



**The United Nations Peace Building Funds
End of Project Report (2009 – 2010)
*Supporting the Ministry of Justice in Improving Prosecution Services***



Ministry of Justice prosecutors and other Law enforcement officers in training, Zwedru, G. Gedeh Co. 2010

Project Information

Project title: *Supporting the Ministry of Justice in Improving Prosecution Services*

Implementing Partner: Ministry of Justice

Responsible parties: UNDP, Ministry of Justice (MOJ), PAE, Cater Center, ABA, LNBA

Project duration: 18 Months

Project Location: Nationwide

Total Budget: USD: **1,082,000 USD**

Expenditure covering the period: 1026,000

Balance / unexpended : 00

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Table of contents

| | |
|--|-------|
| 1. Project Description | 5 |
| 2. Background and Problem Statement..... | 6-9 |
| 3. Project Rationale /expected results..... | 9-14 |
| | |
| 4. Partnerships and Management Arrangements | 14-16 |
| | |
| 5. Achievements against target..... | 17 |
| | |
| 6. Monitoring & Evaluation..... | 18 |
| | |
| 7. Sustainability of Project..... | 19 |
| | |
| 8. Challenges and lessons learned..... | 20 |

UNDAF- United Nations Development Assistance Framework
PBF – Peace-building Fund
UNHCR – United Nations High Commission for Refugees
PAE-Pacific Architecture Engineering

Acronyms

CPAP-Country Programme Action Plan

CSOs-Civil Society Organizations

GOL- Government of Liberia

LNBA- Liberia National Bar Association

LNP-Liberia National Police

MOJ-Ministry of Justice

NGO-Non Governmental Organizations

ROL-Rule of Law

UNDP—United Nations Development Programme

UNMIL-United Nations Mission in Liberia **SGBV**-Sexual and Gender Based Violence

CO- Country Office

OTD- Office of Director of Training and Development

SG- Solicitor General

Project description

The breakdown of the rule of law has been identified as one of the underlying causes of Liberia's conflict and one of the areas where intervention is critically needed. The Ministry of Justice – the key Government agency in this sector – lacks the resources and personnel to fulfill its role in providing due process and assuring public safety and security. Specifically, in the

criminal justice system, prosecution services have been weakened by a lack of human and material resources and as a result, public safety is undermined and citizens have little faith in the ability of the criminal justice system to hold criminals accountable or to provide victims of crimes with redress. This Project is designed to increase public confidence in the criminal justice system's ability to provide redress by addressing weaknesses in the prosecution element of the criminal justice system stemming from lack of qualified and properly trained prosecutors which inhibits their ability to effectively and justly perform their role.

Background and problem statement

Following a period of brutal and destructive civil war that commenced in 1989, a Comprehensive Peace Agreement (CPA) was reached between the warring factions on 18 August 2003. The conflict was characterized by brutal and widespread atrocities fueled by inter-ethnic tensions

and a complete collapse of the rule of law and accountability of the police and the military. With the subsequent departure of then-President Charles Taylor and the UN Security Council Resolution 1509, Liberia had a new chance for peace and stability. The establishment of the National Transitional Government of Liberia (NTGL) and the implementation of the Results Focused Transitional Framework (RFTF) facilitated the subsequent holding of landmark national elections culminating in Mrs. Ellen Johnson Sirleaf's accession to the Presidency of Liberia in January 2006—the first democratically elected female president in Africa.

As mentioned above, the conflict resulted in a complete breakdown of the rule of law. Liberia faces several institutional challenges with regard to its justice system:

- The justice system suffers from chronic capacity constraints in terms of basic infrastructure and material resources as well as acute shortages in human and financial resources, all of which severely hamper the administration and delivery of justice. There is an acute shortage of trained prosecutors and public defense counsel to staff the courts, and magisterial and specialized courts continue to be staffed by unqualified personnel i.e. there is one each Prosecutor and one Public Defense Counsel assigned in each country.
- There are major case management constraints between the various parts of the criminal justice system, severe shortcomings in evidence gathering and preservation, and serious problems regarding the length of pre-trial detentions and the long delays for trials. For example, the eight out of every ten pretrial detainees have to wait for long periods for their cases to be heard in court, due to a lack of prosecutors and public defenders to facilitate their cases.
- There are significant shortcomings in the protection and promotion of human rights, a lack of equal access to the justice system, and limited public understanding of citizens' rights under the law. Specifically, access to justice is limited for women and those in rural areas, and is further hampered by the inefficient administration of justice.
- Public perceptions of, and confidence in, the Ministry of Justice and its ability to strengthen the rule of law remain low.

The Ministry of Justice – the key Government agency in this sector – lacks the resources and personnel to fulfill its role in providing due process and assuring public safety and security. Specifically, in the criminal justice system, prosecution services have been weakened by a lack of human and material resources and as a result, public safety is undermined and citizens have little faith in the ability of the criminal justice system to hold criminals accountable or to provide victims of crimes with redress. This Project is designed to increase public confidence in the criminal justice system's ability to provide redress by addressing weaknesses in the prosecution element of the criminal justice system stemming from lack of qualified and properly trained prosecutors which inhibits their ability to effectively and justly perform their role.

Main beneficiaries:

- The Ministry of Justice will benefit from the overall strategic planning activities as well as

from the specific activities targeting the Office of the Deputy Minister for Administration and Public Safety and the Prosecution Services. The Ministry of Justice will also benefit from the establishment of the Office of Training and Development and the comprehensive training program it will initiate.

- The Office of the Deputy Minister for Administration and Public Safety and the Office of the Solicitor General will benefit from the establishment of a database that allows the tracking of all prosecutorial personnel, the development of standards, policies and procedures to govern the behavior of prosecutors, the training provided to the prosecutors, the development of complaint mechanisms, and the linkages with other stakeholders in the justice system.
- City Solicitors will benefit from the trainings and the standards, policies and procedures in that they will not only improve their skills and knowledge of Liberian law and procedures, but will also have greater clarity with regard to their roles and responsibilities within the justice system.
- Citizens in the target counties will benefit from the coordinated approach to justice and public safety achieved through joint programming and the community forums.

Other stakeholders - Winners:

- Judges, magistrates, defense attorneys, public defenders, and police will all benefit from better trained and more professional prosecutors and an improved and efficient Ministry of Justice and to larger extent the average Liberians .

Other stakeholders – Losers:

- Unqualified and untrained members of the judicial system who will be replaced by more qualified and trained personnel.
- Members of the prosecution services who are inadequately supervised, and who have used their positions for personal gain will suffer as a result of greater supervision and accountability mechanisms being put into place.
- Citizens who perverted the prosecution services for their own use through the use of bribes will suffer as a stronger Ministry of Justice and trained prosecutors will no longer be as easily swayed.

2. Project Rationale and Expected Results

The Government of Liberia and the UN have identified weak justice systems as one of the challenges facing Liberia today. The challenges identified include an acute shortage of qualified personnel and general capacity as well as an undue delay or no prosecution of matters.

To that end, the PBF set forth its Priority 3.3: Strengthening State Capacity for Peace

Consolidation, and proposed support to Strengthening and Expanding State Authority – security sector reform, justice strategies with restructured security architecture, including decentralized security to support the rule of law; extension of legal services, public lawyers in rural areas, with sensitivity for issues affecting women, youth and underrepresented groups; construction/rehabilitation of protection and rule of law infrastructure.

This project aims at strengthening the prosecution arm of the Ministry of Justice so that it can expand its reach into rural areas and address issues relevant to those communities, including issues relating to women and youth. This project also builds the capacity of the Ministry of Justice itself to better manage its personnel, train its personnel, and build a long-term plan for sustainable development of its prosecution services. The result of this capacity development will be qualified and well-trained personnel in all counties in Liberia, operating under a set of standard operating procedures, with ongoing training, as well as linkages with other justice players, namely the public defenders and the police. Furthermore, an emphasis will be placed on community outreach to ensure public perception and faith in the justice system is increased, through ensuring timely, fair and equitable disposition of cases.

The project is broken down into four components to address the various capacity gaps, with realistic and detailed activities set forth that reflect the timeline available.

The first component is the development of a strategic plan for improving prosecution services to be created by the Ministry of Justice with consultant support from UNDP. The plan is to identify a team within the MOJ tasked with strategic planning, recruit a consultant, undertake a series of workshops to draft the strategic plan, and finally, to submit it to the Minister for approval. After approval, a detailed implementation plan will be developed by the MOJ team in conjunction with relevant departments in order to ensure ownership, and both the strategic and implementation plans will be published and disseminated to the full range of stakeholders to promote transparency and accountability. The implementation plan will also put in place mechanisms that will ensure support for the changes suggested from the senior management of the Ministry of Justice, including the Minister and the Solicitor General.

The second component is the establishment of an Office of Training and Development (OTD) within the Ministry of Justice to design a comprehensive training program and will provide training courses and materials in identified substantive areas, including juvenile justice, to county attorneys and city solicitors, and coordinate donor training activity. The MOJ will identify office space and this project will equip the space, assist the MOJ in recruiting a Head of Office and 2 Assistants, to be paid for by this Project for the period of one year, after which they will be transferred onto the MOJ payroll. This OTD, once constituted, will undertake the identification of prosecutorial training needs and gaps, and the development of a comprehensive training programme for prosecutors. Once approved by the Minister, the OTD will develop an annual work plan that will include initial training that covers standards, policies and procedures, and reporting requirements, as well as other trainings on Liberian criminal law and procedure, the initial charging process and the rules of evidence, and on dealing with

vulnerable populations, specifically juveniles and victims of SGBV. In order to overcome any resistance to change to the new standards, policies and procedures, trainings will also be held on change management strategies and other methods to support change in a holistic manner. Linkages will also be developed with public defenders to maximize training opportunities and enhance synergies within the justice system. The OTD will also coordinate with the implementers of the *UNHCR/Carter Center Strengthening the Rule of Law* project to develop mechanisms for coordination between prosecutors, public defenders, civil society organizations and community legal advisors for cross-training, knowledge sharing and management. Furthermore, the OTD will lead the establishment of a Legal Training Coordination Task Force (LTCTF) to facilitate coordination, leverage resources, enhance knowledge sharing, and achieve consistency in training programmes and materials with other donors.

The third component of the project will build the capacity of the MOJ, and specifically the Office of the Deputy Minister of Justice for Administration and Public Safety (DMA) and the Office of the Solicitor General (SG), for operational management and the development of standards and policies for prosecutors, including a code of conduct/ethics. The MOJ will task at least 3 staff from the offices of the DMA and the SG tasked with working on the development of standards, policies and procedures. These staff members will develop and disseminate a questionnaire for all prosecutorial personnel, including their educational background, their employment background, dates and places of hire under the MOJ, numbers and types of cases dealt with, trainings received (when and where), and availability of, or lack thereof, office space and equipment, etc. Once the responses have been received, a consultant will be recruited to develop an electronic database which will be utilized for a mapping of capacity gaps and needs. Several standards, policies and procedures will then be developed to address those gaps and priorities, including policies and procedure on attendance and performance monitoring and evaluation, data collection and reporting, the use of Ministry of Justice assets and property, as well as standards of conduct and ethics, looking at anti-corruption, outside employment, conflict of interest, and professional ethics. These will be submitted to the Minister for approval and will then be disseminated to the stakeholders. Trainings on these standards, policies and procedures will be held in conjunction with the OTD established under the second component of this project. Furthermore, monitoring and evaluation of the application of the policies and procedures by prosecutors in the field will be undertaken through the submission of mandatory weekly reports and bi-annual supervisory visits by an MOJ representative. Finally, a mechanism will be established for receiving and addressing complaints regarding county attorneys and city solicitors under the auspices of the offices of the DMA and SG.

The fourth component of the project involves the development of mechanisms for community outreach to promote joint police-prosecutor efforts, increase public investment in rule of law and justice, and to enhance public dialogue. This component built on the efforts already made by the community policing forums and will establish linkages with them to further enhance their service delivery. Three counties, including Montserrado, Grand Cape Mount and Bong were jointly identified by the MOJ and the Liberian National Police (LNP) for pilot joint community outreach programming using several selection criteria, including population and

crime rate. The rationale for leaving the choice of these forums in the hands of the national authorities is one, to promote national ownership, two, to encourage sustainability, and three, to ensure that the communities chosen have the capacities needed for these forums to succeed.

A complementary PBF project - *UNHCR/Carter Center Strengthening the Rule of Law* – is working in communities to promote the participation of traditional leadership in the rule of law through a series of workshop consultations and logistical support to the National Traditional Council in partnership with the Ministry of Internal Affairs. The community forums herein will build on the work done by UNHCR/Carter Center and will encourage the addressing of community justice needs, with an eye towards promoting inter-group discussions and building confidence in the justice system.

UNDP recognizes the importance of building a structure as a whole and as such, acknowledges that in order for the judicial system to function effectively, the capacity of the public defense system should also be developed. To that end, it has participated in the development of a complementary concept note submitted to the PBF for *Strengthening Public Defense*.

In addition, this project recognizes the need to address Sexual and Gender Based Violence (SGBV) within the justice system. In conjunction with the *Joint Programme to Prevent and Respond to SGBV in Liberia*, UNDP will be providing initial logistical support to the establishment of an SGBV Unit, including compensation for the county attorneys to be assigned to the Unit. However, further support to the SGBV Unit and training for those country attorneys is covered through another concept note submitted to the PBF for *Strengthening the Rule of Law Sector to Effectively Address SGBV in Liberia*.

Finally, in order to further maximize the impact of this project, linkages will be developed with other complementary projects, particularly the approved *UNHCR/Carter Center Strengthening the Rule of Law*

Partnerships and Management Arrangements

The project was executed by UNDP using a mixture of Direct Implementation and National Implementation in coordination with the Ministry of Justice. It will be executed in conjunction with UNDP's 3 year Project for *Strengthening the Rule of Law and Administration of Justice in Liberia*. The *Strengthening the Rule of Law and Administration of Justice in Liberia* Project aims to (1) strengthen the national justice system for delivering effective and timely justice services; (2) increase access to justice and rule of law; 3) enhance capacities for legal and community actors for providing quality justice services; and (4) build the capacities of national human rights institutions and support transitional justice. This project - *Supporting the Ministry of Justice in Improving Prosecution Services* – and the activities laid forth herein – are a complement to the activities set forth under UNDP's 3 year project and will be supported by the larger umbrella

project to ensure sustainability.

UNDP will also collaborate closely with other international partners, notably UNMIL's Legal and Judicial Support Services Division, the Pacific Architecture Engineering PAE's Justice Sector Support for Liberia, The Carter Center, and the American Bar Association. In addition, UNDP will work closely with national partners to ensure full success of this initiative, including the Supreme Court of Liberia, the Liberian Bar Association, the Arthur Grimes School of Law, the Association of Female Lawyers of Liberia, as well as the Ministry of Gender and Development. This collaboration is essential due to the ongoing presence of these agencies in-country and their ongoing projects in the arena of rule of law. This project is in complement to their ongoing and planned activities, and in building the capacities of the Ministry of Justice and the prosecution services, this project will contribute to their capacity building activities as well.

The management and implementation structure for the project will consist of (a) a Project Board (b) a Project Management Unit, supported/overseen by (c) UNDP's Policy Specialist/Rule of Law Senior Advisor:¹

The Project Board will be chaired by a representative of the Ministry of Justice and co-chaired by UNDP. Its members will include representatives from UNMIL's Legal and Judicial Support Services Division and PAE's Justice Sector Support for Liberia. To ensure optimal project coordination, the Project Board will invite other partners as needed. The Project Board will be responsible for overseeing the project's action plan, agreeing on success indicators, and ensuring periodic evaluation of the project's progress and impact. The Project Board will also be responsible for resolving any emerging conflicts or problems that could negatively impact on the project's implementation. The Project Board will also be responsible for reporting to Governmental bodies as required.

Matrix of achievements against targets/outputs

| Target/outputs | Achievements |
|--|--|
| 1. Strategic plan for improving prosecution services developed by the Ministry of Justice (MOJ) | Strategic plan has been developed, consultants are consolidating final version for approval by Authority at the Ministry of Justice. Implementation plan is on going through series of regional trainings and consultations. |
| 2. The Office of Training and Development (OTD) established within the Ministry of Justice to design and implement a comprehensive training programme, provide training courses and materials in identified substantive areas, including juvenile justice, to county attorneys and city solicitors, and coordinate donor training activity | Office of Training and Development has been established in the office of the Deputy Minister of Justice for Administration (DMA). The Director of training and development was also hired. Several regional training activities in the areas of court procedural, investigative reporting for the thirty (30-15 County Attorneys, 15 Assistants) County Attorneys, and 30 City solicitors have been conducted throughout the entire country. |
| 3. The Office of the Deputy Minister of Justice for Administration and Public Safety (DMA)'s capacity for operational management enhanced, and the development of standards and policies for prosecutors, including a code of conduct/ethics, supported | Operational capacity management of the DMA is being enhanced, Office of Training and Development (OTD) established, series of trainings for prosecutors on – going legal texts, and office supplies given for operations. Standards and polices, procedure are being discussed and generated through the series of on-going regional training, |
| 4. Mechanisms for community outreach developed to promote joint police-prosecutor efforts, increase public investment in rule of law and justice, and to enhance public dialogue indigents. | Mechanisms to promote Joint police-prosecutor efforts in place. There is an ongoing- combined regional police- prosecutor training, preparation under to establish community police forums which will buy into the public interest. This was evidence when 3 community police/prosecution forums were |

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|---|---|
| | held in three communities: Sinje, Grand Cape Mount County, Paynesville and New Kru Town in Montserrado counties. |
| 5.The head of OTD and 2 Assistants recruited by MOJ | The Head of the Office of Training and Development (OTD) was recruited, the vetting process for the 2 assistants was not completed due change of Administration at the Ministry of Justice which took more time of the project cycle. |
| 6. The Office of the Deputy Minister of Justice for Administration and Public Safety (DMA)'s capacity for operational management enhanced, and the development of standards and policies for prosecutors, including a code of conduct/ethics, supported | Same as achievements 2 |

Monitoring & Evaluation

Project monitoring and evaluation (M&E) was conducted in line with CPAP and UNDAF plans. UNDP will be responsible for setting up the necessary M&E mechanisms in order to ensure continuous M&E of the project's results and impact, as well as to ensure efficient resource utilization, accountability, transparency and integrity. Regular communication with

stakeholders, i.e. MOJ, ensured critical input.

Tracking the achievement of planned results for each activity within the annual work plan and reporting progress to the project board and giving feedback to the implementing partners will be the responsibility of the Project Manager. The Project Manager, in collaboration with the The specific mechanisms that were to monitor the achievement of results included:

- i. Monthly and Quarterly progress and financial reports, prepared by the Project Manager for review by the Project Board; a standard reporting format will be used ;
- ii. Annual progress report, technical and financial report prepared by the annual work plan implementing agency and/or the ERP Atlas system at the end of the year; and
- iii. Quarterly meetings of the Project Board will be convened to review progress reports and reports on monitoring visits so as to take necessary actions to ensure the project results are achieved and where possible, recommend a change in implementation strategy. A mid-term review with partners will be conducted as well as an annual review.

Sustainability of the project

This project's sustainability lies in the fact that its components meet gaps identified in Liberia's Poverty Reduction Strategy and are designed to bolster that strategy at a critical time in order to engender long-term development of the judicial sector identifying critical staffing and skills gaps and, developing a prioritized strategy for remedying those gaps, in particular focusing on recruitment standards, in-service training, pay and incentives, appropriateness of pre-employment legal education, among others.

For example, the Office of Training and Development that was established will develop a long-term comprehensive training programme. The project includes salaries for its staff for one year, after which the MOJ will add these staff members onto its payroll, thus assuring complete national ownership of this Office and its products. Furthermore, the database being built under the Deputy Minister for Administration and Public Safety (DMA) will serve as a tool for tracking prosecutors nationwide, and can be replicated internally for use by other Departments or Agencies, i.e. Finance. In addition, the standards, policies and procedures that will be developed are going to be the foundation for an overall administrative structure that governs all operational and training aspects of prosecutors in Liberia.

Strategic Objective 4 of the PRS is "to expand access to justice, and enhance the protection and promotion of human rights under the Laws of Liberia." Specific priority interventions herein include mechanisms at the local level for open dialogue with representatives of the legal and judicial institutions to ensure mutual understanding of issues of concern and institutional accountability of the legal and judicial sector. The joint programming mechanism between the prosecutors and the police that was piloted in 3 counties will take into account the fact that weak rule of law was a root cause of conflict in Liberia. The aim of these forums is to promote

dialogue between the system and the public it is supposed to service, with the intention of enhancing public trust and faith in the system. There are already community policing forums in place in Liberia; however, while they are a priority area for Government, they lack support. This component of this project will offer much needed logistical and operational support to the police, while at the same time building links between the police and the prosecutors in their approach to the public. These forums will address several issues, including access to justice for women. Furthermore, this component will take into account national dialogue initiatives being undertaken in Liberia and worked closely with both international and national partners to enhance the coordination and impact of these forums.

It should be noted that this component can also be expanded to include other counties (through existing UNDP funding or future PBF funding) once the initial pilot has been completed and a lessons learned log compiled. This will allow future mechanisms to build on the experiences gained by the pilot forums and will contribute to improving the relationship of all the parties involved.

Finally, UNDP is undertaking a 3 year project on *Strengthening the Rule of Law and Administration of Justice in Liberia*. The project presented herein will be implemented in parallel with this 3 year project, and will be implemented by the same Project Management Unit. Furthermore, the activities herein will lead into the activities to be funded by the 3 year project, and will in essence act as building blocks for future support. This will ensure complementariness between the two projects, a lack of duplication of activities, and a sustainable impact on the institutions being supported.

An additional strength of this project – *Supporting the Ministry of Justice in improving Prosecution Services* – is that it enhances the priorities identified by the Government of Liberia in its National Rule of Law Retreat, held 15-16 September 2010 in Monrovia. A functioning judiciary was identified as critical to a reform agenda by the President herself; the UN Special Representative to the Secretary General stated clearly that rule of law underpins peace and security; and the Minister of Justice identified several initiatives that must be undertaken to achieve rule of law - one of which was supporting the prosecution services.

Conclusion

The breakdown of the Rule of law has been identified as one of the underlying causes of Liberia's conflict and one of the areas where intervention was critically needed. The Ministry of Justice – the key Government agency in this sector – lacks the resources and personnel to fulfill its role in providing due process and assuring public safety and security. Specifically, in the criminal justice system, prosecution services have been weakened by a lack of human and

material resources and as a result, public safety is undermined and citizens have little faith in the ability of the criminal justice system to hold criminals accountable or to provide victims of crimes with redress. The Project under discussion; “Strengthening Public prosecution at the ministry of Justice” increased public confidence in the criminal justice system’s ability to provide redress by addressing weaknesses in the prosecution element of the criminal justice system stemming from lack of qualified and properly trained prosecutors which inhibits their ability to effectively and justly perform their role.

Improving prosecution services will contribute to establishing a functioning and credible criminal justice system capable of ensuring that criminals are fairly prosecuted, the innocent are acquitted, and victims have fair and effective redress through the justice system, with a view towards enhancing public trust and promoting public safety and justice. A total of 488 prosecutors and other law enforcement Officers benefitted from 4 cycle trainings in investigative, court procedural, crime investigative reporting, among other professional areas.

Recommendations

- Continuous refresher trainings should be conducted at least once a month for prosecutors and other Law Enforcement officers throughout the Country.
- That the Ministry of Justice (MOJ) assume the responsibility of the office of Training and Development established at the MOJ other resources for continuity.
- That City Solicitors in the Counties be placed on government payroll if they are to be committed to their Jobs.