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<p>Purpose of Mission: Monitoring project activities under the From Prisons to Corrections and Rule of Law projects</p>	<p>Location: 1st trip Kenema, Bo and Moyamba 2nd trip Kono, Mafanta, Magburaka, Makeni and Waterloo</p>
<p>Mission Member(s)</p> <ol style="list-style-type: none"> 1. Louise Simonsen Aaen – INL Project Manager 2. Aiah Matturi – UNDP Driver (1st trip) 3. Sheku Samura – UNDP Driver (2nd trip) 	<p>Period and travel dates inclusive: 14 – 16 November 2018 21 - 23 November 2018</p>
<p>- Summary</p> <p>The main objective of the field mission was to monitor 2018 activities supported under the <i>Strengthening the Rule of Law, Security and Human Rights in Sierra Leone</i> project (2017 – 2019) and the US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (US/INL) 'From Prisons to Corrections' project (2016 – 2018).</p> <p>The mission included visits in 6 Court locations (Bo, Kenema, Kono, Magburaka, Makeni and Waterloo) and 8 Correctional Facilities (Bo, Kenema, Kono, Mafanta, Magburaka, Makeni, Moyamba and Waterloo (under construction)) and meetings with 3 High Court Judges (Kenema, Bo and Kono), 3 Magistrates (Makeni, Kono and Waterloo), 2 Registrars (Bo and Makeni), 1 State Counsel (Bo) and 8 Sierra Leone Correctional Service (SLCS) Officers in Charge (OIC), the Regional Commander North and 20 correctional support staff as well as inmates in all locations except Waterloo.</p> <p><i>Strengthening the Rule of Law, Security and Human Rights</i></p> <p>The Courts in the provinces are still facing numerous challenges – all except one had not received any impress in 2018 except for stationary delivery during the elections period. This left the courts constrained to fix broken down photocopiers, afford stationary, purchase fuel for vehicles and generators / payment of NPA, to pay transportation fees for witnesses and victims to access court in criminal cases. Despite these challenges UNDP met court staff in all locations (except Moyamba) that are sitting Courts on a daily basis under quite strenuous conditions with no power and logistics available and very often with large criminal dockets, including</p>	

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preliminary investigations (PI) at Magistrate Court level. This had prompted both Judges and Magistrates to pay out of their own salary for logistics, stationary and even in one instance painting of the Court, benches for the accused inmates brought to Court and the prosecution and defense to ensure that the Courts could actually be operational.

In Kenema, the State Counsel had been ill and unavoidably absent without a replacement for two months and hence the High Court was experiencing a series of delays which was also visible in the size of the un-sentenced inmate population in the correctional facility of 167 whereof 121 did not have indictments.¹ The dire situation of one inmate found without indictment since 2010 has been shared with the Legal Aid Board (LAB). In Makeni, the challenge of not having the High Court go on circuit to Port Loko for a long time was raised, the number of inmates awaiting trial in the High Court had risen to above 200 and the Correctional Service had because of the severe overcrowding been forced to transfer inmates to Pademba Male Facility Freetown (that equally is overcrowded).

The Justice App is fully functional in Makeni High and Magistrate Courts and the Registrar and Clerk are applying the electronic case management system following training by the Judiciary IT Specialist. Reportedly, the Justice App is also being applied in the Bo Magistrate Court (UNDP was not able to meet the Magistrate), however for the remaining locations the interviewees cited lack of training, delays in receipt of hardware and sim-cards from the Judiciary - Freetown as the main reasons for non-application. This has been reported to the case management working group and will equally be raised with the Chief Justice, as the Judiciary IT Unit had been tasked with providing training for all locations since July 2018.²

The provision of legal aid was also found to be an issue for most locations, albeit the LAB having expanded with offices in provincial headquarter cities –this includes only one lawyer / paralegal per location which is a challenge when High and Magistrate Courts sit at the same time in criminal sessions. Therefore, many of the Court sessions witnessed found the accused with no legal representation. In the Mafanta Correctional Facility with more than 200 sentenced inmates not one single inmate had been assisted in filing an appeal of their sentence which also demonstrates the need for legal aid to be much more readily available and accessible in the provinces.³

Professionalism and skills of the police prosecution was also raised as an issue by the Courts, in one instance this had prompted the Magistrate to caution the police prosecution and state that if files continuously appeared with procedural flaws the Magistrate would dismiss the cases and the accused. In addition, the Magistrate had provided some training to enhance the skills of both prosecution and defense to avoid delays during court hearings.

¹ Statistics 14 November 2018, total 293 inmates, trial 132 (11 with indictments and 121 without indictments 2017 -2018 cases, 126 sentenced and 35 remand inmates.

² The Justice App is functional in 6 Freetown HC and MC, Makeni HC and MC, Lunsar, Bonthe, Kabala MC.

³ In many jurisdictions you will find access to appeal and a greater number of sentenced inmates appealing their sentence in a correctional facility with sentenced inmates. From a review of cases by PWSL earlier in 2018 shared with the Chief Justice, the data revealed the registration of 38 inmates across the country that had been sentenced beyond the confines of the law by Magistrate and High Courts.

From Prisons to Corrections

In all but one correctional facility visited, the SLCS and OiC had made significant strides towards the implementation of the Human Rights Action Plans developed to implement the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) in 2017. Improvements included but were not limited to improvement in files management / records, separation of categories (in facilities were possible), access to clean water and sanitation, improvement in diet, 'contact with the outside world' (access to newspaper, radio and tv, phone calls and visitation rights for children implemented). In furtherance, the SLCS has made impressive progress in some facilities (Mafanta and Moyamba) to build on the industries master plan with a specific focus on agriculture which shows real potential in the SLCS in becoming self-reliant if the institution would continue to receive the requisite political and financial support to grow the industries programme.

The SLCS has plans for expanding the Mafanta facility sentenced inmate population in January 2019 with another 250 sentenced inmates that can support the agriculture activities already ongoing. The UNDP therefore discussed the issue of classification of inmates, SLCS staffing power for the Mafanta facility and the institutions plan for further rolling out the earning scheme policy. The OiC advised that UNDP become fully informed of the plans and issues through SLCS senior management.

The mission also focused on the rehabilitation works supported by the project in 2018, the Kono and Makeni correctional facilities had works successfully completed and the facility managers were very satisfied with the completion. The well in the Kono facility was finalised but however the surrounding wall had received a small crack due to the collapse of an adjacent well, and UNDP recommended that the OiC mend this crack for it not to damage the protecting wall around the well.

In Makeni, the rehabilitation works had made the Regional Commander North and the OiC realise that more could be done through the little funds they had available. Hence, they had facilitated the construction of a visiting bay ensuring family and relatives have easy access to visits as well as prepare the former isolation unit to house the female inmates. The present space for the female inmates is very small and doesn't have any facilities and hence the Regional Commander found that it would be much better to have the female section utilise the isolation unit on a permanent basis and instead the old female ward could cater for isolation if needed. The UNDP commended these initiatives as this would greatly improve the conditions of detention for the inmates.

The Bo Correctional Facility received water through new piping and establishment of water taps inside the facility on the day of the UNDP visit (15 November 2018) and the OiC was thrilled as this had been a key problem and threat to the cleanliness and sanitation of the facility. It was also clear that the rehabilitation of toilets and bathrooms has significantly improved the sanitation of the whole facility as the odour detected during the last visit to the facility is now gone.

The rehabilitation works in the Kenema facility were found to be substandard and still not completed despite the previous efforts of UNDP Rule of Law Programme Specialist, Programme Assistant and consultant Engineer to impress on the contractor the requirement to finalise the works in accordance with the BoQs.

Upon immediate return from the first monitoring visit, the INL Project Manager hence escalated the issue to the UNDP Procurement Specialist to follow-up with the contractor to honour his contract with the UNDP.

The SLCS and UNDP refurbishment Waterloo facility has greatly improved this new remand facility and works are still ongoing with the support of UNDP. INL Project Manager recommends that the facility has shower areas / showers constructed during the next phase of rehabilitation as the toilet facilities do not have shower areas. The UNDP will further discuss this with the SLCS senior management.

Conclusion

The support of UNDP both on enhancing bail awareness and practice is clearly visible in the provincial areas. In Courts bail applications were discussed at length and UNDP witnessed one Judge and one Magistrate applying the new bail regulations – but still there is a vital need to continue to support the institutions in achieving full implementation but also the monitoring and supervision of the institutions.

The issue of overcrowding is dire, especially in Kenema, Makeni, Port Loko and Bo. Justice delivery is impeded by the issues and challenges as detailed in the above, and essentially many constitute violations of individuals due process guarantees and fundamental human rights in the administration of justice.

The Correctional Service has moved mountains with the support provided under the US/INL project and demonstrated initiative and leadership in achieving their Strategic Plan as well as the agreed 'From Prisons to Corrections' project objectives. The will of the SLCS as an institution is clear and there is a real commitment towards reform of the institution.

Recommendations:

- Support the full achievement of the Bail Regulations and enactment of the Sentencing Guidelines (*A Matter of Must* – quote HC Judge met during monitoring visit). Together with the revised Criminal Procedure Act (CPA) these have the potential of significantly aiding the systemic issues faced in the justice chain link and aid the overcrowding (Essentially SDG 16.3);
- UNDP needs to engage the Executive and Parliament to this extent; It is suggested that the Rule of Law team make a presentation to parliament on support of the Rule of Law Programme from 2016 – present and the real opportunities for improvement and reform that can be achieved with the requisite support;
- UNDP should focus on decentralization – *how can the justice system become best operationalized in the provinces* (UNDP could consider supporting the judiciary to establish a clear succession plan to what prevails that ensures strong and transparent financial mechanism for collecting fines and other court charges in civil suits. – This is linked to the Constitutional reform as well);
- Follow-up implementation of Justice App with CMS working group and Chief Justice to achieve the requisite support in ensuring that bottlenecks are remedied;
- Support the strengthening of supervision and monitoring of justice chain link;
- Engage multilateral and bilateral donors (including INL/US) that could be engaged in supporting the correctional industries programme so that the SLCS can continue their path towards becoming self-reliant and providing improved conditions of detention;
- UNDP shall follow-up closely with Kenema contractor to finalise the rehabilitation works.



Distribution list:

- UNDP CD (for more background for upcoming field mission to South and East Sierra Leone)
- Rule of Law Team
- Governance Programme Specialist
- PMSU (for ROAR)
- Judiciary and Correctional Service (Excerpts of monitoring report pertaining to their institution)

Annex 1 – List of people met and comments:

Kenema:

1. Court - High Court Judge Ivan Ansumana Sesay and Registrar;
2. Kenema Correctional Facility - Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, Nurse and support staff as well as inmates working in the small wood and tailoring sections and the inmates in the female ward during their literacy lesson.

Bo:

1. Courts – High Court Judge Unisa Kamara, Registrar and Clerk (Magistrate not available);
2. State Counsel Allieu;
3. Bo Correctional Facility - Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, nurse officer and support staff as well as inmates working in the kitchen and in the church session;
3. UNDP Contractor – rehabilitation works Bo Facility.

Moyamba:

1. Moyamba Correctional Facility – Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, nurse officer and support staff as well as all inmates during welcoming and dialogue session and working in the small tailoring section, kitchen and bakery as well as in the agriculture programme;
2. The Magistrate was not at the Court and reportedly was only in Moyamba Monday – Wednesday every week.

Kono:

1. Court - High Court Judge Gooding, Magistrate Yillah and Registrar;
2. Koidu Correctional Facility - Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, nurse officer and support staff as well as all inmates in male and female wards (males working in the small tailoring section, kitchen and bakery)

Mafanta

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1. Mafanta Correctional Facility - Officer in Charge, Deputy Officer in Charge, Public Relations Officer, nurse officer and officers responsible for the agriculture programme and animal husbandry (pigs and cows)
2. 30 sentenced inmates – both at work in kitchen, bakery, small jewelry/bag making and in cell areas.

Magburaka

1. Visit to the Magistrate Court (in session hearing criminal cases) so did not meet Magistrate in separate meeting;
2. Magburaka Correctional Facility - Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, nurse officer and support staff as well as all inmates in cell areas in both male and female wards.

Makeni

1. Court – High Court Registrar and Magistrate and Clerk (Judge I. M. Koroma was in Freetown during visit);
2. Makeni Correctional Facility – Regional Commander North, Officer in Charge, Deputy Officer in Charge, Public Relations Officer, Officer in Charge registry and filing, nurse officer and support staff as well as all inmates in cell areas in both male and female wards.

Waterloo

1. Magistrate Court session and meeting with magistrate Lydonette Macauley;
2. Waterloo Correctional Training Center and new Remand Facility infrastructure where works are ongoing (facility not yet in use), Officer in Charge training school and junior officer.