<table>
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<tr>
<th>Citation</th>
<th>Abstract and/or Summary of Findings</th>
<th>Methods</th>
<th>Key Evidence or Figures</th>
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<td>Mahony, Kirsten, “Evaluating the Evaluators: Transitional Justice and the Context of Values”, International Journal of Transitional Justice, 2017, 11 (3): 421-442.</td>
<td>The analysis finds that evaluations of Sierra Leonean TJ can be found displaying each of the six value orientations, with no agreement about the success of the TJ programme from within orientations, let alone across them. Value frameworks for evaluation are:</td>
<td>Review of the literature evaluating the TJ process in Sierra Leone.</td>
<td>Evaluations of SI TJ can be found in each category, and there is no agreement about the success or otherwise of SI TJ program (or even individual TJ mechanisms) from within value positions, let alone across them. The lack of agreement within any of the value positions is surprising, and helps to explain why TJ evaluations can be so frustrating a field for both scholars and practitioners.</td>
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<td>Ainley, Kirsten, “Evaluating the Evaluators: Transitional Justice and the Context of Values”, Palgrave (2015)</td>
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<td>Even dividing research according to which of 6 different perspectives it most closely reflects does not resolve disagreements about whether TJ was a success in a case that should be relatively straightforward to evaluate. Despite a relatively significant amount of discussion within the conceptual literature in the different meanings of justice, the retributive/restorative/transformative distinction is rarely mentioned in evaluative work on TJ. Evaluators are not attentive to, or perhaps even aware of, the ideals that lie behind their judgments.</td>
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<td>Donlon, Fidetma, “The Transition of Residual Functions from the Special Court to the Residual Special Court for Sierra Leone, Challenges and Lessons Learned for other Tribunals”, Journal of International Criminal Justice 11, 4 (2013):857-874.</td>
<td>The process of designing a flexible residual Court to manage them to the SCSL’s preparations for transition to the RSCSL, offers valuable lessons for other international tribunals that will close and transfer responsibilities to successor institutions in the future.</td>
<td>legal and institutional analysis</td>
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<td>Hollis, Brenda, &quot;Evaluating the legacy of the Special Court for Sierra Leone&quot;, in Ainkly, Friedman, and Moloney, Evaluating Transitional Justice: Rethinking Peace and Conflict Studies (2015): 19-34.</td>
<td>In relation to contribution to international criminal courts have made to post-conflict transitions, the author argues that this contribution must first and foremost be analyzed in terms of effectiveness and efficiency these courts have achieved their judicial mandate, which, as with any criminal justice mechanism, is their primary mandate. The people of Sierra Leone are the final arbiters of how the SCSL has contributed to their successful transition to a post-conflict society.</td>
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<td>Hollis, Brenda, &quot;Evaluating the legacy of the Special Court for Sierra Leone&quot;, in Ainkly, Friedman, and Moloney, Evaluating Transitional Justice: Rethinking Peace and Conflict Studies (2015): 19-34.</td>
<td>• Although there now appears to be an exponential growth in literature on the Court, until recently the bulk of the commentary focused on its apparent hybridity compared to the ICTY and ICTR and its possibilities of serving as a leaner and cheaper institutional model for bringing justice to diverse post-conflict situations. Even fewer studies have examined the law and practice of the SCSL. • Because of the uniqueness of the Sierra Leone conflict, the SCSL was often confronted with a range of novel legal issues in the course of its proceedings. It is allowed it to develop some interesting jurisprudence on issues of wider significance to international criminal law and practice. • This edited book considers the SCSL’s legacy on all these issues as well as many others. It aims to help fill a gap in the emerging literature on the legacy of ad hoc international criminal courts by offering the first comprehensive doctrinal assessment of the legacy of the Sierra Leone Court. • The focus is to analyze the “legal legacy” of the Tribunal, in particular, its judicial opinions, practices, and decisions as well as their possible contributions to the wider corpus of norms for substantive international criminal law and procedure.</td>
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<td>Ainkly, Charles Chernor, ed. The Sierra Leone Special Court and its legacy: the impact for Africa and international criminal law. Cambridge University Press, 2013.</td>
<td>The SCSL was supposed to improve on the shortcomings of previous attempts to deliver international justice, including: Complete trials in a shorter period, be more cost-effective, and be more relevant and visible to the people of Sierra Leone. In terms of relevance and visibility, 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. 1. Analysis of existing data on the impact of the court’s outreach program. 2. Focus group discussions with staff at SCSL, civil society groups, and other key stakeholders. 3. Series of interviews were conducted with people working on the legal sector to identify how successful this transfer has been. 4. Interviews with people living in Freetown and countryside areas to gauge understanding and in attitudes and beliefs about the SCSL. 5. Analyzed local media coverage</td>
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<td>Ainkly, Charles Chernor, ed. The Sierra Leone Special Court and its legacy: the impact for Africa and international criminal law. Cambridge University Press, 2013.</td>
<td>• There is 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. ‘The SCSL has always recognized, 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’. 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. • Wider socio-economic problems have also become intertwined with issues of the Court’s legacy and have also impacted upon outreach.</td>
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| Perrelle, Tom, and Marielle Wierda, "The Special Court for Sierra Leone Under Scrutiny", the International Center for Transitional Justice (2006). | The purpose of this case study is to provide basic information, some of which is still not widely available, to help guide policymakers and stakeholders in the establishment and implementation of similar mechanisms. Questions of cost and efficiency dominate at the UK and within the Special Court’s own oversight mechanism, the Management Committee, whereas other important criteria are often neglected. | Analysis of legal framework, interviews, analysis of outreach activities. | Domestic and international perceptions on the impact of the Court vary and are, to some extent, in tension.  
**Impact:** Although the Court enjoys support in Sierra Leone, there is a domestic perception that its mandate is too narrow, partly because only eleven persons were indicted, and because four of the most high-profile accused were long unavailable for trial (two have died, whereas two more, including Charles Taylor, remained at large). The Special Court has been able to counter these perceptions by running an effective outreach program, but these concerns remain.  
**Legitimacy:** The legitimacy of the Special Court at the local level is partly affected by the perception that it is an international court, a perception the Court has cultivated through its jurisprudence and presentation. There are almost no Sierra Leoneans in the most senior positions at the Court. Also, opportunities for legacy have been limited by the fact that the local legal profession keeps its distance from the Court.  
**Fairness:** Defence counsel before the Special Court have enjoyed a higher level of institutional support than at any other tribunal (including the ICTY and ICDR). Nonetheless, some issues continue to provoke discussion, including the level of resources that should be made available to the Defence and how to ensure quality Defence counsel and adequate capacity. Despite such discussions, trials are generally considered to meet international standards. The same is true for conditions of detention, although local perceptions are that the accused enjoy a higher standard of living than many Sierra Leoneans.  
**Overall efficiency:** So far, the Special Court has achieved some of its most notable successes in the area of efficiency. The decision to narrow the Court’s mandate has already had a decisive impact on the cost and length of time required to complete the operations of the Court.  
**Legacy:** Efforts at legacy have to an extent been hindered by a faltering relationship with the domestic legal profession, and by the stand-alone nature of the Court. Nevertheless, there will be indirect benefits in having incorporated Sierra Leoneans within the Court’s structures and other positive legacy initiatives are underway. |
| Rapp, Stephen J.("The compact model in international criminal justice: the Special Court for Sierra Leone", Drake L. Rev. 57 (2008): 11-36. | Detailed account of the lead up to and formation of the SCSL, its legal and institutional framework, and the Taylor case (proceedings and prospective impacts) | Historical analysis of the Sierra Leonean civil war, legal and institutional analysis of the SCSL. | The Taylor case indicates that international justice has gained great momentum. An expectation has been created that if there is evidence that a national leader has committed grave international crimes that official will eventually face justice. |
| Bangura, Mohamed A. “Delivering International Criminal Justice at the Special Court for Sierra Leone: How Much is Enough?” Chapter in The Sierra Leone Special Court and Its Legacy: The Impact for Africa and International Criminal Law, edited by Charles Cherney Jabbi, (2013): 692-723. | Although great strides made by the Special Court in delivering international criminal justice to the people of Sierra Leone appear to have muted criticism about its establishment over the years, the debate about the rationale for its creation has never quite been swept aside. Much of the criticism surrounding this debate is economic. Critics have argued that huge sums of money so far expended in delivering justice at the international level could have been better utilised addressing other important postwar nation-building inervaties such as reducing unemployment, alleviating poverty, improving health care, strengthening the education system, or generally building a more efficient social infrastructure, or better still, delivering justice at a substantially reduced cost domestically. The author assesses the extent to which the implementation of other transitional justice mechanisms alongside SCSL’s work may have contributed to, or hindered efforts at achieving its mandate. Additionally, it will discuss the impunity gap created, seemingly inadvertently, by the Court’s Statute in providing for complementary jurisdiction over the conduct of foreign peacekeepers, and also, by the grant of an amnesty to perpetrators by the government of Sierra Leone in the Lome peace agreement. The chapter will consider whether the national legal system benefited from the presence of the Special Court in Sierra Leone to bring about justice delivery. In particular, the involvement of Sierra Leonean professionals in the work of the Court and the anticipated transfer of knowledge and skills towards building capacity in the justice sector will be critically analysed to determine the degree of success, if any, that has been achieved. |
| Carter, Linda E. “International Judicial Trials Truth Commissions, and Gacaca: Developing a Framework for Transitional Justice from the Experiences in Sierra Leone and Rwanda.” Chapter. In The Sierra Leone Special Court and Its Legacy: The Impact for Africa and International Criminal Law, edited by Charles Cherney Jabbi, (2013): 724-45. | Both Sierra Leone and Rwanda invoked multiple forms of post-conflict processes. In the case of Sierra Leone, there were parallel international judicial proceedings and a truth commission. For Rwanda, an international criminal tribunal was created and “Gacaca” tribunals were established in villages throughout the country. The use of multiple procedures in these two situations provides us with an opportunity to learn from these experiences and to formulate ways in which to structure how decisions about post-conflict processes should be made in the future. In both cases, a court was created that had an international focus, although there are significant differences between the two courts. Among the differences are the appointment process for the judges and the locations of the courts. For Rwanda, the United Nations Security Council established the International Criminal Tribunal for Rwanda (ICTR) in 1994. The ICTR comprises internationally drawn judges and is located outside Rwanda, in Arusha, Tanzania. For Sierra Leone, the United Nations entered into an agreement in 2002 with the government of Sierra Leone to create the Special Court for Sierra Leone (SCSL), which is composed of both internationally drawn and Sierra Leonean appointed judges. The SCSL also differs from the ICTR in that the SCSL sits in-country in Freetown, Sierra Leone. |
This chapter focuses on one very narrow, but important, aspect of achieving or restoring justice following mass atrocities, transitional justice, and within that context, specifically, the Special Court for Sierra Leone’s contribution to achieving transitional justice.


All international criminal courts and tribunals make law. This lawmaking authority is an underappreciated aspect of their operations. Lawmaking in the International Criminal Courts and Tribunals (ICC&Ts) is not limited to making judicial decisions that might later be used in interpreting and applying the substantive and procedural law of the court. ICC&Ts are not simply “courts” resolving specific cases. This chapter will consider a number of factors. First, it will examine the democratic deficit as an important reason for having an independent Defense Organ in international criminal institutions. An Independent Defense Organ can provide the missing voice for individual civil rights concerns in the lawmaking and other processes of international criminal justice. This paper will also address a recent development in the ICC: the ability of essentially anyone to make a “suggestion” concerning substantive criminal law or procedure to an Advisory Committee on Legal Texts (ACL). This provides an IO analogue, limited though it is, to the ability of citizens to petition lawmakers in national governments.


On June 3, 2004, the UN-created Special Court for Sierra Leone began prosecution of those it alleged bore “greatest responsibility” for war crimes, violations of humanitarian law, and related offenses during Sierra Leone’s decade-long dirty war. It was a “solemn occasion,” said the Court’s American prosecutor, David Crane, whose many shortcomings surely did not include modesty or understatement. Evoking the Nuremberg trials at the end of World War II, Crane summoned all of mankind to “once again [assemble] before an international tribunal to begin the sober and steady climb upwards toward the towering summit of justice.” He continued: The path will be strewn with the bones of the dead, the means of the mutilated, the cries of agony of the tortured, echoing down into the valley of death below. Horrors beyond the imagination will slide into this hollowed hall as this trek upward comes to a most certain and just conclusion. The long dark shadows of war are retreating. The pain, agony, the destruction and the uncertainty are fading. The light of truth, the fresh breeze of justice moves freely about this beaten and broken land. The rule of the law marches out of the camps of the downtrodden onward under the banners of “never again” and “no more.”. A people have stood firm, shoulder to shoulder, staring down the beast, the beast of impunity. The jackals of death, destruction, and inhumanity are caged behind bars of hope and reconciliation. The light of this new day today and the many tomorrows ahead are a beginning of the end to the life of that beast of impunity, which howls in frustration and shrinks from the bright and shining specter of the law. The jackals whimper in their cages certain of their impending demise. The law has returned to Sierra Leone and it stands with all Sierra Leoneans against those who seek their destruction.


The article discusses 6 specific aspects of the court’s legacy: 1) site projects 2) peace museum 3) national program for women’s protection 4) archive program 5) developing professional capacities (judicial staff) 6) improving standards of imprisonment and access to justice for women. The author concludes that the question of legacy is not just a question of judicial legacy, but is very much a political question. It must move from rhetoric to practice. This study has tried to explore the different ways the SCSL’s legacy could be evaluated, though for some empirical evaluations are premature.


Smith, Alison, and Sara Melk. Impact and Survey for the Special Court for Sierra Leone, Special Court for Sierra Leone and No Peace Without Justice (2012).

This survey aims to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, its legacy work, and its outreach program.

Perception survey. Questionnaire administer to 2,841 people across various districts and countries in SL and Liberia. Margin of error +/-2% and a confidence level of 95%:

- Overall feeling towards SCSL and the work it has carried out over the past 10 years is very positive. It has been successful in achieving what it set out to achieve: to carry out prosecutions, to bring justice, to bring peace, and to establish the rule of law.
- Majority of people felt that SCSL had prosecuted those who bear the greatest responsibility for the crimes, even if many felt a need for additional prosecutions further down the chain of command, and had helped contribute to restoration of the rule of law.
- Majority of people in Sierra Leone and Liberia believe that the SCSL has made a positive contribution towards peace and the rule of law in their countries.
- More than 90% of respondents had heard of the SCSL. 50% participated in outreach activities at some point over 10 years of the Court's existence.
- A disturbingly low number of people indicated they had received any other form of redress. While financial and material redress and reparations has been a consistent advocacy point for many NGOs over the past decade, and there has been some progress on this in recent years, this is an area that clearly requires more attention.

Informant interviews, review of reparations data, literature review

- Victims who actually did receive benefits appreciated them but considered them to be a short-term support measure unable to improve their situation in the long run.
- Most of the beneficiaries interviewed explained that they had to spend the money on immediate needs such as schooling for their children or maintenance repairs for their homes.
- The government failed to set up the respective structures on a long-term basis.
- The government failed to set up the respective structures on a long-term basis.
- If Sierra Leone serves as a praxis test for the impact of reparations in post-conflict societies, the conclusion must be that the program had a minimally positive effect on the living conditions of very few war victims in Sierra Leone due to the limited nature of the benefits.
- Moreover, it did not have any positive effect on the beneficiaries’ perceptions of the state or their position as citizens within society and their communities.

This report presents the voices of victims of the civil war in Sierra Leone with regards to their perceptions of a reparations program conducted from 2008 to 2013. Reparations are widely regarded as the most direct means to provide rehabilitation for victims. Therefore, an individual ‘right to reparations’ has been codified as a principle in international law as part of a set of victims’ rights that grant greater attention to victims’ needs and demands following a violent conflict. The case of the reparations program in Sierra Leone serves as a practical test for these assumptions.

This Article examines the controversial article 1(1) of the Statute of the Special Court for Sierra Leone (SCSL) giving that tribunal the competence “to prosecute those who bear the greatest responsibility” for serious international and domestic crimes committed during the latter part of the notoriously brutal Sierra Leonean conflict. The debate that arose during the SCSL trials was whether this bare statement constituted a jurisdictional requirement that the prosecution must prove beyond a reasonable doubt or merely a type of guideline for the exercise of prosecutorial discretion. The judges of the court split on the issue. This paper is the first to critically assess the reasons why the tribunal’s judges disagreed in the interpretation of this seemingly simple legal question. It then attempts to discern the common ground in the judicial reasoning, and argues that the ultimate conclusion that “greatest responsibility” implied that leaders as well as the worst killers may be prosecuted is a welcome jurisprudential contribution to our understanding of personal jurisdiction in international criminal law. The paper makes several contributions to the literature. First, it takes up and highlights a widely ignored but important legal question. Second, it demonstrates why the reasoning of the Appeals Chamber was results-oriented and wrong. Finally, it identifies the lessons of Sierra Leone and builds on them to offer preliminary recommendations on how the greatest responsibility conundrum can be avoided when drafting personal jurisdiction clauses for future ad hoc international penal tribunals.

Introduction On April 26, 2012, Charles Taylor became the first former head of state since the Nuremberg trials to face a verdict before an international or hybrid international-national court on charges of serious crimes committed in violation of international law. Although it has been a long road, Taylor’s trial and the issuance of a judgment at the end of a credible judicial process sends a strong signal that the world has become a less hospitable place for the highest-level leaders accused of committing the gravest crimes. Trials of the highest-level leaders can be complex, lengthy, and fraught proceedings. The Taylor trial progressed against a backdrop of criticism and concern over the feasibility of trying the highest-level leaders before international or hybrid war crimes courts following the trial of former Serbian president Slobodan Milosevic before the International Criminal Tribunal for the former Yugoslavia. Milosevic’s trial was notable for its sometimes chaotic atmosphere and the death of the accused almost seven years after his indictment but before a judgment could be issued.


This report aims to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, its legacy work, and its outreach program. This survey aims to establish the impact of the SCSL on Sierra Leone and Liberia through its judicial proceedings, its legacy work, and its outreach program.

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