



[Peacebuilding Fund]

ANNUAL PROGRAMME¹ NARRATIVE PROGRESS REPORT

REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2009

<p>Submitted by: United Nations High Commissioner for Refugees (UNHCR)</p>	<p>Country and Thematic Area² Peacebuilding Fund (PBF) Liberia Priority Plan: 2.2 Critical Interventions to Promote Peace and Resolve Conflict</p>
<p>Programme No: MDTF Office Atlas No: Programme Title: Rapid Rule of Law Assistance to Reduce Overcrowding in Monrovia Central Prison</p>	<p>Participating Organization(s):</p>
<p>Implementing Partners: Legal Aid Clinic/ Washington Lee School of Law (LAC/ W&L)</p>	<p>Programme Budget (from the Fund): US\$ 50,000</p>
<p>Programme Duration (in months): <u>Start date³:</u> 17 August 2009 <u>End date:</u> 11 April 2010 (15 May 2010) • <i>Operational Closure Date⁴, if applicable:</i></p> <p><u>Budget Revisions/Extensions:</u> <i>List budget revisions and extensions, with approval dates, if applicable</i></p>	

¹ The term “programme” is used for programmes, joint programmes and projects.

² E.g. Priority Area for the Peacebuilding Fund; Thematic Window for the Millennium Development Goals Fund (MDG-F); etc.

³ The start date is the date of the first transfer of funds from the MDTF Office as Administrative Agent.

⁴ All activities for which a Participating Organization is responsible under an approved MDTF programme have been completed. Agencies to advise the MDTF Office.

NARRATIVE REPORT



Monrovia Central Prison (Monrovia, Liberia)
New Democrat, Tue 16 March 2010

I. Purpose

The objective of the project is to relieve severe prison overcrowding by systematically reducing the number of pre-trial detainees at Monrovia Central Prison (MCP). The project assists magistrates to process fair and timely hearings through Judicial Interns who are Liberian law students on Judicial Scholarship and are obligated to work in the criminal justice sector upon graduation. Judicial Interns help magistrates keep and organize records of prisoners and hearings, while simultaneously receiving on-the-job training under the oversight of magistrates and mentoring by a Law Practicum Fellow. To be able to offer skilled and knowledgeable assistance, the Judicial Interns also receive advanced training in “Access to Justice” issues and critical administrative skills. Finally, the project will contribute to rebuild a public trust to the criminal justice system through fostering the capacity of judiciary in processing pre-trial detainees as required by Liberian law.

The specific outputs of the project over the full project period (through May 2010) are as follows:

1. Appropriate participants selected from qualified candidates currently on a Judicial Scholarship at Louis A. Grimes School of Law;
2. Judicial Interns serve as law clerks to the Magistrates serving in the Magistrate Sitting Program (MSP) and assist the Magistrates in preparing for hearings at MCP;
3. An introductory meeting for Judicial Interns held with assigned Magistrate at Magisterial court.
4. Prison superintendent and corrections officers assisted by Judicial Interns in preparing for hearings at MCP;
5. Introductory meeting for Judicial Interns held at MCP;
6. Judicial Interns assist Magistrate at hearings at MCP to process pre-trial detainees cases;
7. Judicial Interns work with magisterial courts and MCP to ensure proper records of prisoners and hearings kept;
8. Judicial Interns provided with monthly phone, transportation, and salary stipends;
9. Magistrates participating in the Magistrate Sitting Program provided with a laptop computer and printer to assist the Magistrates in maintaining proper records;

10. File cabinets provided to properly maintain court and prison records;
11. Training in “access to justice” issues and necessary legal skills arranged by Washington and Lee University Liberia Access to Justice Practicum Professor and students in coordination with Judicial Interns and national and international actors.

Liberia Peacebuilding Fund (PBF) Priority Plan articulates “weak justice systems” as one of the major challenges to peacebuilding. Due to the extended period of civil war, infrastructure as well as legal and justice systems were totally destroyed or became dysfunctional. Correctional facilities were not exceptions. The Monrovia Central Prison (MCP) was rebuilt in 2007 with the assistance of UNHCR but now is overloaded. Currently, the MCP houses half of the country’s 1,420 prisoners, well over four times of its designed capacity⁵. The excessive use and length of pre-trial detention and/or wrongful detention is one of the contributing factors to the prison overcrowding. Pre-trial detainees are held with convicted prisoners. Severe backlog of cases of pre-trial detainees shows that the accused are incarcerated even years without necessary legal proceedings. Inadequate capacity and infrastructure, poor case management procedures, a lack of sufficiently trained legal practitioners and overburdened public servants created the harsh situation in the MCP.

To address the prison overcrowding problem at the MCP, the Ministry of Justice (MOJ), jointly with the Supreme Court launched the “Magistrate Sitting Program (MSP)” in early 2009. The program brings Magistrates from their courts in and around Monrovia to the MCP to begin processing pre-trial detainees. Magistrates from six districts – Monrovia City, Paynesville, Brewerville, Gardnersville, West Point, and New Kru Town – hold hearings Monday through Saturday at the prison (one district each day). This new initiative started with significant momentum, and led to the release of an estimated 239 inmates as of April 4, 2009. However, the initiative later came up against a brick wall because the Magistrates lack adequate staffing and poor recordkeeping plagues their dockets. The initiative was in need of further support and assistance.

It is against this background that this project was conceived. Through this project, Liberian law students on Judicial Scholarship will assist Magistrates serving in the MSP as law clerks to help more quickly process those accused persons currently housed at MCP, relieving prison overcrowding, thus strengthening the Judiciary.

II. Resources

Financial Resources

Beyond the PBF funding, the project was financially supported by several in-kind donations. Washington & Lee University School of Law (LAC/W&L) made in-kind donation of academic materials. American Bar Association (ABA) also contributed legal materials. UNHCR also contributed through donation of filing cabinets.

Budget Revisions

There have been no revisions to the amount requested or required from the PBF.

⁵ U.S. 2009 Human Rights Report on Liberia: <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135961.htm>

Constraints

The funding has transferred to UNHCR HQ thirty-nine days after the approval by the PBF Liberia Joint Steering Committee (JSC). Then it has taken a month for UNHCR HQ to advance funding to the Country Office in Monrovia. LAC/W&L had to cover costs until the funding arrived. The project was not able to afford the delay since the time frame of the project was subject to the academic calendar.

Human Resources

- National Staff:
Twelve Legal Interns (operation) Funded by PBF - supported by monthly stipend
- International Staff:
One Law Practicum Fellow – Funded by PBF (Programme) Full-time
One Professor – Funded by LAC/W&L (Programme) Part-time

III. Implementation and Monitoring Arrangements

Overall Implementation and Monitoring

The project has been implemented by LAC/W&L under the UNHCR sub-agreement applicable to all UNHCR Implementing Partners. W&L's Law Practicum Fellow assumes project management, including managing funding, organizing the weekly video conference on "Access to Justice", supervising the Judicial Interns and coordinating with various international and national stakeholders working for pre-detention issue, etc. The Law Practicum Fellow has been supervised and supported by Professor Speedy Rice, Professor of Practice, Washington and Lee University School of Law.

Two UNHCR international staff, one with protection expertise and the other with peacebuilding support the implementation process and also monitor the project through the MCP and video conference visit as well as periodical meetings with LAC/W&L. UNHCR operational staff committed to overseeing the financial monitoring include one international officer and three national officers.

Procurement Procedures

As a UNHCR implementing partner, LAC/ W&L follows established UNHCR procurement procedures. There was no international procurement and all domestic procurement costs strictly adhered to the UNHCR procurement guidelines and procedures with assistance of UNHCR Supply and Programme staff.

IV. Results

During this reporting period, the pre-trial detainee processing has improved at all participating courts. Of them, between 3 to 10 prisoners are released a day. As a result, the project has kept the prison population from increasing and has allowed a number of pre-trial detainees who do not belong in jail to be released. This also contributed to lift the weight of hopelessness from the accused who await legal proceedings.

The Judicial Interns have been helping the Magisterial Courts and MCP through various tasks: finding and processing cases for hearings starting with detainees who have been incarcerated for the longest period and those whose cases fall within the jurisdiction of the magisterial courts; identifying cases previously transferred to circuit court to update and reconcile court records and prison records; ensuring

proper records to be kept during the hearings at MCP; helping the court clerks develop better record keeping and ensuring that cases that are scheduled for later hearing (at the prison or at the court) are held and /or appropriate action is taken. In assisting with the processing of cases, Judicial Interns have helped identify inconsistencies between court and prison records and have helped resolve such inconsistencies. Their participation also contributed to facilitate better communication between the Magistrates, MCP, public defenders and city solicitors.

Through their work with the Magistrates, court clerks and prison officials, the Judicial Interns continue to learn related skills as well as insight into the criminal justice system. They have been learning valuable record-keeping skills through the requirement that they turn in weekly records of the cases heard by their assigned court at the hearings at MCP. Practical application of legal codes and procedures has enhanced the quality of education and training for Judicial Interns. Additionally, a weekly video conference class on “access to justice” taught by Professor Speedy Rice also guided them to a more-in depth understanding of the appropriate functioning of the Liberian criminal justice system.

The office equipment supply also contributed to substantial improvement in the Magistrates’ record keeping. The six Magistrates sitting in the MSP have all been provided with laptops, software and printers to support the management and records system for the hearings. Provision of filing cabinets to the magisterial courts and MCP also contributed to the better record keeping.

Key outputs achieved in the reporting period are as follows:

1. Twelve law students for the fall semester (mid-September through mid-January) were selected and provided with monthly phone, transportation, and salary stipends.
2. Judicial Interns have been assisting the Magistrates with reviewing and organizing court records as well as the hearings at MCP since mid-September. In assisting with the processing of cases, Judicial Interns have helped identify inconsistencies between court and prison records and have helped resolve such inconsistencies. Additionally, Judicial Interns have been keeping independent records of the hearings at MCP.
3. Judicial Interns have been assisting prison superintendent and corrections officers preparing for hearings at MCP since mid-September.
4. The laptops have been provided to the Magistrates and they have received initial training on them. Additional, more extensive training is being planned.
5. 22 file cabinets were provided to the magisterial courts (Brewersville - 2; Gardnersville - 3; Monrovia City - 6; New Kru Town - 4; Paynesville - 4; Westpoint - 3) and 6 file cabinets were provided to MCP.
6. Weekly classes on “access to justice” issues have been taught by Professor Speedy Rice from Washington and Lee University School of Law via the video-conference facilities at the United States Embassy.

Key partnerships and collaborations

In achieving these outputs, the project has had a number of key partnerships and collaborations. The partnership with Louis A. Grimes School of Law and the Judiciary through the Liberia Human Rights Practicum was indispensable in order to operationalise the project. The project also benefited various cooperative and collaborative relationships with stakeholders working in MCP. For instance, the Law Practicum Fellow was able to liaise with UNDP to put in a request on behalf of MCP to provide the prison with a computer and a printer. This will make it easier for the prison to generate an electronic version of list of detainees at MCP and to track individual prisoners. The Law Practicum Fellow also participated in the Pre-Trial Detention Task Force which was created by the MOJ to address the issues faced by the MSP. The Task Force is comprised of various parties, such as the ABA/ the Open Society Initiative (OSI), PAE, UNMIL, two Magistrates. The Law Practicum Fellow raised number of constraints the project had faced and were able to find solutions.

Other highlights and cross-cutting issues

The project has produced positive outputs during this reporting period as described above. Nevertheless, the program has been unable to decrease the prison population by a greater degree due to the large number of incoming detainees. There were also other issues which directly or indirectly impeded the further reduction of the prison population and detainees. Through the above mentioned partnership and collaborations, the project has been working to overcome these challenges where possible.

V. Future Work Plan (if applicable)

Please refer to Annex for a work plan.

VI. Performance Indicators (optional)⁶

VII. Abbreviations and Acronyms

UNHCR	United Nations High Commissioner for Refugees
PBF	Peacebuilding Fund
LAC/ W&L	Legal Aid Clinic/ Washington and Lee University School of Law
MCP	Monrovia Central Prison
MOJ	Ministry of Justice
MSP	Magistrate Sitting Program
ABA	American Bar Association
JSC	Joint Steering Committee
OSI	Open Society Initiative

⁶ E.g. for the UNDG Iraq Trust Fund and the MDG-F.

WORK PLAN

Rapid Rule of Law Assistance to Reduce Overcrowding in Monrovia Central Prison

Implementing Partner: Legal Aid Clinic/ Washington and Lee University School of Law

Outputs	Activity (ies)	Responsibility (ies)	Completion Date
Prison overcrowding at MCP reduced	<ul style="list-style-type: none"> ▪ Select appropriate participants from qualified candidates currently on a Judicial Intern Scholarship at Louis A. Grimes School of Law 	Law Practicum Fellow	September 15, 2009
Number of backlogged cases of pre-trial detainees at Monrovia Central Prison on magisterial dockets decreased	<ul style="list-style-type: none"> ▪ Judicial Interns, in teams of two, serve as law clerks to the Magistrates serving in the Magistrate Sitting Program and assist the Magistrates in preparing for hearings at Monrovia Central Prison 	Judicial Interns	May 15, 2010
Capacity of Judiciary strengthened by having skilled and knowledgeable assistance in processing cases and assisting with record-keeping	<ul style="list-style-type: none"> ▪ Judicial Interns have an introductory meeting with assigned Magistrate at magisterial court ▪ Judicial Interns travel to Monrovia Central Prison to assist prison superintendent and guards preparing for hearings at Monrovia Central Prison ▪ Judicial Interns have an introductory meeting at Monrovia Central Prison ▪ Judicial Interns assist Magistrates at hearings at Monrovia Central Prison to process pre-trial detainees ▪ Judicial Interns work with magisterial courts and Monrovia Central Prison to ensure proper records of prisoners and hearings are kept 	Law Practicum Fellow; Judicial Interns Judicial Interns Law Practicum Fellow; Judicial Interns Judicial Interns Judicial Interns	September 15, 2009 May 15, 2010 September 17, 2009 May 15, 2010 September 17, 2009 May 15, 2010 March 15, 2010

<p>Judicial Interns received advanced training in "access to justice" issues and critical administrative skills to supplement their legal studies and prepare them for future work in the justice sector</p>	<ul style="list-style-type: none"> ▪ Judicial Interns are provided with limited stipends to support their activities (US\$10/month in scratch cards; US\$50/month for transportation; US\$100/month payment stipend) ▪ Magistrates participating in the Magistrate Sitting Program are provided with a laptop computer to assist the Magistrates in maintaining proper records ▪ File cabinets are provided to properly maintain court and prison records 	<p>Law Practicum Fellow</p> <p>Law Practicum Fellow; UNHCR</p> <p>UNHCR; Law Practicum Fellow</p>	<p>March 15, 2010</p> <p>October 15, 2009</p> <p>October 15, 2009</p>
<p>Judicial Interns received advanced training in "access to justice" issues and critical administrative skills to supplement their legal studies and prepare them for future work in the justice sector</p>	<ul style="list-style-type: none"> ▪ Washington and Lee Liberian Law Practicum Fellow liaise between Judicial Interns and national and international actors in the criminal justice sector to arrange for training (both via video conference, and in person) in "access to justice issues" and in necessary legal skills 	<p>Law Practicum Fellow; Judicial Interns</p>	<p>May 15, 2010</p>