SIERRA LEONE

Legal and Judicial Sector Assessment

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### Abbreviations, Acronyms and Selected Terms

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<tr>
<td>ACC</td>
<td>Anti-Corruption Commission</td>
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<tr>
<td>ADR</td>
<td>Alternative dispute resolution</td>
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<td>AFRC</td>
<td>Armed Forces Revolutionary Council</td>
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<td>AG</td>
<td>Attorney General</td>
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<td>AGO</td>
<td>Attorney General’s Office</td>
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<td>ARG</td>
<td>Administrator and Registrar General’s Office</td>
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<td>CCSSP</td>
<td>Commonwealth Community Safety and Security Project</td>
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<td>DANIDA</td>
<td>Danish International Cooperation Agency</td>
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<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<td>EU</td>
<td>European Union</td>
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<td>GSL</td>
<td>Government of Sierra Leone</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDPs</td>
<td>International Development Partners</td>
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<td>I-PRSP</td>
<td>Interim Poverty Reduction Strategy Paper</td>
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<td>JPs</td>
<td>Justices of the Peace</td>
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<td>LAWCLA</td>
<td>Lawyers Center for Legal Assistance</td>
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<td>LDP</td>
<td>Law Development Project</td>
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<td>MoJ</td>
<td>Minister of Justice</td>
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<td>MPs</td>
<td>Members of Parliament</td>
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<td>NGO</td>
<td>Non Governmental Organization</td>
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<tr>
<td>OPR</td>
<td>Output to Purpose Review</td>
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<td>RUF</td>
<td>Revolutionary United Front</td>
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<td>SILSEP</td>
<td>Sierra Leone Security Sector Reform</td>
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<td>SLBS</td>
<td>Sierra Leone Broadcasting Service</td>
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<td>SLP</td>
<td>Sierra Leone Police</td>
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<tr>
<td>SSAJ</td>
<td>Security, Safety and Access to Justice</td>
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<td>TRC</td>
<td>Truth and Reconciliation Commission</td>
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<tr>
<td>UNAMSIL</td>
<td>United Nations Mission in Sierra Leone</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>WNAD</td>
<td>West and North Africa Department in DFID</td>
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Scope of Report

This report was prepared by a joint World Bank/DFID\(^1\) team. It provides an overview of Sierra Leone’s legal and judicial sector, defined as the institutions that make up the judiciary, the non-judicial institutions of law making and private sector actors engaged in provision legal services, education and advocacy. As DFID generally engages in work with the police and the prison systems, this report also examines those areas, although they are not areas that the World Bank has traditionally engaged in. For simplicity of reference, we refer to the legal and judicial sector and the police and prisons collectively as the Justice Sector. We believe that this very comprehensive approach is particularly useful as it is increasing clear that it is not feasible to develop sector wide strategies in the legal and judicial sector without an intimate knowledge of, and cooperation with, the institutions that have overlapping mandates, like the police and the prisons.

Executive Summary

Sierra Leone has been devastated by the effects of a decade of civil war, and today is one of the poorest countries in the world. With the end of protracted violence, the Government of Sierra Leone (GSL) and the international community have shifted their focus from combating instability and providing emergency relief to building a sustainable system of democratic governance.

The effect of the conflict on the formal justice system has been particularly acute, leaving much of the sector completely devastated. The war not only destroyed physical infrastructure of the justice system, it undermined the rule of law and the credibility of the institutions of justice.

Currently, the Justice sector serves only a small urban elite. Resources available to the sector are abysmal and the system has become exceedingly expensive for users, as well as for the GSL as the service provider. The working conditions in these agencies make it difficult to attract high quality staff and render it extremely difficult for those recruited to perform their duties effectively. Accountability mechanisms are either absent or weak, and the Judiciary suffers from corruption, inefficiency and lack of accountability. The overall public perception of the judicial system is negative.

In the countryside, where the majority of the population lives, the formal Justice Sector plays only a marginal role. People increasingly resort to customary and informal extra-judicial mechanisms for settling their disputes and arranging their affairs.

In 1991, Sierra Leone adopted the Washington model of parliament, yet many Members of Parliament are unaware of this change and of the added powers that they now have. Currently, the Legislature does not have its own legal department and therefore relies on the Office of the Attorney General for all drafting and other legal assistance. This seriously compromises the Legislature’s independence

The President of Sierra Leone is both the chief of state and the head of government. The president is elected by popular vote for a five-year term. The Ministers of State are appointed by the president with the approval of the House of Representatives.

\(^1\) The United Kingdom’s Department for International Development.
The 1978 Republican Constitution combined the positions of the Office of Attorney General and Minister of Justice. The Attorney General/Minister of Justice is the principal legal adviser to the Government and the principal State Prosecutor, assisted by the Director of Public Prosecutions (DPP). Although the functions of Minister of Justice are not identified in the Constitution, the Minister is the official link between the Judiciary and Parliament/Cabinet and is responsible for judicial affairs.

The Constitution of Sierra Leone of 1991 established the Judiciary as an independent third organ of government. The Chief Justice is the head of the Judiciary and is responsible for its effective and efficient administration. The working language of the Judiciary is English and local language interpreters are used when necessary. The formal Court System is comprised on the Magistrates Courts, the High Court, the Court of Appeal and the Supreme Court.

In Sierra Leone, customary law and English common law theoretically operate in tandem, rather than in conflict. Local Courts administer customary law to about 85% of the population living outside the Western Area, regulating matters of marriage, divorce, succession and land tenure. Local Courts do not fall within the administrative jurisdiction of the Judiciary, but are rather overseen by the Ministry of Interior Affairs, part of the executive arm of the government.

The Judicial branch in Sierra Leone suffers from deplorable conditions of service, staff shortages, a lack of adequate training, debilitating infrastructure and logistical problems. The courts are slow, inefficient and generally reputed to be corrupt and incompetent. They are not equipped either in terms of physical infrastructure, systems and processes, personnel, or attitudes, to meet the needs of the majority of the population of Sierra Leone, and specifically of the poor and marginalized.

The current state of the Judicial branch is seen as the major impediment to any improvement in the legal and judicial sector as a whole. Judges and magistrates are among the most poorly paid on the continent, with salaries that can barely support even the most modest of lifestyles. There is a drastic lack of training available to members of the Bench. One result of the poor conditions of service has been an acute shortage of judges and magistrates, and is felt most in the provinces where the workload far exceeds the ability of the existing personnel. This shortage, and the resulting delays and backlogs, have serious repercussions on the due process rights of accused persons, many of who undergo lengthy pre-trial detention periods. People living outside of Freetown rarely bring any civil matters to the courts due to both the delays and expense.

In theory, every court operates a registry but there is currently a lack qualified court registrars. There are also no stenographers in Sierra Leone’s judiciary so that judges have to compile the transcript of each hearing themselves in longhand and their written account becomes the sole record of a trial.

The Judiciary currently lacks authority over its budget and conditions of service, making it difficult to implement reforms. Additionally, court infrastructure was decimated during the ten-year war period and what infrastructure that does exist is generally inadequate and poorly resourced. There are currently no computers or related equipment in the courts to assist in the management of cases.

The Bar in Sierra Leone is relatively small, with about 150 legal practitioners servicing nearly 6 million people, and, as in many other African Commonwealth countries, the legal profession is fused. The Sierra Leone Law School’s transforms law
graduates into legal practitioners, and less than 20 students qualify every year. Professional legal practice is regulated by the Legal Practitioners Act of Sierra Leone (2000). Barristers in private practice in Sierra Leone belong to the Sierra Leone Bar Association (SLBA).

While it is clear that a pluralist legal system exists in Sierra Leone, the role of customary justice remains contentious. The relationship between the customary and formal legal systems is seen as further complicated by the fact that they are administered by different government organizations. The Local and District Courts are currently under the Authority of the Ministry of the Interior, and are hence administered by the Local Government under the Executive arm of government.

A number of institutions were created at the end of the civil war to help promote the establishment of peace in Sierra Leone: the National Recovery Committee is responsible for coordinating national recovery efforts; the Truth and Reconciliation Commission (TRC) was created as a mechanism for achieving national reconciliation and breaking the cycle of violence by providing a forum for both victims and perpetrators; and the Special Court, conceived by a UN Security Council Resolution, is an “independent special court” to prosecute war criminals in Sierra Leone. The Lomé Peace Agreement provided for the establishment of a National Human Rights Commission (HRC), as a permanent institution in a future peaceful Sierra Leone, whereas the TRC was seen as a provisional mechanism for creating that peace. The GSL also established an Anti-Corruption Commission (ACC) to counter corruption and specifically focus on payments to government officials and the misappropriation of public and donor funds.

The Office of the Ombudsman, created in 1991 yet only operational in April 2000, is mandated to provide redress for cases of improper administration on the part of officials. It works closely with the HRC and the ACC, referring cases for investigation and sharing resources. The Ombudsman’s powers are not judicial and do not provide for any kind of formal sanction for wrongdoings.

The police play a key role in the Justice sector, especially since police officers routinely prosecute cases due to lack of staff resources in the Office of the DPP, and assistance with specialized training, both for police prosecutors and for staff of the Office of the DPP, has been specifically requested by the Government. A major effort to reform the police has been under way since 2000, as a result of widespread allegations of indiscipline and corruption. The reform program has emphasized better training and meritorious promotions for officers of the force. The prison system, on which the war exerted a heavy toll, is also important for the Justice sector. Today the remaining prisons are severely overcrowded, conditions are dismal, and staff lack training.

The current legal and regulatory framework of Sierra Leone is not transparent, efficient or reliable, and in many cases remains based on antiquated British laws and procedures. In addition, there is an uneasy relationship between the received or English laws and the traditional or customary laws. There is very little confidence within the business community in legal protections for their transactions. There is virtual unanimity among Sierra Leoneans that building confidence in the justice sector is an essential requirement of economic investment and growth, and hence for reviving opportunities for economic progress for Sierra Leoneans generally. While Sierra Leone had adopted many international conventions, such as the General Agreement on Tariffs and Trade, it has failed in many instances to draft implementing legislation. The Law Reform
Commission was established to review English law imported into the Sierra Leone legal system and adapt it to local circumstances and contemporary legal standards.

A multitude of barriers to access to justice confront the majority of the population of Sierra Leone, including economic and social barriers, geographical distance, cultural differences, language barriers, lack of trust in the justice agencies, and a general lack of knowledge about the law and the legal system. The capacity of the GSL to provide low-cost and physically proximate legal services is practically non-existent, and Civil Society Organizations are the main providers of legal aid. These CSOs are forced to provide multi-disciplinary services and psychological support for clients for which they are often unqualified or lack suitable training.

As priorities shift from addressing the emergency concerns of post-conflict Sierra Leone towards longer-term development objectives, the GSL is focusing its efforts on rehabilitating and developing essential government services and institutions. Any proposed reform effort needs to take into account the interdependency of different aspects of the Justice Sector. The GSL has stated that it is fully committed to reforming the Justice Sector.

Introduction

Sierra Leone has been devastated by the effects of a decade of civil war, and today is one of the poorest countries in the world. After more than ten years of instability, the civil war was officially declared over January 2002; the state of emergency was lifted and “free and fair” elections were held. While violence in the neighboring countries remains a destabilizing force, there is reason to be optimistic that the situation in Sierra Leone will remain peaceful. However, the toll of prolonged conflict and instability is still being felt.

With the end of protracted violence, the Government of Sierra Leone (GSL) and the international community have shifted their focus from combating instability and providing emergency relief to building a sustainable system of democratic governance. Developing the rule of law and reestablishing the authority and legitimacy of the justice system, in particular, are seen as critical to the success of the peace process.

The effect of the ten-year conflict on the formal justice system has been particularly acute, leaving much of the sector— that had already seen a gradual decline in management and independence— completely devastated. The war not only destroyed the physical infrastructure of the justice system – courts, prisons, police stations — it served to undermine the rule of law and the credibility of the institutions of justice. Many say that the failures of the judiciary contributed to the ongoing conflict, making the need to reestablish credibility much more urgent.

Currently, the Justice Sector serves only a small urban elite. Resources available to the sector are abysmal and the system has become exceedingly expensive for users, as

2. The elections were considered to be free and fair by most observers.

3. For example, the fighting across the border between Liberian Government forces and the Liberians United for Reconciliation and Democracy (LURD) insurgents.

4. The UN has provided the stability of a peacekeeping force (UNAMSIL) of some 17,500 troops, and has supported the establishment of a Special Court to begin prosecuting war criminals, and a Truth and Reconciliation Commission to assist in the nation’s healing process.
well as for the Government of Sierra Leone (GSL) as the service provider. The working conditions in legal and judicial agencies make it difficult to attract high quality professional staff and render it extremely difficult for recruited staff to perform their duties effectively. Accountability mechanisms are either absent or weak. The Judiciary suffers from corruption, inefficiency and lack of accountability. The overall public perception of the judicial system is negative.

In the countryside, where the majority of the population lives, the formal Justice Sector plays only a marginal role. People increasingly resort to customary and informal extra-judicial mechanisms for settling their disputes and arranging their affairs. The customary system provides a community based mechanism through which the broader population has access to justice. Although opinion is divided on issues relating to customary justice, it is clear that traditional law plays a crucial role in Sierra Leone.

One of the legacies of the violent conflict is the deep psychological trauma exacted on the population. This is especially apparent to the organizations that provide legal services for poor people. Many clients arrive with psychological issues that the legal service organizations are ill prepared to deal with. Arguably, psychological healing is a prerequisite to the social reintegration of Sierra Leone’s population at its most basic community level and to the re-establishment of a climate of rule of law.

The post-conflict situation in Sierra Leone presents numerous risks and challenges, but also definite opportunities for improving the Justice Sector. Any proposed reform effort needs to take into account the interdependency of different aspects of the Justice Sector. Currently, coordination between government agencies is ineffective. This has meant that improvements in individual agencies, such as the reforms made to the Sierra Leone Police (SLP), have highlighted bottlenecks and exacerbated problems elsewhere in the system. Improved effectiveness in individual agencies must be matched by parallel improvements across the system and improved coordination and communication between different agencies.

The GSL has stated that it is fully committed to reforming the Justice Sector. In his address delivered on the Occasion of the State Opening of Parliament on July 12, 2002, the President committed his government to “pursue, as a matter of priority, constitutional and legal reforms including reform of the judiciary with a view to developing a credible, effective and efficient legal and judicial system.” The Chief Justice and the Attorney General and Minister of Justice have also publicly committed to reform, and have emerged as key players proposing the most informed solutions to the problems facing the sector. At the same time, it is clear that the Government faces substantial challenges in rebuilding not only the legal, institutional and physical framework for the sector, but also in regaining the public’s trust and confidence in the justice system.

The GSL needs to develop a comprehensive plan for reform of its legal and judicial sector. It is hoped that this report will be a useful input into the development of this plan.

Overview of Key Actors/Institutions

In their efforts towards maintaining peace and stabilizing a devastated country, the GLS is pouring efforts into establishing and improving public sector institutions and the system of democratic governance. Many of the institutions are plagued by inadequate infrastructure and dire conditions of service. Most of the legal and judicial sector is in need of serious reform.
Reforming the Justice Sector presents the added complication of dealing with a two-tiered or pluralist system—made up of the formal legal system or the Common Law, based on the British system, and the customary or traditional legal system. These systems currently function almost completely separately of each other and there is little agreement on how or if such different systems should be merged together.

**Parliament**

Until 1991, the Sierra Leone Parliament was based on the Westminster model, which meant that only the government in power could propose new laws. In 1991, Sierra Leone adopted the Washington model of parliament, under which individual Members of Parliament (MPs) can propose laws and table bills. The system is unicameral, with 124 seats for five-year terms – 112 elected by popular vote and 12 filled by chiefdom chiefs elected in separate elections. It seems, however, that many MPs are unaware that they have been granted these added powers, and they generally still wait for the Government to table bills.

Currently, the Legislature does not have its own legal department and therefore relies on the Office of the Attorney General for all drafting and other legal assistance. This seriously compromises the Legislature’s independence from the Executive Branch. In the past, an induction course was run for new MPs, however currently no such course exists.

The prospect of the Legislature playing a major role in holding the executive accountable over the next five years is limited (due to its current political complexion). At the same time, there are numerous indications that the Legislature is interested in establishing itself institutionally and building its own capacity (for example, to draft Private Members’ Bills).

**Recommendations**

There is a great need for legislative drafts-persons. A training course for MP’s should be developed to introduce them to the drafting process and to sensitize them to the powers they have under the new legislative model.

It is recommended that a program of assistance capitalize on the Legislature’s interest in establishing itself institutionally and building its own capacity. The Speaker and Clerk of Parliament are potentially useful allies in this regard.

**Executive**

The President of Sierra Leone is both the chief of state and the head of government. The president is elected by popular vote for a five-year term. The Ministers of State are appointed by the president with the approval of the House of Representatives. The cabinet is accountable to the president.

Among his duties, the President is responsible for all “constitutional matters concerning legislation” and “the execution of treaties, agreements or conventions in the name of Sierra Leone.”

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5. The Constitution of Sierra Leone, 1991, V, Part 1, Article 40 (4) (a) and (d).
The 1978 Republican Constitution combined the positions of the Office of Attorney General and Minister of Justice. The Attorney General/Minister of Justice is the principal legal adviser to the Government and is appointed by the President from amongst persons qualified to hold office as a Justice of the Supreme Court. Although the functions of Minister of Justice are not identified in the Constitution, the Minister is the official link between the Judiciary and Parliament/Cabinet and is responsible for judicial affairs. The Attorney General (AG) is the principal State Prosecutor, assisted by the Director of Public Prosecutions (DPP). All offenses prosecuted in the name of the state must be instigated by the Attorney General or some other person authorized by him. In the exercise of these functions the AG is not subject to the control or direction of any person or authority. Although being a Cabinet Minister, the AG and the DPP are not subject to the doctrine of collective responsibility for actions undertaken or omitted by them while performing their functions as state prosecutors.

The State Law Office, as part of the Office of the Attorney General and Minister of Justice, provides legal advice to the government – including ministries and state-owned enterprises – and represents the government in civil and criminal matters. The State Law Office is comprised of four divisions: Drafting and Parliament, Civil and Commercial, Constitutional and International Law, and the Division of the Director of Public Prosecutions, which deals with criminal matters.

The Office of the Attorney General and Minister of Justice suffers from severe personnel and logistical limitations. Further, there were serious concerns raised about the merger of the position of Attorney General and Minister of Justice, specifically that this merger blurs the separation between the exercise of the executive and judicial power. In his capacity as Attorney General, the Minister appears before courts as an interested party, while at the same time, as Minister of Justice, he may be making policy decisions that impact the Judiciary. This situation was seen to pose a substantial threat to judicial independence and these concerns were exacerbated by the fact that the role of the Minister of Justice is not defined in the Constitution.

Recommendations

It is recommended that the two offices of Attorney General and Minister of Justice be de-fused and held by separate persons in order to safeguard the separation of judicial and executive power.

Formal Courts

The Constitution of Sierra Leone of 1991 established the Judiciary as an independent third organ of government. The Chief Justice is the head of the Judiciary and is responsible for its effective and efficient administration. In making administrative decisions, he acts on the advice of the Judicial and Legal Service Commission, which he chairs. The working language of the Judiciary is English and local language interpreters are used when necessary.

The formal Court System is comprised on the Magistrates Courts, the High Court, the Court of Appeal and the Supreme Court.
The Supreme Court

The Supreme Court is the final Court of Appeal in Sierra Leone. It exercises supervisory jurisdiction over inferior courts and issues orders and directions to them as it deems necessary. The Court is comprised of the Chief Justice, at least four other Supreme Court Justices, and such judges of the Superior Courts of Sierra Leone, or any other country with similar laws, as the Chief Justice may request to sit.

The Supreme Court has jurisdiction to interpret the Constitution of Sierra Leone, to determine whether Parliament is acting beyond the powers conferred on it, and to decide whether an Act is unconstitutional. Every court in which such matters are raised must stay their proceedings and refer the matter to the Supreme Court. Unlike inferior courts, such as the Court of Appeal, the Supreme Court is not bound by its previous decisions.

The Court of Appeal

The Court of Appeal has only an appellate function and hears appeals from the High Court. The Court is comprised of the Chief Justice, at least seven Court of Appeal justices and such judges of any of the Superior Courts as the Chief Justice may request to sit. A panel of three judges hears each case brought in front of the Court.

The Court of Appeal is bound by its previous decisions and all inferior courts (High Courts, Magistrates Courts and Local Courts) are bound by its decisions on points of law.

The High Court

The High Court has jurisdiction to hear any criminal or civil matter that comes before it for trial at first instance. It also exercises an appellate function for cases from Magistrates Courts and Local Courts. The High Court is comprised of the Chief Justice, at least nine High Court justices and such other justices of the Superior Courts as the Chief Justice may request to sit.

High Court cases are heard in the provinces by Freetown-based judges who travel periodically to the rest of the country on circuit. The Court is also responsible for hearing appeals from the District Courts administering customary justice.

Magistrates Courts

The Magistrates Courts are courts of first instance and deal with less serious criminal and civil matters. Although Magistrates Courts do not have jurisdiction over serious criminal offenses such as murder and rape, they hold preliminary investigations in such cases to determine whether there is sufficient evidence to warrant a referral to the High Court. Similarly, Magistrates Courts assess civil cases and refer more serious ones directly to the High Court. Over 80% of cases in Sierra Leone are heard in the Magistrate Courts.

Juvenile Magistrates Courts exist in parallel with the ordinary Magistrates Courts to try and have jurisdiction over cases dealing with children and young persons.

Customary Legal Systems

In Sierra Leone, customary law and English common Law theoretically operate in tandem, rather than in conflict. All legal proceedings and judgments must, in principle, conform to the Constitution. In practice, there are many areas in which the two legal
systems are significantly at odds. Furthermore, customary justice is different depending on the community and local traditions, and has not yet been codified.

**Local Courts**

Local Courts administer customary law, which is defined under the Constitution as “the rules of law which, by custom, are applicable to particular communities in Sierra Leone.” Customary law applies to about 85% of the population living outside the Western Area. It regulates matters of marriage, divorce, succession and land tenure in the provinces. There are over 300 Local Courts in the 149 chiefdoms in the provinces. While some chiefdoms have only one court, the larger ones have up to three or four.

Local Courts are chaired by a Local Court Chairman (the majority being men), selected by the local chief and who sit with three or four other people (usually elders of the chiefdom). Lawyers are not allowed to appear before the Local Courts and cases are presented directly by litigants and witnesses. Court proceedings are open to members of the public within the chiefdom in question.

Local Courts do not fall within the administrative jurisdiction of the Judiciary, but are rather overseen by the Ministry of Interior Affairs, part of the executive arm of the government. At the same time, the Courts are advised and supervised, and their decisions reviewed, by customary law officers in the Attorney General’s Office. The customary law officers also train Local Court personnel.

**District Appeal Court**

The District Appeal Court is responsible for hearing appeals from the Local Courts only. This Court is presided over by a magistrate sitting with two assessors who are experts in customary justice.

Appeals from the District Appeal Court are heard in the Local Appeals Division of the High Court, in which a High Court judge sits with two assessors. Further appeals can be made to the Court of Appeal and to the Supreme Court. Appeals used to be heard by a Group Local Appeals Court before being heard on further appeal by the District Appeal Court, but this system has been abandoned.

**Local Chiefs**

In practice, chiefs form an important part of the legal landscape in Sierra Leone. In parallel with the Local Courts, local chiefs are involved in adjudicating and resolving disputes within their community.

**The Judicial Branch**

The Judicial branch in Sierra Leone suffers from deplorable conditions of service, staff shortages, a lack of adequate training, debilitating infrastructure and logistical problems. The courts are slow, inefficient and generally reputed to be corrupt and incompetent. They are not equipped either in terms of physical infrastructure, systems and processes, personnel, or attitudes, to meet the needs of the majority of the population of Sierra Leone, and specifically of the poor and marginalized.

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The current state of the Judicial branch is seen as the major impediment to any improvement in the legal and judicial sector as a whole.

Judges and Magistrates

For an individual to be appointed a judge of the Superior Courts under the 1991 Constitution, he or she must be qualified to practice as a lawyer in Sierra Leone or in any country having a system of law similar to Sierra Leone.7 Currently, there is one Superior Court Judge who is a non-national serving on contract. Supreme Court judges must have practiced or sat on the Bench for at least twenty years, Court of Appeal judges for fifteen years, and High Court judges for ten years.

Judges are appointed on the recommendation of the Judicial and Legal Services Commission and must be approved by Parliament. The President can, upon the advice of the Judicial and Legal Service Commission, appoint a qualified person to act temporarily as a judge in any of the Superior Courts when a vacancy arises or where exigencies so demand. Such appointees serve on the basis of a contract on temporary terms and conditions.

Judges in office enjoy considerable job security. The Constitution confers wide immunity on judges in order to protect them from undue influence. They are not under the direction of any other person or authority, and are subject only to the law and to the Constitution. A Judge can only be removed if found to be incapable of functioning or guilty of serious misconduct. Such removal can be only authorized by the President of the Republic upon the recommendation of a special tribunal and the subsequent approval of Parliament by a two-thirds majority. Judges can voluntarily retire at 60, but are obliged to do so at 65.

There are three levels of magistrates in Sierra Leone - Principal Magistrates (being the most senior), Senior Magistrates, and Ordinary Magistrates. The technical requirement for a person to be a magistrate was, until recently, two years of post-training experience in legal practice. Due to the shortage of qualified persons in Sierra Leone, this period has recently been reduced to one year. Promotion of magistrates is based on years of experience and merit. In addition to magistrates, Justices of the Peace (usually retired civil servants) may try minor offenses.

Magistrates do not enjoy the same security of tenure as Superior Court judges. They can be dismissed, suspended or promoted by the Judicial and Legal Service Commission. Magistrates must retire at the age of 55 although they can be contracted to serve as Temporary Magistrates after retirement. A substantial number of magistrates currently serving are on contract, and were over the official age of retirement.

Main Issues Facing Judiciary

Judges and magistrates in Sierra Leone are among the most poorly paid on the continent, with salaries that can barely support even the most modest of lifestyles. As of July 2002, the typical annual salary was: US$900 for magistrates, US$8,000 for High Court Judges and US$ 9,000 for Court of Appeal Judges. Supplemental allowances are provided for accommodation, medical expenses and transport, totaling about US$5 per month, a sum that falls short of meeting actual costs. The cost of living is considerably

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higher in Sierra Leone than in neighboring West African countries due to the general
disruption of trade and transport brought about by the conflict.

There is a drastic lack of training available to members of the Bench. Magistrates and
judges have received no substantial training or upgrading in the form of either courses or
conferences. The only prior initiative had been a computer skills workshop for judges,
which was supported by DFID. At the same time, the conditions within the Judiciary
serve to undermine any investment in staff training as it is difficult to retain those whose
skills are improved by training.

One result of the poor conditions of service has been an acute shortage of judges and
magistrates. This shortage is felt most in the provinces where the workload far exceeds
the ability of the existing personnel. For example, in ordinary circumstances, there ought
to be two magistrates each in Bo and Kono and one magistrate in each of the other
districts. However, Bo has only one resident magistrate who is also responsible for the
towns of Moyamba and Pujehun. The Northern capital town of Makeni has no
magistrates at all and cases have to be taken to Port Loko to a magistrate responsible for
the whole of the northern province. Magistrates in these regions are constantly
overwhelmed with work. Similarly, High Court cases and appeals often wait long periods
of time for a judge to go on circuit.

The shortage of Judges and Magistrates, and the resulting delays and backlogs, have
serious repercussions on the due process rights of accused persons, many of who undergo
lengthy pre-trial detention periods both in Freetown and in the provinces. People living
outside of Freetown rarely bring any civil matters to the courts due to both the delays and
expense.

The deplorable conditions of service and lack of training are perceived to contribute
to the lack of prestige and authority judges command in the eyes of the general public. It
was also reported that the conditions have resulted in a national “brain drain,” with many
of the talented court personnel leaving to work in the private sector or as expatriates with
better pay packages in other countries.

Corruption is seen as a large problem within the Judicial branch generally. Indeed, the
DFID review of its Law Development Project found that “the tarnished reputation of the
judiciary may be as important a factor as the poor conditions of service in preventing
applications from successful lawyers (who have made enough money to not be put off by
the salaries)”. Again, the conditions of service are seen as a root cause of corruption.
Ineffective management is also seen as contributing to corruption and the perception of
corruption.

Responses to Current Situation

Various solutions to address the financial constraints of the Justice sector have been
suggested. Two solutions that featured most prominently during this Assessment were the
creation of a payroll Trust Fund for judges and the recruitment of foreign judges on a
contract basis, both paid for by the international community. Both of these ideas have
been meet with differing responses.

A payroll Trust Fund would operate by International Development Partners (IDPs)
providing a single lump-sum grant that is big enough to allow the interest generated from
the fund to be used to top-up judicial salaries. For the 34 judges and magistrates in the
Judiciary calculations suggest that the interest generated from a fund of US$ 2.5-3.5
million\textsuperscript{8} would be sufficient to double salaries, without using the capital of the fund. One of the only precedents for this Trust Fund idea was found was in Serbia, where the Open Society published a Funding Proposal in May 2001 for a ‘bridge-fund’ of US$ 10 million to be administered by UNDP to top up the salaries of judges and prosecutors. The fund was intended to provide transitional support to Belgrade authorities, who would gradually assume responsibility for the higher salaries as the economy and tax revenues recovered. The results of this proposal are unknown.

The views of those consulted on this issue vary considerably. The table below outlines the pros and cons as expressed during the consultations.

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<tr>
<th>ARGUMENTS REGARDING PAYROLL TRUST FUND</th>
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<td>FOR</td>
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<tr>
<td>• Improves conditions/salaries with likely improved performance and commitment</td>
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<tr>
<td>• Sustainable support mechanism</td>
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<td>• Cost-effective solution</td>
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<td>• Strengthens judicial independence</td>
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<td>• Can be combined with recruitment of foreign judges</td>
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<td>• Can be tested on a pilot basis and provided as part of budget support in the longer run</td>
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The idea to recruit foreign judges to deal with the backlog of cases in the Superior Courts has also been met with mixed responses. On the one hand, the serious weaknesses of the present justice system requires urgent attention. The introduction of foreign judges may reduce corruption in the system, restore some respect for the system, and possibly rebuild the culture of effective adjudication.

On the other hand, employing foreign judges may mask the underlying problems in the system and hence delay the necessary reform process. Focusing on additional judges without addressing problems with the conditions of service and the need for additional court support is insufficient to deal with the core problems in the system. Introducing foreign judges without improving conditions of local judges also has the potential of causing friction between the different types of judges and further undermining the justice system.

A number of other initiatives have been suggested to tackle the backlog of cases in the courts. One suggestion has been to introduce a procedure for fast-track litigation. To

\textsuperscript{8} Estimates vary.

\textsuperscript{9} That is to say that general funds for expenditure in the sector from the consolidated fund cannot be ring-fenced to ensure that income flowing from the Trust Fund would be additional to a constant or rising level of government expenditure in the sector.
this end, the Chief Justice has taken the important step of reconvening the Rules of Court Committee. Another cost-effective measure is the establishment of a Court Users Committee to identify bottlenecks. Other ideas, mooted by the Bar Association, include delegating judicial authority to the Registrar for interlocutory hearings, improvements to the functioning of the courts’ registry filing system, and the possibility of paying judges additional fees to sit in the afternoon (when more court space is available).

One way in which the GSL has already attempted to deal with the backlogs and financial constraints is by reintroducing a system that predates the war of appointing Justices of the Peace (JPs) to deal with overload cases in the Magistrates Courts. JPs tend to be retired public servants who are not paid a salary but receive sitting allowances and sit in panels of two to hear less serious cases. The obvious concern is that unless JPs are paid adequately to give them (along with any pension) a living wage, they will be easily corrupted. Another concern is that they are not legally trained. One suggestion presented was to appoint retired police officers or prosecutors as JP’s, so that they would have at least have some basic legal knowledge.

**Recommendations**

The deplorable conditions of service within the judicial branch need to be tackled if any effective reform of the sector is to occur. Improvements in conditions of services, such as the augmentation of salaries for judicial staff could attract higher caliber of staff to the Judiciary and reduce incentives for corrupt behavior. In the fight against corruption, guidelines for professional conduct should be developed and effective sanctions should be introduced.

Most of the discussion on reducing backlog has focused on the Superior Courts. As over 80% of cases are heard in the Magistrates Courts, it would appear likely that assistance to reduce backlogs and improve access to justice would be more effectively focused on the Magistrates Courts, especially those located in the provinces.

The idea of a Trust Fund mechanism is intriguing and should be discussed more by interested IDPs. Further, while it is unclear at this stage whether any donors would be willing to support increases in recurrent costs associated with increased salaries, the international community should encourage a debate on the wider issue of public sector salaries based on a government-wide needs assessment. Such a discussion would compare public and private sector salaries, and place any recommended improvements in the context of a realistic timeframe.

While recognizing the advantages of recruiting foreign judges to reduce shortages in the system, we would recommend against the reliance on foreign contract judges. The use of foreign judges should only be considered in conjunction with more sustainable reform processes.

We would recommend the further development of local initiatives currently being suggested to tackle backlogs, such as the introduction of a procedure for fast-track litigation and the appointment of retired police officers or prosecutors as JPs.
Court Staff

Registry Staff

In theory, every court operates a registry. All documentation—including indictments, processes, and judgments—is supposed to be filed in the registry of the court where the case is initiated. Registry staff are responsible for typing and compiling records for use by appellate courts on appeals.

Currently, a Deputy Assistant Registrar heads the Magistrates Court Registry in the main court building of Freetown. A Master and Registrar, assisted by a Deputy Master and Registrar, heads the High Court Registry in Freetown. Additionally, both the Court of Appeal and the Supreme Court lack qualified court registrars and are run by assistants supervised by the Master and Registrar of the High Court.

Court Stenographers

There are currently no stenographers in Sierra Leone’s judiciary. Even at the Supreme Court level, judges have to compile the transcript of each hearing themselves in longhand. The judge’s written record becomes the sole record of a trial. This system is extremely slow and cumbersome; judges and magistrates essentially take dictation from witnesses and barristers, and statements read into the record are delivered slowly and carefully to avoid mistakes in transcription. Lawyers expressed concerns about the transparency of the system, with some lawyers alleging that there are judges are selective in what they record.

Court Bailiffs

The Office of the Registrar General supervises the bailiffs and process servers who serve and execute orders of the courts. There was general discontent with the services provided by bailiffs and process servers. It was reported that they are underpaid and therefore often use their office for illegal gains. Bailiffs and process servers report to the Office of the Under Sheriff and hence the Office of the Registrar General is unable to directly discipline them. The Office of the Under Sheriff rarely acts upon complaints against bailiffs.

Recommendations

Building capacity among court staff is an essential requirement of any plan to improve the functioning of the Court.

The current situation of judges recording court proceeding longhand is untenable. In order to reduce delays and enhance accountability and transparency, an official system of recording and publishing court proceedings and court judgments needs to be developed.

We would suggest that the transferal of responsibility for Bailiffs to the Office of the Registrar General would assist in improving current practices.

Court Administration

The Judiciary currently lacks authority over its over budget or conditions of service. This lack of control makes it difficult for the judicial branch to implement reforms to improve the system. In the 1960s and 1970s, the Judiciary operated a “self-accounting
system” which was quite successful. Under that system, revenues generated by the Judicial Sub-Treasury from court fees and fines were used to fund the Judiciary. The only reporting mechanisms required were audit reports to the public treasury explaining income and expenditures for a given period. This system was discontinued in the late 1970s as part of the political consolidation of the one-party state and a central accounting system was introduced. Under the new system, revenues generated from the various sub-treasuries became payable to a consolidated fund set up for that purpose. The central government now makes a certain budget available to the Judiciary. As seen from the discussion above, this budgetary allocation is grossly inadequate.

Court infrastructure was decimated during the ten-year war period, with many courthouses and judicial living quarters being completely destroyed. In eastern Freetown, over half of the structures were destroyed. Further, in 1999, the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC) rebels targeted members of the legal profession for retribution. Many judges had their law libraries destroyed in the looting and burning. While many private practitioners seemed to have weathered the violence with their collections intact, or now have access to the resources to rebuild their personal libraries, judges and magistrates were generally not as fortunate. The Government bookshop has also only managed to maintain a very limited stock of legislation from prior to 1999. Judges and magistrates routinely contact private practitioners for legal references when preparing judgments, and many need to resort to requiring that barristers provide photocopies of cases cited in hearings.

Infrastructure that does exist is generally inadequate and poorly resourced. The chambers are generally small and, in many cases, are simply partitioned corners of larger rooms, sometimes of courtrooms themselves. These constraints reduce the ability to hold in camera hearings or take statements from witnesses confidentially. Magistrates and judges usually provide whatever furnishing does exist in both the chambers and the courtrooms, including the paint for the walls. Files are stored in stacks on tables or on the floor. Almost none of the magistrates’ and judges’ chambers have the space or shelving to accommodate even the most modest book collections. Almost all the chambers lack air conditioning. This lack of comfort reportedly directly affects the output of the Judiciary as many judges and magistrates are eager to leave for home directly after hearings in the morning instead of staying to work in their chambers.

There are currently no computers or related equipment in the courts to assist in the management of cases. This also affects the ability of Judges to access legal precedents. There are an inadequate number of vehicles and judges are routinely forced to rely on public or communal transportation to get to work. Most of the High Court judges in Freetown rely on a single vehicle for transport. This seriously affects the cases they are able to hear each day.

**Recommendations**

There is a need for detailed discussions about ways in which the courts can gain more budgetary and administrative autonomy so that they are able to better develop a reform agenda.

The rehabilitation and enhancement of court infrastructure is a high priority. Any reform agenda need to focus on building the basic infrastructure requirements needed, in order for any other initiative to be successful.
**Rules of Court Committee**

Section 145 of the Constitution establishes the Rules of Court Committee of the High Court to formulate rules for the effective functioning of the courts and to review existing ones. While there is an acute demand for updated and reformed rules of court, at the time of writing, this committee had not undertaken a meaningful review or produced any updated rules of procedure governing the day-to-day operation of the courts.

Under its revised Law Development Project, DFID aims to re-activate the Rules of Court Committee, add new members, ensure that rules of courts are drawn up, published and disseminated to practitioners.

**Alternative Dispute Resolution**

The scope for ADR is Sierra Leone is large: indeed, as outlined above, many communities use informal ADR to resolve local disputes. In the business world, the commercial class (mostly ethnic Lebanese) reportedly resolve business disputes among themselves and rarely use the formal structures. Foreign investors, on their part, are protected by an agreement that allows for arbitration under the 1965 World Bank Convention and is supported by the Sierra Leone Constitution that states that the GSL foreign policy shall seek “settlement of international disputes by negotiation, conciliation, arbitration or adjudication.”

Legislation also provides for transfer of interest, dividends, and capital.

The vast majority of ADR mechanisms are found in the traditional justice system, discussed below.

**Legal Profession**

The Bar in Sierra Leone is relatively small. While estimates vary, most sources indicate that there are about 150 legal practitioners throughout Sierra Leone, servicing a population of nearly 6 million. As in many other African Commonwealth countries, the legal profession is fused, and lawyers are called barristers whether or not they are litigating counsel. Barristers give and receive instructions and run legal offices (chambers). They prepare court and legal documents and litigate at all levels.

As outlined above, the Law Officers Department has responsibility for prosecuting and defending on behalf of the state. As in other parts of the public sector, conditions of service in the State Law Office are generally poor and unattractive to capable barristers. In practice, the office of the DPP does not have the resources to undertake prosecutions and these are mainly done by unqualified police officers. When the office of the DPP does undertake prosecutions, they tend to be exceedingly slow. While the Law Officers Department is empowered to prosecute cases at any court level (except in the local courts), in practice it has to hire private practitioners on contract for cases in the superior courts and generally rely on police to prosecute cases in the magistrates’ courts level.

The conditions of service in the private bar are not as dismal as in the public sector, however private practitioners have also suffered from the prolonged conflict and the country’s economic collapse.

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Legal Education, Training, Licensing

Until the local Law School opened in 1991, only about six barristers qualified each year, almost all from the Inns of Court in London. Now about fifteen to eighteen qualify each year. The Sierra Leone Law School’s core task is to transform law graduates (mostly from the Fourah Bay College Department of Law) into legal practitioners. The School is small, with less than twenty students each year. In addition to training lawyers for Sierra Leone, the School provides training for Gambians, who have no law school in their own country.

The School has indicated that it would like to develop training programs aimed at expanding the scope of legal services available in the country. The suggested program would include providing basic legal training to police prosecutors, training for court clerks and bailiffs, law training for Justices of the Peace to better enable them to dispense justice, training for District Officers who serve as ex-officio magistrates in their districts, induction of local court personnel in “principles of natural justice and equity,” and basic legal training for legal secretaries in law firms. Clearly, the development of these programs would require additional resources that the School does not have at this time.

Professional legal practice in Sierra Leone is regulated by the Legal Practitioners Act of Sierra Leone (2000). This Act establishes a General Legal Council as the governing authority with regard to the conduct of the legal profession. The Council admits and enrolls qualified persons into the Sierra Leone Bar, issues practicing certificates to barristers and disciplines them in line with prescribed standards of professional conduct. Currently, only those who have passed through the Sierra Leone Law School can practice in Sierra Leone, unless they were in practice before the school became operational in 1991.

Under the Council of Legal Education Act (1989) and the Legal Practitioners Act of Sierra Leone (2000), only persons who have been called to the Sierra Leone Bar and have had either a year’s pupilage with a senior practitioner of ten years’ standing at the Bar, or have served in government legal service for eighteen months, can be enrolled as Barristers. Before enrollment, private pupil barristers can only practice at the level of the Magistrates Court, while pupil state counsel can be heard at all levels, including the Supreme Court. For these reasons, many people out of law school choose to spend their first eighteen months in government service despite the poor conditions of service. If the government were to retain some of the brightest of these new lawyers in the civil service beyond these eighteen months, it would quickly build up a cadre of qualified and professional staff. However, conditions of service in the private sector remain vastly superior to the public sector, and, until this changes, it remains exceedingly difficult to keep lawyers in the public service.

**Recommendations**

Support should be given to the Sierra Leone Law School to develop their training capabilities, due to the fundamental shortage of qualified lawyers currently in Sierra Leone.

**Bar Associations**

Barristers in private practice in Sierra Leone belong to the Sierra Leone Bar Association (SLBA). Despite the difficult circumstances for the legal profession, the
SLBA remains an active body that serves as an important pressure group on the government. The SLBA provides legal services to the community and has campaigned on numerous issues relating to human rights. For example, they have raised concerns about issues such as arbitrary decision-making in criminal matters and the use of inexperienced police prosecutors in criminal trials. Recently, the SLBA filed a lawsuit challenging procedures related to the fusion of the roles of Attorney General and Minister of Justice.

**Recommendations**

The SLBA, as a key advocacy and policy body, should be actively involved in any reform discussions and initiatives.

**Customary Justice**

While it is clear that a pluralist legal system exists in Sierra Leone, the role of customary justice remains contentious. Several arguments have been made in support of the abolition of customary justice systems; a key complaint being that it discriminates against women and children. One cannot, however, assume that these deficiencies are irredeemable in all areas. The continuing widespread use of traditional systems suggests that they may contain features that appeal to users. While further diagnostic work is clearly necessary, it is apparent that for many people traditional systems are speedier, cheaper, and both physically and culturally closer to them than the formal courts.

The practice of dispute adjudication and resolution by local chiefs is referred to as “kangaroo courts”, “illegal courts” and “Chiefs’ Courts.” The role of chiefs in resolving disputes is contentious, as it is deemed a criminal offense for any individual or institution—other than a constitutionally established Local Court, magistrate, or judge—to perform adjudicative functions. Further, perceived abuses of power by local chiefs in their dispute resolution role are seen as having played a significant role in sowing the seeds of conflict in Sierra Leone. At the same time, it is recognized that the chiefs’ role in this regard is not limited to adjudication, but extends to mediation, arbitration, conciliation and counseling.

In addition to the vast differences of opinion about the role of customary law per se, there are also differing views on the best way to approach any reform of a traditional system.11 One view holds that reform and modernization of customary justice should be done through a process of codification that will enlighten people in general, and marginalized groups such as women in particular, of their rights.12 Others, however, believe that codification will limit customary law’s ability to adapt to the changing norms in society and thus undermine the conciliatory role of customary justice. Another issue raised in the debate about customary law is the apparent discrepancies between the rules of various ethnic groups. Again there is a divide between those who believe that traditional rules should be unified in order to harmonize different customary systems and those that feel that any attempt at unification or codification will risk causing further conflict between different ethnic groups or between customary justice and the modern legal system.

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11. There is not even consensus on the fundamental issue of the correct interpretation of the Constitutional provision on the status of customary justice, viz whether the “repugnancy clause” is still operative.

12. In particular, there has been a focus on the protection of women’s rights in marriage and property disputes, where customary justice is seen as very conservative.
In 2001, DFID commissioned a study into the reform of the customary justice system. Areas examined included codification of customary laws and removal of chiefs’ powers in relation to appointment of Local Court Chairmen. A major concern that emerged from the study was the threat of a backlash against any reform of the system that was (or was perceived to be) imposed from outside.

In relation to the differing models of reform, this study expressed concern that codification might hinder social progress and recommended that support be given to whatever measures would facilitate access to justice and minimize discrimination. It noted that public officials in Sierra Leone were not well informed about comparative international experiences with codification or possible alternative measures and had not been exposed to lessons learned from other jurisdictions. The study also found that civil society activists were also often ill-informed.

Other concerns raised in the reform context relate to the current appeals process and the relationship between the customary and formal systems. There have been suggestions that cutting out the District Appeal Courts, and allowing people to appeal local court decisions directly to the high Court could shorten the appeal process. This suggestion is also seen as a way of bringing the formal system into play earlier in more protracted disputes. However, the DIFD study found that the chieftain and Local Court officials, far from wanting to shorten the appeals process, wanted the Group Local Appeal Courts re-instituted as a step before the District Court Appeal. Local Official and Chiefs saw this reinstatement as a way to force parties to submit their grievances to another broader panel of local experts before such matters are referred and appealed to higher courts that may not apply customary justice.

The relationship between the customary and the formal legal systems is seen as further complicated by the fact that they are administered by different government organizations. The Local and District Courts are currently under the Authority of the Ministry of the Interior, and are hence administered by the Local Government under the Executive arm of government. Transferring administrative responsibility for these Courts to the Ministry of Justice, is seen by some, as a way to strengthen compliance with required standards and to enhance the linkages between the customary and “English law” justice systems. At the same time, others argue that the value of the Local Court systems lies in characteristics such as their informality, conciliatory approach, relative speed and affordability, and that these qualities could be more easily maintained under the Ministry of Local Government.

**Recommendations**

We recommend that any reform of the customary justice system be approached incrementally, on the basis of deep research and wide consultation, and that initiatives be piloted before nationwide implementation. The research undertaken should build on the substantial work already done in this area, including, most recently, the research commissioned by the United Nations Commissioner of Human Rights on behalf of the Truth and Reconciliation Commission (TRC). Knowledge should also be drawn from lessons learned from reforms of customary systems in other countries.

As a priority, assistance should be provided to design and implement pilot projects that facilitate access to justice and minimize discrimination and other abuses before customary justice forums. The design of pilot projects aimed at facilitating access to
customary justice forums should consider how to engage with the Chiefs’ dispute settlement systems. For example, the used of trained paralegals may enhance the quality of justice in the Chiefs’ systems. Testing the expansion of the Customary Law Officer system might be another obvious early pilot project.

Other Organizations

A number of other organization play key roles in the legal sector in Sierra Leone. These organization may also play crucial role in any reform agenda.

National Recovery Committee

To assist in developing and implementing a plan to establish long term peace and democracy in Sierra Leone, the Government established a National Recovery Committee, chaired by the Vice-President, which is responsible for coordinating national recovery efforts. The committee aims to bring together the government and international donors.

Under the Committee’s auspices, a comprehensive national recovery strategy has been developed, which sets out the needs of each district in Sierra Leone. The strategy provides a framework for reviving economic activity, rehabilitating the infrastructure, restoring public services, resettling returning populations and meeting the needs of women and children victims of the conflict.

The Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) was created in 2000 following the Lomé Peace Accords as a mechanism for achieving national reconciliation after the decade-old conflict. The TRC’s main goal is to break the cycle of violence by providing a forum for both victims and perpetrators to tell their stories. The forum aims to address human rights violations and abuses committed since the beginning of the conflict in Sierra Leone in 1991.

Although the TRC is a quasi-judicial body, the government has an obligation to “implement any recommendations” of the TRC. This gives the commission the power to actually change laws if it deems it fit to do so. The TRC could be an important tool to develop alternative dispute resolution mechanisms as well as potentially strengthen linkages between the English law system and the customary system. However, The TRC has been off to a slow start: as of January 2003, it had still not held any hearings or even hired its entire permanent staff. It is still under-funded and the fundraising efforts of both the TRC and the OHCHR have been blamed for this. At the same time, there is a sense that IDPs are reluctant to put money into the TRC until they see tangible results. In response to these criticisms, the Secretariat has explained that it is difficult to prepare and implement a plan of action without knowing its budget.

The experience of the TRC, by comparison with the Special Court, which was set up much later and appears to have made significant progress, has been less successful.

The Special Court

The Special Court was conceived by a United Nations Security Council Resolution in August 2000 as an “independent special court” to prosecute war criminals in Sierra Leone.
Leone. Its mandate is to try those with the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean Law, for events that happened after November 30, 1996, the date of the Abidjan Peace Agreement. The Special Court has jurisdiction over persons in the political and military leadership accused of crimes against humanity, war crimes and other serious breaches of international humanitarian law.

The establishment of the Special Court marked an important shift in the peace process, away from the focus on reconciliation that characterized the 1999 Lomé arrangement. In particular, it addressed the concerns voiced at the time of the Lomé negotiations that the amnesty provisions protecting ex-combatants contravened international law. The victims of the atrocities had agreed to reconciliation despite these concerns in order to end the war and the Special Court provided a way to bring to justice the perpetrators of the worst atrocities of the civil war. The support of the international community for the Special Court was also a welcome sign of greater international engagement in the restoration of the rule of law in Sierra Leone, given that the international community was widely viewed as not playing a constructive role during the negotiations on the Lomé Peace Agreement.

Eight judges and two alternates were appointed in August 2002 to serve on the two chambers of the Special Court. Two of the Court's most important players were the Special Prosecutor, David Crane, and the Chief Investigator, Alan White, both U.S. citizens. They were appointed by the Secretary-General, while the GSL appointed the deputy prosecutor. Robin Vincent of the United Kingdom was chosen as Registrar and other prosecutorial staff and clerks were provided by the UN. Overall, the total of number persons attached to the court was 189, all on the UN scale of salaries paid by UN sources. The Sierra Leone Bar Association and other civil society groups had suggested that the court include a number of Sierra Leonean judges in the interest of longer-term capacity building and for a smooth progression from short-term transitional measures to the establishment of a fully functioning judiciary. However, the UN and the GSL opted to use foreign personnel in order to bring a sense of impartiality to the proceedings, and to ensure that resources were not drawn out of the existing judicial structures.

The work of this court will not impact greatly on the operations of the judiciary in Sierra Leone. Its case lists will likely be too small to affect caseloads in the formal courts, and the court and detention facilities themselves will be physically set apart from the existing judicial machinery. At the same time, it will be a visible display to the people of Sierra Leone that the international community is committed to assisting in the promotion of the rule of law. Infrastructure investments in buildings and equipment could make tangible improvement to the resources of the formal judiciary if they are handed over to the Judiciary once the Special Court completes its work.

There are concerns that the TRC and the Special Court are incompatible. For example, the Special Court has said that it will not prosecute people for admissions they make to the TRC, and cynics wonder if those who have committed atrocities will use this as a loophole to avoid being brought to justice. On the other hand, others fear that most people will be reluctant to be forthright with the TRC as they may fear that the Special Court will be unable to keep its commitment to grant them some sort of immunity.

15. Letter dated 10th December 2000 to the UN from the Sierra Leone Bar Association, the Campaign for Good Governance and the Sierra Leone Association of Journalists.


**Recommendations**

The Special Court should establish close links with staff in the domestic justice system in order to promote any opportunities for the Court to have a positive impact on the justice sector in Sierra Leone.

**Human Rights Commission**

The Lomé Peace Agreement provided for the establishment of a National Human Rights Commission (HRC). The proposed HRC was seen as a permanent institution in a future peaceful Sierra Leone, whereas the TRC was seen as a provisional mechanism for creating that peace. For this reason, and because of the badly delayed implementation of the Peace Agreement, the creation of the TRC has taken precedence. The Human Rights Unit of UNAMSIL (UN Mission in Sierra Leone) has been working on the preparatory details for creating the Commission, but lack of funds and concerted support by the GSL and the donor community has delayed its establishment.

Sierra Leone currently has a National Commission for Democracy and Human Rights. First created as the National Commission for Democracy in 1994 by the National Provisional Ruling Council military government, its independence was very limited; it was essentially mandated to educate the public about the constitution and cultivate a “sense of nationalism patriotism and loyalty to the State in every citizen.” Following the return to democratic rule in 1996, a human rights component was added to the Commission’s mandate. It has been suggested that the mandate of this institution should be extended so that it may be turned into a fully-fledged independent Human Rights Commission.

**Recommendations:**

Support should be given to establish the HRC as a permanent institution in Sierra Leone. Consideration should be given to the suggestion of transforming the current Commission for Democracy and Human Rights for this purpose.

**Law Reform Commission**

The Law Reform Commission was established by the Law Reform Commission Act (1975) to review English law imported into the Sierra Leone legal system and adapt it to local circumstances and contemporary legal standards. The 1975 law also empowered the Commission to reform local statutes and indigenous customary law that appeared outdated. The Commission was given the mandate to harmonize and codify the laws of Sierra Leone into a single system of laws.

Unfortunately, the Commission has been mostly inactive since 1975. The few law reform drafts that it did prepare soon after its conception were not enacted.

**Recommendations**

Reviving the Law Reform Commission would provide the obvious advantage of supporting an institution whose mandate is to develop and implement reforms.

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16. Protectors or Pretenders? Government Human Rights Commissions In Africa, Binaifer Nowrojee
Anti-Corruption Commission

The GSL established an Anti-Corruption Commission (ACC) in 2000 with the support of DFID. Its mandate is to counter corruption in Sierra Leone and to pay particular attention to corrupt payments to government officials and the misappropriation of public and donor funds.

The ACC has three departments: Community Relations, Corruption Prevention and Investigations. In addition to three Directors of Departments, there are 30 professional staff, including expatriate officers experienced in various aspects of anti-corruption work. The Community Relations Department works with local committees and organizations to promote the work of the Commission and educate the public on the evils of corruption. It uses various forums, including radio and television, integrity clubs, seminars and drama presentations. The Corruption Prevention Department undertakes studies of procedures in government departments with an aim to establishing practices and procedures that will reduce or prevent corrupt opportunities.

The Investigation Department receives complaints from the public, and undertakes the appropriate investigations. All cases where evidence of corruption is found are forwarded to the Attorney General/Minister of Justice, who then decides whether or not to prosecute. The effectiveness of the ACC in term of bringing corrupt officials to justice is thus dependent on the efficiency of the DPP, the AG and the Judiciary. The DPP is under great pressure to prosecute corruption cases. The Chief Justice has identified one judge who will be dedicated to trying corruption cases.

Several prosecutions have been undertaken, including those of a Judge of the High Court and the Acting Commissioner of Taxes. Several other prominent figures are currently under investigation, including a cabinet minister. However, the impact of these activities has been limited and elements within civil society are concerned about the effectiveness and independence of the ACC. There are fears that the ACC cannot be truly independent as long as the consent of the AG/Minister of Justice is required before any prosecution can be instituted under the Anti-Corruption Act, and that the cases are dependent on the efficacy of the Judiciary.

Concerns about the independence and efficacy of the system have lead to calls for the recruitment of foreign investigators, prosecutors and judges to handle corruption cases. It is suggested that the only way to root out corruption is to ensure a clear path—a “sterile corridor”- from investigation through prosecution to conviction (i.e. a path through the ACC, the AGO and the courts). It has been argued that the only way to guarantee the integrity of such a system is to use honest expatriates who would have exclusive jurisdiction to investigate, prosecute and adjudicate these cases. It is also argued that this would also provide much-needed support to the Anti-Corruption Commissioner in his efforts. Another suggestion has been to tap into the senior Sierra Leonean barristers currently in private practice reputed for honesty and integrity to fill such dedicated anti-corruption posts. Indeed, the reaction of such known, honest barristers to an offer of employment in an allegedly “clean” channel of integrity would provide instructive perceptions-based evidence of the actual integrity of such a system.

17. Mr Justice Ade Mousu, a Nigerian-born contract judge.
Recommendations

The independence and efficacy of the ACC needs to be enhanced. While the need to recruit foreign professional is understandable, it would be preferable to improve the current processes by recruiting local barristers with reputations for honesty and integrity.

Office of the Ombudsman

The Office of the Ombudsman was created by the 1991 Constitution yet the first Ombudsman was only appointed in April 2000. The Office of the Ombudsman is mandated to provide redress for cases of improper administration on the part of officials and to work closely with the HRC and the ACC, referring cases for investigation and sharing resources. In its first six months of ad hoc operation, the office had received many complaints from civil servants about poor conditions of service, wrongful dismissal and promotions that were not transparent. It had also taken a number of statements on police misconduct. Public knowledge of the Ombudsman’s functions is enhanced by his role as chair of a popular radio discussion program called “Security Talks.”

The Ombudsman’s powers are not judicial and do not provide for any kind of formal sanction for wrongdoings. In cases where informal mediation is not effective, the Ombudsman can make an official recommendation to the parties in dispute, and then inform the President of the situation. The President has three months to take action before Parliament needs to be informed. The Ombudsman also liaises with the Public Service Commission, which is responsible for appointing civil servants and determining their conditions of service.

While it seems that the Ombudsman’s Office attempts to deal with the complaints received as effectively as possible, it role is currently extremely limited, mostly due to the scarcity of resources available.

Recommendations

Enhancing the capacity of the Ombudsman’s Office would greatly enhance the accountability mechanisms currently in existence in Sierra Leone.

Administrator & Registrar General

The Office of Administrator and Registrar General falls under the jurisdiction of the Attorney General. It is a distinct entity established by statute and constitutes a general registry for legal instruments. Among the registers maintained are the company register, the business name register, the leases and mortgages register, the conveyance register and the wills register. Documents produced and certified by the Registrar General are admissible in court. At present, there is only one registry, based in Freetown, though there are plans to establish registries up-country.

Recommendations

Efforts should be made to establish regional registries under the Office of Administrator and Registrar General.

Sierra Leone Police

The police play a key role in the Justice sector. The Attorney General’s Office and the Judiciary rely on the police to provide evidence in a thorough and timely manner to
enable the prosecution and conviction of criminals. More specifically, police officers routinely prosecute cases due to lack of staff resources in the Office of the DPP.

While police prosecutors have generally taken basic prosecutorial courses at the police training schools, there is a great need for more specialized and comprehensive training. The lack of capacity in the Attorney General’s Office affects the amount of assistance they are able to give police prosecutors. The Government has requested assistance with specialized training, both for police prosecutors and for staff of the Office of the DPP.

A major effort to reform the police in Sierra Leone has been under way since 2000, as a result of widespread allegations of indiscipline and corruption. The reform program has emphasized better training and meritorious promotions for officers of the force. As a result, the police has improved its record in investigating crime and bringing suspected criminals to justice, especially in the Western Area. There is reportedly a greater respect by the police for the constitutional rights of pre-trial detainees, such as the presumption of innocence and the right to be arraigned before a court of law in a timely manner. While there seems to be some improvement in attitudes towards police, there is still considerable public uncertainty about the depth of change.

Besides state police, each Chiefdom has between two to fifteen Chiefdom Police. The extent to which these police are organized, equipped or active varies considerably, as does their roles and their understanding of their roles. Some are simply court messengers, others play a role in community safety and security, and in some rural areas, they are the primary policing body. During the war, people arguably relied more on “private justice,” including local civil defense force militias. It is generally hoped that the end of the conflict will mean that people, even in the most remote areas, will rely more on the SLP and the formal justice system and less on private vigilante justice. At the same time, the SLP has expressed tentative interest in engaging more effectively with the Chiefdom Police, primarily for intelligence gathering purposes.

Reform activities in the police have led to the emergence of key reformers who could be potential allies in reforming the rest of the criminal justice system. These allies are advocating wider reform in the justice system, the creation of reciprocal relationships of accountability between the agencies in the system, enhancing working relationship between institutions in the sector and promoting sector-wide training programs.

It is important to note that reform to the SLP has consequently highlighted bottlenecks in the rest of the justice sector, and in some cases has exacerbated problems. For example, increased logistical resources and training to the SLP has resulted in increased capacity to carry out investigations. However, the capacity of the Law Officers Department to prosecute offences remains limited. In July 2002, 377 out of the 544 prisoners at the main prison in Freetown (Pademba Road Prison) were on remand awaiting trial, most of them over a year. As such, the overcrowding of prisons, discussed below, has been exacerbated.

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18. See Annex III, DFID review of the Law Development Project for a fuller discussion of reforms in the police department.
**Recommendations**

Creating appropriate institutional linkages between the police and other parts of the justice system would allow the others to learn and benefit from the reform experience in the SLP. Further, building better working relationship could lead to a more effective use of resources in areas such as joint training, strategic planning, project design and management, management of change, research, collecting and analyzing data, monitoring and evaluation, personnel and performance management.

**Sierra Leone Prison Service**

The war exerted a heavy toll on the Sierra Leone prison system. Out of the 19 prison institutions in the country, only eight survived intact. In the north, Magburaka Central Prison, with a capacity of 400 inmates, and the Kambia Prison were completely destroyed. In the east, Masanki Prison camp, with a 400 inmate capacity was destroyed, as was New England Prison, with a capacity of 340 inmates. The Prison Officers Training School in Freetown was also heavily damaged and staff quarters in different parts of the country were destroyed. Numerous prison staff were killed and others fled the country.

Today the remaining prisons are severely overcrowded and conditions are dismal. Staff lack training in prison management, human psychology, counseling, reformation and rehabilitation. The situation is exacerbated by the slow pace of the judicial system, bail conditions that are difficult to meet and an absence of realistic, alternative non-custodial sentences. Even basic services, such as transportation, prison protection and escort duties, tend to be sub-standard, as are medical facilities for both the prisoners and prison staff.

As the SLP becomes more effective, pressure will continue to build on the prison system as well as on other parts of the justice system. However, while reform of the justice system is a government priority, prison reforms have largely been ignored. The substantial penal reforms that are necessary to meet even basic standards are only possible if the GSL and the public at large recognize their importance and necessity.

**Recommendations**

Undertaking both an evaluation of the goals of prison reform and a civic awareness program would assist in raising awareness of and commitment to prison reform. The current situation also offers a unique opportunity to consider what cost-effective alternatives to imprisonment might be used. For example, other sub-Saharan African countries have introduced community service and similar schemes with high levels of public approval.

**Review of Relevant Laws and Legal Frameworks**

The current legal and regulatory framework of Sierra Leone is not transparent, efficient or reliable, and in many cases remains based on antiquated British laws and procedures. In addition, there is an uneasy relationship between the received or English laws and the traditional or customary laws.
Legal Framework for the Private Sector

Three key observations about the relationship between the private sector and the rule of law in Sierra Leone can be made. First, there is very little confidence within the business community in legal protections for their transactions. Second, this lack of confidence has meant that a considerable amount of business activity, perhaps the majority, has simply moved outside the formal sector into the murky arena of the informal sector. Third, there is virtual unanimity among Sierra Leoneans that building confidence in the justice sector is an essential requirement of economic investment and growth, and hence for reviving opportunities for economic progress for Sierra Leoneans generally. This building of confidence is seen as both a short-term and a long-term priority.

The ten-year civil war receives much of the blame for the dissociation of the private sector from the justice sector. However, the situation arguably has deeper roots in many decades of centralized government, and concerted government policies aimed at cultivating the belief that the government should control all aspects of Sierra Leonean life. The bitter and exaggerated political conflicts that have plagued the country since independence from Britain made the attainment of political power the central objective of many of Sierra Leone’s most capable citizens. A high proportion of those who failed in this objective left the country. As a result, over several decades, the government succeeded in suppressing initiative in the private sector and making that sector subject to the dictates of political leaders and corrupt subservient bureaucrats.

One way previous governments managed to suppress private sector initiatives was by implementing overly complex rules and regulations for the conduct of business, making it next to impossible to engage in even the simplest commercial transactions with confidence. This confusing and antiquated regulatory framework, as well as the absence of legislation and relevant documents in many cases, means that even experienced business people and lawyers remain unsure of procedures. Most critically, it is clear that without the right political access, no commercial transaction is secure.\footnote{For example, there is considerable confusion and much disagreement over whether outside investors can obtain land in the provinces for large-scale agricultural or commercial development.}

The weaknesses of the Judiciary, which are dealt with at length elsewhere in this paper, also undermine private sector initiative by making justice unpredictable and subject to the influence of the Executive.

Bankruptcy Legislation and Commercial Code

There is clearly a gap with respect to the legal framework for the financial sector in Sierra Leone. While Sierra Leone had adopted many international conventions—such as the General Agreement on Tariffs and Trade—it has failed in many instances to draft implementing legislation to make its domestic laws consistent with international standards. This lack of legislation and delays in compliance have been costly to Sierra Leone. For example, virtually no mortgage loans are available to the vast majority of Sierra Leoneans because lenders, having no legal mechanism for protecting their interests, simply do not lend money to ordinary citizens.

In early 2000, the Bank of Sierra Leone commissioned several pieces of legislation to “reform the legal framework of the financial sector of the economy.” A team composed
of several of Sierra Leone’s top private lawyers prepared a draft of the first Bankruptcy Act for the country, which borrowed substantially from existing legislation in England, Nigeria and Belize. A draft Company Law was also completed. The drafts, however, have not yet been adopted as law at the time of writing this report.

Other legislation urgently needed includes laws dealing with copyright and patents, the sale of goods, registration of title to land, regulation of charities, and regulations of partnerships and sole proprietorships.

**Privatization**

The legal framework for privatization was established by decree issued by a previous military regime. While it is a priority of the current Government to get broader privatization legislation passed by Parliament, the minimal legislative drafting capability of the Attorney General’s Office and the lack of human resource capacity at the Ministry of Development and Economic Planning have hindered any real progress in this area. In addition, it appears that the question of privatization is not at the forefront of concerns among Sierra Leoneans in and outside government.

**Recommendations**

In general, the legal and regulatory framework of Sierra Leone need major revisions. Priority needs to be given to reforming the Private Sector legal framework in order to enhance possibilities of economic growth and investment.

**International Treaties**

Sierra Leone has a dualist system, which means that treaties that are ratified are not self-executing and do not automatically become law. In Sierra Leone a domestic law must be passed for the treaties to be binding in the country. This system has advantages in that it provides a buffer for countries that may not always have a significant voice in international forums, giving such countries the opportunity to decide whether they will implement provisions of a particular treaty. The obvious disadvantage of the dualist system is that local laws may continue to be inconsistent with such treaties, even when there is political will in the country to change.

**Accessibility of the Sector**

A multitude of barriers to access to justice confront the majority of the population of Sierra Leone. These include economic and social barriers, geographical distance, cultural differences, language barriers, lack of trust in the justice agencies, and a general lack of knowledge about the law and the legal system.

The capacity of the GSL to provide low-cost and physically proximate legal services is practically non-existent. While Section 28 (5) of the Constitution requires Parliament to make provision for the “rendering of financial assistance to any indigent citizen of Sierra Leone” in capital trials, among other instances, the Government has been unable to provide such aid due to the acute shortage of legal personnel in the Attorney-General’s Office.

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20. For example, in Germany, ratified treaties automatically become law.
A government appointed independent human rights body known as the National Commission for Democracy and Human Rights (NCDHR) did receive funds several years ago to establish a national legal aid program. While the program initially functioned modestly, it now only operates in Freetown with very reduced capacity. It currently provides no legal services but refers indigent people to sympathetic lawyers or to one of the few Civil Society Organizations (CSOs) offering legal assistance.

Ultimately it seems that the problem of access to justice has been left to civil society to address. CSOs in the legal and judicial sector have formed strong networks: for example, the National Forum for Human Rights brings together 33 CSOs active in the field. At the same time, these CSOs face severe institutional challenges -- they are small and generally composed of young idealistic lawyers who operate on very limited resources. In addition, most of them operate from Freetown and have virtually no presence in the provinces where the majority of the population lives.

CSOs providing legal aid are forced to provide multi-disciplinary services and psychological support for clients for which they are often unqualified or lack suitable training. Often CSOs do not have the resources or capacity to provide legal assistance themselves, and have instead developed an ad hoc referral system whereby indigent litigants are sent to sympathetic barristers and are represented in court at the expense of the CSOs. Groups like the International Human Rights Law Group are playing a significant role in developing the capacity of domestic CSOs, but much remains to be done.

Lack of knowledge and the dissemination of information is a crucial impediment to access to justice. As mentioned earlier, as it is difficult for even judges and lawyers to access relevant laws and legal information, it is even harder for the general public. Law reporting has been attempted with various limited degrees of success in the past, but the last edited reports produced are from 1972-73. Informal efforts initiated from within the Judiciary to produce law reports collapsed in 1987.

A number of CSOs in the media are engaged in activities that promote reform in the justice sector and access to justice. For example, the Talking Drums Studio and its sister agency, Search for Common Ground, provide a community perspective on good governance and human rights. They produce about 10 hours of programming per week in local languages with wide coverage throughout the country. They have developed a radio program that aims at improving the understanding of the army and police, and improving their relationship with citizens. Another CSO, the Lawyers Centre for Legal Assistance, commenced publishing a newsletter cataloging many cases of human rights violations addressed in the magistrates’ courts.

Other CSOs also play a role in maintaining government accountability. For example, the Chamber of Commerce led a strong advocacy campaign to influence and comment on the drafting of a new investment bill. This role is particularly important in light of the limited and minimal accountability mechanisms currently available to ensure the separation of powers and protect people from abuses of state power. The SLP recently established a Complaints Unit and a Department for Discipline and Internal Investigation, however, both of these have yet to fully be implemented. For example, no efforts are made to let the public know what the need to do in order to file a complaint with these groups.
In general, there is room for CSOs to become more strategic and to strengthen both their advocacy and educative roles. Their close involvement with legal services at the grassroots level makes them useful allies in policy dialogue. At the same time, in their current circumstances, it is clear that there are serious constraints on them broadening their current approaches.

**Recommendations**

Ultimately, to have any real affect on access to justice, the capacity of legal aid providers needs to be strengthened. DFID intends to allocate approximately £6 million to a civil society support strategy. It will be vital that the civil society strategy and the justice program are designed to be complementary and encourage effective coordination. Civil society organizations outside Freetown should be especially targeted for support in order to enable them to play a critical role in monitoring and encouraging effective administration of and access to justice in the provinces.

An evaluation of the availability of legal services, legal information and advice, and other services—such as psycho-social services—should be undertaken. This evaluation could be used to develop more strategic use of the resources available. For example, certain CSO’s could focus on strategic test cases and even group representation. At the same time, a system of cross referrals could be developed, and implemented.21

**Conclusion**

As priorities shift from addressing the emergency concerns of post-conflict Sierra Leone towards longer-term development objectives, the GSL is focusing its efforts on rehabilitating and developing essential government services and institutions. Within this agenda, high priority is being given to the justice sector. While this demonstration of political will and commitment is an important impetus and foundation for reform, enormous challenges lay ahead.

Initial steps by the new Government should be commended. The establishment of the National Recovery Committee has resulted in a comprehensive approach to the rebuilding and reform process, bringing together relevant Government departments, and international development agencies. Further, the Government has already implemented some important initiatives. For example, between 1998 and 2002, the Government increased the overall budget of the SLP by 334% (including increments in pay). However, the budgets for other parts of the Justice system have not increased as significantly. The Judiciary received no development funds during the 2002 financial year, and its non-salary operational funds were reduced by 50%. Additionally, the Legislative branch currently lacks the capacity to play a substantial role in reform of the sector. It is clear that reforms and improvements in one part of the Justice system will not be successful unless complementary reforms are made in other inter-dependent parts of the system.

Reform initiatives should reflect and accommodate key relationships and strive to build consensus and harmony while balancing administrative and efficiency goals. The interdependency of the different parts of the Justice Sector needs to inform and reform agenda: rebuilding courthouses must be closely tied to the simultaneous restoration of the

21. See Annex VI: Psychosocial and Mental Health Services Assessment for a deeper discussion of this issue.
rule of law in less tangible ways; improvements in conditions of service must be
developed in conjunction with enhanced accountability mechanisms; and reforms in the
formal sector need to be developed in combination with developments in the traditional
system.

However, Sierra Leone is one of the world’s poorest countries and GLS currently
relies almost solely on foreign assistance to function. For this reason, the role of
international organizations is particularly important. It is hoped that this Assessment will
provide an important starting point for the legal and judicial system development efforts
in the near- and medium-term. Developing the rule of law is clearly key to establishing
a sustainable system of democracy. While defined in various ways, the rule of law
prevails where:

• The government itself is bound by the law;
• Every person in society is treated equally under the law;
• The human dignity of each individual is recognized and protected by law; and
• Justice is accessible to all. 22

The rule of law promotes economic growth and reduces poverty by providing
opportunity, empowerment, and security through laws and legal institutions. To
accomplish these goals, the rule of law, as defined above, is said to be in effect when a
society possesses:

• **Meaningful and enforceable laws**: Laws must provide transparent and equitable
  rules by which society will be governed and provide legal empowerment and
  security in one’s rights.
• **Enforceable contracts**: Contracts are private means of empowering oneself to
  gain rights, to take opportunities in business, commerce and other activities, and
  to gain security in being able to enforce them.
• **Basic security**: Safety in one’s person and property allows one to participate
  fully in society and the economy.
• **Access to Justice**: Laws and rights are meaningless if people cannot realize,
  enforce, and enjoy them through actual access to justice.

These elements of a well-functioning legal and judicial system allow the state to
regulate the economy and empower private individuals to contribute to economic
development by confidently engaging in business, investments, and other transactions.
This in turn fosters domestic and foreign investment, the creation of jobs, and the
reduction of poverty.

With these goals in mind, the Assessment reviewed the challenges to the effective
promotion of the rule of law. Based on this Assessment, a number of recommendations
are suggested throughout the text. At this point, it is also important to prioritize and
sequence these reforms in a holistic and comprehensive manner. Prioritizing would
require consideration of short, medium and longer term activities and some of the issues to consider are the following:24

I. **Design a balanced set of projects and activities**
   - Improved legal and judicial sector capacity;
   - Combine reforms of law reform with improved enforcement—reforms in the courts as well as with legal education, lawmaking informed by international standards, and other aspects of legal reform; and
   - Include both the supply side (the courts, lawyers, etc.) with the demand side of legal and judicial reform (access to justice, legal awareness and education for the public).

II. **Advocate multi-tier approach**
   - Combined efforts needed between top down and bottom up approaches to reform, no one approach can succeed in isolation; and
   - High levels of support from the top are necessary for project success regardless of whether a top down or a bottom up approach is used.

III. **Assess realistically the potential for success and failure**
   - Do not underestimate project risks and long term nature; and
   - Incorporate the past lessons of experience in legal and judicial reform.

IV. **Use of pilot activities as a way to promote initial capacity building to implement the reforms**
   - Design a free-standing project or a component of a larger legal and judicial reform program;
   - Make effective use of grant funds to build capacity with a vision to contribute to a comprehensive strategy; and
   - Utilize pilots, especially for model courts and case management systems, to demonstrate results both positive and negative.

V. **The stakeholders would consider priorities that would most likely contribute to the development goals of poverty reduction and economic growth.**
   - Identify empirical data needed to evaluate impact of legal reforms.
   - Develop methodology to evaluate impact of legal reforms on economic growth and poverty reduction.
   - Carry out analysis and consider results to identify which activities would have the most leveraging effect on the legal and judicial system.

As stated above, the analyses and the reform programs that follow them must give appropriate weight not only to the ‘supply side’ of legal and justice system services but

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24. Id. at pp16-20 and pp.55-58,
also to the demand for services (including civil society consultations\textsuperscript{25} and support for legal aid and civil rights groups, and access to justice.)\textsuperscript{26}

The process of developing priorities will allow the GSL to further refine its implementation plan. The expectation is that this Assessment will encourage dialogue among the stakeholders in Sierra Leone about the future of legal and judicial reform. It is suggested that the result of the process should be a widely endorsed, holistic yet focused, action plan for legal and justice system development in the near- and medium-terms.

\textsuperscript{25} Especially in respect of ‘demand side’ initiatives, it will be important to know, for instance, much more about traditional forms of dispute resolution in Sierra Leone as well as the degree to which rural communities are, or can be, organized to provide (and are seen as capable/interested in providing) input on LJIR initiatives.

\textsuperscript{26} Laws and rights are meaningless if they cannot be realized, enforced and enjoyed through actual access to justice.
Annex I: Sierra Leone Key Dates in History

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1787</td>
<td>British establish “Province Of Freedom,” on the peninsula where Freetown was later established, with 400 freed slaves from the U.S., Nova Scotia, and Britain. Descendants called Krios.</td>
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<tr>
<td>1808</td>
<td>Freetown becomes a British colony.</td>
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<tr>
<td>1827</td>
<td>Fourah Bay College (FBC) is established making Freetown the educational center for English-speaking West Africans.</td>
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<tr>
<td>1896</td>
<td>The interior of Sierra Leone declared a British protectorate</td>
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<tr>
<td>April 27, 1961</td>
<td>April 27, 1961: independence from Britain with Sir Milton Margai, leader of the Sierra Leone Peoples Party (SLPP), as Prime Minister.</td>
</tr>
<tr>
<td>April 28, 1964</td>
<td>Sir Milton dies and is succeeded by brother, Sir Albert Margai as Prime Minister and head of the SLPP. Internal conflict over succession and policies weaken SLPP.</td>
</tr>
<tr>
<td>March 17-21, 1967</td>
<td>Closely contested elections between the incumbent SLPP and the opposition, All Peoples Congress (APC). Military Commander David Lansana seizes power to form of APC government under leader Siaka Stevens as Prime Minister.</td>
</tr>
<tr>
<td>March 23, 1967</td>
<td>Military Commander Lansana is replaced by group of subordinates who create the National Reformation Council (NRC), with Brig. Andrew T. Juxon-Smith as Chairman.</td>
</tr>
<tr>
<td>April 17, 1968</td>
<td>NRC overthrown in coup led by non-commissioned officers and supported by Siaka Stevens-led APC.</td>
</tr>
<tr>
<td>April 26, 1968</td>
<td>Stevens re-appointed Prime Minister in a short-lived coalition government. Stevens takes power and gradual institution of dictatorship begins.</td>
</tr>
<tr>
<td>March 1971</td>
<td>Government claims unsuccessful attempt on Stevens’ life. Key opposition leaders arrested and several of those allegedly involved in plot are later executed.</td>
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<tr>
<td>July 1974</td>
<td>Government claimed it foiled another coup attempt. Key opposition leaders including once-close associates of Stevens arrested. Eight accused executed after lengthy</td>
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<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>14 February 1977</td>
<td>Nationwide students-led demonstrations leads to general election. Stevens retains power.</td>
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<tr>
<td>15 June 1978</td>
<td>New one party constitution adopted. APC becomes sole legal political party and Stevens gets seven-year term.</td>
</tr>
<tr>
<td>16 November 1985</td>
<td>Stevens steps down as head of state and names Military Commander Joseph Momoh as successor.</td>
</tr>
<tr>
<td>18 March 23, 1991</td>
<td>The Revolutionary United Front (RUF) rebel movement led by former Army Corporal Foday Sankoh, with critical support from the Liberian government of Charles Taylor, invades from Liberia and gains following in the Eastern province.</td>
</tr>
<tr>
<td>19 October 1, 1991</td>
<td>New constitution adopted. Growing rebel activities in the provinces.</td>
</tr>
<tr>
<td>20 April 29, 1992</td>
<td>Junior military officers led by Army Captain Valentine Strasser seize power. National Provisional Ruling Council (NPRC) is established and President Momoh flees into exile in Guinea.</td>
</tr>
<tr>
<td>21 April 1996</td>
<td>Bowing to popular demand and international pressure, NPRC allows democratic elections. Ahmed Tejan Kabbah of the SLPP is sworn in as President. SLPP gets plurality in Parliament.</td>
</tr>
<tr>
<td>22 November 30, 1996</td>
<td>Abidjan Peace Accord is signed between the New Kabbah Government and RUF.</td>
</tr>
<tr>
<td>23 May 25, 1997</td>
<td>President Kabbah is overthrown by military officers. New Armed Forces Revolutionary Council (AFRC) under Major Johnny Paul Koroma invites RUF to join junta.</td>
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<tr>
<td>24 March 1998</td>
<td>President Kabbah reinstated after junta ousted in bloody conflict by Nigerian-led ECOMOG (Monitoring Observer Group of the Economic Community of West African States, ECOWAS) forces. Rebels retain control of many parts of the country. Mounting reports of rebel atrocities.</td>
</tr>
<tr>
<td>25 January 6, 1999</td>
<td>Unsuccessful RUF attempt to overthrow Kabbah Government resulted in massive loss of life in Freetown and surrounding areas.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
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<tr>
<td>July 7, 1999</td>
<td>President Kabbah and RUF Leader Sankoh sign Lome Peace Agreement. Agreement gave amnesty and government positions to RUF members. Sankoh made a Vice President and head of Mineral Resources Council. Lome provided for a program of Disarmament, Demobilization And Reintegration (DDR), as well as for establishing a Truth and Reconciliation Commission (TRC).</td>
</tr>
<tr>
<td>October 22, 1999</td>
<td>In keeping with Lomé, the United Nations Security Council establishes a peacekeeping mission in Sierra Leone, UNAMSIL. Force later expanded to 17,500 military personnel and UNAMSIL mandate broadened.</td>
</tr>
<tr>
<td>May 2, 2000</td>
<td>RUF forces violate Lomé by taking more than 500 UN peacekeepers and military observers hostage in the Northern and Eastern provinces.</td>
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<tr>
<td>May 8, 2000</td>
<td>Continuing violations of Lomé accord by RUF culminated in killing by RUF personnel of about 20 people demonstrating outside Sankoh’s residence in Freetown. Sankoh and senior RUF members subsequently arrested and stripped of governmental positions. Hostilities continue and DDR program stalls.</td>
</tr>
<tr>
<td>June 2000</td>
<td>Sierra Leone government asked UN to help set up a Special Court for Sierra Leone to try those “who bear the greatest responsibility for the commission of crimes against humanity, war crimes and serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law within the territory of Sierra Leone since November 30, 1996.”</td>
</tr>
<tr>
<td>September 10, 2000</td>
<td>British forces attacked and destroyed bases of a renegade rebel faction, the West Side Boys, and rescued hostages they were holding.</td>
</tr>
<tr>
<td>November 10, 2000</td>
<td>Government and RUF reach first ceasefire agreement in Abuja.</td>
</tr>
<tr>
<td>May 2001</td>
<td>Second Abuja accord resulted in reduced hostilities and resumption of DDR.</td>
</tr>
<tr>
<td>January 17, 2002</td>
<td>DDR process officially declared completed.</td>
</tr>
<tr>
<td>January 18, 2002</td>
<td>President Kabbah declares end of war.</td>
</tr>
<tr>
<td>May 14, 2002</td>
<td>Presidential and parliamentary elections resulted in overwhelming vote for President Kabbah and SLPP candidates.</td>
</tr>
</tbody>
</table>
Annex II: Current DFID Support To The Sector

DFID’s support to the sector has so far taken the form of a range of project type interventions. Interventions include: the Law Development Project (including work on the customary legal system), Commonwealth Community Safety and Security Project, Security Sector Project, Anti-Corruption Commission Project, and Chiefdom Governance Reform Project. Work is underway to develop a strategy to strengthen civil society’s role in improving governance and access to rights.

Support has so far mainly been of a logistical nature. Support within the LDP has included rehabilitation of the Law Courts building in Freetown, construction and refurbishment of court buildings in Bo and Kenema, provision of stenographic recording system for the High Court, refurbishing of the Administrator and Registrar General’s Office, provision of vehicles for a few members of the judiciary, provision of some computers for the High Court and Law Offices department, and ordering of books for the Law Courts Library as well as training of support staff in the Judiciary, AG’s office and the ARG’s office.  

The LDP has also funded a consultative process to review the Local Courts Act 1963, which has been led by Dr Peter Tucker and has produced a number of recommendations in regard to the application of customary justice, including a draft Local Courts Bill to replace the 1963 Act.

Substantial support has been provided to the police through the Commonwealth Community Safety and Security Project. This has included logistical support but has extended to general capacity building through training and technical assistance, and has included organizational development inputs that focus on strategy and policy formulation, establishment of basic systems and reform of the police service internal structure and management. Although there is still a lot to do – corruption remains a key issue and there is resistance to change in some quarters of the SLP, reflected by some public skepticism about the durability of change - the SLP is clearly ahead of other agencies in the justice system in terms of a reform process that tackles some of the underlying causes of poor performance.

Apart from monthly meetings between the project directors and managers (which tend to focus on information exchange), there is no formal system of coordination in place between the various DFID projects. However, there is a general recognition that this system needs to change to allow improved coordination.

DFID support to the sector agencies had not, until very recently, tackled the underlying issue that the agencies themselves are still identifying problems and corresponding solutions from their own institutional perspective rather than a sector-wide perspective, nor has it tackled the element of nostalgia in the sector. “If only we could return to the good old days before the civil war when things worked” seems to be the most common attitude expressed by people in the legal community.

27. No assistance has yet been provided to the prison service, although a self-styled ‘Prison Watch’ program is planned.
The problems in the justice sector are thus associated by most people in the GSL with the breakdown in infrastructure and buildings during the last 10 years, with relatively little consideration given to the gradual decline in integrity, operational independence, management and planning capacities experienced during the last 30 years. Solutions therefore tend to be limited to logistical needs and there is so far only limited attention given to issues such as processes and linkages. Unwittingly, DFID support hitherto may have encouraged the agencies down this path by establishing certain expectations that manifest themselves in shopping-lists of vehicles and other status-conscious tangibles.

The Review Team recognize that there are urgent infrastructure and logistical needs that must be addressed. The system cannot function effectively without basic equipment, rebuilt or renovated buildings and improved working conditions. In focusing in this Report on the other needs of the system, the importance of funding the hardware side is not downplayed. Those other needs are focused upon because they present more challenges, and donor agencies will have a major task, while planning future phases of support, in shaping reform programs that go beyond logistical needs, and strengthening individual institutions’ capacity and logistics, to reforming fundamental attitudes, processes and linkages.
Annex III: DFID Review of the Law Development Project
By David Watson

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1. INTRODUCTION

1.1 This is the narrative report on an Output to Purpose Review of the DFID-supported Law Development Project (LDP) in Sierra Leone. A preliminary version was prepared to feed into the DFID/World Bank Mission assessing needs and prospects for support to the Safety Security and Accessible Justice Sector, which mobilized from June 25.

1.2 The report is structured according to the Terms of Reference. The description below of the political institutional and financial context in which justice is exercised in Sierra Leone is limited to the impressions derived from interviews during the review. There are several comprehensive sources on the subject, most particularly the CHRI/SLBA study of 2001 ‘Justice Denied’ by Niobe Thompson et al.

2. THE CONTEXT IN WHICH PROJECT IS BEING IMPLEMENTED

2.1 The main characteristics of the context in which the project is being implemented are:

- A deep-seated culture of corruption in the Judiciary, at High Court and especially magisterial levels, widely acknowledged by the public and all related professions, after over thirty years of fundamentally flawed governance, compounded (but not caused by) poor conditions of work; most people cannot remember a time when the Judiciary could be relied upon to deliver fair untainted judgments. In addition to corruptibility, members of the judiciary are inefficient in their use of the time available in the courts: they willingly grant adjournments, and appear under no pressure to conclude cases. This adds to public frustration with the formal legal system.

- The tarnished reputation of the Judiciary may be as important a factor as the poor conditions of service preventing applications from successful lawyers (who have made enough money to not be put off by the salaries);

- Highly imperfect selection procedures – including political influence - in the past have led to patently unsuitable candidates becoming members of the Judiciary;

- (Except where the LDP has had an impact) Poor infrastructure, housing, transportation, court recording, library, clerical support and training facilities for members of the judiciary. Very few functioning High Courts and even Magistrates Courts out of Freetown, in part because of the impact of the rebellion.

- The Law Office is understaffed (not significantly better than the position when the LDP was designed in 1998), ill-managed, ill-housed, under-resourced, politically pressured, and in a state of poor morale and productivity.

- Many laws and court procedures are in urgent need of revision. However, the former Chief Justice was inactive in this regard, and did not convene the bodies which the Constitution lays down in this regard.

- Notwithstanding constitutional provisions, the conditions of service of the Judiciary and staff of the Parliament are subject to regulation by the Civil Service Commission.
• The treatment of special categories of offender (women, juveniles, children) leaves much to be desired: there is only one dedicated court in Freetown, to which not all juveniles are directed due to lack of appreciation of their rights and needs;

• The behavior of members of the legal profession also leaves much to be desired. The practice of repeated adjournment of cases is also due to their motives. Existing mechanisms for professional discipline and for handling public complaints against members of the profession are dysfunctional. They are overwhelmingly geographically concentrated in Freetown. Several commentators mentioned that as a body, they are not a particularly active or reformist group. However, for the first time, the SL Bar Association is going to the Supreme Court to try to overturn the appointment of the new Attorney General (confirmed in post by the President before Parliament had agreed the candidacy).

• There is a growing community of non-government organizations active in the sector (so many that there is no existing definitive inventory);

• Public awareness of citizens’ rights is generally low; illiteracy and poverty are major obstacles to expansion of awareness;

• Excellent capacity to undertake mass awareness campaigns by radio exists in Freetown (Talking Drums Studio).

2.2 It is against this background that the progress of the Law Development Project – and its ambitious goals – should be judged.

3. CONTRIBUTION MADE, AND POTENTIAL CONTRIBUTION TO BE MADE, BY THE LDP IN RE-ESTABLISHING AN EFFECTIVE SL LEGAL SYSTEM

A. Contribution Made: LDP Progress Against Original Project Framework

3.1 Progress against outputs in the original project framework is as follows:

3a Second Floor of Law Courts Building rehabilitated and in use: first floor re-equipped

Both completed and in operation. Ground floor also rehabilitated and re-equipped by agreement. Furniture for judges’ chambers on the top floor not provided, or yet available. Telephone system installed and operational. High profile opening ceremony took place in April 2002. Vehicle provided to transport judges.

Magistrates Courts Constructed and Functioning in Freetown and Provinces

Freetown Courts postponed (by agreement): resources allocated instead to Bo and Kenema. (See below)

3b Higher Courts’ registry and master systems improved and functioning effectively

Staff now work in the main HC building (they were in inadequate adjacent premises before). Shortage of space in HC building for court files still impedes access and movement. This will only be solved when Magistrates Courts move out to planned premises in 2003 (assuming this project component is approved). Archives are kept in a project consultant-supported Archives Section in the basement. The consultant has also assisted establishing Supreme Court archives in the Guma Building, the Probate
Office and the sub-treasury. There are no statistics collated or available concerning the operations of the judicial system.

3c Reintroduced Stenographic Recording System for HC, Appeal and Supreme Courts

Recording equipment has now arrived (in store in British Council, ready for installation). One set has been sent to HC for piloting/demonstration. Training of staff in its operation to be undertaken this week. Installation planned in other courts. Twenty stenographers have received training off-site. However, computer equipment promised by African Development Bank is not yet available, and there is doubt about its eventual availability. The British Council will attempt to clarify the position and make recommendations for action in the event of the proposed provision falling through.

3d Small, up-to-date Law Libraries in Law Courts Building and MoJ

Refurbished space available in both locations. Books ordered by BC but not yet arrived. Computers purchased and installed in Law Courts library, AG’s office library and ARG’s office. Subscriptions to Justis Website for judiciary and Law School arranged.

3e Re-established functioning High Courts in Provincial Capitals (Bo, Kenema and Makene)

Makene postponed due to insecure situation related to the rebellion (but is currently next in line if resources can be found). A refurbished Kenema Magistrates Court is functioning. A High Court judge uses the Court when he visits. Bo courts (one magistrates, one used as High Court) have been completed in terms of construction but no proper furniture has been provided yet, so only temporary furniture is available. The High Court judge’s house in Bo has been largely refurbished and is nearly ready for use. High Courts sit at Bo and Kenema regularly since November 2001 (the first time since 1992). Magistrates in Bo and Kenema have been provided with two second-hand vehicles. A new four-wheel drive vehicle has been provided to permit the High Court Judge to travel between Bo and Kenema. The Law Office has been provided with a second hand vehicle to permit travel between Bo and Kenema.

3f Local Customary Courts functioning more effectively

Study undertaken; consultancy element funded through the project of the functioning of traditional courts. Three Consultative Seminars arranged by LDP project management. Additional Project (Chiefdom Governance Project) will take forward study’s recommendations for decision by GoSL and DFID and action follow up.

3g Modernized Registration and records Systems in Administrator and Registrar General’s Department

ARG offices refurbished. Computerization and associated software development deliberately postponed until refurbishment complete. Consultancy for improvement of archives about to start (delayed due to confusion over the outcome of a UNDP project with similar aims). The UNDP project was unsuccessful, thus LDP inputs are still very much required.

3h Attorney General, Solicitor General and Key Officials in MoJ functioning in equipped Offices
Some refurbishment completed. Computers provided. Full-time services of Sierra Leonian prosecutions lawyer provided through project.

3i Updated Legal Code…in accordance with MoJ priorities

Project has provided services of expatriate Legal Draftsman. The following acts have been passed by Parliament (all drafted by the Draftsman): National Electoral Commission Act, Electoral Laws Act (and amendment), Political Parties Act, (and amendment) National Security and Central Intelligence Act, Appropriation Act, Special Court Agreement 2002 (Ratification) Act.

Others drafted but scheduled for presentation to Parliament’s next session include: National Revenue Authority Bill, Sierra Leone Waste Disposal Authority Bill, the Education Bill, Land Title Registration Bill, Courts (or Amendment) Bill (consolidating the Courts Act, facilitating fast track system for trial of urgent cases), and the Criminal Procedure Bill.

Other Bills to be drafted under the project include: Criminal Procedure, Designs, Patents, Copyrights, Land Title Registration, Avoidance of Discrimination Against Women, Administration of Estates, Registration of Marriages, Insolvency/Bankruptcy, Arbitration, Criminal Law Codification.

Problems have arisen in several cases due to non-performance of SL legal professionals hired to produce technical briefs for the Draftsman (gender and land registration). In the former case, the contract has been cancelled. Financial losses incurred (25% of contract sum paid on contract signature). Another, more general, problem reported by Legal Draftsman is the lack of awareness of civil servants of their role in providing policy briefs.

Another problem has been the inactivity of the Law Reform Commission under the former Chief Justice. Hence there has been no progress in reviewing old legislation and updating or otherwise improving it.

3j Well-trained legal staff at all levels in key functions

Courses have been designed and run for:

- Stenographers (20 x one week, May 2002)
- Administrators in HC Masters office and AG’s office (at Institute of Public Administration and Management) (4 x 3 weeks)
- Staff in AG’s office, Courts Building, ARG in operation of computers.
- Overseas training has been undertaken by:
  - one Senior State Counsel in Italy
  - one Senior State Counsel in Malta (to study Marine Law for one year).

There has been no evaluation conducted yet of any of this training.

B. Potential Contribution to be made by LDP to more effective functioning of the courts and legal system: Suggested LDP Components

3.2 The LDP has considerable potential to support further the restoration of the legal system in Sierra Leone. The following are the principal recommended future
priorities. They are in part based on the Project Director (PD)’s suggestions made in his latest report. The OPR review makes others (as indicated below).

**Continuation of Material Support to the Fabric of the Legal System**

3.3 Priorities include a court at Makene, and two Magistrates Courts in Freetown (PD and BC proposal). It is recommended that costings include furniture (and furniture for Bo courts and judges’ house). This contribution should include completion of all outstanding works, systems installation and related training related to components started but not yet completed. A dual purpose court is planned for Kenema; a Magistrates Court is being considered for Port Loko.

**Enhancing the Synergy of the LDP with other DFID-supported Projects in the SSAJ sector**

3.4 The PD has suggested a ‘closed door’ meeting for up to three days to permit the police force, Anti-Corruption Commission, Law Officers Department of AG’s Department, and others (OPR recommends the following also attend: members of the judiciary, prisons service). The purpose would be to exchange observations about respective roles, systemic obstacles to processing cases and prosecutions, improved mechanisms for communication and co-ordination between them. The meeting would require careful preparation and facilitation. Specialised assistance will be required to ensure that these pre-requisites are delivered. A possible

**Enhancement of the legislative process**

3.5 The PD has proposed a Seminar for Parliamentarians on their role in initiating legislation. The Legal Draftsman sees the priority as one of awareness raising, and possibly capacity building, amongst senior civil servants as to their role in providing policy briefs to form the basis of legislation.

3.6 Both ideas have their merits. On the basis of discussions this week, the OPR reviewer recommends that the latter proposal is treated with most urgency. There is little point in preparing MPs to initiate legislation when they lack in parliament any independent legal advice for drafting bills. It is unlikely that the already-overstretched capacities of the Attorney General would be able to accommodate their requests for assistance, especially if there were negative implications for government of the proposed legislation. The civil servants’ orientation should involve an international resource person. The PD and Legal Draftsman should discuss how this idea might be taken forward.

**Improving the Planning and Resource Management Capacities of the Judiciary**

3.7 The PD has suggested an activity related to the above, involving management surveys within and between related departments, with a view to re-assessing functions and staffing.

3.8 The OPR recommends that this idea is taken forward, but that it also encompasses:

- Assessment of data available, and subsequent compilation and analysis of data on the use of existing and newly-available resources (especially court space, and judges’ and magistrates’ time: including occurrence, reasons for, and duration of adjournment of cases, length of time taken to complete judgments, extent of case backlog, by type, costs incurred in present practices, etc.). This would help produce the basis of a management information system currently
lacking in the judiciary. It would be useful in assessing the impact of the LDP (the existing project framework implies availability of data relating to indicators which is currently unavailable), and would provide a database for future tracking of judicial performance and efficiency. Such information should be put into the public domain, when this information is available.

- Provision for a public opinion survey on judicial services, and the services provided by the legal profession (to be conducted by one of the local NGOs active in the legal and access to justice area).
- A seminar at which results of the analysis and survey would be presented to members of the judiciary, law officers, the police, the legal profession and civil society.
- Measures would be identified at the Seminar to improve resource management practices within existing resource constraints.
- Consultations with the Strategic Planning Adviser in the Commonwealth Community Security project as to how to define and scope the exercise.
- The mobilization of short-term specialized consulting assistance. It is likely that some of this assistance would need to be sourced outside the country.

A Seminar- or Symposium-Series in Sierra Leone

3.9 The PD has suggested a seminar on the treatment of special categories of persons (rape cases, children and juveniles, human rights violations). The OPR recommends that this be one example of a series of brief (up to three days) seminars or symposia which the LDP should convene, bringing in internationally-recognized experts to stimulate dialogue with the professions and civil society in Sierra Leone.

3.10 There is a range of potentially relevant topics:

- Treatment of Juvenile Offenders
- Other countries’ policies for improving the conditions of service of members of the Judiciary and government Law Officers
- Other countries’ approaches to the separation of powers between executive and judicial functions: the issues raised by fusion.
- Alternative Dispute Resolution (ADR) mechanisms.
- Disciplinary codes and public complaint systems for lawyers and other legal professionals
- ‘Twenty-First Century Approaches’ to Information technology applications in the judicial process (a discussion of how the formal system of justice could ‘fast track’ reforms to avoid some of the biggest constraints on its effectiveness caused by shortages of trained staff, storage and security of hard copy archives.

Priorities for, and approaches to, raising public awareness of their rights in relation to the law and access to justice.

3.11 Such events would enable Sierra Leone professionals and activists to have dialogue with experts with comparative international experience, thus giving them exposure to alternative approaches and insights into their applications. They would also stimulate debate locally on how to take forward these issues in practical terms.
They could well help bridge some of the communication gaps between Government, the Judiciary and NGOs, since they would provide a non-threatening forum for discussion.

**Colloquia for Judges, and Magistrates**

3.12 There are indications from discussions held during the OPR process that members of the Judiciary have had little exposure to cases, judgments and analysis in other jurisdictions or in specialized areas of the law. The project could make an important contribution to developing the critical faculties of members of the Sierra Leone Judiciary by providing such an opportunity. Peers drawn from other jurisdictions could be invited to participate in plenary and small-group sessions. The Commonwealth’s various legal networks could be invited to identify suitable resource persons, for a range of topics, which the Steering Committee for LDP should be asked to specify.

**‘Rapid Reaction / Small Projects Fund’ for LDP**

3.13 Present project management arrangements provide for appraisal by DFID HQ of proposals emanating from the PD (in the absence hitherto of a functioning Steering Committee). This OPR recommends that a mechanism should be devised to permit the LDP to respond to ideas originating within its core ‘constituency’ (Judiciary, Law Office), civil society and media organizations for small projects supportive of the purpose of the LDP.  

3.14 Project appraisal should be as follows: the PD in consultation with the British Council has authority to agree to projects below a certain ceiling in cost; above a certain level, the Steering Committee would have to appraise and approve projects; and for larger projects, DFID HQ authority would be required as well as endorsement from the Steering Committee. Some ‘exclusions’ could be agreed beforehand to preclude a succession of requests for vehicles, for example.

3.15 This component would stimulate innovation and ideas connected with improving the functioning of the courts and legal system. This proposal should be seen in the context of planned DFID support to civil society organizations in Sierra Leone. One standard scheme should be devised. There are definite needs in the justice sector, and merits in establishing such a scheme.

**Additional Judges or Law Officers**

3.16 There are two schools of thought under this category of activity. One is that LDP should provide expatriate judges, or expatriate or Sierra Leonean prosecutors (for example those specialized in corruption cases), as a way of strengthening respective institutions, directly in terms of additional capacity, but also indirectly through demonstration-effect (including to the public), setting good examples and thereby building judicial independence, credibility and capacity. The other school opines that this strategy is fundamentally non-sustainable, erosive of incumbents’ morale, and that resources would be better spent boosting working conditions for existing personnel.

3.17 The issue is to be reviewed by the forthcoming SSAJ joint mission. In the opinion of this OPR Reviewer, provision should be made in the LDP to permit such

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28. An illustration is the ‘Prison Watch’ survey proposed by the Lawyer Centre for Legal Assistance to collect data on people held on remand in a selection of prisons.
personnel to be recruited. The situation in the Judiciary is so serious that the effects of having honest expatriates in post for a while would be salutary, and beneficial. The President is reliably reported to be for the idea, and several senior informants of the OPR were strongly for the idea. In present circumstances, however, it is unlikely that GSL or judicial authorities will seek such personnel through the project without considerable persuasion.

4. CO-ORDINATION WITH OTHER DFID PROJECTS

4.1 There is some coordination between LDP and other DFID projects at present. There has been dialogue with the CCSSP (police) project; and more substantive collaboration with the Chiefdom Governance Project (related to Traditional Justice). Meetings of DFID Project Managers have helped forge these links.

4.2 In future, there appears to be potential for more collaboration in the following fields:

With the Police Project: especially in terms of Change Management. There are lessons being learned, and approaches developed, in the police project which could usefully be applied to the administration of the courts. There would be merits in inviting the officer responsible for the Department of Research, Planning and Community/Media Relations to make a presentation to the administrators of the High Court in the first instance in practical approaches to performance management and strategic planning being piloted in the Police service.

4.3 There are also clear synergies in the area of community awareness and sensitisation. There are major implications for more public awareness, involving use of mass media campaigns in the current police reform program, which have parallels in the justice system more broadly. The ‘Talking Drum Studio’ could be approached by LDP and police management team members (as well as the manager of the Chiefdom Governance Project: see below) to discuss possibilities and dimensions of such a future campaign.

4.4 Given the growing volume of training which the LDP might attempt if the approach recommended in the present OPR is accepted, the experience of the police project in evaluation of training might be useful for the LDP.

4.5 With the Chiefdom Governance Reform Project: There are potential synergies with the LDP in ensuring that the public are aware of the role of Traditional Courts, and the limits on their jurisdiction. These synergies – as in the case of the police project - relate again to the issue of public awareness. In this respect, LDP, CGRP and CSSP should also build on the work being done under the current Media Development Project.

4.6 Regarding the Public Sector Reform Project (under the Governance Reform Secretariat), there would appear to be a need for the Ministry of Justice to be reviewed (in terms of its structure and staffing) as a matter of urgency. However, it is not on the current priority list of reviews to be undertaken by that project. It is probable that the magnitude of the needs which any such review would reveal would mean that the prospective project is more suitable for consideration by the World Bank, than a component of LDP.

5. POVERTY FOCUS
5.1 The LDP has not been primarily oriented towards mitigation of poverty to date. Indeed, given its orientation towards the formal system of justice, used by only the minority of people (very few of whom are poor) it is difficult to see how it can – as presently configured - address much more directly the issues surrounding poverty in Sierra Leone. Traditional justice – the ambit of the Chiefdom Governance Project – is most relevant to poor people. However, future concentration on the role and performance of Magistrates Courts by LDP would go some way to catering for a broader constituency than the dominant focus in the first half of the LDP project period on higher levels of the Judiciary and the Law Offices. Levels of corruption in Magistrates Courts are notoriously high: any scrutiny by higher levels of court or civil society, which the LDP could support in future would be effort well-spent.

5.2 The issue of resolution of land disputes may be addressed by the Bill on land registration which is imminent, and being handled by the LDP Legal Draftsman. Similarly, women’s rights and inheritance are encompassed by the Bill on anti-discrimination against women. Both these have relevance for poor people.

5.3 The PD has been nominated and invited to attend the Poverty Reduction Strategy Steering Committee. It is strongly recommended that he attends these in future, and reports back to the Steering Committee and DFID with ideas for increasing the poverty focus of the LDP.

6. SUSTAINABILITY OF OUTPUTS AND OUTCOMES

6.1 There are several threats to the sustainability of improvements being made to the judicial system by the LDP:

- The proposed Special International Court poses a threat to the already poor supply of qualified court registrar and clerical staff. While some sources dispute that indigenous staff will be sought by the court, others consulted by the OPR indicated that there is a grave risk that existing staff will be attracted to the court.
- The other main risk is that recurrent funding for the day-to-day operation of the judicial system will continue to dwindle to levels at which the investments made in the LDP will be severely affected. The Master and Registrar of the High Court indicated that her routine (non-salary) budget had been cut by approximately 50% in 2002, compared to the previous year.

6.2 There is little that can be done through future LDP activity or strategy to mitigate the effects of this magnitude of cutbacks, except:

- By ensuring that furniture and basic equipment costs are included in the costing of all physical construction and refurbishments (to avoid new buildings lying idle);
- By raising the issue of funding for the Judiciary as a special case in discussions in the LDP Symposia Series above, concerning the conditions of service of members of the judiciary and legal services.
- By proposing in such a forum or before, that serious consideration is given by government and donors to the idea mooted in the CHRI/SLBA study mentioned above: that of a donor-resourced Trust Fund to finance additional salaries and other resources for the judiciary (pages 61-62).

29. 'Registrars, clerks prosecutorial staff and others will also in all probability be provided by the UN.' Justice Delayed (a Report of the Commonwealth Human Rights Initiative and SLBA) 2001 page 48.
7. PROJECT DIRECTION AND MANAGEMENT

Roles and relationships

7.1 The full-time Project Director (PD) is accountable to DFID HQ (Project Officer advised by Senior Governance Adviser), retained under a contract with the British Council, but in the status of an independent consultant. His offices are in the British Council building in Freetown. His responsibilities include preparing, in conjunction with the British Council, plans and work programs, submitting these for approval to the Steering Committee, and onwards to DFID, advising the British Council on technical (legal) matters pertaining to project implementation, identifying appropriate local professional sources and contacts, and providing substantive direction to the LDP. He is responsible for planning the shape and scope of the LDP, and for reporting on progress bi-annually to DFID through the Steering Committee.

7.2 Project Management is the responsibility of the British Council, which employs a full-time Project Manager to operationalize and deliver the work programs planned by the Project Director, by formulating and managing sub-contracts, commissioning building works, procuring equipment, books and materials, organizing events and training, and accounting to DFID for resources used.

7.3 A Steering Committee was established at the start of the LDP, chaired by the Chief Justice, with the Attorney General/Minister of Justice, Minister of Presidential Affairs, and President of the SL Bar Association as members, and the Administrator and Registrar General as member/secretary. Its role for the projects was defined in the Project Memorandum, is to ‘supply overall policy direction and guidance on priorities for LDP as required.’

Budget

7.4 The budget has remained at £2.2 million since the project was designed in 1998. A series of amendments to the British Council’s original project have been drawn up. The original budget provided for nearly £600,000 worth of construction: the latest amendment (still under negotiation) provides for £1,382,000 including over £600,000 on the High Court building alone. Some budget items remain although they were not drawn down in the first phase of the project: temporary judges (£60,000); law reporting (£50,000); training (£100,000); technical input into legal drafting (£50,000); and prosecution counsel for the Anti-Corruption Commission (£50,000).

Commentary

7.5 It is clear that construction-related project components and expenditure have proceeded most rapidly, and absorbed most of the attention of the PD and to a lesser extent, project management. Some planned aspects of the work program have been held back by lack of an institutional structure to take them forward (e.g. Law Reporting); lack of will on the part of the client group (temporary judges) or disagreement that this provision would be useful (ACC counsel). Other items have

30. The Master and Registrar of the High Court took this role in the last meeting.

31. The PD has defended the large proportion of his time devoted to supervising progress with rehabilitation and reconstruction (especially of the Courts building Freetown) on the grounds that he was asked to solve detailed problems by the Chief Justice, and that the high profile of the project meant that detailed oversight was essential.

32. The ACC Commissioner sees no point in hiring a prosecuting counsel: he sees the AG as responsible for taking forward corruption-related prosecutions, which, given the current backlog of investigated cases in his possession (over 40), which ostensibly should take priority over other cases, he appears to be unwilling to do.
been held back by lack of capacity to be mobilized (technical advice on drafting), or the activity being ascribed lower priority by project management (training).

7.6 The structure of project management has been more contentious than any other aspect of LDP since the project started. The main issues are:

- The Steering Committee has met only twice since late 2000: once at the inception of the project, and once last month when a new Chief Justice took over as Chair. Therefore, in practice the Project Director has been solely responsible for steering the Project, ostensibly guided by one-to-one meetings with the Chair and members of the Steering Committee.

- The timeliness and quality of reporting by the Project Director has been the subject of critical comment from DFID, and several former members of the Steering Committee. Despite several requests, no strategic plan has been submitted for the project. The PD’s explanation was that it was not possible to make a concrete plan without adequate clarification on the resource envelope available from DFID, which was never forthcoming.

- The PD alleges that he has received little substantive feedback from DFID on his suggestions and observations in progress reports.

- The British Council has been the subject of DFID criticism but defended itself by pointing out that the PD is not an employee of the BC, that it therefore had no sanction over him, and that he was accountable according to his contract directly to DFID and not the British Council.

- There appears to have been a lack of regular communication between the Project Director and the project management in the British Council. The PD’s work-plans and day-to-day movements are not communicated to or known by the project management.

- Suggestions for LDP activities in the following six-month period are made as part of the PD’s bi-annual reports. These are eventually responded to (but often with significant delay and after ‘to-ing and fro-ing’ over details) by DFID.

- Overall capacity and performance of LDP management has been negatively affected by the unusual structure of project management. As the LDP enters its second phase, and non-construction activities predominate, it is highly undesirable that these arrangements continue. Immediate action is needed to improve communication between the main players. A re-appraisal of overall management arrangements will be needed once the future intended pattern of DFID support to the SSAJ sector is agreed upon after the present DFID/IBRD mission.

**Recommendations**

7.7 In order to permit the BC to pursue those new building contracts which are financially feasible under an imminent Contract Amendment (and which would expire after 31st December 2002), the BC contract with DFID should be extended to end 2003 (i.e effectively the end of the Project).

7.8 The precise form and content of any future contract with the PD and the BC should be reviewed in the light of the outcome of the ongoing SSAJ mission. It is clear that the eventual agreed pattern of DFID support to the sector will impinge on,
and in part be determined by, the LDP and its management structure. The present arrangement with the Project Director should not continue beyond the end of the calendar year 2002. One option for the future is for the Project Director to have a conventional contract with the BC: employed by, and accountable to it. Another option is for him to work on a series of short-term consultancy contracts, to handle discrete components of the agreed future LDP/SSAJ work program, along with other short-term consultants.

7.9 The following measures should be taken immediately to improve communication and co-ordination in the project, up to the end of the calendar year 2002:

- Steering Committee (SC) meetings should be called quarterly (the Chief Justice during this review indicated this was his wish);
- The CJ should be requested to call the next SC meeting to discuss this OPR Report, and in particular its proposals for future work program elements;
- The LDP Progress reporting frequency should thereafter be every three months;
- Progress reports should be structured according to the revised Project Framework (to be an output of this OPR);
- These reports, along with the PD’s work-plan for the next quarter, and suggestions for new activities for the quarter, (together with appraised, recommended projects submitted under a Small Project Fund if this suggestion is endorsed) should be sent to members of the Steering Committee, and DFID, one week before the SC meeting;
- The PD should produce and circulate monthly in arrears to the BC and DFID a log of all main meetings attended and contacts made, together with brief minutes of any meetings involving decision-making, noting action agreed. These minutes should also be sent to the other parties to the meetings concerned; and
- DFID should respond substantively to quarterly reports and any project proposals therein within two weeks of receipt.

7.10 If the above communication measures were adopted, much of the ambiguity in roles and relationships, and lack of clarity on project and PD activity would be reduced. Such simple measures as meeting minutes would clarify action implications of meetings held, for the PD, the BC and other stakeholders.

7.11 As the project moves from its current focus on infrastructure towards capacity building and policy-oriented dialogue on legal sector reform, as proposed in Section 3B, it will be more essential than ever to clarify mutual responsibilities for action, and any agreements reached, especially with third parties.

7.12 The budget for the remainder of the project should be finalized as soon as possible, on the basis of this review, the SSAJ review, and BC progress reports (including PD activity proposals) currently under consideration. A consolidated, final

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33. The Executive Support and Strategic Planning Adviser of the police project has several examples of brief records of meetings which could be used as models in this regard.
budget should be available by late August 2002 at the latest, in order to permit all parties to the project to plan for the final phase of LDP.
### STRENGTHS

Sound reputation amongst the primary professional target groups in Sierra Leone as a ‘project which delivers’. Basic court, office and transport infrastructure was vital.

The LDP has a definite profile as the provider of these much-needed assets.

The fact that the President opened the newly-refurbished Courts Building last April is a symbol of their significance, and the high regard in which the project has been held.

New Chief Justice promises regular Steering Committee meetings.

### WEAKNESSES

No re-assessment of needs immediately prior to the much-delayed start of project (i.e. it is based on a 1998 design).

No concerted policy direction or functional ownership hitherto from its primary S-L stakeholders.

Eccentric management arrangements on the insistence of the PD have caused communication gaps between major players, and dissatisfaction on the part of DFID.

Limited progress in non-infrastructural aspects of the project (except Legal Drafting).

Planning and reporting perceived as unsatisfactory by DFID: gave rise to skepticism on the part of DFID regarding propositions emerging from the project.

Project inputs and strategy have not addressed fundamental problems of justice sector: shortage of qualified, competent honest human resources, due to poor pay and conditions.

### OPPORTUNITIES

Some ‘excuses’ for poor judicial system performance have been removed: hence there is scope for more aggressive approach to capacity building and performance improvement.

Open, consultative active approach by new Chief Justice (CJ)

CJ personally on good terms with the PD.

CJ has called Court Rules Committee, and plans to reconvene Law Reform Committee, and Reporting Committee: all vehicles for providing relevant direction to, and demand on, the LDP in future.

World Bank, AfDB, OSI all keen to participate in supporting the SL justice sector, bringing significant additional resources on stream.

### THREATS

Chronic shortages of recurrent finance threaten sustainability of investments and systems.

Credibility of judicial institutions is unchanged as a result of continued corruption (faced with no significant change in material conditions of work of judges or magistrates), and lack of political will to prosecute major cases (especially of alleged corruption).

Special International Court may attract experienced staff away from court support services.

Lack of basic commitment to change and reform in the judiciary and Law Office.

Project management focuses on construction and equipment components and gives inadequate attention to HRD- and system-operational aspects.

PD takes umbrage at potential changes in contract arrangements, and refuses any further part in project.
## ANNEX 3 APPENDIX 2: PERSONS MET BY DFID IN SIERRA LEONE FOR LDP REVIEW

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<thead>
<tr>
<th></th>
<th>Name and Position</th>
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<tbody>
<tr>
<td>1.</td>
<td>Rowland S V Wright, LDP Director</td>
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<td>2.</td>
<td>Honor Flanagan LDP Project Manager</td>
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<td>3.</td>
<td>Dr Joe Lappia &amp; Osho Coker – Governance Reform Project</td>
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<td>4.</td>
<td>Chris Leaning</td>
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<td>5.</td>
<td>Solomon Berewa – Vice President</td>
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<td></td>
<td>Former Min. of Justice &amp; Attorney General</td>
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<td>6.</td>
<td>Mrs A Showers – Master &amp; Registrar</td>
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<td>7.</td>
<td>Justice Dr A B Timbo, Ag Chief Justice</td>
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<td>8.</td>
<td>Mr Eke Halloway – Attorney General Former President, SL Bar Association</td>
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<td>9.</td>
<td>David Scott</td>
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<td>10.</td>
<td>Brendan Gibb-Grey Anti-Corruption Commission</td>
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<td>11.</td>
<td>Rajiv Bendre, Director - British Council</td>
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<td>12.</td>
<td>Wael Ibrahim, Oxfam</td>
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<td>13.</td>
<td>Val Collier – ACC Commissioner</td>
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<td>14.</td>
<td>Jacob Aryee – Legal Draftsman</td>
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<td>15.</td>
<td>Tunde Cole, Kebbie &amp; Robin Mason</td>
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<td>17.</td>
<td>Maureen Poole, Executive Support Officer</td>
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<td>18.</td>
<td>Justice Tolla-Thompson, A S Fofanah, &amp; David Sheku – Customary justice Review</td>
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<td>19.</td>
<td>Melron Nicol-Wilson of Lawyer Centre for Legal Assistance</td>
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<td>20.</td>
<td>Olayinka Creighton-Randall, Campaign For Good Governance</td>
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<td>21.</td>
<td>Claudius Thomas, Poverty Alleviation Strategy Co-ordinating Office</td>
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<td>Name and Position</td>
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<tr>
<td>22.</td>
<td>Mr A J P Lebbie - Director Local Government</td>
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<tr>
<td>23.</td>
<td>Sylvia Fletcher – UNDP Senior Governance Adviser</td>
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<tr>
<td>24.</td>
<td>M P Fofanah - Defence for Children International</td>
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<tr>
<td>26.</td>
<td>Mrs S. Koroma- Administrator &amp; Registrar - General</td>
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<tr>
<td>27.</td>
<td>Mr Yada Williams Secretary, Sierra Leone Bar Association</td>
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<td>28.</td>
<td>Mr Sheka Mansaray, Secretary to the President</td>
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<td>29.</td>
<td>George Adetuberu UN- In charge of Rule of Law</td>
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<td>30.</td>
<td>World Bank Team</td>
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<td>31.</td>
<td>Adrian Horn Project Manager DFID CCSSP</td>
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<td>32.</td>
<td>Momodu Koroma, former Min for Pres. Affairs</td>
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<td>33.</td>
<td>Professor Tubuku-Metzeger</td>
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<tr>
<td></td>
<td>Director, Sierra Leone Law School</td>
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<tr>
<td>34.</td>
<td>Ambrose James - Talking Drums Radio Studio</td>
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## ANNEX 3 APPENDIX 3: PERSONS MET BY DFID IN LONDON FOR LDP REVIEW

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<table>
<thead>
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<tbody>
<tr>
<td>35.</td>
<td>Dr Garth Glentworth, Senior Governance Adviser</td>
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<tr>
<td>36.</td>
<td>Toyo Nwabani, Project Officer</td>
</tr>
<tr>
<td>37.</td>
<td>Rebecca Trafford-Roberts, Social Development Adviser</td>
</tr>
<tr>
<td>38.</td>
<td>Dr Peter Tucker, Customary justice Review Consultant</td>
</tr>
</tbody>
</table>
Annex IV: World Bank Support to the Legal and Judicial Sector

The Government of Sierra Leone began implementing a structural adjustment program starting in 1989. The broad aim was to stem the prevailing economic decline and to put the economy on a sustainable growth path. The lack of a transparent legal and regulatory framework and operationally functional legal and judicial services constrained the growth of private commercial transactions. In turn, this has reflected the extreme deterioration of the legal and judicial sector, which was once quite highly developed in Sierra Leone.

As part of the objective of improving the enabling environment for private sector development, the Government of Sierra Leone embarked on a capacity building strategy in the legal and judicial sector. On February 21, 1994, the Government of Sierra Leone was granted a Project Preparation Facility (PPF) of US$ 250,000 to help finance the cost of essential project preparatory work in connection with the proposed Judicial and Legal Reform Project.

The PPF funded studies and advance project preparatory work necessary for determining the size of key project components and for ensuring smooth project implementation. These included a workshop on judicial and legal reforms for obtaining consensus and ownership over the sector program, an inventory of legal materials for selected libraries, a study, by a local firm of architects, of office space requirements for the Administrator and Registrar General, an assessment of procedures and automation requirements for the court system, and an assessment of equipment bottlenecks in the office of the Government Printer, preparation of an up-to-date index of all existing legislation, and the cost of establishing a Project Manager's office (including salaries of the Project Manager, office equipment and operating costs such as travel, office supplies and workshop expenses) to coordinate project preparation by various beneficiary agencies.

At the initiative of the Government, a project was proposed consisting of a package of reforms supported by funding for technical assistance, equipment and goods, and civil works. Specifically, the tasks included support for:

- the creation, staffing, and equipping of the Sierra Leone Law Commission to revive and consolidate law review, revision, and reporting functions;
- the activities of a Law-Indexing Task-Force, charged with preparing and publishing a definitive Index of the Legislation of Sierra Leone as well as consolidating existing legislation;
- strengthening capacity within the Law Officers' Department to clear the backlog of pending legislation (including legislation governing the enabling environment for private sector development) and to draft new legislation;
- printing and dissemination of laws and regulations, including strengthening the Government Printer;
- rehabilitation and modernization of registry operations within the Office of the Administrator and Registrar General; and
• productivity improvements in caseload management and courtroom administration within the Judiciary.\textsuperscript{34}

The World Bank project was originally scheduled for negotiations in December 1995. However, due to Government preoccupation with rebel activities, the project was officially suspended on October 1995 and it was re-appraised in November 1996. Project preparation was delayed, particularly the activities relating to preparation of building rehabilitation plans for the Law Courts Building, preliminary study of Court procedures and automation requirements and compilation of base-line data relating to services provided by the Administrator and Registrar General.

At this time, discussions with the Government suggested that in view of limited technical capabilities and budget constraints, there was a need to modify some of the project components and start with even more modest project objectives. These relate to the size and composition of the Law Reform Commission and the Council for Law Reporting and automation of courtroom procedures. Other discussions with the Government suggested that consolidation of existing laws based on an up-to-date index of laws was necessary for a comprehensive review and reform of laws under the proposed project, leading to a supplemental PPF.

Since the project’s initial conception, several legislations were prepared, including the Fisheries Management and Development Act (1994), the Law Reform Commission Act (1994), the External Telecommunications Decree (1994), the Sales Tax Decree (1995), the Bank of Sierra Leone Act (1996), and the Banking Act (1996).

At re-appraisal, the components relating to the revival of the Law Reform Commission and rehabilitation of Magistrate Court buildings were dropped because the Overseas Development Administration of the United Kingdom (ODA/UK) agreed to consider these components under a parallel project which would complement the assistance proposed under the IDA project. During re-appraisal the Government requested the mission to substitute these components with those that could further assist in enhancing legal and professional skills. In response, the mission increased the amount and scope of support for specialized training and continuing education to staff in the Law Officers' Department and the Judiciary.

Specific indicators for measuring progress in building local capacity were also included in the proposed Project, by designing an in-country training program which incorporated specific indicators relating to the delivery of training in specialized subjects in commercial and business law. The proposed project also would now support the creation of permanent national capacity to design and deliver training and continuing education programs (including drafting and adoption of Codes of Ethics and Conduct) for judicial and non-judicial staff in the Judiciary. A Judicial Education Committee was established and would be supported under the project. Very specific performance indicators relating to development of learning material, teaching aids and training of judges as trainers have been incorporated.

During appraisal and re-appraisal, the training needs in the Law Officers' Department and the Judiciary were discussed extensively. Based on these discussions the training component was

\textsuperscript{34} Final Executive Project Summary, Sierra Leone: Judicial and Legal Rehabilitation Project, (1994).
increased. The emphasis of the proposed training programs is on re-training existing staff. Also, by conducting the bulk of the training on an in-country basis, the program would enable delivery of training to the greatest number of staff in the LOD and in the Judiciary.

The World Bank prepared a project for the legal and judicial sector in 1997. The project would address the three sets of constraints that have adversely affected the quality, timeliness and cost-effectiveness of judicial and legal services, namely inadequacy of the law, implementation of the law, and court infrastructure.

To address these constraints, the following project components were proposed: (a) a work program for legislative reform for business and commerce: in accordance with an agreed core work program, based on agreed and established criteria, priority laws and regulations governing business and commerce would be updated and revised by the Law Reform Commission, Law Revision Committee and Law Reporting Council, the reactivation of which will be supported by the project; (b) reform and strengthening of judicial and legal institutions: providing for technical assistance and training, streamlined procedures for processing and managing caseflow and caseload in the court system and for conducting day-to-day operations of the judiciary, upgrading of Registries, comprehensive data bases and monitoring and evaluation systems, logistics support (automation, office equipment and mobility) and updated legal and library materials would result in efficiency and cost-effectiveness of the court system and the Department of Judicial Affairs (known as the Law Officers' Department). The Office of the Government Printer responsible for the publication and dissemination of laws and regulations would also be strengthened; and (c) development of a medium term sector strategy that would provide for the continuation of reforms initiated by the project. This strategy would set the stage for building legal skills and strengthening the incentive framework. At present, there is an acute shortage of legal skills and the judicial and legal institutions in the public sector face difficulties in attracting and retaining qualified and experienced professionals; and (d) rehabilitation and strengthening of court infrastructure: the Law Courts Building in Freetown, the High Courts and Magistrates Courts in the Provincial capitals of Bo, Kenema and Makeni, and those in the larger towns of Magburaka and Port Loko, would be rehabilitated. In a few instances, where rehabilitation is either not possible or would not serve the purpose, the construction of simple and cost-effective courts would be constructed.

The project was suspended in 1997 due to the conflict, however it has been restored in the pipeline.
Annex V: Other Donor Support to the Legal and Judicial Sector

A number of other donors are active in the legal and judicial sector, including:

- USAID/US Embassy are funding SLBA to run law clinics on a limited basis for victims of domestic violence or sexual assault.

- ICRC is providing support to the prison service including reconstruction of the main kitchen within Pademba Road Prison and monitoring of conditions there.

- UNDP plans to conduct leadership training for 200 senior officials in GoSL, which could include officials from the Ministry of Justice/AGO, judiciary, police, Ministry of Interior and prisons service etc.

- UNAMSIL Human Rights Section has been involved in training the police and is supporting Lawyers Centre for Legal Assistance (LAWCLA)’s work. Other donors are supporting Fourah Bay College Human Rights Clinic.
Annex VI: Psychosocial and Mental Health Services Assessment

Purpose of the Psychosocial and Mental Health Services Assessment

A joint World Bank/DFID mission was made to Sierra Leone from June 18th to July 5th 2002. The mission was led by Minneh Kane, Lead Counsel, Legal and Judicial Reform, Legal VPU and Keith Mackiggan, Justice Adviser (Team Leader, DFID). The purpose of the mission was to undertake a comprehensive assessment of the legal and judicial sector in Sierra Leone (the Assessment). The objective of the Assessment is to support the Government by providing information and analysis to further develop and implement both short term and long term comprehensive reforms in the Sector.

Florence Baingana, Senior Health Specialist (Mental Health), HDNHE, The World Bank, was requested to provide cross support to the mission. She was not able to travel on the dates above and instead traveled 5th to 17th August 2002. Her TORs were to carry out an assessment of the feasibility of integrating a mental health component into the Legal Aid Clinics, in the Peace and Reconciliation activities and in any other area as may be identified. The organization and capacity of the mental health services and programs available in Sierra Leone and their ability to provide support to and be a referral point for the Legal Aid Clinics was to be evaluated and analyzed.

Activities

Meetings were held with various individuals both in the Government and within non governmental sectors. The full list of people met with is attached as Annex II. A field trip was made to Bo and Kenema with Jacob Saffa, Human Development Specialist, World Bank, Sierra Leone. Visits were made to Masiaka PHU as well as to Bo Regional Referral Hospital. Discussions were held with NGO personnel and civil servants in the provinces.

A sum up meeting was held on 16th August 2002 at the World Bank office. A draft of the report was presented and the participants agreed that it was a true representation of the situation. Jacob Saffa chaired the meeting, participants included the WHO Representative and a Representative of the Country Program Manager, USAID/Guinea and Sierra Leone. The full list of participants at this meeting is included as Annex III

Findings

Major findings relate to the NGO sector as opposed to the Government sector and to the mental health services, psycho-social issues, peace education activities, re-integration and others. A summary of the NGO and Government sectors active in these areas is provided in the table below:
### Table 1: NGO and Government Sector Activities

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<tr>
<th></th>
<th>Government</th>
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<td>Mental Health Services</td>
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<td>MSF</td>
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<td>Psycho-social Services</td>
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<td>War Child</td>
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<td>Resettlement of IDPs</td>
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<td>War Affected Girls</td>
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<td>Legal Reform/Legal Aid</td>
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Some of the major issues include

- **Definitions**: psycho-social, peace education, re-integration, mental health, mental disorders, reconciliation activities. A further elaboration of the definitions and the description of the psycho-social versus mental health programming is given in Annex I. This highlights the importance of having different levels of interventions for both areas of work but also the need to have a basic framework in place so cross referral can take place.

- **Scope of work**: ex-combatants, sexual violence against women, victims of violence eg amputees, lost generation of youth and widows. There is an indication that although there appear to be a number of interventions in these areas, most are very specific to their target group, some are also not country wide, many being in the Bo and Kenema regions and not yet in the northern province.

- **Linkages between mental health, psycho-social issues and the justice and legal sector**: There is a recognition that there is or there should be a linkage between the psychological support given to clients and the outcome of the legal proceedings. IRC’s Gender Based Violence program noted that rape cases can take up to 11 to 15 court sessions before judgment is reached. Very often, clients do not have the courage to persevere through this, especially without support. Since IRC begun providing support, 54 cases have gone to closure and of these, 9 cases were prosecuted. This is quite an achievement. LAWCLA reported that none of their cases of rape had followed through to the end. The girls are intimidated by the court proceedings, the re-telling of the rape re-traumatizes and sometimes the parents may opt for settlement out of court. LAWCLA does not include a counseling support component for the clients.

CGG has just carried out a study of the current situation of the health sector. One of the main barriers that was noted is the lack of policies. Taking mental health as an example, there is no mental health policy so the legislation that guides work in this area is either lacking or very old, or sparse and are not linked to each other so that they are ineffective. At the present time, there is no legal obstacle to the provision of psychological support to people attending Legal Aid Clinics.

There is a recognition that clients attending the Legal Aid Clinics (LAC) or those who may go to the TRC may require some psychological support. There may also be a need to attend a counseling program in order to build up the courage and strength to go to the TRC. In the latter instance, the psycho-social programs would increase utilization of the legal and judicial services that would be established. Cross referral at the present time is made on a needs basis and is not streamlined into the functioning of the Legal Aid Clinics or the TRC. A major barrier is that Legal Aid Clinics are only found in Freetown and are thus not available to the populations in the rural areas.

The work of the DFID-supported Family Support Units of the Sierra Leone Police is well recognized by most people that were spoken to. It did not seem as if there was linkage between the FSU, the LACs and the NGOs providing psycho-social support. This is a possible entry point for integrating psychological support into judicial activities.
It was also noted that as people return to their communities, some find their property has been taken over, leading to conflicts. CCSL has a program called “Mending Hearts” that trains clergy and laity in counseling, so they are able to listen, support communities and settle minor disputes in their communities. This deals with a big number of the minor problems at that level thus solving conflict, accessing services closer to the communities and also allowing for decongestion of the higher courts by petty issues.

- Extreme poverty underlies all the discussions. It is often felt that if this were solved, some of the psycho-social problems would resolve spontaneously. It is also felt that with the degree of poverty that is being experienced, it may be that some of the population is taken up with day-to-day survival and have not processed the events that they experienced. It is not clear if with the passing of time and the alleviation of poverty, they will then process the traumatic events and begin to experience the psychological symptoms or if with the passing of time, the distress will resolve.

- Non recognition of psycho-social issues by the communities and the health personnel. Mental health programming has not been a part of the health care system in the rural areas. The only service available is for the severely mentally ill. Most problems are resolved in the community either by attending with traditional healers or through other mechanisms. There is very high stigma attached to the concept of mental illness and this seems to have been associated with psycho-social disorders as well. Some of the agencies that begun working exclusively in psycho-social counseling found this to be a major barrier and had to change the approach to these issues to integrate health education, awareness raising and other health issues as an entry point to the psycho social activities.

- Policy guidance, regulation, standards, guidelines: There is no system for regulation, standards or guidelines for mental health or psycho-social issues. At the present time, interventions in the mental health sector and in the area of psycho-social issues are springing up as and when donor funds become available and do not necessary follow the populations with greatest need nor are they comprehensive in coverage of the country. This is also a result of the Country just coming out of conflict and beginning the process of taking leadership in the policy and planning of programs. The policy formulation and development of standards and guidelines is a role for the Ministry of Health with collaboration with the Ministry of Social Welfare for the Psycho-social issues. It is possible that this will be taken up by the Ministry of Health, during the development of the Mental Health Policy, if this goes forward, as is anticipated, with the support of WHO.

- Co-ordination: There are co-ordination mechanisms in place. There is a psycho-social forum, an INGO committee where there is a representative of the local NGOs, a Human Rights Committee and a Child Protection Committee. These committees meet regularly and are led by a Government sector with a lead UN agency. It may be necessary to form a Mental Health Coordinating Committee as well.

- Multi-sectorality of psycho-social issues: Mental health and psycho-social issues are multi-sectoral and as such cut across education, health and social protection. A multi-sectoral approach is therefore indicated, that would bring together these different sectors.
Opportunities

- **Health Policy Review and reformulation.** The Ministry of Health is undergoing a review and reformulation of the Health Policy. Mental health has been identified as one of the national priority health problems in the current draft of the Policy. This is an indication that the GSL has made a commitment to investing in mental health. It also provides an opportunity for other stakeholders to collaborate with the GSL in defining what the mental health policy and program should be and in contributing to its implementation.

- **WHO Mental Health Policy Project:** WHO is planning to support a long term intervention in Mental Health Policy development and support of its implementation. This program would begin with an assessment that will look at the state of the services as well as carrying out an epidemiological study and WHO will then support the formulation of the Policy. This compliments the Ministry’s overall Health Policy Review process.

WHO is planning a double track approach to the mental health situation of Sierra Leone. The second track is to support the integration of mental health into primary health care and decentralization of services. This second track will begin with a study tour of Ghana by some of the key mental health workers of Sierra Leone, then support to training of health workers so they are able to recognize and manage common mental health problems. WHO will support the training of psychiatric nurses so they can be TOT as well as supporting an immediate scholarship for someone to train as a psychiatrist.

- **Islamic Development Bank** has made a commitment to the Government of Sierra Leone of 2.6 million dollars towards the rehabilitation of the Kissy mental hospital. Some of these funds may go towards the construction/development of regional hospital beds for mental health. This is made on the condition that an investment will be made by other partners in personnel development so that the units/hospital will have adequate personnel.

- **Health Reconstruction and Development Project** of the World Bank which is under preparation. This an opportunity for the Ministry of Health to think about the possibility of including some of the components of the mental health program, such as support to training of health workers, developing standards and guidelines and their dissemination, defining an essential mental health drug list for all levels of care and ensuring regular supply of these drugs at all levels and support supervision.

- **Social Action Funds.** The World Bank is at the beginning of defining what the components of the Social Action Project are going to be. A number of the issues raised in this Assessment indicate the multi-sectorality of psycho-social issues. It is possible that some of the Social Action Funds can be used for issues raised in this report. These may be psycho-social support for girls affected by the conflict, support to training of social workers in counseling skills, a program that is already on-going with the support of Handicap International and the collaboration of IPAM.

- **Legal Reform.** There is a need to provide support to linking the Legal Aid Clinics to psycho-social support systems. It is likely to be cost effective to provide support to strengthening already on-going initiatives with an established system for training and delivering an intervention. These would include IRC, CVT and Handicap International.
and they could collaborate to provide training to other agencies in areas that do not have access to this service.

A more comprehensive assessment could be carried out to determine what legal aid and psycho-social resources are available, especially in the provinces and how these resources can be shared. The feasibility of having joint Legal Aid and psycho-social services in one center needs to be further investigated. This would decrease on the time spent getting cross referrals made but would also ensure better services for the clients.

**Challenges**

- *Policy framework* to guide the work in the three areas of mental health, psycho-social services and legal aid services for the indigent populations/areas in order to have a unified mission and vision as well as a coordinated and comprehensive approach to the programming.

- *Lack of mental health services*. This is a severe challenge since the mental health service would be the basis for the development of and support to the psycho-social interventions and for some of the Legal Aid Centre clients: mental health workers would be referral points for those with severe psycho-social problems; mental health education could highlight the effect of the conflict on peoples mental well being; and mental health workers could contribute to the training and support supervision of the psycho-social workers.

- *Ministry of Health must actively take on the lead* as the Government sector for mental health is well recognized.

**Monitoring and evaluation**

It is difficult to set indicators for psycho-social programs that are tangible and that reflect the inputs of the psycho-social intervention. Most interventions are developed as emergency programs and are often not evaluated, nor are processes and impacts documented.

**Recommendations**

1. The Legal and Judicial Reform Project should include a small component that streamlines the referral mechanisms and ensures the provision of psycho-social support to victims of violence and those attending the TRC, should they require it.

2. Formation of a mental health coordinating committee to oversee the development of the Mental Health Policy, Strategic Plan and its implementation.

3. Strengthening and mainstreaming the cross support of psycho-social training, including standardizing manuals, regulation, and setting guidelines. This is likely to be a role for the Ministry of Social Welfare with the collaboration of the Ministry of Health and key stakeholders like CVT, IRC, COOPI and UNICEF.
4. Provide support to NGOs involved in psycho-social work to strengthen their activities. This should be planned and coordinated through the psycho-social coordinating committee.

5. Mental health has been included as a priority in the Draft Health Policy. It is hoped that this will be endorsed and the Policy translated into a Strategy Document with activities, timeline and a budget.

6. WHO’s support of the development of the Mental Health Policy is highly commended. It is hoped that this will be translated into a strategy document and will stimulate the participation of other partners in its implementation.
Psychosocial and Mental Health Services Assessment Annex VII Attachment 1

Definitions

The definition for mental health is drawn from the definition for health. Mental health is thus defined as a state of complete mental well being including social, spiritual, cognitive and emotional aspects. It is not merely the absence of disease.

Mental illness is a disorder of the cognition or the mood as defined by standard diagnostic systems such as the International Classification of Disorders, 10th Edition (ICD 10) or the American Psychiatric Association’s Diagnostic and Statistical Manual, 4th Edition (DSM IV).

Psycho-social disorders relate to an inter relationship of psychological and social problems which together constitute the disorder. Psychological symptoms are those that have to do with thinking and emotions while social symptoms relate to the relationship of the individual with the family and society. This can be illustrated by the examples of symptoms listed below:

<table>
<thead>
<tr>
<th>Psychological disorders or symptoms</th>
<th>Both</th>
<th>Social symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anxiety</td>
<td></td>
<td>early sexual activity</td>
</tr>
<tr>
<td>Sleeplessness</td>
<td></td>
<td>Promiscuity</td>
</tr>
<tr>
<td>Fear</td>
<td></td>
<td>violence in the home</td>
</tr>
<tr>
<td>Anger</td>
<td></td>
<td>crime</td>
</tr>
<tr>
<td>Aggressiveness</td>
<td>alcohol abuse</td>
<td>rape/sexual violence</td>
</tr>
<tr>
<td>Depression</td>
<td>drug abuse</td>
<td>divorce</td>
</tr>
<tr>
<td>Flashbacks</td>
<td>suicide</td>
<td>school drop outs</td>
</tr>
<tr>
<td>Nightmares</td>
<td></td>
<td>delinquency</td>
</tr>
<tr>
<td>Depression</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTSD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poor concentration</td>
<td></td>
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</tr>
</tbody>
</table>

These are only some of the problems that may be encountered and inter-relationships are often important. An example of this inter-relationship can be demonstrated through the effect of stress: stress can lead to anger and easy irritability, which in turn can lead to violence in the home, either from the husband to the wife or vice versa or against the children, which may in turn lead to suicide.
attempts or drug abuse or delinquency which may be linked to depression. Psycho-social disorders recognize the dynamism of the inter-relationships between the psychological and social disorders.

**Violence and its Consequences**

There are many forms of violence and this is very clearly illustrated by the Sierra Leone situation. There is the direct violence such as the targeted killings, the amputations, rape etc which can lead to physical maiming and psychological effects. Other forms of violence include forced displacements, limitations of movement, limitations to participation in full self governance, limitations to establishing educational programs and so on. Violence has a ripple out effect. It leads to displaced populations and a lack of basic services such as health education, water and sanitation. This in turn leads to the psycho-social problems listed above. It therefore becomes apparent that there are varying degrees and types of psycho-social consequences to violence.
Mental Health and Psycho-social Programming

Integrating Mental Health into Primary Health Care

In thinking about interventions for populations affected by conflict, it is best to begin by thinking about strategies for integrating mental health into PHC. The aim is to try to make services accessible, affordable and of quality for all people who require them. The health care system is thus divided into primary, secondary and tertiary levels with different roles and responsibilities at each of these levels as well as different levels of care and personnel competencies at each of the levels. Pillars for the effective implementation of the primary health care system include:

- Establishment of standards and guidelines for the delivery of services for each of the levels and for selected priority conditions. It may not be feasible to develop treatment guidelines for all the disorders in the ICD 10 or the DSM IV. This is often the responsibility of the Government.
- Training. Once the standards are developed, it may necessary to revise curricula so that all cadres of nurses receive some mental health training. An in-service training module may have to be developed for the medical personnel already in service but without the basic mental health care skills and knowledge. Mental health should also be a part of the routine CME system of hospitals and health units.
- Referral systems have to be strengthened so that patients can receive early diagnosis as close to home as possible. Diagnosis is then made at a higher level of care and a treatment plan established. The patient is then referred back to the primary health care team where the treatment plan is then carried out.
- Ensuring the availability of essential drugs then becomes important. The standards would have established what kind of drugs should be available at which level. Having these drugs integrated into the essential drug kit makes it easier to have a regular supply of drugs.
- Support supervision is also an important component of the primary health care system. Personnel at the lower levels of care have less training in mental health and therefore need regular support from more specialized personnel. A visit can be made once every month or every two months or every quarter, depending on the available resources so that patients that he/she may have had difficulty with are seen together and the case discussed. It also provides an opportunity for the patients to receive more specialized care closer to their homes.
- Monitoring of the system, data collection and evaluation are essential to the integration of mental health into PHC.

Counseling and Psycho-social interventions for Populations Affected by Conflict

There are approximately four levels of counseling:

- Listening and helping. This is often offered by family members, friends, religious leaders or their wives, community leaders or their wives etc. These people are often referred to as the community’s own resource persons (CORPs). They are able to listen and offer advice or
help the person with a problem sort it out. Many have not received any kind of training but
some have received some form of training especially those in organized religions.

This group of people is often the first point of contact for people with a psycho social
problem. If a wife is being abused in the home, she may discuss it with her mother or with
the wife of a religious leader. They therefore make up a very important contact point
between people with a problem and services. Some NGOs have provided training to the
CORPs so that they are better able to listen, offer advice where appropriate or make
appropriate referrals.

- Para-professional counselors. They have usually received a more structured training in
counseling which can range from 6 weeks to 9 months. Most training is in-service so that
they begin working informally as CORPs and then decide to take on counseling a profession
but they may not have the basic qualifications to do a University or college training. This
group is often trained by NGOs who employ them to provide counseling. They can also
supervise the CORPs and are the first entry point into the formal psycho-social services.

This group of counselors provides services such as are found in school based counseling,
community based services such as women and youth groups, in religious groups etc.

- Professional Counselors are either social workers or psychologists who have a masters
degree in counseling. Some have the basic degree but have extensive experience of
counseling as well as having received short training courses. They are more often found in
NGOs providing care in established facilities. This group also provides support supervision
to the lower levels.

- Psychotherapists can be psychologists or psychiatrists who have undertaken extensive
training in psychotherapy. They are very few in the development context and their
contribution maybe very limited. They can provide one to one psychotherapy, family
therapy of group therapy.

In thinking about counseling, it is thus necessary to be clear about how much training the care
provider will have received, how much support they will require post training and therefore how
much support they can provide to clients. It may be necessary to develop standards depending on
the services available and the training programs being provided. Standards would determine what
the essential components of each level of counseling training have to be It also makes it easier to
assess outcomes of counseling programs if clear indicators are established for how the intervention
will be carried out (process indicators) and what the outcome will be (outcome indicators). A
regulatory body would then find it easier to keep track of activities being carried out and what
impact those activities have on the population.
### Annex VI Attachment 2

#### List of People Consulted for Mental Health Assessment

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Position/Role</th>
<th>Organization/Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sylvia Fletcher</td>
<td>Senior Governance Advisor</td>
<td>UNDP</td>
</tr>
<tr>
<td>2</td>
<td>Joaquim Saweka</td>
<td>Representative</td>
<td>WHO</td>
</tr>
<tr>
<td>3</td>
<td>Clifford Kamara</td>
<td>Director of Planning</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>4</td>
<td>Sahr Ngeyenga</td>
<td></td>
<td>Plan International</td>
</tr>
<tr>
<td>5</td>
<td>E. A. Nahim</td>
<td>Consultant Psychiatrist</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>6</td>
<td>Abdul Tejan Cole</td>
<td>Was the Ag. Coordinator</td>
<td>Campaign for Good Governance (CGG)</td>
</tr>
<tr>
<td>7</td>
<td>Alimamy Koroma</td>
<td>General Secretary</td>
<td>Council of Churches in Sierra Leone (CCSL)</td>
</tr>
<tr>
<td>8</td>
<td>Theresa Flynn</td>
<td></td>
<td>GOAL</td>
</tr>
<tr>
<td>9</td>
<td>Denise Duran</td>
<td>Deputy Head of Delegation</td>
<td>ICRC</td>
</tr>
<tr>
<td>10</td>
<td>Melron Nicol-Wilson</td>
<td>Executive Director</td>
<td>The Lawyer’s Center for Legal Assistance, Sierra Leone (LAWCLA)</td>
</tr>
<tr>
<td>11</td>
<td>Mohamed Fofanah</td>
<td>Director Juvenile Justice Unit</td>
<td>LAWCLA</td>
</tr>
<tr>
<td>12</td>
<td>Hanatu Kabbah</td>
<td>Deputy Executive Director</td>
<td>LAWCLA)</td>
</tr>
<tr>
<td>13</td>
<td>Antonio Piccoli</td>
<td>Head of Mission</td>
<td>COOPI (Italian Cooperation)</td>
</tr>
<tr>
<td>14</td>
<td>Mano Meserey</td>
<td>In Charge</td>
<td>Masiaka PHU</td>
</tr>
<tr>
<td>15</td>
<td>Nancy Bayo</td>
<td>Matron</td>
<td>Bo Regional Hospital</td>
</tr>
<tr>
<td>16</td>
<td>Marcos Melaku</td>
<td>Director, Relief and Rehabilitation</td>
<td>CCSL, Bo</td>
</tr>
<tr>
<td>17</td>
<td>Harsh Bangura</td>
<td></td>
<td>Praise Foundation, Bo</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td></td>
<td>Conciliation Resources, Bo</td>
</tr>
<tr>
<td>19</td>
<td>Patrick Kyamiru</td>
<td></td>
<td>CARITAS Kenema</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Position</td>
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</tr>
<tr>
<td>20.</td>
<td>Valerie N Bemo</td>
<td>Field Health Manager</td>
<td>Merlin, Kenema</td>
</tr>
<tr>
<td>21.</td>
<td>Heidi Lehmann</td>
<td>Gender Based Violence coordinator</td>
<td>IRC</td>
</tr>
<tr>
<td>22.</td>
<td>Kirk Jones</td>
<td>Deputy Director</td>
<td>CVT (Community Mental Health)</td>
</tr>
<tr>
<td>23.</td>
<td>Angelina Mwau</td>
<td>Mental Health Clinician</td>
<td>CVT (Community Mental Health)</td>
</tr>
<tr>
<td>24.</td>
<td>Rolf Appels</td>
<td>Medical Coordinator</td>
<td>MSF Holland</td>
</tr>
<tr>
<td>25.</td>
<td>Marion Morgan</td>
<td>Executive Director</td>
<td>CHASL</td>
</tr>
<tr>
<td>26.</td>
<td>Ashley Sharer</td>
<td></td>
<td>MSF Holland</td>
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<tr>
<td>27.</td>
<td>Anita Njesiah</td>
<td>TIP Program Manager</td>
<td>World Vision</td>
</tr>
<tr>
<td>28.</td>
<td>Julie Koenen-Grant</td>
<td>Country Program Manager</td>
<td>USAID</td>
</tr>
<tr>
<td>29.</td>
<td>Marina John</td>
<td>Director of Nursing</td>
<td>MOH</td>
</tr>
<tr>
<td>30.</td>
<td>Adriana Zarelli</td>
<td>Project Officer Health</td>
<td>UNICEF</td>
</tr>
<tr>
<td>31.</td>
<td>Bintu Magona</td>
<td>Committee for War Affected Children</td>
<td>MOSW</td>
</tr>
<tr>
<td>32.</td>
<td>Eric Duret</td>
<td>Psycho-social coordinator</td>
<td>Handicap International</td>
</tr>
<tr>
<td>33.</td>
<td>Tendayi Masike</td>
<td>Deputy Country Director</td>
<td>International Medical Corps (IMC)</td>
</tr>
</tbody>
</table>
Annex VI Attachment 3

Participants at the Wrap –Up Meeting
16\textsuperscript{th} August 2002

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Organization</th>
<th>Email/Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>34.</td>
<td>Dr Joaquim Saweka</td>
<td>WHO</td>
<td><a href="mailto:saweka@who.sl.org">saweka@who.sl.org</a></td>
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<td>35.</td>
<td>Dr Valerie N Bemo</td>
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</tr>
<tr>
<td>36.</td>
<td>Dr E.A. Nahim</td>
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</tr>
<tr>
<td>37.</td>
<td>Dr Anita Nesiah</td>
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<td>38.</td>
<td>Heidi Lehmann</td>
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</tr>
<tr>
<td>39.</td>
<td>Edward Benya</td>
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</tr>
<tr>
<td>40.</td>
<td>Charles Ellmaker</td>
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</tr>
<tr>
<td>41.</td>
<td>Allan B Halloway</td>
<td>CGG</td>
<td><a href="mailto:atejancole@yahoo.com">atejancole@yahoo.com</a></td>
</tr>
<tr>
<td>42.</td>
<td>Gbessay Laitaz</td>
<td>MSF-Holland</td>
<td>231272</td>
</tr>
<tr>
<td>43.</td>
<td>Marina John</td>
<td>Min. of Health</td>
<td>076 600761</td>
</tr>
<tr>
<td>44.</td>
<td>Jacob Saffa</td>
<td>The World Bank,</td>
<td><a href="mailto:jsaffa@worldbank.org">jsaffa@worldbank.org</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sierra Leone</td>
<td></td>
</tr>
<tr>
<td>45.</td>
<td>Florence Baingana</td>
<td>The World Bank,</td>
<td><a href="mailto:fbaingana@worldbank.org">fbaingana@worldbank.org</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Washington, DC</td>
<td></td>
</tr>
</tbody>
</table>
Annex VII: List of Documents Consulted

I. PRIMARY LEGAL SOURCES
3. The Local Government Act
4. The Local Courts Act (No. 2 of 1963).
5. The Income Tax Act, 2000

II. WORLD BANK/IMF DOCUMENTS
3. World Bank, Discussion Draft Summary of World Bank’s Approach To Legal And Judicial Reform (2002).
4. IDA and IMF Staff, Sierra Leone: Decision Point Document For The Heavily Indebted Poor Countries (HIPC) Initiative (Jan. 2002).
5. Chris Mburu, Challenges Facing Legal And Judicial Reform in Post-Conflict Environments: Case Study From Rwanda And Sierra Leone (July 2001)

III. DFID DOCUMENTS
1. DFID, Sierra Leone Law Development Project: Project Memorandum and Framework
2. DFID, Law Development Project For Sierra Leone, Third Progress Report (January to June 2002).

**IV. SELECTED INTERNATIONAL CONVENTIONS**
1. International Covenant on Civil and Political Rights (ICCPR)
2. First Optional Protocol to the ICCPR
3. International Covenant On Economic, Social and Cultural Rights (ICESCR)
4. CEDAW
5. CRC
6. Convention Against Torture
7. Rome Statute Of The International Criminal Court (ICC)
8. African Charter on Human and Peoples rights

**V. OTHER**
1. UNDP, Human Development Report 2001
4. Team of Senior Lawyers, Draft Bankruptcy Law
5. Team of Senior Lawyers, Draft Company Law
10. Valerie Nicol, Promoting Gender Equality Through Legal Reform.
12. Samuel Levy, Mozambique Legal and Judicial Sector Assessment (Draft June 24, 2002).


15. Mohamed Pa-Momo Fofanah, Food for Thought for the Proposed Constitutional Review Committee: “Should the Attorney General Continue to Function As Minister Of Justice?”

16. National forum For Human rights et al., Access To Justice Project Proposal


18. U.S. Department of State, Background Note: Sierra Leone

Annex VIII: List of people met by World Bank/DFID mission

1. Mr. Solomon Berewa, Vice President
2. Mr. J.B. Dauda, Minister of Finance
3. Mr. Eke Halloway, Attorney-General and Minister of Justice
4. Mr. Justice A.B. Timbo, Chief Justice
5. Mr. Justice Edmund Cowan, Speaker of Parliament
6. Mr. Tunde Cole, Solicitor-General
7. Mr. Brima Kebbie, Director of Public Prosecutions
8. Mr. Francis Gabbidon, Ombudsman
9. Mr. F.S. Conte, Director of Prisons
10. Mr. Sheka Mansaray, Secretary to the President
11. Mr. Joseph Carpenter, Clerk of Parliament
12. Ms. Salimatu Koroma, Administrator and Registrar General
13. Mr. Justice Adophy, Supreme Court
14. Mr. Justice P.O. Hamilton, High Court (Freetown)
15. Mr. Justice Ademusu, High Court (Circuit - Bo)
16. Mr. Collier, Head of Anti-Corruption Commission
17. Mr. Albert Bockarie, Permanent Secretary, Parliamentary Affairs
18. Mr. Aiah D. Konoyima, Office of Administrator and Registrar General
19. Mrs. ______ Showers, Master and Registrar of the High Court
20. Prof. Tuboku Mertger, Director of Sierra Leone School of Law
21. Ms. Olatunge Campbell, Librarian, Sierra Leone School of Law
22. Mr. Herbert H.I. Davies-Cole, Registrar, Sierra Leone School of Law
23. Mr. Claudius Thomas, Head of Poverty Reduction Program (PRSP)
24. Mr. ______ Moustafa, Under-Sheriff of the High Court
25. Mr. ________, Provincial Secretary, North (Makeni)
26. Mr. Samuel Turay, Local Government Representative, North (Makeni)
27. Mr. Val Bangura, Regional Police Commissioner, North (Makeni)
28. Mr. Manuah, Senior District Officer, Kenema
29. Mr. F. M. Jiba, Senior Assistant Secretary, Kenema
30. Mr. ________ Margai, Senior Magistrate, Kenema
31. Mr. Alhaji Sesay, Provincial Secretary, South (Bo)
32. Mr. __________, Senior Magistrate, Bo
Annex VIII

33. Mr. Maxwell M. Sesay, Police Commissioner, Bo
34. Regent Chief Kaitibi, Kakua Chiefdom, Bo
35. Ms. __________, Office of Inspector General of Police, Freetown
36. Mr. __________ Gbekie, Head of CID, Sierra Leone Police
37. Mr. B.A. Kamara, Head of Change Management Unit, SL Police
38. Ms. Maureen Price, SL Police Advisor
39. Mr. Osho Cocker, Head of Public Service Reform Project
40. Mr. Joe Pemagbi, Director, National Commission for Democracy and Human Rights
41. Mr. George Coleridge-Taylor, Commissioner, National Commission for Democracy and Human Rights
42. Mr. Abdul Tejan-Cole, Private Legal Practitioner and Former Secretary-General of Sierra Leone Bar Association (CGG coordinator)
43. Mr. Martin Michael, Private Legal Practitioner and former Asst. Secretary-General of the Bar Association
44. Mr. Melron Nicol-Wilson, Executive Director, Lawyers’ Center for Legal Aid (LAWCLA)
45. Mr. Pa Momoh Fofanah, Director, LAWCLA
46. Ms. Hanatu Kabbah, Deputy Executive Director, LAWCLA
47. Mr. Sheku Lahai, Executive Secretary, National Forum for Human Rights (NFHR)
48. Mr. James Paul-Allen, Chief Researcher, NFHR
49. Mr. Isaac Lappia, Program Officer, International Human Rights Law Group
50. Ms. Frances Fortune, Director, Search for Common Ground
51. Mr. Berthan Macauley, Private Legal Practitioner
52. Mr. Oliver Nylander, President of Sierra Leone Bar Association
53. Mr. John Brown-Marke, Private Legal Practitioner
54. Mr. Samuel Musa, Regional Director, Action Aid
55. Ms. Sbinty Contehe, Supervisor, Gender-Based Violence Project, International Rescue Committee (IRC), Bo
56. Mr. Sahr Gborie, Director, Conciliation Resources, Bo
57. Mr. John Koroma, Director, Center for Human Rights and Peace Education, Bo
58. Mr. Sylvester Massaquoi, Regional Representative, Forum of Conscience, Bo
59. Ms. Beatrice Kangbai, Women’s Forum, Bo
60. Ms. Josephine Kenneh, Civil Society Movement, Bo
61. Mr. Francis Joe Noni, Sierra Leone Teachers Union, Bo
62. Mr. ______________, Network Movement for Justice and Development, Bo
63. Ms. Sylvia Fletcher, Senior Governance Advisor, UNDP
64. Mr. Rodolfo Mattarollo, Chief, Human Rights Section, UNAMSIL
65. Mr. Raphael Abiem, Rule of Law Specialist, UNAMSIL
66. Mr. Jeremy Tunnacliff, European Union Delegate
67. Mr. Peter Cheavas, US Ambassador to Sierra Leone
68. Ms. Jebbeh Forster, UNIFEM
69. Yasmin Jusu-Sheriff, Executive Director, SL Truth and Reconciliation Commission (TRC)
70. Mr. Tom Periello, Yale Fellow, Fourah Bay College Human Rights Clinic
71. Ms. Martina Kroma, Former World Bank Project Focal Point
72. Mr. _______________ Alterman, Harvard Law Intern, National Forum for Human Rights
73. Ms. Sophie __________, Columbia Law Intern, LAWCLA
74. Mr. Ilan Lax, International Advisor, TRC
75. Mr. Osman Fofana, Investigations Consultant, TRC
76. Mr. Ozonnia Ojelo, International Advisor, TRC
77. Mr. David Watson, DFID
78. Mr. Rowland Wright, Director, DFID Law Development Program
79. Ms. Honor Flanagan, Deputy Director, British Council
80. Mr. John Magbinty, DFID Programs Officer
81. Mr. Adrian Horne, Project Manager, DFID/Commonwealth Community Safety and Security Project
82. Mr. B.A. Kamara, Head of Change Management Unit, SL Police Force
83. Mr. Trevor Williams, DFID Security Sector Project
84. Mr. Robert Ashington-Pickett, DFID Security Sector Project
85. Mr. Alastair Wood, DFID Security Sector Project
86. Mr. Emmanuel Gaima, Governance Program Specialist, UNDP
87. Peter Tucker, DFID consultant, London