



1<sup>st</sup> November 2021

The Information Commissioner  
The Right to Access Information Commission  
56 Koo Town Road  
Freetown

Dear Sir,

**Re: Application for Review Pursuant to Section 43(b) of the Right to Access Information Act 2013 by Namati Sierra Leone**

We acknowledge receipt of the letter dated 28th October 2021 sent on behalf of the Commission in response to our application for review pursuant to section 43(b) of the Right to Access Information Act 2013 (RAIA).

We hereby inform the Commission that we were never served with the letter dated 12th July 2021 from the Ministry of Fisheries and Marine Resources (MFMR), which you attached to your correspondence dated 28th October 2021. We put the MFMR to strict proof of service.

Had the letter been duly served, it would have been out of time, as both the fifteen (15) working day statutory compliance period and the seven (7) days given by the Commission to respond to our complaint had elapsed. Therefore, the MFMR remains in violation of their legal obligations under the RAIA. By section 4(4) of the RAIA "any failure to conform to the timelines...shall be deemed a refusal of the request..."

Additionally, had the letter been duly served within the required time limit, the purported reply from the MFMR fails to fulfil the requirements of the Act by not providing the following requested information:

1. A copy of the grant agreement between the Government of China and the Government of Sierra Leone for the development of the fish harbour at Black Johnson;
2. A copy of the technical report confirming "Black Johnson was the most suitable place for the construction of the facility in terms of bathymetry, social safeguards (minimum resettlement cost) and environmental issues"; and
3. Copies of communications with the Ministry of Tourism and/or the National Tourist Board regarding impact of the proposed project on tourism and their views on the proposed project.

The MFMR also failed to fulfil the requirements of the Act when it failed to indicate whether or not it holds a copy of the technical report confirming "Black Johnson was the most suitable place for the construction of the facility in terms of bathymetry, social safeguards (minimum resettlement cost) and environmental issues."

It is evident to us that MFMR has no intention of complying with our request or the provisions of the RAIA. In the purported response of 12 July 2021, it indicated that the ministry would make the agreement public after Parliament concluded deliberations on it. We are in receipt of a letter from the Clerk of Parliament dated 21 October 2021 (attached) stating that Parliament concluded deliberations on the agreement on 7th July 2021. More than three months later, MFMR has neither made the agreement public nor forwarded it to us.

We also wish to remind the Commission that the Ministry of Lands, Housing and Country Planning (MLHCP) has failed to respond to our request for information dated 14th May 2021 on the land acquisition process for the proposed fish harbour at Black Johnson.

We, therefore, wish for the RAIC to proceed with the two applications for review. We trust that the Commission will carry out its obligations under the RAIA by acting on this communication and making its orders in respect of our applications in a timely manner.

The Commission may serve any correspondence and notice on us at Namati, 17B Murray Town Road, Freetown or via email to [sierraleone@namati.org](mailto:sierraleone@namati.org).

Yours sincerely,

*Basita Michael*

Basita Michael (ILRAJ)

Sonkita Conteh

Sonkita Conteh (Namati)

CC: Minister of Fisheries and Marine Resources  
Minister of Lands, Housing and Country Planning