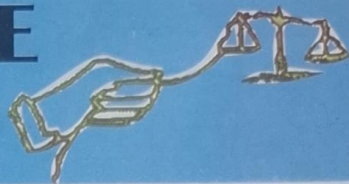


THE LAWYERS CENTRE FOR LEGAL ASSISTANCE SIERRA LEONE



*JUVENILE JUSTICE PROJECT
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)

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FOREWORD AND OVERVIEW OF REPORT

The Lawyers Centre for Legal Assistance upon its establishment in March 2001 created four major units including a Juvenile Justice Unit. This Unit has been operating as a Child Rights Division of the Centre dealing with issues such as Legal Advice and Representation of Juveniles in Conflict with the Law and Advocacy for the Promotion of Child Rights in Sierra Leone.

From August 2004 to July 2005, with the Financial Support of an anonymous private foundation in the United States of America, the Centre implemented a Project entitled, "Legal Protection of Juveniles and the Promotion of Juvenile Justice in Sierra Leone. The Project consisted of the following activities:

1. Assessment of the Law and Practice relating to the treatment of Juvenile Offenders in Sierra Leone through research, data collection and field visits.
2. Consultation workshop with local expert/groups dealing with juveniles and children in Sierra Leone in order to ascertain the nature of the problems to be addressed and the needs of juveniles in the country.
3. Legal Advice and Representation of Juvenile Offenders throughout Sierra Leone through the Centre's Head Office and the three Regional Offices.
4. Workshop/consultations with Police Officers and Prison Authorities dealing with Juveniles throughout Sierra Leone on the need for the application of the law (especially the provisions of the Convention on the Rights of the Child of 1989) in relation to the treatment of Juvenile Offenders.
5. Advocacy for reform of the Laws relating to the treatment of juveniles in Sierra Leone through quarterly Publications and lobbying of Parliamentarians.

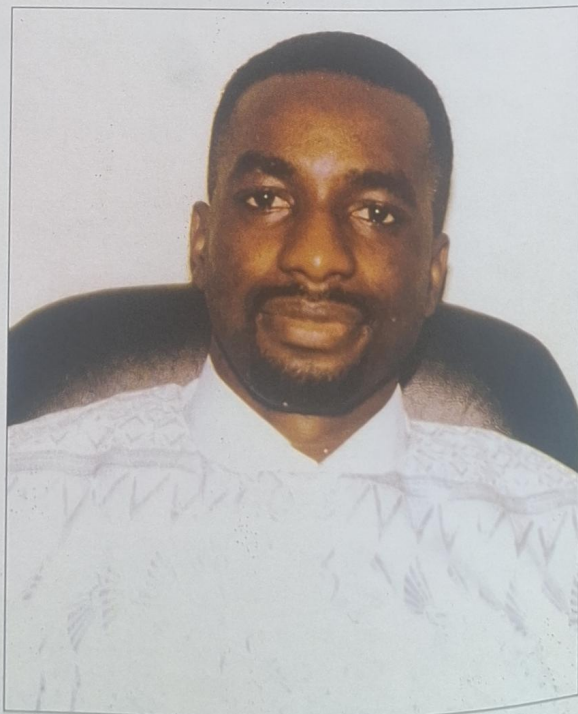
This Juvenile Annual Report consists of the key activities and work of the Centre in the implementation of the Project during the past twelve months.

The Project was directly implemented by Staff members of the Juvenile Unit consisting of the following:

1. Dauda H. Yoki, Co-coordinator and Legal Practitioner
2. Oju R. Wilson Co-coordinator and Legal Researcher
3. Tity Koroma, Senior Secretary
4. Olu Garber, Senior Paralegal, Freetown
5. John B. Selvalie, Paralegal, Kenema
6. Hannah Lavahun, Paralegal, Bo
7. Mustapha Kargbo, Paralegal, Makeni

Administrative support for the implementation of the Project was provided by the Directorate, the Administrator, Finance Officer, and Office Driver.

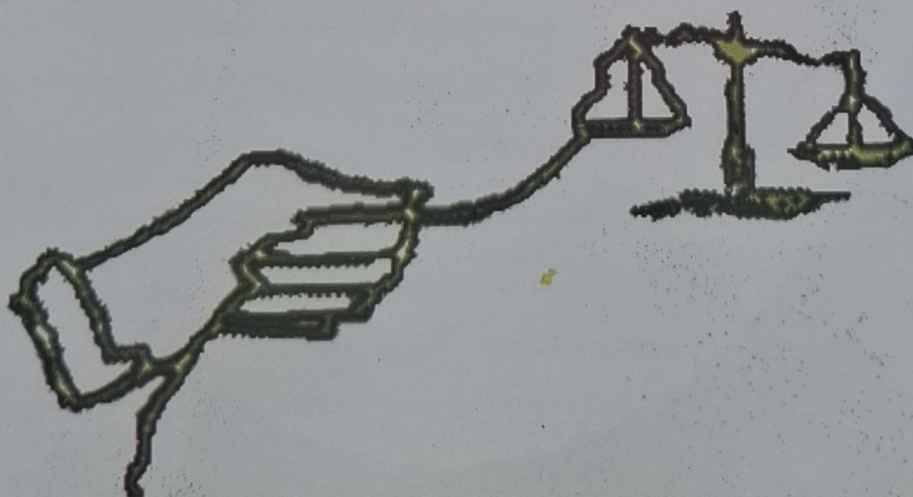
I wish you all an enjoyable reading as you read about the work of the Centre in Protecting and Promoting Child's Rights through Law.



Melron C. Nicol - Wilson
DIRECTOR

MISSION STATEMENT

THE LAWYERS CENTRE FOR LEGAL ASSISTANCE BEING A PUBLIC INTEREST HUMAN RIGHTS LAW CENTRE ENDEAVOURS 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 PROTECTING AND PROMOTING HUMAN RIGHTS THROUGH LAW IN SIERRA LEONE



THE ADVISORY BOARD, SENIOR MANAGEMENT STAFF AND JUVENILE JUSTICE PROJECT STAFF

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

Dr. Anthony Soyei - Medical Practitioner

Ms. Kakuna Kerina – Consultant
New York

Mr. James Oury – Managing Partner
Oury Clark Solicitors

Mrs. Daphne Olu Williams - Economist and Gender Activist

SENIOR MANAGEMENT STAFF

Melron C. Nicol-Wilson - **Director**

Hanatu Kabbah - **Deputy Director**

Salmatta Sandi - **Administrator**

JUVENILE JUSTICE PROJECT STAFF

Dauda H. Yeki – **Coordinator and Legal Practitioner**

Oju R. Wilson – **Co-ordinator and Legal Researcher**

Olu Garber - **Senior Paralegal**

Tity S. Koroma - **Senior Secretary**

John B. Sevallie – **Paralegal Kenema**

Hannah Lavahun – **Paralegal Bo**

Mustapha Kargbo – **Paralegal Makeni**

PROMOTION OF JUVENILE JUSTICE IN SIERRA LEONE

The concept of Juvenile Justice has been a grey area within the judicial system, and this has resulted to a lot of human rights abuses for juveniles when they are in conflict with the law. In a bid to ameliorate the sufferings of juvenile when they come in conflict with the law, and those who are in need of care and protection, a juvenile justice unit was an agendum on the agenda of the founding fathers of LAWCLA in March 2001.

Since then, the Centre concentrated on this area until early 2004 when a Project proposal titled: "Legal Protection of Juveniles and the promotion of Juvenile Justice in Sierra Leone" was submitted to a donor for funding. This Project was approved by an American based organization to run for twelve months covering the entire country. The aims of the Project were as follows:

- i. Assessment of the laws and practice relating to the treatment of juvenile offenders in Sierra Leone through research, data collection and on the spot checks.
- ii. The Centre also organized consultative workshops with experts and child friendly institutions dealing with children in Sierra Leone in order to address Juvenile Offenders and Juvenile Victims of Human Rights Abuses.
- iii. The provision of Legal Advice and Representation for juvenile offenders throughout the country in the three Regional Offices in Bo, Kenema and Makeni, coordinated by the Freetown Head Office.
- iv. The Centre also organized training workshops for law enforcement officials, government probation officers and members of the fourth estate on the need for the application of the law (especially the provisions for the Convention on the Rights of the Child) and other domestic statutes in relation to the treatment of Juvenile Offenders when they are in conflict with the law.

At the commencement of the Juvenile Justice Project titled: "Legal Protection of Juveniles and the Promotion of Juvenile Justice in Sierra Leone" in August of 2004, a baseline survey was conducted. A questionnaire was developed which was distributed by the Paralegals in all operational areas. After the administering of these questionnaires, the findings were input into a research document entitled: "The Practice in Sierra Leone relating to the Treatment of Juveniles and Juvenile Victims of Human Rights Abuses in Sierra Leone".

The findings of the research document actually set the stage for the Experts Workshop in Freetown. In that Workshop key topics were presented by different facilitators on the following: "The International Standards for the Treatment of Juvenile Victims of Human Rights Abuses"; "Domestic legislations relating to the treatment of Juveniles in Sierra Leone" and "The practical realities in Sierra Leone in relation to the treatment of Juveniles and Juvenile Victims of Human Rights abuses".

Between the 30th of September and 3rd October 2004, Workshops were held in all provincial headquarter towns as well as Freetown. These workshops were significantly designed to be a training ground for Law Enforcement Officials i.e., Prison Officers, Probation Officers, Justices of the Peace, Journalists, Human Rights Activists, Court Clerks and Local Courts Officials.

A total of ninety eight officers benefited from this training as the following topics were deliberated upon: The International minimum standards for the treatment of Juveniles", The Domestic legislations relating to the treatment of Juveniles in Sierra Leone and Juvenile Victims of Human Rights Abuses in Sierra Leone".

At the end of these workshops a number of recommendations were made and the following were of striking importance:-

- Specially trained Magistrates and Justices of the Peace to preside over Juvenile matters.
- Properly constituted Courts to try Juvenile Offenders.
- Parent/guardians to accompany Juveniles to Court.
- Speedy investigation and trial of Juvenile Offenders.
- Provisions of Special holding cells for Juveniles.
- Juvenile Offenders should not be tried in open Court.
- Recruitment and training of more Probation Officers.
- Construction of more equipped Remand Homes and Approved School countrywide.
- Reform of laws relating to children.
- Domestication of the Convention on the Rights of the child.

Following the recommendations from these participants, a weekly monitoring of Remand Home, Approved School and all functional cells within the operational areas of LAWCLA was conducted to ensure that Police personnel and other Law Enforcement Officials that received training under the Project were complying with the rudiments of Juveniles Justice. Interviews were conducted with these Law Enforcement Officials as well as detainees and the findings were published in our "Juvenile Voice".

The Centre, in addition to these, briefed the Chairman of the Parliamentary Human Rights Committee at the fore court of parliament with regard the plight of juvenile offenders in Sierra Leone and the need for the domestication of the Convention on the Rights of the Child and the Child Rights Bill, which has now been tabled before parliament for deliberation.

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 juvenile cases be 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 place 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.
CO-COORDINATOR

TOWARDS A BETTER JUVENILE JUSTICE ADMINISTRATION IN SIERRA LEONE

By D. H. Yoki

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-coordinator of the Juvenile Justice Unit, Mr. Oju Wilson co-coordinator and Research Officer, and Mr. Lornard Taylor a Law Student at the Sierra Leone Law School.

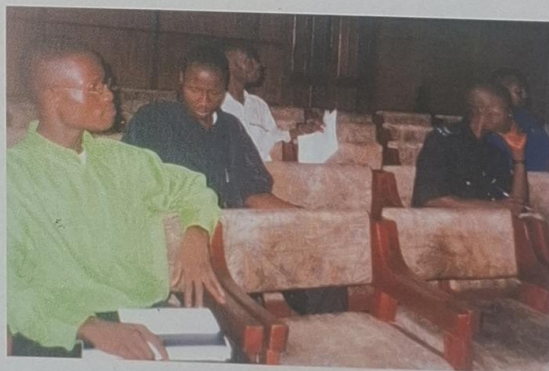
Amongst the Avalanche of meaningful and fruitful discussion that were embarked upon, participants at the various workshops held in Freetown, Makeni, Bo and Kenema came up with tangible, realistic and achievable recommendations to the Government in particular and other institutions, organization involved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



Dauda H. Yoki Esq.
COORDINATOR JUVENILE JUSTICE UNIT

- 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 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.
- Magistrate 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 should be 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.
- 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.



Participants brainstorming on the way forward for a better Juvenile Justice System during a training workshop



Police Officers during training on Juvenile Justice in Freetown

LEGAL ADVICE, REPRESENTATION AND COUNSELLING SERVICES FOR JUVENILES

With the Centre lack of willing practitioners to reside in and run the Regional Offices full-time, most of the time the Paralegals in these regional offices were the first to come in contact with juvenile offenders; while the work of the practitioner when he arrived was to provide legal advice and representation to the offenders. As a result of this the paralegals were instrumental in undertaking the following activities:

1. **Advocacy** – Some advocacy work at the Police Stations, in the communities and sometimes in Court especially in relation to appeals for bail was done by the regional paralegals. They were very successful in this area as in many instances this forms the basis of a peaceful resolution of the matter. Especially in the provinces where the Police Stations and Prisons do not discriminate between children and adults, a timely intervention of the paralegals prevented the criminal contamination of the juvenile offender being locked up with adults.
2. **Legal First Aid** - This more or less was a species of advocacy, but it differs from it in the sense that it focused on educating the juveniles about their rights and responsibilities while in detention. Usually, this process served as a fore runner to advocacy. Thus, where the paralegals were unsuccessful in securing the release of the juvenile offender, they normally admonished Police officers about the right of juvenile offenders not to be tortured. Hence, where the juvenile is not properly treated in detention this will form a basis for a bail application in court.
3. **Community Sensitization** - Paralegals in our Regional Offices were invited by Radio stations in the Provinces to engage in Radio discussions pertaining to child rights. They also organized schools and community sensitization on the rights of the juveniles and the extent to which these rights must be respected and protected.
4. **Psycho-social Counseling** - This was a very important aspect of the work of the juvenile justice unit. Sometimes, juvenile Offenders and their members are not around, or unwilling to give the juvenile offenders the necessary help and support they desire when they are being tried and even after the trial process. Paralegals proved to be very valuable in these instances.

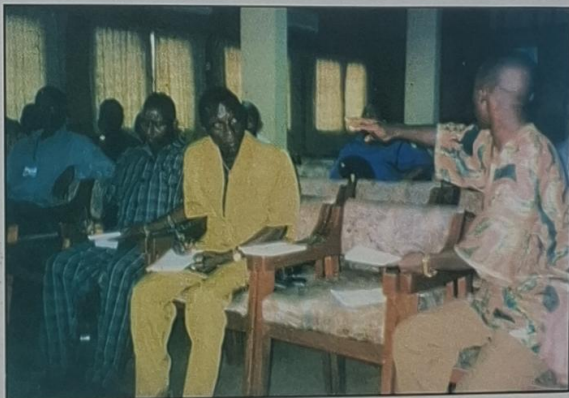
Efforts were also made to trace the family members and at the same time provide the necessary psycho-social support for juvenile offenders. Where the juveniles were in conflict with their parents or guardians, the paralegals made it their duties to resolve such matters and advice the parents to understand the dangers to which the child has been exposed to as a result of their course of action.

LEGAL ADVICE, REPRESENTATION AND COUNSELING... Cont. on pg 9

5. **Monitoring and Fact Finding** – The paralegals also played a very important role in this aspect of implementing the Project. Monitoring and compilation of reports on the conditions of detention centers where juveniles were held were brought to the attention of the appropriate authorities by the paralegals. Interviews were conducted with Police Officers as well as detainees, and the reports documented were published in the Juvenile Justice quarterly magazine published by the Centre dubbed “Juvenile Voice”.
6. **Facilitating** – Community empowerment programs such as capacity building and Juvenile Justice Training Workshops organized by LAWCLA were also facilitated with the undoubting assistance of the paralegals.
7. **Representation** – Because the Centre lacked resident Regional Legal Practitioners, the Paralegals represented the Centre at meetings, workshops, trainings and conferences held by other Human Rights and Child Rights Organizations. Reports on these meetings were sent to the Head Office and published in the Newsletter. Where collaboration with these other organizations became necessary, the Centre was reliably informed by its paralegals and the requisite instructions given.
8. **Lobbying** – LAWCLA’s Paralegals in the Regional Offices continued to lobby Government and Non-Governmental Organizations in the Provinces to lend a helping hand in the construction of Remand Homes and Approved Schools around the country. So far, this has been a very difficult work to do, but the paralegals never relented. The Centre also visited the parliamentary human rights committee chairman, Alhaji Dr. Alusine Fofanah to acquaint him and his team about the work of the juvenile justice unit. This visit precipitated the Human Rights Committee to commence work on the Convention on the Rights of the Child and the Child Rights Bill that is almost at its final phase.



Child rights experts, Police Officers and Journalists during a Juvenile Justice Training Workshop in Freetown



Cross Section of Participants at Juvenile Justice Workshop in Freetown

THE FREETOWN OFFICE

The Freetown Head Office was the Centre for the Planning and the implementation of the Project during the reporting period. The Freetown Office hosted the Coordinator, Researcher and Paralegal in Freetown. At the start of the Project, it was this Office that developed the questionnaire in order to undertake a Juvenile Justice research. At this two storey structure, Legal Practitioners, Legal Researcher and interns sat together to input all the findings from the numerous questionnaires issued out.

Preceding the Experts workshop in Freetown, this document that was near completion was tabled before these experts who made valuable inputs into this research document. With the com-

whiles there were incidence of Juveniles who absconded.

On a monthly basis the Freetown Office coordinated the activities of the Regional Offices in Bo, Kenema and Makeni in order to monitor the Juvenile Justice Project. The Coordinator of the Unit, Dauda H. Yoki Esq. visited the Regional Offices frequently to sit on cases that were pending.



Olu Shегun Garber – Senior Paralegal Juvenile Justice Project Freetown

pletion of the Experts and Law Enforcement Officials Workshops, and the Media coverage of the Juvenile Justice Project, the Centre attracted a lot of clients. The Centre's Paralegal received a total of One Hundred and Thirty One Cases; fifty of those interviewed were discharged, about eighty of these matters were adjourned sine die, some sent to the Approved School,



Tity S. Koroma – Senior Secretary Juvenile Justice Project

SOUTHERN PROVINCE REGIONAL OFFICE - BO

Like the other Regional Offices, the Bo Regional Office was charged with the responsibility of implementing the Juvenile Justice Project in the Southern Province. The Project which was officially launched in August 2004 lasted till July 2005 and saw a total of one hundred and twenty four juveniles through as beneficiaries.

The Paralegal in the office had the duty of visiting detention centers and the courts, where she conducted interviews with Juvenile Offenders, and subsequently advocated for their release on bail in the Police Stations before their matter is documented and where necessary presented for legal representation, legal advice and psycho-social counseling. Efforts were also made to resolve some matters out of Court.

Among the juveniles interviewed, ninety-eight were provided with legal advice and representation. Some were either discharged or cautioned before they were released. Seventy-eight of these cases never went to court and the offenders were released after being cautioned.

Seventeen however were charged to court but later discharged for want of prosecution. Nineteen were released on bail and their matters are still pending. Four were counseled and advised by either the paralegal or the legal practitioner.



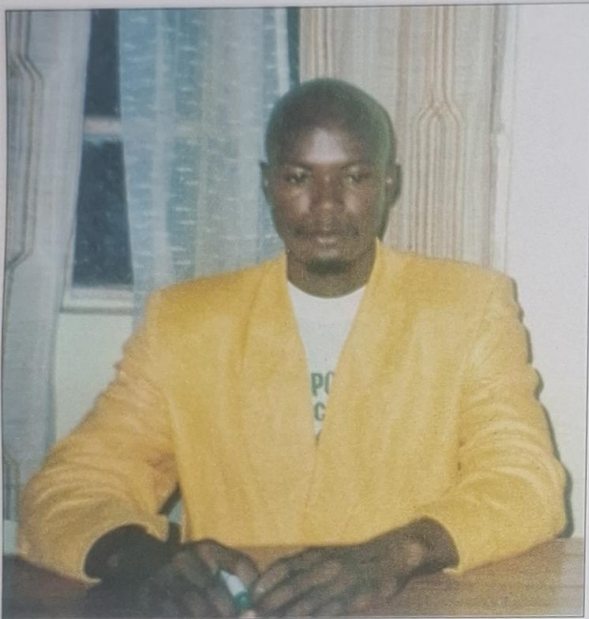
*Hannah Lavahun – Paralegal (far right) and other Staff
Members of the Centre*



*Juvenile Justice Workshop
for Law Enforcement
Officials in Bo*

EASTERN PROVINCE REGIONAL OFFICE – KENEMA

The LAWCLA Regional Office for the Eastern Province is based in Kenema. Implementation of the Juvenile Justice Project would not have been complete or efficient without the necessary contribution of this office. A total number of one hundred and five juveniles in the Eastern Province benefited in one way or the other from the implementation of this Project. Out of this number, Ninety-Six enjoyed the facilities of legal representation, advice, or psycho-social counseling provided by the Centre.



*John B. Sevallie – Paralegal Juvenile Justice Project
Kenema*

Sixty juvenile offenders were released after being cautioned by the Court. Twenty-Two were discharged for want of prosecution and thirty-eight were not charged to court but released by the police after a timely intervention by officials of the Centre. These beneficiaries were all counseled in a bid to ensure that they do not take undue advantage of the goodwill and repeat their acts. Presently, there are seventeen pending cases all of which the offenders have been granted bail and another nineteen pending matters still being dealt with by the Centre.

*Juvenile Justice
Workshop for Law
Enforcement Officials
in Kenema*

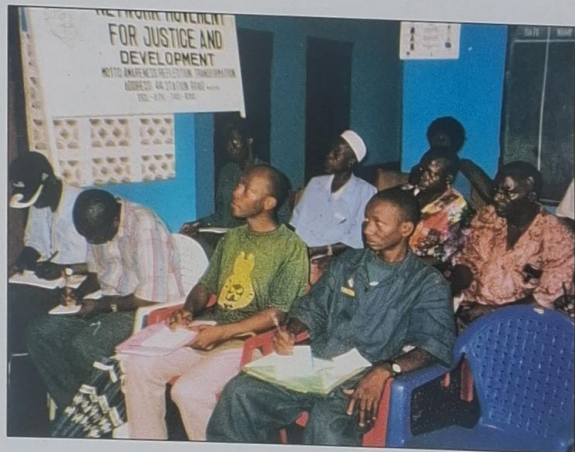


NORTHERN PROVINCE REGIONAL OFFICE – MAKENI

Makeni is the provincial headquarter town for the Northern Province and because of its proximity to the Magistrate court made it a suitable location for formal judicial processes. It is from the Northern Province Regional Office of the Lawyers Centre for Legal Assistance that clients sought the assistance of the centre. The role of this office in the implementation of the Juvenile Justice Project cannot be exaggerated.

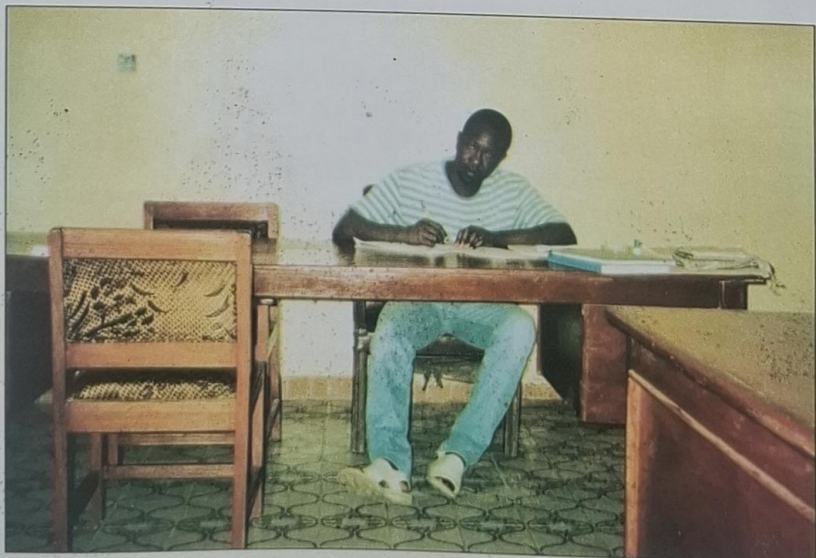
A total number of one hundred and eleven Juveniles in Prisons and Police Stations benefited from the implementation of the Project through this office. The Northern Province unlike Freetown does not have a Remand Home for juveniles; and an Approved school, though a vital necessity, it is not yet in focus making the work of the Centre in relation to juveniles slightly more difficult to implement in this area.

Among the juveniles interviewed, ninety-nine were provided with free legal representation, legal advice and psychosocial counseling by the Centre. Of those granted legal representation, seventy were granted bail; twenty-three were discharged for lack of prosecution in Court and forty-five were cautioned and later released. Ten offenders were granted bail and their matters together with eleven others are still pending.



*Juvenile Justice Workshop for Law Enforcement Officials
- Makeni*

*Mustapha Kargbo – Paralegal
Juvenile Justice Project Makeni*



JUVENILE OFFENDER DETAINED WITH THIRTEEN ADULTS

I.S. is a thirteen year old girl who sells "soda soap" for her aunt who happens to be her guardian.

She narrated to LAWCLA that on the day in question after checking the after sales finances, she realized that she had lost quite a sum. Afraid of the punishment that awaited her back home, she sat on a street corner and started to cry.

A passerby after hearing her story felt pity and gave her a thousand Leone. This I.S. recounted was still inadequate to cover her loss.

Still scared to venture home and she strolled over to the Maxwell Khobe Park, to take some rest. She maintained that she was ignorant of the fact that the location had become a transit point for Prostitutes.

LAWCLA gathered that the juvenile was arrested together with thirteen ladies accused of prostitution and was detained with them.

This was contrary to both local and international legal standards; as such a juvenile, apart from the fact that she will be exposed to violence, there is also the problem of criminal contamination which said effect can have negative implications on the juvenile. It must also be remembered that aim of pre-trial detention, especially of juveniles, is merely to secure the presence of the offender at the court sittings.

I.S. was provided with legal representation by LAWCLA when she was charged to court. A case was made for her on the grounds that she was not only ignorant of the social status of the Maxwell Khobe Park at night but she was also a first-time offender.

TEN YEAR LIBERIAN REFUGEE RESCUED

Takou T. a Liberian refugee age 10 (Ten), lives with her guardian a petty trader at Nyadeyama Section in Kenema.

On her way to see her guardian at Fisheries Market on August 16th, she was picked up by Police along Maxwell Khobe Street near a rioting crowd and taken to the Police Station where she was detained.

When she was arraigned before Magistrate Court #1 in Kenema, on the 19th of August, LAWCLA announced representation for her and applied for bail on her behalf; but the seating Justice of the Peace refused bail and adjourned the matter to the 20th.

When she was interviewed, she told LAWCLA that she is a pupil of the Pentecostal Primary School in Monrovia and that she lives with a friend in Kenema. She also said that she had Le20, 000 in her possession at the time of arrest which belonged to her guardian but she could no longer account for it.

Takou T. appeared in Court on the 20th. LAWCLA made an application for bail which was granted.

The Juvenile was counseled and later handed over to her guardian.

LAWCLA RESCUES SIXTEEN YEAR OLD JUVENILE

V.K was a Cart-Pusher until his departure from Pendembu to Bo.

When he arrived in Bo, he couldn't find his uncle; he decided to stay with a friend. But unfortunately V.K didn't realize that his friend has metamorphosed to a Criminal. He took him to a ghetto where they met with "bad boy" around town.

It was through discussions and attitudinal disposition that the juvenile realized that his friend has been influenced by way-ward boys.

A group of O.S.D. Officers raided the ghetto and some of them including V.K were arrested, beaten and thrown into a Police Van.

LAWCLA RESCUES SIXTEEN YEAR OLD JUVENILE - cont. from pg. 14

They were charged for loitering. But V.K is the only juvenile amongst those arrested. When LAWCLA's Paralegal visited the Police Station, the Juvenile Offender was spotted crying. He was nervous and in a pensive mood.

LAWCLA spoke to the Juvenile Offender who explained his ordeal. The Officer-in-Charge asked LAWCLA's Paralegal to look out for the Juvenile guardian.

After having a clue on the whereabouts of his guardian, the Paralegal made a thorough search and both of them reported at the Police Station the following day.

The Offender was cautioned and released. Both of them expressed gratitude to LAWCLA for the timely intervention.

LAWCLA RESOLVES DISPUTE BETWEEN MOTHER AND SON

S.T. Jnr. Is a sixteen year old boy who lives with her mother at Gbendeva Street in Bo.

The Juvenile's mother is the head teacher of a Nursery School. During her absence, he sneaked into her office and took out the school generator, apparently to use it for a party organized by his friend.

When her mother discovered that the generator was missing, she reported the matter at the Police Station. The Juvenile Offender was apprehended and detained for thirty two hours at the Police Station.

The Juvenile Offender told LAWCLA that after a lot of cajoling and persuasion from her aunt, he admitted taking the generator which he later produced.

The investigation Officer confirmed to LAWCLA that the Juvenile Offender has produced the generator and made a confessional statement but needs to be punished so that he will not repeat such a act. LAWCLA advocated for the release of the offender who was counseled.

When LAWCLA's Paralegal approached the Juvenile Offender's mother initially she was very uncompromising but after several pleas she was reasonable and decided to follow the Paralegal to the Police Station.

JUVENILE DETAINED FOR 134 DAYS

Fifteen year old D. K. was arrested for allegedly conniving with two other boys to steal a mobile phone.

The Juvenile Offender told LAWCLA that he lost his parents during the war in Kono, and came to Freetown to search for a better standard of living. He became a street boy, but the harsh weather conditions (since he usually sleeps in a market) compounded his misery and he decided to seek assistance at the UNAMSIL's Station at Hastings.

He spent two days picking up crumbs and foraging at UNAMSIL's dustbin for food when a middle-aged woman sympathized with his plight and decided to take him home.

As a business woman she gave the fifteen year old boy cotton materials for sale. Three weeks later, two other boys joined in to carry on with the business of selling cotton materials for Mammy Fatu at Hastings.

D.K., (the juvenile offender) said he usually walk from Hastings to the Central part of P.Z., sometimes going without food for the better part of the day.

But Mammy Fatu's mobile phone was stolen and the two other boys disappeared. D.K. said he returned home tired and hungry after the day's sales when Mammy Fatu accused him of conniving with the boys to steal her phone. He denied having knowledge of the stolen mobile phone crying that he will be the last person to steal from his benefactor. But Mammy Fatu became enraged and reported the matter at the Police Station.

The Juvenile Offender pleaded with her to show understanding but she never listened. He was arrested and detained at the Hastings Police Station for four days before the matter was charged to court.

JUVENILE DETAINED FOR 134 DAYS - cont. on pg. 15

The juvenile offender was refused bail during his first appearance and remanded in custody for 134 days.

LAWCLA spoke to him at Waterloo Magistrate Court and announced legal representation on behalf of the Juvenile Offender.

LAWCLA gathered that the complainant had never appeared in Court since the matter commenced. LAWCLA's legal Practitioner made an application for Juvenile Offender to be discharged for want of prosecution pursuant to Section 94 of the Criminal Procedures Act of No. 32 1965. In the light of the above the learned magistrate yielded to the practitioner's plea.

MAKENI - JUVENILE REMANDED IN CUSTODY FOR VEHICLE BATTERY

The Juvenile Offender was an apprentice who usually sleeps in a Vehicle with Registration Number A.B.D. 766 at Misidi Street in Makeni.

When he became hungry at night, he went in search of food. Thieves surreptitiously opened the vehicle bonnet and stole the battery.

The seventeen year old Juvenile (O.K.) returned to the vehicle well fed and dizzy. He went asleep without notice that the battery has been removed from the vehicle. The following morning, the boy attempted to start the vehicle, when he discovered that the battery was missing. He screamed loudly and ran to inform his boss, shedding uncontrollable tears. But unfortunately, his boss became furious and reported the matter at the Police Station. The boy pleaded his innocence and neighbors around the vicinity where the vehicle was parked appealed to the vehicle owner to be reasonable.

They spoke about the great care, attention and dedication of the juvenile but their appeals fell on deaf ears.

He was arrested and detained for four days at the Police Station. The matter was later charged to Court for Larceny Contrary to Section 2 of the Larceny Act 1916.

On his first appearance in Court, the Juvenile Offender pleaded not guilty and he was remanded in custody. When LAWCLA's Northern Regional Para-Legal spoke to the Juvenile Offender at the Police Station, he gathered that he had appeared seven times in Court and was remanded in custody for two months without any progress in the matter. LAWCLA's Legal Practitioner advocated for the release of the boy and he was also counseled.

When hearing resumed, the Centre's Lawyer made an application for the offender to be discharged for Want of Prosecution pursuant to Section 94 of the Criminal Procedures Act No. 32 of 1965. He was discharged immediately.

JUVENILE OFFENDER GETS SIX LASHES FOR STEALING A CELL PHONE

M.G. is an eleven year old Juvenile Offender who was detained at the Bo Police Station for allegedly stealing a Nokia Mobile Phone.

LAWCLA gathered that the Juvenile Offender stole the cell phone from his uncle and sold it for a paltry sum of Le30, 000 to a man called Komba.

He went for the second time to steal a pair of crepe but was caught red-handed by his uncle's wife. He confessed and the buyer of the Cell Phone was identified and both of them were arrested and charged to Court separately for larceny.

The matter was charged to Court and LAWCLA provided legal representation for the Juvenile Offender. He pleaded guilty and the matter was adjourned for two weeks.

According to the Police, the Offender made a confessional statement and the complainant claimed Le480, 000 (four hundred and eighty thousand Leones) for the cell phone and the pair of snickers.

When hearing resumed, LAWCLA advocated for a minimal punishment to be meted out since he has pleaded guilty as a first time offender.

SAMPLE OF KEY CASES DEALT WITH BY THE CENTRE CULLED FROM JUVENILE VOICE

JUVENILE OFFENDER GETS SIX LASHES FOR STEALING A CELL PHONE – cont. from pg 16

The Juvenile Offender pleaded for mercy looking terrified and morose in the dock. The Magistrate ordered the police Prosecutor to give him six (6) lashes.

He was stretched at arms length in the full view of everybody in the Court (despite opposition from LAWCLA against corporal punishments) and given six lashes before he was discharged.

A JUVENILE SUFFERS BODILY HARM FOR STEALING BULGUR WHEAT

A Liberian refugee at the Gondama Refugee Camp was arrested and detained for Larceny.

The fourteen year old juvenile offender allegedly used a stick to create an opening in a neighbor's mud house and clandestinely stole fifty cups of bulgur wheat. He was caught by the owner of the bulgur wheat who raised an alarm. He was beaten up mercilessly by an angry mob that immediately converged on the scene of the incident.

The complainant then took the juvenile offender inside his hut and melted a plastic on his hand giving him severe wounds in the process.

He was taken to the Gondama Police Station and detained for two days before the matter was transferred to Bo, where he was kept in open custody.

According to the juvenile offender's file, he made a confessional statement. But LAWCLA was surprised to learn that the complainant could be so heartless by inflicting bodily harm on the poor boy. LAWCLA urged police to indict the complainant for committing human rights abuse on a juvenile offender.

The Investigation Officer promised to travel to Gondama to investigate the issue and if the complainant is found culpable he will be brought to book.

The offender was counseled and later taken to the hospital for medical treatment.

LAWCLA pleaded with the officer-in-charge at the Bo Police Station to caution and release the boy since he is a first time offender. LAWCLA's Southern Province Paralegal also pointed out that the offence he has committed is a very minor one, and if the matter is charged to Court the poor boy may be subsequently detained to languish in prison without any body to care about his welfare.

The Para-legal persistently pleaded with the senior police officer to have mercy on him as the complainant didn't even show up, which indicated that he didn't want any Court action.

However, the police boss granted the plea and warned the juvenile offender that if he happens to commit any other offence, he will be severely dealt with.

LAWCLA REPRESENT RAPE VICTIM

K T is a thirteen years old Sierra Leonean residing in the Eastern Provincial Town of Kenema. On the 16th day of January 2005, she was carnally assaulted by an adult who is in his mid forties. This said man called the child in to his bedroom and forcefully had sex with her thereby damaging her genital which subsequently resulted to profuse bleeding. When the parent returned home, they discovered that their daughter was not walking properly and had to inquire as to what actually impaired her movement.

Upon inquiry into the said matter, the victim revealed that the perpetrator forced her to make love with him. After this revelation the matter was reported at the Police Station in Kenema leading to the arrest and detention of the perpetrator before the latter was charged to Court with unlawful Carnal Knowledge. Because of the frustrating attitude by many victims to discontinue proceedings of such nature halfway through the trial, LAWCLA conducted a closed door inquiry with the victim to see if indeed they are willing to proceed with the matter without thwarting the whole process half way through the trial. During this inquiry, the victim explained in detail the barbaric manner in which the perpetrator assaulted her.

When the matter came up for hearing on the 25th of January, 2005, the charges were read to the perpetrator. After reading the charges the Prosecutor made it implicitly clear to the Court that unlawful Carnal Knowledge is a Criminal Offence for which the state has an onus to prosecute the said perpetrator. He also took the pain to remind the perpetrator about the seriousness of his offence, stressing that the burden is now on the Prosecution to prove their case beyond reasonable doubt which is a very high standard. The matter continues and LAWCLA is working concertedly with the state prosecutor.

LAWCLA APPEALS FOR BAIL FOR JUVENILE OFFENDER

M M is a sixteen years old juvenile who resides in the Country's Second Capital, Bo. Mid January he was invited by a friend of his who was preparing for the Basic Education Certificate Examination (BECE) to be part of studying group. One day, whilst returning from their normal study routine, he was intercepted by an age able man who identified him as the thief who carted away with his television, allegedly stolen from a medical personnel's quarter.

Whiles trying to prove his innocence he received a heavy spank on the face from the complainant. He was subsequently handed over to the police who later obtained statement from him and detained him. During the normal routine exercise of monitoring Juveniles being incarcerated or those whose rights have trampled upon, the Southern Province Regional Paralegal had clue of this case and did all within his power in ensuring that the tenets of Juvenile Justice is maintained.

The Paralegal from thence appealed to the investigator to ensure that the matter is thoroughly investigated, citing the need for special care when treating juveniles when they are in conflict with the law. He went on to plead with the Police Officer investigating the matter to grant him bail since the offender is preparing for his exams. Unfortunately, for the poor boy, just three days after he was admitted to bail the true culprit who actually stole the television set was arrested by the Police.

LAWCLA RESCUES SIXTEEN YEARS OLD JUVENILE "ACCUSED" OF LARCENY

A.B. is a Sixteen Years Old pupil residing in Kenema. Mid December 2004, the Offender was accused by a Mohamed Kamara for allegedly stealing a Cellular phone, jeans and other items to the total value of Two Million Seven Hundred Thousand Leones. The complainant who is a friend of the Offender was arrested and detained in Police Custody for three days before he was eventually charged with larceny.

When interviewed by LAWCLA, the offender told the Paralegal that he was innocent and the complaint is just trying to make trump up charges against him. His major concern was to ensure that he be granted bail as his parents and other family members were not aware of his arrest. He was eventually bailed and charged to Court.

When the matter came up for hearing the Centre realized that the boy had been re-arrested and detained. In addressing the Magistrate the Centre pleaded with the bench to consider the age of the Offender who in fact has been disrupted from his educational pursuit and grants him bail. In responding to the plea by the Centre, the Magistrate granted bail to the Offender.

LAWCLA REPRESENT JUVENILE OFFENDER STANDING TRIAL FOR MURDER

S.K. is a Sixteen Years Old school boy residing in the Eastern Provincial Town of Kenema. On the 20th of January 2005, whiles at a Disco Club the deceased Rahim Koroma stole Five Thousand Leones from the Offender's pocket, in order to secure a ticket. In the process of retrieving his money, the deceased fell on the ground and was unconscious. The offender in realizing this became frightened and bought a tin of peak milk and a sachet of cold water to resuscitate him. After responding to this first aid treatment the offender also ensures that the deceased received proper medical check up at the Government hospital. However, all the efforts by the offender to keep the latter Rahim Koroma alive were futile as he died three days after being hospitalized at the hospital.

As a result of this death, S.K. was arrested and detained after the Police obtained statement from him. After five days in detention the offender was charged with murder and later transferred to the Kenema State Prison. When the matter came up for hearing on the 26th of January 2005, the charge against the offender was read to him and the Prosecutor told the Court about the seriousness of the offence, stating that it is completely irrelevant if the offender is a juvenile.

After the opening statement by the Prosecution, LAWCLA announced free legal representation on behalf of the offender and advocated that he be detained at a separate Juvenile Home while the preliminary investigation continues at the Magistrate Court. Another point that was raised was that the Juvenile be tried in Chambers.

**REPORT OF SUMMARY OF CASES DEALT WITH BY
THE JUVENILE JUSTICE PROJECT DURING THE
REPORTING PERIOD AT THE CENTRE'S HEAD OFFICE
IN FREETOWN AND AT THE REGIONAL OFFICES IN
BO, KENEMA AND MAKENI**

NO.	DETAILS	TOTAL NUMBER
1.	Total number of Juveniles Interviewed under the Juvenile Justice Project and provided with Legal Advice.	499
2.	Juveniles interviewed and provided with Legal Representation and Psycho-social Counseling and were cautioned and Discharged.	269
3.	Juveniles that were granted bail after interview and were legally represented	33
4.	Juvenile clients whose matters were amicably resolved by the Centre	45
5.	Juveniles that were on bail before interview	70
6.	Total number of juveniles still in custody and their matters still pending	82

COLLABORATION AND LINKAGES

During the period under review, the centre collaborated with other key partners and created links with old and new partners within the realm of Juvenile Justice System.

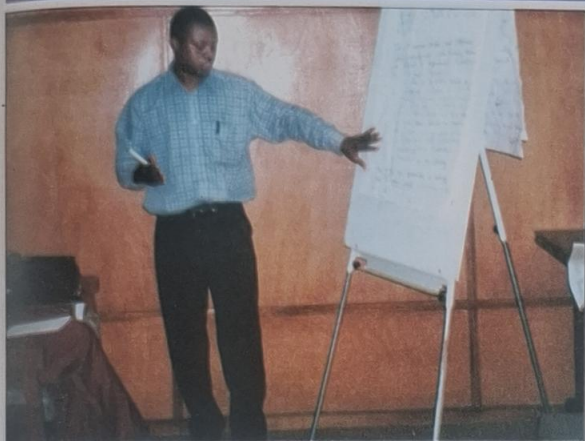
MINISTRY OF SOCIAL WELFARE GENDER AND CHILDREN'S AFFAIRS: Like previous years the period under review witnessed a far stronger tie with the ministry. The centre in October last year was consulted by the Government Ministry in collaboration with **UNICEF** to develop a training manual entitled "**Children in the Criminal Justice System in Sierra Leone**". This manual was used to train local community leaders in Freetown, Bo, Kenema and Makeni. The Centre also facilitated this Project and the subsequent Programme on the need for the establishment of a Bail Home to ease the problem that probation and other social workers normally encountered. On the 3rd of December 2004, the Centre received a letter from the Ministry to discuss the report of a reference group towards validating a Children's Act in Sierra Leone.

PLAN Sierra Leone: on the 1st of October 2004, the Centre signed a memorandum of understanding to work concertedly for the betterment of children. An excerpt of the memorandum, which was signed by the Director of Plan-Sierra Leone and the Executive Director of LAWCLA, Melron Nicol-Wilson, obliged the Centre to assist whenever there is a need to do some work within the legal field. Immediately after this memorandum was signed LAWCLA was invited to participate in a two day National Consultative Meeting to develop five years Country Programme Outline.

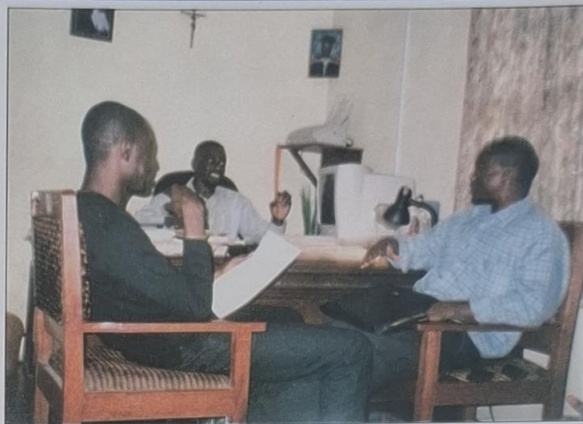
NATIONAL COMMISSION FOR WAR AFFECTED CHILDREN: The Centre in its collaborative strides was invited to a two day consultative workshop on Advocacy for Policy and Legislative Review of Children in Sierra Leone. The Legal Researcher of the Juvenile Justice Unit Mr. Oju R. Wilson was invited to present a twenty-five minute paper on the topic: Juvenile Justice in Sierra Leone.

Based on the effectiveness and the impact of the Juvenile Justice Project the Centre signed memoranda with organizations like the **Mercy Children Fund** and the **Forum for Africa Women Educationalists (FAWE)**. With the latter, the fulcrum of the memorandum was for LAWCLA to be representing victims of sexual abuse whiles [FAWE] concentrate on the psychosocial aspect. Police referrals were also made to the centre from the **Family Supports Unit of the Sierra Leone Police force** to associate in prosecuting perpetrators of juvenile victims.

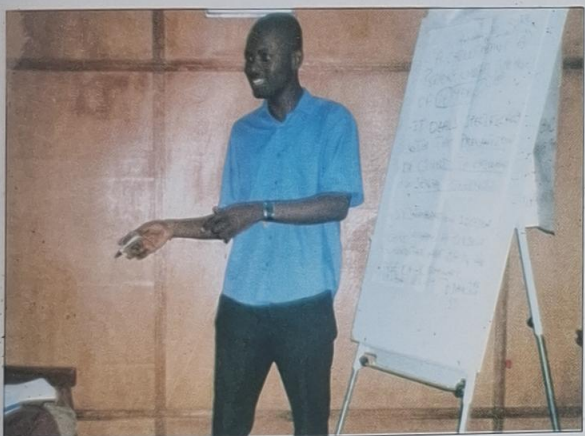
PHOTOS OF PARTICIPANTS AND FACILITATORS DURING THE JUVENILE JUSTICE PROJECT WORKSHOPS COUNTRYWIDE FOR EXPERTS AND LAW ENFORCEMENT OFFICIALS



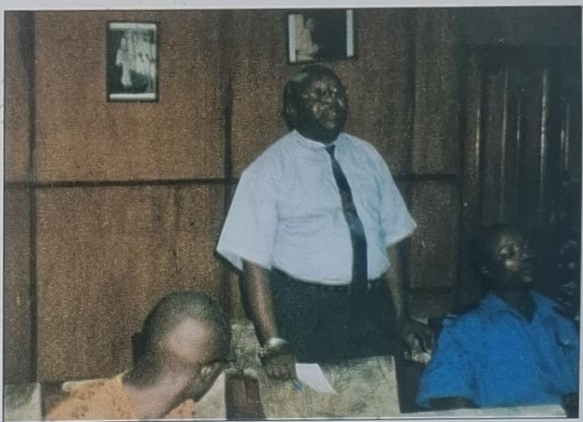
Dauda H. Yoki engaging the minds of Experts during Expert meeting in Freetown



Melron Nicol-Wilson briefing Legal Practitioner and the Researcher of the Juvenile Justice Unit before departure for the provinces



Oju R. Wilson delivering a lecture during Juvenile Justice Workshop in Freetown



A Justice of the Peace contributing to the discussion during the Juvenile Justice Workshop for Law Enforcement Officials in Freetown



Cross section of participants during a Juvenile Justice Workshop for Law Enforcement Officials held in Kenema



Group discussion of participants during the Juvenile Justice Workshop for Law Enforcement Officials in Makeni

PUBLICATIONS BY THE CENTRE AND MEDIA

As the Centre also undertakes human rights training and human rights legal research, the centre conducted key researches on the law and published a quarterly newsletter on the Project titled "Juvenile Voice".

With the launching of the Juvenile Justice Project, the inaugural edition of the Centre's quarterly Newsletter was launched in October 2004. The main focus of the newsletter was to inform and educate the general public, especially human rights activists, and child rights advocates, about the work of the Centre in protecting juveniles who are in conflict with the law and those who are in need of care and protection.

Furthermore, the newsletter was also used to advocate for reform of the laws and practices relating to the treatment of juvenile offenders and victims of Human Rights Abuses. Prior to the experts and other workshops that subsequently followed, a research document was also finalized on the states of juvenile; that document was effectively utilized to educate participants at these workshops, with regard the legal provisions relating to the treatment of juveniles, from both the domestic and international perspective. This draft document shall soon be published and made available to other child friendly institutions.

When the Juvenile Justice Project was launched in August 2004, it captivated the attention of both the Print and Electronic Media. The presenter of the popular Tea Break program at the Radio UNAMSIL hosted the co-coordinator of the Project Dauda H. Yoki Esq. to explain to the listening public about the aims and objective of the Project. The co-coordinator in that program spent an hour cataloging the rationale for the Project and what the Project intends to achieve at the end of its implementation.

With the Print Media, a good number of the tabloids reported on the activities of the Centre. In the August 27th 2004 edition of the Awoko Newspaper, there was a front page story "Children have been the most vulnerable" – LAWCLA. This story was making reference to a statement made by Lansana Dumbuya Esq. when launching the Juvenile Justice Project.

In the SALONE TIMES Newspaper, September 6th 2004 edition, there was another story "Lawyers, Police discuss protection of Juvenile Offenders". Their story was referring to the Law Enforcement Officials workshop that was organized at Santanno House and some of the recommendations that came out from that meeting.

cont. on pg. 23

As an advocacy drive, the popular PEEP! Magazine, in their Friday February 2005 edition, culled stories published from our Juvenile Voice Magazine to educate the reading populace about the plight of Juvenile with a story "Juveniles detained for 134 days". In continuation with their strides also to amplify the advocacy drive undertaken by the Centre, the same tabloid reported on a letter sent to the Chief Justice by the co-coordinator of the Unit, imploring the head of the judiciary Dr. Ade Renner-Thomas to make improved provisions for the effective administration of Juvenile Justice countrywide with an inside story on the Wednesday February 23, 2005 edition "LAWCLA appeals for Juvenile Justice"

JUVENILE VOICE VOL 1



JUVENILE VOICE
A Quarterly Publication of the Lawyers Centre
for Legal Assistance Juvenile Justice Project
October 2004
Volume 1 - Issue 1
The Lawyers Centre for Legal Assistance - Sierra Leone

LAWCLA LAUNCHES JUVENILE JUSTICE PROJECT

The Lawyers Centre for Legal Assistance (LAWCLA), which is one of Sierra Leone's newest but most promising Human Rights Institutions has launched its "Legal Protection of Juveniles and the Promotion of Juvenile Justice Project in Sierra Leone".

The Project which is co-ordinated by the Centre's Juvenile Justice Unit, is expected to run for twelve months covering the whole country.

The aims of the project are as follows:

Cont. on Pg. 2

LAWCLA LAUNCHES JUVENILE VOICE

This is the inaugural Edition of the Lawyers Centre for Legal Assistance Juvenile Justice Project Quarterly Newsletter entitled "JUVENILE VOICE".

A major aim of the newsletter is to inform the general public, especially Human Rights Activists, and Child Rights Advocates, about the work of the centre in protecting juveniles in conflict with the Law in particular and to work for and on behalf of juveniles.

Another aim of this newsletter is to advocate for reform of the Law and Practice relating to the treatment of Juvenile Offenders and Juvenile Victims of Human Rights Abuses.

We wish you all an enjoyable reading.

But non tentariis aut perferre.

Cont. on Pg. 2

INSIDE THIS ISSUE

1. LAWCLA launches Juvenile Justice Project
2. LAWCLA launches Juvenile Voice
3. Child Rights Experts discuss Juvenile Justice
4. Law Enforcement Officials in Free Town
5. Ten Year old Liberian Refugee Rescued



Senior Management Staff of LAWCLA during the Launching Ceremony

Juvenile Voice

JUVENILE VOICE VOL 2



JUVENILE VOICE
A Quarterly Publication of the Lawyers Centre
for Legal Assistance Juvenile Justice Project
January 2005
Volume 1 - Issue 1
The Lawyers Centre for Legal Assistance - Sierra Leone

LAWCLA COLLABORATES WITH OTHER STAKEHOLDERS FOR LEGAL AND PROCEDURAL REFORM

The phenomenon of Child Rights is today a Global concern. The Universal preoccupation for better legal, procedural and structural provisions for children has had an overriding influence on the Sierra Leone Community.

The Government of Sierra Leone, through the Ministry of Social Welfare, Gender and Children's Affairs, together with other agencies like the National Commission for War affected Children, Plan Sierra Leone, and World Hope have been engaging in consultations with LAWCLA all in a bid to providing legal and procedural reforms for the children of this country. To this end, stakeholders concerned are presently working tirelessly on a document which shall be soon presented to parliament for it to be passed into Law.

Cont. on Pg. 2

A CLARION CALL FOR SYSTEMATIC JUVENILE JUSTICE MECHANISM - LAWCLA WRITES THE HONOURABLE CHIEF JUSTICE

In a correspondence addressed to the Honorable Chief Justice dated 10th September 2004, the Lawyers Centre for Legal Assistance, through the Co-ordinator of the Juvenile Justice Project David H. Kadi Fag, informed his Lordship about the present state of the Juvenile Justice System and explained his Lordship to address some of the problems besetting the effective administration of Juvenile Justice in Sierra Leone.

Below is an excerpt of the said correspondence.

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David H. Kadi Fag, CO-ORDINATOR JUVENILE JUSTICE PROJECT

Juvenile Voice

JUVENILE VOICE VOL 3



JUVENILE VOICE
A Quarterly Publication of the Lawyers Centre for Legal Assistance Juvenile Justice Project
March 2005
Vol. 2 Issue 1
The Lawyers Centre for Legal Assistance - Sierra Leone

LAWCLA BRIEFS PARLIAMENTARY HUMAN RIGHTS CHAIRMAN

The Administrator, Mrs. Anthony Smith and Staff members visited the Juvenile Justice Unit on Friday 18th of January 2005, headed the Chairman of the Parliamentary Human Rights Commission about the work of the Unit and the work of the Centre generally. Led by the Researcher Mr. Ope Wilson, he gave a brief overview about human rights in the formation of the Centre and the challenges that the Centre has been facing in terms of providing legal services and representation for the innocent members of the Sierra Leonean population who come before the courts for the services of Lawyers. This he said is a duty that the government must perform, but because they have been struggling on this Commission duty imposed by Section 28 (1) of LAWCLA had been filling that vacuum.

Also given a brief overview of the Centre's work in the other three districts were in Makono, Kenema and Bo. Mr. Wilson also explained the implementation of the Juvenile Justice Project by conducting the series of Workshops that were organized countrywide to train law enforcement.

Cont. on Pg. 2

THUMBS UP FOR WESTERN POLICE STATION

When the Lawyers Centre for Legal Assistance took over the Juvenile Justice Project in August 2004, the intention was not just to train law enforcement officials in the four districts but to ensure that they were in a position to deal with the juveniles who come before the courts at the end of the day. They came with what the law says that juveniles have rights in Sierra Leone.

It is a bid to achieve these objectives that the Centre after the training exercise conducted on a monitoring and evaluation exercise. In contrast to what has been happening and continue to urge the law enforcement to deal with the juveniles in a proper manner, these colleagues whom a juvenile is in conflict with the law.

Cont. on Pg. 2

Inside This Issue

1. LAWCLA briefs Parliamentary Human Rights Chairman.
2. Thumbs up for Western Police Station.
3. UNICEF, LAWCLA And Other Child Friendly Institutions Hing Heads To Salvage The Plight Of Children In The Criminal Justice System
4. After CEDAW Convention of the Rights of the Child
5. Juvenile Justice in Sierra Leone



OFFICER IN CHARGE OF KORDA OF WESTERN POLICE STATION AT WORK

Juvenile Voice

**JUVENILE JUSTICE IN SIERRA LEONE – BY -
OJU R. WILSON**

There are several statutes relating to the treatment of juveniles with some social flavor as it is inevitable, but the most common of these legislations are Chapters 31 and 44, of the Laws of Sierra Leone 1960. With chapters 31 of the Prevention of Cruelty to Children Act, it deals specifically with sexual offences and other cruel form of treatment that are infradignitatem of children; whiles Cap. 44 of the Laws of Sierra Leone 1960, otherwise known as the Children and Young Persons Act concentrate more on Juveniles in conflict with the Law and those who are in need of care.

However, notwithstanding these two key documents that have been made mentioned of, there are other international documents that Sierra Leone have signed and ratified that could be of persuasive bearing.

For a more clear understanding of who is a child or a young person within the laws of Sierra Leone it is but fitting to note that the definitions varies: However, these definitions should not be a problem though many lay people are in a quagmire as to what definition should hold, and advocating very strongly for the domestication of the Convention on the Rights of the Child (C.R.C.), which has a more uniform definition. According to Chapter 31 of the Laws of Sierra Leone 1960, in Section (2) of the interpretation Section, a Child is defined as thus:

“... a person under the age of sixteen years”.

From the citation of the Prevention of Cruelty to Children, to the Children and Young Persons Act Chapter 44 of the Laws of Sierra Leone 1960, a child is defined as,

“... a person under the age of fourteen years”.

A young person on the other hand is defined as thus:

“... a person who is fourteen years of age or upwards and under the age of seventeen years”.

To add to the definitional problem in our statute books there is no definition for who is a Juvenile. The Convention on the Rights of the Child defined as:

“... every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.

The main focus on the Declaration of the Rights of the Child is that by reason of his physical and mental immaturity, the child needs special safeguards and care including appropriate legal protection, before as well as after birth. Because most of these international documents lay strong emphasis on the cultural beliefs and practices of signatories, cultural relativism do play a pivotal role in domesticating these documents.

The lacuna within our statutes books for the definition of a juvenile could be adequately filled with definition from the Beijing Declaration.

“A Juvenile is a Child or Young Person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult”.

This in summary defines a juvenile when in conflict with the law, though it has been strongly criticized by legal experts as not all juveniles are criminals, whilst others consider the word juvenile as a term of art.

From the definitions postulated, it will help a great deal when discussing about the Juvenile Justice System to know who is actually a Juvenile and the need for special treatment from both the legal and social perspective. Most of the time when the juveniles come in conflict with the law their first point of call is the police, and as a very important institution in state machinery they have an important role to play in this regard. The onus bestowed on the police should be executed to the fullest, as pre-trial punishment experienced by most children should be a thing of the past; Section 4 of the Sierra Leone Police Act No. 63 of 1964 is quite explicit on this.

“The Police shall be employed for the detection of crime and the apprehension of defaulters the preservation of law and order, the protection of property and the due enforcement of all law and order, the protection of property and the enforcement of all law and regulations with which they are directly charged”.

cont. on pg. 25

**JUVENILE JUSTICE IN SIERRA LEONE – BY
OJU R. WILSON ... Cont. from pg 24**

This is a responsibility which the police should not renege from as detaining adults with juveniles, corporal punishment, denial of bail and sexual harassment of female offenders should be discouraged. The major factor why the law normally frowns at detaining adults with children is because of their delicate nature, as if they are detained jointly, there is the high likelihood of criminal contamination which shall not be helpful for the juvenile in the future. The whole essence of the Juvenile Justice System is to reform and rehabilitate and not to punish. The statutory provision of the Children and Young Persons Act, Chapter 44 of the Laws of Sierra Leone 1960 is instructive of this:

“It Shall be the duty of the Commissioner of Police to make arrangements for preventing so far as practicable, a child or Young Person while in custody from associating with an adult, other than a relative, charged with an offence”.

From the role of the Police which also includes their reluctance to grant offenders bail under the 1991 Constitution which is in Section (17) (3), and the Children and Young Persons Act in Section (5) of Cap. 44, and the Criminal Procedure Act of 1965 in Section (80), it is imperative to examine the Trial Stage and Procedures. In the first place, before a juvenile could be tried the Court should be fully constituted. Section (4) of Chapter 44 of the Laws of Sierra Leone 1960 clearly spells out how a juvenile court should look like:

“a Juvenile Court may ... subject to the directions of the Chief Justice, be held by a Magistrate having jurisdiction therein and two or more Justice of the Peace”.

The dearth of willing and qualified practitioners to go to the Bench due to the poor working conditions is a serious fetter as most sittings have been adjourned due to the fact that these courts are in most cases not completely constituted.

During Trial also privacy counts a lot in order to prevent the Juveniles from being stigmatized.

In advanced legal systems there is normally a separate room for trying juveniles. The names and addresses of juveniles are not used and there is a uniform age of criminal responsibility. Within our system, most of the time lawyers normally argue as to what the age of criminal responsibility is in Sierra Leone. Hence, due to the static nature of our laws the age of criminal responsibility to date is 7 years. In England and within the Convention on the Rights of the Child, the age of Criminal Responsibility is 10 years. Under the Common Law, a child between the ages of 10-14 is presumed *Doli incapax*, in short, not capable of forming any guilty intent, though such a presumption could be rebutted by proof of a mischievous discretion for his acts or omissions.

Back to privacy, section three (1) of Chapter 44 states quite clearly that:

“A Magistrate’s Court when hearing charges against Children or Young Person is charged jointly with any other person not being a Child or Young Person, sit in a different building or room from that in which the ordinary sittings of the court are held or on different times from those at which the ordinary sittings are held”.

The proviso to section (3) subsection (5) also precludes the media from reporting or publishing anything that will lead to the identification of juvenile offenders; and a fine on summary conviction if this provision is breached.

With sexual offences the Girl Child in Sierra Leone is in a very desperate condition as the punishment for perpetrators is in most cases not adequate to prevent a recurrence of such act, and there are certain provisions within the Prevention of Cruelty to Children Act Chapter 31 that must be expunged from the statute book.

cont. on pg. 26

**JUVENILE JUSTICE IN SIERRA LEONE – BY
OJU R. WILSON ... Cont. from pg 25**

Most of the time, victims have been unwilling to come forward to pursue a case against a perpetrator due to the lack of confidence in the judicial system and the high dependence on family members to settle out of court. This is another frustrating area for most Legal Practitioners, as in most cases their efforts to pursue such a matter to avoid impunity in thwarted half-way through their struggle. Whilst the Constitution is frowning on discriminatory laws under Section 27 of the 1991 Constitution which states that

"No law shall make provision which is discriminatory either in itself or in its effect"

Section (10) of Chapter 31 which read thus, is in contravention of the aforementioned constitutional provision:

"Any person who procures or attempts to procure any child not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without the Queen's dominions, shall be guilty of misdemeanor, and shall be liable on conviction before the Supreme Court to imprisonment for any period not exceeding two years, with or without hard labour".

This provision is unfortunate, and there is a clarion call for urgent reform of such provision. With the establishment of the Law Reform Commission, I am very optimistic that something positive shall be done in this direction.

One cannot discuss about the Juvenile Justice System without making reference to Children and Young Persons in need of care and protection: Section 27 of the Children and Young Persons Act, states that:

"Any Administrative Officer, Police Officer above the rank of Sub-Inspector or authorized persons may bring before a Juvenile Court any Child or Young Person who-

(a) is found begging or receiving alms (whether or not there is any pretence of singing, performing, offering any thing

for sale or otherwise, or being in any street, premises or place for the purpose of so begging.

(b) is found wandering and not having any settled place of abode..."

Section (27) which deal with destitute children and those in the company of a reputable thief or prostitute, is very vital in combating the social malaise of most juveniles. If this provision and other provisions within Chapters 44 and 31 are adequately implemented then the Justice System will have a very little role to play in the lives of our children.

It is my humble submission that the time is now ripe for the full implementation of these provisions in our statute books as presently the Remand Home facilities at Kingtom are not fully up-to-date not to talk of the Approved School which is just a living structure. Though the Social objective in our Constitution which is the supreme law of the land, is not legally binding on the government to perform these social duties, it must be the cardinal responsibility of any responsible government to ensure that the basic amenities like motivated and highly paid probation officers, fully equipped Borstals and even things that normally lead a juvenile to come in conflict with the law be well-structured for a conducive atmosphere for our future generation.



**OJU WILSON- CO-COORDINATOR AND LEGAL
RESEARCHER JUVENILE JUSTICE UNIT**

ALTERNATIVE MECHANISMS TO THE JUVENILE CRIMINAL JUSTICE SYSTEM: A CASE FOR DIVERSION

- By Melron Nicol-Wilson and Oju R. Wilson

A cardinal effect of the Civil and Political Impasse in Sierra Leone between 1991 and 2000 was as a result of the breakdown of the Criminal Justice System in general and the Juvenile Criminal Justice System in particular. The whole system is fraught with problems from the Pre-Trial, Trial and Post-Trial Stages.

At a recent Training Program organized by the Ministry of Social Welfare, Gender and Children's Affairs (with the Financial Support of UNICEF – Sierra Leone) for Staff in the Criminal Justice System in Freetown, the Eastern Province, the Northern Province and the Southern Provinces of Sierra Leone, a number of problems facing the Juvenile Criminal Justice System were identified. These problems include absence of sufficiently Trained Personnel; Court overloaded with cases, some Courts not properly Constituted (absence of Magistrates); delays in the Prosecution of Cases; absence of witnesses due to delays and unavailability of allowances, absence of complainants due to the snail

Pace of Trials, absence of separate detention facilities for Juveniles at Police Stations throughout the Country, the unavailability of Juvenile Remand Homes and Approved School in the entire Country except Freetown, leading to Juveniles been detained with Adults etc.

These problems postulated were serious fetters in the advancement of children in the Criminal Justice System and therefore echo the call for a more benign approach if the Criminal Justice System cannot work. In advance jurisdictions like South Africa, Namibia and Uganda they have been paying heed to the fact that the best interest of the Child must be of Paramount consideration. They perceive these children when they are in conflict with the law as very delicate in want of Care and Protection.

Hence, in these Countries Social Workers are recruited to serve as overseers when children are engaged in these diversion options like Pre-Trial Community Service which aim is to provide some form of Labour, and an opportunity for the Juvenile to benefit from new skill/knowledge through Life Skills Programme. Another diversion option is the Journey Programme which main aim is to empower and equip Juveniles, who are at a high risk of re-offending to benefit from skills which can make them self sustainable for their own lives and actions. However there are set criteria for recruitment into their diversion option as children in conflict with the law, who want these requirements, can participate in this journey Programme, which fundamental aim is to divert them from re-offending.

As a psychosocial therapy, wilderness therapy is also vital as a diversion option as trained social workers normally sensitize these children through learning, focused on team work, trust building, self-reflection, sexuality and what exactly the future holds for them. With skills training, children are trained in various arts like mason, basic block laying and plastering, and auto mechanic. The need for sufficient workshops where they can do their practical work is also important as this takes us to the need for placement agencies if this aspect of diversion is to be successful.

CONCLUSION

The reform and rebuilding of the Juvenile Criminal Justice System is crucial to the restoration of a sound and effective Judicial System. This would among other things require a radical and pro-active overhauling of the system that will include Training of its personnel.

Intergovernmental Organizations, Governmental Institutions, and non-Governmental Organizations have started the Mammoth Task. However the rebuilding of the System will not be completed before the end of a decade.

What is achievable now and with very little cost is Diversion. But do we really have a choice?

JUVENILES AND THE CRIMINAL JUSTICE SYSTEM: AN URGENT NEED FOR REFORM

By: Melron Nicol-Wilson and Oju R. Wilson

The laws relating to the treatment of juveniles in Sierra Leone is regulated by two key legislations i.e. Caps 31 and 44 of the Laws of Sierra Leone which are the Prevention and Cruelty to Children Act and The Children and Young Persons Act of 1960 respectively. Besides these two documents, there are other international Conventions like United Nations Convention on the Rights of the Child, The African Charter on the Rights and Welfare of the Child, United Nation Rules for the Protection of Juveniles Deprived of their Liberty that Sierra Leone has committed itself to.

The whole essence of these local legislations such as Children and Young Persons Act (Cap. 44), Prevention of Cruelty to Children's Act (Cap.31), and Orientation to Regulate the Infliction of Corporal Punishment all aim to provide a cocoon for juveniles when in conflict with the law.

Cap.44 basically is the key legislation that governs the treatment of juveniles in conflict with the law in Sierra Leone. In Sierra Leone this law applies to those below the age of 17 as Section 2 of the interpretation section of Cap. 44 of the Laws of Sierra Leone 1960 is instructive of this:

"Young Person" means a person who is fourteen (14) years of age or upwards and under the age of seventeen (17) years".

With the Convention on the Rights of the Child (CRC) the age is Eighteen (18) year which manifest that there is a lacuna between international standards and our domestic laws which were imported decades ago by our then Colonial Masters, the British.

The inconsistency in our laws continues in the following context: determination of age and the age of criminal responsibility. This is a problem that the judiciary in this country encounters due to the disparity in ascertaining who is a child within our laws.

A child according to Chapter 44 of the Laws of Sierra Leone 1960 is defined as:

"...a person under the age of fourteen (14) years".

Cap. 31 define a child to be any individual below the age of sixteen years whilst the Ordinance to Regulate the Infliction of Corporal Punishment defines a child as fifteen years and below.

With the age of criminal responsibility in Sierra Leone, we are still operating under the old rule which is seven (7), though presently the age of criminal responsibility is ten (10) years in Britain and the Convention on the Rights of the Child. Within Chapter. 44, it is the duty of the court to determine the age of a juvenile when in conflict with the law, but this process has been impeded due to the poor birth registration in the country.

Hence, the only way how most Magistrates normally wriggle their way out of this kind of problem is to use their discretions which in most cases not in the best interest of the child.

Section 4 of the Children and Young Persons Act also states that the composition of the court shall be a Magistrate and at least two or more Justices of the Peace but the practice in these courts is completely different from what is in writing. Coupled with the composition, another fetter is the trial process.

Section 3 of Cap. 44 states that juvenile should be tried in a different building or room from that in which the ordinary sitting of the court are held.

In a bid to maintain privacy for the juvenile offender to play more useful role in society subsequently, Cap. 44 also states that the address, name, school, photograph or anything likely to lead to identification of the child or young person should not be used by the Media to prevent stigmatization. With the treatment of young offender also, the law makes room for Probation Officers, but even the infrastructure to house the Probation Officers and the Probationer is not available.

The Approved School at Wellington is like a haunted house whilst the Remand Home at Kingtom is just a pale shadow of its former self.

In a nutshell, the Criminal Justice System concerning juvenile is obsolete and contrary to contemporary situation. Consequently, juveniles are in a disadvantaged position as they have been detained and prosecuted for petty theft and even loitering.

It is our humble submission that the rights of juveniles should be respected and the provisions in the Statutes Book fully implemented in the best interest of the child. The law should be reform to conform to the true practice.

LAWCLA RECEIVES TWO AWARDS FOR SERVICES TO CHILDREN

The Director of the Lawyers Centre for Legal Assistance (LAWCLA) Mr. Melron C. Nicol-Wilson has received recognition for his services rendered to children in two awards this year. His keen interest in the activities of children spans way back to the inception of the Centre in July 2001 and the establishment of a Juvenile Justice Unit which main focus was essentially in "Protecting and Promoting Child Rights through Law".

With the data collection exercise funded by DFID through the British Council in Freetown, to have a first hand information about the amount of Prisoners and Detainees locked up in all functional Police Stations and Prisons countrywide, he was able to perceive the true plights of children when they are in conflict with the law and the need to find a way out to salvage these kids. This in fact brought him in contact with M. K. a juvenile who allegedly killed an aunt by accidentally discharging a rifle. His interest in this matter led to LAWCLA's regular visit to the Juvenile Remand Home at Kingtom.

As a result of LAWCLA's close relationship with children at the Juvenile Remand Home, LAWCLA was about one of the first institution that reported on the chaotic scene at the Home which even resulted to fatality, with a front page caption on our Behind Bars Newsletter, "Murder and Torture Behind Bars. With the launching of the Juvenile Justice Project which was an initiative of the Director this August, the series of Workshops for both Child Experts and Law Enforcement Officials was used as an opportunity to teach Child Rights Agencies the rudiments in handling children.

It was as a result of these good works by the Director and his team that led to his bequeathal of two awards by the National Youth Coalition & Children Forum Network, and the Children of Sierra Leone. The children of Sierra Leone through the Children's Forum Network recognized the Director as a "Very Active and Dedicated Child Friendly Lawyer" while the National Youth Coalition & Children Forum Network recognized him for the Award of "Excellence and Meritorious Services in Public Life".

Many people saw these awards bequeathed on the Director as an inspiring gesture and not one received on a silver platter.

CONCLUSION

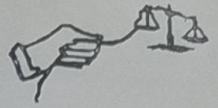
The past twelve months experienced a lot of innovations within the Justice System. Law Enforcement Officials, Journalists and even the general populace who have been following up the activities of the Juvenile Justice Unit learnt a lot about the treatment that should be meted out to Juvenile Offenders when they are in conflict with the law.

Juvenile Court sittings are being held throughout the Country though it is far from being satisfactory, Juveniles have also been receiving legal representations pro bono, and a good number of those who were initially detained are now enjoying their liberties.

The struggle to ameliorate the plight of Juveniles have just began, but it is no secret that this Crusade is going to be a hard drawn struggle, as the Justice System is going through a gradual change which is not spontaneous as other actors within the Justice System would expect. Time has not been in our favour, and the fight in achieving the total emancipation of Juvenile injustice requires time and resources.

SUPPORT

LAWCLA



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
Website: www.lawcla.org

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