



CAMP FOR PEACE LIBERIA
BARR'S COMPOUND, PARKER PAINT JUNCTION
PAYNESVILLE, LIBERIA



NARRATIVE REPORT
“FREEDOM OF INFORMATION ACT AND AWARENESS PROJECT IN LOFA COUNTY”
June - August, 2018



WITH SUPPORT FROM THE CARTER CENTER AND THE EUROPEAN UNION



EUROPEAN UNION

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INTRODUCTION

Despite the signing of the Freedom of Information Act into law in 2010, awareness of the rights of the citizens to request information and demand accountability from public officials and institutions is still very low. Many have heard about it but only a few can explain what the Freedom of Information Act is, this is more so at the community level where it is anticipated that citizens will actively use the FOI to demand accountability, transparency and participate in the running of public affairs.

Citizens' participation in the activities of government or requesting information from public officials has been very difficult. Most of the time, the interested party comes up against officials who do not consider accountability as being one of the fundamental requisites of their post, and they respond in a defensive manner. This is simply because neither the formal rules nor the informal practices that govern the day to day functioning of the various government ministries and agencies are designed to serve citizens with an interest in obtaining information or participating in public activity.

Project objectives

The overall objective of this project was to promote increased transparency and accountability and obtain relevant information from judiciary officials aims at improving the justice sector in Lofa County. Specifically, the project focused on the following sub objectives:

1. To promote FOI awareness, knowledge and advocacy through a radio talk show, awareness session, public forum, meeting, debate and panel discussion;
2. Work with Carter Center to raise awareness of the report findings, as well as the value of FOI for holding justice actor accountable.
3. Generate at least 15 or more FOI requests from relevant justice institutions, increased transparency and accountability in the justice sector.

During the period under review, CfP Liberia conducted and facilitated 13 interventions including 4 meetings with Judicial Officials, 3 radio talk shows and 6 public forums. A total of 400 stakeholders directly benefited from these interventions in Zorzor, John's Town and Voinjama. Of these numbers, 280 were males constituting 70% while 120 were females which constitute 30%.

DETAILED PROGRESS OF IMPLEMENTATION ACTIVITIES

During the Reporting period of this project, the following activities were carried out:

1. Meeting with Judicial Officials

During the reporting period, four (4) meetings were held with judicial officials of Lofa Country.

The first meeting was held on Friday, July 7 with four (4) officials in Monrovia, Montserrado County. They were Atty Luther Sumo, County Atty of Lofa County, Cllr. Nancy Sammy, Judge of the 10th Judicial Circuit Court of Lofa County and Cllr. Toby Raynes, Defense Counsel of Lofa County. This meeting was based on special arrangement with the officials outside of Lofa because of their official engagement in Monrovia during the awareness period.

The second meeting was held on July 9, 2018 with Henry Smith, Associate magistrate of John's Town, Lofa County.

The third meeting was also held on July 9, 2018 with the following magistrates at the 10th Judiciary Circuit Court in Voinjama, Lofa County. They include 1) Cllr. Abraham Kaba, **stipendiary Magistrate**, 2) The Labor Court Judge 3) The Traffic Judge and 4) The Magistrate of John's Town.

The fourth was held on July 13, 2018 with Abraham Cante, Magistrate, Zorzor Magisterial Court in Zorzor, Lofa County.

The aim of these meetings was to request relevant judiciary information from officials for dissemination to the general public. Hence, the following FOI Requests were posed to the officials regarding the justice system in Lofa and responses provided were catalogued as follows:

1. What is the overall prospects and challenges of the justice system in Lofa County?

The officials responded that to some extent, the sector was greatly improved as compared to five, ten years ago. They praised the Liberian Government and International Partners for the level of support given to the judicial system in Lofa County. They said the negative opinions of the citizens/people regarding the judiciary years back is gradually changing and they have begun to appreciate the role of the judiciary in the county. The officials further stated that justice in Lofa is being dispensed efficiently and effectively to any who seek it without fear or favor. They however alluded that there were some challenges that sometimes hinder the smooth operation of justice in the country. All of them spoke of insufficient finances to underwrite the cost of all logistical arrangements. Among major challenges outlined were 1) the lack of sufficient space convicts and prisoners and inmates 2) lack of vehicle to transport defendant from one village and town to the nearest magisterial court 3) interference into criminal cases by some traditional leaders, etc.

2. What was the overall budget and expenditure of the Judiciary in Lofa County?

With this request, the official chose not to disclose the budget allotted to them by national government. They however encouraged us to seek inquiry from the office of the Chief Justice if we were curious to know.

3. What is the minimum and maximum salary of judiciary workers? This includes the Defense Counsel, magistrates, public defenders, judges, and other staff of the court.

Just like the previous question, we were also told by the officials that this was a personal issue they were not prepared to disclose. However, we were also encouraged to seek further inquiry from the Ministry of Justice or the Office of the Chief Justice.

4. Besides the Government of Liberia, do you receive funding and logistical support from other sources? If so, where?

The officials indicated that they also received funding and logistical support as well as capacity building from other organizations through the Government of Liberia. These organizations include: the Peacebuilding Fund, USAID, European Union, Carter Center, etc.

5. Who pay the Persecutors and Defenders the county?
The judicial officials inform us that persecutors and defenders are paid by the Liberian Government, as such; they do not request any other fees from complainant of defendant in a court.

6. Who supposed to go to court?

Everyone has the right to go to court directly as provided by the law, but cautioned to go to the police in order to lessen the cases in the court

7. How many cases are adjudicated in a month time by the various courts?

The officials responded that the number of cases in each court within the county is various and depends on the occurrence of crimes and cases brought before it. They however stated that in most instances, 10 – 15 cases are adjudicated on a monthly basis in each of the court. However, a magisterial court has the ability to adjudicate 100 cases per month;

8. Do people pay money to register a case?

The officials stated that only civil cases are registered and with only \$10.00 US that is deposited in the Judiciary account at the bank and only bank slip is required for proof of payment.

9. What is the relationship between the court/justice sector and the police?

The officials responded that their relationship with the Liberian National Police was cordial. They however stated that there are few instances where the police withheld criminal cases for more than the normal time limits of 72 hours. They also indicated that there were few instances where the police attempted investigating civil cases without passing them to the court. They however concluded that this matter is being worked on among them and it promises to be cordial. In conclusion, the police do not have jurisdiction over civil cases. They also indicated that there were few instances where the police attempted requesting fees from complainant to transport defendant. They strongly underscored that no police is to request for any fees from a complainant to transport defendant at any point in time.

10. Do the court have lawyer who plea on behalf of a person who do not have money to hire lawyer in country?

The officials said yes, there are lawyers and public defenders paid by the Liberia Government who represent any one who do not have lawyer to defend them the court. They stated that anyone who is charged with criminal offense are entitled to lawyer regardless of their financial situation

11. What is the limit of the magistrate in terms of jurisdiction?

The officials responded that the magistrates have jurisdiction over both civil and criminal cases except rape, murder or burglary hearing, as such, the magistrate court must refer to the Circuit Court after preliminary hearings are conducted. Therefore, all cases that involved rape, murder or burglary hearing should be referred to the Circuit Court.

12. Do people have the right to bond whenever they go to court?

The officials responded yes, everyone who goes to court especially with civil cases have the right to bond. They indicated that there are four types of bonds that people are entitled to: These include cash bond, property bond, insurance bond and personal recognizant bond; and everyone has right to any of these bonds. They also inform us that personal bond is considered as 13.5 and is left at the description of the judge.

13. Do people have right to an appeal in court?

The officials stated that everyone who goes to court have the right to take an appeal from the magisterial court to the Circuit court without any precondition.

14. How long does it take for a case to be adjudicated?

According to the judicial officials, it takes approximately 10 days for a magisterial court to adjudicate a case while the circuit court takes 62 days.

15. What the different types of cases that people should know?

Officials responded that there other types of cases, but the two most frequent in the country are Criminal Case and a Civil Case.

16. What is the different between Criminal and Civil cases?

According to officials, Criminal case is a case in which crime is generally committed against the state and is accordingly prosecuted by the state. While Civil cases are disputes between individuals or group of individual regarding the legal duties and responsibilities they owe one another and they are normally adjudicated through civil lawsuits.

17. What are the causes of people going to court in the country?

According of officials, cases in the country most take a civil nature. There are very few instances where criminal cases go before the court and most of the civil cases stand from minor offences to major offences.

18. Are you willing to give information to the public whenever they request for them?

Officials agreed that their doors are open to the general public for any information they may need as long as it is to their disposal, except for those that have restration and cannot be released for security reason.

19. What are some of the information that cannot be released when requested or which information has restriction?

Official alluded that any information the protect a person privacy or those that have to do with sensitive security information are restricted to the public, expect under an approved mandate from stare authorities.

2. Interactive Radio Program

During the period under review, three radio talk shows were held. The first talk show was held on July 10 with Radio Kintoma 101.1 FM in Voinjama. The second talk show was held on July 11 with Alternative Radio and the third was held July 14 with Radio Zolayea in Zorzor, Lofa County. These talk shows were intended to encourage broader dialogue and promote awareness messages, and engage in sensitizations and educational

campaigns on the Freedom of Information Act (FOIA) with specific reference to the Justice sector. Radio being a convenient form of awareness sharing for a large audience, these interactive shows provided a platform for citizens and the general public to discuss how one can obtain information from the court and judiciary officials.

During these discussions, it was noted that not too many people knew about the FOI Act and how to use it in soliciting information from public institutions including the judiciary. Many callers especially expressed a great delight in the awareness and promised to use it whenever they need information from the Judiciary.



Radio talk show held in Voinjama, Lofa Co.

3. Public/Community Forum

A total of six (6) Public/Community Forum Sessions on the FOI Act and the dissemination of other relevant information from the Justice Sector were held with 360 stakeholders including community and intuitional leaders, social groups, marketers, students, local government officials, security personnel, etc. These interactions were intended to raise awareness on the importance of the FOI and dissemination of relevant information generated from Judiciary officials. These forums also emphasized the rights of citizens to request information from the courts and other judicial entities.

The original plan of this project was to conduct two (2) public forums with the community. However, due to the closure of schools in July when the project was being implemented, the number of public forum was increased from two (2) to six (6), thus replacing the two inter students debate and two mini sports tournament with schools.

First and Second Forum

The first and second forums were held on July 9 and 10, 2018 at the Palava Hut of the Carter Center in Voinjama, Lofa County. Sixty (60) stakeholders from the following organizations were in attendance. LEDA, Radio Kintoma, Ministry of Internal Affairs, Liberia Transport Union, Liberia Marketing Association, Farmer Chistian Community, Exom IBC, Liberia Fire Service, National Teachers Association, Traditional leaders, Women leaders, Youth Leaders, Gabazu Intellectual Forum and the Carter Center Office.



Public Forum held in Voinjama, Lofa Co.

These forums were facilitated by B. Abel Learwellie, Executive Director, Camp for Peace Liberia and Col. Peter Zaizay, Consultant, Camp for Peace Liberia. A participatory approach was used by the facilitators to allow everyone equal opportunity to participate in the discussion.

During these forums, the following FOI inquiries from Judiciary Officials were shared and interactively discussed with participants. : the rights of citizens to request information and the procedures in obtaining information, the right of citizens to assess justice even if they don't have money, the right of citizens to lawyers and public defenders whenever they appear in court, the rights of citizens to bonds and to know the types of bonds, exemptions and protection of personal privacy in the context of the FOI request, the rights of citizens to an appeal in court, the types of cases and where to go for redress, the procedures of criminal cases from the police to the court, etc.

Three key points were overwhelmingly discussed during these forums:

- Interference of traditional and local leaders in criminal cases. Many of the participants mentioned instances where traditional take criminal cases as traditional matter, thus making it difficult for justice to take course
- Fear of being charged by some magistrates and the police officers whenever a complaint is filed against a defendant. Participants cited instances where defendants are sometimes charged by some police officers and the magistrates for registration and other fees to issue an arrest and feed defender.
- Difficulty in accessing information. Participants stated that accessing information was difficult for many people in the county because they cannot read or write.
- Other issue like rape cases was scarily discussed. They alluded that rape is a taboo because of its traditional sensitivity in the county. Hence, accessing information especially those that have to do with rape cases sometimes seen very difficult, if not impossible.
- Participants also spoke of delay by some magistrates in adjudicating cases.

Third Forum

The third forum was held on July 11 at the Wologisi Intellectual Forum in Voinjama, Lofa Country. Seventy five (75) persons participated in this forum. Participants were mostly members of the Wologisi Intellectual Forums who came from different backgrounds to include students, service provides, teachers, business personnel, media practitioners, political party youth wings members, health workers, etc.

This forum was facilitated by Peter Zaizay, Consultant, Camp for Peace Liberia and Melchizedek S. P. Dologbay, Youth Coordinator, Camp for Peace Liberia. A participatory approach was also used by the facilitators to allow everyone equal opportunity to participate in the discussion. Hence, mega phone was used to convey the message to the larger audience. There was also time allotted for questions and answer from participants to the facilitators.

During this forum, the following FOI inquiries from Judiciary Officials were shared and interactively discussed with participants. : the rights of citizens to request information and the procedures in obtaining information, the right of citizens to assess justice even if they don't have money, the right of citizens to lawyers and public defenders whenever they appear in court, the rights of citizens to bonds and to know the types of bonds, exemptions and protection of personal privacy in the context of the FOI request, the rights of citizens to an appeal in court, the types of cases and where to go for redress, the procedures of criminal cases from the police to the court, etc.

The following key points were overwhelmingly discussed during this forum:

- Participants were very curious to know the process of seeking information from the court and other public offices. The facilitators then stated that requests for information can be made by mail, phone, or in person. They mentioned that submitting a request should be as easy as possible. All you need to do is to follow the following steps
 - ✓ Decide the information you want and a detailed description of the records or documents.
 - ✓ Identify which authority/entity holds the information you want.
 - ✓ Check if the information has been automatically published. If so, you can ask the agency where to find it without filing a request.
 - ✓ Prepare the request for information.
 - ✓ Mail, email, phone, or deliver your request in person.
 - ✓ Mark on your calendar the day you filed the request and the thirty (30) day deadline for the agency to provide you with the information.
 - ✓ If you are not satisfied with the response or you do not receive a response within thirty (30) days, you can ask for an internal appeal.

The facilitators then stated that if you are not satisfied with responses received from the public office including the court about our request, then you have the right to ask for an internal review, during which a senior official or internal review body will review your appeal and provide you with an outcome in writing within thirty (30) working days (about 6 weeks). If you are still not satisfied, you may



Partial view of participants at the Wologisi Intellectual Forum in Voinjama

appeal the internal review decision to the Information Commissioner, who is then required to provide his/her final decision. If still unsatisfied, you may appeal the decision of the Information Commissioner to a circuit court.

This lengthy explanation inform participants knowledge on the FOI Act and the procedures involved thereof. They extended warm appreciation to the facilitating team, Camp for Peace Liberia and the Carter Center for affording them the opportunity learn and know what to do whenever they have a request for information from the Judiciary and other public offices.

- Another issue that again surfaced during this forum was the issue of fear of being charged by some magistrates and the police officers whenever a complaint is filed against a defendant. Participants mentioned that there have been instances where complainants were charged to pay registration and other fees to issue an arrest and feed a convict while in detention.

The Fourth and Fifth Forum

The fourth and fifth forums were held on July 12 at the Gazabu Intellectual Forum and the General Market in Voinjama. 150 stakeholders participated in these forums. Participants were mostly members of the Gazabu Intellectual Forum who came from different backgrounds to include students, service provides, teachers, business personnel, media practitioners, political party youth winds members, health workers, etc.

These forums were facilitated by B. Abel Learwellie, Executive Director, Camp for Peace Liberia, Clarence Zowah, Program Office, Camp for Peace Liberia and Melchizedek S. P. Dologbay, Youth Coordinator, Camp for Peace Liberia. A participatory approach was also used by the facilitators to allow everyone equal opportunity to participate in the discussion. Hence mega phone was used to convey the message to the larger audience. There was also time allotted for questions and answer from participants to the facilitators.

During this forum, the following FOI inquiries from Judiciary Officials were shared and interactively discussed with participants. : the rights of citizens to request information and the procedures in obtaining information, the right of citizens to assess justice even if they don't have money, the right of citizens to lawyers and public defenders whenever they appear in court, the rights of citizens to bonds and to know the types of bonds, exemptions and protection of personal privacy in the context of the FOI request, the rights of citizens to an appeal in court, the types of cases and where to go for redress, the procedures of criminal cases from the police to the court, etc.

The following key points were overwhelmingly discussed during these forums:

- Participants at these forums were also very curious to know the process of seeking information from the court and other public offices. The facilitators then stated that requests for information can be made by mail, phone, or in person. They mentioned that submitting a request should be as easy as possible. All you need to do is to follow the following steps
 - ✓ Decide the information you want and a detailed description of the records or documents.
 - ✓ Identify which authority/entity holds the information you want.
 - ✓ Check if the information has been automatically published. If so, you can ask the agency where to find it without filing a request.
 - ✓ Prepare the request for information.
 - ✓ Mail, email, phone, or deliver your request in person.
 - ✓ Mark on your calendar the day you filed the request and the thirty (30) day deadline for the agency to provide you with the information.
 - ✓ If you are not satisfied with the response or you do not receive a response within thirty (30) days, you can ask for an internal appeal.

The facilitators also stated that if you are not satisfy with responses/feedback received from the public office including the court about your request, then you have the right to ask for an internal review, during which a senior official or internal review body will review your appeal and provide you with an outcome in writing within thirty (30) working days (about 6 weeks). If you are still not satisfied, you may appeal the internal review decision to the Information Commissioner, who is then required to provide his/her final decision. If still unsatisfied, you may appeal the decision of the Information Commissioner to a circuit court

After this lengthy explanation, participants were very enthusiastic about the information and knowledge shared on the FOI Act and the procedures involved thereof. They extended warm appreciation to the facilitating team, Camp for Peace Liberia and the Carter Center for affording them the opportunity learn and know what to do whenever they have a request for information from the Judiciary and other public offices.



Partial view of participants at the General market in Voinjama

- Another issue that continuously surfaced during these forums was the issue of fear of being charged by some magistrates and the police officers whenever a complaint is filed against a defendant. Participants mentioned that there have been instances where complainants were charged to pay registration and other fees to issue an arrest and feed a convict while in detention.

Sixth Forum

The sixth forum was held on July 12 in Zorzor City, Lofa County. 82 participants from the nearby satellite villages converged in Zorzor on market day participated in this forum. They were comprised of farmers, marketers, motorcyclists, local government authorities, students, youth, women and traditional leaders.

This forum was facilitated by Peter Zaizay who used both English and the Lorma Vernacular to convey the message. He also employed the participatory approach to allow every participant the opportunity to participate. Hence, the mega phone was used to convey the message to the larger audience. There was also time allotted for questions and answer from participants to the facilitators.

During this forum, the following FOI inquiries from Judiciary Officials were shared and interactively discussed with participants. : the rights of citizens to request information and the procedures in obtaining information, the right of citizens to assess justice even if they don't have money, the right of citizens to lawyers and public defenders whenever they appear in court, the rights of citizens to bonds and to know the types of bonds, exemptions and protection of personal privacy in the context of the FOI request, the rights of citizens to an appeal in court, the types of cases and where to go for redress, the procedures of criminal cases from the police to the court, etc.

Two major issues characterized this forum:

- ✓ Local authorities adjudicating cases charge high fees for cases filed to their court. They said this sometimes discourage them from going to court whenever they have problem that requires court intervention;
- ✓ They fear of being charged by some magistrates and the police officers whenever a complaint is filed against a defendant. Participants also cited instances where defendants are sometimes charged by some police officers and the magistrates for registration and other fees to issue an arrest and feed convict while in detention.

Responding to their complaints, the facilitated promised to record them in his report and share with the Judiciary and the Carter Center through recommendation. He also thanked the participants for taking off time out of their busy schedule to participate in the open forum. Participants also expressed similar gratitude to the Camp for Peace and the Carter Center for sharing these important information with them. They promised to share the information with their fellow citizens in villages and towns.

LESSON LEARNT

Camp for Peace Liberia considers the following as lesson learnt from the implementation of the Freedom of Information Act with respect to the Judiciary Sector in Lofa County:

1. Many people are not aware that there is an act which gives them legitimate right to request for information from Judiciary Officers;
2. Access to Information and Transparency Practices Relating to Internal Operation such administrative budget, salaries of lawyers, magistrates and other officials were not disclosure by judicial officials;
3. There is a generalized perception held by citizens that links the courts to corruption, political favoritism, and inefficiency; which perception is partly increased by the attitude of some magistrates in the county One clear example is a case where a young man was arrested and jailed for five days by the magistrate in John's Town because he participated in one of our forums and stated that the magistrate is in the habit of always collecting money whenever case goes to his court;
4. Many people lack knowledge regarding the operation of the administration of the judiciary and its operating budget and staff;
5. Many participants complained that some magistrate courts always request money from complainant to transport court officers to affect an arrest of defendant. Some magistrates explained that this is due to the lack of logistic;
6. There is a conflict of interest between the traditional leaders and the magistrate courts regarding criminal cases that are being adjudicated by the chiefs.
7. Many people complained that some police request for money to feed convicts in jail;
8. Most magistrate courts are under staff, thereby posing serious challenges in adjudicating cases;
9. Lack of adequate logistic to enhance proper dispensation of justice;
10. Magistrate Courts do not have their own operational funds to carry out the day to day operation of their courts;
11. Difficulties faced by people who cannot read or write in accessing information from the court;
12. Inadequate detention facilities to speed and efficiently adjudicate cases;
13. The issue of rape is sometimes compromised due to its traditional nature.

Challenges of implementation

During the implementation of this project, Camp for Peace Liberia encountered two main challenges:

1. The project was delayed by one month as per the project agreement. According to the agreement, the project should have started June 1, 2018; instead, we commenced implementation on July 1, 2018.
2. Bad road condition also hindered the smooth movement of project staff from one location to the next.

RECOMMENDATION

1. That the Carter Center should continue to collaborate with the Government of Liberia to place more emphasis on the awareness among the public on the provisions and usage of the FOIA in fostering citizens' right to public information and transparency, especially given the negative image of the justice system held by citizens;
2. That the Carter Center collaborate with the Government of Liberia to appoint FOI Officers in various ministries, counties and courts and made their contacts available to the public so as to provide citizens access to information from public officials, especially the Justice Sector;
3. That the Freedom of Information Act and Awareness Project implemented by Camp for Peace Liberia be extended to other parts of Lofa County to increase citizens' participation in demanding accountability and transparency with in the Liberia's Justice System"

Concluding Comments

In general, the project succeeded in promoting FOI awareness about the Liberian Justice Sector with in Lofa County. The project also provided valuable information about public awareness and increased citizens' participation in the activities of requesting information from the Justice Sector and the court. Public awareness of the right to obtain information from the court was very low, but with our intervention, many participants promised to begin using the FOI Act to request information from public official especially the Justice system. However, more work is required to increase public awareness and understanding of the FOI in every parts of the country. As a result, to the awareness carried out in Lofa by Camp for Peace Liberia, the general public is expected to be able to access Judiciary and other government held information. Participants expressed confidence that openness in the Justice system will promote accountability and transparency of the court and other agencies of government.

On behalf of Camp for Peace Liberia, we want to extend our deepest thanks and appreciation to the Carter Center and its partners for affording us the opportunity to participant in this process and we look forward to more collaboration in the future.

Submitted:

A handwritten signature in blue ink, appearing to read 'B. Abel Learwellie', is written over a horizontal dashed line. The signature is fluid and cursive.

B. Abel Learwellie
Executive Director

PHOTO GALLERY



Public Awareness Forum in Voinjama, Lofa County



Public Awareness Forum in Voinjama, Lofa County



Public awareness forum in Voinjama, Lofa County



Public awareness forum in Voinjama, Lofa County



Participants post for picture after a Public Awareness Forum in Voinjama, Lofa County



Participants post for picture after a Public Awareness Forum in Voinjama, Lofa County



Public Awareness Forum in Zorzor, Lofa County



Radio Talk Show in Voinjama, Lofa County



Public Awareness Forum in Zorzor, Lofa County



Public Awareness Forum in Zorzor, Lofa County



Meeting with Judicial Officials in Voinjama, Lofa County



Public Awareness Forum in Zorzor, Lofa County