

# International Judicial Affairs

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The International Judicial Affairs (IJA) Committee was established in 2007 to develop opportunities for judges to work with fellow judges in other jurisdictions in mutually beneficial ways, including the development of administrative and substantive training programs for judges and for court staff. The committee was formed largely as a result of an ABA International Legal Exchange trip to West Africa in early 2007. The trip allowed ABA members to participate in the Fiftieth Anniversary of Ghanaian Independence and to visit the neighboring countries of Liberia and Sierra Leone, which were just beginning to recover from more than a decade of war. The war left both countries with few trained and practicing lawyers, and even fewer judges. By establishing the IJA Committee, trip participants sought to lay the groundwork to assist Liberia and Sierra Leone in the restoration of their respective legal systems. It is the Committee's intent that whatever programs may be developed for the resolution of these two specific countries' post-conflict difficulties will not be one-time offerings limited to these countries. Instead, the goal is to develop programs for continuing use and adaptation to the needs of many different jurisdictions, post-conflict and otherwise.

In both countries, credible programs are now on the drawing boards. Yet what is even more important is the fact that in each country the primary impetus and organization is coming from within the country itself, rather than being unilaterally offered or imposed by an outside government, NGO, or other entity like the ABA. For example, the Chief Justice of the Supreme Court of Liberia established a steering committee to begin planning for a judicial training institute (JTI) and subsequently adopted the committee's recommendations. Also in collaboration with the Supreme Court of Liberia, members of the ABA Rule of Law Initiative (ROLI) are assisting in the development of the administrative structure and training curriculum for the JTI. Liberia's first stated priority is the training of magistrates, to be followed by programs for bailiffs and clerks, and then other members of the court system, with the long-term goal that all levels of the judiciary, including court administrative staff, be fully trained and enabled.

Sierra Leone has also taken the reins in moving for the comprehensive reform of all aspects of the legal system following an intensive two year process in which they devel-

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oped a Justice Sector Reform Programme<sup>1</sup> (JSRP) that covers law enforcement as well as the courts, and that forthrightly acknowledges that more than seventy percent of the country's citizens currently have no meaningful access to justice.<sup>2</sup> Over the past two years, the Parliament of Sierra Leone has enacted legislation that addresses problems of gender-based violence and gender equity in marriage, divorce, family, and devolution of estates.<sup>3</sup> Moreover, Sierra Leone has taken direct aim at corruption—following a peaceful transition of power in a national election in 2007, a new law was enacted that requires all public officials to file written public disclosures of their assets and criminalizes any official's possession of property that he or she cannot properly explain.<sup>4</sup> Upon signing that law in September 2008, President Ernst Bai Koroma became the first head of Sierra Leone to file a written disclosure of assets with Sierra Leone's Anti-Corruption Commission.<sup>5</sup>

The United Nations Development Program (UNDP) is finalizing plans for a multi-million dollar, multi-year program to help fund judicial training, including the establishment of a structure intended to house programs to train judges, lawyers and court staff, and to house Sierra Leone's School of Law.<sup>6</sup> Members of the ABA traveled to Sierra Leone on three occasions in 2008 to find ways to assist in these anticipated training programs. Although funding is uncertain, it is possible that funding of actual programs could begin by March of 2009.

While these formal training programs get off the ground, the IJA is supporting efforts to build up existing basic legal training by obtaining current law textbooks for use by students in the law schools of Liberia and Sierra Leone. Shipment and deliveries have already commenced, and within the year, all law students in both countries should have access to their own textbooks for each course that is offered.

Finally, the UN-sponsored Special Court for Sierra Leone is providing assistance to the reestablishment of the rule of law by means other than simply conducting trials and appeals of those persons bearing the greatest responsibility for war crimes and crimes against humanity in the region. It has been engaged in a multi-year effort to educate citizens about not only the manner by which the rule of law was destroyed by the civil war, but also the process by which it is now being reestablished. More than 1,000 community meetings have been held in rural parts of Sierra Leone to provide information to citizens.<sup>7</sup> The Special Court is also preparing to archive materials about its operations, thereby preserving the history of the brutal conflict and its resolution for future generations.<sup>8</sup>

The work that is being done in Sierra Leone and Liberia faces many logistical difficulties, given the prevailing poverty and the lingering damage to the infrastructure from the

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1. Government of Sierra Leone, *Justice Sector Reform Strategy & Investment Plan 2008–2010* (Dec. 2007), available at [http://www.daco-sl.org/encyclopedia/4\\_strat/4\\_1/justice\\_sector\\_reform08-10.pdf](http://www.daco-sl.org/encyclopedia/4_strat/4_1/justice_sector_reform08-10.pdf).

2. *Id.* at i.

3. *Id.* at 28.

4. See The Anti-Corruption Act of 2008 available at [http://www.anticorruption.sl/drwebsite/uploads/acc\\_act\\_2008.pdf](http://www.anticorruption.sl/drwebsite/uploads/acc_act_2008.pdf).

5. BBC News, *Sierra Leone President Declares Assets*, NEWS.BBC.CO.UK, Sept. 1, 2008, <http://news.bbc.co.uk/2/hi/africa/7592577.stm>.

6. See United Nations Development Programme, *Justice Sector Reform, Human Right and Security*, Annual Report, available at [http://www.sl.undp.org/2\\_focus/justice\\_sector\\_annualRpt\\_2007.pdf](http://www.sl.undp.org/2_focus/justice_sector_annualRpt_2007.pdf).

7. See Special Court for Sierra Leone, *5th Annual Report of the President of the Special Court for Sierra Leone*, at 52-3, available at <http://www.sc-sl.org/LinkClick.aspx?fileticket=HopZSuXjicg%3d&tabid=176>.

8. *Id.* at 49.

civil wars. Nonetheless, the IJA continues to work closely with lawyers and judges in each country to move efforts forward. To that end, the IJA seeks to obtain the benefit of the experience of all of the Committee's members, including judges and lawyers who are members of the judiciary and the bar of countries other than the United States. Joint efforts based on a variety of jurisdictions and legal systems will have the best chance of finding ways to respond to the unique needs of each country seeking to establish and maintain the rule of law.

