

SIERRA LEONE LEGAL AID BOARD

COUNTRY REPORT



Sierra Leone Legal Aid Board is blind to nationality as it secures the release of a Guinean client who was remanded at the Pademba Road Correctional Center in the capital Freetown, and then facilitated her return to her home country through the help of a partner organization, the Western Area Council of Tribal heads.

1. Introduction

The Legal Aid Board is a statutory non-profit scheme which was passed into law on 10 May 2015 and started operations on 1 May 2015. Since then, the Board has taken giant strides in expanding access to justice for the poor and vulnerable in the country. This has been achieved through Legal Advice and Legal Representation, Alternative Dispute Resolution/Mediation, Legal Education through Community, School Outreach and Radio Phone-ins, Monitoring of the Justice Delivery System and Regulation of Legal Aid Provision.

The Board established itself as the largest and most visible legal aid provider following the establishment of offices in five districts upcountry in 2016. Offices were also established in the remaining 8 Districts at the time in January 2017. This was achieved through funding for 33 Paralegals from the Open Society Initiative for West Africa (OSIWA). The funding went towards the provision of primary justice services in the 12 districts outside the Western Area which is home to the capital Freetown.

These services which include Alternative Dispute Resolution/Mediation, referrals, community outreach, provision of basic information on civil and criminal matters, monitoring of Local and Informal Courts and provision of advice and legal assistance to administrators and users of these courts are provided by Paralegals to people in remote communities.

These are communities which have limited access to the Police, Magistrate and Superior Courts of judicature by virtue of their remoteness. As a result, people take matters to the Local and Informal Courts which are nearest to them and therefore cost a lot less to access. What's more, people take matters to these courts which are outside their remit out of ignorance.

These courts are prone to abuse women because they are guided by Customary Law and Practice which are not gender neutral. For instance, they do not consider marital rape and domestic violence such as wife beating as a crime where they do the penalty is very soft.

Customary Law and Practice are unwritten and therefore susceptible to inconsistency in their application and interpretation. The provision of primary justice services by Paralegals has gone a long way to address these challenges in the delivery of justice.

2. Presence around the country

The Legal Aid Board is the most visible legal aid provider in the country. It has offices in 29 towns and cities across the country. Sixteen (16) offices are located in District headquarter towns and thirteen (13) in chiefdom headquarter towns.

23 of the offices were established between May 2015 to 2019. Three UNDP-funded offices were established in Kamara, Sao and Gbense Chiefdoms in Kono District in May 2021 while three others also funded by UNDP were established in Moyamba District in Kori, Kamajeri and Bumpeh Chiefdoms in May 2022.

This development has succeeded in bringing access to justice to the door step, making the Board the first port of call for people seeking basic information on their matters, guidance when in contact with the law and for protection when their rights as suspects, accused and inmates are being abused or under threat of abuse.

3. Statistical Representation

833,927 persons mostly indigents and vulnerable persons including foreign nationals have benefited from the scheme from its inception in May 2015 to December 2022. 24,768 benefited from the scheme in 2015/16; 83,053 in 2017; 106,655 in 2018; 112,841 in 2019; 85,852 in 2020; 182,168 in 2021 and 238,590 in 2022.

CUMULATIVE DATA: SEPT. 2015 - DEC 2022					
CATEGORY	ADULT		JUVENILES		TOTAL
	MALE	FEMALE	BOYS	GIRLS	
LEGAL REPRESENTATION					
2022	14,738	1,416	2,180	418	18,752
2021	10,367	934	1,612	267	13,180
2020	9,258	1,493	1,596	192	12,539
2019	12,997	3,936	1,342	280	18,555
2018	12,746	2,182	2,116	206	17,250
2017	11,380	1,343	1,705	287	14,715
2015/2016	4,159	526	434	145	5,264
TOTAL	75,645	11,830	10,985	1,795	100,255
LEGAL ADVICE & ASSISTANCE					
2022	15,417	38,180	14,543	30,511	98,651
2021	12,432	30,449	9,774	22,616	75,271
2020	9,342	15,456	4,532	7,956	37,286
2019	12,208	23,237	5,824	8,013	49,282
2018	9,538	15,125	9,415	14,374	48,452
2017	7,459	13,966	6,302	13,865	41,592
2015/2016	1,949	2,338	1,403	2,104	7,794
TOTAL	68,345	138,751	51,793	99,439	358,328
LEGAL EDUCATION					
2022	41,191	30,452	26,313	23,231	121,187
2021	34,188	23,213	19,918	16,398	93,717
2020	14,847	11,852	6,014	3,314	36,027
2019	19,254	14,262	7,481	4,007	45,004
2018	14,528	12,702	7,212	6,511	40,953
2017	9,668	8,773	3,985	4,320	26,746
2015/2016	2,556	3,605	2,099	3,450	11,710
TOTAL	136,232	104,859	73,022	61,231	375,344
GRAND TOTAL	280,222	255,440	135,800	162,465	833,927

4. Legal representation

100,255 have been represented in the Courts by the Board from inception in May 2015 to December 2022. The Board continues to carry the Criminal Calendar year after year with only 18 Legal Aid Counsels/Lawyers. This has however been increased to 24 lawyers since January 2023. The Board represents most indigent accused persons brought before the Courts at both Magistrate and High Court Levels. Legal Aid Counsels provided legal advice and legal representation to 18,752 indigent persons in 2022.

It also represented most of the clients in the Special Criminal Sessions, Criminal Sessions/Call Over and circuit courts around the country. The Special Criminal Sessions are held in areas without a Resident Judge. Beneficiaries include indigent accused persons represented in all Criminal Sessions/Call-Over and Special Criminal Sessions in 2022. This accounts for nearly 100% representation of indigent accused persons in these sessions. For instance, the Board provided legal representation to all the 870 accused persons in the Judicial Week (31 January to 4 February 2022). The Board secured the discharge of 234 accused persons and bail for 374 during the week. This had a major effect on the correctional center/prison population.

The Board has expanded access to justice for Juveniles through monitoring of detention facilities, provision of legal assistance to suspects, legal advice and representation to those on trial and mediation of minor juvenile matters referred to it by the Police. Juveniles benefit from these services regardless of their status or the status of their parents meaning they qualify for the scheme without any precondition.

1,879 and 2,598 juveniles were provided legal advice and legal representation in 2021 and 2022 respectively. This has helped to decongest remand homes, ensure speedy trial and respect for their rights.



Legal Aid Manager (center) and colleagues hang heads during Special Sessions in Freetown

It is not uncommon for wives to be disadvantaged because they cannot afford a lawyer to take their matters to court or to represent them in court. Also, wives have been on the receiving end where there are miscarriages of justice. For instance, they have been denied a share of property and money acquired in the course of the marriage because they are registered in the name of the husband. The Board set a precedence in 2022 in ensuring the rights of women are upheld in the event of a divorce or separation.

One success story is the case of a Legal Aid Board client who had been evicted from her matrimonial home by a Magisterial Court Order. She was able to regain possession of her property following a landmark judgement by Justice Alusine Sesay of the Supreme Court.

This follows an application for Judicial Review of the matter by the Legal Aid Board. The Supreme Court Judge opined that the Presiding Magistrate had no jurisdiction over title but rather should have considered purely the issue of landlord and tenant relationship under Cap 49 of the Laws of Sierra Leone 1960. He underlined that the subject matter of the property surrounding the evidence is matrimonial property.

As a consequence, Justice Alusine Sesay decided to set aside the judgment. He therefore ordered the Under Sheriff to deliver vacant possession of the premises to the Board's client within seven days of the Order. Moreover, the husband should bear the costs involved in executing the Order. The order was executed and the client has returned to her matrimonial home.

Another Legal Aid Board client, a referral from the Gender Department of the Republic of Sierra Leone Armed Forces, took possession of her share of the matrimonial property allocated to her by the court after her eviction from the property by her soldier husband.

The wife was given part of the matrimonial estate even though it is in the name of her husband alone. The court had ruled that the matrimonial property is jointly owned and should therefore be divided between the wife who is the plaintiff and the husband who is the defendant.

The court order follows an application by the Legal Aid Counsel, Cyril Taylor-Young at the High Court before Justice Mohamed Bawoh for partitioning of the property following the decision of

the husband to separate from his wife. Also, the husband had forced her out of the matrimonial home by subjecting her to intimidation and domestic violence. He then went ahead to bring in his girlfriend who he had been cohabiting with since 2020.



Sigh of relief as court partitioned property between separating husband and wife

5. Monitoring of the Local and Informal Courts

The Monitoring of the Local and Informal Courts is a core activity of Paralegals in the provision of primary justice services. The local Courts are governed by the Local Court Act 2011. Lawyers do not make representation in these Courts. The Informal Courts including those presided over by Paramount Chiefs have no judicial powers. They are governed by Customary Law and Practice. These Courts have jurisdiction over Customary Matters such as customary marriages and disputes in same. They also handle land matters upcountry, community-level disputes, witchcraft, small debts and micro credit loans.

While there are 282 Local Courts in the 190 chiefdoms in 14 of 16 districts in the country, informal courts can be found in almost every city, town and village in the country. These courts are presided over by Tribal Heads in the capital Freetown.

The Informal Courts are very popular among the various ethnic groups because they are less complex compared to the formal Courts, cheap to access, use the local language as a medium of communication and are guided by customary law and practices. On the other hand, customary law is unwritten and therefore prone to abuse. Moreover, they are not gender-neutral. Women are on the receiving end of this law.

Because Informal Courts are located in the community, inhabitants take all kinds of matters to them including those they have no jurisdiction over. It does not help local chiefs knowingly or unknowingly sit on these matters.

Paralegals monitor these courts to ensure matters outside their jurisdiction are referred to the Police or any other justice institution which has jurisdiction over that matter. Also, where the decision of the Informal Court is incompatible with General Law, Paralegals ensure it is not enforced but referred to the appropriate justice institution.

For instance, where wife battering is taken to the Informal or Local Court, the Paralegal will request a referral of the matter to the police. In the instance where the matter has been heard and a decision is taken and the husband/partner is made to walk away free, the paralegal will ensure the decision is not enforced by calling on the police to institute an investigation.

Also, where a sexual offence/sexual penetration of a child is being mediated and compromised by the Local or Informal Court Administrators, the Paralegal will call in the police to institute an investigation into the matter. Since compromising sexual penetration of a child is an offence under the Sexual Offences Act 2012 (As Amended in 2019), the Paralegal will call the police to institute an investigation into the matter as well.

Paralegals ensure informal courts do not arrest or detains clients in the course of hearing their matters because they have no such powers. Also, where the fines imposed are prohibitive, the Paralegals ensure that the clients are refunded their money. In the case of Local Court, fines

should not exceed 50 New Leone (USD 2). Paralegals also refer customary matters presided over by the Informal Court to the Local Court for Interpretation.



Paralegal monitoring Local Court sitting in Kamakwie, Karene District

6. Alternative Dispute Resolution (ADR)/Mediation

358, 328 persons benefitted from civil matters and minor community-level disputes mediated by the Board from its inception in May 2015 to December 2022. These include Child Maintenance, Spousal Maintenance, Inheritance, Property, Debts, Family and Marital Matters, Labour, Land Matters and Minor Community Level Disputes.

The service has brought about a better life for children in terms of their upkeep, education, medical and accommodation. It has also ensured that women are not subjected to abuses when they default on repaying loans/debts. There have been instances in which these matters are treated as criminal by taking them to the police. The debtors are detained and released upon payment of part of the debt. This will continue until the debt is paid in full. The Board also ensures that women are not discriminated against in matters of ownership of property, inheritance and dissolution of marriage under Customary Law and Practice.

75,271 Women and children benefitted from mediation in 2021 accounting for 83% of beneficiaries while 83,234 benefitted in 2022 accounting for 84% of beneficiaries. Child Maintenance accounts for over seventy percent of matters mediated in 2021 and 2022.

As part of the settlement of Child Maintenance Matters, the parent (in almost all cases the father because he is not in custody of the child) pays a specific amount per month for the upkeep of the child. The Board imposes a minimum of USD 14 per child per month at the current exchange rate of NLE23/1USD. The amount goes specifically to the upkeep of the child. The education/school fees, healthcare and accommodation for the child are catered for separately by the father as and when the situation arises.

The weeks leading up to and those after the reopening of schools for the new academic year are the busiest for the Legal Aid Board. Offices around the country work round the clock to cope with the huge number of child maintenance cases in time for the reopening of schools. Fathers have been brought to the Board either for the delay or refusal to provide money for schooling (school fees – for those in private school, uniforms, books and other necessities) or failure to release child(ren) to their mothers in time for the reopening of schools. In the race against the reopening of schools, the Board had deployed more staff and resources to assist with the huge number of these cases.

Parents/Fathers who refuse to heed invitation for mediation or breach Child Maintenance Agreements are taken to courts for a court order. The decision by the Chief Justice of the Republic of Sierra Leone, Justice Desmond Babatunde Edwards to assign Child Maintenance cases from the Board to Magistrate Court No. 7 in the capital Freetown has resulted in a speedy trial as matters are concluded most of the time in one hearing.

Moreover, the courts have either accepted the amount agreed on between the Board and the Respondent/father or in some cases have increased it. This development has brought about compliance with invitations from the Board and compliance with Child Maintenance Agreements.

For instance, in July 2021, the Board advised its client to file a civil summons at the Magistrate Court against a difficult father who had defaulted in paying the monthly child maintenance money into the account at the Rokel Commercial Bank. The Magistrate in his ruling increased the monthly child maintenance payment by nearly hundred percent. The father was told that

defaulting on payment would amount to contempt of Court Order which has consequences including imprisonment.



LAB Paralegal in Falaba mediating a family dispute

Child Maintenance Accounts - 1,439 Child Maintenance Accounts have been opened at the Rokel Commercial Bank from July 2019 (when the first account was opened) to December 2022. Following the challenges (relating to the paperwork involved in opening an account) women were having in opening an account, many had been reluctant while some had refused to go to the Bank. As a result, the Board got the Rokel Commercial Bank to open an outlet in the head office in Freetown. It also agreed to make the process less cumbersome. Legal Aid Staff were also at hand to assist with securing the necessary documents such as the Child's Birth Certificate, National ID Card of the Mother and Utility Bill from the relevant Government Agencies.



Mediation session in the Legal Aid Board office in Makeni

7. Legal Education

375,344 people were educated on the laws, legal procedures and the justice system from inception in May 2015 to December 2022. This service takes the form of Community Outreach, School Outreach, TV Documentaries and Radio Phone-ins.

There is no disputing the fact that those who are educated on the laws and human rights are less prone to abuses when accessing the justice system. It also helps people to respect the rights of others and by extension promote peace in the community.

The aspect of the law used for legal education is determined by the justice needs of the community. The focus of the Board since April 2023 is on the electoral laws particularly the electoral offences and rights as part of the Board's 'Anti-Elections Violence Campaign' which is geared towards free, fair and peaceful elections before, during and after the elections. The campaign was launched on International Women's Day on 8 March 2023.

This continues to focus on the Local Court Act 2011 to educate Local Court Administrators on their jurisdiction in terms of the matters – civil and criminal - they can hear and determine and those they cannot hear and determine.

It is important to underline that Administrators of Local Courts are non-lawyers and therefore face a challenge in understanding and properly interpreting the Act. This resulted in these Administrators handling matters such as sexual offences which they have no jurisdiction over.

The users of Local Courts (which operate upcountry only) are educated on the matters to take to these courts including customary matters for interpretation.

The Board had also popularized the Sexual Offences Act 2012 (As Amended in 2019) by educating people on the tough penalties for sexual offences including sexual penetration of a child which could carry life imprisonment, aggravated Assault, sexual touching, obtaining the services of a child prostitute and indecent assault (touching sexually without consent).

The Board has also done a lot of Legal Education on the Domestic Violence Act 2007, Child Rights Act 2007, Registration of Customary Marriage and Divorce Act 2009 and Devolution of Estate Act 2007.



Outreach Officer for the Southern Province on school outreach at the Centennial Senior Secondary School in Mattru Jong, Bonthe District

8. Anti-Election Violence Campaign

Six hundred and thirty-four (634) people mostly women from partner organizations including the Council of Tribal Heads in the Western Area, Traders Council, Sierra Leone Market Women and Motor Drivers and General Workers Union took part in the launch of the Board's 'Anti-Election Violence Campaign' as part of celebrations marking International Women's Day on 8 March 2023.

Following the launch, the Board organized a two-day capacity-building training of trainers of Legal Aid Board staff on the Electoral Laws for its staff. The Training equipped staff in our 29 offices around the country to educate people especially voters on the electoral laws and empower them to participate in the electoral processes.

The Legal Aid Board distributed 12 motorbikes to staff mostly Paralegals drawn from 12 of the 16 districts in the country on 31 March 2023. This is part of support from the UN Peace Building Fund through the UN Children's Agency, UNICEF to the Board's Anti-Election Violence Campaign. The six months funded project is dedicated to school outreach to educate pupils on the electoral laws. 1,185 Junior and Senior Secondary Schools are being targeted for the campaign.



Celebration of International Women's Day and Launch of Anti-Election Violence Campaign



Audience at the International Women's Day Celebration

9. Community Advisory Bureau

The Board has established 63 satellite offices called Community Advisory Bureaus around the country most in Freetown. The initiative is aimed at ensuring communities take some ownership of their justice needs through the provision of primary justice services.

This has increased access to justice and also helped to reduce the pressure on the Police, Courts and the Board in communities where they are located. The Bureaus handle minor community-level and public order offences such as insulting remarks, disorderly behavior, loitering, stealing, fighting, threatening remarks, refusal to pay fines and disrespect for local authority which would otherwise be taken to the police to stretch an already overstretched force.

10. Key challenges

The Board has 24 Legal Aid Counsels on its staff. Half of this number is based in the Western Area which is home to the capital Freetown. This is below the minimum number of lawyers needed to provide legal advice and legal representation to the thousands of indigent persons

standing trial in Magistrate and Superior Courts of Judicature, inmates in prisons and suspects in police stations by the Board. As a result, the Board is compelled to prioritize trial inmates in correctional centers around the country in the provision of legal representation.

The Board has a total of 71 Paralegals. This is far below the minimum requirement provided in the Legal Aid Act 2012. Section 14 (2) (1) of the Act provides that: 'The Board shall appoint at least one Paralegal to each chiefdom.' With 190 chiefdoms in the country, the Board would need to recruit an additional 119 paralegals to meet this minimum requirement.