

# THE LAWYERS CENTRE FOR LEGAL ASSISTANCE SIERRA LEONE



## UNEQUAL RIGHTS: DISCRIMINATORY LAWS AGAINST WOMEN IN SIERRA LEONE



A Report by the  
**LAWYERS CENTRE FOR LEGAL ASSISTANCE  
(LAWCLA) - SIERRA LEONE**

PUBLISHED WITH SUPPORT FROM THE  
**UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) -  
SIERRA LEONE**

*Note: The evidences and views contained in this report are entirely and solely those of  
LAWCLA*

## THE LAWYERS CENTRE FOR LEGAL ASSISTANCE SIERRA LEONE



## JUVENILE JUSTICE PROJECT ANNUAL REPORT 2005

## LAWCLA NEWS

Vol. 1 Issue 1 June 2005  
The Lawyers Centre for Legal Assistance - Sierra Leone

### LAWCLA FOCUSES ON IMPACT LITIGATION

When the Centre began operation four years ago its main focus was to ensure the protection of the rights and liberties of individuals through the law. This yielded many positive results for a country reeling from ten years of carnage. But with the dust now settling, the Centre has changed its modus operandi and is now moving away from cases that only benefit individuals in order to focus on cases which have a wider impact on communities.



Alex M. Muna  
IMPACT LITIGATION UNIT

### LAWCLA RECEIVES DONATION FROM A PHILANTHROPIST

On Monday 30th May 2005, philanthropist, Murtal Pissal and four husband and two children visited LAWCLA's Headquarters to acquaint themselves with the work of the Centre. The couple had previously learned about the work of the Centre through the internet and decided to have first hand information and to see what help they could provide.

On their arrival at the Centre, they were welcomed by the Executive Director, Mr. Murtal Pissal, who introduced the guests to LAWCLA staff members. After a brief introduction, the Director outlined the history of the formation of the Centre. The inspiration for LAWCLA, he explained, was borne during an internship at a Legal Aid Law Centre in Namibia. After studying the form and structure of the Legal Aid Centre in Namibia, Mr. Pissal returned home to share his ideas with colleagues who would support him in setting up the Centre. The Director also explained the many comments faced by the Centre in its early years, particularly with regard to office space and financial matters.

Murtal Pissal expressed his appreciation for the legal assistance of the Centre and his support for its work throughout Sierra Leone stating that even in the United States where the rights of people are given.



### INSIDE THIS ISSUE

1. LAWCLA focuses on Impact Litigation
2. LAWCLA receives donation from Philanthropist
3. DFID donates to LAWCLA
4. Deputy Director continues Master Degree from New York University
5. Government Briefs LAWCLA
6. LAWCLA hosts donors from the United States

## LAWCLA NEWS

Vol. 1 Issue 1 December 2005  
The Lawyers Centre for Legal Assistance - Sierra Leone

### LAWCLA CALLS ON GOVERNMENT TO REVIEW THE 1991 CONSTITUTION

With the Truth and Reconciliation report now published and legal justice calling for certain cases within the 1991 Constitution to be reviewed, the Lawyers Centre for Legal Assistance (LAWCLA), which is a public interest human rights law group whose primary function is to protect and promote human rights through law, has urged other stakeholders in that vein to urge government to review the 1991 Constitution.

The press release which was entitled "LAWCLA DEMAND THE ESTABLISHMENT OF A CONSTITUTIONAL REVIEW COMMITTEE" states quite explicitly that the centre is calling on the government of President Ahmad Tejan Kabbah, to urgently establish a Constitutional Review Committee to review the provisions of the 1991 Constitution of Sierra Leone. This release which was published in some of the tabloids in Sierra Leone cited Article X of the Leone Preamble (Preamble) Act 1991 which makes provision for the establishment of a Constitutional Review Committee. Article X of the said Act stipulates:

### INSIDE THIS ISSUE

1. LAWCLA urges Government to Review the 1991 Constitution
2. LAWCLA calls for Review of the 1991 Constitution
3. LAWCLA collaborates with United Nations Development Programme
4. LAWCLA Director continues Master Degree in Law
5. Parliament of Sierra Leone - A Legal Aid Project

### LAWCLA LAUNCHES WOMEN'S RIGHTS HANDBOOK

The Lawyers Centre for Legal Assistance (LAWCLA) recently launched its Women's Rights Handbook, which covers rights, Discriminatory Laws, Gender Inequality, Women's Rights, and the role of the State in promoting women's rights. The handbook is a guide for women's rights and is available in both English and Krio. It is a result of the many discussions and consultations with women's rights activists and stakeholders in the country.

During the launch of the handbook, the Executive Director of the Centre, Mr. Murtal Pissal, gave a brief overview of the work of the Lawyers Centre since its establishment in March 2001. He informed guests that the handbook is a result of the many discussions and consultations with women's rights activists and stakeholders in the country.

In response to the appointment made by the Executive Director of the Centre, Mr. Murtal Pissal, to the position of Deputy Director, the Centre has appointed Mr. Murtal Pissal to the position of Deputy Director. This appointment is a result of the many discussions and consultations with women's rights activists and stakeholders in the country.

Formerly, Mr. Murtal Pissal, the Executive Director and Member of Justice of the Republic of Sierra Leone, Mr. Pissal, stated that the government of Sierra Leone has the process of demobilising and only the Centre has the right to the Constitution in the Republic of Sierra Leone.



# ANNUAL REPORT 2005



# **WHY A LEGAL AID BOARD MUST BE ESTABLISHED**

## **(5) PARLIAMENT SHALL MAKE PROVISION -**

- a. For the rendering of financial assistance to any indigent citizen of Sierra Leone where his right under this chapter has been infringed, or with a view to enabling him to engage the services of a Legal Practitioner to prosecute his claim; and
- b. For ensuring that allegations of infringements of such rights are substantial and the requirement or need for financial or Legal Aid is real.

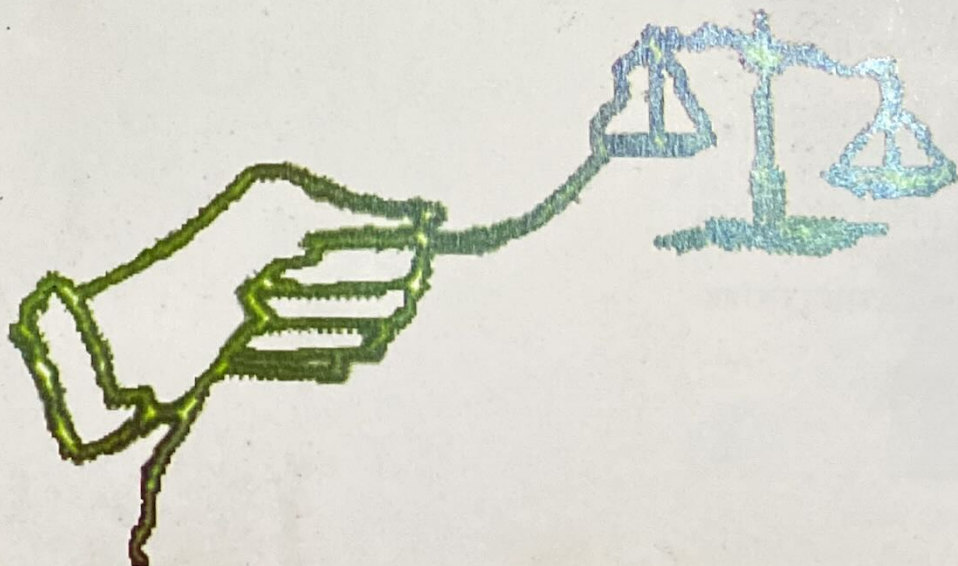
**Section 28 (5)(A) & (B)**

**Constitution of Sierra Leone, 1991 (Act No. 6 of 1991)**



## MISSION STATEMENT

THE LAWYERS CENTRE FOR  
LEGAL ASSISTANCE BEING A  
PUBLIC INTEREST HUMAN  
RIGHTS LAW CENTRE ENDEAV-  
OURS TO MAKE THE LAW AND  
JUSTICE MORE ACCESSIBLE TO  
INDIGENT MEMBERS OF THE  
PUBLIC THROUGH LEGAL  
ADVICE, IMPACT LITIGATION  
AND RESEARCH, WITH THE  
ULTIMATE AIM OF PROTECT-  
ING AND PROMOTING HUMAN  
RIGHTS THROUGH LAW IN  
SIERRA LEONE





# TABLE OF CONTENTS

|                                               | Page  |
|-----------------------------------------------|-------|
| 1. MISSION STATEMENT                          | 1     |
| 2. FOREWORD                                   | 3     |
| 3. INTRODUCTION AND OVERVIEW OF REPORT        | 4     |
| 4. ADVISORY BOARD AND MANAGEMENT STAFF        | 5     |
| 5. THE FREETOWN OFFICE                        | 6     |
| 6. THE LITIGATION UNIT                        | 7-9   |
| 7. THE TRANSITIONAL AND ECONOMIC JUSTICE UNIT | 10-11 |
| 8. THE GENDER RESEARCH AND ADVOCACY UNIT      | 12    |
| 9. LAWCLA AND IRC TRAIN POLICE PERSONNEL      | 13    |
| 10. THE JUVENILE JUSTICE UNIT                 | 14    |
| 10. JUVENILE JUSTICE PROJECT                  | 15-17 |
| 11. THE NORTHERN PROVINCE REGIONAL OFFICE     | 18    |
| 12. THE SOUTHERN PROVINCE REGIONAL OFFICE     | 19    |
| 13. THE EASTERN PROVINCE REGIONAL OFFICE      | 20    |
| 14. PUBLICATIONS BY THE CENTRE                | 21    |
| 15. COLLABORATION AND LINKAGES                | 22-24 |
| 16. STAFF DEVELOPMENT                         | 25    |
| 17. INTERNSHIP AT THE CENTRE                  | 26    |
| 18. RECOGNITION BY THE MEDIA                  | 27-29 |
| 19. DONATIONS TO THE CENTRE                   | 30    |
| 20. CONCLUSION                                | 31    |



## FOREWARD

I am both humbled and privileged to present the foreword to this Annual Report.

**C**entral to the Centre's mission is the critical importance of access to the law and justice.

In 1998 The Universal Declaration of Human Rights recognised the significance of individuals not being subject to arbitrary arrest and this fundamental individual right therefore finds itself restated in the African Charter on Human and Peoples' Rights.

The Sierra Leone Truth and Reconciliation Commission noted that several detainees had been held in detention without charge or trial since 2000 and declared this to be a gross and unjustifiable violation of their human rights.

The dedicated efforts of those who work tirelessly within the architecture of LAWCLA cannot be underestimated in its substantial and continuing contribution to the fundamental notion of access to justice. To that end, justice is essentially a commitment of fairness.

The significant range of projects that the Centre has undertaken during 2005 evidenced an important balance with regard to the many stakeholders that uphold the process of the law, ranging in this case from police personnel and probation officers to individual legal representatives.

The Director in his report notes the "crucial role" played by the media in the work of the Centre. Publicity was once noted as being "the very soul of justice, it keeps the judge, while trying, under trial". I would wish to echo the importance of the role of the media in maintaining the openness of criminal trial proceedings which in turn underpins a fundamental element of fairness as part of customary international law.

I am extremely proud of the achievements of LAWCLA in 2005 and in thanking the donors wish to call upon others within the international community to support the important work and endeavours of the Centre as part of its longer term strategic aims.



*James Oury*  
*Advisory Board Member*



## INTRODUCTION/OVERVIEW OF REPORT

**T**he Lawyers Centre for Legal Assistance approaches the first five years of its existence with a proud smile of its enormous achievements since its formation.

In 2005, the Centre completed its Prisoners Rights Project funded by the Open Society Initiative for West Africa (OSIWA) in terms of which it opened two regional offices in Bo and Kenema. This Project was for the provision of Legal Advice and Representation to indigent individuals incarcerated in Police Stations and Prisons throughout Sierra Leone.

A major project the Centre also implemented during the reporting period is a Juvenile Project entitled 'Legal Protection of Juvenile and the Promotion of Juvenile Justice in Sierra Leone'. This project was supported by an anonymous private foundation in the United States of America.

The Centre also trained Police Personnel on prosecuting sexual offences and formally launched its handbook on 'Discriminatory Laws against Women in Sierra Leone: An Urgent Need for Reform', thereby displaying its commitment to gender equality in the country.

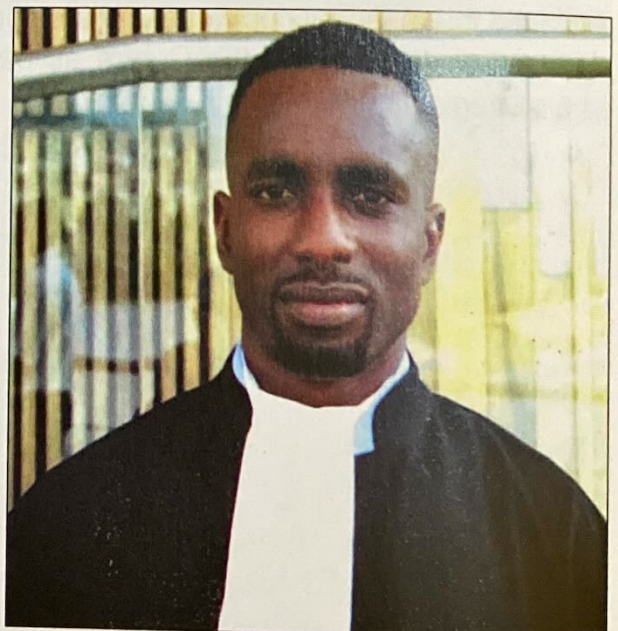
In terms of staff development, the Centre among other things recruited one of the first graduates in Mass Communication from the University of Sierra Leone, as Information Officer and my humble self-obtained a second Masters Degree in Law specializing in International Criminal Justice and Law of Armed Conflict.

The Centre also hosted two Interns from the Centre for capital Studies at the University of Westminster in the United Kingdom and two Interns from the University of Sierra Leone.

The media continues to play a crucial role in the work of the Centre by publicizing human rights abuses and interventions by our Institution as well as our research work geared towards the promotion of human rights.

Lack of funds however continues to threaten the existence of the Centre and its activities as the Centre painfully strives to maintain its four offices thereby making the Law and Justice accessible to all.

I wish you all an enjoyable reading.



*Melron C. Nicol-Wilson*  
**DIRECTOR**



# **THE BOARD AND SENIOR MANAGEMENT STAFF OF THE LAWYERS CENTRE FOR LEGAL ASSISTANCE**

## **THE ADVISORY BOARD**

**Mr. Francis Gabbidon** - Chairperson  
Ombudsman of the Republic of Sierra Leone

**Ms. Bola Malcolm-Parker** - Vice Chairperson  
Gender Activist

**Mr. David Tam-Baryoh** - Executive Director  
Centre for Media, Education and Technology

**Mr. James Oury** - Managing Partner  
Oury Clark Solicitors

**Ms. Kakuna Kerina**  
Senior Program Director for Africa/Senior Advisor for Africa  
International League for Human Rights

**Mrs. Daphne Olu Williams** - Economist and Gender Activist

## **SENIOR MANAGEMENT STAFF**

Melron C. Nicol-Wilson  
**Director**

Salmatta Sandi  
**Administrator**

Oju R. Wilson  
**Legal Research Officer**

Abdul D. Kposowa  
**Information/Public Relations Officer**



## THE FREETOWN OFFICE

**T**he Head Office of LAWCLA served Freetown and its environs as well as supervise the work of the Centre's regional offices in Bo, Kenema and Makeni during the period under review.

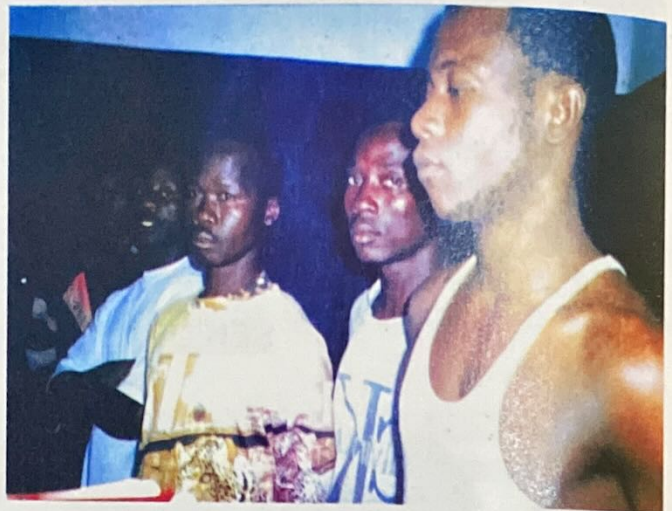
The Centre during the reporting period shifted its focus from every day cases that benefits individuals to Impact Litigation Cases, Constitutional Test Cases and the Protection of Juveniles in Conflict with the Law.

The Litigation unit, the Gender research and Advocacy unit and the Juvenile Justice Units within the Centre's head office in Freetown made tremendous strides in fulfilling the mandate of the Centre.

In spite of the successes of the Centre during the reporting period we still continue to face a number of constraints such as constant absence of Electricity supply and a permanent and bigger office structure that will accommodate our staff and numerous clients.



*Salmatta Sandi  
Administrator*



*Some of our numerous clients*



## THE LITIGATION UNIT

**T**his Unit deals with cases bordering on human rights abuses. With the shift of the Centre's focus to Impact Litigation and Constitutional Test Cases the number of cases dealt with by this unit reduced substantially but the impact of its work in Sierra Leone became greater and contributed to the promotion of human rights.

Cases dealt with during the reporting period include representation of former fighters of the Revolutionary United Front that are now on trial and representation of the West Side Boys that have been in detention since 2000. The Centre also obtained an injunction on behalf of a community from Sandor Chiefdom, Kono District who were disenfranchised allegedly by the Provincial Secretary North, from contesting a local election.

Another case that the unit dealt with is that of **Alfred B. Jones and others vs. Sierra Leone Ports Authority (SLPA)**. The Plaintiffs were dismissed from employment by the Sierra Leone Ports Authority and had to seek the services of the Centre for legal redress. A letter before action was written by the Centre in July 2005 which yielded positive results as the Plaintiffs were paid benefits due them.

Another case that the unit dealt with was **Joseph Yusuf Sesay, Sundu Sesay, Samuel Momodu Koroma and James Conteh** all former employees of the United Nations High Commissioner for Refugees Branch Office in Freetown. These workers worked for varying periods and were summarily dismissed on grounds of serious misconduct, alleging that they submitted fraudulent bills under an insurance scheme that was meant to assist subscribers and their eligible dependants. The Centre has appealed against their summary dismissal.

The Unit during this period also completed the drafting of papers for the pursuit of three constitutional test cases that affect the personal wellbeing of the citizenry in their day-to-day activities. These cases will be argued in the Supreme Court of Sierra Leone early next year.

The first case deals with the Death Penalty which the Centre believes contravenes section 20 of the 1991 Constitution which provides that individuals should not be subjected to any form of treatment which is inhuman or degrading.

The second case deals with the Protection of Freedom of Expression and the Press. The Centre will argue against the Seditious Libel Clause in the Public Order Act of 1965, which impinges on free press, and freedom of expression.

The third case deals with protection of freedom of Assembly and Association. The Centre intends to use this section to argue that the Public Order Act which states that any individual or group of individuals, who intend to stage a demonstration or public meeting, must notify the Inspector-General of Police is a flagrant disrespect of the Constitution which takes primacy over all laws in Sierra Leone.



## A VEHICLE WITHOUT AN ENGINE: CAN THE ANTI-CORRUPTION COMMISSION BE EFFECTIVE IN THE ABSENCE OF PROSECUTORIAL POWERS?

By: Melron C. Nicol-Wilson

When the Anti-Corruption Act was passed by the Sierra Leone Parliament on the 3rd of February, 2000, it was widely acclaimed by the Sierra Leonean populace and the International Community as a move in the Right direction in the fight against corruption by Public Officials.

The Anti-Corruption Act of 2000 repealed the outdated and insignificant Prevention of Corruption Act in Chapter 33 of the Laws of Sierra Leone of 1960.

The Anti-Corruption Act established the Anti-Corruption Commission *"to investigate instances of alleged or suspected corruption... and to take steps as may be necessary for the eradication or suppression of corrupt practices"*.

In carrying out this all important function, the Commission is authorized "to educate the Public against the evils of corruption; to enlist and foster public support in combating corruption and to instruct, advise and assist any person or authority on ways in which corrupt practices may be reduced or eliminated".

The Anti-Corruption Commission was therefore given investigation, education and advisory powers in relation to the combating of corruption in Sierra Leone. The Commission was not given any power to prosecute persons suspected of having committed acts of corruption. A vehicle (the Anti-Corruption Commission) was therefore manufactured by Parliament without an engine (the power to prosecute individuals suspected of having committed acts of corruption).

### WHO CAN PROSECUTE?

The Anti-Corruption Act of 2000 gives the Attorney-General and Minister of Justice the Authority and power to Prosecute Individuals suspected of having committed acts of corruption, after an Investigation by the Commission and referral of the findings by the Commissioner of the Commission to the Attorney-General.

Article 37 of the Anti-Corruption Act of 2000 provides:

*"If after examining a report referred to him by the Commissioner under Section 36, the Attorney-General and Minister of Justice decides that there are sufficient grounds to prosecute the Public Officer concerned, he shall do so in the High Court or Magistrate's Court".*

This is in accordance with Article 37; it is only the Attorney-General and Minister of Justice that can take a decision on whether or not an individual investigated by the Commission can be prosecuted or not.

*The Anti-Corruption Commission can only investigate and refer the findings of the investigation to the Attorney-General. It is the Attorney-General who can prosecute.*

### THE PRACTICAL SIGNIFICANCE

The Anti-Corruption Act has subjected the determination of a decision to prosecute corrupt officials to a political appointee – The Attorney-General, who is part of the cabinet.

Thus, if the Attorney-General is instructed by his political superiors not to prosecute an official who the Commission has investigated and suspected of having committed an Act of Corruption, that official will never be prosecuted.

Hence, the Anti-Corruption Commission may have referred hundreds of cases to the Attorney-General, that have not been prosecuted due to political and other considerations preventing the Attorney-General from prosecuting.

The situation may become more difficult if the Attorney-General is suspected of having committed an Act of Corruption. After investigating him, the findings will have to be referred to him for a decision on whether or not he should institute Legal Proceedings against himself. Would the Attorney-General institute Criminal Proceedings against himself? The answer is anybody's guess.

### THE WAY FORWARD

For the fight against corruption to achieve significant ground in Sierra Leone, the Anti-Corruption Commission must be given the authority to prosecute and not only to investigate. This will lead to impartiality in the institution of Legal Proceedings against public officials suspected of Acts of Corruption, thereby creating a disincentive to corrupt practices in Sierra Leone. **Until the power to prosecute is given to the Anti-Corruption Commission, it will be nothing more than a vehicle without an engine.**



# TO REPEAL OR AMEND?

## PUBLIC ORDER ACT OF 1965 UNDER SCRUTINY

By: *Oju R. Wilson*

In recent times, there has been a reaction against the Public Order Act of 1965, which as far as I am concerned, is quite understandable. Section 17 of the Act states that individuals who intend to stage Demonstrations or Public Meetings must notify the Inspector-General of Police, who may capriciously refuse to give such approval. This is in direct conflict with the 1991 Constitution of Sierra Leone, which protects an individual's right to associate and assemble.

The Public Order Act, a forty year old piece of legislation, "served the purpose" for which it was promulgated, and now appears to have lost its significance. Independent Sierra Leone continues to operate with some laws inherited from England before the 1st day of January 1880 and still maintains certain laws after that date like the Perjury Act of 1911, Forgery Act of 1913 and even the Larceny Act of 1916. Interestingly even the British that we inherited these laws from have jettisoned them to make room for contemporary legislation. A case in point is the Theft Act of 1968 and the Companies Act of 1985, to name but a few of the Judicial Reforms within English Jurisprudence. Because the Public Order Act is in conflict with our Constitution, which is the "supreme" law of the land, it should be amended to remove the conflict.

There have been calls from some quarters for the total repeal of the Public Order Act. Interestingly, these have come from some of the very individuals the law was meant to protect, who now cry for it to be expunged. Yet, perhaps instead of repeal, we should be embarking on a sensitization drive and ensure that the Act be used as a shield and not a sword. Theoretically at least, drafters of legislation prepare laws that serve their constituents. This signals that every statute probably has a rational aim.

Antithetically, my opinion of the Public Order Act of 1965 is quite different from what many civil society activists have been advocating. Whilst some advocates have been calling for a total repeal of the Public Order Act of 1965, I have been asking for its mere amendment. The reason for this less severe approach is to ensure that while we advocate for its repeal, we must not forget that society can not run effectively without a law in this area. Notwithstanding the short fallings of the act, it does provide for a lot of things that are of significant importance in the day to day running of the State's affairs.

For example, it helps address street noise, disorderly behavior, vagrancy and a host of other ills that are entrenched in present day Sierra Leone. The disputed areas in the statute are its provisions regarding public meetings and demonstrations and those dealing with defamatory and seditious libel. Whiles labeling these portions of the Act as contentious, it is imperative that we highlight the specific contention. The provisions for public meetings and demonstrations directly contravene Section 26 of the 1991 Constitution of Sierra Leone, which guarantees every individual a Right to Assemble and Associate. The Defamatory and Seditious Libel portion of the act runs contrary to Section 25 of the 1991 Constitution, which protects Freedom of Assembly and Freedom of Expression.

In summary, it is clear that several sections of the Public Order Act are in direct conflict with the Constitution of Sierra Leone, especially, Section 17, which states that individuals who intend to stage demonstrations or hold public meetings must notify the Inspector-General of Police, who may capriciously refuse to give approval, and the seditious libel provisions which criminalize libel. The Supremacy Clause of the Constitution in Section 171 (15) is quite explicit in reaffirming that any law which contravenes any provision within the Constitution is a nullity. The Public Order Act should therefore be amended to resolve this conflict.



## THE TRANSITIONAL JUSTICE UNIT

This unit during the reporting period concentrated on issues relating to transitional justice in Sierra Leone. One key area, which the Centre examined during the reporting period is the impact of the Special Court on the National judicial system. The Centre also during the reporting period advocated for the implementation of the recommendations of the Truth and Reconciliation Commission relating to the Abolition of the Death Penalty and review of the 1991 Constitution.

This unit in January 2005 Unit issued a Press Release calling on the government to comply with the recommendations of the Truth and Reconciliation Commission to abolish the Death Penalty. With the government insisting that the Death Penalty was constitutional, another Press Release was issued calling for a Review of the Constitution.

### **"ACCOUNTABILITY" UNDER INTERNATIONAL LAW**

By: Nicholas Mitchell

Every international body created to adjudicate crimes of war or crimes against humanity has articulated a goal of achieving "accountability", as has the Special Court for Sierra Leone. As the trials of the Special Court progress, it is important that we examine this goal and the possible outcomes of the Special Court's jurisprudence.

The aim of achieving "accountability" has been articulated throughout the history of international criminal justice. It was reflected in the Nuremberg Charter of 1945 and in subsequent developments in international criminal law, such as the Geneva Conventions of 1949 and the enabling statutes for the Criminal Tribunals for Rwanda and the former Yugoslavia. In a criminal law context, accountability usually means identifying a crime, finding its culprit and imposing punishment. On the surface, this seems quite simple. An examination of the goals of criminal punishment is in order. Punishment is generally thought to have 2 basic aims: retribution and deterrence. Under retribution theories, it is believed that principles of morality or natural law dictate that those who commit crimes deserve to be punished for their acts. This is usually expressed as a matter of right and wrong.

It's not exactly revenge, but it is not that far from it either. A retributive would believe that because the crimes dealt with by the Special Court are so serious, the punishment for those convicted should be equally severe. Deterrence theories are not based on ideas of moral right and wrong. They are utilitarian and aim to impose punishment in order to prevent those convicted (and others) from committing similar crimes in the future.

These two goals will likely play an important role in the punishment that might one day be meted out by the Special Court. However, by themselves, will they be enough to achieve the international community's often-articulated goal of accountability?

The Merriam-Webster English Dictionary defines accountability as "1. Subject to giving an account: ANSWERABLE. 2: capable of being accounted for: **EXPLAINABLE.**" (Emphasis added)

Criminal law, and the rationales of deterrence and retribution, primarily evolved to deal with discrete and easily identifiable criminal acts. For example, a man may be accused of stealing. He is arrested, tried, and if there is sufficient evidence, he is convicted of the crime. The context of his crime is probably not important to holding him or someone else, subject to account or explaining it.



## **"ACCOUNTABILITY" UNDER INTERNATIONAL LAW**

*Cont. from page 10*

If he is properly convicted, society (and the criminal justice system) is satisfied that accountability was achieved. This would be an easy case. But what about other, more complex types of crime? What if a crime cannot be isolated as one act, such as stealing, or even a series of acts? Do the theories of deterrence and retribution still function effectively to provide accountability?

The root causes of Sierra Leone's war are up for debate, and should be debated. Yet, scholars have noted that the wrongs committed during the war did not occur in a vacuum, and were not merely a series, or several series, of isolated criminal acts. Rather, the conditions that gave rise to the war developed over years; years of grinding poverty and other sources of strife. To achieve the accountability, that is; the goal of the international community, as expressed by its creation of the Special Court, are dealing with those causes not as important as punishment of individual perpetrators? If they are, then relying on retribution and deterrence is a serious error in judgment. No act or decision of the Special Court, nor any other body of criminal justice, will aid in the economic development of Sierra Leone or alleviate the oppressive want that provided such a fertile ground for violence.

The international community has high hopes that we will one day achieve accountability through the opinions of the Special Court, and this is a valid desire. It is unlikely that any tribunal would ever be able to render the war **explainable**, since some events may simply be too terrible to be explicable by law, religion or any other doctrine. But there may, at least, be a good chance of holding people answerable for their actions. In that sense, deterrence and retribution might be achieved. Yet if one concludes that the conditions that gave rise to the war in Sierra Leone have not changed significantly, as some contend, perhaps the focus of the international community in post-war settings must be re-examined.

Perhaps a more expansive definition of accountability should be adopted which focuses as much on identifying as well as in examining and overcoming the conditions that facilitated the violence, as it does on the punishment of the individuals responsible.

### **FAMILY SUPPORT UNIT GIVES BACK FOUR MILLION LEONES TO GIBRIL TURAY**

On the 10th of April, 2005, the Lawyers Centre for Legal Assistance received a complaint from Gibril Turay, who alleged that the Family Support Unit, Ross Road, was in possession of his money. He stated that it had been paid to them by a tenant of his after his wife, Millicent Turay, whom he was separated from, laid claim to the funds. Acting on the instruction of the client, LAWCLA sent a letter to the officer in charge of the Family Support Unit, requesting the immediate return of the Four Million Leones (Le 4,000,000). The Inspector General also received a copy, along with Mrs. Millicent Turay. Upon receipt of that letter, the matter was handed over to the Acting Inspector General for Professional Standards, Mrs. Kandi Fakondo, who solved the matter professionally.

The matter was eventually settled as the Head of the Family Support Unit Ross Road was instructed to return the money to Mr. Gibril Turay. After receiving the funds; the complainant was reminded of his fatherly responsibility of paying his children's monthly support.



*Mrs. Kadie Fakondoh  
AIG- Professional Standard*



**T**he Gender Research and Advocacy Unit at the Centre had always been at the fore front in Protecting and Promoting the rights of Women in Sierra Leone. This unit is responsible for representing victims of sexual abuses. We do not however as a policy represent indigent individuals accused of having committed such offences as Centre therefore is avoiding a situation wherein it would be providing services for both the victim and the perpetrator. In exceptional circumstances though, the perpetrator may benefit from the Centre's intervention if the trial has been delayed unnecessarily.

This unit during the reporting period collaborated and is still working closely with the Ministry of Social Welfare, Gender and Children Affairs to domesticate the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

During the period under review the Centre with financial support from the United Nations Development Program-Sierra Leone, published and launched its report entitled "Unequal rights: Discriminatory Laws against Women in Sierra Leone- An Urgent Need for Reform". This report highlights provisions of the Laws of Sierra Leone that discriminates against Women and concluded with recommendations for reform. This report has been of great use not only to the reading public, but even researchers at home and abroad who are working on the Legal Status of Women in Sierra Leone.

It is the wish and aspiration of the Centre to make this unit more vibrant and proactive this coming year by recruiting a female legal assistant.

**DONT DISCRIMINATE  
AGAINST WOMEN**

**WOMEN AND MEN  
HAVE THE SAME RIGHTS**



## **LAWCLA AND IRC TRAIN POLICE PERSONNEL ON LAWS OF SIERRA LEONE RELATING TO SEXUAL OFFENCES**

The Lawyer's Centre for Legal Assistance (LAWCLA) and The International Rescue Committee (IRC) on the 15th of October 2005 entered into a contractual agreement for the training of sixty Police Officers in the prosecuting of sexual offences in Sierra Leone.

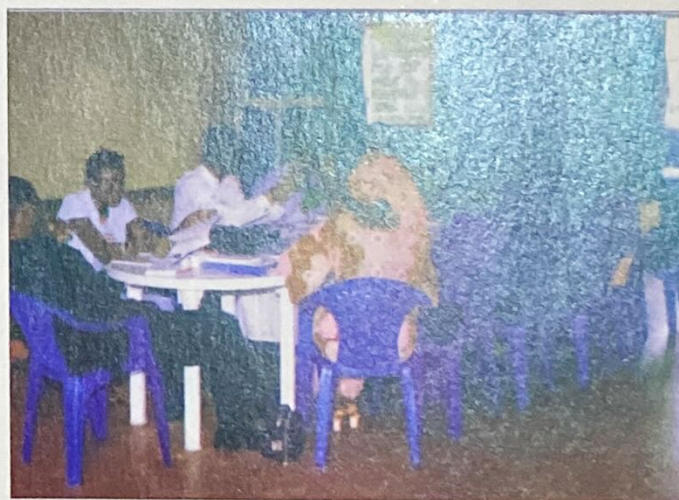
The training which was conducted in Freetown, Bo, Kenema and Makeni from November 2005 to December 2005 was welcomed by the Police Prosecutors who are now better equipped to prosecute sexual offences and have convictions at the end of the day against perpetrators.

The Training Programme was facilitated by the Centre's Director, Legal Practitioner Juvenile Justice Unit and the Legal Researcher. These Facilitators presented papers on practical legal materials that must be used when prosecuting sexual offences in order for perpetrators not to get off the hook. Fifteen Officers from each area received training culminating in a total of sixty.

The Family Support Unit of the Sierra Leone Police Force together with the Director of Training, Chief Superintendent S.I.S Koroma assisted the Centre in identifying the Police Prosecutors that were in dire need of such refresher training.



*Chief Superintendent S.I.S. Koroma  
DIRECTOR OF TRAINING*



*Cross section of participants at the  
Training workshop in Freetown*



## THE JUVENILE JUSTICE UNIT

This is the child friendly Unit at the centre and is coordinated by a legal practitioner and a Legal Researcher as co-coordinator. The role of the Centre in protecting and promoting the well-being of the juveniles in this country has been exemplary and the contribution of the Centre in this regard had been worthy of emulation.

This unit during the period under review completed the implementation of a one year project entitled "Legal Protection and the Promotion of Juvenile Justice in Sierra Leone". This project was funded by an anonymous private foundation in the United States of America.

The Centre also worked with UNICEF in finalizing a manual meant for the training of Community Based Organizations, Local Chiefs, Court Staffs and Law Enforcement Officials working with children in the Criminal Justice System. In completing this task, other stakeholders were invited to the Centre to deliberate on a final draft that would be used for the training. The Family Support Unit, represented by Superintendent Fenellah Kellah and Mohamed Kanneh, the Ministry of Social Welfare Gender and Children's Affairs represented by Mariatu Bangura, and Donald Robert Shaw of UNICEF made valuable contributions to this manual.

This unit during the reporting period also attended child friendly meetings at the Ministry that were geared towards protecting and promoting the wellbeing of children in the country. With the ministry now having as its main priority the enactment of the Child Rights Bill, the Centre provided conceptual advice in ensuring that the Bill covers all relevant aspects of child protection.



*Mrs. Fenellah Kellah*  
**Superintendent of Police**



*Mariatu Bangura*  
**Representative of the Ministry of Social Welfare**



## THE JUVENILE JUSTICE PROJECT

The Juvenile Justice Unit during the period under review completed its Juvenile Justice Project that started in July 2004. This project which was funded by a donor in the United States of America for twelve months came to an end in August 2005. The Project that was for the representation and legal advice of victims of Human Rights abuses benefited juveniles nationwide. At the inception of the project, a survey was conducted on the law and practice relating to the treatment of juveniles and juvenile victims of human rights abuses in Sierra Leone. Paralegals were deployed country-wide and questionnaires were administered to know the status of Juveniles within the criminal justice system.

After that phase, a research document was finalized entitled, 'The Law and Practice relating to the Treatment of Juvenile and Juvenile victims of human rights abuses'. This document contained key topics such as; The Domestic Legislations and their application in enhancing the welfare of children in the Criminal Justice System, the provisions of International Law relating to the treatment of Juveniles when they are in conflict with the law, and the true practice of the Juvenile Justice System as it operates in the country presently.

These research findings were used as advocacy tools to train law enforcement officials and child friendly institutions. Prior to this training that was conducted nationwide; an expert meeting was convened to brainstorm with child rights experts on the way forward for a favorable Juvenile Justice System.

**THE RIGHTS OF THE  
CHILD MUST BE  
RESPECTED**



## **TOWARDS A BETTER JUVENILE JUSTICE ADMINISTRATION IN SIERRA LEONE**

The Lawyers Centre for Legal Assistance under its Juvenile Justice Project held consultations with Law Enforcement Officials in all provincial headquarters and in the capital city of Freetown from the 20th day of August 2004 to the 1st day of September 2004. These Workshops served as breeding grounds for cross-fertilizing ideas and expertise for the promotion of the Juvenile Justice System in Sierra Leone. The facilitators at the Workshop, who were principally LAWCLA members attached to the Juvenile Justice Unit, included Dauda H. Yoki who functions as the Co-ordinator of the Juvenile Justice Unit, Mr. Oju Wilson; Research Officer, and Mr. Lornard Taylor a Law Student at the Sierra Leone Law School.

Amongst the avalanche of meaningful and fruitful discussion that were embarked upon, participants at the various workshops held in Freetown, Makeni, Bo and Kenema came up with tangible, realistic and achievable recommendations to the Government in particular and other institutions and organizations involved in Child Protection matters. The following vital recommendations were made at the end of the Workshops conducted in Freetown, Makeni, Bo and Kenema.

- That the Police should realize before arrest that the child is a peaceful citizen and should respect his/her fundamental human rights.
- The child must be informed in a language he/she understands, at the time of arrest of the reason/s for the arrest and must be given the right to express himself/herself in the presence of his parents or a Probation Officer.
- That juveniles like adults should be presumed innocent until proved guilty.
- Juvenile not to be detained together with Adults.
- Juveniles arraigned before a court of law must be accompanied by their parents/guardians.
- That the Trial of Juveniles should not be held in open Court.

- That the trial of juveniles should be conducted without any undue delay.
- That detention of juveniles at the Remand Home should be for a shorter period of time.
- Where need be magistrates should subpoena the parent/guardians of Juveniles to attend proceedings?
- Simple bail conditions should be levied on Juveniles.
- Juveniles should be tried by properly constituted Courts i.e. one Magistrate and two or more Justices of the Peace.
- That Remand Homes and Approved Schools with improved conditions of services should be constructed in all District Head Quarters Countrywide.
- That the Ministry of Social Welfare Gender and Children's Affairs and other Child Protection Agencies should be informed each time a Juvenile is arrested.
- Minimum force should be applied in arresting a Juvenile.
- Magistrates and Justices of the Peace should undergo specialized training in child psychology and other related phenomenon.
- Juveniles kept in Remand Homes and Approved Schools should be provided with basic facilities such as food, medical care, clothing, adequate accommodation etc.
- Pornographic films should be prohibited for Juveniles, child pornography completely abolished.
- Provision of resident LAWCLA personnel to enhance speedy trial of Juvenile Cases.
- Massive sensitization on Juvenile delinquency and related topics through the Media, Communities, Schools, Churches, Mosques, etc.
- Skill trainings to be provided for Juveniles detained at Remand Homes and Approved Schools.

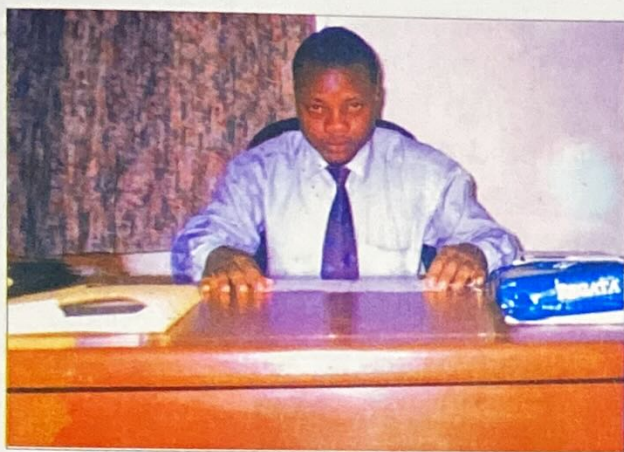
*Respect the  
Child's  
fundamental  
Human Rights*



## TOWARDS A BETTER JUVENILE JUSTICE...

Cont. from pg 19

- Other stakeholders: - Prison Officers, the Police, Social Welfare Workers should receive special training through Workshops on both Municipal and International Laws relating to Juvenile Justice.
- Strict censorship of films for children.
- That more Probation Officers be recruited and properly trained.
- Provision of separate Police Cells for Juveniles.
- Performing the Laws relating to Juveniles.
- Domestication of the Convention on the Rights of the Child.



Dauda H. Yoki – Coordinator



Oju R. Wilson – Co-coordinator

## LETTER TO THE CHIEF JUSTICE

30th September 2004

*The Honorable Chief Justice,  
Chief Justice's Chambers,  
Law Court Building,  
Siaka Stevens Street,  
Freetown.*

*Your Lordship Sir,*

**RE: OBSERVATIONS IN CONNECTION WITH THE ADMINISTRATION OF JUVENILE JUSTICE IN SIERRA LEONE**

*It behooves our Institution to write your most esteemed office to highlight certain observations made in connection with the administration of juvenile justice in Sierra Leone.*

*Your Lordship, Sir, please be kindly informed that as a Public Interest Human Rights Institution we are currently implementing a project specially designed for the enhancement of improved judicial and structural provisions for the effective administration of juvenile justice countrywide.*

*Your Lordship Sir, from our daily visits to the Law Court, we have realized that juveniles are not accorded the treatments they ought to receive especially when they are arraigned before a court of Law. Your Lordship Sir, we are hereby imploring you to utilize your most prestigious office to enforce the following:*

- a. That special sitting is provided for the hearing and determination of Juvenile matters from day-to-day and to discourage the practice of conducting juvenile trials in open court.*
- b. That these cases are tried as speedily as possible.*
- c. That the juvenile panel be always fully constituted i.e. the Magistrate and two (2) or more Justices of the Peace. This is of striking importance to prevent juveniles being unduly detained at the Remand Home and other places of detention.*

*Your Lordship Sir, we immensely count on your co-operation for the furtherance of juvenile Justice in Sierra Leone.*

*Yours faithfully,*

DAUDA H. YOKI ESQ.

*Culled from Juvenile Voice  
January 2005*



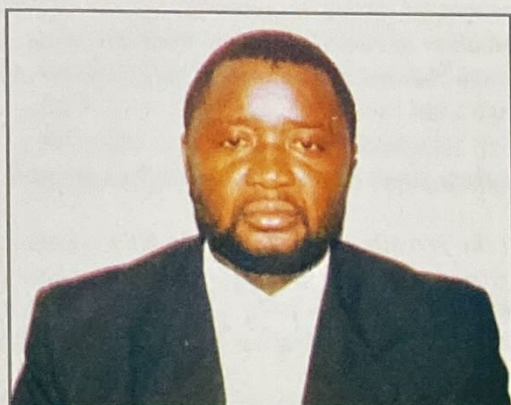
## THE NORTHERN PROVINCE REGIONAL OFFICE

**T**he Northern Province Regional Office located at No. 7 Lady's Mile in Makeni, still continues its operations despite the numerous challenges that the office is currently facing such as the unavailability of electricity supply, proper pipe borne water and the huge cost of rent for the office building.

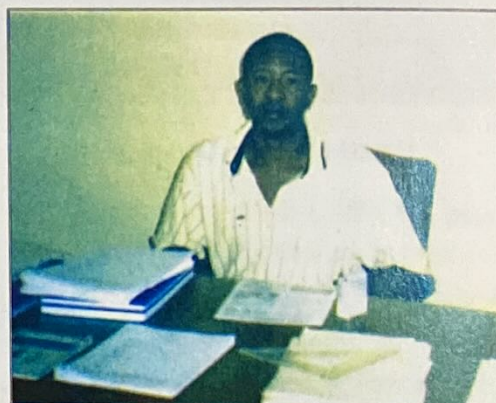
The Center's Legal Practitioner Ansumana Ivan. Sesay worked with the Paralegal based in the Makeni office to ensure that matters brought to the attention of the centre are effectively dealt with.

The Centre during the reporting period implemented series of projects and delegated tasks to the Centre's Paralegals Mustapha Kamara to act in the absence of a stationed barrister. In a situation wherein the matter is beyond the capacity of the paralegal, the Centre's head office in Freetown normally intervened to address the situation.

Human rights abuses are rife within this area and this has been attributed to the 10 year-old brutal war coupled with the fact that these inhabitants suffered immensely during this period. It is in line with this desperate human rights situation in the North that the centre is soliciting for donor support that would provide funding for the effective running of the Office.



*Ansumana I. Sesay  
Legal Practitioner*



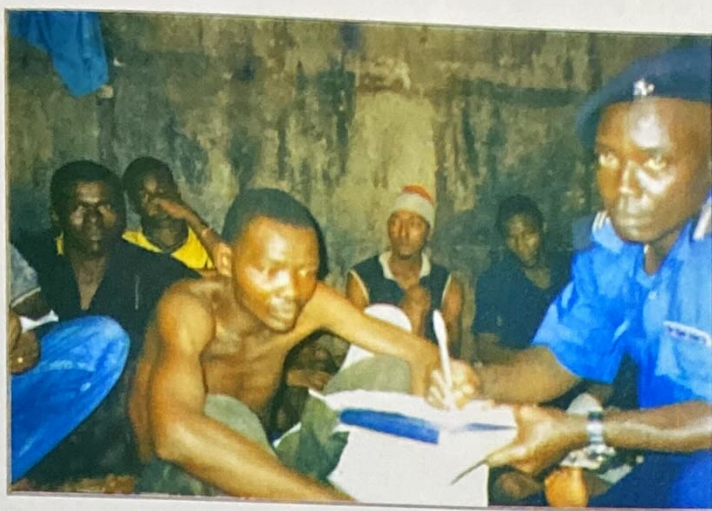
*Mustapha Kamara  
Paralegal - Makeni*



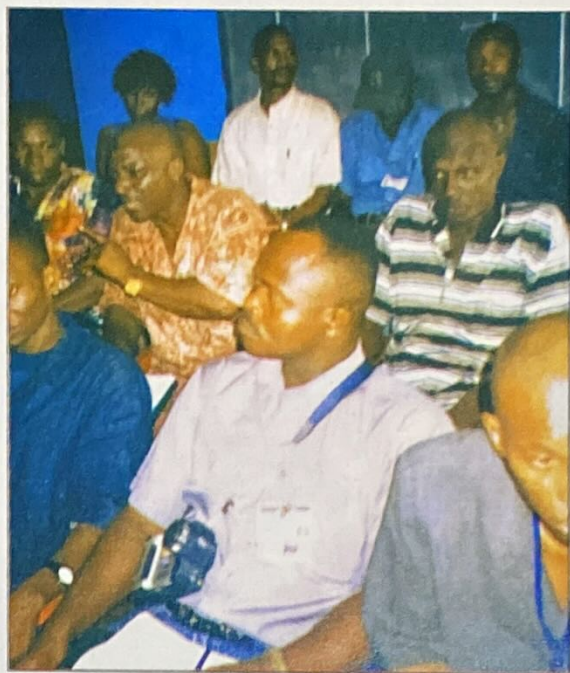
## THE SOUTHERN PROVINCE REGIONAL OFFICE

**T**he Southern Province Regional Office in Bo was one of the dynamic offices during the reporting period. The Centre operated from its initial office space at the Maxwell Khobe Park, Off Tikonko Road Bo. The Regional Coordinator now magistrate, Mr. Henry Sandy, the Paralegal, Secretary and Office Assistant did tremendous work during the reporting period.

The general activities of the Centre was basically to provide legal services to the indigents individuals and groups of individuals of that community through impact litigation and legal advice to those in conflict with the law



*Some of our clients at the Bo office*



*Participants in one of the trainings in Bo*

**IT IS THE CONSTITUTIONAL RESPONSIBILITY  
OF THE GOVERNMENT OF SIERRA LEONE TO  
PROVIDE FREE LEGAL SERVICES TO POOR  
SIERRA LEONEANS  
(SECTION 28 (5) 1991 CONSTITUTION)**

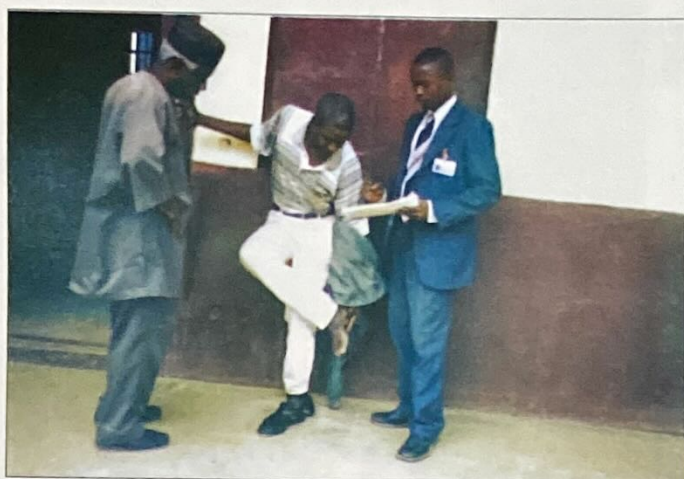


## THE EASTERN PROVINCE REGIONAL OFFICE

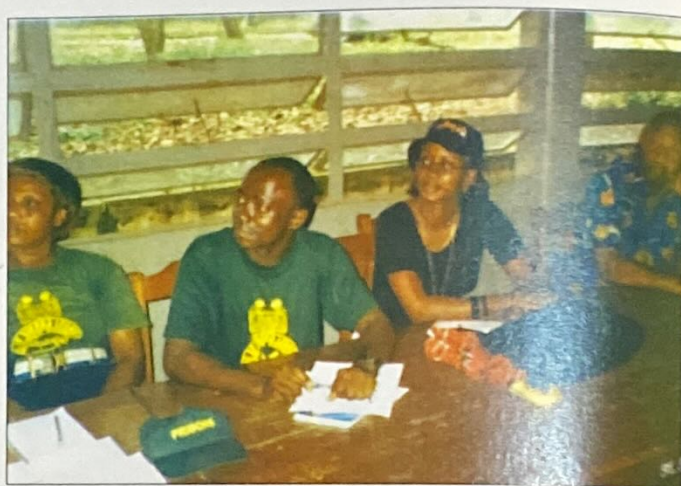
The Lawyers Centre for Legal Assistance during the reporting period maintained its office which is strategically located at No. 25 Combema Road in Kenema, Eastern Sierra Leone.

The Office still maintained its Legal Practitioner, Paralegal and Office Assistant to cater for its numerous clients that visits the office on a daily basis. Its paralegal John B. Sevallie gave minor legal advice and took part in discussion programmes organized by Human Rights institutions during the reporting period.

The Centre during the period under review participated in collaborative work with other stakeholders and NGOs in the entire Kenema Township and its environs.



*John B. Sevallie – Paralegal Kenema*  
• *Taking down statement from a client*



*Participants at a training workshop in Kenema*

**IT IS THE CONSTITUTIONAL RESPONSIBILITY  
OF THE GOVERNMENT OF SIERRA LEONE  
TO PROVIDE FREE LEGAL SERVICES TO POOR  
SIERRA LEONEANS (SECTION 28 ( 5) 1991  
CONSTITUTION)**



## PUBLICATIONS BT THE CENTRE

As the *modus operandi* of the Centre is to Protect and Promote Human Rights through law, the work of the centre in the promotion of these objectives has not just been restricted to the confines of the Court rooms but other channels which are also means of promoting and protecting the welfare of the poor and needy.

One major means by which the society benefited from the work of the Centre, during the reporting period was through research conducted and the publishing of vital documents by the Centre.

**LAWCLA NEWS:** This half yearly newsletter, which is the longest surviving of all the publications since the establishment of the Centre in 2001 is still popular amongst members of the public who are always keen to be updated about the activities of the centre. This newsletter normally contains activities performed by the Centre, developmental strides and setbacks within the Courtrooms and judicial system, as well as articles on contemporary legal issues. During this reporting period, the Print Media benefited from its contents, as vital articles were culled and published in most of the tabloids.

This newsletter which is distributed free of cost is circulated both nationally and internationally.

**JUVENILE VOICE:** This quarterly newsletter was an integral part of the Centre's Juvenile Justice Project and ended with the expiration of the project. At the inception of the project it was agreed that a quarterly magazine be published to inform child rights institutions, the judiciary and other stakeholders about the work of the unit in protecting the rights of children. This twelve - page newsletter was juvenile biased as it only reported on juvenile cases handled through out the entire country. It also contained communiqué, findings and recommendations towards an enabling Juvenile Justice System as well as short articles on contemporary Juvenile Justice issues. This publication was also distributed free of cost.

**UNEQUAL RIGHTS:** This publication entitled 'Unequal Rights –Discriminatory Laws against Women-An urgent need for reform' was launched during the reporting period as an advocacy tool for fighting legal discrimination against women. It was published with financial support from the UNDP and distributed to all invitees during the launching, and subsequently to human rights organizations that were unable to attend the launching ceremony. This document contained substantial areas within the laws of Sierra Leone that discriminates against women and an abridged Version of the Convention on the elimination of all forms of discrimination against women (CEDAW).



## COLLABORATION AND LINKAGES

To manifest that the Centre's work has increased tremendously, during the reporting period the Centre collaborated and consolidated linkages with old as well as new institutions.

### **National Accountability Group (NAG)**

During the period under review the Centre received a correspondence from this group, a civil society institution that works exclusively on corruption, accountability and transparency. Due to the sensitivity of the Centre's work, NAG requested collaborative work on the Anti-corruption Act 2000 of Sierra Leone. A letter of acknowledgement was however sent to the Executive Director of the National Accountability Group noting the Centre's willingness to work closely with them.

### **UNAMSIL**

During the reporting period also, the Centre hosted Personnel from the United Nations Mission in Sierra Leone calling regularly at the Freetown office to have an update about major cases that the Centre pursued under its impact litigation cases, i.e., the Westside Boys and the Revolutionary United Front (RUF) former fighters who are now standing trial for various charges ranging from murder to Conspiracy.

### **The Sierra Leone Police Force**

As partners in nation building, the Centre also worked very closely with the Police Force in all matters pertaining to the work of the Centre. One key section within the Police Force that the Centre worked with was the Family Support Unit in the area of Prosecuting sexual offences, Gender Based Violence and Juvenile Justice. The Centre worked closely with the FSU in ensuring that perpetrators of sexual offences are brought to Justice. The Juvenile Justice Unit also benefited from the expertise of Superintendent Fenella Kellah and Mohamed Konneh during the review of the Children in the Criminal Justice Manual.

### **Centre for Capital Punishment Studies, University of Westminster, United Kingdom**

During the summer of 2005, the Centre hosted two interns, Mr. Robert Philips and Ms. Sabrina Mahtani from the Centre for Capital Punishment Studies and collaborated with that institution in the development of a project proposal for submission to the European Union.

### **Centre for Peace and Conflict Studies, Fourah Bay College, University of Sierra Leone**

This Department has improved at a faster pace since its establishment, four years ago. As part of its curricula there is a course on 'International Law and Peace'. Since the establishment of the Centre for Peace and Conflict, the Director of LAWCLA Melron Nicol-Wilson has been extending his Pro-Bono services to these students as LAWCLA'S contribution towards the development of education in the country. He has been lecturing international law and peace, free of charge as contribution to education and his alumni. Early this year the Centre hosted Masters and Doctorates candidates from Bradford in England who were here on a field visit to Sierra Leone and hosted by the Centre for Peace and Conflict Studies.





*Memmatu Pratt*  
*H.O.D. – Peace and Conflict Studies, FBC*

### **The Law Officers Department**

The Centre during the reporting period had a close working relationship with the Law Officers Department, more especially on cases bordering on sexual offences. The rationale behind the Centre working very closely with the law officer's department is to ensure that accused persons standing trial for offences like indecent assault and unlawful carnal knowledge are convicted at the end of the day if found guilty.

### **The Prison Service**

The work of the Centre would not have been effective without the close working relationship the Prison Services which we consider as a Partner in the promotion of Human Rights. During the period under review, the Centre in its strides to ensure that access to justice is achieved by all, visited functional Prisons in the Regional Offices of Bo, Kenema and Makeni. The Centre's Paralegals have been paying visits to know the status of the Prisoners and what should be done in addressing their plights.

### **Prison Watch**

During the reporting period also, the Centre worked closely with this monitoring group. On the 21st of January, 2005 the Centre participated in a one day workshop organized by this body. The Centre presented a paper at this workshop on the laws relating to the treatment of detained persons with reference to the Criminal Procedure Act of 1965 and the 1991 Constitution of Sierra Leone.

### **Ministry of Social Welfare Gender and Children's Affairs**

With the Centre running a vibrant Juvenile Justice Unit, the Centre collaborated very strongly with this government ministry. The Centre attended series of meetings organized by the ministry to discuss the child rights bill and other child related matters. With the "Convention on the elimination of all forms of discrimination against women" the Centre was also part of the task force set up by the ministry to write a report on the statute, which Sierra Leone had signed and ratified.

### **Defence for Children International**

The Centre collaborated very strongly with this child friendly institution on issues pertaining to the welfare of children during the period under review.



## **FAWE-SIERRA LEONE CHAPTER**

The Centre entered into a memorandum of understanding with FAWE during the reporting period in terms of which FAWE can refer clients in need of Legal Services to the Centre and the Centre can refer its clients in need of counseling services to FAWE. With the increase in sexual offences presently in the Country, the memorandum of understanding states in very clear terms that with FAWE'S expertise in psycho-social work they should be providing counseling thoroughly for victims whiles LAWCLA provides the legal services.

### **Anti-Corruption Commission**

During the period under review the Director of the centre, Mr Melron Nicol-Wilson provided Legal Advice to the Anti-corruption commission in accordance with a Special Service Contract.

#### **Office of the Ombudsman**

The relationship between the Centre and the office of the ombudsman continues to be cordial during the Reporting period. With the Ombudsman receiving certain complaints that he cannot handle because they are not within the scope of his job descriptions, referrals are normally made to the Centre. The Ombudsman is also the Chairman of the Advisory Board of the Centre.

### **The Sierra Leone Bar Association**

With all the practitioners at the Centre being members of this association the Centre during the period under review worked closely with the association. Members of the Bar have been informed about the work of the Centre through its various publications, which are always distributed to the Bench and Bar.

### **International Rescue Committee**

On the 25th of October 2005, IRC invited the Centre to a consultative conference on phase II of the 'Rainbow Initiative' – a Programme that caters for Gender Base Violence (GBU) Survivors. The Centre was contracted by the IRC to provide training for Police Prosecutors who have been prosecuting sexual offences in Court, about the rudiment of the law and what is required to have conviction when trying a perpetrator under the law.



## STAFF DEVELOPMENT

In September 2004, the Director of the Centre Melron C. Nicol-Wilson enrolled at the University of Nottingham in the United Kingdom to pursue a one year taught Masters Degree in International Criminal Justice and the Law of Armed Conflict. Because of his heavy administrative and Professional workload in Sierra Leone, he was only able to attend just about a quarter of his lectures. He nonetheless weathered the storm of academia and successfully completed the LL.M Program within the minimum required period and graduated in December 2005.

Six years ago, he obtained a Masters Degree in Law with specialization in International Human Rights Law and Constitutionalism after which he traveled to Sierra Leone and established LAWCLA.

From the Information Unit, Mr. Abdul D. Kposowa graduated with an Honours Degree in Mass Communication from the department of Mass Communication, Faculty of Arts, Fourah Bay College, University of Sierra Leone. Abdul Kposowa's name will be recorded in the history of this country as being among the first set of students who graduated with Honours Degree in Mass Communication from the University of Sierra Leone.

In terms of elevation in the legal profession, Mr. Henry Sandy, LAWCLA'S Southern Province Regional Legal Practitioner was appointed a Magistrate. This name Henry Sandy would always be lingering in the minds of people for his immense and indelible contributions in the human rights world, especially in the popular "Aki and Pawpaw" saga where he represented and secured the release of over seventy accused persons who were indiscriminately picked up around the Sykes Street and Brookfields round about and charged with riotous conducts after a musical show at the National Stadium



*Magistrate Henry Sandy*



*Abdul D. Kposowa  
Information Officer/PRO*



## INTERNSHIP AT THE CENTRE

Since the establishment of the Lawyers Centre for Legal Assistance (LAWCLA) in March 2001 it has attracted interns from both within and out of the country. During the period under review, the Centre received interns from Fourah Bay College University of Sierra Leone and from the United Kingdom and the United States of America.

From the United States of America was Nichollas Michelle, a young American undergraduate from the Fordham Law School. While in Sierra Leone, Nick did not only work in Freetown, but was fortunate to work at the Centre's Regional Offices in Bo, Makeni and Kenema. He assisted in compiling and editing the LAWCLA News and the final report of the Juvenile Justice Project that ended in August. He also wrote an article on the Special Court and did some amount of work in terms of research at the Special Court. His internship which lasted for about six weeks was in his words "very impressive".

From the Centre for Capital Punishment Studies, University of Westminster in the United Kingdom were Sabrina Mahtani and Robert Philips. Sabrina, who holds a Masters Degree in law from New York University, has a wealth of experience in Human Rights. Rob, an undergraduate teamed up with his fellow intern to undertake major research in the Sierra Leone Legal System, with more emphasis on Capital Punishment and the need for Judges to be exercising their discretions towards the alternative sentences for offences that carry the death penalty, other than the mandatory sentences. What the Centre intends to argue against is the mandatory aspect of the death penalty. To achieve this, Rob and his fellow intern Sabrina assisted the Centre in preparing heads of arguments.

From Fourah Bay College the University of Sierra Leone was Julia Cole and Olabisi Coker from the faculties of Arts and Social Sciences and Law respectively.

During their internship, they worked with every unit within the Centre to give them a broad knowledge as to how the Centre is operating generally, and why these units are important for the day to day running of the Centre's activities. Their internship lasted for about two months, during the summer University break, and they were very grateful for all what they achieved during their internship at the Centre.

The Centre continues to receive applications for internships locally and abroad.



## RECOGNITION BY THE MEDIA

Today Sierra Leone is experiencing a phase wherein every aspects of society is under thorough scrutiny by both the print and electronic media. Notwithstanding the fastidious nature of the media, the Centre surmounted these hurdles by trying to convince these journalists that indeed the Centre was established to protect the indigent members of the Sierra Leonean populace who cannot afford to solicit the services of lawyers.

### ELECTRONIC MEDIA

During the reporting period, the Centre through its staff members granted interviews to different radio stations on areas in the law that were in need of clarifications. A medium that benefited immensely from the Centre is that of the Talking Drum Studio. There reporters have been visiting the Centre on a regular basis and staff members within the Centre had been responding to their questions in a clear and satisfactory manner.

With the Centre being a proponent on a Moratorium on the Death Penalty, the Director on several occasions during the reporting period granted interviews to both local radio Stations and the British Broadcasting Corporation (BBC) about the need to shelve this egregious practice of state justified killing.

Presently, UNICEF in collaboration with the Talking Drum Studio is in a sensitization drive on Child Trafficking and Children in the Criminal Justice System. LAWCLA is part of the Anti-Child Trafficking Campaign, educating people about the position of the laws in Sierra Leone if one is found culpable. These programmes are being played in most of the F.M radio stations in Freetown and the Provinces to educate people as to how children should be treated when they are in conflict with the law and even out of conflict situation.

### PRINT MEDIA

With over Thirty tabloids now being published by the Print Medium, the Centre has been able to captivate the ever critical eyes of these journalists. At the start of the year, the Centre was in a radiant mood to tell the government about the need to abide by the Truth and Reconciliation Report that denounced the death penalty. After the Centre issued a Press Release on the need for the Abolition of the Death Penalty a number of Press Houses carried the story. **"Death Penalty: Lawyers Disappointed with Kabbah and Government"** was a front page headline in the Independent Observer.

That same story was also covered by the satiric **PEEP Magazine** with an inside story entitled. **"Lawyers Denounce Death Penalty."** The Standard Times Newspaper carried the same story **'Lawyers take Kabbah on death penalty'**.



In April 2005, the Centre launched a legal services Project which among other things was to advocate for the establishment of a Legal Aid Board as is provided for in Section 28(5) of the 1991 Constitution of Sierra Leone. With the launching of this project, and the impact litigation work the **STANDARD TIMES** published in their April 12, 2005 edition an article entitled: '**LAWCLA launches legal services project**'.

With the Impact Litigation Unit also intending to pursue contentious constitutional test cases, the **Independent Observer** published a front-page story with caption '**lawyers challenge criminal libel law**'.

The Centre's representation of the Westside Boys and RUF under its impact litigation cases also led to the **Standards Times**, Wednesday June 29th, inside story titled '**human rights lawyers appeal for Westside boys**'.

With Gender inequality raring its head in the world at large and even domestically, the Centre through its research unit undertook a research on laws that are discriminatory in Sierra Leone. This research never came into fruition until when the Centre through funding from the UNDP was able to publish this document and made it accessible to all. With the launching of this book by the Attorney-General and minister of Justice Mr. Frederick Carew, the **Standard Times** covered the story in their Friday, July 15th Edition titled '**A.G launches Reports on Discrimination against women**'. The **News** on Monday July 18th also covered the same story by reviewing the book with a title **case file**.

With the Publication of the Centre's 2004 annual report resting in the hands of the editor of the **peep magazine**, he did justice to it by reviewing a substantial aspect of the report with a title in his Friday July 22nd Edition "**a barbaric and callous legal system**".

In September 2005 the unrelenting Lawyers Centre for Legal Assistance also urged government to review the 1991 Constitution in line with Article x of (The Lome Peace Ratification) Act 1999 by establishing a Constitutional review committee. The call by the Centre was published in the **African Standard**, Monday September 26, 2005 edition entitled "**LAWCLA demands a Constitutional Review Committee**".

Within the provinces, the fight continues, with lawyer Ansumana.I. Sesay deeply engaged in his legal battle in the Eastern Provincial town of Kenema. Recently a Chief in one of the townships became a worried man having sleepless nights after a strongly worded letter was sent to him to refund Four Hundred Thousand Leones (Le400, 000) that he unlawfully obtained from a poor woman madam Fudia Hannah Lebbie. The **Standard Times** Newspaper carried a front page story with caption '**for extortion... Human Rights lawyer squeezes paramount chief.**'



## MOTUBA'S CORNER

RESTORABLE CRISIS (DEARLET)

IN "KABBAH" YOUNG (DEARLET)

### CASE FILE

... (text continues) ...

## 2004 National Achievement Award Winner

# INDEPENDENT OBSERVER

Published Daily Since 8th August 1997

### DEATH PENALTY:

## Lawyers Disappointed With Kabbah & Govt.



### Cultism In Campus...

## FBC threatens expulsion

## EXCLUSIVE STORIES

### Letter To The Editor

stop manipulating the SLPP constitution!

### lawyers denounce death penalty

### NaCSA holds finance workshop

### 'Kolonkos' remanded in custody

### SLRA worker charged with assault

## CORRUPTION...

### SALWACO boss stands accused

### Robbery at emergency hospital

### ACC on Collins arrest in Kailahun

### Lawyers take Kabbah on death penalty

### Watch Out!!!

London Base Social Club

## Starz Magazine is here to stay

### MINISTER WARNS AGAINST CHILD ABUSE

### LAWCLA launches legal services project

### Reporters get new executive

### UNHCR shows remorse

## Spanish business delegation due soon

### Ahmadinejan elected Iran's President

### Human rights lawyers appeal for Westside boys

## INDEPENDENT OBSERVER

Published Daily Since 8th August 1997

### Lawyers To Challenge Criminal Libel Law

### Global Summit of the AIDS Epidemic December 2004

### U.N.S. Jah intensifies campaign to dethrone Sama Banya

### SLPP in Kono this weekend

## COMMENTARY

### A BARBARIC AND CALLOUS 'LEGAL SYSTEM'

review of the Lawyers Centre for Legal Assistance report for 2004

### PAUL KAMARA OR THE STATE WHO'S THE BAD GUY?

### SLAJ and Lawela challenge criminal libel

### Land grabbers exposed

### Govt gives Le6 million for public relations job

## Kensima town council to account for Le80 million

### SLAJ and Lawela challenge criminal libel

### Land grabbers exposed

### Govt gives Le6 million for public relations job



## DONATIONS TO THE CENTRE

The period under review witnessed well wishers making donations for the smooth running of the Centre. Donors from within and out of the country donated various items.

During the reported period, the Department for International Development (DFID) donated a used Land Rover Defender 110TDI with registration number AAX 723 and a registration card 0086058, Canon PC 860 Photocopying machine, 1 Pc Epson Printer and Dell Computer with complete accessories.

Shortly after receiving these items from this donor, Menah Pratt together with her husband , Obadiah visited Sierra Leone from the United States of America to have first hand information about the work of the Centre. The visitors during their visit at the Centre's Head Office in Freetown revealed that they have learnt about the work of the Centre through the internet and were particularly impressed by the Centre's services to the poor and needy. As a show of gratitude to the Centre's pro-bono services, they donated a brand new Laser Printer worth about a US\$1000 and a cash donation of US\$200 by the husband Obadiah, to the Centre's Northern Regional Office in Makeni for the purchase of a cell phone, rugs and other items.

Peter Harrison of the Special Court of Sierra Leone also made several cash donations to the Centre out of his remuneration at the Special Court. A colleague of the Director at the Special Court confessed that he was really impressed with what the Centre had been doing more especially in the protection of People's Rights in a country where Human Rights abuses are pervasive. The cash donation was used to purchase several item for the Centre including electric fans .

The Centre is however calling on well meaning and benevolent Sierra Leoneans to emulate the good examples of those who donated in ensuring that the Centre's work is effectively achieved during the reporting period. As a non-political, non-profit making institution, the Centre is highly dependent on such donations to achieve its dreams.



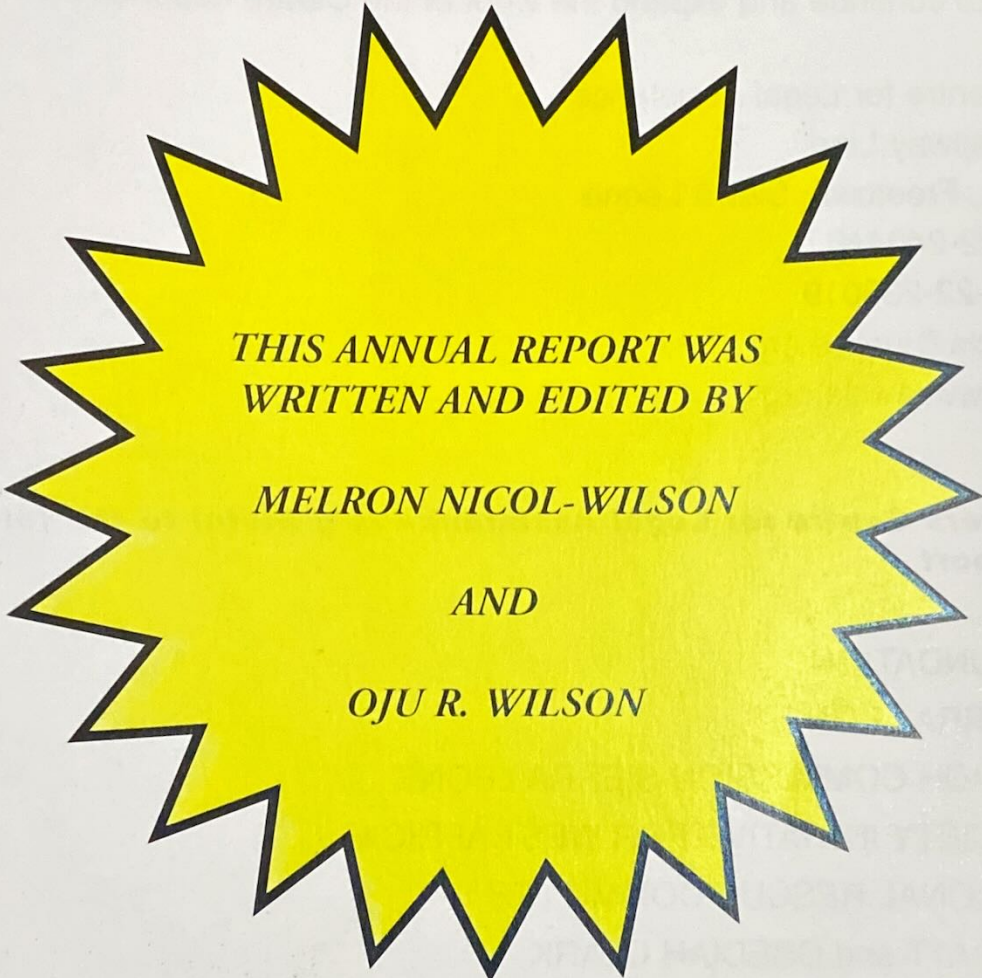
## CONCLUSION

The Lawyers Centre for Legal Assistance during the period under review successfully implemented its Juvenile Justice Project, and is now concentrating on its Constitutional Test Cases, and Impact Litigation.

In its drive to redeem the dignity of the human person, the centre has been working relentlessly to achieve even the unachievable and has taken into cognizance issues bordering on human rights that have posed threat to human dignity.

The Centre continues to forge ahead irrespective of the numerous constraints that it is encountering, more especially from detractors who attempted to drag our effort into the mud.

However, we shall press on to accomplish our mandate for the general good of humanity.



*THIS ANNUAL REPORT WAS  
WRITTEN AND EDITED BY*

*MELRON NICOL-WILSON*

*AND*

*OJU R. WILSON*



## ***Support The Lawyers Centre For Legal Assistance***

The Lawyers Centre for Legal Assistance – Sierra Leone is presently one hundred percent dependent on Donors for its operational and staffing costs. We believe that this dependence threatens the existence of the Centre in the absence of funding from Donors. In order to complement funds received by donors and to ensure the Centre's financial sustainability, the Centre undertakes the undermentioned tasks for modest costs:

1. Human Rights Trainings.
2. Human Rights and Legal Research.
3. Consultancies and Retainerships
4. Commercial adverts in our Newsletters and Reports
5. Solicitors work including Conveyances and Agreements

Our ability to continue and expand the work of the Centre depends on your support.

Lawyers Centre for Legal Assistance

15D Old Railway Line

Brookfields, Freetown, Sierra Leone

Tel: +232-22-240440

Fax: + 232-22-236019

Email: [lawcla@justice.org](mailto:lawcla@justice.org)

Website: [www.lawcla.org](http://www.lawcla.org)

***The Lawyers Centre for Legal Assistance is grateful to the following for their support***

DOEN FOUNDATION

UNDP-SIERRA LEONE

BRITISH HIGH COMMISSION SIERRA LEONE

OPEN SOCIETY INITIATIVE FOR WEST AFRICA

INTERNATIONAL RESCUE COMMITTEE

MENAH PRATT and OBEDIAH CLARK

PETER HARRISON



# **ABOUT THE LAWYERS CENTRE** **FOR LEGAL ASSISTANCE (LAWCLA)**

The Lawyers Centre for Legal Assistance (LAWCLA) is one of Sierra Leone's newest but promising Human Rights Institution. LAWCLA was established in March 2001 partly due to a concern by the founders about the deplorable human rights situation in the country and the limited access to justice and the Law by the majority of victims of Human Rights abuses and violations especially indigent members of the society.

LAWCLA is an independent, non-Political, non-Profit making, Public Interest Human Rights Law Centre, which among other things provides free Legal services to poor members of the public.

LAWCLA's mission is "to make the Law and Justice more accessible to indigent members of the Public through Legal Advice, impact Litigation and Research".

LAWCLA's human rights work is unique in one respect, that it is Sierra Leone's first and only organization to date involved in Public Interest Litigation and providing Pro Bono Legal Aid. This is appreciated against the fact that human rights work by the vast majority of Local groups in the country is limited to monitoring, reporting and community Education and Sensitization.

As a non-Profit Making Institution, the Centre is dependent upon donation and grants from a wide variety of sources.

The Centre welcomes your Technical, Financial and Moral Support.

## **WHERE TO FIND US.**

### **Head Office**

15D Old Railway line  
Brookfields  
Freetown  
Tel: 240440

### **Northern Province Regional Office**

7 Lady's Mile  
Makeni

### **Southern Province Regional Office**

Maxwell Kobe Park  
Off Tikonko Road  
(Back of Celtel Office), Bo.  
Tel: 032 - 320668

### **Eastern Province Regional Office**

25 Combema Road  
Kenema.  
Tel: 042 - 420472