



THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE

IMPROVING PRETRIAL JUSTICE IN SIERRA LEONE

The Socioeconomic Impact of Pretrial Detention in **SIERRA LEONE**



PRISON WATCH
SIERRA LEONE
Behind Bars but not Beyond Justice



*Empowered lives.
Resilient nations.*

The Socioeconomic Impact of Pretrial Detention in Sierra Leone

Carried out by Timap for Justice and Prison Watch Sierra Leone
In collaboration with UNDP and the Open Society Justice Initiative

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ISBN: 978-1-936133-76-5

Published by

OPEN SOCIETY FOUNDATIONS

224 West 57th Street

New York, New York 10019 USA

www.soros.org

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Cover designed by: Judit Kovács | Createch Ltd.

Text Layout and Printing by: Createch Ltd.

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Acknowledgments

The study drew together a wide pool of expertise and experience, both in Sierra Leone and through a research meeting held in Accra, Ghana.

The research and interviews were carried out by the Sierra Leonean nongovernmental organisations Prison Watch Sierra Leone and Timap for Justice. The data were analysed by Jean Redpath, with additional analysis and conclusions provided by the NGOs in Sierra Leone and the Open Society Justice Initiative.

Research meeting in Accra, Ghana: Kamil Kamaluddeen (UNDP Country Director), Evans Gyampoh (UNDP), Caroline Nalule (Commonwealth Human Rights Initiative CHRI), Mina Mensah (CHRI), Isaac Ofosu-Boateng (Commission for Human Rights and the Administration of Justice CHRAJ), Kojo Graham (CHURCIL).

Guinea: Mamadou Bobo Sow (UNDP), Kpana Emmanuel Bamba (Avocats Sans Frontières Guinée), Frédéric Loua Foromo (Mêmes Droits pour Tous Guinée), Madani Sylla (Ministry of Justice).

Sierra Leone: Elvis Enoh-Tanyi (UNDP), Simeon Koroma (Timap for Justice), Bankole Morgan (Sierra Leone Human Rights Commission), Mambu Feika (Prison Watch Sierra Leone). **UNDP:** Gabriel Vockel (UNDP New York), Isabelle Tschan (UNDP Dakar), Sarah Simoneau (UNDP Dakar). **Open Society Justice Initiative:** Martin Schönsteich (New York), Stanley Ibe (Abuja), Kersty McCourt (Brussels). **Consultants:** Teddy Kaberuka, Elisabeth Basemeg.

About the Global Campaign for Pretrial Justice

Excessive and arbitrary pretrial detention¹ is an overlooked form of human rights abuse that affects millions of persons each year, causing and deepening poverty, stunting economic development, spreading disease, and undermining the rule of law. Pretrial detainees may lose their jobs and homes; contract and spread disease; be asked to pay bribes to secure release or better conditions of detention; and suffer physical and psychological damage that last long after their detention ends. The purpose of the *Global Campaign for Pretrial Justice* is to reduce unnecessary pretrial detention and demonstrate how this can be accomplished effectively at little or no risk to the community.

Current activities of the Global Campaign include collecting empirical evidence to document the scale and gravity of arbitrary and unnecessary pretrial detention; building communities of practice and expertise among NGOs, practitioners, researchers

and policy makers; and piloting innovative practices and methodologies aimed at finding effective, low cost solutions. In addition, the campaign strives to establish linkages with associated fields such as broader rule of law and access to justice initiatives and programmes.

More information is available at www.pretrialjustice.org including audio-visual stories from Brazil, Malawi, and Sierra Leone and a series of reports on:

- Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk
- Pretrial Detention and Health: Unintended Consequences, Deadly Results
- The Socioeconomic Impact of Pretrial Detention
- Improving Pretrial Justice: The Roles of Lawyers and Paralegals

Executive Summary

The socioeconomic impact of excessive pretrial detention is profound, affecting not just the individuals detained, but their families, communities, and even the State. As this report illustrates, that impact is felt most keenly by average Sierra Leoneans; who, in a country near the bottom of the United Nations Human Development Index,² are poor, primarily live at a subsistence level and have no savings or safety net to tide them over during difficult times.

Pretrial detainees may lose their jobs, be forced to abandon their education, and be evicted from their homes. They are exposed to disease and suffer physical and psychological damage that lasts long after their detention ends. Their families also suffer from lost income and forfeited education opportunities, including a multi-generational effect in which the children of detainees are separated from their families, experience social stigma and suffer reduced educational attainment. The ripple effect does

not stop there: the communities and the State must absorb the lost potential and socioeconomic impacts.

Around the world, excessive pretrial detention prods people towards poverty. It pushes working class people towards unemployment, uncertainty, and the edge of poverty and plunges the already poor into even worse destitution.

These negative socioeconomic effects simply should not happen. Excessive and arbitrary pretrial detention is universally prohibited by international legal norms. In fact, though rational pretrial detention plays an important role in criminal justice systems, it should – according to international norms – ordinarily be a last resort, used only under certain, specific conditions.

In 2011, two Sierra Leonean nongovernmental organisations – Prison Watch Sierra Leone and Timap for Justice, in collaboration with the Global Campaign for Pretrial Justice and UNDP – measured

the socioeconomic costs of excessive pretrial detention in Sierra Leone. They randomly surveyed 128 adult pretrial detainees, in three prisons, one in the capital Freetown, and two in the provinces, seeking information on how their detention affected their socioeconomic position. The results, contained in this report, quantify the pernicious and wide-ranging effects of excessive pretrial detention and show how severely pretrial detention damages the socioeconomic development of detainees, their families and communities.

Among the more significant findings:

Pretrial detention primarily affects average Sierra Leoneans; breadwinners who are poor or on low-incomes:

- The study found that pretrial detainees in Sierra Leone were usually breadwinners in the prime of their working lives: married men, approximately thirty years of age, with some school education and supporting a number of dependants.
- At the time of arrest they were economically active and income earning, with almost all earning at least the minimum monthly wage.
- Most detainees lived in rented or shared premises at the time of their arrest, and in general did not own any major assets or livestock.

Pretrial detention affected not only those detained, but also their families:

- On average, each detainee was supporting four people, generally children under the age of 10.
- For every four detainees in pretrial detention, there were five families who no longer had the support of a breadwinner.
- On average, families incurred expenses on food, medication, travel, bribes and other expenses, equivalent to about eight months' of the median earning of detainees.
- Detainees identified varied forms of social impact suffered by their families as a result of their detention, in particular, social stigma and the separation of families. Serious economic consequences were also borne by many families, including falling into debt and having to sell household goods.
- The impacts are felt most keenly by women and children who are predominantly the ones remaining at home and who consequently take on a disproportionate burden when their husbands/fathers are detained awaiting trial.

Pretrial detention both reflected and exacerbated the inequalities and inefficiencies found in Sierra Leone's justice system:

- None of those surveyed had English, the language of the courts, as a first language and only 5% had English as their second language. This means only 1 in 20 detainees are able to understand the proceedings of the courts without translation.
- On arrest, over 60% of detainees were not advised of their right to legal representation. As a consequence the vast majority received no legal assistance – and those that did were dependent on their families for funding.
- The majority of detainees were not brought to court within the legal time limits.
- Very high bail bonds, equivalent to six months' salary, were set by the courts and consequently detainees were unable to find sureties amongst friends and families for these large amounts.

Pretrial detention negatively affected respondents' health, making it harder for detainees to work after release and worsening their socioeconomic position:

- The experience of pretrial detention doubled the rate of ill-health among detainees.
- One-in-four detainees who fell ill after arrest received no medical attention of any kind.
- The majority of illnesses contracted were life-threatening, yet also treatable and preventable.

The excessive use of pretrial detention in Sierra Leone exacts painful, crushing costs on individuals, families, and communities. It strips families of their primary breadwinner, damages employment prospects, saddles families with unforeseen expenses, and erodes the health of detainees and their families. Moreover, these costs are largely avoidable as a more limited and rational use of pretrial detention could be enforced without endangering public safety.

Introduction

On any given day around the world, about 3.2 million people are held in custody awaiting trial. During the course of an average year, over 14 million people are held in pretrial detention.³ In Sierra Leone the prison population is rapidly increasing: it has nearly doubled since 2004 and over 57% of the prison population comprises detainees who are awaiting trial.⁴ Some defendants are detained for a few days or weeks, but many will spend months or years in custody. The excessive and arbitrary use of pretrial detention critically undermines socioeconomic development – and is especially harmful to the poor. Pretrial detention disproportionately affects individuals and families living in poverty: they are more likely to come into conflict with the criminal justice system, more likely to be detained awaiting trial, and less able to make bail. For individuals, the excessive use of pretrial detention means lost income and reduced employment opportunities; for their families, it means economic hardship and reduced educational outcomes; and for the state, it means increased costs,

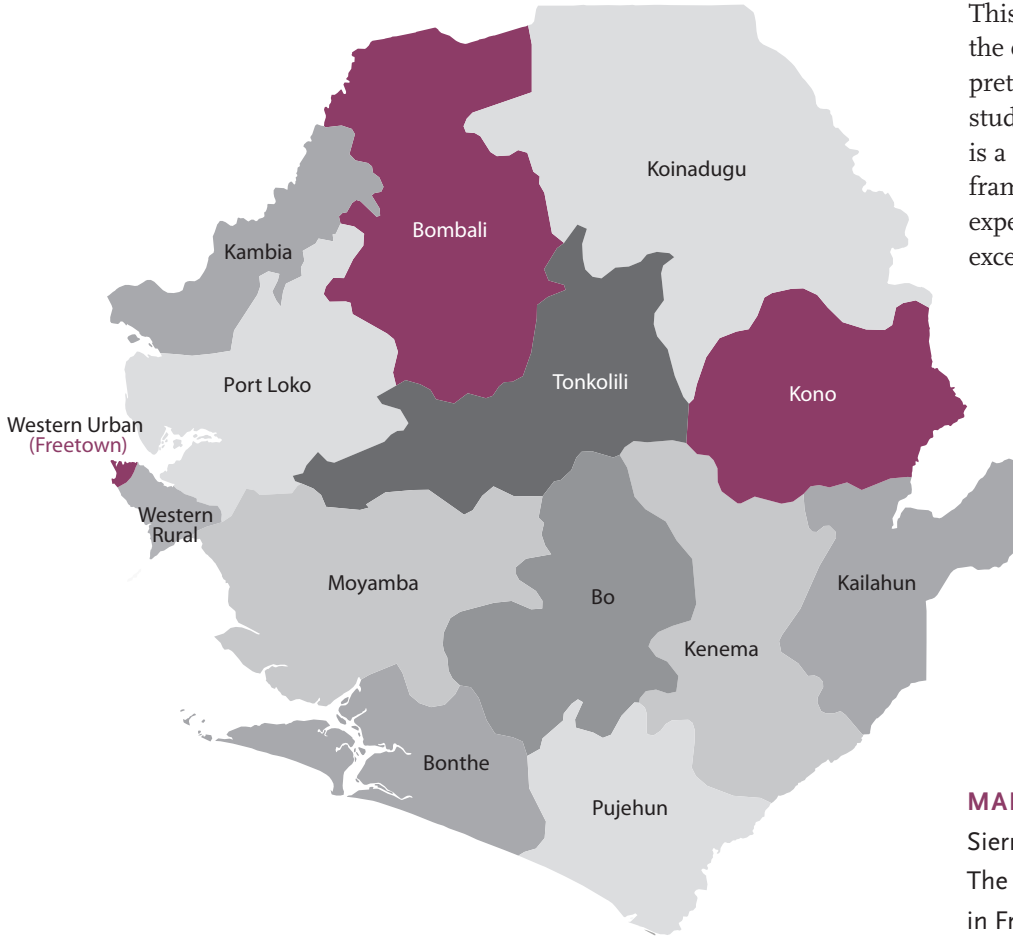
reduced revenue, and fewer resources for social service programmes.

The impact of indiscriminate and excessive pretrial detention is felt most sharply in countries like Sierra Leone that are the focus of the Millennium Development Goals (MDGs). Key goals on health and education for example are directly inhibited when suspects are kept for lengthy periods in pretrial detention often in overcrowded and unsanitary conditions.

In order to further explore this link the Global Campaign for Pretrial Justice undertook, in 2010, a global review on the socioeconomic impact of pretrial detention looking at the impact on individuals, families, communities and the state.⁵ This study builds on that research and aims to look at particular countries and document the experiences of detainees and their families. It forms part of a series of country specific studies that are being carried out in Sierra

Leone, Ghana, Guinea Conakry, Mozambique, Kenya and Zambia.

This research will fill a gap in what is known about the effects of excessive pretrial detention. Although pretrial detention affects millions of people a year, studies and quantitative data are lacking. There is a need for more research in this area, and for a framework that allows policymakers and development experts to measure and understand the true costs of excessive pretrial detention.



MAP 1

Sierra Leone and its districts.
The research was carried out in prisons in Freetown, Bombali and Kono.

Aims of the Research

The research aimed to look at two main questions: i) who is in pretrial detention, and ii) the socioeconomic consequences for their families. It is intended to be a preliminary tool to spur further discussion and policy review. It is not intended to provide a broad overview of the criminal justice system – and took a ‘snapshot’ approach looking at

three prisons on one day. It thus provides an image of who was in detention on that day – but does not provide further analysis on the case-flow. It does however provide information and analysis that is very often missing from standard baseline surveys and provides an insight for those planning and budgeting criminal justice reforms.

Methodology

The study started out with a research meeting in Accra together with teams from Ghana and Guinea Conakry carrying out similar research. The questionnaires were reviewed and refined, potential challenges discussed, and preliminary plans for future advocacy considered. The research teams then further revised the questionnaires in country following a test with a sample of detainees.

The findings are based on the responses from 128 respondents, held in pretrial detention. Children were not included in the sample, however it emerged that children were being held together with adults as a number of detainees between the age of 15 and 17 formed part of the random selection. 53 interviews were carried out in Freetown Central Prison (including the women's prison) in Freetown (Western area), 35 interviews in Kono Prison in Sefadu-Koidu (Kono district, Eastern province) and 40 interviews in Makeni Prison (Bombali district, Northern province). In addition, interviews were carried out with 12

family members; four of these family members were related to detainees in Freetown, four to detainees in Kono and four to detainees in Makeni. The findings are therefore from the perspective of the detainees and their family members.

Detainee interviews

The prisons were purposely selected to include one in Freetown and two in the provinces. A structured questionnaire was administered to a random selection of detainees selected from a list of all pretrial detainees in the three prisons. Detainee interviews were carried out at the prisons, either in the courtyard or in empty offices of the prisons. The research assistants explained the purpose of the interview and sought permission from the interviewee before proceeding with the interview. (See annex 1 for the questionnaire and consent form.)

The analysis further makes use of the Sierra Leone Census of 2004 published by *Statistics Sierra Leone*, as well as their 2007 update. By making comparisons with Census data, it is possible to compare the profile of these detainees with that of the population in general.⁶

Family interviews

All interviewees were asked if they would be happy for the research team to follow up with a member of their family. The second part of the study involved an attempt to conduct in-depth interviews with these family members. This was very challenging due to the difficulty experienced in contacting family members. Information (including addresses) of family members was provided by the detainees. Unfortunately, in the majority of cases, the addresses were either incorrect or insufficiently described. In addition, most family members of detainees did not reside in the same city or town as the prison in which the detainee was

being held. Finally, a number of the family members were initially reluctant to admit any relationship with detainees.

Consequently only 12 such interviews were carried out, the majority of which were with extended family members of detainees. Five of the family members were male and seven were female. They ranged in age from 23 to 70. Two were in their forties, four were in their fifties, and three were in their sixties. In other words, most were a generation older than the detainees. One family member interviewed was the spouse of the detainee, three were the parents of the detainee, three were sisters of the detainee, one was an aunt and another was an uncle, and three were related in another way.

Again the research assistants explained the purpose of the interview and sought permission from the interviewee before proceeding with the interview. (See annex 2 for the questionnaire and consent form.)

Who is in Pretrial Detention?

This section provides detail on the people held in pretrial detention. The findings show that detainees tend to be male, around the age of thirty and have a limited amount of education, but who nevertheless are income-earners responsible for supporting a range of dependants.

Gender of detainees

Some 9 out of 10 detainees were male, as is the case in most countries.

Some 90% of the detainee respondents in the sample were male. This corresponds with a count of the Sierra Leone prison population conducted in 2009.⁷ Usually over-representation of men occurs in prisons because men in general are more likely to be involved in crime, to be arrested and to be incarcerated.⁸

Age of detainees

The average age of detainees is 30 years. This is younger than the average age of the Sierra Leone adult male population.

Although children are, in terms of international law, supposed to be held in detention separately from adults,⁹ five children aged 15–17 were in the sample, due to their being held together with adults and thus forming part of the random sample drawn from the adult prisons.¹⁰ This suggests that children are sometimes not held separately from adults in Sierra Leone, particularly if they are close to age 18. The Sierra Leone Children and Young Persons Act determines the procedure to be followed in the trial of children.

The average age of detainees, as well the most common age (the mode) was 30, with the median being 29 years of age. The range of ages among

detainees was from 15 to 55 years of age. This suggests an older age profile than that found among detainees in developed countries, where young adults (18–25) are frequently in the majority. The older age is, however, consistent with the findings in developing African countries such as Malawi, Zambia and South Africa,¹¹ where persons who are older than 25 are predominant in pretrial detention.

However, in Sierra Leone the detainee profile, although older than expected, is still younger than the adult male population. The average age for the country is 38 and the median is 30.

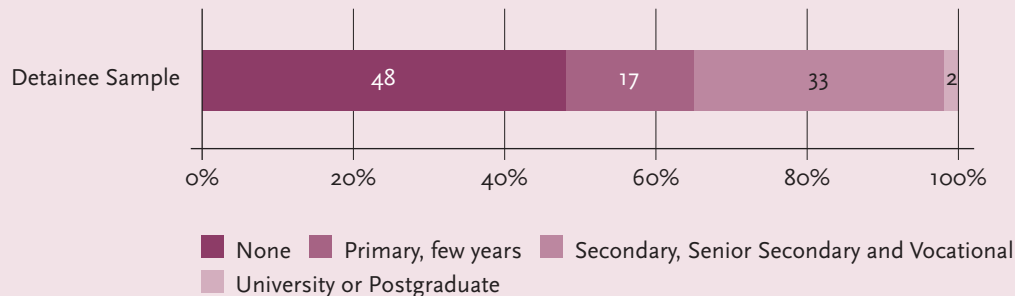
Education of detainees

Almost half of detainees say they had never received any formal education. However detainees are more likely than the average person to have some education rather than no education.

Almost half (48%) of detainees say they have never received any formal education and two thirds have not had more than primary education (Figure 1). The level of education is important because it indicates the extent to which detainees may be able to represent themselves in court and understand the

FIGURE 1

Educational attainment among detainees



criminal proceedings being brought against them, and read and understand their warrants and other legal materials. Given that half of detainees in the sample had no education, this suggests a limited ability to engage with criminal proceedings.

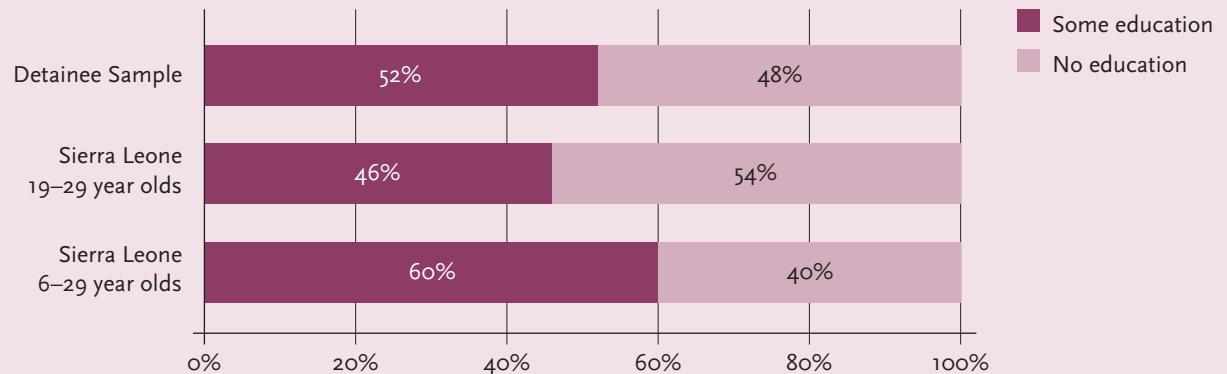
Low levels of educational attainment are unfortunately not unusual in Sierra Leone; according to the 2004 Census, some 40% of Sierra Leoneans aged 6 to 29 years have never attended school, while 29% of 6 to 11 year olds have never attended school –

in other words older persons are more likely never to have attended school.¹² Among those aged 19–29 in Sierra Leone, 54% have never attended school (Figure 2).

Consequently it appears that detainees in this sample are slightly more likely to have some education than the adult Sierra Leone population, but less likely than the current generation of children to have some education. This may be because a portion of this sample was drawn from Freetown, where literacy rates are slightly higher.

FIGURE 2

Educational attainment of detainee sample compared to Sierra Leone population



Nevertheless there is still a very low level of educational attainment among detainees which underscores the need for legal representation of such accused persons. Indeed, the Sierra Leone Constitution states that an arrested person has the right “of access to a legal practitioner or any person of his choice” (Section 17(2)(b)). Given the low levels of earnings also apparent among detainees (see below) the right of access to a legal practitioner should be a right exercised at state expense, if the provision is to be meaningful.¹³

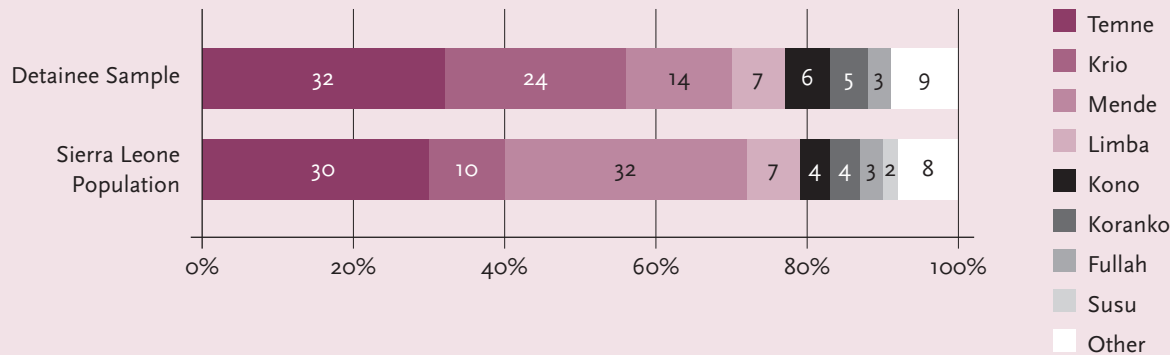
Languages of detainees

The most common first languages among detainees in this sample are Temne, Krio, Mende and Limba. This may be because of the location of the prisons sampled. Krio is most common as a second language; only 1 in 20 detainees speak English as a second language. This highlights the need for translation services in courts which use English as the official language (Figure 3).

The most common language in this detainee sample was Temne (32%), followed by Krio (24%) and

FIGURE 3

Detainee sample first language compared to Sierra Leone population



Mende (14%). The representation of Krio may partly be because a portion of the sample was drawn from Freetown, Western Area, where most first language Krio-speakers live. However it is also possible, because Krio is both a *lingua franca* and an aspirational language, that some detainees indicated Krio.

The most common second language listed by detainees was also Krio (52%). English, the working language of the courts in Sierra Leone, was only listed by 5% of detainees as their second language. This means only 1 in 20 detainees are able to understand the proceedings of the courts without translation. This again underscores the need for legal representation of detainees.

Employment of detainees

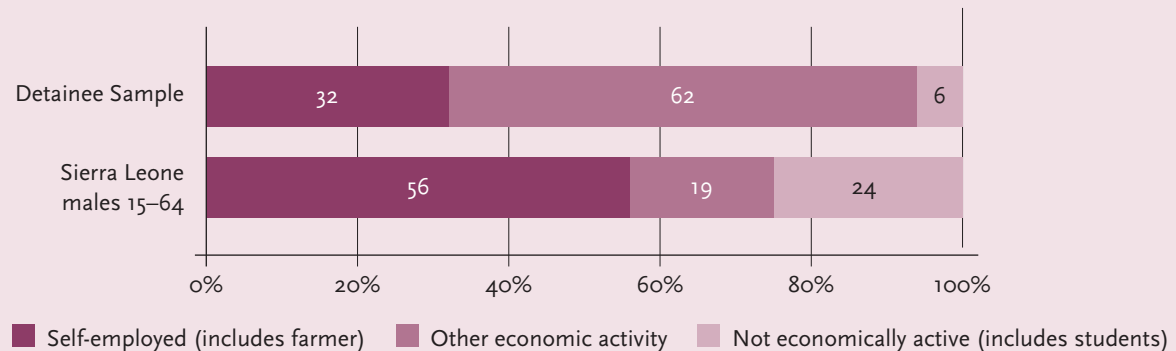
Detainees are highly likely to be economically active.

Almost all detainees are earning at least the minimum monthly wage. Less than 1% among the detainee sample said they had “no occupation”. The largest category was “other” at 43%, followed by self-employed at 19%, farmer and privately employed at 13%, civil servant at 8%, and student at 5%.

The high likelihood of detainees being employed at the time of their arrest appeared to be confirmed by the family interviews. All of the family members interviewed said the detainee had been earning an

FIGURE 4

Detainee sample compared to Sierra Leone males economic activity



income at the time of their arrest. Eight said the detainee who was their family member had been self-employed, three said the detainees were in formal employment, and one said the detainee was in informal employment.

Indeed it seems detainees are highly likely to be employed, compared also to the male population of Sierra Leone. Detainees in this sample appear more likely than Sierra Leone adult males in general to be economically active (Figure 4). While 24% of adult males are not economically active, only 6% of detainees were not economically active at the time of their arrest. This connects closely with detainees' role as 'breadwinners' (see below).

Earnings of detainees

Earnings are quoted here in Leones and \$PPP (Purchasing Power Parity Dollars). One \$PPP is equal to 1 US dollar spent in the US.¹⁴ The minimum monthly wage in Sierra Leone is \$PPP 16, or \$PPP 4 per week.¹⁵ Less than 1% of detainees earned less than \$PPP 4 per week. However it is apparent that detainees were not high income earners. The average weekly earnings among detainees was \$PPP 117 (183 722 Leones) and the median earnings were \$PPP 48 (75 000 Leones). This means half of detainees earned less than \$PPP 48 (75 000 Leones) per week. The minimum was only \$PPP 3 (5 000 Leones) while the maximum earnings were \$PPP 1 278 (2 000 000 Leones) (Figure 5).

These figures become relevant when considering bail and bribe amounts (below). They are indicators of the socioeconomic circumstances of detainees, their families and friends, and thus potential sureties. The earnings must also be borne in mind when considering the impact on families of the *loss of earnings* occasioned by detention. Indeed, detainees are highly likely to be married and to be responsible for the support of a range of dependants at the time of their arrest (Figure 6).

FIGURE 5

Distribution of detainee earnings in \$PPP

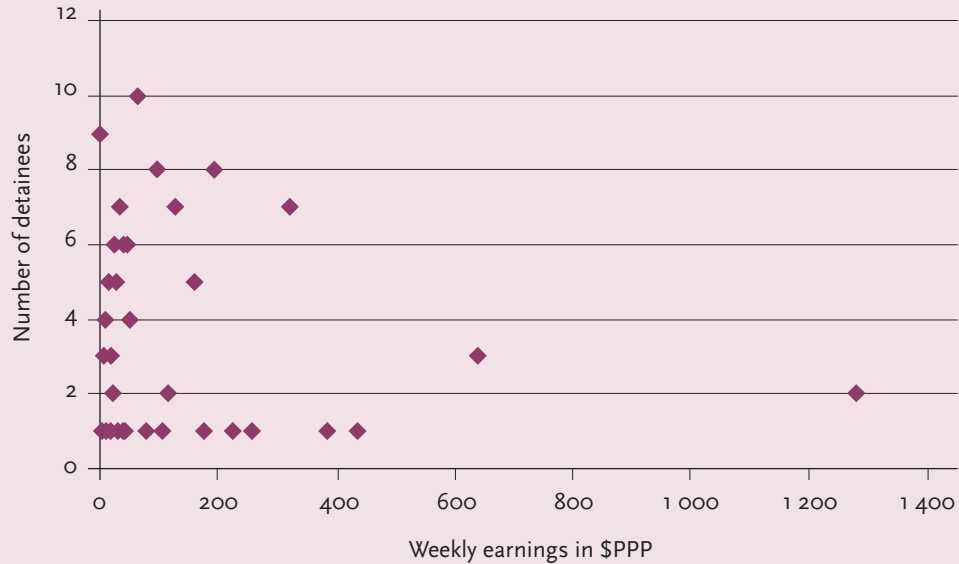
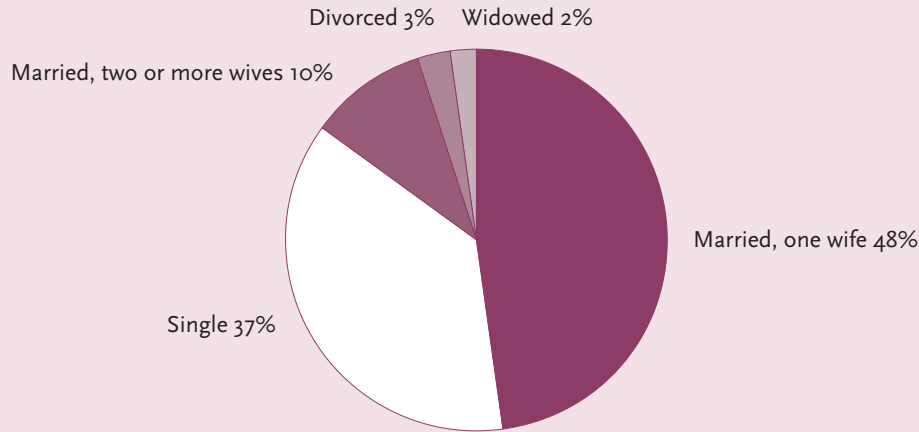


FIGURE 6

Marital status of detainees



Among married detainees, 83% have one wife (i.e. are monogamous), 13% have two wives, and 4% have three wives (i.e. 17% of married men are polygamous). The extent of polygamy among detainees is not unusual compared to Sierra Leone as a whole: the extent of polygamous marriage varies

by district in Sierra Leone, from as much as 26% of all marriages in Koinadugu being polygamous, to 10% in Kono and only 5% in the Western area.¹⁶

Children and other dependants

Detainees are highly likely to have children.

Among those who have children, the average number of children each detainee has is 2.7, and the median number of children of a detainee is 4 children. Only 20% of detainees do not have any children, while 28% have one child and 52% have more than one child (Table 1).

TABLE 1

Percentage of detainees who have children by number of children

Childless	20%
1 child	28%
2 children	20%
3 children	10%
4 children	13%
5 children	6%
6 children	2%
7 or more	1%

The total number of children of all detainees together is double the number of detainees. This implies a child-to-detainee ratio of 2:1. This compares to the

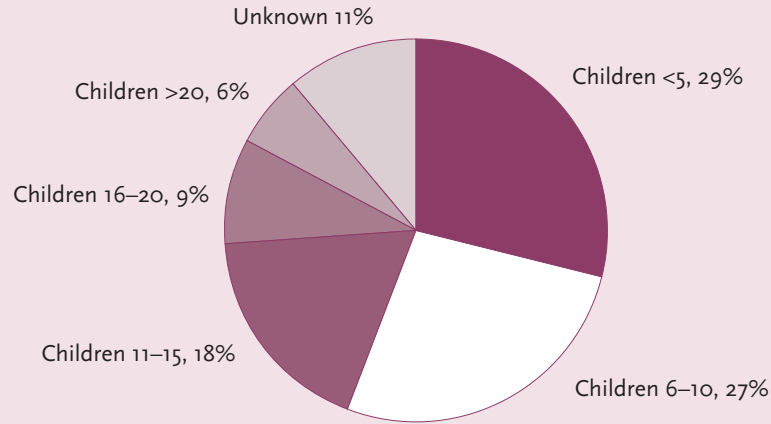
child-to-adult ratio for Sierra Leone as a whole of 2:3 i.e. 2 children for every 3 adults.¹⁷ Most children of detainees are very young. Some 56% of all children of detainees are 10 years or younger and almost three quarters (74%) are younger than 16 (Figure 7). In other words, the majority of children of detainees are of a dependant age. This accords with the younger age profile of detainees themselves.

The family interviews highlight the range of dependants who relied on detainees' earnings at the time of their arrest. During the family interviews, ten of the 12 family members said they were personally reliant on the detainee's earnings at the time of the arrest (only one was a spouse of the detainee). All except one family interviewee said there were children who were reliant on the detainee's earnings. Eight said the detainee's spouse was reliant on the detainee's earnings, two said the detainee's parents were also reliant, six indicated other relatives' children and two indicated other relatives including a brother and an uncle.

Indeed, 42% of detainees themselves said they had one or more dependant spouses reliant on them, 23% had one or more dependant parents reliant on them, and 23% said other dependant children were reliant while 28% listed additional "other" dependants. The data from the detainee interviews suggest that the average total number of dependants of a detainee

FIGURE 7

Detainees' children by age groups



is 4.2. On average, therefore, more than four people are directly affected by the pretrial detention of a family member.

Living conditions

Most detainees live in mud-brick houses with, on average, three rooms.

The living conditions of detainees provide a further indicator of their socioeconomic circumstances at the time of their arrest. The majority (54%) said they lived in houses made of brick, while 66% also said they

On average, more than four people are directly affected by the pretrial detention of a family member.

were made of mud and sticks, suggesting mud-brick was in fact the most common building material. Some 4 out of 10 detainee households were residing in rental premises. Only 21% said they lived in their “own house”. The nature of such ownership however is not clear (see the discussion on asset ownership below) (Figure 8).

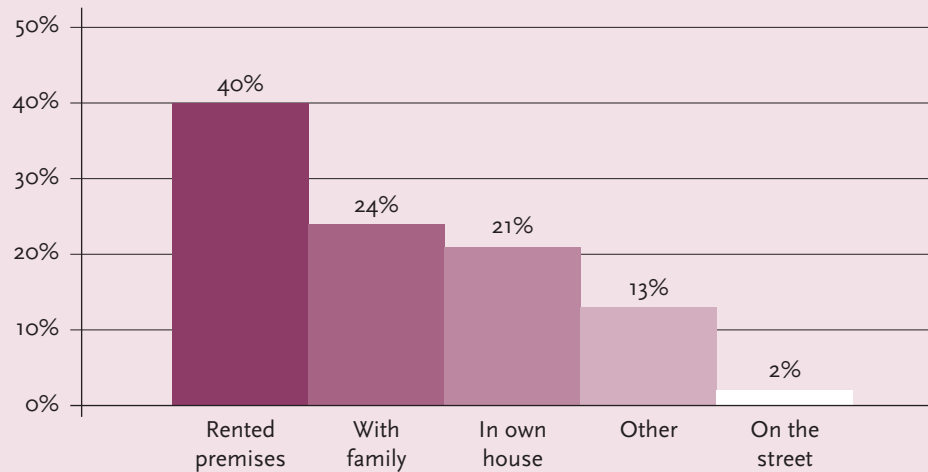
Asset ownership

Most detainees do not have any assets. They are less likely than average to own a car.

Detainees were asked about their ownership of various valuable assets, including land.¹⁸ Among those who said they “owned” land, the average size of land owned was 1.9 hectares (approximately 138 m by 138 m). This size is suggestive of small-scale

FIGURE 8

Detainees' place of residence at time of arrest



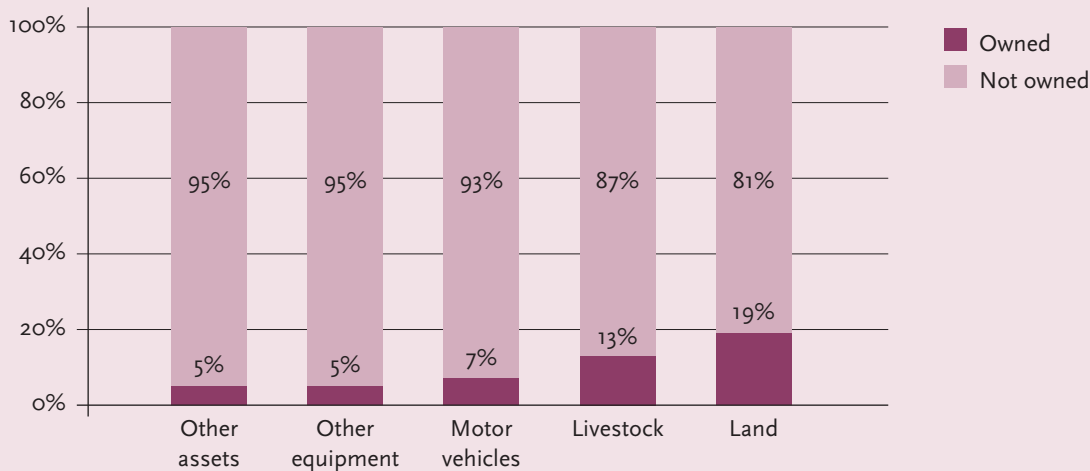
subsistence farming. It also suggests that the ownership referred to is a rural traditional “right of use” not convertible to cash¹⁹ (Figure 9).

The vast majority of detainees (more than 80%) had no major assets. Some 7% said they owned a motor vehicle. This compares to 11 vehicles per 100 people in Sierra Leone as a whole.²⁰ This suggests that detainees are much less likely than the average person to own a vehicle (as there were only 7 vehicles

per 100 detainees). The 19% who said they “owned” land is similar to the 21% who said they were living in their “own” home at the time of their arrest, and similar to the 13% who said they were farmers.

FIGURE 9

Proportion of detainees owning various assets at time of arrest



What is the Impact of Pretrial Detention?

All detainees identified varying forms of social and economic impact. Social stigma was the most frequently cited followed by separation of families. From an economic perspective the majority suffered due to a loss of income combined with additional expenses associated with the detention of a family member. Many had to sell basic household goods and had fallen into debt.

As the majority of detainees are married men, supporting a number of dependants, the immediate social and economic impacts are felt most keenly by women and children, who are forced to take on new roles, fend for the family and at the same time assist the detained husband or father.

What is the social impact on families and detainees?

The majority of detainees identified some form of social impact suffered by their family as a result of their detention.

Contact with families

Some two fifths (40%) of detainees said they had not had contact with their families since their arrest. For three quarters of those who had no contact (or 30% of all detainees), the reason they gave for the lack of contact is that they had no means to contact their family. Only 1% of all detainees said they did not want to contact their family.

In the family interviews, half of the families interviewed were informed by oral message of the

detention of their family member. A quarter received a phone call from the detainee, and another quarter received a telephone call from someone else. One family member was only informed three weeks after the arrest, another a week after the arrest. All were informed of where the detainee was being held, and ten of the 12 were informed of the reason for the arrest. None were informed of when they might visit the detainee. None were informed that they might stand surety for bail.

Visit by family since arrest

Most detainees had been in contact with their family (60%) and 45% confirmed they had been visited by their family since their arrest. In the family interviews, five of the 12 family members said they experienced challenges making contact with the detainee.

Social impact on families

The most common impact on the family of detention was social stigma.

The negative social impacts associated with pretrial detention were felt not just by the detainees

themselves, but also by their families. Fully 98% of those surveyed said their family had suffered some form of social impact, with nearly half (47%) saying their family suffered multiple impacts. Sadly, for 5% of respondents, pretrial detention resulted in their spouse leaving them (Figure 10).

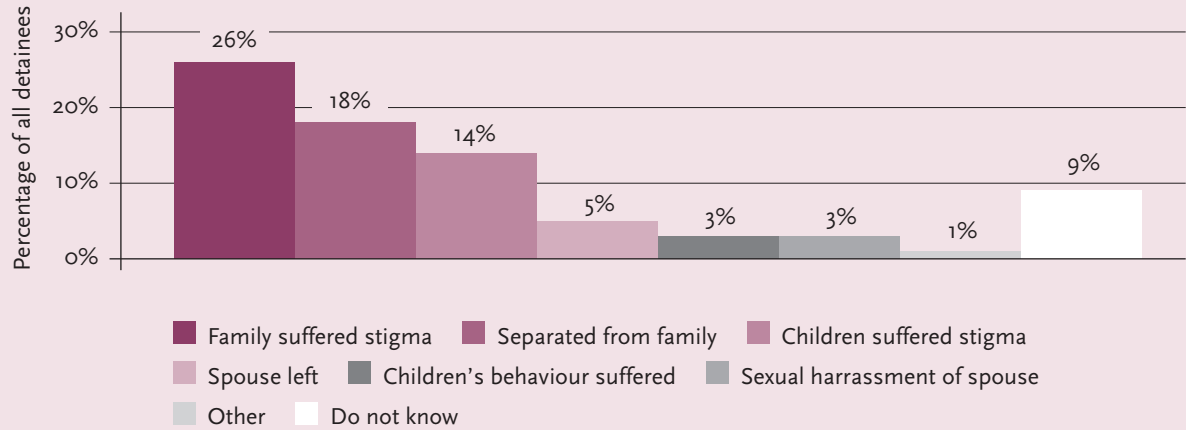
The most common impact identified by detainees was social stigma (26%). This was confirmed in the family interviews. Four of the twelve said they had become separated from the children. Two said the children of the family suffered mentally. One (a spouse) said she herself had suffered sexual harassment as a result of the detention. Some comment on the nature of the social impact suffered was provided by family members of the detainees:

“Since this case was brought against the family we have become a laughing stock for the entire community. Children who used to fetch water from our well no longer do so. At night children throw stones on the roof and make fun of us. Community leaders are not taking our complaint seriously.”

– Family member of detainee

FIGURE 10

Social impact on family caused by detention



“Since the arrest, we are being humiliated by our neighbours ... The 15-year-old daughter (of the detainee) was also arrested for loitering by police, having been picked up at night in the rough side of town... the family is facing harassment from the landlord.”

– Family member of detainee

“They separated while in prison. The child was left in the care of a neighbour. People now think the child has something to do with witchcraft because of her malnourished condition.”

– Family member of detainee

What is the economic impact on families?

Loss of support was the major economic impact endured by families. In addition, transport and medical costs were the most common additional expenses incurred as a result of the detention. The loss of support and additional expenses most commonly lead to the need to sell household goods or to the family falling into debt.

Loss of support

As we have seen above, detainees are likely to be married income-earning people with children of a dependant age – half of detainees had four or more children of dependent age. Most detainees earned more than the minimum wage at the time of their arrest. While in detention, they are unable to earn so families do not receive these earnings.

“The detainee is the only breadwinner of his family, but since his detention, his family have encountered a lot of problems.”

– Family member of detainee

Additional expenses

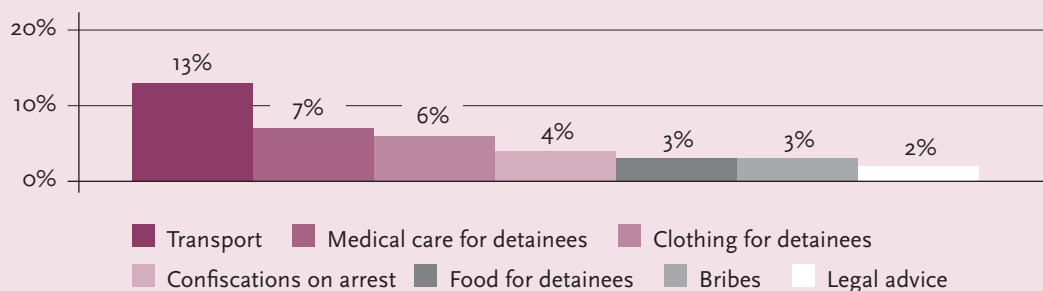
Not only are families deprived of the support which was formerly provided by the detainee, but additional expenses are often imposed on the family by the detention. The most common expense incurred by the family in connection with the detention related to transport costs incurred to visit the detainee, followed by medical care and clothing for detainees (Figure 11).

In the family interviews, eleven of the 12 family members confirmed they had suffered financially as a result of the detention of the detainee. Eleven of the 12 mentioned transport costs to visit the prison, which ranged from 15 000 to 71 000 Leones (\$PPP 10–\$PPP 45). Seven indicated the family had to provide food to the detainee in detention, with costs ranging from 10 000 to 80 000 Leones (\$PPP 6–\$PPP 51). One said the family had to provide clothing to the detainee, at a cost of 39 000 Leones (\$PPP 25).

Detention doubles the rate of ill-health among detainees (see below). Thus it is not surprising that six said the family had to provide medication for the detainee, with costs ranging from 20 000 to 50 000 Leones (\$PPP 13–\$PPP 32), while two paid additional medical expenses ranging from 60 000 to 100 000 Leones (\$PPP 38–\$PPP 64). One family member indicated a bribe of 50 000 Leones (\$PPP 32) had to be paid.

FIGURE 11

Proportion of detainees identifying an expense of a particular type



On average, during the detention of a family member, families incurred expenses equivalent to eight months' of earnings.

Combining these costs suggests a family of a detainee who experienced all these expenses could be burdened by additional expenses of up to 350 000 Leones (\$PPP 223), which is equivalent to about eight months' of the median earnings of detainees.

Economic impact of expenses incurred and loss of income

The most common economic impacts experienced by the family as a result of the loss of support and expenses incurred in relation to the detainees' detention were that the family had to sell basic household goods or had fallen into debt. As detainees

and their families tended not to have significant assets these were likely to have been basic goods: almost one in five of detainees' families (18%) had to sell household goods to cover the costs associated with the detainees' continued detention. A further one in eight (12%) fell into debt.

"Before the arrest, I was a petty trader, my husband was a miner. We have lost all we had. My entire business is finished. Just yesterday, I sold the shaker, without the knowledge of my husband and I don't know what he will do to me when he gets out of prison."

– Family member of detainee

Some economic impacts are specific to Sierra Leone. ‘Kabotho’ is a local farming partnership practice, where young men work on one another’s farms in turns. Once a person’s farm has been worked on by others, it creates a legal and social obligation to reciprocate. Where one cannot, because of illness – or because of detention – one is required to compensate the other members with money or food. Failure could lead to sanctions at local court level.

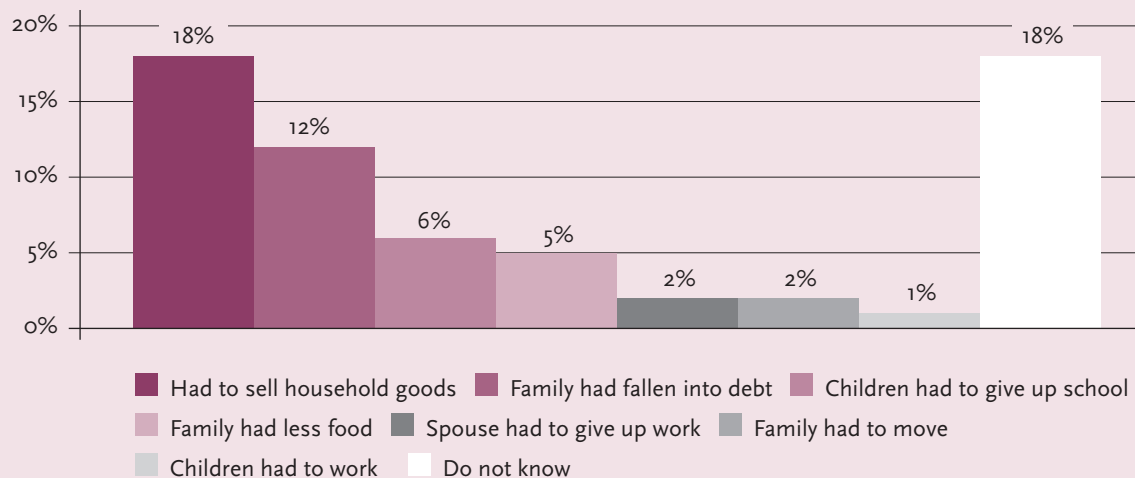
“He participated in the ‘kabotho’ but he was unable to reciprocate because he was in detention; we as the family had to pay to compensate for his absence. The farm has been mortgaged to continue to cover the costs for the other farms.”

– Family member of detainee

18% of families had to sell basic household goods and 12% fell into debt.

FIGURE 12

Impact on family of expenses incurred as a result of pretrial detention



Debt may expose the family to further imprisonment or vigilantism; detention for civil debt by police, and vigilante action for debt, does occur in Sierra Leone.²¹ Some 2% of detainees said their families were forced to move, as confirmed by an interview with a family member:

“He was the sole provider for the family. When he was detained the family was unable to pay rent. The family was forced out of their homes only to share a single room with another family.”

– Family member of detainee

Because many detainees lost contact with their families and consequently did not know of the impact on their families (18%), the figures from detainees on impacts are likely to be underestimates. The impacts listed by detainees are detailed in Figure 12.

What is the impact on the health of detainees?

Pretrial detention doubled the rate of ill-health among detainees. One-in-four detainees who fell ill after arrest received no medical attention of any kind. The majority of illnesses contracted were life-threatening, yet also treatable and preventable.

Health on arrest

Some 40% of detainees said they were ill at the time of their arrest. Women in detention were more likely to be ill at the time of their arrest – 46% of female detainees were ill on arrest.

Of those detainees who were already ill on arrest, 30% had seen a doctor before the survey but did not note the nature of the prior illness. As adult HIV prevalence is estimated by various sources, such as the World Health Organisation (WHO), to be low in Sierra Leone (1.6%), this high illness rate among detainees on arrest is unlikely to be attributable to HIV.²² Sierra Leone has a high malaria infection rate of 36 141 per 100 000²³, and possibly the highest malaria mortality rate in Africa of 239 per 100 000 (compared to the African average of 94 per 100 000).²⁴ Consequently, it is likely that a significant proportion of detainees would have been suffering from malaria at the time of their arrest.

Sierra Leone also has a high tuberculosis prevalence rate (753 per 100 000 in 2000; 1 193 in 2009)²⁵ and a very high TB mortality rate (153 per 100 000, compared to the Africa-average of 52 per 100 000).²⁶ Consequently, some detainees probably had TB at the time of their arrest.²⁷ A mathematical model has shown that transmission rates of TB are likely to be as high as 90% in overcrowded conditions prevalent in

South African prisons.²⁸ Similarly high transmission rates are likely in prisons in Sierra Leone wherever conditions are similarly overcrowded.

If 4 out of 10 detainees are ill on arrest this has important implications for the state in terms of the duty to ensure adequate ventilation, reduced lock-up times and reduced overcrowding to prevent TB transmission, and to ensure adequate care for malaria sufferers and other ill persons.

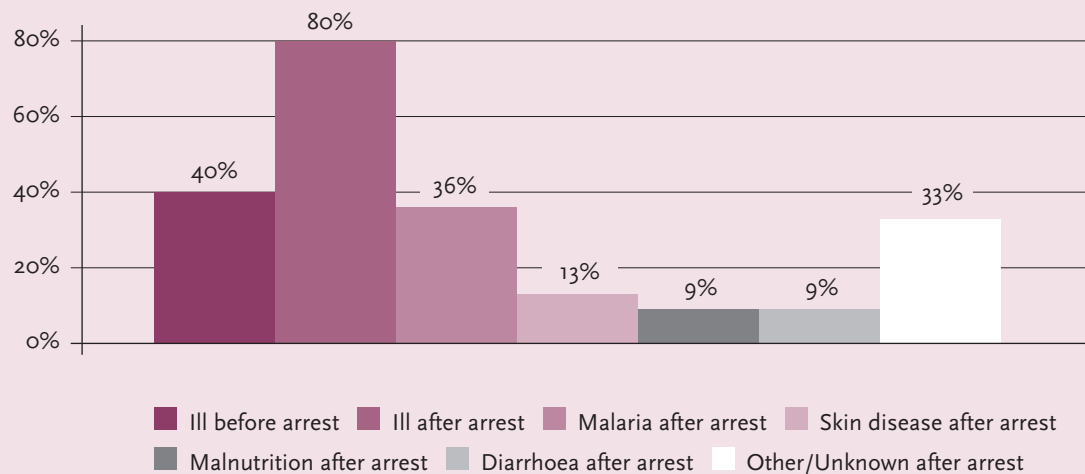
Health after detention

As many as 80% of detainees said they fell ill after their arrest. Some 88% of those already ill on arrest, fell ill again while in custody. Among those not ill on arrest, 74% subsequently fell ill. Among all detainees falling ill after arrest, 36% suffered malaria, 13% skin disease, 9% malnutrition, 9% diarrhoea, and 33% suffered other/unknown diseases (some suffered more than one condition) (Figure 13).

80% of detainees fell ill after their arrest.

FIGURE 13

Detainee illness as identified by detainees



Malaria

Some 36% of detainees said they contracted malaria after arrest. This figure is similar to the national average for new infections of 36 141 per 100 000 population, but higher than in the Eastern and Northern regions (where Makeni and Kono prisons are located) where the rates are between 50–100 per 100 000 population.²⁹ The WHO indicates in their World Malaria Report 2011, that in Sierra Leone the major plasmodium species of malaria is *plasmodium falciparum* (100%), which results in the most serious form of the disease.³⁰ Untreated *P. falciparum* infections can quickly lead to cerebral malaria and death and thus poses a significant health risk in prisons and for the spread of infections to the wider community.

Skin disease

Some 13% of detainees said they suffered from skin disease. Possible skin diseases in Sierra Leone include *Paederus dermatitis*, a type of irritant attributed to contact with the *Staphylinid* beetle. Symptoms include skin damage, lesions, skin peeling and blisters.³¹ Complications can include secondary infections and open wounds requiring specialist care. Prevention can be achieved by ensuring sleeping areas are free of the beetles, as it is the crushing of the beetles against the skin which causes the disease.³²

Diarrhoea

Some 9% of detainees said they suffered from diarrhoea which is indicative of a number of serious underlying conditions, such as cholera. The main preventative measure is the supply of clean drinking water and adequate ablution facilities. Prisons in Sierra Leone do not have their own water supplies and water must be transported in daily.

Medical attention received

Although 80% of detainees fell ill in detention after their arrest, only 60% said they received any kind of medical attention. This means at least 1 in 4 ill detainees did not receive any medical attention. The most common form of medical attention was from a nurse. Malaria sufferers were most likely to receive medical attention, but even among this group, 22% did not receive any kind of medical attention.

What are Detainees' Experiences of the Criminal Justice Process?

The Sierra Leone Constitution and the Criminal Procedure Act, 1965, primarily govern the pretrial detention of detainees. This section considers the ways in which these laws play out in relation to pretrial detainees.

Offences

Offence categories influence detention trends but many are detained on offences which should ordinarily be bail-able.

The offence with which a detainee is charged has important implications relating to the likelihood of being granted bail. A person charged with murder or treason may only be admitted to bail by a judge of the High Court.³³ The lower courts may decide to admit a person charged with a felony other than murder or treason to bail.³⁴ This means it is in the discretion of the court whether bail is granted or

not. The law further provides that in relation to *any other offence* the court *shall* admit a person charged with that offence, unless it sees good reason to the contrary.³⁵ In other words, with offences less serious than a felony, a person must ordinarily be released and the court must justify any decision not to grant bail. These provisions make the offence with which a person is charged very important in determining whether or not a person is granted bail.

In this sample the most commonly identified charge against detainees was theft (27%). However the largest category of offences indicated was 'other' (35%), i.e. crimes other than murder, rape, robbery and theft. It is unclear the extent to which this category may or may not have included felonies, or other forms of theft.³⁶

Together, theft and 'other' comprised 5% of the offences with which detainees were charged.

The law provides that an accused who is to be admitted to bail “shall procure such surety or sureties as in the opinion of the Court will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.”³⁷ Frequently this is given as a reason for accused persons not being admitted to bail. However, the Act also provides that the Court may dispense with sureties if, in its opinion, doing so will not tend to defeat the ends of justice.³⁸

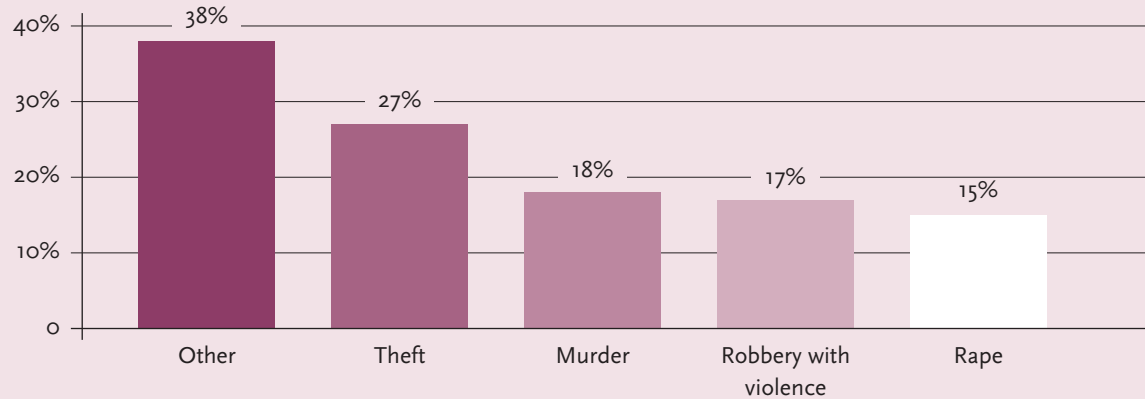
The remainder of the identified charges were murder, to which accused persons may only be admitted to bail by a judge, and robbery and rape, which are

felonies to which the court *may* admit an accused to bail if it thinks fit.³⁹

This suggests that for 18% of detainees (those on murder charges) their detention is a result primarily of the charge against them, while for at least 32% (rape and robbery) the offences with which they were charged resulted in a presumption against bail which they were unable to overturn. This suggests that half of detainees were held largely on the basis of the offence with which they have been charged alone, rather than on assessment of whether the accused will stand trial and whether it is in the interests of justice.

FIGURE 14

Offences with which detainees were charged



It is notable that 18% of all detainees charged with murder were female (and 23% of female detainees were charged with murder), although women comprised only 10% of the detainee sample⁴⁰ (Figure 14).

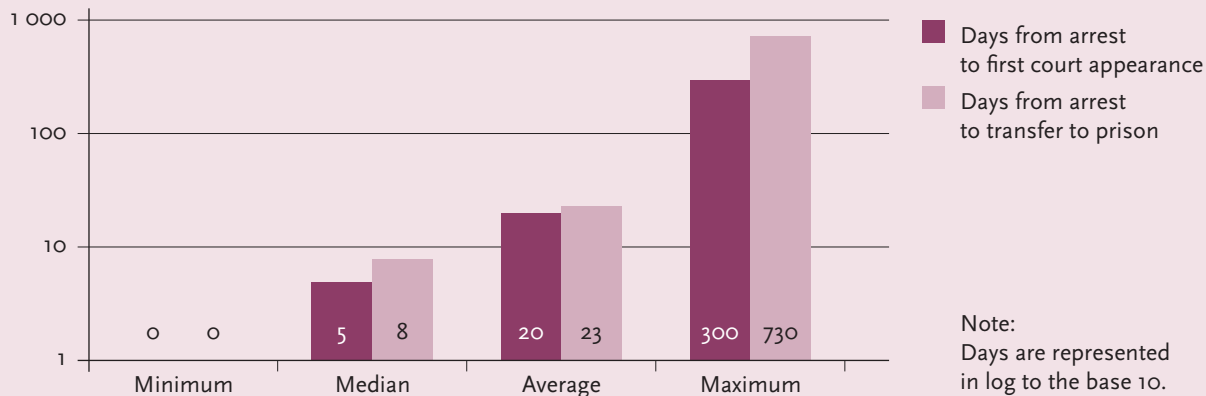
Time before being brought to court

Legal standards on bringing persons to court were not met in the majority of cases.

Only 77% of the detainees had already been to court. The legal requirement within which an accused must be brought to court in Sierra Leone varies according to the seriousness of the offence – within ten days for capital offences, offences carrying life imprisonment, and economic offences, and 72 hours (three days) for other offences.⁴¹ In more than half of cases it took five days or more for the detainee to be brought to court (the median time period was five days) (Figure 15). The average was 20 days. The maximum was 10 months (300 days). In 65% of cases it took more than 3 days for the accused to go to court, and in 30% it took more than 10 days. This may be because of a lack

FIGURE 15

Time periods from arrest to court and prison



of magistrates. For example, if there is no resident magistrate, detainees are kept on remand until the next visit by a magistrate.

Time spent in police detention

The majority spent more than a week in police detention.

The number of days between arrest and first court appearance was almost always (in 85% of cases) lower than the number of days between arrest and transfer to prison. This suggests that in most cases the pretrial detainee was transferred to prison after the first court appearance, as is required by law. The number of days which detainees spent detained in a police station before being brought to a prison varied widely. The shortest time period involved the detainee being transferred on the same day as their arrest, while the maximum time period was two years (730 days). The average number of days in police detention before transfer to prison was 23 days. The median number of days before transfer to prison was 8 days. This means half of all detainees spent 8 days or more in police detention before being transferred to prison. Prolonged detention in police cells is unsuitable as police cells are not designed nor equipped to hold detainees for extended time periods.

Time spent in detention

The average time spent in pretrial detention – up until the point at which the study was carried out – was 1 year and 7 months.

The time spent in pretrial detention was calculated from date of arrest, to the time at which the interviews were carried out. The minimum time amongst those in the sample was 10 days, the median was just over a year and two months, while the maximum was 9 years and 3 months. The average was 1 year and 7 months. The actual distributions of duration require other methods of measurement, so these should be taken as approximations only.⁴²

Bail conditions

Unaffordable bail bond amounts exceed average weekly earnings several fold.

Some 18% of detainees said that they were granted release on bail by the courts but they had not been able to comply with the conditions.⁴³ Common conditions of bail include requirements to produce two sureties who are resident in the same city as the court and who are homeowners, and to produce title deeds as evidence of home ownership. Given that the vast majority of detainees themselves do not own

land, they are unlikely to have family or friends who own land who would be able to stand surety.

This raises the question as to the trends in the bail amounts among detainees not able to meet bail conditions, and how they compare to the trends in relation to the earnings of detainees. According to the Bail Policy of Sierra Leone, only persons held on serious offences must actually provide a cash deposit to secure bail.⁴⁴ In the remainder of cases it is the sureties who, should the accused person fail to appear in court, must pay the bail bond amount; a cash deposit is not required. This is referred to as a “bail bond” or “recognisance” or “pledge”.

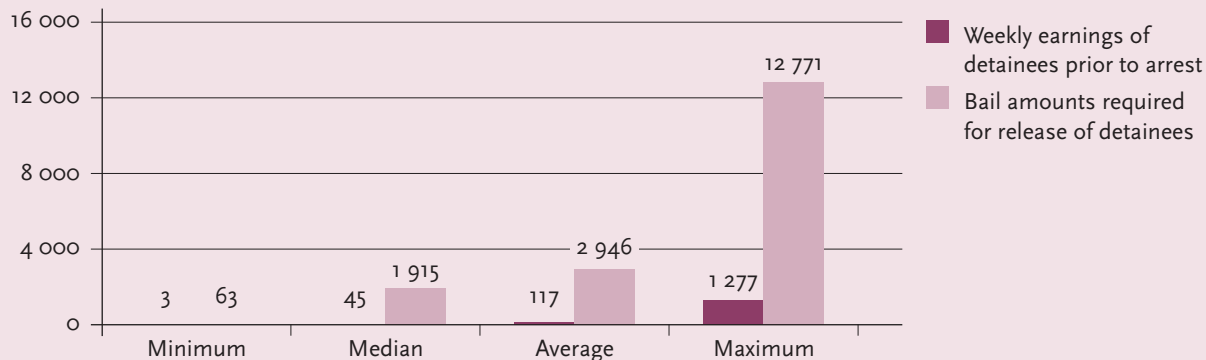
The trends in relation to bail amounts and weekly earnings are compared (Figure 16). The average bail amount set for detainees in custody is 25 times the average weekly earnings of detainees. In other words, the average bail amount of detainees unable to make bail was equivalent to just more than six months’ of the average earnings of detainees. The minimum bail amount among detainees who had bail set was \$PPP 63. The median was \$PPP 1 915, the average was \$PPP 2 946 and the maximum was as much as \$PPP 12 771.

It is unclear to what extent cash deposits were required in relation to these amounts. Even if cash deposits were not required, detainees’ incomes are

The average bail amount set for detainees in custody is 25 times the average weekly earnings of detainees.

FIGURE 16

Bail amounts compared to weekly earnings of detainees (\$PPP)



a reflection of the socioeconomic circumstances of detainees and of any likely sureties. Should bail amounts be set at a very high level, likely sureties may be unwilling to provide the necessary recognisances.

Bribes

Bribes were most likely at police level, and were “more affordable” than bail.

Over 60% had not been advised of their right to legal counsel.

Some 13% said they had been asked for a bribe, and 90% of these cases involved the police asking for the bribe. The average bribe amount for all detainees was \$PPP 52 (lower than the minimum unaffordable bail amount). Thus the average bribe amount actually asked is equivalent to four times the average weekly earnings of detainees, while the average bail amount is 25 times weekly earnings. This suggests that bribe amounts are “more affordable” than bail amounts.

Legal assistance

The majority of detainees are not informed of their right to legal assistance. The financial burden of legal assistance falls mainly on the family.

The Constitution of Sierra Leone stipulates that an accused person must immediately on their arrest be informed of their right to instruct legal counsel at their own expense. Just more than a third (34%) said they had been advised of their right to legal counsel. This implies that the constitutional requirement that detainees are informed of their right to legal representation does not appear to be complied with in the majority of cases.⁴⁵ One in five detainees (18%) had seen a lawyer, which implies that four out of five had *not* seen a lawyer. A further 1% said they had seen a paralegal.⁴⁶

Extensive time had passed since seeing a lawyer for most detainees. The median number of days since last seeing a lawyer was 64 days (just over two months) and the average was 103 days (three months 10 days).

Of the minority who had been able to consult a lawyer, half (50%) said the lawyer had been paid for by their families; 17% said the state had paid; 6% said they had paid themselves; and 27% cited “other” sources of funding. Expressed as a percentage of all detainees in the sample, this means legal assistance at state cost was provide to only 3% of detainees.

Conclusion

Excessive pretrial detention has a harmful – and largely avoidable – impact on individuals, families, and communities. That impact is most profound and harmful for those who can least afford it – the poor and those relying on a daily or weekly income, which, in a country like Sierra Leone, is the norm. Pretrial detention wastes human potential and wrecks lives. As this report has sought to demonstrate, excessive pretrial detention in Sierra Leone:

- disrupts the lives of largely married, dependant-supporting men at the prime of their economically productive lives;
- reduces the income of detainees, pushes their families toward poverty, and damages the education and income potential of their children;
- negatively affects the social wellbeing of pretrial detainees' families, including young children, spouses, and aged relatives, and places a strong burden on women who predominantly have to

face, and adapt to, the multiple socioeconomic consequences; and

- contributes to the spread of disease and furthers corruption.

These factors impact negatively on the attainment of the Millennium Development Goals, in particular on goal one – eradicating extreme poverty and hunger, but also the goals on health and education; and whilst Sierra Leone has made progress towards the achievement of some of the MDGs, the 2010 Progress Report notes that the majority of goals will not be attained by 2015.⁴⁷

Many of Sierra Leone's pretrial detainees should not be in detention. The majority of the randomly selected pretrial detainees interviewed for this report had been arrested for theft or other non-violent offences. Most are unlikely to pose a threat to society or be at risk of absconding.

In many cases those in pretrial detention should be actively contributing to the growth of their society, using their potential to benefit themselves and others. Yet policies and practices that involve excessive or indiscriminate use of pretrial detention render this significant cohort less able to contribute to growth and stability. In essence, governments are spending money on a system that undermines their own development policies. They are preventing communities and individuals from making the most of the few opportunities they have. Indiscriminate and excessive pretrial detention deepens social exclusion.

The report highlights a previously under-explored angle and the influence of criminal justice policies and practice on other areas such as health, education and socioeconomic development.

Recommendations:

- Policy makers in other fields, especially health, education and social welfare, should regularly engage with counterparts working in the justice sector to exchange information and contribute to the review and development of each other's policies.
- Finance and budgeting experts should look at the full costs of excessive and arbitrary pretrial detention including the collateral costs, the loss of opportunity and the costs borne by families

and communities and reflect these in budgeting processes.

- The impact of criminal justice policies on the attainment of the MDGs in Sierra Leone should be further analysed and steps taken to minimise criminal justice policies and practice that unnecessarily drive families deeper into poverty.
- Given the disproportionate burden shouldered by women and children of imprisoned spouses and parents, gender and child welfare specialists should engage more intensively in criminal justice reform and use their platforms to advocate change.
- Donors engaged in justice sector reform should look broadly at the socioeconomic impacts of detention when reviewing and designing programmes, facilitate steps to engage donors working in other sectors and highlight the findings of this research in on-going discussions around the post-2015 Millennium Development Goals.
- Criminal justice policies that are out of line with average socioeconomic conditions should be reviewed and reformed, for example bail conditions and stipulations for who can stand surety.
- There should be a continuous process to review and address factors that drive excessive and

arbitrary pretrial detention including political, economic and legal incentives. Relevant laws should be reviewed including outdated offences that allow for very wide powers of arrest; and the necessary conditions required of the judiciary and the prosecution in order to refuse bail.

- The work of legal aid providers and in particular paralegals stationed at police stations and in prisons should be promoted. Paralegals have proved effective in identifying bottlenecks in

the system and help minimise the harm that unnecessary pretrial detention inflicts. The impacts of excessive and arbitrary pretrial detention should be borne in mind in the implementation of the new Legal Aid Law to ensure that services are provided at the entry point to the criminal justice system and the experiences of legal aid providers are taken into account as the system of implementation of the legal aid law is developed.⁴⁸

Notes

1. “Pretrial detention” is defined as the period during which an individual is deprived of liberty (including detention in police lock-ups) through to conclusion of the criminal trial (including appeal). Other terms commonly used for pretrial detainees include “remand prisoners,” “remandees,” “awaiting trial detainees,” “untried prisoners,” and “unsentenced prisoners.”
2. Sierra Leone ranked at 180 out of 187 countries on the 2011 United Nation’s Human Development Index.
3. The International Centre for Prison Studies, www.prisonstudies.org.
4. Ibid.
5. The Global Campaign for Pretrial Justice, *The Socioeconomic Impact of Pretrial Detention*, 2011.
6. If the profile of detainees exactly matched that of the Sierra Leone population, this would suggest that detainees are simply a random sample of the Sierra Leone population and suggests that every person is equally likely to be held in pretrial detention.
7. Prison Watch, *Making the prison a safe and better place*, accessed at <http://www.prisonwatch.westhostsite.com/wp-content/uploads/2010/05/BHC-Report-Interactive-Forum.pdf>.
8. Redpath, J. Morrell, R. Jewkes, R. and Peacock D., Sonke Gender Justice Network, October 2008, *Masculinities and Public Policy in South Africa*, accessed at <http://analysis.quanta.org.za/criminal-justice>.
9. This is a principle of international law e.g. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”) 26.3.
10. In countries which comply with international law, children (17 and younger) are held in detention as a measure of last resort, and if they are held, are held in separate facilities. The absence of persons younger than 18 from pretrial detention in these countries is a function of the application of law. In the present study it was intended to exclude from the fieldwork persons younger than 18. However the sampling process unintentionally yielded some children who were held together with adults.

11. Muntingh, L. et al. *Pretrial detention in Malawi: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Muntingh, L. et al. *Pretrial detention in Zambia: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Karth, V., O'Donovan, M. & Redpath, J. *Between a rock and a hard place: bail decisions in three South African courts*, Open Society Foundation South Africa (2008).
12. The Census data provided data only for these age groups. See Republic of Sierra Leone, 2004 Population and Housing Census “Analytical Report on Education and Literacy” November 2006 accessed at http://www.statistics.sl/2004_pop._&_hou._census_analytical_reports/2004_population_and_housing_census_report_,on_education_and_literacy.pdf.
13. In Sierra Leone, a new legal aid law (passed by the legislature in 2012 but not promulgated by the executive at the time of writing) provides for a legal framework for institutionalising and scaling-up of Timap’s paralegal programs throughout the country. See: Sonkita Conteh and Lotta Teale, *New Legal Aid Law in Sierra Leone Embraces the Role of Paralegals*, Open Society Justice Initiative, <http://www.soros.org/voices/new-legal-aid-law-sierra-leone-embraces-role-paralegals> (26 June 2012).
14. A PPP rate asks how much money would be needed to purchase the same goods and services in two countries, and uses that to calculate an implicit foreign exchange rate. Using the PPP rate, an amount of money thus has the same purchasing power in different countries. The rate used here was PPP\$=1565 Leones.
15. According to the US Department of State 2011 Human Right Report for Sierra Leone, the national minimum wage, covering all occupations including in the informal sector, was set at 25,000 Leones. Accessed at http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186239.
16. Republic of Sierra Leone 2004 Population and Housing Census “Analytical Report on Nuptiality and Fertility” November 2006, accessed at http://www.statistics.sl/2004_pop._&_hou._census_analytical_reports/2004_population_and_housing_census_report_on_nuptiality_and_fertility.pdf.
17. Republic of Sierra Leone 2004 Population and Housing Census “Analytical Report on Nuptiality and Fertility” November 2006, accessed at http://www.statistics.sl/2004_pop._&_hou._census_analytical_reports/2004_population_and_housing_census_report_on_nuptiality_and_fertility.pdf.
18. The survey only asked about valuable assets and not household items such as cooking utensils.
19. Land rights in Sierra Leone are not straightforward. Sierra Leonean citizens (but not foreigners) can acquire private land in Freetown and the Western Area only. In the provinces (the rest of the country) land ownership is governed by customary law and only “natives” who belong to a provincial tribe (excluding “non-native” Sierra Leoneans, such as those of Krio and Lebanese descent) may have rights to land. Customary land tenure may include various types of customary tenure such as *de facto* private ownership, secondary tenure, community ownership, begged ownership and leased ownership. It

is therefore unclear which kind of land rights are referred to when detainees said they “owned” land. The freehold system in the Western Area is not guaranteed by any system of title registration. Thus it is not possible to determine the extent of land ownership amongst all Sierra Leoneans to compare to this sample of detainees.

20. These figures would include all vehicles, http://www.nationmaster.com/graph/tra_mot_veh-transportation-motor-vehicles.
21. US Department of State, 2010 Human Right Report for Sierra Leone, accessed at <http://www.state.gov/documents/organization/160143.pdf>.
22. World Health Organisation, World Health Statistics 2011, p.32.
23. Notified cases of malaria per 100 000, accessed at <http://millenniumindicators.un.org>.
24. World Health Organisation, *World Health Statistics 2011*, p.36.
25. World Health Organisation, *World Health Statistics 2011*, p.72.
26. World Health Organisation, *World Health Statistics 2011*, p.39.
27. If the average prevalence rate applies, just over 1% should have had TB on arrest.
28. Johnstone-Robertson, S., Lawn, S.D., Welte, A., Bekker, L., Wood, R. *Tuberculosis in a South African prison – a transmission modelling analysis*, South African Medical Journal, Vol. 101, No. 11 (2011).
29. See World Health Organisation, *Sierra Leone Country Profile* accessed at http://www.who.int/malaria/publications/country-profiles/profile_sle_en.pdf.
30. Ibid.
31. Qadir, S.N.R., Raza, N., Rahman, S.B., *Paederus dermatitis In Sierra Leone* Dermatology Online Journal, Volume 12 Number 7, accessed at http://dermatology.cdlib.org/127/case_reports/paederus/qadir.html.
32. Ibid.
33. Section 79(1) Criminal Procedure Act, 1965.
34. Section 79(2) Criminal Procedure Act, 1965.
35. Section 79(3) Criminal Procedure Act, 1965.
36. The Larceny Act, 1916, creates many offences such as theft, ‘fraudulent conversion’, obtaining by false pretences, housebreaking, and the like. Many ‘debt’ cases are converted to ‘fraudulent conversion’ and may have been included in the category ‘other’ as ‘other (larceny)’.
37. Section 79(6) Criminal Procedure Acts, 1965.
38. Section 79(7) Criminal Procedure Acts, 1965.
39. Section 79(2) Criminal Procedure Acts, 1965.

40. Cases have been observed in other research in Sub-Saharan Africa of abused women being charged with murder where acts of self-defence have led to the death of the abuser. Cases have also been observed where women are detained and charged with murder when it is alleged they have “murdered” via witchcraft. It is unclear the extent to which cases of these kinds account for the women charged with murder in this sample. Domestic violence and allegations of witchcraft are not uncommon in Sierra Leone.
41. Constitution, section 17(2).
42. The ‘snapshot’ methodology employed in this study asked pretrial detainees how long they had been in detention on the day of their interview. Such a methodology may under-count persons who are in detention for brief periods of time only, and over-count persons detained for lengthy periods. Consequently, a different methodology, one that asked every detainee about the duration of their detention after they had been released could result in a lower mean or median duration of pretrial detention.
43. As some 35% did not answer the question relating to bail amounts, the percentage detained in relation to bail conditions they are unable to meet may be higher than the 18% indicated.
44. Morgan, M. *Summary of the Bail Policy for the Judiciary of Sierra Leone*, Centre for Accountability and the Rule of Law, 5 August 2010 accessed at <http://www.carl-sl.org/home/reports/450-summary-of-the-bail-policy-for-the-judiciary-of-sierra-leone>.
45. Constitution, section 17(2). Any person who: a) is arrested or detained shall be informed in writing or in a language that he understands at the time of his arrest, and in any event not later than twenty-four hours, of the facts and grounds for his arrest or detention; b) is arrested or detained shall be informed immediately at the time of his arrest of his right of access to a legal practitioner or any person of his choice, and shall be permitted at his own expense to instruct without delay a legal practitioner of his own choice and to communicate with him confidentially.
46. A number of legal aid schemes were being piloted at the time of the research in Freetown which would probably account for the majority of those who said they had seen a lawyer.
47. Millennium Development Goals Progress Report 2010 http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Sierra%20Leone/sierraleone_september2010.pdf.
48. In Sierra Leone, a new legal aid law (passed by the legislature in 2012 but not promulgated by the executive at the time of writing) provides for a legal framework for institutionalising and scaling-up of Timap’s paralegal programmes throughout the country. See: Sonkita Conteh and Lotta Teale, *New Legal Aid Law in Sierra Leone Embraces the Role of Paralegals*, Open Society Justice Initiative, <http://www.soros.org/voices/new-legal-aid-law-sierra-leone-embraces-role-paralegals> (26 June 2012).

About the Organisations

TIMAP for Justice

Timap for Justice is a Sierra Leonean non-governmental organisation established in 2003 with a mandate to provide primary justice services to marginalised rural communities. Timap has pioneered a flexible model to advance justice, one which combines education, mediation, negotiation, organising, and advocacy. It works with frontline community based paralegals whose efficacy stems from a confluence of knowledge of the formal justice system and government structures, and a knowledge of the community and the ability to use community-oriented tools.

Timap has three main programmes – Community Paralegal and Legal Empowerment Programme; Community Mediation Programme; and the Criminal Justice Project. The Criminal Justice Project (CJP) was launched in 2009 and seeks to narrow the gap in the availability of criminal justice services by

employing paralegals to provide basic legal assistance to detainees. Timap paralegals are stationed at police stations and detention facilities and assist suspects immediately after arrest to: ensure their human rights and the constitutional limits of detention are respected; provide basic legal advice; collect information necessary to secure bail and refer cases to lawyers for further assistance. The CJP aims to ensure that only those who pose a risk to the community are remanded in detention.

Timap uses its experience on the ground to contribute to research and advocacy and was active in advocating the adoption in 2012 of Sierra Leone's first legal aid law.

www.timapforjustice.org

Prison Watch Sierra Leone

Prison Watch Sierra Leone (PWSL), is an indigenous non-governmental organisation with a unique and specific mandate to improve the criminal justice and detention system in Sierra Leone through monitoring places where persons are deprived of their liberty. PWSL monitors police detention facilities, prisons, juvenile institutions and some local court detention centres supported by, among others, the Rehabilitation and Research Centre for Torture Victims (RCT) in Copenhagen.

PWSL has worked with persons deprived of liberty since 1996 with an emphasis on protecting and promoting their rights and improving conditions of detention with a specific focus on the rights of the most vulnerable especially women, children and youth.

www.prisonwatchsl.org

Open Society Justice Initiative

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. The Justice Initiative fosters accountability for international crimes, combats racial discrimination and statelessness, supports criminal justice reform, addresses abuses related to national security and counterterrorism, expands freedom of information and expression, and stems corruption linked to the exploitation of natural resources. Its staff are based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.

www.justiceinitiative.org

United Nations Development Programme (UNDP)

UNDP is the UN's global development network, an organisation advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life. UNDP is on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and its wide range of partners.

Access to justice lies at the center of UNDP's mandate and is one of the pillars of democratic governance. It is an indispensable factor that contributes to an enabling environment for the enhancement of human development and reduction of poverty. By promoting access to justice for all with a specific focus on the ability of poor and marginalised people to seek and obtain remedies responding to rule of law and their rights, UNDP seeks to make a significant contribution to the establishment of effective, responsive, accessible and fair justice systems with due consideration to the rights of the poor, women and vulnerable groups. UNDP focuses on both criminal and civil justice reform through support to national justice reform programmes. In UNDP's experience, the levels of pretrial detention can often be seen as an indicator,

or measure, of the functionality of a justice system generally. Many countries that continue the excessive use of pretrial detention have enacted national legislation that closely mirrors international presumptions against its use and in favour of alternative measures.

www.undp.org

Annex – Questionnaires

STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

QUESTIONNAIRE FOR DETAINEES

INTRODUCTION & CONSENT FORM

Hi, my name is _____ and I work for _____

I am working as part of a team comprised of Prison Watch, Timap for Justice and the Sierra Leone National Human Rights Commission in collaboration with UNDP and the Open Society Justice Initiative to study the **'Socioeconomic Consequences of Pretrial Detention'**. The primary aim is to analyze two key questions:

- *'Who is in pretrial detention' and*
- *'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?*

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Sierra Leone. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: _____ Date: _____

The interviewee accepts to be interviewed ... 1 → Start Interview

The interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No		
Section 1. DEMOGRAPHIC & PERSONAL BACKGROUND			
Q1.1	Gender	Male1 Female.....2	
Q1.2	How old are you (years)?	/ / / /	
Q1.3	Location where resident at the time of your arrest?	Town :..... District..... Village.....	
Q1.4	What languages do you speak?	1..... 2..... 3.....	
Q1.5	What tribe do you belong to?		
Q1.6	What is the highest level of education you attained?	None.....1 A few years.....2 Primary.....3 Secondary.....4 Senior Secondary.....5 University.....6 Post-graduate.....7 Vocational training.....8 Other (specify).....9	
Q1.7	What is your occupation?	Not occupied.....1 Student.....2 Civil Servant.....3 Privately employed.....4 Self-employed.....5 Farmer.....6 Other (Specify).....7	
Q1.8	What is your marital status	Single.....1 Married.....2 Divorced.....3 Widow/widower.....4	(2) go to Q1.9 Otherwise go to Q1.10
Q1.9	If married, how many wives	/ / / /	
Q1.10	If you are supporting more than one family how many families are you supporting?	/ / / /	
Q1.11	Do you have any children ?	Yes.....1 No.....2	Yes go to Q1.12 No go to Q1.15
Q1.12	IF YES, how many ?	/ / / / / /	

¹ Marriage to include "common law" spouse. That is, through traditional marriage, informal marriage, or marriage by habit and repute.

Study on the Socioeconomic Consequences of Pretrial Detention_Final 2

Q1.13	Their ages:	1. Children between [0-5] / / / / 2. Children between [6-10] / / / / 3. Children between [11-15] / / / / 4. Children between [16-20] / / / / 5. Children over 20 : / / / /																																
Q1.14	How many of your children were living in your household at the time of your arrest?	/ / / /																																
Q1.15	Was anyone else other than your child/ children reliant on you prior to your arrest?	Yes.....1 No.....2	Yes, Go to Q1.16 No, Go to Q1.17																															
Q1.16	Who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr> <td>1. Spouse(s)</td> <td></td> </tr> <tr> <td>2. Parents</td> <td></td> </tr> <tr> <td>3. Relatives' children</td> <td></td> </tr> <tr> <td>4. Other (specify)</td> <td></td> </tr> </tbody> </table>	Category	No. of people	1. Spouse(s)		2. Parents		3. Relatives' children		4. Other (specify)																							
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Q1.17	Where were you living at the time of your arrest?	Own house.....1 Rented house.....2 Staying with friend/family.....3 On the streets.....4 Other (Specify).....5	(1,2,3,5) Go to Q1.18 (4) Go to Q1.20																															
Q1.18	How many rooms are there the house you lived in at the time you were arrested?	/ / / /																																
Q1.19	What is the house, where you lived at the time of your arrest, made of?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Brick walls.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Mud and sticks.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Pam body.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Other (specify).....</td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	1. Brick walls.....	1	0	2. Mud and sticks.....	1	0	3. Pam body.....	1	0	4. Other (specify).....																			
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Q1.20	What assets do you own?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>If Yes, how many</th> </tr> </thead> <tbody> <tr> <td>1. House.....</td> <td>1</td> <td>0</td> <td>/ / / /</td> </tr> <tr> <td>2. Car / Motorbike...</td> <td>1</td> <td>0</td> <td>/ / / /</td> </tr> <tr> <td>3. Land.....</td> <td>1</td> <td>0</td> <td>/ / / / ha</td> </tr> <tr> <td>4. Animals (livestock)</td> <td>1</td> <td>0</td> <td>/ / / /</td> </tr> <tr> <td>5. Equipment²</td> <td>1</td> <td>0</td> <td>/ / / /</td> </tr> <tr> <td>6. None.....</td> <td>1</td> <td>0</td> <td></td> </tr> <tr> <td>7. Other (Specify)...</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	If Yes, how many	1. House.....	1	0	/ / / /	2. Car / Motorbike...	1	0	/ / / /	3. Land.....	1	0	/ / / / ha	4. Animals (livestock)	1	0	/ / / /	5. Equipment ²	1	0	/ / / /	6. None.....	1	0		7. Other (Specify)...			
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7. Other (Specify)...																																		
Section 2. CRIMINAL JUSTICE PROCESS																																		
Q2.0	When were you arrested ?	1. ----/---/----- (Day/Month/Year) 2. Don't remember																																
Q2.1	How long were you detained at a police station before being brought to prison?	1. Hours / / / / 2. Days / / / / 3. Weeks / / / / 4. Months / / / / 5. Years / / / / 6. Don't remember																																

² Large equipment such as farm machinery, sewing machine, refrigerator – not small items such as pots and pans, hoe etc.

Study on the Socioeconomic Consequences of Pretrial Detention_Final 3

Q2.2	Have you appeared in front of a judicial officer/ in court since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q2.3 No, Go to Q2.5
Q2.3	How long a period passed between your arrest and your appearance before a judicial officer/in court	1. Days / / / 2. Weeks / / / 3. Months / / / 4. Years / / / 5. Don't remember	
Q2.4	Did the judicial officer grant you release awaiting trial provided you complied with certain conditions (that you were unable to comply with)?	Yes..... 1 No..... 2 Don't Know...3	Yes, Go to Q2.4.1 No/Don't know, Go to Q2.5
Q2.4.1	An amount of money to be deposited as bail?	/ / / / / / / / / / / / / / / / Currency.....	
Q2.4.2	Someone acting as a surety but without depositing money?	Yes.....1 No.....2	
Q2.4.3	Other conditions of release (Specify other conditions)		
Q2.5	If you have NOT appeared before a judicial officer/ in court do you know why not?	1. Refused to pay a bribe.....1 2. No transport to the court2 3. No judicial officer available 3 4. Too many people awaiting trial..... 4 5. Don't know the reason 5 6. Other (Specify).....	
Q2.6	Has any state official suggested you pay a bribe?	Yes.....1 No..... 2	Yes, Go to Q2.7 No, Go to Q2.9
Q2.7	If you paid a bribe who did you give the bribe(s) to? [Can answer more than one.]	YES No 1. Police officer1 0 2. Court clerk.....1 0 3. Magistrate 1 0 4. Lawyer 1 0 5. Social welfare officer 1 0 6. Don't know..... 1 0 7. Other (Specify).....	
Q2.8	What was the highest amount you were expected to pay as a bribe?	/ / / / / / / / / / / / / / / / Currency	
Q2.9	Has your trial begun (i.e. trial proceedings in court)?	Yes..... 1 No..... 2 Don't know.....3	Yes, Go to Q2.10 No, Go to Q2.11
Q2.10	When:	/ / / / / / / / / / / / / / / / Day Month Year	
Q2.11	What are the offences with which you think you have been charged? [can answer more than one]	Don't know.....1 Murder.....2 Rape..... 3 Robbery with violence..... 4 Theft..... 5 Debt 6 Loitering 7 Traffic offence..... 8 Other [specify].....	

Q2.12	Have you been informed of your right to legal representation?	Yes..... 1 No..... 2 Don't Know.....3	
Q2.13	Have you seen a lawyer or paralegal who is assisting you with your matter?	Yes..... 1 No..... 2 Don't Know.....3	Yes, Go to Q2.14 No/Don't know, Go to Q2.1
Q2.14	Who did you see?	Lawyer..... 1 Paralegal.....2 Both.....3 Don't Know.....4	
Q2.15	How many days after your arrest did you see the lawyer / paralegal for the first time?	1. Days / / / / / 2. Weeks / / / / / 3. Months / / / / / 4. Years / / / / / 5. Don't remember	
Q2.16	Who paid for the assistance you received?	Yes No 1. Paid yourself1 0 2. Paid by a relative.....1 0 3. Paid by a CSO.....1 0 4. Paid by the government / state.....1 0 5. Paid by a donor.....1 0 6. Don't know who paid.....1 0 7. Other (Specify)	
Section 3. IMPACT / CONSEQUENCES OF DETENTION			
Q3.1	Were you earning some form of income at the time of your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.2 No, Go to Q3.4
Q3.2	By which means?	Formal employment..... 1 Informal employment.....2 Self-employed.....3 Other – explain.....4	
Q3.3	Average value of your weekly income / earnings?	/ / / / / / / / / / / / / / / / Currency	
Q3.4	Have you had contact with your family since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.6 No, Go to Q3.5
Q3.5	If NO, why not?	No one to contact.....1 Refused to pay a bribe.....2 No means to contact them.....3 I didn't want to4 Other (specify)	
Q3.6	If YES, have they been able to visit you?	Yes..... 1 No..... 2	Yes, Go to Q3.8 No, Go to Q3.7

Q3.7	If NO, why do you think they did not visit you?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>No one to contact.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>Refused to pay a bribe.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>They live too far away.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>They don't have the means.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>Don't know</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other (specify).....</td> <td></td> <td></td> </tr> </table>		Yes	No	No one to contact.....	1	0	Refused to pay a bribe.....	1	0	They live too far away.....	1	0	They don't have the means.....	1	0	Don't know	1	0	Other (specify).....								
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Q3.8	Has your family suffered financially because of your detention?	<table border="0"> <tr> <td>Yes.....</td> <td>1</td> <td rowspan="3">Yes go to Q3.9 No/Don't know go to 3.12</td> </tr> <tr> <td>No.....</td> <td>2</td> </tr> <tr> <td>Don't Know.....</td> <td>3</td> </tr> </table>	Yes.....	1	Yes go to Q3.9 No/Don't know go to 3.12	No.....	2	Don't Know.....	3																				
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Q3.9	What expenses have you or/and family incurred as a result of your detention?	<table border="1"> <thead> <tr> <th>Expenses</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>1. Transport to / from prison by family members</td> <td></td> </tr> <tr> <td>2. Provide food to detainee</td> <td></td> </tr> <tr> <td>3. Provide clothing for detainee</td> <td></td> </tr> <tr> <td>4. Provide medical care for detainee</td> <td></td> </tr> <tr> <td>5. Payment of bribes to state officials</td> <td></td> </tr> <tr> <td>6. Payment for legal advice</td> <td></td> </tr> <tr> <td>7. Items/cash confiscated on your arrest</td> <td></td> </tr> <tr> <td>8. Don't Know....</td> <td></td> </tr> <tr> <td>9. Other:</td> <td></td> </tr> </tbody> </table>	Expenses	Amount	1. Transport to / from prison by family members		2. Provide food to detainee		3. Provide clothing for detainee		4. Provide medical care for detainee		5. Payment of bribes to state officials		6. Payment for legal advice		7. Items/cash confiscated on your arrest		8. Don't Know....		9. Other:								
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Q3.10	What economic impact have the expenses in Q3.9 had on your family / household?	<table border="0"> <tr> <td>Had to sell household goods.....</td> <td>1</td> </tr> <tr> <td>Spouse had to give up work.....</td> <td>2</td> </tr> <tr> <td>Child(ren) had to give up school.....</td> <td>3</td> </tr> <tr> <td>Child(ren) had to work to replace lost income.....</td> <td>4</td> </tr> <tr> <td>Family had to move house / location.....</td> <td>5</td> </tr> <tr> <td>Family has fallen into debt.....</td> <td>6</td> </tr> <tr> <td>Family has less food.....</td> <td>7</td> </tr> <tr> <td>Don't know</td> <td>8</td> </tr> <tr> <td>Other (specify).....</td> <td>9</td> </tr> </table>	Had to sell household goods.....	1	Spouse had to give up work.....	2	Child(ren) had to give up school.....	3	Child(ren) had to work to replace lost income.....	4	Family had to move house / location.....	5	Family has fallen into debt.....	6	Family has less food.....	7	Don't know	8	Other (specify).....	9									
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Q3.11	What has been the social impact of your arrest on your family?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1. Spouse left you.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Family suffered from stigma.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Separation of children from family.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Children suffered from stigma.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. Children's behaviour suffered</td> <td>1</td> <td>0</td> </tr> <tr> <td>6. Sexual harassment of your spouse.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>7. Don't know.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>8. Other (specify)</td> <td></td> <td></td> </tr> </table>		Yes	No	1. Spouse left you.....	1	0	2. Family suffered from stigma.....	1	0	3. Separation of children from family.....	1	0	4. Children suffered from stigma.....	1	0	5. Children's behaviour suffered	1	0	6. Sexual harassment of your spouse.....	1	0	7. Don't know.....	1	0	8. Other (specify)		
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Q3.13	If YES, do you know the nature of your illness at the time of	<table border="0"> <tr> <td>Yes, seen by a doctor prior to arrest.....</td> <td>1</td> </tr> <tr> <td>Yes, I know the nature of my illness.....</td> <td>2</td> </tr> </table>	Yes, seen by a doctor prior to arrest.....	1	Yes, I know the nature of my illness.....	2																							
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	your arrest?	No, I never saw a doctor	3																							
		No, can't tell.....	4																							
Q3.14	Have you fallen ill since you have been arrested?	<table border="0"> <tr> <td>Yes.....</td> <td>1</td> <td rowspan="2">Yes, Go to Q3.15 No, Go to Q3.16</td> </tr> <tr> <td>No.....</td> <td>2</td> </tr> </table>	Yes.....	1	Yes, Go to Q3.15 No, Go to Q3.16	No.....	2																			
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Q3.15	If YES, what is the nature of your illness?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1. Malnutrition.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Diarrhea disease.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Skin disease.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Malaria.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. TB.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>6. Don't know.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>7. Other (Specify).....</td> <td></td> <td></td> </tr> </table>		Yes	No	1. Malnutrition.....	1	0	2. Diarrhea disease.....	1	0	3. Skin disease.....	1	0	4. Malaria.....	1	0	5. TB.....	1	0	6. Don't know.....	1	0	7. Other (Specify).....		
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7. Other (Specify).....																										
Q3.16	Have you received any medical service from a professional medical practitioner since you've been arrested?	<table border="0"> <tr> <td>Yes.....</td> <td>1</td> <td rowspan="2">Yes, Go to Q3.17 No, Go to Q3.18</td> </tr> <tr> <td>No.....</td> <td>2</td> </tr> </table>	Yes.....	1	Yes, Go to Q3.17 No, Go to Q3.18	No.....	2																			
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Q3.17	If YES, what kind of medical services – specify?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1. Given medication from pharmacy.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Saw a doctor in the prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Saw a nurse in the prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Went to hospital outside prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. Other (specify)</td> <td></td> <td></td> </tr> </table>		Yes	No	1. Given medication from pharmacy.....	1	0	2. Saw a doctor in the prison.....	1	0	3. Saw a nurse in the prison.....	1	0	4. Went to hospital outside prison.....	1	0	5. Other (specify)								
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Q3.18	*** Are you willing for our research team to contact and speak with your family? ***	<table border="0"> <tr> <td>Yes.....</td> <td>1</td> <td rowspan="2">Yes, Go to Appendix B No, Stop Interview</td> </tr> <tr> <td>No.....</td> <td>2</td> </tr> </table>	Yes.....	1	Yes, Go to Appendix B No, Stop Interview	No.....	2																			
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Verification – To be filled after the interview

V00	Date of the Interview	____/____/____
V01	Name of Enumerator(s)	_____
V02	Name of Supervisor	_____
V03	Name of Data Clerk [Not filled by the Enumerator]	_____
V04	Result of the Interview	1. Finished 2. Not finished

GENERAL COMMENTS/OBSERVATIONS

Please note in particular:

- Any costs or losses the *interviewee* (the detainee) has incurred as a result of his arrest and detention which have not been recorded in the above survey instrument.
- Any costs or losses the interviewee claims his *family / household members* have incurred as a result of the interviewee's arrest and detention which have not been recorded in the above survey instrument.
- The conditions of the prison where the interviewee is held and that of the cell the interviewee generally occupies.
- Whether pretrial detainees at the prison where the interview took place are kept separately from sentenced prisoners.

FAMILY MEMBER DETAILS

F00	Name of the family member?	_____
F01	Name of the Head of Family?	_____
F02	Location of the family member?	Town: District: Village: House Number:
F03	Reference Point / Description of the place?	
F04	Telephone number of the family member?	1. _____ 2. _____
F05	Other information on how family members can be reached?	
F06	Is your family member likely to visit you in these coming days?	Yes.....1 No.....2
F07	When are they coming?	Yes No Monday.....1 0 Tuesday.....1 0 Wednesday.....1 0 Thursday.....1 0 Friday.....1 0 Saturday.....1 0 Sunday.....1 0

STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

QUESTIONNAIRE FOR FAMILY MEMBERS

INTRODUCTION & CONSENT FORM

Hi, my name is _____ and I work for _____

I am working as part of a team comprised of Prison Watch, Timap for Justice and the Sierra Leone Human Rights Commission in collaboration with UNDP and the Open Society Justice Initiative to study the 'Socioeconomic Consequences of Pretrial Detention'. The primary aim is to analyze two key questions:

- 'Who is in pretrial detention' and
- 'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Sierra Leone. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for _____ minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: _____ Date: _____

The Interviewee accepts to be interviewed ... 1 → Start Interview

The Interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No	
Section 1. DEMOGRAPHIC & PERSONAL BACKGROUND			
Q1.1	Sex	Male1 Female.....2	
Q1.2	How old are you? (years)	/ / / /	
Q1.3	Do you have any children?	Yes..... 1 No..... 2	Yes go to Q1.4 No go to Q1.6
Q1.4	If YES how many?	/ / /	
Q1.5	Their ages:	1. Children between [0-5] / / / / 2. Children between [6-10] / / / / 3. Children between [11-15] / / / / 4. Children between [16-20] / / / / 5. Children over 20 : / / / /	
Q1.6	How are you related to detainee?	Spouse1 Parent2 Child 3 Sibling4 Grandparent5 Aunt / Uncle6 Niece / Nephew7 Other (Specify).....	
Section 2. CRIMINAL JUSTICE PROCESS			
Q2.1	How did you learn about the arrest of your relative?	Telephone call from arrestee.....1 Telephone call from police.....2 Telephone call from prison official3 Telephone call from someone else4 Oral Message5 Other (Specify).....6	
Q2.2	How long after the arrest did you hear about it?	1. Hours / / / / 2. Days / / / / 3. Weeks / / / / 4. Months / / / / 5. Years / / / /	
Q2.3	What information were you given?	Location of arrestee.....1 Reason for arrest 2 When you could visit the arrestee3 Opportunity to stand as surety4 Told that you would be required to pay a bribe5 Other (Specify).....	
Q2.4	Did you face challenges contacting your family member?	Yes.....1 No.....2	Yes Go to Q2.5 No Go to Q3.1
Q2.5	If YES what challenges did you face contacting your family member?	Refused to pay a bribe..... 1 No means to contact them..... 2 Other (Specify).....	

Section 3. IMPACT / CONSEQUENCES OF DETENTION																							
Q3.1	Was your family member (the one who was arrested) earning some form of income at time of arrest?	Yes..... 1 No..... 2 Yes, Go to Q3.2 No, Go to Q3.3																					
Q3.2	If YES by which means?	Formal employment..... 1 Informal employment.....2 Self-employed.....3 Other (specify).....4																					
Q3.2.1	Were other members of the family reliant on the detainee's earnings?	Yes..... 1 No..... 2 Yes, Go to Q3.2.2 No, Go to Q3.3																					
Q3.2.2	If YES, who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr><td>1. Children</td><td></td></tr> <tr><td>2. Spouse(s)</td><td></td></tr> <tr><td>3. Parents</td><td></td></tr> <tr><td>4. Relatives' children</td><td></td></tr> <tr><td>5. Other</td><td></td></tr> </tbody> </table>	Category	No. of people	1. Children		2. Spouse(s)		3. Parents		4. Relatives' children		5. Other										
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Q3.3	Has your family suffered financially because of the detention?	Yes..... 1 No..... 2 Yes, Go to Q3.4 No, Go to Q3.6																					
Q3.4	What expenses have your family incurred as a result of the detention?	<table border="1"> <thead> <tr> <th>Expenses</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1. Transport to / from prison</td><td></td></tr> <tr><td>2. Provide food to detainee</td><td></td></tr> <tr><td>3. Provide clothing for detainee</td><td></td></tr> <tr><td>4. Provide medication for detainee</td><td></td></tr> <tr><td>5. Payment of bribes to state officials</td><td></td></tr> <tr><td>6. Payment for legal advice</td><td></td></tr> <tr><td>7. Payment of medical expenses</td><td></td></tr> <tr><td>8. Other:</td><td></td></tr> </tbody> </table>	Expenses	Amount	1. Transport to / from prison		2. Provide food to detainee		3. Provide clothing for detainee		4. Provide medication for detainee		5. Payment of bribes to state officials		6. Payment for legal advice		7. Payment of medical expenses		8. Other:				
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Q3.5	What impact have the expenses you just mentioned had on your family / household?	Had to sell household goods.....1 Spouse had to give up work.....2 Child(ren) had to give up school.....3 Child(ren) had to work to replace lost income.....4 Had to move house / location.....5 Fallen into debt.....6 Family has less food.....7 Other (specify)8																					
Q3.6	What has been the social impact of the arrest on your family	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td>1. Had to move house / location.....</td><td>1</td><td>0</td></tr> <tr><td>2. Separation of children from family.....</td><td>1</td><td>0</td></tr> <tr><td>3. Family suffered from stigma.....</td><td>1</td><td>0</td></tr> <tr><td>4. Children suffered mentally</td><td>1</td><td>0</td></tr> <tr><td>5. Sexual harassment</td><td>1</td><td>0</td></tr> <tr><td>6. Other (Specify).....</td><td></td><td></td></tr> </tbody> </table>		Yes	No	1. Had to move house / location.....	1	0	2. Separation of children from family.....	1	0	3. Family suffered from stigma.....	1	0	4. Children suffered mentally	1	0	5. Sexual harassment	1	0	6. Other (Specify).....		
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GENERAL COMMENTS/OBSERVATIONS (attach additional sheets if necessary)

Please explore further using the answers in the questionnaire as a basis.

For example if the family had to sell something– what had they previously used that item for, what are they doing now that they no longer have that item, how does this impact on their family / on the wider community.

Or if the children have been separated – how has this affected their behavior, relationships, schooling etc.

Where possible note down word-for-word interesting quotes.

Around the world, excessive pretrial detention prods people toward poverty. It pushes working class people toward unemployment, uncertainty, and homelessness. It tips those on the edge of privation into poverty and plunges the already poor into even worse destitution. It limits the development of whole communities, wastes human potential, and misdirects State resources.

For the first time, the costs of excessive pretrial detention in Sierra Leone have been tallied, and the results are staggering: lost employment, hunger, debt, divorce, and other outcomes. Based on interviews with scores of pretrial detainees and their families, this report documents in gritty detail the disastrous effects of excessive pretrial detention. *The Socioeconomic Impact of Pretrial Detention in Sierra Leone* combines statistics, data analysis, and first-hand accounts to show precisely how damaging excessive pretrial detention is – and who pays the costs.