

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMEN TARY DEBATES

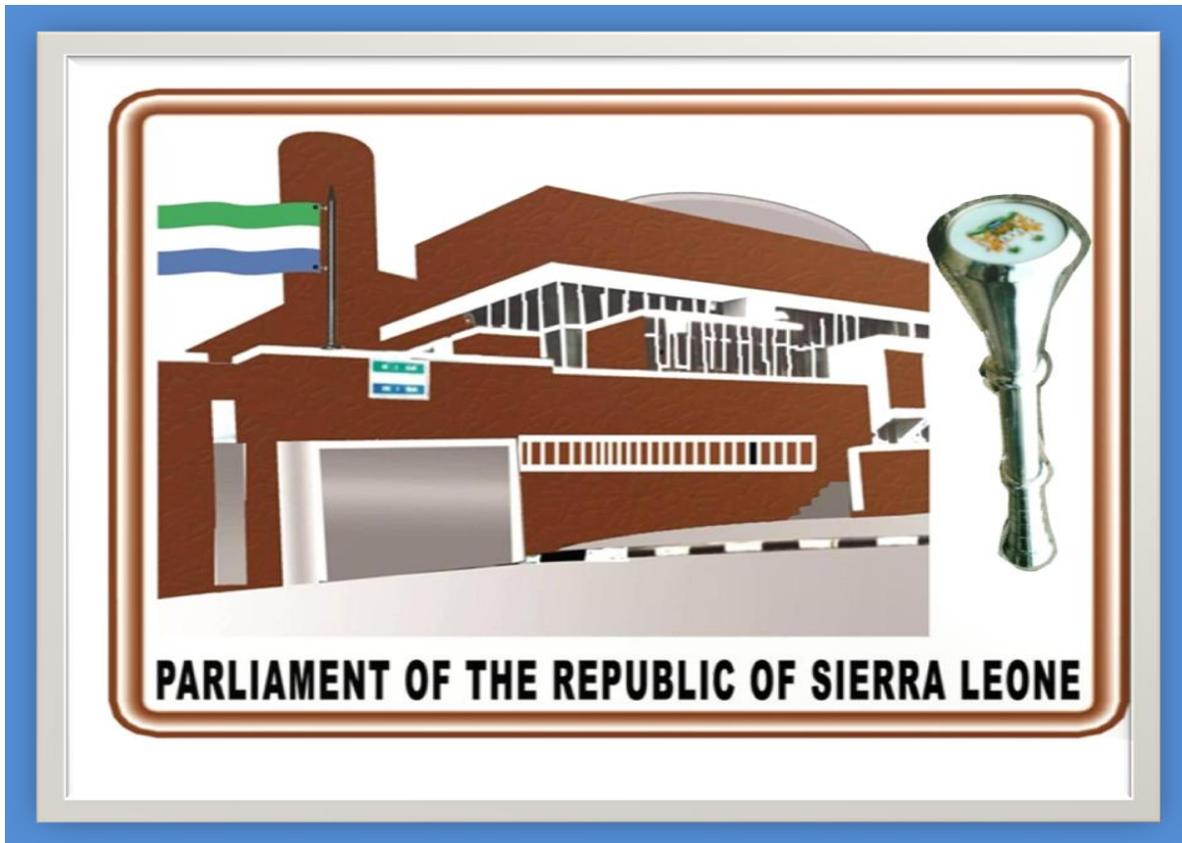
(HANSARD)

OFFICIAL HANSARD REPORT

THIRD SESSION - THIRD MEETING

TUESDAY, 17TH MARCH, 2015

SESSION – 2014/2015



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL HANSARD REPORT

VOLUME: I

NUMBER: 14

Third Meeting of the Third Session of the Fourth Parliament
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House
Held on Tuesday, 17th March, 2015.

CONTENTS

I. PRAYERS

II. RECORD OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON FRIDAY, 6TH MARCH, 2015.

III. LAYING OF PAPER

HON. KOMBA E.S. BOYA, CHAIRMAN, PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS

THE FIRST REPORT OF THE PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS, ON A JOINT MACRO-MONITORING OF INSTITUTIONS ENGAGED IN THE ADMINISTRATION OF JUSTICE IN THE NORTHERN, SOUTHERN AND EASTERN PROVINCES.

IV. MOTION

PROPOSER: HON. AJIBOLA MANLY SPAINE

SECONDER: HON. DANIEL B. KOROMA

THE FIRST REPORT OF THE SECOND SESSION OF THE LEGISLATIVE COMMITTEE ON THE OVERSIGHT VISITS TO THE PROVINCIAL HIGH COURTS AND MAGISTRATE COURTS, AND ON THE ACTIVITIES OF THE JUDICIARY OF SIERRA LEONE, WHICH WAS LAID ON THE TABLE OF THE HOUSE ON THURSDAY, 18TH DECEMBER, 2014.



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

**THIRD SESSION-THIRD MEETING
OF THE FOURTH PARLIAMENT
OF THE SECOND REPUBLIC**

Tuesday, 17th March, 2015.

The House met at 10:05 a.m. in Parliament Building, Tower Hill, Freetown.

I. PRAYERS

[The Clerk of Parliament, Hon. Ibrahim Sulaiman Sesay, Read the Prayers].

[The Speaker, Hon. Sheku Badara Basiru Dumbuya, in the Chair].

The House was called to Order

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON FRIDAY, 6TH MARCH, 2015.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting, held on Friday, 6th March, 2015. As usual, we go page by page. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? There being no amendment or correction, could somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting, held on Friday, 6th March, 2015?

HON. DAVID JOHNSON: Mr Speaker, I so move.

THE SPEAKER: Any seconder?

HON. BENNEH BANGURA. I so second, Mr Speaker.

(Question Proposed, Put and Agreed to)

III. PAPER LAID

HON. KOMBA E.S. BOYA, CHAIRMAN, PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS

HON. KOMBA E. S. BOYA: Mr Speaker, Honourable Members, permit me to lay on the Table of this Honourable House the first Report of the parliamentary Committee on Human Rights, on a joint macro-monitoring of institutions engaged in the administration of justice in the Northern, Southern and Eastern provinces *(Applause)*.

IV. MOTION

PROPOSER: HON. AJIBOLA MANLY SPAINE

SECONDER: HON. DANIEL B. KOROMA

HON. AJIBOLA MANLY SPAINE: Mr Speaker, Honourable Members, be it resolved that the First Report of the Second Session of the Legislative Committee on the Oversight visit to the provincial High Courts and Magistrate Courts and on the activities of the Judiciary of Sierra Leone, which was laid on the Table of the House on Thursday, 18th December, 2014, be debated.

THE SPEAKER: Any seconder?

HON. DANIEL B. KOROMA: Mr Speaker, I so second.

(Question Proposed)

HON. DANIEL B. KOROMA: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, pursuant to the provisions in Section 93, Sub-section 3 of the 1991 Constitution of Sierra Leone, the Legislative Committee conducted oversight visits to the provincial High Courts and Magistrate Courts throughout this country from the 24th June, to 28th June, 2014.

Mr Speaker, Honourable Members, the purpose of this Oversight visit was to highlight some of the successes and to bring out the challenges confronting the Judiciary of the Republic of Sierra Leone; and how best we can work together to overcome those challenges.

Mr Speaker, Honourable Members, I want to inform this Honourable House that 15 years ago, Judges in the Republic of Sierra Leone, particularly in the Western area, used to share one mini bus that was in a very deplorable condition. This was the only bus moving from one place to the other to collect and convey Judges to and from their various courts. However, such situation has been handled because few years back, the Judges have been provided with official vehicles. This shows that this government has tried to solve the transportation problem the Judiciary was facing in this country.

Secondly, Mr Speaker, Honourable Members, Magistrate Court rooms and High Court rooms have also been provided to ease the problem of accommodation for Magistrates, Judges and litigants. Recently, more Magistrate Courts have been constructed across the country. We now have one Magistrate court at Pademba Road, one at Rose Road, York and other areas. There is also one Magistrate Court building at Masiaka. These are pointers to the fact that this government is committed to improving the justice system in this country.

Mr Speaker, Honourable Members, most of the support staff in the judicial system have gone through trainings to improve their skills. This is something that has greatly

improved our justice system. Also, the issue of appointing people to serve in the various Magistrate Courts has improved. Mr Speaker, before this time, we used to have a situation wherein a Magistrate served Makeni and Lunsar Magistrate Courts. In Bo and Kenema, for instance, a single Magistrate would have to go to many places to deliver justice. Presently, Mr Speaker, you will agree with me that even Magburaka now has a Magistrate Court. There is now a Magistrate who is regularly going to Kabala, where we used to see a Magistrate on a quarterly basis.

Mr Speaker, Honourable Members, we have to be true to ourselves, as Members of Parliament. I believe the purpose of every Parliament is to improve on the present status quo. We cannot sit complacently as if we are satisfied with what we have already achieved. We have to go the extra mile to ensure more improvement in the judicial system. There is a common saying that if you are satisfied with your present condition, God is satisfied with you as well. This means that you will remain where you are because you are satisfied with your present status. Nevertheless, when you are not satisfied with your present circumstance, you will try to improve yourself. Therefore, when you aim at the highest point, you will succeed in life. There is a formula the President, Dr Ernest Bai Koroma has taught us. He always says that if you want more, you have to do more good things. This nation needs more in terms of justice delivery system. Therefore, the best way we can help this Government is to highlight some of the areas we need to improve for the betterment of this country.

Mr Speaker, Honourable Members, I want to highlight some of the areas the Legislative Committee identified as important areas that need improvement. In the first place, Mr Speaker, the mechanisms being used to fund the Judiciary need to be reviewed and improved. For instance, during the budget preparation last year, various MDAs went to Portloko to defend their budgets. I am saying that the budget for the Judiciary should be increased in order to take care of emerging challenges in the judicial system. If more funds are allocated to the Judiciary, the provincial support staff would be trained and capacitated. The Legislative Committee discovered that the Head Office in Freetown normally prepares the budget estimates for the entire Judiciary, including the provincial

courts. Those who are preparing these budgets for the provincial courts are not always au fait with the numerous challenges of the provincial courts. Therefore, I want to urge this Honourable House to ensure that the provincial support staff are involved in the budget process. They have to come and present their own budgets to the headquarters. The people who are suffering must be given the chance to participate in the budget process.

Mr Speaker, Honourable Members, the Legislative Committee also discovered inadequate personnel, especially in the Law Officers Department. Honourable Members would agree with me that there is only one State Council in the South that is serving Bo, Moyamba, Pujehun, Bonthé and other areas. The implication is that for murder cases or other capital offenses, there is a system called preliminary investigation, which is being done by the Magistrate, but for murder cases, the Magistrate has no jurisdiction to grant bail and the proceedings cannot continue if an indictment has not been prepared. Therefore, when there is only one State Council with many indictment cases, the Magistrate alone cannot prepare those indictments as quickly as expected, especially when the suspect has been reminded at the same time. The Magistrate cannot grant bail even if he/she is persuaded to do so. Some of those indictments would not be available for the next one to two years. Also, the State Council cannot attend another court in Bo, Moyamba, Pujehun or Bonthé at the same time. As a result, those litigants whom the Magistrate could not grant bail would continue to languish in prison. I want to suggest, through this Honourable House, that if we have more trained State Councils in the the provinces, the preparation of indictments will be improved. However, I want to promise this Honourable House that the delay in the Magistrate Courts in terms of charging cases to the High Court would soon be resolved. We need more State Councils in the provinces and the State Councils should always be encouraged to go to the provinces. The salaries for these State Councils are very appalling, Mr Speaker. They cannot even boast of getting Le 2,000,000 per month.

Mr Speaker, Honourable Members, I want to ask this Honourable House to join the Legislative Committee in ensuring the improvement in our judicial system in this

country. The areas I have mentioned must be improved for a better judicial system in this country. As a Parliament, we have the powers to improve on these areas, especially the area of personnel.

Mr Speaker, Honourable Members, the issue of self-accounting system was also discovered by the Legislative Committee. The NRA Act of 2002 took away that privilege from the Judiciary. This is because before 2002, the Judiciary used to be a self-accounting institution. In fact, the Judiciary was empowered to retain some percentage from the funds it raised through fines, recoveries and the sales of property through court order to fund some of these gaps within the Judiciary. However, in 2002, that privilege was taken away because the Act states that every fund collected for and on behalf of the Government of Sierra Leone should be deposited into the Consolidated Revenue Fund.

Mr Speaker, Honourable Members, if institutions like Audit Service Sierra Leone (ASSL), National Revenue Authority (NRA), the Sierra Leone Police are allowed to retain certain percentages of their revenues, there is no reason why the Judiciary should not be allowed to retain part of its revenue. Thus, this Committee is also urging this Honourable House to ensure that the Judiciary is allowed to retain a percentage of the funds it generates from fines or the sales of public property to fund some of their activities. We are convinced that this Honourable House can ensure that these problems are resolved. Parliament should come in, so that the facilities, in terms of the percentages other institutions are retaining be extended to the Judiciary. This Parliament can even determine the percentage to be retained by the Judiciary.

Mr Speaker, Honourable Members, I want to talk about the PR system. Justice Deen Tarawally in the Court of Appeal once referred to the PR system as 'cancerous.' Sometimes they have to go through certain provisions of the CPA to ensure that issues are tried by a Judge. As I said earlier, when certain cases, like murder or rubbery, goes to the Magistrate Court, the Magistrate has no power to grant bail to the accused persons, and the State Councils are not adequate to prosecute those matters. In the absence of the State Councils, you cannot prosecute at all, Mr Speaker. Normally, the

State Councils, together with the Judges, submits applications for certain cases to be tried by a Judge, instead of the Jury system.

Mr Speaker, Honourable Members, I want to promise this House that the Criminal Procedure draft Bill is now with Members of Parliament; and it will soon come to this Honourable House for consideration. Mr Speaker, I am saying this because if this Bill is passed into law, the PR System will be a forgotten system. In fact, what we need to do now, as Members of Parliament, is to address issues relating to the delay of our justice system in the country. We also need to address the issue of allowances for our Law Officers because their allowances are very deplorable, Mr Speaker. Some of these Law Officers are zealous at the beginning of the proceedings, especially during the preliminary investigation.

Mr Speaker, Honourable Members, we have done a thorough empirical research, and I want to know something about the Magistrate Court in Makeni. The Magistrate Court in Makeni is now at the centre of the city, which is no longer conducive for court proceedings. There is every need for decorum during court proceedings in this country. Therefore, the improvement of our justice system depends on the active participation of Members of Parliament. We are obliged to improve on the present situation because our people are the ones being affected. We need to relocate the Magistrate Court in Makeni to somewhere more conducive. If this Honourable House agrees to relocate that Magistrate Court, it will happen, Mr Speaker.

Mr Speaker, Honourable Members, I also want to draw your attention to the status of the Magistrate Court in Bo. The Magistrate Court in Bo is also deplorable. It will interest Honourable Members to know that the Magistrate Court in Bo has no staff quarters; and by all indication, a Magistrate is entitled to an official quarter, where he/she could stay to perform his/her official functions. This is the reason Legislative Committee went on an Oversight visit to bring out some of these issues to the knowledge of Members of Parliament, so that we could brainstorm together to find lasting solutions to these problems. I think this is the first time in the history of this Parliament that such empirical research was conducted by this Committee, so that we can address these

issues. Mr Speaker, if this Report is adopted, some of these perennial problems that have been confronting our judicial system would be outweighed.

Mr Speaker, Honourable Members, I want to appeal to this Honourable House for the conditions of service for Magistrates, Judges and Judicial support staff be improved, especially their salaries and transportation. A Magistrate once told me that though a frog likes water, but not when the water is boiling. Therefore, this Honourable House has a responsibility to create a suitable environment for our Magistrates and Judicial support staff, especially those in the provinces. These people are confronted with many challenges. In fact, when they saw the Committee, their hopes were revived because they had already lost confidence in the entire system. They are not happy with the present judicial system at all, Mr Speaker. They were assured that the Committee's visit will ensure positive changes in our judicial system.

Mr Speaker, Honourable Members, our libraries need to be improved because there are very important books that are being used to prepare rulings and judgments. If those books are not available, it will be difficult to pass judgement. Also, the issue of electricity came out very clearly during the Oversight visits, especially in Bo and Kenema districts. However, I want to assure this Honourable House that in the next two years, the issue of electricity would be solved in those parts of the country. Our judicial institutions need electricity to aid the work of our Judges and Magistrates. I want to reiterate here that the judicial support staff should be involved in the preparation of the budget. Additionally, the issue of withholding certain percentage from the revenue generated by the Judiciary should be considered with utmost seriousness. The percentage can be determined by this Honourable House. With these few words, I want to thank you for your audience.

HON. MUSTAPHA M. BRAIMA: Mr Speaker, Honourable Members, I am a Member of the Legislative Committee and the Report under discussion is very technical. My colleague has raised pertinent issues bothering on the Judiciary. He was able to bring out some of the challenges confronting our justice system. However, if we begin to hide the issues we discovered during our visit to the various judicial institutions, we are not

doing justice to the Judiciary at all. This is because it will appear as if it is a cover up. A High Court Judge in Kenema and other personnel in other places we visited appealed to the Committee to succinctly present these issues as they have been told. I want to agree with a good number of the issues he raised. I want to help in this situation not as a Lawyer, but as a layman who went to those places to observe situations.

Mr Speaker, Honourable Members, the problems within the Judiciary are not worthy of discussing here because I even sympathised with the staff who are working under those deplorable conditions. Our staff in the judicial system have sacrificed a lot, and I want to commend them for their steadfastness and resilience. They are going the extra mile to ensure that justice is dispensed. I am saying this because they are working under difficult situations. Mr Speaker, a tourist once told me that if you want to know the seriousness of an office, you have to inspect its toilet. In other words, if you want to know the seriousness of the people in a particular institution, visit their toilet facilities.

Mr Speaker, Honourable Members, the structures under which these people operate are very deplorable. In fact, when we went to the Magistrate Court in Bo, the building was so dilapidated that we even detected leakages. The conditions of the toilet facilities were so deplorable that nothing seemed to function properly. Few days ago, a similar Oversight was reported on BBC in Ghana. It was reported on BBC that when the Committee went, it discovered leaking roofs, and the staff were using bowls to scoop out the water, which they even used to flush the toilets. Mr Speaker, this was exactly what we saw in our courts in Bo and other places in this country. I am in sympathy with those who are working under this unhygienic environment. Like what my colleague has said, the judges and Magistrates are doing marvelously well, but the conditions under which they work, especially the infrastructure, are very unattractive. Those structures were detected by the Committee to be deathtraps because the ceilings were almost falling down at the time of the Committee's visit. I told the Judge-in-charge that he had to be careful because the breeze would one day bring down the ceiling.

Mr Speaker, Honourable Members, my colleague talked about the issue of the many cases in our courts. It will interest you to know that when we visited some of the Correctional Centres, we found out that some inmates have been in those Correctional Centres for over three to four years. We also learnt that most of the inmates' files have been missing. Their files got missing and this has caused unnecessary delay in the dispensation of justice. Mr Speaker, when I asked the State Council, he said he was alone in those regions, Southern and Eastern Regions. He also said that he was in charge of Bo, Kenema, Kono and many other places. Mr Speaker, this is a very serious situation. Why do we have to keep people in the prisons for so long without trial? If they are going to be jailed, let them be jailed and those who are going to be freed should be discharged and acquitted.

Mr Speaker, Honourable Members, the Report also talks about logistical support and my colleague spoke extensively on that issue. It was discovered that the management system in the Judiciary was over centralised to the extent that a Magistrate who is working in the provinces cannot easily access some of the facilities he/she deserves. Mr Speaker, when a Magistrate in Bo had his vehicle damaged, he was instructed to bring his vehicle to Freetown for it to be repaired. This is not cost effectiveness at all, Mr Speaker, and it is happening as a result of over centralisation of the management system. How can you bring a car from Bo for it to be repaired in Freetown? There are motor mechanics all over this country, Mr Speaker. If a vehicle should come to Freetown for it to be repaired, it is not cost effective at all. In fact, this is waste of resources, Mr Speaker.

Mr Speaker, Honourable Members, I want to share an experience with this Honourable House when I was working in a particular institution. The vehicles in that institution developed mechanical problems and were no longer working. What I did, as a staff, was to visit Action Aid, a British Charity Organisation, where I was able to solicit the help of an Engineer from England. The Engineer asked us to bring the vehicles for maintenance at no cost. I was very happy because I wanted people to know that the job we do could bring some benefits to the institution. Mr Speaker, when I came to

work at the Sierra Leone Broadcasting Service (SLBS), I wanted to extend that facility to the SLBS. To my surprise, Mr Speaker, an Engineer at the SLBS told me that Government is not a charity organisation; and as such, the British Engineer I contacted to come and salvage the situation was asked to go back. The local Engineer told me that government was supposed to procure new vehicles or finance the repair of the old vehicles. It will interest this Honourable House to know that these vehicles are still at the SLBC compound because somebody believed that Government vehicles should be repaired by Government Engineers. This is how unpatriotic some Sierra Leoneans are; and it is happening because somebody is enjoying something somewhere at the expense of the government.

Mr Speaker, Honourable Members, I want to also talk about the conditions of service for staff. The staff turnover rate in the judicial system is very alarming because the salaries are not attractive. Most of the Judges are paid less than two million Leones per month in this country. Mr Speaker, if Judges are paid meager amount, what will you expect them to do? They will definitely pervert justice or deny the poor people a fair trial. They will give justice to those whom justice is not due, Mr Speaker. I want to categorically state here that poor conditions of service are a recipe for corruption. We should try to improve the conditions of service for our Judges, Magistrates and the other staff in the Judiciary.

Mr Speaker, Honourable Members, these are very serious issues this Honourable House would have to address as soon as possible. I want to emphasize here that the Judiciary is a very important Arm of Government. As such, we have to ensure that Judges, Magistrates and other staff in the Judiciary are encouraged in terms of providing them with a conducive working environment. The Judiciary can bring peace or divisiveness in any country if they are not properly treated. I am in sympathy with my colleague who spoke before me, but at the same time, I must commend him for bringing out some of the issues to the knowledge of this Honourable House. However, he was properly guided as to what he would have to say to this Honourable House. Nevertheless, these

are issues we should not hide from the public. There is no secret about what we saw when we went to those institutions.

THE SPEAKER: Honourable Member, do you think Honourable Daniel Koroma was guided? I think he was very frank in what he was saying.

HON. MUSTAPHA M. BRAIMA: Mr Speaker, in that case, I will use the word 'embedded,' instead of 'guided.' I am saying this because what we saw in those institutions was terrible and at the same time pathetic. I want to appeal to those who are preparing the budget to take note of these observations in good faith. They should know that the Judiciary is in a deplorable state and they must do something to salvage the situation. Mr Speaker, how can somebody stay in prison for three to four years without being charged? Why are we allowing our court buildings to be leaking? What are we doing for our justice system in this country?

Mr Speaker, Honourable Members, with these few words, I want to thank the Committee and this Honourable House. Thank you very much.

HON. BENNEH BANGURA: Thank you Mr Speaker for giving me this privilege. Mr Speaker, Honourable Members, I want to start by thanking the Chairman of the Legislative Committee for presenting this Report to this Honourable House. I am a member of the Legislative Committee; and I was part of the team that visited those institutions. Despite the fact that we were not able to cover the whole country, but what we saw in the few institutions we went might not be different from what has been happening in other judicial institutions.

Nevertheless, Mr Speaker, Honourable Members, I want to restate here that the justice system in our country is very appalling. Mr Speaker, when I was attending the St Edwards Secondary School, I wanted to be a Lawyer because of the opportunities Lawyers were enjoying in the 50s. Presently, I have no regret for not being a Lawyer because of what is happening in those institutions. What I saw in those institutions was nothing to boast of in this country. The Magistrates were complaining bitterly about their deplorable conditions.

Mr Speaker, Honourable Members, when we also visited the Correctional Centres, we found out that inmates were suffering in those prisons because there were no Magistrates to preside over their cases. Magistrates are even afraid to go to certain parts of this country because of the deplorable state of our roads. In fact, these Magistrates are hardly provided with official vehicles to ease the problem of transportation. It will also interest this Honourable House to know that there was a system called the Jury System in this country, wherein prominent civil servants were chosen to serve in the court system. Presently, the Jurors in the provinces could not go to court because no form of remuneration has been provided for them. These are some of the problems they are confronted with in the process of dispensing justice in this country. Our brothers and sisters are languishing in the prisons. In a nutshell, the Judiciary needs urgent attention, if justice is to be dispensed in this country.

Mr Speaker, Honourable Members, this Report is very succinct in terms of the issues highlighted. I want this House to carefully look at its recommendations and ensure that they are implemented. If these recommendations are considered in good faith, the problems in our judicial system will be mitigated to the barest minimum. With these few words, Mr Speaker, Honourable Members, I want to thank you for your attention.

HON. JUSUFU B. MANSARAY: Thank you, Mr Speaker. Mr Speaker, Honourable Members, it seems as if some Honourable Members are misusing the statement, "*to thyself be true.*" We learnt this statement when the current Speaker was serving as the Majority Leader of this House and Leader of Government Business. Today, some Honourable Members are using it differently. Mr Speaker, when you were using this statement, you were very honest. I am saying this because people are using this statement outside the context of development we are yearning for in this country. Most Members of Parliament, who are using this statement, are not even true to themselves.

Mr Speaker, Honourable Members, I want to confess here that the Chairman of this Committee and his Deputy have done a marvelous job. The Judiciary is expected to be an independent Arm of government. As a Parliament, we have a responsibility to ensure the independence of the Judiciary. However, Parliament alone cannot help the

Judiciary, because there are other institutions that are very central in terms of ensuring a conducive working environment for members of the Judiciary, like the Ministry of Finance.

Normally, Mr Speaker, Honourable Members, when the national budget is brought to this Parliament has no right to increase allocations to the various MDAs. What we usually do as a Parliament is to offer recommendations. The onus of implementing those recommendations lies with the Executive Arm of government. I want to state here that some of these recommendations are not taken into consideration at all. If we say Parliament should do everything, the nation will look at Parliament as an institution with enormous powers. Parliament cannot do everything in this country. As the representatives of the people, we are only here to advocate on behalf of the people of this country. The issue of carrying out our recommendations is within the purview of the Executive. I thought I should make this clarification for the listening public.

Mr Speaker, Honourable Members, I want to restate here that our brothers and sisters are languishing in the prisons. Our prisons are nothing to talk about in this country because the conditions of those prisons are so wretched that some of us are even ashamed of talking about them here. Mr Speaker, the emphasis I wanted to make has to do with the conditions of our prisons. The condition of a prison has a long way in terms of dispensing justice in a country. Our prisons are overcrowded simply because the cases within our courts are not treated with seriousness at all.

Mr Speaker, Honourable Members, Honourable Daniel B. Koroma said in his presentation that Magistrates are now receiving some support, as compared to 2002, when much supports have not been given to Magistrates. He also said that Judges and Magistrates were using one vehicle to convey them to their various destinations. Today, according to him, provisions are being made for official vehicles for every Judge. However, he contradicted himself when he said that because of financial problems, those officials could not even buy a break pad for their vehicles. The question is, are we really serious with what we say? In other words, are we saying the truth? People are misusing the true meaning of the statement, 'to thyself be true.'

Mr Speaker, Honourable Members, the two speakers talked exhaustively about the salaries of Judges and Magistrates. The question is, can Parliament determine the salaries of Judges and Magistrates? The Judiciary is an independent organ of government. If the Judiciary is not properly treated, then the issue of ensuring its independence and the delivery of justice in the country will look like beating a dead horse. Mr Speaker, this is very ridiculous for our justice system.

Mr Speaker, Honourable Members, I want to believe that the purpose of the Oversight visit was to exhume some of these problems that have been affecting our justice system, as are contained in the Committee's Report. I want to reemphasize here that the Judiciary is key in ensuring peace and tranquility in a country. It is also important for the progress of this nation.

Mr Speaker, Honourable Members, when I went to my Constituency, a teacher who was supposed to start teaching the other week called the Head Teacher and I to a village. Mr Speaker, when I went there, I saw a dilapidated school built with mud bricks. I decided to bring this issue up because our Constituency Development Fund is still in abeyance. The people have asked me to buy corrugated iron sheets and other building materials to refurbish the school. The question is, where can I get that money when our Constituency Development Funds are still not paid into our accounts? Our children need to learn in a conducive environment. I told the people that the Chairman of the Finance Committee in Parliament has been begging the Minister to ensure that the CDF is paid.

Mr Speaker, Honourable Members, if we cannot handle our own financial problems as a Parliament, will this Parliament be able to handle the financial challenges of the Judiciary? The Judges are moving from one place to another without official vehicles; and this is not a hidden secret to those who are concerned. This is why our justice system is very fragile in this country. If we want to help the Judiciary as a Parliament, we have to make sure that they are properly catered for in terms of funding, since they have to take care of the various Correctional Centres in the country by ensuring that they are not overcrowded.

Mr Speaker, Honourable Members, we have to make sure that the recommendations of the Committee are implemented to the latter. We have to put aside party politics if we want this nation to move forward. We should not be clapping where it is not necessary because it is not good for this nation. Some of us know that this government has done something good for this nation, but more has to be done, Mr Speaker. Mr Speaker, I want to thank you very much for this opportunity.

HON. AJIBOLA MANLY-SPAINE (*Chairman of the Legislative Committee*):

Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I have learnt from other speakers that deplorable conditions of service for our judges and Magistrates are a recipe for the delay and perversion of justice. However, I want to tell Honourable Jusufu B. Mansaray that the scope under which the Committee conducted its Oversight was limited. This means that some of the issues he raised were not within our scope at the time of the visit.

THE SPEAKER: Honourable Member, what do you mean when you said you were limited in scope?

HON. AJIBOLA MANLY-SPAINE: Mr Speaker, my colleague said that we should have made mention of the non-payment of the Constituency Development Fund. That was why I said we were restricted to go to the provinces to look at the conditions of the legal system in the dispensation of justice.

Mr Speaker, Honourable Members, I want to first of all thank the Leadership of Parliament for giving the Committee this opportunity to embark on these Oversight visits. As a Committee, we appreciate the responses we have received so far from the various speakers. I noticed that the Report has been appreciated because those who have spoken have had a look at the Report. Mr Speaker, before the Committee left for the provinces, every member of the Committee was given a copy of a document believed to have been written by somebody to the Judiciary. The document highlighted issues relating to the independence and accountability of the Judiciary; the issue of providing quality service to the public; and the issue of accessing quality justice in the country. Mr Speaker, having studied that document, we went to the provinces to meet

with the Judges, Magistrates and civil servants in Kenema, Bo and Port Loko districts. I want to also state here that the Report is a true reflection of what actually transpired during the Committee's meetings. In other words, the Report captures every issue we discovered during the hearings.

Mr Speaker, Honourable Members, the recommendations are contained on pages 17 and 18; and as a Committee, we tried to ensure the briefness of this Report, but very precise and concise. The Deputy Chairman of the Committee and the other Members who spoke before me described the Report in various ways. I think most of the things they talked about are mentioned in this Report. The Report talked about the salaries of Judges and Magistrates, Registrar and Judicial support staff. For the Judges, Mr Speaker, I must say that they are now having reasonable salaries than the previous years. However, the salaries of Magistrates, Registrars and other support staff are still unreasonable.

Mr Speaker, Honourable Members, the Deputy Chairman of the Legislative Committee spoke about the necessity of self-accounting in the Judiciary. Usually, the Judiciary was self-accounting and everything was working well until 1982, when the Judiciary was asked to pay all monies received into the Consolidated Revenue Fund. The Judiciary used to have special fund as petty cash.

Mr Speaker, Honourable Members, Honourable Members could recalled that when we were debating the supplementary budget last year, I confronted the Minister of Finance and Economic Development about the problems facing the Judiciary. I confronted him even before this Report was compiled. The Minister assured me that sufficient funds have been allocated to the Judiciary. We also discovered that officials in the provinces were never allowed to participate in the preparation of their budget. They only received what the head offices have decided to give them without considering what they exactly required. This point is very important because in budget preparation, the needs of those concerned should be taken seriously.

Mr Speaker, Honourable Members, on page 11 of the Report, we mentioned the issue of funding and logistical support. According to one of the court officials, this has

rendered the Judiciary to be a 'beautiful bird with broken wings.' This means that we have the structures, but we cannot get the structure to work properly because of lack of funds. This has been the case since 1982. There was a time when we had three law officers in Makeni, three in Bo and three in Kono. However, this trend changed during the 80s and everything degenerated. Since that time, we started having one law officer attending courts in Bo and Kono districts.

Mr Speaker, Honourable Members, this is telling us that these issues are not new in this country because they have been with us since the 80s. For example, in 1987, I was in Kenema as a Magistrate for three months. I met the prisons completely overcrowded as we have them today. I found out that there were two courts in Kenema, the one was dealing with cases in Kenema town and the other was dealing with cases in Blama, Segbwema and other places. I was there to look after Magistrate Court number II, outside Blama. Mr Speaker, what I found out was that many people were in detention in those prisons. I also discovered that those who were sued in Blama were also taken to Kenema and Kenema in turn would send bailiffs to serve the summonses in Blama. The person who had received the summon letter would come to the Magistrate, who was normally assisted by JPs, he would take the responsibility to grant him/her bail, but the sureties would have to come from Kenema. Mr Speaker, what normally happened was that those who were coming to Blama for the first time didn't know anybody in Kenema. Therefore, he/she could not avail him/herself from the bail he/she has been granted; and in most cases, the person who brought him to court might not be interested in prosecuting the case anymore.

Mr Speaker, Honourable Members, I am trying to emphasize that the Judiciary has been an eyesore for a very long time. Also, the attitudes of those working in the Judiciary have not changed at all, Mr Speaker. In other words, the attitudes of the people are still the same and it is sometimes difficult for some of us to answer certain questions relating to the Judiciary. However, this Report makes salient recommendations that will help change the deplorable situation of our judicial system. As a Committee, I want to implore this Honourable House to give this Report the utmost attention it requires for

the benefit of this nation. This Report should now serve as a working tool in terms of mitigating the problems confronting our Judiciary.

Mr Speaker, Honourable Members, it is true that 'justice delayed is justice denied. The problems we have identified when we went for the Oversight visit are enough reasons for delay of justice in this country. Mr Speaker, if you look at pages 12 to 17, you will find out that we spent a lot of time looking at issues in our Correctional Centres. The conditions in our Correctional Centres are very appalling. The problems in those Correctional Centres are the same, Mr Speaker. In other words, the problems we discovered at the Bo Correctional Centre were the same problems we identified at the Correctional Centre in Makeni.

Mr Speaker, Honourable Members, if you also look at page 15, the last few sentences, a senior officer at the Correctional Centre in Makeni said, "Most times when inmates are ill, I have to use my personal money to buy drugs in order to keep their lives going." This is very deplorable Mr Speaker and things should not continue this way. We also met female inmates who have given birth in most of the Correctional Centres we visited. Mr Speaker, those women have nobody to look after their children. They were incarcerated with their pregnancies. They gave birth in the prison; and we met them with babies. This is not only appalling, but unacceptable. Therefore, I want to appeal to this Honourable House to see reason for the adoption of this Report. As a Parliament, representing the people of this country, we have to assist the Judiciary, so that we will have a judicial system that people can rely on.

Mr Speaker, Honourable Members, I am saying this because I know what it means to go to court and apply for a bail. Normally, when a Magistrate grants bail to a client, the next minute you will get information that the client has been taken to the Correctional Centre. If you ask why that happened, you would be told that the person who should have signed the bail did not show up after he went for lunch. These are the things that are happening in our judicial system. This is why I said that the behaviour of workers within the judicial system has not changed for the better. We have had situations in this country where the court was even against a complainant who had been stabbed. The

court would do everything to frustrate your effort in terms of fighting for justice. This is not acceptable and we should try by all means to forestall these bad practices in our courts. Mr Speaker, when Honourable Benneh Bangura said that he wanted to be a Lawyer, I am happy that he did not continue with his dream because he would have regretted his actions. Mr Speaker, I want to conclude by saying that this Report must not be left on the shelf.

Mr Speaker, Honourable Members, with these few remarks, I move that the First Report of the Second Session of the Legislative Committee on the Oversight visit to the Provincial High Courts and Magistrate Courts and on the activity of the Judiciary of Sierra Leone, which was laid on the Table of this Honourable House on Thursday, 18th December, 2014, be adopted by the House.

(Question Proposed, Put and Agreed to)

(Motion of the Legislative Committee has been carried).

THE SPEAKER: Honourable Members, on your behalf and on my own account as Speaker of this House, I want to commend the Chairman of the Legislative Committee and Members. If you studiously go through this Report, you will find out that it is a true reflection of what is on the ground. The Chairman of the Committee has said that the attitudes of some of these officials who worked in the courts from the 70s to date, are still the same and nothing has changed. I think there has to be a change in this respect for the betterment of our judicial system. Nevertheless, unlike what Honourable Benneh Bangura said about having no regret of not being a Lawyer, you can testify that there were two or three modules that you and I did at Fourah Bay College. A lecturer of ours in Philosophy, Professor Peterson, the Head of Department of History, advised me to be a Lawyer, but I did not. Today, I regret for not being a Lawyer. I think I should have been a Lawyer, perhaps they saw something in me in terms of articulating issues well without being modest.

Honourable Members, I want the other Committees to follow the foot step of the Legislative Committee, although some Committees have presented their reports, but under my Speakership, I will insist on debating these reports. I want the Clerk to

ensure that all the reports that have been submitted be debated. The Chairman has said that this Report must not be left on the shelf at all. I want you, as Members of Parliament, to ensure that some of these recommendations contained in this report are implemented. They are very good and they will help to rebrand the image of the Judiciary. I also want Honourable Members to make sure that they retain their reports and other reports. They are, as I have said, a store of knowledge. They are important reference point; and by the time you leave Parliament, you would still find out that they will be of much use and benefit to you.

HON. FRANK KPOSOWA: Mr Speaker, I want clarification on some of the issues raised from this Report. I want to know the structures being put in place in this Parliament to ensure that what is deliberated upon is communicated to the relevant MDAs. Do we have a structure in place to make follow up on some of the decisions reached by this Honourable House? Do we have any follow up mechanism in place, Mr Speaker? This is because we have taken many decisions in this House, but we have not seen any action being taken by the respective MDAs.

THE SPEAKER: Honourable Member, what you have raised is a very good point. Mr Clerk, any answer?

HON. IBRAHIM S. SESAY (*Clerk of Parliament*): Mr Speaker, as the Honourable Member rightly said, we have taken several decisions and some of them had to do with Bills. Normally, when Bills are passed here, they are signed by the Clerk of Parliament and later sent to the President for his assent; and after the Bill has been signed into law by the President, it becomes a public document. If it is ratification of Agreement or Grant, we prepare the ratification certificate which we send to the Office of the Attorney-General.

THE SPEAKER: The Deputy Speaker did say something to me yesterday that we have the Deputy Master and Registrar and some important officials in the justice system should have been invited to be here. The Office of the Clerk should have done that. I was expecting the head of the Correctional Service to witness these debates. If the Deputy Master and Registrar has been here, we should have had one or two very senior

Judges and other very important officials. Honourable Frank Kposowa was saying that in other Parliaments, decisions taken by the House should be monitored by a particular parliamentary Committee. We are going to look at this issue very seriously with a view of having it implemented. My attention has been drawn to S.O. 76 (6), which states, *"Pursuant to Sub-section (2) of Section 107 of the Constitution, the Minister under whose portfolio the matter raised in a report falls, shall be requested to offer a comprehensive response thereto in the House within 14 days after the dispatch of an adopted select or special select Committee report of him."* In the light of this, I want the Clerk to ensure that this Report is submitted to the Minister of Internal Affairs and the Attorney-General and Minister of Justice. They should read this Report and we expect them to respond to the issues raised in it.

ADJOURNMENT

(The House rose at 12.00 noon, and was adjourned to Friday, 25th March, 2015, at 10.00 a.m.)