SHOULD THE GOVERNMENT DECLARE A STATE OF PUBLIC EMERGENCY TO END THE KUSH EPIDEMIC?

As Sierra Leoneans, we have all been directly or otherwise affected by the Synthetic drug- Kush. It therefore comes as no surprise that for the last couple of months and particularly weeks, there have been heightened campaigns on social media by youths for the government to consider urgent actions to curtail the further prevalence of the synthetic drug. Some of the comments targeted the attention of top Government officials to treat the Kush pandemic to that of Sexual Penetration. Personally, I think it is an insult to compare Kush victims to those of sexual penetration/Assault victims. The reason for this is because whereas sexual assault victims do not give consent to the acts of their perpetrators, Kush victims do not only give consent to the acts of the dealers, they initiate the transaction by offering consideration in return for a dose.

However, is the Government handicapped to curtail the further abuse of the new killer drug? Are there already laid down laws in force to eradicate the existence of Kush in Sierra Leone? This piece seeks to review the current position of the law in respect of Kush.

According to ‘The Conversation’ editorial, the term “Kush in Sierra Leone is quite different; it is a mixture of cannabis, fentanyl, tramadol, formaldehyde and – according to some – ground down humans bones”.

In 2008, the Government of Sierra Leone passed The National Drugs Control Act of 2008 (hereinafter referred to as ‘The Act’). The interpretation section of the Act states, “Being an Act to establish the National Drug Law Enforcement Agency; to provide for the control of and prevention of abuse of narcotic drugs; to implement the provisions of International Drug Control Conventions, and to provide for other related matters.”

The Act also created the National Drug Law Enforcement Agency mandated to ensure the eradication of drug abuse in Sierra Leone. Section 2 (a) of the Act inter alia clearly states that the primary function of the Agency is “providing leadership in and coordinating all issues relating to drug control, eradicating drug abuse and the primary causes of drug abuse, illicit drug supply and drug-related crime;”

The Act has been used to prosecute crimes related to possession of Kush within the country. Section 8 of the said states thus:
“A person who, without lawful authority—
(a) buys, sells, possesses or has under his control, any drug or uses any drug by smoking, inhaling, sniffing, injecting or otherwise introduces the drug into his body; or
(b) injects any person with or in any manner administers a drug to any person,
commits an offence and is liable on conviction to imprisonment for a term not less than five years.”

In recent years, Accused persons have been arraigned before magistrates on allegations of “Unlawful Possession Kush” contrary to section 8 of the Act. Why are we still grappling with this new social epidemic despite the availability of a legal provision that criminalizes it?

One suggestion is that, like many other problems, we have not fully utilized the available laws in existence. It is my opinion that if these available laws were used to the tee, we would have made substantial progress in combating the drug’s epidemic.

Another suggestion is that we need accountability to determine the faceless importers of the drug. Many citizens have even suggested that the drug is imported by faceless politicians or folks who work for faceless politicians. The people of this country deserve utmost transparency by the Agency in charge of drugs to expose these faceless importers. Institutions were created to yield positive results. If an institution is unproductive, we must hold them accountable; we should not create subsidiaries or demand state of public emergency to accommodate for their omission.

The last solution is to increase the penalty for importation of the drug from five years to life imprisonment. It is my opinion that an increase in the years of imprisonment would send strong warning to the importers and distributors. It is my opinion that selling or importing Kush should be equated to Murder; on the 14th day of March 2024, thirty-two (32) unidentified victims of Kush were buried in what could be said to be a mass burial.

In conclusion, I find it inconceivable to treat Kush as a state of public emergency and/or equate it to that of sexual penetration. We have laws to be implemented
and institutions already in place that must be held accountable for the current state of affairs.

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