

Excerpt from:

# PARALEGAL MANUAL 2012



**A PRACTITIONER'S GUIDE TO PROVIDING BASIC JUSTICE SERVICES  
IN SIERRA LEONE**



## **Emergency Fund**

### **Background**

Recognizing that many of our clients face extreme financial hardship, and that the lack of funds can prevent clients from obtaining services critical to their health, their safety, and their pursuit of justice, Timap for Justice has established an Emergency Fund.

The goal of the Emergency Fund (the “Fund”) is to provide financial support to clients who have suffered a severe injustice and lack the funds necessary to address that injustice. The need most frequently arises in situations that implicate health and safety, such as instances of domestic violence and sexual assault. For example, if a client is a survivor of domestic violence but lacks the resources to obtain the medical report required by police for investigation, monies from the Fund could cover the client’s transport, doctor’s fees, and medical costs.

There are a few organizations in Sierra Leone that provide free health (and other) services in relation to justice problems. Paralegals are occasionally faced with a situation where immediately funding a hospital visit would be very beneficial to a client in terms of health, safety, and justice. In light of these emergency cases and the knowledge that some clients need financial support to pursue litigation, Timap has created the Fund to ensure that those faced with severe injustice are not denied access to justice for want of resources.

### **Purpose of the Guidelines**

While Timap for Justice would like to support all of our clients in all of their health, safety, and justice needs, we simply cannot. Timap for Justice is a legal services and human rights organization, not a health service, bank, or grant-making institution. It is simply impossible for Timap – or perhaps any organization – to meet all of the needs of all Sierra Leoneans all of the time. Resources are limited.

As such, it is necessary to precisely specify which Timap clients qualify for support from the Emergency Fund. Failure to clearly define guidelines and failure to closely follow those guidelines could have serious negative consequences for Timap’s work. First, excessive use of the Fund would result in its rapid depletion. We want to ensure that the Fund is used only to support our most needy clients and we must husband our limited resources carefully. Second, there is the risk of sending “mixed messages” about our services, confusing clients, and raising hopes and expectations that cannot be met. Timap’s reputation would be badly damaged if clients believed that Timap promised to pay for anybody’s medical needs and doctor’s fees – the Fund cannot do this and clients must not be misled to believe otherwise. Therefore, the guidelines below describe the very limited circumstances in which a paralegal may access the Fund to provide financial support to a client.

## **The Guidelines**

Paralegals may provide monies from the Emergency Fund only to clients who qualify under the *Eligibility* guidelines. Paralegals must follow the *Process* guidelines when using the Fund. The Fund is limited by the *Disbursements and Limitations* guidelines.

### *Eligibility*

Only clients who meet ALL of the following requirements are eligible for support from the Emergency Fund:

1. To the best of the paralegal's knowledge and belief, the client must appear and allege to have suffered AT LEAST ONE of the following:
  - *Rape/Unlawful carnal knowledge.*
  - *Indecent assault/sexual abuse.*
  - *Domestic violence.*
2. To the best of the paralegal's knowledge and belief, the client requires AT LEAST ONE of the following services:
  - Client requires a medical examination and report from a specific doctor in order for the police to investigate his/her case.
  - Client must make a report at a police station, FSU office, Ministry of Social Welfare, or other government institution in order to advance his/her case.
  - • Assisting the client in court and the client must attend one or more court proceedings.
3. To the best of the paralegal's knowledge and belief, the client faces extreme financial hardship as evidenced by ALL of the following indicators:
  - Client claims extreme financial hardship.
  - Client is not formally employed by a registered business, NGO, or government entity and the client is not involved in any income-generating venture (e.g. business, petty trading).
  - Client's relatives and friends cannot or will not assist the client.
  - Client has no alternative means of financial support.

## **Accessing Funds**

Paralegals who believe the above requirements are met and wish to access the Fund must follow this process:

1. Paralegal calls a Lead Paralegal and explains the client's case.
2. Lead Paralegal may (1) deny use of the Fund or (2) approve use of the Fund only after further approval of a Director. (Therefore, any use of the Fund must first be approved by both a Lead Paralegal and a Director.)

3. When paralegal has received approval, he or she may access the Fund.
4. The paralegal may use Fund cash from his or her office or Fund cash from another office
5. Paralegal uses the “Emergency Fund Checklist and Expense Sheet” to track expenses and submits that form to Lead Paralegal when accounting for office expenses.

*Disbursements and Limitations*

Each office will maintain a limited amount of cash that must be reserved solely for Fund use. The Directors and Lead Paralegals will determine the sum for each office. Again, the Directors and Lead Paralegals will determine the sum for these offices. The reason for keeping larger sums at these offices is that any client who uses the Fund will very likely pass through these towns and may need additional financial support once there.

The specific uses of the Fund (i.e. transport, doctor fees, food, etc.) and the disbursement amounts will be determined on a case-by-case basis through consultation between the paralegal, Lead Paralegals, and Directors.

Further, the Fund may not always be used to support a client to the completion of a case. Rather, after consultation with the Lead Paralegals and Directors, a paralegal may refer the client to an NGO that can take on the client’s medical – and/or other – needs.

Other limitations to the Fund include:

- The Fund may be used to support only the Timap client.
- The Fund may NOT be used to assist police or suspects.
- When covering health costs, the Fund may only be used for medical care related to the health issue, which qualified the client for the Fund. For example, if the client is a survivor of domestic violence, the Fund may only cover treatment related to the domestic violence injuries and not other, unrelated health issues, such as malaria.
- Further restrictions on use of the Fund may be imposed by the Directors at any time.
- The Directors reserve the right to waive limitations and eligibility requirements for any case.

For more information, see the full document: [Timap for Justice Community Paralegal Manual](#)