

# In Pursuit of Justice

- A report on the judiciary in Sierra Leone

*In July 2002, CHRI released a report analysing the judicial system in Sierra Leone. The report pinpoints the weaknesses in the system, and explains why ordinary citizens find justice through the law completely beyond their reach. It provides a description of the judiciary as it is meant to be -under law and the Constitution-and shows what it is today. Going further, it looks at present judicial weaknesses as a product not only of ten years of war, but also of decades of one-party rule and massive corruption. The report concludes with a number of recommendations directed at international donors, non-governmental organisations and the Government of Sierra Leone that, taken together, would make major improvements in the delivery of justice to Sierra Leone*

## Excerpts from the report

Despite the signing of the Lome Peace Agreement and at least partial restoration of the rule of law, the judiciary in Sierra Leone is in a crisis that only long-term and stable government support and reform-minded, diligent efforts on the part of the legal profession can solve.

This immense task will require money, wise administration and, above all, time. We focus here on key action points and issues that once addressed will make a tangible, observable difference to the practitioners and consumers of justice in Sierra Leone.

Government of Sierra Leone

### Ⓡ *Personnel and infrastructure*

Major investment in augmenting the current judiciary with new staff at all levels should be made a priority, to be implemented when it becomes financially workable.

### Ⓡ *"De-fusion"*

In the next constitutional review, called for in the Lomé Peace Agreement, the position of Attorney General and Minister of Justice should be defused, creating an Attorney General responsible for representing the interests of the state in prosecution and other interventions and for advising the Government in legal matters, and a separate Minister of Justice responsible for the well-being of the judicial machinery.

### Ⓡ *Supervision of local courts*

Emphasis should be placed on ensuring effective and regular supervision of the local courts by customary law officers from the Law Officers Department. These officers must have reliable transport and be trained in their duties of supervision

### Ⓡ *Codification of customary law*

The Law Officers Department and a resurrected Law Review Commission should seriously tackle the task of codifying customary law and bringing it into conformity with the Constitution and international treaty commitments.

Ⓡ *Law reporting*

The Judiciary should return to the task of law reporting in a serious manner, engaging the help of international donors and institutions and the Sierra Leone Bar Association where necessary.

Ⓡ *Transparency and anti-corruption measures*

Priority should be given to ensure adequate procedures are in place to guarantee transparent appointments and vetting of those in positions of power, including judicial and quasi-judicial posts such as the Ombudsman etc.

Ⓡ *Law review*

The Law Review Commission once constituted, must be given the facilities and resources necessary to undertake the very urgent task of updating the laws of Sierra Leone.

Ⓡ *Appeals-process streamlining*

To make the appeals process more accessible to the average citizen, appeals should be made possible from the local courts directly to the district superior courts. Special consideration must be given to clearing backlog of appeals.

Ⓡ *Human Rights Commission*

In consultation with civil society, work should begin toward the early setting up of an independent and effective Human Rights Commission.

### **International Donor Agencies**

Ⓡ *Payroll trust fund*

Donors should consider the creation of an interestbearing trust fund, designed to improve conditions of service on the Bench.

Ⓡ *Training and exchanges*

Judicial assistance should include programmes that provide judges and magistrates with first-hand exposure to practice in other Commonwealth jurisdictions, preferably through exchanges, secondments and international judicial colloquia.

Ⓡ *Legal aid programme*

Legal aid programmes should ultimately be funded by the Government of Sierra Leone, but seed money and funding for civil society initiatives would create much needed momentum.

### **International NGOs**

Ⓡ *Engage with local institutions*

Non-governmental organisations in Sierra Leone need support from international partners in order to participate fully in the process of creating new institutions.

Ⓡ *Training and support for the judiciary and lawyers*

International NGOs with specific experience in improving judicial standards should consider

dialogue with in-country groups to provide legal practitioners and the judiciary in Sierra Leone with human rights training courses.

Ⓡ *Trial observations*

High profile and political cases will most certainly come before the formal courts and the Special Court as part of the peace process, and international human rights organisations could conduct systematic trial observations with in-country partner organisations.

## **United Nations**

Ⓡ *Integrate court protection and support into peace-keeping operations*

The courts and court personnel in the provinces are vulnerable to harassment and attack, and UNAMSIL troops should therefore include court protection in their peacekeeping plans.

Ⓡ *Where possible, aid in the construction of judicial infrastructure*

If peacekeepers have engineering/reconstruction capacities in the provinces, the restoration of courts and other judicial infrastructure, as well as police buildings, should be a priority task.

## **Commonwealth**

Ⓡ *Implement 'Action Plan'*

The Commonwealth Action Plan for Sierra Leone should be revived, amended to present needs and vigorously implemented.

Ⓡ *Commonwealth Technical Assistance Funding*

The Commonwealth should take the lead in the creation of a salary trust fund by providing seed money and leadership.

Ⓡ *Secretariat-led training*

Using resources within the Commonwealth Secretariat and in collaboration with civil society groups, the Secretariat should implement long-term training and exchange programmes for Sierra Leonean benchers and programmes.

## **Commonwealth Associations**

Ⓡ Sierra Leone has a vibrant civil society and Bar and Bench that are eager for dialogue and for forging partnerships and programs with Commonwealth Associations -these joint initiatives should essentially meet the needs articulated in this report.

There is scope for the law related Commonwealth Associations to act in concert or separately and for the CHRI itself to provide assistance and act in solidarity with in-country groups.