



European Union

Policy Brief
On the Criminal Justice System (CJS) of Liberia
01/17/18

Overview of the Program:

The Rural Human Rights Activists Programme (RHRAP), and the Association of Female Lawyers (AFFEL) in collaboration with the Finn Church Aid (FCA) are currently implementing the project *“Providing access to justice and gender sensitive legal awareness at grassroots level”* in three counties Lofa, Nimba and Bong Counties respectively with funding from the European Union (EU).

The two years program is aimed at contributing to improving the Criminal Justice System of Liberia which targets the Police, Correction Officers, Pre-trial Detainees, Traditional and Religious Leaders as well as Judges within the three counties. In addition, the program provides free legal representations for pretrial detainees within the Gbarnga, Voinjama, and Sanniquellie prisons. On the overall, the program seeks to promote national government efforts in the promotion of an effective criminal justice system of Liberia, as well as the promotion and protection of fundamental human rights of community residents, which are fundamental pillars of democracy.

Considering the above, after the completion of various activities within the three counties (Bong, Lofa, and Nimba) in line with the program design, a one day National Multi-stakeholder’s Forum was organized and held in Monrovia on January 17, 2018 at the iCampus-My Market Place located on the Carrey Street-Snapper Hill. The objective of the forum was to share and discuss preliminary results from various project interventions and issues affecting the implementation of an effective Criminal Justice System (CJS) in the targeted counties with key stakeholders intended to solicit recommendations, build coalition and consensus in the promotion and protection of the rule of law and fundamental human rights of community residents.

To this end, the forum brought together 25 key stakeholders within the Criminal Justice System sector including Government Agencies and Ministries, Independent National Human Rights Commission (INHRC), UN, Carter Center, Likeminded Civil Society Organizations (CSOs), Embassies, and Media institutions who provided their recommendations for strengthening the Criminal Justice System of Liberia.

Many of the stakeholders expressed their willingness for joint advocacy initiatives in improving the CJS in Liberia, especially on key issues that were flagged by the presenters/project implementing partners (RHRAP, AFFEL, and FCA).

At the end of the National Stakeholder's Dialogue, the issues below were compiled based on the presentations that flagged out couple of challenges and recommendations toward improving the Criminal Justice System. The issues and recommendations in this brief will also serve the basis for follow-up advocacy engagements with key justice actors including the government and other CSOs and international partners working in human rights. Therefore, the challenges and recommendations are presented according to the sectors or the project concentration areas below:

PRISON FACILITIES

- Continued over crowdedness at prison facilities. As was reported, there are a total of (274) prisoners/inmates across the three prison facilities. In Bong, there are (34 pre-trial detainees, 31 convicts, 0 Juvenile); in Nimba, there are 79 pre-trial detainees, 71 convicts, 2 Juvenile) while in Lofa, there are 22 pre-trial detainees, 35 convicts, 0 Juvenile).
- All of the programs that were initiated for rehabilitation purposes are down.
- Very limited infrastructure capacity of prisons resulting to difficulties in separating the categories of inmates
- No sanitary provision for females inmates in prison facilities; and only one meal provided a day
- Inadequate/poor health services provided for inmates. (e.g. inmates are seeing sick in Lofa and Sanniquellie prison facilities)

AT THE COURTS' LEVELS

- Slow Adjudication of Cases
- Increased imprisonment of inmates and limited use of Alternative Dispute Resolution mechanism and probation services by magistrates
- Inadequate Public Defenders within the Counties. At the moment, there are two public defenders assigned to each county.
- Inadequate Logistics to get magistrates to fast track hearing. At present, there is no budget set aside or vehicle provided to facilitate fast track court hearing in the project counties (Bong, Nimba and Lofa).

AT THE POLICE LEVEL

- Very poor withholding cells (e.g. poor infrastructure, the case of Zorzor where the roof is leaking and floor damage)
- Limited adherence to the 48 hours statutory period for holding suspects; and separation of suspects.
- Inadequate collaboration between the police and courts.
- Very poor sanitation in police withholding cells resulting to health hazard.
- Use of police cells by courts for holding convicts and pre-trial detainees (e.g. Zorzor and Salayea are using police cells for holding convicts and pre-trial detainees)

AT THE COMMUNITY LEVELS

- Courts complained of traditional leaders interference with legal/criminal cases (e.g. Zorzor)
- Community residents complained of their inability to meet up with the demand of 100 USD bond fees for minor offenses, especially for the most common offense “disorderly conduct” leading to increased imprisonment by magistrates.
- Increased in narcotic drugs usage in communities resulting to increase in crimes rates.

KEY RECOMMENDATIONS

- Speedy hearing of cases by the courts; and ensure the use of probation and parole services.
- That the Supreme Court mandate or ensure the introduction of Fast Track Hearing at Prison Facilities in Bong, Nimba and Lofa counties as well as other counties
- Legalization of the Alternative Dispute Resolution (ADR) in the court’s system
- Deployment of more public defenders in the counties by the Judiciary
- Construction and renovation of prison facilities as well as the provision of rehabilitation services for inmates
- Provide improved and adequate medical care for inmates, and special attention to female and juvenile inmates
- Improvement in the separation of prison categories through the construction on additional cells.
- Strict adherence to 48 hours statutory period by police officers and abolish use of cells as prison facilities
- Construction, renovation and improve sanitation of police withholding cells

About RHRAP

Rural Human Rights Activist Program (RHRAP) is a local human rights organization with over 15 years’ experience working on the promotion and protection of human rights and rule of law in Liberia.

Visit our website: www.rhrapliberia.org

Contact: RHRAP: Lorma Baysah, lormarhrap@gmail.com

Broad and Gurley Streets

Monrovia-Liberia P.O. Box 3078