



PARLIAMENT OF SIERRA LEONE

OAU Drive, Tower Hill
Freetown, Sierra Leone

Web: www.parliament.gov.sl

Email: admin@parliament.gov.sl



THIRD SESSION OF THE FOURTH PARLIAMENT OF THE SECOND REPUBLIC OF SIERRA LEONE

SECOND REPORT OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE ON PARLIAMENTARY VETTING OF PRESIDENTIAL NOMINATIONS

1. INTRODUCTION

Mr. Speaker, Honourable Members, the Committee on Appointments and the Public Service, alive to its constitutional mandate, met on Tuesday 9th December, 2014 and interviewed eight Presidential nominees for appointment as follows:

- i. Three Supreme Court Judges
- ii. Two Judges of the Court of Appeal
- iii. Judge of the High Court on Contract
- iv. Chairman, Independent Media Commission (IMC)
- v. Chairman, Sierra Leone Investment and Export Promotion Agency (SLIEPA)

2. PROCEDURE

The Committee maintained strict adherence to its established procedure. Inquiring questions put to the nominees were related to their educational backgrounds, track records in pertinent work situations, declared assets, tax obligations and their visions for a successful tenure.

3. SECOND SITTING OF THE COMMITTEE ON TUESDAY 9TH DECEMBER 2014

3:1 The following nominees were interviewed on oath:

- i. **Hon. Justice Vivian M. Solomon – Proposed Justice of the Supreme Court of Sierra Leone**



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Hon. Justice Vivian M. Solomon went **into** private legal practice soon after her legal education until 1989 when she was appointed Justice of the Court of Appeal in 2010, a position she has held to date.

Questioned on the current status of legal education in Sierra Leone, Justice Vivian Solomon said that legal education has grown in Sierra Leone and that with the output of trained and qualified lawyers and the increase in the number of individuals who are really pursuing the legal profession, legal education has taken a turn for the better. "There are very many opportunities for lawyers now which we did not have before. I think legal education is growing."

On the issue of delays in the dispensation of justice in the courts, Justice Vivian Solomon had this to say. "If I must speak for myself, the records are there to show that I do not delay matters and I do deliver my rulings and judgment promptly. I take that to be the case for most of my colleagues. In some cases, however, we do have problems with the non-availability of witnesses, and documents, which slow down the process. We have the '2007 Rules' which provides for the putting forward of all documents before trial could be expedited. In some instances it is not so easy to get your documents especially if the clients are out of the jurisdiction and they cannot come, or cannot come to sign their witness statements, or give testimony. The judges are bound to give adjournment under these circumstances to allow the other party to be heard. These are some of the reasons for delays in the courts."

ii. Hon. Justice Nicholas Browne Mark-___Proposed Justice of the Supreme Court

Hon. Justice Browne Marke was appointed State Counsel, Law Officers Department in 1982 soon after returning from legal studies abroad. By 1989, he went into private practice until 2002. He served the Special Court for a year and returned into private practice until 2007 when he was appointed Justice of the Court of Appeal.



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Asked to comment on the current criminal justices system in Sierra Leone, Justice Nicholas Bowne Mark said that the current criminal justice system is facing a lot of challenges and most of those have to do with resources. There are, he said, lots of people at Pademba Road Prison without any records of why they are there. There are many reasons for that. The availability of resources and proper coordination of all the arms of the justice delivery system, he said, yield a better result.”

Propounding on the issue, he said, “if for instance, somebody’s case is committed from the Magistrate Court to the High Court, the files should be sent to the Law Officers Department. If there is no record of that file being taken to the Law Officers Department, the first problem would be that the Law Officers would not find an indictment and that being so, that file has more or less been closed as far as the judiciary is concerned. The person’s case file is just lost in the system. In my capacity as a Judge in the High Court, I had presided over cases of this nature. In fact, not long ago, I had to discharge somebody who had been in prison for ten years without his case coming up for trial. These are some of the problems,” he said.

iii. **Hon. Justice Emmanuel Ekundayo Roberts -_Proposed Justice of the Supreme Court**

After being a private legal practitioner for nearly ten years (1991- 2002), he became a Legal Consultant to the Law Officers Department in 2003 - 20007. In 2007, he was appointed Justice of the Court of Appeal, a position he has held to date.

Reacting to the Committee’s concerns about the delays in the dispensation of justice in the Courts of Sierra Leone, he said that he issue has been a challenge for all judges. Speaking on behalf of colleague Judges, he said that different strategies have been tried to solve the problem. Some of the strategies have been working but others have taken some time to work. One of the challenges, he said, is the number of Judges and the number of cases per judge. In most jurisdictions, he went on, the number of cases per judge is far better than what obtains in Sierra Leone.



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Secondly, because of the fewer number of Judges, he said, there are some judges who sit in the High Court and are occasionally called upon to sit in the Court of Appeal. "This is not by choice but because we are forced to do so. I am presently in the Court of Appeal, but I have to sit in the High Court and I occasionally have to sit in the Supreme Court when called upon to do so. There are too many cases overwhelming the judges. Over time, we have developed Court management skills and case management skills so that we would be able to speed-up the dispensation of justice. We are all aware and sometimes feel for litigants when you know you have an idea of how quickly they want justice but there is this challenge which has to be surmounted."

iv. Hon. Justice Abdulai Hamid Charm - Proposed Justice of the Court of Appeal

After several years at the Law Officers Department 1992 -2000, Justice Charm went into private practice in 2002. In 2007 he was appointed Judge of the High Court.

Reacting to a barrage of questions from the Committee, Justice Charm said:

- He considered himself as both a hard-working person and a lucky man because there were judges who were equally hard working but were not promoted
- He had dealt with high profile cases such as the Anti-Corruption cases to the best of his ability in which he demonstrated independence, discipline and impartiality.
- He is a result-oriented person capable of working under pressure. In the high Court, he said, the Judges are overwhelmed with cases. "We have so many files to deal with. This is no exaggeration but conservatively, I am handling over 200 case files. To be able to deliver judgment on time on certain matters, is enough proof that I can work under pressure."

He added that a little over three years ago, he had faced the Appointments Committee for the position of a High Court Judge and, the mere fact that he has



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again been nominated for promotion goes to demonstrate that he is not only hard-working person, but a disciplined and honest man.

v. Hon. Justice Mangleh Fana Deen Tarawally -_Proposed Justice of the Court of Appeal

Hon Justice Tarawally served this country in the following capacities:

- i. Private Legal Practitioner - 1993 – 1998
- ii. Magistrate - 1999 – 2004
- iii. Senior Magistrate - 2004 – 2008
- iv. Principal Magistrate - 2009
- v. High Court Judge - 2009 – 2014

Responding to probing questions on the challenges faced on the Bench in the dispensation of justice, he said that the challenges there have to do more with case management. The common adage is that 'justice delayed is justice denied.' Strategies, he said, were now being put in place to encourage the Judges to fast-track cases, make rulings and to write judgments so that aggrieved parties who want to appeal could do so. The High Court Rules, he said, have now been narrowed down and require lesser time to file cases or for such cases to come up for hearing.

The ability of litigants to have legal representations has been enhanced by certain organizations which provide representations for litigants "who cannot afford it." If there are more of such organizations they would greatly help to enhance speedy dispensation of justice," he said

vi. Hon. Justice Ernest V.A. Gooding -_Proposed High Court Judge on contract

Hon. Justice Gooding was in private legal practice in the United Kingdom from 1987 – 1994, when he became a part-time solicitor to the Chancery, Sierra Leone High Commission, London. He returned to Sierra Leone and was appointed Principal Magistrate in 2011. He served in Tonkolili, Kono and Freetown Magistrate Court No.5.



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Answering to questions, Justice Gooding deposed that he was on contract because of his age but he was well trained in the United Kingdom and most of his training is embedded in the Law School Curriculum in the Sierra Leone Law School. When he was informed that he would be overwhelmed with case files on the Bench, he said. "I was dealing with 200 – 300 cases as a Magistrate in the U.K. That is not strange to me," he said.

vii Mr. Oluniye Robbin-Coker - Proposed Board Chairman, SLIEPA

Mr. Robbin Coker is a senior professional who has served in National Government up to the rank of Cabinet Minister. He has a successful track record of delivering competently on responsibilities for policy formulation and implementation, effective utility supervision and sector strategy development, including securing public and private financing.

Reacting to questions on what he would bring to SLIEPA to reawaken it and make functional, Mr. Robbin-Coker said, that when he accepted his nomination to SLIEPA, he had done so with the knowledge that when SLIEPA was established about seven years ago, he was with the 'Sierra Leone Business Forum' which was an organization that was established to work alongside SLIEPA. "So I have been very familiar with SLIEPA's activities since its inception. I think that at this point in time, SLIEPA is at an inflection point and it is particularly important given where we are in terms of our own development and the challenges ahead of us."

Mr. Robbin Coker added, "I know the organization quite well. I am familiar with its management team. The Chief Executive Officer and I were on an investment mission in 2008. We have worked very closely together in the past and I think we have an opportunity now to revisit SLIEPA as an organization, see how it could be modified, amend some of its systems and processes and to reposition SLIEPA to tackle the challenges that lie ahead. I think with the new Board which I am hoping to lead, with the approval of this House, and the new management environment, I think we have a good chance of being successful."

viii. Ambassador Allieu Ibrahim Kanu – Proposed Board Chairman, IM.C



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Ambassador Allieu Ibrahim Kanu is a Barrister-at-law, former Ambassador and Deputy Permanent Representative of Sierra Leone to the United Nations (1999-2008) He practiced law in England for over ten years. Ambassador Kanu has been a Lecturer in Law, Fourah Bay College, University of Sierra Leone. (2009 – date) He is also Executive Director, Sierra Institute of International Law. (2009 to date.

Reacting to questions on what challenges he envisaged to be confronted with as Chairman of the I.M.C. he said, "I am sure I will definitely face challenges with Members of the Media and the public. If I am approved by Parliament, I intend to be impartial, fair, transparent and would protect the interest of the public. But having said that, I am going to have at the back of my mind the national and vital interest of Sierra Leone. Therefore, whatever we do on the Board would have to be in conformity with the vital interest of Sierra Leone."

Answering to further question, Ambassador Kanu deposed that he was quite prepared for the challenges that lie ahead. "I was a diplomat for twelve years, representing Sierra Leone in the United Nations. The challenges there were enormous. With my diplomatic skills, I had meandered through to do my best for my country. That background, has adequately prepared me for the task ahead. I am quite prepared to meet those challenges," he said.

EXCERPT OF THE FIRST REPORT OF WEDNESDAY 10TH DECEMBER 2014.

ix.. Mrs. Melinda Ayodele Princess Davies - Proposed Board Member I.M.C.

Mrs. Melinda Ayodele Princess Davies is a Private legal practitioner, Gender Activist and Lecturer in the Department of Law, Fourah Bay College, University of Sierra Leone.

Answering to questions, Mrs. Melinda Davies said that she will be going to the IMC with 13 years of legal work experience, a reservoir of legal opinion that the IMC could tap from.

Mrs. Melinda Davies did not quite agree with the Committee's observations that newspapers and electronic media houses have increased in number but the quality of their performance is declining. She asserted that the generalization did not apply to all media houses. She however agreed with the Committee, that



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the quantity of newspapers and media houses superseded the quality of their performance

She also agreed with the Committee that the penalty provisions of the IMC Act needs to be strengthened. 'For the laws to have authority, for the laws to be obeyed, it needs to bite to serve as a deterrent to lawlessness,' she said.

4. RECOMMENDATIONS

Mr. Speaker, Honourable Members, the Committee adjudged the following Presidential nominees to be suitably qualified for their proposed appointments and are recommended to the House for approval:

- i. Hon. Justice Vivian M. Solomon – Justice of the Supreme Court
- ii. Hon. Justice Nicholas. C Browne-Marke JA.- Justice of the Supreme Court
- iii. Hon. Justice Emmanuel Ekundayo Roberts –Justice of the Supreme Court
- iv. Ambassador Allieu Ibrahim Kanu –Chairman, Independent Media Commission (IMC)
- v. Mr. Oluniyi Robbin- Coker –Board Chairman, Sierra Leone Investment and Export Promotion Agency (SLIEPA)
- vi. Hon. Justice Abdulai Hamid Charm –Justice of the Court of Appeal
- vii. Hon. Justice Mangeh Fana Deen Tarawally- Proposed Justice of the Court of Appeal of Sierra Leone
- viii. Hon. Justice Ernest V. A. Gooding- High Court Judge on contract
- ix. Mrs. Melinda Ayodele Princess Davies -_ Board Member I.M.C.

Mr. Speaker, Honourable Members, the Second Report portrays the unanimous decision of the Committee. I therefore move that the Second Report of the Third Session of the Committee on Appointments and the Public Service and, the Excerpt of the First Report be adopted by the House and that the recommendations contained therein be approved.

Hon. Leonard S. Fofanah



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Ag. Chairman

Date.....



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SECOND SESSION OF THE FOURTH PARLIAMENT OF THE SECOND REPUBLIC OF SIERRA LEONE

MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE IN COMMITTEE ROOM NO.1, PARLIAMENT BUILDING, ON TUESDAY 9TH DECEMBER 2014 AT 11:00 A. M.

1. **Prayers** - Members observed a moment of silent meditation.

2. **Attendance**

2.1 The following Members of the Committee were present.

- i. Hon. Ibrahim Bundu - **Chairman.**
- ii. Hon. Leonard S. Fofanah
- iii. Hon. Ansumana Kaikai
- iv. Hon. Chernor R. M. Bah
- v. Hon. Augustine B. Torto
- vi. Hon. Amadu Kanu
- vii. Hon. Claude D. M. Kamanda
- viii. Hon. Veronica K. Sesay
- ix. Hon. Komba E. Koedoyoma
- x. Hon. Sidi Mohamed Tunis
- xi. Hon. Benneh Bangura
- xii. Hon. Brimah Conteh

2.2 The following Members of the Committee were absent:

- xiii. Hon. Dr. Bernadette Lahai
- xiv. Hon. P. C. Brima V.S. Kebbie
- xv. Hon. Bliss Osho Williams
- xvi. Hon. Mabinty Funna



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3. **PUBLIC HEARING** - Hearing was open to the public and the press.

4. Consideration of Presidential nominations for appointments as listed:

4:1 The following nominees were interviewed on oath:

- i. Hon. Justice Vivian M. Solomon – Proposed Justice of the Supreme Court
- ii. Hon. Justice N. C Browne-Marke JA.- Proposed Justice of the Supreme Court
- iii. Hon. Justice Emmanuel Ekundayo Roberts –Proposed Justice of the Supreme Court
- iv. Ambassador Allieu Ibrahim Kanu – Proposed Chairman, IMC
- v. Mr. Oluniyi Robbin- Coker – Proposed Board Chairman, Sierra Leone
Investment and Export Promotion Agency (SLIEPA)
- vi. Hon. Justice Abdulai Hamid Charm – Proposed Justice of the Court of Appeal
- vii. Hon. Justice Mangeh Fana Deen Tarawally- Proposed Justice of the Court of Appeal
- viii. Hon. Justice Ernest V. A. Gooding- Proposed High Court Judge on contract

5. Closed Session

5:1 The Committee unanimously accepted the nomination of all the six candidates interviewed

The Committee rose at 3: 30 p.m.

Peter J. Kulagbanda

Director of Committees