the time frame, I will give you 2 or 3 years. That is my submission. Let us do not present it as if we are victims; we are going to carry out what is happening.

THE CHAIRMAN: Honourable Hindolo M. Gevao.

HON. HINDOLO M. GEVAO: Mr Chairman, the judges themselves are people of the word and human beings in their own right. Mr Chairman, let us take a situation of a young girl who died, let us assume somebody had tried to settle that case a judge will certainly give the maximum of 10 years. The same judge will look at the surrounding circumstances and even give one year six months for such involvement. We are not saying the ten years is the imperative jail sentence, we are merely saying it ranges from one year to ten years. Mr Chairman, these are situations we have been seeing in Sierra Leone where children as old as three years or three months have been penetrated, imagine a two days old girl. Mr Chairman, the judges themselves are human being they are not going to give somebody ten years when they know this Sexual Offence is between two consenting adults. We want to capture it holistic because we have been seeing unconventional methodology used in abusing young girls as old as 2, 3, 4 months at a point that some have been losing their lives.

[Question Proposed]

HON. HINDOLO M. GEVAO: Mr Chairman, Section [44] of the Sexual Offences Acts of 2012 regulation is amended by repealing and replacing that section with the following subject to Section [42]. I will read Section [44] of the Sexual Offence Acts, 2012 so that Members get to know what it says in the parent Acts. It reads: "Subject to Section [42] the Minister responsible for Social Welfare Gender and Children Affairs may by statute make regulations to implement this Act. We expanded on that and we said notwithstanding the generality of Sub-Section [1] the Minister responsible for Social Welfare, Gender and Children Affairs may by statutory instrument make rules for:

[a] compulsory counselling;

[b] Setting up of child panels under part five of the Child Acts right, 2007;

[c] To established, maintain and publish annually both in print and electronic media a sexual offender data base.

[d] Setting up of approved schools.

[e] To set up juvenile court in the high court; and

[f] To make provision for the training of forensic experts and setting up of forensic laboratories.

[Question Proposed]

HON. IBRAHIM T. CONTEH: Sorry Mr Chairman. In as much as the Section proposed is not controversial, we must as Members of Parliament emphases and stress the importance of the Ministry of Social Welfare Gender and Children's Affairs. Let the Ministry put their foot down and maybe take the issue of children in this country as the business of nation's survival. Mr Chairman, every day you go around the streets of Freetown, you see children as young as five years six, eight and eleven years selling on the streets of Freetown.

HON. HINDOLO M. GEVAO: Mr Chairman, I want to draw the attention of the Committee of the whole House to Section 44[e]: *we said to set up juvenile court in the*

High Court. We want to say in collaboration with the judiciary because the Minister of Social Welfare, Gender and Children's Affairs might not have that.

THE CHAIRMAN: Why don't you delete it because that is not a function of the Minister?

THE MINISTER: The Minister of Social Welfare, Gender and Children's Affairs to set up juvenile court in the High Court that is outside their remit. You and I know that the Chief Justice has the power to direct as such.

HON. HINDOLO M. GEVAO: Yes. When you look at Section [44] Mr Chairman that is where I picked it up. It says notwithstanding the generality of Sub-Section [1] the Minister responsible for Social Welfare, Gender and Children's Affairs. So, now we know she does not have the power, so we want it to be captured, so the Chief Justice could be given that power.

THE CHAIRMAN: I thought you did so earlier, you mentioned something about that, and it is the decision of the High Court.

HON. HINDOLO M. GEVAO: Yes. It was captured.

THE CHAIRMAN: So we could delete it here.

HON. HINDOLO M. GEVAO: Okay.

HON. MATHEW S. NYUMA: When we come back, we would do some research on certain clauses especially the side notes for publication for young people. But I want to make this contribution for us to make provision for the distribution of rape kits, training of forensic expert and establishment of forensic laboratories.

THE CHAIRMAN: For the training of what?

HON. MATHEW S. NYUMA: To make provision for the distribution of rape kits.

THE CHAIRMAN: K-I-T-S

HON. MATHEW S. NYUMA: Yes. Training of forensic experts and setting up of forensic laboratories, just an addendum to the rape kits. These are kits I think that are

distributed by organisations including the United Nations [UN]. When we come back we will try to insert some clauses for publication, for victim's children. When we come to the original Bill we will try to do some insertion. Thank you.

THE CHAIRMAN: Something new.

HON. MOHAMED KANNEH: Thank you Mr Chairman. My concern in all of these deliberations we have been talking about protecting women and I will not feel satisfied if I failed as a gender activist to talk about an issue that has to do with the repetition of the men in all of these. I would want us to look at a situation where a false accusation of somebody on a notion that he has committed rape and once that is mentioned it goes everywhere and for the men to be protected, I want us to have some parts of this law that we actually subscribe to a kind of compensation. A kind of very stringent condition, which will prevent people of just mentioning the names of reputable people in such a serious crime that is my concern. For us to have it in this law, that in case somebody mention that you have committed this crime and after probing into the case you are vindicated by law, let there be a form of compensation for the person who may have been defamed. So, nobody will think overnight and say, I am going to mention Honourable Mohamed Kanneh as somebody who has raped me or raped my child. Thank you Mr Chairman.

THE CHAIRMAN: Chairman of Legislative Committee are you paying attention, he is asking for compensation for false accusation.

HON. HINDOLO M. GEVAO: Mr Chairman, that is something I am sure the court can easily deal with for malicious and vexatious prosecution, because you are not going to know whether the allegation is false unless and until the trial goes on and you are found not lying by evidence. So if we include that we would be pre-empting that a victim is laying even before they get to court. But once they get to court, and the court finds out that there is no evidence, I am sure the court can order the alleged perpetrator who has been found not guilty and evidence came before the judge proving that the allegation was vexatious or malicious order some form of compensation. I do

not think we can capture that one because we would not know the gravity of the evidence until the Judge evaluates that it was a mere allegation.

THE CHAIRMAN: Okay, Thank you.

HON. MAADA K HAFIJU: Mr Chairman, my own point is where they mention authorities who harassed their subordinates. They even made mention of Doctors and patients, but there is nothing mentioned about Lawyers and their clients let us capture that one please.

THE CHAIRMAN: Let me invite the Minister now if he has any comment to make on this particular Clause.

THE MINISTER: It is a very sensitive point that has been raised by one of the Honourable Members of Parliament Mr Chairman. Our criminal jurisdiction is such that all matters prosecuted are done on behalf of the State which is, when you go to the court is either the Inspector General [IG] or the State versus the accused. When a person is been tried, if I get him right, if he has been accused and charge to court, is it when you have been accused and charge to court or if you are not charge to court? I do not know at which stage are you asking the person. Is it when you have been accused, investigated by the police and later charge to court and you are found not guilty by the court and you want compensation? If you are charge to court and you are prosecuted by the State and if you are acquitted and discharged then there is no compensation.

HON. MOHAMED KANNEH: But if you are proven innocent, remember this is about your family name and the rest of it that would be mentioned and these are the issues normally for us politicians and other authorities, these issues are the issues.

THE MINISTER: Mr Chairman, with all due respect that is a very serious concern raised there. This is because in our criminal practises once the person is been acquitted and discharged by the court, he does not get any compensation, except... *[Interruption]*

THE CHAIRMAN: Can you bring a libel action?

THE MINISTER: Except if the individual can pursue a libel, but that would have to be at his own cost, if he thinks that, he wants to proceed on that line. What I got from the Honourable Member, I think he want the Act to say if that person is acquitted and discharged by the court he should be compensated.

HON. MOHAMED KANNEH: That could serve as deterrent you know.

THE MINISTER: If we are going to put that in the Act. That would be placing a burden on the State because in all criminal matters, the victim is only a witness. When you report your matter to the police, it is the duty of the police and all the parties involved to investigate. If they establish that there is evidence against you, you will be charge to court. You go to court, you have a very good Lawyer and at the end of the day you are lucky and the court says you are free, acquitted and discharge. That individual who reported you is not the one who has prosecuted you; he is only a witness in that matter. So the State bears the burden if you are going to say compensation. It has to be on the State, and there is none except if you want as a Statesman you can say I am going to sue for libel then depending on what is going to happen in the next coming days with regards the libel law. That is another purview, but if we are going to put a compensation scheme in that case, I do not know at which stage; whether it is the stage that would be responsible for prosecuting that individual or the individual who would be reporting you from the onset.

HON. MOHAMED KANNEH: Well the witness as you have mentioned at that stage it would now be proven that he may have given false evidences against you.

THE MINISTER: But it is only that witness, because if the matter is been investigated, she will come and report that she has been raped and the police will then take statement from her and there is going to be some tests to ascertain what she has said. When you put everything together before you are convinced and sometimes the file has to be sent to the office of the Director of Public Prosecution to advise on the charges. Once those pieces of advice have given and the matter is been charge to court and that person is been prosecuted, if at the end of the day based on technicality or other evidential issue, that person goes free, he is acquitted and discharged, why would you

want to place the burden of compensation on that person who has reported the matter initially. So if we have to do that, then we would be placing the burden on the State. Well, you are the law makers. But I only want to advise that, you have to place the burden on the State and not the individual.

[Question Proposed]

THE CHAIRMAN: Thank you. Leader of Government Business, I am sure you now want to introduce the next issue.

HON. MATHEW S. NYUMA: Yes Mr Chairman.

THE CHAIRMAN: Yes.

HON. MATHEW S. NYUMA: We amended the Long Title in addressing some of these issues and I am on my way taken them on board. He said not... [Interruption]

THE CHAIRMAN: For sentencing, guidelines are to be provided by the Chief Justice.

HON. MATHEW S. NYUMA: Thank you Mr Chairman. The first one has to do with the provision that the Chief Justice is to make sentencing guidelines. That was for the Long Title.

THE CHAIRMAN: We have done that.

HON. MATHEW S. NYUMA: Yes. We have done that; we now need to have a section. Why I ask that I want to amend Section [39] of the Parent Act with the leave of Mr Chairman. It says in Section [39], it is true that we want to give more protection and privileges to the victim. It is written in Section 39 of the Parent Act, "A victim of sexual offence shall be entitled to a free medical treatment and a free medical report." So what we want to add is: *"A victim of sexual offence shall be entitled to a free medical treatment and a free medical report from any Government hospitals in Sierra Leone or from any other health unit duly accredited by the Ministry of Health and Sanitation for provision of medical treatment for sexual offences and related health care services."* Mr Chairman, we proceed to the other amendments because we talked about Chairman of

the Committee. We inserted guidelines in the Long Title and we need to do this amendment in Section [42].

THE CHAIRMAN: No, let us deal with Section [39] first.

HON. MATHEW S. NYUMA: Sexual Offences Act, I said we have done it already.

[Question Proposed, Put and an Agreed to]

[A victim of a Sexual Offence shall be entitled to Free Medical Treatment and Free Medical Report from any Government Hospital in Sierra Leone or from any other Health Unit duly accredited by the Ministry of Health for provision of Medical Treatment for Sexual Offences and related healthcare services stand part of the Bill as amended].

HON. MOSES B JORKIE: Thank you very much Mr Chairman. Coming to the treatment of the victim, I only have a concern towards that. In as much as they are going to undergo free treatment, I wonder what will happen when drugs are not available and knowing our health workers very well; at times even when drugs are available, they will tell you that drugs are out of stock. So in that light, I wonder what would be the faith of that particular victim where will that victim go in case there are no drugs at the health centre. That is just my concern.

THE CHAIRMAN: You want to include that as part of what we are legislating?

HON. MOSES B JORKIE: Well, of course I highlighted what happened in the clinics because even those who are to benefit from free-health care services in the country know very well that they are not benefiting from it; our nurses are taking money from them so what about this case? If it happens that you go to the centre then you are told that drugs are not available. I said, what would be the faith of that person? How would that person be treated? This is the question I have asked. I want the Chairman to actually answer that particular aspect.

HON. MATHEW S. NYUMA: No, it is not the Chairman; I will attempt to answer.

HON. MOSES B JORKIE: I will not answer that question Mr Leader.

HON. MATHEW S. NYUMA: Okay, let me just explain: I brought in the amendment of Section [39], if you check around the country; we do not have Rainbow Centres for the whole districts or even in our provinces. Rainbow Centres are very limited in certain places, so we just want the Government hospitals or accredited health-centres to take care of some of these things. I mean, you can get a first-aid when you get to these centres irrespective of what you want to do if there are corrupt practices but you only have the right to go to the Rainbow Centres to prove if you have involved in some rape activities. But what we are saying, if there are no Rainbow Centres, you can go to accredited Government hospitals or health units so they can see to you; that is the whole idea in trying to amend. Because we have already stated in the Parent Act, that there is a Free Medical but that one is just open. Where is that individual going for a free medical, no one knows, so we want to make it very clear in this Act.

HON. MOSES B JORKIE: Yes. Mr Acting Leader, you are still deviating; you do not want to answer that question. When the patients have gone to the clinic but there are no drugs; what would be the faith of that particular patient? This is the question; let us answer that question first.

HON. MATHEW S. NYUMA: That is an administrative issue, for you not to have drugs in hospitals is not our business to put it here into law. Our business is to make provision for the victim to be treated; to get facility or to get treatment centres that is what we are saying. Rainbow Centres are very limited Mr Chairman, that is the reality we have at hand and every day victims get to the hospital to seek medical attention from any medical practitioner not only medicines; but counselling also can take place Mr Chairman.

HON. MAADA K. HAFIJU: Mr Chairman, I want to know from the Acting Leader of Government Business what are accredited health centres? Because as far as the Ministry of Health is concerned, we have peripherals, secondary and tertiary health facilities; I have never seen accredited health facilities. As far as the Ministry is concerned, we have three health facilities limited to particular diseases like tuberculosis, malaria and HIV; so if we are now talking about free medication for sexually penetrated

victims, I am afraid, because even the free health care for under-five children, lactating mothers and pregnant women is not perfectly operating, it is not successful so if we are talking about sexual victims to get free medication from Government facilities. The question from Honourable Moses Jorkie is very important. What about if you go to Government facilities and there is no drugs. As I speak we have a very big hospital in Freetown, this is now 9 months and there is no drugs available in that particular hospital and it is also a Government facility. So, if they go there and no treatment and prescriptions are made and they are asked to go to the pharmacy I am afraid if we are talking about this Bill, we have to go into details. That is my submission Mr Speaker.

THE CHAIRMAN: Yes.

HON. ABU KEMOKAI: This is in relation to the Honourable Member, that raised the concern about sexually penetrated victims being taken to the hospital for either medical examination or medical treatment and he is saying drugs are not available. I want to answer the Honourable Member's question by saying he is the chairman of the Committee on Health, in the circumstance where drugs are not available in the respective facilities, he needs to ensure that drugs are available at the respective facilities. I do not think whether Honourable Hindolo Gevao, is to respond to that question in relation to what he is saying or what he wants to know. I do believe that should be his responsibility.

THE CHAIRMAN: Are you through?

HON. ABU KEMOKAI: I think I am through for now.

HON. MAADA K. HAFIJU: Mr Chairman, let me address Honourable Abu Kemokai, we have Ministry of Health and Strategic Plan in every five years. Like the Strategic Plan we are having Mr Chairman, the current Strategic Plan we have did not capture any free healthcare for adult, the Strategic Plan for 2015–2020/2020-2025 did not cater for any free healthcare for adults except we have specific diseases: tuberculosis, malaria and HIV, the lactating mothers and pregnant women have been under free healthcare for more than five years now we know about that; so the Strategic Plan we have now

at the Ministry of Health and Sanitation did not capture for any free treatment for any other extra adult....

HON. REBECCA Y. KAMARA: Yes, Mr Chairman.

HON. MATHEW S. NYUMA: Mr Chairman, point of order please? Mr Chairman, we are still going into administrative issues; this is just to expand on Section [37]. Section [39] it is very clear, can I read so that they can understand from the Parent Act?

HON. REBECCA Y. KAMARA: Yes. Mr Leader, I want to support you on that.

HON. MATHEW S. NYUMA: So, as I was saying, because we want to sanitize this Bill so that is the reason I have brought in Section [37] to expand more on Section [39] to expand on it; we are saying, what about pregnant women, lactating mothers and their children? They are adults, we are talking about sexual offences, if you go to the police and make a statement Mr Chairman, you can only go to the Rainbow Centre for examination say for example, if you are in one of those chiefdoms, you do not have Rainbow Centre but there is an outlet there accredited by Ministry of Health, they can give some medical treatment and prepare some medical report for you.

HON. REBECCA Y. KAMARA: Yes, Mr Chairman.

THE CHAIRMAN: Honourable Members, let us not lose sight of the provisions contained in the Parent Act. Let me remind you that Section [39] of the Parent Act presently provides as follows: 'A victim of a sexual offence shall be entitled to free medical treatment and a free medical report that is the law as it exists at the moment. What this amendment seeks to do is to elaborate on the existing provision that is all. It is not saying anything that is radically new.

HON. IBRAHIM T. CONTEH: For the fact that most of these Acts, were passed by Parliament, Parliament tends to ignore them. I have seen an Act passed by this Parliament, I am not only saying the Fifth Parliament but the previous Parliaments that has so much controversies; i.e. the Road Fund Maintenance Act, it does not give clear specification as to what percentages collected by SLRA should be paid to RMFA, what RMFA should give to SLRA; it has so much ambiguity and if we tend to expand on every

provision to soothe the comfort of what we think can also put the victims at a position of strength, we would tend to make the Act very complex and at the end of the day explaining them to people becomes another matter all by itself.

HON. REBECCA Y. KAMARA: Yes. Mr Chairman, Just to make an additional support to the Leader, I think the Female Caucus in our 8 points resolution to President, we made it very clear from my experience in Rwanda, they have a one-stop centre located in every Government hospital including the Military hospital and others. The one-stop centre really takes care of a whole lot of things like; counselling. There you have lawyers, medical facilities and all the rest of it. To just look at that particular amendment, maybe we do some recommendation that Government takes care of making a one-stop centre in every Government hospital where a victim would get all these facilities; because like we recommended for the forensic training and lab, it is not there, it is not available but we are recommending that if really Government and us really mean it to amend this Act. Government should make available all these things to ensure that the Act really work and be implemented, but to say victims go to any health centre or PHUs, most times evidence get missing in these small clinics because they would not know how to handle the victims, and what really we need here is to get evidences of whether the rape really took place. So if we say, they get treatment, they would rape a girl in one village and she will just go to the health centre for treatment and at the end of the day, when you want to go to court to say they raped the girl, there is no evidence because they have already treated her. So, maybe I want us to amend and limit ourselves to the Government hospitals or transform the Rainbow initiative into a one-stop centre which should give very good facility to the victim, but if we say every health centre, some of these nurses would not be able to handle the victim by the time the case gets to court the evidence would have been lost. So, maybe let us just look at it critically and amend it properly.

HON. MATHEW S. NYUMA: Mr Chairman, those are presumptions; I have read the provision, it is very clear that, that particular provision is a mockery to the victim. It is a mockery statement because that phrase is just there 'Free Medical' where do you go for

free medical? You must go for free medical somewhere, so we have to direct them to the PHUs or somewhere else to get the free medical. Do not forget, if you go there, say you have been raped what about if the victim is residing beyond Tongo Fields and she is bleeding out of rape, you think she cannot go to any health centre, so we are making it very clear therefore, for sexual offences to have an outlet in some of these accredited health centres it is very clear and we have discussed over and over, to just leave it like that, you have Section [39] that says: free healthcare, free report in fact, where are you going to get the report, who is going to make the report for you when you have not gone to the hospital? When you have not been to the hospital, who is going to make the report for you, who is going to attend to you or even try to treat you and to give you first-aid.

THE CHAIRMAN: Okay. I think the point has been made. Let me take one more speaker. Let me hear Honourable Foday Mario Conteh.

HON. FODAY M. CONTEH: I want to believe that in matters of this nature, we should not be looking at Government's capacity to do things. Our Government, our country, we want to go a step ahead. What do you think will happen if there is no free medical care and it is not precise? And even if it is far away like what we have now, the Rainbow Centres, they are very few; we do not have a Rainbow Centre in Port Loko, Kambia, Karene, Kailahun, Bonthe and other areas that is why I think this amendment is in place for us to have. When they say accredited, I think the Ministry of Health is apt to have centres that are accredited, centres that they can approve where victims can go to if she does not have transport to go to the district headquarter what do you think will happen and if they know that, even if they go there they will not get treatment, do you think they will go? Now we are making the law and we give provision to the Government to take its own share; Government would not want to make a law that only leaves the victim to suffer, the victim has to be sure that going to the hospital, there will be some treatment that is what would encourage them, that is what will motivate even parents. A parent cannot afford to send a victim to a hospital where there will be no treatment and we would even lose track of the statistics, we would not know by

giving them medical care and making it precise and Government taking that responsibility. I think this will go headway; it will be a long way for us to succeed in this issue. Thank you Mr Chairman.

THE CHAIRMAN: You are the last.

HON. SHEKU M. TURAY : Yes sir, I have limited myself to certain issues specifically. I want to know, do we need to define all the strategies in implementing this Act within the Act itself? Or do we to evaluate our implementation of the Act and predict the result before we have to approve the Act? It is relevant because we have not made background research and analysis of what we want to see but the problem exists and we have already resolved that. Can we then pass the Act and then make follow-up on the implementation and monitoring and also follow the strategies of how the Ministry is going to implement? Because there is a provision that they have to present a report every year, the report will inform us about our review, but if we continue to be looking at strategies we will have complications in implementing every law. There are gaps, but you cannot identify the gaps at the initial stage of the law, so we have to look at it critically and then let us have those clauses that are controversial then we would determine how to address them.

THE CHAIRMAN: Honourable Member, you have raised a new problem. I would address that when we get there. Let us focus specifically on what we are dealing with now which is the amendment to Section [39] we will come to your point later please. Any other contributor on this particular issue?

HON. HINDOLO M. GEVAO: Mr Speaker, this is going to be brief. We know we have problems in our health sectors, but if the need does not arise, the problem would not be solved by us and making it as a law that all sexual victims would have free medical attentions wherever they find themselves. I think we would be creating the opportunity for these facilities to exist all around the country, how are we going to get the funds? God will provide, people would come on board and help our medical system.

THE CHAIRMAN: Mr Minister, do you wish to comment on this or I put the question?

THE MINISTER: I would like to make a few comments. I have listened keenly to all the submissions made and some of the apprehensions; of course, we agreed that whatever law we are going to make today will still have some amount of gaps to fill in. Once, the legislation is in place, I am sure lot of policies be derived from that. Having said that, the issue of directing the victims or having it in the legislation that the victim is not only entitled to free medical care but even saying that the Ministry of Health should have accredited centres where these victims should be going, should be very much lauded by this Honourable House. That is a very good step from the beginning. With regards, who is going to provide those facilities or the monies? Somebody said 'God will provide'. Well, being a Muslim as well let me join him to say that 'Allah will provide'. But that notwithstanding, I am sure once this Legislation has been passed, we have legal practitioners, I am seeing them around, some of them have been patiently going through all of these, they would start the advocacy and those advocacies would directly inform a lot of other policies and people would come on board to see. But we have to begin the journey by passing this amendment into law and that would serve as a very good instrument in their hands in order to do their advocacy and ensure that protection would soon be there and the treatment we need for those who would become victims in the process is being sought. So, I want to implore Members of Parliament and Mr Chairman, it has been a very wonderful experience as we all join together to make history tonight and it will go in the annals of history that today we were able to lay the foundation for stopping rape in our country. I thank you very much.

[Question Proposed, Put and Agreed to]

[Section [39] of the Parent Act be amended to read; A victim of a sexual offence shall be entitled to Free Medical Treatment and a Free Medical Report from any Government Hospital in Sierra Leone or from any other Health unit duly accredited by the Ministry of Health for provision of Medical Treatment for Sexual Offences and related Healthcare Services that this new provision be adopted by the House and be made to form part of the Bill].

THE MINISTER: Mr Chairman, I guess this will be the last. I know your people are now bored. I know we have dealt with Section 42[a] we proposed that after section 42[a], 42[b] a new provision is inserted to read, this is because we have already amended the Long Title this morning to read:

'Notwithstanding section 42, the Chief Justice shall within three months of coming into force of this Amendment Act, issue compulsory sentencing guidelines to be applied by the Court in all cases where an offender is being sentenced for a sexual offence.'

Mr Chairman, Honourable Members, the rationale for this is we all had the sentence in bracket five years, but not ten years, fifteen years to life imprisonment, ten years to life imprisonment; with the sentencing guidelines we would have uniform sentence right around the country. That is the rationale for the guideline. Let us say, it will create room for a uniform sentence so that you would not have an adult sexually penetrating a kid and he is sentence to 13 years imprisonment and the same adult penetrating a kid in Kenema being sent to life imprisonment because there is a discretionary rule given to the judges. But with the guidelines, they themselves would now know the parameters set by the Chief Justice to guide them to give these sentences. Thank you.

THE CHAIRMAN: I am sure this is not controversial.

[Question Proposed, Put and Agreed to]

[Insertion of new section 42[b], to read;

'Notwithstanding section [42], the Chief Justice shall within 3 months of coming into force of this Amendment Act, issue compulsory sentencing guidelines to be applied by the Court in all cases where an offender is being sentenced for a sexual offence that this new provision be adopted and form part of the Bill.'

THE MINISTER: Mr Chairman, it is also a proposal that a new section 44[c] be amended to now read: 'To establish, maintain, make accessible to appropriate authorities and publicize as necessary for public safety particularly of children, a data-base of person convicted of sexual offences'. But I think we have already dealt with this because we have dealt with data base.

THE CHAIRMAN: Yes, I think so.

THE MINISTER: Yes, we have dealt with data-base. Honourable Nyuma, I think that is it. Okay, let me read this so that the Chairman and other colleagues will hear it. Make accessible to appropriate authorities and publicize as necessary for public safety particularly of children, a data-base of persons convicted of sexual offences. So, they are emphasising on the word data-base of convicted persons.

THE CHAIRMAN: I think this is also not controversial. Considering the need to protect children and young people.

HON. IBRAHIM T. CONTEH: Mr Chairman, I am taking all the considerations in good effect and in due course; but taking into consideration as well Section [44] of the Sexual Offences Act of 2012, regulations is amended by repealing and replacing that section with the following subject to Section [42] and it includes: 'To establish, maintain and publish annually both in the print and electronic media a sexual offender's data-base. If you take a look at this particular section 44[c] it says; 'To establish, maintain, make accessible to competent authorities and publicize as necessary for public safety particularly of children, a register of persons convicted of sexual offences'. I think the only difference between the two is 'convicted' the data base is the same, publish annually is the same, so if we tend to put this one, I think we would defeat the purpose of having the powers of making regulations given to the Ministry. If they are to make regulations, some of these things should fall under the regulations. But if we capture everything in the Act, there is nothing for the Ministry to play with in terms of making regulations. Some of these issues can be taken care of in the regulations, I think we have protected them by saying we are going to publish sexual offender by naming and shaming it is already in the Act.

THE CHAIRMAN: I presume that, what you are saying a sexual offender for you to qualify or for inclusion as a sexual offender; you ought to have been convicted. In that case, I think we have captured that earlier. There is one last; I do not know whether you still want to pursue that.

HON. MATHEW S. NYUMA: Yes. Before I go to that, we still have to bear in mind that we have made reference to 'particularly of children' that is where I lay emphasis Mr Chairman. For public safety, if you look at the competent authorities and precisely as necessary for public safety particularly of children, so I only hope they will take care of that, they should take care of our children.

HON. IBRAHIM T. CONTEH: I think Mr Chairman, the earlier provision in fact gives more credence because it does not only consider children, it considers all sexual offenders convicted.

HON. MATHEW S. NYUMA: Nor, this is specific.

HON. IBRAHIM T. CONTEH: It would be categorized on publication that these are offenders of children; these are offenders of ex-age so that the public would understand. I think the earlier provision takes care of it entirety of what we intend to achieve.

THE CHAIRMAN: I really want to think so.

HON. MATHEW S. NYUMA: I am not against it, but I am just saying that when they are doing the write-up they should take note of that. It is very clear because, I really do not want us to go aback but there are certain things that are missing 'convicted children' but they would take care of that one; the Legislative Committee would take care of that one.

THE CHAIRMAN: Let us deal with the last one.

HON. MATHEW S. NYUMA: Part 5, we just want to have miscellaneous. Part 5 is clear, to have miscellaneous on sexual offences.

THE CHAIRMAN: Can we deal with the reporting to Parliament please?

HON. MATHEW S. NYUMA: Yes. It is the report. The Human Rights Commission to Sierra Leone in conjunction with the National Committee on Gender-based Violence, NAC/GBV of the Ministry of Social Welfare, Gender and Children's Affairs, shall produce and present to Parliament an annual report on the status of implementation of the

Sexual Offences Act of 2012 as amended throughout Sierra Leone including recommendations to Parliament; for the miscellaneous. So, we do not want to be having general report; we want to have specific report on rape cases presented to Parliament.

THE CHAIRMAN: Exactly, because of the topicality of the issue. I think this provision is most pertinent; and I would like to put it to the House. Honourable Members, the question is that a new provision be added, be adopted by the House and be made to form part of the Bill and it will read as follows:

The Human Rights Commission to Sierra Leone in conjunction with the National Committee, on Gender-based Violence, NAC/GBV of the Ministry of Social Welfare, Gender and Children's Affairs, shall produce and present to Parliament an annual report on the status of implementation of the Sexual Offences Act 2012 as amended throughout Sierra Leone including recommendations to Parliament.

[Question Proposed, Put and Agreed to]

[That brings us to the end of both the Report of the Legislative Committee and the additional amendments that have been proposed]

THE SPEAKER: So Mr Minister, over to you.

THE MINISTER: Mr Chairman, Honourable Members, I move that clauses 1 to 5 and all the amendments thereto as contained in the report by the Committee of this House, stand part of the Bill.

[Question Proposed, Put and Agreed to]

[Clauses 1 to 5 and all amendments made including Committee Report form part of the Bill as amended.]

[THE HOUSE RESUMES]

THE MINISTER: Mr Speaker, Honourable Members, I report that the Bill entitled; the Sexual Offences Amendment Act 2019, having gone through the Committee of the

Whole House with amendments thereto, I now move that the Bill; be read the third time and passed into law?

[Question Proposed, Put and Agreed To]

[The Bill entitled; The Sexual Offences Amendment Act 2019, being an Act to make provision for the Chief Justice

-to make provision of sentencing guidelines,

-to make provision for the increase of the maximum penalty for rape and sexual penetration of a child from 15 years to life imprisonment.

-to make provision for the introduction of the offences of aggravated sexual assault.

-to make provision for an alternative conviction of aggravated sexual assault.

-to make provision for the prosecution of offences under the Act.

-to make provision for the making of rules by the Rules of Court Committee.

- to further regulate the practice and procedures under the Act; and

-to provide for other related matters, has been read the third time and passed into law.]

THE SPEAKER: This is now for the Clerks, if it means working overtime so be it; but this Legislation must be ready by mid-day tomorrow for the Presidential Assent. How you do it, it is a matter I leave entirely to your discretion; but it is so urgent that I need to make that announcement. With that, the only announcement I have on my desk... yes Mr Leader.

HON. MATHEW S. NYUMA: No, Mr Speaker, by protocol we are just from Bo, we need to implement the Bo Retreat Agreement. Honourable Ibrahim B. Kargbo is it a Treaty or an Agreement? Communiqué, so I stand on S.O [16] to make a business statement. Addendum to the Order Paper we have from the Ministry of Marine Resources... [Interruption]

HON. HASSAN A. SESAY: Point of Order Mr Speaker.

HON. MATHEW S. NYUMA: Alright! I will give you the Floor.

HON. HASSAN A. SESAY: Thank you. From my understanding Mr Acting Leader, we are supposed to continue from where we stopped today. Am I correct? Tomorrow, so if that is the case, let us... [Interruption]

HON. MATHEW S. NYUMA: No, we have addendum that is what I want to do sir, just Laying of Papers.

HON. HASSAN A. SESAY: Let me land.

HON. MATHEW S. NYUMA: Okay.

HON. HASSAN A. SESAY: So in that case Mr Speaker, I want to ask my colleagues that we did not conclude today's business. Tomorrow there are issues on the Order Paper, which cannot be completed today and tomorrow we also have a meeting. So, probably what we have now in our hands to handle, tomorrow might not be enough considering that we also have a meeting tomorrow, which you are well aware of and it is very important also that that meeting be held, you are aware of that; that is why I do not want you to overload tomorrow's Order Paper so that we can have time to handle other issues that have already been scheduled.

HON. MATHEW S. NYUMA: Okay, It is just a 'Laying of Papers' Honourable Member just Laying of Paper from Ministry of Marine Resources, nothing more and the Statutory Instrument says twenty-one days; if there is any problem, we can put it as a Motion.

HON. HASSAN A. SESAY: Okay, if it is Laying of Papers, just laying of Paper?

HON. MATHEW S. NYUMA: Trust me.

HON. HASSAN A. SESAY: Thank you.

HON. MATHEW S. NYUMA: Trust me, if there is any addendum from that, you can move a Motion.

HON. MATHEW S. NYUMA: Trust me Mr Speaker that is the notice.

HON. IBRAHIM B. KARGBO: Mr Speaker, with due respect to Mr Leader, I think the point must be made again to these Ministries; that you do not put us under pressure and come here with Legislation, with documents at last minute. We also have our responsibilities like the Whip said here, tomorrow we are overloaded and yet again somebody has come up with another document for Laying of Papers whether it is Laying of Paper or not, we simply cannot continue with this kind of arrangement.

HON. MATHEW S. NYUMA: Nor, it is not very true. This is a Statutory Instrument Mr Speaker, you have twenty-one days to look at it; it is just Laying of Papers. Why do you need to suspend it? It is just Laying of Paper, this is Statutory Instrument.

HON. IBRAHIM B. KARGBO: I am aware of the twenty-one days clause and if you believe in that clause, we can only get... Yes, I know S.O [2] *but wae tin ar dae say*, we will give you... okay, because the Speaker is cooperating with you, perhaps we leave it for tomorrow.

HON. MATHEW S. NYUMA: Thank you for your understanding.

HON. IBRAHIM B. KARGBO: Mr Speaker, please advise them; that they are overloading this House.

THE SPEAKER: Honourable Members, I will entertain an announcement from the Honourable Francis A. Kaisamba.

HON. MATHEW S. NYUMA: Mr Speaker, I think your voice is very low I do not know whether it is because you have stayed too long. Honourable Members, we have the Chairman for the Finance Committee; see the Finance Chairman - Honourable Kaisamba and other information would follow, see him. Thank you.

HON. FRANCIS A. KAISAMBA: Mr Speaker, I stand on S.O 75.

THE SPEAKER: What is that?

HON. FRANCIS A. KAISAMBA: Premature publication.

THE SPEAKER: Can you leave that for tomorrow?

HON. FRANCIS A. KAISAMBA: Mr Speaker, I did not get you clear sir?

THE SPEAKER: Let us leave S.Os. 75 for tomorrow.

ADJOURNMENT

[The House rose at: 6:00 p.m. and was adjourned to Friday, 20th September, 2019, at 10:00a.m.]