

# BEYOND THE TALL WALLS

## CHANGING LIVES BEHIND BARS

Prison Watch Sierra Leone

August - October 2011 Edition

In Partnership with RCT



### THE APPROVE SCHOOL IN FOCUS

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#### What is the Approve School?

The Approve School is a supposed to be a reformatory center, charged with the responsibility of reforming the minds and manners of Juveniles away from crimes, violence and prepare them for reintegration into society. Its falls under the purview of the Ministry of Social Welfare, Gender and Children's Affairs.

It is a permanent home where children serving judicial sanctions are detained temporarily for a maximum of at least 3 years. As it name suggest it should serve as a school were juveniles in conflict with the law go through social, moral, spiritual and human transformation.

#### But the big question is, is the Approve School performing its function?

##### Impression from Juveniles

The first impression one gets when talking to juveniles detained in the Juvenile homes is that "we are prisoners and we

are serving prison sentences" most frustratingly, the warders will remind the juveniles in our presence that the Approve Schools is a Children's Prison were children who are bellow 18 years are sent to serve their prison sentences. Right from the onset, they are made to believe that they are prisoners and thus treated that way and they behave thus.

The physical structure of the Approve School gives the impression to anyone of a prison structure with protective iron bars right round. As the name implies, it should serve as a home or an alternative home for children in conflict with the law and not a confinement center with protective iron bars.

This explains why the children believe they are in prison. The prime focus is on detention and to prevent escape and not on rehabilitation.

Children are kept under lock and key only taken out to for the greater part of the day save Prison Watch Psychosocial Activity which holds on every Thursday.

#### What does the Physical Structure of the Approve School tells you?



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Every Thursday, the Children are taken out for drama, singing and dancing session. given this situation, the mindset of the children is conditioned towards violence since there is very little reformation services and activities.

### **Who should go to the approve School?**

The Approve School is only for children who are below 18 eighteen years. But this does not holds true. We have observed that adult juveniles above the age 18 are sentenced to the approve school and in our prisons by the courts we have also observed that seeming children below the age of 18 are been sentenced to prison and given adult ages.

The issue of age assessment and children finding their way in our prisons has been a very perennial problem and has drawn series of debates, allegations and counter allegations. The police have been blamed for given children adult ages.

The police on the other hand have blame parents who come with false affidavits to prove that their children are below 18.

“We are caught in the middle. Most of these children who claim to be juveniles have got history of voting” remarked one police officer and only people who are above 18 are eligible to vote and are considered adults.

We have also observe that a lot of seeming adults give juvenile ages to escape going to prison and receive shorter detention sanctions.

### **Who really is in conflict with the law? Is it the children in conflict with the law or the law in conflict with their survival mechanisms by M.S. Feika - Director Prison Watch Sierra Leone**

Children are easily dubbed as children in conflict with the law. I have always had problems with this statement and I believe those of us who use this statement to describe vulnerable children or children in difficult circumstances are insensitive and unfair.

In a country like ours rated by the UNDP as one of the least developed nations in the world

where many people live on less than one dollar a day where life is a constant struggle for daily survival for adults and families I feel very uncomfortable with this statement “**Children in Conflict with the law” let me take you through my line of thought.**

### **Article 7 (1) of the CRC states that “The Child shall be registered immediately after birth.....and be cared for by his or her own parents”**

Almost all children in conflict with the law are not registered at birth. And they are victims of neglect by their parents. If these children are cared for by parents, we cannot be talking about children in conflict with the law. Are they (Children) responsible for registering themselves?

### **Section 1V E 38 of the UN rules for the protection of Juveniles deprived of their liberty states that, “every juvenile of compulsory school going age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education shall be provided outside the detention facility in community schools wherever possible.....”**

The treatment given to juveniles in detention, violates this provision. They are held for years with no planned rehabilitation and reformation programme for them. They are detained for minor crimes and they graduate with more serious felonious offences.

### **Article 28 of the CRC states that; states parties recognize the rights of the child to education.....**

#### **MY STORY – MOHAMED JALLOH**

*(This story is published by the expressed permission of Mr. Mohamed Jalloh. Confidentiality is the hallmark of our job).*

My name is Mohamed Jalloh. I was living at no. 17 Kawulah Street, Kenema in the Eastern Province of Sierra Leone. My father is **Pa Umaru Jalloh** and my mother is **Mrs. Jebbeh Jalloh**, my mother is still alive but my father died recently. I had my misfortune in 2002 in the same address. Then I was just fourteen [14] years of age. One morning, I got up and found a bag in front of my door step; I had no idea of who would have placed it at my door step. I opened the bag to know what was in it; I saw some clothes and shoes in the bag.

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I asked other people around. Nobody seemed to have knowledge about the bag. I took the bag into my room with the intention of waiting for somebody to come and claim the bag. The bag was in my possession for several months and nobody came to claim it.

One day, I decided to wear one of the clothes **[Arsenal Shirt]** to go to town. On my way one man stopped me and claimed ownership of the shirt and that thieves had broken into his house and carted away with a lot of household items. I was immediately taken to the Kenema Police station and detained. Few days later I was charged to the magistrate Court in Kenema for **LARCENY AND FINDING STOLEN PROPERTY**. I spent one year eight months in Remand. After the preliminary investigations in the magistrate Court, the matter was transferred to the High Court and the Crime was changed to **HOUSE BREAKING AND LARCENY**. During the Trial, I had no legal representation; I was left to the mercy of the Judge. I was then sentenced to **FOURTEEN YEARS** Imprisonment at the Kenema High Court. Since it was a long term sentence, I was transferred to the Freetown Central Prison at Pademba Road where I have been since my conviction.

In prison I came in contact with **Jesus Christ** and recognize him as my **Personal Lord and Savior**. God has reformed and changed my life for the better. God helped me discover my talent in Music. Through gospel music I have been able to give my life to Christ and to serve him as long as I live. I see my future in music. This is why I remain most grateful to **PRISON WATCH SIERRA LEONE** for supporting my talents. I wish to continue working with them even after release.

**JUVENILES IN DETENTION WHO IS RESPONSIBLE** (*The Prison Officers, The Police, The Judiciary and The politician and parents?*). (**Ahmed Jalloh - Admin. Officer Prison Watch Sierra Leone**)

The presence of **SEEMING CHILDREN** in our prison and police cells locked up with adults is an open secret. I say seeming children because I want to be careful not to say things for which I cannot present facts or evidence. On entering a prison there appears inmates who at first sight seem to visitor like children

but on the reality is that they are detained with adult ages.

### **What does the standard say about children in detention?**

Article 17 (1) – (4) of the African charter on Rights and welfare of the child is very instructive and very clear about the welfare of children in detention. it states: *Every child accused or found guilty of having infringed penal law shall have the rights to special treatment in a manner consistent with the child's of dignity and worth and which reinforces the child respect for human rights and fundamental freedoms of others*

2 (b). *ensure that children are separated from adults in their places of detention or imprisonment.*

Part II 5 (a) of the Prison Rules and Ordinance states that a young prisoner class...shall consist of convicted criminal prisoners of or above, the apparent age of 17 years but less than 21. Part V rule 47 talks about segregation of juveniles. It makes it clear that:

*“ the minister may, if he shall think fit, order the removal from prison of any juvenile, and his detention in some place other than a prison, subject to such conditions as may be prescribed and may subsequently, if he shall think fit, vary such order and order the return to prison of the person affected thereby:”*

The United Nations Standard Minimum Rules of detention is very instructive on the detention of children. Part 1 rule 8 (d) states that *young prisoners shall be kept separate from adults.*

Given all these citations, the situation in our prisons is that, there are seeming children found in all our prisons across the country in all our prison and detention facilities and what is of interest is the fact that they are all mix with adults. This contravenes both national and international standards.

### **HOWEVER THE BIG QUESTION IS, WHO TO BLAME. THE PRISON OFFICER, POLICE OFFICER, POLITICIANS, FAMILY MEMBERS**

To help you find who should be blamed, we have presented you with interviews with the following:

#### **PRISON OFFICER**

We are aware that some persons found in our custody appear to be children. It's sad that we are given custody of them.

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Some of them are like our children at home. But we are constrained. We accept persons sent to us from the courts with a warrant. We have been told by our bosses and OCs that we do not have the rights to accept Juveniles. All warrant sent to us with “J” are refused. The inscription “J” signals juvenile.

Please also note that Prison Officers have nothing to do with age assessment. Who are we to refuse inmates sent to us from the courts. We understand most of these children who you human rights activist consider juveniles have adult ages in the police station. If you want to actually stop the problem then the police is a place to go.

### **POLICE OFFICER**

The police officers are in a very difficult position. When once it comes to juveniles in prisons, the blame is laid squarely on our door steps over looking other factors. Most of these children who now pose as juveniles and some of them are actually are juveniles have got history of voting. Let’s remember that only people who have reached 18<sup>th</sup> birth day and above are allowed to vote. We have been able to prove that these children voted and are legally registered.

This automatically qualifies them as adults. Do we blame the police for that or the people who were responsible for registering them to vote?

The parental factor is also another concern. Most parents give evidence that their children are above 18. Who are we to say they are lying? Who is most credible when it comes to determining the ages of these children the police or their parents. Some adults even pose as juveniles because they have been sensitized that if they claim been juveniles, they will be give less penal sanctions. But all these are not taken into consideration.

Some parents in many occasion have presented affidavits of birth of the children who though seem to be adult by the physical and true nature yet they affidavits say they are juveniles. In such cases when they are brought to us what do we do? You will have the complaints arguing that they are adults yet the parents will say they are children. And we will know that one can get affidavits of birth for any amount on the street corners from the JP’s. All these are not taking into consideration when it comes to finding Juveniles in detention.

I only hope what I have said will be printed verbatim in you newsletter.