

EVALUATION OF  
UNDP'S SUPPORT TO

# MOBILE COURTS

In Sierra Leone, Democratic Republic of the Congo, and Somalia



*Empowered lives.  
Resilient nations.*

Summary



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This evaluation was conducted and drafted by Monica Rispo (International Consultant) and coordinated by Serdar Bayriyev and Isabelle Tschan with support from Jenny Kotz Bjerlestam, Shazia Razzaque, Maria Claudia Liller, Christi Sletten and Samuel Gerstin. This evaluation would not have been possible without support by several colleagues from UNDP Country Offices. Special thanks go to: Appolinaire Fotso, James Nuan, Henri Mashagiro, Simon Ridley and Cornelia Schneider. We would also like to thank Luke Dunstan for providing editorial support, and Phoenix Design Aid for design and printing.

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COVER PHOTO

*Mobile court hearing in Gabiley, Somaliland.* © Elizabeth Wamaitha Kang'atta, UNDP

# OVERVIEW





*Mobile court hearing in Gbangbatok, Sierra Leone. © Monica Rispo, UNDP*

This report consolidates the findings of a comparative evaluation commissioned by UNDP's Bureau for Crisis Prevention and Recovery (BCPR) to assess results and identify good practices and lessons learned in supporting mobile courts (MCs)<sup>1</sup> through UNDP rule of law programmes in post-conflict settings. The evaluation consisted of a field visit by an international consultant to three UNDP Country Offices (COs) (Sierra Leone, DRC and Somalia) and a desk study on two other COs' support to mobile courts (Timor Leste and Central African Republic before the current crisis).

During the three country visits the consultant conducted interviews with about 90 key informants, including representatives of the judiciary, police and prison systems, members of civil society organizations, international partners, mobile court users and UNDP staff. In Sierra Leone and Somaliland, which is a region of Somalia, the missions included a visit to field locations to observe a mobile court session.

This report is based on the findings of the reports drafted for each of the three country evaluations, and on the two desk studies. It is broken into two parts: the first part presents an overview of the mobile justice interventions in each of the evaluated countries and the consolidated conclusions; the second part suggests some common programming.

The key purpose of the evaluation was to assess if mobile courts have improved justice service delivery in remote, conflict-affected areas and if this occurred in an approach focusing on access to justice for the most vulnerable people. The methodology of the evaluations consisted of a mixture of qualitative and quantitative research methods (court record analysis, individual semi-structured interviews, UNDP reports, analysis of national legislation, on-site observation of a mobile court, focus groups, query on UNDP online knowledge exchange networks). Evaluation questions and sub-questions were defined in the Evaluation Matrix<sup>2</sup> on the basis of the five criteria of relevance, effectiveness, efficiency, sustainability and impact.

<sup>1</sup> In this framework mobile courts are defined as "formal courts that conduct proceedings in locations other than their home offices, usually in remote areas where no justice services are available".

<sup>2</sup> See Annex 1 for the Evaluation Matrix.

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# CIRCUIT COURTS IN SIERRA LEONE





*Mobile courts have been recognized as an efficient stop-gap mechanism to assist the Government in re-establishing the formal justice system after the civil war and temporarily responding to the chronic shortage of magistrates.*

## 1.1 OVERVIEW OF THE MOBILE COURT SYSTEM IN SIERRA LEONE

Circuit courts were established in Sierra Leone through Article 7 of the 1963 Courts Act, which states that “courts should be held at such places as the chief justice may direct”. This principle is reaffirmed in Article 131.3 of the Constitution. Every year a Chief Justice’s order specifies the locations and the schedule for High Court circuits. Magistrate Courts have more flexibility in selecting their locations and schedule.

The mobile court system in Sierra Leone is jointly supported by three international partners with geographically distinct areas of intervention: UNDP supports the Southern Province, GIZ the Eastern and DFID the Northern Province. Similar models of intervention are applied by each agency, mainly consisting in providing financial support to the Judiciary to implement the circuit courts in complementarity with other core activities in the justice and security field, such as legal aid schemes.

UNDP has been supporting circuit courts in the Southern Province since 2010. Two Letters of Agreement were signed between UNDP and the Judiciary for a total amount of \$45,496 during the period 2010-2012. The support relies on national expertise and capacities as mobile courts are entirely run and managed by the Judiciary. However, the functioning of the mobile courts is strongly dependant on international donors, which provide 80 percent of the total budget.

UNDP supports two types of courts travelling on circuit: Magistrate Courts and the High Court. The jurisdiction of the latter is limited to criminal cases, whereas Magistrates on circuit can also hear civil cases. Magistrate Courts on circuit are composed of: one Magistrate, one court clerk/registrar, three police prosecutors, two prison officers and one driver. The court clerk also serves as an interpreter. The High Court on circuit is composed of a judge and the support staff and convenes a local jury of 12 persons. The prosecution is always ensured by a State Counsel.

In the Southern Province UNDP supports two resident Magistrates to cover eight stations and one resident High Court judge to travel on circuit four times per year to the locations identified by the Chief Justice order.

## 1.2 KEY ACHIEVEMENTS

Between August 2010 and June 2012 the Sierra Leone mobile court system achieved the following key results with UNDP’s support:

- 972 cases received and 568 cases disposed by Magistrate Courts (58 percent rate of case disposal)
- 375 cases received and 198 cases disposed by High Court (52 per cent rate of case disposal)
- 47 Magistrate Courts circuit sessions and 5 High Court circuit sessions held
- 107 Magistrate Courts circuit days sat and 50 High Court circuit days sat
- 10 locations served by courts on circuit
- \$45,496 allocated and two letters of agreement signed

Mobile courts have been recognized as an efficient stop-gap mechanism to assist the Government in re-establishing the formal justice system after the civil war and temporarily responding to the chronic shortage of magistrates. In addition, mobile justice has proven to be an effective tool in reducing the backlog of lower courts in remote areas. The presence of mobile courts has strengthened the role of the formal justice system in the provinces where traditional justice mechanisms are prevalent. Magistrate mobile courts were an opportunity for Local Courts (first instance courts that apply traditional laws and are part of the customary legal system) to transfer cases for which they did not have jurisdiction, such as sexual and gender based violence (SGBV) cases, or to have appeals of their decisions heard.

The support to mobile courts has been biased towards the ‘supply’ side of justice; due to the weakness of measures to assist court users in claiming

their rights (legal aid, interpretation, awareness raising sessions), the impact of mobile courts on the population—the ‘demand’ side—has not been as significant as it could have been. The current programme cycle is, however, drawing attention to the demand side of justice; UNDP has recently launched a ‘court-users perception survey’. With reference to the progressive Sierra Leonean legal framework, which recognizes paralegals as legal aid providers, UNDP is exploring opportunities to develop paralegal services for mobile court users.

### 1.3 GOOD PRACTICES

#### *A growing network of Court Monitors*

UNDP supports a network of community-based Court Monitors structured as coalition of civil society organisations (CSOs) across the country. The initiative encourages civil society to play an oversight role in the judicial system (including in mobile courts), builds bridges between communities and mobile courts by making the formal system less intimidating to rural populations, and provides transparency on court activities.

#### *Good coordination among international partners*

The Judiciary implements circuit courts with the financial support of three international partners (UNDP, GIZ and DFID), one for each of the three Sierra Leonean Provinces, which has resulted in an effective framework that ensures the presence of mobile courts throughout the territory of the State. International partners are in the process of improving the coordination framework by, among other things, harmonizing allowance rates in the three Provinces and drafting a joint strategy for support to mobile courts in Sierra Leone.

#### *An adequate and realistic budget*

UNDP’s intervention mainly supports the payment of allowances for judges and court staff and funds a witness transportation programme. Amounts are considered in line with the local market and perceived as fair. The allocated funds are managed by the Judiciary, which strengthens local ownership and

accelerates the administrative procedures to release the funds. The average cost for the 750 cases disposed during the evaluated period can be estimated at \$60 per case, which is highly cost-effective, especially if indirect effects, such as increased confidence in the formal justice system, are considered.

#### *An efficient use of courtrooms*

Courts operating on circuit dispose of the premises of lower courts (e.g. Local Courts’ courtrooms and lock-ups), while the latter are accommodated in alternative facilities. This cost effective solution allows courts on circuit to have adequate working space without interrupting the ordinary activities of residential courts.

### 1.4 CHALLENGES

Mobile courts, as with the entire justice system in Sierra Leone, face challenges due to the limited number of magistrates and lawyers, the absence of a case management system and high adjournment rates.

Other challenges are equally recurrent across Sierra Leone’s jurisdictions but exacerbated in remote areas where mobile courts intervene, namely the absence of interpreters for local languages, difficulties in reaching witnesses and ensuring their presence in court, and frequent out-of-court settlements by traditional chiefs.

A remaining group of challenges is specific to the mobile court system and mainly related to logistical matters: the mobile court schedule is unpredictable and not frequent enough, and there are transportation issues related to difficult road conditions and a lack of vehicles.

The challenges most cited during the evaluation interviews were the absence of witnesses in court and the related issue of high adjournment rates, followed by the difficulties that court users have in understanding the procedures due to language barriers and lack of rights awareness.



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# MOBILE COURTS IN DR CONGO



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