

NETWORK MEMBER: ADVOCAID



Serving up Justice to Women in Prison and Changing the Law in Sierra Leone

★ RUNNER-UP 2015 NAMATI JUSTICE PRIZE ★

AdvocAid works with girls and women caught up in Sierra Leone's often unjust legal system. It is the only organisation in West Africa providing holistic access to justice via free legal representation, education empowerment, detainee support and a 'moving forward' programme, ensuring detainees leave as stronger women with brighter prospects.

Founded 2006
advocaidsl.org

On 26 May 2003, a lady referred to as 'MK' was arrested and detained in Sierra Leone for the murder of her step-daughter. MK's husband had accidentally sat on the six month old baby, suffocating it.

They were both arrested, and he told the police that she had poisoned the baby with battery fluid - they believed him. He told MK to confess and that the matter would be resolved in a "fambul way" (a traditional family way). MK thumb-printed a confession (that she was unable to read) that was later used against her in trial. "I said that I was guilty because my husband told me to."

Only at the start of the trial was she allocated a state-assigned defence lawyer, who had just three meetings with her of less than 15 minutes each. MK was illiterate, exhausted, terrified and all on



The women's detention facility in Freetown, they were once kept in a part of the notorious Pedemba Road Gaol. Photo by Tom Bradley.

her own. At her trial, unable to understand English, she had no idea what was happening throughout the proceedings, spending the whole time in tears. MK was found guilty by a jury of murder. She was sentenced to death and transferred to a maximum security prison – placed in solitary confinement for three weeks, she was on suicide watch.

Unable to read, write or pay for a lawyer, MK had to rely on the state-provided Prison Welfare Officer to file for appeal which was not properly done or followed up on. When she was convicted, neither the judge, her defence counsel nor prison officials had informed her she had just 21 days to appeal. Furthermore, her file wasn't sent to the President's office for further review as mandated by law.

MK spent six years in a small, dirty cell in the notorious Pademba Road Prison – an unfit-for-

use building with a capacity of 300, then housing no less than 1400 inmates.

Shortly after MK's sentencing, AdvocAid was founded. AdvocAid staff met MK in Pademba Road at one of their prison literacy classes in 2006. They took on her case and began the long process of trying to obtain her court file from the provinces.

AdvocAid hired a lawyer who filed an appeal before the Court of Appeal in October 2008, but her case was rejected due to being out of time. MK was devastated when she heard this news and almost fainted in court. After years of trying to push forward this case, AdvocAid were severely disappointed and frustrated.

AdvocAid drafted a policy paper - *21 Days: Enough Time to Save Your Neck?* - and began lobbying various sectors of the justice sector for reform. They reached out to senior Sierra Leonean lawyers, lawyers in the UK and the specialist UK NGO, Death Penalty Project, for support.

It also began a campaign with civil society organisations in Sierra Leone to have the women on death row pardoned and intensified their lobbying against the death penalty. They detailed the stories of women, conducted numerous radio and TV programmes and reached out to the women's movement to back their cause. They realised they needed to make the issue of the death penalty a personal one. People started to connect to the unjust stories of these women and to contact AdvocAid asking how they could support it.

During this time, AdvocAid was also rethinking its legal services. It adopted a paralegal model, seeing that paralegals could provide more time and therefore support to clients, as well as follow up with courts. It also began a Duty Counsel system where lawyers were hired on a part time basis to work solely for AdvocAid, which strengthened their ability to provide dedicated legal services and allowed more monitoring and accountability.

AdvocAid's legal officer, Simitie Lavalay, worked

tirelessly to pursue justice for MK. In November 2010, AdvocAid succeeded in ensuring MK's matter was put back on the court listings and the Court of Appeal agreed to hear the case. This was in main due to the important human rights issues it raised.

Numerous holes were found in the case, and were cited as grounds for the case to be reconsidered; including that MK's husband, the primary witness, had never been cross-examined.

On Thursday 3rd March 2011, MK's case was heard by the Court of Appeal. With dedicated legal support on her side, the case against MK quickly unravelled. The Court agreed to allow an extension of time to hear the case on human rights grounds, despite the restrictive provisions in the Courts Act 1965. This a rare act of judicial activism in Sierra Leone, created a positive precedent for many other appeal cases.

The court agreed with the AdvocAid counsels' representing MK, that various procedural irregularities highlighted in the trial were fundamental and therefore rendered the trial a nullity. The judge overturned the earlier ruling, and the prosecution dropped its case against her.

On that day, MK was released from death row, six years after her sentencing and eight years after



AdvocAid moved to a paralegal model of providing legal services so that it could reach more women. Photo by Tom Bradley.

her imprisonment. She was the longest serving woman on death row in Sierra Leone.

As well as providing legal aid and representation, AdvocAid believes fundamentally in providing holistic support to clients. Since its inception, AdvocAid has established literacy and numeracy classes in prisons – it aims to ensure that women will be better equipped and have brighter prospects upon release. It also offers welfare support to women – sanitary items in prison, clean clothes upon release or the money to pay for public transport home can make a huge difference to a woman’s mental and emotional wellbeing. Often women, upon going home, will find that they have been rejected by the community.

MK was afraid of returning home to her husband. With AdvocAid’s support however, she had some aspirations. She had been a student in AdvocAid’s classes whilst on death row and achieved basic

literacy and numeracy skills. Upon release, she aspired to start a small business in order to provide herself and her family with an income.

Since launch, AdvocAid has provided legal aid to over 2,300 girls and women, and ensured that many women are not wrongfully detained. Thousands of women and girls have been reached via its awareness raising programmes. Its legal aid work has resulted in three women having their death sentences overturned and a fourth released on bail pending appeal.

To reach more women AdvocAid developed *Police Case*, a TV drama based on some of its own cases. It has been broadcast on Sierra Leon’s national TV channel and via human right festivals. Accompanied by call-in shows and facilitators’ guides, *Police Case* has also been watched 18,000 times online.

Key Lessons

- 1 It is vital to offer holistic services if you want to create long term change. Legal advice alone is not be enough to enable beneficiaries to change their livese. By providing education, welfare support and the confidence to build a stronger future, AdvocAid offers women much more than legal support.
- 2 Don’t try and solve every issue or work with every group. Know what you do well, and be outstanding at it.
- 3 Build robust and meaningful partnerships, to increase your reach without compromising your core aims. Building partnerships and allies to achieve impact is extremely important, particularly with CSOs, the media and government institutions.
- 4 Telling the stories of the women it works with, stories that are so often unjust and full of heartache, has enabled AdvocAid to reach a far wider audience and achieve greater impact. AdvocAid turned the death penalty into an issue that people could relate to, sharing the stories of women on death row. Using photographs, video and social media has been key to making people understand why they should care and take injustice personally.