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The Special Court for Sierra Leone Outreach, Legacy and Impact

Final Report

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Rachel Kerr and Jessica Lincoln

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Introduction

The Special Court for Sierra Leone (SCSL) represents a new model of international criminal justice, mixing elements of international and domestic law and procedure and involving international and local staff. High hopes surrounded the creation of the Special Court, which was intended to remedy some of the shortfalls of previous attempts to deliver international criminal justice in a number of concrete ways: it was supposed to be more modest in its aims, complete trials in a shorter period, be more cost-effective, and be more relevant and visible to the people of Sierra Leone. With this latter goal in mind, effective communication of the Court's work, dissemination of norms and values relating to the rule of law, and rebuilding capacity in the domestic judicial system were crucial to the Court's success as an instrument of peace-building. This project examined the extent to which the Court's Outreach and Legacy programmes have succeeded in meeting these objectives. The research was undertaken by a team from King's College London (UK) with the support of a grant from the United States Institute of Peace.

2 Background

The war in Sierra Leone was well documented for its ‘breathtaking malevolence’ and ‘unspeakable brutality’. In a decade of conflict, it is estimated that as many as 75,000 civilians were killed and 500,000 were displaced. Civilians were directly targeted with tactics such as amputations of hands, arms, legs and feet, sexual violence, mutilation, forced marriage, forced recruitment of children and wanton destruction of villages and towns. Whilst the majority of crimes were committed by the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC), government forces and the Civil Defense Forces (CDF) also committed serious crimes. Even before a peace agreement was signed, the nature and extent of the atrocities committed was such that there were demands for some form of accountability. It was felt that without the designation of responsibility – at all levels – and a public acknowledgement of their roles, social structures would remain unsettled and public faith in the solidity of the peace would be undermined. However, the Sierra Leone judicial system, destroyed by the war and by years of corruption and neglect, lacked the capacity to deal with these crimes.

On 12 June 2000, the President of Sierra Leone, Dr Ahmad Tejan Kabbah, wrote to the Secretary-General asking for UN assistance to set up a court and on 16 January 2002, an agreement was signed between the UN and the Government of Sierra Leone establishing the court in Freetown. The agreement was ratified by the Sierra Leone parliament in March of that year and the court began operating in August 2002 when Registrar Robin Vincent and Chief Prosecutor David Crane arrived to take up their posts. The Special Court’s mandate is to prosecute those on all sides – including government forces and the CDF – who bear the ‘greatest responsibility’ for war crimes, crimes against humanity and other violations of international humanitarian law committed in Sierra Leone since 30 November 1996 (the date of the Abidjan Accord). The Special Court was the first ‘hybrid’ international criminal court to be established – ‘hybrid’ in the sense that it involved a mixture of international and domestic law and personnel. As such, it was a departure from the model of the ad hoc tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR) on the one hand, and the International Criminal Court (ICC) on the other, and was welcomed by many as a potentially more effective and efficient form of international criminal justice.

Given its relatively narrow jurisdictional mandate and time frame, the Court is focusing on a limited number of cases only. Four trials were conducted against ten accused, three each from the Civil Defence Forces, the Revolutionary United Front and the Armed Forces Revolutionary Council. The first trial began on 3 June 2004, involving three former members of the CDF. One of the defendants in the CDF trial, Chief Hinga Norman, died in custody before judgment was issued. At the time of writing, the Appeals Judgement in respect of the other two accused, Moinina Fofana and Allieu Kondewa, was pending. The trial of three members of the former Revolutionary United Front (RUF), Issa Hassan Sesay, Morris Kallon and Augustine Gbao began on 5 July 2004 and was in the Defence phase. The third trial, of three members of the former Armed Forces Revolutionary Council (AFRC), Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu, began on 7 March 2005. This was the first to be concluded on 22 January 2008 when the Appeals Chamber Judgment was handed down with sentences of 45 and 50 years. The trial of Charles Taylor was continuing at a special chamber of the Special Court in the same building as the International Criminal Court in The Hague. Three other persons were indicted by the Prosecutor: former RUF leader Foday Sankoh, former RUF Battlefield Commander Sam Bockarie, and former AFRC leader Johnny Paul Koroma. The indictments against Sankoh and Bockarie were withdrawn on 8 December 2003 following the deaths of both accused. The whereabouts and fate of Johnny Paul Koroma are unknown.

The purpose of these trials is symbolic. It is hoped that they will contribute to Sierra Leone's 'emergence from the moral and physical degradation of the war'. As with any country emerging from violent conflict, sustainable peace requires not only rebuilding institutions but reckoning with the past and rebuilding respect for the rule of law, especially where, as in Sierra Leone, the war was characterized by extreme violence and a breakdown in legal, moral and social orders.

As such, the establishment of the Special Court reflected broader trends in international politics toward a new norm of international criminal justice. The Special Court for Sierra Leone was seen by some as a potential panacea, building on lessons learned by the ad hoc tribunals and correcting their mistakes. Key to this was the recognition that the Court should be based in country, in order to reduce the sense of remoteness encountered in relation to the ICTY and ICTR. The hybrid model, involving Sierra

Leone and international staff, law and procedure was also designed to incorporate the best of both worlds – international expertise and local ownership. The Court also made more concerted efforts to communicate its work and to ensure its legacy. David Crane, former Chief Prosecutor of the Special Court suggested that the outreach and legacy programs were the two keys to success for the Court in fulfilling its mandate by showing that international justice is fairly, efficiently and effectively delivered in a way that allows the people to see that ‘the rule of law is more powerful than the rule of the gun’ (Crane, 2004). This project set out to evaluate the extent to which the outreach and legacy programs have fulfilled the goals set out for them in terms of communication of the Court’s work, dissemination of norms and values relating to the rule of law, and rebuilding capacity in the domestic judicial system.

3 Methodology

As well as being informed by previous experience, the methodological approach draws on similar work undertaken in Bosnia and Rwanda, which used a range of qualitative and quantitative methods including focus groups, key informant interviews, ethnographic studies of conflicted communities and archival analysis as well as random surveys to examine attitudinal questions about belief in justice and the trial process.¹

The first strand of the project involved analysis of existing data on the impact of the Court's outreach program in particular, including a study commissioned by the Court. We were also given access to an archive of press clippings of coverage of the Court in the international and domestic press compiled by the Court's Press and Public Affairs office. Unfortunately, we were not able to examine the raw data provided in attitudinal questionnaires compiled by District Outreach Officers, which were being archived. Nevertheless, the official report, together with studies undertaken by the BBC World Service and by a team at Newcastle University, led by Dr Tim Kelsall, provided a basis for our work. From these studies, we were able to identify salient issues and key questions to pursue in the second strand of the project.

During 2007, a series of focus groups and semi-structured interviews were carried out with staff at the Special Court for Sierra Leone, representatives of civil society groups and other key stakeholders in Freetown, Makeni, Magburaka, Moyamba, Bo and Kenema and surrounding villages. In selecting participants, we took into account several factors. First, given the importance of civil society groups as a conduit between the Special Court and the people of Sierra Leone, it was important to include representatives from these groups in order to be able to determine the nature and level of interaction the Court has had with various sectors of Sierra Leonean society and its overall impact. The research included participants from a number of different types of organisation, ranging from women's, children and youth groups to good governance and human rights organisations. Second, because the transferral of skills and information to the legal sector was seen as a significant benefit for Sierra Leone in establishing the Court in country, we conducted a series of interviews with people working in this sector to identify how successful this transferral has been. Third, we conducted interviews and

¹ Stover, Eric and Harvey M. Weinstein (eds.), *My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004).

focus groups in Freetown and in areas of the countryside in order to ascertain, as far as possible, differentials in knowledge and understanding and in attitudes and beliefs among different sectors of Sierra Leone society. Finally, in order to gain the perspective of the people involved in delivering outreach and legacy we conducted a series of interviews with a number of staff at the Special Court, including District Outreach Officers, the Acting Registrar, the Head of Press and Public Affairs, and the Heads of the Outreach and Legacy Sections.

The third phase of the research, conducted in parallel, focused on the nature and extent of local media coverage of the Special Court. The media play an essential role in keeping people informed about developments at the Court. Although the media in Sierra Leone represents a diverse range of views and the quality is at times questionable, radio and newspapers remain the primary means by which people access information. Any evaluation of the Court's communication strategy must therefore take this into account. The findings of this strand of the research are presented in the Appendix.

Initial findings were disseminated in a draft report to the War Crimes Research Group, key stakeholders and other interested parties for comment in July 2007. This final report is an updated and revised version of the Draft Interim Report.

4 Main findings

The overall conclusion was that, whilst the Court has implemented an extensive and ambitious outreach programme and has taken concrete steps to ensure its legacy, the reality falls short of expectations. This is not surprising given that expectations were set very high in the first place, both internationally and locally, and those expectations were not matched by an equivalent financial and political commitment on the part of the international community or the Government of Sierra Leone. At heart, there was cognitive dissonance between expectations of quick and efficient justice and expectations regarding the Court's contribution to restoration of peace and justice in Sierra Leone.

The Court itself must shoulder some of the blame for raising expectations. Official publications pledged that 'The SCSL has always recognised, not only the critical importance of leaving a legacy for the people of Sierra Leone but also the unprecedented opportunity to contribute to the restoration of the rule of law'.² In some quarters, this was taken to mean that the SCSL would correct all of Sierra Leone's problems, especially in the criminal justice sector. That this has not happened has provided grist for the mill of the Court's critics, but it was unrealistic in the first place, and not within the mandate of the Court, whose primary function was to deliver justice in respect of those who bore 'the greatest responsibility'. From the outset therefore, the Court was restricted both by its mandate and its international demands; deliver quick and effective justice but at a relatively low cost.

Wider socio-economic problems have also become intertwined with issues of the Court's legacy and have also impacted upon outreach. It is an inescapable barrier for the Special Court that Sierra Leone is ranked as the second poorest country in the world (UNDP HDI), literacy levels are low, corruption is endemic, the justice system is defunct and there are significant levels of international people working throughout Sierra Leone on development issues but the country does not seem to be moving forward. It is not the Court's responsibility to address many of these issues although many believe it should have been more active in helping drive legal reform processes forward, as well as work

² Third Annual Report of the President of the Special Court for Sierra Leone, January 2005-January 2006, p. 28.

towards the abolition of the death penalty.³ A recurrent theme was the ‘missed opportunity’ to at least start to address some of these issues.

It is also important to note that the Court’s ability to communicate knowledge and understanding about its mandate and processes was somewhat stymied by a relatively hostile and in some cases, sensationalist, domestic news coverage. A decision was taken early on not to respond to every negative (and often factually incorrect) story, which was sensible given manpower constraints and the desire not to encourage a game of slings and arrows, but the effect of this was that certain rumours took hold, which proved damaging to the Court’s reputation overall.

In light of all of this, what has been achieved is impressive, but there is room for improvement if the lessons of outreach and legacy in Sierra Leone are to be adopted by other international courts. The example of the Special Court, which has been far more ambitious in terms of outreach and legacy than either of the ad hoc tribunals suggests that early outreach activities are crucial and we need to be extremely cautious in managing expectations for international, or internationalized, criminal justice processes.

³ A comment made by various people in the CSO/NGO community was that *‘the death penalty is not okay for the international community but it is fine for Sierra Leoneans’*. Interview, Freetown April 24 2007.

5 Outreach

The overall question driving this study was to what extent have the outreach and legacy programmes of the Special Court fulfilled the goals set out for them?. The following section sets out detailed findings in relation to these research questions, and is organised in two main sections – the first discusses the communication strategy of the Special Court – its Outreach Programme – and the second discusses the dissemination of norms relating to justice and the rule of law and other aspects of the Court’s Legacy.

The Special Court’s Outreach program is far more extensive and ambitious than anything that has previously been undertaken, and marks a significant departure from the ad hoc tribunals, which were criticized for having made inadequate efforts to reach their target populations. The Outreach Programme has as its main mission to ‘link the people of Sierra Leone with the Special Court’. Its activities aim to promote understanding of the SC and respect for human rights and the rule of law in Sierra Leone, to disseminate information and encourage dialogue, to foster two-way communication between the SC and Sierra Leone and to facilitate the participation of all Sierra Leone nationals in the judicial processes of the SC based on equality and mutual respect.⁴

It began in August 2002, when the Registrar, Robin Vincent and Prosecutor, David Crane travelled through the country to give presentations and answer questions relating to the work of the Court in so-called ‘Town Hall Meetings’. The Court now has a dedicated Outreach Section, staffed by Sierra Leonean nationals and including a network of District Outreach Officers. As well as distributing booklets describing the Court, outreach relies on oral and visual communications such as radio and televised panel discussions and screening of trials, televised weekly summaries of court proceedings, poster campaigns, and theatre. Dedicated programmes are aimed at certain sectors of society, including women, children and disabled people. Outreach conducts ‘Training the Trainer’ workshops around the country and has developed a training manual resulting in the formation of School Human Rights and Peace Clubs. Children also participate through ‘Kids Talking to Kids’ radio programmes. Quiz and debating competitions are organised within schools. In addition, ‘Accountability Now’ clubs have been established

⁴ Outreach Mission Statement, Special Court Outreach Report 2003-2005, Special Court for Sierra Leone

at eight universities across Sierra Leone which focus on the broader issues of justice, accountability and human rights.

The challenges faced by the outreach programme on a day-to-day basis are formidable; simply travelling around the country presents its own logistical challenges as the roads are in appalling condition, illiteracy is high at approximately 70-80 percent of the population and there are a number of different dialects. Staffing is also an issue. District Outreach Officers need to come from the area they are working in order to be accepted by the population.⁵ In most regions there is only one District Outreach Officer (DOO hereafter), in some places two. This makes the task of undertaking consistent outreach challenging and it is a heavy workload for one person.

Lack of funding is cited as the main obstacle for the Outreach Programme.⁶ The Court's Outreach Section is not funded from the core budget so has to battle for every penny and is heavily reliant on voluntary contributions from third parties. The European Union has been a key source of funding for Outreach. Equipment for conducting outreach events is scarce. Often, resources are lacking such as fuel for generators, televisions, videos, up-to-date films, literature in the correct format for the region. One DOO we spoke with did not have their own transport so relied on public transport, which made it difficult for them to reach more remote regions.⁷ We were also informed that every time the equipment broke down it had to be repaired in Freetown rather than locally, which means transporting heavy equipment back to Freetown, on public transport.

In light of the above, it is perhaps surprising that outreach has had the impact it has. Expectations of what could be achieved far outstripped the reality of logistic, practical and financial obstacles.

5.1 Knowledge and understanding of practical and procedural aspects

The first set of questions relating to Outreach were aimed at determining the impact of the Outreach Programme in informing or altering Sierra Leonean perspectives of the

⁵ Interviews with Special Court Outreach Freetown 7th and 8th May 2007. This was an important factor raised by most CSOs and Outreach Officers themselves. It was strongly believed that in order for the DOO to have legitimacy in their District they needed to come from that region themselves.

⁶ Interview with Outreach Officer Freetown May 8th 2007.

⁷ Interview with District Outreach Officer May 10th 2007.

Court. To what extent were people familiar with the legal, practical and procedural aspects of the Court's work, including knowledge about how to access the Court? How did they obtain this information? Are there differences in levels of knowledge and understanding among different sectors of Sierra Leone society? If so, why?

The outreach programme has undertaken some monitoring and evaluation of its own in the form of attitudinal questionnaires.⁸ The Outreach Section commissioned an impact study in late 2006 undertaken by a team at Fourah Bay College, led by Dr Memanatu Pratt. The report's conclusion is 'indicative of a marked positive impact by the Outreach Section of the Court in transmitting the principles and understanding of the transitional criminal justice processes to civil society organizations and the people of Sierra Leone'.⁹ However, whilst this corresponds to the overall impression that the Court is at least moderately well understood and supported, the report has limited utility in so far as the detail of people's attitudes and understanding of the Court are concerned. Moreover, it raises methodological concerns. For example, the questionnaire on which it was based contains some questions which appear vague and somewhat loaded.¹⁰ Concerns were also raised regarding impartiality. We were told of some instances where organisations filled in the questionnaire themselves rather than send it out to constituents, and there were suggestions that these organisations might be more concerned with how their answers would appear to the Court in respect of future funding opportunities than in giving honest answers to the questions.¹¹ The report's release was delayed with the main reason cited as the death of Hinga-Norman and the negative perceptions surrounding the Court at the time of its scheduled release in March 2007. The report was disseminated to CSOs in Sierra Leone but little has been reported beyond this.

Another report has been conducted by the BBC World Service Trust, International Centre of Transitional Justice and USA based NGO, Search for Common Ground. This report interviewed 1,700 adults throughout Sierra Leone and found that 96% of

⁸ Our original intention was to evaluate these questionnaires ourselves, in the first strand of the project, but in the time that elapsed since we first discussed this with Court officials and our arrival in Freetown, we were told that they were in the process of being archived, and therefore inaccessible.

⁹ Nationwide Survey Report on Public Perceptions of the Special Court for Sierra Leone, March 2007, by Memunatu Baby Pratt (Mrs), page 7.

¹⁰ For example: Do you think the Outreach Teams are doing a great job? Yes/No/Don't know. To what extent do you agree that the TRC has promoted peace and reconciliation in Sierra Leone? Strongly Agree/Agree/Disagree/Strongly Disagree. This latter question is a concern and is a surprise to find in a survey concerning SC Outreach. It does somewhat beg the question what will be done with such findings?

¹¹ Interview, Freetown 13 May 2007.

participants had heard of the SC but only 4% knew of proceedings, 1 in 4 knew nothing of proceedings, two-thirds thought the Court had performed well, although more than one-quarter think the Court is putting the wrong people on trial.¹² Meanwhile, a study conducted by Kelsall and Sawyer on individual perceptions of the Special Court for Sierra Leone and the TRC also found that despite both institutions having broad public support, actual knowledge of the two institutions was thin.¹³ In relation to the Court the study highlighted 49% of participants (300 in total) had a poor understanding of the Court. Those mentioning that the SC was in Sierra Leone ‘to judge people’ did not always relate this to the war, or people believed the Court was in Sierra Leone ‘to get to the truth’.

Our findings reflect this; general knowledge was high but depth of understanding was poor. A number of the people we spoke to had attended an Outreach event (mainly the screenings) but there were many others who had never attended an event and did not know who their local Outreach officer was.¹⁴ When asked if people knew what law is used at the Court many cited ‘white man’s law’ but did not acknowledge Sierra Leone’s contribution or the hybrid nature of the Court. The majority of people interviewed could tell you about the Court, they had an awareness of it, but they did not have detailed knowledge and understanding. This corresponds with findings from both BBC World Service Trust and Kelsall and Sawyer surveys. When questioned, some said that this was due to lack of access to information on proceedings and more generally about the Court. However, a large number of people also said that they were not that interested in hearing about the Court.¹⁵

¹² BBC World Service Trust, ‘Transitional justice survey in Sierra Leone’, 9 October 2007, at http://www.bbc.co.uk/worldservice/trust/africa/story/2007/10/071004_sierra_survey.shtml.

¹³ Kelsall, Tim and Edward Sawyer, Truth vs Justice: Popular views on the Truth and Reconciliation Commission and the Special Court for Sierra Leone, *Online Journal of Peace and Conflict Resolution*, 7.1, 2006-2007, pp. 36-8.

¹⁴ We were informed of this during discussions with CSOs in Makeni, Bo and Kenema.. This is not perhaps unusual from an ordinary citizen’s perspective but from the point of view of CSOs (civil society organisations) it is somewhat surprising as officers are active in their communities. However, it should also be noted that in a handful of instances, the responses were contradictory. People who had told us that they had no idea who the Outreach officer was would then go on to tell you the name of the Outreach officer and mention that they were friends. Either they were confused or had misunderstood the question, or they were not aware of the Outreach officer’s job. Either way, it was frustrating and made it difficult to establish an accurate picture of what was going on in these instances.

¹⁵ This view was again expressed frequently during interviews and focus groups. This was more prevalent in the South and is perhaps exacerbated by the controversy surrounding the indictment of Hinga-Norman.

As mentioned previously, rumours and (mis-)perceptions quickly become ‘fact’, especially where communication from the Court has not been very effective. Even in Freetown people are not fully informed of the processes, procedures (why witnesses are protected, etc.) and general information about the Court so create their own versions.

‘Communication is vital to counter misinformation and lies.’¹⁶ As you leave the capital this becomes increasingly the case as the Court is even further from people’s daily life and field of vision. There is very little chance of many people in the Provinces ever seeing or visiting the Court, as they would have no opportunity to travel to Freetown. We encountered people in the more remote towns and villages who had no knowledge at all of the Court and we did not travel very far from the main provincial headquarters.¹⁷ Some people knew the Court existed and that it was trying the ‘big men’ and used ‘white man’s law’ but not much beyond that. They did indicate a keen interest, however, in what was happening at the Court now.¹⁸

What level of understanding of international justice is necessary for the Court to have an impact? To what extent should people know and understand everything to do with the Court? Is it enough that most people are aware of the Court and that it is in Sierra Leone to address impunity after the conflict? Or, should they have a detailed knowledge of the cases and the stage they are at? On the one hand, this would seem to be an unrealistic expectation, particularly as illiteracy is very high, translating legal complexities and procedures into the various languages is a lengthy process and the funding is not available to commit to widespread, consistent information dissemination. William Schabas noted that most Europeans would not know the inner workings of the European Courts of Justice or their national courts.¹⁹ Perhaps expectations should therefore be calibrated accordingly. A lack of detailed understanding in the process did not seem to detract from a fairly widespread awareness of the Court and of its role in addressing impunity.²⁰

¹⁶ Interview CSO Freetown April 25 2007.

¹⁷ Places visited: Makeni, Magburaka, Mapaki, Moyamba, Bo, Kenema, Freetown and Western Regions. Apart from Mapaki, and Freetown, the Capital, the rest are provincial headquarter towns.

¹⁸ In some places, we were asked to leave any literature we had about the Court with one of the elders who could read and relate it back to people. We were also asked various questions such as: What is the lifespan of the Court; why did the Registrar leave (Lovemore Munlo); what happened about the Australian sex case.

¹⁹ Schabas, William, *A Synergistic Relationship: the Sierra Leone Truth and Reconciliation Commission and the Special Court for Sierra Leone*, Criminal Law Forum 15, no 1-2 (2004), p. 54.

²⁰ The Caveat here is the concern raised by the people in the South in light of the recent violence who spoke of being concerned that after Hinga-Norman’s detention and death there would be no leader to step-in should fighting start as they may be indicted as a war criminal. Focus Group Bo May 9 2007

5.2 Sources of information

If people are not able to access information about the SCSL through the official Court channels, where do they get it from? When asked this question, key stakeholders we spoke to (prison officers, police officers, magistrates, CSOs) mainly looked bemused and mentioned that you sometimes heard things on the radio.²¹

Radio is the most common method for accessing information with most people placing a high value on radio news being unbiased, accurate and a trustworthy source of information.²² The Court has engaged with local radio since Outreach began, holding regular slots on the UN radio station in Freetown with Court updates and by answering questions during phone-ins.²³ This appears to have been a successful method of transmitting information with the BBC World Trust report finding that the UN radio was the most often mentioned station by respondents in Freetown, the Western Rural Area, Port Loko and Bombali District.

However, although radio is a key method for transmitting information it is not a communication method accessible to all. Many people could not afford radios and if they could, they were not aware of the schedules and might miss the relevant broadcast; some officers informed us that they only held radio shows once a month.²⁴ The BBC World Trust and ICTJ report highlighted that although in Freetown most people are heavily reliant on the radio it has limited coverage in the Provinces. Women generally have lower access to radio than men, particularly in the South and East; access to radio outside of the headquarter towns lower, so even in districts with relatively high access to the radio ‘there are likely to be pockets where this is not the case’; where information is not accessible through radio, newspapers or TV the overwhelmingly majority of people report getting their information through family, friends, and members of the local community.²⁵

²¹ Interviews in the Provinces April 23, 24, 27, May 10, 12 2007.

²² BBC World Service Trust and Search for a Common Ground, *Media Use and Attitudes Toward Media in Sierra Leone*, June 2007.

²³ I was able to attend an Outreach radio event during a previous visit to Sierra Leone in February 2006, which was very informative, well organised and appeared to have external support with many people calling in to ask questions.

²⁴ Interview District Outreach Officer May 10 2007.

²⁵ BBC World Service Trust and Search for a Common Ground, *Media Use and Attitudes Toward Media in Sierra Leone*, June 2007.

The Internet is also a potential channel of communication but again outside of Freetown, its utility is limited. The gap between rich and poor and between Freetown and the provinces is evident in the accessibility of information about the Court. Whereas those who are literate can read the papers and access the Internet, others must rely on the radio and failing that, on second hand information, which was not always accurate.

There are about 50 registered print publications in Freetown but only half of them are printed regularly due to lack of printing press and other finance-related constraints. There are however, a couple of exceptions with the most established paper being Awoko and a relatively new paper called Premier Times. The other titles of note are Concord Times, Standard Times and New Citizen. During any one day a person can buy up to 20 different newspapers costing approximately 1000Leones (approx £0.20p GB Sterling) each making them prohibitively expensive to the average Sierra Leonean (average wage \$1 per day). The print run of the major papers is also fairly small with Awoko printing approximately 2,750 per day.

Coverage in the domestic news media has been largely hostile, regularly making allegations of unfair trials and ill treatment of detainees.²⁶ This is exacerbated by the fact that the media in Sierra Leone print in particular is unreliable and ‘anyone with an agenda and money to pay for an article appear to be able to write what they like regardless of whether or not it is the truth’.²⁷ The Court has its own Press and Public Affairs section which has attempted to engage with Sierra Leone’s journalists but the unreliability of the sector makes this task a particular challenge. Although attempts at engagement were made at the start various incidents of negative reporting have meant the relationship between the domestic press and the Court has been fractious.²⁸ Training has recently been undertaken in conjunction with the BBC World Service Trust and the International Centre for Transitional Justice on effective reporting of the Charles Taylor trial, as well as on wider transitional justice issues but this was not established until 2006.

²⁶ See Appendix.

²⁷ Discussions with GB paralegal based in Sierra Leone; May 2007.

²⁸ The decision by the Court not to allow Hinga-Norman to testify to the Truth and Reconciliation Commission was a one such incident. Followed by press releases citing the ‘luxurious’ conditions of the indictees in the Special Court detention facilities. Despite Outreach attempting to inform people of its obligations under international law, as well as the fact that the indictees were considered ‘innocent until proven guilty’, reports and perceptions of unfair treatment abounded. This is particularly sensitive when comparing treatment of people held at the main prison, Pademba Rd, which is appalling. The death of Hinga-Norman portrayed in many sections of the media as the fault of the Court further divided the Court with the local press.

5.3 Differentials in knowledge and understanding

There was a differential in knowledge and understanding between Freetown and the countryside, with reduced levels of knowledge in rural areas and these were not even the most remote. One might speculate therefore that in more isolated areas knowledge would be even less evident.²⁹ Kailahun, Bo and Pujehun in the South and East had the lowest listenership of the radio and lowest levels of literacy overall.³⁰ Therefore getting information to people in these regions is tricky, even more so for people living outside the District headquarters. In Bo, we discovered that despite having a highly committed District Outreach Officer, understanding of the Court was low and news about the Court was minimal. Discussions with Amnesty International in June 2007 also highlighted the paucity of information reaching places such as Pujehun and Kailahun in the South and East, where people had an overwhelming sense of being forgotten. During April and May 2007 there was no assigned DOO for Pujehun which meant the job was shared between the two closest DOO adding extra work to their already heavy loads.

There was also a sense that outreach is being targeted primarily at elite groupings in Sierra Leone (especially those that can read) and the international community (through the Press & Public Affairs Section).³¹ International humanitarian law programmes were implemented with the police and prisons, predominantly in Freetown; elsewhere in the country, police and prison had little contact with the court and seemed disinterested: 'The Court is doing its thing away from here and it does not affect our work or lives here'.³² This reflected a pervading sense of dislocation between Freetown compared to the rest of the country. The 'Moot Court' competitions, which have been a great success, have thus far operated only at University level.³³ They provide an opportunity for Sierra Leonean students to engage with an international tribunal and obtain firsthand experience in working with international lawyers.³⁴ Competitions pit students as Prosecution and Defence while mediated by legal staff at the Special Court. We spoke

²⁹ See also, Kelsall and Sawyer, 'Truth vs. Justice'.

³⁰ BBC World Service Trust and Search for a Common Ground, *Media Use and Attitudes Toward Media in Sierra Leone*, June 2007.

³¹ Interview CSO Freetown May 5 2007.

³² Interview Kenema May 10 2007.

³³ Although this has changed recently with Outreach starting Moot Court competitions with the Army. This was due to take place in May 2007.

³⁴ Discussion with Outreach Officer at the Special Court April 2007.

with DOO Officers in the South and East who had engaged students in these regions for the competition but many individuals and CSOs were not aware of them or saw them as an elite opportunity.

There were also logistical problems which contributed to a sense of exclusion for some sectors. For example, we were told that some Outreach events were organised during the day (mainly screenings) when people would be at work or on their farms so not everyone could watch or ask questions and by the time people had returned they had left.³⁵ People who had seen screenings spoke of a really busy event that they were unable to see, either because they were working (selling items) so they had to try and watch alongside which made it difficult, or that they could not see because there were too many people there.³⁶ Many women spoke of holding screenings just for them so that they could see what was going on and that this should be done on a Sunday evening when they would have time to watch.³⁷

5.4 Shifting attitudes and beliefs

The second strand of the research examined the precise impact of the Outreach program in informing or altering Sierra Leonean perceptions of the Court. One of the main advantages of the Court was thought to be that it would deliver justice in a visible way by being in the country where the crimes took place. It is a visible beacon of (international) justice in the middle of Freetown. In comparison to the ad hoc tribunals and the ICC, it does not suffer the same sense of geographical remoteness. A key question therefore is to what extent has it been able to succeed in ensuring a sense of ‘ownership’ of the process among the people most affected?

There was some evidence of a shift in attitudes among certain sectors of the population. People who previously expressed the view that the Court was a waste of time and money now seem to believe that it is generally ‘a good thing’. This shift in attitudes was relayed to the project team by one of the outreach officers, but it does not tell us how and why exactly attitudes have shifted. What does it mean that it is a ‘good thing’? Why was it perceived as a waste of money before? What has caused this shift in attitudes?

³⁵ Focus Group Freetown April 23 2007; Focus Group Bo May 11 2007.

³⁶ Focus Group Freetown April 23 2007.

³⁷ Focus Group Grafton April 23 2007; Focus Group Freetown May 8 2007.

There was a pervading sense of disconnect with the Court, which seemed removed and irrelevant to the issues now facing Sierra Leone. When pressed as to why people felt disconnected with the Court many people commented that the Court, and more importantly Outreach, had not included them from the beginning and they did not feel a part of the process so they were therefore not interested in working with them at this late stage. The majority feeling was one of disinterest, especially now that the so called 'big men' were no longer there. 'What's so special about the Special Court?' was a common question.³⁸

Others were hostile toward the Court for various reasons ranging from cost (the excessive amount of money it took to build and now run the Court to the salaries of the international staff), the sense of distance from everyday lives of many Sierra Leoneans, exacerbated by the knowledge that international staff tended to frequent places that many Sierra Leoneans could not afford, augmenting the sense of exclusion for ordinary people in Sierra Leone.

Many also felt impatient at the length of time it is taking for the trials to finish. The idea that once justice had been delivered they could get on with their lives was a recurrent theme. Conversely, with only a limited number of trials, and the fact that those who are popularly seen as most responsible have died (Sam Bockarie, Foday Sankoh) or are missing (Johnny Paul Koroma), people questioned the relevance of the Court. We often heard the Krio expression 'die one one' in relation to the Court, which means they're killing them off one by one. Meanwhile, people see those they consider to also be responsible, many of whom for the crimes against themselves, still living in their communities, or appearing as witnesses at the Court and the perception that they were given financial remuneration and otherwise 'looked after' by the Court abounded. The concept of insider witnesses was an anomaly for many interviewees (across the regions) and one that perhaps has not been fully explained, or that simply does not translate into many Sierra Leoneans' perception of justice. Some interviewees thought the concept of not being able to see your accuser (i.e. protected witnesses) as particularly 'alien' and not relevant to Sierra Leone's justice system.³⁹

³⁸ Interview Kenema May 10 2007; Interview Freetown May 5 2007; Focus Group Freetown May 3 2007; Focus Group Makeni May 7 2007.

³⁹ This was highlighted by members of the security services in Kenema, May 10 2007.

The lack of a sense of ownership was blamed on early efforts at outreach.⁴⁰ The overriding impression of the first set of outreach events, conducted by the then Registrar, Robin Vincent, and Prosecutor, David Crane, was of Court staff flying in to remote regions on helicopters and travelling ('hurtling') along in white UN jeeps, with large entourages, arriving at the venue and giving a short presentation, answering a few questions, which had often been prearranged, and then leaving very quickly without looking back. This left behind an impression of superiority and difference.⁴¹

To some extent, this changed with the establishment of a dedicated Outreach Section, staffed exclusively by Sierra Leoneans. This development can be seen as a positive step for Outreach as this strengthens the link between the Court and Sierra Leoneans, and is also a crucial development for international justice mechanisms as it establishes the importance of outreach for these institutions. However, discussions with people inside and outside of the Court indicated that the fact that the outreach section is now wholly Sierra Leonean serves to isolate it from the rest of the Court.⁴² Many of the Staff in other sections did not know what the Outreach section was doing or what events were taking place. Meanwhile, outside the Court people commented that outreach officers would come and talk to them whilst observing certain international protocols that served to isolate them from ordinary Sierra Leoneans such as turning up to communities in suits and ties carrying clip-boards (this was mentioned a few times by various people in different regions).⁴³

With regard to attitudes towards the Court's mission, we encountered somewhat contradictory attitudes. On the one hand, there was criticism of the Court for having focused on such a small number of cases and individuals, given that large volume of crimes were committed during the war, which indicated a sense of impunity still. We were often asked what would happen to these people when the Court leaves. There was also concern expressed about the criteria of 'greatest responsibility': 'It's seen as a political target rather than judicial as there are others who have done the same or worse.

⁴⁰ Interview Freetown May 13 2007.

⁴¹ Interview Freetown May 12 2007.

⁴² Interview Freetown April 25 2007; Interview Freetown May 13 2007.

⁴³ Ibid. Interview Magburaka April 30 2007.

There are still strong men in the present government so why has no one else been indicted.”⁴⁴

On the other hand, the same people would speak about the Court’s legacy in terms of its having established a norm of accountability and deterrence, thus contributing to the end of impunity. A common theme was that the Court had shown people that they could not commit crimes and go ‘scot-free’; they would be punished and therefore be wary of bringing war again to Sierra Leone again.⁴⁵ This is an interesting paradox. The same people were frustrated at the Court’s narrow mandate, whilst also having absorbed its core message. We also found anecdotal evidence that the Court had entered people’s consciousness and become a reference in daily life. For example, people were heard to say ‘if you slap me I’ll take you to the Special Court’, which certainly indicates a degree of awareness and familiarity with the Court.⁴⁶

However, in addition to criticisms of the mandate, there were other more negative attitudes toward the Court. In part, this relates to the strategy of dis-information and the tenacity of rumours and speculation about certain issues. The decision to indict Hinga-Norman has been particularly divisive and controversial. His death has only exacerbated this (many wanted to know when the charges were going to be announced and whether or not Hinga-Norman died a free man).⁴⁷ Especially in the South and East, the Court is blamed for his death, which is something that the Court (and Outreach) will struggle to rectify.⁴⁸ The difficulty for Outreach is that it can only inform people to the degree that they want to hear and as the public face of the Court, will also bear the brunt of the negativity surrounding decisions.

Charles Taylor’s transfer to stand trial in The Hague rather than in Freetown seems also to have had a negative impact in some quarters and has not been fully addressed. Again, attitudes vary. Whilst some argued that too much emphasis had been put on Taylor at the expense of the other trials taking place in Sierra Leone,⁴⁹ others commented that efforts to inform people about the Taylor trial and its removal to The Hague were

⁴⁴ Interview CSO Tonkilili District April 30 2007.

⁴⁵ This was most commonly expressed during focus group discussions. These meetings were held on April 23, 24, 26, May 8 in Freetown, April 28 Kenema and April 29 Mapaki, May 10 Bo, May 12 Kenema.

⁴⁶ Interview with Special Court Outreach Officer May 2005.

⁴⁷ See also Kelsall and Sawyer, *Truth vs. Justice*.

⁴⁸ Discussions with Head of Outreach, Mrs Binta Mansaray May 2007.

⁴⁹ Interview Freetown April 24, 25, May 25. Interview Magburaka April 30 2007.

woefully inadequate.⁵⁰ The first hearing at The Hague was aired on large screens but he failed to turn up and the second hearing to which he did turn up, the equipment was not in place. In some quarters, there was a sense of justice that this ‘big man’ had been arrested and would be held ‘responsible for what he did to Sierra Leone.’⁵¹ Despite the fact that he had been transferred to stand trial in The Hague, his first appearance in Court was in Sierra Leone, which was cited as a proud moment for many.⁵²

Although the indictment of Charles Taylor is a significant development for the SCSL the issue of Charles Taylor is not as central for many as is the issue surrounding the absence of an indictment against either the former President Kabbah or former Vice President Berewa. This issue was referred to frequently and by nearly all interviewees: ‘What about Pa Kabbah?’, ‘Why is he not at the Court?’, ‘Will he be arrested when he leaves office?’⁵³.

5.5 Meeting victims’ needs

It is difficult to state if the trials meet/satisfy victim’s needs as many were angry that little had been done to help them and there immediate concerns such as housing, food, jobs, education, health and war reparations. A significant amount of people we spoke with perceived that the injustice in SL is the level of assistance given to help the perpetrators of the violence with very little being done to help the victims. This is true also for perceptions of injustice felt towards the SCSL, where people outside saw the people indicted as being well looked after – given food, medical treatment and education. ‘[These are] large facilities for just a few people. Money spent would have provided facilities for many more people in prison or remand.’⁵⁴ Regardless of whether these people’s freedom had been withdrawn and they were being prosecuted for bearing the greatest responsibility for the worst crimes against humanity, all that people saw is that these people were getting what they didn’t have; namely food, shelter and security.

⁵⁰ ‘The Special Court Denies the People of Sierra Leone Access to the Taylor Trial’, Special Court Monitoring Programme, 3 July 2007.
http://www.slcmp.org/drwebsite/releases/The_Special_Court_Denies_the_People_of_Sierra_Leone_Access_to_the_Taylor_Trial.shtml.

⁵¹ Focus Group Makeni May 1 2007.

⁵² Focus Groups Freetown April 23; Focus Group Magburaka April 26, Interview Freetown April 25, Interview Makeni April 30. General discussions with Sierra Leoneans in taxis and cafes would often result in people expressing how happy they were that Taylor had been brought to justice for Sierra Leone.

⁵³ This came up in every focus group discussion held and most of the CSOs we spoke with in Freetown but more so in the regions.

⁵⁴ Interview with CSO Freetown January 9 2007.

Compared to the inmates at Pademba Road which is hideously overcrowded, the SCSL indictees appear to be living in the lap of luxury.

A lot of this information is obtained by people second hand and perceptions of inequality are exacerbated by the media. The failure to confront this head-on is a major shortcoming of outreach efforts. Greater communication of the principles of the Court may have helped facilitate better understanding of the importance for an internationalised tribunal such as the SCSL of principles such the presumption of innocence and fair trial guarantees. This is also where the SCSL could have helped address reforms in the national system to ensure that these principles were eventually transferred.

5.6 Civil society

The Head of the Court's Outreach Section stated that one of the greatest successes of the section had been its Partnership Programme with local NGOs/civil society organisations (CSOs) as the task of Outreach was too big to do on their own.⁵⁵ Indeed, it was confirmed that assistance is provided in some areas by CSOs who have also been given screening equipment and literature for outreach events.⁵⁶ However, one organisation informed us that they had the electronic filming equipment but no money to pay for generator fuel so the equipment had sat in the office for months not being used.⁵⁷ Representatives of some of these regional organisations (including various large, established bodies) told us that they did not work with outreach and had never done so.⁵⁸ In one region, we were told that the DOO had never attended the monthly NGO/CSO meetings, so the organisations in this area had no idea what was going on at the Court and could not inform constituents or answer questions with authoritative knowledge.⁵⁹

For some, the lack of coordination of Outreach activities was considered to be a missed opportunity⁶⁰ Others were indifferent. There was a clear divide between those who

⁵⁵ Interview with Binta Mansaray, Head of Outreach, Special Court for Sierra Leone, May 8th 2007.

⁵⁶ Focus Group Freetown May 7th 2007.

⁵⁷ Interview CSO Freetown May 7 2007.

⁵⁸ Interview with various CSOs Freetown, Makeni and Bo: April 24, 25, May 11 and 12 2007.

⁵⁹ Interview with CSO May 10 2007.

⁶⁰ This mixed view was expressed by participants across the regions with no specific pattern emerging. At first we believed that those who had no contact with the SC Outreach were indifferent through lack of knowledge but people expressed a similar view even if they had worked with the SC outreach. This view generally stemmed from a lack of 'ownership' in the outreach process. Many feeling that they were merely

viewed the work as essential and those who viewed it as peripheral to Sierra Leone's peaceful progress, which suggests that the extent of cooperation was as contingent on the attitude of the CSO as it on that of the DOO. However, discussions with key stakeholders in the community, such as police, prisons and CSOs suggested that in some regions there was little visible outreach activity and therefore difficult for people to judge what impact the Court was having as they did not know what it was doing.⁶¹

It is difficult to judge whether this is an accurate impression. Certainly, it contradicts statistics released by the Outreach Section which detail over 7,000 events over the course of the past year.⁶² Clearly, there is a disconnect between the volume of activity indicated in these statistics and the reports of the DOOs and the impression of people in the provinces. We were given several possible explanations. One was that DOOs work with local CSOs to help carry out their work and it is then the responsibility of the CSO. Sometimes it comes to a halt due to lack of funds and sometimes, we were told, it was 'down to the personality of the individual'.⁶³ We were also told that in some places DOOs had been asked to leave events as people did not want to know about the Court but that this was still recorded as an event having taken place.⁶⁴

Overall, outreach appears to have been largely successful in disseminating basic information about the Court, and the message that it was aimed at ending impunity appears to have been absorbed. This is a significant achievement in light of the logistic challenges discussed above. However, there are areas in which outreach has been less successful, in terms of reaching beyond Freetown into the regions, engaging civil society, and addressing key concerns surrounding the Court's limited mandate, its procedure, including guarantees of international standards for fair trial, and its legacy, which is where we turn to next.

conduits for whatever the Court wanted to impart with little chance to input into how these messages or activities took place. The only constant was the feeling of frustration at not being able to be more involved in these processes.

⁶¹ Interviews in the Provinces April 23, 24, 27, May 10-11, 12 2007.

⁶² Interview Head of SC Outreach Freetown May 7 2007 (to be reported in the Outreach Report which will be completed in mid 2007).

⁶³ Interview with District Outreach Officer May 9 2007.

⁶⁴ Interview Freetown May 13 2007.

6 Legacy

The second strand of the project examined the Legacy Programme. There were two main aspects to the Court's intended legacy – dissemination of norms relating to justice and the rule of law and capacity-building. The other aspect of the Court's legacy is of course its contribution to lasting peace and reconciliation, but this was outside the scope of this study.

6.1 Justice and the rule of law

According to Elizabeth Evanston: "Transitional Justice requires more than just the creation of accountability for past abuses: it also demands the civic and social transformation needed to ensure that abuses are not repeated in the future."⁶⁵ To what extent is it the job of the SCSL to effect this transformation? Perceptions of the legacy of the Special Court vary widely, but a salient theme was the importance of the Court in terms of establishing an end to impunity and disseminating norms relating to justice and the rule of law.

When asked the question how will the Court be remembered⁶⁶ we were given varied responses, including:

'Bringing peace by indicting those who bear *greatest responsibility*. Sometimes in meetings some say they hope the local Courts will copy the SCSL.'⁶⁷

'By far the most important thing is that what has happened doesn't happen again. That people are aware of their human rights, but also their responsibilities towards others, their rights. This only comes with education – this Court is trying to show these peoples' shortcomings, that they have to comply with some of the norms of the rule of law. The Special Court is helping people to educate people about the rule of law – it is showing that nobody is above the law, and that people don't think that there is any corner in

⁶⁵ Evanston, Elizabeth M., *Truth and Justice in Sierra Leone: Coordination between Commission and Court*, Columbia Law Review 104, no.730 (2004) p. 753.

⁶⁶ We framed the question in this way as when we asked people 'what the legacy of the SC would be' people did not appear to understand our meaning fully.

⁶⁷ Interview CSO Magburaka April 30 2007.

which for them to hide – it is showing that whatever you are doing, you must have certain norms and values.⁶⁸

‘There are two schools of thought - for or against, and the legacy depends on where you sit in this. Those against think it is a waste of money and time. People have not received anything, the trials have not ended so we still do not know anything. Hinga-Norman – a very serious issue. Outreach has not concentrated on explaining why the indictment process happened as it did and why Norman was arrested. Most see as political, especially as Kabbah not indicted and in Bo.’⁶⁹

This issue of the Special Court, it will always be in our history – we will tell the stories coming out of the Special Court to our children, grandchildren and all the future generations.⁷⁰

‘Everything that went on during this war, it will be brought into the schools in this country, to teach people how the Special Court has helped make peace. It is just why they didn’t arrest Kabbah. That is what I don’t understand.’⁷¹

As discussed above, basic information about the Court has been absorbed, including its role in ending impunity and the message that the rule of law is better than the rule of the gun. In terms of specifics, however, the record is less good. The dissemination of international human rights standards and knowledge and understanding of international criminal law procedures would have required more extensive and detailed communication. This notwithstanding, initiatives such as the Moot Court competitions have generated greater understanding and respect for international law, especially now that they extend beyond Universities to the security sector. It should also be noted that the Court helped contribute to the writing of the International Humanitarian Law booklet for the army with the ICRC.

⁶⁸ Interview Judiciary Kenema May 11 2007.

⁶⁹ Interview Judiciary Makeni April 27 2007.

⁷⁰ Focus Group Milton Margai College, Freetown April 24 2007.

⁷¹ Ibid.

6.2 Capacity-building

The involvement of local actors and the location in the country in which the crimes were committed was thought to bode well for its contribution to the process of peace and reconciliation because of the residual contribution it would make, and there are a number of initiatives designed to achieve this aspect of the Court's legacy. Sierra Leonean staff are employed by the Court, in-house training is provided for investigators and trial attorneys in the Office of the Prosecutor and Sierra Leonean prison staff are rotated through the Detention Unit.⁷²

As of April 30 2007, 175 Sierra Leoneans were employed throughout the Court with 129 international staff, including many African countries, but the highest number of internationals coming from the UK, USA, Canada and Australia.⁷³ Sierra Leoneans are employed in every organ of the Court with the highest in Security, General Services⁷⁴, Outreach, Witness and Victim Support, Court Management and CITS.⁷⁵ Five Sierra Leoneans work in the OTP, seven in Defence and two Sierra Leonean judges. This is again higher than any other nationality and a Sierra Leonean has recently been appointed Deputy Registrar.⁷⁶ Despite this, the Court is still criticised for its overwhelmingly international character and this perception is not something the Court appears to be able to change. Many CSOs cited that the Sierra Leoneans who worked at the Court would leave the country once the Court finishes so Sierra Leone would not benefit from these people being trained.⁷⁷ Nevertheless, the widespread perception of an international court does not match the reality of the majority Sierra Leone staff.

People were also keen to discuss the future of the site. The fact that it was built and established in SL was a positive development for the country and something to be proud of. Others said that this was not enough: how can we be satisfied with a building when

⁷² We were informed that Outreach was working with Prison Watch in the North to help inform people about due process, penal reform, etc. But conversations with prison staff in the North revealed that they had little contact with the Court and were not included in the rotation system which was a cause of much consternation, particularly as there are financial benefits of being included in this and made all the worse by their poor working conditions and small pay. Focus Group Prison Magburaka April 30 2007. Similarly police and prison officers in Bo and Kenema had not been a part of this process.

⁷³ Personnel statistics given by Maria Cruickshank, Chief of Personnel, Special Court for Sierra Leone, Freetown, May 8 2007.

⁷⁴ General Services Section is comprised by Transport Section, Supplies and Logistics, Facilities Management Unit. The type of jobs are mainly of an operational nature, drivers, cleaners, generator mechanics, plumbers, etc.

⁷⁵ Communication: Information and Technology Section.

⁷⁶ Mrs Binta Mansaray, former Head of Outreach, July 2007.

⁷⁷ Interview Freetown April 24 2007.

other more fundamental issues remain to be addressed? Many cited the fact that the government would be given responsibility for the buildings as worrying, given that they had neither the funds nor the will to maintain them so they would slowly become ruined.⁷⁸ Some even suggested that the structure should be turned into a dancehall and the space be returned back to the New England community whom had been removed from it in the first place to make way for the Court. This was not a flippant suggestion; the people that made this comment were aggrieved by the Court's presence as it had destroyed a lively community centre to make way for its structure and the workers employed to work on it were paid less than \$1 per day and often not paid for several months.⁷⁹ This very visual beacon of justice for many is seen as a symbol of injustice.

Judicial reform is not explicitly a part of the Court's mandate but part of the Court's legacy is to contribute to the process through training programs aimed at police, military, lay magistrates, and prison officers and activities aimed at fostering community rehabilitation and self-reliance, such as empowering local courts and community-based initiatives such as reconciliation panels, involving Paramount Chiefs, religious leaders, the military, police and civil society leaders. However, it seems that some of these efforts have not borne fruit. We were informed that after a training workshop in 2005 the majority of Sierra Leone judiciary no longer worked with the Court claiming to have been patronised by the international counterparts.⁸⁰ A recent speech by the Acting President of the Sierra Leone Bar Association seems to lend weight to, this claim 'The claim by the interim Registrar and Head of Legacy is false. It is wrong and misleading for the two gentlemen to say the Bar has been working with the SC to train lawyers and judges. The Bar Association has not done any business with the SC for the last twelve months.'⁸¹

On the other hand, several respondents cited the training given to judges and lawyers as a good thing, 'In the areas of expertise, it has done a lot – some of the prosecution and defence lawyers are Sierra Leonean and two of the judges are Sierra Leonean. By these people working at the Special Court, it has instilled confidence in our own judiciary – it

⁷⁸ Discussion with CSO Freetown May 5 2007; Interview with CSO Freetown January 9 2007.

⁷⁹ This is the first time we had been told of this in the two-years of travelling to Sierra Leone.

⁸⁰ Interview Freetown April 24 2007. This was also confirmed by a UK legal expert who has been working in Sierra Leone since 2005. Interview Freetown May 13 2007.

⁸¹ Welcome Address by Yada Williams Esq. (Acting President of the Sierra Leone Bar Association), July 16 2007. Source: http://news.sl/drwebsite/publish/article_20056014.shtml. Accessed 26/07/07.

shows that we have Sierra Leoneans that are capable of handling trials of this nature.’⁸² Some stated that ‘If the High Court was trying the officials it would not work’. A discussion with a prominent human rights advocate highlighted the continuing failings of the national court system where cases are delayed and people do not always have adequate representation⁸³. There are various international organisations working to address these issues (including the DfID-funded Justice Sector Reform Programme) but many believed that it was within the remit of the Court, which is a failure of communication, rather than legacy per se.

Some international staff at the Court who have engaged in pro bono work on their own initiative with defendants at Pademba Road and working with CSOs/NGOs commented that they thought the Court should be doing more to support these initiatives as a key element of its legacy programme. However, there are significant obstacles, language being the main one. Most of the international staff do not speak Krio in spite of having lived in Freetown for periods of 6-18 months.

It seems short-sighted that these legacy issues were not been more comprehensively addressed early on. Largely, this is due to lack of funding, but not entirely: ‘it’s about taking advantages of the realistic resources of the Court, making real connections with the national system, and doing this by streamlining any plans with JSDP (Justice Sector Development Programmes – DfID sponsored initiative) priorities, helping towards the implementation of those rather than acting on anecdotal information. I’m hopeful this can be achieved. And once it is, and its practical, I think there could be donor interest.’⁸⁴ Again, this is a shortcoming of the model of the SC as much as of its implementation. Situating the court in Freetown and making it explicitly ‘internationalised’ was purported to ensure that it would leave a concrete and lasting legacy in terms of dissemination of norms and capacity-building. Perhaps it is too soon to judge, but the opportunity to contribute to the transformation of perceptions of justice and the rule of law as well as the concrete reality appears to have been missed.

⁸² Focus Group Fourah Bay College, Freetown April 24 2007.

⁸³ Interview CSO Freetown May 14 2007.

⁸⁴ Interview SCSL employee October 2007 (via email).

The outreach and legacy programmes were ambitious and, whilst they have fulfilled some of their objectives, mostly in relation to communicating the core purpose of the Court, there are a number of shortcomings. The central problem seems to be a cognitive dissonance between varying expectations pinned on the Court. It had much vested in it, in terms of offering a new model of international justice, and was imbued with hopes that it could not hope to fulfil. The fact the Court has had to battle for all of its funding, not just for its legacy work, highlights the gap between capabilities and commitment for international justice. The system of voluntary contributions for funding international tribunals has been highlighted as woefully inadequate. The Court found itself in the precarious position of having to lobby for funds to pay its staff and keeping the site functioning at a time when its attention should be concentrated on the trials and communicating its work. This perhaps helps to explain some of its shortcomings in implementing outreach and legacy strategies.

That it has operated as an instrument of justice, albeit only for a handful of accused, is in itself remarkable. That it has managed to communicate its work to the people of Sierra Leone, arguably more successfully than the ICTY or ICTR did to the former Yugoslavia and Rwanda, respectively is also hugely encouraging. However, there does seem to have been a missed opportunity to engage more directly with the people of Sierra Leone, especially in respect of the rule of law. Ensuring access to information and involving Sierra Leoneans in the process is something that was largely within the Court's control, but not entirely. A major shortcoming was the failure to engage to the same degree with people outside Freetown. For transitional justice to be effective in the long-term, it needs to be understood by the majority not just the minority.

In terms of the overall impact, significant investment has been made in Sierra Leone to aid its recovery and plant it firmly on the road to peace. The Special Court is one aspect of this larger process. It is perhaps to its detriment that this 'visible' beacon of justice has not been viewed more positively. Lack of coordination, commitment and funding made impossible the wider dissemination of norms and capacity-building. This is a missed opportunity where the Court might have had greater impact in terms of reaffirming faith in a justice system. Instead, the separation of the Court from Sierra Leone has ensured its impartiality but has also served to de-link it from efforts to rebuild and reform Sierra

Leone's judicial system. This reflects a wider problem for the Court in fulfilling its goal of peace through justice. In spite of its hybrid or internationalised character, it has failed fully to engage the people of Sierra Leone in its work.

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