

UNMIL

The Carter Center, in collaboration with the Ministry of Justice and UNMIL Legal and Judicial System Support Division presented the one day conference, Access to Justice in a Transitional Period: Lessons Learned Consultation. The meeting focused on the current state of reform efforts in Liberia, drawing comparative experiences from Ghana, Sierra Leone and elsewhere. We thank the presenters and attendees for their active participation and insightful comments. Following is the report of the proceedings.

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**Tom Crick**

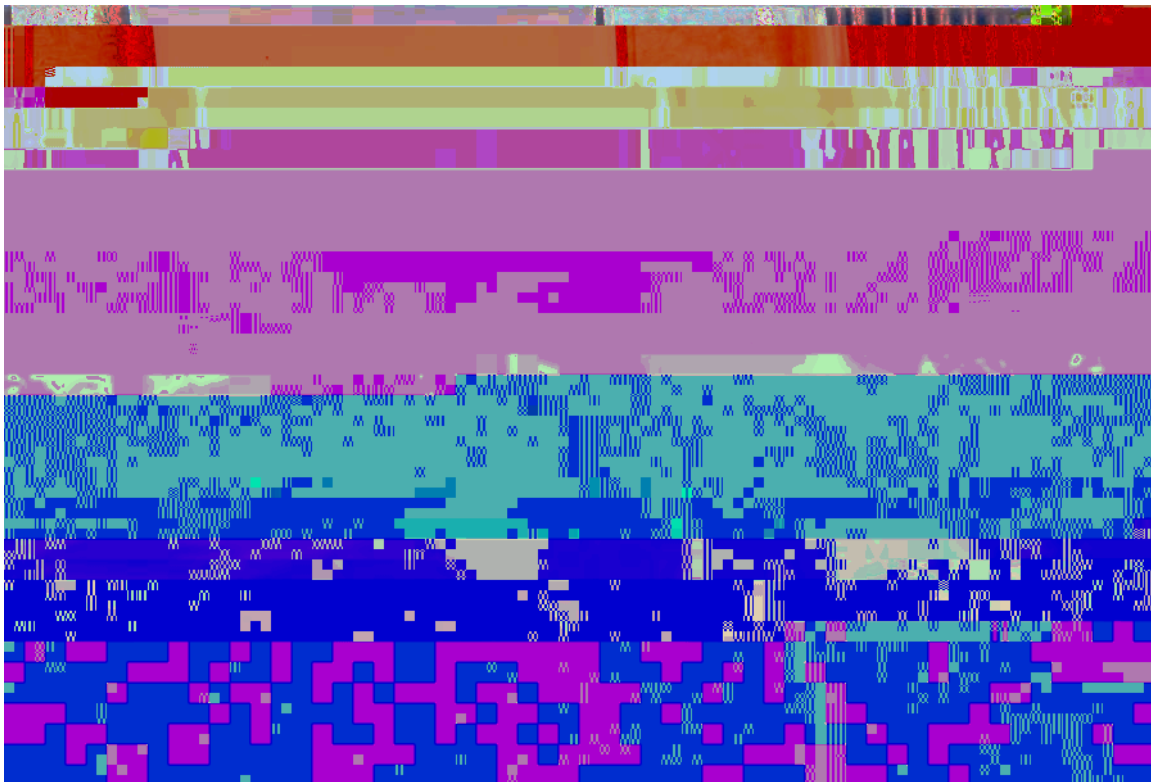
expressed regrets that instead of starting with the current challenges faced by both the formal and informal systems, the reverse was being done by beginning with the kind of

The Solicitor General acknowledged that the lack of police was a problem, particularly in rural areas. He said that a professional standards unit had been created in the National Police Department to investigate complaints against police.

He noted that, despite the serious nature of the challenges facing the justice system, including the lack of public education, there is great political will to rebuild a nation based on equal treatment under the law. He concluded that: “we can sustain peace in Liberia if every one is committed to this vision.”

**Associate Supreme Court Justice Kabineh Ja’neh**

He commended the MOJ for their tireless efforts and the Carter Center for its initiative in organizing such a meeting of a broad cross section of stakeholder. He said that if there is to be improved and easy access to justice there are a lot of actors who must play an effective role, inside and outside the Judiciary. His remarks focused on the need for coordinated and constructive capacity building at all levels, although noting that there is also a need to identify the people who should be trained. His Honor termed as an eye opener a recent survey done by the Judiciary on the educational profile of employees of the Judiciary Branch in Montserrado County. He said that they found that many of the clerks and magistrates were of grade level 6 and below. He speculated that the education level of magistrates and employees in rural areas would likely be lower.



*Kamudoni Nyasulu, Director of UNMIL's Legal and System Support Division provides opening remarks.*





**Mama Toomeh, Chairperson of Traditional Women United for Peace**, was introduced as being one of Liberia's foremost traditional women leaders. She told the meeting that she has organized a village on the Bomi Hills High Way which caters to the needs of women affected by war, some of whom were raped or had sons and husbands killed in their presence. She explained that, in the past, some "civilized women" have accused Liberian women of being responsible for the way they are treated by men. But now awareness campaigns have opened the eyes of traditional women and they have taken their destiny into their own hands by trying to empower each other. Her organization works to alleviate the trauma of women affected by war, informs women of their rights and how to seek redress, offers skills training in farming, tie & dye, soap making, brick making and traditional home management, and organizes Palava Hut meetings to counsel each other and provides adult literacy classes. Mama Toomeh said that there are some negative traditions that had to be removed but stressed that there are many good customary practices that should be utilized and that she welcomed discussions on how best to help the people meet their needs for justice.

**J. Levi Banny, Assistant Minister for Legal Affairs in the Ministry of Internal Affairs**, commended The Carter Center for a job well done. He noted that the Association of Female Lawyers in Liberia (AFELL) had led a campaign to reform marriage and inheritance laws so that women were no longer their husband's family's property. He noted that trial by ordeal was first abolished in 1941 in a case where a lot of people died in Sinoe County as a result of a trail by ordeal. This ruling was further confirmed in 1961 when the Supreme Court ruled it unconstitutional and illegal in the case of Grand Bassa vs. Horrace. But the Assistant Minister noted that trial by ordeal is difficult to eliminate because it is in the people's culture. The way to address the problem is through education about the ills in the practice of the kind being done by The Carter Center.

### **III. MODELS OF COMMUNITY LEGAL ASSISTANCE**

**Anthony Valcke, Country Director for the American Bar Association (ABA) in Liberia**, gave an overview of their program activities. The ABA provides free legal services through their clinic at the law school, their clinic in Buchanan, and through partner organizations, including the Catholic Justice and Peace Commission Community Legal Advisor program in the southeast. They provide attorneys to the Ministry of Justice, assist with the judicial training institute and are involved in the creation of victim support offices. They provide mediation services and work to coordinate mediation training throughout the country. They offer subject matter expertise in legal reform efforts. And they provide capacity building support by conducting training in the Ministry of Justice and by offering assistance to the Liberian Bar Association.

Valke said there appears to be a quota on the amount of students that are allowed to graduate each year from the law school.

**Thomas Mawolo of the Catholic Justice and Peace Commission (JPC)** described his organization's work in the southeast. Through a partnership with The Carter Center they provide have established a Community Legal Advisors program implemented by JPC County Monitors who conduct educational outreach, mediation services, and referral to court, with the assistance of an ABA attorney, for serious cases. This work is currently

being piloted in the five southeastern counties and it is hoped that it will be expanded as the program matures and continues.

**Karngar Finley of the Foundation for International Dignity (FIND)** described his organization's work in Liberia. FIND provides human rights monitoring and documentation, a legal aid program, and border monitoring between Liberia and Cote d'Ivoire (with UNICEF) to deter and detect child trafficking.

**Cora Hare of the American Refugee Committee (ARC)** described their gender based violence program. The ARC provides education about the formal court system, particularly how to bring a case to court and what to expect once there. In addition, they provide social workers to assist with the challenges of the legal system. The ARC has no lawyer on staff so when a case gets scheduled for a hearing they partner with FIND who provides an attorney.

Challenges include: adult suspects claiming to be juveniles; corruption in the court system; and the life in prison sentence for rape discouraging people from reporting the crime because of their reluctance to be the person deemed responsible for sending someone to prison forever.

**Joseph Jackson of the Norwegian Refugee Council (NRC)** said their main program focus is land disputes. Their work has three components: 1. case-by-case intervention with facilitated negotiation; 2. capacity building; and 3. an information campaign.

**Michael Best and Bilal Siddiqi of the Centre for the Study of African Economies at Oxford University** presented their preliminary access to justice survey data. A summary is contained in Appendix III.

**Simeon Koroma of Timap for Justice** described the successful legal aid program in neighboring Sierra Leone in which his organization participates. Sierra Leone has a dual system of justice that incorporates the traditional and statutory systems. Approximately 70 percent of people who access the justice system make the traditional system their first stop. Over 75 percent of Sierra Leone's population is served by 12 lawyers. The Timap program has four components: 1. Paralegals; 2. Litigation; 3. Community mediation; 4. Engagement with and improvement of the dualist legal system.

### **Questions from the Floor:**

- *What is being done to reduce rape?*

Assistant Minister Swen pointed out that the Association of Female Lawyers of Liberia (AFELL) is working hard on this by involving men in education about rape.

Cllr. Deweh Gray, the President of AFELL, said her organization is working to deliver educational messages to the villages that target youth and men. AFELL attempts to use men as part of their prosecution teams. Cllr. Gray said that AFELL was actively involved in the creation of a nationwide paralegal training program, with clear standards and guidelines, so there will be qualified people on the ground to help people in the villages with their legal needs.



- *Sharon Cooper, UNHCR: What is being done to ensure that the rule of law messages delivered throughout the country are consistent and coordinated?*

Everyone agreed that such coordination must occur.

- *How do the civic education groups address the issue of the stigmatization of rape with the concomitant reluctance of survivors to report the crime (asked by Counselor Lemuel Reeves of UNMIL)?*

It was agreed that such stigmatization is a problem. The civic education groups said that this is addressed by telling survivors of sexual assault they have nothing to be embarrassed about.

A representative of the Ministry of Gender and Development advocated the establishment of safe houses as a response to the problem of stigmatization. Sexual assault survivors could be relocated to these homes outside of their communities if the stigmatization became unbearable. And these homes would also help reduce the incidents of witness tampering in pending criminal cases.

Counselor Johannes Zlahn, an employee of The Carter Center assigned to the Minister of Justice, made the comment that juries are often reluctant to convict a defendant in statutory rape cases – for example, a scenario involving an 18 year old man and a 16 year old girl. He opined that this is because the jurors are hesitant to render a verdict that would send the 18 year old to prison for life, the mandatory sentence for statutory rape. Counselor Zlahn felt the life in prison sentence for statutory rape might be excessive and should be reconsidered.

- *What mechanism has been set in place to stop raping of older women? Posed by Lemuel Reeves to Mama Toomah*

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At the moment there is a

Depending on the legal matter at hand, the possibility exists for citizens to access justice in either system. For example most marriages are performed in accordance with the

## Agenda

9:00am – 9:30am:

9:30am – 9:45am:

9:45am – 10:45am: \_\_\_\_\_

- Problem Statement: Ministry of Justice  
Judiciary  
Ministry of Internal Affairs  
UNMIL Legal and Judicial System Support Division

10:45am – 11:00am:

11:00am – 12:30pm: \_\_\_\_\_

- Civil Society Perspectives: Bong Youth Association, Modia Drama Club, SEWODA, IRCL
- Traditional Perspectives: National Traditional Council, Traditional Women United for Peace

12:30pm – 1:30pm:

1:30pm – 3:00pm: \_\_\_\_\_

- Liberian Access to Justice Initiatives: ARC, ABA, AFELL, FIND, JPC, NRC
- Preliminary Access to Justice Survey Data: Centre for the Study of African Economies, Oxford University
- Simeon Koroma, Timap for Justice, Sierra Leone

3:00pm – 3:15pm:

3:15pm – 4:45pm: \_\_\_\_\_

- Contemporary Legal Reform (Malawi)
  - Kamudoni Nyasulu, UNMIL LJSSD
- Harmonizing Customary & Statutory Law (Sierra Leone)
  - Abdul Tejan-Cole, Sierra Leonean Law Reform Commission
- Contemporary Application of Custom (Ghana)
  - Justice Bawa Akamba, The Supreme Court of Ghana

4:45pm – 5:00pm: \_\_\_\_\_

## APPENDIX II

Transcript of comments<sup>1</sup> by Chief Zarzar Karwor,  
Chairman of the National Traditional Council of Liberia  
Crystal View Hotel, Mamba Point,  
Monrovia, Liberia  
June 20, 2008

Greetings (*Yor hello O*)

*I don't have much to say and I don't know too much of your kind of "Mathematics English"<sup>2</sup> so when I am in your midst, please try to speak at my level or in a way I can understand you easily. When you do speak at my level and give me your message, I will be able to pass it on to my colleagues and the others I represent - who are based in all of the 15 counties: because we have a leadership.*

The National Traditional Council (NTC) was previously based only in Monrovia. But the Government of Liberia through the Minister of Internal Affairs and the President saw that there was a need for national elections to create a leadership that represents the broader population of traditional people. The result of this was the national election, held in Gbanga Bong County, which brought my leadership to power. We however, did not stop there; we reasoned that even with the national Council, we needed to have elections at the local level to strengthen the National Council. Accordingly, we held elections at the county level and elected a core of officers who now form part of the council and work under my leadership. Anything we want here, I channel through them. And anything they want they want from here, they channel through the Council, and I communicate with the Minister and the Minister contacts the President and things are done.

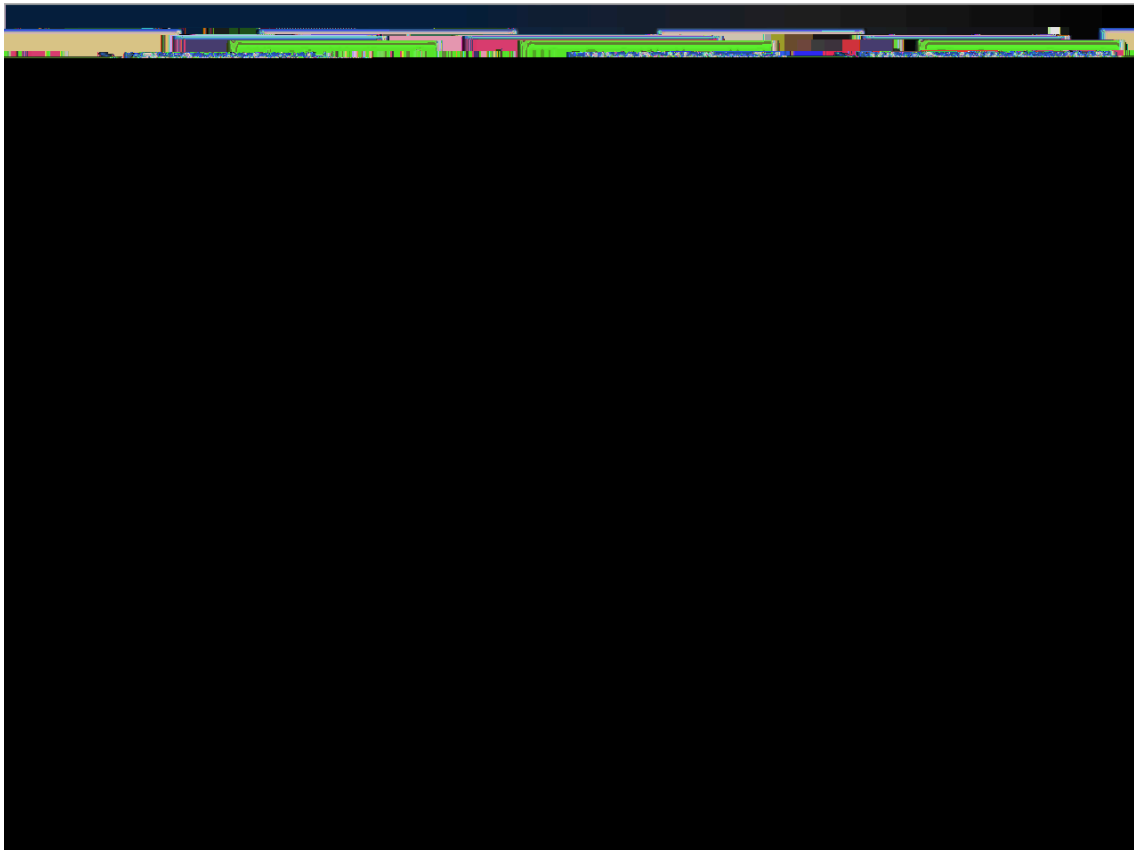
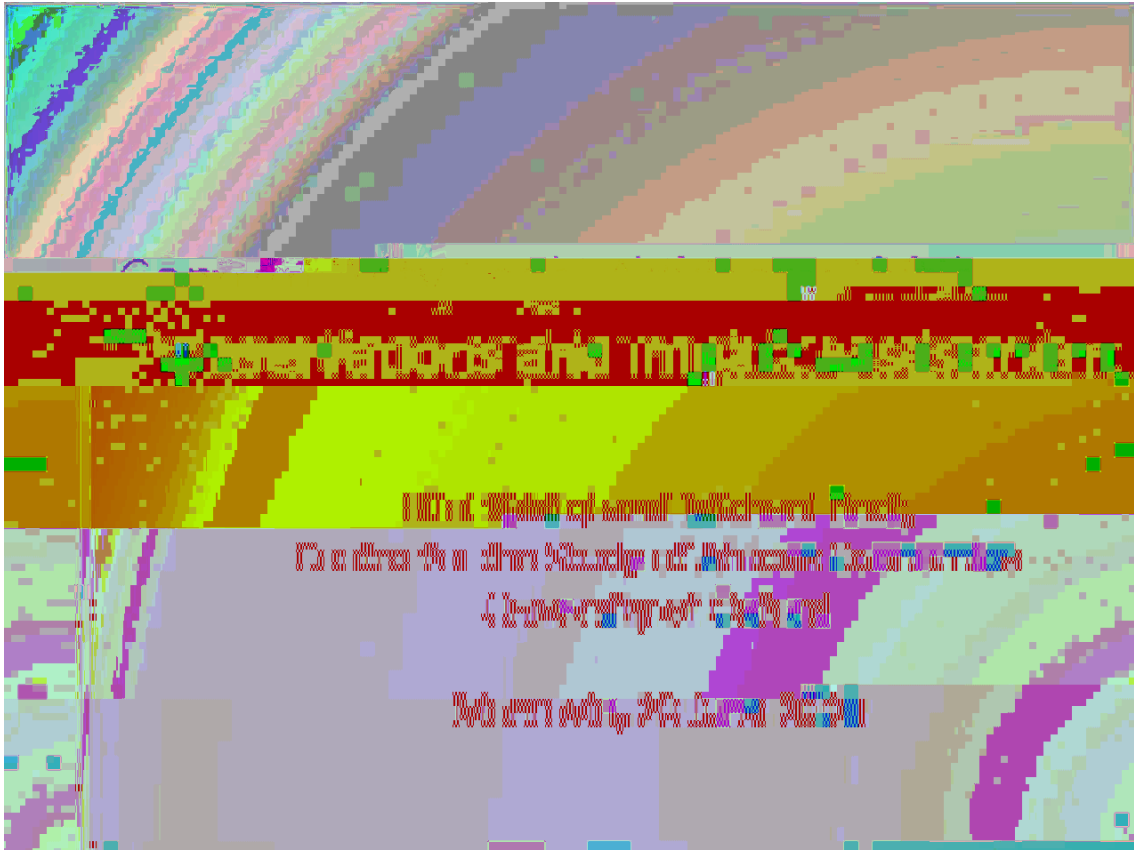
Before proceeding, I want all of us to thank the Carter Center for their work here. They respect old people and they understand and know how to work with us traditional people. They have been working with us and have recognized the significance of the Traditional Council. They have taken steps to include us along with the Ministry of Internal Affairs in various bridge building activities and discussions. The Center has been working with us over time. Our Mother<sup>3</sup> here will tell you all.

***The problem with the Sassywood:*** You have said that Sassywood is not good because you are the practitioners of the law. But look at what is happening around us. There is increasing number of cases of unexplained deaths occurring almost daily: people are dying day and night. What are you all doing about this? We are seeing the bodies – some are found with parts missing: if it is a man, his private parts are missing and if it is a woman, sometimes, the baby is missing. In previous years we had traditional herbalists and witch doctors, and also "Kongtambo"<sup>4</sup> to help us solve such problems. In those days when such mysterious deaths occurred and people were not satisfied, these people were

who continue to die everyday, what will justice do about them? This is why when a criminal is caught, people want to kill them.

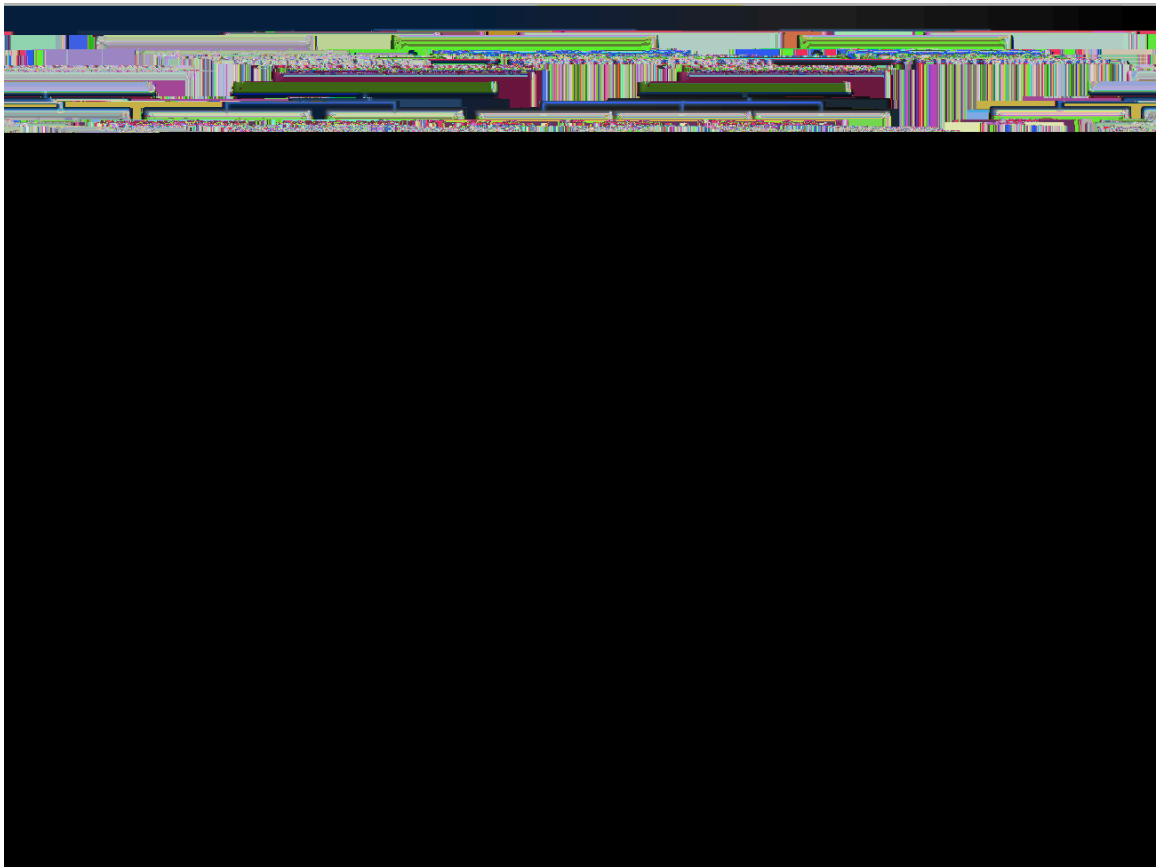
But in recent times, we have been working with the Carter Center to bring about awareness to our children in the counties, encouraging them to respect the law and not take it in their hands. Through this process, we encourage them to listen to the "law people." So, as we consider these issues, it is worth noting t

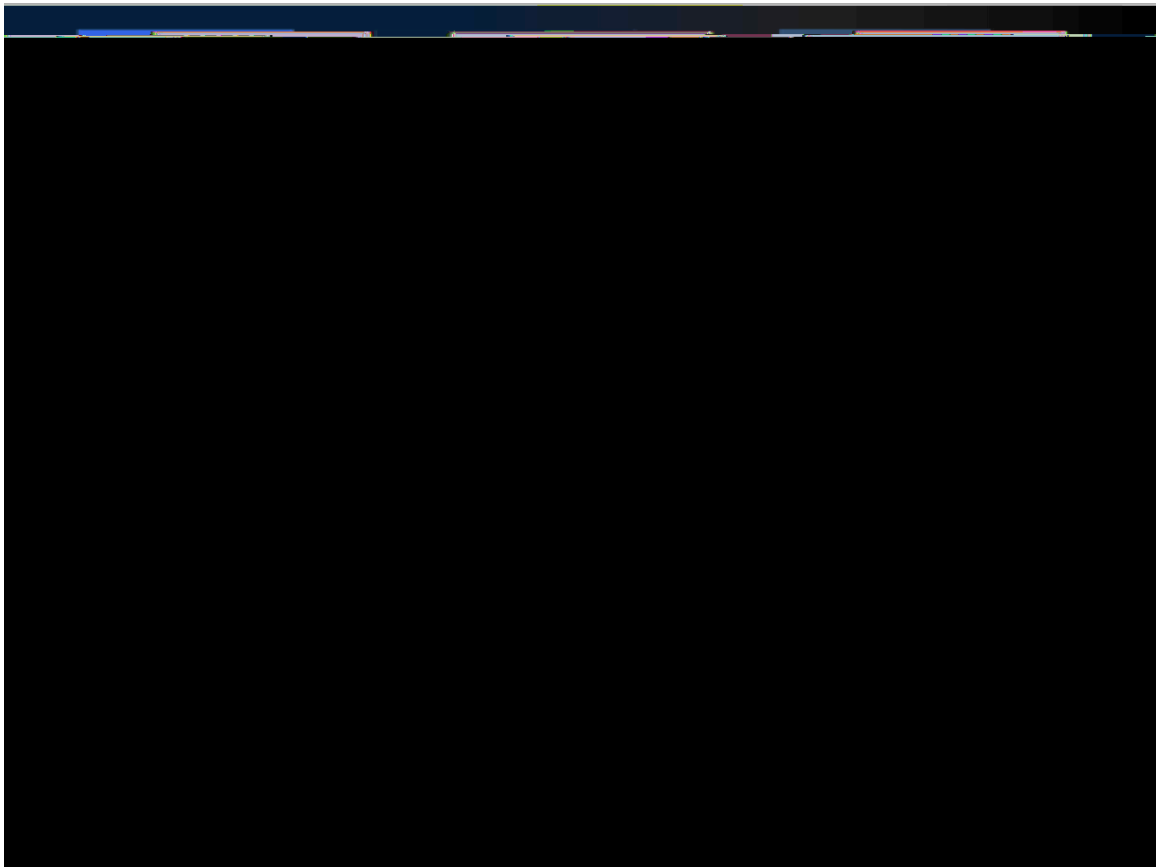
**APPENDIX III**  
**Preliminary Access to Justice Survey Data**

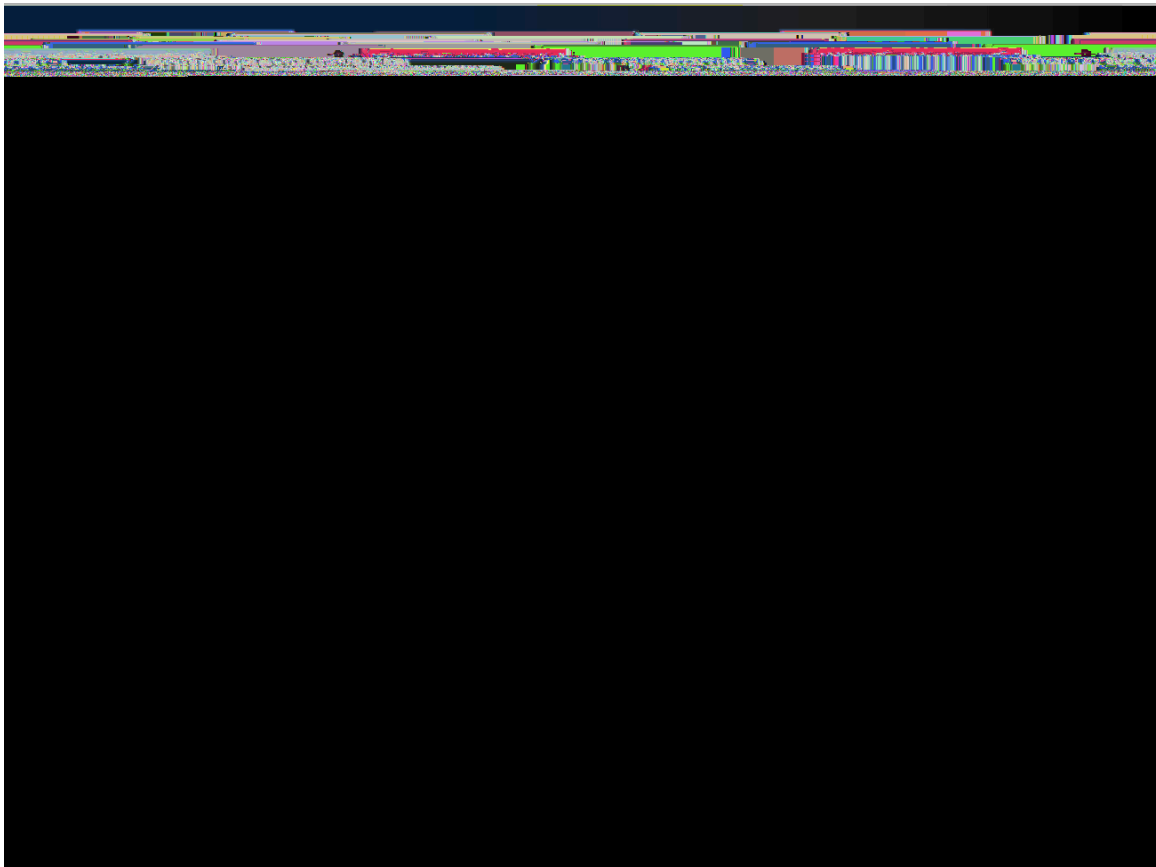
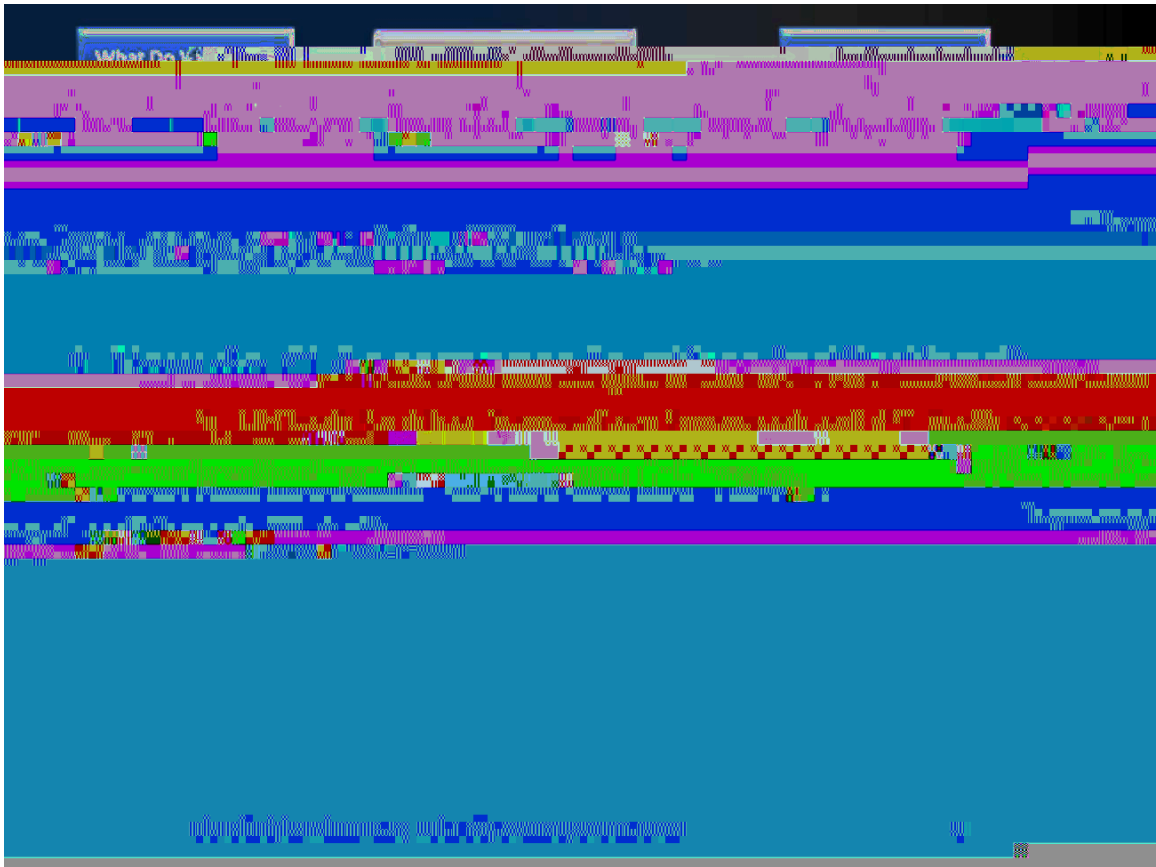


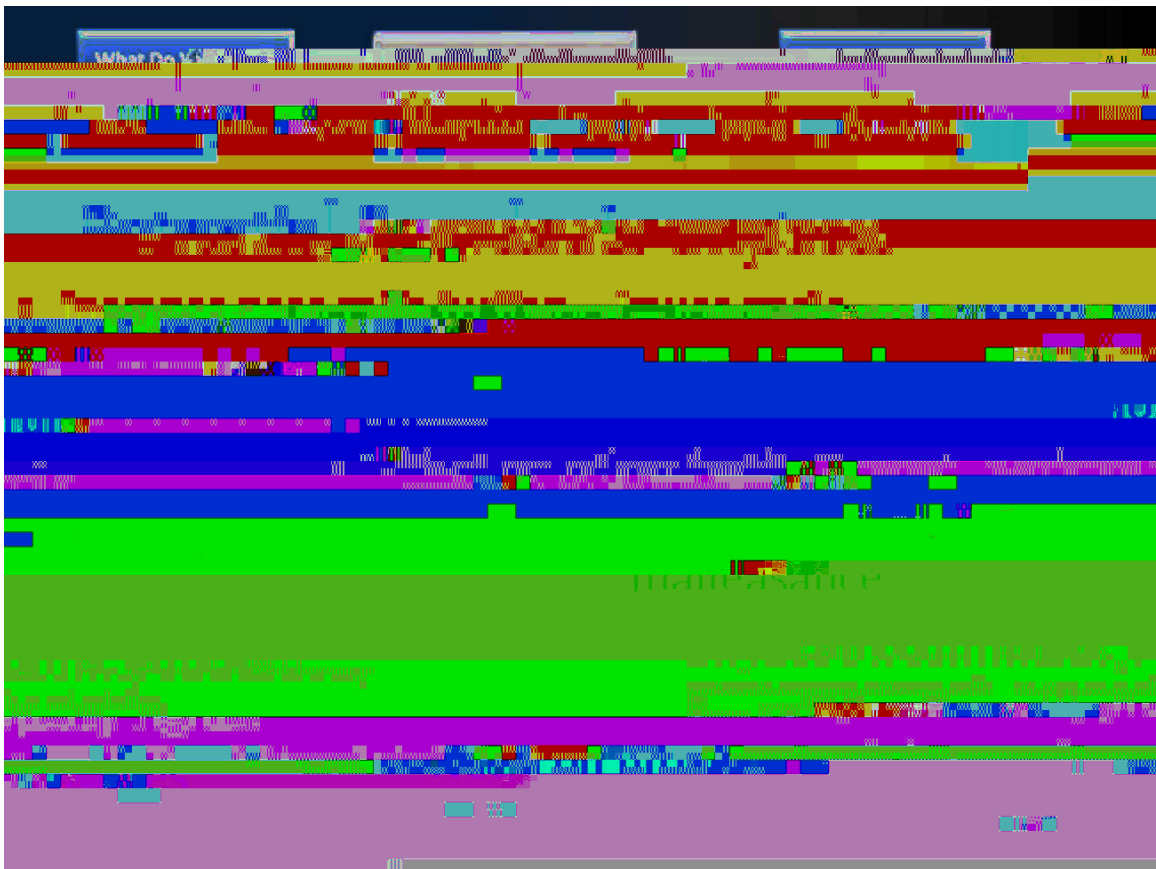


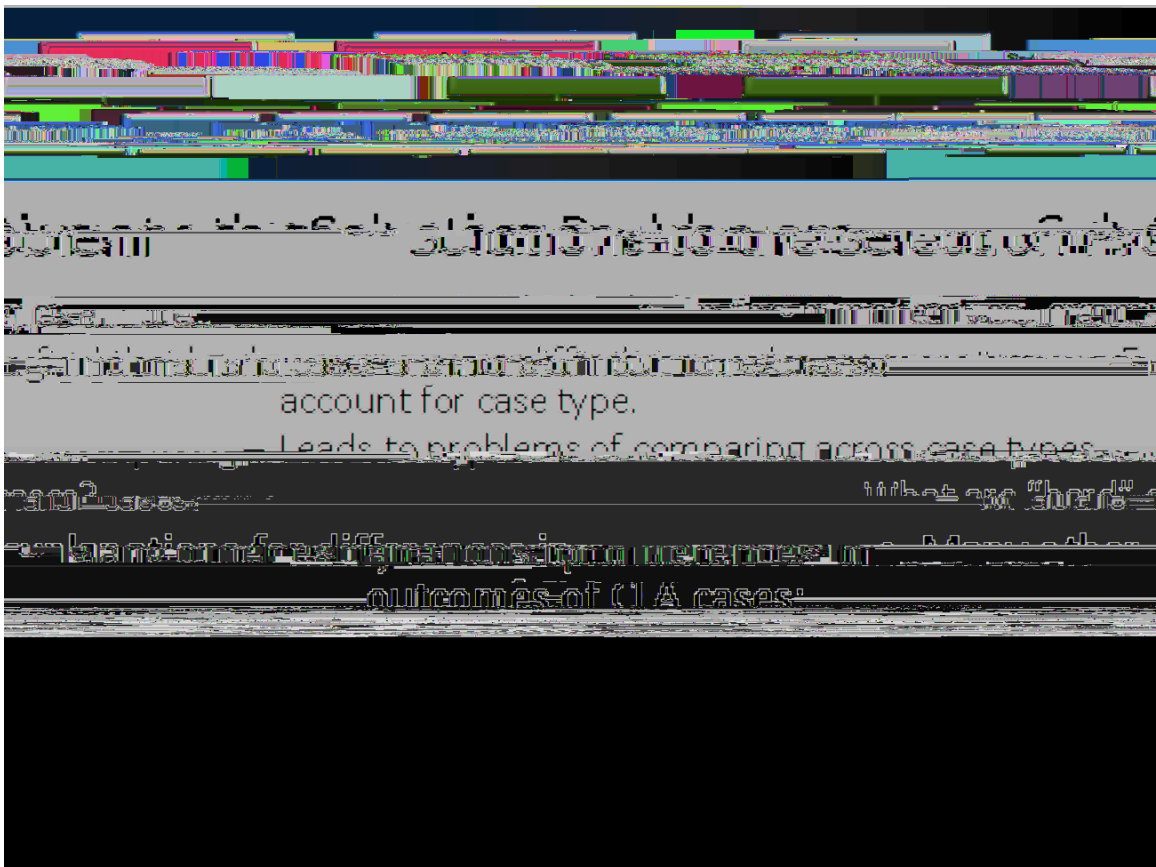


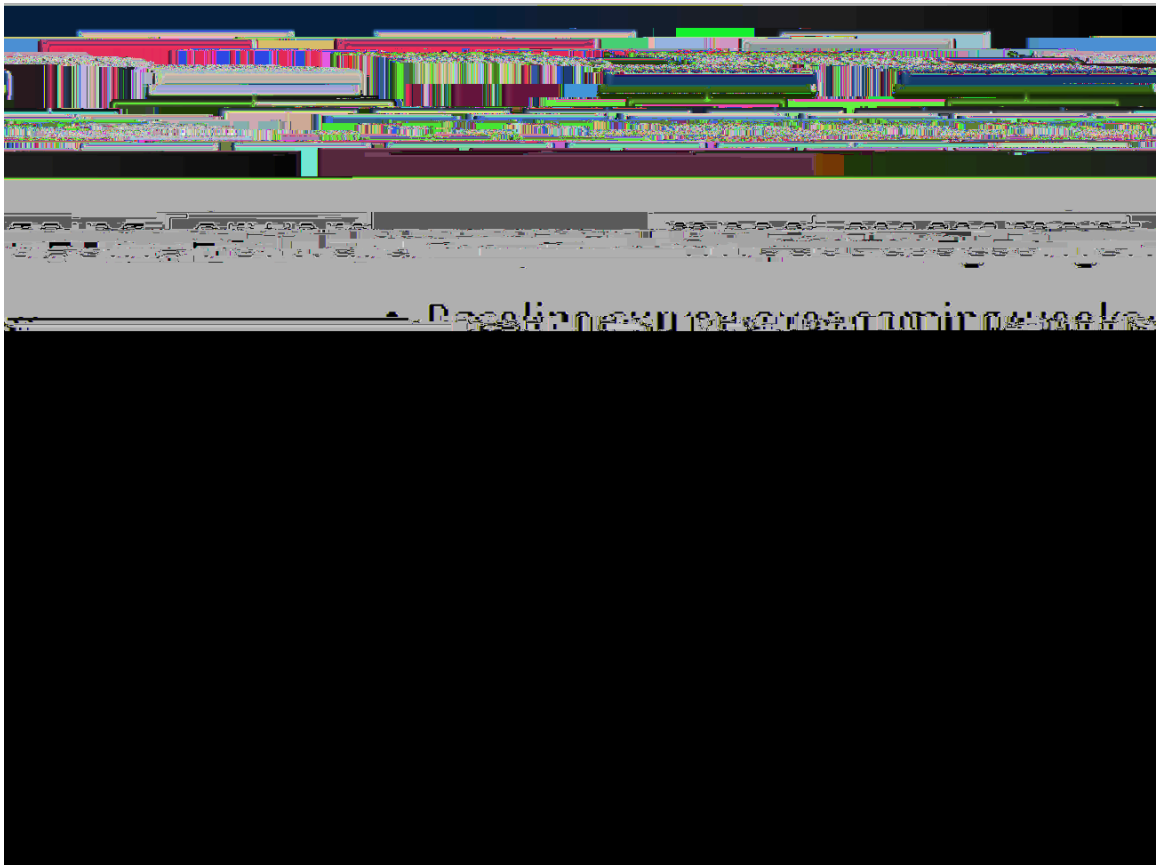
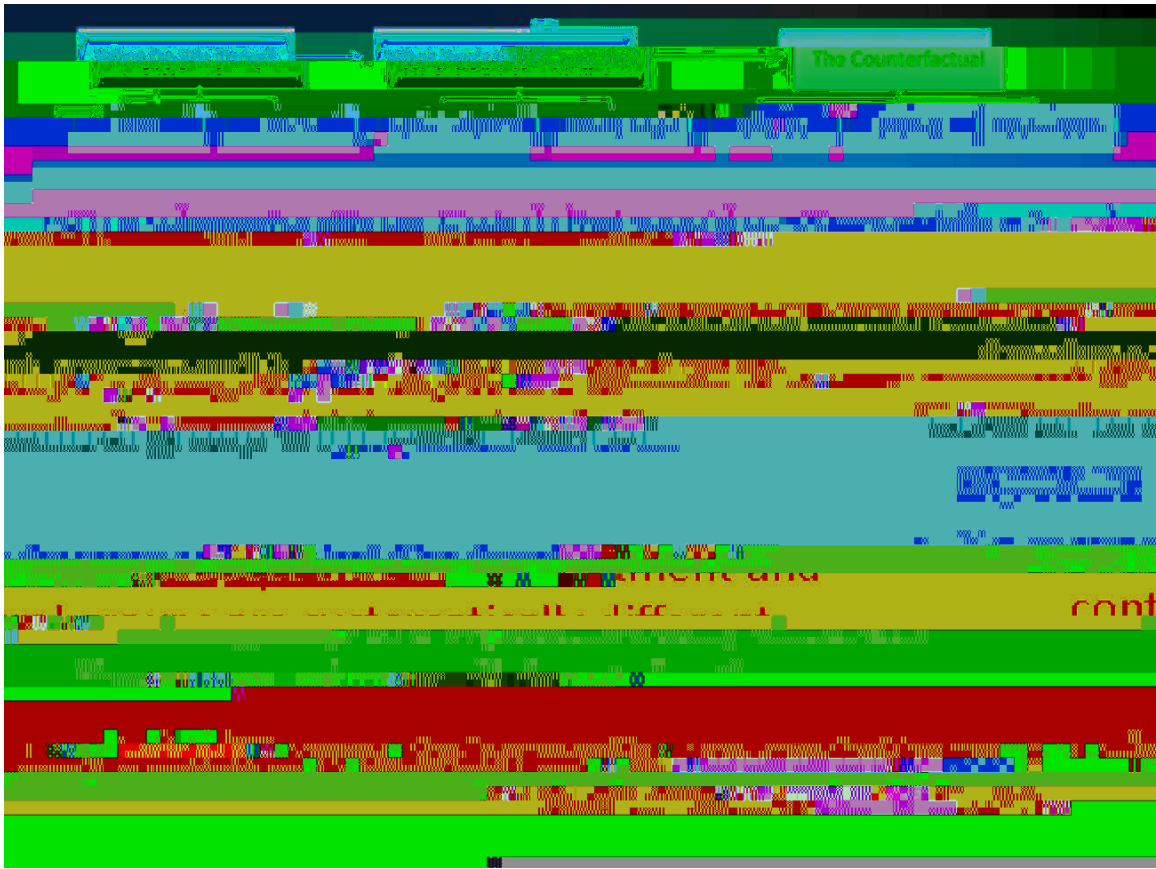












Anthony Valcke	American Bar Association
Counselor Deweh Grey	AFELL
Cora Hare	ARC
Cora Hare	ARC
Emanuel Kwanneh	BYA
Tom Crick	The Carter Center
John Hummel	The Carter Center
Pewee Flomoku	The Carter Center
Jeffrey Austin	The Carter Center
Sean MacLeay	The Carter Center
Counselor David Jallah	Dean Arthur Grimes
Finley Karngar	FIND
Flomo	Flomo Theater
Justice Bawa Akamba	Ghana Supreme Court
Mike Enwall	ILAC
William Togba	IRC
Rev Freeman	IRCL
Counselor Austin Toe	JPC
Thomas Mawalo	JPC
Raymond Chie	JPC
Dorothy Nebo	JPC
J. Levi Banny	Ministry of Internal Affairs
SG Tiawan Gongloe	Ministry of Justice
Counselor Annie Swen	Ministry of Justice
Eva Happy Morgan	Ministry of Justice
Johannes Zlahn	Ministry of Justice/Carter Center
Oscar Dolo	Modia Drama Club
Gertrude Myers	Modia Drama Club
Zanzan Karwar	National Traditional Council
Joseph Jackson	NRC

Cecilia Bratten	PAE
Sheila Weirth	PAE
George Weah	SEWODA
Justice Kabineh Ja'neh	Supreme Court of Liberia
Simeon Koroma	Timap for Justice
Mamma Toomeh	Traditional Women United for Peace
Sharon Cooper	UNHCR
Gudrun Fredriksjonsdottir	UNIFEM
Henrietta Mensa-Bonsu	UNMIL DSRSG
Counselor Lemuel Reeves	UNMIL LJSSD
Stephanie McPhail	UNMIL LJSSD
Kamudoni Nyasulu	UNMIL LJSSD
Niveda Ricks	UNMIL LJSSD
Tracy Johnson	US Embassy