

The New Response to Sexual Violence in Sierra Leone: Structural Adjustments and Indicators in the Course of Justice Reform

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The world is brimming with indicators of justice and safety. From statistics on recorded crime and rates of victimization, to estimates of the global burden of armed violence, and compound indices of governance and the rule of law, national governments, civil society organizations, and development agencies are busily charting the world of justice and safety. Some indicators are conceived in London, Geneva, Paris, and New York, and radiate outward. A small but growing number of indicators are born in the developing world. Since 2009, with funding from the United Kingdom's Department for International Development, (DFID), the Program in Criminal Justice Policy and Management (PCJ) at Harvard Kennedy School has been supporting state officials and civil society organizations in Jamaica, Sierra Leone, and Nigeria to develop and use their own indicators to spark, reinforce, and communicate progress toward strategic goals in justice and safety. In 2010 the PCJ began collaborating with officials in Papua New Guinea (PNG), extending existing efforts in the law and justice sector funded by the Australian Government Aid Program (AusAID). In 2011 the PCJ began working with government officials in Bangladesh, and the following year, in 2012, the project added Ethiopia.

The aim of the project is to equip government and civil society organizations with the skills and experience to design their own indicators, routinely assess those indicators, and use them to drive meaningful reform in the justice sector. Building this capacity is a long-term undertaking, for the desire for indicators and the skill in their construction must permeate the organizational culture in governmental and non-governmental bodies. It is also a fluid process: indicators serve ambitions, policies, governments, and staffs that inevitably change over time. The prototype indicators developed in this project are different from the indicators in international systems created in the Global North for use in the Global South. They start by finding successes, however modest, and strengthen norms and standards that emerge in the course of reviewing local practices. They also perform different kinds of development work: They support domestic ambitions for justice and safety, reinforce management operations in government, and align the work of individual agencies with sector-wide goals. At the same time these and other examples of country-led indicator development complement the growing number of globally conceived indicator projects by grounding the measurement culture of international development in local customs, and by articulating domestic sources of legitimacy for the standards implicit in the norms in global indicator projects.



Introduction

Between 2011 and 2013 there was a structural adjustment in the way the justice system in Sierra Leone investigated and prosecuted sexual and gender-based violence. The police in the Western Region of the country began submitting the results of investigations of all cases of sexual and gender-based violence to the Director of Public Prosecutions (DPP) for “early legal advice”. The Principal State Counsel, the de facto deputy DPP, then reviewed the files in batches, sent suggestions back to the Assistant Inspector General of the Police who supervised investigators, and then convened small group meetings, which he termed “clinics,” to discuss solutions to the challenges of investigating such offenses with front-line investigators. The new arrangement between the two agencies appears to have had a substantial effect on the outcomes of investigation. The proportion of cases of rape and “sexual penetration” – that is, the rape of a child – that result in formal charges of the defendant nearly doubled over this period; it now exceeds 80 percent. The rate of conviction for all offenses involving sexual and gender-based violence also rose sharply, from 25 percent in 2011 to 48 percent in 2013.

The changes seem to have stuck. The police now ask for early advice in other types of cases – wounding, assault, larceny, malicious damage. Investigators from other law enforcement units and agencies, including the Transnational Organized Crime Unit (TOCU) and Financial Intelligence Unit (FIU), notify the DPP when they have commenced an investigation into the legality of conduct of individuals and organizations that may or may not become the subject of prosecution, and they have

done so without any formal instruction. With support from the Justice Sector Coordination Office (JSCO) and foreign development agencies, the Office of the DPP and the Sierra Leone Police are developing manuals and other pedagogical devices to extend these practices to the rest of the country.

The changes in criminal justice in Sierra Leone are impressive on their own terms. They have restored the Constitutional rule that authorizes only the Attorney-General and the DPP to charge cases to court. They have revived a culture of justice that disappeared in the years of the civil war. The changes are doubly impressive when compared with current practices in other countries, including the United Kingdom, where early and effective cooperation between police and prosecution in such matters is still not the norm.¹ They might inspire and help other governments and international organizations that seek to improve the way justice systems respond to sexual and gender-based violence.

Unfortunately, I do not really know how the transformation in Freetown came about. I only know fragments of this story from colleagues in the DPP's office. I have not independently investigated the role that the leaders and line-staff of other agencies played in the transformation. I have not appraised the contribution of new professional training for law enforcement personnel, or foreign support for the police's Family Support Units, or the work of the Rainbow Centers and other NGOs that support victims of rape and sexual assault. Many other forces may lie behind the changes in justice described here. The account I provide in this note is short and partial but nevertheless may be useful to international

¹ The most recent inspection of the quality of police-prosecution coordination in England and Wales "found limited evidence that the police were regularly seeking early investigative advice from prosecutors in relation to rape investigations despite the recommendation in our joint thematic report in 2007." See section 4.12 of "Forging the Links: Rape Investigation and Prosecution," A Joint Review by HMIC and HMCPSI, February 2012, available at: http://www.hmcp.si.gov.uk/documents/reports/CJJI_THM/BOTJ/forging_the_links_rape_investigation_and_prosecution_2012_0228.pdf

organizations that seek examples and expertise in the Global South on how to improve the response to sexual and gender-based violence. It also may be a good starting point for further inquiry into the relationship between justice, development, and the rule of law. It raises questions about how relationships of power between institutions in a justice system can be renegotiated without recourse to law, and it describes some of the challenges of measuring justice in ideologically charged and politically delicate matters such as the response to sexual and gender-based violence.

Restoring a Rule of Law

Sulaiman Bah became Acting DPP in May 2011. His predecessors had ceded to the police control over the process of bringing completed investigations to the magistrate's court, a process called "charging a case to court." This authority is reserved exclusively to the Attorney-General and the DPP in the Constitution and two statutes, the Law Officers' Act of 1965 and the Criminal Procedure Act of 1965. But by the time Bah became DPP, it had become customary for the police to independently manage all investigations before trial and decide on their own whether to charge defendants and, if so, for what offenses.

The inability to direct police investigations and file charges in court became a problem for the DPP when he decided to do something about the response to sexual offenses in Sierra Leone. Sulaiman says he was provoked by a compilation of press stories that UNDP published in 2010 about the scale of sexual violence in Sierra Leone and the paucity of convictions in cases that were reported to the police.² The DPP and his Principal State Counsel, Monfred Sesay, who had contributed to the UNDP report, decided to review the files that had been archived by the Family Support Units (FSUs), a special subdivision of the Sierra Leone Police, which

² UNDP's report, *The Road to Justice*, which was intended to serve as a handbook for the media on how to report on cases of SGBV in Sierra Leone, is available at: http://www.sl.undp.org/content/dam/sierraleone/docs/focusa_readocs/undp_sl_mediahandbookSGBV.pdf

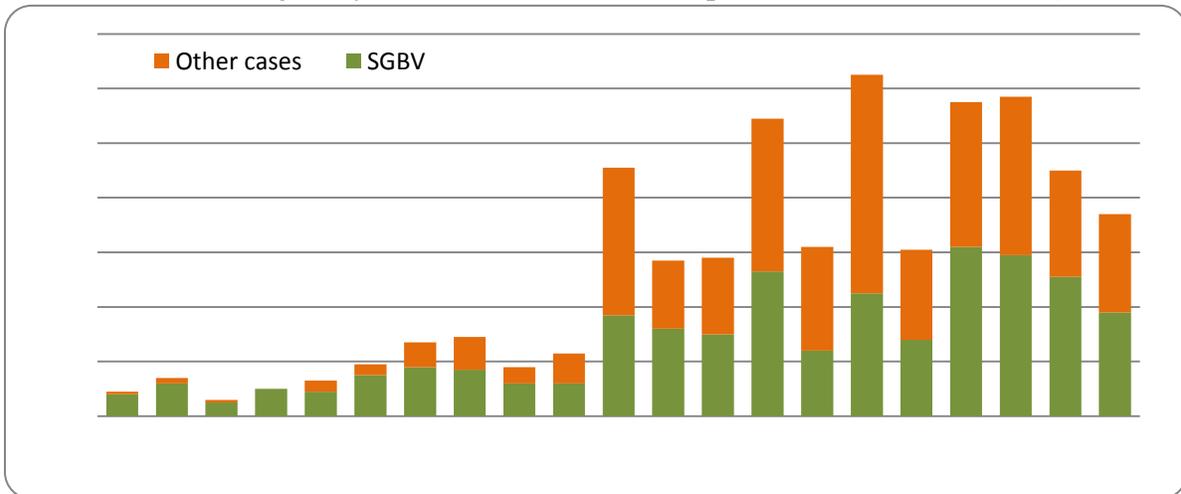
investigate all reports of sexual offenses as well as the more numerous allegations of domestic violence. They struggled to make sense of the data in the FSUs. Sulaiman also was not completely convinced by what he termed the “results-based orientation” of the UNDP report. “They wanted us to ‘tilt’ the system of justice toward conviction,” he told me earlier this year, “but we needed a ‘cause-based’ approach to this problem.”

Sulaiman consulted with his friend and fellow lawyer, Morie Lengor, who was Assistant Inspector-General of the Police and responsible for the training and supervision of all police investigators and prosecutors. The police had borne the brunt of the criticism in the media about the deficiencies of the justice system’s response to sexual violence, and Lengor, to whom the head of the FSUs also reported, was often asked to explain why problems persisted. At some point Sulaiman suggested they try out a new arrangement, on a trial basis in just the western region of the country, according to which investigators would send a file to the DPP before it went to the Magistrate’s Court for a decision about charges. Lengor agreed. He was “happy,” Sulaiman said to be relieved of some of the responsibility for the success of police investigations in these matters. Sulaiman explained the rule-of-law-like logic to his relief this way: “By empowering others, you relieve a burden on yourself.” Many investigators and several

senior officials in the police objected to the idea. “Not everyone is willing to release power,” Sulaimain says. But Mr. Lengor was “persuasive” at the meeting of the SLP’s Executive Management Board, which endorsed the idea and permitted the experiment to go forward. Among other things, Lengor apparently described how police prosecutors in Uganda had been absorbed into the DPP’s office, a story that may have seemed like an omen to police supervisors.

In April 2012 Mr. Lengor issued a verbal “directive” to the directors of the FSUs in the Western Area, requesting they now send the results of completed investigations to the DPP for “early advice.” This instruction was also given to Mr. Kamara, then head of the Legal and Justice Support Department of the Sierra Leone Police Superintendent [and now Chief Superintendent of Police (CSP)], who had been responsible for final decisions about charges and also reported to Mr. Lengor. The response of front-line police investigators to the new directive was not swift. In April investigators forwarded just eight cases of sexual and gender-based violence to the DPP’s office for review. The following month, 12 cases were forwarded to the DPP; in June just five. These numbers increased gradually over the course of the year, as Figure 1 below shows, but the flow of cases from the police to prosecution remained a trickle throughout 2012.

Figure 1.
Cases Sent for “Early Advice” by the Family Support Units of the Western Region of the Sierra Leone Police, April 2012 to December 2013



Only in 2013 did the trickle become a stream, and even then fluctuations in the volume of cases submitted for early advice each month made the DPP wonder whether, or how consistently, the police were following the directive. The resistance to the new arrangement had sources beyond the simple inconvenience of change.

Some investigators said that waiting for early advice would further delay the arrival of a case in court. Others disagreed with the legal opinions expressed by the DPP. In one rape case Sulaiman remembers, the DPP recommended a decision to charge even though there was no report from a medical examiner. The investigator was “bitter.” He wanted to “keep the case in view.” Superintendent Kamara was even more upset, objecting to the advice in principle in this case because there was insufficient evidence to charge – just the confession.

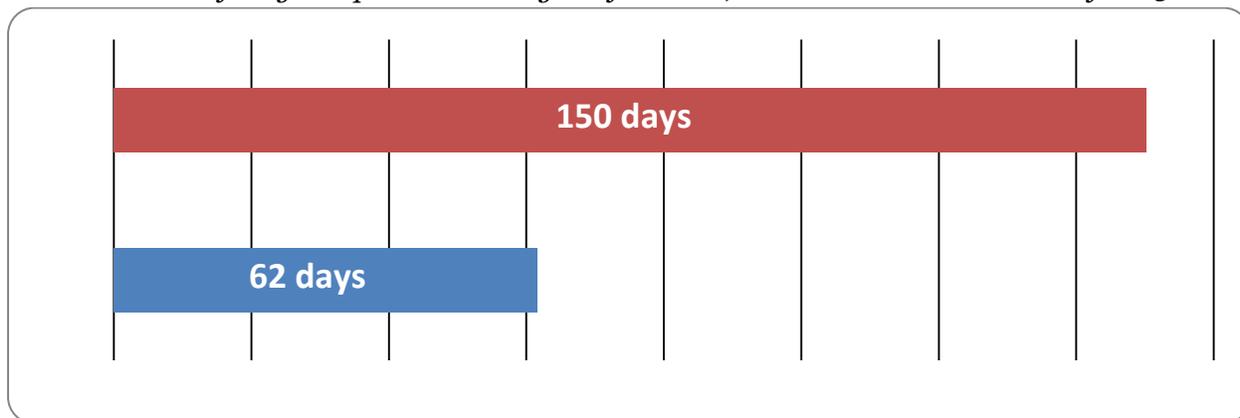
The DPP’s response to the resistance took several forms, none of which were adversarial. First, Sulaiman quietly measured the amount of time it took his staff to offer legal advice, meticulously recording the type of crime, originating police district, and responsible investigator and prosecutor in each case. But instead of reporting just the number of days that elapsed between the submission of the police file to the DPP and the delivery of the legal advice, or otherwise trying to refute police claims and dismiss worries about additional delay, Sulaiman documented the overall amount of time it

took for an investigation to get to court. That amount of time diminished markedly early on in the experiment. As Figure 2 below shows, the number of days between the reception of the police file at the DPP and the issuance of the indictment fell from an average of 150 in 2012 to 62 in the first half of 2013. Whatever additional time was being taken by the DPP to review police files and send advice to investigators was offset by overall gains in speed, a collective accomplishment.

The second part of the DPP’s strategy was to depersonalize the review of evidence in police investigations. Sulaiman asked his Principal State Counsel Monfred Sesay to conduct the reviews and to summarize his findings in a memo sent to the Assistant Inspector-General of Police rather than the responsible investigators. This format may have diminished the chance that disagreement about the disposition of individual cases would be taken personally.

Monfred also invited investigators to his office to discuss the cases in groups, rather than individually, so that no investigator felt isolated or diminished. Sulaiman would often drop in on these impromptu “clinics,” sitting alongside the investigators on the same wooden bench in Monfred’s cramped office. The institutional delegation of authority and Sulaiman’s personal demeanor conveyed to police investigators that early advice was an exercise in collegial professionalism, not an instance of inter-

Figure 2.
Number of Days Required to Charge Defendants, 2012 vs. First Six Months of 2013



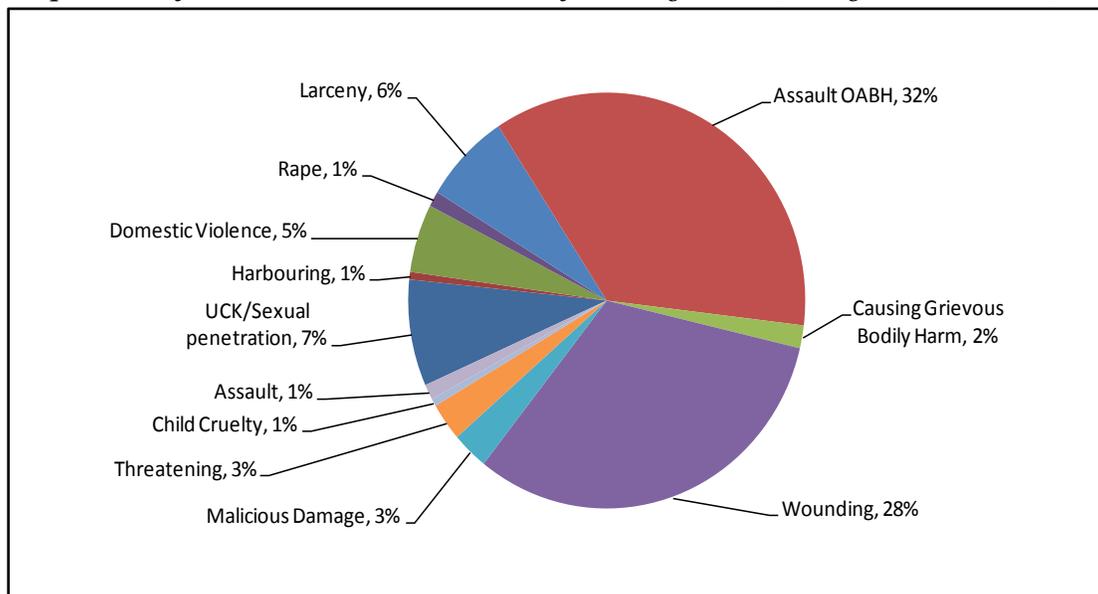
agency competition for control over criminal procedure or a campaign to assert the personal authority and political power of the DPP.

The third part of Sulaiman’s strategy was equally suave, reasserting the prosecutor’s prerogative to file charges without expressly saying so. One day the DPP learned about a case of fraud that had been charged to court without his knowledge or the participation of his staff. Rather than complain to Superintendent Kamara, who had permitted the case to be charged, or appeal to the Assistant Inspector-General of Police for relief, Sulaiman simply appeared in court on the day the case was calendared for trial. He quickly made a motion to adjourn, which the judge approved. But instead of abandoning the case, which would have exposed the DPP to accusations of leniency and perhaps megalomania, Sulaiman quickly reinstated the case, increased the severity of the charges, and then indicted the company too, which originally had not been charged. In this way the DPP avoided antagonizing the police and reaffirmed the constitutional principle without stridently declaring it so. Some combination of these strategies appeared to diminish opposition to the

new arrangement. Already in June 2012 Superintendent Kamara wrote flattering letters to the DPP, commending his Principal State Counsel in particular for his “expert advice on sometimes very complex issues” and assuring Sulaiman that the police were now “putting modalities in place to reduce the numerous mistakes or omissions by our investigators and to improve on the skills of those who did well in that set of case files”.

The advice being given also appeared to have real value for police investigators and their supervisors. Although I have no direct evidence of investigators’ reaction to the advice, the fact that most police districts sent to the DPP cases which were not part of the original agreement – assault, wounding, larceny, malicious damage, and even domestic violence – seems to indicate that the advice was beneficial and not too onerous. In fact, approximately half of the cases sent for early advice in 2013 did not pertain to sexual and gender-based violence. In one district, as Figure 3 below shows, a tiny fraction of the cases sent to the DPP in 2013 were related to sexual offenses, the cause and subject of the original experiment.

Figure 3.
Composition of Cases Submitted to the DPP for Early Advice, Kissy Police Station, 2013



There is another sign of the agreeability of the new arrangement in police-prosecution relations. In the summer of 2013, the Family Support Unit from the police station in Lungi, near the international airport, started submitting cases for review and early advice. Lungi is located in the Northern Region and formally not part of the experiment. Its participation in the initiative was purely voluntary. In fact, in October, Superintendent Kamara wrote to the DPP to apologize for the additional burden this unsolicited participation in the experiment might have created. The project and the changing profile of cases being submitted for their review as a sign that police investigators believed in the new arrangement and were complying with the verbal directive because it was good for them.

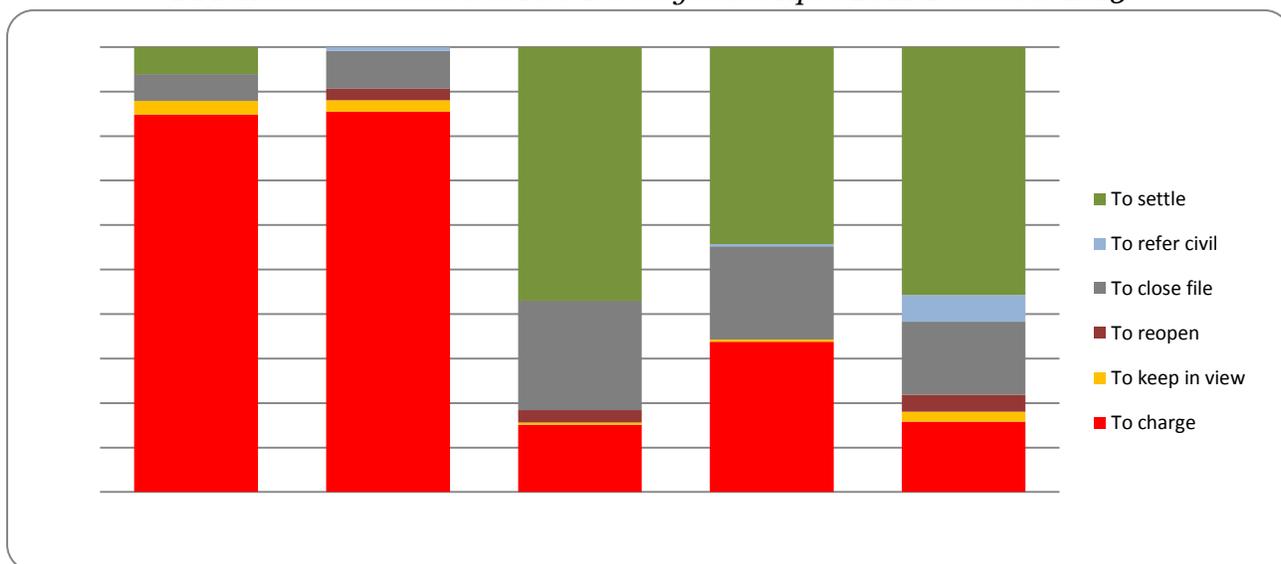
Indicators of Justice

Sulaiman and Monfred were pleased by these developments, and proud. The expansion of the profile of cases being submitted for their review in particular seemed to justify their belief that early advice from prosecutors and better coordination with police investigators was good constitutional practice. And yet the innovation in process remained vulnerable to criticism about outcomes. After all, the opportunistic cause of the reform in justice was a

public concern about impunity, not a campaign for good governance or a desire for harmonious inter-agency cooperation. The DPP needed to know how the early advice scheme affected future events – especially the likelihood that an identified suspect would face charges, and whether the defendants they prosecuted were later found guilty at trial.

Sulaiman created a simple tracking device for this purpose – a word processing document that had separate columns for the case number, type of offense, responsible investigator and prosecutor, and type of advice given. A junior prosecutor used Monfred’s memoranda to the police to record the information, and Sulaiman used an excel spreadsheet on his desktop computer to track the trends. A research fellow in the Program in Criminal Justice Policy and Management, Julien Savoye, helped junior staff verify the accuracy of the information and create the chart that appears below, depicting the composition of the advice give. The DPP, as Figure 4 shows, advised a charge in over 80 percent of the cases of rape and “sexual penetration” (rape of a minor). For other offenses, the charge rates were much lower; recommendations “to settle” the dispute were the modal outcome for cases of assault and domestic violence.

Figure 4.
DPP Recommendations in FSU Investigations April 2012-December 2013



I thought these figures deserved a prize. To me they suggested that the DPP's office had taken a firm but balanced line in prosecution, recommending charges in the most serious cases of sexual violence and encouraging victims and defendants in less injurious conflicts to settle cases in other ways. I thought this inference was fair precisely because of the low rates of charge for cases involving physical violence between acquaintances and the myriad forms of harm and abuse within a family collectively called "domestic violence." I also thought these figures would serve an important political purpose – namely, insulating the early advice scheme from suspicion that prosecutorial reviews of the evidence discouraged the police from investigating sexual offenses and deprived victims of access to justice.

I was even more enthusiastic about the data in the third tracking device that Sulaiman developed, again largely on his own. Each month, under the supervision of a junior prosecutor, he had a court clerk complete a paper form that recorded basic information about the outcomes of all cases that passed through the high court. On his desktop computer, Sulaiman converted this information into an excel spreadsheet that he used to monitor trends. In February 2014 when I last visited Freetown, he showed me the figures for the entire year of 2013. Of the 142 cases that had been disposed that year, 25 had involved sexual and gender-based violence, 12 of which (48%) culminated in a conviction. A conviction had been recorded in only 28 of the other 117 cases (24%), which included robbery, larceny, burglary, wounding, and other offenses. I thought these figures helped confirm that the early advice scheme was strengthening the quality of police investigations. I believed they vindicated the reform. I do not know if Sulaiman ever shared any of these data with the police or press or showed this information to anyone besides his own staff. He may have worried about the comparatively low rates of charge in cases of domestic violence, a subject on which there was growing public attention in the media. On the other hand Sulaiman was in general more circumspect than me about the measurement of justice. Indeed, Sulaiman was skeptical of most

inferences about the quality of justice that came from abstract data on outcomes. He knew that the neglect of victims was a major shortcoming in criminal justice in Sierra Leone, and he worried about "compromised cases" – familial interference in police investigations in cases of rape and sexual assault – but he disliked the insinuation he often heard in domestic and foreign conversations that more convictions of defendants would represent progress. He took a more balanced view that might have sounded liberal, or indulgent. "Before you judge me on results," he said, "let us see if there is justice for the accused."

Monfred Sesay was also cautious about using these and other data as indicators of justice. He treated the figures described above as signs that something was going right in the course of reorganizing the relationships between police and prosecution, but they were not dispositive. When I asked Monfred to talk about the experience of giving early advice to police investigators at a symposium on indicators in Addis Ababa in May of this year, he declined to use the data and instead raised a troubling question. "Now that we have restored the constitutional principle of prosecution," he said, "we have to ask whether the increase in the rate of conviction for sexual offenses is making victims more vulnerable to retribution in their family and community." He wanted help developing an indicator of the experiences of victims after investigation, prosecution, and trial so that he would know if any of these reforms were causing further harm.

Reflections

This is a thin account of recent changes in the way the justice system responds to sexual and gender-based violence in Sierra Leone. The process of conceiving, agreeing, and making changes was far more complex and contingent than this note conveys. At one point, for example, the Deputy Minister of Education was charged with rape, a development that grabbed the attention of the President and which may have cast a long shadow on the experiment. There must have been innumerable

doubts and long periods of indecision. I suspect that “reform” was a loosely connected series of improvisations rather than a coherent strategy, implemented steadily, and backed by a recognized theory of change.

This account also relays next to nothing about the role of the Program in Criminal Justice Policy and Management, one of whose research fellows spent much of their time – most of it at a distance – applauding, assisting, and analyzing the data collected in the course of the experiment. It does not describe the indicators developed with the Justice Sector Coordination Office and other exploratory research that may have eased this collaboration. It does not describe the annual workshops on indicators attended by justice officials from Sierra Leone, one of which, according to Sulaiman, helped “crystallize” his understanding of both the character of the problem he had in Freetown and of the kinds of solutions that might be possible.³

Still, even in the just-so story form here, this account raises questions about the role that indicators play in justice reform, and the challenge of sharing power in criminal justice, especially in the course of making structural changes to long-standing arrangements. It may also suggest something about the domestic sources of inspiration for lasting change in justice.

Indicators of Justice and Collective Action

Sulaiman and Monfred balked at the use of rates of charge and conviction in the investigation of sexual and gender-based violence for any conventional governance purpose. They did not treat these rates as indicators of “quality” in the administration of justice. They were seen neither as a sign of the

³ Descriptions of other indicators developed in the course of our collaboration with justice sector leaders in Sierra Leone, along with short papers that record the main lines of debate and discussion at the annual workshop on indicators of justice and safety, can be found on the PCJ website at <http://www.hks.harvard.edu/programs/criminaljustice/research-publications/measuring-the-performance-of-criminal-justice-systems/indicators-in-development-safety-and-justice>

growing professional competence of investigators and prosecutors, nor a warning of deterioration in the work of defense counsel and the greater vulnerability of criminal suspects to conviction. And yet these same indicators are common proxies for the “efficiency and effectiveness” of justice systems in Europe and North America.⁴ They also appear in development debates on justice, often in campaigns to end violence against women and girls.

In fact, the wide range of intriguing administrative data that was developed in the course of this project was not used in any of the ways that indicators are typically deployed today. They did not defend a project to the press, a donor, or government budget official; they were not used to assign credit or apportion blame; they did not mobilize new resources to solve a persistent problem; and they did not direct the attention of line staff to the achievement of a single collective organizational goal. In short, none of the conventional purposes of governance were advanced through these indicators, and few of their purported “knowledge effects” were in play.⁵

Instead, the DPP used the data and what we kept calling “prototype indicators” as a way to perceive a system, to notice the collective effects of individual decisions on a host of concerns that were not directly observable and yet which haunt most systems of justice. Sulaiman even sought a “sibling” indicator for the pace of investigations so that he could detect whether these changes were having helpful or harmful effects in other domains of law, governance, and justice that were beyond his direct influence.

⁴ See, for example, “Rape Convictions at Four Year Low Despite Attempts to Bring More Cases to Court,” Global Research, May 3, 2014, available at: <http://www.globalresearch.ca/rape-convictions-at-four-year-low-despite-attempts-to-bring-more-cases-to-court/5380292?print=1>

⁵ For a sociological claim about the diverse “knowledge effects” of indicators in development, see Sally Engle Merry, “Measuring the World: Indicators, Human Rights, and Global Governance,” *Current Anthropology*, 52, 3 (2011)

The only indicator the DPP used regularly was the simple measure of time – the number of days that elapsed between the reception of the file at the DPP and the issuance of the indictment. But even this indicator was not meant to drive staff performance in a single agency, to hit a target. It was designed, instead, to insinuate a common cause between the police and prosecution in the course of the experiment. It showed that both agencies could make meaningful and measurable contributions to the pace of prosecution, each in their own separate ways. This was not a coincidence. The indicator was conceived with a collective purpose in mind; its purpose was to foment shared interest in the new process – to facilitate the structural adjustment.

These are not the kinds of indicators, or purposes of indicators, that are being considered by the United Nations for inclusion in the post 2015 development agenda. But they may be the kinds of indicators that national governments need in order to govern their own affairs and design their own best practices. They seem like the kinds of indicators that the current Prime Minister of the UK recommended in 2012 when he decried the “ridiculous” and “state heavy” target-based approach to criminal justice in England and Wales and instead proposed indicators that would end “micro-management from Whitehall” and return “professional discretion to local forces.”⁶ The indicators developed in this project come very much in that guise – instruments that support rather than strip away the autonomy of local leaders, measures that inspire rather than prevent deviation from the norm.

Governments may need targets, of course. But it is not clear that justice systems do. Justice systems may need indicators rather than targets – indicators as improvised heuristic devices, as tools that permit conceptual thinking about the changing relationships of power as much as fixed rules of law. Public officials, this case suggests, need indicators that make them conscious and cautious of the many

⁶ A transcript of Cameron’s October 22 speech on crime and justice to the Center for Social Justice is available at: <http://www.number10.gov.uk/news/crime-and-justice-speech/>

interests and values that needed to be protected in the name of justice, few of which are defined in law.

Structural Adjustments in Justice Reform

Changing the law is one of the ways that governments and development organizations try to engineer, and also justify, innovations in justice and safety all over the world. But new rules always require a structural adjustment, and no one likes a structural adjustment – in criminal justice no less than macroeconomics. Even the restoration of an old rule, as occurred in this case, was disruptive, at least initially, despite its approbation in the past and, we assumed, legitimacy. Of course, changes in public administration are always bothersome, especially when they are imposed or involuntary. But administrative inconvenience was not the only source of resistance to change in this case. There was also principled disagreement about the best way to respond to sexual violence in Freetown. There were disputes about the right and lawful disposition of individual cases, most of which were shaped by different notions of justice. It is also true that habit, corruption, and patriarchal attitudes about women and families may have played an important role in the resistance to change, but firmly held beliefs about the right way to do justice were a big part of most conversations about the best conduct, supervision, and review of police investigations.

What was the response to these concerns? In this case, the DPP did not try to silence debate, ignore the resistance, or prove it wrong. He did not try to mollify opposition by promising future dividends, which is the way other kinds of structural adjustments have been sold. Instead, he encouraged small groups of investigators to persuade themselves of the utility of the new arrangement, to discover the stored value of the old rule. He also let the value of the innovation appreciate on its own, not hastening it with press releases or quickly trying to scale-up across the country. He tried to protect the interests and reputation of people that opposed or seemed to oppose the new arrangement. Sulaiman’s fundamental insight, I think, was that change in

justice has to be good, not just good for you, like a diet or mortgage or slow-acting medicine. He knew that making changes within the rule of law is a special kind of political conundrum, one that has no obvious solution. He believed the agreeability of the new arrangement depended on a kind of justice itself, not an equitable transaction but a respect for relationships.

Sources of Inspiration for Justice

Between 2011 and 2013 there was a structural What moved and motivated the DPP to change the response to sexual violence in Sierra Leone? Sulaiman and Monfred both say they were provoked by a scathing report on the operation of the justice system that was published by UNDP in 2010. But the report itself was a compilation of stories from the local press – headlines, mostly – that highlighted the neglect of victims and impunity of offenders by declaiming the dearth of convictions for rape. How was it, then, that the individual stories in local papers failed to make the impression that their compilation by a foreign organization did? What role does this aspect of the story suggest about the value of journalism in justice reform in general, and the kinds of foreign support in particular that local knowledge may need in order to be a vital and vocal source of change?

One possibility is that national officials need compelling stories from their own past as much as they need inspiring tales from abroad. Local stories that are respected abroad may have special political power. But whatever the catalyst for change may have been in this case, the source of the persistence in improving police investigations of rape and sexual assault was not a belief in evidence-based practices, lasting impressions from short visits to foreign countries, or even an ideological commitment to ending violence against women and girls. It was a belief about the importance of the rule of law and the cultural heritage of Sierra Leone. “I was fortunate to see the state before the war,” Sulaiman told me. He was haunted by its degeneration in war. “Imagine a failed state,” he proposed, “in which power is in the hands of so many people who may or may not know

the rules.” Sulaiman was adamant that the culture of justice before the war be restored because he was worried about the future. “Long after we are gone,” Sulaiman said, “people will need a good system of justice. Who knows, we may even become victims, and then we will need its support.”

Monfred told me: “We are haunted by comparisons.” He was referring not to the experiences of foreign countries, but rather the conduct of his pre-war predecessors in the office of the DPP, pictures of which adorned the walls of his office. “How do we stand up to them? Can we say we have done our best?” he asked. Prosecutors in Sierra Leone are certainly not immune to the influence of foreign ideas. Stories they were told during visits to and from their counterparts in London and Lagos shape their self-perceptions and ambitions. But so do local heroes.

Outlasting Change

In less than two years, the DPP persuaded the police to follow an important rule of law without directly invoking the law, punishing non-compliance, or spoiling important relationships. The speed with which this change took place is particularly striking when one considers that the Crown Prosecution Service in England and Wales has been trying to accomplish a similar objective for more than two decades, and is still unsatisfied with the result. Justice systems in cities all over North America struggle to sustain constructive yet critical relationships between police investigators and prosecutors, especially in the response to sexual and gender-based violence.⁷

⁷ For a recent description of the pressures exerted on police-prosecution relations in Los Angeles by conflicting institutional interests and competing indicators of performance, see Cassia Spohn and Katherine Tellis, “Policing and Prosecuting Sexual Assault in Los Angeles City and County: A Collaborative Study in Partnership with the Los Angeles Police Department, the Los Angeles County Sheriff’s Department, and the Los Angeles County District Attorney’s Office,” a research report submitted to the United States Department of Justice in 2009, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/237582.pdf>

Of course, it is unclear how firm the current arrangement in Freetown is, how quickly it might be adopted and adapted in other regions, and more generally how resilient the new response to sexual violence in Sierra Leone is or will turn out to be. It is also not clear that the recent changes *should* last. The conventions by which justice is organized change constantly over time, and the adjustments to the Constitution being considered in Sierra Leone today may well influence the future structure of police-prosecution relations. Moreover, if Monfred and his colleagues find out that the new system of prosecution-led investigation has exposed victims to more retaliation and greater harm, then another adjustment in justice may be necessary.⁸

So, what then is the lasting value of these changes? For me, one of the potentially lasting benefits of the new response to sexual violence in Sierra Leone is the sense among leading officials that justice systems are malleable. That sense, and the confidence it betrays, might come in handy in the future, since justice systems everywhere seem to have to reinvent themselves when the individual scale on which they work is exceeded by the magnitude of the social problems that lie behind crime and injustice.

The insights that come from this experience might also be fungible, even if the particular strategy adopted in Freetown is not applicable to other situations. If crime and injustice are not like carbon emissions or some other human waste that you can get to zero, and if change in justice is the norm rather than the exception, then leaders of justice systems all

⁸ For the suggestion that the increase in the number of rapes recorded by the Rainbow Centers in Sierra Leone in 2013 was the result of a growth in the incidence of offending rather than higher rates of reporting, see Alpha Kamara, "Rape in Sierra Leone: Breaking the Silence," BBC Media Action in Sierra Leone, <http://www.bbc.co.uk/blogs/bbcmiaaction/posts/Rape-in-Sierra-Leone-breaking-the-silence>

Note, though, that only information about the incidence of repeat victimization - rapes and sexual assault or other victimization of individuals already attended by the justice system - would help confirm or dispel Monfred's worry.

over the world will need a craft of reform that does not depend on law for its justification. They will need examples of how to respect the interests and ideas of others, which this case suggests was a necessary condition for leadership in a complex and loosely-coupled system of governance. They will need stories and friends and other forms of reassurance that large and seemingly intractable problems in justice can be tackled indirectly – for instance, by making modest adjustments to joint operations and other rearrangements that do not require a fresh covering of law.

One of the potentially lasting benefits of the new response to sexual violence in Sierra Leone is the sense among leading officials that justice systems are malleable. That sense, and the confidence it betrays, might come in handy in the future: justice systems everywhere seem to have to reinvent themselves, especially when the individual scale on which they work is exceeded by the magnitude of the social problems that lie behind crime and injustice. The insights that come from this experience might also be fungible, even if the particular strategy adopted in Freetown is not applicable to other situations.

Crime and injustice are not like carbon emissions or some other human waste that you can get to zero. Change in justice is the norm rather than the exception. But in order to change justice without the law, leaders in other countries will need examples of leadership that does not uncouple or dismantle the system of governance. They will need stories and friends and other forms of reassurance that large and seemingly intractable problems in justice can be tackled indirectly – for example, by making modest adjustments to joint operations and other rearrangements that do not require a fresh covering of law.

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