



Access to Justice in a Transitional Period: Lessons Learned Consultation

Report of the Proceedings

Convened by:
The Ministry of Justice,
UNMIL LJSSD and The Carter Center

June 20, 2008
Krystal Oceanview Hotel
Monrovia, Republic of Liberia

OVERVIEW:

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.

WELCOME:

Tom Crick, Assistant Director and Senior Political Analyst of The Carter Center's Conflict Resolution Program, delivered welcoming remarks. He introduced the co-sponsors of the conference and provided an overview of The Carter Center's work in Liberia to support access to justice. Under a Memorandum of Understanding with the Ministry of Justice, the Center is helping to provide short and long term capacity building support to the ministry and working in rural areas to educate the population on the role of the ministry of justice and new laws. In addition, the Center is working with the Catholic Justice and Peace Commission to pilot a Community Legal Advisor project in the Southeastern states, and is working with the Ministry of Internal Affairs and the National Traditional Council to share information on current reforms and discuss their relationship to existing traditional practices.

Mr. Crick introduced the program as being divided into four sessions, devised to offer a cross-section perspective from a variety of actors engaged in access to justice issues. The sessions were as follows:

- Session 1 - Context & Reform: Problem Statement
- Session 2 - Presentation of Community Perspectives
- Session 3 - Models of Community Legal Assistance
- Session 4 - Comparative Reform Models

I. CONTEXT OF REFORM - PROBLEM STATEMENT:

Kamudoni Nyasulu, Deputy Director of UNMIL's Legal and Judicial System Support Division, presented the problem statement. He noted problems exist in both the formal and informal systems. In the formal system there exists a shortage of lawyers, a need to reform court administrative procedures, and transportation barriers that restrict access to the courts. In the informal system there is a lack of legal knowledge regarding which system (formal or informal) is the appropriate venue to settle a dispute. UNMIL wants to see better access to justice in both the formal and informal systems. The Malawi model might provide the framework for a Liberian solution.

Another problem is the vexing issue of determining at what point administrative function ends and a judicial function begins. UNMIL would like to see this issued resolved. He

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 reforms to be instituted. He indicated Partners would like to see more of how Government will proceed in matters of how justice is delivered and what can be done about harmful practices.

Cllr. Annie Wesley Swen, Assistant Minister for Administration, Ministry of Justice greeted participants and thanks all partners for their support and participation. She extended the regrets for Hon. Minister Phillip Z. Banks who had been called to an emergency cabinet meeting on the occasion of the release of provisional census data. Cllr. Swen supported the opinion of Mr. Niasulu that there is a need to demarcate the judicial authority from that of the traditional and also judicial authority from executive authority. She noted three critical problems facing Liberia are access to justice, qualifications of magistrates, and a shortage of police officers.

Henrietta Mensa-Bonsu, Deputy Special Representative to the Secretary General/Rule of Law stated that she was present to offer UNMIL's full support to the subject of the meeting. She stated that there was a great need for people to experience genuine, practical access to justice. She identified three particular challenges: geographical and substantive access; quality justice; and the financial cost to citizens for participating in trials. In particular, she noted that too many indictments went unprocessed due to loss of interest in the case. The Deputy Special Representative encouraged the creation of one Liberia where all are treated equally under the constitution and in compliance with international standards. She urged monitoring of access to justice, including the quality of justice.

Cllr. Tiawan Gongloe, Solicitor General explained that, in his view, the most important rule of law activities are the person to person education program such as Palava hut discussions. He thanked the Carter Center for its work in this area and requested the Center to add peaceful resolution of land disputes to their programming activities. He also expressed an interest in the continuation of the County Attorney training programs, thanking the Carter Center and UNMIL LJSSD for their support to date.

The Solicitor General identified a number of problems facing the Liberian justice system that hamper sustainability:

1. Poor salaries for county attorneys;
2. Poor educational level of rural officials;
3. Lack of defense counsel;
4. Deficient infrastructure (courthouses, detention centers, and county attorney offices).

He said that, broadly, the goal was to continue to provide professional training the current magistrates so that it would not be necessary to replace them, rather than replacing them. He reminded everyone that there are no authorized court fees in criminal cases (distinguished from fines which are allowed) so any money paid for criminal court fees was illegally obtained by court personnel.

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.

II. PRESENTATION OF COMMUNITY PERSPECTIVES

Cllr. Deweh Gray, President of the Association of Female Lawyers of Liberia (AFELL) said that AFELL, founded 1994, is a non governmental non political association of female Lawyers working to support women and the law through advocacy and lobbying. AFELL was founded in 1994 to help reform the law. The basic functions of AFELL:

- Ensure the rights of women and children who can not afford to defend their rights due to the lack of finances and other vices.
- Create awareness on the basic rights and obligations of women and children
- Campaign for bills which seeks to empower and protect the women and children
- Creating awareness amongst men as to the damage rape could cause
- Run a legal clinic which handles a wide range of cases beginning from persistent non support to divorce and alimony and the use of preventive measures.
- Challenges faced: Many a times in rape cases for instance, parents do not continue prosecution until a verdict is made based on family pressure and pity for the perpetrator. These matters are illegally compromised.
- Achievements – There is a growing awareness on rape, inheritance, decrease in number of rape cases, equal rights to both formal and informal marriages etc.
- AFELL is advocating for an endowment fund to support rape victims and the families of survivors after violation. This would be of value when all support have stopped coming and survivors need to be given a fresh new start.
- With funding from the Danish government and in collaboration with MOJ a GBV court is being established.

Bong Youth Association (BYA) educates Bong County residents in, among other things, the difference between civil and criminal laws and whether a case is more appropriate for traditional or statutory courts. The BYA also teaches women about their rights. Since they started their work, violence has decreased in Bong. Some Justices of the Peace have left the areas where the education has occurred and re-located to more distant communities that have not received the training. Because of the lack of a sufficient police presence in Bong, local leaders remain all-powerful. However, he said that people were not satisfied with this as the increasingly came to know their rights and that there was a movement to improve the quality of justice. He said that people increasingly are aware of where to direct their cases in pursuit of justice, and he reported a decrease in the number of cases of mob violence in Bong, in particular.

Modia Drama is working in Bong County. Initially local leaders distrusted them but this has begun to change as the leaders come to understand their work through various means. People now know where to seek redress for their disputes (i.e., they understand the difference between statutory and traditional dispute resolution systems). However, problems remain, the most serious being the culture of instant justice which is not compatible with judicial principles of evidence and the presumption of innocence.

Southeastern Women Development Association (SEWODA) conducts community education in the southeastern counties. Most people in this region follow the traditional justice system and the biggest obstacle to the rule of law is trial by ordeal. Sassywood is a religion in the southeast, however a slight decline in trial by ordeal has been noted and more women are learning about their rights.

Inter-Religious Council of Liberia (IRCL) conducts community education in the southeast, working with the Carter Center in Grand Gedeh. Their work has been challenging as people have no concept of a constitution or the rights contained therein. He said that the people have “virgin minds” about the processes that exist to protect their rights. He said that people continue to use trial by ordeal. On the positive side, women are learning about the new rape and inheritance laws.

Chief Zazar Kawor, National Chairman of the National Traditional Council of Liberia, began his comments by thanking The Carter Center for their work in Liberia. He noted that The Carter Center respected “old people” and that they understood the need to work with the traditional people.

The Chief then discussed Sassywood (or trial by ordeal) by providing an explanation of why the practice is so important to his people. This has been an accepted means of determining guilt and innocence in many of Liberia’s communities for generations. People are not familiar with alternatives. He challenged the government to provide security and to come up with answers to mysterious deaths so that this could serve as an alternative in order for these deaths to not go unresolved. He concluded by saying: “On our side, we are prepared to look at the practice of Sassywood and see the parts that are not good so that we can stop it. For example, we can stop the parts that have to do with people having to drink some dangerous potion that causes death: that one we can leave. But to leave the practice all altogether is going to be hard. We will advise our children so that they do not take the law into their hands.”

A transcript of the Chief’s comments is contained in *Appendix II* of this report.



Chief Zazar Karwor, Chairman of the National Traditional Council, addresses the meeting.

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 trial 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*

We do social counseling and we emphasize peace and reconciliation and encourage people to let by gone be by gone. However, we also advise that there should never ever be a repetition of these crimes. We have initiated training programs which keep traumatized women busy and operate an adult literacy program.

- *From the way you speak, it is like you are not totally willing to consider the concerns being raised about trials by ordeal, how can we build a bridge or come to a common understanding? Posed to Chief Kawah by Saa N'Tow.*

We have leaders and elders who we represent. I can not make a decision all alone. Whatever you say here today we will let our people know and they will make the approval or denial. I do not want to be accused of selling out our customary practices for a few dollars.

- *Is the Ministry of Internal Affairs still issuing license to ordeal practitioners? Posed by Rev. G. Boima Freeman to Assist. Min Levi Bannie.*

At the moment there is a go slow on the issuance of licenses to Traditional Practitioners, nevertheless licenses are being issued to herbalist.

- *Is there any consideration given to victims of these practice? Are they informed that there is a remedy under the Law, and where they can get that remedy? Posed by Mr. Kamudoni Nyasulu and answered by Rev. Boima Freeman.*

In the South Eastern region we have started to tell people that they have a right to refuse to take these ordeals. We tell them it is their right to decide to be tried by the Constitutional Laws of Liberia. Another problem is the distance to the police or courts in some of these areas.

- *Today we see pathologist being invited to determine the cause of mysterious death however, In the Liberian Law there is no such a thing as pathologist report, chapter 7 paragraph 7.2 of Volume I of the Liberian Code of Laws revised, under Part II Criminal Procedure Law, the law provides that a coroner makes a formal inquest along with a jury of 15 persons into circumstances surrounding the mysterious death, take statements and makes a presentment before court. What do you make of this? Posed by Mr. Finley Kangar and answered by the Solicitor General Taiwon Gongloe (SG).*

The SG informed the body that the Liberian jurisprudence in 7.5 of Volume I of the Liberian Code of Laws Revised does provide for a medical report though, pathologist not specifically indicated. However Liberia does not have a pathologist at the moment which is the reason we have been forced to bring in foreign pathologist.

IV. COMPARATIVE REFORM MODELS

Justice Bawa Akamba of the Ghana Supreme Court discussed the relevance of customs in legal structure. He noted that the common law of Ghana includes customary law. To understand the custom of a region, a court should look to legal writings, consult persons who are considered to have expert knowledge (such as chiefs and elders) and take other steps to inform itself. The constitution of Ghana provides that any custom that is injurious or dehumanizing is not permitted. In Ghana, chiefs do not have juridical power although citizens may elect to have certain classes of cases tried within customary processes. A citizen has the right to appeal from the highest traditional court directly to the highest statutory court, but in practice such an appeal is rare. .

Speaking to concerns that there are too few lawyers in Liberia, Justice Akamba explained that Ghana has a similar problem that is addressed by creating a career magistrate system. The program requires a degree to enter, although the degree does not have to be in law, and consists of two years of training. This allows non-lawyers to be certified as magistrates and address the challenge of attracting lawyers to work in rural areas, in particular.

Kamudoni Nyasulu, Director of the UNMIL Legal and Judicial System Support Division, stressed that non-lawyers can produce great benefits in the area of rule of law and presented lessons learned from the Malawian experience. In Malawi both the formal and informal system are being used, and have, in fact, been developed simultaneously.

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 informal system.

In 1964 the Local Courts Act was passed which give legal authority to the existence and operations of Traditional Courts in Malawi. At first, both systems could decide on cases of any given scope, then in 1994 Traditional Courts were denied jurisdiction to hear homicide cases. When this change took place clerks who had some formal training were assigned to help chiefs and chiefs have increasingly begun to take up positions as magistrates in lower courts within the formal system.

In 1985 Paralegal training was formally introduced in Malawi. An NGO called Paralegal Advisory Services, operating in Malawi whose job is to train paralegals became the firm support in initiating this process. The idea of Paralegals in Malawi came about due to over crowdedness of the prisons, prisoners being held beyond statutory period, and limited number of lawyers in the practice of law. Some of the functions of the paralegals of Malawi include: going to prison advising prisoners on their rights, going to juvenile courts monitoring and advising juvenile and parents. Etc. Police for instance does training and prosecution of cases in lower courts.

Mr. Nyasulu observed that, of all the community based remedies discussed, none of the programs appeared to employ or utilize lawyers. He said that there is a need to improve on the various activities mentioned so as to give access to justice without infringing on the practice of lawyers. In accessing justice we could make use of legal aids.

Tom Crick, Assistant Director and Senior Political Analyst of The Carter Center's Conflict Resolution Program, gave closing remarks, thanking all of the distinguished panelist and participants for their attendance. He particularly thanked the Ministry of Justice and UNMIL for their role as co-organizers of the meetings. He expressed the hope that this kind of discussed of the wide range of elements needed to create a functioning and responsive justice system in Liberia would be the basis for further the full range of stakeholders as Liberia to move together to solve common problems. He commended the community organizations and traditional participants for making such clear statements of the practical realities that they face on the ground and hoped that practical ways could be found to address these problems, in the short and long terms.



Photo: The Carter Center Staff

APPENDIX I

Agenda

Agenda

9:00am – 9:30am: *Orientation and Coffee*

9:30am – 9:45am: *Welcome - Representatives from the Ministry of Justice, UNMIL LJSSD, and The Carter Center*

9:45am – 10:45am: *Session 1 - Context & Reform*

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

10:45am – 11:00am: *Break*

11:00am – 12:30pm: *Session 2 - Presentation of Community Perspectives* (moderated by Pennee Flomoku)

- 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: *Lunch*

1:30pm – 3:00pm: *Session 3 - Models of Community Legal Assistance* (moderated by Jeffrey Austin)

- 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: *Coffee Break*

3:15pm – 4:45pm: *Session 4 - Comparative Reform Models* (moderated by John Hummel)

- 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: *Conclusion*

APPENDIX II

Transcript of comments¹ 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"² 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 Mother³ 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"⁴ to help us solve such problems. In those days when such mysterious deaths occurred and people were not satisfied, these people were called to intervene. Usually, when they came and performed their crafts, culprits were uncovered and brought to justice, thus eliminating or minimizing such activities. But, these are the practices you have discouraged and have said they are not good. Look, "my people, we see the law and we know the law. Nobody can challenge the law because the law was made by us and we are your parents. But we need to study it and do something."

Regarding the Sassywood issue, it is the method we, the traditional people trust: We trust this more than the Criminal Investigation Division (CID). The method of the CID involves quizzing everybody before making a finding: they sometimes have to ask everyone, including children and elders about suspicion activities in the area(s) concerned. It is the information gathered in this process that leads to the conclusion they reach. But who is the CID? The CID is actually you and I.

But to us traditional people, if you are a witch doctor who understands his/her job, we have a way of finding out the facts. For instance, there was a time I was involved in such practices as a witch doctor. I remember a particular instance when I was invited as a Witch Doctor to help find a missing person who was suspected to have been killed beneath the water. I went in accompanied by officials, including the Superintendent of the area and I was able to find the body (deep in the forest) and identify the suspects, who subsequently confessed and were apprehended. Now, even this is something you have frowned on and said that it is not good and we should leave it. How about the people

¹ Comments by the Chief were made in local Liberian English

² Reference to Standard English

³ Reference to Mama Toomeh, leader of Traditional women United for Peace in Liberia

⁴ The name of a renowned Kissi Witch Doctor who was reportedly noted for uncovering mysterious activities "**Kongtambo**" is the Kissi phrase –literally translated means "That one is damaged"

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 that the Carter Center is making some very commendable efforts to help our country move in the right direction on these issues.

I do not have much more to say, but I encourage you to take time and study these issues carefully. This Sassywood issue, we trust this thing more than CID [emphasis]. What we could do is to find a good way to certify those who wish to be licensed as witch doctor or those who claim to be Zoes. At least we can develop a testing mechanism to help us verify and vet applicants: for example, we can take something and hide it somewhere and send the person to find it, as part of the process. Frankly speaking, it is going to be difficult for us to leave the practice. Because you see, we wonder what will happen when we leave this practice. Where does this stop? What if it comes to Sande and we are asked to leave it, will we leave it? What's about the Poro, will we be asked to leave that also? These are traditional training institutions, where our people are trained. Will we be asked to leave that also? Traditional people are peaceful people: we are not trouble makers. When have you seen traditional people making trouble? We have been here for all these years and we have lived with people and have caused no problems. The problems here started when all you "Mathematics" people came in with all your sophisticated ideas.

You the justice people have to take the message to the government regarding security. My old people say the government security should do something about security at night: they should go from place to place. There are some cars here without license plates but wherever they pass, they leave dead bodies behind. This is something you should study and do something about. I mean, we agree and we are satisfied with government. It is working well. But where is this "disappearance of people" coming from? I know others are afraid to speak about this but for me, I am not afraid because nobody can sack me, since I am elected. I am not afraid to speak because my people have told me to speak up: it is not just me. Because when our children continue to die, we are not satisfied. So as you all study and discuss these issues, I urge you consider those things/issues that are of interest to us.

On our side, we are prepared to look at the practice of Sassywood and see the parts that are not good so that we can stop it. For example, we can stop the parts that have to do with people having to drink some dangerous portion that causes death: that one we can leave. But to leave the practice all altogether is going to be hard. We will advise our children so that they do not take the law into their hands.

In the past, our people did not know Justice of Peace. All we knew were Clan Chiefs and Paramount Chiefs. Today, both paramount chiefs and Justice are competing for the same cases. As the result, there seems to be some problems distinguishing the authority of the Clan or Paramount Chiefs from that of the Justice of the Peace: for example, when the Paramount intervenes in a case, the Justice challenges his/her authority. In the early days, there were certain cases that fell within the jurisdiction of the Chief, which today is no longer the case. In the past, paramount chiefs had the authority to handle cases of aggravated assaults or attempted murder - cases where harm is inflicted on one person by another through the use of a dangerous weapon. Today, paramount chiefs are even barred from handling cases of thefts and other minor cases. So, we understand that many of our previous authorities are being taken from us because our government is working to make changes to build our country.

To this, we do not have much to say but we just want to thank you all, and my people have asked me to tell you that we are all waiting for the last Carter Center's sponsored Consultation meeting scheduled to be held in Grand Gedeh soon. At this meeting we look forward to you all helping us to understand current changes and how they affect us. In the mean time we have to advise you all regarding the laws you are making and enacting: the things that are good or bad about them. For example all of our women have been released from us. You are saying that we the traditional people should say nothing when it comes to our women, even if you find her involved in an affair: Remember, I am the one who is making the expenses and I am one who is feeding the woman. Now you are saying that when the woman is engaged in an affair with someone I should remain silent. Honestly, I can not promise my compliance with this, as it will really be hard for us to accept.

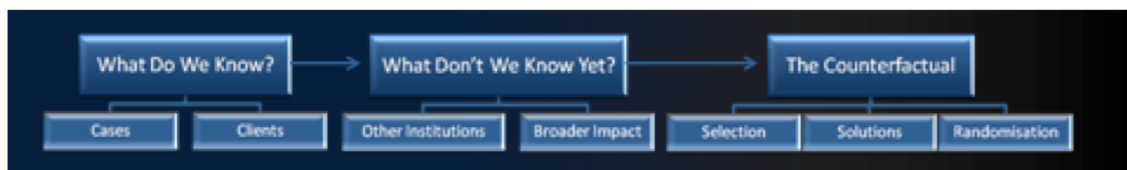
So, I want to thank all of you for been here today and I want to encourage you to continue working together to find solution to the challenges we face.

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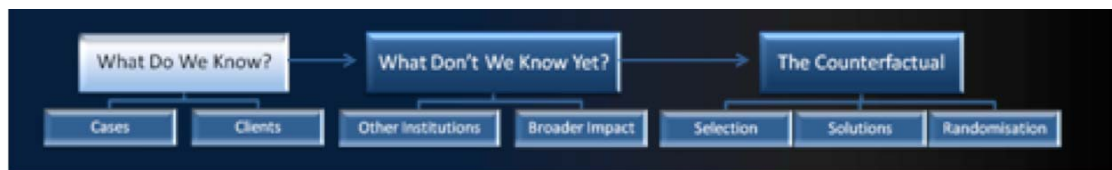
Community Legal Advisers: Initial Observations and Impact Assessment

Bilal Siddiqi and Michael Best,
Centre for the Study of African Economies
University of Oxford

Monrovia, 20 June 2008



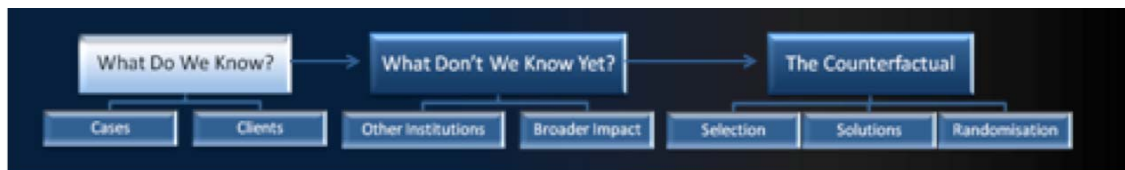
1. What do we know about
 - CLA cases?
 - CLA clients?
2. What don't we know about
 - Other Institutions?
 - CLAs' broader impact?
3. The counterfactual: What would happen without CLAs?
 - The selection problem
 - Randomisation establishes the counterfactual



What Can the Available Evidence Tell Us?

Bile Siddiqi & Michael Best, University of Oxford, 20 June 2008

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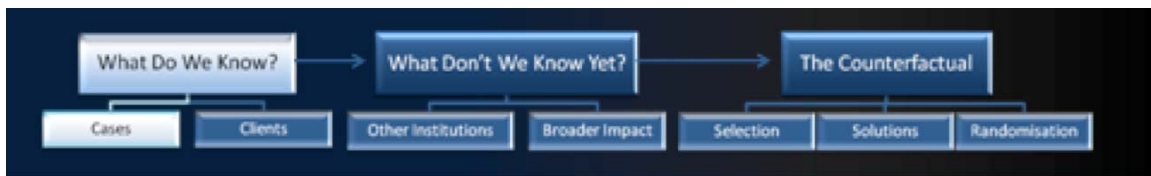


Available Sources of Evidence:

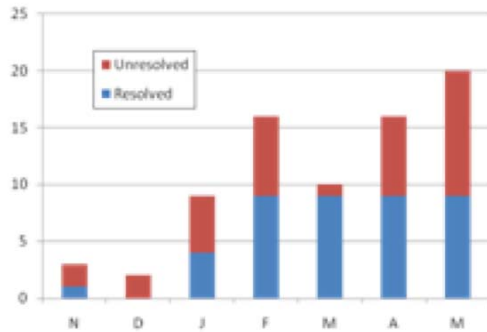
- Paralegal case records
- Client satisfaction forms
- Anecdotal evidence and subjective impressions

Bile Siddiqi & Michael Best, University of Oxford, 20 June 2008

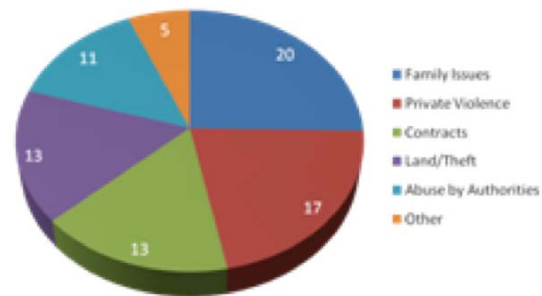
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Take-up

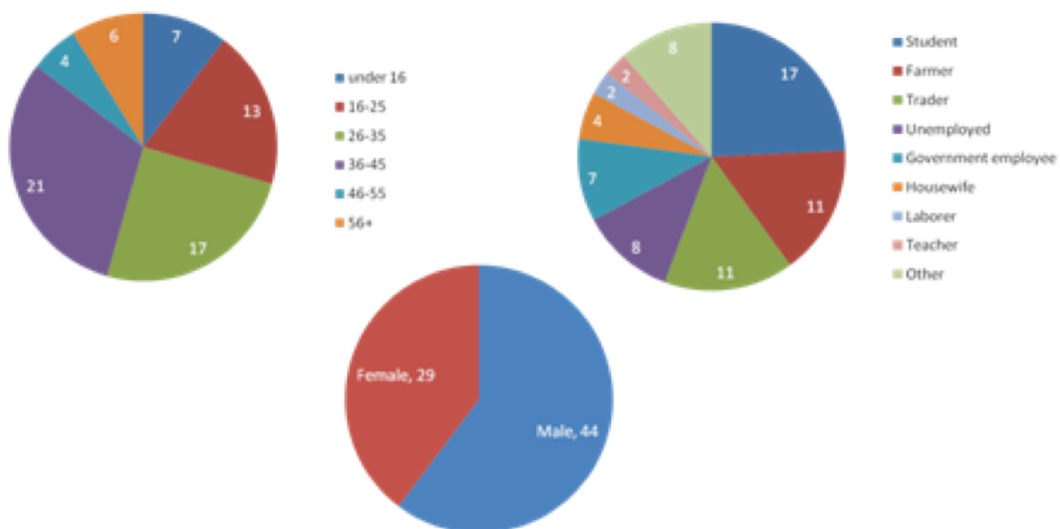
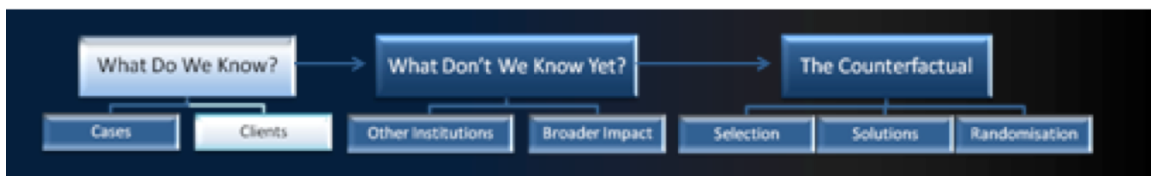


Case Types



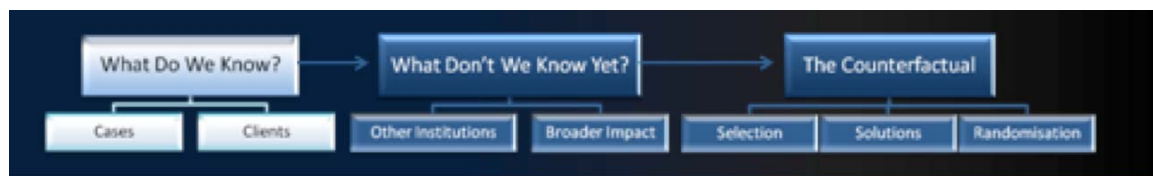
Bina Siddiqi & Michael Best, University of Oxford, 20 June 2008

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Bina Siddiqi & Michael Best, University of Oxford, 20 June 2008

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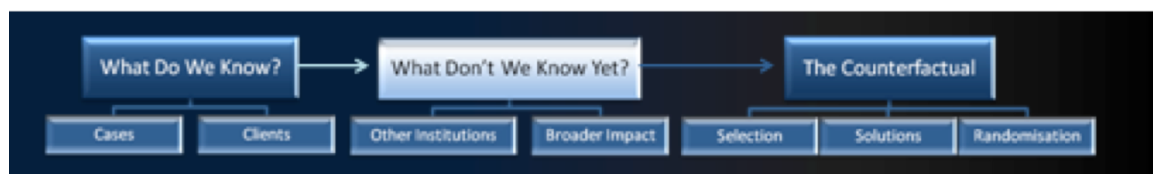


1. CLAs found their feet and take up increased in new year.
2. Rate of resolution of cases is high.
3. Family issues and violence make up half of the CLAs' caseload.
4. Around 40% of clients are women.
5. Most clients are either students, farmers or traders.

We can collect more information on CLA clients, for example on poverty. However, this kind of data can never allow us to answer several key questions...

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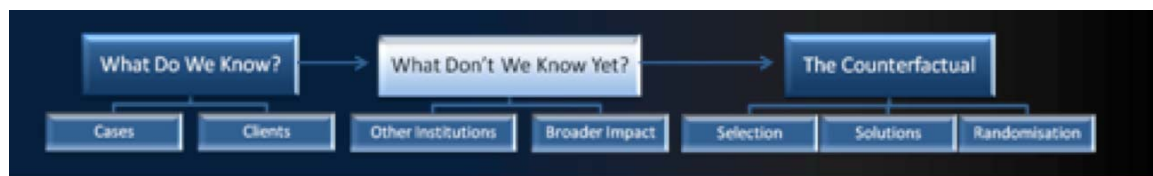
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What Do We Need More Information On?

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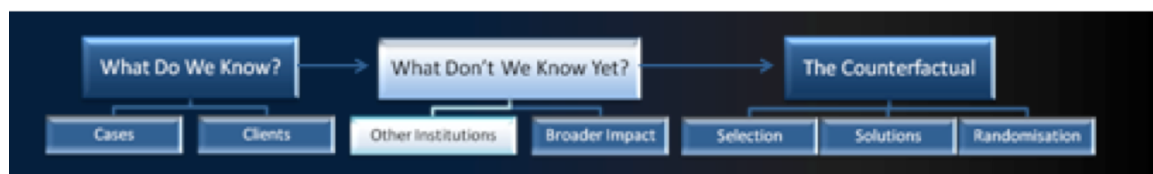


Three key gaps cannot be filled:

1. How do CLAs compare to other institutions?
2. What is the broader impact of CLAs?
3. What is the counterfactual? What would have happened without CLAs?

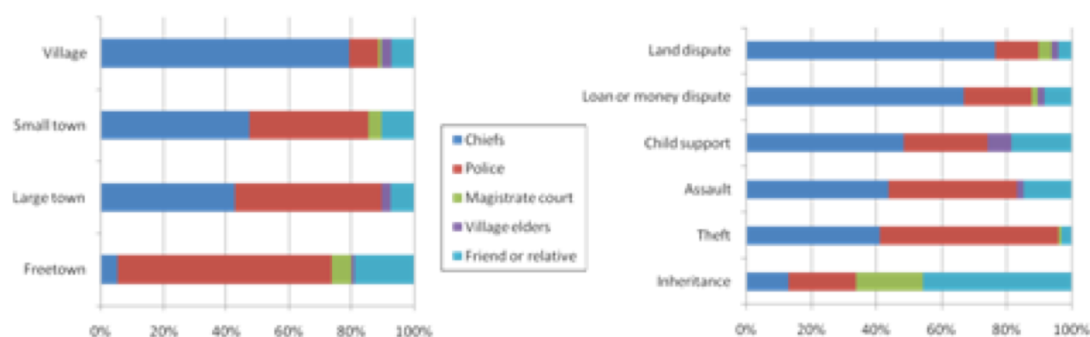
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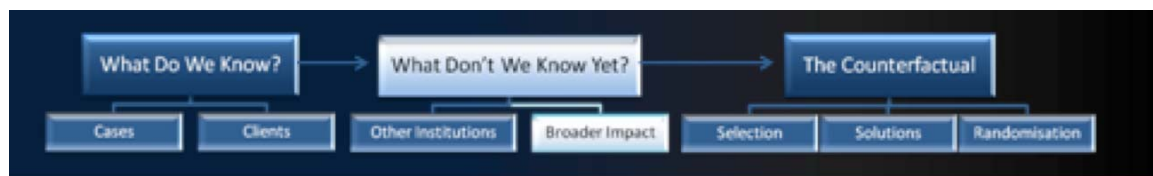
Other Institutions

- Need to understand people's experience with other institutions such as community justice resources, the police and the courts.
- Evidence from Sierra Leone:



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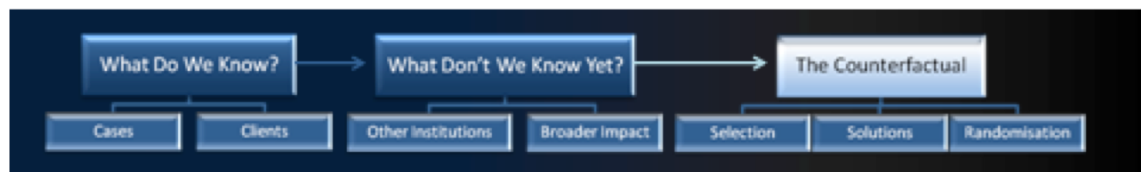


Potential Broader Impacts

- Increase access to justice – lower costs, mitigate information problems, additional forum
- Effect on other institutions: Learning and reinforcement of good practice, deterrence of malfeasance.
- Impact on community: norms, education, empowerment, property rights.
- Need data on broad spectrum of experiences both before and after CLAs' arrival

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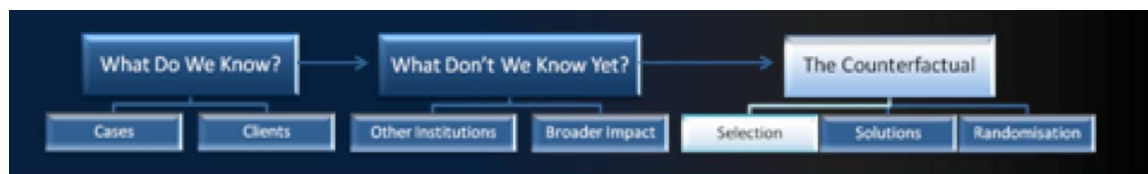
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The Counterfactual

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The Selection Problem

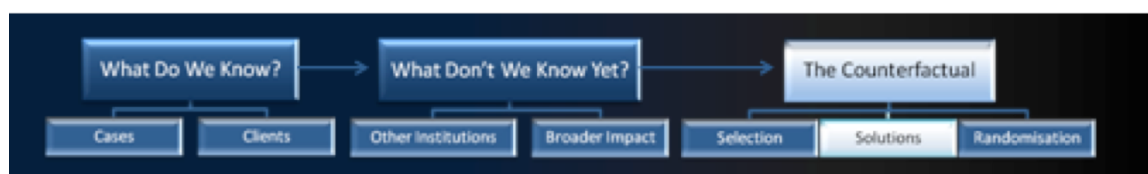
- A hypothetical example:

	Average resolution time	Average resolution cost
Courts	12 hours	L\$500
Village Chief	3 hours	L\$300
CLAs	17 hours	L\$250

- Are CLAs ineffective, or do individuals choose to bring harder cases to CLAs? Opposite implications.

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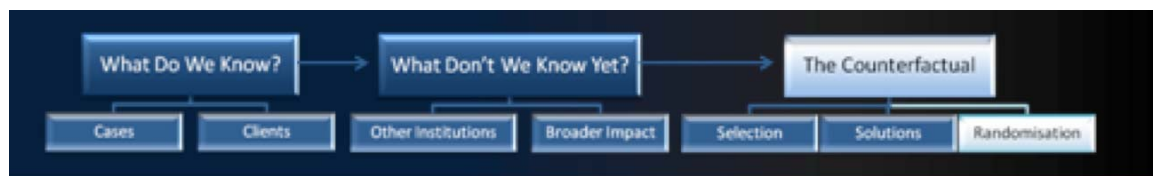


Solutions to the Selection Problem

- In the hypothetical example:
 - E.g. find that land cases are more difficult to resolve so account for case type.
 - Leads to problems of comparing across case types.
 - What are “hard” cases?
- Many other explanations for differences in outcomes of CLA cases:
 - Differences in observable characteristics of CLA clients
 - Income, gender, education, religion, ethnicity
 - Differences in unobservable or difficult to measure characteristics of CLA clients
 - Diplomatic skills, power, ideology, values, access to information

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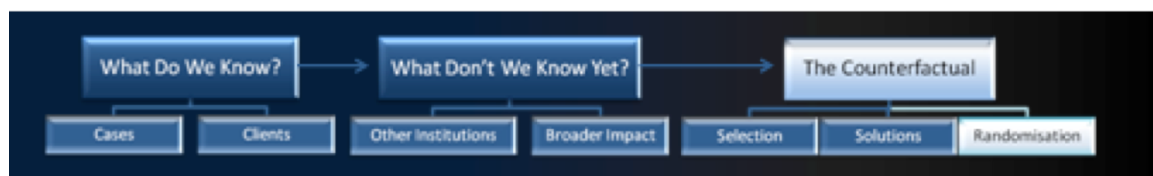


Randomisation Establishes the Counterfactual

- Randomly assign individuals/communities to treatment groups with greater exposure to CLAs or to control group with lower level of exposure
- No reason to suspect that the treatment and control groups are systematically different (incomes, values, religion, talent)
- The only difference between the groups is the level of exposure to CLAs

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Impact assessment going Forward

- Baseline survey over coming weeks
- CLA program with varying exposure
- Follow-up survey

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APPENDIX IV
List of Attendees

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