

JUSTICE SECTOR COORDINATION OFFICE



**DECLARATION OF PURPOSE STATEMENT:
A THREE-DAY RETREAT TO REVIEW THE CRIMINAL
PROCEDURE ACT 1965**

**(OCCASIONS, Sam King Business Park, Off Peninsular Road,
Lakka Beach)**

By

**MR SHAHID MUSTAPHA KORJIE
COORDINATOR**

23-26 June 2021

My Lord, the Hon. Justice Nicholas Browne-Marke

The Hon. Deputy Minister of Justice,

Governance team Lead– UNDP,

Members of the CPA Review Committee

Let me start by welcoming you all to this historic moment. I choose historic to describe this occasion because I am confident that this time around, the Criminal Procedure Bill will be passed into law and it will happen before the end of this year!

Distinguish ladies and gentlemen, my statement this morning will focus on two areas – the reason why we are here and the Justice Sector Coordination Office’s commitment in facilitating the development and supporting the implementation of justice sector reform priorities for the Government of Sierra Leone.

Over the years, several steps have been taken with the aim of enacting the Criminal Procedure Bill, but the process has been characterised by protracted delays despite the urgent need for the reform of the criminal justice system in Sierra Leone.

Sierra Leone is a signatory to various regional and international human rights instruments, so it is obliged to conform to international human rights standards and criminal justice practices. A review of the CPA will not only improve the efficiency and effectiveness of the criminal justice system, but it will enhance policing and prosecution, the Correctional system, the judiciary, access to justice, juvenile justice, customary justice and the various international and regional treaties and protocols relating to the criminal justice system.

Supporting the enactment and implementation of reviewed legislation and regulations, including the CPA, the Bail and Sentencing

Regulations and the Correctional Acts amongst others are priorities for the GoSL. These commitments were boldly made under Sub-Cluster: 4.5, Outcome 1 of the GoSL's Medium-Term National Development Plan (2019-2023). Additionally, these commitments are intricately linked to the achieving SDG 16 which borders on peace, justice and strong institutions. Undoubtedly, without a reformed criminal justice system, achieving SDG 16 will be impossible. The overall objective of the fourth generation of the GoSL Justice Sector Reform Strategy and Investment Plan (2019-2023) is for a **'Sierra Leone with an effective Justice Sector enabling increased access to justice, expedition of justice, protection of human rights and opportunities for economic development'**. My Lord, Hon. Ministers, distinguished ladies and gentlemen, without reforming our criminal justice system, this overall objective will unquestionably not be met.

Brief history of JSCO's work on the CPA

The JSCO, has been involved in strides to review the CPA 1965 for over two decades now. After it was established in 2007, the first generation JSRSIP (2008-2010) made the review of the CPA 1965 a top priority.

In a justice sector survey in 2006, the British-supported Justice Sector Development Programme (JSDP) initiated a holistic approach to reporting on the country's justice sector. Later, the JSCO was established and put in charge of producing the annual justice survey. Findings in that and subsequent surveys recommended an urgent review of the CPA.

Further to this, in a 2009 policy brief, the Institute for Security Studies (ISS) painted a grim picture of Sierra Leone's criminal justice system.

The Brief focused on policing, prosecution, prisons, the Judiciary and access to justice among others. For most of these specific sectors, the Brief strongly recommended among others the need to increase public funding to the sector and the review of the Criminal Procedure Act, 1965. Under prosecution, for example, the Brief stated: ‘It is mandatory that the outdated Criminal Procedure Act be reviewed to accord with best practices in criminal prosecution.’

As a result of a series of coordination meetings, surveys, reviews and donor mobilisation drives by the JSCO, the process of reviewing the CPA started in 2010, with many more of such efforts to follow.

My Lord, Hon. Ministers, distinguished members, since 2015, the process to Review the Criminal Procedure Act 1965 has gone through at least two finalisation stages, but still has not been concluded. I shall resist going into the details of those review processes, since the distinguished judge here is a living encyclopaedia of the bureaucratic bottlenecks surrounding the Review of the CPA. I should however mention that as recent as in 2018, several meetings were held with members of the Legislative Committee of Parliament, the Speaker and previous members of the CPA Review Committee to discuss modalities of moving the legislation forward.

Now under the directive of the current Attorney General and Minister of Justice, Mr. Anthony Y. Brewah and in a bid to ensure a transparent, credible and all-inclusive administration of justice, the Justice Sector Coordination Office has embarked on facilitating the FINAL Review of Draft amendments to the CPA. This Review shall reflect on modern practice, legal jurisprudence, existing and emerging challenges and other issues such as relating to constitutional development, international human rights standards and technological innovation.

My Lord, Hon. Ministers, distinguished guests, ladies and gentlemen, this Review process requires working together with several key stakeholders. As a result of this, the present Committee Members are:

1. Mr. Justice Nicholas Browne-Marke, JSC (**Chairman**)
2. Mr. Umaru Napoleon Koroma – Deputy Minister of Justice
3. Mr. Easmon N.B. Ngakui – The Director of Public Prosecutions
4. Mr. Dandyson Thompson- First Parliamentary Counsel, Law Officers’ Department
5. Mr. Joseph A.K. Sesay - State Counsel, Law Officers’ Department
6. Ms. Cecilia Tucker - Legal Aid Manager, LAB
7. Ms. Simitie Lavalley - Commissioner, Human Rights Commission of Sierra Leone
8. Mr. Idrissa Kargbo - Principal Legal Research, Law Reform Commission
9. Mr. Franklin W.O. Campbell- Board Member (Legal), Independent Police Complaint Board
10. Mr. Francis Senesie Kargbo - Corporate Officer - CHQ, Sierra Leone Correction Service
11. Ms. Eddinia Michaela Swallow - President, Sierra Leone Bar Association
12. Mr. Musa Mewa, Head of Chambers, Brewah & Co.
13. Mr. Ibrahim Tommy -Executive Director, Centre for Accountability and Rule of Law (**Secretary**)
14. Mr. Walter Neba - Rule of Law Programme Specialist, UNDP
15. Mr. Ahmed Atata Mansaray- Head of Media & Communications and Field Manager, Ministry of Youths Affairs
16. Mr. Shahid M. Korjie - Coordinator, Justice Sector Coordination Office

The Technical Committee shall also be engaging with Members of the Legislative Committee of Parliament.

In conclusion, it is hoped that the passing into law of the Criminal Procedure Bill will strengthen the country’s criminal justice service delivery.

We are therefore grateful for the support of the UNDP, the PeaceBuilding Fund, the US Department of State, the International Bureau of Narcotics and Law Enforcement Affairs (INL) and with close collaboration with the US Embassy in Freetown in reviewing of the CPA, 1965.

I thank you all for your attention

INTRODUCTION OF THE CHAIRMAN

The Hon Mr Justice N C Browne-Marke was called to the Bar of England & Wales by Inner Temple, on 24th November, 1981. This year, he will be celebrating 40yrs since he was called.

Distinguished participants, on leaving the sixth form at an early age, our Chairman worked as a clerk in the Law Officers department between 1975 and 1977 before embarking on the LLB degree course. He worked in Freetown, Bo, Port Loko and Makeni.

He returned to Sierra Leone in September, 1982 and joined the Law Officers' Department as State Counsel. There, he was attached to the Director of Public Prosecutions Office, then headed by Mr N D Tejan-Cole. During his time there, he prosecuted cases in Freetown, Port Loko and Makeni. He prosecuted, or, participated in all types of serious offences, including Murder, Treason, Robbery with aggravation and kindred offences.

In 1987, after the Treason trial of The State v G M T Kaikai & 17 others, our Chairman was promoted Senior State Counsel. He continued to serve in that capacity until November, 1989 when he left the Law Office for private practice. Though no longer a Law Officer, his services were engaged in later years to prosecute several high profile cases, such as the FBC 26 Murder trial between 1989 and 1990, the Claude Nelson-Williams Murder trial both as a State Counsel in 1989 and the retrial between 1991 and 1992. He secured convictions

in these cases.

In private practice, he also accepted defence briefs in criminal trial, one such being the famous Halloran trial for underage sex with a girl. Halloran was convicted but he won his Appeal because of the strong legal arguments put up by Justice Browne-Marke.

In 1992, he was Counsel for the State in the Justice Nylander Commission of Inquiry set up by the NPRC Government, investigating the affairs of Government owned enterprises or corporations.

In 1994, he was Counsel for the then Managing Director of the failed IBTI bank in the Commission of Inquiry set in by the NPRC Government.

In 2002, he took on the role of Associate Trial Attorney at the Special Court for Sierra Leone. Together with the then Chief of Prosecutions, he put together the indictments against Foday Sankoh, Charles Taylor and the other indictees of the Court. He left before the trials started and went back to practice.

Apart from criminal cases, he argued several important civil cases in the Courts. In March, 2007 whilst Justice Renner-Thomas was Chief Justice, he was appointed Justice of Appeal. In that capacity, he exhibited his deep and expert knowledge of criminal law and practice. Due to his experience, successive Chief Justices and the Anti-Corruption Commission have tapped his knowledge in training programmes for Judges, Magistrates, prosecutors, and investigators. By 2005, he had developed an interest in law Reform on his appointment as the Bar's representative on the Law Reform Commission.

He was tasked with reviewing the Offences against the Person Act, 1861. By 2010 the draft bill was ready, but failed to make it to Parliament. He is again

heading the Law Reform Commission's latest committee tasked with ensuring that a new law dealing with offences causing physical and psychological harm, reaches the statute book.

Likewise, in 2010, he began working with 4 other lawyers to do up a new criminal procedure act, replacing the 1965 Act. That activity was sponsored by the UK DFID through its agency, JSDP. By December, 2010 the draft Act was launched at Njala Venue. More than 10 years down the line, he has once more been called upon to lead the review process of that Act, and to see it gets onto the statute book.

Distinguished ladies and gentlemen, one thing JBM is happy about is that the Bail Regulations, which formed part of the brief to review the Criminal Procedure Act, was finally promulgated by Parliament in 2018.

He has written several papers on criminal law and procedure and on other law related matters. His ambition now is to write the first book on criminal procedure in Sierra Leone. The late Dr Justice Bankole Thompson another former Law Officer to whom Justice Browne-Marke paid glowing tribute at his civic laying out ceremony, blazed the trail in criminal law jurisprudence with his "Criminal Law of Sierra Leone". Justice Browne-Marke intends to do the same in the area of the practical aspects of the criminal law. Once the new CPA is on its way to the statute book, he will be pursuing that goal.

Distinguished ladies and gentlemen, I present to you our Chairman, Justice Browne-Marke.

