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UNDP-CSO Court Monitoring Training
Moyamba 30-31 May 2014:

UNDP Mission Team:

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Introduction

The mission was initially to be held in Kenema and Bo reaching out with refresher training on court monitoring tools to 40 paralegals. However, due to recent cases of confirmed Ebola in the country, including Kailahun and Kenema, it was decided that the mission be confined to Moyamba bringing together 20 participants from the South and 4 participants from the East.

Besides participating in the workshop on the Court Monitoring tools and having discussions with participants, the trip provided the opportunity for the Team to conduct visits to the Family Support Unit (FSU) in Moyamba, St. George Foundation (CSO) and the Magistrate Court.

Main findings of mission (3 meetings held and one workshop facilitated by Walter Neba)

- The workshop on the launching of the new court monitoring tools was very effective; all the participants were active in proffering ideas and questions to improvement of the template. However, all in all the new templates were approved with minor revisions needed, and the participants were very supportive of the implementation that now is to follow.
- High Court has not sat in Moyamba for a very long time; many cases are waiting arrival of the court. (The prison was reportedly suffering from severe overcrowding).
- Communication between Judiciary in Freetown and the Magistrate Court is difficult/slow/challenged (similar information was given by the Magistrate in Makeni when visited in May) lack of information reaching the MC etc.

- More can be done to announce the schedule and arrival of the MC/CC in the different sub-districts. The schedules could be planned at least on a quarterly basis and communicated accordingly.
- Several partners met flagged the issue of victim/witness assistance – more help was needed in terms of transportation, accommodation, and RoL Officer note possibly Aftercare / re-integration or relocation of victim.

Refresher training for CSO Court Monitors

The workshop on the launching of the new court monitoring tools was very effective. Walter Neba provided a thorough presentation of the four templates allowing the participants to seek clarification and provide comments and suggestions for changes.

All the participants were active in proffering ideas and questions to improvement of the template. The necessary revisions agreed upon will be conducted in connection with the next revision of the templates in July/August 2014. For now the participant's / monitors agreed to include the revisions by hand when conducting the actual monitoring.

However, all in all the new templates were approved with minor revisions needed, and the participants were very supportive of the implementation that now is to follow.

Meeting with FSU Thursday afternoon

(Notes from Simon prior to the field trip – how long has the FSU officer been there, have they received training on the manual. Generally, one of the problems is that the FSU lacks training, they need Police investigative training skills and without these how can they actually train someone in the manual.)

The OiC in the FSU, Mr. Boima was just going out to investigate a case, and in one of the offices a female officer was interviewing and preparing a case to be presented at the Magistrate Court Friday. The OiC had been at the FSU for 18 months and had been a Police Sergeant before being connected to the FSU. Four (4) officers were attached to the Unit. The OiC had received training on the SGBV manual, and when asked by Walter if he used the manual, the officer replied every day. However, the manual did not have marks from being opened or used on a regular basis, but maybe the OiC had more manuals. We provided the FSU with 5 new and revised manuals.

The OiC recounted that they had many cases, and one of the challenges was back-logs of cases, and also victim support for transportation both for reporting the incidents and also for travelling to the Court. The FSU assisted the best they could and liaised/relied on the support of CSO's in this connection. The OiC recounted that the most urgent matter was that the High Court had not sat in Moyamba for a very long time and he recalled it as being June 2013 (however other partners met and different responses to this question). Here unlike in Makeni, both examination and treatment of victims of SGBV was reported

to be provided free (which was not always the case in Makeni – although it should be). In connection with the subject of aftercare or what was done to help victims after trial if they could not return to their community, not much response was provided.

Meeting with St. George Foundation SL (Transforming Lives in SL – Old Railway Quarters 078-436-923)

Organisation working primarily on awareness raising in schools on rights related to SGBV and radio awareness raising on SGBV. The organization works in 7 Chiefdoms and is also part of a larger network called Moyamba District and Governance Network.

We met with the Programme Officer Patrick, and the chapter of the organization consists of 4 persons – whereof two are social workers, one field worker and one programme officer. They had all gone for the day, when we arrived in the office.

The organization has received support since November 2013 from UNDP to provide victim support. The organization has found that the number of cases reported since they initiated their operation has increased. Patrick found it difficult to assess if the number of SGBV cases in the area has risen or are actually now being reported, but found that the general awareness on rights had surely improved.

St. George was on a regular basis assisting victims that reported their cases to the FSU – with accommodation and food during reporting and trial period, this also included transportation, as many of the victims had problems accessing justice due to lack of transportation. (The RoL Officer raised the issue of Aftercare, possible re-integration or relocation of victims and witnesses in the SGBV, the PO stated that they did not work on these issues as funds available do not cover this component. He stated that normally, victims assisted go back to their communities with the support of the Foundation. The CSO Coordinator emphasized on the need for such component to be taken into account in subsequent supports as is the case with other few NGOs.

Patrick also like others met, emphasized the problem that the High Court had not sat in Moyamba for a long time, the backlog of cases and that the prison was severely overcrowded.

Thursday chance meeting with Magistrate:

Thursday late afternoon, we encountered the Magistrate, as he was coming back from circuit from Gbangbatoke. His vehicle had seven people, including the court staff, a prison officer and a prisoner. . Interesting in the sense that the court vehicles are strictly for the Circuit Court staff, and the prisons department is responsible for transporting prisoners. However, from the meetings held with the FSU, the Magistrate Court Clerk and the CSO's operating in Moyamba – they all recounted that transport of prisoners but also of victims (including SGBV) to attend court hearings are a real problem/challenge.

Friday meeting at the Magistrate Court:

(Magistrate in Moyamba, Sahr Kekura)

The court adjourned for the day around 12.30 since the Magistrate was not feeling well and had gone to the hospital. So it was only possible to meet with the Court Clerk Thomas B.L. Sam (tel. 076 361 342), he informed us (meeting undertaken together with John Sevallie, a CSO activist from the Legal Assistance

Centre – Kenema lac.justice@yahoo.com 078 50 23 78) that the court had heard 9 (the Clerk referred to them as “fresh” cases) new cases that morning 8 criminal cases, and 1 civil suit. One of the cases had been a sexual penetration of a 1 year 8 months old child, which had been prepared by the FSU that we visited the day before. Several of the cases were larceny cases.

The Clerk explained that some of the biggest challenges he thought they faced was due to lack of budget, staffing, transport – emphasizing that the vehicle was too small, they did not always have fuel and then that communication with Freetown central Judiciary was difficult. However, the Clerk saw Madam Mensah at the end of each month when he travelled to Freetown with the returns (He actually referred to Madam Mensah as Master Registrar but maybe this was a Freudian slip. Also, the High Court had not sat in Moyamba for a very long time, so they had many cases awaiting the arrival the High Court Judge. The High Court Judge was to arrive in June, but this was yet to be confirmed.

The Moyamba Court was to go on circuit to Rotifunk on Monday 2nd June. When speaking of the MC/CC schedule the Clerk slightly indicated how strenuous the Magistrate and staff found the constant circuit schedule. Also, from what the Clerk recounted it was revealed that it was a normal procedure for the Magistrate to transport prisoners to the Moyamba prison, if there was no transport available. Because the Clerk addressed the fact that he found it unsafe for them to travel with prisoners in the Magistrate’s vehicle. The FSU had indicated that the Court would sit on Saturday on SGBV however the Clerk stated that they were not sitting in the weekend due to preparations for Rotifunk. In this connection the Clerk also stated that he was currently preparing for the announcement of the MC/CC arrival in Rotifunk – I assume for radio transmission (but then only two/three days warning).

Walter Neba C. and Louise Aaen

3 June 2014