



"THE JUSTICE WATCH"



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This project is supported by UNDP with the generous contribution from the US Department of State, INL

June, 2019

Special Edition

A Special Edition on the implementation of Bail Regulations, 2018

In December 2018, the Centre for Accountability and Rule of Law-Sierra Leone (CARL-SL) signed a \$100,000 grant agreement with the UNDP's Rule of Law (RoL) section to undertake a project aimed at supporting the judiciary in the implementation of the Bail Regulations, 2018.

The key deliverables of the project include monitoring of at least 3,000 court cases across five districts: Western Area, Bombali, Kambia, Bo and Port Loko. CARL, together with two partners; Prison Watch-Sierra Leone and Humanist Watch-Salone (HUWASAL), organised a joint capacity building session for twenty-two court monitors and six data entry clerks to assist in monitoring the adjudication of bail. The capacity building workshop focused exclusively on the Bail Regulations and related court procedures.

CARL and its partners organized an informational press conference with more than twenty journalists representing major media outlets. The journalists were apprised of the Bail Regulations, 2018 and court monitoring project. An appearance on the Sierra Leone Broadcasting Corporation (SLBC) immediately followed the press conference and a radio discussion program was held with Africa Young Voices (AYV). Further radio discussion programs are planned to further promulgate the Bail Regulations, 2018 and the project.

Stakeholders such as the Sierra Leone Police (SLP), Judiciary, prosecutors, media, civil society

organizations and traditional leaders attended lively and informative community dialogue sessions. These sessions began in Port Loko and are on going.

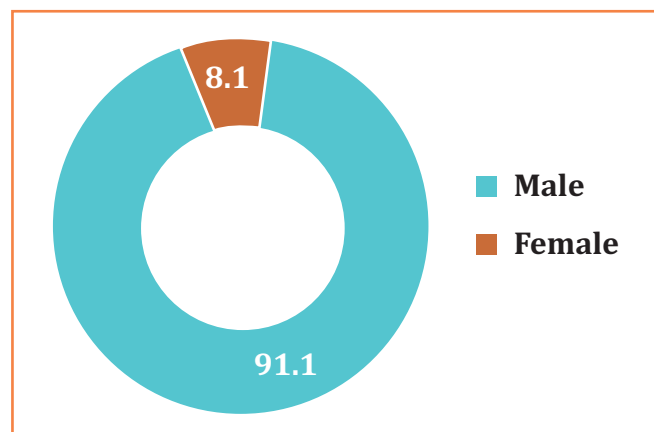
Monitoring Data:

Since January 2019, CARL, Prison Watch SL and HUWASAL have monitored and analysed 1,017 court cases across 12 judicial districts.

The data shows of the 1,017 court cases monitored:

- 935 of the accused persons were male, representing 91.9%,
- 82 of the accused were women, representing 8.1%.

Distribution of monitored cases by gender (percentage)



Distribution of monitored cases:

The distribution of court cases per district:

- ✍ Western Area Urban recorded 560 cases, Representing 55.1% of all cases monitored
- ✍ Western Area Rural had 44 cases accounting for 4.3% of all monitored cases,
- ✍ Bo recorded 120 cases, representing 11.8%,
- ✍ Port Loko recorded 122 cases, representing 12%,
- ✍ Bombali recorded 52 cases, representing 5.1% of cases monitored.

Distribution of monitored cases by district (percentage)

District	Monitored Cases	
	Frequency	Percentage
Bo	120	11.8
Bombali	52	5.1
Bonthe	1	0.1
Kailahun	4	0.4
Kambia	46	4.5
Kenema	42	4.1
Kono	11	1.1
Port Loko	122	12.0
Pujehun	11	1.1
Tonkolili	4	0.4
W/Urban	560	55.1
W/Rural	44	4.3
Total	1017	100.0

Most Prevalent Offences:

An analysis of the most prevalent offences indicates the following:

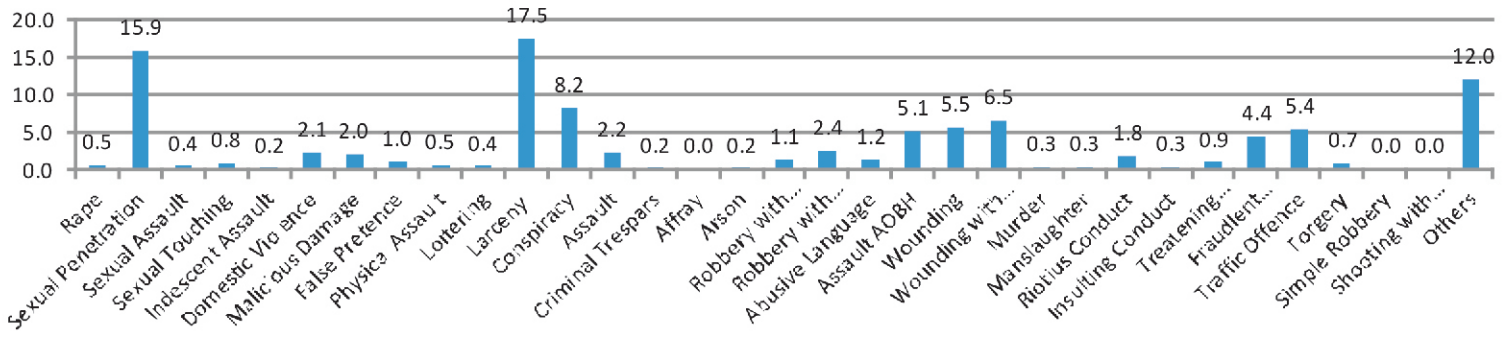
A total of 215 court cases related to larceny, representing 17.5% of all cases monitored. The data shows that the second most prevalent offence was sexual penetration at 195 cases, representing 15.9% of cases monitored. Crucially, of the 1,017 cases monitored across 12 districts, only 6 rape cases were mentioned in court, which accounts for just 0.8%. Compared to cases of sexual penetration (15.9%), it shows clearly that incidents of sexual penetration outnumber those relating to rape. All sexual related offences nationally account for 216 offences and represents 17.6% of offences monitored. The 216 sexual offences include sexual penetration, rape, sexual assault and sexual touching.

Other offences such as conspiracy related offences (8.2%), wounding with intent (6.5%), wounding (5.5%), and traffic related offences (5.4%) were

also recorded. 62 cases relating to sexual assault. The balance of the sexual offences included sexual assault, rape and sexual touching. Causing grievous bodily harm represented 5.1% of total cases, and fraudulent conversion, representing 4.4% of cases monitored, amongst the most

All sexual related offences nationally account for 216 offences and represents 17.6% of offences monitored.

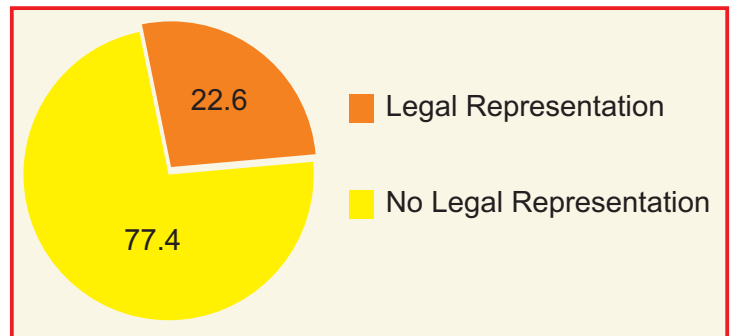
common offences. A number of other offences not listed on the monitoring tool, represented 12.0% of total cases monitored, were also captured. In the preparations and discussions involving the monitoring template, a number of offences were not specifically listed. These include: obtaining money by false pretence, possession of cannabis, possession of unlawful weapons, burglary, etc. When monitors encounter these offences, they are indicated by "others" on the template. Thus, 12% of the court cases monitored were not specifically listed on the monitoring template.



Legal Representation:

From the total number of court cases monitored across 12 judicial districts, 230 accused had legal representation and 787 had no legal representation. Of the 230 cases, where the accused were with legal representation, 155 were granted bail, accounting for 67.4% of the 230 cases. 75 others were denied bail for various reasons such as failure to meet bail conditions, failure to pay court fees or fines for sentencing, etc.

Distribution of Monitored Cases by Legal Representation (percentage)



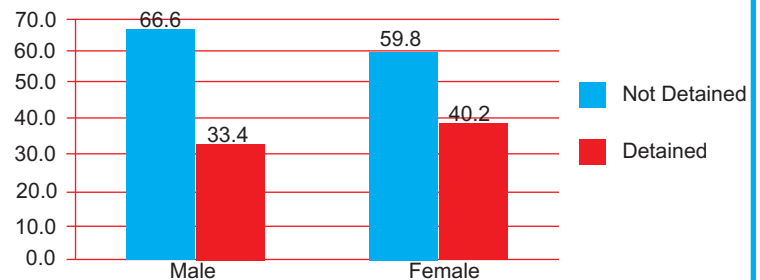
Within the 230 cases with legal representation, 35 were women and 195 were men. From the unrepresented accused, 787, 47 were women and 740 were male. From the 787 cases that had no legal representations, 517 were granted bail, representing 65.7% of the 787 cases. 270 were denied bail because of the same reasons above. The total number of cases with and without legal representations that were granted bail is 672, representing 66.1% of the 1,017 cases monitored. The total number of cases with and without legal representations that were denied bail is 345 representing 33.9% of the 1,017 cases monitored.

Detention:

From the 1,017 cases monitored, 672 cases were not detained; 623 (66.6%) of the 935 cases for male and 49 (59.8%) of the 82 cases monitored for female.

345 cases were detained for various reasons, ranging from failure to meet bail conditions, failure to pay court fees/fines, flight risk, etc. Of this 345, 312 (33.4%) were male and 33 (40.2%) were female.

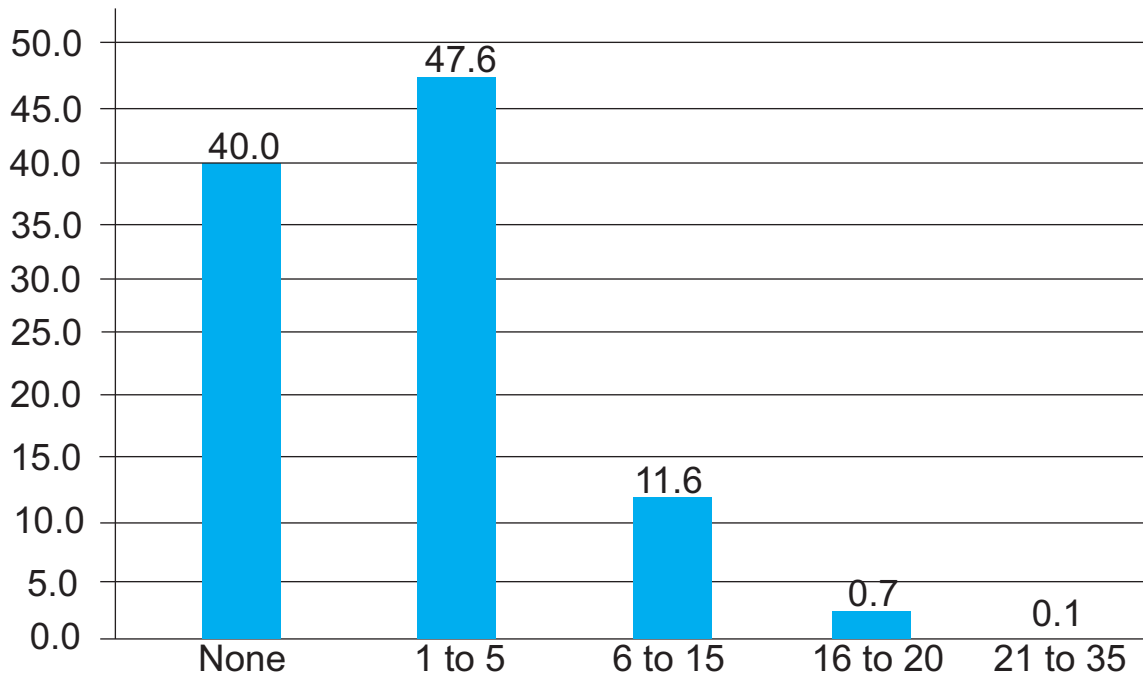
Distribution of Detained and Not Detained Accused by Gender (%)



Adjournment:

According to the 1,017 monitored and analysed court cases, 407 cases had no previous adjournments. Meaning, of the total number of cases monitored, 407 were first time appearances, accounting for 40.0% of all the monitored cases. 484 (47.6%) cases have been adjourned between 1 to 5 times, 118 (11.8%) cases between 6 to 15 times, 7 (0.7%) cases between 16 to 20 times, and 1 (0.1%) case that has been adjourned between 21 to 35 times. The template did not provide space for the tracking of precise numbers of adjournments but it is possible to monitor. Monitoring can be done using the CS# of cases from their first appearance to the time an accused is granted bail, committed or the conclusion of the case.

Distribution of Monitored Cases by Number of Previous Adjournment (%)



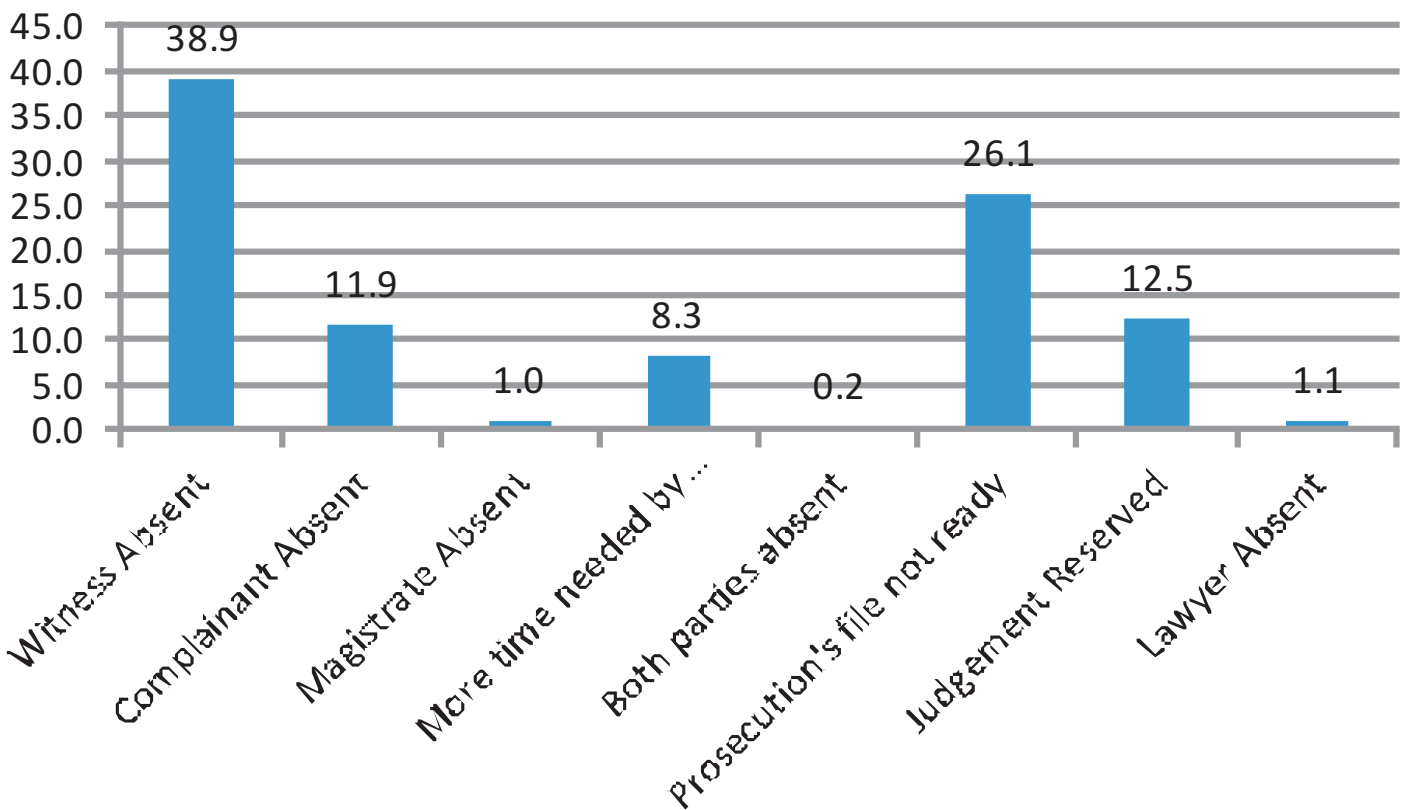
Reasons for Adjournments:

According to the 1,017 cases monitored, 809 (79.5%) cases were adjourned for various reasons and 208 (20.5%) cases were never adjourned.

From the total number of cases monitored, reasons for adjournments include:

- ➔ 315 (38.9%) cases were adjourned because “witness absent”.
- ➔ 211 (26.1%) cases were adjourned because “prosecution's file not ready”.
- ➔ 101 (12.5%) cases were adjourned because of “judgement reserved”.
- ➔ 96 (11.9%) cases were adjourned because “complainant absent”.
- ➔ 67 (8.3%) cases were adjourned because “more time needed by court for bail”.
- ➔ 9 (1.1%) cases were adjourned because of “lawyer absent”.
- ➔ 8 (1%) cases were adjourned because of “Magistrate absent”.
- ➔ 2 (0.2%) cases were adjourned because of “both parties absent”.

Distribution of Cases by Reasons for Adjournment (percentage)



From the 1,017 court cases monitored, 208 cases were never adjourned for a variety of reasons:

- ➔ Cases were committed to the High Courts,
- ➔ Cases were acquitted and discharged,
- ➔ Cases were passed verdicts on (either fined/sentenced or both),
- ➔ Cases were cautioned and discharged etc.

Bail Granted/Denied

According to the total number of cases analysed (1,017), 532 (52.3%) cases were granted bail. 62 (75.6%) of the 82 female cases were granted bail and 470 were male, representing 50.3% of the total number (935).

Also, 457 (44.9%) of the total cases monitored were denied bail despite beingailable at the magistrate court level. Of these 457 cases, 18 were female, representing 22.0% of the total 82 of female cases, and 439 (47%) were male.

Distribution of Monitored Cases by Bail Regulations (percentage)

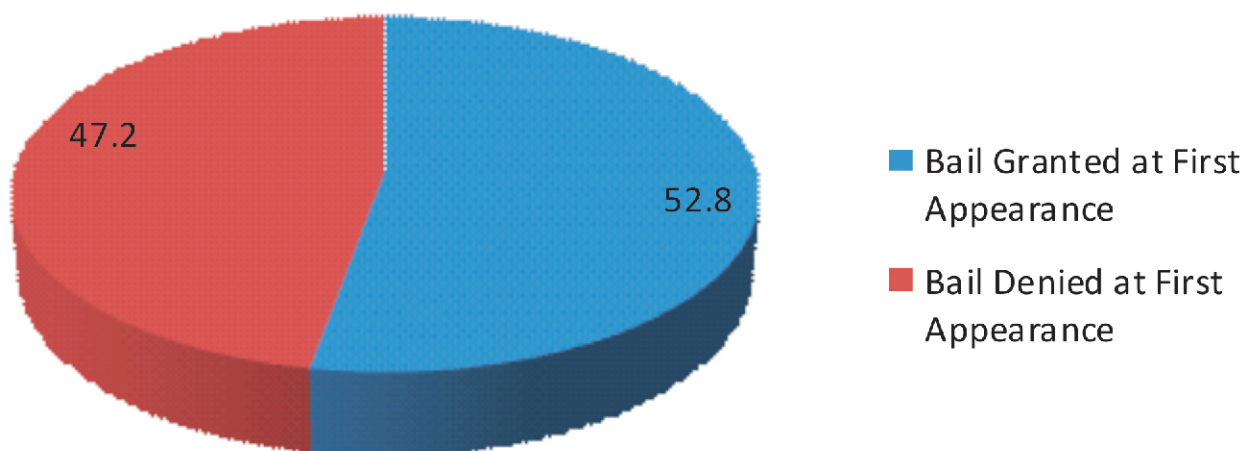
Bail Condition	Male	Female	Total
Bail conditions were set	50.3	75.6	52.3
Bail granted for non-bailable offence	0.2	0.0	0.2
Bail denied for a bailable offence	47.0	22.0	44.9
Bail Granted on condition contrary to the regulations	0.7	0.0	0.7
Prosecution did not object to bail through an affidavit	0.2	1.2	0.3
Others	1.6	1.2	1.6
Total	100.0	100.0	100.0

First Appearance and Bail:

From the 407 court cases that were first appearances, 215 (52.8%) cases were granted bail at first appearance. 192 (47.2%) cases were denied bail at their first appearance. Upon

first appearances before the court, bail was granted or denied for a variety of reasons. The first appearance cases that were denied bail included charges of robbery with violence, robbery with aggravation, child trafficking, rape and sexual penetration. Other offences such as wounding, larceny, abusive language, traffic offences, conspiracy, etc. tended to be granted bail on first appearance in court.

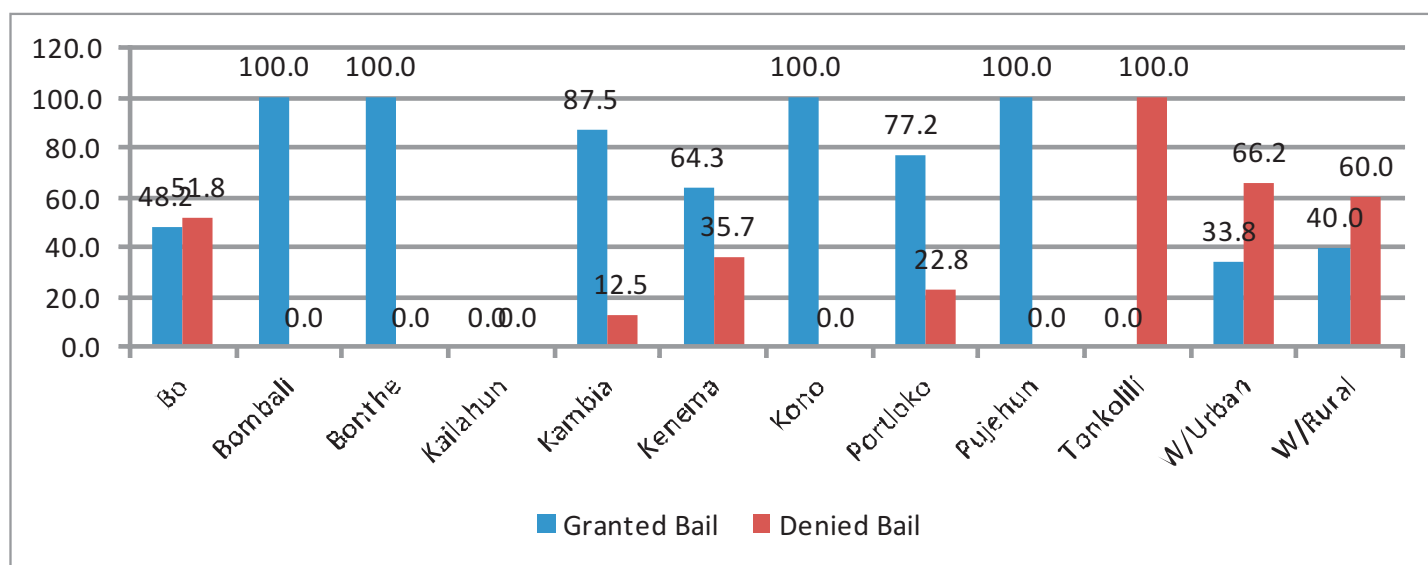
Distribution of Bail Granted or Denied at First Appearance (percentage)



Cases by District that were either granted or denied bail at first appearance:

- ➔ Western Urban recorded 198 first appearance cases; 67 were granted bail representing 33.8% and 131 were denied bail representing 66.2%.
- ➔ Port Loko recorded 79 first appearance cases; 61 were granted bail representing 77.2% and 18 were denied bail representing 22.8%.
- ➔ Bo recorded 56 first appearance cases; 27 were granted bail representing 48.2% and 29 were denied bail representing 51.8%.
- ➔ Kambia recorded 40 first appearance cases; 35 were granted bail representing 87.5% and 5 were denied bail representing 12.5%.
- ➔ Kenema recorded 14 first appearance cases; 9 were granted bail representing 64.3% and 5 were denied bail representing 35.7%.
- ➔ Bombali recorded 7 first appearance cases and all 7 accused/defendants were granted bail at their first appearance representing 100% of first appearance cases.

Distribution per district of bail granted or denied cases at first appearance (percentage)



Bail and Bail Regulations Consistency:

From the total number of 1,017 cases monitored, 531 were said to be consistent with the Bail Regulations, 2018 accounting for 52.2%. However, 486 of cases monitored were said to be inconsistent with the Bail Regulations (47.8% of monitored cases).

Districts that are consistent and comply with the Bail Regulations, 2018 in terms of proportional application include:

- Bombali recorded 52 cases and 46 were consistent with the Bail Regulations, 2018 representing 88.5%,
- Kambia recorded 46 cases and 40 were consistent with the Bail Regulations, representing 87.0%,
- Port Loko recorded 122 cases and 84 were consistent with the Bail Regulations, representing 68.9%,
- Bo recorded 120 cases and 74 were consistent with the Bail Regulations, representing 61.7%,
- Western Rural recorded 44 cases and 22 were consistent with the Bail Regulations, 2018 representing 50.0%, and,
- Western Urban recorded 560 cases and 216 were consistent with the Bail Regulations, 2018 representing 38.6%.

Distribution per district of monitored cases whether bail conditions were consistent or inconsistent with bail regulations (percentage)

