

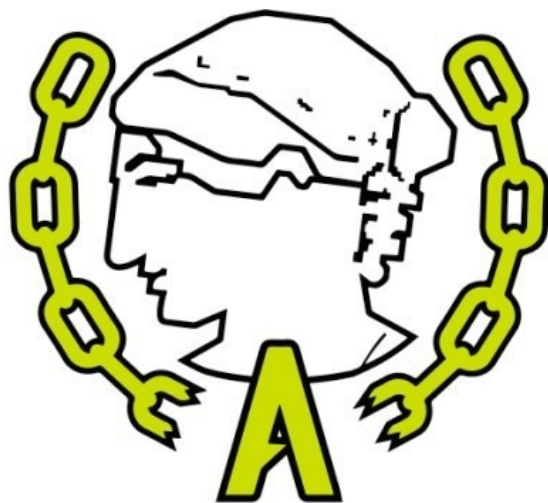
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**Have prisons learnt from Covid-19?
How the world has reacted to the pandemic
behind bars**



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N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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SIERRA LEONE - Covid-19 responses to mitigate the impact of the virus in Sierra Leone's prisons: an overview

Lydia W. Kembabazi¹, Isabella Cordua²

1. Introduction: Covid-19 in Sierra Leone

The President of Sierra Leone, Julius Maada Bio, confirmed the country's first case of Covid-19 on 31 March 2020 (Who, 2020a). When in April 2020 the government of Sierra Leone confirmed its second case – a person who had no history of travel or contact with the first person – it announced a 3-day lockdown. Following a second 3-day lockdown, the government also put in place additional measures, including an inter-district travel ban and a curfew from 9pm to 6am, and advised all citizens to wear face masks at all times but did not make them compulsory until June³. While these measures were put in place to respond to the health emergency, they have in some cases been counterproductive and have disproportionately impacted marginalised groups, and especially women. For example, women have been arrested for leaving their houses to go and fetch food or water for their families after curfew or during a lockdown⁴.

In July 2020, President Bio announced that air travel could resume and slowly eased most of the restrictions, including lifting the curfew for an initial 4 weeks more recently in October 2020. Wearing a face mask, however, remains compulsory. As of October 2020, the Covid-19 death toll is 74 (Who, 2020b).

2. The suspension of all non-essential visitations and its bloody consequences

Perhaps because of its experience with Ebola, the prison authority in Sierra Leone responded to this health emergency rather quickly, based on the model they had adopted during the 2014 outbreak. The response, however, consisted mostly of locking down all prisons and suspending all non-essential visitations indefinitely. The decision to suspend visitations was abrupt and not communicated promptly to those in prison or their families. In some cases, even visitations from lawyers were made very difficult, with some being denied the required essential worker pass to travel across the country to see their clients (Cyrus

R. Vance Center for international justice, 2020). Notably, since most educational and skills training programmes for imprisoned people were provided by civil society organisations, when all non-essential visitations were paused indefinitely, so were these programmes.

To help imprisoned people not feel isolated, keep in touch with their relatives and friends and access medical and legal services, the United Nations Development Programme (Undp) donated 40 mobile phones with three months prepaid subscription to Sierra Leone's 21 operating prisons (Undp, 2020). Every person was allowed to make up to three calls every week for a total of 15 minutes, with more time being allowed for those who had family emergencies or needed specific services (Undp, 2020). Civil society organisations such as AdvocAid also used those phones to provide psychological support services to incarcerated women over the phone (Cyrus R. Vance Center for international justice, 2020).

Yet, these strict restrictions on visitation only exacerbated tensions among people in detention and, following the first recorded case of the virus in a correctional centre in April, a riot broke out in the severely overcrowded male prison in the capital, Freetown. During this riot, 31 people were killed: one officer and 30 men in detention as a result of a "heavy-handed response from prison guards who used live ammunition" (Amnesty International, 2020). When the Sierra Leone Correctional Service (Slcs) released a report into the main causes of the riot, it found that 400% overcrowding, staff shortages, and the severe Covid-19 restrictions imposed on those imprisoned

had all played a role (A.R. Thomas, 2020).

3. Physical distancing and overcrowding

The prison population in Sierra Leone has doubled in the last ten years, leading to alarming overcrowding⁵. According to internal data provided by the Sierra Leone Correctional Service, there are currently 4018 incarcerated people in the country, though the overall capacity of the 21 operating prisons is 2045⁶. Some prisons are holding more than four times their capacity, and only four centres are not exceeding the maximum occupancy rate (AdvocAid, 2020a). In the capital, the female correctional centre, which was designed to hold 18 women at a time, currently hosts more than 60 (Cyrus R. Vance Center for international justice, AdvocAid, 2020); the male prison, which was built for 324, now holds over 1000 (AdvocAid, 2020a). The reason for overcrowding is partly linked to numbers of people in pre-trial detention and the long delays in cases reaching trial (Cyrus R. Vance Center for international justice, AdvocAid, 2020). According to official data released by the Sierra Leone Correctional Service, approximately 58% of all incarcerated people in Sierra Leone are in pre-trial detention⁷. Recently, a group of people in detention in the country's South went on a hunger strike due to the continued absence of a magistrate to hear their case (AdvocAid, 2020a).

Given the severe overcrowding, physical distancing is impossible within the country's prison, which means that face masks and quarantining of people suspected of Covid-19 are the main protective measures put in place by the

severely underfunded prison authorities, although even this does not always happen. This, combined with lack of sufficient clean water and appropriate medical care and facilities, increases the risks of spread of the new coronavirus (Cyrus R. Vance Center for international justice, AdvocAid, 2020). It is worth noting that most protective equipment, including gloves, masks, soap, hand sanitizer, thermometers, and hand washing stations, was donated to correctional centres by civil society organisations (Cyrus R. Vance Center for international justice, 2020).

4. Quarantining suspected cases of Covid-19

Prison quarantining practices are inconsistent across Sierra Leone. In some correctional centres, there are designated quarantine spaces, often the same ones that were used during the Ebola outbreak (Cyrus R. Vance Center for international justice, 2020). However, while in the Freetown male prison the Slcs developed new health structures to quarantine suspected cases of Covid-19, most other correctional centres have no dedicated isolation units. For example, a facility in the North of the country is using a spare bathroom as an isolation unit (AdvocAid, 2020a).

5. Releasing pre-trial and vulnerable detainees

In spite of calls from international and regional bodies to reduce prison overcrowding in response to Covid-19⁸, it is clear that the number of prisoners released in Sierra Leone since the outbreak of the virus is paltry, with only 150 men and three women being released in July following a presidential pardon (A. K.

Sesay, 2020). This is just 4% of Sierra Leone's prison population; it stands in stark contrast to the releases authorised in other African countries such as Ghana, Kenya and Zambia, which have released prisoners in the thousands between March and July 2020². A report which surveyed civil society organisations in Argentina, Bolivia, Brazil, Colombia, Indonesia, Kazakhstan, Kenya, Kyrgyzstan, Malawi, Mexico, Nigeria, Pakistan, Philippines, Sierra Leone, Thailand, The Gambia, and Venezuela found that only Sierra Leone had not taken steps to reduce its prison population (Cyrus R. Vance Center for international justice, 2020).

The only prisoners who were released in Sierra Leone since the Covid-19 outbreak were those who were granted presidential pardons on Sierra Leone's Independence day. This is a yearly occurrence and, in spite of repeated calls from civil society to release at least pre-trial and vulnerable detainees (AdvocAid, 2020b), the number of people released this year did not increase compared to that of last year¹⁰. These releases were also significantly delayed because of the prison lockdown and as a result of the riot in the capital's male prison.

6. The suspension of court sittings

Another strict Covid-19 measure put in place by the Sierra Leone government was intermittent suspension of all court sittings, which left many in pre-trial detention without being able to go to court.¹¹ The suspension of court hearings meant that many who could have easily been discharged, granted bail or given suspended sentences remained in prison, with a high risk of being exposed to Covid-19. Sierra Leone did not adopt any

alternative measure to physical trials (Cyrus R. Vance Center for international justice, 2020).

The suspension of court sittings and the altering of court operations affected the provision of timely and fair hearings and increased an already alarming backlog of pending cases. This also worsened the severe overcrowding of Sierra Leone's detention facilities. Halting court sittings was counterproductive as it not only exacerbated existing tensions among incarcerated people, it increased the risks of their exposure to the virus in prison.

7. Conclusion

In Sierra Leone, Covid-19 has had a disproportionately negative effect on all those who were already most vulnerable before the pandemic. It is exposing and exploiting the pre-existing inequalities and contradictions of the country's criminal justice system.

The authors call on the government to ensure that human rights inform all decisions that govern the implementation of Covid-19 prevention regulations inside and outside prison. This includes – but is not limited to – releasing people in pre-trial detention and those who are most vulnerable and developing alternatives to incarceration; putting in place alternatives to in-person trials; monitoring the state of the country's prisons to adapt to the current circumstances and designing a comprehensive emergency plan providing for medical isolation and quarantine, referral and health care plans and health and safety measures to mitigate the spread of Covid-19 and prevent outbreaks.

Although some of these restrictions are

essential and require a delicate balancing exercise between rights protection and public health safeguarding, the side effects of the pandemic will otherwise have a distinct impact on groups which are already at great disadvantage.

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Notes

¹ **Lydia Kembabazi:** is the legal manager at AdvocAid, the only organisation in West Africa providing holistic access to justice to women and girls caught up in Sierra Leone's often unjust legal system.

² **Isabella Cordua:** is a human rights researcher and consultant at the Cyrus R. Vance Center for International Justice. As part of the Vance Center's *Women in prison project*, she has led the first comprehensive study on the causes and consequences of women's imprisonment in Sierra Leone, jointly with AdvocAid.

³ See: <https://www.africanews.com/2020/07/10/virus-free-sierra-leone-records-covid-19-scuffles-over-quarantine-at-airport/> (accessed 20 November 2020).

⁴ These are preliminary findings shared with the authors by AdvocAid on its nationwide assessment of correctional centres undertaken in the month of November. This document has not been published yet.

⁵ For up-to-date data: <https://www.prisonstudies.org/country/sierra-leone> (accessed 20 November 2020).

⁶ Based on internal documents of the Sierra Leone Correctional service, which are not available to the public but were seen by the authors.

⁷ Based on internal documents of the Sierra Leone Correctional service, which

are not available to the public but were seen by the authors.

⁸ See for example the Unodc, Who, Unaid, Ohchr *joint statement on Covid-19 in prison*: <https://www.who.int/news-room/detail/13-05-2020-unodc-who-unaid-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings> (accessed 20 November 2020) and the press statement of the African Commission on human and peoples' rights on the Covid-19 crisis <https://www.achpr.org/pressrelease/detail?id=480> (accessed 20 November 2020).

⁹ See: <https://allafrica.com/stories/202007060575.html>, <https://www.aa.com.tr/en/africa/covid-19-kenya-frees-nearly-4-000-prisoners/1789969>, <https://www.lusakati.com/2020/05/22/president-lungu-par-dons-2-984-inmates-to-commemorate-african-freedom-day/> (accessed 20 November 2020).

¹⁰ For comparison, see: <https://allafrica.com/stories/201905230293.html> (accessed 20 November 2020).

¹¹ For more information: <https://www.africanews.com/2020/04/27/coronavirus-sierra-leone-public-notice/> (accessed 20 November 2020).

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