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# Promoting Transparency in Sierra Leone's Judiciary

## Quarterly Progress Report

1 April – 30 June 2016



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

## Project Overview

<b>Reporting Period</b>	1 April – 30 June 2016
<b>Donor</b>	US Department of State, Bureau of International Narcotics and Law Enforcement Affairs
<b>Country</b>	Sierra Leone
<b>Project Title</b>	Promoting Transparency in Sierra Leone's Judiciary
<b>Project ID (Atlas Award ID)</b>	00090095
<b>Outputs (Atlas Project ID and Description)</b>	00096027
<b>Implementing Partner(s)</b>	Judiciary and UNDP, Sierra Leone
<b>Project Outputs</b>	<p>1) Sentencing and bail policies and guidelines are adopted by the mandated judicial authorities</p> <p>2) Sentencing and bail guidelines are in place and consistently applied</p>
<b>Project Start Date</b>	1 July 2015
<b>Project End Date</b>	30 June 2017
<b>2 year Project Budget</b>	USD 1,500,000
<b>2016 Annual Work Plan Budget</b>	USD 949,656
<b>Total resources spent during reporting period</b>	USD 220,888
<b>Actual average monthly burn rate</b>	USD 73,629
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## 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 April – 30 June 2016. This 2<sup>nd</sup> Quarter report builds on the information and achievements shared in previous reports.

During the 2<sup>nd</sup> quarter of the year, the national consultations on bail and sentencing initiated in March 2016 were completed in June, 2016 with the consultation involving legal practitioners from the Sierra Leone Bar Association (SLBA). The Sentencing and Bail Working Group (WG) members under the leadership of the Judiciary have effectively held consultations in 11 locations across the country securing the participation of key stakeholders in all provinces.

The main objective of the consultations was for the WG to raise awareness on the Bail and Sentencing Project implemented by the Judiciary in the quest to reform the present system of bail, to introduce a comprehensive sentencing policy in the country and to ensure feedback from a broad representation of the general public on key relevant issues. The ultimate aim is to further inform the development of the sentencing policy (See Annex 1 for Detailed Analysis of findings and recommendations). There was an overwhelming participation in the consultations amongst invitees across the country and often the focused debate on the WG's questionnaire went far beyond, including discussions on systemic challenges within the justice sector and corruption especially with respect to bail. At the consultation held with members of the SLBA in June this year, the feedback from legal practitioners was that there is widespread corruption in all bail processes and primarily by judicial support staff.

The consultations across the country also received broad media coverage in the districts both by local radio stations and in the newspapers. In general the communities supported alternative sentencing as introduced in the draft Criminal Procedure Bill (CPB) but also acknowledged that mechanisms for oversight and supporting successful implementation of the CPB were essential. At the WG wrap-up and lessons learnt workshop on 11 May 2016 the members further analysed the findings and shared reflections on the consultations. The members also agreed on next steps. The WG members were excited about the feedback and support they had received from the public on the planned judicial reforms. This has resulted in several separate follow-up actions by the respective institutions and members in support of the project, including Justice Browne-Marke, the Justice Sector Coordination Office (JSCO) and CSO holding a consultation meeting with the Attorney-General and Minister of Justice (AG/MoJ) who has subsequently agreed to table the CPB before Parliament.

The discussion with the AG/MOJ instigated the June workshop on Jury Trial supported by the Bail and Sentencing Project, with the AG/MoJ agreeing with all points suggested in the WG's position paper developed in October 2015. The position paper suggested changes to be made on the draft CPB including their submission that Jury Trial was still a key issue that needed to be addressed and hence this instigated the holding of the consultation on Jury Trial 15 June 2016.

In May 2016, Ms. Sonia Stanley was identified to serve as lead drafter of the bail and sentencing instruments by the Chairperson of WG due to her vast experience and familiarity with especially the criminal justice legislation in Sierra Leone. The suggestion of the Chairperson was endorsed by the WG. All relevant materials originating or developed by the WG as well as examples of best practices to inform the drafting of the policies were submitted to the identified draftsman. Initially, the Chairperson had identified the 1<sup>st</sup> draft to be ready by 30 June 2016, but this deadline has been extended to early in Q3 (end of July 2016). Once available, the draft will be submitted to the International Judicial Relations Committee (IJRC) for their feedback. The WG will thereafter be convened to discuss the first drafts for further finalising and qualifying the instruments before final submission to the Rules of the Court Committee.

Building on the assessment of the case management system concluded in the first three months of the year and based on further discussions and findings from the special backlog sessions, UNDP initiated a further in-depth assessment of the applicability and adaptability of the case management system (Justware) in the Fast Track Commercial Court for the criminal courts. At the same time, the consultancy was to explore the feasibility of developing an application (APP) for effective case and court management that could be applied on smart devices and which would be adapted to the Sierra Leonean context in terms of power supply, internet and also user-friendly. The consultancy initiated within the 2<sup>nd</sup> Quarter would be concluded in the 3<sup>rd</sup> Quarter upon presentation to the Chief Justice and the Chairperson of the WG for final approval of next steps.

## 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"> <li>WG established (M/F)</li> </ul>	<ul style="list-style-type: none"> <li>No WG in place</li> </ul>	<ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li><b>Achieved</b></li> <li>See 1 July – 30 September 2015 report for details on target achievement.</li> </ul> <p>Progress and Achievements of the WG for 2nd quarter of 2016:</p> <ul style="list-style-type: none"> <li><b>National Consultations on Bail and Sentencing</b> have been led and facilitated by the Judiciary with support from WG members.</li> <li><b>The WG</b> has been further strengthened and due to feedback received during and after the national consultations, the members are even more committed to work toward set targets under the project. This is demonstrated through WG members initiatives and engagements in other activities also complementing the project (WG members pushing for the approval of the CPB, Jury Trial Workshop, CSO activities sharing information of the bail and sentencing project)</li> </ul>

<ul style="list-style-type: none"> <li>• <i>WG knowledge of the process of developing sentencing and bail reforms is enhanced</i></li> <li>• <i>Assessment completed with sex disaggregated data</i></li> </ul>	<ul style="list-style-type: none"> <li>• No assessment has been undertaken of current legislation and practices</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment completed of current sentencing practice and manual developed (sex disaggregated data)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Achieved</b></li> <li>• The legal baseline study was finalised in 1<sup>st</sup> Quarter 2016 by the consultant with substantial feedback from UNDP incorporated. The study was printed and disseminated in early April 2016 and has been submitted to the legal draftsman Ms. Sonia Stanley for consideration in the drafting of the policies and guidelines.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Gender sensitive sentencing and bail policy adopted</i></li> <li>• <i>General institutional and public awareness of sentencing policy enhanced</i></li> </ul>	<ul style="list-style-type: none"> <li>• No sentencing policy in place</li> <li>• The 2009 bail policy needs revision and has not successfully been implemented</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Gender sensitive sentencing and bail policy adopted</i></li> </ul>	<ul style="list-style-type: none"> <li>• <b>On target to meet 2016 target</b></li> <li>• Data collection continues through the different activities of the WG and overall project.</li> <li>• The WG has completed the national consultations which started in Freetown on 10 March 2016 and ended in Freetown in June 2016 with the SLBA consultation. The main objective was for the WG to raise awareness of the Judiciary's project to reform the present system of bail in the country and enact policies and guidelines for sentencing, as well as receive ample feedback from a broad representation of the general public throughout the country to further inform the development of the bail and sentencing instruments. (See Annex 1 for summary analysis of the consultations).</li> <li>• The Judiciary and WG members led the consultations, and rapporteurs have ensured for thorough documentation of key findings and recommendations made during these 11 consultations, and the full reports have been submitted to the legal draftsman together with the summary analysis to ensure full incorporation of the recommendations also accepted by the WG members (i.e. those that were unconstitutional / against the law – including reintroduction of</li> </ul>

			<p>flogging/ corporal punishment have been dismissed).</p> <ul style="list-style-type: none"> <li>• The legal drafts person Ms. Sonia Stanley from the Ministry of Justice has been identified as the lead drafter and began this assignment in early June 2016. Ms. Stanley has vast experience in this field as she has also contributed to the drafting of the new Constitution and the CPB.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>M&amp;E Framework established to track progress</i></li> </ul>	<ul style="list-style-type: none"> <li>• No M&amp;E Framework in place</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure for the successful achievement of key milestones and the whole project (Not in RRF)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Achieved</b></li> <li>• 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.</li> <li>• The 2016 AWP received approval by the Chief Justice on 25 February 2016, and it will form the main tracking tool for progress for 2016 as we further progress with implementation. (The consultation on the AWP 2016 initiated in November 2015 was re-introduced with the advent of the new Chief Justice appointed in January 2016).</li> <li>• The latest Project Board meeting was held during the period covered by this report and the Rule of Law Officer provided a full update on progress, challenges and lessons learned which received feedback from the Board.</li> <li>• The UNDP project team is ensuring due diligence in monitoring the project progress and ensuring for adjustments to be made – as well as ensure necessary approvals.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Sentencing guidelines completed and agreed by WG</i></li> </ul>	<ul style="list-style-type: none"> <li>• Besides from the Sexual Offences Act, there are no existing guidelines for sentencing in the country</li> </ul>	<ul style="list-style-type: none"> <li>• Sentencing guidelines developed to assist Judges in determining sentence tariffs</li> </ul>	<ul style="list-style-type: none"> <li>• On track to meet 2016 target:</li> <li>• Most activities planned for Q3 &amp; Q4, 2016</li> <li>• The Chairperson of the WG will lead a workshop with all the Judges and Magistrates discussing sentencing ranges, present practice – and recommendations on which</li> </ul>

		(gender sensitive)	<p>offences that should have sentencing guidelines. A full report from this workshop will be shared with the WG following and UNDP will participate.</p> <ul style="list-style-type: none"> <li>• A similar activity will be held by the SLBA with the support of the Judiciary under this project.</li> </ul>
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### Output 2: Sentencing/Bail guidelines are in place and consistently applied

Output Indicators	Baseline	Target	Current status
<ul style="list-style-type: none"> <li>• <i>Training modules completed and approved by WG</i></li> <li>• <i>Resource materials including SOP's and guidance notes approved by WG</i></li> <li>• <i>No and % (M/F) of Judges, Registrars, Prosecutors, Lawyers, Police, Parliamentary Oversight Committee and Civil Society who have successfully completed training programmes</i></li> </ul>	<ul style="list-style-type: none"> <li>• Practitioners including Judiciary have not received training on guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Practitioners including Police Investigators, Judges, Prosecutors, Registrars, Defence Counsels and Civil Society are aware of guidelines including their application in Court</li> </ul>	<ul style="list-style-type: none"> <li>• Activities to commence in August/September 2016 (part of new LOA with Judiciary), however senior professionals of all target groups are already engaged in the WG that will be developing the guidelines.</li> <li>• UNDP has received positive feedback from the IJRC in terms of possible support to the development of the training modules/engaging US Judges or other key experts in these training activities. This will be further decided in August 2016.</li> <li>• With support from DfID, the Judiciary has been training magistrates and strengthening their capacity, including on various legislation, procedure and ethics. This is timely as key staff are now capacitated on core issues also key for the later training modules on bail, sentencing and ethics.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Courts where sentencing guidelines introduced are functioning with sentencing decisions being applied with</i></li> </ul>	<ul style="list-style-type: none"> <li>• Lack of uniformity in sentencing</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced/Traceable uniformity in sentencing</li> </ul>	<ul style="list-style-type: none"> <li>• Activities will commence later in 2016, therefore no update in the present report.</li> </ul>



<p><i>increasing uniformity</i></p> <ul style="list-style-type: none"> <li>• <i>Improvement in respect for procedures and due practice noticed</i></li> </ul>			
<ul style="list-style-type: none"> <li>• <i>Records – Case management assessment finalised</i></li> <li>• <i>Equipment is in place</i></li> <li>• <i>Judicial staff capacitated to manage the CMS</i></li> <li>• <i>Reliable data is available</i></li> </ul>	<ul style="list-style-type: none"> <li>• Partial tracking and case management systems currently in place</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic case management system in place in selected courts and able to track uniformity in application of sentencing and bail policies and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• <b>On track to meet target</b></li> <li>• Based on the expert CMS assessment and the identified challenges, UNDP and the Judiciary initiated a further IT assessment of the Justware system at the Fast-Track Commercial Court (FTCC) and a feasibility study of the development of a Justice APP for effective court and case management with a focus on the criminal justice chain.</li> <li>• The assessment is close to completion as UNDP has provided feedback to the Consultant and now only awaits the presentation to the Chief Justice and the WG Chairperson. Main findings conclude that the Justware is not suitable for implementation due to present human and financial resources within the Justice Sector and power/internet sourcing. Instead the APP solution has been found to be more viable and sustainable in the present context, including easier to implement, lower costs, user-friendly.<sup>1</sup></li> <li>• Other donors in the sector consulted during the assessment have shown demonstrated interest in the possible roll-out of a Justice APP across the justice chain, and it will be a key priority of</li> </ul>

<sup>1</sup> Full Justware and APP assessment report will be shared with INL Programme Officer upon finalization in July 2016.

			UNDP to ensure coordination to this extent.
<ul style="list-style-type: none"> <li><i>Court Monitoring data reflects the increase in knowledge on the sentencing guidelines amongst court users</i></li> </ul>	<ul style="list-style-type: none"> <li>Sentencing guidelines – only for SGBV offences and no or little knowledge of the importance of sentencing guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Practitioners, (beneficiaries) and citizens using the justice system are aware of the new guidelines including their application in the Courts</li> </ul>	<ul style="list-style-type: none"> <li><b>On track to meet 2016 target:</b></li> <li>Recruitment for the Public Relations Officer – Judiciary that will have key responsibilities in ensuring outreach of the INL project ongoing.</li> <li>The LOA 2016 has provision for the Judiciary to engage Communications expertise to support the development of informational material for the Courts on the above-mentioned issues, but also to ensure proper outreach and increased awareness of the new policies and guidelines once these are in place.</li> <li>The IT/CMS consultant expert has recommended that the Judiciary establish an informational call line, which could include recordings of standard information with respect to the Judiciary, court and case information, judicial process as it is established that 83 % of Sierra Leoneans have access to mobile phones and 99 % of these use them to make calls. This recommendation will also be presented to the Judiciary.</li> </ul>

### III. Schedule

#### 1. Are all project personnel in country?

The Technical Specialist was present until 8 June 2016 and he also participated in main project activities outside the Freetown area. The Rule of Law Officer was in-country until 12 June 2016 and the Programme Associate responsible for monitoring the financial processes has been in-country throughout the reporting period with only one field mission in June 2016.

#### 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). The remaining 6 months of 2016 will without a doubt be very busy, but after the national consultations it seems that there is an even stronger support from the WG members to the project, due to the feedback received from the public during the consultations, and the follow-up actions by WG members. The training on the actual policies and guidelines will still commence within the 3<sup>rd</sup> Quarter of 2016 but will also be expected to continue in 2017 to ensure the training of all key personnel within the justice sector.

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

- Finalisation of the drafting of the Bail and Sentencing Policies and Guidelines and thorough review by the International Judicial Relations Committee and the Working Group before submission to the Rules of Court Committee for final approval.
- Printing, dissemination and popularisation of the Bail and Sentencing Policies and Guidelines
- Development of Training Modules on the new policies and guidelines for the Legal and Judicial Training Institutes new Curriculum
- Development and Trial of the new Justice APP
- Support to the new Public Relations Officer (PRO) for the Judiciary– through the International Judicial Relations Committee, Director of Public Relations for the Federal Courts

## **IV. Other**

The UNDP recruitment process for the INL approved position has been finalised and the INL Project Manager will be on board on 15 August, 2016. The Technical Specialist has ensured close follow-up on all key project activities up to date to ensure there are no major delays in implementation.

We are extremely grateful to the continued support and collaboration from both INL and the US Embassy in Freetown. Not least, we have found the support provided by the IJRC to this project extremely valuable, and we look forward to continuing the partnership.

## V. Annexes

### Annex 1 – National Consultations - Summary analysis of answers to Bail and Sentencing questionnaire<sup>2</sup> (attached to report)

### Annex 2 – Picture



*Cross section of participants from Kabala, 4<sup>th</sup> May 2016, WG National Consultation*

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<sup>2</sup> Questionnaire on bail and sentencing, developed by Justice Browne-Marke J.S.C., Chairperson of the Sentencing and Bail Working Group, January 2016.



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