

BEYOND THE TALL WALLS

Behind Bars But Not Beyond Justice

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SPECIAL POINTS OF INTEREST:

- Extensive interview with New Prison Director.
- My Story.
- The Approve School in focus what has changed and what has not changed.
- Staff Profile.
- Others.

SIERRA LEONE PRISONS MAKING

Most times the concept of prisons, Prison inmates and Prison Officers evokes in peoples mind a whole range ugly feelings. In this times past the word prison has been synonymous with torture, a place where criminals are reared. From societal long term perspective, people who go to prison usually leave the institution more dangerous than they entered.

The National Prison Service has been treated with careless abandon both by government (Present and successive) and the public relegating it to a forgotten state. Formally it was dubbed the Directors Garden and its operations strictly confined to the gates of the Headquarters in New England. Loyalty then was to the Director and it was highly characterized by tribalism, favoritism and was built around tribal and political hegemony.

However, of recent times we have witnessed a change and break from the past. This can be attributed to one man who is determined to make a change and turn things around. Inspired by conviction and vision that the Sierra Leone Prison Service deserves to be countered and recognized for its important role in maintaining and upholding justice, rule of law and national security; within a relatively short time, of his tenure in office he has taken the National Prison from the dust bin of forgotten state to the fore of public envy and hope. He has injected a National pride and introduced merit base achievement in place of 'connectoracy'. Today without prejudice, one can say the National Prison has made tremendous progress.

One of the biggest achievement that is self evident is that, the Prison Service has moved from private ownership to national ownership. From our monitoring exercise and interaction with both inmates and officers, we have been able measure significant development. Yet the challenges are still enormous.

But who is this man of change? And what more has he brought to the Sierra Leone National Prison Service? *See next edition for an extensive interview with the New Director General of The Sierra Leone National Prison Service*

JUVENILES IN CONFLICT WITH LAW OR THE LAW IN CONFLICT WITH JUVENILE SURVIVAL BEHAVIOUR.

The Justice system in Sierra Leone needs help and attention of the Sierra Leone Government as well as civil society actors and INGOs. Sierra Leone has signed up to several international obligations committing itself to protect and promote basic and fundamental Human Rights including the Convention on the Rights of the Child and Child Right Act which obligates government to ensure that:

1. No child should be subject to torture.
2. No child should be subject to cruel and other inhuman and degrading treatment.
3. No child should be subject to capital punishment.

Yet the reality of the situation is that, hundreds of Sierra Leonean children continue to be caught in Adult Formal Justice System. They are arrested and detained by police and consequently sentenced by Magistrates/Judges and Justices of Peace (JPs) to Juvenile Homes and Adult Prisons.

These children continue to languish in various in various jails, prisons and police stations and Juvenile Homes, where they are exposed to:

- i. Malnutrition
- ii. Poor medication.
- iii. Little concept of Education
- Iv. Without legal representation.

In Sierra Leone, there are two types of Juvenile detention centers. The Remand Home and the Approve School.

Remand Home: This is a temporary and transitional detention center where juveniles in conflict with the law who are awaiting trial are sent.

Approve School: As the suggests, it is a reformatory school for juveniles in conflict with the law who are handed court sentences.

But the one million dollar question remains who is in conflict with the other? It is Juveniles in conflict with the Law or the Law in conflict with their survival behavior? Often times we are quick to label these juveniles as *children in conflict with the law* without making no allowance to talk about the law been in conflict with their survival behaviour and the realities of their lives situation. A survey conducted in February 2010 on children in the Approve and Remand Home revealed that almost all the labelled “*children in conflict with law*” share the following common characteristics:

- a) They are victims of abuse and violence at the hands of their relatives/guardians.
- b) They are social and economic victims
- c) They are destitute and abandoned children who are treated with careless abandon.

POPULATION STATS OF JUVENILES IN DETENTION IN OFFICIAL JUVENILE HOMES

Institution	Date	Male	Female	Total
Approve School	28 th Feb 2010	29	00	29
Remand Home (F/T)	27 Feb. 2010	32	02	34
Remand Home (Bo)	Feb 2010	07	00	07

Age Analysis.

Age	Remand Home - FT			Approve School		
	Male	Female	Total	Male	Female	Total
10yrs	00	00	00	01	00	01
11yrs	00	00	00	00	00	00
12yrs	00	00	00	02	00	02
13yrs	00	00	00	04	00	04
14yrs	06	00	06	08	00	08
15yrs	08	00	08	09	00	09
16yrs	09	01	10	05	00	05
17yrs	09	01	10	00	00	00
Total	32	02	34	29	00	29

Crime Statistics

Remand Home		Approve School	
Crime	NO.	Crime	Total
Larceny	13	22	35
Conspiracy	02	01	03
CTCF	04	00	04
Murder	03	01	04
HB/HBL/SBL	05	01	06
W/WWI/	05	00	05
EFLC & Lar	01	00	01
Loitering	00	04	04
FC	01	00	01
Total	34	29	63

KEY

CTCF : Conspiracy to commit a felony.

HB: House Breaking.

HBL: House Breaking Larceny.

SBL: Shop Breaking and Larceny.

FC: Frudulent Conversion.

EFLC: Escape from lawful custody.

Lar: Larceny.

Analysis by Term of Sentence

Term of Sentence	Total
Bellow 3 months	00
3months	04
1 yr	07
1 yr 6m	02
2 yrs	06
3yrs	08
5yrs	02
Above 5yrs	00
Total	29

Residential Status	Remand Home	Approve School	Total
Living with Both Parents	01	01	02
Living with the Aunt	04	01	05
Living with the Uncle	10	04	14
Living with the Grand Parents	04	03	07
Living with the Brother	07	08	15
Living with the Father	01	02	03
Living with the Mother	03	03	06
Living with the Sister	01	01	02
Living with the Street	02	04	06
Others	01	02	03
Total.	34	29	63

This has generated claim and counter claim by both parties. In our nationwide consultation and interaction with CID,FSU and Probation Officers they made the following claim:

CID: We only refer cases of domestic violence to FSU. All issues of criminal matters are treated by us as we are in a better position to deal with criminal matters.

They accuse the FSU unit of comprising criminal cases for financial gains.

FSU: The CID seems to over step their bounds. They only send juvenile issues relating to domestic issues since it does not generate financial attention.

The CID are responsible for most of the juveniles in our jails. They only look at the crime and not the age and other issues involved. They inflate the ages of these juveniles to make them fit for adult prison. They are not trained to handle juvenile matters.

Analysis by Place of Arrest.

Religion	Remand Home	Approve School	Total
Freetown	21	16	37
Waterloo	12	01	13
Provinces (Bo – 03, Makeni -03, PL – 02 & Kenema - 04)	01	12	13
Total	34	29	63

Probation Officers

Most times we only know about juvenile matters in court. We are not usually inform about their arrest by the police especially when the charge against them is criminal. We are most time inform by the Magistrates when their ages becomes issues and when they are rejected by the Prison Officers. By law and practice, we are supposed to be informed about the arrest and presence of Juveniles in policy custody. But this is not the case. Even when we discover them in police cells, we are told that they are not juveniles but adults.

So the big question is who is responsible for juveniles in conflict with the law?

THE CRIMINAL INVESTIGATION DEPARTMENT (CID) AND THE FAMILY SUPPORT UNIT (FSU) WHO IS RESPONSIBLE FOR JUVENILE IN CONFLICT WITH THE LAW.

The continued fights for legitimacy over juvenile cases between the CID and FSU as to who should treat juvenile cases is a thorny issue. According to the provisions of the Child Rights Act (CRA), it gives unreserved jurisdiction to FSU to deal with Juvenile matters. But we have observed that there are certain cases that are sent to FSU attention and some reserved for CID.

THE REMAND HOME IN FOCUS - Bo



The Admin and Finance Officer pose with prison guards at the Bo Remand Home during



Fallen Remand Home perimeter wall - Bo

In our recent assessment of the Prisons, and other places of Detention nationwide, The Remand Home facilities revealed grave concern and thus required some space of discussion in our newsletter. The following issues were noteworthy:

Security

The fallen perimeter wall and height poses serious security threat and hold potential for escape.

Rehabilitation

There is no rehabilitation programme in the Bo Remand Home. Inmates are kept under lockup daily in the juvenile cells.

Staffing

The remand home is plagued with serious staffing issues. Currently the two prison guards are only supporting staff. They complained that they are working 24 hours round the clock and that they play the role of social workers.

Feeding

Feeding remains to be a perennial problem. Complaint of inadequate feeding is an age old story. Inmates reported they eat only one per day.

Sanitation

The sanitary conditions is very poor and children reported that sometimes it takes days without taking bath.

CHILDREN IN POLICE CUSTODY

Justice System starts with the police. Everyone in conflict with the law must go through Arrest which is usually effected by the police. The police investigate and processes cases. National Legislation requires that suspects in police custody must not exceed the 72 hours for misdemeanor or 10 days in terms felonious offences. After 72 hrs or 10 days regulation, you are either granted bail or charged to court. However in our recently nationwide monitoring of police stations, we discovered that 5 juveniles were in police custody, who had overstayed between three (3) – six (6) months in **Makeni Rogbanneh police Station.**

In **Matru Jong**, two juveniles were in police custody on for larceny cattle for one week.

In **Bo Eastern Police Station**, a female Juvenile was detained by her uncle (Police Officer) without statement and charge preferred against her.

In **Bonthe** no police personnel was found at the police station at our arrival and departure.

In **Lumley Police Station**, one female juvenile aged between 15-16 years was found in the Lumley Police Station for allegedly drugging a man who insisted on having sex with her 3 times after having two.

Prison Watch Sierra Leone at work – Monitoring Place of Detention.

Monitoring place of detention remains very cardinal to our mandate. We believe that persons in detention have rights regardless of their crimes and their status. We also believe that places of detention are rule of law institutions whose function are prescribed by law. Compliance to these laws can only be achieved though sustained monitoring of all places of detention.



Monitors at the Central



Monitors inspecting Police cells – Central Police

Prison Watch Sierra Leone at work – Providing Tutorial Lessons for Juveniles in Custody.

The concept of the Administration of Justice does not end with verdict by the Magistrate/Judge. The Concept of Juvenile Justice does not end up at the Gate of the Remand Home or Approve School. Juvenile justice involves fare more than attending courts or detention of Juveniles in conflict with the law. Juvenile justice goes beyond attending courts and detaining juveniles as a punitive measure, the stress should be on rehabilitation, reformation and reintegration of Juveniles and their reintegration back in society. This aspect of Juvenile Justice is completely lacking in the Sierra Leone Juvenile Justice system.

Prison Watch Sierra Leone however an indigenous NGOs, with support from the Justice Sector Development Programme (JSDP) has organized tutorial classes for Juveniles in Approve School and Remand Home for one year. Classes mostly focused on formal education aspect. The project specifically is a tutorial programme targeting Junior Secondary School (JSS) category. The following subjects are taught:

- i. Social Studies.
- ii. Language Arts.
- iii. Integrated Science.
- iv. Mathematics.
- v. Vocational Skills Training.

This project will provide post reintegration package for 12 inmates. Package will include:

- 1. Annual Tuition Fees.
- 2. School Bags
- 3. Text Books
- 4. Exercise Books.
- 5. School Shoes and Socks.

This is however a new field of intervention for Prison Watch Sierra Leone who has been concerned with it traditional role of monitoring Human Rights abuse and violation in Places of detention.



Juveniles in Class in Approve School.