

FRIDE

FUNDACIÓN
PARA LAS RELACIONES INTERNACIONALES
Y EL DIÁLOGO EXTERIOR

Building Accountable Justice in Sierra Leone



Clare Castillejo

76

Working Paper / Documento de trabajo
January 2009

Working Paper / Documento de trabajo

About FRIDE

FRIDE is an independent think-tank based in Madrid, focused on issues related to democracy and human rights; peace and security; and humanitarian action and development. FRIDE attempts to influence policy-making and inform public opinion, through its research in these areas.

Working Papers

FRIDE's working papers seek to stimulate wider debate on these issues and present policy-relevant considerations.

Building Accountable Justice in Sierra Leone

Clare Castillejo
January 2009

Clare Castillejo is a Researcher for the Humanitarian Action and Development programme at FRIDE. She holds a BA in Social Anthropology from the University of Sussex and an MA in Anthropology of Development from SOAS (University of London). Her work has focused on issues of human rights and social development, especially in Asia. She has worked extensively across the Asia Pacific region, as well as in Southern Africa. Before joining FRIDE Clare was a Social Development Adviser with DFID. Previous to that she worked for Amnesty International conducting research on human rights in South Asia, and for UNDP developing HIV and human rights programmes in a number of Asian countries. Clare has also worked as a researcher with the European Monitoring Centre on Racism (EUMC) in Vienna, and with the South Asia Human Rights Group in London.



This Working Paper forms part of a research project on citizenship in Sierra Leone that is being undertaken by FRIDE and Campaign for Good Governance. This project will run from April 2008 until June 2009. The research for this Working Paper was conducted by researchers from FRIDE and Campaign for Good Governance in June 2008.



Cover photo of the Law Court in Freetown: courtesy of CGG

© Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) 2007.

Goya, 5-7, Pasaje 2º. 28001 Madrid – SPAIN

Tel.: +34 912 44 47 40 – Fax: +34 912 44 47 41

Email: fride@fride.org

All FRIDE publications are available at the FRIDE website: www.fride.org

This document is the property of FRIDE. If you would like to copy, reprint or in any way reproduce all or any part, you must request permission. The views expressed by the author do not necessarily reflect the opinion of FRIDE. If you have any comments on this document or any other suggestions, please email us at comments@fride.org

Contents

Sierra Leone's justice system	1
Dual legal system	1
Government and donor justice policies	2
Accessibility of justice	4
Cost barriers	4
Capacity and infrastructure	5
Rights violating laws and procedures	7
Social and economic barriers	8
Equality of justice	9
Young people and children	9
Women	10
Poor and powerless people	11
Non-locals	11
Access to information and knowledge	11
Information and knowledge for justice providers	11
Information and knowledge for citizens	12
Oversight, complaint and redress mechanisms	14
Customary justice institutions	14
Formal justice institutions	15
National level oversight institutions and policies	16
Participation in decision-making about justice	18
Conclusion	19
References	21

Sierra Leone emerged from conflict in 2002 with the majority of its state institutions severely damaged or destroyed and vast numbers of its population displaced. Since then the country has been engaged in an intensive process of state-building, supported by international donors, in which a wide range of institutions are being re-constructed or reformed. The Sierra Leone Truth and Reconciliation Commission, which was established to investigate the conflict, identified human rights abuses and lack of justice as root causes of the conflict and recommended that these problems be urgently addressed.¹ This has resulted in a range of initiatives by government, civil society and donors to reform and strengthen justice institutions and to improve access to justice for Sierra Leone's citizens.

It is widely recognised that an important challenge for Sierra Leone as it rebuilds its state institutions is to strengthen the accountability and responsiveness of these institutions to citizens, as unaccountable and unresponsive governance has historically been a driver of conflict within the country. It is in this context that this working paper examines the extent to which the justice system in Sierra Leone is currently accountable to citizens; what the main challenges are for building more accountable justice institutions; and whether government and donor initiatives to strengthen and reform the justice system are improving accountability. It does this by analysing five key elements of accountability: that citizens have access to justice institutions and fair justice outcomes; that justice systems are equally accessible to and serve all citizens; that both citizens and justice officials have adequate information on the mandate, procedures and activities of justice institutions; that there are accessible systems of oversight, complaint and correction to prevent abuses within the justice system; and that citizens participate in decisions about justice reform and the nature of justice institutions. Based on this analysis the paper will suggest policy options for strengthening accountability as part of current justice sector reform initiatives.

¹ *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission, 2004*

This working paper is based on field research conducted by FRIDE and Campaign for Good Governance (CGG) in Freetown and Kono, Koinadugu and Moyamba districts in June 2008. These districts were chosen as they illustrate different types of justice experiences and challenges in Sierra Leone. Moyamba is the pilot district for the Justice Sector Development Programme and therefore has seen significant improvements; in Kono large numbers of ex-combatants and conflict over diamond mining result in high levels of crimes and violence; while Koinadugu is one of the poorest districts in Sierra Leone and the justice institutions there suffer from serious lack of capacity.

Sierra Leone's justice system

Dual legal system

Like many African countries, Sierra Leone has a dual legal system of formal and customary law.² The formal justice system is based on case law and citizens engage with this system through three main institutions – the judiciary, police and prisons.³ The judiciary is comprised of district level Magistrates' courts and a High Court that is based in Freetown but visits the three provincial capitals.⁴ The judiciary is overseen by the Chief Justice. The Sierra Leone police have a presence at central, district and sub-district level, and there is also a national system of district level prisons. Both the police and prison service come under the

² For more analysis of the dual legal system in Sierra Leone, see *The Challenges of African Legal Dualism: The Experiment of Sierra Leone, Maru*.

³ The formal justice system is in fact comprised of the following institutions: Police, Prison Service, Judiciary, Law Reform Commission, Ministry of Justice, Ministry of Internal Affairs, Local Government and Community Development, and Ministry of Social Welfare, Gender and Children's Affairs. However, most citizens do not interact with the majority of these institutions when engaging with the justice system.

⁴ Sierra Leone is formally divided into provinces, districts and wards. There are also chiefdoms, which are small areas that do not map neatly onto either district or ward level.

Ministry of Internal Affairs, Local Government and Community Development. In addition to these institutions, there is an office for public prosecutions (called the 'Law Officers Department'), which is based in the Ministry of Justice and is responsible for all prosecutions within the formal justice systems. However, as there are only ten state prosecutors for the whole country, prosecutions within Magistrates' courts are almost always conducted by police prosecutors.⁵

Customary courts (known as 'local courts') administer customary law, which, under the constitution, is part of Sierra Leone common law. Customary bye-laws are set at chiefdom level and vary widely between chiefdoms. In the local courts, cases are heard by a Court Chairman who is assisted by four court members (usually senior members of the community), all of whom are appointed by the Paramount chief.⁶ There are also chiefdom police who work for the Chief and local courts. Local courts are regulated by the Local Court Act⁷ and are overseen by a Customary Law Officer who reports to the Ministry of Justice. In addition to these formally recognised local courts, there are a range of informal institutions through which people seek justice at community level, including ad hoc processes run by chiefs, elders and secret societies⁸. It is estimated that local courts and informal mechanisms are used by the vast majority of the population as they are physically closer to people; are based on cultural norms and therefore appear relevant and understandable; place an emphasis on mediation; operate in local languages; are swift in dispensing justice; and are perceived as cheaper than formal courts.⁹

⁵ This information was provided by the Director of Public Prosecutions in June 2008. He informed researchers that of the ten state prosecutors, seven are based in Freetown and three in the provinces. The High Court has a presence in Kenema, Makeni and Bo.

⁶ The Paramount chief recommends a Court Chairman, who is then formally appointed by the Ministry of Internal Affairs, Local Government and Community Development. Court members are chosen independently by the Paramount chief. Court Chairmen serve a term of three years and court members a term of three months.

⁷ This act is currently under review.

⁸ Secret societies are ancient cultural institutions that play an important informal political and social role within communities. There are separate secret societies for men and women.

⁹ The *Government of Sierra Leone Justice Reform Strategy 2008-2010* states that formal courts are inaccessible to 70% of the population.

In theory, the formal and local justice systems have distinct areas of jurisdiction that should allow them to work in synergy. The local courts have jurisdiction over civil matters where claims are below 250,000 Leones, and over crimes that carry a penalty of less than six months in prison or up to 50,000 Leones in fines. The formal legal system has jurisdiction over more serious crimes and responsibility to uphold national laws. However, in reality there is often confusion and tension between these two legal systems, with each accusing the other of encroaching upon their jurisdiction and citizens being unaware of the specific role and mandate of each.

Government and donor justice policies

Strengthening the justice sector has been a priority for Sierra Leone's governments since the end of the conflict. Establishing the rule of law is an essential survival function for any state, and especially so in Sierra Leone, where lack of justice was identified as a root cause of conflict.¹⁰ Therefore, rebuilding justice and security institutions has been a central element of the state-building project in Sierra Leone and there has been a high level of political commitment to this within the current and previous government. This work has included initiatives to strengthen the ministry of justice; re-build, train and equip the police; rebuild courts and train the judiciary; undertake legislative reform; provide paralegal assistance and alternative dispute resolution mechanisms; improve the quality of justice within local courts; and establish oversight mechanisms. However, the low levels of capacity and funds, and the enormity of the challenges, have meant that progress has been slow. Justice institutions still lack much basic infrastructure and human capacity and justice remains inaccessible to large sections of the population.

¹⁰ For more on the importance of establishing the rule of law as part of state-building, see *States in Development: Understanding State-Building*, DFID, 2008. For more on how injustice fuelled the conflict see *Neither Citizen nor Subject? Lumpen agency and the legacy of native administration in Sierra Leone*, Fanthorpe, 2001

There has been significant donor support for justice strengthening, spurred in part by the Truth and Reconciliation Commission's findings and recommendations. The UK Department for International Development (DFID), the United Nations (UN), the European Commission and the World Bank have been the major donors working in the justice sector.¹¹ From the UN, both UNDP and UNOSIL (in 2008 replaced by UNEPSIL) are working in the justice sector, including providing support to the judiciary and state prosecutors, building the infrastructure and operational capacity of justice institutions, addressing justice delays, and supporting the establishment of the National Human Rights Commission. Much of the UN funds for justice support come from the newly established UN Peace Building Fund.¹² The World Bank has conducted research on the justice sector and funded human capacity in the Ministry of Justice. The European Commission has supported civil society human rights organisations through the European Union Initiative for Democracy and Human Rights (EIDHR).

DFID is the biggest and most influential donor working in the justice sector and has been supporting justice and security sector reform since the end of the conflict. In 2005 DFID established a comprehensive Justice Sector Development Programme (JSDP), which is being managed by the British Council. This programme aims to improve safety, security and access to justice by developing "an effective and accountable Justice Sector".¹³ As well as addressing some of the most urgent infrastructure and capacity needs within the justice sector, the programme supported the development of a sector-wide Justice Sector Reform Strategy. The JSDP is now supporting the implementation of some elements of the strategy, as well as the establishment of institutional structures

within government that will manage the strategy's implementation – in particular, a Justice Sector Coordination Office (JSCO) in the Ministry of Justice. It is planned that when the JSDP ends in 2010, its work will be taken over by the JSCO.

Moyamba is the pilot district for the JSDP, where a range of activities to strengthen the supply and demand side of justice have been undertaken, and it is planned that some of these activities will be scaled up to other parts of the country. From the highest level of justice sector personnel¹⁴ to the citizens in the pilot district of Moyamba, those who had had contact with the JSDP reported that it is making a positive impact, although there was some criticism that it has been slow to take off.

With the support of the JSDP, in 2007 the government published a *Justice Sector Reform Strategy and Investment Plan* which sets out "a platform for a coherent, prioritised and sequenced set of activities to reform the operations of the justice system in Sierra Leone".¹⁵ This strategy recognises that the formal justice system is inaccessible to the vast majority of the population and therefore prioritises strengthening primary justice. The strategy has four overarching goals: safer communities through strengthening police; better access to justice through improving quality of local courts and providing paralegal services; strengthened rule of law by addressing corruption and maladministration; and improved justice service delivery through improving the performance of justice institutions. The implementation of the strategy is overseen by a leadership group of ministers and the Chief Justice and is coordinated by the JSCO. There are also technical working groups and cross institutional target task forces working to implement the strategy.¹⁶ Both donor officials and civil society representatives

¹¹ Sierra Leone has an unusually small amount of donors and receives comparatively little aid. The largest donors are the European Commission and DFID, which in 2008 developed a Joint Assistance Strategy for the country. These are followed by the World Bank, Japan and the African Development Bank.

¹² Sierra Leone was one of the first countries to receive money from the newly established Peace Building Fund.

¹³ *Justice Sector Development Programme: Inception Report*, June 2005

¹⁴ Including Director of Public Prosecutions, Deputy Inspector General of Police and Director of Prisons

¹⁵ *Government of Sierra Leone: Justice Sector Reform Strategy and Investment Plan, 2008-2010*, December 2007

¹⁶ These task forces will work on the six targets outlined in the strategy of reducing crime and the fear of crime, improving satisfaction in local justice institutions, speeding up criminal cases, reducing the amount of juveniles in the adult justice system, speeding up civil cases and improving confidence and human rights and accountability.

working on justice expressed concern that the JSCO may not have the capacity to independently coordinate the implementation of the strategy by the time the JSDF programme ends in 2010.

The strategy includes an investment plan of \$30m over 3 years and provides a single framework for funding the justice sector that the government wants donors to align to and support through basket funding. While DFID is funding the implementation of some elements of the strategy, much greater donor funds are required in order to implement it fully. Both Ministry of Justice and DFID officials expressed concern that this funding may not be forthcoming and that some donors (particularly the UN) are continuing to fund justice activities outside of the justice strategy. Some donors also expressed concern that the government is only putting a very small amount of its own funds into the strategy and expecting donors to fund it almost entirely – raising questions about national ownership and commitment.

There appears to be a reasonable awareness of the Justice Sector Reform Strategy among personnel working in formal justice institutions, although far less so in the customary institutions that it intends to make its main target. The strategy was generally welcomed by the formal justice personnel and civil society representatives interviewed as addressing the main justice needs and challenges in the country. However, some questioned whether it will be possible to implement such a comprehensive plan given the size of the task, the very weak capacity at every level, and the current lack of funding.

In addition to government and donor initiatives, there are also a range of civil society organisations working on justice issues. These include organisations at both national and local level that engage in monitoring justice institutions, advocacy with government, training justice personnel, raising awareness of rights and justice issues in communities, and providing services such as paralegal advice and alternative dispute resolution. At local level it is often the civil society organisations that have most expertise on legal, rights

and justice issues, as well as the ability to challenge abusive justice practices, and their important role is recognised in the Justice Sector Reform Strategy.

Accessibility of justice

For institutions to deliver justice, and be accountable for the quality of that justice, they must obviously be accessible. Indeed, the ability of ordinary citizens to access the services that justice institutions provide is one of the most basic criteria in developing a functioning justice system. For this reason, much justice sector reform in developing countries has focused on strengthening citizens' access to justice institutions, for example, making these institutions more affordable, locally accessible or culturally relevant. However, in this emphasis on improving institutional access, the importance of improving justice outcomes has sometimes been overlooked – having greater access to police or courts is obviously not useful if the outcome is unfair or arbitrary.

Defining access to justice as being the ability to use justice institutions *and* to receive a fair and rights-based outcome from them, this section examines the challenges in access to justice in Sierra Leone and current policy responses to these challenges. As issues of access to justice in Sierra Leone have been discussed at length elsewhere,¹⁷ this section aims to present some of the key access issues that arose during the field research and their relevance for accountability, rather than provide a comprehensive overview of the situation regarding access to justice across the country.

Cost barriers

The vast majority of respondents – formal and customary justice personnel, civil society and citizens –

¹⁷ See, for example, *Sierra Leone, Legal and Judicial Sector Assessment*, Kane et al, 2004; *Access to Justice in Sierra Leone: A review of the literature*, Dale 2008; *Silenced Injustices in Moyamba District*, Rennie, 2006; *Justice Sector Survey*, JSDF, 2006.

stated that costs are the biggest barrier in accessing justice. The general perception of citizens is that using the formal justice system involves the greatest costs, although some Magistrates and civil society representatives argued that - given the excessive fines levied by local courts - this perception is not correct.

For both plaintiff and defendant there are significant costs involved in participating in the court process. Both have to pay their own travel expenses to court and those of any witnesses, which can involve substantial costs, including food and lodging. Moreover, in both the Magistrates' court and High Court, cases are continually delayed, resulting in many wasted journeys. Indeed, another important cost is the time lost in repeated - and often lengthy - trips to court. In addition to travel costs, victims of violent crime have to pay for medical examinations and medical reports.¹⁸

Bribes are a significant cost for people using the formal justice system, with many respondents claiming that justice goes to the person who can pay the highest bribes. Many respondents stated that it is difficult to get the police to act on a complaint without paying bribes, while civil society representatives in Kabala and Kono reported that some police officers refuse to grant bail unless given a bribe and will drop an investigation in return for money. Magistrates and Justices of the Peace (JPs)¹⁹ are also accused of taking bribes. In Kabala, civil society representatives reported that bribes are required in order to get a case "moved to the top of the queue" in the Magistrates' court, while in Kono, they reported that important people pay the Magistrate to drop cases against them. The fact that salaries are low and are often not paid for long periods increases the likelihood of rent-seeking among all justice personnel. For example, JPs in Kabala reported that they had not received their sitting allowance since 2004.

¹⁸ In some districts there are NGOs that fund medical examinations and reports in cases of rape, but so far there is no state funding for this.

¹⁹ These are lay people who sit on summary matters in the Magistrates' court. Two JPs will hear a case together, but cannot hear serious cases, which are reserved for the Magistrate. JPs are widely used in Sierra Leone because of the lack of qualified Magistrates.

The customary justice system is also expensive. While citizens must pay a substantial fee in order to bring a case before the local courts, by far the biggest costs are the fines levied by these courts. In all the districts visited, it was reported that local courts often levy exorbitant fines, well beyond the limits of their legal mandate.²⁰ Those who are unable to pay these fines must either leave the chiefdom or serve time in prison.²¹ It is clear that court fines are a major source of income for local courts and chiefdoms and appear to be becoming increasingly important as the new local councils now take a proportion of the tax that previously went entirely to the chiefdom.²² It was widely reported that fines levied by local courts bear less relation to the offence than to the current financial needs of the court and chief.²³

Civil society representatives reported that bribes are also common in the local courts, in order to ensure a particular judgement. Overall, the high level of fines - as well as fees and bribes - within the local courts makes using these institutions both expensive and high risk for citizens. However, in Moyamba it was reported that the JSDP's work with local courts had resulted in these courts levying more appropriate fines.

Capacity and infrastructure

The lack of skilled and trained personnel in both formal and informal systems is a major barrier affecting access to reasonable quality justice. In the formal system salaries are very low and are often not paid for long periods, making it difficult to recruit personnel.²⁴ The Director of Public Prosecutions reported that the

²⁰ These fines are normally kept by the Chiefdom, although they can sometimes be used as compensation for victims, at the courts' discretion. This obviously increases the courts' incentives to levy heavy fines.

²¹ A Local Court Officer in Kono reported that failure to pay fines levied by the local court can result in up to three months in prison.

²² For more on this division of tax between chiefdom and local council, and the conflict this causes, see *Sierra Leone: Reform or Relapse? Conflict and Governance Reform*, Thomson, 2007 and *Remove or Reform? a Case for (Restructuring) Chiefdom Governance in Post-Conflict Sierra Leone*, Sawyer, 2008.

²³ Local Court officials in Kono reported that, although the court can decide to use fines for compensation for the victim, it often prefers to keep the whole fine for court and chiefdom expenses.

²⁴ At the time of research, even the Director of Public Prosecutions reported that he had not received his salary for six months.

salary offered to public prosecutors is so low that it is difficult to attract any suitable applicants. This means that there are only ten state prosecutors for the whole country and the vast majority of cases within Magistrates' courts are prosecuted by police prosecutors²⁵. Police prosecutors receive minimal training and the Director of Public Prosecutions, as well as a number of Magistrates and state prosecutors, reported that their performance urgently needs to be improved as cases often collapse because of poor quality prosecution by police.²⁶ Lack of other skilled professionals is also a problem, for example, UNDP reported that there are very few pathologists in the country.

Magistrates are also offered a very low salary, making this an unattractive job for experienced legal professionals, and officials in the Ministry of Justice expressed concern that junior lawyers are becoming Magistrates directly on leaving law school, resulting in the law being incorrectly applied. Some personnel within the Ministry of Justice expressed concern that, while donors are keen to fund training for justice personnel, they will not fund salaries, meaning that recruitment remains a problem. One Principal State Council commented that "If you don't have enough people it doesn't matter how much training you give them, they still can't do the job properly".

One of the most serious barriers for access to justice in the formal system is that the vast majority of citizens appearing in court lack legal representation. As there is no legal aid or public defender system the accused have no access to legal advice and must defend themselves in court – often through translation if they do not speak English. The state usually only provides a defence lawyer in capital cases, and only then once the case reaches the High Court. Moreover, according to

the Sierra Leone Bar Association, there are currently only seven lawyers in private practice available outside Freetown, for those citizens who can afford them.²⁷ In the High Court it is difficult even to get cases heard without a defence lawyer, resulting in many people spending lengthy periods in prison on remand as they are unable to get a hearing in the High Court. In order to address this problem, there are plans within the Justice Sector Reform Strategy to establish a public defender's office and pilot a legal aid scheme.²⁸ JSDP staff suggested that paralegal schemes are also required to help citizens negotiate the legal system.

Lack of capacity results in serious delays at all levels of the formal justice system, as cases are continually postponed because there are not sufficient personnel or resources to take them forward. In recognition of this, in October 2007 the government established a task force to examine delays in the administration of justice. At the time of research, the recommendations of this task force were being integrated into the Justice Sector Reform Strategy.

In all the districts visited, it was reported that there were long delays in getting cases through the Magistrates' court. This is because each district is covered by just one Magistrate who is overburdened with cases and under-resourced, and because witnesses repeatedly fail to attend court due to the costs involved, or pressure from the family of the accused.²⁹ This means that defendants spend excessive periods on remand or that cases are eventually dropped - in both cases a denial of justice. For example, at the time of the research, the Magistrate based in Makeni was also covering the court in Kabala, because of the lack of qualified Magistrates. Although she was supposed to visit Kabala once a week, the Magistrate had not been

²⁵ There are state prosecutors based in Kenema, Bo and Makeni. These individuals must cover the whole of each province in their role as state prosecutor, as well as act as the 'Customary Law Officer', overseeing the local court.

²⁶ The Deputy Master Registrar, Sierra Leone High Court, reported that training of police prosecutors is mostly done by donors as the judiciary does not have funds to undertake this. This is despite the fact that police prosecutors report to the Attorney General's office in the Ministry of Justice.

²⁷ The Sierra Leone Bar Association reported that there are about 100 lawyers in private practice, but only seven outside Freetown - four in the southern province, two in the eastern province and one in the Northern Province.

²⁸ The Justice Sector Coordination Office reported that funds still need to be found for these activities.

²⁹ Ministry of Justice officials reported that over 70% of cases in the Magistrates' court are land cases and that this is clogging the system. The task force therefore recommended the establishment of special fast track courts to deal with land cases.

for almost two months because there was no money provided for her petrol. This meant that the prison was crowded with remand prisoners and struggling to cope and that the JPs were being forced to bail prisoners who were on remand for serious offences. A local JP reported that people end up taking the law into their own hands as they are so frustrated that those accused have been bailed or discharged.

In Moyamba, JSDP is supporting a circuit Magistrates' court that travels around the district. This has been in operation for the last two years and has helped reduce delays and improve access to justice for those in remote areas. Citizens are alerted by radio when the Magistrate will be coming to their area to hear cases.

Justice delays

The Sierra Leone Bar Association reported that they found two men in Pedema Road prison who had been on remand for four years waiting for their cases to be heard in the High Court. Once the Bar Association took action and these cases were heard, both men were discharged, as there were no longer any witnesses.

One male prisoner interviewed in Koidu prison had been in remand for seven months accused of stealing a diamond. During that period he had been to court seven times but each time his case was adjourned without a hearing. He reported that he has not understood any of the court proceedings.

Two of the male prisoners interviewed in Moyamba prison had been on remand for two years waiting for a High Court trial.

There are also serious delays in the High Court in Freetown because there are not enough State Prosecutors to cover all courts, resulting in continual adjournments. For prisoners in the districts waiting for High Court trials, the delays are even longer. Although the High Court comes twice a year to the districts, this means that those on remand outside Freetown can wait for up to six months just to get an initial hearing in the High Court.

Because of the delays in the justice system, as well as the rise in crime that has resulted from the conflict, prisons are desperately overcrowded. The Director of Public Prosecutions suggested that alternatives to custodial sentences are urgently needed to address this situation. The Director of Prisons reported that, as with other justice institutions, salaries for prison staff are so low that recruitment and retention are difficult. The physical infrastructure of both formal and customary justice systems is rudimentary. Many court buildings were destroyed during the conflict and have yet to be rebuilt. The police also lack basic facilities. For example, police in Moyamba town reported that they only have one car for the whole division, making it very difficult for police to conduct investigations. In all the prisons that researchers visited the living conditions were poor - in Kabala prison overcrowding was so severe that it was impossible for all prisoners to lie down to sleep at the same time - and officials reported that basic supplies such as food and soap were lacking. Local court officials in all three districts reported that they have little funds for basic equipment such as paper for record keeping; that chiefdom police are badly equipped and lack uniforms; and that there is not enough food for the prisoners kept in local court cells. In the customary system officials also often go without pay for long periods. For example, in Moyamba town JSDP staff reported that the local court clerks had not been paid for 28 months.

Rights violating laws and procedures

Sierra Leone is a party to most international human rights conventions, but many of these rights are not accessible to citizens through the justice system. In the formal justice system the lack of human capacity is slowing down the enactment of human rights conventions into national law, so some national law remains discriminatory and out of line with Sierra Leone's human rights commitments. The Solicitor General expressed frustration at the lack of qualified staff available to work on developing new legislation. However, it is in the customary justice system that the greatest violations of human rights and constitutional rights occur. This is due to courts operating outside

their mandate, establishing bye-laws which violate human rights, and imposing arbitrary or unusual punishments.

It was widely reported that customary courts often adjudicate on cases that are beyond their jurisdiction and should be sent to the formal courts, thereby denying people the justice process that they are entitled to and a justice outcome that is in line with the national legislation and constitutional rights that the formal courts must uphold.³⁰ A number of local court chairmen and officers interviewed were unaware of the legal limits of their jurisdiction. For example, one local court officer in Koidu town reported that his court could hear cases that carry fines of up to 1 million Leones, while another reported that his court can order people to be kept in custody for up to six months in local cells, although he did stress that serious cases such as rape and murder are always sent to the Magistrates' court.

Customary bye-laws are set at chiefdom level by a committee made up of the chief and mostly male elders and may not reflect the needs of the whole community.³¹ These bye-laws vary widely from one chiefdom to another and change over time.³² While this "living law" has some advantages in being able to respond to the communities' changing needs or be flexible to individual circumstances, it also means that citizens do not necessarily know the bye-laws that apply to them and therefore makes it easier for courts to apply inconsistent or arbitrary judgements – either through lack of capacity, for financial gain, or to support the interests of a powerful party. Moreover, within many customary bye-laws, laws and punishments imposed by local courts are in direct violation of citizens' human and constitutional rights,

³⁰ While most complaints were about local courts overstepping their jurisdiction, one Paramount Chief in Moyamba town complained that people are now taking cases that should go to the local courts to the Magistrates' court, for example, small land or debt disputes.

³¹ This appears to be the norm, although in some districts representatives of other groups are consulted when drawing up customary bye-laws.

³² Customary laws can vary within small areas. For example, there are two different chiefdoms within Koidu town, Kono district, with two different sets of customary law.

particularly rights to equality and non-discrimination and to be free from cruel, inhuman and degrading treatment. For example, local court officials in Koidu town reported that the court can order children of under 18 years to be beaten, although not to be placed in custody.³³

In Moyamba the JSDP has been working with the local courts to document customary law and to review this for compliance with human rights, as well as to provide information on the remits of the local courts' jurisdiction and the punishments that they are able to impose. Human rights activists reported that this had produced a change in sentencing. For example, in Moyamba town, local courts are giving more appropriate fines, and are now holding prisoners for a maximum of two weeks in local court cells and providing them with adequate food, whereas before prisoners were sometimes held for months with very little food. At national level, recognising some of the problems in the formulation and application of customary law, in 2007 the government ordered a review of the Customary Law Act which regulates the customary justice system. This review is ongoing.

One major barrier preventing access to fair justice outcomes is the widespread use of informal justice processes, which are highly untransparent and often in violation of human rights. It was reported that Paramount chiefs regularly hear cases and dispense punishments and fines, although they have no legal mandate to do this. Civil society representatives report that individuals who challenge the Paramount chief's rulings often end up being ostracised from the community. Secret societies also reportedly settle disputes among their members, with those who are most powerful within the secret society usually prevailing.

Social and economic barriers

There are a range of social and economic barriers that prevent citizens from accessing justice, including

³³ Sierra Leone is a party to the Convention on the Rights of the Child, which prohibits the subjection of children to cruel, inhuman or degrading treatment or punishments.

poverty, discrimination, social exclusion, and lack of education and information. In particular, many people are disadvantaged within the formal court system because this operates in English, which only people with a high level of education speak. Although interpreters are provided into Krio, in some cases those participating only speak local languages, for which interpreters are not available. Many of the prisoners that were interviewed reported that they did not understand the court's proceedings, including the meaning of "guilty" or "not guilty" pleas. Moreover, civil society representatives reported that the Magistrates' court appears alien and frightening to people and even Magistrates admitted that ordinary citizens are very afraid to go to court, even as witnesses.

Equality of justice

In order for justice institutions to be accountable to all citizens, they must be equally accessible to all citizens and provide all citizens with an effective means of claiming their rights and seeking redress. Inequality in access to justice and in justice outcomes is a serious problem in Sierra Leone, meaning that some categories of citizens are consistently less able to use justice institutions, receive fair treatment from justice institutions, challenge the actions of justice institutions, or participate in decisions about laws and the justice system. Such discrimination within the justice sector inevitably reflects deeply ingrained inequalities within wider society and is therefore difficult to shift. While there is undoubtedly discrimination in the formal justice system, the most serious concerns relate to inequality in the customary justice system, where the laws are set and the procedures managed by senior men, with little oversight from other authorities and often in contradiction with the rights of marginalised groups. The groups that experience the most inequality in the formal and informal justice systems are youths and children, women, the poor and powerless, and people living in remote areas or away from their home community.

Young people and children

Young people have traditionally had a marginalised position in Sierra Leonean society; they have little power or voice within their communities and are expected to obey the chief and elders.³⁴ This marginalisation of young people is one of the factors that contributed to the conflict and therefore in 2005 the government launched a youth strategy that was intended to address the problem.³⁵ It appears that the social marginalisation of young people, the legacy of youth participation in the conflict and widespread youth unemployment all result in young people having high levels of conflict with justice authorities and receiving discriminatory treatment from formal and informal justice institutions.

Representatives of youth groups and human rights organisations all reported that young people are unfairly treated in local courts and informal justice procedures, as the chief, elders and local court officials are biased against them. Young people face particularly heavy fines in the local courts, which they are often unable to pay, resulting in them having to flee the chiefdom or spend time in prison. Some civil society organisations reported that if young people attempt to question the authority of chiefs, they are often falsely charged with the petty offences and given heavy fines as a way of forcing them out of the community.³⁶ Yet most local court officials complained that young people are rude and disrespectful in court. The differing accounts of young people and customary authorities illustrate the extent of the conflict.

³⁴ Young people are officially classified as those under 35, in order to take into account the fact that many young adults missed out on education and opportunities during the conflict. Moreover, the concept of youth in Sierra Leone is bound up with wealth, land ownership and marriage and adult men continue to be considered youths as long as they lack these attributes. The economic and social exclusion of these "youths" was a key cause of the conflict. For more on this see *Neither Citizens or Subject? Lumpen agency and the legacy of native administration in Sierra Leone*, Fanthorpe, 2001 and *Humanitarian aid in post-war Sierra Leone: the politics of moral economy*, Fanthorpe 2003, and *To Fight or to Farm? Agrarian Dimensions of the Mano River Conflicts (Liberia and Sierra Leone)*, Richards, 2005.

³⁵ Civil society youth groups claim this strategy was never implemented beyond the establishment of skeleton structures.

³⁶ It was reported that in such instances young men will often be charged with having sex with another man's wife.

Young people also face inequality and rights violations from formal justice institutions, including the police, which some youth groups accused of harassment. One particular challenge is that many children below the age of 18 are held in adult prisons in violation of their rights under the Convention on the Rights of the Child. This is largely because there are only two children's remand homes in the whole country (in Freetown and Bo), resulting in children being sent to adult prisons. However, it also occurs because of difficulties in determining the person's age, a problem that has been exacerbated by the actions of political parties in recent elections, who reportedly registered children to vote. In Kabala prison the researchers met a boy who was clearly under the age of 18 but had been registered as over 18 in order to vote, resulting in him being tried as an adult.

Under the Justice Sector Reform Strategy, there are plans to address some of these problems through reforms to the juvenile justice system, including changing how age is determined, introducing non-custodial sentences, and creating more remand homes. However, donors report that progress on juvenile justice is being held up by the serious lack of capacity in the Ministry of Social Welfare, Gender and Children's Affairs.

In Moyamba the JSDP has been working to sensitise both young people and justice institutions on youth rights issues. The Moyamba Youth Movement reported that this has resulted in improvements in the relationship between young people and police and that young people are now more willing to take disputes to local courts, rather than seeking to resolve them through violence, as they are receiving fairer hearings and verdicts from the local courts.

Women

Women face serious discrimination within the formal and customary justice systems. However, this discrimination is most pronounced within the customary system. This is the system on which women are most dependent - both because it has jurisdiction

over the domestic issues of most importance to women³⁷ and because women face greater financial, mobility, social and power barriers to accessing the formal system.³⁸

A major barrier preventing Sierra Leonean women from accessing their rights is the fact that many customary bye-laws explicitly discriminate against women and are in violation of women's constitutional rights and Sierra Leone's international human rights commitments, including under the Convention on the Elimination of all form of Discrimination Against Women (CEDAW). Although there is significant local variation in how customary law is established and administered, women are mostly excluded from, or play a marginal role within, these processes.³⁹ In some cases women have the status of minors within local courts. Informal justice dispute mechanisms are reported to be even more exclusionary of women than local courts. In particular, important disputes may be settled within male "secret societies", to which women have no access.

Within the formal justice system there have been some significant efforts to strengthen women's rights and access to justice in recent years. In 2007 the parliament passed three "Gender Bills" which provide women with greater rights in the areas of marriage and divorce, inheritance, and domestic violence – areas where women had previously faced significant legal discrimination. In addition, specialised Family Support Units have recently been established in all district headquarter police stations to deal with domestic and gender-based violence. These Family Support Units have experienced huge demand – showing women's desire to seek justice for violence - but are understaffed and difficult to reach for women living in rural areas.

³⁷ For example, customary courts have jurisdiction over matters related to marriage, divorce, child maintenance, petty debt and inheritance.

³⁸ For more on the exclusion faced by women in both the formal and customary justice system, and how this is shaped by the relationship between the formal state and customary authorities, see "Strengthening women's citizenship in the context of state-building: the experience of Sierra Leone", Castillo, FRIDE Working Paper, 2008.

³⁹ Exclusion of women from decision-making in relation to customary justice is far more extreme in the north of the country. In some parts of the south, women do play a substantive role in this.

These legal and institutional changes, and the sensitisation on women's rights that has accompanied them, have made some improvements for women's rights. However, the challenge remains huge. One continuing problem is that some local courts continue to hear serious cases such as rape, which should go to the formal courts, as well as to adjudicate on issues such as divorce or inheritance without taking account of new rights and legislation. However, perhaps the biggest challenge for women's justice is social attitudes. For example, women's organisations report that women who bring cases against male family members are stigmatised as "bad women" and can face abandonment by their family and ostracism from the community.

Poor and powerless people

As seeking justice through both formal and informal institutions is expensive, it is inevitable that the poorest citizens experience some of the greatest inequalities within the justice system. This group includes many women and young people, but also others who are without resources or power. This is not only because of the official fees required to register cases and the time and travel costs, but also because of the need for bribes and influence to ensure a favourable justice outcome. Many district level human rights organisations reported that it is common for powerful people to pressure the less powerful to drop cases or to pay police, Magistrates or local courts to have cases discharged. For example, a human rights organisation in Kabala reported that when allegations are made against powerful people, the chief sometimes tells the police to halt their investigations and hand the case over to him. The fact that such practices are apparently widespread deters poor and powerless people from even attempting to seek justice.

It also appears that there is some discrimination within local courts against those marginalised and excluded groups whose behaviour does not fit social norms. For example, local court officials in Moyamba reported that people who had lived in the bush during the war (undoubtedly some of the most marginalised people in

society) did not behave appropriately in court and were therefore sent away without their cases being heard.

Non-locals

Another group of people who face inequality within the customary justice system are those who are living away from their own community. Within customary law many rights (especially land rights) are bestowed on the basis of being an 'indigene' - a member of a family that has belonged to the community for many generations. Those who are from non-indigene families have an outsider status that seriously limits their access to power and resources. Following the war there has been an increase in internal migration, including by young ex-combatants who have been rejected by their home communities. This has resulted in many people living in communities where they are non-indigenes and therefore do not have equal rights to resources or to economic and political participation, despite having equal rights as citizens under the constitution.

Access to information and knowledge

In order to be able to hold justice institutions to account, citizens require information on the mandate, procedures and actions of these institutions. Likewise, in order to be effectively accountable to the public, justice officials require information and knowledge on their role and responsibilities and on the rights of citizens. This section explores the challenges of information provision to both citizens and justice providers and the ways in which gaps in knowledge affect accountability within the justice system in Sierra Leone.

Information and knowledge for justice providers

Providing justice personnel across the formal and customary systems with the information they require

to fulfil their role effectively is a huge challenge. This is especially so given that these justice systems are still in a process of reconstruction, many justice personnel are new in their role, there has been significant legislative and institutional reform, and communications systems within and between state institutions are weak.

Within the formal justice system there has been training for judiciary, police and prison service personnel in recent years, provided by central government, donors and civil society. While not all personnel have been trained, in each location that researchers visited at least some staff had received training. However, senior officials within all three institutions stressed that the training that is currently provided is limited and inadequate and there is an urgent need to equip justice personnel at every level with more knowledge and skills.

The formal justice system in Sierra Leone is a case law system. However, the vast majority of Magistrates and police prosecutors – let alone defendants - do not have access to this case law, to information on new precedents, or to new legislation, resulting in incorrect application of the law. There is no regular compilation of new laws and precedents and the last law report was produced in 1971, although UNDP is now supporting the compilation of new law reports.

Government policies are also difficult to get copies of and are almost completely inaccessible outside Freetown. One donor official suggested that this is not only because of capacity constraints, but that government institutions are often unwilling to share policy documents for fear of scrutiny by civil society – an approach that is entirely at odds with the government’s stated commitment to strengthen accountability.⁴⁰ Perhaps a reflection of the lack of dissemination of government policy beyond Freetown is that the majority of customary justice personnel and a significant minority of formal justice personnel

interviewed in the districts had not heard of the Justice Sector Reform Strategy, despite the fact that this strategy is intended to reshape and inform the way that they work.

Knowledge and information gaps appear to be most severe in the customary justice system. Although most local court chairman and officials reported receiving some training from the customary law officer, the majority were not clear as to the boundaries of their jurisdiction and sentencing powers or their responsibility to uphold human rights. For example, a local court officer in Koidu stated that he had no idea if the customary bye-laws in his chiefdom are in violation of human rights, but that this was not a matter for local court officials anyway, but rather for “the human rights people”. Both civil society representatives and members of the judiciary stressed that training is urgently needed for customary court officials on their role and mandate, as well as on constitutional and human rights, in order to reduce rights violations within the customary justice system. The fact that many local court officials are illiterate means that disseminating information to them is a particular challenge, and makes the need for training activities more pressing.

Information and knowledge for citizens

It was widely reported that a major barrier that prevents citizens from using justice institutions - and holding those institutions to account for their performance - is lack of information. The majority of people do not have information about their rights and the laws that apply to them, or about the role of justice institutions; how to use these institutions; what to expect from them; and how to seek redress if these institutions act improperly. This situation results in citizens failing to seek justice in the first place or accepting actions by justice institutions which violate their rights. Citizens have more knowledge about the customary justice system, as this is located within their community and linked to traditional structures, while

⁴⁰ The donor official related that a civil society organisation had gone to the Decentralisation Secretariat to ask for a copy of the decentralisation policy, but officials refused to give them one.

the formal system is both physically and culturally distant. However, it appears to be customary justice institutions that are the most reluctant to provide citizens with information.

In general, there is little information available to citizens about customary bye-laws. Customary law is mostly not written down and is frequently changed. The extent to which chiefs and customary law officials disseminate information on new laws varies greatly, and is at the discretion of the chief. For example, in Kabala it was reported that chiefs call community representatives together to inform them of new laws, as well as provide written information; while in Koidu local court officials said they do not provide any information on new laws to the community, although they believe that most citizens are aware of these laws. However, according to civil society organisations in Koidu, this failure to provide information results in many people being unaware of what constitutes an offence until they are brought to court, and some suggested that this information is deliberately withheld in order to increase court revenue through increased infractions and fines. While all local court officials reported that they do keep written records, these are only available to the Local Court Supervisor and Customary Law Officer, and not to the public, thereby restricting citizens' access to information about the operation of local courts. Moreover, local civil society organisations reported that most citizens do not know that informal courts run by chiefs, elders or secret societies are illegal, although even if they are aware of this, it would be difficult for an ordinary citizen to challenge such powerful institutions for fear of reprisals.

As well as being unaware of customary bye-laws, most citizens are also unaware of their rights under national legislation, the constitution of Sierra Leone, and human rights treaties to which Sierra Leone is party. This is the overarching legal framework which should protect them from abuses by customary or formal justice institutions and which they could use to challenge actions by justice personnel that violate their rights (such as illegal rulings in customary courts, or

harassment and rent-seeking by police). Citizens also lack vital information about complaint processes. For example, Magistrates reported that most citizens are not aware that they can appeal against local court judgements in the Magistrates' court.

A particularly telling indication of the lack of awareness regarding formal justice systems is the fact that many of the prisoners interviewed reported that they did not understand the court procedures during their trial. For example, in Moyamba prison, one prisoner reported that he had been told by police to enter a guilty plea at his trial and did not realise that he had a choice about this, while two others who were on remand for serious offences had no understanding why or how their case would move from the Magistrates' court to the High Court.

Despite the serious challenges outlined above, there are some positive developments in the dissemination of information on justice for citizens. In all three districts civil society organisations are sensitising citizens about their rights and the role of justice institutions, while in Moyamba the JSDP is providing information for court users and the police are disseminating information about their role through the radio. In particular, there have been a lot of civil society activities aimed at raising awareness of women's rights following the passing of the new gender bills, and women's organisations reported that this has resulted in more women making claims through both customary and formal institutions. However, there was some concern that this awareness raising, which is often done within towns or through the radio, is not reaching women in rural areas who remain unaware of their new rights.

Oversight, complaint and redress mechanisms

A central element of accountability is that state institutions have effective lines of reporting and responsibility, established monitoring systems, and processes for complaint and redress. As the Sierra Leonean state re-builds its institutions there has been significant emphasis on strengthening oversight mechanisms to prevent the lack of responsiveness and abuses by state authorities that fuelled conflict in the past. However, establishing effective oversight and redress mechanisms is a challenge, both because of resistance from those whose power is challenged and because of serious lack of capacity. This section will explore the extent to which oversight and redress exists within the justice system and is being built through justice reform.

Customary justice institutions

In terms of oversight and redress within the customary justice system, there is clear agreement within the Ministry of Justice, among the judiciary, within government and among donors that current systems are inadequate and need to be strengthened. Indeed, strengthening oversight of the local courts is one of the aims of the Justice Sector Development Strategy.

Customary court officials are appointed by the Paramount chief and are overseen by Customary Law Officers operating at provincial level.⁴¹ These Customary Law Officers are the three public prosecutors based in the provinces and therefore come under the Director of Public Prosecutions, within the Ministry of Justice. While the Director of Public Prosecutions stated that he believes the local courts generally work well, he admitted that it is difficult for

⁴¹ There are just three customary law officers, in Bo, Makeni and Kenema.

the Customary Law Officers to meaningfully oversee them given their heavy workload as public prosecutors. There is also a Local Court Supervisor who operates at district level and who keeps an overview of the local courts within the district, passing on information to the Customary Law Officer. In all three districts this Local Court Supervisor appeared to lack the capacity required to effectively oversee the courts. For example, in Kabala the Local Court Supervisor reported that he has no vehicle and has to rely on lifts from NGOs in order to visit the courts. All local courts keep written records that are available to the Local Court Supervisor and Customary Law Officer. However, in some local courts all the officials are illiterate, posing a challenge for record keeping, while in Koidu, civil society representatives alleged that court officials often do not record in full the fines they levy.⁴²

This current situation has been recognised as inadequate, both because it does not provide effective oversight and because it means that local courts are monitored by the executive rather than the judiciary. The Justice Sector Development Strategy therefore contains plans to strengthen the role of the Customary Law Officer in providing oversight and training to local courts, as well as to place the local courts under the supervision of the judiciary. There is currently legislation before parliament that will place the local courts under the supervision of the formal courts and judiciary, thereby linking the two legal systems, enabling closer supervision, and hopefully strengthening the emphasis on judicial standards and human and constitutional rights in the local courts. However, this legislation has still not been passed. While this change in supervision mechanisms is welcomed by the judiciary, the High Court Registrar expressed concerns that there may not be sufficient funds for its implementation.

Where litigants are unhappy with the verdict of the local courts, they are entitled to appeal to the

⁴² For example, it was reported that courts will levy a fine of both money and animals or grain, but will not record these non-monetary items in their records.

Customary Law Officer or to the Magistrates' court, both of whom are able to scrutinise and overturn the local court's decisions.⁴³ In both cases the first step would usually be to complain to the Local Court Supervisor, who will decide if the complaint should be taken forward. Appeals to the Magistrates' court appear to be more common than appeals to the Customary Law Officer, presumably because Magistrates' courts are more locally accessible for the majority of citizens. However, the fact is that lodging any type of appeal is difficult and expensive for most citizens and therefore appeals are rare. In both Koinadugu and Kono the Magistrates and Justices of the Peace reported that very few cases are appealed to them from the local courts and they believe this is because people are unaware that they have a right of appeal or are put under pressure not to appeal. They stressed that citizens need more information on how to appeal local court decisions. However, in Moyamba the Magistrate reported that there were large numbers of appeals from the local court, which could be a result of the JSDP's activities to raise citizens' awareness of rights and justice processes.

While the constitution of Sierra Leone takes precedence over all other laws, the local court officials interviewed stated that they did not check whether local bye-laws or court judgements are compatible with constitutional rights. The fact that there is no systematic scrutiny regarding human rights or constitutional rights is a serious concern, as it means that local courts can deny citizens these fundamental rights. While it is possible to appeal against customary law on constitutional grounds within the Magistrates' court, the judiciary report that this has never been done.

Formal justice institutions

Within the formal justice system, there have already been some reforms aimed at strengthening oversight mechanisms and more are planned under the Justice

⁴³ When appealing to the Magistrates' court, this then becomes the district appeal court and the Magistrate sits with two people from the chiefdom who are knowledgeable on local bye-laws.

Sector Reform Strategy. However, the ability of citizens to complain and seek redress still remains very limited and there is a high level of reliance on NGOs as a route for citizens to access redress.

The formal justice institution that was repeatedly accused by respondents of being the most abusive was the police. There has been acknowledgement from the highest levels of the police that corruption is a problem, as well as some initiatives to address this. Sierra Leone police has a Complaints, Discipline, and Internal Investigations Department (CDIID) that investigates complaints against police personnel and reports to the Assistant Inspector General for Professional Standards. The CDIID has around 30 staff in headquarters and three or four within each police division, all of whom have received some training in internal investigations. The most common complaints against police are of demanding bribes and domestic violence and punishments range from a reprimand to dismissal. In the period from December 2007 until June 2008, 94 policemen were dismissed for misconduct.

Citizens can make complaints to CDIID at divisional headquarter police stations. However, in reality they face serious barriers to doing this, both in terms of costs and risk. It is expensive for citizens to travel to the divisional headquarters to lodge a complaint, and they are also required to bring a witness at their own cost, as well as to pay for medical reports if the accusation is of violence. Moreover, despite significant fear of the police within communities, neither complainant nor witness is given anonymity or protection. The Superintendent of Police in Koidu told researchers that the internal complaints' system does not work as citizens do not understand it, cannot access it, and are afraid to complain, and that when citizens do make complaints, these are ignored or inadequately investigated. He believes the inadequacy of the complaints and redress mechanism causes frustration in the community and poor performance by police. Civil society organisations strongly echo these concerns and there have been calls for an independent police investigations' body.

A female remand prisoner in Koidu prison reported that a police sergeant tried to steal a motorbike from her house and she had gone to the police station to complain. The police recorded her complaint but took no action. She alleges that when she returned to the station to enquire why her complaint had not been acted upon, both she and her husband were assaulted by police officers and she was stripped and beaten.

Following this she was charged with insulting the Local Unit Commander and placed in prison on remand. While researchers have no way of verifying the accuracy of this account, the fact that a citizen who went to complain about police misconduct ended up being charged for insulting a police officer raises serious questions about police attitudes towards citizens who attempt to use complaints mechanisms.

Sierra Leone's prisons are inspected by the Regional Commander of prisons and are also open to inspection by a range of outside organisations, including the ICRC, UN and NGOs, as well as occasionally by the Parliamentary "Prisons Oversight Committee". All these bodies send the reports of their findings to the Director of Prisons. While the prison system is quite open to outside oversight and recommendations, the biggest challenge appears to be the lack of capacity and funds within the prison system to act on these recommendations. Moreover, both the prison service and Sierra Leone police come under the direction of the Ministry of Internal Affairs, Local Government and Community Development, which is reported by donors to have very little capacity to fulfil even its most basic functions, let alone provide adequate oversight. This Ministry is being supported by JSDP to develop a strategic plan.

The mechanism for redress within the formal court system is through appeal. It is possible for citizens to appeal judgements from the Magistrates' court to the High Court. However, this is rare as the appeals process is slow and complicated and most people lack the knowledge or resources to undertake an appeal, especially as the lack of legal aid means that they would have to spend significant time at the High Court fighting the case in person. While courts are monitored

in an ad hoc way by NGOs, the UN and JSDP, there appears to be no formal monitoring system in place to check on the quality of judiciary or court processes.

Local human rights NGOs play a central role in overseeing the functioning of formal justice institutions, for example, inspecting police stations, prisons and courts. Moreover, it was reported by a number of respondents that the only effective route for citizens to seek redress from police or courts is through getting NGOs to take up their case with the authorities. In Moyamba, civil society organisations reported that their monitoring of police stations had resulted in a reduction in reports of torture in custody.

National level oversight institutions and policies

As part of efforts to re-build an accountable and responsive state in post-conflict Sierra Leone, there has been significant emphasis on establishing oversight institutions and mechanisms at national level, an emphasis which is reflected in the justice sector. The Justice Sector Reform Strategy recognises that the justice sector has a key role to play in ensuring trust and accountability in government generally and therefore the importance of strengthening trust and accountability in justice institutions. One of the strategies' main goals is to "address corruption and maladministration including through improved and more accessible administrative justice remedies" and addressing priority human rights issues.⁴⁴

One important national oversight institution that has been established is the Sierra Leone Human Rights Commission (SLHRC). This was mandated in the peace agreements but there were delays in establishing it, reportedly because of lack of political will. The National Human Rights Commission of Sierra Leone Act was passed in 2004 and the institution began work in 2006 and published its first 5-year strategic plan in 2008. The SLHRC has five commissioners and a

⁴⁴ *Government of Sierra Leone Justice Sector Reform Strategy and Investment Plan, 2008-2010.*

secretariat in Freetown, as well as some staff based in Bo, Makeni and Kenema, where it plans to open offices to serve each province. It has an important role to play in receiving complaints from the public, monitoring the actions of other state institutions (such as the police), and calling these institutions to account when they violate human rights and fail to provide redress. The SLHRC still has serious capacity problems and it has been difficult to find sufficient funding. There is currently funding from the Peace Building Fund and a donor basket funding mechanism has been established, but the government has been reluctant to put more than a token amount of public money into the SLHRC – raising questions about government commitment to this institution. If the SLHRC is able to build its capacity and become effective, it can provide an important new route for human rights redress to citizens for whom redress through the courts is too expensive and inaccessible.

In addition to the SLHRC, the other important oversight institution that is being established is the ombudsman. This office has an important role in looking into the administration of justice, taking complaints and supporting those seeking redress. JSDP has been supporting the establishment of the ombudsman's office and the development of a strategic plan. Another source of oversight that urgently needs to be strengthened is parliamentary oversight of both the security sector and justice sector. There are parliamentary committees that deal with both justice and security issues, but donors report that these do not meet regularly and have little impact.

The potential for political interference in justice processes raises serious concerns regarding the accountability of justice. In particular, the office of the Attorney General and Minister of Justice are held by the same individual, who was appointed directly by the President. This means that the Attorney General, who makes decisions about prosecutions, is also a member of the government and not independent.⁴⁵ A number of

human rights organisations suggested that this has resulted in the Attorney General delaying the prosecution of corruption cases that involve members of the government and ruling party. However, in a positive development, the parliament recently passed reforms that give the Anti-Corruption Commissioner the power to prosecute, which should help to improve the independence and accountability of anti-corruption prosecutions.

Despite the establishment of national oversight institutions, such as the SLHRC and ombudsman's office, it appears from the Justice Sector Reform Strategy and the statements of both the JSCO and JSDP that it is envisaged that civil society will play the main role in monitoring the justice sector.⁴⁶ According to the strategy, civil society's role will be to advocate for change, represent group interests and undertake monitoring and evaluation. The JSDP has developed a "demand-side strategy" that is intended to strengthen civil society's capacity to play this oversight role, including by supporting civil society organisations to develop projects that will attract donor funding.

While civil society obviously has an important role to play in flagging up justice failures and advocating on behalf of citizens, the emphasis in the strategy could be seen as an over-reliance on civil society monitoring. Civil society organisations do not have the power or mandate to investigate justice institutions, and – as seen in the case of local courts – do not always have much access to these institutions. Moreover, there are questions about the capacity and independence of civil society to do this. Civil society organisations complain that they are unable to develop an independent agenda because a lack of core funding means they are forced to chase donor projects – raising questions about civil society's strength and independence.⁴⁷ There are also mixed views on Sierra Leone's civil society among the

⁴⁶ JSCO staff told researchers that civil society will have the role of monitoring and evaluating justice reform and services.

⁴⁷ In particular, civil society organisations are concerned that DFID has established ENCIS, a body that is intended to create forums for citizens to dialogue with government, but that many civil society organisations are concerned will act as a gatekeeper to donor funding and will hamper the development of strong and independent civil society.

⁴⁵ The Bar Association brought an appeal regarding this matter, but the Supreme Court ruled that the President can appoint the Attorney General without consulting parliament.

donor community. One DFID official told researchers that supporting civil society organisations in order to build accountability is not useful as they are largely unrepresentative, while UNOSIL staff reported that civil society is good at holding the government to account.

Oversight and redress in the diamond mining industry

An area where there appear to be significant gaps in oversight and redress, resulting in serious rights violations, is the diamond mining industry. The activities of foreign owned mining companies have caused conflict in Kono district and both the local council and civil society reported that these companies are not effectively overseen or held accountable for their actions.

Officials of Kono council reported that mining companies refuse to pay local taxes or to meet with council officials to discuss this. They stressed that the council has to deal with the environmental and social damage caused by the mining companies, but that these companies pay nothing towards this. Civil society organisations reported that no information is given to communities about how diamond mining revenues are spent and there is little evidence that these are being used for the benefit of the local population. They also claimed that mining companies often pay paramount chiefs to use communal land for mining and that the affected communities have no way to seek redress for this.

There has been particular tension regarding the mining company Koidu Holdings. It was agreed when Koidu Holdings began operations in 2003 that it would relocate 287 homes that were in its immediate blasting area. However, in June 2008 it had only provided 45 new homes for relocation and had not provided basic facilities, such as wells, for these relocated families. The rest of the community continue to live in the blasting area.

On 13 December 2007 the community protested in front of Koidu Holdings regarding the continual blasting and lack of progress in resettlement. During these protests police shot at the crowd, killing two people and wounding eight. The government established a Commission of Inquiry into this incident, which recommended that mining laws and policies are reviewed and the affected community in Koidu is resettled. The review was undertaken and a white paper produced, and implementation of this white paper is now beginning (including the establishment of a Presidential Task Force for Review of Mining Contracts/Agreements). There is also a "Consolidated Mines and Minerals Act" before parliament, but civil

society and mine-affected communities have not been shown or consulted on this.

While it is clear that the deaths in December 2007 did prompt the government to strengthen oversight of the mining industry, at the time of the research - seven months after the shooting - the situation for the affected communities in Koidu had not changed. While it is hoped that the new mines act will improve oversight, it appears that, on the ground, foreign-owned mining companies continue to be insufficiently monitored and redress is not provided to those whose rights are violated by them. Diamond mining is an important source of revenue for Sierra Leone and holding mining companies to account may be uncomfortable for the government.

Participation in decision-making about justice

Another important element of accountability is that citizens are able to participate in making decisions about new laws and justice policies, thereby helping to shape justice institutions that meet their needs. This section explores the extent of citizen participation in decisions about the justice sector in Sierra Leone.

Citizen participation in decisions about customary justice is limited and is at the discretion of local chiefs and customary justice personnel. Local court officials reported that in making new laws, chiefs mostly just consult with elders and local court supervisors, although in some cases they do also consult senior women and youth representatives. None of the local courts reported consulting with civil society organisations, and customary court officials in Kabala stated that civil society organisations are related to government and the formal justice system, and therefore have no relevance to customary law. This raises questions about the extent to which the voices of marginalised groups, or concerns about human rights, can be integrated into the development of customary law.

Within the formal justice system, at local level there are mechanisms for consultation, such as police partnership boards that bring together police and citizens – including women and youth representatives – at district and chiefdom level. There are also district level human rights committees that bring together a range of civil society organisations working on human rights to engage with justice institutions. In Moyamba there had been a lot of consultation with civil society related to JSDP activities. Some respondents did raise questions about how representative the civil society organisations are that participate in consultations, both at local and national level.

In terms of consultation on national laws and justice policies, there was mixed opinion. Some respondents reported that government consults meaningfully and widely on justice issues, and in particular that there had been intensive consultation on the Justice Sector Development Strategy. Some civil society representatives also stated that on certain issues, such as child rights, the government actually relies on civil society organisations to shape policy because of its own weak capacity (raising concerns about government accountability to citizens for its own policies). However, other respondents alleged that government tends to consult only with organisations that do not challenge it and does not seek a genuine range of opinion. Legal professionals, including the judiciary and the Bar Association, reported that government consulted them fully and took their recommendations seriously.

In terms of donor consultation – both on justice issues and more widely – there was significant criticism from many of the larger, Freetown-based civil society organisations. This included allegations from both civil society and some donor officials that certain donors (particularly DFID and the World Bank) are – in the words of one civil society activist – “remote controlling” the justice agenda. It was claimed that these donors are bringing in uninformed external consultants to push their agenda, consulting only with

non-challenging NGOs and not engaging with genuinely representative civil society.⁴⁸ One civil society organisation working on justice reported that donors bring set frameworks and get civil society to rubber stamp these in “consultations” that take place once programmes are virtually finalised. Others argued that by providing only project funding and not core funding, donors are getting civil society to respond to their agenda, rather than fostering a genuinely independent and strong civil society. However, even some of the harshest critics accepted that the JSDP had conducted inclusive consultations with civil society.

Conclusion

It is clear that the primary challenge for the justice system in Sierra Leone is capacity. Across all the justice institutions there is a serious lack of funds, skilled personnel and infrastructure which makes just delivering justice – let alone being accountable to citizens for the quality of that justice – extremely difficult. Capacity building must therefore be the first priority. However, the process of (re-)building the capacity of justice institutions provides important opportunities to strengthen the accountability of these institutions by improving oversight and information systems, addressing barriers to access and discriminatory practices, and involving citizens in decision making about the justice sector.

The plans laid out in the Justice Sector Reform Strategy certainly address the major capacity and accountability issues identified by this research. It is a comprehensive strategy that has the potential to provide Sierra Leone with a more effective and accountable justice system if it is implemented in full. However, it is also a highly ambitious strategy, for which donor funding is not yet secured. It is therefore important that this strategy is well prioritised and sequenced, to ensure that the most pressing priorities are funded.

Donors working in the justice sector should align behind the Justice Sector Development Strategy and

⁴⁸ For more on the tension between donors and civil society, see *Square Pegs in Round Holes: Aid and Accountability in Sierra Leone*, EUROAD and Campaign for Good Governance, 2007.

provide significant funding towards its implementation. This is important both because it is a comprehensive strategy that reflects the government's ambitions for the justice sector, and because capacity within government and justice institutions is too weak to manage a range of uncoordinated donor activities. Moreover, given the complexity of this strategy, and the challenging environment in which it will be implemented, adequate support must be provided both for the activities in the strategy *and* to create strong central institutions (including the JSCO) that can effectively manage its implementation.

While the Justice Sector Reform Strategy addresses the main accountability challenges within the justice sector, a number of issues arose from this research that raise questions about the strategy, or more broadly about government and donor support to justice reform. These are outlined below:

- The Justice Sector Reform Strategy states that its priority is to provide primary justice at community level, as “with a formal legal system that is inaccessible to 70% of our people, we need to make sure that alternative systems for delivering justice (including through chiefdoms) are functioning properly and fairly”.⁴⁹ However, the strategy actually focuses far more on reform of the formal system than the customary system, and the majority of customary justice personnel and chiefs interviewed during this research were unaware of the strategy's existence, despite apparently being its main targets. Moreover, the vast majority of donor support to the justice sector is focused on formal institutions, with only the JSDP pilot in Moyamba doing any significant work with customary institutions. This gap between the recognition of the importance of the customary sector and the limited plans to address it highlights the challenges of working with customary justice institutions, and the importance of finding new ways to do this. Donors have been particularly reluctant to work with informal institutions, as they are more comfortable with the formal sector.

However, if their aim is to strengthen justice for ordinary Sierra Leoneans they will need to engage more with the customary institutions through which the majority of people seek justice.

- The Justice Sector Reform Strategy stresses the central role of civil society in monitoring justice and providing information to citizens. It is clear that civil society organisations are already performing these functions at local level, and strengthening their expertise and activities in these areas is obviously useful. However, it is important that civil society monitoring is not seen as a replacement for state oversight. Civil society does not have the mandate or access (for example to demand meetings with justice personnel or to see official records) to fully oversee justice institutions. This must be done by agents mandated by the state, with civil society playing an external watchdog and advocacy role. While the strategy does contain some important plans to strengthen official oversight mechanisms (such as the ombudsman and SLHRC), there is a danger that in relying so heavily on civil society for monitoring and information provision, the state effectively abdicates its own responsibility for overseeing justice and providing information to citizens.
- The Justice Sector Reform Strategy's main emphasis is on strengthening those institutions that deliver justice to the public (courts, police, prisons etc.), and this is obviously the first priority in improving access to justice for citizens. However, it is also very important to strengthen the ministries that have ultimate responsibility for the direction and oversight of these justice institutions. The Ministry of Justice; Ministry of Internal Affairs, Local Government and Community Development; and Ministry of Social Welfare, Gender and Children's Affairs all play a role in overseeing justice institutions. However, it was reported that some of these – particularly the Ministries of Internal Affairs and Social Welfare – are very weak. For genuine government ownership of justice policies, as well as executive oversight and leadership of justice institutions, it is vital that these ministries are strengthened and that there are

⁴⁹ *Government of Sierra Leone Justice Reform Strategy and Investment Plan, 2008-2010*

effective chains of accountability up to the highest level.

- The lack of skilled personnel is clearly a major problem throughout the justice system and is delaying justice processes and resulting in inappropriate justice outcomes. As well as improving the skills of existing staff, more personnel urgently need to be brought into the system and this requires more attractive salaries. Clearly the government has primary responsibility for addressing this staffing crisis and should allocate more resources for justice personnel salaries where it can. Donors are understandably reluctant to fund core staff salaries within justice institutions because of sustainability and ownership issues (although some donors are providing salary top-ups). However, in order to effectively implement the Justice Sector Reform Strategy more personnel are required across all institutions and donors may need to explore ways to fund some of this cost in the medium term. Certainly funding expensive consultants to do the work of core staff (as in the Law Officers Department within the Ministry of Justice) is not a useful donor response to the problem.
- It is important that efforts to address inequality within the justice system are linked with broader measures to address discrimination within society and empower marginalised groups. In addition, the focus must be not only on improving equality of access, but also on fairer justice outcomes for marginalised groups, and on the active participation of marginalised groups in justice processes, for example as local court members or police officers. This is important in ensuring that justice institutions are truly responsive to the needs of marginalised groups. Quotas or positive discrimination in training and hiring practices should be considered to facilitate this.
- Finally, while the Justice Sector Reform Strategy provides a strong framework for improving the justice sector, there are serious questions about the sustainability of this work. Even if sufficient donor

funds are captured to cover the period of the strategy (2008-2010), there will need to be an ongoing process of capacity building and reform well beyond this date. Donors do not usually provide extensive funding for the justice sector, and it has only received so much attention in Sierra Leone because of the role of poor justice in triggering the conflict and the recommendations of the Truth and Reconciliation Commission. There is therefore a real danger that donor support for justice reform will wane before reforms are completed. Given that Sierra Leone's aid comes from a small group of donors (and there are apparently no new donors on the horizon) it is important that existing donors continue to support justice sector reform beyond the life of the strategy. It is, of course, also vital that the government commits significant national funds to strengthening the justice sector.

References

- Castillejo, 2008, *Strengthening women's citizenship in the context of state-building: the experience of Sierra Leone* (FRIDE Working Paper)
- Dale 2008, *Access to Justice in Sierra Leone: A review of the literature*
- DFID, 2008, *States in Development: Understanding State-Building*
- EURODAD and Campaign for Good Governance, 2007, *Square Pegs in Round Holes: Aid and Accountability in Sierra Leone*
- European Commission, *European Community Joint Country Strategy and National Indicative Programme 2008-2013*
- Fanthorpe, 2001, *Neither Citizens or Subject? 'Lumpen' agency and the legacy of native administration in Sierra Leone*
- Fanthorpe 2003, *Humanitarian aid in post-war Sierra Leone: the politics of moral economy*
- Government of Sierra Leone, 2007, *Government of Sierra Leone Justice Sector Reform Strategy and Investment Plan, 2008-2010*

- JSDP, 2005, *Justice Sector Development Programme: Inception Report*
- JSDP, 2006, *Justice Sector Survey*
- Kane et al, 2004, *Sierra Leone, Legal and Judicial Sector Assessment*
- Maru, 2005, *The Challenges of African Legal Dualism: The Experiment of Sierra Leone*, Maru.
- Rennie, 2006, *Silenced Injustices in Moyamba District*
- Richards, 2005, *To Fight or to Farm? Agrarian Dimensions of the Mano River Conflicts (Liberia and Sierra Leone)*
- Sawyer, 2008, *Remove or Reform? A Case for (Restructuring) Chiefdom Governance in Post-Conflict Sierra Leone*
- Thomson, 2007, *Sierra Leone: Reform or Relapse? Conflict and Governance Reform*
- Truth and Reconciliation Commission of Sierra Leone, 2004, *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*

WORKING PAPERS

- 76 Building Accountable Justice in Sierra Leone, *Clare Castillejo*, January 2009
- 75 *Plus ça change*: Europe's engagement with moderate Islamists, *Kristina Kausch*, January 2009
- 74 The Case for a New European Engagement in Iraq, *Edward Burke*, January 2009
- 73 Inclusive Citizenship Research Project: Methodology, *Clare Castillejo*, January 2009
- 72 Remesas, Estado y desarrollo, *Laura Tedesco*, Noviembre 2008
- 71 The Proliferation of the "Parallel State", *Ivan Briscoe*, October 2008
- 70 Hybrid Regimes or Regimes in Transition, *Leonardo Morlino*, September 2008
- 69 Strengthening Women's Citizenship in the context of State-building: The experience of Sierra Leone, *Clare Castillejo*, September 2008
- 68 The Politics of Energy: Comparing Azerbaijan, Nigeria and Saudi Arabia, *Jos Boonstra*, *Edward Burke* and *Richard Youngs*, September 2008
- 67 Democratising One-Party Rule? Political Reform, Nationalism and Legitimacy in the People's Republic of China, *Shaun Breslin*, September 2008
- 66 The United Nations Mission in Congo: In quest of unreachable peace, *Xavier Zeebroek*, July 2008
- 65 Energy: A Reinforced Obstacle to Democracy?, *Richard Youngs*, July 2008
- 64 La debilidad del Estado: Mirar a través de otros cristales, *David Sogge*, Julio 2008
- 63 IBSA: An International Actor and Partner for the EU?, *Susanne Gratius (Editor)*, July 2008
- 62 The New Enhanced Agreement Between the European Union and Ukraine: Will it Further Democratic Consolidation?, *Natalia Shapovalova*, June 2008
- 61 Bahrain: Reaching a Threshold. Freedom of Association and Civil Society in the Middle East and North Africa, *Edward Burke*, June 2008
- 60 International versus National: Ensuring Accountability Through Two Kinds of Justice, *Mónica Martínez*, September 2008
- 59 Ownership with Adjectives. Donor Harmonisation: Between Effectiveness and Democratisation. Synthesis Report, *Stefan Meyer* and *Nils-Sjard Schulz*, March 2008
- 58 European Efforts in Transitional Justice,, *María Avello*, May 2008
- 57 Paramilitary Demobilisation in Colombia: Between Peace and Justice, *Felipe Gómez Isa*, April 2008
- 56 Planting an Olive Tree: The State of Reform in Jordan. Freedom of Association and Civil Society in the Middle East and North Africa: Report 2, *Ana Echagüe*, March 2008
- 55 The Democracy Promotion Policies of Central and Eastern European States, *Laurynas Jonavicius*, March 2008
- 54 Morocco: Negotiating Change with the Makhzen. Project on Freedom of Association in the Middle East and North Africa, *Kristina Kausch*, February 2008
- 53 The Stabilisation and Association Process: are EU inducements failing in the Western Balkans?, *Sofia Sebastian*, February 2008
- 52 Haiti: Voices of the Actors. A Research Project on the UN Mission, *Amélie Gauthier* and *Pierre Bonin*, January 2008
- 51 The Democratisation of a Dependent State: The Case of Afghanistan, *Astri Suhrke*, December 2007
- 50 The Impact of Aid Policies on Domestic Democratisation Processes: The Case of Mali. Donor Harmonisation: Between Effectiveness and Democratisation. Case Study 4, *Hamidou Magassa* and *Stefan Meyer*, February 2008
- 49 Peru: the Kingdom of the ONG?, Donor Harmonisation: Between Effectiveness and Democratisation. Case Study 3, *Enrique Alasino*, February 2007
- 48 The Nicaragua Challenge. Donor Harmonisation: Between Effectiveness and Democratisation. Case Study 2, *Claudia Pineda* and *Nils-Sjard Schulz*, January 2008

WORKING PAPERS

- 47 EU Democracy Promotion in Nigeria: Between *Realpolitik* and Idealism, Anna Khakee, December 2007
- 46 Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina, Sofía Sebastián, November 2007
- 45 The "Third Populist Wave" of Latin America, Susanne Grätius, October 2007
- 44 OSCE Democracy Promotion: Griding to a Halt?, Jos Boonstra, October 2007
- 43 Fusing Security and Development: Just another Euro-platitude?, Richard Youngs, September 2007
- 42 Vietnam's Laboratory on Aid. Donor Harmonisation: Between Effectiveness and Democratisation. Case Study 1, María Delfina Alcaide and Silvia Sanz-Ramos, September 2007
- 41 Theoretical Framework and Methodology for Country Case Studies. Donor Harmonisation: Between Effectiveness and Democratisation, Stefan Meyer y Nils-Sjard Schulz, September 2007
- 40 Spanish Development Cooperation: Right on Track or Missing the Mark?, Stefan Meyer, July 2007
- 39 The European Union and the Gulf Cooperation Council, Ana Echagüe, May 2007
- 38 NATO's Role in Democratic Reform, Jos Boonstra, May 2007
- 37 The Latin American State: 'Failed' or Evolving?, Laura Tedesco, May 2007
- 36 Unfinished Business? Eastern Enlargement and Democratic Conditionality, Geoffrey Pridham, April 2007
- 35 Brazil in the Americas: A Regional Peace Broker?, Susanne Grätius, April 2007
- 34 Buffer Rus: New Challenges for Eu Policy towards Belarus, Balazs Jarabik and Alastair Rabagliati, March 2007
- 33 Europe and Russia, Beyond Energy, Kristina Kausch, March 2007
- 32 New Governments, New Directions in European Foreign Policies?, Richard Youngs (editor), January 2007
- 31 La Refundación del Estado en Bolivia, Isabel Moreno y Mariano Aguirre, Enero de 2007
- 30 Crisis of State and Civil Domains in Africa, Mariano Aguirre and David Sogge, December 2006
- 29 Democracy Promotion and the European Left: Ambivalence Confused?, David Mathieson and Richard Youngs, December 2006
- 28 Promoting Democracy Backwards, Peter Burnell, November 2006
- 27 Respuestas globales a amenazas globales. Seguridad sostenible para el siglo XXI, Chris Abbott, Paul Rogers y John Sloboda, Septiembre de 2006
- 26 When More is Less: Aiding Statebuilding in Afghanistan, Astri Suhrke, September 2006
- 25 The Crisis in Timor-Leste: Restoring National Unity through State Institutions, Culture, and Civil Society, Rebecca Engel, August 2006
- 24 Misión de la ONU en la República Democrática del Congo: Imponer y consolidar la paz más allá de la elecciones, Luis Peral, Julio de 2006
- 23 Angola: Global "Good Governance" Also Needed, David Sogge, June 2006
- 22 Recovering from Armed Conflict: Lessons Learned and Next Steps for Improved International Assistance, Megan Burke, April 2006
- 21 Democracy and Security in the Middle East, Richard Youngs, March 2006
- 20 Defining 'Terrorism' to Protect Human Rights, Ben Saul, February 2006
- 19 Failing States or Failed States? The Role of Development Models: Collected Works; Martin Doornbos, Susan Woodward, Silvia Roque, February 2006
- 18 Facing the Victims in the Global Fight against Terrorism, Jessica Almqvist, January 2006
- 17 Transition and Legitimacy in African States: The cases of Somalia and Uganda, Martin Doornbos, December 2005

FRIDE

Sierra Leone's civil war left the country's justice system severely damaged, and rebuilding and reforming this system has been a major priority for Sierra Leone's government and donors following the end of the conflict. Within this, there has been a particular focus on developing a justice system that is accountable to citizens, as both lack of justice and unaccountable and unresponsive governance were root causes of the conflict.

This Working Paper examines the extent to which a more accountable justice system is being built in Sierra Leone and the challenges and opportunities for doing this. It analyses five key components of accountability - access, equality, information, oversight and participation - and asks to what extent these are being developed within Sierra Leone's justice institutions. Based on this analysis the Working Paper suggests policy options for strengthening accountability as part of current justice sector reform initiatives.

This Working Paper is based on field research conducted by FRIDE and Campaign for Good Governance in Freetown and Kono, Koinadugu and Moyamba districts in June 2008.

www.fride.org