

Newbridge solicitor working on justice and human rights project in Malawi



Carolann Minnock

By Vicki Weller

A YOUNG Co Kildare solicitor is among a group of three lawyers currently working on a project in Malawi, Africa, designed to address issues of justice and human rights there.

Carolann Minnock from Naas travelled to Malawi last month with fellow lawyers Sonya Donnelly and Ruth Dowling, to participate in the project established by Irish Rule of Law International (IRLI), a non-profit charity established by the Law Society and the Irish Bar Council.

The aim is to use the experience and knowledge of Irish lawyers to assist the criminal justice sector in Malawi with alleviating inhumane conditions in prisons by reducing the numbers held in pre-trial detention.

In terms of using the justice system in their country, the poor of Malawi face physical, financial and language barriers to legal aid. Most live in remote rural areas, on an income of \$1 per day, and do not speak English – the language of the court. With no representation, poor Malawians are often held in custody for months, or years, until a trial court acquits or sentences him/her. Dockets are regularly misplaced with prisoners becoming lost in the system, unsure of what they are in fact charged with or how long they will be there.

A number of international reports have recognised that most pre-trial detainees pose no threat to society and should not be in detention.

The consequences of the breadwinner of a household, or the primary carer of a family, being held on remand indefinitely pending trial, can be dramatic in a country such as Ireland. In Malawi, the consequences are drastic.

The three Irish lawyers are based in Lilongwe, Malawi, working with the Legal Aid department and the Department of Public Prosecutions for a year-long period.

Carolann Minnock and her two colleagues (both barristers) will be mainly focused on increasing access to legal aid. This is vital in a situation where, on any given day, there might not be a single qualified person in court, with a policeman acting for the prosecution, the defendant unrepresented and a magistrate who might not be in any way qualified legally.

According to IRLI, increasing access to legal services will ensure a greater number of prisoners are released on bail, while also decreasing the time spent by those on remand.

Crucially, the project aims to ensure that prisoners are monitored so cases are processed quickly, fewer become lost in the system and that legal representation will also result in a decrease of those

wrongly convicted.

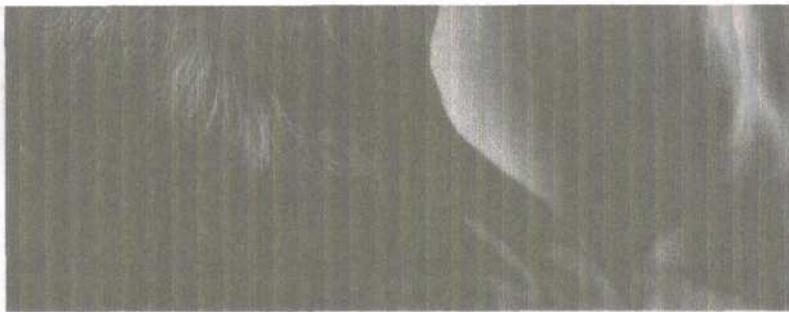
With conditions so difficult, it is certainly likely to prove a daunting task for those involved but it's clear that Carolann isn't the type to avoid a challenge. In fact, she relishes it.

The daughter of Kildare Co Council Director of Services for Housing Peter Minnock and his wife, Anne, Carolann has always been determined and driven by issues. She initially graduated in Economics and French from UCD and went on to take her solicitor's examinations through the Incorporated Law Society. She later undertook further studies in tax consultancy, with the Irish Taxation Institute and then gained a Master's degree from the London School of Law.

According to her dad, Peter, working in Africa on a project like the IRLI venture was always on Carolann's agenda.

"She has worked in other areas of law over a number of years but as a student, she did an internship in Rwanda, at the tribunal following the terrible conflict there, and she really wanted to go back to Africa and work on a project like this," said Peter.

Anyone interested in learning more or contributing to the work of Irish Rule of Law International, can find out more about the projects in Malawi and elsewhere by visiting the organisation's Facebook page.



Carolann Minnock

Irish Rule of Law Malawi

By Carolann Minnock

IT'S now over three months since we first arrived in Malawi and time is flying. The project has really started to take off thanks especially to the support of our partner organisations the Legal Aid Department and the Ministry of Justice and Constitutional Affairs. Sonya Donnelly and Ruth Dowling are the programme lawyers hosted by the Legal Aid Department. I am the programme law-

yer hosted by the Department of Public Prosecutions (DPP). Being based with different organisations has certainly added another dimension to our project and allows us to work within the criminal justice system from different angles.

My work with the DPP's office will focus on a number of areas such as file progression, training and support to paralegals and police prosecutors. The DPP's office has a considerable workload and is in

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need of further resources. Lawyers in the DPP's office are responsible for prosecuting serious crimes before the High Court.

Prosecution paralegals prosecute more minor crimes such as road traffic offences before the Magistrates Court.

Police prosecutors are responsible for approximately 90% of the prosecutorial workload and are responsible for prosecuting the majority of cases before the Magistrates Court. For this reason, I will focus on working with police prosecutors. It is hoped that through on the job training and support I will be able to assist the police officers in

a number of areas.

In particular, my work will focus on working with police to implement a diversion programme. This means that I will tackle the problem of overcrowding in prisons at the source by identifying first time offenders and diverting them away from the courts. Rather than facing a prison sentence first time offenders will be given a second chance.

Police and the community will work with the victim and the offender to identify how to better address the crime.

For example the offender may be required to do community service, pay a fine, or attend counselling.

Research has shown that diversion programmes can be more beneficial to the community, victim and offender than a prison sentence. This work is an exciting opportunity to implement a new approach to dealing with minor offences.

The first phase of our project has focused on developing relationships with partner organisations. We have now turned our attention to working alongside DPP paralegals, police officers and legal aid.

By taking a hands on approach we have the opportunity to help create a sustainable difference working from the inside the criminal justice system.

Liffey Hall stalemate

RESIDENTS of the Liffey Hall estate are still waiting to have the estate taken in charge by Kildare Co Council, members of the council's Kildare Area Committee heard at their meeting last week.

Mayor of Kildare Cllr Micheál Nolan had raised the issue but was informed that until the council's building control staff could meet with the developer/receiver, the taking in charge could not go ahead and responsibility for the maintenance of the estate would remain with the developer/receiver.

"Building Control staff have written to the developer/receiver,

requesting a meeting to progress the taking in charge, but unfortunately we are still awaiting a response," a council official told the members.

Generally, local authorities take over the maintenance of estates, only when the developer has completed all works to a certain standard. With the receivership situation now pertaining to Liffey Hall, the residents there, like many others around the country, have been left in limbo. Cllr Nolan expressed the hope that a meeting with the developer/receiver could be organised quickly as it was a matter of urgency for the residents of the estate.

Confusing layout at junction

A CONFUSING layout and an excessive numbers of turning movements was cited as the reason that an upgrade and realignment to the junction at Kilmoney Rathangan is needed.

A report to the Kildare Area Committee of Kildare Co Council explained that the area office had received funding to carry out the road works along the section of road near Boherkill and Kilmoney. The Kilmoney junction was highlighted as an area that required attention and the new

layout is designed to rationalise the turning lanes into a standard T-junction with clear lane delineations. The report also expressed thanks to a local land owner who allowed for the relocation of a road edge boundary and change of a boundary type which allows for better visibility to cars approaching the junction.

Cllr Tony O'Donnell raised the issue. However there was no discussion on the issue as Cllr O'Donnell was too ill to attend the meeting.