



COMMUNITY-BASED PARALEGALS IN SIERRA LEONE

Case Studies And Stories

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Introduction



This story begins just after the end of the 12-year civil war in Sierra Leone. It draws on my personal experience in the field of primary justice with a community-based paralegal program and it is my hope that it will illustrate the impact community-members trained in basic law, mediation and advocacy can have on the lives of the poor. It starts with my work as a paralegal with an organization called Timap for Justice and continues up to my present role with a team scaling up primary justice services across Sierra Leone. This is a multi-partner project involving the Open Society Justice Initiative (OSJI), Timap for Justice and the World Bank. Namati, an international legal empowerment organization, is overseeing the project.

My work in the field of primary justice began in 2004. I want to share my experiences of the last decade with people who might want to join the paralegal profession or who manage paralegal organizations elsewhere in the world. The more we share our methods and approaches, the more we strengthen the grassroots movement bringing justice to those who live outside the protection of the law.

Timap for Justice is a Sierra Leonean NGO established in 2003. Timap developed a creative, flexible model to advance justice, one that combines education, mediation, organizing, and advocacy - and all in a way that responds to the particularities of Sierra Leone's socio-legal context. This context includes a shortage of lawyers in the country and a dualist legal structure, encompassing both formal and customary law. Timap's frontline is made up of community-based paralegals backed up by lawyers who, in intractable cases, employ litigation and high-level advocacy to address injustices. Timap provides assistance for intra-community breaches of rights as well as justice conflicts arising between people and government officials.

I joined Timap for Justice just after my contract came to an end with the Sierra Leone Truth and Reconciliation Commission (TRC). While with the Commission, my responsibilities included taking statements from victims, perpetrators and other actors in the civil war, investigating serious human rights violations and helping organize public hearings.

Listening to the stories of victims and perpetrators while working for the TRC motivated me to work at addressing injustice in Sierra Leone. A good number of the ex-fighters I interviewed said one of their reasons for joining the Revolutionary United Front (RUF) rebel movement was because of the injustice they suffered at the hands of decision-makers such as traditional authorities, local and formal court officials, police and government officers. Some even went

on to say that corruption, nepotism and favoritism were all part of their reasons for taking up guns. I thought a way to contribute to the peace process - by addressing the root causes of the war - would be to work with an organization like Timap. Timap aims to solve the justice problems of the marginalized, the disadvantaged, and the poor and at the same time hold the state accountable.

Timap started as a pilot project called Access to Justice Project in late 2003. I started officially working for the project in early 2004. I was part of the first batch of thirteen paralegals trained in 2004. After our first training, which lasted for about ten days and covered basic law, paralegal skills, and the workings of government, we were sent out to our chiefdoms to set up operations, without even basic office space. I happened to work in Yele, in Gbonkolenken Chiefdom, the home chiefdom of my father.

My first month felt like swimming in a big pool of ignorance, not knowing what to do. The situation was just like the early days of the civil war: volunteers received just a few days of military training and were given machetes or very old-fashioned guns to face the well-armed rebels. The paralegal model wasn't as developed as it is now; we made this road by walking. When we began, we had no recipe for what a Sierra Leonean paralegal should look like, or how paralegals could address any of the myriad and complex injustices that Sierra Leoneans face. Thanks to the persistent trial and error of the paralegals and directors, plus the courage and insight of the communities with whom we work, we now have a developed model for advancing primary justice.

What does a paralegal's work look like?

A paralegal is a person trained in basic law and essential skills including mediation, investigation, negotiation, advocacy, organizing, and community education, who works directly with the poor and disadvantaged. A paralegal takes a creative, flexible approach to finding solutions to people's justice problems. Timap paralegals are called community-based paralegals, because they live among the people they serve.

A paralegal's work is a valuable part of community development; the work helps to build stable, peaceful, and prosperous communities and helps in bridging the gap between the state and ordinary people, especially those who find themselves in rural, remote, and marginalized communities. Working as a paralegal requires passion and enthusiasm; there is much more in the work of a paralegal than can be written in a simple job description. As a paralegal, people depend on you for solutions to a wide range of their problems.

'Human rights officer' was what people called us initially when we started, because the word paralegal was unfamiliar. "Human rights!! Human rights!! Open and come to my aid, the police cannot help I am dying and I need justice. Open! Open! Open!" This cry was a woman who came to my house very late at night. She had suffered serious violence at the hands of her husband. She had gone to the police but they wouldn't help her.

It was a Saturday night, about 11:30pm. The woman was around 25 years old and when I opened the door, I saw she had a swollen face and blood on her nose. I accompanied her to the police. It was the same police station that had sent her away, saying she should go to her house and come back in the morning to make her complaint. With my presence this time, the police cooperated and took her statement. I had to tell them that it is not right sending the victim to her perpetrator; it is like the fire fighter sending a householder back into their burning home. Her case was treated with seriousness this time. I went with her to the health center together with a female police officer. Again, it wasn't easy to get the community health officer to open his door to attend to her. Yet the woman was treated and, for that night, slept in the house of the policewoman.

Cases of all kinds will come to me – some at very odd times and by every kind of person. This particular case ended in a very frustrating way. After the woman's husband was arrested and the case was about to be taken to court, the wife began to plead for the release of her husband. When I insisted that the husband should be charged, she began crying bitterly.

Because of their ability to solve problems, a paralegal becomes a magnet for the community. People would come to me with issues that were not a paralegal's work. People came to me for educational advice and for help on writing business agreements. They wanted wills written, transactions witnessed, and someone to attend chieftom council meetings, or to observe chieftaincy elections. Being a community-based paralegal means you become connected to people and I found myself taking part in almost everything that went on in the community. The community looked at me as someone with all the answers to the problems that they faced. Even other state institution in my locality, including the police, health officers, chiefs, other NGOs and schools, eventually looked to me for help on a wide variety of issues.

The Access to Justice Project

The organization started in 2003 as a joint project called "Access to Justice Project" between the Open Society Justice Initiative (OSJI) (part of George Soros' Open Society Foundation) and the National Forum for Human Rights (NFHR), a Sierra Leonean coalition of human rights organizations. The idea wasn't clear as to what the project should look like. Then, with the arrival of Vivek Maru, an OSJI fellow and American lawyer, to Sierra Leone, OSJI and NFHR began to develop a basic concept. A Sierra Leonean lawyer, Simeon Koroma, was recruited to work with Vivek on the project.

Vivek and Simeon started working as coordinators of the Access to Justice Project. At the beginning, I thought these guys will not be able to work together - they held the same position and yet had different training, cultural backgrounds, and orientations. Can two captains pilot one aircraft at the same time? It was a pleasant surprise that they eventually transformed the Access to Justice Project into Timap for Justice and moved the organization forward. Very few American lawyers would make such sacrifice. I could remember one day before the project got off the ground; we traveled all the way to Yele during the rains on very old motorbikes to

talk to the chiefs. Simeon rode one of the bikes with Vivek behind him, while I rode the other with another colleague. The trip was very rough; we were riding through big ditches, in pools of water, and on very slippery ground. In Yele we had to sleep on traditional beds, made with savanna grass with no mosquito nets – Vivek slept in the car because he couldn't bear the mosquitoes. Yet they were happy doing this work and they made it a success. Timap is now a flourishing paralegal program with a creative, flexible and results-oriented model.

My role as a lead paralegal

My workload intensified when I took up the lead paralegal position. This was about two years after starting work as a community-based paralegal. I was supervising 12 paralegals in five offices stretching from Kaniya in the south to Magburaka in the north. All my travelling was by motorbike; moving between offices during the raining season was the most difficult task I had. The roads were not at all bike-friendly – very rough, slippery and sometimes even flooded all over. I would reach our offices at times completely wet; I ended up having extra clothes in each office in case I got wet on the way.

One of the most important parts of the role was giving instant advice to the paralegals in response to the very wide variety of problems their clients would bring to them. Usually the calls came when the clients were sitting before the paralegals waiting for their advice. When I did not have first-hand answers, I could call on my directors. We needed a well-coordinated communication system and I spent long hours on the telephone. Being a paralegal means always thinking of your clients. All I would think and do was Timap and the work of paralegals. I would ask for leave but end up using half of it working. On December 23, 2007, even though we had a holiday for Christmas, I went to a community to work on a case of a dispute between cattle owners and crop farmers. On my way back, I had a serious accident with my motorbike and was hospitalized for two months. If I hadn't had a crash helmet that accident would have been the end of my life. I spent Christmas 2007 in a hospital bed.

Paralegals' work and money

The work of a paralegal is about more than just the financial reward. When I started working as a paralegal, we were paid a very small salary and of course we did not take money from clients. It is not a job for someone interested in making money. All of Timap's services were free-of-cost. Some people tried to tempt you with money, but a paralegal should put their work first and follow the policies of their organization. Once, a very rich businessman attempted to give us money for us to drop a case that a woman had raised with our office. He was surprised that we didn't take his money, as he had given a small sum to the police and they cooperated to drop the case. We refused his money and wrote him a letter before action. Refusing his money and taking this step made him treat the issue with the seriousness it deserved. He cooperated with us and asked that we settle the matter without going to court. At the end of the mediation, our client ended up getting 23,000,000 Leones (\$5,280 USD) from the share of property over which they had the dispute.

The policy of Timap is that the paralegals and other staff should not accept anything, gifts or otherwise, from clients. In most of the cases we were handling, people brought gifts at the end of the day. It always amazes me how grateful people are. Clients who brought gifts to me that I turned down were always unhappy. As a paralegal I had to take time to explain the reason why I could not accept gifts; they understood in some cases, but in other cases, the clients went home happy for what I did for them in their case, yet unhappy for my not accepting their gifts. It goes against custom in rural Sierra Leone to turn away gifts. An amputee woman once reported me to a chief for refusing to accept a gift from her. She had been selling rice to people and giving them credit. A good number of people refused to pay her back, so she came to the office for me to help her get her money. I was successful and she offered me two chickens and some money as a way of showing appreciation. I refused to accept the gifts. She was offended and made the complaint to the chief of the village. I had to explain to the chief the policy of Timap with regards to gifts. Both the chief and woman failed to understand and were insisting that I accept the gifts. I insisted and refused it. She wasn't happy.

Our clients are poor people, a good number of them women. They very often have multiple problems in addition to the justice issues they bring to the paralegal office. Such problems often revolve around sickness and malnutrition. Some of these clients are so poor that they are not able to pay medical bills and as a result, they don't go to health centers. In one such case, a pregnant woman came to the office with a case of neglect; she didn't know the duration of her pregnancy and had never gone for antenatal care. She seemed very sick, which made me put aside the case she came with and rush with her to the health center. She was admitted for care and I ended up paying the bill - her husband also was a poor man with three wives and seven children. I so often paid medical bills for my clients and their children that I had outstanding bills to pay at the health center every month.

Paralegals and the local court

The local court is the court that has the jurisdiction to hear and determine cases that involve customary issues. The local court is where 75 per cent of the people in the provinces go to seek redress for their justice problems. The officers of this court are traditional people and they use customary law in the hearing and determining of cases. These courts can be found in all the chiefdoms of Sierra Leone. A chairman heads local courts, with assistance from four assessors and a clerk who takes records. In addition, the court has a bailiff and its own police, called the native administration police.

Paralegals are not allowed to represent people at the local court. We do observe and monitor proceedings. Most times this monitoring is case driven, but occasionally we just go to observe what goes on in the court. We advise and prepare our clients for cases in the local court. In some instances, I will also advise and make suggestions to the court officials, especially the chairman and the clerk. These courts are beset by corruption and other problems; some chairmen are illiterate and only the clerks can read and write. My first case at the local court was actually against some court officers. The officers had connived with someone to exploit

people. The case brought a great deal of respect for the paralegal organization. We threatened to make a case against the court officers for corruption and exploitation and in the end they paid back all the money they had taken from the people.

Paralegals encourage courts to follow procedures honestly. In one particular court, the officers were always uncomfortable whenever I was present. The chairman would ask for an adjournment and pull me into the chambers to ask why I was attending the court.

In a breach of promise of marriage case, a woman was brought to court for refusing to marry a man after receiving money and gifts from him. With advice from me, she was able to win the case in court. All the gifts passed through her uncle and the uncle was the one doing the arrangement on her behalf without actually having her consent. The prospective husband didn't come directly to the woman, but was pursuing her through the uncle. When she refused to marry to the man, the uncle wasn't happy. The uncle then joined the man to bring a case at the local court against my client. Initially, she was bullied at the court, but when I got to know about the case, things started working well for her. With my colleague paralegal, we prepared the woman for court; we talked to her before and after court, we told her what to expect, what to say, and which questions to ask. She did so well that the case went in her favor.

In another case, while a paralegal I was supervising was monitoring a court, the chairman made series of blunders. When the paralegal and I pointed out his errors, he was obstinate and refused to listen or take advice from us. He proceeded to make a judgment against our client. We helped the client apply for a review to the customary law officer. The customary law officer overturned the local court's judgment after the review; the result of the review went in favor of my client. This particular court chairman was an ex-policeman and local people were afraid of him. Many of them were overjoyed that his judgment had been overturned – it was the first time that such a thing happened.

Helping lawyers in litigation

One of my happiest moments was when we won our first case at the Magburaka magistrate court. It was a case of wounding and assault. A woman who assaulted and wounded another woman rushed to the police and used her connections and money to get the police to process things in her favor, so that she became the complainant. Even though the police met the other woman, who was being treated at the clinic at the village when they found her, the police continued to favor the complainant. The chiefs in the community had instituted an action against the complainant at the local court for public fighting and using abusive language; but she evaded the chiefs and the local court and went directly to the police. Once the case was with the police, the chiefs and local court were unable to intervene. This matter was brought to my attention by the councilor of that ward. I tried to get the police to understand the details of the case, but they were not interested. Even when I presented a medical paper from the village health center to the police, the officers still didn't listen to me. This police station was in the

habit of behaving this way. Our client was detained, but I was able to quickly advocate for the Officer Commanding to grant bail.

The case later came to court and our director and lawyer Simeon came to represent our client. This was the first case in that chiefdom where we represented a client in court. This was a case that showed people, including the police, that Timap had the power to bring litigation. Simeon not only defended the client, but also filed counter-charges against the complainant.

The case ended in our favor and our client received costs and compensation. It was as a result of this case that people in the community got to know that the organization had lawyers and could represent people free-of-cost. The police learned their lesson and began to respect the paralegal office.

In a country like Sierra Leone it is always difficult to take on government officials or people in positions of power and authority. I remember when the director of a company asked me to get out of his office. I was there to talk to him about an employment case - he had not paid 18 of his workers for several months and had terminated their jobs without giving them anything. He threatened to call the police if I did not leave his office. This case was a huge challenge; he had a lot of connections with senior officers in the police and other state institutions. Our clients had made several complaints to different institutions, but their case wasn't being treated seriously. Because we were relentless, we pushed the case until it was resolved to the satisfaction of our clients. The clients got their money even though the matter took a long time and went up to the high court before it was resolved.

Practical mediation: earning respect

In about four out of five cases mediation would be successful. Being friendly and professional helps make mediation work, as does sticking to practical and concrete solutions that the parties are able to abide by. A typical mediation agreement involved an indebted farmer who was brought to our office during the raining and planting season. This is when farmers in rural Sierra Leone have few resources, often barely enough to eat. The agreement reached was for a payment suspension - with the farmer to make payments in the harvesting season, when he would have enough to do so. The payment included the backlog of the months that fell in the raining/planning season.

In a rural community a letter from a paralegal office is taken very seriously; in some instances, people come to the office as soon as they receive the invitation – they don't even wait for the appointed date.

One man, who for years had refused to pay back money he owed an old woman, on receiving an invitation letter from the paralegal office took the money to settle the dispute between him and the woman. Before that, the local chief and other elders had tried to get him to pay, but the man didn't heed to them.

In another case, a letter was sent to a man who had to pay ten gallons of palm oil to a woman. On receiving the invitation letter from the paralegal office, he didn't just come for the mediation, but came along with the oil. This was the easiest case I settled as a paralegal. There was nothing to talk about other than just to hand over the oil to the woman. This man came with money prepared to settle any fees or fines the office was going to levy on him. He was so happy when he learned that the services of the office were free.

In local courts, the paralegals' presence makes the court officers do things right. Most of these courts are corrupt and extort money from people. The police act the same way - whenever paralegals accompany clients to the station nothing will be taken from them. Usually the Sierra Leone police will ask for money for so many things that are illegal, such as money for bail, money to withdraw cases, money for transport to arrest a suspect, even money for fuel to undertake an investigation. But these fees are not requested from a paralegal's client. The presence of a paralegal helps greatly in reducing corruption and increasing fairness in state and other institutions.

The Timap model

The Timap model of advancing justice for the rural poor has captured both national and international interest: the Carter Center (in collaboration with the Justice and Peace Commission in Liberia), International Crisis Group; DFID, The World Bank, UNDP, and many other institutions have now recognized the Timap model and/or helped to fund or build similar models elsewhere. The program is now spreading to other parts of Sierra Leone. This is a result of the successes the model achieved over time. The success of the program also helped in gaining recognition of community-based paralegals by the government of Sierra Leone - through the passing of the Legal Aid Act 2012 and the establishment of a legal aid board. In addition to Timap, four other organizations (Caritas/Justice and Peace Commission of the Catholic Mission, Access to Justice Law Centre, Methodist Church Sierra Leone, and BRAC) work as partners that we support to provide paralegal services in different parts of the country using the Timap model. A total of around 70 - 80 paralegals from these different organizations are now working in 14 chiefdoms and in the western urban and western rural areas. I now work with the 'scale-up team', which leads training for the paralegals and is responsible for growing paralegal services in the country. Paralegals now cover about 40 per cent of the population.

Working with the police

It was and still is difficult for paralegals to work effectively with the formal Sierra Leone police. The police see paralegals as either competing with them or coming to expose their dubious and unprofessional conduct. The Sierra Leone police force was and still is considered the most

corrupt institution in the country¹ and is known for its unprofessional way of dealing with the public.

When paralegalism started in Sierra Leone in 2003 all our work with the police was informal. There were no laws or policy recognizing paralegals in the country - even the term paralegal was new to people. This lack of awareness made our work with formal institutions such as the police difficult. It took us nine years (2003 - 2013) to push for legislation that recognizes community-based paralegals. With this recognition, relationships with formal entities have started improving, although some institutions are yet to learn of the new legislation.

Our usual work at the police was providing legal information and basic legal advice to people in conflict with the law. Our work also included referring cases of a serious criminal nature to the police, helping our clients secure bail, connecting suspects with their relations for the purpose of standing surety for them and monitoring the police to ensure that the rights of suspects were respected.

In one case, the local court workers were brought to the police for offences they allegedly committed in the execution of their duties. The police requested the local court workers pay Le50,000 each for bail – even though there is no administration fee for arranging bail. The workers complied with the request for payment and were released on bail. After their release, these local court workers went to the paralegal office to complain. I was with Vivek Maru and we went together to the police station, but the police vehemently denied taking money for arranging bail; it was behavior no police officer could admit to. Even though the police denied the allegation, they felt very embarrassed and were frightened while answering our questions relating to the incident. At the end, the police agreed to our suggestion that they should paste stickers stating: “bail is free” at different locations around the police station. One result of this incident was that from then on complaints about the police taking money for bail stopped.

In another encounter with the police, I met a nursing mother detained for failing to pay back twenty-five gallons of oil for which she had taken money from her business partner. She was detained at the open hall at the station, because her child was with her and there was no one to take the child. The case seemed to be a civil case of debt, but the usual habit of the police is to criminalize such incidents. The police would call these cases ‘fraudulent conversion’, in order to justify their involvement. I was able to secure bail for the woman. I got her husband from a distance village to stand surety for her. Understanding the nature of the case, with the help of my paralegal colleague, we were able to get the complainant – the woman’s business partner – to consent to mediation. Before she consented, we told her of the advantage of mediation if she was interested in getting back her money. We mediated and the woman promised to give the oil within a specified period of time, which she eventually did. The day the woman collected her oil, she was so happy. She said that she had spent so much money at the police but she only got what she wanted at the paralegal office – for free.

¹ Anti-corruption perception survey 2011- 2012

Paralegals working with the military

As a paralegal my work involved dealing with many different people, including military officers. The war had just ended and the government had decided to establish a new military barrack at Yele, in the center of the district where I was placed to work as a paralegal. In this barracks, there were a lot of soldiers who had fought for different factions – the civil defense force, the RUF² rebels, the AFRC³ - during the war. Together they formed the new post-war army⁴. This new army was causing lot problems for the people. The police were not able to take action for fear that most of these guys had “blood on their hands” and had roles in the war.

From the outside, working with the military looks very difficult. The institution is complex and a lot of people are just afraid to get involved with them. I myself happened to be brought up within a military barracks; my mother was a nurse working at the military hospital, so I had a better knowledge than most of the way the army operates. I had also happened to be in the part of the country where the war started and saw a lot of the fighting and survived many rebel and other attacks.

Eventually even the police relied on me to help them work on certain military cases. In one case, when a soldier had harbored a girl of 14 years for several days, the case was taken to the police. The police were finding it difficult to approach or arrest the soldier involved. This soldier, a corporal by then, had been a Lieutenant Colonel in the rebel movement during the war. He was known as “snake” and had some of his rebel followers with him in the newly formed army. The police had sent several invitations to the soldier to come in for questioning, but he did not show up.

To help the police, I lead them to the barracks, formally informed the military authorities of the issue, and notified the soldier of the police invitation for him to tell his side of the story. He was not handed over to the police, but arrangements were made for the military police to accompany him to the police station on a later day.

In another marital and child neglect case, a soldier came to the paralegal office to complain that the military authorities wanted to take an action against him in relation to a matter we had already mediated at the office. He was asking for our intervention to help make the army understand that the case was being handled by us and that he was complying with the mediation agreement. Vivek Maru and I went to the barracks late in the evening. By the time we reached it, the soldier had already been arrested by the military police and was about to be taken to a cell. I approached the officers and pleaded for his release, after which we engaged in re-mediating the matter until 12:30am in the morning.

² Revolutionary United Front, the main rebel movement that started the war that lasted for 11 years. RUF was headed by Foday Sankoh

³ Armed Forces Revolutionary Council was a faction that emerged during the war as a result of a military coup. AFRC was a mixture of the rebels and army deserters.

⁴ This army was called the New Integrated Army. It was established as a way of implementing the Lome Peace Accord.

The military in that particular barracks had great respect for the paralegal office. In debt, maintenance and other minor cases reported by civilians against soldiers, just a letter from the paralegal office to the Regimental Sargent Major (RSM) or the adjutant was enough to resolve them. For welfare issues including marital cases, child support, debt, etc. we worked with the RSM and the welfare officer. The RSM is like the paramount chief of the barracks and relates very well with civilians, including the army wives and children in the barracks. For issues of more serious offences, the adjutants who are the head of the secretariat and administration were my targets.

Once I was asked to address the soldiers during one of their muster parades. My address was about my organization and my role as a paralegal - I made a particular point of our power of litigation. In addition, I spoke on civil-military relations, how we needed to keep things cordial, to maintain our just won peace.

Paralegals' work in post-war community peace-building

The work of paralegals is a way of contributing to post-war development - promoting and sustaining peace in a war-ravaged country. The flexibility of the paralegal model allowed us to perform this role in different communities in rural parts of the country. The country was going through post-war reintegration and the ex-fighters were yet to be accepted in their communities. Young people were often war-like in behavior and were plagued by dark memories of the war.

In one case, young men from two communities clashed after a football match, resulting in several injuries and damage to some houses. The police intervened very late; arresting anyone they laid their hands on. A total of 23 people, most of them youths, some of them ex-fighters, were arrested and detained for two days. We went to the community to investigate the incident. We found out that most of those arrested were not involved, and the two communities were requesting a peaceful settlement of the matter – it emerged that there were several issues of potential conflict between the two communities. We then approached the police with our findings, which allowed us to secure bail for all of those detained. During our fact-finding, we discovered that the elders in these communities had been at loggerheads for many years over several issues, some related to land, some to local leadership and also related to events that happened during the war. Now the youth were following suit.

We initiated a community peace dialogue meeting in which we collaborated with the police and the social welfare ministry. The meeting was held at a school mid-way between the two communities. We brought the stakeholders and youths from both communities together to chart the problem together and seek possible solutions. In addition, and more importantly, we were able to discuss the significance of peace, how to manage community conflicts, and the role of the elders in maintaining peace. Using live case studies during the discussions, the dialogue session was very participatory and interactive and the community leaders came forward to confess their past deeds. The leaders admitted that they were responsible for

keeping the two communities in continuous conflict. In the meeting they openly pledged to change their ways and promised to support and promote peace in their communities.

A few months after this dialogue meeting, a dispute over land arose in the communities. A representative for one of the disputing parties wrote to the paralegal office asking for our quick intervention to settle the matter peacefully - if not, blood would be shed. The youth leader who wrote the letter said: "you had asked us to resolve our disputes peacefully, that is why we are calling you to come and help in this matter, as we no longer want to take the law into our hands." We rushed to the community and successfully settled the matter to prevent the communities from going into conflict again. It took us a couple of days to reach a peaceful resolution.

As part of our peace-building role, we paralegals also helped in various ways to reintegrate individual ex-fighters back into their communities. It could be difficult for some communities to accept the youths who were in some way involved in the war. Other peace-building activity we undertook included several workshops on promoting better civil-military relationships.

Paralegals and the mobile clinic system

Mobile legal clinics were and still are critical not only for outreach and publicity purposes, but also for extending the reach of paralegals to remote rural communities for whom legal empowerment and access to justice are most tenuous.

We divided each chiefdom into four areas called clusters. Paralegals visit each cluster on weekly basis. A cluster is made up of many villages and communities. A contact person within each community is appointed by the members of the cluster to work with us. He or she volunteers to act as a liaison between the paralegals and the communities. The contact person helps in securing and preparing mobile clinic venues, informs local people of the paralegals' movement and refers clients with particularly serious issues.

Work at the clinic is just like the normal work at the office: receiving clients' cases and helping clients in resolving them. Some of the cases are handled on the spot at the clinic. Those cases that we cannot handle because of time or complexity, we either defer to the next clinic day or ask the client and/or the parties to report to the paralegal office.

A typical mobile clinic begins with a short open community meeting on a relevant justice or human rights issue that is affecting the community, such as cattle trespass, domestic violence, teenage pregnancy, or police arrest procedures. After the open meeting, the paralegals handle individual client cases.

Paralegals' working relations with chiefs

Working with chiefs was difficult when the paralegal program started initially, because the chiefs saw paralegals as a threat. In Sierra Leone, you find chiefs with different titles in every

community of the country. Part of the responsibilities of chiefs is to help in maintaining peace by settling disputes amongst their subjects. Before 1963, chiefs were required by law to settle disputes through several means, including adjudication. Chiefs would preside over all cases, including those that were not of customary nature. In 1963, the Local Court Acts⁵ was passed. The Act took away the adjudication role from chiefs and allowed solely the newly established local court to take this role. The Local Courts Act 1963 clearly established that no one, apart from the court, should 'adjudicate without authority'; this provisions means that no one - even the chiefs - should adjudicate cases except the legitimate courts.

But most chiefs then and now do not adhere to this rule and go on adjudicating cases and fining people and extorting money from them. If a chief is asked while he is doing so, he will say he is mediating or arbitrating, but not adjudicating. In actual fact, what they do is adjudication because they take money, as courts do, from people for every stage of the proceedings. Unlike the courts that deposit the funds they raise into proper accounts, the chiefs keep the money raised for themselves.

Chiefs are usually the first call for dispute resolution and they play a very important role in resolving minor problems in their communities - the problem is the illegal courts that sit and extort money from the people. These practices are why the chiefs are always in conflict with paralegals. According to the Truth and Reconciliation Commission's report, injustice at the community level formed one of the causes of the civil war in Sierra Leone. Many of the decisions of the chiefs' courts lead to young people running away from their communities. The youth were fined high amounts and, because they did not have the money to pay and were afraid of the chiefs' actions, they ran to the mines and border towns. When the war broke out, it was these same young people who joined the rebels and took up guns and went back to their communities for revenge.

Chiefs are expected to be honest in dispensing justice in their communities, but some of them are involved in extorting money from their subjects. In a case we handled, a woman complained that she had a financial dispute with her colleague and the case was with the chief. After the chief had taken money from her for the wrong she committed to the complainant, she also paid another half of the same sum to the chief. The chief did not give the money to the other party and continued to play games. The matter was taken to the paralegals after both parties failed to get the money from him after making repeated attempts. In handling the case, the chief was invited to the paralegal office. Being a senior chief in the community, he cooperated and paid the money, because he was afraid of a scandal.

In a land dispute case that was with the Regent Chief, he 'flagged'⁶ the disputed land, thereby banning both parties from entering or doing anything on the disputed land. While the case was still in progress, the palm fruit on the land were ready for harvest. The chief sent people to

⁵ There is now a new law, the Local Court Act of 2011, which has replaced the Local Courts Act of 1963.

⁶ It is a form of injunction - erecting a white flag to indicate a no-go area. Flagging is a way of getting disputed parties away from a land or any property under dispute until decisions are made.

harvest the crops on the disputed land and bring the produce to himself. By the time the Regent Chief decided the case, all the palm fruit on the land had gone and the produce had been processed and sold. The chief kept all the money for himself. When the chief finally decided the case, the successful litigant asked for the produce. The chief claimed that according to customary law, he had the right to do what he did, because the land was disputed and was under his purview. When paralegals approached him, the chief said the same thing. We then advised and assisted our client in taking the case to the magistrate's court. With the court date approaching, the chief asked for a settlement. He was not happy with the paralegals - this was the third case in which the paralegals had intervened and he had lost all three.

Paralegals handling community level problems

The Timap for Justice paralegal model of advancing primary justice has two broad categories of cases, the individual and the community level. The individual is the category of cases with complaints brought by a single person or on behalf of a single person.

A community level case is a category that has to do with two or more people – the clients can be an entire community or a group of persons directly or indirectly affected by the problem.

Different community level problems have different approaches for how to handle them. Some cases can be handled by community education or dialogue sessions, some by advocacy, others by navigating local authorities, some by organizing communities for collective action or mediation and a very few by litigation. The strategy depends on the nature of a community level problem. Litigation is usually the last resort and we hardly use it.

Community level cases can be very important because they often involve issues that reduce poverty and improve the well being of large numbers of citizens. One example was a case where we held a NGO accountable for implementation of a development project. It was first raised at a paralegal's mobile clinic. The NGO received funds from the European Union to implement a community reintegration and poverty reduction project in six communities in Gbonkolenken Chiefdom. The project included a water and sanitation project, including construction of toilets and water wells, a peace building component, through construction of a community meeting place for organizing events, income generating programs for women, and agriculture support by supplying seed rice, sheep and goats and agricultural tools. In the water and sanitation project, some 16 toilets were constructed - all without doors and half of them had sunk into the ground without the community even using them. No water wells were constructed in any of the six project communities. Few goats or sheep were supplied - far less than the project called for. Some communities were not give animals even though it was in the project document and the communities had been told they would receive them at the outset. None of the income-generating activities for women, or adult literacy programs, were started.

We made an assessment by visiting the project sites, holding meetings with the people, and collecting all the facts in the case. We then approached the NGO's office at the district

headquarters. In the first meeting, the officers were nervous and afraid to talk to us. All they did was to refer us to their head office in Freetown. At the Freetown office the staff tried to evade us by making appointments with us and then not keeping the appointments. Eventually we wrote a letter and threatened to take them to court and/or to the anti-corruption commission on behalf of the community. The NGO then accepted that the project was indeed poorly implemented and they fired several staff – those who were supposed to implement the project. In a meeting with the NGO's senior officers, they promised to go back to the community to complete the project - this came after they had neglected the communities for two years. The officers went and completed some parts of the work, but have yet to complete others. The community was able to get seeds for planting, live animals and some skills such as soap making. These benefits indeed helped in some way towards alleviating poverty in these communities.

Community level problems tend to include cases from different sectors, such as agriculture, education, health and mining. In one agriculture-related case, officials of the Ministry of Agriculture worked through a district council to register farmers for the supply of seed rice. The farmers were requested to pay some money for the registration, which they did. This was a government post-war recovery project. The farmers relied on the registration and did all the necessary work on the land - brushing, clearing, burning, and so on, while waiting for the seed rice. During the peak of the planting season, after a long wait, the seed rice came but was only enough for a few farmers. The supply left out most of the other farmers from five sections in the Kakua Chiefdom. These farmers made several complaints to the traditional authorities, who were unable to help, because neither the district council nor the Ministry of Agriculture would respond to the local authorities.

Time was passing and the season for plowing and planting was fast running out. This made the farmers so impatient that they decided to take the issue up with the paralegals in Bo. They were led by one of our mobile clinic contact persons.

When the paralegals went to the district council, the councilors referred them to the official in charge of the Rapid Result farming project. That official in turn referred us to the Ministry of Agriculture office in Bo. There was some blame shifting between the council and the Ministry. The Ministry workers at some point were reluctant to cooperate and asked for the paralegals to identify themselves, which we did. In addition, we explained the role of Timap and the paralegals. We mentioned our ability to use litigation and also to approach higher authorities. It was after this discussion that their cooperation started. We found that the Ministry had caused the problem, it had distributed less than the proper quantity of seed rice for the council officers to supply.

It was the threat of taking up the matter with more senior officials that made the Ministry staff cooperate with the paralegals, knowing very well that it would be serious if the matter was raised at a higher level. Eventually the farmers were supplied the seed rice went back to their farms to continue their work.

Paralegals promoting accountability

Paralegals in Sierra Leone have also had a role to play in making schools and clinics more accountable to the people they are supposed to serve. One such case involved the staff of a secondary school that were asking for extra school charges during interviews for the new students going to into the first year. The school was asking for interview fees, development fees and other charges that are not part of the government's charges. Parents who couldn't afford the charges asked for assistance at our paralegal office. The paralegals took up the matter with the school principal who shifted the blame onto the teachers on the interview committee. The paralegal knew the principal was also involved, but was pretending not to be part of it. The paralegals were able to go through the Government's education policy, which made the principal agree to what the paralegals were saying. He pledged to refund the money taken from parents and promised not to take money from the others.

A few weeks after this incident, when the BECE⁷ results were due out, some of the teachers in the school wanted to collect money for delivering the results. This time the principal refused and went to the paralegal office to tell the paralegals what his teachers were about to do in his school. He also complained about other schools that were doing the same thing.

In a similar case, parents in a village reported to a paralegal during the visit of a mobile clinic that the head teacher was collecting illegal fees from them. According to Sierra Leone's government policy, primary school education is free in all government and government-assisted schools. When the head teacher was contacted, he said it was an arrangement between him and the Community Teachers Association (CTA).⁸ The head teacher went on to say that the money was used to pay for community teachers.⁹

When the School Management Committee¹⁰ chairperson was contacted, he claimed not to know parents were paying additional fees. According to him, the head teacher had taken away most of his responsibilities as chairperson. The head of the mission that owned the school denied knowledge of the payments. The district education office also denied and condemned the act.

To settle the matter, the paralegal organized a community meeting in which the parents demanded back the money they had been paying and a stop to the payment of extra fees. The head teacher was not able to account for the money the parents paid to him.

It was resolved in the meeting that the head teacher would stop asking for money and that parents would support the community teachers in some other way, such as by giving rice or

⁷ Basic Education Certificate Examination -an exam taken at 3rd level in the Junior Secondary school

⁸ Community Teachers Association, an association made up of community people (with children in the school) and the teachers of the school.

⁹ Teachers not on the government's payment voucher system.

¹⁰ A committee established by the Education Act 2004 (Section 33). The committee is made up of people from within the community where the school is situated. Its function is to help in the management of the school.

providing some kind of labor on their farms. The community teachers were also unhappy at the head teacher because the money was not reaching them.

Paralegals can also hold health workers accountable. One such case was referred to us by the Police's Family Support Unit (FSU)¹¹ and related to child neglect. The child's father was refusing to support the child, and the mother had gone to the police for help. The police referred the case to the paralegals because the father of the child would not cooperate with them. I was supervising the paralegal that was dealing with the case. We tried to meet with the father, but he would not cooperate with us either. Eventually, I advised the paralegal to refer the case for litigation. To take this route, we needed the birth certificate of the child.

A birth certificate only costs 5,000 Leones to obtain. The child's mother went to the local health center to get a copy of the birth certificate, and was asked to pay Le20,000. The woman had only Le10,000, which she paid. The Community Health Officer (CHO) told the child's mother that he would not give her the certificate until she paid the remaining balance of Le10,000. She came back to the paralegal office without the certificate and explained to the paralegals what had transpired at the health center. When the paralegal went to the center, at first the CHO said that Le20,000 was the stipulated cost. He still maintained his stance even when the paralegal told him the cost is Le5,000. The paralegal then told him that he was going to take up the matter with the CHO's authorities at the district headquarters. When the CHO realized that the paralegal was serious, he immediately accepted that indeed the correct cost was Le5,000, but said that it cost more in practice because of the transport costs to collect the certificates from the headquarters. The CHO ended up providing the certificate, and the paralegal asked him to refund the Le 5,000, which he did.

Paralegals in child protection: addressing child labor in school

Our work involved a lot of child protection issues. In one important community level case, the issue was of child labor. We observed rampant use of school-going children as labor on the farms of teachers and other people in the community. It became a habit of the teachers, especially during the farming season, to be using pupils as young as 10 years old to work for them on farms. Some teachers even took money from other people in the community in exchange for the children's service. At times this work is done during school hours when the pupils are in their uniforms. The teachers threaten to beat them if they fail to do the work, some promise grades and some defend the work in the name of practical experience. Some concerned citizens of Binkolo-Safroko Limba Chiefdom reported the practice to the paralegal office.

We embarked on in-depth fact-finding - documenting child labor incidents, taking down the names of the schools, the teachers involved, the kind of work the children did and the time, place taken to work and kind of work they had to do. Several meetings followed this

¹¹ A unit of the Sierra Leone police established just after the end of the war responsible for handling family related cases including domestic violence, rape, child abuse, marital issues, etc.

investigation; first with the heads of schools and then later separate staff meetings in all the schools within the chiefdom.

In the meeting with the heads of schools, the results of the investigation were presented to them and, in addition, the relevant laws that prohibit such exploitation were explained to them. They quickly accepted that teachers were indeed using children to work on farms. They were surprised at the extent to which it was happening. The heads thanked the paralegal office for raising the issue and promised to cooperate with the paralegals to address the practice. The legal authorities we used were the Education Act of 2004 and the Child Rights Act of 2007. Section 32 of the child rights act was the most useful legal authority - it says "no one shall subject a child to exploitative labor" and sub section 2 defines exploitative labor as "any labor that deprives a child of his health, education and development". Posters were distributed to the schools to be posted on their notice boards and at strategic places in the schools. At the secondary schools, we also talked to the students themselves, and empowered them to resist any teachers who ask them to go and work for them.

To date there has been compliance in the schools in Binkolo-Safroko Limba Chiefdom with what was agreed on in the meetings. The paralegals are now busy replicating this strategy to other schools in their communities.

Another paralegal child protection intervention involved a gold mine in the south of the country. Children were withdrawing from school to go into the mine. In some instances the parents approved of their children's actions. In this case, we held a community meeting in which we talked of the problems and dangers in the use of children in mining and the importance of keeping children in school. The main focus of the solution was to have the community agree to by-laws that keep children from leaving school for mining work. We were able to guide the community elders in putting together this by-law.

Community empowerment

Our paralegals' work is greatly centered on legal empowerment - the model is tailored in such a way that no client goes away without being empowered. We give information on the law and policy in every case – so that no client leaves without better knowledge of their rights. In contrast to lawyers, paralegals do not only work *for* clients but in addition also work *with* clients in resolving their problems. We do this so that at the end of the case the clients are empowered in such a way that they know what to do, or know where to go, when faced with a similar situation.

Pursuing community level problems using the empowerment approach contributes to making people take action for themselves. One such example involved the head teacher in a village school who was using school funds for himself. He was not involving the community in the running of the school; he was doing things in his own way. In one paralegals' mobile clinic, the topic of discussion with the community was about right to education, using the Education Act of 2004. As a result of the discussion, the villagers were able to understand the laws relating

to education and their roles in managing their school. The local community did not know the law made provision for them to be involved in the management of the school. With such meetings, paralegals are always able to put the law in the hands of the people, thus empowering them to take action on their own.

The local people felt empowered and took up the case against the head teacher. They asked the head teacher to account for the money he had been receiving on behalf of the school. He was counting on the people's ignorance and was even asking them to contribute towards the running of the school. Now that they were empowered, the community asked him to leave the school if he could not refund the money. Even when elders at the chiefdom headquarters spoke up on his behalf, the people were so empowered that they maintained their stance that he should leave. In the end he accounted for some of the money, left, and another person was sent to head up the school.

Addressing community level problems also empowers people to hold health service providers accountable, thus contributing greatly to improving service delivery. This was evident in the monitoring of health facilities. A community complained that health facility staff were habitually absent from the clinic and not responding to emergencies in the night. The village health committee, with the intervention of paralegals, was able to call on the district medical office whenever the nurse was absent or refused to respond to an emergency. Community members were bringing complaints to us and we were able to resolve some of the disputes between them. Subsequent follow-up with the community found that things had changed and the nurses were doing much better - as testified by the community. Because the nurse was frequently working alone, the community was able to advocate for additional staff to be sent there.

Community level cases are worth pursuing, although many of them are so complex as to make some paralegals almost afraid to confront them. Some cases require considerable resources and take time and technical knowledge to solve. However the bonus is that a single community level case, when resolved, will improve the lives of a great many people. Those that involve corruption and malfunctioning of government departments are more difficult to handle, because the officers can create obstacles and bureaucracies are by nature opaque. In such cases, it is often impossible to find out the whole truth, as in the example of the seed rice case discussed earlier. It is only courage and commitment that creates a breakthrough.

This community-level aspect of the Timap justice model makes it very unique from other human rights organizations working in the country. Concentrating on this aspect of the work, and having strong management support for the paralegals, means a lot of big issues, including some related to mining, environment and land rights, can be taken up.

Namati, the organization I am now working with, was responsible for scaling up paralegal-based primary justice programs in Sierra Leone by providing resources and technical support. We have now gone to another level, focusing and specializing on major cases related to land and environmental justice. These can also be placed in the category of community level cases.

In Sierra Leone there has been a huge rush for land by foreign and domestic investment companies, meaning that local people - the actual landowners - are not getting a fair deal out of the agreements.

One particular example involves a Swiss biofuels company called Addax.¹² The Company has acquired and leased a total of 57,000 hectares of land in three chiefdoms for 50 years, leaving the people with little or no land to do their traditional farming. The land was unethically acquired in a very questionable agreement. The people were not given adequate compensation as required by law. The law firm that represented the people was hired and paid directly by the company – a complete conflict of interest.

With our intervention in the case, in collaboration with our partners SiLNoRF,¹³ we have made tremendous impact. We now represent the communities. More on this new level of our work in helping people to get justice will be in subsequent publications.

Conclusion

I hope you found this story interesting. It is a story of an experience that illustrates the varied strategies that community based paralegals use in resolving both individual clients' cases and community level issues. I hope it is useful to organizations that want to enter, or are already involved in, the field of paralegalism.

From my story, the roles of community based paralegals in assisting the poor, marginalized and disadvantaged include the following: helping in the production of justice for the poor, empowering the citizenry to claim their rights, building and sustaining peace in post-war communities, bridging the gap between the state and the ordinary people, and working to improve the delivery of essential services such as education and health. All of these efforts also contribute to the realization of key millennium development goals.

Sharing this story is a way to showcase the work and the usefulness of community-based paralegals in empowering communities and making justice possible for the poor. This good work is worth emulating by state institutions, development practitioners, donors and international agencies. Emulating here means both enacting legislation to recognize community-based paralegals and, more importantly, investing in this creative and results-oriented model of dispensing primary justice.

¹² Addax Bioenergy, a Swiss energy company that grows sugar cane for bio fuel.

¹³ A coalition of civil society organizations working on the right to food.