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deRijke, Hugo

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From Civil War to Ebola: Justice and Legal Education in Sierra Leone

Hugo de Rijke¹

Introduction

'Peace and justice are two sides of the same coin,' said President Eisenhower. But how do you maintain peace or stability when even a basic education and access to justice are out of reach for most of the people? That is the question facing the West African nation of Sierra Leone, whose educational and legal system were torn apart by a brutal and horrific civil war from 1991-2002.² Since then it has been trying to rebuild itself, before the whole country was devastated once again this year by the ebola crisis.

As a former British colony, Sierra Leone's legal system is closely based on the British one. However, in many areas its laws are unchanged since 1961³ (the year of its independence from British rule) and its practising lawyers are almost entirely based in the capital Freetown, with a small network of paralegals operating in the rest of the country. Concern over the competencies of law students passing through its legal education system prompted the Sierra Leone Bar Association to request assistance from the UK Bar Council, who in turn asked the Association of Law Teachers (of which I am on the committee) for support. I offered to lead the project and after securing joint funding from the ALT and the UK Department for International Development (DFID), travelled to Sierra Leone with an ALT colleague (Dan Rahnavard) in March 2014.

While the ultimate aim of the project is to help raise the standard of law teaching in Sierra Leone, the first 9-day trip in March was to undertake a reconnaissance and assess the situation by visiting a number of legal organisations and universities across the country, in order to see what challenges they face. As visitors from Europe, the first thing that struck us is that Sierra Leone is full of paradoxes and hardships. Although it has beautiful scenery (including a stunning coastline) and a fast-growing economy (thanks to its natural resources of diamonds, gold, titanium and other metals), the vast majority of its people live in abject

¹ Associate Professor, Plymouth Law School, H.Derijke@plymouth.ac.uk

² See <http://www.bbc.co.uk/news/world-africa-14094194>; and <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sierraleone/10450619/The-women-who-bear-the-scars-of-Sierra-Leones-civil-war.html>

³ For example, it still uses the Larceny Act 1916 rather than the Theft Act 1968.

poverty in city slums and deprived rural areas, with little or no education, in stark contrast to those with wealth, influence and privilege. Government and judicial corruption and mismanagement are major factors. All of this results in unequal access to justice and many other issues within the legal system.⁴

Sierra Leone is one of the poorest countries in the world, with the highest rate of infant and maternal mortality and 41% illiteracy among its adult population.⁵ Because of this, I wanted to get an idea of the school system, which is comprised of private, state and funded schools. The private schools are expensive and therefore only available to a limited number of wealthy families. The state schools are chronically underfunded and have to charge for items such as school uniforms and books, which most parents cannot afford, so their children are often unable to attend school even at primary level. However, some funded schools for children have been established through benevolent organisations such as 'Planting Promise'.⁶ We visited its primary school, in a rickety old wooden house on a dust road lined with makeshift shacks in the centre of the capital, Freetown. There we received a fantastic reception from 120 boys and girls aged 4-11 in four classes, all squeezed together into one classroom. Each class was involved in a separate lesson in the same room, so that in order to make themselves heard, the pupils had to shout over the others! At the end of our visit the pupils sang us a rousing song about Freetown and gave us a bundle of beautifully written letters and drawings, thanking us for the gifts (books, pencils, tennis balls and footballs) that we had brought for the school. It was wonderful to witness their enthusiasm and eagerness to learn, and to discuss their dreams for the future. It helped us to realise the fantastic potential they hold for Sierra Leone, whilst remembering they are the lucky ones who are able to attend such a school.

Subsequently we visited the main offices of the human rights and legal practitioner organisations, together with all the higher education institutions that teach law at undergraduate and postgraduate level.

⁴ See <http://www.hrw.org/world-report-2011/sierra-leone>

⁵ See <http://www.sl.undp.org/content/sierraleone/en/home/countryinfo/>

⁶ See https://www.facebook.com/pages/Planting-Promise/171152819563346?sk=info&ref=page_internal

1 Human Rights and Legal Practitioner Organisations

L.A.W.Y.E.R.S⁷

The first of our visits in Freetown was to an organisation named L.A.W.Y.E.R.S (Legal Access through Women Yearning for Equal Rights and Social Justice), where we interviewed one of its founders, Christiana Davies-Cole. L.A.W.Y.E.R.S offers support and legal aid to less privileged women who are victims of violence, sexual abuse, human rights abuses, domestic violence and inheritance disputes. There is a very high incidence of such cases throughout Sierra Leone.⁸ The organisation, which has two offices in the provinces and one in Freetown, is comprised of lawyers and paralegals who provide legal representation and who also, where possible, provide funds for witnesses to come to court and testify against the perpetrators. They also have community initiatives that provide education to women and children regarding their rights under the law and where they can seek recourse if they are the victims of crime. In the future it is intended that this knowledge-based support will also extend to healthcare. The organisation was also preparing a report that contains various recommendations as to how the constitution can be amended to better achieve equality and rights for women.

ADVOCAID⁹

We next visited AdvocAid, where we interviewed its founder, Sabrina Mahtani. AdvocAid supports justice, education and reintegration for female detainees and their children in Sierra Leone. Founded in 2006, the organisation aims to strengthen access to justice for women and to empower them as active citizens through the provision of education, welfare and post-prison support. It is comprised of duty lawyers and paralegals who advise women who are in conflict with the law (including sex workers and women in prison who have children to support) and provides them with legal aid where possible. Its education programme also provides training for police and prison officers, together with public campaigns designed to raise awareness. In 2012 it ran a human rights student law clinic at Fourah Bay College in partnership with L.A.W.Y.E.R.S and Defence for Children but the funding ran out. In respect of the Northern province, it also has links to the University of Makeni (see further below).

⁷ https://www.facebook.com/pages/Legal-Access-through-Women-Yearning-for-Equality-Rights-Social-justice/202319413122111?sk=info#!/pages/Legal-Access-through-Women-Yearning-for-Equality-Rights-Social-justice/202319413122111?sk=info&tab=page_info

⁸ See <http://www.hrw.org/world-report-2011/sierra-leone>

⁹ <http://www.advocaidsl.com/>

Sierra Leone Bar Association¹⁰

Afterwards we interviewed Sonia Osho-Williams (criminal law practitioner, Advocaid worker and Treasurer of the Sierra Leone Bar Association). As qualified lawyers, members of the Bar in Sierra Leone perform the dual role of both solicitor and barrister. The Bar Association has 500 members serving a total population of 6 million in Sierra Leone, i.e. a ratio of 1 practising lawyer for every 12,000 people. (This can be compared to the UK, which has 15,500 practising barristers and 133,000 practising solicitors serving a population of 60 million, i.e. 1 practising lawyer for every 400 people). However, virtually all its members are based in Freetown (population c.1million) and do not practise at all in the provinces, leaving 5 million people without access to qualified lawyers. In the past the Sierra Leone Bar Association has been somewhat intransigent, with strong resistance to change from its senior members, but recently it has begun to consider areas where practitioners are lacking in expertise and has invited external (UK) experts to deliver pro bono continuing legal education, including courses recently delivered by the London School of Mediation and the Advocacy Training Council in 2014. The Bar Association is also trying to encourage its membership to conduct pro bono work in the community but as this is not mandatory, most do not bother.

2 Higher Education Institutions

Fourah Bay College¹¹

We next visited two of the law tutors at Fourah Bay College (FBC), which is Freetown's undergraduate level university. Farid Alghali and Ronald Gidwani are both legal practitioners who, like all the tutors at FBC, only teach part-time on the LLB programme there, as the fees they receive for tutoring are very low compared to their practitioner income. Both tutors were very receptive and welcomed potential support from the ALT.

Despite a worrying lack of facilities and resources, the LLB at FBC is growing rapidly: in 2005 it had about 30 students in each year and in 2013-14 this had risen to 175. Major issues faced by FBC include: no access to the internet or to fully indexed and referenced databases such as Westlaw and Lexis; no access to a library with law textbooks for students to conduct research and build upon information that the lecturers give through lecture notes; lack of lecturing resources, e.g. module handbooks; and the lecture-only delivery, whereby a number of students lack the confidence to ask questions. There was a consensus of opinion

¹⁰ <http://www.barassociation.sl/> [Website does not appear to have been updated since 2010].

¹¹ <http://fbcusl.8k.com/> [Website not updated since 2000] For recent comment see: <http://politicosl.com/2013/12/sierra-leone-fbc-students-learning-in-the-open/>

that FBC law department would like to engage in exchange programmes and that it would welcome opportunities for its students to be exposed to lecturers from other universities. In particular they would like to replace the current non-law electives that law students are obliged to take with new modules such as human rights, oil and gas, mining, IP, employment and international criminal law; and to add modules on lawyers' skills such as client care and mooting. The law department is not a faculty because it currently has no professor and therefore lacks standing within the university. Consequently it was unable last year to incorporate an externally funded law clinic dedicated to human rights (see Advocaid above), which instead became a clinic for human rights 'sensitisation', operated by a different faculty.

We also interviewed some law graduates from FBC, who reiterated that the main challenge they had encountered was lack of resources. Textbooks are extremely expensive, with photocopied pages often being the primary resource. There was also a limited number of law modules offered during the degree because tutors do not have the expertise in teaching other subjects. This in turn meant that students had to choose non-law electives each year, such as history. The students expressed a desire to have a greater selection of law relevant elective modules. One student, for example, suggested they would have liked the opportunity to choose more practical modules like mooting and advocacy.

Sierra Leone Law School¹²

While still in Freetown we also visited Sierra Leone Law School (SLLS), which delivers a postgraduate professional legal training course (equivalent to a hybrid LPC and BPTC) for all those who wish to practise law in Sierra Leone. There we had a formal meeting with Professor Tobuke-Metzger (director of SLLS and the Council of Legal Education), Professor H.M. Joko-Smart (former dean of law at Forah Bay College; who teaches shipping law at SLLS), The Hon. Justice Eku Roberts (who teaches civil procedure at SLLS) and Ransford Lube-Metzger (head librarian at SLLS).

After introducing his colleagues, Professor Tobeku-Metzger opened the meeting by stating that he was looking forward to whatever good news we had for SLLS! Professor Joko-Smart expressed his opinion that the only way in which the ALT might support SLLS was through the provision of resources for the library. He also stated that UK law lecturers would not be able to support the delivery of the curriculum, owing to a lack of knowledge of Sierra Leone law and practice. Justice Eku Roberts, however, believed that it would be of benefit to see the current UK Bar Professional Training Course curriculum and that some short courses

¹² <http://lawschool.edu.sl/> [website not functioning] For recent comment see: <http://standardtimespress.org/?p=4691>

delivered by the ALT, such as the practical aspects of opinion writing and drafting would be useful. He also expressed an interest in the development of teaching techniques, assessment models and clinical legal education. He further mentioned that SLLS has difficulties accommodating its students, due to the increased intake (70 students for 2013-2014), so they now have to deliver all their lectures (there are no seminars or tutorials) in a single classroom several miles away from the SLLS main premises at Walpole Street. On behalf of the ALT we welcomed Justice Roberts' suggestions and stated that we would explore these with our colleagues within the ALT.

The head librarian Ransford Lube-Metzger read a report about the SLLS library, which is based in their administrative offices at Walpole Street. It has a collection of 6,500 volumes (mostly not on display due to lack of space), including incomplete collections of English law reports and law encyclopaedias that have all been donated. He expressed a desire for the library to be more ICT based, with paper-based resources as a backup. Unfortunately, the SLLS library only has one working computer, with only intermittent access to the internet. In particular he highlighted a lack of printers, computers and photocopiers, and a lack of ICT qualified staff. He also stated that the library staff were not specifically trained as law librarians and as such would benefit greatly from further training and/or exchange programmes with UK based law librarians. On behalf of the ALT I stated that we would discuss this with the British and Irish Association of Law Librarians (BIALL), to see what kind of support could be offered.¹³

We then visited the SLLS classroom at the 'Special Court'¹⁴ complex a few miles away and interviewed students who were studying on the Bar course, including Grace Koroma, daughter of the President of Sierra Leone. The 70 students enrolled for 2013-14 were comprised of about 25 LLB graduates from Fourah Bay College who were admitted onto the course, with the remainder being students from Sierra Leone who had completed an LLB at UK universities. Again photocopies were the primary teaching and learning resource, rather than textbooks. It was also observed that the teaching schedule is intensive: from 9am to 5pm every day Monday to Friday, with no air conditioning in temperatures up to 36 degrees C and a limited number of breaks and opportunities for independent study and preparation

¹³ After our return to the UK I reported our findings to BIALL and subsequently two of its representatives visited Sierra Leone in May 2014, where they conducted reviews of its university and government law libraries and delivered pro-bono training to librarians, staff and students on the use of free online resources such as Legislation.gov.uk and www.sierralii.org (the Sierra Leone equivalent).

¹⁴ The Special Court for Sierra Leone was set up in 2002 as the result of a request to the United Nations in 2000 by the Government of Sierra Leone for 'a special court' to address serious crimes against civilians and UN peacekeepers committed during the country's 1991-2002 civil war. See <http://www.rscsl.org/>

for classes (30 minutes for lunch and the occasional hour between classes). As the classroom is based several miles away from the law library, which closes at 5pm, there is also little opportunity for students to use the library resources.

The students were very satisfied with the standard of teaching from the lecturers, who are nearly all practitioners and therefore teach class outside their courtroom commitments. We observed two 1-hour classes delivered by Glene Thompson (on tort law procedure) and Justice Roberts (on civil procedure) which were clear, well-structured and interacted with the students by way of questions, responses and comments from the tutor. While this certainly engaged the more confident and outspoken students, we noticed that at least half of the cohort was not involved in this process, which is perhaps an inevitable consequence of the standard lecture format. Finally, we noted that advocacy, legal ethics and client interviewing are not included in the curriculum. Since most of the SLLS graduates will go on to do an internship of 12-18 months (similar to pupillage) with either a law firm or a government office, and especially since political and judicial corruption are a major issue in Sierra Leone, we strongly believe that these subjects should be added to the curriculum at SLLS.

University of Makeni (Unimak)¹⁵

Toward the end of our trip, we made a 3-hour journey by 4x4 vehicle - firstly along bumpy dust tracks through the bush and later travelling on modern roads through lush countryside - to the mining city of Makeni in the Northern Province of Sierra Leone. There at Sierra Leone's third university (established in 2005) we met Adam Goguen, an American law graduate from Columbia University who had visited Sierra Leone some years previously and had stayed to help establish a new law course and law clinic at UNIMAK.

By Sierra Leone standards, UNIMAK's two campuses are well funded (including support from the President of Sierra Leone¹⁶ and DFID) and effectively managed, with good facilities including staff accommodation, classrooms, computer labs and photocopiers, access to the internet and a well-stocked law library. But, as Adam explained, despite being a booming mining district with one million people, Makeni has only one legally qualified public prosecutor; the others are police prosecutors without a law degree or legal expertise. Furthermore, on the opposite side, there are no public defence lawyers practising there. Although there are a number of court buildings, there are so few magistrates and judges operating outside Freetown that the courts are empty for much of the year. This means it is often extremely difficult for people to obtain justice and there are many abuses of the

¹⁵ <http://universityofmakeni.com/wordpress/>

¹⁶ President Koroma was born and raised in Makeni.

system. Most sex offences, for example, are not reported and police corruption is common. We heard of one man who was accused of stealing a loaf of bread in 2009 and had been held in prison ever since, without even having entered a plea or stood trial. Consequently, Adam is setting up a student law clinic to deal with summary criminal cases and appeals to the High Court in Makeni; local human rights cases involving abuse against women (linked with Advocaid and Timap for Justice); and possibly also impact litigation cases against mining and construction companies discriminating against women in relation to employment.

The aims of the clinic are to provide legal defence services for people in the provinces who are otherwise subject to the vagaries of unqualified police prosecutors; to provide work experience for the students and demonstrate to them that law in practice is often different to that taught in class; to lobby the government to provide legal aid for people in the provinces; and to encourage FBC to set up its own law clinic. It is expected that 30 law students in years 2 and 3 law will conduct the relevant research and preparatory work, supervised by a voluntary panel of qualified barristers (lecturers and others), who will subsequently present the cases in court. It is also planned for a number of UNIMAK law students to work as interns for judges in Sierra Leone for a period of 3 months, which has never occurred before. The best students will be selected to assist and to write court reports for the judges concerned, which will be a valuable resource for the dissemination of legal precedents. Adam was keen to receive pro bono assistance from the ALT and invited us to visit again later in the year, in order to run a workshop for the staff on modern teaching methods in law, review their law curriculum, and deliver specialized lessons on law topics which are not covered at UNIMAK.

After returning to Freetown and flying back to the UK, I began to make arrangements to visit Sierra Leone again in December 2014, in order to deliver a series of pro bono workshops and lectures in Freetown and Makeni. The itinerary and funding were confirmed in principle and for this next trip I was due to be joined by another ALT colleague, Professor Chris Gale (Dean of Law and Business at Plymouth's partner college, Greenwich School of Management). However, by September the escalating Ebola crisis in Sierra Leone had ruled out this plan.

3 Ebola Crisis

The Ebola virus began in Guinea in December 2013 and spread via Liberia to Sierra Leone, which has since suffered the greatest number of cases. On 26 September, the World Health Organisation (WHO) issued a statement that 'The Ebola epidemic ravaging parts of West

Africa is the most severe acute public health emergency seen in modern times.¹⁷ By the end of September over 600 people had died of the virus in Sierra Leone, including 4 doctors and 60 nurses; and on 4 October there were 121 fatalities, the largest number recorded in a single day. Since September I had been receiving regular email reports from Adam Goguen, as Makeni was one of the worst affected areas. Hundreds of people had died and many more were dying there every day, with little or no treatment, as the Holy Spirit Hospital and Loreto Clinic were full and lacking even basic supplies. With nowhere else to turn, infected people had to stay at home, where their families cared for them and inevitably became infected too. Every death in a household resulted in 21 days of quarantine and over 300 homes were quarantined. There was also a critical shortage of food, as the quarantines prevented people from working in the fields.

The situation there was so desperate and tragic that I felt I had to do something. I first wrote to every national newspaper I could think of to raise awareness of what was happening, as at that time journalists were simply quoting official statistics and were not giving an account from within Sierra Leone of the real, day-to-day problems people were facing on the ground. Subsequently I decided to raise money for Ebola relief by entering the Amsterdam marathon on 19 October. Unfortunately I had not been running since incurring some injuries in July and had only 10 days to train! However, it seemed worth risking if I could raise money for charities that were active in the fight against Ebola and running treatment centres in Sierra Leone. The two charities I chose were Doctors Without Borders (Medecins Sans Frontiers)¹⁸ and Save the Children.¹⁹ I would like to take this opportunity to thank everyone who generously supported this cause, which is still ongoing.

At 9.30am on 19 October I found myself in the Olympic Stadium in Amsterdam, surrounded by 22,000 athletes from all over the world and wondering if this was such a good idea after all. A few seconds later the race began and we moved like a herd around the track, exited the stadium, jogged through the leafy Vondelpark and the famous arch in the middle of the Rijksmuseum, and began to increase our pace along the city streets, flanked by cheering crowds. Just as I was beginning to enjoy running past fields and windmills along the river Amstel, a familiar pain flared up in my leg and I was reduced to hobbling from mile 10 onwards. The next 16 miles became steadily worse and after what seemed like an eternity, I finally made it to the finish line in 5 hours 30 minutes. After recovering with chips and mayonnaise (as you do), I cycled unsteadily back to my brother's flat, ate everything I could

¹⁷ <http://www.who.int/mediacentre/news/ebola/26-september-2014/en/>

¹⁸ <http://www.msf.org.uk/country-region/sierra-leone?gclid=CNu3zfT2wclCFTHMtAodIIYAKg>

¹⁹ http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.9206809/k.95FB/Sierra_Leone.htm

find, fell into bed and slept for 12 hours.

Since that eventful day I have continued to monitor the situation in Sierra Leone closely and stayed in touch with Adam Goguen. He recently informed me that stability is slowly returning to Makeni, as the number of Ebola cases there is decreasing, and the university is hoping to re-open in February 2015. However, the situation in Freetown and the Eastern Kono district is worsening, with 100 new cases a day currently being reported.²⁰ At the time of writing, the last WHO count for Sierra Leone on 10 December 2014 totalled 7,897 Ebola cases, including 1,768 deaths. The latest news is that all public celebrations of Christmas and New Year have had to be cancelled due to the risk of contamination.²¹ Once the epidemic is finally contained, I am determined to return to Sierra Leone and to do whatever I can to assist. We take so much for granted in the UK, including our education, legal justice system, healthcare and average life expectancy. In countries like Sierra Leone, these basic rights are still not available but we can all help to make them a reality for everyone.

²⁰ <http://abcnews.go.com/US/wireStory/sierra-leone-80-100-ebola-cases-daily-27394068>

²¹ <http://www.dailymail.co.uk/news/article-2871790/Is-Ebola-s-biggest-victim-Sierra-Leone-forced-cancel-CHRISTMAS-struggles-cope-spiralling-caseload.html>