



**Peacebuilding Fund**

**FINAL PROGRAMME<sup>1</sup> NARRATIVE REPORT**

**REPORTING PERIOD: 17 JULY 2007 – 31 DECEMBER 2010**

***Submitted by:***

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***Country and Thematic Area<sup>2</sup>***

Sierra Leone, Justice and Security

***Programme No.:*** PBF/SLE/B-4

***MDTF Office Atlas No:*** 00066689

***Programme Title:***

Capacity Development of the Justice  
System to prevent delays in trials and to  
clear backlog of cases

***Participating Organization(s):***

UNDP, UNIPSIL

***Implementing Partners:***

- National counterparts  
Judiciary, Ministry of Justice; Ministry of  
Internal Affairs Local Government and  
Rural Development; Ministry of Social  
Welfare Gender and Children's Affairs,  
Sierra Leone Police, Law Reform  
Commission

***Programme Budget (from the Fund):***

USD 3,959,722.54

***Programme Duration:***

Start date<sup>3</sup>:

- 17 July 2007

End date:

- 31 December 2010

Budget Revisions/Extensions:

January 2009 and March 2009

<sup>1</sup> The term "programme" is used for programmes, joint programmes and projects.

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

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

## **I. Purpose**

The overall objective of the project was to clear the existing backlog of criminal and civil cases both in the Magistrate and High Court. It is envisaged that through this reduction of backlog of cases, congestion in most prisons across the country will be reduced and justice delivery enhanced. The project also seeks to develop the operational capacity of the judiciary by providing adequate human and material resources.

The project's main outputs are as follows:

- a) Functioning courts with the capacity to hear and adjudicate existing backlog case established;
- b) Improved functioning of the Courts so that they have the capacity to dispose of new cases quickly and effectively and prevent backlogs from being created;
- c) A functioning Law Officers Department and Prosecutorial system that has the capacity to prosecute the existing backlog of cases, charge and prosecute all new cases and prevent new backlogs from being created;
- d) Increased Access to Justice for all, particularly Women and Juveniles and those in the provinces, to prevent future backlogs.

The period preceding hostilities in Sierra Leone was characterized by dysfunctional justice system and in some places a complete lack of access to any form of justice system. Confidence in the justice system quickly eroded and many Sierra Leoneans began resorting to self-help measures including violence to settle disputes rather than referring matters to the court. This was also captured in the TRC Report, which advocated strongly for the strengthening of the Justice Sector.

The project relates to the Justice and Security components of the PBF Priority Plan, which seeks to address the problem of poor justice service delivery. Following the end of the war, development partners and key stakeholders were of the consensus that the capacity of the justice system to deliver required strengthening to ensure that the country does not relapse into conflict and to consolidate peace in the post-conflict years.

Post-conflict Sierra Leone inherited a dilapidated judicial and justice system. There was a perception of a corrupt judiciary, which is also subjected to undue executive interference. Human rights violations with impunity were a common occurrence. The Judiciary, Law Officers' Department of the Ministry of Justice, the Legal and Judicial department of the SLP, the Law Reform Commission and other institutions were characterized by functional frailties mainly because of the paucity of human resources caused by poor incentives and weak logistical support. The project aims to address these functional frailties that were evident in the justice system in order to ensure the enhanced delivery of justice and support the avoidance of a relapse to civil conflict.

This project takes a two-track approach in aiming to: 1) equip the judiciary and the justice system with the requisite logistical support such as the construction of courts, the procurement of vehicles, computers, and refurbishment of the existing judicial structures; and 2) Provide capacity building support in the areas of case management, human rights norms, prosecutorial skills, and efficient justice delivery.

The main implementing partners under the project included the Sierra Leone Judiciary, Ministry of Justice, Ministry of Internal Affairs Local Government and Rural Development, Ministry of Social Welfare Gender and Children's Affairs and the SLP, all of which are members of the Project Steering Committee. The office of the Chief Justice provided the leadership and coordinates the roles among various justice institutions.

## **II. Resources**

### *Financial Resources:*

The project received a total of 3,959,722.54 USD from the Peacebuilding Fund. Budget revisions were carried out in January 2009 and March 2009.

### *Human Resources:*

The following Human Resources supported implementation and provided oversight:

National Staff: 1 Programme Officer

International Staff: 1 Programme Manager (Justice, Rule of Law & Human Rights) and 1 Procurement Officer (UNV)

None of the abovementioned staff were funded by the project.

## **III. Implementation and Monitoring Arrangements**

The Project/Justice Sector Steering Committee, which comprised of heads of the Justice Sector Ministries, Departments and Agencies as well as senior representatives of UNDP and UNIPSIL, performed a pivotal role in the implementation of project activities. The Steering Committee was chaired by the Chief Justice and met periodically. In order to ensure effective monitoring of programme implementation, the Steering Committee monitored and reviewed progress in implementation and provided technical guidance on the various components/activities and overall guidance to the project team. The Steering Committee was also responsible for taking decisions, and discussing and providing solutions to emerging issues. The programme was implemented under the DEX modality. Procurement for this programme was carried out in accordance with UNDP policies and procedures. UNDP held fiduciary responsibility for funds disbursed.

The project team provided monthly and quarterly narrative and financial reports on progress and copies of quarterly reports were shared with the Deputy Minister of Finance and Economic Development. At the project supervisory level, regular reviews through partnership meetings, debriefings and progress reports helped to document lessons learned and best practices related to the project. This information has been valuable to the refinement of strategy and development of new plans.

An end of project review involving key partners was conducted on the 14 March 2011 at the Judiciary of Sierra Leone which served as the coordinating partner of the implementation process. Key recommendations made by the Judiciary highlighted the need for more capacity building in records management, legal drafting, case management and in support to the training of Legal Executives in addition to the need to upgrade internet facilities and the provision of a witness support to help contribute to the reduction of the backlog cases.

## **IV. Results**

### ***Functioning courts with the capacity to hear and adjudicate existing backlog case speedily established***

A Special Backlog court was established and logistical support was provided to the Judiciary and other justice sector institutions to lay the groundwork for the establishment of functional courts to build capacity within the Justice Sector. This logistical support coupled with salary incentives ensured a marked improvement in the operations of courts both in the provinces and in Freetown. Judgments which used to be hand-written are now being typed out and delivered speedily, and the proper management of documents is better ensured. As a result, 700 existing backlog cases were disposed of out of just over 700 backlog cases in existence in 2007.

The complete refurbishment of the Magistrate and local courts in Waterloo has considerably increased access to justice for the 34,079 residents in the vicinity. This meant that residents in Waterloo no longer have to make the journey to Freetown to lodge grievances and complaints as they are within the proximity of a functioning court. In addition, 3 Magistrate courts were constructed Mile 91, Masiaka and York and 1 Magistrate residence was constructed in Matru Jong. With this support in place in these areas, the reach of the justice system, both in term of access and delivery, has increased.

### ***Improved functioning of the Courts so that they have the capacity to speedily dispose of new cases and prevent new backlogs from being created***

Capacity building initiatives such as computer literacy and specialised training in ‘Case Management, Fraud Prevention and Prosecution, Judicial Administration, Modern Paper-Based and Electronic Record Management Systems and Project Management’ were funded for Judges, Magistrates, State Counsel, Master and Registrars, and Registrars in the United Kingdom. These capacity building interventions coupled with logistical support and salary incentives has optimized the capacity of the courts to function effectively and speedily in the disposal of pending and new cases. Judges, Magistrates and other officials of the Justice Sector are now using these skills to source information, conduct research and access English and Commonwealth judgements online.

The movement of Judges, Magistrate, State Counsels and officials of the FSU to the provinces was made possible through the provision of 25 motor vehicles and 17 motorbikes for Process Servers<sup>4</sup>. With ease of transportation, court officials are now able to make regular sittings and address cases in the provinces thereby reducing backlog.

Capacity building efforts aimed at improving court functioning were complemented by the training of sixteen Law Graduates recruited as Legal Executives to provide essential support duties to prosecution, court administration and legal research. Legal Executives were integrated into various justice sector institutions such as the Judiciary, Sierra Leone Police, Law Officers’ Department, Law Reform Commission and the Office of the Ombudsman. The presence of the Legal Executives enhanced the human resource capacity of justice sector institutions.

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<sup>4</sup> See Annex for a picture of the motorcycles provided to Process Servers.

Also, the project supported the refurbishment of an institutional facility at Government Wharf which is meant for the training of legal personnel. Two existing buildings of the Sierra Leone Judiciary, a two-storey and a single-storey building, were rehabilitated. This support is strategic in terms of the establishment, for the first time, of an institutional training facility for the justice sector and for legal personnel that will offer post-graduate diploma courses to legal executives, amongst others. The Judiciary Library and Civil Registry at the High Court were also refurbished.

Finally, with support from the project, 700 backlog cases were disposed of out of an approximate 700 backlog cases in existence when the project kicked off in 2007. The 700 case backlog was caused by the inadequate number of magistrates and prosecutors to handle these cases; as a result, very few personnel were expected to handle a very large number of cases both in Freetown and in the districts. In addition, legal practitioners were not attracted to the judicial and legal service because of the conditions of service. To address these issues, young graduates from the Law School were recruited to the bench to increase the number of magistrates, top up salaries were provided to all magistrates and law officers to retain them, and 4x4 vehicles were bought and supplied to magistrates to enable them to cover multiple duty stations. All of this will help to prevent a new backlog of cases. Each magistrate was also expected to submit a monthly report comprising the number of cases carried forward from the last month, the number of new cases received within the month and the total number of cases disposed of during that month. This acted as a means to monitor the delivery rate.

### ***Increased Access to Justice for all, particularly Women and Juveniles and those in the provinces***

A key result achieved over the project period was improving the infrastructural facilities of the justice system and increasing access to justice for majority of the people resident in provincial communities. 3 new magistrate courts were constructed in Mile 91<sup>5</sup>, Masiaka and York communities and 1 magistrate residence was constructed in Mattru Jong. The courts in Mile 91 and Masiaka will increase access to justice to residents in the Yoni and Koya chiefdoms in Tonkolili and Port Loko districts respectively. Specifically, the Magistrate court in Mile 91 will service a population of 15,491. The court in York will service the Western Area Rural population of 164,024,<sup>6</sup> who would otherwise have to travel to Freetown in order to access the formal justice system. 5 local courts were constructed, one each in Njaluahun, Gbo, Soa and Mongo and Bafodia Chiefdoms in Kailahun, Bo, Kono and Koinadugu districts respectively. A Law Office in Makeni<sup>7</sup> was also constructed by the project and will provide an opportunity for State Prosecutors to have an office space which will help to increase their effectiveness, ensuring improved delivery of justice to the Northern part of the country.

The buildings were constructed in response to the situation of dysfunctional courts and other infrastructures that were destroyed during the war in order to improve the capacity of the justice sector in delivering justice services. The Government of Sierra Leone has taken responsibility in staffing the buildings. The National Judicial Institutes, the law office of the State Counsels as well as the courts are fully functioning.

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<sup>5</sup> See Annex for a picture of the Magistrate Court in Mile 91.

<sup>6</sup> Development Assistance Coordination Office/Sierra Leone Information System, August 2008.

<sup>7</sup> See Annex for a picture of the Law Office in Makeni.

One (1) Rainbo Home<sup>8</sup> was constructed in Makeni and another is being constructed in Freetown. This support to the MSWGCA is extremely important for the overall delivery of justice to women and children. Specifically, the Rainbow Homes would provide temporary shelter assistance for victims (women and juvenile) of domestic, SGBV in the Northern Province and Western Area of Sierra Leone. As a result, victims will have the opportunity to access the requisite facilities for counseling, rehabilitation and also to wait for their cases to be heard in a safe environment. These Rainbo Homes will be managed by the Rainbo Centres supported by the IRC with Irish Aid funding. Furthermore, police officials of the FSU including social workers of the MSWGCA throughout the country were provided with training to effectively handle cases relating to SGBV and juvenile justice. Another important capacity building initiative targeted local court personnel including local court supervisors and clerks in all regions. Local court officials<sup>9</sup> received intensive training on judicial administration, international, regional and national human rights instruments and gender issues with the objective to ensure delivery of quality justice to the rural population.

The key outputs achieved during the entire project period are summarized below:

- 10 Special Backlog Courts temporarily established.
- 7 officials including the Justice of the Supreme Court, Magistrate, State Counsel, Master and Registrars benefitted from specialized training.
- 16 Law Graduates trained and recruited as Legal Executives to provide essential support duties to prosecution, court administration and legal research.
- 2 Deputy Master and Registrars for the Northern and Eastern provinces recruited.
- 25 vehicles (12 Toyota Prados and 13 Toyota Hilux) provided to Judges, Magistrates, State Counsels and officials of the FSU.
- 17 motorbikes provided to Process Servers in various Justice Sector institutions.
- Computer Literacy Training conducted for all Judges, Magistrates and other officials of the justice sector institutions.
- 14 State Counsels (including 1 newly recruited State Counsel and 1 Director of Public Prosecution) were provided with monthly top-up salaries as incentives to retain their service amidst scarcity of human resource in the Prosecutorial System.
- The Judiciary Library and Civil Registry at the High Court were refurbished with new carpeting, painting, shelving, and furnished with computers, printers, photocopiers, a Dell projector and accessories.
- 1 industrial generator to ensure the constant supply of electricity and Computers, printers, photocopier, stationeries acquired for the Law Officers' Department of the Ministry of Justice.

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<sup>8</sup> See Annex for a picture of the Rainbow Home.

<sup>9</sup> See Annex for a picture of the Local Court Personnel in Southern Province.

- 100 Police Prosecutors and investigators of the Legal and Justice Support Department of the SLP were provided with intensive training on prosecutorial skills and techniques, and human rights issues to improve their capacity to manage cases efficiently.
- 232 Police officials of the FSU including social workers of the MSWGCA throughout the country were provided with training to effectively handle cases relating to SGBV and juvenile justice.
- 306 local court personnel across the Southern, Eastern and Northern provinces were supported with intensive training on judicial administration, international, regional and national human rights instruments and gender issues in local courts.
- 1 magistrate court in Waterloo rural community refurbished, 3 magistrate courts constructed, each in Mile 91, Masiaka and York and 1 magistrate residence constructed in Matru Jong.
- 5 local courts constructed in Gbo, Njaluahun, Soa, Mongo and Bafodia chiefdoms.
- An institutional facility at Government Wharf for the training of legal personnel refurbished.
- 1 Rainbow Home constructed in Makeni for temporary shelter assistance to victims of gender-based violence and juveniles in Makeni.
- 1 Prosecutors' Law Office constructed in Makeni.

A major constraint was the inadequate number of staff, particularly in the area of procurement. This was a major contributing factor to delays in the implementation of the project. The project was supported by only one Procurement Officer. In response to procurement challenges, the establishment of the PISU with the requisite staff capacity resulting in more effective and efficient staff capacity.

Furthermore, it was extremely difficult to secure the required participation of relevant government officials in various activities for which they were beneficiaries. UNDP's rules and procedures which regulated project implementation were sometimes considered rigid by these counterparts who expressed the desire for greater ownership over project management. Also, concerns were expressed about the Judiciary providing the leadership to project implementation rather than having each institution taking charge of activities. National partners were also somewhat unfamiliar with UNDP rules and regulations, thus slowing down progress. There were some instances where UNDP insistence on following policies and regulations were misunderstood as inefficiency on the part of UNDP and caused slight delays in the implementation process. Attempts to address such challenges include enhancing communication mechanisms through frequent meetings with national partners to streamline work activities to ensure speedy implementation and less duplication.

One key lesson learned is that projects which are procurement intensive with a considerable amount of construction/civil works require the appropriate capacity for such specialised jobs in order to expedite delivery of key activities. Initially, this created challenges in terms of delays to the implementation of project activities, but was later addressed by the establishment of PISU.

Justice Sector Donor Coordination Meetings were convened over the project period to ensure the harmonization of interventions and the project's partnership with the UNDP-CSO Forum provided strategic support in monitoring the demand side of justice. The CSOs in the justice sector that were part of the UNDP-CSO Forum conducted court monitoring, attended court hearings and detention places, tracked SGBV cases and provided regular information and updates to the Forums which greatly supported the Project Manager in cross-checking reports from the Judiciary.

In all project activities, considerations were given to cross cutting issues like gender and human rights to maximize impact and to ensure sustainability of effort. Efforts were made to ensure adequate representation and mainstreaming of gender in all project activities. These included highlighting the relevance of broad-based participation and adequate gender representation. Conscious attempts were made to ensure a rights-based approach in all dimensions of the project. For example, Local Court Officials were informed of the importance of human rights, its relevance and how their work relates to the promotion and upholding of human rights. The role and centrality of civil society to the Justice Sector was also emphasized. Civil society organisations were encouraged to participate and monitor various processes including court functions.

## **V. Abbreviations and Acronyms**

CSO	Civil Society Organisation
DEX	Direct Execution
DPP	Director of Public Prosecution
FSU	Family Support Unit
IRC	International Rescue Committee
JoSL	Judiciary of Sierra Leone
MIALGRD	Ministry of Internal Affairs Local Government and Rural Development
MSWGCA	Ministry of Social Welfare Gender and Children's Affairs
PBF	Peace Building Fund
PISU	Project Implementation Support Unit
SGBV	Sexual and Gender-Based Violence
SLP	Sierra Leone Police
TRC	Truth and Reconciliation Commission
UNDP	United Nations Development Programme
UNIPSIL	United Nations Peacebuilding Office in Sierra Leone
UNV	United Nations Volunteer

**ANNEX**



Toyota Prado delivered at the Law Court Building, Freetown



XL125 Motorbikes for Process Servers



Magistrate Court in Mile 91 Community in Yoni Chiefdom, Tonkolili District Northern Province



Law Office and Toyota Hilux for State Counsel in Makeni, Bombali district, Northern Province



Rainbo Home in Makeni



Local Court Officials in Southern Province