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# Promoting Transparency in Sierra Leone's Judiciary

## Quarterly Progress Report

1 January – 31 March 2017



Closing of 2-days Training of Trainers on Bail and Sentencing for Legal Practitioners 29-30 March 2017. 19 Legal Practitioners including from the Legal Aid Board and Civil Society Organisations were certified.

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

## Project Overview

<b>Reporting Period</b>	1 January – 31 March 2017
<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>	31 December 2017 (as per no-cost extension of 23 February 2017)
<b>Project Budget</b>	USD 1,500,000
<b>2017 Annual Work Plan Budget</b>	USD 776,904
<b>Total resources spent during reporting period</b>	USD 222,770
<b>Actual average monthly burn rate</b>	USD 74,256
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## I. Executive summary

This report details progress in the implementation of the project '*Promoting Transparency in Sierra Leone's Judiciary*' for the period of 1 January – 31 December 2017. This is the seventh quarterly report under the project and it builds on information and achievements shared in previous reports.

From January – April 2017, the UNDP curricula consultants James Nunan and Joel Levesque worked closely with the Judiciary in developing curricula on 5 specific subjects, including on bail and sentencing and separate curricula for the wider justice chain specifically on bail and sentencing. Prior to the development of the curricula the consultants undertook a comprehensive needs assessment exercise both with the Judiciary and the justice chain institutions (including civil society). By the end of March 2017, the curricula were completed and personnel identified by the justice institutions received tailored Training of Trainers (ToT) training on how to deliver training to their own personnel and network.

In total 19 Legal Practitioners, including from the Legal Aid Board, Sierra Leone Bar Association and from civil society organisations providing legal aid were certified. In early April, 20 legal practitioners from the Police and Law Officers Department were equally trained and certified (details will figure in quarter 2 report). The ToT will enable the roll-out of the comprehensive training component of the project to all the justice chain institutions on the new bail and sentencing instruments.

On 6 March 2017, the Rules of the Court Committee approved the Bail Policy - now titled Bail Regulations with instructions to the Ministry of Justice's Senior Legal Drafter to make minor revisions to the legal text. The instrument is expected to be signed by the Chief Justice in late April beginning of May 2017 and will then become binding on the Courts.

Progress continued on the development of the Justice APP and on 27 March 2017, the case management system was presented to the Chief Justice and test users for further feedback on functions for refinement. Training commenced as planned and will be completed in 2<sup>nd</sup> quarter with a focus on the Judiciary's identified super user and Judges, Magistrates, Registrars and Clerks identified as trial-users.

The Public Relations Officer has ensured frequent press coverage of the activities of the Judiciary, see detailed update below.

UNDP received INL approval of the 6 month no-cost extension application on 23 February 2017 formally extending the project to 31 December 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"><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</li></ul>	<ul style="list-style-type: none"><li><b>Achieved</b></li></ul>

		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"> <li>• See 1 July – 30 September 2015 report for details on target achievement.</li> </ul> <p>Progress and Achievements of the WG for 1st quarter of 2017:</p> <ul style="list-style-type: none"> <li>• CSO Members of the Working Group, including TIMAP for Justice and Prison Watch dedicated time to reviewing the final draft of the Bail Regulations.</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> (See Q1 and Q2 2016 reports)</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-going, Target almost met</b></li> <li>• On 6 March 2017, the Rules of the Court Committee approved the Bail Policy as developed by this WG and under the leadership of the Judiciary. The Bail Policy now titled ‘Bail Regulations’ was submitted to the MoJ, Senior Legal Drafter Mr. Thompson with minor requests to harmonize language in accordance with SL laws and regulations.</li> <li>• UNDP received the final version with edits incorporated on 20 April 2017 from the MoJ and it is expected to be signed within the coming month by the Honourable Chief Justice Abdulai Charm and</li> </ul>

			<p>hence become binding on the Courts.</p> <ul style="list-style-type: none"> <li>• At the same RoCC, the revised Jury Trial provisions for the Criminal Procedure Bill (CPB) 2017 was reviewed and approved for incorporation. The Bill is expected to be presented in Parliament in May 2017.</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 a Work Plan for the lifetime of the project, which has been approved by Senior Management and the Monitoring and Evaluation Unit of the Office.</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> <li>• The Annual Work Plan 2017 was signed by the Chief Justice on 10 February 2017.</li> <li>• On 23 February 2017, UNDP received INL approval of the 6 months no-cost extension and the AWP 2017 was extended through a note to file.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Sentencing guidelines completed by the WG and approved by the mandated Judicial Authorities</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 (gender sensitive)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Ongoing, slightly behind schedule</b></li> <li>• The Sentencing Policy has awaited the passing of the CPB 2017, and the Rules of Court Committee (RoCC) is expected to review the sentencing policy at their May 2017 meeting;</li> <li>• A mitigation strategy has been suggested with respect to the sentencing policy/regulations if the CPB has not been submitted to Parliament by May 2017, and it is therefore suggested that the sentencing policy will be passed to the extent of compliance with the CPA 1965;</li> <li>• However, the CPB is expected to be presented to Parliament in May</li> </ul>

			2017 and UNDP will support the process to ensure the legislation is enacted without further delays.
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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>• <b>Ongoing and key milestones achieved</b></li> <li>• Needs assessment of the Judiciary and justice institutions training needs completed.</li> <li>• New curricula developed for the Judicial and Legal Training Institute, including modules on Ethics, Judge craft and judgement writing, bail and sentencing and capacity development.</li> <li>• Legal Practitioner Bail and Sentencing Curricula developed for the Justice chain institutions</li> <li>• Training of Trainers commenced on 29 March 2017 and was completed on 10 April 2017 (results of quarter 2, not elaborated in this report).</li> <li>• 39 Legal Practitioners were certified which will allow for the full scale roll-out of the training to 200 stakeholders and staff 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.</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> </ul>	<ul style="list-style-type: none"> <li>• Partial tracking and case management systems</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic case management system in place in selected courts and able to track</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Ongoing – On target</b></li> <li>• The core development of the Justice APP occurred during Jan-March 2017. During this time, the Case Management Consultant worked closely with</li> </ul>

<ul style="list-style-type: none"> <li>• <i>Judicial staff capacitated to manage the CMS</i></li> <li>• <i>Reliable data is available</i></li> </ul>	<p>currently in place</p>	<p>uniformity in application of sentencing and bail policies and guidelines</p>	<p>iDTlabs and Justice Browne-Marke, the focal point from the Judiciary. Several features of the APP were finalised and the user interface improved at this stage. Demos of the development were shown to select users regularly and their feedback was incorporated wherever possible. Most notable features that were included were -</p> <ol style="list-style-type: none"> <li>1. Clear indication of when a case moves from one stage to another - this is a significant milestone from a programming perspective. To know the exact stages and when a case moves from one stage to the next make the development work a lot easier;</li> <li>2. Calendar view - Daily view of the calendar shows which cases are due in court. The case details can be accessed by double clicking on the case;</li> <li>3. Overview screen - A list of all open and closed cases and the status of each case in one single display. The status of each case is highlighted in a progress bar which maps the case from start to finish;</li> <li>4. User logins - Each user has their specific logins and access rights ensuring each</li> </ol>
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			<p>Judge or Magistrate has their own working space.</p> <ul style="list-style-type: none"> <li>On 27 March 2017, the Justice APP progress was presented to the Chief Justice and Senior Justices of the Judiciary as well as the identified trial-users. This allowed for extensive feedback to allow the software developers to evolve the Justice APP further;</li> <li>The Software developers IDTLabs have almost completed the development of the Justice APP in close coordination with the UNDP Case Management Expert Consultant, and on 4 May 2017 the final Justice APP will be presented to the Chief Justice for approval.</li> </ul>
<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>Ongoing</b></li> <li>The PRO has progressed further with the development of the Judiciary’s Communications Strategy;</li> <li>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 5 radio and 3 Television discussion panels on behalf of the Judiciary;</li> <li>UNDP and the PRO have finalised a comprehensive communication outreach plan for 2017 following the final approval of the bail - and sentencing regulations respectively, including but not limited to informational materials, pamphlets, cartoons/posters for the Courts,</li> </ul>

			as well as jingles, radio talk shows. The information material will be published in 6 local languages and in braille and cartoons will target the non-literate population. This will ensure that the general public, beneficiaries and all key actors will have the necessary knowledge of the new instruments.
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### III. Schedule

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

The INL Project Manager and Programme Associate was on annual leave for three weeks in February 2017. The Rule of Law Programme Specialist has been in country throughout the reporting period.

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

Overall assessment is that the project is *On Schedule* – considering the approval of the 6 month no-cost project extension by INL and hence the new timeline as submitted by UNDP.

The focus of quarter 2 and 3 of 2017 will be dedicated to the full achievement of output 2 and planned activities against the project plan as well as detailed below.

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

- Chief Justice’s signature and approval of the Bail Regulations;
- Sentencing Regulations reviewed and approved by RoCC;
- Printing, dissemination and popularisation of the Bail and Sentencing Regulations, including commencement of the Communications and Outreach Campaign on Bail and Sentencing – target date 1 June 2017;
- Town Hall Meetings on Bail and Sentencing Regulations led by the Judiciary and in consultation with the Working Group planned and initiated;
- Initiation of comprehensive national training programme on the new Bail and Sentencing Training Curricula by the certified personnel from the Police, Law Officers Department, the Judiciary and Legal Practitioners – target start date 1 June 2017;

- Presentation on the final Justice APP to the Chief Justice and Senior Management of the Judiciary on 4 May 2017;
- Continuation of training on Justice App with dedicated focus on the Judiciary's identified super user and trial users. All hardware already procured will be handed over to the Judiciary;
- Commencement of upload of historic case data to the Justice App in coordination with the Sierralii initiative.

#### **IV. Other**

UNDP is grateful for the INL approval on 23 February 2017 of the 6 month no-cost extension of the project and this has been very well received by the Chief Justice and the Judiciary. This will enable full achievement of the project.

The briefing note on the Criminal Procedure Bill, the Bail Regulations and the Sentencing Policy is under development and expected to be finalised and shared with INL by Thursday 4 May 2017.

## **V. Annexes**

### **Annex 1 – Needs Assessment and Judicial and Legal Training Institute Curricula**

Attached to this report are the three project outputs developed by the independent consultants James Nunan and Joel Levesque contracted under the project by the Judiciary and UNDP, specifically.

1. Needs Assessment Judiciary and justice chain
2. Judicial and Legal Training Institute Curricula
3. Legal Practitioner Bail and Sentencing Curricula

## Annex 2 – Pictures from 1<sup>st</sup> Quarter 2017 project activities



Presentation and discussion on the Justice App to the Chief Justice Charm and senior colleagues, 27 March 2017.



Certification of Solicitor and Barrister and Acting Director Timap for Justice Musa Mewa, as Trainer on Bail and Sentencing, by Justice Browne-Marke 30 March 2017.



Certification of Executive Director Prison Watch Mambu Feika, as Trainer on Bail and Sentencing, by Justice Browne-Marke 30 March 2017.



Certification of Solicitor and Barrister Tuma Jabbi as Trainer on Bail and Sentencing, by Justice Browne-Marke 30 March 2017.



