



Empowered lives.
Resilient nations.

Promoting Transparency in Sierra Leone's Judiciary

Quarterly Progress Report

October – December 2016



Working Group Retreat 6-7 October 2016 from left to right: Head of CID/SLP, M.B. Kamara, Magistrate A.T. Ganda, Justice Komba Kamanda, Magistrate T. Barnett, Dr. Henry Mbawa and Mark Ngeba, Human Rights Commission.

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

Project Overview

Reporting Period	1 October – 31 December 2016
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)	Judiciary and UNDP, Sierra Leone
Project Outputs	<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>
Project Start Date	1 July 2015
Project End Date	30 June 2017
2 year Project Budget	USD 1,500,000
2016 Annual Work Plan Budget	USD 731,725,87
Total resources spent during reporting period	USD 167,956.92
Actual average monthly burn rate	USD 55,985.64
UNDP Sierra Leone Contacts	<p>Walter-Neba Chenwi Rule of Law Programme Specialist Email: walter.neba@undp.org Tel.: +232-78602519</p> <p>Louise Simonsen Aen INL Project Manager Email: louise.aen@undp.org Tel.: +232-78133756</p>

Table of Contents

- I. Executive summary.....3**
- II. Progress Review.....4**
- III. Schedule.....9**
- IV. Other.....10**
- V. Annexes11**
- ANNEX 1 – PROFILE IDT LABS – CASE MANAGEMENT SOFTWARE DEVELOPERS 11
- ANNEX 2 – PICTURES FROM WORKING GROUP RETREAT 6-7 OCTOBER 2016 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 October – 31 December 2016. This is the sixth quarterly report under the project and it builds on the information and achievements shared in previous reports.

On 6-7 October 2016, the Working Group held a Retreat in the Western Area Peninsular to finalise the review of the draft bail and sentencing policies before submission to the Rules of the Court Committee (RoCC). The Chairperson Justice Browne-Marke ensured for the inclusion of additional key stakeholders from the Judiciary (three senior judges and three magistrates), the Police (Head of Criminal Investigation Department) and Centre for Accountability and Rule of Law (CARL). This facilitated in-depth review and revisions of both policies and several recommendations were made for improvement and incorporation by the Legal Drafter of the Ministry of Justice before submission to the RoCC on 30 October 2016.

Following this, the drafts were reviewed twice by the RoCC in November 2016. Both policies received feedback that ensured for accurate definitions and strengthening of provisions of the instruments, including on alternative sentencing. In furtherance, the revised Criminal Procedure Bill was being revised and improved over the last quarter by members of the Working Group, and the Justice Sector Coordination Office drafted the introductory paper to Cabinet.

The new Public Relations Officer has together with UNDP been developing the comprehensive communication plan for ensuring outreach of the final bail and sentencing policies in 2017. Several briefs and concept notes have been developed by the PRO and submitted to the Chief Justice for his approval. In furtherance, the PRO has been working closely with the Judiciary's senior management to develop press releases and several briefings on activities undertaken both by the Chief Justice and other key staff members of the Judiciary from October – December 2017.

The case management consultant further progressed on the development and implementation of the case management system, which included the development and testing of the proof of concept. The hardware was selected and procured for the pilot. Finding software developers with the requisite knowledge and understanding of the context on the ground has proven challenging but has now been successfully recruited.

In December 2016, UNDP met with the Criminal Investigative Department (CID) of the Sierra Leone Police to discuss Police Bail, as the present bail policy developed by the Working Group does not regulate police bail - due to the mandate and jurisdiction of the RoCC. The Assistant Inspector General (AIG) of Police and Chief of Crime Service Mr. Morie Lengor convened a meeting to further discuss police bail and the need to regulate or develop further procedures for the effective implementation of police bail. UNDP shared the progress of the Working Group and presented the idea of possibly adding sections to the draft bail policy specifically dealing with police bail before the final presentation to Parliament under section 170 of the Constitution. The CID management has setup a small working group that will meet in January 2017 and review the existing legislation and the revised provision of the CPB concerning police bail to assess the need for the development of additional guidelines. UNDP will support this review with the participation of UNDP Senior Police Adviser and the INL Project Manager.

In December 2016 UNDP Sierra Leone submitted a 6 month no-cost extension (NCE) application with revised timeline and budget to the INL. Although the project has made good progress in the last 18 months, delays have been incurred both in the development of the instruments and recruitment of the required technical expertise of the Case Management System.

Before the 4th quarter of 2016 ended, all remaining technical expertise for the project, including for developing the curriculum of the Judicial and Legal Training Institute and the bail and sentencing modules as well as the case management system was successfully recruited which will allow for effective implementation in 2017.

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"> <i>WG established (M/F)</i> 	<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 See 1 July – 30 September 2015 report for details on target achievement. <p>Progress and Achievements of the WG for 4th quarter of 2016:</p> <ul style="list-style-type: none"> Further revision and enhancement of the draft bail and sentencing instruments, through retreat and meetings. The final draft bail and sentencing policies were submitted to the RoCC on 30 October 2016.
<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"> Achieved (See Q1 and Q2 2016 reports)

<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-going, slightly behind target • The bail and sentencing policies were reviewed in the Working Group retreat on 6-7 October 2016 and sections were identified that needed strengthening. In furtherance, the sentencing ranges were discussed at length with feedback provided enabling the Chairperson, the legal drafter and UNDP to finalise the sentencing grids that will be an integral part of the sentencing policy; • The final draft bail and sentencing policies were submitted to the RoCC on 30 October 2016 that reviewed both instruments twice in November 2016; • The bail policy is close to completion and discussions have been initiated with the Police, Criminal Investigations Department to assess the need and feasibility of including sections supporting and further guiding police bail; • The sentencing policy cannot be finalised and approved before the CPB has been passed in Parliament and hence UNDP has also been closely following the progress of the revision of the draft by the office of the Attorney General and Minister of Justice. In December 2016, the CPB was presented to Cabinet (and has received its approval in early January 2017 with the following caveats: Jury Trial/Service and the death penalty should be reinserted into the drafts).
<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 	<ul style="list-style-type: none"> • Achieved • UNDP has developed a Work Plan for the lifetime of the project, which has been approved by Senior

		project (Not in RRF)	<p>Management and the Monitoring and Evaluation Unit of the Office.</p> <ul style="list-style-type: none"> • 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. • In December 2016, the Annual Work Plan (AWP) for 2017 was finalised in consultation with Justice Browne-Marke and submitted for the Chief Justice’s approval. It includes the new timelines as submitted in the NCE application to INL. The new AWP 2017 cannot be finally approved and signed by the Judiciary and UNDP before the approval/non-approval of the NCE has been received.
<ul style="list-style-type: none"> • <i>Sentencing guidelines completed by the WG and approved by the mandated Judicial Authorities</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"> • Ongoing, slightly behind schedule • The Rules of Court Committee (RoCC) is expected to approve the sentencing policy by 1 March 2017. • The Policy has been subject to detailed review by the RoCC and in the draft is expected to be further refined in January 2017. • The CPB is moving forward as the Bill was presented by the AG/MoJ to the Cabinet in December 2016 and is expected to be approved by Parliament in the 1st quarter of 2017. (In the time of writing, the draft has been approved by the Cabinet as mentioned in the above, and sent back to the Ministry of Justice for finalisation before being submitted to Parliament).

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 guidance notes approved by WG</i> • <i>No and % (M/F) of Judges, Registrars, Prosecutors, Lawyers, Police, Parliamentary Oversight Committee and Civil Society who have successfully completed training programmes</i> 	<ul style="list-style-type: none"> • Practitioners including Judiciary have not received training on guidelines 	<ul style="list-style-type: none"> • Practitioners including Police Investigators, Judges, Prosecutors, Registrars, Defence Counsels and Civil Society are aware of guidelines including their application in Court 	<ul style="list-style-type: none"> • Ongoing • UNDP agreed in October 2016 to support the development of a comprehensive outline for the Judicial and Legal Training Institute Curriculum and 4-6 training modules, including on bail and sentencing, ethics, case and court management as well as a training module on the new CPA. • A consultant team has been successfully recruited to this extent, on the basis of a terms of reference developed in full partnership with the Judiciary. • Action 2.1.1. – 2.1.2. will be completed by April 2017, as well as the Training of Trainers that will allow the Judiciary for the full scale roll-out of the training to 200-300 judicial staff, and key stakeholders across the justice chain, including Police Prosecutors, the Law Officers Department, the Legal Aid Board, the Bar Association and civil society organisations working within the justice sector. • Once the training of trainers has been completed, the Judicial and Legal Training Institute will be capacitated to complete the trainings of the target groups, which is expected to be completed by 31 October 2017, both taking into account the rainy season and the August recess of the Courts.
<ul style="list-style-type: none"> • <i>Records – Case management assessment finalised</i> 	<ul style="list-style-type: none"> • Partial tracking and case management systems 	<ul style="list-style-type: none"> • Electronic case management system in place in selected courts and able to track 	<ul style="list-style-type: none"> • Ongoing - slightly behind target • UNDP has completed the feasibility assessment and tested the pilot APP and recruited all necessary technical

<ul style="list-style-type: none"> • <i>Equipment is in place</i> • <i>Judicial staff capacitated to manage the CMS</i> • <i>Reliable data is available</i> 	<p>currently in place</p>	<p>uniformity in application of sentencing and bail policies and guidelines</p>	<p>expertise for the achievement of activity result 2.2.</p> <ul style="list-style-type: none"> • Finding the correct software developer who understands the requirements and the context on the ground delayed the process of recruitment. • IDT Labs was recruited after two rounds of adverts following UNDP competitive rules for procurement / recruitment (best value for money; fairness, integrity and transparency; effective international competition; in the best interests of UNDP). However, no companies applied that met the technical and financial threshold and UNDP proceeded with Procurement Headhunting and contacted three Software and case management expert companies. • IDT Labs presented the best technical and financial proposal (please see Annex 1 for the company profile) and was recruited as the CMS Software developers and commenced their work on 19 December 2016 and work progressed with further identification of key needs and tasks that will be included within the CMS. • The APP-based CMS will be fully tested and implemented over the next few months in 4 Courts in the Judiciary HQ and in 1 High Court and 2 Magistrate Courts in the provinces. • UNDP envisages to link the APP both to the Corrections and the Ministry of Justice within the next 2 years. If resources are available, the police will also be included.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------	---------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<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"> • Ongoing • The Public Relations Officer (PRO) commenced work on 1 October 2016 and is attached to the Chief Justice’s office; • The PRO has commenced with the development of the Judiciary’s Communications Strategy; • During the months covered by the report, the PRO has developed and published several press releases, briefings disseminated via newspapers and popular Whatsapp forums as well as participated in radio discussions on behalf of the Judiciary; • Together with UNDP, the PRO has been developing a comprehensive communication outreach plan for 2017, including but not limited to informational materials, pamphlets, cartoons/posters for the Courts, as well as jingles, radio talk shows and supporting community-based organizations to setup dramas on bail and sentencing. This will ensure that the general public, beneficiaries and all key actors will have the necessary knowledge of the new instruments. This plan will be finalised by January 2017.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

III. Schedule

1. Are all project personnel in country?

The Rule of Law Programme Specialist was in-country at the beginning of the quarter but has been on annual leave by mid-December. The INL Project Manager has been in country throughout the reporting period and the Programme Associate has except from a few days equally been in-country.

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

Overall assessment is *On Schedule* with respect to Output 1, but there is still a slight delay in terms of Output 2, and hence UNDP Sierra Leone has submitted a 6 month no-cost project extension to INL for 2017.

UNDP continues to work closely with the Judiciary, specifically Chief Justice Charm and the Chairperson of the Working Group, Justice Browne-Marke ensuring for regular updates on the progress of the two bail and sentencing instruments. At the December 2016 Project Board, Justice Browne-Marke promised that these would continue to receive utmost priority and be finalised in early 2017 with the bail policy being approved by late January / early February 2017.

As described in the above, the CMS Consultant responsible for developing and implementing the new APP-based case management system is recruited until mid-2017 and will together with UNDP ensure for the effective delivery of output 2 that aims at capacitating key staff within the Judiciary to operate and manage the CMS.

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

- Finalisation of the draft Bail and Sentencing Policies and Regulations and approval received by the Rules of Court Committee.
- Printing, dissemination and popularisation of the Bail and Sentencing Policies and Guidelines.
- Development of the Judicial and Legal Training Institutes new curriculum and 4-6 modules, including two on bail and sentencing. A comprehensive training plan developed for the remainder of 2017.
- Continued development and implementation of the new Justice APP.
- Finalisation and initiation of the outreach communication plan for 2017.

IV. Other

UNDP has submitted the No-Cost Extension (NCE) to INL and stand ready to submit further information if needed.

V. Annexes

Annex 1 – Profile iDT Labs – Case Management Software Developers

IDT Labs is a leader in providing innovative solutions that deploys technology to build and scale social and developmental change in West Africa. Our unique positioning at the intersection of technology, business and social sectors allows us to attract and nurture intellectual capital that provides distinctive solutions to amplify the impact that organizations can deliver

Founded in 2013 by Joe Abbas Bangura, Sierra Leone’s serial entrepreneur and Salton Arthur Massally, the self-taught Sierra Leonean prodigy programmer, iDT Labs partners with government departments, businesses, nonprofit organizations, social enterprises, and foundations, to directly bridge the digital divide in West Africa and amplify social impact in sectors like telecommunication, health, water and sanitation, financial inclusion, agriculture, and gender equity.

We employ top-notch programmers, designers, an elite class of businesspeople, and development experts, making iDT Labs a flexible and creative organization uniquely situated to introduce new technologies to overcome barriers.

Annex 2 – Pictures from Working Group Retreat 6-7 October 2016



Justice Fynn, J.A.C. and Justice Edwards, J.A.C.



From left to right: AIG and Director of Crime Service Morie Lengor, Justice Eku Roberts, J.S.C., Mr. Mark Ngeba – Human Rights Commission, Mr. Ahmed Jalloh – Prison Watch



Working group and all participants



Magistrate A.T. Ganda, Magistrate Tonia Barnett, DPP Sulaiman Bah and AIG/Director of Crime Services Morie Lengor.