



Human Rights Commission of Sierra Leone (HRCSL)



Government of Sierra Leone

**HUMAN RIGHTS COMMISSION OF SIERRA LEONE (HRCSL) AND THE
PARLIAMENTARY OVERSIGHT COMMITTEE ON HUMAN RIGHTS (PCHR)**

REPORT

**JOINT MACRO-MONITORING OF INSTITUTIONS ENGAGED IN
THE ADMINISTRATION OF JUSTICE IN THE NORTH, SOUTH AND
EASTERN REGIONS**

8TH - 11TH JULY 2014

Executive Summary

The Human Rights Commission of Sierra Leone (HRCSL) and the Parliamentary oversight Committee on Human Rights (PHRC) carried out a four-day macro-monitoring exercise on 8th - 11 July 2014 of key institutions engaged in the administration of justice; which also has the capacity to exercise the coercive powers of state in the Makeni - North, Bo - South and Kenema - Eastern regions of Sierra Leone.

The monitoring is the first to be conducted jointly by HRCSL together by a segment of representatives of the country's legislative arm of government. The purpose was to reinforce state responsibility towards the protection and promotion of human rights through the observance of the due process.

The team did not only observe the situation of detainees in police cells, the courts and inmates in prisons but also the welfare of the personnel that superintended these institutions and how their situation could be improved. With the use of the Human Rights monitoring tool, the team was able to collect information and perceived patterns of conduct demonstrated by the respective personnel that it came into contact with; identified the various challenges, diagnosed their causes and proffered potential solutions with a view to ameliorate the problems. This was achieved through high level engagements with relevant key stakeholders of all the institutions visited.

The team in its findings identified a number of institutional gaps and omissions which continue to adversely militate against the realisation of human rights in these institutions - i.e. the issue of over-detention, condition for bail in the absence of a bail policy document in the police establishment; prolong trials and delays in the serving of indictment notices following committal to the high court and poor prison conditions for inmates and prison personnel among others continue to pose a challenge to the administration of justice and the rule of law.

It was envisaged that, the outcome of this monitoring exercise will provide a premise for the Parliamentary Human Rights Committee (PHRC) to present a strong case to parliament for better conditions and welfare services that may not only the benefit of persons in conflict with the law but equally so enhance improved conditions of service for the personnel working in these institutions. On the part of the Human Rights Commission of Sierra Leone (HRCSL), it will strengthen its efforts towards the building of a strong human rights culture within these institutions.

CONTENT

On 8th July 2014, the team which constitute both members of the HRCSL and PHRC commenced its first macro-monitoring exercise of Police detention centres, the Family Support Units, the courts, the correctional centres/state Prisons in Makeni, Bo and Kenema townships. The following observations were made in each of the institutions visited.

Police Stations

(Rogbaneh and Mena Police Stations in Makeni; Bo west and Bo East in Bo and Hangha Road Police station in Kenema)



Chair, PHRC addresses the LUC, Kenema



The AIG, outlining his challenges

Senior officers met at the time of visit were: for Makeni Rogbaneh Station: Mr. Mohamed Conteh (Operations) and Madam Isata M. Turay (Support); Makeni Menna Station: ASP Anthony S. Kargbo (Regional Crime officer); Bo - East station: Supt. Sheku G. Sankoh and Bo -West: Sahr Richard Marka (LUC) and for Kenema station: Supt. James P. John Conteh (LUC) coupled with a number of other ranks present to help the team administer the monitoring tools.

Findings

i) Station Records

Suspects in custody

- At the Rogbaneh Police station, detention records revealed twelve suspects (11 males and 1 female) and in the case of Menna Police Station Eleven suspect (10 males and 1 female) in detention at the time of visit. In Bo - East police station, eighteen males were in detention and no females. Three un-registered suspects were found in detention without any plausible explanation as to their incarceration. For Bo-west, sixteen suspects all males were in police cell all registered with two of them sent to court.

Officers on duty

- Police officers on duty at Rogbaneh were Thirty-two (26 males and 6 females); while at Menna the figure reported was thirty without information as regards disaggregation in terms of the number of male and female personnel and their areas of deployment. Officers on duty at the Bo -East police station was thirty-five(23 males and 12 females) and for Bo - west, officers on duty amounted to two hundred and forty-six(183 males and 63 females)

ii) Prolong detention

The officers interviewed alluded to strict compliance with the statutory detention timeframe of 72 hours for lesser crimes and ten days maximum for felonious offences. According to them, any reason for prolong stay could be attributed to the following - complainant's failure to cooperate or follow up on the investigation and failure on the part of the suspect to fulfil the minimum bail conditions for bail-able offences. Also, if it was discovered that, a suspect has the propensity to tamper with the evidence, then bail will not be granted.

iii) Average number of cases

The officers admitted receiving cases on average of 10 for Rogbaneh, Bo west, and Hangha Road Kenema; while for stations such as Menna, Bo East it was pegged at 8 cases per day and are mainly for the minor offences such as simple assault, larceny and traffic breaches.

iv) Language Interpreters

The officers in all the stations visited averred of not having a language interpreter; but identified the challenge glaringly when dealing with suspects with hearing impairments and other related disabilities. However, they welcomed the idea of having language and sign interpreters to help handle such situations when they arise.

v) Bail Procedures

The officers emphatically informed the team that bail is free with no cost attached and that they adhere strictly with the Criminal Procedure Act stipulating the conditions for bail. They confessed that their stations do not have a codified bail policy document that should clearly spell out the circumstances and conditions of bail. It was envisaged that, it will be co-opted into the on-going review of the Criminal Procedure Act.

vi) Access to Legal counsel

The officers alluded to operating with an open door policy in compliance with the tenets of the due process. Access to a lawyer or a solicitor was reportedly maintained in all the police stations visited. However, as reported at the Bo - West Police Station, suspects are cautioned on the exercise of their prerogative whether or not to make statements in the absence of their legal counsel.

vii) Access to Medical facility/Care

Access to medical care for suspects was sometimes provided free; though in some circumstances the police may be requested to settle the bills who in turn will pass the buck to the complainants. This is common in situation where the suspect may be brought to the station with injuries and in need of urgent medical attention.

viii) Feeding

Suspects are reportedly provided with food brought from the State Prisons. In the case of Rogbaneh, food is served for both lunch and dinner to enable the suspects eat at lunch time and have some for dinner. The situation is the same for Hangha Road and Bo- West Police Stations; while in the case of Menna and Bo - East Police Stations, food is served once a day mostly in single rations eating at lunch time. Also relatives are encouraged to bring food to suspects; although in rare cases, are complainants requested by police *lock-up* to provide food for their suspects in detention.

ix) Water and Sanitation

The police stations visited have bore-hole treatment facilities treated every three to four months by the Ministry of Health and sanitation. The exception is Bo -West and Bo-East stations which enjoy pipe-borne water but situated a distance further away from the facility. Access by suspect is done through police escort.

x) Social facilities

In Hangha Road Police Station, Rogbaneh and Menna stations, the toilet facilities are inbuilt in each of the cells and were found in a dilapidate state unfit for human use; while Bo - west and East stations on the other hand, the station are a distant away from the station. At night suspects are provided with plastic buckets for urinal and defecation purposes to deter them from escaping. There are no supplies of toiletries for use by suspects in custody. In all the police cells, there are no facilities for bathing or shower for suspects.

Access to medical facilities for suspects was not available, police personnel are constrained to use their meagre resources to procure drugs for ailing suspects in their custody

Most of the police cells visited have ventilation problems; and for security reasons are not wide enough to supply the amount of air and light suspects may need particularly in situations where the cells are overcrowded or congested.

No bedding materials are found on any of the cells visited; the issue again boiled down to the security of the suspects amidst reported cases of attempted suicide while in custody.

Other Findings

Other significant findings noted by the team include the following

1. Convicted juvenile serving sentences at police cells.

- Two juveniles Ibrahim Fofanah and Abu Kamara were found in a police cell among adult detainees having convicted for misdemeanour offences at the Makeni Magistrate court. Abu Kamara, according to records has already spent 21 days in a police cell at Rogbaneh station serving a custodial sentence for loitering.

- At the station also, a third juvenile Momodu Koroma (16-year old) is continually been incarcerated standing trial for murder. The police could not provide the team with his remand warrant to ascertain his last court appearance and when he will be making his next appearance. According to the juvenile, he has appeared in court for more than twenty times without legal representation and during his stay at the police cell, he has not been receiving family visits. He depended largely on the goodwill of some police officers for his daily sustenance

Constraints

All the Police stations visited were noted to be

- Under-resourced and ill-equipped; mobility remains a perennial problem suffered by the division which continues to hamper operations, though ADDAX an agricultural multinational company in a position of anonymity provided one vehicle to support police operations;
- Understaffed - Inadequate police officers on the beat; i.e. police/public ratio is nothing to write home about in terms of policing the 15 chiefdoms in the district;
- Little or no subvention to run the various police department responsible to deter crime.
- an absence in remand home facility for juvenile offenders compounded by limited resources to operationalise the office of the Probation Officer in the Ministry of Social Welfare;
- Limited detention facilities - Rogbaneh police station has only three cells with an average inmate holding capacity of 4 suspects per cell. Eleven male suspects were crammed in one cell at the time of visit to the facility;
- Inadequate stationery supplies for use by the NCO crime unit - 2 packets paper for three months
- Problem of accommodation - office space inadequate for personnel to comfortably carry out the work.
- Ineffective MoU with prisons for the feeding of suspects in police cells;
- Improper uniforms for police officers supplied according to reports once every five years.

The monitoring team also shared these concerns with the Assistant Inspector General (AIG) of Police North-East on a courtesy call at his Menna Office and pledged his office's commitment to addressing all of the issues raised that are within his purview.

Family Support Unit (FSU)

Findings

At the FSU Menna Division, four (4) suspects were under detention at the time of visit been investigated for domestic violence offence. Personnel on duty were six; 3 males and 3 females. The commander, Madam Marie Koroma reported sexual assault and other forms of physical violence (i.e. Gender Based Violence - GBV) as the commonest offences entertained by her unit. She admitted her office's prolong detention of suspects was attributed to delays in settling medical bills for victims. She mentioned the usefulness of the MoU her unit entered into with government health practitioners offered victims of SGBV access to free medical services. The report she mentioned goes directly to her unit after been endorsed by the doctor.

Constraints

- Transportation to facilitate arrest of alleged perpetrators; movement of victims and follow up on out-of-office investigations of cases of violent nature continue to pose a major challenge to the work of the unit;
- Lack of adequate office space and limited cell holding capacity for the unit's for own suspects especially at times when the Menna Crime office is inundated with detainees investigated for other criminal offences;
- Too many street children coming into conflict with the law compounded by the lack of a credible mechanism for tracing, family re-unification and integration;
- Due to limited holding capacity for juvenile offender at Menna, more space, well secured is needed to accommodate the scores of juveniles.

State prisons

(Makeni, Bo and Kenema State Prisons/Correctional centres)

Senior officers met at the time of visit were: for Makeni prison: Andrew K. Mansary (Officer in Charge and Jonathan Wilson; Bo prison: John Abraham Kamara; Kenema prison: Pious John together with other intermediate and junior officers present helped the team to administer the monitoring tools.

Findings



Meeting with the Prison Authorities in Kenema

i.) Prison Records

Inmate roll

In Makeni Prison, records showed that, at the time of visit, there were 219 inmates (210 males and 9 female) imprisoned in the various categories: Convicted - 66 inmates; Remand - 37; Trial 106. In Bo, there are 196 inmates in the various categories: convicted - 10; Remand - 66; Trial - 47. In Kenema State prison, the inmate roll was 220 inmates

Prison staff strength

The prison staff strength according to records in the Makeni State prison was 70 wardens including senior and the Regional Director of prisons; in Bo prison was 55 and in Kenema was 32 inclusive of the Regional Director of Prison.

ii) Prison facilities

The Kenema male prison was built in 1898 and fall far short of the United Nations Standards Minimum Rules for those in detention. The ones in Bo and Makeni were rehabilitated immediately after the decade-long conflict in 2002. These also do not meet the standards minimum rules.

iii) Sanitation and Hygiene

The cells have no attached toilets. Inmates use buckets to defecate and deposited waste into cesspits. In the case of Kenema prison, the cesspit has long been filled with excreta which flow about especially into the neighbourhood during the rainy season thus creating some environmental health implications for residents living close by.

iv). Feeding

All prison dietary needs were catered for by government contractors who are to ensure that inmates receive 3 square meals daily. However, delays of payment on the part of government to these contractors sometimes hamper the smooth supply of condiments to the prison. In Makeni prison, the inmates complained about the poor quality of their food.

v). Medical

The lack of adequate medical supplies of essential drugs continues to pose a challenge to the wellbeing of inmates. In 2012/13 four inmates died in a span of three months due to delay in administering first aid medical treatment. By the time they were referred to the Kenema Government Hospital, other complications set in and they had to die. Also the medical nurses assigned to prison were ill equipped to diagnose and treat serious ailment like diarrhoea, dysentery, cholera etc.

vi). Right to Religious practices

Inmates are allowed to observe and practice their religion freely. Imams and Pastors are allowed to visit on periodic basis to fellowship with inmates on Fridays and Sundays respectively.

vii). Family visitations

Family members and friends are allowed to visit the inmates and such visits are done on Tuesdays and Thursdays (9:00am – 3:00pm).

viii) Transportation

Mobility in all the prisons visited posed a major constrain to the movement of inmates in and out of the facilities on one hand and on the other facilitating the movement of goods and services for the effective functioning of the prison. In Kenema for example, the absence of transportation warranted the movement of prisoners on motorbikes to seek medical treatment at the Kenema Government Hospital. In Bo prison, inmates particularly those on trial and remand are escorted on foot to the court and back which largely undermines their presumption of innocence in the eyes of the public. By moving inmates this way may also pose a security risk to the prison officers and further increase the chances of inmates to plan their escape. In 2010, a convicted prison in the Kenema Prison reportedly escaped from the hands of officers who escorted him to serve his jail term in Freetown central prison.

ix). Staff Accommodation/ non-payment of remote allowances

Accommodation for staff was also noted as a problem especially when transfers are made with little or no consideration to the officer's welfare. Lack of accommodation was reported as one big factor for the disengagement by officers from the prison service. The problem is commonly felt in outlying district such as Kailahun, pujuhun, Kabala, Moyamba etc.

x). Lack of a Perimeter Fence

Bo and Makeni prison are well fortified with high perimeter walls to forestall any attempt for prisoner escape. In case of Kenema State prison, the absence of a perimeter wall always presented the perfect opportunity for convicted inmates serving longer sentences to plan their get-away. Quite besides, without a secured perimeter fence does not create the environment for inmates to engage in out of cell activities.

Other findings

- Absence of a perimeter fence to reinforce security especially in the male wing of the Kenema Prison continues to threaten the security of the prison; thus presenting every opportunity for inmates to plan their escape;
- Continued detention of babies alongside their mothers in the female wing of the Kenema prison which prompted one female MP to contribute a hundred thousand Leones to settle a fine of one suckling mother just to get her and her baby out of prison;
- Overcrowding in all the prisons with Makeni and Kenema in particular;
- Improper storage and processing of prison detention records as in the case of Makeni and Kenema;
- Delays in pre-trial detention of inmates awaiting indictment notices noted to be pervasive in all the prison facilities visited;
- Inadequate supply of essential drugs to treat common diseases;
- Mobility to facilitate movement of inmates in and out of prison.

Courts

HRCSL team in collaboration with PHRC visited the Makeni High Court on 9th July 2014 where it paid a courtesy call on the High Court Judge Justice John Bosco Allieu. During the interaction, a number of issues came up which include:

Findings

i) Delays in serving indictment notices

Monitoring of the Makeni Prisons revealed disturbing findings of remand suspect whose cases have been committed to the High court but are still awaiting their indictment notices to date. A classic example involved one Ibrahim Kamara I standing trial for rape; his date of admission was 27/02/2010, committal date 26/05/2011 and is still awaiting his indictment notice. Also is the case of Alusine Barrie standing trial

for assault with intent to ravish; date of admission 23/02/2011 and committal date 26/05/2011 yet to be served his indictment notice. The situation was noted by the team to have replicated itself in Bo and Kenema.

ii) Misplacement of case files

The team also took note of the large number of cases in the judicial docket which have not been presented for hearing in both magistrate and the high court of Makeni. The lapse was attributed to the apparent misplacement of files between the magistrate court on route to the High court registry and then to the office of the state counsel. In its engagement with the High court Judge in Makeni, the team noted a distinct disconnect and lack of coordination among the three entities; i.e. the magistrate court, High court and the office of the State counsel.

iii) Inadequate magistrates

The team also noted the problem of recruitment and deployment of magistrates and state counsels in the districts. Due to the inadequate number of magistrates, arrangements were made for courts to be run on circuit. The resident magistrate in Makeni therefore has the responsibility to cover courts in Kabala as well as Kamakwei, though according to information has ceased to sit court in Kamakwei

iv) Inadequate State counsels

The team further noted with concern the issue of one state counsel who doubles as the Customary Law Officer also on circuit covering the north, south and eastern regions. This arrangement continues to pose a serious challenge to the swift and judicious administration of justice in the regions where there is poverty, illiteracy and gross human rights violations remain pervasive.

Concluding statements

At the end of the interaction, the parties expressed the need for proper coordination between both courts and the office of the state counsel with respect to the movement of files. It was also suggested and agreed that the state counsel be met to present his own version of the issue as it relates to the movement of files.

Both the HRCSL and PHRC expressed thanks and appreciation to each of the stakeholders visited for working so hard in the midst of the aforementioned challenges. They encouraged them to reaffirm their commitment in their various areas of work. The PHRC assured them that the findings obtained out of this joint monitoring exercise will be conveyed in parliament with the appropriated recommendations with a view to improve on the present *status quo*; thus enhancing the full realisation of human rights in these institutions.

In an effort to bring these concerns to the listening public, the monitoring team together with a cross section of the PHRC went on radio and popularised key findings borne out

of the monitoring exercise across the country. This venture was a significant step aim at not only keeping the public informed but also gearing up the relevant stakeholders into action.

PARLIAMENTARY OVERSIGHT COMMITTEE ON HUMAN RIGHTS

No	Name	Constituency	Contact
1.	Hon. Kes Boyah	MP Chair PHRC	076 601 222
2.	Hon. Bockarie N. Salmay	MP Con. 009 - Kenema	076 658 680
3.	Hon. Senesie Fawundu	MP Con 090 - Pujehun	076 639 755
4.	Hon. Alhaji S. Dumbuya	MP Con. 049 - Port Loko	076 807 711
5.	Hon Gladys G.G. Brima	MP Con. 082 - Moyamba	076 622 328
6.	Hon Regina Marrah	MP Con 005 - Kailahun	078 380 768
7.	Julius Songa	Staff - Parliament	076 667 451
8.	Winston C. During	PWSL - Kenema	078 127 093
9.	Albert D. Kamara	???	
10.	Dan Sesay	????	
11.	Tamba ????		

HUMAN RIGHTS COMMISSION OF SIERRA LEONE MONITORING TEAM

No	Name	Designation	Contact
1.	Comm. Brima Sheriff	Regional Service & Monitoring	076 776 996
2.	Joseph B.M Kamara	Director- Monitoring and Research	033 439 331
3	Ahmed B. Wurie	Coordinator - Regional Services	076 602 371
4	Abdulai Yollah Bangura	SHRO - Regional office (north)	076 808 257
5	James Turay	AHRO - Regional office (north)	076 265 554
6	Mohamed T. Fofanah	SHRO - Regional office (South)	078 336 306
7	Tom Sandy	AHRO - Regional office (south)	076 682 677
8	Hassan Yarjah	SHRO - Regional office (east)	076 755 046
9	Sylvestre S. Kallon	AHRO - Regional office (east)	076 796 810
10	Ishmael Bayoh	HRO - public information	078 734 198

STAKEHOLDERS ENGAGED - MAKENI

No	Name	Designation	Contact
1	Mustapha Kamara	AIG North -East	
2	Anthony S. Kargbo	ASP Regional Crime Officer	076 504 131
3	F S Bangura	Supt NCO Crime	076 895 250
4	Kruschov Kargbo	Supt - CDIID	078 343 140
5	Mariatu Sesay	Commander - FSU	076 663 806
6	Marie Koroma	Regional Gender Focal point - North	088 677 134
7	Mohamed Conteh	Operations - Rogbaneh Police	
8	Isata M. Turay	Support - Rogbaneh Police	

9	John Bosco Allieu	Justice of the Makeni High Court	
10	Jonathan Wilson	OiC Makeni Prison	077 580 167
11	Andrew K. Mansaray	2iC Makeni Prisons	076 976 146

STAKEHOLDERS ENGAGED - BO

No	Name	Designation	Contact
1		AIG North -East	
2		ASP Regional Crime Officer	076 504 131
3		Supt NCO Crime	076 895 250
4		Supt - CDIID	078 343 140
5		Commander - FSU	076 663 806
6		Regional Gender Focal point - North	088 677 134
7		Operations - Rogbaneh Police	
8		Support - Rogbaneh Police	

STAKEHOLDERS ENGAGED IN KENEMA

No	Name	Designation
1	AIG Alfred Karrow Kamara	Regional Officer, East, SLP
2	CSP JPJ Conteh	LUC
3	Supt MM Kamara	Support Officer
4	ASP LansanA Conteh	Regional Operations Officer, East
5	Saffa AW	Custody Officer
6	Insp. DG Vandy	Ops
7	ASP John Tarawali	Ops Officer, Kenema
8	Sgt AB Bangura	Chief Clerk, Kenema Division
9	Detective Insp. John Saffa	Deputy Crime
10	Detective ASP Solomon Kossue	FSU Line Manager, East
11	Detective Insp Manty Tarawallie	FSU Line Manager, Kenema Division

No	Name	Designation
1	Pious John	Regional Security and Operations Manager, East
2	John N Pessima	Second in Command, Kenema
3	Isha Paine	OC Female Prison
4	Lamin Bangura	Officer In Charge
5	Joseph N Gabba	Staff Officer
6	Keifala Kamara	Regional Technical Officer
7	David COOMBER	Nurse In Charge