



Empowered lives.
Resilient nations.

Promoting Transparency in Sierra Leone's Judiciary

Quarterly Progress Report

1 July – 30 September 2015



UNDP 2 year project funded by the US Department of State, Bureau of
International Narcotics and Law Enforcement Affairs

Project Overview

Reporting Period	1 July – 30 September 2015
Donor	US Department of State, Bureau of International Narcotics and Law Enforcement Affairs
Country	Sierra Leone
Project Title	Promoting Transparency in Sierra Leone’s Judiciary
Project ID (Atlas Award ID)	00090095
Outputs (Atlas Project ID and Description)	00096027
Implementing Partner(s)	UNDP, Sierra Leone
Project Start Date	1 July 2015
Project End Date	30 June 2017
2015 Annual Work Plan Budget	USD 269,611
Total resources required	USD 269,611
Total resources spent during reporting period	\$7,783 as of 28 September 2015
Actual average monthly burn rate	\$ 2,594 as of 28 September 2015
UNDP Sierra Leone Contacts	<p>Walter Neba Technical Specialist, PM a.i. UNDP, Sierra Leone Email: walter.neba@undp.org Tel.: +232-78602519</p> <p>Louise Simonsen Aaen Rule of Law Officer UNDP, Sierra Leone Email: louise.aaen@undp.org Tel.: +232-78133756</p>

Table of Content

I. EXECUTIVE SUMMARY..... 3

II. PROGRESS REVIEW 4

III. SCHEDULE 9

IV. OTHER..... 10

V. ANNEX..... 12

I. Executive summary

This report details progress in the implementation of the two year project 'Promoting Transparency in Sierra Leone's Judiciary' for the period of 1 July – 30 September 2015 (project inception period). The project has two outputs which are (1) to develop a sentencing policy and guidelines for 7 selected offences and to revise the 2009 Bail Policy, and (2) to ensure that these are in place and consistently applied. UNDP's main implementing partner is the Judiciary of Sierra Leone in cooperation with key justice sector institutions and civil society organisations working within the sector.

Section II of the report outlines progress on every activity vis-à-vis the projects Results and Resource Framework (RRF) and hence the following summary provides a brief overview of present context in which the project has been implemented as well as an overview of progress and key challenges and lessons learnt that will chart the way forward. Section III of the report details key activities and outputs planned for the next three months of the project.

On 2 July 2015, the project was successfully launched through a workshop led by the Acting Chief Justice Valesius Thomas and the now Chairperson of the Sentencing and Bail Working Group (WG), Justice Browne-Marke J.S.C, which received support from a large number of participants from the government institutions within the justice sector, civil society, international development partners, media and donors. This ensured outreach of the key objectives of the project and allowed participants to have an open discussion of what would be needed to ensure for the success of the project as well as the present challenges facing the judiciary and the justice sector as a whole.

This workshop came at a time, when the Judiciary was engaged in activities to alleviate the larger backlog of remand cases within the country¹ – both as a result of the Ebola Virus Disease (EVD) crisis and due to the lack of effective functioning of the Courts even before the crisis. The activities have been supported by UNDP and the DFID funded Access to Justice Sector Programme (ASJP) ensuring outreach to all High Courts and Magistrate Courts in the provinces. The backlog was reduced profoundly,² however the exercise has further illuminated the challenges with respect to process, management, accountability and the importance of putting in place strategies and mechanisms that will deter a similar future backlog. The lessons learnt workshop that is to ensure for a future sustainable strategy is now scheduled for 21-22 October 2015 led by the Acting Chief Justice and with participation of government, key representatives of the justice sector and civil society.

The main achievements of the first quarter of the project has been the establishment of the WG that meets all the indicators set-out and fostering early synergy and engagement through thematic presentations by WG members and initial review of legislation and practice in the development of the later policies and guidelines (see section II). As per the project risk-log, the recruitment of selected technical expertise has taken longer than initially planned, however mitigation strategies have been sought – and the outputs that are to be delivered in this aspect (baseline study and records & case management assessment) will be completed within the next quarter, and should not delay the key milestones as outlined in the project document.

¹ On 22 April 2015 Pademba Road Prison had a total of 1387 prisoners in a structure designed for 324 prisoners. Around 108 were remand detainees and 653 trial.¹ The total prison population at the time was 3071 for the whole country.

² More than 1108 cases were handled during the backlog activities, as per the figures provided by the Judiciary report September 2015.

There has been some challenges with respect to coordination and effective response from Judiciary staff from time to time, however the Acting Chief Justice as well as the Chairperson of the WG remains committed to the achievement of the project, and UNDP has within the full project period had several follow-up meetings with these and are thus confident that any future arising issues can be solved.

UNDP remains thankful to the US Department of State for the extensive support that has been provided both by his Excellency the United States Ambassador and the US Embassy in Sierra Leone as well as the INL Programme Officer in the upstart phase of this project.

II. Progress Review

PROGRESS TOWARDS PROJECT OUTPUTS

Output 1: Sentencing and bail policies and guidelines adopted by the mandated judicial authorities			
Output Indicators	Baseline	Target	Current status
<ul style="list-style-type: none"> WG established (M/F) 	<ul style="list-style-type: none"> No WG in place 	<ul style="list-style-type: none"> WG in place comprised of Judiciary, Police, Prosecutors, Corrections and citizen representatives with strong female representation to lead process of development of sentencing policy and guidelines 	<ul style="list-style-type: none"> Achieved The Sentencing and Bail Working Group (WG) is established. First meeting was 8 July 2015 which included a full project presentation by UNDP ensuring respect for key principles of HRBA to development. There are 14 members and representation of all the targeted institutions and CSOs with thematic experience in justice and security, and 3 observatory members being the US Embassy Political Officer, ASJP and UNDP. In total there are 5 female members. One of the first action points of the WG was to draft Terms of Reference (ToR) which were approved on 15 July 2015 (2nd WG meeting). The WG has designated Campaign for Good Governance Programme Manager Ms. Sesay

			<p>as the focal point for Communications.</p> <ul style="list-style-type: none"> • 6 meetings have been held in July and August and members of the WG have made presentations with different thematic focusing on sentencing and bail, including human rights, present conditions of detention and gender. • The Chairperson has been away for part of September and the WG is reconvening 30 September 2015.
<ul style="list-style-type: none"> • <i>WG knowledge of the process of developing sentencing and bail reforms is enhanced</i> • <i>Assessment completed with sex disaggregated data</i> 	<ul style="list-style-type: none"> • No assessment has been undertaken of current legislation and practices 	<ul style="list-style-type: none"> • Assessment completed of current sentencing practice and manual developed (sex disaggregated data) 	<ul style="list-style-type: none"> • Partially on target and progressing (see below) • The project launch workshop on 2 July 2015 led by the Acting Chief Justice and receiving support of all arms of justice as well as international development partners stated the importance of reviewing the current practice of sentencing and bail in the country and demonstrated the commitment of the justice actors to take the project forward. All members of the WG were present at the launch. (Separate report on launch was shared in July). • The WG has together identified all relevant legislation and guidelines within the country – this has been made available by UNDP. This includes jurisprudence from the UK and materials on other countries sentencing and bail practice on the same. • Actively led by the Chairperson, the WG has reviewed key legislation, including the old Criminal Procedure Act and commenced review of the CPB currently before Parliament for enactment – as well as had in-

			<p>depth discussions on current practice and procedures.</p> <ul style="list-style-type: none"> Recruitment of the consultant team to conduct the baseline study focusing on review of existing legislation and current practice of sentencing and bail has been initiated during the project period, however it has proven difficult to obtain the qualified expertise within the first three months of the project. However, a qualified candidate has been identified and this activity should commence shortly and be completed by early November. Allowing the WG a holistic review and reference document on legislation, current practice and best practices.
<ul style="list-style-type: none"> <i>Gender sensitive sentencing and bail policy adopted</i> <i>General institutional and public awareness of sentencing policy enhanced</i> 	<ul style="list-style-type: none"> No sentencing policy in place The 2009 bail policy needs revision and has not successfully been implemented 	<ul style="list-style-type: none"> <i>Gender sensitive sentencing and bail policy adopted</i> 	<ul style="list-style-type: none"> On target and progressing well As reported, activities are progressing, although some with minor delays, but nothing at present threatening the achievement of Output 1 within the deadline of 1 June 2016 (Prodoc Annex 4) The project launch received media coverage and articles appeared in newspapers and radios to this extent. UNDP also issued a press release on the Workshop. Institutional level – all judiciary staff, including judges and magistrates are aware of the ongoing project both through participation in workshop launch and through updates given by UNDP during field visits in July and August. Public Announcement has been produced sharing the ToR of the WG with three SL newspapers.

			<ul style="list-style-type: none"> For the national consultations (Dec-Jan) outreach will be ensured to the whole country and wider population, also through contracting with a specialised media firm.
<ul style="list-style-type: none"> <i>M&E Framework established to track progress</i> 	<ul style="list-style-type: none"> No M&E Framework in place 	<ul style="list-style-type: none"> To ensure for the successful achievement of key milestones and the whole project (Not in RRF) 	<ul style="list-style-type: none"> Achieved UNDP has developed an Annual Work Plan (AWP) for the full two years of the project, which has been approved by Senior Management and the Monitoring and Evaluation Unit of the Office. This will be the key tracking tool for the project and will be regularly followed and adjusted by the Programme Manager if required.
<ul style="list-style-type: none"> <i>Sentencing guidelines completed and agreed by WG</i> 	<ul style="list-style-type: none"> Besides from the Sexual Offences Act, there are no existing guidelines for sentencing in the country 	<ul style="list-style-type: none"> Sentencing guidelines developed to assist Judges in determining sentence tariffs (gender sensitive) 	<ul style="list-style-type: none"> Planned 2016 – but progress made Activities to this extent will be primarily undertaken in 2016, however as it is closely related to the development of the sentencing and bail policies, the baseline study will include review and recommendations on sentencing WG has discussed sentencing at length for the offences already reviewed by the group, including but not limited to murder, assault, robbery with aggravation etc.

Output 2: Sentencing/Bail guidelines are in place and consistently applied			
Output Indicators	Baseline	Target	Current status
<ul style="list-style-type: none"> <i>Training modules completed and approved by WG</i> <i>Resource materials including SOP's and</i> 	<ul style="list-style-type: none"> Practitioners including Judiciary have not received 	<ul style="list-style-type: none"> Practitioners including Police Investigators, Judges, Prosecutors, Registrars, Defence 	<ul style="list-style-type: none"> Activities to commence in 2016, however senior professionals of all target groups are already engaged

<p><i>guidance notes approved by WG</i></p> <ul style="list-style-type: none"> • <i>No and % (M/F) of Judges, Registrars, Prosecutors, Lawyers, Police, Parliamentary Oversight Committee and Civil Society who have successfully completed training programmes</i> 	<p>training on guidelines</p>	<p>Counsels and Civil Society are aware of guidelines including their application in Court</p>	<p>in the WG that will be developing the guidelines.</p>
<ul style="list-style-type: none"> • <i>Courts where sentencing guidelines introduced are functioning with sentencing decisions being applied with increasing uniformity</i> • <i>Improvement in respect for procedures and due practice noticed</i> 	<ul style="list-style-type: none"> • Lack of uniformity in sentencing 	<ul style="list-style-type: none"> • Enhanced/Traceable uniformity in sentencing 	<ul style="list-style-type: none"> • Activities will commence to this extent in 2016, therefore no update on this indicator in the present report.
<ul style="list-style-type: none"> • <i>Records – Case management assessment finalised</i> • <i>Equipment is in place</i> • <i>Judicial staff capacitated to manage the CMS</i> • <i>Reliable data is available</i> 	<ul style="list-style-type: none"> • Partial tracking and case management systems currently in place 	<ul style="list-style-type: none"> • Electronic case management system in place in selected courts and able to track uniformity in application of sentencing and bail policies and guidelines 	<ul style="list-style-type: none"> • On target • Initial needs assessment has been discussed within WG and with development partners. ASJP has indicated prospective funding support should this be needed – when assessment is finalised. • ToR for consultant that will conduct the records and case management assessment has been developed and shared with Judiciary for feedback and will be posted 25 September 2015. The consultancy is for 24 days and will be completed by at the latest first week of November – as relevant expertise is available within

			<p>the country and interest demonstrated.</p> <ul style="list-style-type: none"> Overall deliverable of the ToR is a proposal – detailed plan for implementation of the records and case management system, including costing.
<ul style="list-style-type: none"> <i>Court Monitoring data reflects the increase in knowledge on the sentencing guidelines amongst court users</i> 	<ul style="list-style-type: none"> Sentencing guidelines – only for SGBV offences and no or little knowledge of the importance of sentencing guidelines 	<ul style="list-style-type: none"> Practitioners, (beneficiaries) and citizens using the justice system are aware of the new guidelines including their application in the Courts 	<ul style="list-style-type: none"> Target 2016 Campaign for Good Governance has provided a presentation to the WG on their project that includes components on court monitoring and will effectively be able to trace the implementation of sentencing and bail and the new guidelines once produced. UNDP has supported court monitoring under the previous Access to Justice and Rule of Law Programme from 2012-2014. Available data will be shared with the consultant carrying out the baseline study to support the development ‘of a snapshot’ of present practice. The UNDP monitoring process was implemented nationwide and the networks established would contribute to the monitoring of sentencing and bail practices across the country at a later stage of this Project.

III. Schedule

1. Are all project personnel in country?

During the first quarter of the project, the activities have been planned and carried out by three core UNDP staff with support from UNDP’s Rule of Law Adviser, the programme management and support unit

(PMSU), finance and communications department. The three core staff members are the Technical Specialist and Programme Manager a.i., the Rule of Law Officer and the Programme Associate. The three core staff members have been in country for the majority of the project period, and only absence has been due to annual leave and R&R.

The project is shortly to receive a new staff member being the Project Support Specialist that will be based at the Judiciary HQ for the whole project period. The recruitment was delayed as the incumbent identified could not demonstrate the required academic credentials and the position was re-advertised.

2. Are project activities Ahead of Schedule, on schedule or behind schedule?

Overall assessment is that the project is *On Schedule* (see section III for detailed account), with minor delays incurred with respect to recruitment of consultants and one new project staff member. However, these recruitments and the related outputs should be on track within the first month of the 4th quarter of the year or latest before December, 2015.

3. List significant project activities/events planned for the next 3 months?

- a. Finalisation of the baseline study on sentencing and bail legislation, current practice and best practices.
- b. Advocacy for the passing of the Criminal Procedure Bill, technical input provided to the Parliament by the WG
- c. 25-29 October 2015 South – South exchange to the Judiciary of Ghana
- d. WG to receive technical support from Senior Criminal Justice Expert in the initial drafting state of the policies and guidelines and in the roll-out of the first national consultations in December 2015.
- e. First round of national consultations December 2015

IV. Other

Provide brief remarks on any assistance that the U.S. Embassy or INL could provide to contribute to the objectives of this project.

UNDP are grateful to the US Department of State and the US Embassy for the support provided in the first three months of the project, especially with respect to the Honourable Ambassadors participation and contribution to the launch workshop on 2 July 2015.

UNDP acknowledges the support also given through the meetings and liaison with INL's Programme Officer as well as the Political Officer of the US Embassy and the recent facilitation of contacts that will secure key technical expertise to the project and contribute to the success hereof. Without a doubt this will also be a cornerstone of the future project implementation.

With respect to the South – South exchange in late October, UNDP Access to Justice and Rule of Law Team has received the confirmation from the Judiciary of Ghana with dates suggested for the visit. It is our hope that INL and/or the US Embassy in Freetown will possibly be of assistance in setting up a meeting with the US Embassy in Ghana as well as the British High Commission for the members of the Working Group during the visit.

V. Annex

The 2 July 2015 Launch workshop report has been submitted in July 2015 to the donor as well as all justice stakeholders and participants in the workshop.

The Terms of Reference of the WG as well as all the minutes from the Working Group meetings are available if needed.